



VOLUNTEER APPLICATION

VOLUNTEER PROGRAM(S) YOU ARE APPLYING FOR:

Community Emergency Response Team (CERT)	Inland Valley Emergency Communication Service (ECS)
<input type="checkbox"/>	<input type="checkbox"/>
<i>Are you, or have you ever been a member of another Volunteer Program? If so, what program?</i>	

PERSONAL INFORMATION:

Name		Social Security # (Last 4 only)	Blood Type
		XXX-XX-	
Physical Address		City, State	Zip
Mailing Address		City, State	Zip
Home Phone	Cell Phone	Work Phone	
Email Address		HAM Call Sign	Class
Driver's License		State	Class
		Expires	Expires

EMERGENCY CONTACT:

Name		Relationship	
Address		City, State	Zip
Home Phone	Cell Phone	Work Phone	

EMERGENCY MANAGEMENT/CITY CLERKS USE ONLY:

Identification	DSW Registration	DOJ/FBI Pass	ID Issued	Removed
#	Date:	Y <input type="checkbox"/> N <input type="checkbox"/> Date:	Date:	Date:

****Please print clearly and use BLUE or BLACK INK ONLY.****



CERTIFICATES AND LICENSES:

BASIC CERTIFICATES				
<input type="checkbox"/> IS-100	<input type="checkbox"/> IS-200	<input type="checkbox"/> IS-700	<input type="checkbox"/> IS-800	<input type="checkbox"/> SEMS Introduction
OTHER CERTIFICATES	ISSUING AGENCY	CERTIFICATE #	DATE ISSUED	
CPR-AED/First-Aid				

CONVICTIONS: You must complete this section to be considered for a volunteer position. Convictions are evaluated for each position and are not necessarily disqualifying. **However, failure to list conviction(s) WILL disqualify an applicant. Attach additional information as necessary.**

As an adult (age 18), have you ever been convicted, or pled guilty, or no contest, to a misdemeanor or felony (excluding misdemeanor marijuana-related offenses over two years old pursuant to Labor Code 432.8)?		YES <input type="checkbox"/>
		NO <input type="checkbox"/>
Date(s) and location(s):		
Penal Code Number(s): (section(s) required)		
Conviction(s)/Plea(s):		
Explanation:		

CONFIDENTIAL INFORMATION RELEASE/ACKNOWLEDGMENT OF AT-WILL VOLUNTEER

I, _____, (please print) having made application with the City of San Bernardino, and desiring to be informed as to my previous record and character, hereby authorize it to investigate my past record and to ascertain any and all information that may concern my record and character, whether same is of record or not, and release my present and past employers, references and all persons whomsoever from any liability because of furnishing said information.

I also acknowledge that I am an at-will volunteer with the City of San Bernardino, without vested property rights in my position as a volunteer. I acknowledge that I may be terminated/released at any time, without cause, and without right of appeal.

I also certify that the facts contained in this application are true and complete to the best of my knowledge and understand that, if accepted, falsified statements on this application shall be grounds for dismissal.

Applicant Signature

Date

Witness Signature

Date



CERT/INLAND VALLEY ECS VOLUNTEER CODE OF CONDUCT

The City of San Bernardino, CERT/INLAND VALLEY ECS VOLUNTEER CODE OF CONDUCT establishes the ethical standards of conduct required of CERT/INLAND VALLEY ECS VOLUNTEERS in City of San Bernardino Programs.

As a CERT/INLAND VALLEY ECS VOLUNTEER you are expected to comply with the following:

