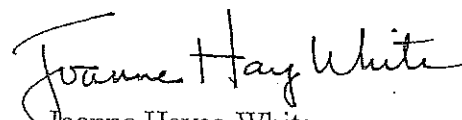


SAN FRANCISCO FIRE DEPARTMENT
GENERAL ORDERFile Code 09 A-58
September 11, 2009

From: Chief of Department
To: Distribution List "A"
Subject: EEO Policy and Complaint Procedure
Reference: Rules & Regulations, Section 402
Enclosure: 2009 SFFD EEO Policy and Complaint Process

Officer Endorsement:
Sec. 1108 - R. & R.

1. All San Francisco Fire Department (SFFD) employees shall follow the enclosed policy for matters related to EEO complaints of discrimination, harassment and/or retaliation.
2. The Department reiterates the following key points in the policy:
 - SFFD Officers/Supervisors who learn of a possible EEO discrimination complaint are to immediately report the matter to the SFFD Human Resources Division. The report may be made verbally or in writing, and is to occur within 24 hours, or the next business day following a weekend or holiday.
 - To file a complaint of discrimination, the employee should promptly report, verbally or in writing, the alleged EEO violation to any of the following:
 - SFFD Human Resources Division;
 - DHR Equal Employment Opportunity (EEO) Division;
 - Immediate supervisor or other superior. **However, the Complainant does not have to follow the Chain of Command in reporting alleged EEO violations. The Complainant can choose to report the matter directly to either one of the two offices above.**
3. All Supervisors, Officers, and Chief Officers are to have each member/employee of his/her Company/Unit sign the enclosed roster acknowledging having read and receipt of this order and submit the completed signing of the roster no later than Friday, September 25, 2009 to the Deputy Chief of Operations.
4. Rescind and remove General Order 03 A-91.


Joanne Hayes-White
Chief of Department

DEPUTY CHIEF OF OPERATIONS.

[illegible]

SAN FRANCISCO



FIRE DEPARTMENT

EEO POLICY & COMPLAINT PROCESS

Joanne Hayes White
Chief of Department

September 2009

San Francisco Fire Department
EEO Policy and Complaint Process
September 2009

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PURPOSE

The purpose of this policy is to reaffirm that the San Francisco Fire Department (SFFD) is committed to providing a work environment free of discrimination and to ensure that SFFD employees understand the City and County of San Francisco's policy regarding equal employment opportunity (EEO) and the process for reporting and resolving EEO discrimination complaints.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

In accordance with the San Francisco (S.F.) Charter, the S.F. Administrative Code, and the Civil Service Commission rules, it is the policy of the City and County of San Francisco and the SFFD that all persons have equal opportunity in employment. No employee or applicant shall be discriminated against in employment or opportunity for employment.

Pursuant to the S.F. Charter, the Director of the Department of Human Resources (DHR Director) is responsible for the review and resolution of complaints of employment discrimination. Discipline is under the purview of the Chief of Department.

A. Discrimination

Discrimination means violations of civil rights on account of one or more protected categories, which include:

- Race
- Color
- Religion
- Creed
- Sex
- National Origin
- Political Affiliation
- Sexual orientation
- Ancestry
- Marital or Domestic Partner Status
- Gender Identity
- Parental Status
- Other non-merit factors, including any category provided for by ordinance.

The adverse actions or issues complained of may include the following:

- Denial of employment
- Denial of training
- Denial of promotion
- Denial of reasonable accommodation
- Termination
- Disciplinary action
- Harassment
- Work Assignment
- Layoff
- Constructive Discharge
- Compensation

B. Harassment

The City and County of San Francisco and the SFFD strictly prohibit all forms of unlawful harassment, including sexual harassment and harassment based on a protected category.

Harassment is (1) unwelcome, offensive conduct (2) on account of an individual's (or group of individuals) membership in a protected category (3) that is sufficiently severe or pervasive as to alter the condition of the individual's employment and create a hostile working environment.

Unlawful harassment may take many forms including, but not limited to:

Verbal Conduct, such as epithets, derogatory comments, unwelcome jokes or stories, slurs, unwelcome advances or invitations, requests for sexual favors, or harassing phone calls, which are directed at an individual (or group of individuals) because of his or her membership in a protected category.

Visual Conduct, such as derogatory or offensive posters, cartoons, bulletins or drawings, or electronic mail transmissions, which are directed at an individual (or group of individuals) because of his or her membership in a protected category. This includes the use of Department equipment and station equipment (even those pieces of equipment purchased by each individual "house," including but not limited to computers, televisions, etc.).

Physical Conduct, such as assault, blocking normal movement, leering or lewd gestures, or physical interference with work, which are directed at an individual (or group of individuals) because of his or her membership in a protected category.

(Refer to Harassment Free Workplace Policy - Appendix A)

C. Retaliation

It is also the policy of the City and County of San Francisco and the SFFD that no employee or applicant shall be discriminated against, retaliated against or harassed because such employee or applicant has complained of or opposed any discriminatory practice prohibited in this policy or made a complaint, testified, supplied evidence, assisted or participated in any manner in any investigation, proceeding, or hearing under these procedures.

Retaliation against an individual who files a complaint of harassment or who assists in an investigation of a complaint is also prohibited.

HOW TO FILE A COMPLAINT

Per Civil Service Commission Rules, Section 103.3.1/303.3.1, "Any employee or applicant may file a complaint alleging that he or she has been discriminated against as a result of any employment decision made by any agency, department, or commission of the City and County of San Francisco on the basis of any protected category identified in Section 103.1.2 [303.1.2] of this Rule. Any employee or applicant may file a complaint alleging that he or she has been retaliated against in violation of this Rule and any such

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complaint shall be filed and processed in the same manner as other discrimination complaints under this Rule."

