




# PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

<b>General Order Number:</b> 11-06	<b>Effective Date:</b> July 7, 2021
<b>Division:</b> Personnel Management	
<b>Chapter:</b> Equal Employment Opportunity (EEO) Policy	
<b>By Order of the Fire Chief:</b> Tiffany D. Green 	<b>Issue Date:</b> July 7, 2021

## **POLICY**

The Prince George's County Fire/Emergency Medical Services (EMS) Department prohibits harassment, discrimination, and retaliation due to protected classes. Likewise, county, state, and federal law prohibit the same. This General Order establishes the Department's Equal Employment Opportunity (EEO) Policy, outlining the procedures, responsibilities, and expectations of conduct to create a work environment that complies with applicable laws and regulations. Likewise, the EEO Policy affirms the Department's commitment to promoting diversity, equity, and inclusion. These ideals are central to the Department's mission.

## **DEFINITIONS**

**Complainant** – A current or former personnel member or applicant for a position who contacts a supervisor, EEO Officer, or EEO Liaison to report a complaint on his or her own or another person's behalf. Applicants may also report complaints to a selecting official or Human Resources personnel member.

**Department** – The Prince George's County Fire/EMS Department and any of its organizations, sections, divisions, and affiliations, including volunteer corporations.

**Discrimination Claim** – An adverse action, conduct, practice, or policy that results in:

1. Disparate treatment of a person(s) due to the person(s)'s protected class.
2. Disparate impact on a protected class.
3. Retaliation where the actions effect disparate treatment or impact.

Harassment, harassing conduct, and retaliation (where the actions effect harassing conduct or harassment) are also commonly known as discrimination claims. Under this EEO Policy, however, they are described and processed differently.

**EEO Liaison** – A Volunteer Corporation-appointed member, registered with the EEO Officer, who may engage in certain tasks, including engaging in the EEO complaint process, EEO training sessions, and mediations, if properly trained and certified. EEO Liaisons are regulated within the Department's *General Order 11-17, Conflict Resolution Policy*.

**EEO Officer** – A career, civilian personnel member authorized by the Fire Chief to oversee the Department's EEO programs.



## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

**EEO Personnel** – Includes the EEO Officer, EEO Liaisons, and other Department members designated by the EEO Officer or Fire Chief.

**External Complaint Process** – The EEO process used by a complainant outside the Department.

**Final Determination** – The final document produced by a supervisor, EEO Officer, or EEO Liaison as a result of the inquiry or formal investigation process that includes a summary of the allegations, classification of findings, and recommendations, including any disciplinary referrals.

**Formal Investigation** – Part of the internal complaint process, including gathering statements by recorded oral interview or signed written declaration, obtaining relevant documentation, and compiling applicable statistics.

**Harassing Conduct** – Unwelcome or unwanted verbal or physical conduct related to a protected class when the behavior can reasonably be considered to adversely affect the work environment. Harassing conduct also includes any decision of a supervisor or other person with authority affecting the terms, conditions, or privileges of employment of a person based upon a person's acceptance or rejection of harassing conduct. Harassing conduct may or may not rise to the level of "severe or pervasive."

**Harassment** – When enduring harassing conduct becomes a condition of continued employment or when such conduct rises to the level of "severe or pervasive." Harassment violates EEO laws.

**Intake** – An initial conversation with a supervisor, EEO Officer, or EEO Liaison that may or may not be documented. A supervisor, EEO Officer, or EEO Liaison may attempt to resolve the issue at the intake phase of the complaint process, if appropriate. Personnel may complete an intake in-person, verbally, or in writing by completing an intake form.

**Internal Complaint Process** – The Department's internal procedures used to process EEO complaints. The process includes the intake, informal investigation, inquiry, and formal investigation processes and any reports of investigation and proposed or final determinations.

**Informal Investigation** – Used when processing a discrimination claim and includes initial settlement discussions, including negotiation, internal or external mediation, or another process designed to resolve a complaint.

**Inquiry** – A less-formal, documented conversation between a supervisor, EEO Officer, or EEO Liaison and a complainant or targeted member. A supervisor, EEO Officer, or EEO Liaison may also document conversations between them and any respondent(s) or other direct witnesses.



## PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

**Mediation** – A voluntary, informal, confidential, structured discussion engaged in to resolve issues and complaints. Participants may include combinations of: a complainant, a respondent, a supervisor, or any current, former, or prospective members, and a neutral, third-party, certified mediator(s).

**Member** – Any person affiliated with the Department including:

1. Career persons, both sworn (firefighter/EMTs, firefighter/paramedics, and all associated supervisory or other rankings) and civilian (administrative).
2. Volunteers including operational, administrative, and other non-operational persons (i.e., those who participate in an auxiliary or other related Department-related organization).

**Proposed Determination** – The document produced by a supervisor, EEO Officer, or EEO Liaison at the conclusion of an inquiry or formal investigation that includes a proposed summary of the allegations, classification of findings, and recommendations, including any disciplinary referrals.

**Protected Class(es)** – Characteristics of a person that include race, national origin, religion, color, age, sex, political opinion, personal appearance, including hair texture or style, marital status, familial status, mental or physical disability, genetic information, sexual orientation, gender identity, occupation, and/or pregnancy. The Department interprets each of these terms as defined under applicable county, state, and federal laws.

**Report of Investigation** – The document produced by EEO personnel that includes a summary of a formal investigation and evidence gathered. Reports of Investigation are provided to the Fire Chief and may also be submitted to the Office of Professional Standards, if related to a Code of Conduct violation.