1. CERT/INLAND VALLEY ECS VOLUNTEERS represent the City of San Bernardino, Emergency Management and are to conduct themselves with professionalism, dignity and pride. CERT/INLAND VALLEY ECS VOLUNTEERS are expected to act appropriately and responsibly at all times while representing the CERT/INLAND VALLEY ECS Program.
2. CERT/INLAND VALLEY ECS VOLUNTEERS are not professional first responders but are trained to function as an extension of the Emergency Management response to disasters when such circumstances exist or when directed by emergency services officials. When disaster occurs, a CERT/INLAND VALLEY ECS VOLUNTEER'S responsibility is to ensure their own safety and the safety of their family. After, they can respond to their pre-assigned assembly points to join with other CERT/INLAND VALLEY ECS VOLUNTEERS, when activated.
3. CERT/INLAND VALLEY ECS VOLUNTEERS are to work in full cooperation with other public officials and volunteers unless prohibited from so doing by law.
4. CERT/INLAND VALLEY ECS VOLUNTEERS will follow the EMERGENCY MANAGEMENT Chain of Command defined by their Standard Operating Guidelines.
5. CERT/INLAND VALLEY ECS VOLUNTEERS will only undertake activities that are within their physical capabilities, within the scope of their training and will not take risks that are likely to cause injury to themselves or others.
6. CERT/INLAND VALLEY ECS VOLUNTEERS could be exposed to privileged or confidential information. No CERT/INLAND VALLEY ECS VOLUNTEER shall disclose confidential information except as authorized or required by law, or use such information for personal gain or benefit. This would especially be true in an Emergency Operations Center (EOC) and/or Incident Command Post (ICP) environment.
7. CERT/INLAND VALLEY ECS VOLUNTEERS shall not engage in any business or transaction or shall have a financial or other personal interest or association whether direct or indirect, which is in conflict with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.
8. CERT/INLAND VALLEY ECS VOLUNTEERS are prohibited from using City-owned equipment, materials, or property for personal benefit or profit.



9. CERT/INLAND VALLEY ECS VOLUNTEERS involved in volunteer activities are strictly prohibited from using alcoholic beverages and/or non-prescription drugs while actively assigned to an activity. This could include actual incidents, trainings, exercises, meetings and/or special events.
10. CERT/INLAND VALLEY ECS VOLUNTEERS will not favor or discriminate against any individual or group due to age, ancestry, sex, race, religion, national origin, marital status, mental disability, medical condition, sexual orientation or other status protected by law.
11. CERT/INLAND VALLEY ECS VOLUNTEERS are strictly prohibited from using or carrying any firearms or other weapons (solely intended to cause injury to others) while involved in EMERGENCY MANAGEMENT activities. This could include actual incidents, trainings, exercises, meetings and/or special events.
12. CERT/INLAND VALLEY ECS VOLUNTEERS shall not exceed their authority, breach the law or ask others to do so.
13. CERT/INLAND VALLEY ECS VOLUNTEERS will not use their status as a CERT/INLAND VALLEY ECS VOLUNTEER or their CERT/INLAND VALLEY ECS VOLUNTEER Identification Cards to gain favors, preferential treatment, and financial gain or to influence others for any purpose other than privileges afforded during emergency preparedness and response.
14. CERT/INLAND VALLEY ECS VOLUNTEERS are to wear their uniform (polo, jacket, vest, hardhat, etc.) only during official activations and other approved activities.
15. CERT/INLAND VALLEY ECS VOLUNTEERS are expected to wear proper personal protective equipment (gloves, goggles, masks, appropriate footwear, etc.) when appropriate.
16. CERT/INLAND VALLEY ECS VOLUNTEERS should hold to professional grooming standards during activations and other approved activities.
17. CERT/INLAND VALLEY ECS VOLUNTEERS shall display their Identification Cards during all activations and other approved activities.
18. CERT/INLAND VALLEY ECS VOLUNTEERS will be good stewards of emergency preparedness in the community.

I, _____ (please print), do hereby certify that I have read, understand and agree to abide by the above CERT/INLAND VALLEY ECS VOLUNTEERS CODE OF CONDUCT. I understand that failure on my part to comply with the letter or spirit of the CERT/INLAND VALLEY ECS VOLUNTEERS CODE OF CONDUCT could result in the termination of my status as a CERT/INLAND VALLEY ECS VOLUNTEERS. I also understand that if terminated from the program I must immediately surrender my CERT/INLAND VALLEY ECS VOLUNTEER Identification Card to the City of San Bernardino, Emergency Management.



Discrimination/Harassment Policy

I also acknowledge that I have received, read and understand the City of San Bernardino policy on non-discrimination, retaliation, workplace harassment, and sexual harassment.

(Policy attached, please retain for your records.)

I also acknowledge that failure to adhere to this policy may result in disciplinary action and/or dismissal from the program.

Applicant Signature

Date

Witness Signature

Date



PHOTOGRAPHIC, VIDEO, AUDIO, AND WEB SITE INFORMATION CONSENT AND RELEASE FORM

I, _____ (please print) do hereby give my consent to the City of San Bernardino, its staff, agents, and assigns to take photographs, record video and/or audio of me (and/or my property), and print an article about my story, actions, or conduct.