A. Where to File

Any employee who believes he or she has been discriminated against, should promptly report the facts of the incident and the individuals involved.

To file an EEO discrimination complaint, the employee should report the alleged violation to any of the following:

- **SFFD Human Resources Division office** at SFFD Headquarters, 698 Second Street, Room 209, San Francisco, CA 94107 and /or at 415 558-3615; or
- **DHR Equal Employment Opportunity (EEO) Division** at One South Van Ness, 4th Floor, San Francisco, CA 94103 and/or Harassment Helpline: 415-557-4900 or TTY at 415 557-4810; or
- **Immediate supervisor or other superior.** However, there is NO requirement to follow the chain of command in reporting alleged EEO violations. The complainant can choose to report the matter directly to either one of the two offices above.

B. Filing Deadline

An EEO discrimination complaint must be filed within 180 calendar days of the alleged discriminatory action or alleged harassment, or the date the complainant should have first become aware of the alleged violation. A complaint is considered filed on the date it is received by DHR or the SFFD. Therefore, time is an important factor when filing a complaint.

C. Complaint Description

A complaint may be filed through a detailed letter covering the areas below. A complaint may also be filed with the assistance of the SFFD Human Resources Division, based on information gained from a preliminary interview of the complainant.

Written complaints should include the following areas:

(Refer to How to File an EEO Discrimination Complaint – Appendix D)

1. Personal information: name, address and daytime phone number;
2. Basis or protected category, i.e., the reason you think this occurred;
3. The discriminatory action, i.e., denial of employment or reasonable accommodation, termination, etc.;
4. The date(s) the alleged discriminatory action(s) took place;
5. The names of the individuals accused of discrimination, and their work location(s);
6. The names and daytime phone numbers of any witnesses to the alleged discriminatory action;

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7. A detailed explanation of the sequence of events which you believe to be discriminatory; and,
8. The specific action you are seeking to correct the alleged discrimination.

RESPONSIBILITIES OF SFFD OFFICERS/SUPERVISORS

A. Immediate Reporting Required

SFFD Officers/Supervisors who learn of a possible EEO discrimination complaint are to immediately report the matter to the SFFD Human Resources Division. The report may be made verbally or in writing, and is to occur within 24 hours, or the next business day following a weekend or holiday.

The SFFD Human Resources Division shall report the complaint to the DHR EEO Division within five business days from the date it was first received/reported.

Any Officer/Supervisor who receives notice of an EEO discrimination complaint and fails to report it may be subject to disciplinary action.

B. Immediate Corrective Action

The SFFD Officer/Supervisor who learns of a possible EEO discrimination complaint should take immediate corrective action to diffuse the situation and provide some initial remedy, as appropriate. For assistance, it is recommended that the Officer/Supervisor contact the SFFD Human Resources Division during business hours or the appropriate Division Chief after business hours or on weekends/holidays.

C. Direct Chain of Command to SFFD Human Resources Division

For reporting of EEO discrimination complaints, the chain of command is from the Complainant directly to the SFFD Human Resources Division or DHR EEO Division, or from the SFFD Officer/Supervisor who learns of the complaint directly to the SFFD Human Resources Division. Neither the Complainant nor the SFFD Officer / Supervisor who learns of the complaint is required to follow the Fire Department Chain of Command for reporting alleged EEO violations.

COMPLAINT PROCESS

All EEO discrimination complaints are subject to review by DHR EEO Division staff. DHR EEO may decide to take one or more of the following actions, which will be communicated to the complainant:

- the complaint will be investigated;
- the complaint will be reviewed for resolution through Alternative Dispute Resolution (ADR) or settlement; and/or,
- the complaint will be administratively closed for lack of jurisdiction.

If a complaint is assigned to investigation, the accused and Chief of Department shall be notified accordingly. The purpose of the investigation is to collect facts and gather data. The investigation may include interviews; review of documents, records and data; site visits, etc.

ADR may be pursued, with the facilitation of trained staff, if both the complainant and the respondent are willing to participate.

Closure of a complaint by DHR does not preclude review under the SFFD's administrative processes, i.e., review of possible SFFD rule violations.

RESPONSIBILITIES OF SFFD EMPLOYEES DURING DHR INVESTIGATION

All SFFD employees are required to participate and be truthful in DHR's investigation of any EEO discrimination complaint. In addition, it is the responsibility of SFFD employees to keep such matters confidential, with disclosure to only those with a legitimate business reason to know.

DHR DIRECTOR'S REVIEW AND RESOLUTION OF EEO DISCRIMINATION COMPLAINTS

The DHR Director shall issue a determination on the charges to the complainant and the Chief of Department. This determination may take the following forms:

- For Cause, if the complaint of discrimination is sustained;
- Dismissal, for insufficient evidence, or;
- Administrative Closure for no prima facie showing, settlement of complaint, successful ADR, untimely issues, etc.

The DHR Director may also make recommendations for corrective action to the Chief of Department.

The SFFD will inform the accused of the decision of the DHR Director and determine if any other SFFD rules were possibly violated, and if any additional action should be taken.

ENFORCEMENT OF DHR DIRECTOR'S DETERMINATION/RIGHT TO APPEAL

Pursuant to the S.F. Charter, the decision of the DHR Director shall be enforced by every employee and officer, unless the decision is appealed to the Civil Service Commission, and is reversed.

The complainant, accused, and SFFD have a right to appeal the decision of the DHR Director to the Civil Service Commission.

