



ADAM A. HOUSE
Fire Chief

Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 • Mather, California 95655 • Phone (916) 859-4305 • Fax (916) 859-3715

POLICY COMMITTEE – REGULAR MEETING AGENDA Thursday, October 10, 2024 – 5:30 PM

Sacramento Metropolitan Fire District
10545 Armstrong Avenue, Boardroom, 2nd Floor
Mather, California
&

Remotely Via Zoom
Webinar ID: 827 3461 0232 #
Passcode: metro2101
Phone: 1 (669) 444-9171 or 1 (669) 900 6833
☎ Passcode: 838771796 #

<https://us06web.zoom.us/j/82734610232?pwd=SFILQ1Znd25RSmlhdXZVQVh4d1VWZz09>

COMMITTEE MEMBERS

Director John Costa
Director Cinthia Saylor
Director D’Elman Clark
Director Jennifer Sheetz - Alternate

CALL TO ORDER

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN COMMITTEE'S SCOPE INCLUDING ITEMS ON OR NOT ON AGENDA

CONSENT AGENDA

The Consent Agenda is acted upon with one motion unless a committee member requests separate discussion and/or action.

- | | <u>Page No.</u> |
|--|-----------------|
| 1. Action Summary Minutes | 2 |
| Recommendation: Approve the Action Summary Minutes for the meeting of August 8, 2024. | |

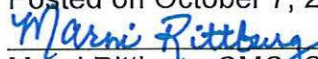
PRESENTATION ITEMS

- | | |
|--|---|
| 1. Administration Policy 02.023.02 – District Vehicle Use Policy | 3 |
| <i>(Chief Human Resources Officer Melisa Maddux)</i> | |
| Recommendation: Review the edited District Vehicle Use Policy for notification purposes only. | |
| 2. Board Policy 01.001.03 – Non-Discrimination Policy | 9 |
| <i>(Chief Human Resources Officer Melisa Maddux)</i> | |
| Recommendation: Review and approve the revisions to the Non-Discrimination Policy and refer to the full Board for approval. | |

NEXT MEETING DATE: November 14, 2024

ADJOURNMENT

Posted on October 7, 2024


Marni Rittburg, CMC, CPMC
Clerk of the Board



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ACTION SUMMARY MINUTES – REGULAR MEETING

POLICY COMMITTEE THURSDAY, AUGUST 8, 2024 AT 5:30 PM SACRAMENTO METROPOLITAN FIRE DISTRICT & Remotely Via Zoom

CALL TO ORDER

The meeting was called to order at 5:31 pm by Director Costa. Committee members present: Costa, Clark, and Saylor. Committee members absent: None. Staff present: Chief House and Board Clerk Rittburg.

PUBLIC COMMENT: None

CONSENT AGENDA

Action: Moved by Clark seconded by Saylor, and carried unanimously by members present to adopt the Consent Calendar as follows:

1. **Action Summary Minutes**

Recommendation: Approve the Action Summary Minutes for meeting of June 13, 2024.

Action: Approved the Action Summary Minutes.

PRESENTATION ITEMS

1. **Administration Policy 02.022.01 – 56 Hour Alternate Assignment Position Policy**

(Chief Human Resources Officer Melisa Maddux)

Recommendation: Review the 56 Hour Alternate Assignment Position Policy for notification purposes only.

Action: Reviewed the Policy.

ADJOURNMENT

The meeting adjourned at 5:42 pm.

Director Costa, Chair

Marni Rittburg, CMC, CPMC
Clerk of the Board



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10545 Armstrong Ave., Suite 200 · Mather, CA 95655 · Phone (916) 859-4300 · Fax (916) 859-3702

DATE: October 10, 2024
TO: Policy Committee Members
SUBJECT: Administration Policy
Policy 02.023.02– District Vehicle Use Policy

TOPIC

Review existing Administration Policy 02.023.02 District Vehicle Use Policy.

DISCUSSION

The District Vehicle Use Policy was created on February 8, 1984, and last revised on March 2, 2009.

The District Vehicle Use Policy has been revised to further clarify the set parameters on take home vehicles. In addition, policy language has been edited to reflect changes made since the inception and last revision date of the policy. The edited District Vehicle Use Policy is attached for your review.

RECOMMENDATION

Administration Policy review is for informational purposes only as previously directed by the Policy Committee.