**Respondent** – A member or other person outside the Department accused of an EEO violation or harassing conduct.

**Retaliation** – An adverse action, conduct, practice, or policy taken due to a person's EEO activity or reasonably opposing conduct made unlawful by an EEO law.

**Supervisor** – Any member who has authority over another member, including the authority to direct daily tasks, issue performance appraisals, give discipline, and provide awards.

**Targeted Member** – Any member who is the alleged recipient of harassing conduct, discrimination, or retaliation, regardless of whether the member reports the same.



**PROCEDURES / RESPONSIBILITIES**

**I. General Provisions**

- A. All members must conduct themselves in accordance with the Department's EEO Policy and all other federal, state, and county anti-discrimination laws. The Department recognizes that the principles of diversity, equity, and inclusion are central to its mission and greatly impact the services the Department provides. Members should likewise recognize the benefits of and adhere to these principles.
- B. In all decisions affecting members, supervisors must:
  - 1. Refer to objective professional standards (i.e., knowledge, skills, abilities, experience, and education).
  - 2. Comply with EEO laws and regulations.
  - 3. Factor in the Department's diversity, equity, and inclusion objectives.
- C. This EEO Policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace or nexus to Department operations, such as any field location, offsite business-related social function, County vehicle, or facility where County government business is being conducted and discussed.
- D. This EEO Policy applies to social media activity as defined within *General Order 11-29, Social Media and Publication Policy*.

**II. General Responsibilities**

- A. Members must yearly:
  - 1. Complete a one-hour EEO training approved by the Fire Chief or his/her designee;
  - 2. Review this General Order;
  - 3. Submit an acknowledgment form after completing the requirements.
- B. Supervisors must yearly:
  - 1. Complete EEO training for supervisors approved by the Fire Chief or his/her designee;
  - 2. Review this General Order;
  - 3. Submit an acknowledgment form after completing requirements 1 and 2;
  - 4. Provide members with copies of or links to this General Order; and
  - 5. Ensure that all members complete required EEO training and submit an acknowledgment form to the EEO Officer. An acknowledgment form is in Target Solutions and Appendix E of this General Order.



## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

### **C. Other provisions:**

1. When a supervisor, EEO Liaison, or EEO Officer receives a complaint, they shall first determine whether to process the complaint under the harassing conduct or discrimination/retaliation procedures described herein under sections III and VI. A flow chart and claim outline is included within Appendix D of this General Order. On a claim-by-claim basis, the EEO Officer may modify any resolution or complaint process to fit the facts or needs of a specific situation.
2. Confidentiality of the internal processes is limited. EEO personnel will secure all information and may share information on a strict, need-to-know basis. EEO personnel will strive to protect the due process rights of all parties involved. If the matter revealed alleges a violation of the Department's Code of Conduct, EEO personnel may investigate the violation or in the EEO Officer's discretion, refer it to the Office of Personnel Standards; this may require divulging member names or other information. EEO personnel must reveal confidential information in the event of a Violence in the Workplace allegation.
3. Members shall promptly contact a supervisor, EEO Officer, or EEO Liaison if a member has experienced discrimination, harassing conduct, or retaliation within 30 days of the discriminatory event or when the member learns of the discrimination, to allow the Department an opportunity to internally process the claim within its goal of 165 days. The EEO Officer shall dismiss internal claims brought after 90 days of the discriminatory event or when the member learns of the discrimination. The EEO Officer retains the discretion to investigate such claims in an effort to obtain background or behavioral evidence relevant to a timely complaint. The EEO Officer may also dismiss any claims for non-responsiveness by the Complainant, in the Officer's discretion, and if the Officer provides a written, 10-day notice of dismissal/cessation of case processing to the complainant.
4. Members, including volunteer corporations, are responsible for fully participating in any EEO process. Non-participation by any respondent, witness, or alleged responsible official, including refusal to meet or answer questions, may subject the member to disciplinary or other action. The supervisor, EEO Officer, or EEO Liaison may inquire about or formally investigate any matter; EEO internal processes are not limited to the allegations in the initial notification.
5. If a member or volunteer corporation is represented, the member or corporation must file a notice of representation, including the representative's contact information, with the EEO Officer within 15 days of the commencement of the representation. Representation does not affect the obligation to participate in the EEO process.



## PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

6. Members may request reasonable accommodations to enable the member to perform the essential functions of a job or to enjoy equal benefits and privileges as other similarly-situated members, so long as the accommodation does not create an undue hardship for the Department. Accommodations may be requested for:
  - a) Disabilities under *General Order 08-24, Reasonable Accommodation Requests by Employees and Volunteers* or the Department's *Training & Leadership Academy Standard Operating Procedures, Division 01, Chapter 02, Reasonable Accommodations Policy*.
  - b) Pregnancy, childbirth, and related medical conditions.
  - c) Expression of milk in the workplace under *General Order 08-04, Lactation Policy*.
  - d) Religious beliefs, observances, and practices.
  - e) Persons enduring domestic violence, sex offenses, or stalking situations.
7. Supervisors, including those working other than at their regular duty location or duty hours must:
  - a) Notify the EEO Officer within 24 hours when the supervisor observes or otherwise learns of harassing conduct, discrimination, or retaliation. Supervisors who receive a report while off-duty or on extended leave may refer the person making the report to the EEO Officer. Failure to timely report conduct to the EEO Officer under this provision may subject the supervisor to penalties including a downgrade on their performance appraisal or discipline, up to and including dismissal. Volunteer officials may be subject to operational removal or other penalties described within this General Order at Section III.F.
  - b) Ensure the immediate safety of all personnel. Supervisors must stop or prevent the harassing conduct, discrimination or retaliation. Supervisors shall prevent the destruction of any evidence. Supervisors must likewise prevent any retaliation as described herein.
  - c) Follow the procedures specific to situations outlined within this General Order, at Section III.F.
  - d) Ensure that the supervisor or EEO personnel conduct an initial intake or inquiry. When a complainant makes a report, a supervisor, EEO Officer, or EEO Liaison will engage in an intake, collecting basic information. The conversation may or may not be documented. Information gathered is for tracking purposes, and intakes may be completed verbally or in writing via the EEO intake form, located within the EEO Resources file in Target Solutions, or Appendix C of this General Order. After conducting the intake, the supervisor, EEO Liaison or EEO Officer must determine whether to process the claim under Section III or VI within this General Order.
8. The EEO Officer will decline to formally process any complaints about internal EEO complaint processing, also known as "spin-off complaints." Members may contact the EEO Officer for informal complaints of actions taken by an EEO Liaison, and the EEO Officer may seek to negotiate or mediate issues relating to such process or assume control of the complaint process.





