

ALBANY COUNTY FIRE DISTRICT 1

Harassment Policy

Approved: 9/20/2023; Luke Hawkins, Matt Burkhart, Brett Wadsworth

Purpose

Albany County Fire District 1 (ACFD1) is committed to providing an environment that is free of illicit harassment or discrimination based on any protected class under Wyoming State Statutes Title 27.

Harassment

This policy applies to all forms of harassment, although, due to its unique nature, some parts are written in terms of sexual harassment. The policy applies equally to any conduct which is unwarranted, unwanted, unwelcome, or unsolicited, when the conduct is based upon a person's membership in any protected class, including age, sex, race, creed, color, national origin, ancestry or pregnancy, or a qualified disabled person; with respect to compensation, terms, conditions, or privileges of employment/volunteerism; or which creates a hostile work environment.

Sexual harassment is a form of sex discrimination. Harassment of a person because of his/her membership in a protected class is also a form of illegal discrimination. Conduct which amounts to sexual or other harassment, is not a part of any volunteer or employee's job duties.

Protected classes under Wyoming law are age, sex, race, creed, color, national origin, ancestry or pregnancy, or a qualified disabled person. Although sexual orientation has not been recognized in Wyoming as a protected class, harassment because of a person's perceived or actual sexual orientation is included within this policy.

Harassment Defined

Sexual harassment, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are sexual harassment when:

- Submission to the conduct is made explicitly or implicitly a term or condition of an individual's employment/department membership.
- Submission to or rejection of the conduct by an individual is used as the basis for employment/department membership decisions affecting the individual.
- The conduct has the purpose or effect of unreasonably interfering with an individual's ability to do his/her job or creating an intimidating, hostile or offensive working environment.
- Sexual harassment may be conducted by a supervisor or other management employee who is in a position to make decisions affecting a subordinate's employment/department membership. This is referred to as tangible job benefit harassment.

- Sexual harassment may take any of the following forms. These examples are not meant to be an exhaustive list.
 1. Verbal, such as propositions, pressure for dates, sexually explicit language, threats or insults, offensive jokes or teasing, suggestive notes/texts/emails, whistles or catcalls, and notes/texts/emails containing sexually offensive materials.
 2. Nonverbal, such as suggestive gestures, staring or leering, or displaying posters, photos or drawings, or keeping written materials of a sexual nature in the workplace.
 3. Physical, such as pinching, grabbing, patting, touching, hugging, kissing, cornering, trapping, rape or attempted rape.
 4. Unwelcome sexual advances.
 5. Threatening someone who rejects unwelcome sexual advances.

Tangible job benefit harassment occurs when:

- Acceptance or rejection of the sexual conduct is a condition of hiring/department membership.
- Submission to the sexual conduct is a condition of promotion or continued employment/department membership.

Harassment: Prohibited by any fellow employee/volunteer, member of the public or business associate of the Fire District, including conduct by persons not in a position to make employment/membership decisions, which creates a hostile work environment.

A Hostile Work Environment occurs when:

- The conduct has the purpose or effect of unreasonably interfering with the ability to do one's job.
- The conduct creates an intimidating, hostile or offensive work environment. Such conduct is considered offensive by the person(s) exposed to such conduct.

Examples: Verbal or physical conduct which denigrates or shows hostility or aversion toward an individual because of his/her membership in a protected class.

This includes, but is not limited to, epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts (including hazing or intimidation), written or graphic material which shows hostility or aversion, materials or information posted or circulated in the workplace which denigrates or show hostility, and any other conduct that creates an intimidating, hostile, or offensive work environment.

