

00-037 – Code of Conduct



Belgium Cold Springs Fire District POLICY

TITLE:	<i>Code of Conduct</i>
NUMBER:	<i>00-037</i>
SECTION:	<i>Policies</i>
ADOPTED:	<i>December 27, 2019</i>

REFERENCES

- [00-016 – Harassment Policy](#)
- [00-033 - Sexual Harassment Policy](#)
- [Sexual Harassment Complaint Form](#)
- [BCSFD Complaint Form](#)

DEFINITIONS

- **Chief Officer** – Member who has been elected to a Chief position. This includes the Chief and any/all assistant chiefs.
- **Line Officer** – Member who has been elected to an officer position of Lieutenant, Captain. Line Officers, when present, will typically occupy the right-front seat on calls.
- **Corporate Officer** – Member who has been elected to a position on the Belgium Cold Springs Fire Department Corporate Board of Directors. These positions included; President, Vice President, Treasurer, Secretary and all 3 Board of Directors.
- **Investigating Officer** – The Corporate Officer, Line Officer or Chief Officer who takes the initial complaint from another member, either verbally or written.

All personnel shall always conduct themselves in a professional manner. At no time will any personnel act in a way that discredits the Department, the District, yourself, other members or the fire service as a whole. All personnel shall conduct themselves in a manner that reflects proper ethical behavior and integrity.

It is important all members realize that by providing emergency service they are assuming a very serious obligation and responsibility. The Belgium Cold Springs Fire Department and District takes the protection of the residents, the health and safety of all of its members, and the health and safety of all persons with whom the Department comes in contact with very seriously.

All personnel shall:

- 1) Always conduct yourself, both on and off duty, in a manner that reflects positively on yourself, the Department, the District and the fire service in general.
- 2) Avoid any behavior or action that damage, or could damage, the reputation of the Belgium Cold Springs Fire Department and/or District or damages the morale or efficient operation of the Department and/or District.
- 3) Accept responsibility for your actions and for the consequences of your actions.
- 4) Support the concept of fairness and the value of diverse thoughts and opinions.
- 5) Avoid situations that would adversely affect the credibility or public perception of the Belgium Cold Springs Fire Department and/or District and fire service profession.
- 6) Be truthful and honest at all times and report instances of dishonest acts that compromise the integrity of the Belgium Cold Springs Fire Department and/or District.
- 7) Conduct personal affairs in a manner that does not improperly influence the performance of your duties or bring discredit to the Belgium Cold Springs Fire Department and/or District.
- 8) Be respectful and conscious of other's safety and welfare.
- 9) Recognize that you serve in a position of public trust that requires stewardship in the honest, efficient, responsible and appropriate use of publicly owned resources, including uniforms, facilities, vehicles and equipment.
- 10) Exercise professionalism, competence, respect and loyalty in the performance of your duties and use information, confidential or otherwise, gained by virtue of your position, only to benefit those we are entrusted to serve.
- 11) Never propose or accept personal reward(s), special privilege(s), benefit(s), advancement, honor(s) or gift(s) that may create a conflict of interest, or the appearance thereof.
- 12) Never discriminate on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual preference, medical condition or handicap.
- 13) Never harass, intimidate or threaten fellow members of the service or the public, or fail to report the actions of other members who are/have engaged in such behavior(s).
- 14) Be truthful and honest in all your dealings with, and on behalf of, the Belgium Cold Springs Fire Department and/or District.
- 15) Never use your Belgium Cold Springs Fire Department and/or District membership/affiliation to seek, obtain or gain influence, preference, advantage or advancement.
- 16) Hold in the highest regard honesty, character and integrity. Refrain from any violent or criminal behavior, crimes of moral turpitude that may compromise the integrity of the Belgium Cold Springs Fire Department and/or District.

Obedience to Orders

All personnel shall become familiar with the SOGs, policies, bylaws and other guidance of the Belgium Cold Springs Fire Department and/or District. Ignorance of these directives shall be no excuse for failure to perform or an excuse for a violation.

