

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ELIJAH PAGE,

No. 3:23-CV-5849

PLAINTIFFS,

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY**

vs.

CLARK COUNTY FIRE DISTRICT 6;
CHIEF KRISTAN MAURER,
individually and as an employee of
Clark County Fire District 6; CHIEF
DAVID RUSSEL, individually and as
an employee of Clark County Fire
District 6; CHIEF DAVID SCHMITT,
individually and as an employee of
Clark County Fire District 6; CAPTAIN
ERIC SIMUKKA, individually and as
an employee of Clark County Fire
District 6; JON ERICKSON,
individually and as an employee of
Clark County Fire District 6,

[JURY DEMAND]

DEFENDANTS.

I. INTRODUCTION

1.1 Elijah Page, a black male and former sheriff's deputy, transitioned from law enforcement to a firefighter position at Clark County Fire District 6 (CCFD6) in April 2022. His time at CCFD6 was marred by racial discrimination in June when a

white recruit, John Erickson, assaulted Page by placing a noose around his neck and simulated a lynching.

1.2 None of the CCFD6 who watched the assault intervened or objected at the time of the assault.

1.3 The administration at CCFD6, including the Chief, looked into the assault and found that it did occur, but ultimately downplayed the severity of it and in internal records referred to Page as only “the recipient of the action,” rather than acknowledging him as a victim of a crime.

1.4 CCFD6 policy required the department administration to report the hate crime to the police, but instead the CCFD6 administration attempted to cover up what had occurred. They illegally ordered Page and other witnesses not to report the assault to anyone, a move motivated by a desire to avoid negative publicity ahead of a tax levy vote. That order was illegal and contradicted several of the district’s own policies.

1.5 When Erickson separated from CCFD6, Chief Kristan Maurer, despite knowing Erickson committed a hate crime, wished Erickson well in his future and assured him that she would not tell potential future employers what Erickson did.

1.6 Erickson’s racial assault of Page, followed by CCFD6’s effort to sweep it under the rug, caused Page extreme emotional suffering, and created a hostile and dangerous environment which forced Page from CCFD6.

1.7 The assault on Page was witnessed by multiple CCFD6 members. Witness statements are attached as Exhibits 1 through 6 of this Complaint.

II. PARTIES

2.1 Plaintiff ELIJAH PAGE was at all times relevant a citizen of the United States residing in Clackamas County, Oregon.

2.2 Defendant CLARK COUNTY FIRE DISTRICT 6 (CCFD6) was at all times material to this action operating and existing in Clark County, Washington.

2.3 Defendant CHIEF KRISTAN MAURER was at all relevant times a resident of Clark County, Washington, and employee of CCFD6, acting as an employee of CCFD6. Chief Kristan Maurer is being sued both in her individual capacity, personal capacity, and official capacity.

2.4 Defendant CHIEF DAVID RUSSEL was at all relevant times a resident of Clark County, Washington, and employee of CCFD6, acting as an employee of CCFD6. Chief David Russel is being sued both in his individual capacity, personal capacity, and official capacity.

2.5 Defendant Assistant CHIEF DAVID SCHMITT was at all relevant times a resident of Clark County, Washington, and employee of CCFD6, acting as an employee of CCFD6. Assistant Chief David Schmitt is being sued both in his individual capacity, personal capacity, and official capacity.

2.6 Defendant CAPTAIN ERIC SIMUKKA was at all relevant times a resident of Clark County, Washington, and employee of CCFD6, acting as an employee of CCFD6. Captain Eric Simukka is being sued both in his individual capacity, personal capacity, and official capacity.

2.7 Defendant JON ERICKSON was at all relevant times a resident of Clark County, Washington, and employee of the CCFD6, acting as an employee of CCFD6. Jon Erickson is being sued both in his individual capacity, personal capacity, and official capacity.

III. JURISDICTION AND VENUE

3.1 This action is brought pursuant to 42 U.S.C. §§ 1983, 1985, 1986, 1988, 2000e *et seq.*, the First and Fourteenth Amendments of the United States Constitution, common law, and RCW 49.60 *et seq.*

3.2 Jurisdiction is founded on 28 U.S.C. §§ 1331, 1332, and 1343 and the aforementioned statutory and constitutional provisions.

3.3 This court can and should exercise supplemental jurisdiction over state claims and other parties under 28 U.S.C. § 1367(a), as the other claims are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.

3.4 All parties are resident in or were doing business in Clark County, Washington, and the Western District of the United States Federal Court for Washington, and are citizens of the United States of America.

3.5 Venue is proper in this District pursuant to 28 U.S.C. § 1391 as a substantial part of the events and omissions giving rise to the claims asserted herein occurred in Clark County, Washington, which is in this court's district and division.

3.6 The complaint is timely filed within the applicable statute of limitations. The appropriate statute of limitations is Washington's three-year statute for personal

injury claims. RCW 4.16.080. The United States Supreme Court and the Ninth Circuit have held that 42 U.S.C. § 1983, which does not contain a statute of limitations, adopts the relevant statute of limitations for personal injury actions. *Wilson v. Garcia*, 471 U.S. 261 (1985); *Stanley v. Trustees of California State University*, 433 F.3d 1129 (9th Cir. 2006).

IV. FACTUAL ALLEGATIONS

4.1 Elijah Page, a 41-year-old black male, spent his early years in Tacoma, Washington, before moving to Vancouver, Washington in his childhood.

4.2 After successfully graduating from Eastern Oregon University, Page began his professional journey as a personal banker at Wells Fargo bank and later advanced to the position of financial advisor.

4.3 During his time at Wells Fargo, his work performance, attitude, and teamwork consistently earned positive reviews from all his supervisors and leads.

4.4 Transitioning from finance to law enforcement, Page started working as a corrections deputy at the Clark County Sheriff's Office (CCSO) in 2015. His tenure as a corrections deputy was unblemished, despite facing racially motivated insults from jail inmates, which he handled with resilience and professionalism.

4.5 In 2018, Page attended the Washington State Police Academy to further his law enforcement skills and credentials.

4.6 The same year, after successful completion of his training, Page was hired as a fully commissioned deputy by the CCSO.

4.7 While at CCSO, he trained under field officers Jack Phan, Mark Anderson, and Tom Maxfield, continuing to serve as a deputy until 2022.

4.8 Page was a patrol deputy for the CCSO. Known for his impressive work ethic and adept interaction skills with both the public and colleagues, Page swiftly made a mark in his new position.

4.9 In 2020, Page was recognized for his outstanding performance with the Exemplary Performance Award from the CCSO. The award applauded his exemplary work and dedication to community service.

4.10 Exemplifying his strong work ethic, Page's 2021 Performance Evaluation echoed his quality as a deputy. With ratings mostly being 4's, 4.5's, and 5's, Page was characterized as "Meets Standard," "Exceeds Requirements," "Exceptional," and "Exceeds Standards" by his supervisors. An excerpt from a supervisor's commentary reads, "Deputy Page has also remained extremely busy and a total team player while completing his more complex investigations...He is efficient throughout the day with his workload, and he provides an excellent work product." Another quote stated, "Along with working extremely hard, Deputy Page is fun and well-liked by his squad mates...I have submitted Deputy Page for the 2020 Deputy of the Year. He is an asset to this department."

4.11 In June of 2021, Page received an Appreciation Letter from Clark County Sheriff Chuck Atkins, commending him for his exceptional efforts.

4.12 In the same year, Page's hard work was further recognized as he was nominated for the CCSO Deputy of the Year 2021.

4.13 After a serious incident at the Portland riots in 2021, Page was awarded the Police Blue Star medal by Portland Police Department Chief Lovell. The award acknowledged his “great personal sacrifice resulting in serious physical injury”, following an event where he was struck in the head by a projectile.

4.14 In February 2022, Page nominated for a life-saving award following his quick and efficient provision of emergency medical aid to a shooting victim.

4.15 Later, Elijah Page was awarded “The Fire Medal” by the Vancouver Fire Department for his extraordinary effort in saving a human life during an active shooter incident. He applied life-saving medical care to a victim until VFD arrived.

4.16 After a friend of Page’s was killed while on duty, Page began considering alternative career options.

4.17 Page enrolled in an Emergency Medical Technician (EMT) course and successfully completed it. This course tuition was \$2,500.