I acknowledge that CERT/Inland Valley (ECS) may wish to use the photographs, video and audio for educational, professional, advocacy, or promotional purposes. I further understand that my likeness may also be used in CERT/Inland Valley (ECS) promotional materials including, but not limited to, brochures, publications, booklets, and on CERT's/Inland Valley (ECS) website and social media sites, or may be used by the commercial news media, including, but not limited to, newspapers, magazines, radio, television, films, or the Internet.

I further acknowledge that my name and identity may be revealed therein or by descriptive text or commentary unless explicitly stated otherwise. I give to CERT/Inland Valley (ECS) all rights to exhibit this work publicly or privately, including posting on a web site.

I acknowledge that all photographs, videos, and audio (whether they are digital, originals, copies, negatives, or proofs) shall become the property of CERT/Inland Valley (ECS) and those items may be used, produced, reproduced, or distributed without obtaining my prior approval.

I waive any rights, claims or interests I may have to control the use of my identity or likeness in the photographs, video, or audio, and agree that any uses described herein may be made without compensation or additional consideration of me.

I hereby hold harmless and release forever CERT/Inland Valley (ECS) from all claims, demands, and causes of action which I, my heirs, representatives, executors, administrators, or any other persons acting on my behalf or on behalf of my estate have or may have by reason of this authorization.

I represent that I have read and understand the foregoing statements and am competent to execute this agreement.

Applicant Signature

Date

Witness Signature

Date

CERT/INLAND VALLEY (ECS) MEMBERSHIP REQUIREMENTS

Participants who complete the 20-hour CERT Basic Training have the option of becoming CERT Members in their community. Only CERT Members may continue to participate with an established CERT during community events, hands-on training, exercises and activation activities.

CERT Membership is open to any individual eighteen (18) years of age and older who satisfactorily completes the CERT Membership requirements below.



- IS-100.B: Introduction to the Incident Command System, ICS 100 introduces the Incident Command System (ICS) and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).
- IS-700.A: Introduction to the National Incident Management System (NIMS), introduces the NIMS System and provides the foundation for higher level training. This course describes the history, features and principles, and organizational structure of the National Incident Management System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

The online courses can be taken at: <http://training.fema.gov/is/>

CERT/INLAND VALLEY (ECS) MEMEBERSHIP REQUIREMENTS

Inland Valley (ECS) Membership is open to any individual eighteen (18) years of age and older who satisfactorily completes requirements below.



- IS-100.B: Introduction to the Incident Command System, ICS 100 introduces the Incident Command System (ICS) and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).
- IS-700.A: Introduction to the National Incident Management System (NIMS), introduces the NIMS System and provides the foundation for higher level training. This course describes the history, features and principles, and organizational structure of the National Incident Management System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

The online courses can be taken at: <http://training.fema.gov/is/>

**CERT/INLAND VALLEY (ECS)
MEMEBERSHIP REQUIREMENTS**

**CITY OF SAN BERNARDINO
RELEASE HOLD HARMLESS
WAIVER**

First Name (participant) Initial Last Name

Address

City State Zip

Phone (Day) Phone (Evening) Phone (Emergency)

Date of Birth Age

I, _____ (Print Name), wish to participate as a volunteer with the City of San Bernardino. I realize reasonable precautions are taken to reduce the risk of injures, including death, and property damage as a result of my participation, but there is still some risk which can result from my participation. I hereby agree to waive, release and hold harmless and defend the City of San Bernardino, its Successor Agency, the elected and appointed officials, agents, employees and, volunteers from any liability for damages for personal injury, including death, as well as property damage, which may arise in connection with my volunteer participation.

I HAVE CAREFULLY READ THIS RELEASE, HOLD HARMLESS AND AGREE NOT TO FILE A CLAIM OR TAKE OTHER LEGAL ACTION AGAINST THE CITY OF SAN BERNARDINO, OR ITS EMPLOYEES, AND FULLY UNDERSTAND ITS CONTENT. I AM AWARE THAT IT IS A FULL RELEASE OF ALL LIABILITY, AND SIGN IT OF MY OWN FREE WILL.

