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To: All Department of Fish and Wildlife Staff

Subject: Equal Employment Opportunity Policy

POLICY

This Bulletin supersedes Director's Bulletin No. 2008/006.

It is the policy of the Department of Fish and Wildlife (Department) to provide equal employment opportunity (EEO) to its employees, job applicants, volunteers/unpaid interns, and contractors, and promote a work environment in which all individuals are treated with respect and professionalism. Consistent with this commitment, it is the policy of the Department to provide a workplace free from discrimination, harassment (including sexual harassment), workplace violence/bullying, and retaliation.

These commitments must be exemplified in all of our management practices and decisions including recruitment and hiring practices, appraisal systems, promotions, training, and career development programs.

Accordingly, the Department has adopted a Zero Tolerance Policy, which applies to all aspects of employment as stated above, including any other terms, conditions, and benefits of employment. A "zero tolerance" policy means that violations of this policy will not be tolerated. When policy violations are found to have occurred, appropriate corrective action and/or discipline, up to and including dismissal, depending on the severity of the violation, will be taken.

This policy applies to conduct that occurs in any location operated by the Department or is considered a workplace by the Department, as well as any location that can reasonably be regarded as an extension of the workplace, such as an off-site business or social function, State owned housing, or any other facility where departmental business is being conducted. This policy also applies to conduct that occurs off-duty and brought back to the workplace, when such conduct adversely affects an individual in a manner otherwise prohibited by this policy.

The Department also recognizes and asserts the rights of the public to non-discriminatory or harassing treatment and access to equal opportunity for services, programs, and facilities.

PURPOSE

The purpose of this policy is to prevent misconduct before a violation of the law occurs and to define the roles and responsibilities of management and employees within the Department relative to the EEO policy and the discrimination complaint process.

DEFINITION OF DISCRIMINATION

Discrimination is defined as any unfair employment practice or behavior that treats individuals differently on the basis of their protected status. Current California law defines "Protected Status" to include: age (over 40), ancestry, color, disability (physical or mental), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition (including but not limited to cancer or genetic characteristics), military or veteran status, national origin, political affiliation or opinion, race, religious creed, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), and sexual orientation.

The protected bases listed above include the perception that the individual has any of these characteristics or that the individual is associated with a person who has or is perceived to have any of these characteristics.

For purposes of this definition, "Discrimination" includes harassment based on a protected group (listed above). "Unfair employment practices" is defined as discriminating in recruiting, testing, hiring, firing, and promoting; transfers, or layoffs; training and apprenticeship programs; compensation, assignment or classification of employees; fringe benefits or privileges of employment; pay, retirement plans; disability leave; use of company facilities; and all terms and conditions of employment based on a person's protected status.

Examples of the type of prohibited discriminatory or harassing behavior which may be found to constitute a violation of the Department's policy includes, but is not limited to:

- Making employment decisions based on an individual's protected characteristics.
- Changing the terms, conditions, or privileges of employment of an employee in retaliation for filing a discrimination complaint or participating in the complaint process.
- Denying or failing to provide reasonable accommodation for a disability, pregnancy, or a bona fide religious practice.
- Denying a leave request for which an employee is eligible.
- Using discriminatory terms or telling discriminatory jokes based on an individual's protected status.
- Displaying objects, cartoons, pictures, or posters that are derogatory or discriminatory based on an individual's protected status.
- Posting, sending, uploading/downloading messages with discriminatory, harassing, or retaliatory content in any form via electronic mail, the intranet/internet websites, cell phone, interoffice mail, or public or private mail.
- Discriminating against any employee in violation of this policy so as to create a hostile work environment.
- Engaging in any unwanted physical contact or leering.

- Making harassing telephone calls to a coworker, or sending harassing correspondence to an individual by means including, but not limited to, public or private mail, interoffice mail, facsimile, electronic mail, or text messaging.
- Abusive conduct which may include repeated infliction of verbal abuse such as the use of derogatory remarks, insults or epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance.

RETALIATION

All employees are prohibited from retaliating against any person because that person has opposed any practices forbidden under this policy or because the person has filed a complaint, testified, or assisted in any proceeding related to this policy. Employees will be held accountable for retaliation and will be subject to inquiry or investigation and immediate and appropriate corrective action if it is determined that retaliation has occurred. All employees are prohibited from aiding or coercing any acts forbidden under this policy.

COMPLAINANT'S RIGHTS

Every employee, job applicant, volunteer/unpaid intern, and contractor has the following rights:

- The right to a discrimination-free work environment.
- The right to file a discrimination complaint, freedom from influence to refrain from filing a complaint, and freedom from retaliation after filing a complaint (see filing a complaint below).
- The right to file a complaint directly with EEO.
- The right to have their complaint promptly reported, objectively reviewed, and investigated when appropriate.
- The right to be informed of the determination/disposition of the complaint. However, any disciplinary action the Department may take against any parties is strictly confidential and the Department is not at liberty to discuss.
- The right to be represented by a person of the complainant's choosing at each and all steps of the process, *providing that person could not potentially be a witness or party to the actions/evidence giving rise to the complaint.*
- The right to file a complaint with the California Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC), and other appropriate State and federal compliance agencies.