Page Applies for CCFD6

4.18 In January 2022, Page applied for a firefighter position at Clark County Fire District 6 (CCFD6).

4.19 The pre-employment background investigation by CCFD6 revealed that Elijah Page was universally respected by his colleagues and supervisors at the CCSO. Their observations underscored his reliability, dedication, compassion, professionalism, and efficacy in his work.

4.20 Excerpts from the feedback received from Page’s supervisors and colleagues at CCSO, which illustrate his strong character and work ethic, are as follows:

4.20.1 “Elijah takes his job seriously. He is effective, particularly in his role of helping others. He is very reliable, dedicated, and compassionate about his work. He responds to his calls and completes his reports in a timely manner.”

4.20.2 “Elijah has an excellent attitude and a high degree of professionalism. He has a reputation for being effective. As a Corrections Deputy and later as an Enforcement Deputy, he was always courteous, attentive, and responsive to the public.”

4.20.3 “Elijah is a team player and always looks to help those around him. He has shown to be very good at helping members of the community. He is a trustworthy, detail-oriented worker who requires little supervision and is always eager to learn.”

4.20.4 “Elijah is a highly responsible and capable individual with a genuine gift and desire to help others. He goes above and beyond to complete any project he is passionate about.”

4.20.5 “The term ‘selfless’ comes to mind when I think of Elijah. Whether on or off duty, he always looks to serve and help anyone in need.”

4.20.6 “Elijah is a natural leader and hard worker with a magnetic personality that makes him a pleasure to be around.”

4.20.7 “Elijah works effectively as a team member and always gets along well with coworkers and supervisors. He is always eager to learn from coworkers with more experience and mentor younger, less experienced coworkers.”

4.20.8 “Elijah is a genuine, hard-working individual who has a passion for public service. Any agency would be lucky to have him as an employee. His passion brings out the best in himself and those around him.”

4.20.9 “His commitment to others is clearly at the forefront of his professional goals.”

4.21 One particular incident, noted by Page’s supervisor, demonstrated his resourcefulness and determination. Responding to a lost child call, Page located the child unresponsive in a stream. Using his EMT training, he applied life-saving measures, including CPR, until the fire department and emergency medical aid units arrived on the scene. The fire department scene supervisor commended Page for his outstanding job.

4.22 The CCFD6 pre-employment report for Character & Integrity noted Page consistently demonstrates high standards of integrity both personally and professionally. He is highly regarded in the sheriff’s office for his dedication to serving the community and his compassion towards colleagues, inmates, and the public. He has never been suspected of dishonesty, untrustworthiness, or unethical behavior,

nor has he violated anyone's trust or confidence. Among the comments about his character and integrity:

4.22.1 "Elijah's integrity has never been a question. He tells you the truth even if it's something you don't want to hear, but does it with a kind and genuine approach that shows he cares."

4.22.2 "Elijah is an honest person. His actions and intentions are always truthful and genuine."

4.22.3 "I've worked with Page during sensitive and traumatic incidents. I've trusted and will continue to trust him with my life. He holds himself to a high standard whether the public is watching or not."

4.22.4 "Working in public safety requires a person with utmost honesty and integrity. I have never witnessed anything otherwise from Elijah."

4.23 The CCFD6 pre-employment report for Judgment & Emotional Stability noted Page exhibits good judgment and emotional stability, even under stress. He is praised for his calm decision-making skills and for being someone people can rely on in emergencies. Among the comments about his judgment and emotional stability:

4.23.1 "Page handles extremely stressful incidents calmly and empathetically. He will be a valued asset to any team he joins."

4.23.2 "Elijah remains calm and collected, making sound decisions under stressful situations."

4.23.3 "Elijah deals with difficult problems and emergencies calmly and logically, weighing out options and reacting thoughtfully."

4.24 The CCFD6 pre-employment report for Reliability, Dependability & Accountability noted Page is reliable and dependable, both personally and professionally. He follows through on his commitments and completes assigned tasks promptly. Among the comments about his reliability and dependability:

4.24.1 “Elijah is a man of his word. I have had no issues with him keeping his commitments.”

4.24.2 “Elijah always keeps his work schedule a priority and plans around it accordingly.”

4.24.3 “Working alongside Elijah, I trust him with my personal safety every day. He takes his job and the safety of others seriously.”

4.24.4 “I would trust Page with my life and the life of my family. I believe he will grow into a phenomenal Firefighter.”

4.25 The CCFD6 pre-employment report for Communications & Customer Service Skills noted Page is an outstanding communicator, even under pressure and in emergencies. He cares about people and always does the right thing. Among the comments about his communication and customer service skills:

4.25.1 “Elijah loves to serve others. He is caring, compassionate, and a great communicator.”

4.25.2 “He is always willing to help. When there was a flood on our street, Elijah was the first one out there clearing debris and alerting sleeping neighbors.”

Page Hired by CCFD6

4.26 In April 2022, Page accepted a position at CCFD6 and left his full-time employment with CCSO.

4.27 At around the same time, CCFD6 also hired John Erickson, a white male.

4.28 Page was given a starting base salary of \$6,210 a month, while Erickson was offered a starting base salary of \$9,758 a month.

Page is Victim of Hate Crime

4.29 In early June, 2022, Page's class was conducting training on knot tying.

4.30 New hires had been given ropes to practice tying the knots.

4.31 The ropes were approximately 10 feet long and one half inch thick.

4.32 The rope was like those used in rock climbing or rappelling.

4.33 The new hires were practicing their knots in a classroom at CCFD6.

4.34 During a training break Page took the opportunity to speak with his wife on his mobile phone while sitting in his class desk chair.

4.35 While Page was talking with his wife, Erickson plotted to assault Page based on Page's race or color.

4.36 Erickson fashioned his rope into a noose and snuck up behind Page.

4.37 Erickson quickly threw the noose over Page's head and around his neck.

4.38 Once Erickson had the noose around Page's neck, Erickson pulled on the rope and tightened the noose around Page's neck.

4.39 Page felt the sting of the noose as Erickson pulled the rope tight from behind Page.

4.40 Page quickly escaped and pulled the noose from his neck.

4.41 Page looked at the noose in horror, shock, and embarrassment.

4.42 Page realized that he had just been subjected to a simulated lynching.

4.43 Page realized his entire class could see Erickson lynch him, but not one of them objected.

4.44 This was the most embarrassing and humiliating thing Page had ever experienced in his entire life.

4.45 In fact, many, if not all, of Page's CCFD6 classmates actually watched Erickson throw the noose around Page's neck.

4.46 None of Page's class mates intervened in the lynching.

4.47 None of them even voiced an objection before or during the lynching.

4.48 Some of the classmates viewed the hate crime as a "joke."

4.49 Page was emotionally devastated and outraged by the assault and by the fact that none of his classmates did anything to stop it.

4.50 As a black man, Page was aware of the historical context and racial significance of lynching.

4.51 Despite his shock and anger, Page mustered every bit of professionalism and integrity, and told Erickson that he was "deeply offended."

4.52 As a former law enforcement officer, Page recognized that the simulated lynching was a 4th-degree assault under RCW 9A.36.041, and a felony hate crime under RCW 9A.36.080.

4.53 At the time of the assault, Page wrongly believed CCFD6 would fully and reasonably address the crime committed against him.

4.54 But CCFD6 did not reasonably respond to the assault on Page.

4.55 CCFD6 did not even follow its own policy in responding to the assault.

4.56 In fact, the CCFD6 administration directly violated its own policy in an effort to downplay and cover up the assault.

4.57 CCFD6 did this because it wanted to hide the assault from the public in the months ahead of the upcoming vote on a tax increase proposed by CCFD6.

4.58 Chief Maurer, Chief David Russel, Assistant Chief David Schmitt, and Captain Eric Simukka were informed about the assault on the same day it occurred.

4.59 On or about June 7th, 2022, there was a conference call between Assistant Chief Russell, Assistant Chief Schmitt, and Chief Maurer.

4.60 During that call Maurer was told Erickson had tied a rope in a noose and threw it over Page's head and around his neck.