Name of Participant (Print)

Signature Date

**CITY OF SAN BERNARDINO
POLICY ON
NON-DISCRIMINATION, RETALIATION, WORKPLACE HARASSMENT
AND SEXUAL HARASSMENT**

I. PURPOSE

Discrimination and workplace harassment, including sexual harassment, is a violation of State and Federal laws, as well as a violation of a person's privacy and dignity. It can cause emotional, physical and economic damage to its victims. It undermines the integrity of the employment relationship. It can result in economic loss to the employer and employee, excessive absenteeism and turnover, loss of morale, division of staff, sabotaged work, decreased management credibility and decreased productivity. The purpose of this policy is to confirm the City of San Bernardino's commitment to maintain a work environment free from unlawful discrimination, harassment, sexual harassment and/or retaliation for all current and prospective City employees.

This Policy:

- Defines discrimination, harassment, sexual harassment and retaliation for purpose of this policy;
- Confirms the City's commitment to prohibit and prevent unlawful discrimination, harassment, sexual harassment and retaliation in employment;
- Provides a complaint and investigation procedure to resolve complaints of alleged discrimination, harassment, sexual harassment and retaliation in violation of law or this policy.

II. POLICY

It is the policy of the City of San Bernardino to provide all current and prospective employees a work environment free from discrimination, harassment, sexual harassment and/or retaliation on the basis of race, religious creed, color, national origin, ancestry, age, sex, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information, pregnancy, childbirth or related medical conditions of any female employee, or any other classification protected by law.

Therefore, the City of San Bernardino will not tolerate any form of discrimination, harassment, sexual harassment and/or retaliation and expects individuals to adhere to a standard of conduct that is respectful to all persons within the work

environment. This policy is intended to allow the City to resolve complaints of discrimination, harassment, sexual harassment and/or retaliation internally. It is meant to supplement, not replace, any applicable State and Federal remedies.

The City of San Bernardino further acknowledges and understands that in order to implement a non-discrimination/non-harassment policy of the type hereby developed, it is essential that all persons who witness or experience discrimination, harassment and/or sexual harassment of the type prohibited by this policy report that discrimination or harassment immediately in order to facilitate early, effective, efficient and impartial investigation and intervention by the City. Accordingly, any retaliation against a person for filing a discrimination, harassment and/or sexual harassment complaint; reporting discrimination, harassment and/or sexual harassment which he or she has witnessed; or assisting in a discrimination, harassment and/or sexual harassment investigation is strictly prohibited.

In interpreting and implementing this policy, the constitutional rights of free speech and association shall be accommodated in a manner consistent with applicable Federal and State laws and in a manner consistent with the intent of this policy.

III. **SCOPE**

This policy applies to all officers, agents, employees and elected officials of the City of San Bernardino (collectively called “employees” herein), as well as third parties (e.g., vendors, contractors, members of the public) regularly entering the work environment.

IV. **DEFINITIONS**

A. Discrimination, as used in this policy, is defined to include but is not limited to:

1. Basing an employment decision on a job applicant or employee, e.g., decision to hire, promote, transfer, terminate, etc. on one’s protected status, e.g., race, religious creed, color, national origin, ancestry, age, sex, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information or any other classification protected by law.
2. Treating an applicant or employee differently with regard to any aspect of employment because of his/her protected status.
3. Engaging in harassment and/or sexual harassment as more specifically defined below.

- B. Harassment includes the following when based upon race, religious creed, color, national origin, ancestry, age, sex, marital status, physical disability, mental disability, medical condition, sexual orientation, genetic information or any other classification protected by law:
1. Verbal harassment, e.g., epithets, derogatory comments, lewd propositioning, sexual remarks, or slurs;
 2. Physical harassment, e.g., assault; unwelcome, unconsented or offensive touching; impeding or blocking movement; or any physical interference with normal work or movement; and,
 3. Visual harassment, e.g., leers, gestures, or derogatory posters, cartoons or drawings.
 4. Unwanted sexual advances, even if the complainant is not the target of the sexual advances but reasonably believes that engaging in sexual conduct or solicitations is a prerequisite to fair treatment.
 5. For the purpose of this policy, harassment specifically includes sexual harassment, as defined below.
- C. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual; or,
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive working environment.

For the purpose of further clarification, sexual harassment includes, but is not limited to:

1. Making unsolicited written, verbal, visual or physical contact with sexual overtones, physical contact or blocking movement. (Written examples: suggestive or obscene letters, notes, invitations. Verbal examples: epithets, derogatory comments, lewd propositioning,

sexual remarks, or slurs. Visual examples: leering, gestures, display of sexually suggestive objects or pictures, cartoons or postcards. Physical examples: touching in a sexually suggestive manner, touching of the private parts of another for sexual gratification, pinching, grabbing, patting, propositioning or leering.)

