



BOARD AGENDA FACT SHEET

CLERK USE ONLY

BOS ACTION

Human Resources

Department

March 11, 2025

Requested Board Date

1. Request:

Board Approval



Information
Only/Presentation
Scheduled Hearing
Time: _____

☐
☐

Other (specify)

REVISED
02/21/25

2. Requested Action: Type requested action below

1. It is respectfully requested that your Board approve the Equal Employment Opportunity Policy and Complaint Procedure.
2. Rescind any other Policies and Procedures. Introduction of New Name for the Affirmative Action Office Revised Sexual Harassment Policy and Procedure approved by Board of Supervisors on March 10, 1998.

3. Cost \$ N/A

Source: N/A

4. If approval of Contract, reviewed/approved by County Counsel on: 2/13/2025

By: Danuta Tuszynska

Action Request # 0087HR

Assigned by County Counsel's Office

5. If approval of position allocation change, reviewed by Human Resources on: N/A

By: N/A

6. Electronic copy submittal date: 2/21/2025 By: Melissa Villa

[Signature]
Department Head/Agency Representative

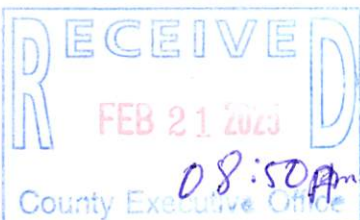
INSTRUCTIONS: Back-up must be submitted **15 BUSINESS days** prior to requested date (Please note a Holiday counts as a Business day.) Back-up submitted must contain an **Original and 2 copies**. Copies must be submitted to the County Executive Office double sided and three (3) hole punched. Back-up must be submitted in a PDF format to vanessasalcido@co.imperial.ca.us and gracielaalvarez@co.imperial.ca.us

Reviewed By: _____
Deputy CEO

Reviewed By: _____
Deputy CEO

CEO/CLERK USE ONLY:

DATE STAMP



BOARD DATE:

March 11, 2025

Action ☒

Filing ☐

Consent ☐

Presentation ☐

Hearing ☐

CEO Approval ☐

Other (specify) _____

[Signature]
CEO

2/24/25
Date



Human Resources & Risk Management

COUNTY OF IMPERIAL

RODOLFO AGUAYO
Director of Human Resources &
Risk Management

March 11, 2025

Honorable Board of Supervisors
County of Imperial
County Administration Center
940 W. Main Street, Suite 101
El Centro, CA 92243

Dear Board Members:

Requested Board Action:

Approve the Equal Employment Opportunity Policy and Complaint Procedure
Rescind any other Policies and Procedures. Introduction of New Name for the Affirmative
Action Office Revised Sexual Harassment Policy and Procedure approved by Board of
Supervisors on March 10, 1998.

Background:

The Human Resources and Risk Management Department is introducing our office's first update to the Equal Employment Opportunity Policy and Complaint Procedure. This update includes most recent changes made by state and federal laws in relation to sexual harassment and discrimination protections for employees. The policy clearly defines policy violations in accordance with applicable laws which allow our office to investigate with a clear scope of work.

As a reminder, the Equal Employment Opportunity Division was transferred under the Director of Human Resources and Risk Management in December 2020. Since that time, our office has worked on introducing a variety of compliance measures, including the training requirements for new hires, training for supervisors required every 2 years and other reporting requirements.

Finally, as both state and federal requirements for Equal Employment Opportunity are updated on a continuous basis, we are requesting authority for the Director of Human Resources to update the policy on an annual basis or as otherwise required by law and distribute the necessary changes.

Fiscal Impact:

No fiscal impact to the general fund.



