

**PLAINSBORO TOWNSHIP BOARD of FIRE COMMISSIONERS
FIRE DISTRICT No. 1
EMPLOYEE COMPLIANT POLICY**

POLICY:

Employees who wish to complain of harassment or any other workplace wrongdoings are requested to immediately report the matter to any line officer, the president, vice president, or any fire commissioner, Employees are encouraged to complain in writing but may make a verbal complaint at their discretion. No retaliatory measures shall be taken against any employee who complains of workplace wrongdoing. **Any person knowingly falsifying a claim can be brought up on charges including the possibly of dismissal from the fire company.**

PROCEDURE:

The chief, president, day time supervisor or fire district chairperson will investigate all complaints and, to the maximum extent feasible, maintain confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

GENERAL GUIDELINES for CONDUCTING an INVESTIGATION BY THE PERSONNEL INVESTIGATION PANEL (PIP)

The fire district is committed to promptly and thoroughly investigating all reports and/or complaints, whether they are formal or informal, verbal or written of harassment and/or sexual harassment. To that end, a Personnel Investigation Panel (PIP) shall be formed to conduct such investigations and prepare a report for consideration by the chairperson of the PIP. These guidelines shall be followed in all such investigations.

PRELIMINARY CONSIDERATIONS:

1. The PIP shall be comprised of three (3) members designated by the chief, president, daytime supervisor, or the fire district chairperson to serve in that capacity. In the event of conflict causing one or more of the members to recuse themselves, the person who formed the PIP shall designate alternates.
2. ANY formal or informal complaint/report of harassment and/or sexual harassment (hereinafter referred to as harassment) that comes to the attention of the chief, or any appointed member of PIP, will trigger an investigation by the PIP.
3. Such investigation may be triggered even when the apparent person alleged to have been harassed has not brought the incident to the attention of the chief, president, daytime supervisor or fire district chairperson or initiated a formal complaint.
4. The PIP will conduct an investigation as promptly and efficiently as possible upon receipt of a compliant/report of harassment.

5. The members of PIP shall meet to discuss the nature and circumstances of the complaint/report of harassment, reach consensus as to who shall conduct the investigation (the PIP or some other investigatory body, such as law enforcement authority), how it should be conducted and the timing of the investigation.
6. The investigation may consist of interviews of the person alleged to have been harassed, the person alleged to have committed the harassment any persons identified as potential witnesses, or anyone deemed to have knowledge of the incident being investigated. The list of potential interviewees is not limited to members of the Plainsboro Volunteer Company and employees of the Plainsboro Fire District No. 1.
7. Any member of a labor union who is questioned as part of the investigation shall be advised of his/her right to have a union representative present during any questioning. The union member shall be asked to sign an acknowledgement form, indicating that he/she has been given this opportunity and designating the union member's choice to either have the representative present or waive this right. If the union member wishes to have a union representative present, the interview of the union member shall be temporarily suspended for a reasonable period until such time as a union representative is available. The union representative shall not be interviewed as part of the PIP investigation unless it appears that the person acting as the union representative may also be a potential witness in the investigation.
8. Members of PIP shall not prejudge the facts but shall conduct the investigation as impartially, objectively and thoroughly as possible.
9. A neutral location for the interviews, within the fire house if possible, shall be selected which ensures privacy and minimizes scrutiny and questioning from other municipal employees.
10. Persons interviewed shall not be questioned under oath. The interview shall not be recorded or transcribed, unless specifically requested by the person being interviewed.
11. All persons interviewed shall be advised that the information provided will be treated as confidentially as possible (recognizing that neither their identity nor the information they provide are privileged, and may be disclosed under certain circumstances). Similarly, all persons interviewed shall be requested to keep the matter confidential.
12. All persons interviewed shall be advised of the rights/prohibitions against retaliation for good faith complaints and/or participation and who to contact if concerns in this regard should arise.
13. All interviews are primarily designed to elicit information on the specific event that triggered the investigation, but are not limited solely to the event and shall follow the flow of information provided. They may include open-ended questions covering broad areas and/or more specific questions related solely to the event/issue in question.
14. Although generally one member of the PIP shall be the primary interviewer, all members of the PIP shall be permitted to ask questions during the interview.