Submitted By:

Approved By:



Melissa Maddux
Chief Human Resources Officer



Michael Johnson
Interim Deputy Chief of Administration

Sacramento Metropolitan Fire District

ADMINISTRATION POLICY

POLICY TITLE: District Vehicle Use OVERSIGHT: Administration
POLICY NUMBER: ~~02.023.02332.04~~ EFFECTIVE DATE: 02/07/84 REVIEW DATE:
03/02/09 10/10/2024

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Background

This policy is intended to ensure the safety and well-being of the Sacramento Metropolitan Fire District (District) employees; to facilitate the efficient and effective use of District resources; to minimize the District's exposure to liability; to monitor the use of District-owned vehicles; and regulations relating to District vehicle usage. ~~This replaces the Vehicle Use, Staff titled policy.~~

Scope

~~This entire~~ policy applies to all District employees. ~~Employees whose employment is regulated by individual agreement or collective bargaining agreements are subject only to those portions of this policy that are not specifically regulated by law or agreement.~~

Related Policy

~~711.01 Vehicle Incident Reporting~~

Purpose

The purpose of this policy is to establish standard requirements and procedures District employees who are assigned a District-owned or leased vehicle in the course of providing District services and conducting District business.

Definition

~~1. District Vehicle: are those~~ automobiles, trucks, vans, or other self-propelled equipment owned, rented, or leased by the ~~Sacramento Metropolitan Fire~~ District and licensed for travel on a public way.

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Policy

1. District issued vehicles shall be used for official ~~Fire~~ District business only, or in connection with community or civic activities that may be in the best interest of the ~~Fire Service~~ District.
2. It is the policy of the District that certain positions require employee access to District ~~v~~ehicles, either during their work shift or on a 24-hour on-call basis. District ~~v~~ehicles are not personal vehicles and are not for personal use. District vehicles are assigned solely for purposes consistent with providing services pursuant to the District's mission.

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3. If any provision of this policy violates any governing law or regulation, or if any law or regulation applicable to this policy becomes effective after the effective date of this policy, then this policy shall be deemed changed to be in compliance with such governing law or regulation.
4. It shall be the responsibility of the Fire Chief to authorize, as well as rescind, permission to use of District vehicles.
5. Transportation of non-district employees is permitted if such persons are directly involved with a specific authorized activity. Transportation of family members is permitted if the vehicle is being used as authorized within these regulations.
6. Employees operating a District ~~V~~y vehicle while on work related travel, must maintain a valid motor vehicle license issued by the State of California or the state of their current residence.
- 6-7. Employees who are assigned a District vehicle and who live in Sacramento County or a County that borders Sacramento County may take their vehicle home. If an employee lives in a County that does not border Sacramento County, the employee shall make arrangements to store their assigned District vehicle overnight at a secured District facility.

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Procedures

1. Prior to the assignment of a District ~~y~~v vehicle, employees must provide evidence of the possession of a valid and unrestricted California State driver's license appropriate to the type of vehicle to be operated by that employee.
2. The assignment of a District ~~y~~v vehicle for 24-hour use will be made by the Fire Chief, and will only be considered for employees who require a vehicle for the ordinary and necessary discharge of their job functions, as identified in an approved District position-job description. The following criteria will be used in the determination of eligibility for 24-hour vehicle use:
 - a. Performance of regularly assigned duties and assignments;
 - b. Attendance at meetings of organizations promoting activities having a direct effect or connection with the assignment of an individual member;
 - c. Attendance at conferences, seminars, or training courses as approved or authorized;
 - d. Other uses as assigned;
 - e. Officially designated on-call status; and
 - f. Requirement for frequent emergency availability during non-working hours.
3. Employees who are in an- "oOn cCall" status are recognized as having a need for immediate access to District issued vehicles at any time and, therefore, are authorized to drive these vehicles to and from home in the normal course of their

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District Vehicle Use Policy

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assignments. Employees assigned District vehicles for commuting purposes are expected to park such vehicles in safe locations and to lock the car-vehicle when not in use. Operators should never leave vehicles unattended with the ignition keys in the lock or anywhere in the vehicle.

4. ~~Because of Due to~~ the unique situation requiring certain employees to be "on call" over an extended period of time, use of District-owned vehicles by these individuals for purposes other than those specified in this policy shall be permitted as authorized by the Fire Chief.
5. District vehicles may only be used for legitimate District business, however individuals assigned a District vehicle with commuting privileges may make "incidental personal uses" such as stopping at a grocery store or going to the bank, on his/her/their way home, but only if the stop does not add mileage to the trip.
6. A non-District employee or family member may accompany an employee during the active performance of their official duties, ie: code-3 response, only when authorized by a chief officer and after signing the appropriate form-Agreement Assuming Risk of Injury or Damage Waiver and Release of Claims.
7. Division Managers are responsible for vehicle condition if not assigned to a specific individual.
8. Fuel, oil and water levels are to be maintained at acceptable levels between services and vehicles are to be cleaned and maintained at acceptable levels at all times. ~~Fuel shall be logged as per fuel tracking policy (115.01).~~
9. Non-emergency mechanical problems are to be reported via e-mail to the "Fleet" mailbox. Contact Fleet directly for emergency repairs.
10. Vehicles shall not be reassigned, on a permanent basis, without authorization of the Fleet Manager.
11. Alteration or addition of any vehicle system (warning devices, alarm systems, keyless entry, etc.) is not permitted without authorization of the Fleet Manager.
12. Operators should exercise sound judgment at all times when using assigned District vehicles and should avoid the appearance of misuse.
13. Misuse of an assigned District vehicle is a violation of the ~~Standards of Conduct and District's Rules and Regulations~~ policy.
14. District vehicles will not be used to transport any individual who is not directly or indirectly related to District business. Passengers shall be limited to District employees and individuals who are directly associated with District work activity (committee members, consultants, contractors, etc.). Family members shall not ordinarily be transported in District vehicles.