Human Resources & Risk Management

COUNTY OF IMPERIAL


RODOLFO AGUAYO
Director of Human Resources &
Risk Management

Sincerely,

Rodolfo Aguayo
Director of Human Resources & Risk Management

AN EQUAL OPPORTUNITY EMPLOYER

940 W. MAIN STREET, SUITE 101 • El Centro, CA 92243 • (442) 265-1148 • FAX (442) 265-1167 • TTY (442) 265-1169
WEB SITE www.co.imperial.ca.us

<p style="text-align: center;">COUNTY OF IMPERIAL BOARD OF SUPERVISORS POLICY</p>			
<p>Subject</p>	<p>Policy Number</p>	<p>Version</p>	<p>Page</p>

**EQUAL EMPLOYMENT OPPORTUNITY POLICY
AND
COMPLAINT PROCEDURES**

I. INTRODUCTION

The County of Imperial ("County") is committed to maintaining a work environment that is free of all forms of sexual harassment, discrimination and harassment based on a protected characteristic, and an environment free from retaliation for participating in a protected activity covered by this policy. The County of Imperial is committed to providing equal employment opportunities to all employees and applicants for employment.

The County believes that discrimination, harassment, sexual harassment, and retaliation in any form constitute misconduct that undermines the integrity of the employment relationship. This policy has been adopted and designed to prevent discriminatory and harassing conduct in our workplace. The County will implement appropriate corrective action(s), up to and including formal discipline, in response to violations of this Equal Employment Opportunity Policy.

II. APPLICABILITY

This policy prohibits discrimination, harassment, and retaliation by all County employees, including elected and appointed County officers, department heads, unpaid interns, volunteers, independent contractors, and to those who are agents of a public or private institution doing business with the County. The protections of this policy extend to all County employees and applicants for employment, department heads, unpaid interns, volunteers, and independent contractors.

This policy does not supersede the County of Imperial grievance procedures, or any other local, state, or federal law.

III. POLICY

A. Discrimination

This Equal Employment Opportunity Policy is derived from the Imperial County Ordinance Chapters 3.16. The County of Imperial prohibits discrimination in the provision of employment opportunities, to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, a person's race, age (40 or over), genetic information, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity, gender expression, marital status, sexual orientation, reproductive health decision making, veteran or military status, domestic violence victim status, political affiliation, or any other protected characteristic recognized by state, federal, and local anti-discrimination laws covering employment.

Discrimination of this kind may also be strictly prohibited by federal, state, and local laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

As used in this policy, "discrimination" is defined as unequal treatment of individuals in any aspect of employment based solely or in part on any one or more of the protected characteristics listed above. Discrimination violates this policy regardless of whether the individual actually has the protected characteristic or is merely perceived to have it.

Examples of discrimination include, but are not limited to:

- Allowing an applicant's or employee's protected characteristic to be a factor in hiring, promotion, compensation, or other employment related decisions (unless otherwise permitted by applicable law)
- Withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

B. Harassment

The County of Imperial prohibits harassment based on any one or more of the protected characteristics listed above.

As used in this policy, “harassment” means disrespectful or unprofessional conduct that is not welcomed by the person being harassed and is based solely or in part on one or more of the protected characteristic listed above. Harassment extends to all forms of verbal, visual, and physical contact that are unwanted and are intimidating, demeaning, or derogatory specifically on the basis of a protected characteristic. Harassment violates this policy regardless of whether the applicant or employee actually has the protected characteristic or is merely perceived to have it. Harassment also violates this policy when it’s based on a combination of two or more protected characteristics or the protected characteristics of someone with whom the applicant or employee is associated, such as a family member or friend. Harassment in violation of this policy will be subject to disciplinary measures up to and including termination.

Personality conflicts should not be misconstrued as harassment and should be reported through their chain of command for resolution; may bypass any offending member of management to report such conduct.

Examples of harassment include, but are not limited to:

- Verbal conduct such as slurs, jokes, insults, epithets, gestures, or teasing specifically on the basis of a protected characteristic.
- Visual conduct such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails specifically on the basis of a protected characteristic.
- Physical conduct such as physically threatening another person, blocking someone’s way, or making physical contact in an unwelcome manner specifically on the basis of a protected characteristic.

Examples of harassment specifically on the basis of a protected characteristic in the workplace include racist comments, jokes or nicknames, derogatory remarks about someone's religion or ethnicity, comments about a colleague's disability, or offensive statements about an older person's age.