- 1) All personnel shall promptly and willingly respond to the lawful orders of those Officers appointed over them. Failure to do so shall be construed as an act of insubordination and the member shall be subject to disciplinary action. Obvious disrespect, by word or deed, shall also be construed as an act of insubordination and may result in disciplinary action against the member.
- 2) All personnel are restricted from public criticism of the orders and actions of the officers appointed over them. This is not meant to stifle legitimate discussion or learning opportunities. Gossip or negative talk without the intent of providing an improvement action is not productive and drags the professional reputation of the Department and/or District down and destroys morale. This conduct shall not be tolerated.
- 3) Any personnel issued an order they believe to be unsafe, illegal or immoral should respectfully decline to obey the order and shall clearly articulate their reason for refusing the order to the issuing officer. The member shall request the officer of the person issuing the order be contacted if the person issuing the order does not rescind or alter the original order. This article does not give the member the ability to refuse an order based on opinion or personal preference for specific tactics or techniques. This article only applies to situations where the order is legitimately considered to be unsafe, illegal or immoral.

Obligations of Chief Officers and Line Officers

- 1) Officers, and those acting as Officers, are restricted from the abuse of their authority.
- 2) No Officer, or those acting as Officers, shall assign work to personnel as punishment or to denigrate or embarrass them. Officers, or those acting as Officers, shall be mindful of their responsibility to accomplish their Fire Department and/or District mission while ensuring the welfare and safety of those assigned under them.
- 3) Every officer, whether on or off duty, shall enforce all the rules of the Department and/or District without regard to duty status, personal friendship, or other factors. All rules shall be enforced fairly and impartially on all members. Failure to do so shall constitute a breach of the oath of office.

Use of District and/or Department Equipment

No equipment shall be removed from a fire station without a Chief being notified and the member receiving appropriate permission. No equipment may be stored in a member's home or car for any reason. Any tool(s) or equipment approved for borrowing are to be written on the board in the Station with the following information:

1. Your name.
2. Tool/equipment being removed from the station.
3. Date.
4. When you will return the tool and or equipment.

All equipment and/or tools borrowed from the Fire Department and/or District shall be returned to the station in the event there is an alarm. It is the purpose of this department to have all equipment and tools ready for service if needed to mitigate an emergency. All equipment and tools are to be returned in working order, cleaned and returned to service.

Members may have limited use of District and/or Department equipment for use to wash personal vehicles.

Members may take Fire Department apparatus to local restaurants and stores if they have an appropriate crew for the vehicle and prior approval from a chief.

1. Personnel shall avoid any restaurants that are not "family" oriented and if that establishment serves alcoholic beverages, they shall not commingle with any other personnel who are consuming alcoholic beverages.
2. Personnel shall respond to all alarms without delay. Crew requirements are described in the SOGs for Engine Companies, Truck Companies, Rescue Companies and Squad Companies.
3. Should a crew be standing by at one of the Stations and need to purchase groceries for a meal, use of apparatus is also allowed for this purpose. The apparatus shall be parked in the parking lot and away from the main entry of the store to avoid any public apprehension or perception that an alarm is in progress.
4. The Driver/Operator of the vehicle should stay with the apparatus while the other crew members are permitted to enter the store to purchase food. The crew members who enter the store shall remain in communication with the apparatus at all times.
5. All members of the crew using apparatus in such manner as described, whether for a meal or to purchase groceries, should be in proper work uniform.
6. Members shall not enter any establishment in bunker gear while using apparatus in this manner.

Personal Appearance

1. All personnel shall ensure their personal appearance is such that it does not create a safety issue or bring discredit upon the Department and/or District.
2. For safety reasons, as well as to provide a professional appearance, any non-uniform item worn with bunker gear on a call/detail or any other event, shall be reasonable and will not display any vulgarity or offensive language or pictures.

Harassment

The Belgium Cold Springs Fire Department and District are committed to maintaining an environment that is free of harassment for all personnel. Harassment in any setting in which members find themselves in connection with their membership or duties on behalf of the Department and/or District, including sexual harassment, will not be tolerated. Harassment based on race, color, disability, religion, age, sexual orientation/preference, and national origin in matters pertaining to membership is also prohibited by law and will not be tolerated. All personnel of the Belgium Cold Fire Department and/or District will be expected to adhere to this policy both on and off duty.