4.61 Later that day Chief Maurer called the Chairman of the CCFD6 board and advised him of what Erickson had done.

4.62 Chief Mauer was careful not to put that communication with the Chairman in writing.

4.63 CCFD6 then investigated Erickson's assault on Page.

4.64 CCFD6 found that there were numerous eyewitnesses to the assault.

4.65 CCFD6 took witness statements.

4.66 Chief Maurer was the senior most member of CCFD6 and had supervision and control of all employees of CCFD6.

4.67 Chief David Russel, Assistant Chief David Schmitt, and Captain Eric Simukka worked below Chief Maurer, but above Page in the chain of command.

4.68 Chief Maurer, Chief David Russel, Assistant Chief David Schmitt, and Captain Eric Simukka all had the ability and authority to impact Pages work environment.

4.69 Assistant Chief Schmitt was in charge of administrative matters for CCFD6 at all times relevant in this case.

4.70 Assistant Chief Schmitt was the one who informed the Chief Maurer about the assault on the same day it occurred.

4.71 Assistant Chief Schmitt later provided Chief Maurer a formal summary of the assault in June, 2022.

4.72 A redacted copy of Recruit [1]’s statement is attached as **Exhibit 1**.

4.73 A redacted copy of Recruit [2]’s statement is attached as **Exhibit 2**.

4.74 Recruit [2] noted “I heard Elijah say in an upset voice ‘Don’t f — ing do that again. I take extreme offense to that.’”

4.75 A redacted copy of Recruit [3]’s statement is attached as **Exhibit 3**.

4.76 Recruit [3] noted s/he saw Erickson “was placing a noose over [Page’s] head.”

4.77 A redacted copy of Recruit Riley Hawken's statement is attached as **Exhibit 4**.

4.78 Recruit Riley Hawken wrote "I saw Jon tie a noose and place it around Elijah's neck. Elijah was caught off guard and became very offended. He continued to talk to Jon about how inappropriate it was and said he took extreme offense to it."

4.79 A redacted copy of Recruit Riley Lana Richards' statement is attached as **Exhibit 5**.

4.80 Recruit Richards also reported seeing the noose around Page's neck.

4.81 A redacted copy of Recruit Casey Gilberti's statement is attached as **Exhibit 6**.

4.82 The statements from the classmates show no recruit made any effort to stop Erickson from, or object to him, placing a noose around Page's neck.

4.83 None of the new recruits were disciplined or reprimanded for their failure to object to Erikson assaulting Page in front of them.

4.84 Assistant Chief Schmitt recognizing that Erickson's actions constituted a crime and provided Garrity Warnings to Erickson before speaking with him.

4.85 Erickson admitted to Assistant Chief Schmitt that he tied the rope into a noose and placed around Page's neck.

4.86 Assistant Chief Schmitt relayed Erickson's admission to Chief Maurer, Chief David Russel, and Captain Eric Simukka.

4.87 On June 9th, 2023, Chief Russel reported to Chief Maurer that Erickson had assaulted Page with a noose around the neck as originally reported.

4.88 But CCFD6 and Chief Maurer did not fire Erickson for cause.

4.89 Chief Maurer did not fire Erickson for cause because she wanted to sweep the assault under the rug.

4.90 Erickson should have been fired for cause.

4.91 Instead of firing Erickson for cause, Chief Maurer allowed Erickson to separate from CCFD6 for simply failing to complete his probationary period.

4.92 The separation letter for Erickson issued by CCFD6 did not make any reference at all to the assault on Page.

4.93 Upon Erickson's departure from CCFD6, despite her awareness of the hate crime Erickson had committed, Chief Maurer wrote to him, "We ... wish you the best in future endeavors."

4.94 A copy of Erickson's separation letter is attached as **Exhibit 7**.

4.95 Chief Maurer did not want word of Erickson's assault on Page to get out.

4.96 Chief Maurer assured Erickson in an in person meeting that if future perspective employers for Erickson were to contact her as part of a background check on Erickson she would not tell them about Erickson assaulting Page.

4.97 Chief Maurer sent Erickson an email in which she wrote "I cannot imagine how hard this situation is for you and your family and I empathize with that."

4.98 In a later email Chief Maurer again assured Erickson she and CCFD6 would keep what Erickson had done to Page a secret from and perspective future employer.

4.99 She wrote to Erickson “In Washington State we are limited to what we can disclose to future employers. Those limits include the employee’s ability to perform his or her job; the diligence, skill, or reliability with which the employee carried out the duties of his or her job; any illegal or wrongful act committed by the employee when related to the duties of his or her job. Essentially, we would tell future employers exactly what your letter said, that you worked here from May 1, 2022, to June 9th, 2022, and did not successfully complete your probation period. I truly wish you the best in your future endeavors. I am always available if you have any other questions or concerns.”

4.100 In a letter to Chief Maurer on June 15, Assistant Chief Schmitt wrote that there “was sufficient information available to substantiate the allegation against one individual having violated District policies and standards.”

4.101 Yet, Assistant Chief Schmitt’s letter noted “there will be no further action in this matter.”

4.102 Assistant Chief Schmitt’s letter downplayed the hate crime by referring to Page as only “the recipient of the action.”

4.103 Assistant Chief Schmitt’s letter never acknowledged Page was the victim of a crime even though it was clear that he was.

The Gag Order and Cover Up

4.104 High-ranking officers at CCFD6, including Chief Maurer, Captain Reese, Captain Simukka, and others, violated policy and law by placing a gag order on Page when they ordered him and others not to discuss the assault with anyone.

4.105 They specifically ordered that Page was not allowed to speak to anyone about the assault and that word of the assault was not to leave the fire station.

4.106 Chief Maurer, Captain Reese, Captain Simukka, and others, knew and believed that Erickson had assaulted Page and that the assault was racially motivated.

4.107 Chief Maurer, Captain Reese, Captain Simukka, and others, knew that CCFD6 policy placed an affirmative obligation on them to report the crime to local law enforcement authorities.

4.108 Neither Chief Maurer, Captain Reese, nor Captain Simukka reported the assault on Page to law enforcement.

4.109 CCFD6 has no record of CCFD6 or any agent of CCFD6 reporting the assault to local law enforcement.

4.110 The gag order put Page in a position where if he personally reported the crime to the police, or public, he could be fired for disobeying an order while still on probationary status.

4.111 Chief Maurer, either directed this gag order be given, was aware it was going to be given and approved of the order being given, or being aware it was given failed to take action reasonable and prompt action to countermand the illegal order.

4.112 Chief Maurer had fully authority to countermand the gag order.

4.113 Knowing the order was given to Page, Chief Maurer failed to take any reasonable action to countermand that order or to advise Page that he could report the assault without fear of termination or retaliation.

The Vote on the Levy

4.114 Chief Maurer and other high-ranking officials at CCFD6 were motivated by their desire to cover up the assault because of the then upcoming vote in August 2022 on the tax levy for CCFD6.

4.115 The levy accounted for approximately 25% of the CCFD6 budget.

4.116 If the levy did not pass, it would significantly impact the budget, potentially leading to a reduction in the number of full-time employee positions, or cuts in pay and benefits.

4.117 That levy was the first CCFD6 levy in six years.

4.118 Chief Maurer had been actively involved in the promotion of the levy and even the crafting of informational voter handouts.

4.119 The tax revenue CCFD6 would have received if the levy passed was between \$3,500,000 and \$4,000,000.

4.120 CCFD6 produced a professional-grade promotional commercial for the levy, which can be viewed here: <https://youtu.be/dPBuw-85Cc0>.

4.121 Chief Maurer was reviewing the language of the “resolution to Submit an EMS Levy” on June 13, while the investigation into the assault was ongoing.

4.122 On July 8, 2022, the Chief Maurer participated in an “EMS Levy Question and Answer” session, which can be found here:

<https://www.youtube.com/live/XUZ5pex-e5I?feature=share>

4.123 The CCFD6 levy sought to raise taxes to just five cents shy of the maximum amount allowed by law.

4.124 The vote on the levy was to be held on August 2, 2022.

CCFD6 Policy and Training

4.125 CCFD6 runs its own fire academy for new hires.

4.126 In his fire academy class of new firefighters at CCFD6, Page was the only person of color and the only black individual.

4.127 CCFD6 has approximately 80 full-time employees, but only one other person of color, apart from Page.

4.128 A copy of CCFD6 Policy 231 is attached as **Exhibit 8**.

4.129 According to CCFD6's Policy 231.2, improper governmental action is defined as any action by an employee performing their duties that violates state law.