1. Hostile Work Environment - Any unwelcome harassing conduct on the basis of the individual’s protected characteristics by any person in the workplace that unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive working environment.
2. Third-party Harassment: Visual, verbal, or physical harassing conduct between two or more employees who appear to welcome the conduct may constitute third-party harassment of a person who observes the conduct, and it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive working environment. Conduct may constitute harassment even if it is not explicitly or specifically directed at an individual.

C. Sexual Harassment

As used in this policy, "sexual harassment" means harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It includes all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexual harassment does not have to be of a sexual nature and sexual harassment does not need to be motivated by sexual desire. In addition, sexual harassment may include situations that began as a consensual dating or sexual relationship, but that later became a relationship that was not welcomed by one of the people involved.

This policy applies during, but it is not limited to: normal working hours, at work sponsored functions, and while traveling on work related business. Any conduct that is believed to violate this policy should be reported immediately by individuals covered by this policy. There will be no recrimination for anyone who in good faith alleges illegal harassment. The victim as well as the harasser may be of any gender. The victim does not have to be of the opposite gender. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, an agent of the employer, or a non-employee of the employer, such as a client or customer.

1. Sexual harassment is generally categorized into two types: *Quid Pro Quo* or *Hostile Work Environment*.
 - a. Quid Pro Quo Harassment - Unwelcome sexual advances, requests for favors, and other verbal, physical or visual conduct of a sexual nature when:
 - Submission to sexual conduct is made explicitly or implicitly a term or condition of a person's employment; or
 - Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee.
 - b. Hostile Work Environment – Any sexual harassing conduct including and not limited to any unwelcome sexually suggestive comments, gestures, advances, pictures, emails, texts, epithets, sexual liaisons in graphic detail, touch, or humor by any person in the workplace, directed to or witnessed by any employee that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive working environment.

No supervisor, co-worker, or other person shall cause a County employee to be in jeopardy of losing a job or promotion, be subject to adverse employment action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working

environment, as the result of being subjected to rejecting, or reporting sexual harassment. No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decisions, to an individual on the condition that such individual participates in or tolerates otherwise unwelcome sexual behavior. Every supervisor, manager, department head, and appointed/elected official is responsible for ensuring that their employees demonstrate a mutual respect for each other, and that conduct such as unlawful sexual innuendo, intimidation, and solicitation are absent.

The County will take preventive, corrective and disciplinary action for any behavior that violates this policy. An employee who is found to have engaged in discrimination, harassment, and sexual harassment will be subject to appropriate disciplinary action, which may include termination.

D. Retaliation

This policy extends to all forms of adverse employment action or an action that materially affects the terms and conditions of the applicant's or employee's employment status specifically for engaging in activity protected under this policy or retaliates against a person who opposes, reports, or assists another person to oppose unlawful discrimination or harassment, including filing a complaint.

Retaliation is any adverse employment action taken against an applicant, employee, unpaid intern, volunteer, or contractor because that person engaged in activity protected under this policy or reasonably thought to be protected under this policy. Protected activities may include, but are not limited to, reporting, or assisting in reporting suspected violations of this policy or cooperating in investigations or proceedings arising out of a violation of this policy.

The following individuals are protected from retaliation:

1. An individual is protected from retaliation for having filed a complaint, testified, assisted, or participated in any manner in a discrimination and harassment investigation, proceeding, or hearing and;
2. Those who associate with an individual who is involved in reporting harassment, discrimination, or who participates in the complaint or investigation process.

Examples of retaliation under this policy include the following actions taken because of the employee's engagement in a protected activity under this policy, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion; harassing an employee because they have complained or filed a charge of discrimination, harassment, sexual harassment, or retaliation, or participated in an EEO investigation or lawsuit; denying employment opportunities for participating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying a reasonable accommodation; or not talking to an employee when otherwise required by job duties; or excluding the employee from job-related activities because of engagement in activities

protected under this policy.

IV. COMPLAINT PROCEDURE

A complaint alleging discrimination, harassment, sexual harassment, or retaliation shall be reported immediately to either the employee's chain of command (employee may bypass any offending member of management to report such conduct), the EEO Department, or the Human Resources Director. Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the EEO Officer and must follow that officer's instructions of how best to proceed.