Non-Retaliation Policy

The Belgium Cold Springs Fire Department and/or District will not retaliate, or permit retaliation, against any person for either bringing forward a complaint or participating in an investigation. It should be noted that any act of retaliation, including threats of, or attempts at, retaliation is considered an act of misconduct and will be addressed in accordance with the Department's and/or District's disciplinary procedures. Every reasonable effort will be made to handle complaints in a confidential manner, however, disclosure of identifying information concerning complaint allegations may need to occur in order to complete an investigation.

Complaint Process

- 1) There are two methods for reporting a complaint:
 - a. Informal – complaint is made verbally to a Corporate Officer, Line Officer or Chief Officer.
 - b. Formal – complaint is made in writing using the Sexual Harassment Complaint Form or the BCSFD Complaint Form.

Type of Complaint	Who To Contact
Sexual Harassment	Please see 00-033 - Sexual Harassment Policy for more information on reporting.
Harassment	Please see 00-016 – Harassment Policy for more information on reporting
Code of Conduct	Please contact any Line Officer, Chief Officer or Corporate Officer
Firematic Malfeasance	Please contact any Line Officer or Chief Officer

- 2) **The Belgium Cold Springs Fire District is the authority having jurisdiction over the Belgium Cold Springs Fire Department at all times when the Department is engaged in emergency response or District sanctioned drills, trainings, details or other official business. Consequently all complaints and/or concerns including but not limited to: safety (including response, scene or station safety), misconduct, incompetence, or insubordination that occurs on or in the course of a dispatched call, mutual aid, or other official district business such as drills, training or details) shall be brought to the Board of Fire Commissioners via the chain of command.**

- 3) If you have a complaint:
 - a. Any personnel may ask to speak to any Corporate Officer or Line Officer assigned to their station.
 - i. If complaint is with/about a Line Officer, you can speak to a Chief Officer.
 - ii. If complaint is with/about a Corporate Officer, you can speak to another Corporate Officer on the Executive Board of the Fire Department.
 - b. Lieutenants who have a complaint pertaining a Captain may ask to speak to the Assistant Chief assigned to that station.
 - c. Captains who have a complaint pertaining an Assistant Chief may ask to speak to the Chief.
 - d. Assistant Chiefs who have a complaint pertaining the Chief may ask to speak to a Corporate Officer.
 - e. Members who have a complaint pertaining a Corporate Officer may ask to speak to the President of the Belgium Cold Springs Fire Department.
 - f. Members who have a complaint pertaining to the President of the Belgium Cold Springs Fire Department may ask to speak to another Corporate Officer.

- 4) The Investigating Officer will meet with you privately, as soon as practical, to discuss your complaint. Your complaint will be received in a polite, professional manner and you are expected to conduct yourself in a similar manner. If your conduct is considered inappropriate, the Officer may insist that you return at another time to discuss the complaint.
- 5) The Investigating Officer will attempt to identify the exact nature of your complaint and the identity of those involved.
 - a. **If it is determined that the complaint is Sexual Harassment or Harassment in nature, the matter will be forwarded to the District Secretary and the Board of Fire Commissioners immediately for further action.**
- 6) If appropriate, the Investigating Officer will resolve the matter directly.
- 7) If appropriate, or at your insistence, the Investigating Officer will begin the formal Internal process.
- 8) With serious complaints of misconduct, the Investigating Officer will take an initial statement from the complainant and then refer the incident to the Executive Board or Chief, or Board of Fire Commissioners for a formal investigation.
- 9) Once the involved individuals are interviewed and all the facts gathered, the matter will be presented to the Executive Board or the Board of Fire Commissioners.
- 10) The Executive Board or the Board of Fire Commissioners will determine, based on a preponderance of the evidence, whether or not the member violated the Code of Conduct.
- 11) If the Executive Board or the Board of Fire Commissioners finds that the member did violate the Code of Conduct discipline will be assigned in accordance with the Department's bylaws or General Municipal Law.
- 12) Complaint and subsequent investigation and/or findings should be documented and placed in:
 - a. Department Secretary will place a copy in the membership folder for each party involved.
 - b. Department Secretary will forward copies of all documents to the District Secretary.
 - c. District Secretary will place a copy of the documents in the District Personnel Folder for each party involved.

Adopted: December 27, 2019

Amended: _____



BCSFD Complaint Form

Please fill out the form below (attach any additional pages as needed for narratives) and submit the signed/dated form to a Chief, Line Officer, Executive Board Member, District Secretary or Commissioner.

