

**HARRASSMENT**

Statement of Concern. The District is committed to eliminate and prevent harassment and to alleviate any effects harassment may have on the working conditions of an employee. All harassment is forbidden; including unsolicited remarks, gestures or physical contact, display or circulation of derogatory written, graphic or other materials regarding either gender, or any racial, ethnic or religious group; and personnel decisions based on an employee's response to such harassment. The District regards job-related harassment as a serious transgression and reason for discipline or discharge.

Policy. The policy of the District is that every employee has a right to be free of harassment. In response to formal reports of harassment, the District will protect all parties involved from retaliation, false accusations, or future harassment; and where indicated, will take prompt and adequate remedial measures.

Should an issue of harassment be raised, all related matters would be kept confidential to the extent possible throughout the investigative, counseling and disciplinary stages. Any supervisor receiving notice of harassment shall notify the Fire Chief who will direct an investigation and ensure that the charge is resolved appropriately.

Reporting Harassment. Any employee who feels harassed or is aware of the harassment of another employee is urged to report this to an immediate supervisor, department head, or Fire Chief unless there is an allegation against them, and if so, then it should be reported to the President of the Board of Directors. The report may be informal or formal. A formal report shall include a written statement.

Response to Reports of Harassment. Written reports concerning harassment will be forwarded to the Fire Chief unless there is an allegation against that person, and if so, then written reports will be forwarded to the President of the Board of Directors who will delegate the matter to the District's legal counsel. This procedure will apply to written statements received from reporting employees or written records made by supervisory employees, including department heads. Whenever supervisory employees become aware of allegations of harassment, they will make a written record of the allegations and will forward the record to the District in accordance with this policy.

Investigation. The Fire Chief, unless the allegation is against them or the Chairman of the Board or the District's legal counsel will begin an investigation if necessary. The first pre-investigation step shall be to inquire of all persons reporting as to whether the record now includes all allegations of harassment.

The investigation will be conducted promptly on a priority basis.

The investigation will be directed at ascertaining the facts concerning the allegations. If, in the course of the investigation, evidence of other harassment is found, the District shall initiate separate investigations.

The investigator shall cause the person accused of harassment to be advised of the allegations, and afforded an opportunity to reply to the allegations orally or in writing. The accused employee shall also be advised that any retaliatory conduct by him or her will be subject to disciplinary action, regardless of the truthfulness of the allegations of harassment.

The results of the investigation shall be reduced to writing. A finding shall be made that there is or is not reasonable cause for disciplinary action. Nothing in this section shall limit the authority of the District to modify its policies or practices to correct any appearance of sexual harassment without finding reasonable cause for disciplinary action or taking any disciplinary action. The report will also include any recommendations to remedy any harm, which was suffered if the evidence shows that the employee alleged to have been affected by sexual harassment was injured or harmed.

A report that finds reasonable cause for disciplinary action will be maintained in the personnel file of any employee subject to discipline. The employee may place in the employee's personnel file a statement of rebuttal or correction. For the purpose of this section, a former employee may also present such statement.

Sealing of Records Relating to Harassment. Records relating to harassment, including written reports regarding alleged harassment, will be retained by the District for a minimum of six (6) years. The District will retain memos between District employees concerning any investigation of such allegations and District recommendations in response to such allegations. All such records will be retained in a sealed file. There will be a cross-reference to the sealed file of the reporting employee, the allegedly affected employee and the employee who was reported to have harassed another. Once the material in the sealed file is determined to have no reasonable bearing on job performance or on the efficient and effective management of the District, references to it in one or more individual personnel files may be removed.

No information from the sealed file nor any indication of the cross reference to the sealed file will be disclosed to persons who do not have confidential access to the personnel affairs of the District, except in the following two instances: first, an employee who reported harassment and/or an employee who was allegedly affected by harassment may request that the District provide information to another regarding the investigation of harassment. On a

case-by-case basis the District, at its own discretion, may agree to release the specified information. Secondly, whenever the District would provide general information to persons who are not officers or employees of the District regarding an employee or former employee from the District's personnel file, and the employee's personnel file reflects a finding of reasonable cause for disciplinary action, then the District will also send information regarding the investigation of harassment; except that no readily identifiable reference to other parties involved shall be included, and any statement which the employee had requested be held in the file will accompany the disclosure. Information about the finding of reasonable cause for disciplinary action shall not be given in response to a request for verification of dates of employment.

### COMMUNICABLE DISEASES OF EMPLOYEES AND CITIZENS

This Rule addresses employment and citizen relation issues arising from communicable diseases in the workplace. It does not address communicable disease reporting or treatment. District policy regarding blood borne and airborne pathogens may be found in separate policy and procedure books available at all fire stations.

Workplace Contacts. For some diseases, workplace transmission is a real danger. For other diseases (such as AIDS), according to the best medical evidence available, casual workplace contacts among employees and citizens who are infected will not transmit the disease. The nature of each disease will determine the District's response to infected employees and clients.