This policy emphasizes Albany County Fire District 1's position that all employees/volunteers must refrain from exhibiting or promoting harassment or discrimination in the workplace. All employees/volunteers are expected to interact with co-workers, co-volunteers, supervisors, and the public in a professional, respectful manner. This includes refraining from any type of behavior, action, or language that could be perceived as hostile, discriminatory, intimidating, violent or abusive. The term "hostile work environment" does not cover simple rudeness and unprofessional conduct or environments that are unpleasant or unfair unless the action involves severe or pervasive discriminatory behavior. However, Albany County Fire District 1 intends to provide a work/volunteer environment free from behavior, action, or language which may be perceived by others, including third party witnesses to the behavior, as hostile, discriminatory, intimidating, hazing, violent or abusive, and one in which all individuals are treated with dignity and respect. Therefore, continued behaviors of the sort described above will not be tolerated when they impact negatively on the morale of the work/volunteer force and the respectfulness of the work environment.

Harassment Prohibited

Albany County Fire District 1 prohibits any conduct which constitutes harassment, sexual and otherwise. Any employee/volunteer who violates this policy will be disciplined up to and including termination of employment/membership. The District will discipline any supervisor (volunteer or paid) who is aware of any action that may be discriminatory or harassing in nature, toward District employees/volunteers, by employees/volunteers or non-employees, who does not take immediate action to report or correct the situation.

Reporting Incidents

Any employee/volunteer who believes that he or she has been sexually harassed or otherwise harassed because of membership in a protected class is encouraged to directly inform the offending person(s) that such conduct is offensive and must stop. If the offending person(s) persist in such behavior or if the recipient of such conduct does not wish to communicate directly with the offending person(s), then the recipient(s) shall report the incident at once. The report may be oral or written.

- The employee may report the incident to his/her Supervisor/Officer, Department Chief, District Coordinators, Human Resources, or Fire District Attorney. The employee/volunteer need not observe any particular chain of command. If the report is oral, the person receiving the report shall make a written summary of the allegations for use in the investigation.
- If the District Coordinator(s), Human Resources staff, Fire District Board, the Fire District Attorney, or a Department Chief is the subject of the complaint, the report may be made to one of the aforementioned positions who is not a subject of the complaint.
- The complainant should be prepared to provide:
 1. His/her name, department, and position title.
 2. The name of the person or persons who allegedly engaged in

prohibited conduct.

3. The specific nature of the harassment, how long it has gone on, any adverse employment/volunteer action (demotion, failure to promote, dismissal, refusal to hire, transfer, change of membership standing, etc.) taken against him or her as part of the harassment, and any other threats made against him or her as a result of the harassment.
 4. Names of witnesses to the harassment, if any.
 5. Whether he or she has previously reported the harassment and if so, when and to whom.
- An employee/volunteer who makes a sexual or other harassment complaint should understand that Albany County Fire District 1 will investigate the complaint by interviewing the parties and witnesses before taking any other action.
 - Employees/volunteers who report harassment in good faith will not be disciplined or retaliated against for making the report.
 - Employees/volunteers who have witnessed harassment will not be disciplined or retaliated against for cooperating in an investigation.
 - Sexual and other harassment complaints shall be held as confidential except to the extent necessary to investigate them. They will not be placed in any employee's/volunteer's personnel file unless the charge is substantiated and results in discipline.

ACFD1 will not be held liable if harassment occurs which is not reported to or otherwise known by members of the districts management (supervisors, Chiefs, Coordinators, Board Members, Attorney, etc.). Thus, it is imperative that an employee/volunteer who is being harassed report the incident(s) of harassment.

Supervisors and other employees/volunteers in positions of authority, who become aware of any alleged harassment, shall report it to an appropriate management person.

Investigation

Upon receipt of a complaint, the person receiving the complaint shall report it immediately to Human Resources or a Fire District Board Member. No persons other than Human Resources or the Fire District Board Members who receives a complaint is to perform a screening or investigation unless designated as an investigator by Human Resources or Fire District Board. Failure of any supervisor or other employee to forward any report of alleged sexual or other harassment to the appropriate person will result in discipline up to or including dismissal. If a complaint involves a member of the Human Resources department, the complaint should be forwarded to the Fire District Attorney, Fire District Board, or Fire District Coordinator.

All complaints will be acknowledged in writing by Human Resources or the Fire District Board and shall be investigated promptly, effectively, and impartially.