The Belgium Cold Springs Fire District is the authority having jurisdiction over the Belgium Cold Springs Fire Department at all times when the Department is engaged in emergency response or District sanctioned drills, trainings, details or other official business. Consequently all complaints and/or concerns including but not limited to: safety (including response, scene or station safety), misconduct, incompetence, or insubordination that occurs on or in the course of a dispatched call, mutual aid, or other official district business such as drills, training or details) shall be brought to the Board of Fire Commissioners via the chain of command.

1.0 COMPLAINANT

1.1 Name of Complainant: _____

1.2 Phone Number: _____

1.3 Email: _____

1.4 Today's Date: _____

2.0 ACCUSED

2.1 Name of Accused: _____

2.2 Phone Number: _____

2.3 Email: _____

3.0 DETAILS OF INCIDENT

3.1 Date of Incident: _____

3.2 Where did the specific incident occur? _____

3.3 Please explain the events that occurred:

3.4 How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

3.5 Describe the harm you have suffered as a result of the event:

3.6 Has this ever happened before? If yes, please explain below:

3.7 Were there any witnesses to this specific event. If yes, please provide their names.

3.7 Is there any physical evidence that supports your complaint? If yes, please describe or attach copy of evidence.

4.0 AFFIDAVIT

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence Belgium Cold Springs Fire Department and/or District deems relevant.

Signature of Complainant

Date:

Please return this form to any Chief Officer, Line Officer, Executive Board Member (Corporate Officer), Commissioner or District Secretary and have them complete section 5.0 below.

5.0 SUBMISSION (to be completed by the BCSFD Officer receiving the complaint form)

Receiving Officer Name (print): _____

Date Complaint Form Received: _____

Receiving Officer Signature: _____

DRAFT

00-016 - Harassment



Belgium Cold Springs Fire District POLICY

TITLE:	<i>Harassment</i>
NUMBER:	<i>00-016</i>
SECTION:	<i>Policies</i>
ADOPTED:	<i>September 15, 2008</i>
REVISED:	

REFERENCES

- [00-016 – Harassment Policy](#)
- [00-033 - Sexual Harassment Policy](#)
- [Sexual Harassment Complaint Form](#)
- [BCSFD Complaint Form](#)

DEFINITIONS

- **Chief Officer** – Member who has been elected to a Chief position. This includes the Chief and any/all assistant chiefs.
- **Line Officer** – Member who has been elected to an officer position of Lieutenant, Captain. Line Officers, when present, will typically occupy the right-front seat on calls.
- **Corporate Officer** – Member who has been elected to a position on the Belgium Cold Springs Fire Department Corporate Board of Directors. These positions included; President, Vice President, Treasurer, Secretary and all 3 Board of Directors.
- **Investigating Officer** – The Corporate Officer, Line Officer or Chief Officer who takes the initial complaint from another member, either verbally or written.

The Belgium Cold Springs Fire Department and District are committed to maintaining an environment that is free of harassment for all personnel. Harassment in any setting in which members find themselves in connection with their membership or duties on behalf of the Department and/or District including sexual harassment, will not be tolerated. Harassment based on race, color, disability, religion, age, sexual

orientation/preference, and national origin in matters pertaining to membership is also prohibited by law and will not be tolerated.

What is Harassment?

With intent to harass, annoy or alarm another person. Strike, shove, kick or otherwise subject another person to physical contact, or attempt or threaten to do the same. Follow a person in or about a public place or places. In a course of conduct or repeatedly commit acts which alarm or seriously annoy another person and which serve no legitimate purpose.

What is Aggravated Harassment?

With intent to harass another person. Communicate or cause a communication to be initiated, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, a person, or a member of such person's same family or household and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household.

With intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication. With the intent to harass, annoy, threaten or alarm another person, strike, shove, kick, or otherwise subject another person to physical contact, or attempt or threaten to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct.

Sexual Harassment Policy

Please see BCSFD Sexual Harassment Policy - [00-033 - Sexual Harassment Policy](#)

Responsibility

All members have a responsibility for keeping our environment free of harassment. Any member who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to a Chief Officer, Line Officer, Corporate Officer, Commissioner or District Secretary. When the organization becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants to do so.