DISCIPLINE

Any employee, supervisor or agent of the City and County of San Francisco found to have engaged in unlawful discrimination, harassment or retaliation may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under federal and state law, but that, if repeated or allowed to continue,

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may meet that definition. All discipline is under the purview of the Chief of Department.

RIGHT TO FILE OTHER COMPLAINTS

This policy shall not alter or affect the right of any person to file a complaint with the United States Equal Employment Opportunity Commission (EEOC), the California Department of Fair Employment and Housing (DFEH), and/or to consult with a private attorney or union representative. Below are the contact information for the EEOC and DFEH.

- EEOC: 1-800-669-4000 or TTY 1-800-669-6820; or online at www.eeoc.gov
- DFEH: 1-800-884-1684 or TTY 1-800-700-2320; or online at www.dfeh.ca.gov

APPENDIX A

HARASSMENT FREE WORKPLACE POLICY

Harassment Prohibited

Harassment of City employees on the basis of sex, race, religion, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, or other protected category is prohibited and unlawful. Harassment consists of unwelcome visual, verbal, or physical conduct engaged in on account of a person's actual or perceived membership in a protected category. Harassment of employees, applicants, or persons providing services to the City by contract, whether by employees or non-employees, is prohibited. This policy applies to all employees and agents of the City, including supervisory and non-supervisory employees.

Sexual Harassment

Sexual harassment is illegal under federal and state law. Federal law defines sexual harassment as unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex when:

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

State law defines sexual harassment as unwanted sexual advances or verbal, visual, or physical conduct of a sexual nature. These are some examples of sexual harassment:

- requests for sexual favors or unwanted sexual advances;
- offering employment benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- verbal harassment (e.g., graphic comments, derogatory comments, suggestive or obscene letters or telephone calls);
- physical harassment (e.g., assault, impeding or blocking movement, gestures or any physical interference with normal work or movements); or
- visual forms of harassment (e.g., leering, derogatory or sexually explicit posters, letters, poems, graffiti, cartoons, computer screen savers or drawings).

Retaliation Prohibited

Retaliation against an individual who reports harassment, files a complaint of harassment or who otherwise opposes or assists in the investigation of a complaint is also prohibited.

Responsibility for Responding to and Reporting Harassment, Discrimination and Retaliation

All employees are encouraged to report harassing, discriminatory, or retaliatory behavior, whether directed at themselves or co-workers. Supervisory employees are required to take corrective action if employees are being subjected to harassment, discrimination or retaliation on

the basis of a protected category. If a complaint of harassment is made to a supervisor, the supervisor must immediately report it to the department's Equal Employment Opportunity (EEO) officer or personnel officer. Any supervisor who receives a complaint of harassment and fails to report it may be subject to disciplinary action. Departments are required to report all complaints of harassment, discrimination, and retaliation to the Human Resources Director within five days of becoming aware of such complaints. Departments are responsible for ensuring that all employees have knowledge of and periodic training regarding this policy.

Complaint Procedures

Any employee who believes he or she has been harassed in violation of this policy, should promptly report the facts of the incident and the individuals involved. To file a complaint of harassment, the employee should contact any of the following:

- the employee's supervisor or other superior;
- the department's EEO officer or Human Resources officer;
- the City's EEO Division in the Department of Human Resources located at 1 So. Van Ness Ave., 4th Flr., San Francisco, CA 94103;
- the Harassment Helpline at (415) 557-4900 or (415) 557-4810 (TTY); or
- the MTA EEO Division at (415) 701-4407 (MTA employees only)

The Human Resources Director is responsible for the investigation and resolution of all discrimination complaints, except those involving the Municipal Transportation Agency (MTA), which shall be investigated and resolved by the MTA. If the Human Resources Director determines that harassment or discrimination has occurred, the City will take appropriate remedial action.

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate and prosecute complaints of harassment and discrimination in employment. Employees who believe that they have been harassed or discriminated against may file a complaint with either of these agencies using the following contact information:

- EEOC: 1-800-669-4000 or TTY 1-800-669-6820; or online at www.eeoc.gov
- DFEH: 1-800-884-1684 or TTY 1-800-700-2320; or online at www.dfeh.ca.gov

Remedies available through these agencies include hiring or reinstatement, back pay or promotion, fines or damages for emotional distress, and changes in the policies or practices of the employer.

Discipline

Any employee, supervisor or agent of the City found to have engaged in unlawful harassment, discrimination or retaliation may be subject to disciplinary action, up to and including termination. An employee may be subject to discipline for engaging in harassing conduct that does not meet the definition of harassment under federal and state law, but that, if repeated or allowed to continue, might meet that definition.

Para mayor información sobre el hostigamiento en el trabajo: 415-557-4900.

如欲索取更多資料或要舉報在工作場所受到騷擾,可致電415-557-4900

Micki Callahan
Human Resources Director

APPENDIX B SEXUAL HARASSMENT POLICY

1) It is the policy of the City and County of San Francisco that, in accord with State and federal laws, each city employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and will not be tolerated in the workplace. The City and County of San Francisco will take all reasonable steps within its control to provide a workplace in which all individuals are treated with respect and dignity. The City and County of San Francisco recognizes that the elimination of sexual harassment in the workplace will create a better working environment, increase productivity, and improve relationships for all employees.

(2) Sexual harassment of a City official or employee is, in accord with State and federal laws, strictly prohibited by another City official or employee. This policy applies to all officials and employees and to all phases of employment, including, but not limited to, recruitment, testing, hiring, promotion or demotion, transfer, layoff, termination and selection for training.

(3) It is further the policy of the City and County of San Francisco to take reasonable steps, in accord with State and federal laws, to provide its employees with a workplace free of sexual harassment by non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public. It is also the policy of the City and County of San Francisco to take reasonable steps to prohibit its City officials and employees, acting within the scope of their official duties and employment, from sexually harassing non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public.