An employee, job applicant, volunteer/unpaid intern, or contractor is not required to confront the person(s) engaged in the conduct believed to be in violation of the Department's policy at any time before or after filing a complaint. If the complaint

involves supervisor(s) or manager(s) in the employee's direct chain-of-command, the employee may report the behavior to any uninvolved supervisor, manager, EEO Analyst/Counselor, or the EEO Officer.

RESPONSIBILITIES

Employees

All departmental employees are expected to:

- Adhere to a standard of conduct, and understand their responsibility under the Department's EEO policy and procedures, applicable State and federal laws, and the discrimination complaint process.
- Be aware of the seriousness of violations under the EEO policy.
- Not engage in, condone, tolerate, or leave uncorrected conduct that violates the EEO policy.
- Avoid imposing or threatening to impose reprisals against complainants and/or individuals participating in an inquiry or legal proceeding concerning matters of discrimination.
- Report any EEO policy violations to a supervisor, manager, or EEO.
- Cooperate with any investigation conducted by EEO.

Failure by an employee to adhere to the above responsibilities may result in corrective and/or disciplinary action, up to and including dismissal from the Department, regardless of rank, level, or classification.

Managers and Supervisors

All managers and supervisors are in key positions to make an impact in terms of correcting inappropriate behavior in the workplace and ensuring that a discrimination free workplace is maintained. Managers and supervisors are expected to:

- Maintain and promote a work environment free from discrimination, harassment, retaliation, and unprofessional, abusive, or disrespectful conduct related to this policy.
- Adhere to the policy and procedures, applicable State and federal laws, discrimination complaint process, and ensure that they are communicated to all employees under their supervision.
- Ensure that all employees are informed of the Department's complaint process prior to the need to know, and again if a complaint is brought forth.
- Take all complaints seriously. Do not shrug off, minimize the complaint, or otherwise discourage employees from reporting such complaints, even if the occurrence is not directly within their line of supervision or responsibility.

- Immediately inform EEO of any discrimination, harassment, or retaliation complaints received, or anything observed. EEO will act as lead for the Department on any allegations brought forward, and provide assistance to resolve the issue or determine if other action is necessary. Direction from EEO is to be strictly followed. Do not investigate any such complaints.
- Immediately inform EEO of any discrimination, harassment, or retaliation complaints received, even if the occurrence is not directly within their line of supervision or responsibility
- Be responsible for acts of any discrimination, harassment, or retaliation between employees in the workplace where the managers and supervisors know or should have known of the conduct, unless they can show that they took timely and appropriate action. Ignorance is not an acceptable defense for inaction of a manager or supervisor if, through reasonable care, they should have been aware of the conduct.
- Be responsible for acts of any discrimination, harassment, or retaliation by non-employees where the manager, supervisor, or lead person knew or should have known of the conduct, and failed to take timely and appropriate action. In reviewing these cases, the extent of the manager, supervisor, or lead person's control and any other legal responsibility which they have with respect to the conduct of such employees, will be taken into consideration.
- Ensure that employees under their supervision annually receive a copy of this policy and sign the attached acknowledgment form. Copies of the acknowledgement form are to be placed in each employee's official personnel file.

Failure by a manager or supervisor to adhere to the above responsibilities may result in corrective and/or disciplinary action, up to and including dismissal from the Department, regardless of rank, level, or classification.

PREVENTION

Prevention is the best tool to ensure a work and business environment free from discriminatory and/or harassing behavior or retaliation. All employees, especially supervisors and managers, must understand the seriousness and consequences of discriminatory and/or harassing misconduct and retaliation and refrain from such activity. It is expected that all departmental managers and supervisors will ensure that employees behave in a professional manner at all times and the work environment is free of any discriminatory, harassing, or retaliatory behavior toward coworkers, job applicants, or members of the public.

COMPLAINT PROCESS

The Department will attempt to resolve discrimination complaints at the lowest level possible. Complaints will be handled in an impartial and confidential manner in compliance with departmental policy and State and federal law.

Department of Fish and Wildlife
DEPARTMENTAL BULLETIN

An employee, job applicant, volunteer/unpaid intern, contractor, or member of the public who believes his or her rights have been violated, may file an internal discrimination complaint directly with EEO. The Discrimination Complaint Form can be found on the Department's intranet by visiting: <http://dfgintranet/portal/DirectorsOffice/EEO/tabid/85/Default.aspx>, or you may contact EEO at 1416 9th Street, 12th Floor, Sacramento, CA 95814, or at the below number.

Authority

- Title VII of the Civil Rights Act of 1964 (including amendments)
- California Fair Employment and Housing Act (FEHA) of 1959 (including amendments)
- California Code of Regulations, Title 2
- Other California and federal EEO laws
- Departmental EEO policies and procedures

Contact

If you have any questions regarding this policy, please contact Glenda Ulmer, EEO Officer, at (916) 653-9089.



Charlton H. Bonham
Director

**DEPARTMENT OF FISH AND WILDLIFE
ACKNOWLEDGMENT OF DEPARTMENTAL BULLETIN 2015-03**

I acknowledge that on _____, I received a copy of Departmental Bulletin 2015-03, "Equal Employment Opportunity Policy." I also acknowledge that I have read Departmental Bulletin 2015-03.

Employee's Name (Please Print)

Division/Region/Branch

Employee's Signature

Date

Please submit the completed Acknowledgment to your supervisor/manager. Your supervisor/manager will ensure that it is placed in your official personnel file.