Reporting

The Belgium Cold Springs Fire District is the authority having jurisdiction over the Belgium Cold Springs Fire Department at all times when the Department is engaged in emergency response or District sanctioned drills, trainings, details or other official business. Consequently all complaints and/or concerns including, but not limited to: safety (including response, scene or station safety), misconduct, incompetence, or insubordination that occurs on or in the course of a dispatched call, mutual aid, or other official district business such as drills, training or details shall be brought to the Board of Fire Commissioners via the chain of command.

Any incidents of harassment must be immediately reported to Line Officer, Chief Officer, Corporate Officer, Commissioner or District Secretary. All reports will be promptly investigated with due regard for privacy of everyone involved. Any member found to have harassed a fellow member or subordinate will be subject to severe disciplinary action or possible discharge. The Fire Department and/or District will also take any additional action necessary to appropriately remedy the situation. No adverse action will be taken for any member making a good faith report of alleged harassment.

The Fire District and Fire Department accept no liability for harassment of one member by another member. The individual who makes unwelcome advances, threatens or in any way harasses another member is personally liable for such actions and their consequences. The Fire District will not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

Amended: _____

DRAFT

Introduction

The Belgium Cold Springs Fire District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Belgium Cold Springs Fire District's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Belgium Cold Springs Fire District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. The Belgium Cold Springs Fire District's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteer firefighters, contractors and persons conducting business, and non-employees regardless of immigration status, with the Belgium Cold Springs Fire District. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Belgium Cold Springs Fire District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Belgium Cold Springs Fire District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, volunteer firefighters or non-employees² working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the **Chairperson** of the Board of Fire Commissioners. All employees, paid or unpaid interns, volunteer firefighters or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Belgium Cold Springs Fire District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

5. The Belgium Cold Springs Fire District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Belgium Cold Springs Fire District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Belgium Cold Springs Fire District will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the **Chairperson** of the Board of Fire Commissioners. **If the complaint is against the Chairperson, the claim should be made to another Fire Commissioner.**
8. This policy applies to all employees, paid or unpaid interns, volunteer firefighters and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable. To meet the posting requirement the policy or the accompanying poster will be posted in the office of the Board of Fire Commissioners and the Office of the Chief of Department. It is suggested that Company Captains post a copy of the policy or poster in their office. A copy of the policy will be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. The Belgium Cold Springs Fire District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, volunteer firefighter or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the **Chairperson** of the Board of Fire Commissioners. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the **Chairperson** of the Board of Fire Commissioners. **If the complaint is against the Chairperson, the complaint should be directed to any other Fire Commissioner.**

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns, volunteer firefighters or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the **Chairperson** of the Board of Fire Commissioners. **If the complaint is against the Chairperson, the complaint should be directed to any other Fire Commissioner.**

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Belgium Cold Springs Fire District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the **Chairperson** of the Board of Fire Commissioners, **or alternate**, will appoint a person holding a supervisory position in the district or department, District Counsel, or a special outside investigator to conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. Persons that are the subject to complaints or witnesses to the conduct complained of will not be assigned to investigate a complaint. If a complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Belgium Cold Springs Fire District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Belgium Cold Springs Fire District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the **alleged (remove alleged)** sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Belgium Cold Springs Fire District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

The adoption of the foregoing policy in the form of a resolution was duly put to a vote and upon roll call the vote was as follows:

Chairman Rotelli
Commissioner Thompson
Commissioner Stone-Quinn AYES
Commissioner Patterson
Commissioner Mirizio

The resolution was thereupon duly adopted.

Dated: Baldwinsville, New York

October 15, 2018

Adopted October 15, 2018

Amended _____

Belgium Cold Springs FD Complaint Form for



Combating
Sexual Harassment

Belgium Cold Springs Fire District

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your supervisor or to the **Chairperson** of the Board of Fire Commissioners at the Fire District office located 8435 Loop Road, Baldwinsville, New York 13027. Please submit your complaint on this form to your supervisor or if it is to be filed with the **Chairperson**, submit the form to the office staff in a sealed envelope marked "Confidential Report to the Chairman of the Board of Fire Commissioners". **If your complaint is against the Chairperson, you should submit your complaint to any other Fire Commissioner.** You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your supervisor should complete this form, provide you with a copy and follow our sexual harassment prevention policy by submitting the claim for investigation to the **Chairperson** of the Board of Fire Commissioners, **or another Commissioner as proscribed above.**