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15. District Vehicles shall contain only those items for which the vehicle is assigned and the District shall not be liable for the loss or damage of any personal property transported in ~~the a~~ District ~~v~~Vehicle.
16. Employees are expected to keep District ~~v~~ehicles clean, and to report any malfunction, damage, needed repairs or other vehicle problems to their supervisors immediately.
17. Unless expressly exempted by law, employees are to ensure that they and all passenger(s) in a District ~~v~~Vehicle wear seat belts at all times, ~~if the District Vehicle is so equipped.~~
18. Employees may not operate District ~~v~~ehicles under the influence of alcohol, illegal drugs, or any controlled substances and are prohibited from possessing open alcoholic containers, illegal drugs, or controlled substances in a District ~~v~~Vehicle.
19. Employees operating a District ~~v~~Vehicle while on work related travel, shall drive defensively and obey all applicable traffic and parking regulations, ordinances, and laws.
20. Employees who incur parking or other fines/citations while operating or using an assigned District ~~v~~Vehicle or using a ~~p~~Personal ~~v~~Vehicle on work related travel, will generally be personally responsible for payment of such fines/citations, unless payment of such fine/citation is approved by the Fire Chief or Designee.
21. Employees who are issued citations for any offense while operating or using a District ~~v~~Vehicle must notify their ~~s~~Supervisor immediately when practicable, but in no case later than 24 hours after the issuance of an issued citation.
22. An employee who is assigned a District ~~v~~Vehicle and who is arrested for or charged with a motor vehicle offense for which punishment includes suspension or revocation of the motor vehicle license, whether in ~~his or her~~their ~~p~~Personal ~~v~~Vehicle or in a District ~~v~~Vehicle, must notify ~~his or her~~their ~~s~~Supervisor immediately when practicable, but in no case later than 24 hours after such arrest or charge has occurred. License suspension or conviction of an offense may be grounds for loss of District ~~v~~Vehicle privileges.
23. No employee may use a District ~~v~~Vehicle for out of state use without advance approval of the Fire Chief or designee.
24. When utilizing a District ~~v~~Vehicle, employees are required to obtain fuel from designated District fueling facilities, unless fueling is required in the course of out of District travel.
25. Smoking is not permitted in a District ~~v~~Vehicle.
26. For the safety of the employee and all those on the road, it is strongly recommended that employees refrain from using a hand-held cellular/mobile telephone while the District ~~v~~Vehicle being used for work related travel is moving, unless the employee

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must place an emergency call to 911 or to another local emergency number, and at all times must be utilized with a hands-free set, in compliance with California law.

27. Violations of this policy should be reported through the chain of command to the eEmployee's respective Deputy Chief for further action.

28. Failure to comply with any and all applicable provisions of this policy may result in disciplinary action up to and including removal of District vehicle privileges, suspension, and/or termination.

References

1. Senate Bill 1613 - Effective July 1, 2008, California state law (SB-1613) prohibits drivers from using a wireless telephone while operating a motor vehicle unless the driver uses a hands-free device.

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10545 Armstrong Ave., Suite 200 · Mather, CA 95655 · Phone (916) 859-4300 · Fax (916) 859-3702

DATE: October 10, 2024
TO: Policy Committee Members
SUBJECT: Board Policy
Policy 01.001.03 – Non-Discrimination Policy

TOPIC

Review the proposed changes to existing Board Policy 01.001.03 Non-Discrimination Policy.

DISCUSSION

The existing Disabilities and Age Discrimination Policy was created on March 2, 2009, and last revised on July 13, 2017. The policy title and policy have been edited to include all protected classes required by California state and federal laws. In addition, the policy has been edited to include language required by the Department of Homeland Security (DHS), as an agency that receives federal grants.


The DHS required the following procedures be accessible to the public: procedures on how the public can file a discrimination complaint against the District, procedures on how the public can request a reasonable accommodation, and procedures on how the public can request access to interpretation/translation services.

