


<p style="text-align: center;">Gloucester Township Fire District #2</p> 	<p><b>Administrative Policy – Prohibiting Discrimination in the Workplace</b></p>	<p>Page 1 of 11 Document ID: 20-2 Rescinds ID: G.O. 12-01 Issue No: 1 Issued: 5/13/2020 Reviewed: N/A Approved by: BOFC / Chief / President</p>
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## **I. POLICY**

### **a. Protected Categories**


Gloucester Township Fire District #2 and the Chews Volunteer Fire Company #1, collectively known as the Chews Landing Fire Department (hereinafter referred to as “the department”) are committed to providing every current or prospective employee or member of our organization with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment or membership discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

To achieve the goal of maintaining a work environment free from discrimination and harassment, the Chews Landing Fire Department strictly prohibits the conduct that is described in this policy. This is a zero-tolerance policy, which means the department reserves the right to take either disciplinary action, if appropriate, or other corrective action, to address any unacceptable conduct that violates this policy, regardless of whether the conduct satisfies the legal definition of discrimination or harassment.

### **b. Applicability**

Prohibited discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. Thus, this policy applies to all employees and members of our organization, including but not limited to, career firefighters, volunteer firefighters, volunteer support staff, Lady Members, and civilian staff. The department will not tolerate harassment or discrimination by anyone in the workplace, including supervisors, co-workers or persons doing business with the department. This policy also applies to both conduct that occurs in the workplace and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace (any field location, any department-related social function, or any facility where department business is being conducted and/or discussed).

This policy also applies to third party harassment. Third party harassment is unwelcome behavior involving any of the protected categories referred to in (a) above that is not directed at an individual but exists in the workplace and interferes with an individual’s ability to do his or her job. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

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**c. Bargaining Agreement Compliance**

This policy is adopted consistent with Article III, Non-Discrimination, of the current collective bargaining agreement between the Board of Fire Commissioners, Gloucester Township Fire District #2, and the International Association of Firefighters, Local 3249, the exclusive bargaining agent for the fire district’s full time fire suppression employees, as well as the current bargaining agreement between the Board of Fire Commissioners and the Fire District Administrator. Accordingly, this policy recognizes and adopts the provisions of the aforementioned agreements.

**II. PROHIBITED CONDUCT**


**a. Defined**

It is a violation of this policy to engage in any employment or membership practice or procedure that treats an individual less favorably based upon any of the protected categories referred to in I(a) above. This policy pertains to all employment and membership practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, compensation, fringe benefits, working conditions and career development.

It is also a violation of this policy to use derogatory or demeaning references regarding a person’s race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in I(a) above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of behaviors that may constitute a violation of this policy include, but are not limited to:

- Discriminating against an individual with regards to terms and conditions of employment or membership because of being in one or more of the protected categories referred to in I(a) above;
- Treating an individual differently because of the individual’s race, color, national origin or other protected category, or because an individual has the physical, cultural or linguistic characteristics of a racial, religious, or other protected category;
- Treating an individual differently because of marriage to, civil union to, domestic partnership with, or association with persons of a racial, religious or other protected category; or due to the individual’s membership in or association with an organization identified with the interests of a certain racial, religious, or other protected category; or because an individual’s name, domestic partner’s name, or spouse’s name is associated with a certain racial, religious or other protected category as listed within the New Jersey Law Against discrimination, N.J.S.A.10:5-1 et. Seq.


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- Any conduct that meets the requirements of harassment as defined in N.J.S.A. 2C:33-4. Specifically, any person who, with the purpose to harass another:
  - Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm.
  - Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or
  - Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.
- Calling or referring to an individual or individuals using words or gestures that a reasonable person of the same protected class would find offensive.
- Calling an individual by an unwanted nickname that refers to one or more of the above protected categories, or telling jokes pertaining to one or more protected categories;
- Using derogatory references with regard to any of the protected categories in any communication;
- Engaging in threatening, intimidating, or hostile acts toward another individual in the workplace because that individual belongs to, or is associated with, any of the protected categories, or;
- Displaying or distributing material (including electronic communications) in the workplace that contains derogatory or demeaning language or images pertaining to any of the protected categories.

b. Sexual Harassment

It is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwanted sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or membership;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or membership decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working or membership environment.