4.130 Per Policy 231.3, an employee is permitted to report information about improper governmental action directly to the appropriate government agency.

4.131 However, Page was ordered not to report the assault.

4.132 That gag order was directly contrary to Policy 231.3.

4.133 A copy of CCFD6 Policy 628 is attached as **Exhibit 9**.

4.134 Policy 628.3 does not mandate discriminatory or harassment training be given to new hires until six months post-hire.

4.135 CCFD6's delay in providing such training is a significant contributing factor to the assault on Page by Erickson and the hostile work environment.

4.136 Policy 628.4 requires the Training Captain to maintain records of all harassment training, including training dates, topics, providers, attendees, and a summary of the training content.

4.137 CCFD6 never provided a copy of Policy 628 to Jon Erickson.

4.138 CCFD6 did not train Jon Erickson on Policy 628.

4.139 CCFD6 has no record showing that it had provided a copy of Policy 628 to Erickson prior to Erickson's assault on Page.

4.140 At the time of Page's assault CCFD6 had not developed or implemented any formal training material or curriculum to address discrimination or harassment.

4.141 The absence of prompt and effective training on discrimination and harassment meant that new hires were exposed to a hostile work environment.

4.142 CCFD6's failure to provide even basic discrimination and harassment training to Erickson is a significant contributing factor to the assault on Page.

4.143 A copy of CCFD6 Policy 1022 is attached as **Exhibit 10**.

4.144 CCFD6's discriminatory harassment policy, 1022.5.3, stipulates that no part of the policy should prevent an employee from seeking external redress.

4.145 Nonetheless, CCFD6's administration violated this policy when it specifically instructed Page and others not to discuss the assault outside of CCFD6.

4.146 Policy 1022.8 states that all new CCFD6 employees should receive access to a printed or digital copy of the 1022 discriminatory harassment policy at orientation.

4.147 Under Policy 1022.8, CCFD6 employees are required to certify their understanding and agreement with the 1022 discriminatory harassment policy by signing a prescribed form when the policy is provided to them.

4.148 CCFD6 never provide a copy of Policy 1022 to Jon Erickson.

4.149 CCFD6 has no record evidencing that it provided a copy of Policy 1022 to John Erickson.

4.150 CCFD6 did not train Jon Erickson on Policy 1022.

4.151 Jon Erickson never certified his understanding or agreement with CCFD6 Policy 1022.

4.152 CCFD6 has no record evidencing that Jon Erickson certified his understanding or agreement with CCFD6 Policy 1022.

4.153 No class period of instruction on discriminatory harassment or associated policies was presented to the recruits in Page and Erickson's class prior to the assault.

4.154 CCFD6's failure to comply with policy 1022 is a significant contributing factor to the assault on Page.

4.155 A copy of CCFD6 Policy 1045 is attached as **Exhibit 11**.

4.156 Policy 1045.4.2 states that the district is obliged to provide appropriate training to members regarding workplace violence.

4.157 However, no workplace violence class was provided to the recruits in Page and Erickson's class prior to the assault.

4.158 CCFD6 never provide a copy of Policy 1045 to Jon Erickson.

4.159 CCFD6 did not train Jon Erickson on Policy 1045.

4.160 CCFD6 does not have any record evidencing that it provided a copy of Policy 1045 to Jon Erickson.

4.161 CCFD6 does not have any record evidencing that it trained Jon Erickson on Policy 1045.

4.162 CCFD6's failure to comply with policy 1045 is a significant contributing factor to the assault on Page.

4.163 According to CCFD6 Workplace Violence Policy 1045.4.1, any member has knowledge of an act of violence has a responsibility to report the situation to the local police department if a crime has occurred.

4.164 Policy 1045.4.2 mandates immediate notification of local law enforcement in all instances of threatening or violent behavior.

4.165 Despite awareness of Erickson's criminal actions, the administration, including Chief Maurer, failed to report the crime to the police, in violation of policy.

4.166 Instead, CCFD6 subjected Page to a gag order.

4.167 Policy 1045.10 assigns Chief Maurer the responsibility of reviewing instances of workplace violence and ensuring appropriate actions taken.

4.168 Despite being aware of what Erickson did to Page, Chief Maurer chose not to report to law enforcement that an assault had occurred.

4.169 Instead, Chief Maurer collaborated with the management team to cover up the matter and ensure Page did not discuss the matter, especially with the police.

4.170 Chief Maurer wanted to avoid negative publicity before the levy vote.

4.171 By failing to comply with policy, directly violating policy, and by directing Page and other members of the district that they could not speak about the assault, the CCFD6 management engaged in criminal activity and sent a message to

Page and other members of CCFD6 that hate crimes would not be reported to the police and would in fact be kept quiet.

4.172 Such actions by Chief Maurer and the administration perpetuated the original harassment and was a form of harassment in its own right.

4.173 Chief Maurer and the management team's response to the assault on Page was unreasonable, inadequate, and not designed to end hate crimes and other such harassment at CCFD6.

4.174 Chief Maurer and the administration engaged in this cover up due to concerns about potential negative publicity that could impact a pending vote on a tax increase they were promoting at the time.

4.175 On information and belief, during the course of the events in this matter, from the time of Erickson's assault on Page up to and including the time that the gag order was imposed, Chief Maurer kept the CCFD6 board up to date on her handling of the situation.

4.176 On information and belief, the CCFD6 board was aware of, approved, and ratified, the actions of Chief Maurer in this matter.

4.177 Page knew he was the victim of an assault, and that the gag order was itself illegal and a violation of RCW 9A.72.120.

4.178 Page knew that he was not safe to continue working in such a hostile environment where he could be the victim of a felony hate crime and subsequently be ordered not to discuss or report that crime.

4.179 It would have been unreasonable and unsafe for Page to trust his life to people who sat by and watched while he was subjected to a simulated lynching.

4.180 Part of Page's job as a firefighter at CCFD6 involved sleeping at the station with the same people who had sat idly by while he was assaulted.

4.181 Page was not safe sleeping in such an environment.

4.182 Page could not risk his safety by working for a management that he knew unlawfully ordered him to stay silent when he was assaulted.

4.183 Due to the unsafe and hostile work environment Page was constructively discharged and forced out of CCFD6.

4.184 As a result of being constructively discharged Page lost out on the significant long-term financial benefits.

4.185 As a result of the actions of defendants above Page has suffered extreme emotional distress.

4.186 Notice of tort claim was served on CCFD6 more than 60 days prior to the filing of this case.

V. CLAIM ONE
42 U.S.C. § 2000
DESPERATE TREATMENT

5.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

5.2 Defendants denied Plaintiff his First Amendment right to report to law enforcement the crime of which he was a victim because of the plaintiff's race and or color.

5.3 Plaintiff was qualified to perform his job and was entitled by law to report to law enforcement the crime of which he was a victim.

5.4 Similarly situated individuals outside the plaintiff's race and or color were treated more favorably in that they were never denied the right to report to law enforcement a crime of which they were a victim.

5.5 The gag order placed on Plaintiff by Defendants was an adverse employment action that materially affected the conditions of employment for Plaintiff as Defendants created an environment where Plaintiff, and only Plaintiff, could be subjected to a felony assault but be barred from reporting to law enforcement.

5.6 As a result of the actions and inactions of the Defendants, Plaintiff was constructively discharged as the working conditions were so intolerable that a reasonable person in the plaintiff's position would feel compelled to resign.

5.7 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

VI. CLAIM TWO
42 U.S.C. § 2000
HOSTILE WORK ENVIRONMENT

6.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

6.2 Plaintiff was subjected to physical contact and intimidation of a racial nature because of his race and or color.

6.3 That conduct was unwelcome.

6.4 That conduct was sufficiently severe or pervasive to alter the conditions of the plaintiff's employment and create a racially abusive or hostile work environment.

6.5 Plaintiff perceived the working environment to be abusive or hostile.

6.6 A reasonable woman or man in the plaintiff's circumstances would consider the working environment to be abusive or hostile.

6.7 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

VII. CLAIM THREE
42 U.S.C. § 2000
HOSTILE WORK ENVIRONMENT CAUSED BY CO-WORKER

7.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

7.2 Plaintiff was subjected to a racially hostile work environment by a non-immediate supervisor and or co-worker.

7.3 The defendants or a member of the defendant's management knew or should have known of the harassment and failed to take prompt, effective remedial action reasonably calculated to end the harassment.