The District recognizes that its employees and the public are entitled to safety. Employees and job applicants who are communicable disease carriers or afflicted with disease symptoms are entitled to compassion and legal protection against unlawful discrimination. Work restrictions will be imposed only when an employee at work may spread a disease. Based on these principles, the District has formulated this rule to:

1. Prevent unlawful discrimination in hiring;
2. Educate employees about the ways communicable disease is, and is not, spread;
3. Designate a contact person to whom concerned employees can go for information;
4. Assure the confidentiality of information about any employee who contracts a communicable disease;
5. Address employment concerns of infected employees;
6. Require medical assessment of employees with potentially dangerous diseases;
7. Assure that the public is accommodated and that risks to health are minimized;

8. Provide for technical assistance on infection control issues;
9. Protect the health of employees through a program of universal precautions for blood-borne diseases;
10. Avoid disruption or interference with District operations that could result from unfounded health concerns; and
11. Specify the oversight of communicable disease issues regarding employees.

Non-discrimination in Hiring. The District will not unlawfully discriminate against persons with diseases on the basis of their handicap. The following practices are to be followed:

1. Job applicants are not to be asked whether they have any disease or are infected with a disease agent. They are to be asked if they have any physical or mental impairment(s) (including communicable diseases) that would prevent them from doing the job for which they are applying. If they are impaired, they may be asked what sort of accommodation would reasonably enable them to perform the job. If accommodation is required, management will assess its reasonableness.
2. Job applicants who disclose that they have a disease or are infected will be asked if they can do the job applied for and whether any sort of accommodation is required. Management will determine the reasonableness of any requested accommodation.
3. Any applicant known by the District to be handicapped but capable of performing the duties of the job sought, with or without reasonable accommodation, will be given the same consideration as other equally qualified applicants.

Employee Education. Employees who are educated about the actual medical risks posed by communicable diseases will be safer and more comfortable at work. The District, in coordination with the Oregon Health Division, will strive to provide the following sources of education about the transmission of diseases:

1. Informational materials designed to answer specific questions;
2. Videotaped and/or live presentations;
3. Confidential access to a designated contact person trained to answer questions or obtain additional information;
4. Training which will include personal preventive techniques such as immunization and good hygiene;
5. Training regarding hazardous materials, which will specifically include information concerning the infectious risks, associated with contact with blood and other bodily fluid spills.

Employees are strongly urged to take advantage of these resources.

Designated Contact Person. The District will have a designated contact person who will be trained to address communicable disease concerns. At present this person is the Fire Chief or their designee.

Confidentiality. The District recognizes that an employee's health concerns are confidential. Employees who have been infected with or exposed to a communicable disease may contact the designated contact person confidentially. Medical information will be kept confidential, consistent with legal, medical and management practices.

1. Employees infected with a communicable disease or afflicted with disease symptoms are expected to refrain from publicizing their condition in a manner likely to subject the District to adverse publicity or internal controversy. Failure to refrain is grounds for discipline, wholly independent of the employee's underlying handicap.
2. Employees who obtain knowledge that an employee or citizen is a communicable disease carrier or is afflicted with disease symptoms will maintain the confidentiality of such information. Failure to do so may result in discipline.

Employment of Infected Employees. Employees who are infected with a communicable disease or afflicted with disease symptoms may contact the designated contact person for confidential information about the potential impact of their condition on their employment. Upon request, the designated contact person will assist concerned employees in obtaining information about community resources and psychological counseling available to persons with a communicable disease and their families.

Any employee with a known infectious disease for which there is a known risk of transmission to co-workers or the public will be:

1. Given reasonable accommodation within the work organization which does not pose a risk of disease transmission; or
2. If no reasonable accommodation is possible, placed on medical leave, subject to policies on such leaves.

Any employee with a known infectious disease for which there is no known risk of transmission in performing his/her job duties safely shall be allowed to continue in their regular position. If complications of the employee's illness could be caused by ordinary workplace conditions, reasonable accommodations will be made in job assignment to avoid those complications.

The reasonableness of any proposed accommodation will be determined by management and will take into consideration the health and safety of all employees and the public. Supervisors are to consult the designated contact

person and obtain authorization before making any employment decision on the basis of an employee's actual or perceived infection.

Discrimination against such employees on the basis of their handicap will not be permitted, but no employee shall work in a position that would create a risk of disease transmission to co-workers or the public.

Medical Assessment. If the District has a reasonable basis to believe that an employee has an infectious disease, which may pose a hazard to co-workers or the public, the Fire Chief will request a medical assessment from the employee's physician. If in the Fire Chief's judgment the medical assessment by the employee's physician does not adequately resolve the issue of hazard, and following consultation with the County Health Officer, the Fire Chief may require a second opinion from a physician selected by the District. Any leave taken under the terms of this section for medical examinations will be an administrative leave with pay. To the extent not covered by the employee's medical insurance, the cost for medical examinations required under this section will be borne by the District.