### **III. Harassment/Harassing Conduct**

- A. In addition to illegal harassment, harassing conduct is prohibited within the Department. Members engaging in harassing conduct are subject to discipline, up to and including removal from the Department. Examples of harassing conduct are located within Appendix A of this General Order.
- B. Harassing conduct not related to a protected class or reported after the Department's 90-day deadline may be referred to the Office of Professional Standards for further processing.
- C. The Department acknowledges Prince George's County's 14-day goal for investigating sexual harassment under Administrative Procedure 221. Due to the Department's scheduling realities, usage of shift work, and the nature of comprehensive investigations, the Department determines the procedures and time frames within this General Order are fair and necessary for producing quality outcomes and reports.
- D. In harassing conduct situations, members must:
  - 1. First ask the harasser to stop or request that a supervisor or EEO personnel ask the harasser to stop.
  - 2. Report any incidents of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute harassment. Members may report harassing conduct to a supervisor, EEO Officer, or EEO Liaison. Failure to report harassing conduct may be used by the Department as a defense against a lawsuit for harassment. Members may report harassing conduct via the EEO Intake Form, at Appendix C.
  - 3. Report incidents of harassing conduct of which personnel observe or otherwise become aware. Members who fail to report may be subject to discipline.
- E. In harassing conduct situations, supervisors must:
  - 1. Contact the EEO Officer within 24 hours of observing or learning of an incident of harassing conduct.
  - 2. Provide interim relief to the alleged complainant or targeted member of the harassing conduct.
  - 3. Ensure no retaliation.
  - 4. Document the allegation(s) observed or received and any efforts to address the same.
  - 5. Share information obtained with the EEO Officer for tracking or investigative purposes.



## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

### **F. Internal EEO Complaint Process—Harassing Conduct or Retaliation involving Harassing Conduct:**

1. After conducting an intake and determining to use the harassing conduct process, a supervisor, EEO Officer, or EEO Liaison must determine whether to use the inquiry or formal investigation process, depending on the severity or other aspects of the conduct. Any informal resolution efforts will be concurrent with and not in lieu of any inquiry or formal investigation due to potential Code of Conduct violations. The EEO Officer may share with, and the Office of Professional Standards may consider, any written settlement agreement when evaluating recommendations or imposing discipline.
2. Inquiry
  - a) Inquiries may be used for minor offenses and are intended to be a very quick, informal process. Examples of minor offenses are if the conduct is a comment made in jest, a comment related to “reclaiming” a historically offensive term, an “off-the-cuff” or “under the breath” remark, or other conduct that was one instance of a less-severe nature. If a supervisor, EEO Officer, or EEO Liaison is unsure whether conduct is minor or moderate, the person should process the conduct as moderate. Inquiries often have no complainant. Inquiries should be completed within 60 days of the initial report or conduct.
  - b) A supervisor, EEO Officer, or EEO Liaison may conduct inquiries and will document conversations or gather direct, relevant statements from the complainant(s), targeted member(s), respondent(s), and other direct, relevant witnesses. The supervisor, EEO Officer, or EEO Liaison should generate an inquiry report that includes documented conversations and written statements.
  - c) A supervisor, EEO Officer, or EEO Liaison may classify any inquiry findings and may but need not prepare a notice of proposed or final determination.
  - d) All inquiries and related documents, including any inquiry reports, statements gathered, findings regardless of classification, or proposed or final determinations must be submitted to the EEO Officer. Inquiry reports classified as “sustained—reasonable cause” shall also be submitted to the Office of Professional Standards for further disciplinary action. The EEO Officer may submit inquiries to the Fire Chief as necessary.
3. Formal Investigation
  - a) Formal investigations must be used when an offense is moderate to severe. Examples of moderate to severe conduct are if actions are hostile, with bad intent, graphically sexual, or repeated/widespread. These claims typically do have a complainant. Formal investigations must be completed by a certified investigator. Formal processing must be completed within 120 days from the initial report.
  - b) The EEO Officer or EEO Liaison will issue a Proposed Determination, allowing the parties to submit additional information within ten (10) days. The EEO Officer may, in his or her discretion, provide redacted copies or a summary of a draft of the





## PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

Report of Investigation to the parties at this stage if the parties agree to keep the materials confidential subject to the Code of Conduct.

- c) A Final Determination shall issue before the 165th day from the discriminatory event if the discrimination was reported before the 30-day deadline.
- d) Reports of Investigation must be submitted to the EEO Officer and the Fire Chief. If the Determination involves a Code of Conduct violation, the EEO Officer shall also submit the Report of Investigation to the Office of Professional Standards.

