



Fire Department

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March 22, 2021

To the Honorable
The Board of Fire and Police Commissioners
City Hall, Room 705
200 East Wells Street
Milwaukee, Wisconsin 53202

Dear Commissioners:

Enclosed for your review is the updated draft of the Milwaukee Fire Department's Anti-Harassment/Anti-Discrimination numbered notice for which I am asking the Honorable Board's approval to publish and distribute.

This will replace the current publication, NN#2014-45 from year 2014. The reason for updating is to follow suit with the City of Milwaukee's March 2021 Anti-Harassment Policy which includes protected hairstyles. This MFD notice includes excerpts from the City's policy along with a complaint procedure. The complaint procedure is unchanged from 2014.

Feel free to contact me directly should you have questions regarding the notice or this request for approval to publish and distribute. Thank you for your time.

Respectfully,

AARON LIPSKI
Acting Chief

AL/cf

cc: Exec Dir Todd III

Enclosure: NN2021-xx Anti-Harassment/Anti-Discrimination

Office of
MILWAUKEE FIRE DEPARTMENT

2021 – xx

Date

TO: Department Personnel

RE: ANTI-HARASSMENT/ANTI-DISCRIMINATION

The Milwaukee Fire Department (MFD) is committed to maintaining a professional and positive work environment where all individuals are treated with respect and dignity. The following are excerpts from the City of Milwaukee Policy, dated May, 2018, to aid in defining employee expectations; expectations mirrored in the MFD.

It is therefore the policy of the City of Milwaukee to provide a work environment that is free from sexual harassment and harassment or discrimination based upon age, race, national origin, disability, creed (religion), color, marital status, ancestry, sexual orientation, gender identity or expression, arrest record, conviction record, military service; the use or non-use of lawful products off the employer's premises during non-working hours; declining to attend a meeting or to participate in any communication about religious matters or political matters; genetic testing; lawful source of income, victimhood of domestic abuse or sexual assault, protective [sic] hairstyle (hairstyle necessitated by, or resulting from, the characteristics of a hair texture associated with race, such as natural hair, braids, locks, an afro, curls, cornrows, twists, and any other hairstyle, treated or untreated, which is commonly associated with a racial, ethnic, or cultural identity), HIV status, domestic partnership, genetic identity, homelessness, familial status, or an individual's affiliation or perceived affiliation with any of these categories. These categories are protected under Section 703 of Title VII of the 1964 Civil Rights Act, as amended, the State of Wisconsin Fair Employment Relations Act and City of Milwaukee Code of Ordinances.

Harassment, including sexual harassment, whether verbal, physical or arising out of conduct at the workplace, at department or City sponsored social functions, or outside of the workplace is unacceptable and will not be tolerated by the City of Milwaukee.

Prohibited Conduct

Harassment based upon any protected category is not tolerated. Sexual harassment is a form of discrimination on the basis of gender and the conduct described below is prohibited. The term "sexual harassment" means any unwelcome sexual advance, request for sexual favors, or other conduct of a sexual nature including, but not limited to, written communication, displaying images or text, sending messages containing images, jokes, videos, sound clips, or any verbal or physical conduct, where:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;*
- (2) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the person; or*
- (3) Such conduct is so severe or pervasive that it unreasonably interferes with a*

person's work performance or creates an intimidating, hostile, or offensive work environment.

There are two forms of sexual harassment. They include "Quid pro quo" harassment and "hostile work environment" harassment. "Quid pro quo" harassment is when an employee's benefits (i.e. raises, promotions and desirable working hours) are directly linked to compliance with sexual advances. Hostile work environment harassment is when the conduct is so severe or pervasive that it creates an offensive and unpleasant working environment. This conduct typically consists of verbiage of a sexual nature, the presence of unwelcome sexual materials or unwelcome physical contact that is accepted as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Examples of sexual harassment include:

Verbal: *sexual innuendo, suggestive comments, jokes of a sexual nature, lewd remarks and threats, requests for any type of sexual favors (including repeated, unwelcome requests for dates), personal questions about an employee's social or sexual life, and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment.*

Nonverbal: *the distribution, display or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex. Nonverbal harassment also includes suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters and notes, photos, text messages, tweets, and internet postings, or other form of communication that is sexual in nature and offensive.*

Physical: *Any unwelcome unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.*

Examples of other types of harassment when focused on a protected group include:

Verbal: *slandering, ridiculing or making harmful and often untrue statements, persistent name calling, mocking or mimicking someone's accent, using a person as butt of jokes, use of "hate words," and verbal abuse or "kidding," or threat of harm that is oriented toward a protected group.*

Nonverbal: *the distribution, display or discussion of any written or electronic material, including calendars, posters, and cartoons that are offensive or show hostility toward a protected group; suggestive or insulting sounds, leering, staring, gestures that are offensive toward a protected group.*

Physical: *Any unwelcome unwanted physical contact, including pushing, shoving, kicking, poking, tripping, damage to work area or property; impeding or blocking normal work, access to tools and equipment or movement in workplace oriented toward a protected group.*

MFD members who practice discrimination/harassment, as defined by any relevant federal or state statute, or city ordinance, or any federal, state, city or department rule or regulation pertaining to harassment, against anyone, is subject to charges, up to and including discharge.

REPORTING PROCEDURE

Members who feel they have been a victim of discrimination or harassment are to submit a completed MFD F-209, "Employee Complaint Form," delivering it in a sealed confidential envelope to the Assistant Chief of Support or the Fire Personnel Officer. Request Form F-209 via Fire Administration at 286-8948.

Members who have knowledge of discrimination/harassment against other members are to report the situation to the Assistant Chief of Support. Failure to do so will result in charges against said members. Officers are not to permit discrimination/harassment, as defined by the law, to be practiced by members under their authority.

INVESTIGATION AND FINDINGS

Complaints will be investigated in a timely and confidential manner. In no event will information concerning a complaint be released to or discussed with anyone who is not involved with the investigation while the investigation is pending.

The investigation will be prompt, objective, and thorough.

CONFIDENTIALITY CONSIDERATIONS

During the complaint process, the confidentiality of the information received and the privacy of the individuals involved will be protected to as great a degree as is possible. The wishes of the complainant for confidentiality will be considered in the context of the city's legal obligation to act on the charge and the right of the respondent to obtain information.

The investigation will protect the privacy of individuals who file complaints or reports, individuals who provide information during the investigation and the person (s) alleged to have engaged in harassment, to the extent legally possible; however, some records obtained or created during the investigation may be subject to disclosure under applicable Wisconsin Public Records statutes.

RETALIATION PROHIBITED

Retaliation to a discrimination/harassment complaint will not be tolerated. Members who report a violation of this policy, or who cooperate in an investigation in compliance with this policy and who believe they have been retaliated against should report this conduct on MFD Form F-209.

This notice cancels and supersedes #2014-45.

AARON LIPSKI
Acting Chief

AL/cf