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Examples of behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

- Generalized gender-based remarks and comments;
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another’s body or impeding or blocking movement;
- Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions, including letters, notes, e-mail, text messages, invitations, gestures or inappropriate comments about a person’s clothing;
- Visual contact, such as leering or staring at another’s body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines, or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall or on a screen saver.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for favorable employment or membership action such as hiring, compensation, promotion or retention;
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment or membership consequence with respect to any employment or membership practice, such as performance evaluation or promotional opportunity; or
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

### **III. EMPLOYEE RESPONSIBILITIES**

Any employee or member who believes that he or she has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment is encouraged to report the behavior. Every effort should be made to report complaints promptly, as reporting delays may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.

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Where possible, the aggrieved member should report the incident to his or her immediate supervisor. The list that follows may be used as a guide:

**WHERE THE INCIDENT INVOLVES:**

**FILE A COMPLAINT WITH:**

Activities by anyone on the scene of an emergency incident, drill ground, or any other location where the activity is related to emergency incident training or response. Includes all Line Officers except the Chief.

Fire Chief

Social or fire company business related activities that occur at the station or off-site location.

Fire Company President

The Fire Chief

Board Chair / Designee

The Fire Company President

Fire Chief or Board Chair / Designee

A member of the Career Staff or any other paid employee, regardless of rank

Board Chair / Designee


A Fire Commissioner (excluding Board Chair)

Board Chair

Chairman of the Board of Fire Commissioners

Fire District Solicitor

Note: The above is intended as a guide and is not intended to preclude an aggrieved employee or member from reporting an incident to any department Line Officer, Desk Officer, the Fire District Administrator, or a Fire Commissioner. If the aggrieved employee or member is not comfortable reporting the incident to a department supervisor, they may report the incident to the Fire District Solicitor. Employees or members may also report the incident to the New Jersey Division of Civil Rights or the United States Equal Employment Opportunity Commission. Contact information for these agencies is listed at the end of this policy.

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All employees are expected to cooperate with investigations undertaken pursuant to VI below. Failure to cooperate in any investigation may result in administrative and/or disciplinary action, up to and including termination of employment or membership.

#### **IV. SUPERVISOR RESPONSIBILITIES**

Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment, through their chain of command (Fire Chief/Fire Company President/Fire District Administrator), to the Chairman of the Board of Fire Commissioners or his/her designee. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment or membership. For purposes of this section, a supervisor is defined broadly to include any employee or member who has authority to control the work environment of any other employee or member. This includes, but is not limited to; all Line Officers, Desk Officers, the Fire District Administrator and all Fire Commissioners. Also included are members temporarily serving in the role of an officer, crew leader or detail supervisor.


Incidents in which a minor is either the victim or the accused shall be treated with the highest priority and acted upon immediately. The minor's parents or guardian shall be notified as soon as reasonably possible, and shall be encouraged to participate with their child during each step of the process.

#### **V. DISSEMINATION**

Within a reasonable period of time after adoption, a copy of this policy shall be provided to all department employees and members. A copy shall also be provided to all new employees or members within a reasonable period of time after their appointment date.

Posting of this policy on an official department electronic training platform, to include a requirement for employees or members to electronically acknowledge that they have read and understand the policy, shall satisfy the requirements of this section.

Employees and members shall be provided with a printed copy of the policy upon request.

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## **VI. COMPLAINT PROCESS**


To facilitate a prompt, thorough, and impartial investigation, all complainants are encouraged to utilize the Chews Landing Fire Department Formal Discrimination / Sexual Harassment / Retaliation Complaint Form (Attachment A) to report alleged violations of this policy. An investigation may be conducted whether or not the form is completed. All investigations of discrimination/harassment shall be conducted in a way that respects, to the extent possible, the privacy of all persons involved.

Upon receipt of a complaint, the Chairman of the Board of Fire Commissioners or his/her designee shall promptly:

- Obtain preliminary information regarding the complaint and determine if interim corrective measures are necessary to prevent continued violations of this policy, to include safe-guarding the well-being of the complaining party.
  - If deemed appropriate, take prompt remedial action, such as moving two employees or members apart, pending further investigation of the complaint.
- Appoint a supervisory member of the department to conduct an investigation of the complaint.
  - The investigator should:
    - Have no known conflicts that would interfere with an impartial investigation
    - Have the necessary maturity and knowledge to conduct a thorough and proper investigation.
    - Have the requisite oral and written communication skills to prepare an articulate written report of his/her findings.
  - If determined to be in the best interest of the department, the Board Chair may decide to engage the services of an investigator from outside the department.