(4) In order to create and maintain a workplace free from sexual harassment of employees, the City and County of San Francisco will, in accord with State and federal laws, take all reasonable steps to:

(A) Set an example through its leadership and management that sexual harassment will not be tolerated;

(B) Train and educate management and public officials as to their responsibility to carry out the policy of the City and County; and

(C) Train and educate employees regarding sexual harassment issues and policy.

(5) It shall be a violation of this policy to engage in harassing conduct that does not meet the definition of sexual harassment under state and federal law, but that, if repeated or allowed to continue, might meet that definition.

(6) Pursuant to the Charter, the sexual harassment discrimination complaint procedure established by the Civil Service Commission and Human Resources Director is available to review and resolve all allegations of sexual harassment. Persons wishing to file a complaint are urged to contact the Human Resources Department Equal Employment Opportunity Unit for copies of the forms and procedures.

(b) Definition.

(1) For purposes of this Section and in accord with federal and State laws, sexual harassment is defined as any unwelcome sexual advance, request for sexual favors and other verbal or physical conduct of a sexual nature or directed at an individual because of his or her sex when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual; or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(2) Examples of behavior which may, in accord with State and federal laws, constitute sexual harassment, include, but are not limited to, the following:

(A) Acts from male to female, female to male and between individuals of the same sex which are sexual in nature and unwelcome; sexual harassment may be directed against a particular person, persons or group;

(B) Verbal conduct which is sexual in nature and unwelcome, e.g., epithets, jokes, comments or slurs, repeated requests for dates which are unwelcome;

(C) Nonverbal behavior which is sexual in nature and unwelcome, e.g., staring, leering, lewd gestures;

(D) Physical conduct which is sexual in nature and unwelcome, e.g., assault, sexual advances such as touching, patting or pinching, impeding or blocking movement or any physical interference with normal work or movement;

(E) Visual effects which are sexual in nature and unwelcome, e.g., posters or signs, letters, poems, graffiti, faxes, cartoons or drawings, pictures, calendars, electronic mail and computer programs;

(F) Consensual romantic relationships between a supervisor or manager and a subordinate do not constitute sexual harassment per se and are not prohibited by this policy, but may create a potential for conflict or an appearance of impropriety.

(3) For purposes of this Section, retaliation against any official, employee or applicant for employment for having made a good faith complaint or report of sexual harassment, or participating or aiding in an investigation of sexual harassment shall be prohibited. Examples of retaliation may, in accord with State and federal laws, include, but are not limited to, the following:

(A) Transferring the complainant or witness against his or her will;

(B) Ignoring the complainant or witness;

(C) Spreading rumors and innuendoes about the complainant or witness;

(D) Changing work assignments of the complainant or witness without a valid work-related rationale;

(E) Sabotaging of tools, materials or work of the complainant or witness; and

(F) Withholding work-related information from the complainant or witness.

(c) Right to File Other Complaints. This policy shall not alter or affect the right of any person to make a charge of discrimination with any State or federal agency with jurisdiction over such claims, file a grievance under a collective bargaining agreement, or consult a private attorney.

(d) Education and Training. Prevention is the best tool for the elimination of sexual harassment. All City and County commissions, departments, boards and agencies shall provide to each of

their supervisory employees a copy of this ordinance with a written explanation of the most current procedure for filing a complaint. Each appointing officer shall require his or her supervisory personnel to instruct all employees under their supervision of the contents of this ordinance and of the Civil Service and Human Resources Department procedures for filing and processing a complaint. Each appointing officer shall provide to or acquire for its supervisory personnel a periodic training program designed to educate and thereby prevent sexual harassment.

(e) Department of Human Resources Reports.

(1) Quarterly Reports. The Human Resources Director shall provide, on a quarterly basis, to the Commission on the Status of Women a written report on the number of sexual harassment complaints filed and the departments that were involved. The report also shall include information on the dispositions of complaints that are concluded and the status of complaints that are pending. The reports shall not include names or other identifying information regarding the parties or the alleged harassers.

(2) Annual Report. The Human Resources Director shall provide annually to the Mayor, the Board of Supervisors, the Human Rights Commission, and the Commission on the Status of Women a written report on the number of claims of sexual harassment filed, including information on the number of claims pending and the departments in which claims have been filed. The reports shall not include names or other identifying information regarding the parties or the alleged harassers.

(f) Commission on the Status of Women. The Commission on the Status of Women is available to offer technical advice on this City and County policy, assistance and referrals for sexual harassment complainants, technical assistance and additional resources to supervisory employees and managers regarding sexual harassment, and to assist in the prevention of sexual harassment incidents.

(g) The City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, any obligations for which it is liable in money damages or otherwise to any person who claims that such breach proximately caused injury.

APPENDIX C

POLICY ON LANGUAGE DIVERSITY

Purpose Statement

The City and County of San Francisco finds that the cultural and racial composition of the City and its workforce is among the most diverse in the nation. Therefore, it is desirable to reaffirm its policy, which fosters acceptance and prevents intergroup tensions as related to the use of languages other than English in the provision of public services and the employment of individuals whose primary language is not English.

The City and County of San Francisco reaffirms its equal employment opportunity policy that ensures the opportunity for employment of an ethnically and culturally diverse workforce wherein individuals shall enjoy equal application of the terms and conditions of employment, including the right to speak their primary language.

The City and County of San Francisco recognizes that a workforce that speaks languages other than English enhances the services provided to the City's culturally diverse public by providing efficient and accessible public services to its non-English speaking communities.