2. Continuing to express sexual interest, or repeated offensive sexual flirtations, advances, or propositions after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
 3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. (Example: either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.)
 4. Engaging in implicit or explicit coercive sexual behavior, which is used to control, influence, or affect the career, salary or work environment of another employee. (Sexual harassment does not refer to occasional compliments of a socially-acceptable nature.)
 5. Offering favors or employment benefits, such as promotions, favorable performance evaluations, assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
 6. Granting employment benefits because of sexual favor; other qualified persons who are denied the benefits may be considered to be victims of sexual harassment.
 7. Widespread sexual favoritism that is severe or pervasive enough to alter the complainant's working conditions and create a hostile work environment.
 8. A finding of sexual harassment even though the conduct occurs outside of the workplace.
- D. Retaliation, as used in this policy, prohibits reprisal against a person who files a discrimination, harassment or sexual harassment complaint; reports discrimination, harassment or sexual harassment; or assists in a discrimination, harassment or sexual harassment investigation. Retaliation includes threats, intimidation and/or adverse actions related to employment.

V. **PENALTY GUIDELINES**

The City of San Bernardino will undertake all appropriate, necessary actions against any employee found to be in violation of this policy. Appropriate necessary action may include corrective action (e.g., counseling and/or training) and/or punitive action up to and including termination from employment. Employees found to be retaliating against another employee for filing a discrimination charge, a harassment or sexual harassment charge or making a discrimination, harassment or sexual harassment complaint shall be subject to disciplinary action up to and including termination.

In the case of elected officials, disciplinary actions are limited to private or public censure, unless otherwise permitted by Charter.

In the case of a citizen, contractor or vendor, the City shall take such actions to prevent further discrimination, harassment, sexual harassment or retaliation as may be within its power.

Any manager, supervisor, or designated employee responsible for reporting or responding to discrimination, harassment, sexual harassment and/or retaliation who knew about the discrimination, harassment, sexual harassment and/or retaliation and took no action to stop it or failed to report the aforesaid prohibited conduct may also be subject to disciplinary action.

VI. **DUTIES**

A. **City's Responsibility**

The City shall take prompt, appropriate action to avoid or minimize discrimination, harassment, sexual harassment, retaliation, and liability to the City. The City will pursue every possible preventative measure to ensure employees are not subject to discrimination, harassment, sexual harassment and retaliation; will investigate all complaints of discrimination, harassment, sexual harassment, retaliation, and all instances in which it has good cause to believe it has occurred; and will take appropriate disciplinary action against any employee(s) found to be in violation of this policy.

B. **Human Resources Division Manager and/or City's Equal Employment Opportunity (EEO) Officer**

The Human Resources Division Manager and/or the City's EEO Officer shall be responsible for:

1. Ensuring that this policy and complaint procedures are disseminated to all employees.

2. Providing training and assistance to department heads, supervisors and employees in preventing and addressing discrimination, harassment, sexual harassment and retaliation.
3. Investigating, resolving and making findings and recommendations on complaints of unlawful discrimination, harassment, sexual harassment and retaliation.

C. Department Heads

Department heads shall be responsible for:

1. Assisting the Human Resources Division Manager and/or the City's EEO Officer by disseminating this policy and ensuring that the workplace remains void of discrimination, harassment, sexual harassment and/or retaliation.
2. Coordinating and cooperating with the Human Resources Division Manager and/or City's EEO Officer in resolving complaints involving employees in their respective departments; and, when discrimination, harassment, sexual harassment and/or retaliation has occurred, taking:
 - a) Prompt and appropriate remedial action against the perpetrator/harasser.
 - b) Reasonable steps to protect the complainant from further discrimination, harassment, sexual harassment and/or retaliation.
 - c) Action to remedy the effects of discrimination, harassment, sexual harassment and/or retaliation.

D. Employees

Employees shall cooperate fully with all investigations of discrimination, harassment, sexual harassment and retaliation; implementation of remedial measures; and shall not retaliate against complainants or witnesses.

VII. COMPLAINT PROCEDURE

- A. Any employee who believes that he/she has been discriminated against, harassed, sexually harassed, retaliated against or has reason to believe that someone else has been the subject of discrimination, harassment, sexual harassment and/or retaliation has the obligation to notify the employee's supervisor or department head, the Human Resources

Division Manager or the City's EEO Officer. (Any applicant who believes he/she has been discriminated against, harassed, sexually harassed and/or retaliated against may file a complaint with the Human Resources Division Manager and/or the City's EEO Officer.)