INTERVIEWING THE PERSON ALLEGED TO HAVE BEEN HARASSED:

1. The person alleged to have been harassed shall be advised of the reason for the interview and that it is part of an investigation required by law and Fire District policy.

2. The interviewer will ask the person to describe each and every offensive act, statement, or concern until all of the complaints/concerns are described/discussed.
3. The interviewer will try to establish a chronology of events.
4. The interviewer will inquire as to the identity of witnesses, and may interview those persons as part of the investigation.
5. The person alleged to have been harassed will be asked to provide any documentary evidence he/she may possess (notes, etc.)
6. The interviewer may inquire as to whether the person alleged to have been harassed has missed work, incurred medical expenses, etc.
7. The person alleged to have been harassed will be advised that the investigation is ongoing and that the members of PIP may contact him/her again if additional information is needed.
8. In certain circumstances, the members of the PIP may have a statement prepared and ask the witness to sign it, indicating that the account is accurate and complete.

INTERVIEWING THE WITNESS:

1. Each witness shall be advised of the reason for the interview and that it is part of an investigation required by law and Fire District policy.
2. The witness shall be asked about the relevant allegations/facts as well as other information that is developed as the investigation proceeds.
3. The witness shall be advised of the non-retaliation policy and the procedure to address any incidents of retaliation.
4. The witness will be advised that the investigation is ongoing and that the members of the PIP may contact him/her again if additional information is needed.
5. In certain circumstances, the members of the PIP may have a statement prepared and ask the witness to sign it, indicating that the account is accurate and complete.

INTERVIEWING THE PERSON ALLEGED TO HAVE COMMITTED THE HARASSMENT:

1. The person alleged to have committed the harassment shall be advised of the reason for the interview and it shall be explained that it is part of an investigation required by law and Fire District policy.
2. The person alleged to have committed the harassment shall **not** be advised of the identity of the person alleged to have been harassed or any of the witnesses during the interview. If the investigation should result in the potential for disciplinary action, the person alleged to have committed the harassment shall be afforded all of the rights as are contained in the Fire District disciplinary policy at that time.
3. The interviewer shall address each of the allegations and give the person alleged to have committed the harassment the opportunity to respond, explain and/or refute them.
4. The interviewer will inquire as to the identity of witnesses, and may interview those persons as part of the investigation.
5. The person alleged to have committed the harassment shall be advised that he/she should not contact or take any retaliatory action against the person alleged to have been harassed or any witnesses if their identity is discovered.

6. The person alleged to have committed the harassment shall be asked to provide any documentary evidence in his/her possession.

COMPLETING THE INVESTIGATION:

1. The members of the PIP shall review all materials obtained during the investigation.

2. The PIP may obtain and review any other materials not supplied by the persons interviewed but referred to during the course of the interviews.

3. The PIP shall complete any follow-up interviews as are necessary (including additional interviews of the person alleged to have been harassed, witnesses and/or the person alleged to have committed the harassment as appropriate).

4. One member of the PIP shall be selected to prepare a draft written report, to be reviewed and approved by the other members of the PIP. Each member of the PIP shall have the right to suggest changes, additions and/or deletions to the draft report as they see fit until each member of the PIP is satisfied that the final version of the report fairly and accurately represents an impartial summary of what each of the persons interviewed stated and a discussion of the facts as best as can be reasonably determined from that information.

5. The report may include a reference to any relevant Fire District policies implicated by the information supplied during the investigation.

6. Once a final report is prepared and approved by the members of the PIP, it shall be referred to the chief for further action as appropriate.