Technical Assistance. The County Health Officer or the District's Physician's Advisor will provide technical assistance to the Fire Chief regarding medical issues that may arise out of an infectious disease incident. Medical technical assistance will include providing a current list of infectious diseases, which are transmissible in the workplace. This listing will be consistent with the rules of the Oregon Health Division.

Infected Citizens. As a public service organization, the District cannot discriminate against citizens on the basis of handicap. If uniform health precautions are followed rigorously and routinely, then the risks of accidental infection when rendering aid to an infected person will be minimized. The routine activities of citizens in dealings with the District pose no measurable risk of blood-borne infection to employees.

Discrimination against citizens with, or suspected of, infection will not be tolerated.

Exposures. In the event of exposure to body fluids under circumstances that could present a risk of infectious exposure, a report shall be made to the Fire Chief as soon as possible. If confirmed, the Fire Chief may solicit the cooperation of the source person through voluntary testing with informed consent. In order to protect the employee, a baseline test will be made within the week following exposure and at three-month intervals for one year. The Fire Chief will insure that the employee involved receives counseling appropriate for the circumstances. All testing will be preceded by informed consent and written authorization.

Universal Health Precautions. As recommended by public health authorities, the District will adhere to a program of universal precautions for protection against diseases spread by blood or bodily fluids. ("Bodily fluids" refers to fluids that may contain blood or feces; not urine, sweat, saliva or tears.) This means that, for safety purposes, employees will operate on the assumption that ALL employees and citizens are potential carriers of blood-borne disease. Universal precautions protect against AIDS and many other diseases, such as Hepatitis B. The following general precautions will be followed:

1. Any employee cleaning up a spill of blood or bodily fluids or rendering emergency medical assistance will wear appropriate protective gear (such as latex gloves).
2. Protective gear for cleaning blood or body fluid spills will be provided by the District, and will be located near any area determined to be a site of such a spill, and in emergency response vehicles.
3. An employee rendering medical assistance, which may expose the employee to blood or bodily fluids, will take precautions against contamination (such as wearing latex gloves while bandaging a bleeding wound, or using a disposable mouth piece for mouth-to-mouth resuscitation). An employee exposed to blood or bodily fluids will scrub with soap and water.
4. Protective equipment for medical emergencies will be provided by the District and will be located in or near all first-aid kits.

Any additional precautions applicable to specific job functions, as well as any further general precautions, will be conveyed through employee training sessions, educational material, or more specific departmental policy.

#### Business Disruptions Due to Unfounded Health Concerns

If an employee refuses to work with an infected co-worker or serve an infected citizen, and a supervisor decides that the co-worker or citizen poses no threat to the health of others, continued refusal or a failure to work or other disruption of District services may result in discipline including discharge. Harassment of known or suspected carriers is expressly prohibited and may result in discipline, including discharge.

#### Oversight

It will be the responsibility of the Fire Chief to:

1. Assure the proper posting of work rules and operational procedures to give each employee advance notice of his or her obligations regarding the provision of services to infected citizens as well as safety procedures.

2. Assure that safety procedures are in compliance with guidelines issued by the Centers for Disease Control (CDC) or the Oregon Health Division.
3. Arrange for any specialized training that may be necessary in operational areas in which special risks may exist.
4. Assure that equipment and materials are available to employees necessary to adhere to required procedures.
5. Assure that the policy in this rule is adhered to.

Complaints concerning any employee's failure to comply with this rule should be brought to the attention of a supervisor. Raise complaints by following procedures relating to Problem Solving Process.

### IMMIGRATION AND NATIONALITY PROGRAM

Policy Statement. The District recognizes that it has a responsibility to comply with the provisions of the Immigration Reform and Control Act of 1986 by employing only citizens of the United States of America and lawfully authorized alien workers. The District further recognizes that it is an unfair immigration-related employment practice to discriminate against an individual, other than an unauthorized alien, based on national origin or citizen status.

The District's policy is to provide equal opportunity to all persons in matters affecting employment with the District, including full compliance with the Immigration Reform and Control Act of 1986. The District shall not discriminate against any individual, other than an unauthorized alien, based on national origin or citizen status.

Procedure. In order to assure compliance with the Immigration and Nationality Act, the District will:

1. Consider every job applicant on his or her merits;
2. Verify employability and identity in a lawful and consistent way; and
3. Maintain complete and accurate documentation of all decisions.

Appeal Procedure. Special Counsel for Unfair Immigration-Related Employment Practices has been established within the Department of Justice. Regional Offices of the Immigration and Naturalization Service handle the investigation and prosecution of cases. Individuals wishing to file a complaint may contact the Immigration and Naturalization Service.