#### 4. Specific Scenarios

- a) **If the Respondent is a sworn or civilian employee** and a moderate to severe harassing conduct complaint is made, a supervisor or EEO Officer:
  - (1) Must segregate the complainant or targeted member and the alleged respondent. The employees may be assigned to different shifts within the same fire station or to different work locations pending the resolution of the complaint. The supervisor or EEO Officer may place the alleged respondent on limited public contact or operational removal.
  - (2) Must maintain the complainant or targeted member's same type of work to the maximum extent possible. The complainant or targeted member may only be assigned to the same type of work or shift, i.e., day work or shift work, that he or she had at the time of the complaint, unless the employee agrees otherwise to an alternative temporary assignment.
  - (3) Must, if the alleged respondent is separated or operationally removed, not allow the respondent to attend to any Fire/EMS Departmental events and activities, calls, or any location reasonably considered being occupied by Fire/EMS Department personnel during the Complainant or targeted member's scheduled working hours. This includes overtime assignments during the same shift at neighboring stations where it can be assumed that the two may be in proximity during any call, training, or workplace-related activity.
  - (4) May permanently separate the complainant or targeted member and respondent if the supervisor or EEO Officer determines the respondent engaged in harassing conduct, discrimination, or retaliation. This section does not limit other disciplinary measures.
- b) **If the respondent is a volunteer member**, the complainant or targeted member is a sworn or civilian employee, a moderate to severe harassing conduct complaint arises, and the members operate in work locations reasonably likely to cause the members to be in proximity during calls, trainings, or workplace-related activities, this subsection applies. Under this subsection, the complainant or targeted member's supervisor or the EEO Officer:
  - (1) Must limit the volunteer respondent's presence at the station to hours other than the scheduled working hours or shift of the complainant or targeted member. The supervisor or EEO Officer, in consultation with an EEO Liaison, if necessary, may operationally remove the respondent or issue a no-contact



**PRINCE GEORGE'S COUNTY, MARYLAND**  
**FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

directive prohibiting the respondent from entering a station or participating in any Fire/EMS Departmental events and activities, pending the complaint investigation. Any offers of alternative transfers for the complainant or targeted member shall be to the same type of work, i.e., shift work or day work, that the complainant or targeted member has at the time of the complaint or report, and to the closest stations practical under the circumstances.

- (2) Must, if moved to another shift, not allow the volunteer respondent to be present at any Fire/EMS Departmental events and activities, calls, or any environment reasonably considered being occupied by Fire/EMS Department personnel during the complainant or targeted member's scheduled working hours.
- (3) May transfer the complainant or targeted member:
  - (a) If the change does not result in loss of pay, overtime opportunities, or in any other way penalizes the complainant or targeted member; and
  - (b) If the volunteer respondent:
    - (i) provides evidence that the volunteer company to which the person belongs is the person's sole residence; and
    - (ii) demonstrates that exclusion from the station during the scheduled working hours or shift of the complainant or targeted member would present an undue hardship.
- (4) Must ban the volunteer respondent from the premises during the complainant or targeted member's scheduled hours. If the ban is violated, the supervisor or EEO Officer must request the Fire Chief or the Fire Chief's designee to make a written request to the Volunteer Chief to enforce the ban. If the written request is not fulfilled, the Fire Chief or the Fire Chief's designee may remove the operational authority of the volunteer respondent and the Volunteer Chief for thirty (30) days.

G. If a volunteer respondent is operationally removed or issued a no-contact directive due to EEO complaint processing under subsection F.4.b, the Fire Chief or Fire Chief's Designee may:

1. Permanently remove operational authority of or issue a permanent no-contact directive to the volunteer respondent if the volunteer respondent violates the terms of any temporary operational removal or no-contact directive. Additionally, the Department may suspend dispersal of any discretionary funds allocated by the County to the volunteer fire company of which the volunteer respondent is a volunteer member for a six-month period.
2. Place a volunteer Chief who violates the terms of an operational removal or no-contact directive in a non-operational status for a six-month period. The Department may suspend dispersal of any discretionary funds allocated by the County to the volunteer fire company of which the Volunteer Chief is a member for an additional six-month period if funds were already suspended under the preceding paragraph.



## PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER

3. Engage the Office of Professional Standards to initiate expedited disciplinary proceedings against the volunteer respondent for insubordination related to any non-compliance, which may result in sanctions up to and including dismissal.
  4. Remove all volunteer members from the station if the station members continue to violate the operational removal or no-contact directive after an initial six-month period. If the Fire Chief determines that removal of all employees from the station would create a substantial risk to public safety, then the Fire/EMS Department will offer the complainant or targeted member the option of remaining in the station at issue. If the complainant/targeted member rejects the option, the Department shall offer a minimum of three alternative stations to which the complainant/targeted member may transfer, based on availability and the needs of the Department.
- H. Complaints between volunteer members will be processed as described within this General Order. Volunteer EEO Liaisons may receive complaint intakes at any Department-affiliated station and may also conduct inquiries in consultation with the EEO Officer. Further procedures regarding EEO Liaison activities are within *General Order 11-17, Conflict Resolution Policy*.

### IV. Discrimination – Disparate Treatment or Disparate Impact

- A. Discrimination due to a member's protected class is a violation of local, state, and federal law and prohibited within the Department. Members engaging in unlawful discrimination are subject to discipline up to and including removal from the Department. Under this General Order, claims of discrimination resulting in disparate treatment or disparate impact are processed according to Section VI of this General Order.

