



**POLICIES AND PROCEDURES**  
**MONTGOMERY COUNTY**  
**DEPARTMENT OF FIRE AND RESCUE SERVICES**

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DATE	October 4, 1995
DIRECTOR APPROVAL	<i>[Signature]</i>

TITLE  
DISCRIMINATION

**PURPOSE**

- 1.0 To establish a policy to assure all Department of Fire and Rescue Services personnel a work environment free from discrimination and unlawful harassment.

**APPLICABILITY**

- 2.0 All DFRS personnel.

**DEFINITIONS**

- 3.0 Affirmative Action - Any action that is intended to correct the effects of past discrimination, eliminate present discrimination, or prevent discrimination in the future. This includes but is not limited to: recruitment, selection, performance appraisal, assignments, transfer, promotions, training, wage and salary, job classifications, benefits, conditions of employment, lay-off procedures, termination, and disciplinary action.

- 3.1 Discrimination - Federal, State, and County laws prohibit discrimination in employment. In particular, employment practices or procedures which limit or adversely affect employment opportunities on the bases of race, color, religion, sex, age, national origin and disability are prohibited. Employment practices and procedures that are covered by these laws include: advertising, recruitment, referrals, testing, hiring, assignment, transfer, promotion, training, disciplinary action, layoff and recall, termination, compensation, benefits and other terms, conditions, and privileges of employment.

Article 49-B of the Annotated Code of the State of Maryland and Chapter 27, Human Relations and Civil Liberties of the Montgomery County Code, are the State and Local laws prohibiting discrimination in employment. The bases covered are race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, and disabling conditions.



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3.2 Equal Employment Opportunity (EEO) - Employment practices within an employing organization under which individuals are not excluded from any participation, advancement, or benefits because of race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, and handicapping conditions or other factors which cannot lawfully be the basis for employment actions.

3.3 Human Relations Coordinators - Individuals appointed by the Director to develop and recommend Human Relations related programs. Human Relations Coordinators report to the Chief of the Bureau of Program Support Services. Other responsibilities of this position include:

- a. providing counseling in the area of Human Relations and/or Affirmative Action;
- b. investigating formal and informal complaints;
- c. advising the Director regarding employment policies and practices relating to Human Relations and Affirmative Action;
- d. participating in internal personnel management evaluations and special studies of employment practices as requested by the Director;
- e. selecting and training Human Relations counselors and oversee their program; and
- f. implementing conflict resolution and the mediation process.

3.4 Human Relations Counselors - individuals recommended by the Human Relations Coordinator(s) and appointed by the Director to:

- a. serve as a role model/mentor who is visible and accessible for any and all individuals who may have a need or concern for Human Relations/AA related issues;



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- b. respond to and address informal complaints and assist in the implementation of the Human Relations action plan;
- c. implement the conflict resolution and mediation process as soon as possible within the complaint process.

3.5 Harassment - Verbal or physical conduct that is sufficiently severe or pervasive to alter the conditions of a person's employment based on the reasonable person standard, and create an abusive working environment. Actions that constitute harassment include, but are not limited to:

- a. deliberate and/or repeated jokes, remarks, stories, gestures or conversations which are derogatory to race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, and disabling conditions;
- b. the display or circulation of graphic or written materials which are derogatory to race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, and handicapping conditions; or
- c. retaliation against employees for complaining about the behavior described above.

3.6 Offended Party - Individual(s) who is subjected to discrimination, harassment and/or sexual harassment as defined in Sections 3.0, 3.1, and 3.2 of this policy.

3.7 Offending Party - Individual(s) whose actions and/or speech is taken by another individual to be a form of discrimination, harassment and/or sexual harassment as defined in Sections 3.0, 3.1, and 3.2 of this policy.

3.8 Sexual Harassment - Harassment on the basis of sex is one form of sex discrimination prohibited by Federal, State and County laws. Sexual harassment involves verbal or physical conduct that is sufficiently severe or pervasive to alter the conditions of a person's employment based on the reasonable person standard and create an abusive working environment. Actions that constitute sexual harassment include, but are not limited to:



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- a. deliberate and/or repeated unsolicited verbal comments, gestures or physical contacts of a sexual nature which are unwelcome by the offended party and which a reasonable person would perceive to be hostile or abusive.
- b. preferential treatment of an employee in return for sexual favors;
- c. threats, promises, acts or suggestions, either direct or implied, which make the employee's acceptance or rejection of such conduct a condition of employment, or affects an employee's evaluations, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
- d. sexually harassing conduct in the workplace, whether committed by supervisory personnel or co-workers which creates an intimidating, hostile, or offensive work environment, and/or interferes with an individual's performance.

**POLICY**

- 4.0 DFRS will comply with all Federal, State and County laws and regulations regarding discrimination, and provide a working environment free of such discrimination.
- 4.1 DFRS will promptly investigate all allegations of discrimination brought forward and provide remedies in all proven incidents of discrimination or harassment.
- 4.2 Every effort must be made by all personnel to resolve complaints at the lowest possible level.
- 4.3 DFRS forbids the possession and/or use of sexually suggestive materials (pictures, printed materials, audio-visuals, graphics, etc.) in the working environment.