- B. The Human Resources Division Manager and/or the City's EEO Officer shall be responsible for ensuring that all complaints of discrimination, harassment, sexual harassment and retaliation are investigated thoroughly and are responded to in a timely fashion.
- C. The Human Resources Division Manager and/or the City's EEO Officer shall be responsible for arranging periodic training for employees.
- D. The Human Resources Division Manager and/or the City's EEO Officer shall perform his/her duties in a fair, impartial, and objective manner. Any person who attempts to influence the Human Resources Division Manager and/or the City's EEO Officer by means of any threat, intimidation, persuasion, or assurance of any financial or other advantage, may be subject to prosecution and/or penalties as provided herein.
- E. Upon the filing of a written complaint (see attached forms) or at such time as the Human Resources Division Manager and/or the City's EEO Officer have good cause to believe that discrimination, harassment, sexual harassment and/or retaliation has occurred, the Human Resources Division Manager and the City's EEO Officer shall promptly and confidentially investigate the complaint and keep it confidential to the extent practicable within the context of the investigation.
- F. The Human Resources Division Manager and the City's EEO Officer shall provide the respondent an opportunity for an informal resolution of the matter, and shall notify the complainant of the proposed disposition of his/her complaint by the informal adjustment procedure.
- G. The complainant and respondent shall abide by the terms of any agreed-upon settlement. In all other respects, the recommendations of the Human Resources Division Manager and/or the City's EEO Officer shall be advisory only.

VIII. **LIABILITY FOR SEXUAL HARASSMENT**

Any employee who engages in unlawful sexual harassment or retaliation, including any supervisor or manager who knew about the sexual harassment and took no action to stop it, may be held personally liable for monetary damages.

IX. **EMPLOYEE RESPONSIBILITIES AND RIGHTS**

A. Complainants

Any employee who believes he/she has been discriminated against, harassed, sexually harassed and/or retaliated against has the responsibility to take immediate action to assure that the situation does not persist.

Employees have the following rights:

1. To work in an environment free from discrimination, harassment, sexual harassment and/or retaliation.
2. To an informal hearing by the Human Resources Division Manager and/or the City's EEO Officer.
3. To a full, impartial and prompt investigation through the Human Resources Division Manager and/or the City's EEO Officer, including the right to produce witnesses and to have them interviewed.
4. To be represented by legal counsel or other representatives, at his/her own cost, at all stages of the proceedings.
5. To a timely decision after full consideration of all relevant facts and circumstances.
6. To be advised of the results of the Human Resources Division Manager's and/or the City's EEO Officer's investigation and conclusions. (If discipline is imposed, the specific terms of the discipline will not be communicated to the complainant.)
7. To be free from retaliation for filing a complaint or otherwise participating in an investigation of discrimination, harassment, sexual harassment and/or retaliation.

Employees may also file complaints of discrimination, harassment, sexual harassment and/or retaliation with the following State and Federal Offices:

State
Department of Fair Employment
& Housing (DFEH)
Los Angeles Housing District
1055 West 7th Street, Suite 1400
Los Angeles, CA 90017

Federal
Equal Employment Opportunity
Commission (EEOC)
Roybal Federal Building
255 East Temple Street, 4th Floor
Los Angeles, CA 90012

Phone: 1-800-884-1684
Fax: 1-213-439-6715
TTY: 1-800-700-2320
www.dfeh.ca.gov

Phone: 1-800-669-4000
Fax: 1-213-894-1118
TTY: 1-800-669-6820
www.eeoc.gov

B. Respondent

Any employee who has been accused of discrimination, harassment, sexual harassment and/or retaliation (“Respondent”) has the responsibility to cooperate with the investigation by the Human Resources Division Manager and/or the City’s EEO Officer and also has the following rights:

1. To an attempt at an informal resolution of the complaint with the Human Resources Division Manager and/or the City’s EEO Officer prior to the institution of any formal process.
2. To be represented by legal counsel or other representative, at his/her own cost, at all stages of the proceedings.

C. It shall be the responsibility of any supervisor or other employee to whom alleged discrimination, harassment, sexual harassment and/or retaliation has been reported to maintain such report as a matter of strict confidence. Such report may be discussed only with the Human Resources Division Manager and/or the City’s EEO Officer.