In addition, the Equal Access to City Services for Limited English Speakers Ordinance makes it the policy of the City and County of San Francisco to provide equal access to City services to all San Franciscans, including those with limited proficiency in English.

All employees of the City and County of San Francisco are advised that an employee's use of a language other than English is not only an asset in the provision of public services but, with few exceptions, is a legally protected right.

Legal Requirements

The policy of the City and County of San Francisco is in compliance with federal guidelines of the U.S. Equal Employment Opportunity Commission, which state that prohibiting employees from speaking their native language in the workplace may result in unlawful national origin discrimination under Title VII of the Civil Rights Act.

A rule which requires employees to speak only English at all times may violate Title VII as a burdensome term and condition of employment since the primary language of an employee is often an essential national origin characteristic. A department may only have a rule requiring that employees speak only English at certain times where an employer:

can show that the rule is justified by business necessity; notifies their employees of the speak-only-English rule and of the general circumstances when speaking only English is required; and notifies employees of the consequences of violating the rule.

There are few circumstances under which a policy will meet the "business necessity" test. Justifications such as "Supervisors can't understand what employees are saying," "English speaking employees suspect that non-English speaking employees are talking about them," and "The policy will enhance public image" are not sufficient to meet the business necessity requirement. Departments must confer with the City Attorney prior to implementing an English-only rule.

Dual Responsibility

Supervisors and line employees have a shared responsibility for maintaining a work environment that is comfortable and productive for everyone. Where co-workers or clients express concerns about employees speaking in a language other than English, supervisors should work toward informally resolving these interpersonal difficulties in a constructive and sensitive manner.

In order to assure effective communication during emergencies and constructive discussion of assignments, work performance and work rules, supervisors and employees should expect that any direct communications be conducted in a commonly understood language.

Policy Implementation

Each department's appointing officer is responsible for implementation of this Policy on Language Diversity. The Human Resources Director is responsible for ensuring compliance of this policy.

Employees and applicants for employment who believe that they have been subjected to unlawful conduct in violation of this policy may file a complaint with the Department of Human Resources EEO Division under the provisions of Civil Service Commission Rules. Instructions on how to file a complaint are available from the DHR EEO Division located at 44 Gough Street, or by calling 415-557-4900. Complaints may also be filed with the California State Department of Fair Employment and Housing or the United States Equal Employment Opportunity Commission.

Distribution of Policy

Appointing Officers and/or Department Heads are responsible for assuring that all employees are aware of this policy. In addition to distributing this policy to all employees, Departments are required to post it in a conspicuous manner on Departmental or employee bulletin boards. Further, this policy is to be included in the Department's new employee orientation.

APPENDIX D

HOW TO FILE A DISCRIMINATION COMPLAINT

Authority

The authority to investigate complaints of employment discrimination stems from the San Francisco Charter, Section 10.103, and Civil Service Commission Rules (Volume 1, Rule 103; Volume II, Rule 203; Volume III, Rule 303; Volume IV, Rule 403). The Human Resources Director is responsible for the review and resolution of complaints. The Director may designate personnel to investigate complaints and make recommendations for resolution.

The role of the Equal Employment Opportunity ("EEO") investigator is that of an objective third party, representing neither the complainant (employee/applicant), nor the respondent (department).

Complaint Process

Basis. Discrimination complaints submitted for investigation must be based on a violation of civil rights on account of one or more of the following: RACE, COLOR, RELIGION, CREED, SEX, NATIONAL ORIGIN, ETHNICITY, AGE, DISABILITY or MEDICAL CONDITION, ACQUIRED IMMUNE DEFICIENCY (AIDS/HIV) or AIDS RELATED CONDITIONS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, ANCESTRY, MARITAL or DOMESTIC PARTNER STATUS, GENDER IDENTITY, PARENTAL STATUS, OTHER NON-MERIT FACTORS.

RETALIATION against any employee or applicant for having made a good faith complaint or report of discrimination, or for participating or aiding in an investigation of employment discrimination is also prohibited.

Issues. Actions complained of may include the following: DENIAL OF EMPLOYMENT, DENIAL OF TRAINING, DENIAL OF PROMOTION, DENIAL OF REASONABLE ACCOMMODATION (for disability or religion), TERMINATION, LAY-OFF, CONSTRUCTIVE DISCHARGE, DISCIPLINARY ACTION, HARASSMENT, WORK ASSIGNMENT, SEXUAL HARASSMENT and COMPENSATION.

Other issues, such as a disagreement regarding Department rules or regulations affecting working conditions, may be subject to review through the Employee Grievance procedure.

Filing. Submit a letter or other document that describes your complaint of discrimination. You may wish to contact the EEO Office in your department or in the Department of Human Resources, or your employee representative, to assist you in submitting a complaint. The number for the Department of Human Resources is 415-557-4800. All complaints must be signed by the person making the complaint and sent to:

Director, Department of Human Resources
Attention: EEO Division
One South Van Ness, 4th Floor
San Francisco, CA 94103

The letter of complaint should include the following:

1. Name, address and daytime phone number;
2. The basis for the complaint: i.e. race, religion, etc.;
3. The discriminatory action: i.e., denial of employment or reasonable accommodation, termination, etc.;

5. The date(s) the alleged discriminatory action(s) took place;
5. The City and County department and work unit accused of discrimination;
6. The names of the individuals accused of discrimination;
7. The names and daytime phone numbers of any witnesses to the alleged discriminatory action;
8. A detailed explanation of the sequence of events which you believe to be discriminatory; and,
9. The specific action you are seeking to correct the alleged discrimination.

If you are a current City and County employee, please also include your current Civil Service classification and the department where you are employed.