7.4 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount

to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

VIII. CLAIM FOUR
42 U.S.C. § 2000
HOSTILE WORK ENVIRONMENT CAUSED BY SUPERVISOR

8.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

8.2 Plaintiff was subjected to, and was the victim of, a felony hate crime based on his race or color while at work.

8.3 Plaintiff was ordered by his supervisors not to speak of the assault and thereby barred from reporting the crime to law enforcement.

8.4 The plaintiff was subjected to a racially hostile work environment by his supervisors.

8.5 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

IX. CLAIM FIVE
1ST AMENDMENT 42 U.S.C. § 1983-1988
GAG ORDER

9.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

9.2 Plaintiff was ordered by his supervisors not to speak of the assault and thereby barred from reporting the crime to law enforcement in his capacity as a private citizen.

9.3 The ongoing requirement that Plaintiff forgo his 1st Amendment right was a continual and ongoing adverse employment action as it created a hostile work environment and constructively discharged Plaintiff.

9.4 Defendants would not have issued the gag order if not for fear that Plaintiff would exercise his right to report the crime.

9.5 Plaintiff had a right under the 1st Amendment to report that crime to law enforcement.

9.6 The hate crime committed on Plaintiff by a public employee at a place of public employment was a matter of public concern.

9.7 Racially motivated violence committed by a public employee is a matter of public concern.

9.8 The State of Washington has declared that the practices of discrimination based on race or color is a matter of state concern, and that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. RCW 49.60.010.

9.9 An employee may bring a First Amendment claim if he is prohibited or prevented from speaking on a matter of public concern. *See, e.g., Moonin v. Tice*, 868 F.3d 853 (2017); *Jackson v. City of Columbus*, 194 F.3d 737 (6th Cir. 1999); *Farhat v.*

Jopke, 370 F.3d 580, 598 (6th Cir. 2004); *Blick v. Ann Arbor Pub. Sch. Dist.*, 516 F. Supp. 3d 711, 724 (2021).

9.10 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

X. CLAIM SIX
42 U.S.C. § 1983-1988
OBSTRUCTING JUSTICE - CONSPIRACY

10.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

10.2 Defendants conspired to interfere with Plaintiff's right to due process and freedom of speech by imposing the gag order that barred him from reporting the assault to the local law enforcement and thereafter testifying in court about the same.

10.3 Defendants did so because of Plaintiff's race or color and thereby deprived him of his first amendment rights because of race.

10.4 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XI. CLAIM SEVEN
42 U.S.C. § 1983-1988
NEGLECT TO PREVENT

11.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

11.2 Chief Kristan Maurer was not only aware of the gag order and approved of it, but also neglected or refused to prevent the gag order.

11.3 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XII. CLAIM EIGHT
RCW 9A.36.083
HATE CRIME

12.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

12.2 Defendant John Erickson, maliciously and intentionally caused physical injury to the Plaintiff and or threatened a Plaintiff because of his perception of the Plaintiff's race or color.

12.3 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XIII. CLAIM NINE
STATE LAW
BATTERY

13.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

13.2 Defendant John Erickson intended to, and did in fact, cause harmful or offensive contact to Mr. Page.

13.3 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XIV. CLAIM TEN
RCW 49.60 et seq.
WASHINGTON LAW AGAINST DISCRIMINATION

14.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

14.2 Any person deeming himself or herself injured by any act in violation of RCW 49.60 shall have a civil action to recover the actual damages sustained by the person, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy. RCW 49.60.030(2).

14.3 Plaintiff was in fact, and so deems himself, injured by the Defendants who discriminated against him based on his race or color.

14.4 A hate crime was committed against the Plaintiff based on his racial or ethnic background, followed by the imposition of a gag order also motivated by discriminatory factors related to his race or ethnicity.

14.5 That hate crime and gag order were unwelcome in the sense that Plaintiff and society regard the conduct as undesirable and offensive, and Plaintiff did not solicit or incite it.

14.6 This conduct was so offensive that it altered the conditions of Plaintiff's employment.

14.7 Either: a manager or corporate officer of CCFD6 participated in the conduct; or management knew, through complaints or other circumstances, of this conduct, and CCFD6 failed to take reasonably prompt and adequate corrective action reasonably designed to end it; or management should have known of this harassment, and CCFD6 failed to take reasonably prompt and adequate corrective action reasonably designed to end it.

14.8 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

**XV. CLAIM ELEVEN
STATE LAW
WRONGFUL DISCHARGE - CONSTRUCTIVE**

15.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

15.2 CCFD6 deliberately made the working conditions intolerable for Plaintiff.

15.3 A reasonable person would have been forced to resign.

15.4 Plaintiff resigned solely because of the intolerable conditions.

15.5 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XVI. CLAIM TWELVE
STATE LAW
WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY

16.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

16.2 The State of Washington has declared that the practices of discrimination based on race or color is a matter of state concern, and that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. RCW 49.60.010.

16.3 The right to be free from discrimination because of race or color is recognized as and declared to be a civil right. RCW 49.60.030(1)(a).

16.4 There is a clear public policy against workplace discrimination or harassment based on race or color.

16.5 If victims of a hate crime at the hands of public employees are not allowed to speak out it would jeopardize the state policy against work place discrimination and violence based on race and or color.

16.6 Plaintiff was constructively discharged because he was the victim of discrimination and violence based on race and or color and was prohibited from reporting it to law enforcement by CCFD6.

16.7 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XVII. CLAIM THIRTEEN
STATE LAW
OUTRAGE

17.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

17.2 Defendants engaged in conduct that is extreme or outrageous.

17.3 Defendants acted with the intent to inflict emotional distress or acted recklessly when it was substantially certain that emotional distress would result from their conduct.

17.4 Defendants' conduct was the actual and proximate cause of the Plaintiff's emotional distress.

17.5 The emotional distress suffered by the Plaintiff was so severe that no reasonable person should be expected to endure it.

17.6 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XVIII. CLAIM FOURTEEN
STATE LAW
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

18.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

18.2 Defendants owed a legal duty of care to the Plaintiff.

18.3 Defendants breached that duty by failing to exercise reasonable care.

18.4 Plaintiff suffered severe emotional distress as a result of the defendant's conduct. The distress must be more than fleeting or trivial.

18.5 Defendant's negligent conduct was the proximate cause of the plaintiff's emotional distress.

18.6 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XIX. CLAIM FIFTEEN
STATE LAW
NEGLIGENT TRAINING/SUPERVISION

19.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

19.2 Defendants owed a legal duty of care to Plaintiff to properly train coworkers so as to have a safe work environment free of harassment.

19.3 Defendants breached that duty by failing to train Erickson.

19.4 Defendant's negligence was the proximate cause of plaintiff's injury.

19.5 As a result of the acts of the Defendants, Mr. Page has suffered injury and emotional distress and humiliation, and is entitled to compensation in an amount to be proven at trial for his economic losses and non-economic losses, and statutory attorney fees and costs, and such other relief as is deemed appropriate by the court.

XX. INDEMNIFICATION

20.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

20.2 In committing the acts alleged in the preceding paragraphs, Defendants acted at all relevant times within the scope of their employment for CCFD6.

20.3 As a result, pursuant to State Law, the CCFD6 must indemnify the Defendants for any judgment against them.

XXI. RESPONDEAT SUPERIOR

21.1 Plaintiff hereby restates and incorporates by reference all paragraphs of this Complaint as if fully set forth herein.

21.2 In committing the acts alleged in the preceding paragraphs, Defendant deputies acted at all relevant times within the scope of their employment for CCFD6.

21.3 Defendant CCFD6, as principal, is liable for all torts, including state law torts, committed by its agents. CCFD6, as principal, should also be liable for the constitutional violations committed by its officers to the extent that, by law and County Code, CCFD6 is wholly responsible for providing the defense of individual Defendant Officers and for indemnifying them against any judgment or verdict that may result.