### V. Retaliation

- A. A member may not adversely affect another member's work conditions because:
1. Of the member's EEO participation. EEO participation includes filing a lawful EEO complaint, reporting harassing conduct, or participating in an investigation or inquiry.
  2. The member reasonably opposed harassing conduct or other conduct made unlawful by an EEO law.
- B. Prohibited adverse actions include engaging in prohibited harassing conduct described above and examples within Appendices A and B.
- C. Retaliation claims are processed according to the effect of the retaliation. For example, if the retaliation alleged, if true, results in disparate treatment, it should be processed under Section VI. If the effect of the retaliation alleged, if true, results in harassing conduct, it should be processed under Section III.



**VI. Internal EEO Complaint Process – Disparate Treatment, Disparate Impact, or Retaliation involving Disparate Treatment**

- A. When a supervisor, EEO Officer, or EEO Liaison conducts an intake and determines a complaint is of a discrimination claim as defined in this General Order, the supervisor, EEO Officer, or EEO Liaison will conduct an informal but documented (recorded or summarized in writing) interview with the complainant to clarify the allegations. The supervisor, EEO Officer, or EEO Liaison shall also interview the respondent, any alleged responsible supervisor, or other direct, relevant witnesses and compile the allegations and a summary of the conversation(s) within an informal report. The supervisor, EEO Officer, or EEO Liaison should try to settle the issues presented and/or offer mediation to the parties. Any settlement agreements should be made in writing and reviewed and approved by the Fire Chief or his/her designee. A settlement agreement should be specific and address procedures in the event of a breach, for example, inform the EEO Officer within 30 days of the breach, resume internal processing, etc.
- B. If the discrimination complaint does not settle under subsection A., a supervisor, EEO Officer or EEO Liaison shall issue a letter notifying the complainant of final informal processing. Complainant may then request formal processing within 10 calendar days of the letter. Only the EEO Officer or an EEO Liaison with investigator certification may conduct a formal investigation. The EEO Officer or EEO Liaison will issue a letter of accepted issues to investigate. Formal investigations will explore but be not limited to allegations clarified in the informal process. If a complainant does not request a formal investigation within 10 calendar days, the EEO Officer shall provide a Notice of Dismissal and may dismiss the claim after 10 days of issuing the Notice.
  1. The EEO Officer or EEO Liaison will gather witness statements through interviews of the complainant, respondent, any relevant alleged responsible supervisors, and any direct, relevant witnesses. The EEO Officer or EEO Liaison may obtain statements through recorded interviews or written, signed declarations prepared during an interview. Both written declarations and recorded interviews are official Department records and subject to the Code of Conduct's provisions on confidentiality and honesty and integrity.
  2. The EEO Officer or EEO Liaison will gather relevant documentation and compile statistics, as needed.
  3. The EEO Officer will issue a Notice of Proposed Determination, allowing parties ten (10) days to submit further evidence or documentation. The EEO Officer may, in his or her discretion, provide redacted copies or a summary of a draft of the Report of Investigation to the parties at this stage, if the parties agree to keep the materials confidential subject to the Code of Conduct.



## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

4. At the conclusion of the time period described in the Notice of Proposed Determination, the EEO Officer will review any further submissions and issue a Final Determination.
5. After the Final Determination is made, the EEO Officer or EEO Liaison will finalize the Report of Investigation. Reports of Investigation should include a summary of the investigation, a statement of the allegations, the findings and classification of findings, any recommendations or referrals, and copies of any witness' statements, documents, and statistics. The Report of Investigation will be submitted to the Fire Chief and may be submitted to the Office of Professional Standards, as appropriate. Formal processing should be concluded within 165 days of the discriminatory event if reported within 30 days of occurrence.

### **VII. Determinations**

1. Upon completion of an inquiry or formal investigation, a supervisor or EEO personnel shall issue a "Notice of Proposed Determination" to the respondent(s) and complainant(s) or Targeted Member(s). This Notice will provide the parties an opportunity to provide additional documentation or evidence within a specified time frame but not shorter than 10 days before the EEO Officer issues a Final Determination. The EEO Officer must review any additional submissions before issuing the Final Determination.
2. The Proposed Notice of Determination and Final Determination will include a classification of the findings of each issue investigated. The classifications include:
  - (a) No Reasonable Cause/Not Sustained – the inquiry or formal investigation produced information insufficient to prove or disprove the allegation.
  - (b) Reasonable Cause/Sustained – the inquiry or formal investigation produced sufficient information to prove the allegation occurred or that all or part of the act occurred as alleged. The EEO Officer shall use the preponderance of the evidence standard; whether the allegation is more likely than not to have occurred. The EEO Officer shall also determine whether the allegation meets the relevant elements of the claim at issue.
  - (c) Exonerated – the inquiry or formal investigation produced information that the acts that provided the basis for the investigation occurred, but were justified, lawful, proper, or otherwise excused for a vitally important and legitimate reason.
  - (d) Unfounded – the inquiry or formal investigation produced information that the acts did not occur and/or the personnel named in the allegations were not involved.
  - (e) Dismissed – the claim was filed untimely or did not implicate the EEO Policy.



## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

### **VIII. External Complaint Processes**

- A. The Department intends to process all internal cases within 165 days from the discriminatory event to allow the Department to resolve claims before the expiration of any external agency deadlines. **FILING AN INTERNAL COMPLAINT DOES NOT STOP THE EXTERNAL AGENCIES' DEADLINES.** Nothing in this General Order affects the rights of a member to pursue an external complaint. In lieu of or in addition to the internal process, a personnel member may file a complaint within the applicable deadlines with the following agencies:

**Prince George's County Human Relations Commission**

**(180-day deadline)**

County Administration Building

14741 Governor Oden Bowie Drive, Suite L105

Upper Marlboro, MD 20772

Office: (301) 883-6170

Fax: (301) 780-8244

Email: [HRCStaff@co.pg.md.us](mailto:HRCStaff@co.pg.md.us)

**Maryland Commission on Civil Rights (MCCR)**

**(6-month deadline)**

William Donald Schaefer Tower

6 St. Paul Street, 9<sup>th</sup> Floor, Suite 900

Baltimore, MD 21202-2274

Office: (410) 767-8600

Fax: (410) 333-1841

**United States Equal Employment Opportunity Commission**

**(deadline of 180 days or 300 days if the MCCR enforces the same law(s) as the EEOC)**

GH Fallon Federal Building

31 Hopkins Plaza, Suite 1432

Baltimore, MD 21201

Office: (410) 962-3932 or (800) 669-4000

Fax: (410) 962-4270

### **REFERENCES**

Civil Rights Act of 1964, Title VII, as amended. 42 U.S.C. §2000e *et seq.*

Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Title I – Employment; Title II – Public Services, 42 U.S.C. §12101 *et seq.*





## **PRINCE GEORGE'S COUNTY, MARYLAND FIRE/EMERGENCY MEDICAL SERVICES DEPARTMENT GENERAL ORDER**

Maryland Annotated Code, State Government Article, Title 20 – Human Relations, §20-101 *et seq.*

Maryland Annotated Code, Labor & Employment Article, Subtitle 13 – Healthy Working Families Act, §3-1301 *et seq.*

Prince George's County, Maryland Code of Ordinances, Subtitle 2, Division 12 – Human Relations Commission

Prince George's County, Maryland Code of Ordinances, Subtitle 16 – Personnel, §16-109 Equal employment opportunity

Prince George's County Administrative Procedure 265 – Sick and Safe Leave

Prince George's County Administrative Procedure 221 – Grievance Procedure for Harassment Claims

### **FORMS / ATTACHMENTS**

Appendix A: Examples of Harassing Conduct

Appendix B: Examples of Prohibited Actions Taken in Retaliation, Without Appropriate Business Justification

Appendix C: EEO Intake Form, Information & Instructions

Appendix D: Work Flow Chart of Complaint Process/Outline of Complaint Processes

Appendix E: EEO Acknowledgment Form

## **Examples of Harassing Conduct**

1. Unwelcomed or unwanted hugs, kisses, patting, pinching, or intentional brushing against another person's body.
2. Unnecessary or unwanted blocking the path of a person.
3. Unnecessary intrusion into a person's personal space beyond what is reasonable for facilitating business or working in a confined space.
4. Physically threatening a person such as "getting in someone's face" or "facing off."
5. Inappropriate behavior and horseplay in sleeping areas or bathrooms.
6. Unnecessary following a person around work areas.
7. Inhibiting personnel of their use or access to a reasonable accommodation.
8. Jokes, remarks, stories, gestures, slurs or conversations which are offensive or derogatory with respect to protected classes. This includes the display or circulation of media including, electronic, video, audio, internet-based, visual or written (i.e. photographs, pictures, movies, email, screen savers, text messages videos, cartoons, memes, etc.) forms that are pornographic, offensive, or derogatory to any protected class, including political opinions.
9. Repeated, unwelcomed requests for a date or romantic interactions.
10. Unwelcomed references to another employee or member with potentially suggestive connotations such as "sweetie," "baby," "sexy," "honey," "hun," "cutie," "handsome," "boy," "girl," "hottie," "hunk," and "babe."
11. Derogatory references to a person based upon their disability or medical condition.
12. Staring or leering at a person's body part or "looking them up and down."
13. All obscene gestures and language, including "four letter words" and crude references to genitalia, body parts and sexual activity.
14. Overt or subtle sexual propositions or requests for favors.
15. Sexually suggestive comments of all kinds, including sexually-oriented "kidding" or "teasing" directed at an employee or member because of their gender or sexual orientation.
16. Unwelcomed comments about a person's physical features or appearance such as their weight.
17. Discussion of sexual encounters in the workplace.
18. Falsely accusing personnel of exaggerating a disability.
19. Wearing inappropriate attire or exposing oneself inappropriately.
20. Conveying negative assumptions about an employee or member's ability to perform their job based upon a protected class.

**Examples of Prohibited Actions Taken in Retaliation,  
Without Appropriate Business Justification**

1. Initiating loss of pay and obstructing pay or access to overtime opportunities.
2. Transferring or downgrading responsibilities of an employee or member without proper business justification.
3. Disciplining a member that is unjustified, inequitable, or excessive.
4. Intentionally assigning responsibilities that are designed for failure and outside of the member's skill level, experience, or expertise.
5. Lowering performance evaluations without appropriate justification.
6. Deliberately placing a member in a harmful or adverse work condition.
7. Initiating any action affecting the member's work conditions and/or responsibilities which have no business or operational justification and causes the employee undue regression and professional harm.
8. Threatening an employee with adverse action.
9. Exhibiting an unusually derisive and/or unprofessional attitude or behavior toward the employee or member.
10. Falsely accusing a member or making exaggerated claims of performance errors or misconduct.
11. Unusually excluding a member from meetings pertinent to the member's work responsibilities without justification.
12. Attempting to discredit or sabotage a member's work.
13. Increasing or unduly scrutinizing a member's work without business or operational justification.
14. Denying a common job benefit or passively-aggressively "screening out" of opportunities.
15. Acting or failing to properly act in reaction to an EEO complaint.