Upon receipt of a complaint, the EEO Department shall evaluate the allegations on an individual basis and take into consideration all the facts and circumstances pertaining thereto. For allegations found to be within the jurisdiction of this policy, the EEO Department shall investigate, conciliate, resolve, and make appropriate recommendations to the Director of Human Resources and the department head to ensure the situation is remedied. To the extent possible, the EEO Department will endeavor to keep the reporting of the applicant or employee's concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the County's ability to fulfill its obligations under this policy, applicable law, and any court order. All employees are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.

A confidential investigative report will be prepared by the EEO Department and reviewed by counsel. A confidential executive summary of the investigation will be prepared by the EEO Department and reviewed by County Counsel. The Human Resources Director and department head shall be provided with a summary of findings and recommendations. The complainant and Respondent of the alleged conduct will be provided a notice of determination which will only specify if the allegations were sustained or not sustained on the basis of EEO policy violation.

If the EEO Department cannot conciliate the matter, then they may recommend a hearing by the Employment Appeals Board ("EAB"). In that case, the EEO Officer shall brief the EAB on the findings of the original investigation.

The Human Resources Director shall refer employee requests for EAB hearings of sexual harassment complaints to the EEO Department, just as for one alleging any other form of discrimination.

V. RESPONSIBILITIES

Employees:

It is the responsibility of all employees to treat each other with respect and consideration. In the event an employee believes in good faith that a work situation constitutes discrimination, harassment, sexual harassment, or retaliation as defined in this policy, it is the employee's responsibility to report the matter to their chain of command (employee may bypass any offending member of management to report such conduct), the EEO Department, or the Human Resources Director as soon as practicable. Employees are not required to approach the person who is harassing or discriminating against them, and they may bypass any offending member of management to report such conduct.

Management:

It is the responsibility of every supervisor, manager, department head, and appointed/elected official to inform employees of this policy. Management should monitor the work environment, take all steps necessary to prevent discrimination, harassment, sexual harassment, or retaliation from occurring and respond immediately to allegations of sexual harassment.

Every supervisor, manager, and department head is responsible for notifying the EEO Office immediately upon receipt of a discrimination, harassment, sexual harassment, or retaliation allegation, and assisting with the investigation of complaints involving employees in their department.

VI. PROTECTIONS

If an individual accused of discrimination, harassment, sexual harassment, or retaliation under this policy considers such claim to be malicious or fraudulent, said individual will have the opportunity to present evidence during the normal course of the complaint investigation. When introduced to the basic complaint, the Equal Employment Opportunity Department shall make a determination on the issue. If the allegation is determined to be malicious or fraudulent, the Equal Employment Opportunity Department shall make appropriate recommendations as to the disposition of the case and any resulting employee discipline.

The County will not tolerate retaliation against any individual who, in good faith, reports discrimination, harassment, sexual harassment or retaliation for participating in an investigation, or who otherwise assists in investigating such complaints. If retaliation is alleged, it shall be processed as a separate complaint and reported directly to the EEO Department. Any employees found to be retaliating against another employee shall be subject to disciplinary action up to and including termination.

VII. CONFIDENTIALITY

Every effort will be made to maintain the confidentiality of the information provided in connection with a discrimination, harassment, sexual harassment, or retaliation complaint, and to protect the privacy of the individuals involved. Some level of disclosure may be necessary to ensure a fair, complete, and timely investigation, although the County will maintain confidentiality to the extent possible. Furthermore, the County

will not disclose a complete investigation report except as it deems necessary or as required by law.

VIII. POLICY DISSEMINATION

The Equal Employment Opportunity Department is responsible for ensuring that this policy and complaint procedures relating to discrimination, harassment, sexual harassment, and retaliation are disseminated and implemented.

The Human Resources Director is responsible for ensuring that this information is included in the County Employee Handbook and in the New Employee Orientation sessions held with permanent, extra help and seasonal employees, and that all employees receive a copy of this policy when they are hired.

This policy may be amended according to and not limited to Local, Federal, and State law updates and redistributed.