The edited Non-Discrimination Policy is attached for your review and approval.

RECOMMENDATION

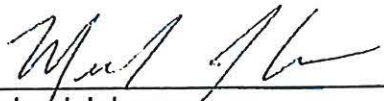
Recommend the Policy Committee approve the revisions to the Non-Discrimination Policy and refer to the full Board for approval.

Submitted By:



Melisa Maddux
Chief Human Resources Officer

Approved By:



Michael Johnson
Interim Deputy Chief of Administration

Sacramento Metropolitan Fire District

BOARD BOARD BOARD BOARD POLICY

POLICY TITLE: ~~Disabilities and Age-~~ OVERSIGHT: Administration
Non-Discrimination Policy

POLICY NUMBER: 01.001.032 EFFECTIVE DATE: 03/02/2009 REVIEW DATE:
~~07/13/17~~10/10/2024

Background

~~The Sacramento Metropolitan Fire District (District) prohibits discrimination and harassment based on the following characteristics: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions) gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran or military status, domestic violence victim status, political affiliation, or any other classification prohibited by California state or federal law.~~

~~This policy is in accord with Title VII of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act of 1990, as amended, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, Genetic Information Nondiscrimination Act of 2008, related California state laws and related administrative regulations and executive orders.~~

~~The Americans with Disabilities Act ("ADA") prohibits discrimination against qualified individuals with disabilities by public entities in the operation of all services and programs offered by the entity. Similarly, the Age Discrimination in Employment Act (ADEA) prohibits discrimination against qualified individuals based on age. It is the policy of the Sacramento Metropolitan Fire District (District) that all facilities, programs and services be accessible to and usable by disabled individuals, unless providing access results in an undue hardship to the District or causes a fundamental alteration of the programs or services. It is also the District's policy that members of the public not experience discrimination or harassment based upon disability. The District is committed to compliance with the provisions outlined in the Americans with Disabilities Act.~~

~~The District complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin (including language), Section 504 of the Rehabilitation Act 1973, which prohibits discrimination based on disability, Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities, Age Discrimination Act of 1975, which prohibits discrimination based on age, and U.S. Department of Homeland Security regulations 6 C.F.R Part 19, which prohibits discrimination based on religion in social service programs, The Pregnant Workers Fairness Act (PWFA), which requires covered employers to provide "reasonable accommodation" to a qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions. The District is committed to nondiscrimination in the provision of its programs and activities to program beneficiaries.~~

Purpose

To ensure that all employees and the public are treated in accordance with the District's mission and values of non-discrimination, and to ensure compliance with all applicable federal and California statutes and local regulations.

Scope

This policy applies to all District employees and/or individuals in any District workplace or worksite location, and all employment related decisions. This policy also applies to program participants, customers, clients, consumers, and members of the public. The Federal Civil Rights Act of 1964 states that no business (public or private) serving the public can discriminate based on a customer's national origin, sex, religion, color or race.

Definitions

1. **Age Discrimination:** Taking adverse action, whether employment or otherwise, toward any individual age forty (40) and over, when that action is based solely on age.
2. **Confidentiality:** This policy applies to the identity of the applicant in all oral or written communications, including all files and documents submitted by an applicant as part of the application process

3. **Discrimination:** The unequal treatment of an employee or applicant in any aspect of employment, based solely or in part on the employee's or applicant's, protected characteristic, including their perceived protected characteristic. Discrimination includes unequal treatment based upon the employee's or applicant's association with a member of a protected class. Discrimination may included but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected characteristic; allowing the applicant's or employee's protected characteristic to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their characteristic.

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- 3.4. **Essential Job Functions:** Those job tasks that are fundamental and primary to the position, such as the reason the position exists is to perform that function.

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5. **Harassment:** Unwelcome disrespectful or unprofessional conduct, including disrespectful or unprofessional conduct based on any of the protected characteristics. Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing) visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical

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conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).

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4. **Impairment:** Any physiological, mental, or psychological disorder or condition which substantially limits "major life activities," such as walking, seeing, speaking, hearing, breathing, learning, or working. Examples range from obvious impairments such as orthopedic and muscular disorders requiring wheelchairs or other equipment to perhaps less obvious impairments such as cancer, heart disease, epilepsy, diabetes, alcoholism, learning disorders, communicable diseases, and psychoses.

5.6. _____

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7. **Limited English Proficiency (LEP):** Persons who do not speak English as their primary language and who have limited ability to read, speak, write, or understand English.

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8. **Meaningful Access:** Meaningful access is the provision of language assistance services that results in accurate, timely, and effective communication at no cost to the person who is LEP. For individuals who are LEP, meaningful access denotes access that is not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.