Complaints of sexual harassment may also be made by calling the Department of Human Resources Harassment Helpline at 415-557-4900.

Filing Deadline. Letters of complaint must be filed within one hundred eighty (180) calendar days of the date the discriminatory action or the alleged harassment took place, or the date the employee/applicant should have first become aware of the violation. A complaint is considered filed on the date it is received by the Department of Human Resources. Therefore, time is an important factor when filing a complaint.

Investigation. The Human Resources Director may refer the complaint to an EEO investigator to review for timeliness and jurisdiction. The investigator will then contact the person filing the complaint, either by mail or phone, to schedule an intake interview. Intake interviews afford the investigator an opportunity to clarify the issues involved and also allow the person filing the complaint an opportunity to present the complaint in more detail.

The investigation may include reviewing and obtaining copies of relevant documents such as personnel files, attendance reports and performance evaluations; interviewing co-workers and supervisors; and other actions considered necessary in order to obtain relevant information.

It is important to remember that the individual who brings the complaint is responsible for substantiating the charges. Therefore, it is necessary to cooperate with the investigator by providing any written material, names of individuals to interview or any other information that would assist the investigation.

Note: During the intake interview, the entire complaint process will be explained in more detail by the assigned investigator. Any questions regarding the process can be asked during the intake interview.

Alternative Dispute Resolution. Complainants may be asked to consider resolving their complaint through an alternative dispute resolution process facilitated by trained staff.

Human Resources Director's Action and Appeal Procedures. The Human Resources Director will review the complaint and investigative report, and shall make a finding on the charges. The Director's determination will be sent to the complainant and respondent department and shall be final, unless it is appealed to the Civil Service Commission and is reversed or modified.

San Francisco Fire Department



General Order 09 A-58
EEO Policy Complaint Procedure

SFFD Mission Statement

- To protect the lives and property of the people of San Francisco from fires, natural disasters, and hazardous materials incidents
- To save lives by providing emergency medical services
- To prevent fires through prevention and education programs
- To provide a work environment that values health, wellness and **cultural diversity and is free of harassment and discrimination.**

Equal Employment Opportunity Policy

It is the policy of the City and County of San Francisco that all persons shall have equal opportunity in employment. No employee or applicant shall be discriminated against in employment, opportunity for employment or in the workplace.

Discrimination is violation of civil rights on account of protected categories provided by law.

Equal Employment Opportunity Policy (continued)

It is also the policy of the City and County of San Francisco that no employee or applicant shall be discriminated against, retaliated against or harassed because such employee or applicant has complained of or opposed any discriminatory practice prohibited in this policy or made a complaint, testified, supplied evidence, assisted or participated in any manner in any investigation, proceeding, or hearing under these procedures.

Purpose

- To reaffirm that the SFFD is committed to providing a work environment free of discrimination
- To ensure that SFFD employees understand the City and County of San Francisco's EEO policy
- To ensure that SFFD employees are aware of the procedures for reporting EEO discrimination complaints.

Theories of Discrimination that are Commonly the Subject of Complaints

- Disparate Treatment
- Harassment
- Retaliation

Disparate Treatment

- Occurs when an employer treats an individual less favorably than others because of the individual's membership in a covered protected category.

Disparate Treatment Standard

- Complainant is a member of a protected category
- Complainant has suffered an adverse employment action
- Adverse employment action occurred because of the protected category

Protected Categories

- Race
- Color
- Religion
- Creed
- Sex
- National Origin
- Ethnicity
- Age
- Disability or Medical Condition
- AIDS/HIV or Aids Related Conditions
- Political Affiliations
- Sexual Orientation
- Ancestry
- Marital or Domestic Partner Status
- Gender Identity
- Parental Status
- Other non-merit factors or any category provided for by ordinance

Gender Identity

- Is determined and asserted by the individual
- It is that person's sense of self regarding which to identify with
- Even though it's different from the person's actual sex from birth

Gender Identity (continued)

- Supervisors and co-workers must refer to the person based on the gender he/she identifies with at all times
- Department must allow person to use the facility (i.e., shower, locker room, restroom) of the identity with which the person identifies
- Key is to treat person with respect and dignity; do not single out, mistreat, ridicule the person

Adverse Actions or issues complained of may include:

- Denial of employment
- Denial of training
- Denial of promotion
- Denial of reasonable accommodation (for disability or religion)
- Termination
- Lay-off
- Constructive Discharge
- Disciplinary Action
- Harassment
- Work Assignment
- Sexual Harassment
- Compensation

Harassment

Two Theories:

- Quid pro quo - complainant is subject to a request of a sexual nature as a condition of employment
- Hostile Work Environment - may be based on any protected category; may take many forms including, but not limited to, verbal, visual or physical, unwelcome conduct on account of the complainant's membership in a protected category, which is so severe or pervasive as to alter the condition of the complainant's employment and create an abusive working environment.

Harassment - Quid Pro Quo

- The complainant is subject to a request of a sexual nature;
- The request is unwelcome; and
- The request is a condition of employment.

Harassment - Hostile Work Environment Standard

1. The complainant is subject to physical, verbal or visual conduct on account of the complainant's membership in a protected category;
2. The conduct is unwelcome; and
3. The conduct is sufficiently severe or pervasive as to alter the condition of the complainant's employment and create an abusive working environment.

Unlawful harassment may take many forms including:

- **Physical conduct** – such as assault, blocking normal movement, leering or lewd gestures, or physical interference with work
- **Verbal conduct** – epithets, derogatory comments, unwelcome jokes or stories, slurs, unwelcome advances or invitations, harassing phone calls
- **Visual conduct** – such as derogatory or offensive posters, cartoons, bulletins or drawings, or electronic mail transmissions. This includes the use of Department equipment and any equipment physically located at stations. See G.O. 02 A-92 – Policy on the Use of Personal Electronics and G.O. 02 A-93 Smoke Eaters Gazette and other publications.