FILING COMPLAINTS WITH STATE AND FEDERAL AGENCIES

Employees and applicants may also file complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

CALIFORNIA CIVIL RIGHTS DEPARTMENT

- Website: www.cacivilrights.ca.gov
- Complaint-filing portal: <https://ccrs.cacivilrights.ca.gov/s/>
- General information: (800) 884-1684 (voice), (800) 700-2320 (TTY), or California's Relay Service at 711
- Email: contact.center@cacivilrights.ca.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- Website: www.eeoc.gov/employees
- General information: (800) 669-4000, (800) 669-6820 (TTY), or (844) 234-5122 (ASL Video Phone)
- Email: info@eeoc.gov

**MINUTE ORDER
OF
IMPERIAL COUNTY
BOARD OF SUPERVISORS**

Date: ? 2/10/1998	Book: 306	Page: 046	File #: 2020.1	M.O.#: 25
X-File 1:	X-File 2:	X-File 3:	X-File 4:	
Department: AFFIRMATIVE ACTION		2nd Page:		

THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, on a motion by Supervisor : SHARP , second by Supervisor : SHORES and approved by the following roll call vote;

AYES : VAN DE GRAAFF, COLE, SHORES, VEYSEY, SHARP

NAYES : NONE

ABSTAINED : NONE

EXCUSED OR ABSENT : NONE

REFERENCE TO :

Approved change to the Sexual Harassment Policy and Procedure requiring that all departments report all sexual harassment complaints to the Affirmative Action Officer regardless of the resolution reached by parties.

Topic: POLICY		X-Topic: SEXUAL HARASSMENT	
CC:	<input checked="" type="checkbox"/> File <input checked="" type="checkbox"/> CEO <input type="checkbox"/> Planning <input type="checkbox"/> Health <input type="checkbox"/> County Property <input type="checkbox"/> Other...	<input checked="" type="checkbox"/> Auditor <input type="checkbox"/> County Counsel <input type="checkbox"/> Public Works <input type="checkbox"/> Ag/APCD	

COUNTY ADMINISTRATIVE OFFICE

RICHARD H. INMAN, SR.
COUNTY ADMINISTRATIVE OFFICER




COUNTY ADMINISTRATION CENTER
940 W. MAIN STREET, SUITE 208
EL CENTRO, CA 92243-2875
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EMAIL: richinman@aol.com
acaorjb@intergate.icoe.k12.ca.us

March 19, 1998

*2-11-98
F.V.D.*

TO: Department Heads

FROM:  Janet P. Thornburg, Equal Employment Opportunity Officer
Linda N. Glasper, Administrative Analyst

SUBJECT: Introduction of New Name for the Affirmative Action Office
Revised Sexual Harassment Policy and Procedures

On March 10, 1998, the County Board of Supervisors approved a name change for the Affirmative Action Office. The new name for our office is the Equal Employment Opportunity Office. The functions of the office remain the same.

The Sexual Harassment Policy and Procedure has also been revised. Departments will be asked to take a more active role in resolving sexual harassment complaints and discrimination complaints. A Department's Report form will be used to notify the Equal Employment Opportunity Officer of the complaint and will be used to track the progress of the department's investigation. A copy of the new policy and Department Report Form has been enclosed for your information. The Equal Employment Opportunity Office is currently scheduling training sessions to assist departments in resolving such complaints.

If you have any questions, please contact the Equal Employment Opportunity Office. Thank you.



**SEXUAL HARASSMENT POLICY
AND
COMPLAINT PROCEDURES**

I. INTRODUCTION

The County of Imperial recognizes that a productive working environment includes one that is free from sexual harassment, whether verbal, visual, or physical in nature. Every supervisor and department head is responsible for ensuring that their employees demonstrate a mutual respect for each other, and that conduct such as unlawful sexual innuendo, intimidation, and solicitation are absent.

II. POLICY

This Sexual Harassment Prevention Policy is derived from the County's Equal Employment Opportunity Policy which prohibits discrimination on the basis of race, color, religion, national origin, ancestry, disability, medical condition, sex (gender), marital status, sexual orientation, or Vietnam-era veteran status. It is the policy of the County of Imperial to ensure that its offices and activities are conducted in an environment free of sexual harassment.

