

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

Policy Number and Title 180 Complaint and Investigation Procedures

180.10 The District shall take an affirmative role to protect its employees from discrimination, harassment, and retaliation. The District will take all reasonable efforts to resolve complaints internally.

180.20 Any employee or applicant who experiences or witnesses behavior that they believe violates the Discrimination, Harassment, and Retaliation Prevention Policy (“DHR Policy”) contained in Policy No. 170 is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

180.30 The District maintains the following procedures and guidelines when addressing potential violations of the DHR Policy. All employees, including supervisors and managers, are expected to abide by the procedures and guidelines set forth below.

1. Identify the offensive behavior to the offending employee or other person and request that the behavior cease.
2. Report the offensive behavior either orally or in writing to the employee’s supervisor, manager, or the General Manager. Any manager or supervisor who receives a complaint of harassment or discrimination must immediately report the complaint to the General Manager. Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the General Manager, their designee, or the President of the Board of Directors, and must follow that individual’s instructions as to how best to proceed.
 - a) Written complaints may be made using the Complaint Form contained in Policy No. 180.60.
 - b) If the employee directly reports to the alleged offender, the employee should report the conduct to any other supervisor, manager, or the President of the Board of Directors.
3. The General Manager, their designee, or an authorized representative of the District will promptly look into the facts and circumstances of any alleged violation, as appropriate.
4. The District shall initiate an investigation where it has reason to believe that conduct in violation of this policy has occurred. All investigations will be timely, thorough, fair, and completed by qualified personnel.
 - a) Even in the absence of a formal complaint, the District may initiate an investigation where it has reason to believe that prohibited conduct under this policy has occurred.

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

- b) Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the District may need to do an environmental assessment or survey to try to determine if misconduct has occurred.
 - c) To the extent possible, the District will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the District's ability to fulfill its obligations under this policy.
 - d) All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.
5. Upon completion of the investigation, if misconduct is substantiated, the District shall take appropriate remedial action to prevent and correct misconduct and unlawful behavior, up to and including formal discipline where warranted.

To submit a complaint or report of an alleged violation of the Discrimination, Harassment, and Retaliation Prevention Policy, you may contact your supervisor/manager, the General Manager or the President of the Board of Directors.

Mary Morris-Mayorga, General Manager
mmayorga@kensingtonfire.org
(510) 527-8395

Daniel Levine, President
dlevine@kensingtonfire.org
(510) 527-8395

180.40 Filing External Complaints.

Employees and applicants may file formal complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

California Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@dfeh.ca.gov

<https://www.dfeh.ca.gov>

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue 5 West,

P.O Box 36025

San Francisco, CA 94102-3661

1-800-669-4000 or 510-735-8909 (Deaf/hard-of-hearing callers only)

<http://www.eeoc.gov/employees>

180.50 Preventative, Corrective, and Remedial Action

180.51 The District shall take appropriate preventative, corrective, and remedial action(s), up to and including formal discipline, against any employee(s) when an investigation has found that misconduct prohibited by the DHR Policy has occurred. If discrimination, harassment, or retaliation, as outlined in this policy, has been found to have occurred, appropriate preventative, corrective, or remedial action(s) will be promptly taken, including but not limited to the initiation of disciplinary procedures.

180.52 During the course of the investigation, the District may take interim relief measures as appropriate to ensure that any alleged harassment or discrimination does not continue, and to ensure that no retaliation occurs. Measures taken will be determined on a case-by-case basis depending on the specific circumstances of the complaint. Interim relief may include changing supervisory relationships, work locations, or reassigning or placing the accused party on paid administrative leave. The complaining party shall not be required to change work locations or assignments, however, such changes may be made at the complaining party's request.

180.53 In addition, preventative, corrective, or remedial action(s) may also include, but are not limited to, letters of reprimand, suspension, demotion, or termination. Additionally, depending on the nature of the violation, civil liability could be imposed on the violator as well as the District.

180.60 Complaint Form *(see next page)*

KENSINGTON FIRE PROTECTION DISTRICT EMPLOYEE HANDBOOK

COMPLAINT FORM

COMPLAINANT INFORMATION

NAME: _____

DIVISION / UNIT: _____

OFFICE LOCATION: _____

WORK PHONE: _____

IMMEDIATE SUPERVISOR: _____

Please describe the conduct that you believe violates the Discrimination, Harassment, and Retaliation Prevention Policy. In your narrative, describe: (1) What happened to you; (2) Why you believe you are being discriminated, harassed, or retaliated against, including the reason or evidence you have to support your belief, and; (3) When the acts of discrimination, harassment, or retaliation occur (attach additional pages if needed). If you require assistance with completing this form as a reasonable accommodation, please contact the General Manager or their designee.

PERSON(S) ALLEGED TO HAVE VIOLATED THE POLICY

Person #1 - Name: _____ Position: _____ Work Location: _____

Person #2 - Name: _____ Position: _____ Work Location: _____

Person #3 - Name: _____ Position: _____ Work Location: _____

PERSON(S) WITH INFORMATION/KNOWLEDGE OF THE ALLEGED INCIDENTS

Witness #1 - Name: _____ Position: _____ Work Location: _____

Witness #2 - Name: _____ Position: _____ Work Location: _____

Witness #3 - Name: _____ Position: _____ Work Location: _____

HAVE YOU COMPLAINED TO ANYONE AT THE DISTRICT ABOUT THIS MATTER?

If yes, explain the situation. When did you complain, to whom, and what was the result?

Please submit to your supervisor/manager, the General Manager, or the President of the Board of Directors:

Mary Morris-Mayorga, General Manager
mmayorga@kensingtonfire.org
(510) 527-8395

Daniel Levine, President
dlevine@kensingtonfire.org
(510) 527-8395