The assigned investigator shall promptly initiate an investigation of the alleged policy violation, to include:

- An interview of the complainant
- An interview of any witnesses with knowledge of the alleged behavior
- Review of any available evidence, including but not limited to
  - video recordings
  - audio recordings
  - photographs
  - written communications, to include text messages and/or e-mails
  - any other items or information pertinent to the investigation

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- Where legally permissible, preserve the above items for future proceedings
- An interview of the accused member(s)
  - Should be conducted after interviews of the complainant and all identified witnesses, and review of any available evidence

An investigative report will be prepared when the investigation is completed. The report will include, at a minimum:

- A summary of the complaint
- A summary of the parties' positions
- A summary of the facts developed through the investigation, and;
- An analysis of the allegations and facts.

The investigative report will be submitted to the Board Chair, who will review the information and determine the appropriate course of action. The Board Chair may consult with senior department supervisors (Fire Commissioners, Fire Chief, Fire Company President, Fire District Solicitor, Fire District Labor Attorney) prior to making a final determination. If the allegation involves a member of the volunteer staff, the Board Chair shall consult with the Fire Chief and/or Fire Company President before making a final determination.


Where a violation of this policy is found to have occurred, the department shall take prompt and appropriate remedial action to stop the behavior and deter its reoccurrence. The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment or membership.

Members of the career staff who are subjected to discipline resulting from a violation of this policy may contest the findings via the procedures described in Article V, Grievance Procedures, of the current collective bargaining agreement between Gloucester Township Fire District #2 and IAFF Local 3249, Camden County, New Jersey.

Members of the volunteer staff who are subjected to discipline resulting from a violation of this policy may appeal the discipline to the Chews Volunteer Fire Company #1 Executive Board.

The department shall maintain a written record of all discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practical and appropriate.



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## **VII. PROHIBITION AGAINST RETALIATION**


Retaliation against any employee or member who alleges that he or she was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee or member bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment or membership consequences based upon such involvement or be subjected to other retaliation.

Following are examples of prohibited actions taken against an employee or member because the employee or member has engaged in activity protected by this subsection:

- Termination of an employee or member;
- Failing to promote an employee or member;
- Altering an employee or member’s work assignment for reasons other than legitimate business reasons;
- Imposing or threatening to impose disciplinary action on an employee or member for reasons other than legitimate business concerns;
- Ostracizing an employee or member (for example, excluding an employee or member from an activity or privilege offered or provided to all other employees or members).

## **VIII. FALSE ACCUSATIONS AND INFORMATION**

An employee or member who knowingly makes a false accusation of prohibited discrimination/harassment or knowingly provides false information in the course of an investigation of a complaint, may be subjected to administrative and/or disciplinary action, up to and including termination of employment or membership. Complaints made in good faith, however, even if found to be unsubstantiated, shall not be considered a false accusation.

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## **IX. CONFIDENTIALITY**

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed, and other persons who may have relevant knowledge or have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment or membership.

## **X. ADMINISTRATIVE AND/OR DISCIPLINARY ACTION**


Any employee or member found to have violated any portion(s) of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but not be limited to, referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment or membership. Referral to another appropriate authority for review for possible violation of State and Federal Statutes may also be appropriate.

## **XI. TRAINING**

The department shall provide all new employees and members with training on the policy and procedures set forth in this section within a reasonable period of time after each new employee or member's appointment date. Refresher training shall be provided to all employees and members, including supervisors, within a reasonable period of time. The department shall also provide supervisors with training on a regular basis regarding their obligations and duties under this policy and procedures set forth in this section.

## **XII. FILING WITH STATE OR FEDERAL AGENCIES**

Complainants also have the right to pursue their complaint with the New Jersey Division of Civil Rights and/or with the Equal Employment Opportunities Commission. Complainants are cautioned that incidents should be reported in a timely manner, as there may be statutes of limitations for filing with these agencies. Contact information can be found below.

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## **OUTSIDE AGENCIES**

David F. Carlamere Law Office  
1546 Blackwood-Clementon Road  
Blackwood, New Jersey 08012  
856-232-9200

New Jersey Department of Law and Public Safety  
Division of Civil Rights (must be filed within 180 days of the discriminatory act)  
Southern Regional Office  
5 Executive Campus, Suite 107  
Cherry Hill, NJ 08034  
856-486-4080

United States Equal Employment Opportunity Commission (EEOC)  
Philadelphia District Office  
801 Market Street, Suite 1300  
Philadelphia, Pa. 19107-3127  
1-800-669-4000 / 267-589-9700 / or e-mail [PDOContact@eeoc.gov](mailto:PDOContact@eeoc.gov)