This policy extends to all forms of communication, physical contact, and/or other gestures of a sexual nature that are unwanted and are explicitly or implicitly exploitative, intimidating, demeaning, and/or derogatory. Sexual harassment is an exercise of power expressed by forcing someone to grant or tolerate familiarity or intimacy they otherwise would not. Personality conflicts should not be misconstrued as sexual harassment and should be reported to the immediate supervisor for resolution.

No supervisor, co-worker, or other person shall cause a county employee to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to rejecting, or reporting sexual harassment.

No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decision, to an individual on the condition that such individual participate in or tolerate otherwise unwelcome sexual behavior. The County will take preventative, corrective and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination will be imposed for unlawful behavior.

III. POLICY DISSEMINATION

The Equal Employment Opportunity Officer is responsible for ensuring that the policy and complaint procedures relating to sexual harassment are disseminated and implemented.

The Personnel Director is responsible for ensuring that this information is included in the Employee Personnel Handbook and in orientation sessions with new employees (permanent, extra-help, and seasonal employees).

IV. RESPONSIBILITIES

It is the responsibility of every supervisor and department head to take any sexual harassment complaint seriously and to respond immediately. The department head is responsible for verbally notifying the Equal Employment Opportunity Office immediately upon receipt of a sexual harassment allegation. The department shall submit an incident report form to the Equal Employment Opportunity Officer on all sexual harassment complaints reported to department supervisors or management personnel. The incident report form is to be submitted to the Equal Employment Opportunity Officer within five days of receipt of said complaint. Blank incident report forms are available in the Equal Employment Opportunity Office.

The Equal Employment Opportunity Officer shall follow up with the department head on the progress of the investigation and resolution within two weeks. All incident report forms shall be kept confidential and will remain in the Equal Employment Opportunity Office.

V. APPLICABILITY

This policy applies to all County employees, elected and appointed County officers and department heads, and to those who are agents of a public or private institution doing business with the County. This policy also extends to conduct towards members of the public.

This policy does not supersede County of Imperial grievance procedures.

VI. DEFINITIONS

A. Sexual harassment is unwelcome behavior directed at the opposite sex that is deliberate or repeated, not asked for or returned and which affects the terms and conditions of employment. Sexual harassment can take any or all of the following three forms:

1. Verbal Harassment--Epithets, derogatory jokes or comments, slurs or unwanted sexual talk. It also includes verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body, sexually degrading words used to describe an individual, propositioning, suggestive or sexually graphic letters, notes and invitations.
2. Physical Harassment--Assault, battery, impeding or blocking normal movement or interfering with work, and unwanted touching such as, pinching, grabbing, patting.
3. Visual Harassment--Derogatory posters, notices, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, protracted staring or gestures.

B. The three forms of sexual harassment, described in A. above, can be exhibited as one of two types of sexual harassment: *Quid Pro Quo Harassment* or *Environmental Harassment*.

1. Quid Pro Quo Harassment--Unwelcome sexual advances, requests for favors, and other verbal, physical or visual conduct of a sexual nature when:
 - a) Submission to such conduct is made a term or condition of a person's employment,
 - b) Submission to or rejection of such conduct is used as a basis for employment decisions affecting such person.
2. Hostile Work Environment--Any of the forms of unwelcomed behaviors of a sexual nature that are severe or pervasive enough that it either alters a condition of employment or creates a hostile or abusive work environment.

VII. PROCEDURES

A complaint alleging sexual harassment shall be filed according to standard complaint procedures given in the Employee Personnel Handbook, or may be filed directly with the Equal Employment Opportunity Officer. The Personnel Director shall refer requests for Employment Appeals Board hearings of sexual harassment complaints to the Equal Employment Opportunity Officer, just as for one alleging any other form of discrimination.