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6.9. **Qualified Individuals with Disabilities:** ~~Individuals who have a physical or mental impairment that substantially limits one or more of the major life activities; have a record of such an impairment; or are regarded as having such an impairment.~~ An individual is considered a person with a disability if ~~he or she~~ **they have:** 1) a physical or mental impairment that substantially limits one or more major life activities; or 2) having a record of such impairment; or, 3) being regarded as having such impairment. Major life activities include, but are not limited to, functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

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10. **Protected Class Characteristics:** In California discrimination based on the following protected classes is prohibited: race, religion, color, citizenship, national or ethnic origin, ancestry, sex (including pregnancy, childbirth, lactation or related medical conditions), gender, gender identity, gender expression, gender transition, sexual orientation, physical or mental disability (including having a history of a disability or being regarded as being disabled), medical condition (cancer-related or genetic characteristics), predisposing genetic information (including family medical history), marital status, age (at least 40 years of age), veteran or military status,

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11. **Reasonable Accommodation(s):** The act of providing rational means to enable an otherwise qualified individual with a disability to enjoy equal opportunity status. This may include, but is not limited to, making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to the qualified individuals with disabilities, auxiliary aids and services, which are not limited to equipment, devices, materials in alternative formats, and qualified interpreters or readers; and making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by qualified individuals with disabilities

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~~Disabilities and Age-Non-Discrimination Policy~~

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requesting accommodations. While not requiring that each existing facility be accessible, the standard, known as "program accessibility," must be provided by methods including alteration of existing facilities, acquisition or construction of additional facilities, relocation of a service or program to an accessible facility, or provision of services at alternate sites.

- 7-12. Retaliation: Any adverse employment action taken against an applicant or employee because that person engaged in activity protected under this policy or reasonably thought to be protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigation or proceedings arising out of a violation of this policy.

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Policy

1. The District will not tolerate or condone discrimination from any employee, regardless of employment status.
2. It is prohibited for any employee of the District to discriminate against participants, customers, clients, consumers, and members of the public based on a customer's national origin (including limited English proficiency), sex, age, disability, religion, color or race.
3. It is prohibited for any employee of the District to refuse to hire, train, promote, or provide equitable employment conditions (including compensation) to any employee or applicant, or to discipline or dismiss an employee in whole or part on the basis of such person's protected characteristics, except where the doctrine of business necessity or bona fide occupational qualification can reasonably be established by the Chief Human Resources Officer. policy is to abide by and support the Americans with Disabilities Act and the Age Discrimination in Employment Act that prohibit discrimination on the basis of disability or age in employment related activities.
4. It is prohibited for an employee, contractor, or agent of the District to engage in conduct which interferes with a person's work or work environment through unwelcome, offensive or harassing behavior based on the person's protected characteristics.
5. All District employees are responsible for maintaining a work environment free from discrimination.
1. All District employee(s) who believe that they have been the victim of discrimination or shall immediately report the alleged discrimination as described under "Complaint Procedures."

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Disabilities and Age-Non-Discrimination Policy

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All District employee(s) who believe that they have witnessed or have knowledge of any discrimination in the workplace is strongly encouraged to report the acts of occurrences.

4.6. The District will not discriminate against any individual who demonstrates the qualifications necessary to perform the duties of a particular position whether with or without, reasonable accommodation.

7. No medical, physical disabilities or age-protected characteristics will be considered as a factor in satisfactorily performing a job/task except for those which are critical to the performance of such task.

8. Under the PWFA, the District must not:

- a. Fail to make a reasonable accommodation for the known limitations of an employee or applicant, unless the accommodation would cause an undue hardship.
- b. Require an employee to accept an accommodation other than a reasonable accommodation arrived at through interactive process.
- c. Deny a job or other employment opportunities to a qualified employee or applicant based on the person's need for a reasonable accommodation.
- d. Require an employee to take leave if another reasonable accommodation can be provided that would let the employee keep working.
- e. Punish or retaliate against an employee or applicant for requesting or using a reasonable accommodation for a known limitation under the PWFA, reporting or opposing unlawful discrimination under the PWFA, or participating in a PWFA proceeding.

2.f. Coerce individuals who are exercising their rights or helping others exercise their rights under the PWFA.

9. Individuals who are disabled may request reasonable accommodation to assist in accessing District facilities, programs or services open to the public, or for employees to carry out their essential job functions. How to request for a reasonable accommodation is described under "Reasonable Accommodation Procedures."

10. All District employee(s) who believe that they have witnessed or have knowledge of any discrimination in the workplace is strongly encouraged to report the acts of occurrences.

11. All District employee(s) who believe that they have been the victim of discrimination shall immediately report the alleged discrimination as described under "Complaint Procedures."