Sexual Harassment

- Generally occurs when there is a disparity of power
- Sexual harassment does not have to be intentional
- What is offensive is in the eye of the beholder
- Either gender or any sexual orientation can be harassed or be a harasser
- Harassment does not have to be directed at a particular person
- Offenders can be supervisors, co-workers, or non-employees (customers, vendors, suppliers)

Retaliation

- Occurs when an individual is subject to an adverse employment action by the employer because the individual engaged in a protected activity. Under this theory, the complainant need not be a member of a protected category; he or she need only have engaged in a protected activity.

Retaliation Standard

- The complainant engaged in a protected activity;
- The complainant suffered an adverse employment action; and
- There was a causal link between the protected activity and the adverse employment action.

What is a Protected Activity?

- Opposing a practice forbidden by the Charter's discrimination provisions, or
- Participating in activity protected by the Charter's discrimination provisions, including filing a charge, testifying, assisting or participating in any manner in an investigation proceeding or hearing pursuant to the Charter's discrimination provisions.

What is Adverse Employment Action?

- A material adverse change in the terms of employment (detrimental and substantial), and
- An action which is reasonably likely to deter employees from engaging in protected activity, which may include harassment.
- Adverse employment action includes, but is not limited to, a refusal to hire, a denial of job benefits, suspension and termination.

Factors to Consider to Determine Causal Link

- How close in time are the protected activity and the adverse employment action;
- Whether the manager(s) who decided on the adverse employment action knew that the complainant engaged in protected activity;
- Whether the employer has a legitimate non-discriminatory reason for taking the adverse employment action.

Filing deadlines

- Claim must be filed within 180 calendar days of the alleged discriminatory action or alleged harassment, or from the date the complainant should have first become aware of the alleged violation. A complaint is considered filed on the date that it is received by the SFFD-HR or DHR.

Where to File

- The SFFD Human Resources Division at SFFD Headquarters, 698 Second Street, 2nd floor, Room 209, San Francisco
- The DHR EEO Division at One South Van Ness, 4th Floor, San Francisco
(Harassment Helpline (415) 557-4900)
- The employee's immediate supervisor or other superior
 - however, the complainant does not have to follow the chain of command in reporting an alleged EEO violation. The complainant can choose to report the matter directly to either one of the two offices above.

Complaint Process

- All EEO discrimination complaints are subject to review by DHR EEO Division staff. DHR may decide to take one or more of the following actions:
 - the complaint shall be investigated; **(All EEO investigations are conducted by DHR EEO staff.)**
 - the complaint shall be reviewed for resolution through Alternative Dispute Resolution (ADR) or settlement; and/or
 - the complaint will be administratively closed for lack of jurisdiction.

SFFD Employee Responsibilities during DHR EEO Investigation

- All employees are **required** to participate and be truthful in DHR's investigation of any EEO discrimination complaint.
- It is the responsibility of all employees participating in any EEO investigation to keep matters related to the case confidential.

DHR Human Resources Director's Review and Resolution of Complaints

- When a complaint of discrimination has been investigated and an investigative report submitted, the DHR Human Resources Director will review the investigation and any relevant materials.
- The DHR Human Resources Director shall issue a determination on the charges, which may take the following forms:
 - For cause, if the EEO discrimination complaint is sustained
 - Dismissal for insufficient evidence, or
 - Administrative Closure for no prima facie showing, settlement of complaint, untimely issues, etc.
 - The DHR Human Resources Director may also make recommendations for corrective action.

Notification of Determination/Right to Appeal

- Complainant and respondent department will receive a written determination from the DHR Human Resources Director
- Determination letter(s) inform the complainant and the respondent department of their right to appeal the determination to the Civil Service Commission.
- Appeal must be submitted to the Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102, within **30** calendar days following the postmarked date of the determination letter

Right to File other Complaints

Regardless of the City process, complainant can simultaneously file a charge of discrimination with the United States Equal Employment Opportunity Commission (EEOC), the California Department of Fair Employment and Housing (DFEH), and/or consult with a private attorney or union representative.

Prevention of Complaints

- Each employee has a role in helping maintain a harassment free non-hostile workplace
- All employees, especially managers and supervisors, should set an example by acting in a professional and respectful manner to all employees
- Become familiar with the City's Harassment Free Workplace Policy (enclosed in GO 09 A-58) and relevant GOs 02 A-92 and 02 A-93

Prevention of Complaints (continued)

- Post, maintain, review with subordinates appropriate general orders and notices
- Officers are to provide guidance, counseling and/or decisive action, where needed and appropriate, to correct inappropriate conduct at its earliest stage; if unsure, consult with HR or an Assistant Chief

Prevention of Complaints (continued)

- Monitor the workplace to ensure that the work environment does not contain any materials that promote stereotypes based on protected category status
- Do not allow the exchange of jokes, pranks, and/or conversations, which isolate or target individuals by sex or other protected status

Avoid these Mistakes

- Do not discourage an employee from filing a complaint
- Do not convey any impression, either directly or indirectly, that management is annoyed or inconvenienced by the complaint
- Do not take a complaint lightly
- Do not wait for an employee's permission to take action
- Do not delay reporting the complaint to the SFFD Human Resources Division
- Do not look into the allegations yourself; report them directly within 24 hours or by the first business day following a weekend or a holiday to the SFFD Human Resources Division for review

FINAL PARTING THOUGHTS

- The single, most important thing to remember is: A FIRE HOUSE IS A WORK PLACE. IT IS NOT HOME, EVEN IF IT MAY FEEL LIKE IT OR NO MATTER WHAT OTHERS TELL YOU. THEREFORE, EMPLOYEES MUST BEHAVE IN A PROFESSIONAL MANNER APPROPRIATE TO A WORK PLACE. RACIAL, SEXUAL AND/OR GENDER-RELATED REMARKS, STORIES, JOKES, ACTIONS, GESTURES, ETC., MUST NOT BE SHARED AT THE FIRE HOUSE.