If complaint is directly filed with the Equal Employment Opportunity Officer, he/she shall investigate, conciliate, resolve, and/or make appropriate recommendations to Personnel and the Department in order to ensure that situation is remedied. A written report of the investigation will be prepared and coordinated with County Counsel. All cases shall be evaluated on an individual basis taking into consideration all the facts and circumstances pertaining thereto. Personnel and Department Head shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser will also be informed of the results.

If the Equal Employment Opportunity Officer cannot conciliate matter, then he/she shall recommend a hearing by the Employment Appeals Board (EAB). In that case, the Equal Employment Opportunity Officer shall brief the EAB on the findings of the original investigation and County Counsel shall brief on pertinent law and guidelines. If parties reach a conciliated agreement, the Equal Employment Opportunity Officer shall so inform the Personnel Department in writing, and shall monitor all actions until completed.

VIII. PROTECTIONS

If an individual accused of sexual harassment under this policy considers such claim to be malicious or fraudulent, said individual will have the opportunity to present evidence during the normal course of the complaint investigation. When introduced into the basic complaint, the Equal Employment Opportunity Officer shall make a determination on this issue specifically and concurrently. If the sexual harassment allegation is determined to be malicious or fraudulent, the Equal Employment Opportunity Officer shall make appropriate recommendations as to the disposition of the case.

The County will not tolerate retaliation against any individual who rejects sexual advance(s), complains of sexual harassment or files a good faith sexual harassment complaint. The County will not tolerate retaliation against any person who participated in an investigation covered under this policy. If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with Equal Employment Opportunity. The law prohibits such acts of retaliation. Any employees found to be retaliating against another employee shall be subject to disciplinary action up to and including termination.

COMPLAINT INCIDENT REPORT FORM

Date: _____

Department Responding to Complaint: _____ Phone #: _____

Date Complaint Received: _____

Name of Complainant: _____ Job Title: _____

Name of Accused: _____ Job Title: _____

Type of Harassment (Please Check): Sexual Harassment _____ A. Hostile Work Environment: _____ B. Quid Pro Quo: _____
Discrimination: _____

Form of Harassment/Behavior (Please Check): 1. Verbal: _____ 2. Physical: _____ 3. Visual: _____

Explain Circumstances of Complaint (include names, dates, times, communications, etc.)

Remedy(ies) complainant expressed: _____

Who received initial complaint: _____ Job Title: _____

Person responding to complaint: _____ Job Title: _____

Is complaint being investigated (please circle): Yes No

Explain details of investigation (include names of interviewees, steps taken, conclusions and/or remedies to complaint).

If an investigation is not being considered, explain why:

=====

FOR EEO USE ONLY:

Date investigation was completed: _____

Was a investigative report written by department responding: Yes No

Remedy considered: _____

Date remedy was enforced: _____ Date parties involved were notified of results: _____

DATE RECEIVED:

EEO REPRESENTATIVE:

SIGNATURE:

=====

Personnel Administration Based on Equal Employment Opportunity Principles
§ 24350.

CHAPTER 3.5

PERSONNEL ADMINISTRATION BASED ON EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLES

Section 24350. General Intent.
Section 24351. Position Classifications.
Section 24352. Employment Standards.
Section 24353. Recruitment.
Section 24354. Selection.
Section 24354.5 Nondiscrimination in Employment; Handicapped Persons.
Section 24355. Appointments.
Section 24356. Promotions.
Section 24357. Employee Performance Evaluations.
Section 24358. Force Reduction Layoffs.
Section 24359. Appeals.

§ 24350. General Intent.

The Board of Supervisors intends that the County's personnel system be based on equal employment opportunity principles. Such system should provide for recruitment, selection, compensation, promotion, and retention of personnel based upon their relative abilities, open competition, and job performance. The goals of such system shall be the employment or promotion of the most qualified candidates in all instances, the elimination of artificial barriers to such employment in all aspects of personnel administration policies, procedures and practices, and achievement of the specific objectives described hereinbelow.

§ 24351. Position Classifications.

(1) Job classification statements, established pursuant to Section 24300, shall be comprehensively documented, to insure that (a) required knowledge, abilities and skills are identified and accurately described and (b) job qualification requirements are realistic and based upon the specific knowledge, abilities and skills identified as necessary to performance of duties of the particular job.