XXII. DAMAGES AND PRAYER FOR RELIEF

22.1 For the reasons stated above, Plaintiffs pray for the following relief:

22.2 For judgment against each of the Defendants, jointly and severally, for monetary special damages in an amount to be determined at trial;

22.3 For judgment against each of the Defendants, jointly and severally, for damages in the form of economic losses, non-economic loss, personal injuries, emotional distress, embarrassment, loss of reputation, loss of enjoyment of life and humiliation, in an amount presently unknown and to be made more certain at the time of trial, as well as incurring attorney fees and other losses;

22.4 For judgment against each of the Defendants, jointly and severally, for general compensatory damages in an amount to be determined at trial;

22.5 For judgment for punitive damages against each of the Defendants, jointly and severally, in an amount to be determined at trial;

22.6 For attorney fees and costs authorized by statute, including reasonable attorneys fees pursuant to state and federal law;

22.7 WHEREFORE, Plaintiffs pray for damages as previously mentioned, together with other equitable relief, costs of this action and reasonable attorneys' fees, prejudgment interest on any lost wages or liquidated sums, punitive damages and any other relief as this Court deems equitable and just.

XXIII. JURY DEMAND

23.1 Plaintiff is entitled to and hereby demands trial by a jury.

DATED Wednesday, September 20, 2023.

ANGUS LEE LAW FIRM, PLLC

/S/ D. Angus Lee

D. Angus Lee, WSBA# 36473

Attorneys for Plaintiff

Angus Lee Law Firm, PLLC

9105A NE HWY 99 Suite 200

Vancouver, WA 98665

Phone: 360.635.6464 Fax: 888.509.8268

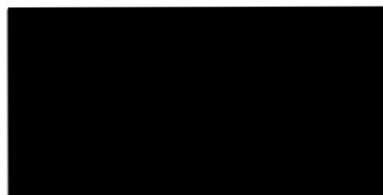
E-mail: Angus@AngusLeeLaw.com

Ex. 1

Witness Statement

June 7, 2022

During our lunch break, while the group was waiting for Captain [REDACTED] to return and begin class, Probationary Firefighter Eligh Page had a rope placed over his head and down onto his neck. The rope appeared to be tied in a "noose" like fashion but, I did not see what the actual knot was. Prior to the event, individuals in the classroom were practicing tying knots, ~~and~~ studying coursework and ~~making~~ having light-hearted conversation with each other. Probationary Firefighter [REDACTED] had tied a knot in a rope and placed it over ~~the~~ Firefighter Page's head which had an immediate frown from Firefighter Page. Firefighter Page stated he took great offense to Firefighter [REDACTED] actions and told him never to do that again. Firefighter Page remained visibly unnerved as class resumed and then at the next break in class, requested to speak with Firefighter Hawken.



Ex. 2

Witness Statement

Tuesday, June 7th 2022
14:23 at ST. 63

During lunch at 12:50, I was listening to a Podcast with my left ear bud, I heard Elijah Page say in a obviously upset voice "Don't FuckinG do that agin, I take extreme offense to that, Seriously." ~~I~~ ~~I~~ I turned around at my desk and saw Elijah talking to [REDACTED] [REDACTED] said "are you serious?" Page said "Yes, I'm fuckinG serious." I did not see the rope around Page's neck only that [REDACTED] had a rope in his hands with a moose tied in it. ~~I~~ ~~Class~~ Class resumed shortly after. I reached out to Hawken via txt to ~~to~~ clarify what happened. We then agreed that we needed to ~~to~~ talk with Page and [REDACTED] on next break or after class. Captain [REDACTED] gave the class a break Page asked to speak with Hawken I joined per Hawken because Page and [REDACTED] are in my company. Page, Hawken, and I ~~we~~ agreed this needs to be handled now not after class. Hawken went to inform Captain Simukka for a investigation.

Ex. 3

Witness Statement

06/07/2022

DURING LUNCH, MANY OF THE RECRUITS WERE PRACTICING KNOTS. I LOOKED OVER AT ELIJAH PAGE AND [REDACTED] WAS PLACING A NOOSE OVER HIS HEAD. [REDACTED] SEEMED TO BE DOING SO IN ^{WHAT HE THOUGHT WAS} A HUMEROUS WAY, BUT ELIJAH WAS NOT AMUSED. HE TOLD [REDACTED] TO 'NEVER DO THAT AGAIN', WHERE [REDACTED] SEEMED CONFUSED. [REDACTED] ASKED ELIJAH 'WAIT, ARE YOU SERIOUS?' AND ELIJAH REPLIED 'YES, I TAKE SERIOUS OFFENSE TO THAT'. NOTHING WAS REALLY SAID AFTER FROM WHAT I REMEMBER.

[REDACTED]

Ex. 4

Witness Statement

Riley Hawken
6/7

Shortly after 1 o'clock an incident occurred where [REDACTED] tied a noose knot, threw it around Elijah Page Neck and tightened it. Immediately, Page exclaimed "cease me" with this action and verbalized the extreme offense taken. After loosening the knot, Page continues to talk to [REDACTED] about the inappropriateness of the event. After this [REDACTED] goes "you're serious?" with a shocked response to Page's reaction. With more comments from Page about how the situation was absolutely ~~more~~ unacceptable. The event was short. Afterwards Captain [REDACTED] comes into the classroom and begins teaching the class. While this is going on, I began texting [REDACTED] as his company officer to fill him in on the details and how to address the situation. Within our messages, we both understood that something had to ~~be~~ be said regarding the events that just occurred. During the break in between videos, Page, [REDACTED] and myself went into the conference room to discuss what happened, how to move forward, and what he wanted to do.

This situation is not okay and not acceptable. After this conversation, I went directly to Captain Simmetta Simmetta with the ~~st~~ situation to where we then had our conference with the three of us, Captain Simmetta, and Chief Russell.

x Riley Hawken

Ex. 5

Witness Statement

Lena Richards - Statement 06/07/22

We were all at lunch break and awaiting for what would be the next part of class. It was after 1:00pm since that was the time we were asked to be back.

I was on my working on the exam prep on the IFSTA ^{the} essential epp. Many of the others in class took the time to practice knots and ropes.

I was vaguely paying attention when I saw [REDACTED] jokingly pull a rope from around Elijah. [REDACTED] then told Jon to never ^{do} that again.

[REDACTED] Replied with a statement. ^{of understanding.} Elijah then reiterated that he was extremely serious and that he takes ~~the~~ serious offense to that.

The class fell silent and we waited quietly until class portion started back up.

Lena E Richards
Lena E Richards

Ex. 6

Witness Statement

6/7/2022

During our lunch break today, while many of us were practicing knot tying, [REDACTED] tied a noose (sp?) and put it over Elijah Page's head + around his neck + tightened it. Don sits directly behind Elijah in class. Elijah asked [REDACTED] that he never do that again and explained that it is offensive. [REDACTED] responded that he would not do so. ✖ Shortly after this class resumed.

~~Casey Gilburni~~
Casey Gilburni

Ex. 7

Employment Status Letter



Clark County Fire District 6

8800 NE Hazel Dell Avenue, Vancouver, WA 98665
(360) 576-1195 / Fax (360) 576-1198 / www.ccf6.org

To: Jon Erickson
From: Fire Chief Kristan Maurer
Date: June 9th, 2022
RE: Employment Status

This letter is to inform you that you have not successfully met your probationary period and will no longer be employed by the District. The effective termination date is June 9th, 2022, at 1300. We will process your compensation for work performed to date minus any sick leave and send it to your identified direct deposit account with normal payroll.

You will need to return all Clark County Fire District property to Katherine Eterno by June 13th, 2022. You do have some accrued vacation time and you will need to notify Tina Mensinger if you would prefer to have that deposited into your identified VEBA or MERP account.

We appreciate your interest in Clark County Fire District 6 and wish you the best in future endeavors.

Kristan Maurer

A handwritten signature in black ink that reads "Kristan Maurer".

Fire Chief

Ex. 8

Policy 231

POLICY 231

CLARK COUNTY FIRE PROTECTION DISTRICT 6 POLICY MANUAL



WHISTLEBLOWER

231.1 POLICY

It is the policy of Clark County Fire District 6 to encourage reporting of its employees of improper governmental action taken by Clark County Fire District 6 officers or employees, and to protect Clark County Fire District 6 employees who have reported improper governmental actions in accordance with Clark County Fire District 6 policies and procedures.