12. All District program participants, customers, clients, consumers, and members of the public who believe that they have been the victim of discrimination shall

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immediately report the alleged discrimination as described under "Complaint Procedures."

13. There shall be no retribution, retaliation, or reprisal against an employee, program participant, customers, clients, consumers or members of the public for exercising a right to grieve, appeal, or file a complaint through established procedures.

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14. Responsibilities:

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- a. All District employees and/or individuals in any District workplace or worksite location shall be responsible for:

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- i. Maintaining a work environment free of discrimination complying with this policy.

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- ii. Reporting complaints of discrimination to a Supervisor/Manager or the Human Resources Division immediately.

- iii. Cooperating fully with all investigations of discrimination and implementation of remedial measures.

- 3-iv. Refraining from retaliating against any employee who participates in an investigation or opposes discriminatory practices.

- b. Supervisor/Managers/Division Heads shall be responsible for:

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- i. Contacting the Human Resources Division immediately upon receiving a complaint or when made aware of a situation involving potential violations of this policy.

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- ii. Supervisors/Managers who know or should have known of discrimination and fail to report such conduct and fail to take immediate corrective action are also subject to disciplinary action up to and including termination from employment.

- iii. Assisting the Chief Human Resources Officer by ensuring that the workplace remains free of discrimination.

- iv. Contacting the Chief Human Resources Officer immediately upon receiving a complaint from an employee or notification that a complaint has been filed with the California Civil Rights Department (CRD) or the Federal Equal Employment Opportunity Commission (EEOC), or when aware of a situation involving potential violations of this policy.

- v. Coordinating and cooperating with the Chief Human Resources Officer in resolving complaints involving employees in their respective divisions; when discrimination has occurred:

1. Taking prompt and appropriate remedial action.

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2. Taking reasonable steps to protect the complainant from further discrimination.

3. Taking reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

4. Taking action to remedy the effects of discrimination.

c. Chief Human Resources Officer shall be responsible for:

- i. Ensuring this policy is disseminated to all employees.
- ii. Providing training and assistance to Supervisors/Managers/Division Heads, Board Members, and employees in preventing and addressing discrimination.
- iii. Ensuring that the District's Legal Counsel is advised of all complaints made.
- iv. Investigating, resolving, and, when appropriate, making recommendations for corrective actions of complaints.
- v. Advising the complainant and individual against whom a complaint has been made of the resolution of the investigation.
- vi. Responding to complaints filed with the CRD and/or EEOC.

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- 15. A report of discrimination shall be made in writing; the employee or member of the public will be asked to communicate all known facts and information about the acts or occurrences so that an investigation can be conducted.
- 16. Allegations of discrimination will be promptly and objectively investigated. The investigation and finding will be based on the totality of circumstances, and each situation will be evaluated on a case-by-case basis. Where discrimination has occurred, prompt and effective remedial action commensurate with the severity of the offense will be taken per existing District discipline procedures.
- 17. The District recognizes the sensitivity of discrimination complaints and respects the confidentiality and privacy of the individual reporting or accused of discrimination or providing information in connection to a claim of discrimination to the extent reasonably or legally possible. For example, information related to a complaint may need to be disclosed in responding to a complaint made to an outside governmental agency such as the CRD or the EEOC. Also, there are circumstances, such as if disciplinary action is taken, when details of the investigation including the identity of the complainant and witnesses, may be disclosed. Concerns regarding confidentiality can be directed to the Chief Human Resources Officer.

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The options to file complaints of discrimination which involve District personnel include filing the complaint with:

- Chief Human Resources Officer
- The California Civils Rights Department (CRD)
- The Equal Employment Opportunity Commission (EEOC)

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Employees have the right to file a complaint with an outside agency (CRD or EEOC). Note that a violation of the policy may exist even when there is no violation of the law.

If a complaint is filed with a Supervisor/Manager/Division Head, the Chief Human Resources Officer shall be immediately notified.

~~Complaints which involve the Board of Directors must be made to the District's Legal Counsel.~~

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- ~~18. Complaints of discrimination raised by District employees against employees, agents or representatives of contractors, vendors, members of the public or anyone doing business with the District shall be immediately reported to the Chief Human Resources Officer.~~
- ~~19. Vendors who discriminate against District employees who are discriminated against inuring the course of doing business with the District may be subject to termination of a contract, suspension or debarment from doing business with the District; or to other measures as deemed appropriate.~~
- ~~20. The District shall provide meaningful access to individuals with LEP. The individuals eligible or likely to be served with LEP will take place with the -specific to the EMS and CRRD divisions.:~~
 - ~~a. District demographics defining the number and proportion of the LEP community are as follows:~~
 - ~~i. 6.24% of the District population is LEP, of this population:~~

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LEP Breakdown	% of District LEP Population	# of District LEP Population
Indo-European	2.49%	18,091
Spanish	1.86%	13,514
Asian-Pacific Island	1.73%	12,569
Other Language	0.16%	1,162

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~~The District's discrimination complaint process, how to request a reasonable accommodation process, and how to request interpretation/translation services is posted on the District's website under "How Do I."~~

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Procedures

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1. All District employees must provide non-discriminatory services to all customers, clients, consumers, and members of the public. This includes but is not limited to provisions to Emergency Medical Services (EMS), fire suppression, business inspections and plan review.