## **EEO Intake Form, Information & Instructions**

### **Fire/EMS Department Internal EEO Intake Form**

\*NOTE: This form will be submitted directly to the EEO Officer. Confidentiality is limited but maintained on a strict, need-to-know basis, except information may be revealed in a Violence in the Workplace situation. After submitting this form, the EEO Officer or Liaison will contact you regarding next steps in the process.

Name: \_\_\_\_\_

Fire I.D. Number: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Mailing address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Job Title or Position with the Department: \_\_\_\_\_

Check one:    ☐ Volunteer Member    ☐ Career Employee    ☐ 1,000 Hour Employee

☐ Union Member

☐ Other: (i.e. job applicant, contractor, etc.; please specify): \_\_\_\_\_

Today's date: \_\_\_\_\_

Work location/station based out of: \_\_\_\_\_

Shift: \_\_\_\_\_

Work location/station where incident happened: \_\_\_\_\_

Shift on which incident happened: \_\_\_\_\_

Names of direct and second-level supervisors: \_\_\_\_\_

Date(s) discriminatory incident(s) happened: \_\_\_\_\_

Anonymity requested?    ☐ Yes    ☐ No

Name(s) & Job Title(s) of Person(s) who took the alleged discriminatory actions: \_\_\_\_\_

Have you spoken with a supervisor about the incident?    ☐ Yes    ☐ No

If yes, list supervisor's name, job title, telephone number, and date of conversation: \_\_\_\_\_

Have you filed a union grievance on this matter?    ☐ Yes    ☐ No    ☐ Not applicable

Alleged discriminatory basis/bases (check all that may apply):

☐ Race: \_\_\_\_\_ ☐ Color: \_\_\_\_\_

☐ Sex: \_\_\_\_\_ ☐ Religion: \_\_\_\_\_

☐ Age: (Date of Birth mm/dd/yyyy) \_\_\_\_\_

☐ National Origin: (specify) \_\_\_\_\_

☐ Mental Disability: (specify) \_\_\_\_\_

☐ Physical Disability: (specify) \_\_\_\_\_

☐ Familial Status: (specify) \_\_\_\_\_

- ☐ Genetic Information: (specify) \_\_\_\_\_
- ☐ Sexual Orientation: (specify) \_\_\_\_\_
- ☐ Retaliation: (specify) \_\_\_\_\_
- ☐ Pregnancy
- ☐ Marital Status: (specify) \_\_\_\_\_
- ☐ Gender Identity: (specify) \_\_\_\_\_
- ☐ Personal Appearance: (specify) \_\_\_\_\_
- ☐ Political Opinion: (specify) \_\_\_\_\_
- ☐ Occupation: (specify) \_\_\_\_\_
- ☐ Other: (specify) \_\_\_\_\_
- ☐ Not Provided

Employment issues raised:

	Appointment/Hire		Evaluation/Appraisal		Reasonable Accommodation
	Assignment of Duties		Examination/Testing		Reinstatement
	Awards		Harassment		Retirement
	Conversion to Full Time		Non-Sexual		Termination
	Disciplinary Action		Sexual		Terms/Conditions of Employment
	Demotion		Medical Examination		Time and Attendance
	Reprimand		Pay including Overtime		Training
	Suspension		Promotion/Selection		Other (specify)
	Removal		Reassignment-Denied		
	Duty Hours		Reassignment-Directed		

In the space below, please explain the specific action(s) or situation(s) that caused you to allege that you are or were discriminated against (*i.e.*, harassed or treated differently than other personnel or applicants) because of your membership in a protected category (listed above, *i.e.*, race, sex, age, religion, etc.), or because of retaliation for participating in protected EEO activity (you may attach additional pages, if necessary):

[illegible]

Relief you are seeking for your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you are completing this form on behalf of another person, list the name of the person completing form: \_\_\_\_\_