231.2 DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

- a. **IMPROPER GOVERNMENTAL ACTION.** Any action by a Clark County Fire District 6 officer or employee that is undertaken in the performance of the officer's or employee's official duties whether the action is within the scope of the employee's employment:
 1. Which is a gross waste of public funds or resources as defined in RCW 42.40.020.
 2. Which is in violation of any federal, state, or local law or rule, if the violation is not merely technical or of a minimum nature.
 3. Is an abuse of authority.
 4. Is of substantial and specific danger to the public health and safety. Is gross mismanagement.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, alleged labor agreement violations, reprimands, claims of discriminatory treatment or other actions as provided in RCW 41.06 or RCW 42.40.030.
- b. **RETAILITORY ACTION.** Any adverse change in the terms and conditions of Clark County Fire District 6 employee's employment.
- c. **EMERGENCY.** A circumstance that if not immediately changed may cause damage to persons or property.
- d. **WHISTLEBLOWER.**
 1. An employee who in good faith reports alleged improper governmental action.
 2. An employee who is perceived by the employer as reporting, whether they did or not, alleged improper governmental action.

231.3 **REPORTING PROCEDURE**

Clark County Fire District 6 employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Fire Chief, or authorized designee to receive reports of improper governmental action.

Where the employee reasonably believes the improper governmental action involves the Fire Chief of the District, the employee may raise the issue directly with the Board of Commissioners of the District or such person as may be designated by the Board of Commissioners to receive reports of improper governmental action. To raise the issue with the Board of Commissioners the employee shall submit the written report to the Secretary of the Board of Commissioners.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action.

The Fire Chief or authorized designee shall take prompt action to assist Clark County Fire District 6 in properly investigating the report of improper governmental action. District officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law unless the employee authorizes the disclosure of his or her identity in writing.

After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken because of the investigation may be kept confidential.

Clark County Fire District 6 employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the District employee reasonably believes that an adequate investigation was not undertaken by the District to determine whether an improper governmental action, or that insufficient action has been taken by the District to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.

Clark County Fire District 6 employees who fail to make a good faith attempt to follow District procedures in reporting improper governmental action shall not receive the

Adopted 06/06/2017
Revised 07/05/2022

Whistleblower - Page 2 of 6

protections provided by the District in these procedures.

231.4 **PROTECTION FROM RETALIATION**

Clark County Fire District 6 officials and employees are prohibited from taking retaliatory action against a District employee because they have in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they may have been retaliated against for reporting an improper governmental action should advise their supervisor, the Fire Chief or authorized designee. Clark County Fire District 6 officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Fire Chief, or authorized designee does not satisfactorily resolve a Clark County Fire District 6 employee's complaint that they have been retaliated against in violation of this policy, the Clark County Fire District 6 employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Clark County Fire District 6 Board of Commissioners that:

- a. Specifies the alleged retaliatory action, and
- b. Specifies the relief requested.

Clark County Fire District 6 employees shall provide a copy of their written charge to the Fire Chief or authorized designee no later than thirty (30) days after the occurrence of the alleged retaliatory action. The District shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of Clark County Fire District 6 or thirty days after the delivery of the charge to the District, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by the law. An employee seeking a hearing should deliver the request for hearing to the Fire Chief within the earlier of either fifteen (15) days of delivery of the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the Clark County Fire District 6 for response.

Upon receipt of request for hearing, Clark County Fire District 6 shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings

Headquarters Physical Address:

2420 Bristol Court SW

Olympia, WA 98502

(306)407-2700

Mailing Address:

PO Box 42488

Olympia, WA 98504-2488

Clark County Fire District 6 will consider any recommendation provided by the Administrative Law Judge that the retaliator be suspended with or without pay or dismissed.

Adopted 06/06/2017

Revised 07/05/2022

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231.5 RESPONSIBILITIES

The Fire Chief is responsible for implementing Clark County Fire District 6 policies and procedures:

1. For reporting improper governmental action, and
2. For protecting employees against retaliatory actions.

This includes ensuring that this policy and these procedures:

1. Are permanently posted where all employees will have reasonable access to them,
2. Are made available to any employee upon request, and
3. Are provided to all newly hired employees. Officers and supervisors are Clark County Fire Protection District 6 responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violators of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

231.6 CONFLICT OF INTEREST CHECK

CCFD6 will make every effort to ensure that those named in a complaint, as well as those too closely associated with those involved in the complaint, will not be part of the investigative team or efforts. Moreover, the District can, at its discretion, utilize a neutral, third-party investigator to address allegations of workplace wrongdoing or otherwise resolve personnel conflict.

231.7 FALSE ALLEGATIONS

The District recognizes that making false accusations of workplace wrongdoing in bad faith can have serious consequences for those who are wrongly accused. To that end, the District prohibits deliberately making false and/or malicious allegations, as well as deliberately providing false information during an investigation.

231.8 LIST OF ENFORCEMENT AGENCIES

Following is a list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Fire Chief.

Clark County Public Health
PO Box 9825
Vancouver, WA 98666-8825
(564)397-8000

Clark County Department of Human Resources

Adopted 06/06/2017

Revised 07/05/2022

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PO Box 5000
Vancouver, WA 98666-5000
(564)397-2456

Clark County Prosecuting Attorney
PO Box 5000
Vancouver, WA 98666-5000
(564)397-2261

Clark County Sheriff
PO Box 410
Vancouver, WA 98666
(564)397-2211

Clark County Fire Marshal's Office
505 NW 179th Street
Vancouver, Washington
(564)397-2186

Washington State Officer of the Attorney General
1125 Washington St. SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

Office of the Washington State Auditor
9611 NE 117th Avenue, Suite 2890
Vancouver, WA 98665
(564)999-0950

State Department of Ecology
Southwest Region Office
PO Box 47775
Olympia, WA 998504-7775
(360)407-6300

Human Rights Commission
711 S. Capitol Way, Suite 402
Olympia, WA 98504-2490
(800)233-3247

State Department of Health

Adopted 06/06/2017
Revised 07/05/2022

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P.O. Box 47890
Olympia, WA 98504-7890
(800) 525-0127

Department of Labor & Industries
7273 Linderson Way SW
Olympia, Washington 98501-5414
(360) 902-5800

Department of Social and Health Services
Columbia River Community Services Office
800 NE 136th Avenue, Suite 110
Vancouver, WA 98684
(877)501-2233

Bureau of Alcohol Tobacco & Firearms

U.S. Department of Commerce

Government Accountability Office

Environmental Protection Agency

Equal Employment Opportunity Commission

Federal Emergency Management Agency

Ex. 9

Policy 628

POLICY 628

CLARK COUNTY FIRE PROTECTION DISTRICT 6
POLICY MANUAL



DISCRIMINATORY HARASSMENT TRAINING

628.1 PURPOSE AND SCOPE

The purpose of this policy is to establish discriminatory harassment training for all district members. This policy identifies which members should receive training, when additional or supplemental training is recommended and the record keeping necessary to minimize the occurrence of discriminatory harassment in the workplace.

628.2 POLICY

It is the policy of Clark County Fire Protection District 6 to provide all district members with training regarding the recognition and prevention of harassment. Supervisors should receive supplemental training due to their increased responsibility to effectively respond to a complaint.

628.3 PROCEDURE

All members of Clark County Fire Protection District 6 should complete training regarding the recognition and prevention of discriminatory harassment. This training should be accomplished using the following schedule:

- a. The initial training for all existing members of the District should be completed within six months of the adoption of this policy. Any existing members who do not complete this training within the above six-month period should complete the training as soon as practicable.
- b. All new members of the District, including members who have had a period of absence of employment from the District of greater than 90 days, should complete training regarding the recognition and prevention of discriminatory harassment within six months of the member's date of hire. Any new member of the District who has not completed this training within the six-month period should complete the training as soon as practicable.
- c. All members of the District should complete refresher training regarding the recognition and prevention of discriminatory harassment. This training should be provided to members once every two years.

628.3.1 SUPERVISOR TRAINING

All supervisors should receive specific training regarding discriminatory harassment in addition to the discriminatory harassment recognition and prevention training recommended to all members of the District. All district supervisors should receive supervisor-specific discriminatory harassment training within six months of assuming their supervisory position. Following the initial supervisor-specific training, all supervisory personnel should receive refresher training once every three years. The District should provide at least two hours of course time in each training session.

