

**Department of Fish and Game**

**DIRECTOR'S BULLETIN**

**No. 2008/006**

TO: All Employees

DATE: August 1, 2008

FROM: **DONALD KOCH**  
Director

SUBJECT: Equal Opportunity and Sexual Harassment Prevention Policies

**EQUAL OPPORTUNITY POLICY**

It is the policy of the Department of Fish and Game (Department) to provide equal employment opportunity (EEO) to its employees and job applicants without regard to age, sex, race, ancestry, political affiliation, disability, religion, color, national origin, marital status, sexual orientation, or medical condition. The Department prohibits discrimination in every phase of personnel policy and practice in the employment, development, advancement, and treatment of its employees and job applicants. All departmental employment decisions shall be based on merit, efficiency, and fitness. The Department also recognizes and asserts the rights of the public to nondiscriminatory treatment and access to services regardless of race, color, ancestry, national origin, sex, disability, sexual orientation, age, marital status, or religion.

During the course of employment, regardless of their position within the Department, employees are expected to interact with all persons in a professional manner and avoid any behavior that could be construed as discriminatory or harassing due to a person's protected status.

**SEXUAL HARASSMENT PREVENTION POLICY**

It is the policy of the Department to provide its employees, job applicants, and members of the public with a work and business environment free from sexual harassment. Sexual harassment is a form of discrimination and is against the law. During the course of employment, regardless of their position within the Department, employees are expected to interact with all persons in a professional manner and avoid any behavior that could be construed as being of a sexual nature. Sexually charged behavior can negatively impact work productivity, diminish morale, inflict emotional or physical harm, and/or cause other disruptive conditions in the workplace.

## **PROHIBITED SEXUAL CONDUCT**

Conduct that is prohibited by the Department's policy includes an unsolicited or unwelcomed sexual advance, request for a sexual favor, and other verbal, physical, or visual conduct of a sexual nature. Sexual misconduct includes, but is not limited to:

- sexually obscene or suggestive letters, notes, invitations, books, or magazines;
- leering, gesturing, or displaying of sexually suggestive objects, pictures, or cartoons;
- sexually derogatory comments, slurs, jokes, or epithets;
- knowingly transmitting, downloading, or viewing sexually suggestive material or messages via e-mail or internet;
- physical assault, impeding or blocking movement, or sexual groping or touching; or
- making or threatening reprisal after a negative response to a sexual advance.

## **ZERO TOLERANCE**

As part of the Department's commitment to providing an environment free of discrimination and harassment, the Department will maintain a zero tolerance policy against discriminatory and sexually charged behavior. Employees do not necessarily need to violate State or Federal discrimination or sexual harassment laws, regulations, rules, guidelines, or executive orders to be in violation of the Department's Equal Opportunity Policy and/or Sexual Harassment Prevention Policy. Employees will be held accountable for their conduct and any employee that fails to adhere to the Department's policies will be subject to inquiry or investigation and, if it is determined through the investigatory process that a violation has occurred, the Department will take immediate and appropriate corrective action.

## **COMPLAINTS**

An employee, job applicant, or a member of the public who believes his or her rights have been violated, may file an internal informal or formal discrimination complaint by contacting an EEO Counselor or the Equal Opportunity (EO) Officer (see attached contact list). The Department will attempt to resolve discrimination complaints at the lowest level possible. Complaints will be handled in a prompt, impartial, and confidential manner in compliance with departmental policy and state and federal laws.

Rank-and-file employees in certain bargaining units may also have the option of resolving allegations of discrimination and/or harassment internally through the grievance process. (Please refer to your bargaining unit's contract agreement or contact your union representative to determine whether this option is available to you.)

To file an external complaint, employees and job applicants may contact the California Department of Fair Employment and Housing at (800) 884-1684 or TDD (800) 324-1678, U.S. Equal Employment Opportunity Commission at (800) 669-4000 or TDD (800) 669-6820, or State Personnel Board at (916) 653-1705 or TDD (916) 445-2689. Members of the public may file an external complaint by contacting the U.S. Fish and Wildlife Service at (703) 358-1724 or TTY (703) 358-2549.

## RETALIATION

The Department prohibits employees from imposing or threatening to impose reprisals against complainants for exercising their rights, and/or individuals participating in an inquiry or legal proceeding concerning discrimination and harassment matters. Not only does the Department maintain a zero tolerance policy against discriminatory and sexually charged behavior, the Department also maintains a zero tolerance policy against retaliation. 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.

## PREVENTION

Prevention is the best tool to ensure a work and business environment free from discriminatory and sexually charged behavior. All employees, especially supervisors and managers, must understand the seriousness and consequences of discriminatory and sexual misconduct and refrain from such activity. Anyone who perceives the comments, gestures, or actions of an employee, at any level, to be of a discriminatory or sexual nature is also encouraged to advise the person that his or her behavior is unwelcome. However, failure to express unwelcomeness does not prevent an individual from filing a complaint against the alleged perpetrator. If the inappropriate behavior persists, report the matter to an EEO Counselor or the EO Officer. If a person perceives comments, gestures or actions of an employee, at any level, to be of a discriminatory or sexually charged nature, documentation of that conduct or confiding with family members or co-workers, without more, is insufficient to prevent that conduct from occurring again. Misconduct should be reported to an EEO Counselor or the EO Officer to give the Department an opportunity to review the alleged conduct and take appropriate corrective action.

As part of the preventive process, each employee must be familiar with the above-mentioned *policies and is required to complete and sign the attached Acknowledgment of DIRECTOR'S BULLETIN 2008/006 form.*

Attachments

**DEPARTMENT OF FISH AND GAME**

**ACKNOWLEDGMENT OF DIRECTOR'S BULLETIN 2008/006**

I acknowledge that on \_\_\_\_\_, I received a copy of DIRECTOR'S BULLETIN 2008/006 concerning the Department of Fish and Game's Equal Opportunity and Sexual Harassment Prevention Policies. I also acknowledge that I have read DIRECTOR'S BULLETIN 2008/006.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Once the acknowledgment form is completed and signed, please return it to your supervisor/manager. Your supervisor/manager will ensure that the form is placed in your personnel file.***