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____

Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____

Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

Adopted October 15, 2018
Amended _____

Belgium Cold Springs FD Complaint Form for



Combating
Sexual Harassment

Belgium Cold Springs Fire District

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your supervisor or to the **Chairperson** of the Board of Fire Commissioners at the Fire District office located 8435 Loop Road, Baldwinsville, New York 13027. Please submit your complaint on this form **to** your supervisor or if it is to be filed with the **Chairperson** submit the form to the office staff in a sealed envelope marked "Confidential Report to the Chairman of the Board of Fire Commissioners". **If your complaint is against the Chairperson, you should submit your complaints to any other Fire Commissioner.** You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your supervisor should complete this form, provide you with a copy and follow our sexual harassment prevention policy by submitting the claim for investigation to the **Chairperson** of the Board of Fire Commissioners, **or another Commissioner as proscribed above.**

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____

Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____

Work Address: _____

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ *Date:* _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.

00-009 Travel



Belgium Cold Springs Fire District POLICY

TITLE:	<i>Policy Name</i>
NUMBER:	<i>00-009</i>
SECTION:	<i>Policies</i>
ISSUE DATE:	<i>July 22, 2019</i>
REVISED DATE:	

1.0 PURPOSE

- 1.1 This policy is intended to give guidance to Fire District and Fire Department personnel who travel for activities related to the Belgium Cold Springs Fire District and Fire Department.

2.0 SCOPE

- 2.1 This policy covers travel for activities which are actual and necessary related to the Belgium Cold Springs Fire District and Fire Department and applies to all members, employees and Fire Commissioners.

3.0 REFERENCES

4.0 DEFINITIONS

5.0 ROLES AND RESPONSIBILITIES

- 5.1 All members, employees and Fire Commissioners are to follow the procedures as outlined in this policy.

6.0 PROCEDURE

- 6.1 Prior approval of travel by the Chief and/or Board of Fire Commissioners is necessary.
- 6.2 Travel shall be undertaken in the least expensive way. If there is deviation from the cheapest way, explanation must be attached, and prior approval received. If alternative travel is still desired, the member shall pay the difference in cost. When air travel is chosen, the cheapest reasonable fare shall be secured.
- 6.3 Whenever reasonably possible, travel shall be shared to minimize expenses. Reimbursement for use of personal vehicle shall be at the current Federal mileage rate.
- 6.4 Members will be expected to take reasonable hotel/motel accommodations. If a member chooses to stay at a private (friend or relative) establishment, the District will not pay for

stay in lieu of hotel. There will be no reimbursement for movies, room service, excessive tipping, expenses of others, alcohol, expenses outside of approved travel dates, expenses related to non-business purposes.

- 6.5** A daily per diem for meals will not exceed published GSA guidelines. On occasions where the per diem would exceed the allowed amount, special prior approval is necessary; and will be handled on a case by case basis.
- 6.6** Proof of attendance at event is required, and an explanation of activities of each day shall be provided.
- 6.7** Whenever possible, utilize the Fire District Tax Exempt status. Travel arrangements may be made by the District Secretary to facilitate the Tax Exempt status.
- 6.8** The Authorization and Expenses (Meetings-Conferences-Travel Form) shall be submitted along with actual receipts and Fire District Voucher; within 60 days of the travel.

7.0 REVISION HISTORY

- 7.1** Policy adopted October 17, 2005
- 7.2** Policy reaffirmed February 22, 2016
- 7.3** Policy amended _____

BELGIUM COLD SPRINGS FIRE DISTRICT
TRAVEL AUTHORIZATION AND EXPENSES

(MEETINGS-CONFERENCES-TRAVEL)

Name _____

Event _____

Location of Event _____

Event Date(s) _____

Attach receipts for all expenditures:

Registration: _____ Room: _____

Food: _____ Tips: _____

Total: _____

Mileage: _____ miles (Treasurer will calculate)

Member signature: _____

Authorization for attendance: _____

(Chief or authorized Officer)

Explanation and/or necessary details pertaining to activity: _____

Note: Completed Fire District Voucher and receipts must accompany this form.

Revised 5-2022

DRAFT