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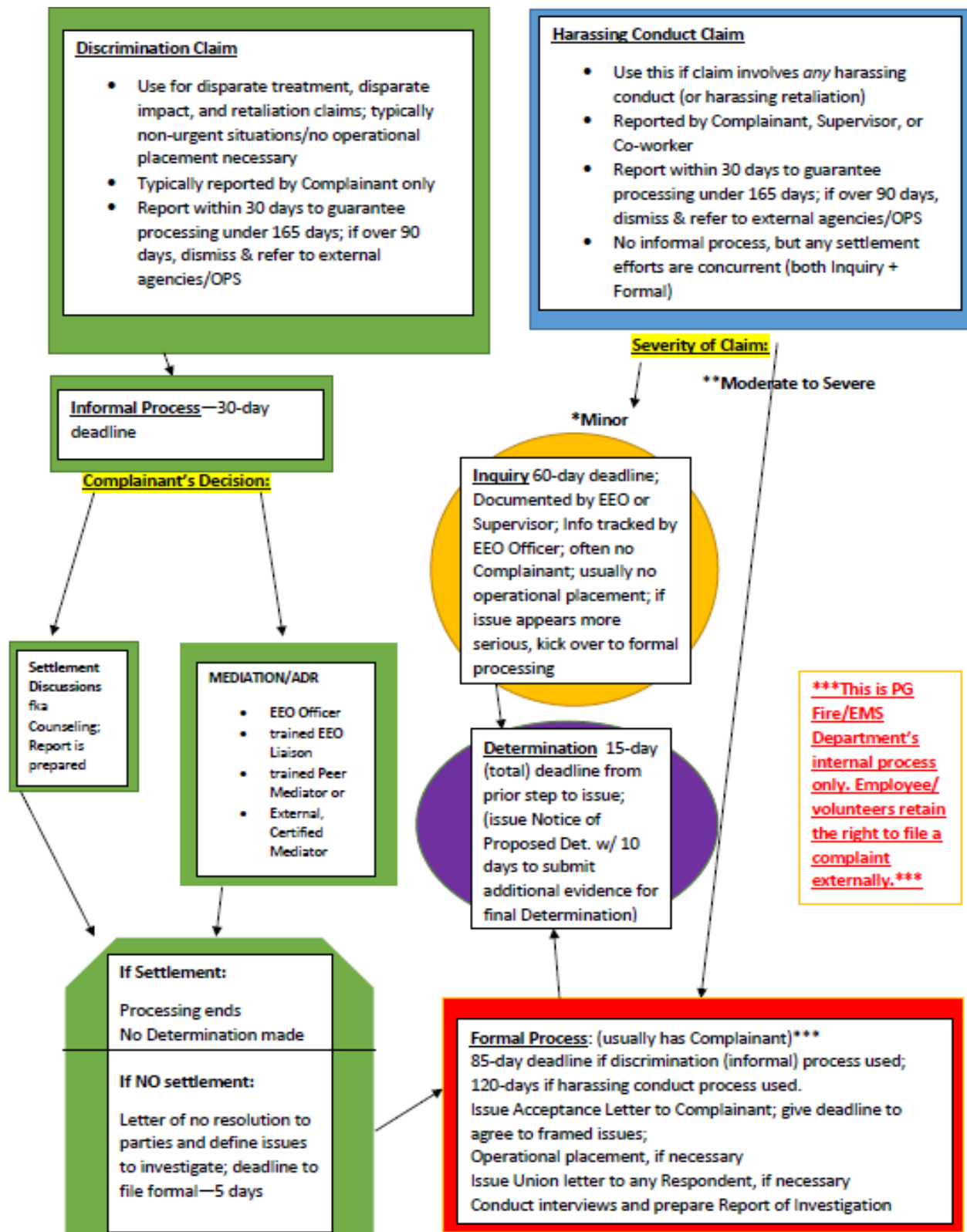
For EEO Officer Only:

Date form received:

Assigned Case No.:



## Work Flow Chart of Complaint Process/Outline of Complaint Processes



### **Timeline of a Moderate/Severe Harassing Conduct Formal Investigation**

- Complainant contacts supervisor/EEO personnel within 30-90 days; cases dismissed after 90 days
- EEO personnel calculate 165-day deadline from the “discriminatory event” to set processing goal
- Conduct Intake/Evaluate Process to Use
- Make any operational placements
- Draft Issue(s) to Investigate Letter for Complainant
- Draft Investigation Plan and Document Request List
- Prepare Complainant declaration
- Issue Union Memo to Respondent
- Prepare Respondent declaration
- Gather documentation
- Conduct any settlement/DRB waiver attempts concurrently
- Draft Notice of Proposed Determination
- Draft Final Determination
- Draft and submit ROI to FC and OPS
- Follow up on further EEO actions (any mandatory Respondent training, etc.)

### **Timeline of a Minor Harassing Conduct Inquiry**

- Complainant contacts supervisor/EEO personnel within 30-90 days; cases dismissed after 90 days
- Supervisor/EEO personnel conducts intake/inquiry: informally interviewing Complainant, Respondent, and any direct witnesses, evaluating process to use, and completing inquiry form within 60 days of contact
- Supervisor or EEO personnel provides Union memo for career Respondents before informally interviewing a Respondent
- Supervisor or EEO personnel submits inquiry report to EEO Officer for tracking (also within 60 days of contact)
- If allegations are classified as “sustained—reasonable cause,” Supervisor or EEO personnel provides inquiry report to OPS. Any notice of Proposed Determination or Final Determination shall be completed within 75 days of report of discrimination.
- Follow up on further EEO actions (any mandatory Respondent training, etc.)

### **Timeline of a Discrimination Claim**

- Complainant contacts supervisor/EEO personnel within 30-90 days; cases dismissed after 90 days
- EEO Personnel calculate 165-day deadline from the “discriminatory event” to set processing goal
- Conduct Intake/Evaluate Process to Use
- Informal Investigation document begins to be filled out
- Settlement discussions and/or mediation
- If no settlement, issue letter of no resolution and Issues to Investigate; dismissal letter with notice and waiting period

- Draft Investigation Plan and Document Request List
- Complainant Declaration
- Issue Union Memo to Respondent
- Respondent Declaration
- Witness Declarations
- Gather documents
- Notice of Proposed and Final Determinations
- Draft and submit to FC and OPS
- Follow up on further EEO actions (mandatory Respondent training, etc.)

**EEO Acknowledgment Form**

EEO Annual Acknowledgement

Prince George's County and Prince George's County Fire/EMS Department prohibit harassment based on a protected class, including: race, ethnicity/national origin, religion or creed, color, age, sex, political opinion, personal appearance, marital status, familial status, mental or physical disability, genetic information, sexual orientation, gender identity, occupation, pregnancy, and/or hair texture or style as related to another protected category.

I acknowledge that I have received, read, and understand the Prince George's County Fire/EMS Department's *General Order #11-06, Equal Employment Opportunity (EEO) Policy*. I understand that any questions I have regarding the policies may be directed to my supervisor or the Department's EEO Officer. I understand that failure to comply with the policies could result in negative consequences on my performance appraisal or disciplinary action up to and including termination of employment.

My signature below also indicates that I have completed the required yearly, hour-long training course on EEO basics.

\_\_\_\_\_  
Employee/Volunteer Name (please print)

\_\_\_\_\_  
Fire Dept. I.D. #

\_\_\_\_\_  
Employee/Volunteer Signature

\_\_\_\_\_  
Date