

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 include 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.
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.
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 conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).
6. **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.
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.
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.

9. **Qualified Individuals with Disabilities:** An individual is considered a person with a disability if 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.
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.
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 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.
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.

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.
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.
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 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.
 - 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 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.
14. Responsibilities:
 - a. All District employees and/or individuals in any District workplace or worksite location shall be responsible for:
 - i. Maintaining a work environment free of discrimination complying with this policy.
 - 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.
 - 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:
 - i. Contacting the Human Resources Division immediately upon receiving a complaint or when made aware of a situation involving potential violations of this policy.
 - 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.
 - 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 EEOC.
- 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.
- 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 during 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 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 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:

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

- 21. 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.”

Procedures

- 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.
- 2. Job specifications shall be maintained current in terms of relationship between duties and responsibilities to requisite minimum employment standards. Job notices and advertisements posted or published to recruit applicants will contain the essential job functions including job-related physical requirements.
- 3. Employment applicants should have physical access to areas where applications are accepted.
- 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.

6. The District may not refuse to consider an applicant with a disability because the applicant's protected class prevents them from performing non-essential job duties. When requested, interviewers must arrange for special accommodations to facilitate the interview.
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 their assessment of an individual's eligibility for employment. An individual may only be denied employment if they 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.
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 their assigned job duties, and indicates the difficulty is due to a disability.
9. Promotional decisions must be based on the employees' merit and ability to perform the essential functions of the job.
10. The Human Resources Division shall have the overall responsibility for implementation of policies and procedures that address discrimination, harassment, equal employment opportunities, and retaliation.
11. In the event a discrimination complaint cannot be resolved informally; the employee may file a formal complaint in writing to the Chief Human Resources Officer.
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 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 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 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 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. 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:
 - 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.
 - 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:
 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

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
19. Clients, Patients, Customers, Vendors, or Members of the Public Complaint Procedures:
- a. Filing a Complaint with the District regarding Policy Violations:
 - 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.
 - 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
 - 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
 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."
 - b. Filing a Complaint with Outside Agencies:
 - 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:
 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

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

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:
 - 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.

References

1. Americans with Disabilities Act of 1990
2. Age Discrimination in Employment Act (ADEA)
3. District Policy App - Equal Employment Opportunity Policy
4. District Policy App – Harassment Policy
5. District Policy App – Non-Retaliation Policy
6. Genetic Information Nondiscrimination Act (GINA)
7. The California Fair Employment and Housing Act (FEHA)
8. The California Fair Pay Act
9. The Pregnant Workers Fairness Act
10. The Rehabilitation Act of 1973, Section 504
11. The U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL).
12. Title VII of the Civil Rights Act of 1964 (Title VII)
13. Title IX of the Education Amendments of 1972 (Title IX)
14. U.S. Department of Homeland Security, Regulation 6 C.F.R. Part 19