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- 4.4 All personnel must not be treated differently due to race, color, religious creed, ancestry, national origin, age, sex, marital status, sexual orientation, and handicapping conditions in all fire-rescue stations and in all activities for which DFRS is responsible.
- 4.5 Any personnel found guilty of committing acts in violation of this policy will be subject to disciplinary action up to and including dismissal.
- 4.6 Any individual who intentionally files a false complaint or falsifies a harassment or discrimination complaint will be subject to appropriate disciplinary action up to and including dismissal.
- 4.7 DFRS will take all steps necessary to protect the confidentiality of complainants and other involved parties.

## RESPONSIBILITY

- 5.0 All employees are responsible for assuring a non-discriminatory work environment. This includes being responsible for their own personal conduct, and reporting any observed discriminatory behavior to supervisory personnel.
- 5.1 An offended party is responsible for notifying the offending party when an act or behavior is perceived to be offensive.
- 5.2 All supervisory personnel are required to investigate, and when appropriate, implement corrective actions whenever any discriminatory acts are observed or reported.
- 5.3 Information or advice about possible cases of discrimination may be obtained from the Human Relations Coordinators.
- 5.4 Human Relations Coordinators are responsible for investigating complaints regarding discrimination, including sexual harassment.



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5.5 Human Relations Counselors are responsible for completing a conciliation form for all informal incidents mediated.

**PROCEDURE**

6.0 An individual who experiences any discrimination or a discriminatory act, including sexual harassment should:

- a. make it clear to the offending party that such an act or behavior is perceived to be offensive to the individual; and
- b. notify his/her supervisor as soon as possible.

6.1 If satisfaction is not obtained, the offended party should contact a Human Relations Counselor for additional guidance towards resolution.

6.2 The supervisor must begin fact finding of the incident. The fact finding will include notifying the offending party that a complaint has been lodged. Supervisors are encouraged to contact a Human Relations Counselor.

6.3 If satisfaction is not obtained at the Human Relations Counselor level, the offended party is encouraged to report all incidents of discrimination or harassment to the offending party's immediate supervisor, and a DFRS Human Relations Coordinator. To facilitate rapid resolution of complaints, this report should be filed as soon as possible to meet the time limits required by applicable Federal, State and local laws.

6.4 The formal complaint process includes:

- a. contacting the Human Relations Coordinator(s) through a counselor or personally;
- b. Filing a formal complaint stating all information specified on the Human Relations Complaint Intake Form.



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- 6.5 If the matter involves the supervisor, or the supervisor does not act on the matter, or it is beyond the capability or authority of the immediate supervisor to manage, a DFRS Human Relations Coordinator must be notified by the offended party as soon as possible to meet required time limits. In the absence of a Human Relations Coordinator, the employee's Bureau Chief must be contacted.
- 6.6 Written documentation must be maintained by the DFRS Human Relations Coordinator regarding any investigation and action on a discrimination complaint.
- 6.7 An employee may at any time seek advice from the Equal Employment Opportunity Office, Office of Personnel. The Employee may also utilize a formal complaint procedure to resolve a discrimination complaint. Such first-step formal complaint procedure should be filed through the Montgomery County Human Relations Commission, the State of Maryland Human Relations Commission, or the Federal Equal Employment Opportunity Commission.

**ATTACHMENTS**

- 8.0 Human Relations Intake Complaint Form.
- 8.1 Human Relations Mediation Form.

**CANCELLATION**

- 9.0 This policy cancels DRS Policy #507 entitled "Discrimination" issued December 9, 1991.

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DEPARTMENT OF FIRE AND RESCUE SERVICES  
MONTGOMERY COUNTY, MARYLAND

EEO COMPLAINT INTAKE FORM

Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

Bureau: \_\_\_\_\_ Station: \_\_\_\_\_ Shift: \_\_\_\_\_

Basis of Discrimination

- |                                     |  |   |
|-------------------------------------|--|---|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> National Origin | <input type="checkbox"/> Sexual Orientation         |
| <input type="checkbox"/> Age        | <input type="checkbox"/> Marital Status  | <input type="checkbox"/> Physical/Mental Disability |
| <input type="checkbox"/> Sex        | <input type="checkbox"/> Religion        | <input type="checkbox"/> Ancestry                   |

Nature of Discrimination

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Promotion                      | <input type="checkbox"/> Disciplinary | <input type="checkbox"/> Intimidation     |
| <input type="checkbox"/> Demotion                       | <input type="checkbox"/> Harassment   | <input type="checkbox"/> Layoff           |
| <input type="checkbox"/> Benefits                       | <input type="checkbox"/> Exclusion    | <input type="checkbox"/> Unfair Treatment |
| <input type="checkbox"/> Terms/Conditions of Employment |                                       |   |

Have you filed with any other Forum? (State, Union, etc.)  Yes  No

If yes, which one: \_\_\_\_\_

Dates of alleged discriminatory/harassing practices, procedures or incidents:

Person(s) who have allegedly discriminated against the complainant: \_\_\_\_\_

Explanation of charges: (use addendum if necessary) \_\_\_\_\_

Remedy you are seeking: \_\_\_\_\_





DEPARTMENT OF FIRE AND RESCUE SERVICES  
MONTGOMERY COUNTY, MD.

## EEO MEDIATION FORM

DATE: \_\_\_\_\_

COMPLAINT:

RESOLUTION:

Signatures:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Witness: EEO Counselor