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4.2. Job specifications shall be maintained current in terms of relationship between duties and responsibilities to requisite minimum employment standards. Job notices under advertisements posted or published to recruit applicants will contain the essential job functions as previously defined, including job-related physical requirements.

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2.3. Employment Applicants should have physical access to areas where applications are accepted.

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3.4. ~~Testing of all applicants shall be done in the same manner, until the applicants are either placed on an eligibility list or disqualified for not meeting specified requirements. All tests must be job related.~~ Interview questions must focus on an individual's ability to perform job duties including asking applicants to describe or demonstrate how they would perform all job duties specifically tailored to the position with all applicants being asked the same questions.

5. Selection and placement procedures shall be nondiscriminatory.

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6. The District may not refuse to consider an applicant with a disability because the applicant's ~~disability or age-protected class~~ prevents ~~him/her/them~~ from performing non-essential job duties. When requested, interviewers must arrange for special accommodations to facilitate the interview.

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5.7. Medical examinations may only be conducted after the employment offer is made. The employment offer may not be withdrawn unless reasons are job-related and consistent with business necessity. The Human Resources Division shall submit a copy of the updated job description or list of essential functions, and a list of physical requirements/conditions to the examining physician to facilitate ~~his/her/their~~ assessment of an individual's eligibility for employment. An individual may only be denied employment if ~~he/she/they is are~~ unable to perform the essential functions of the position, with or without accommodation, or if the individual's employment poses a direct threat to the health or safety of others and the threat cannot be eliminated by reasonable accommodation.

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6.8. All medical information gathered will be held strictly confidential, and maintained in a separate, confidential employee file. Employees may be subjected to medical examinations, only when the employee is having difficulty performing ~~his/her/their~~ assigned job duties, and indicates the difficulty is due to a disability.

7.9. Promotional decisions must be based on the employees' merit and ability to perform the essential functions of the job.

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8.10. The Human Resources Division shall have the overall responsibility for implementation of policies and procedures ~~to address compliance with the ADA and ADEA that address discrimination, harassment, equal employment opportunities, and retaliation.~~

9.11. In the event ~~an ADA/ADEA~~ a discrimination complaint cannot be resolved ~~informally; informally~~; the employee may file a formal complaint in writing to the Chief Human Resources ~~Manager; Officer.~~

10.12. The Human Resources Division shall maintain the files and records relating to any complaints by employees or applicants for District employment.

13. The District shall respond promptly to all complaints of violations of this policy and retaliation.
14. Complaints must be filed within thirty (30) calendar days after the complainant becomes aware, or should have become aware, of the alleged violation. The Chief Human Resources Manager-Officer shall initiate an investigation once a complaint is received.
15. A written determination as to the validity of the complaint and description of the resolution, if appropriate, shall be issued by the Chief Human Resources Manager-Officer in a timely manner.
16. In the event the complainant is not satisfied with the results of the investigation and resolution, the complainant may appeal the decision within ten (10) calendar days to the Fire Chief or ~~his or her~~ the Fire Chief's designee for review and appeal with a decision to be rendered within thirty (30) working days. The decision of the Fire Chief or ~~his or her~~ designee shall be final.
17. Disciplinary action for violations of this policy will be in accordance with applicable policies and procedures.

18. Employee Complaint Procedures:

a. Filing a Complaint with the District regarding Policy Violations:

- i. ~~Employees who believe that they have been discriminated against are to report the act or occurrence to the Chief Human Resources Officer immediately. If a complaint is filed with a Supervisor/Manager/Division Head, the Chief Human Resources Officer shall be immediately notified.~~
- ii. Complaints which involve the Board of Directors must be made to the District's Legal Counsel.
- iii. Complaints of discrimination raised by District employees against employees, agents or representative of contractors, vendors, members of the public or anyone doing business with the District shall be immediately reported to the Chief Human Resources Officer.
- iv. Employees who believe that they have been discriminated against are to report the act or occurrence to the Chief Human Resources Officer immediately.
- v. The options to file complaints of discrimination which involve District employees include filing the complaint with:
1. Chief Human Resources Officer
 - a. Phone: (916) 859-4535
 - b. Email: hr@metrofire.ca.gov

b. Filing a Complaint with Outside Agencies:

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Commented [ML2]: Do you want the complaint to be in writing or leave vague? If in writing, do you want specific questions answered?