Specific topics and information should be provided to supervisory personnel. At a minimum, the district's discriminatory harassment training program for supervisors should include, but not be limited to:

- a. The definitions of unlawful harassment under state and federal laws.
- b. The state and federal statutory law and case law principles regarding the prohibition against discriminatory harassment, the prohibition against discriminatory harassment, and the prohibition against retaliation in employment.
- c. The various types of conduct that can constitute discriminatory harassment.
- d. The remedies available to employees/victims of discriminatory harassment.
- e. Sample strategies to prevent discriminatory harassment in the workplace.
- f. The use of practical examples of discriminatory harassment, which can be obtained from a variety of sources such as factual scenarios taken from case law, media accounts of actual cases; hypothetical scenarios based on workplace situations that exist within the District, and other sources which illustrate discriminatory harassment and retaliation, through the use of training methods such as role-play, case studies, and group discussions.
- g. The limited confidentiality of the discriminatory harassment complaint process.
- h. The resources available to victims of unlawful discriminatory harassment.
- i. Information on how members should report any alleged or perceived discriminatory harassment.
- j. The employer's obligation to conduct an effective investigation into any and all discriminatory harassment complaints occurring at the District or in the course of district business.

628.4 **TRAINING RECORDS**

The Training Captain shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records should include, but not be limited to:

- a. The dates of the training sessions.
- b. A list of the topics or a summary of the content of the training sessions.
- c. The name or other identifier and job title of the members who received the training.
- d. The names, certificate number and qualifications of persons conducting the training.

The Training Captain should maintain the training records in accordance with established records retention schedules.

POLICY 701

CLARK COUNTY FIRE PROTECTION DISTRICT 6
POLICY MANUAL



PERSONAL COMMUNICATION DEVICES

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the District or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

Clark County Fire Protection District 6 allows members to utilize district-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty or used off-duty in any manner reasonably related to the business of the District, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair member safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or off-duty for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any PCD issued by the District and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities.

The District reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the District, including any district-issued PCD. This includes records of all keystrokes or Web-browsing history made on the PCD. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through district PCDs or networks.

701.4 DISTRICT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the District may, at its discretion, issue a PCD. District-issued PCDs are provided as a convenience to facilitate on-duty performance only, unless otherwise authorized by the Fire Chief or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the District and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Fire Chief or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of duty or will be turned off when leaving the workplace.

701.5 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other district communications network.

701.6 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Firefighters operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (RCW 46.61.667). Such use should be restricted to business-related calls or calls of an urgent nature. No member shall write, send or read a text-based communication on a PCD while driving (RCW 46.61.668). Members should not utilize a personally owned PCD when responding to an emergency or when engaged in an emergency incident.

Ex. 10

Policy 1022

Discriminatory Harassment

1022.1 PURPOSE AND SCOPE

This policy is intended to prevent district members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

1022.2 POLICY

Clark County Fire Protection District 6 is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The District will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The District will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the District may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

1022.3 DISCRIMINATION PROHIBITED

Clark County Fire Protection District 6 is committed to creating and maintaining a work environment that is free of all forms of discrimination, harassment and retaliation, including sexual harassment.

1022.3.1 DISCRIMINATION

The District prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to district policy and to the district's commitment to a discrimination-free work environment.

Clark County Fire Protection District 6

Clark County FPD 6 Fire Policy Manual

Discriminatory Harassment

1022.3.2 RETALIATION

Retaliation is treating a person or applicant differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

1022.3.3 SEXUAL HARASSMENT

The District prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment

1022.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that a member improve his/her work quality or output, that the member report to the job site on time, that the member comply with District or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

1022.4 RESPONSIBILITIES

This policy applies to all district members. All members shall follow the intent of these guidelines in a manner that reflects district policy and the best interest of Clark County Fire Protection District 6 and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Fire Chief, Assistant Chiefs or the Fire Commissioners.

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Clark County FPD 6 Fire Policy Manual

Discriminatory Harassment

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

1022.4.1 SUPERVISOR RESPONSIBILITY

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Fire Chief in writing of the circumstances surrounding any reported allegations or observed acts of discrimination/harassment no later than the next business day.

1022.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the District.
- (b) False or mistaken accusations of discrimination, harassment or retaliation have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.
- (d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

Clark County Fire Protection District 6

Clark County FPD 6 Fire Policy Manual

Discriminatory Harassment

1022.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of Clark County Fire Protection District 6 that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing member should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

1022.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

1022.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person (or third-party entity) assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Fire Chief, either Assistant Chief, or the Fire Commissioners.

1022.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the District. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges.

Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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1022.6 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and action taken to remedy or address the circumstances giving rise to the complaint.

1022.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Fire Chief. The outcome of all reports shall be:

- Approved by the Fire Chief, Fire Commissioners or the Assistant Chief - Administration, if more appropriate.
- Maintained for the period established in the district's records retention schedule.

1022.8 TRAINING

All new members shall be provided access to a copy of this policy, either printed or digital, as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

1022.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Fire Chief, Assistant Chief or the Fire Commissioners.

Ex. 11

Policy 1045

POLICY 1045

CLARK COUNTY FIRE PROTECTION DISTRICT 6
POLICY MANUAL



WORKPLACE VIOLENCE

1045.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the District does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior which is or can be perceived as threatening, hostile and/or violent.

1045.2 POLICY

It is the policy of Clark County Fire Protection District 6 to provide and maintain a safe work environment for its employees, volunteers and members of the public.

In responding to any violent behavior in the workplace, the District is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses and those instigating the harm.

1045.3 PROHIBITED BEHAVIOR

No member shall engage in, encourage or promote violent behavior toward any person while conducting district business or on district property.

District management is prohibited from authorizing members to carry weapons while engaged in district business, unless carrying a weapon is required by the assigned duty and there are policies and procedures in place that govern the approval, use and/or display of the weapon.

No member engaged in district business shall carry self-defense weapons in violation of applicable state or local laws or this policy. Members who carry a legal self-defense weapon shall notify the Fire Chief in writing of what type of weapon is being carried.

Also see the Carrying Weapons On-Duty Policy.

1045.4 REPORTING AND INVESTIGATING

1045.4.1 MEMBER RESPONSIBILITY

District members who experience, observe or have knowledge of prohibited behaviors and actions in the workplace, have a responsibility to report the situation as soon as practicable to a supervisor, manager, a human resources representative or the local police department, if a crime has occurred.

Members should render aid to anyone who may be in need and be prepared to assist emergency responders, as requested, following any incident of violence in the workplace.

1045.4.2 SUPERVISOR, MANAGER, BATTALION CHIEF , ASSISTANT CHIEF RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation.

If the report is found to be credible, the next immediate supervisor shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

1045.4.3 INVESTIGATION

The Administration Division will promptly, impartially and with as much confidentiality as practicable, coordinate the investigation of all reports of violent behavior.

District members are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

1045.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

District members who are victims of domestic or other threatening behavior outside of the workplace or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisor.

Supervisors receiving any such report shall contact the Administration Division as soon as practicable so that any appropriate safety measures or plans may be developed.

1045.5 RETALIATION PROHIBITED

Any form of retaliation against a member for making a report concerning violent behavior in the workplace is prohibited.

Any member who becomes aware of any retaliation or threatened retaliation shall immediately notify his/her supervisor.

1045.6 **RESTRAINING ORDERS**

Members who obtain a restraining order listing their workplace, person or the District as a protected area must provide a copy of the restraining order to their immediate supervisor or the Assistant Chief - Administration. The District needs this information in order to provide a safe workplace.

1045.7 FOLLOW-UP ACTION

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and the applicable memorandum of understanding before the District takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include, but are not limited to, the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

1045.8 LEGAL ACTION

The District's legal counsel will assist in determining if the District will seek a temporary restraining order or injunction should be sought on behalf of the District to reduce future or threatened violent behavior in the workplace.

1045.9 CORRECTIVE ACTIONS

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include, but are not limited to:

- Placing the involved member on administrative leave pending further review and determination of permanent action. Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the member to a different work location.
- Referring the member to conflict resolution training sessions.
- Referring the member to the Employee Assistance Program (EAP).
- Modifying work station designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention and corrective actions.

1045.10 WORKPLACE VIOLENCE PREVENTION

All district members are responsible for assisting in the prevention of violence in the workplace. The District will provide appropriate training to members regarding workplace violence.

In the event a violent incident occurs in the workplace, the Fire Chief is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.