FINAL PARTING THOUGHTS

- The cardinal rule of RESPECT should prevail in the work environment. This includes respect for one another as colleagues and as human beings. And as human beings, we all have differences, so respect each other's differences. No individual should ever be singled out in a negative manner.

FINAL PARTING THOUGHTS

- The Fire Department is not trying to change your values, beliefs, or who you are. However, when you are on-duty or even on Fire Department premises off-duty, the Fire Department requires that you conduct yourself appropriately and adhere to all city and Department policies, rules and regulations.



SAN FRANCISCO FIRE DEPARTMENT
HUMAN RESOURCES DIVISION

EEO TRAINING ACKNOWLEDGEMENT FORM

This is to certify that I completed the EEO Training on (DATE) _____ as part of the _____ Academy. I have also received handouts that contain a copy of the slides in the PowerPoint presentation and a copy of General Order 09 A-58..

I agree to abide by the EEO Policies and Procedures of the Fire Department and the City and County of San Francisco. I understand that I am responsible for my own actions relevant to these policies and will be disciplined to the full extent allowable if found in violation of any of the EEO Policies and Procedures of the Fire Department and the City.

Print Name

Signature

Date

Department ID #

Officers/Managers Responsibilities

- Officers/managers who learn of a possible EEO discrimination complaint are to immediately report the matter to the SFFD Human Resources Division, **within 24 hours**, or the next business day following a weekend or holiday.
- The SFFD Human Resources Division shall report the complaint to the DHR EEO Division within five business days from the date the complaint is received or reported.

Officers/Managers

Responsibilities (continued)

- The officer/manager who learns of the possible EEO discrimination complaint should:
 - Take immediate corrective action to diffuse the situation and provide some initial remedy, as appropriate
 - For assistance, it is recommended that the officer contact the Human Resources Division during business hours, or the appropriate Division Chief after business hours or on weekends/holidays.
 - For reporting of EEO discrimination complaints, the chain of command is either from the complainant or from the officer/manager who learns of the complaint directly to the SFFD Human Resources Division.

SAN FRANCISCO FIRE DEPARTMENT
GENERAL ORDER

File Code 13 A-84
November 4, 2013

From: Chief of Department
To: Distribution List "A"
Subject: Mandatory Harassment Prevention Training
Reference: DHR October 28, 2013 Memorandum; Assembly Bill 1825
Rules & Regulations, Section 402
Enclosures: Attachment "A" – Course Access Instructions
Attachment "B" – Members Required to Complete Training

Officers Endorsement:
Sec 1108 – R & R _____

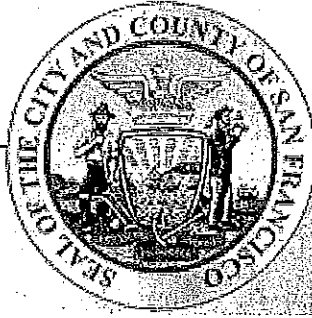
1. California Government Code Section 12950.1 (AB 1825) requires employers with 50 or more employees to provide harassment prevention training of at least two (2) hours in duration to supervisors. Supervisors must complete the training every two (2) years.

Moreover, newly-hired or promoted supervisors, as well as employees appointed to acting assignments as supervisors, must take the training. In some circumstances, employees in non-supervisor or non-management positions will be asked to take the training. Being assigned to take the training does not indicate that an employee is deemed a manager or supervisor.

Finally, Commissioners and Board Members are, likewise, required to take the training. **This year is a "compliance year" in which all City supervisors, managers and Commissioners or Board Members must be trained by December 31, 2013.**

2. The Department of Human Resources (DHR) has contracted with a new provider, Workplace Answers, to provide a web-based training program. This training program is now available and will be administered by both DHR and City departments. Although the mandated time for the training is a minimum of two (2) hours, employees should allocate between two (2) and two and one-half hours (2 ½) to complete the course.
3. To access the training program, the following steps must be taken:
 - Type in the address: <https://slate.workplaceanswers.com/ccsf/>
 - In the Last Name box, type in your last name. You may type in upper or lower case. It is not case sensitive.
 - In the DSW ID number box, type in your DSW number that can be found on the back of your City-issued identification card. If your DSW number only has five digits, you must add a "zero" (0) before the five digit number

Instructions on how to launch the training program are also found in Attachment "A" of this General Order.



Employee Login

Last Name * DSW Number *

(6-digits)

Enter your **DSW Number** which is on the back of your City issued Identification badge. **If you have a 5 digit number, add a 0 (zero) before the number.** [CLICK HERE](#) for example.

If you do not know your DSW Number, contact your Human Resources Dept.

If your **last name includes a special character** such as an apostrophe, dash or period (i.e., O'Connell, Smith-Allen, Smith Jr.), enter your name with the special character as it appears on your paystub.

If you still cannot log in [CLICK HERE](#).

If you are **not a City employee** (i.e., museum foundation employee) but are required to take the training, [CLICK HERE](#)

If you continue to have login problems, please call Svetlana Vaksberg at (415) 551-8926 or Janie White at (415) 551-8903 in the DHR-EEO Division.