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i. Employees have the right to file a complaint with an outside agency (CRD or EEOC). Note that a violation of the policy may exist even when there is no violation of the law.

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ii. Employees may file a formal complaint of discrimination with the agencies listed below: the California Civil Rights Department or the United States Equal Employment Opportunity Commission. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits:

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1. California Civil Rights Department
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
(Voice) (800) 884-1684
(TTY) (800) 700-2320 or California's Relay Service at 711
Contact.center@calcivilrights.ca.gov
www.cacivilrights.ca.gov

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2. U.S. Equal Employment Opportunity Commission
450 Golden Gate Avenue 5 West
P.O. Box 36025
San Francisco, CA 94102
(Voice) (800) 669-4000
(TTY) (800) 669-6820
(ASL Video Phone) (844) 234-5122

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19. Clients, Patients, Customers, Vendors, or Members of the Public Complaint Procedures:

a. Filing a Complaint with the District regarding Policy Violations:

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i. Clients, patients, customers, vendors, or members of the public who believe that they have been discriminated against have a right to file a complaint.

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ii. Clients, patents, customers, vendors or members of the public shall report the act or occurrence to the Chief Human Resources Officer at the following:

- 1. Phone: (916) 859-4535
- 2. Email: hr@metrofire.ca.gov

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iii. When filing a complaint against the District, the following information is required:

- 1. Date of the discrimination violation
- 2. Name of the employee the discrimination complaint is about

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3. Details regarding the discrimination complaint (e.g. who, what, when, where, etc.)

iv. The public complaint procedures are posted on the District's website under "How Do I."

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b. Filing a Complaint with Outside Agencies:

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i. Clients, patients, customers, vendors or members of the public may file a formal complaint of discrimination with the agency listed below: the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch. Individuals who wish to pursue filing with this agency should contact them directly to obtain further information about their processes and time limits:

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- 1. U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch.
Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, D.C. 20528
Phone: (202) 401-1474
Toll Free: 1 (866) 644-8360
www.dhs.gov/crci

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20. Language Access for individuals with LEP

a. The District provides free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency. In the event of a complaint, individuals with LEP will be provided translated services. (e.g. translated documents, oral interpretation, or information in alternate formats upon request).

b. The LEP individual will be provided language assistance via oral interpretation and written translation. The LEP individual will be notified of the following language services: e-by...

i. Language Line Services, Inc.
P.O. Box 202564
Dallas, TX 75320

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Oral Interpretation – 1 (800) 752-6096

Written Translation – www.language.com

c. Procedures on how to access language assistance services are posted on the District's website under "How Do I," in addition to the public message board located outside the front entrance of the administrative building.

d. The District will respond to the public's request for language assistance by:

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- i. Determining what language is being spoken through the U.S. Department of Homeland Security's "I Speak" document which is posted in the District's public reception lobby
- ii. Contact a current employee who speaks the language, if possible
- iii. Contact the vendor providing interpretation/translation services

21. Reasonable Accommodation Procedures in employment for persons with disabilities:

a. Contact the Human Resources Division five (5) business days prior to the need for reasonable accommodations at the following:

- 1. Phone: (916) 859-4535
- 2. Email: hr@metrofire.ca.gov

b. When requesting a reasonable accommodation, the following information will be required:

- i. Date the reasonable accommodation is needed
- ii. What type of reasonable accommodation is needed
- iii. Name of person in need of the reasonable accommodation
- iv. Contact information of the person in need of the reasonable accommodation.

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15.

References

- 1. Metro Fire Policy 01.004.02 Equal Employment Opportunity
- 2.1. Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.); Civil Code section 51 et seq.
- 3.2. The Age Discrimination in Employment Act of 1967 (ADEA) of 1967 (pub. L. 90-202), appears in volume 29 of the United States Code, beginning at section 621.

3. District Policy App - Equal Employment Opportunity Policy

4. District Policy App – Harassment Policy

5. District Policy App – Non-Retaliation Policy

Genetic Information Nondiscrimination Act (GINA)

6. The California Civil Rights Division

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7. The California Fair Employment and Housing Act (FEHA)

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8. The California Fair Pay Act

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9. The Pregnant Workers Fairness Act

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4. The Rehabilitation Act of 1973, Section 504

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11. The U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL)

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12. Title VII of the Civil Rights Act of 1964 (Title VII)

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13. Title IX of the Education Amendments of 1972 (Title IX)

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14. U.S. Department of Homeland Security, Regulation 6 C.F.R. Part 19

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The Pregnant Workers Fairness Act

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