A complaint of discrimination, harassment, sexual harassment and/or retaliation is to be considered and treated as any other confidential record of the complaining and responding employees.

X. **AFFORDABLE CARE ACT (ACA) RETALIATION**

An employment action is considered retaliatory under the ACA if it discriminates against any employee with respect to compensation, terms, conditions, or other privileges of employment. “Retaliation” can include termination, demotion, denial of overtime, denial of promotion or other benefits, failure to hire or rehire, intimidation, reassignment, discipline, blacklisting, and the reduction of pay or hours.

The ACA’s anti-retaliation provisions prohibit an employer from retaliating against an employee who:

1. Receives a health insurance tax credit or subsidy through Covered California (aka the “Marketplace” or “exchange”).
2. Reports potential violations of protections afforded under Title I of the Act, which provides guaranteed availability protections among other things.
3. Testifies in a proceeding concerning such violation.

4. Assists or participates in a proceeding concerning a violation; or
5. Objects to, or refuses to participate in, any activity, policy, practice, or assigned task that the employee reasonably believes to be in violation of any provision of Title I of the Act.

Enforcement

The Department of Occupational Safety and Health Administration (OSHA) will enforce the ACA's anti-retaliation provisions. An employee who believes he/she has been retaliated against pursuant to the ACA must complain within 180 days by an in-person visit or telephone call to a local OSHA office, or by sending a written complaint to the OSHA office.

Employee's Remedies for Retaliation Under the ACA

Remedies include reinstatement, affirmative action to abate the violation, back pay with interest, front pay, compensatory damages, and an award of up to \$1,000 for attorney's fees.

Copies of this policy shall be distributed to all employees and elected officials.

**ACKNOWLEDGMENT OF MANDATORY COMPLIANCE WITH
CITY OF SAN BERNARDINO POLICY ON
NON-DISCRIMINATION, RETALIATION, WORKPLACE HARASSMENT
AND SEXUAL HARASSMENT**

I hereby acknowledge that I have received a copy of the City of San Bernardino Policy on Non-Discrimination, Retaliation, Workplace Harassment and Sexual Harassment. I understand that compliance with this policy is mandatory and violation of this policy may result in discipline up to and including termination. I have read and understand this policy and agree to comply with its provisions.

I understand that if I have questions regarding this policy, I can discuss these issues with my supervisor or the Human Resource Department.

DATE

Employee Signature

Employee Name (**Print**)

Department

***** Please sign and return to the Human Resources Department no later than 30 days from the receipt of this acknowledgement. *****

CITY OF SAN BERNARDINO

COMPLAINT OF DISCRIMINATION

(Please Print or Type)

1. Name: _____
Address: _____
City: _____ State: _____ Zip: _____
2. Are you currently employed by the City of San Bernardino? Yes No
Department: _____ Job Title: _____
3. City Employee/Agent you believe discriminated against you:
Name: _____
Department/Division the individual is employed within: _____
Address: _____ City: _____ State: _____
4. What is the basis on which you believe you were discriminated? Race: Sex
Marital Status Age Physical Disability Mental Disability
Medical Condition Race Religious Creed Color National Origin
Ancestry Sexual Orientation Genetics Information Other
5. Date or period the alleged discrimination occurred: _____
6. Did the discrimination occur while on duty? Yes No If yes, where did it occur? _____

7. Have you discussed the discrimination with your Supervisor? Yes No
8. Provide a detailed description of the discrimination (attach additional pages, if necessary): _____

9. What corrective action do you want taken on your behalf in the resolution of this complaint
(attach additional pages, if necessary): _____

Signature: _____

Date: _____

CITY OF SAN BERNARDINO
COMPLAINT OF HARASSMENT/SEXUAL HARASSMENT

Your Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

Your Job Title: _____ Dept.: _____

Name of Alleged Harasser: _____ Dept.: _____

Form of Harassment (circle one): Race: Sex Marital Status Age

Physical Disability Mental Disability Medical Condition Religious Creed

Color National Origin Ancestry Sexual Orientation Genetics Information

Other

Date of Occurrence: _____

Have you discussed the harassment with your Supervisor? Yes No

Description of harassment (attach additional pages, if necessary): _____

What corrective action do you want taken on your behalf regarding this complaint? _____

Signature: _____

Date: _____