(2) The Personnel Director shall be responsible for insuring that job classification statements meet the requirements of paragraph (1) above.

§ 24352. Employment Standards.

(1) Employment standards and practices for positions in the County shall be based upon job qualification requirements that are job-related in accordance with Federal and State laws and regulations pertaining thereto and the current Uniform Guidelines on Employee Selection Procedures promulgated by the United States Equal Employment Opportunity Commission in Title 29, Code of Federal Regulations, Chapter XIV, Part 1607.

(2) Employment standards and practices of the County shall provide for equal employment opportunities for qualified handicapped persons who, with reasonable accommodation, can perform the essential

Personnel Administration Based on Equal Employment Opportunity
Principles § 24354

candidates who appear to meet the minimum employment qualifications for the position.

(b) The Personnel Director shall review all applications certified as acceptable and categorize all such applications as either "qualified" or "minimally qualified".

(c) Recruiting departments shall be entitled to a minimum of three applicant referrals for a job opening. Applications of all candidates classified as "qualified" shall be referred to the recruiting department. If less than three candidates are classified as "qualified", the Personnel Office shall refer all those applications so classified to the recruiting department, but the department may then, at its option, either request a further application review of the "minimally qualified" applicants by the Personnel Office, to select a total of three applications which shall be referred to the recruiting department or may waive the recruitment process and request that a new recruitment commence.

If more than one position opening is being recruited for at the same time by a department, the Personnel Department shall refer a sufficient number of applications to the department to insure the department received three applications for the first opening and one additional application for each additional opening.

(d) The recruiting department shall interview all candidates referred from the Personnel Office in accordance with procedures established by the Personnel Director and shall establish and rank a numerical ranking for all said applicants. The department shall utilize criteria for making evaluations and rankings which have been approved by the Personnel Director. The department shall document the specific reasons for its evaluations and ranking of all candidates.

(e) The Personnel Director shall certify for appointment to the appointing authority the three highest ranked applicants for a job opening. If more than one position opening is being recruited for at the same time by a department, the Personnel Director shall certify for appointment to the appointing authority the three highest ranked applicants plus the next highest ranked applicant for each additional position opening.

(f) The appointing authority shall be entitled to receive the three highest ranked applicants. The appointing authority may tentatively select for appointment any one of the applicants certified for appointment by the Personnel Director, treating all such applicants certified for appointment as equally qualified for the job opening (the "rule of three").

For purposes of making such a temporary selection, the appointing authority or his/her designee shall consider and treat equally all applicants certified for appointment. In the exercise of the appointing authority's discretion in making temporary selections, the appointing authority or his/her designee may consult with or otherwise evaluate such applicants

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such tentative selections, and shall request the requisite certifications by the Affirmative Action Officer. Based on such review, the Affirmative Action Officer either shall certify in writing to the Personnel Director and the department head that the selection is approved or shall recommend to the Personnel Director that the selection be set aside and the Personnel Director take appropriate remedial actions. Such remedial actions shall include, but not be limited to, maintaining the position open for additional interviews or reevaluations of applicants. If the remedial actions taken by the Personnel Director result in the same or another non-underparity selection by the appointing department head, such new selection shall be tentative in nature, and such selections shall become final when it is approved in writing by the Personnel Director and the Affirmative Action Officer. If both such officers do not formally approve such selection, a committee composed of the Affirmative Action Officer, the Personnel Director, and the County Counsel shall review the remedial actions taken and the new tentative selection. By a majority vote, such committee is hereby authorized to determine whether the remedial actions taken are satisfactory or whether additional remedial actions shall be required, and to certify the tentative selection as final or to set aside such tentative selection and order steps to be taken to effect a final resolution of the selection matter.

(h) Notwithstanding any other provisions of this Subsection hereinabove, if a particular recruitment process results in a total of three (3) or less job applicants being certified as acceptable and categorized as "Qualified" pursuant to the provision of Paragraph (b) of this Subsection hereinabove, the Personnel Director may certify all such applicants for appointment to the appointing authority, and the appointing authority may make a tentative selection for appointment of any such certified applicant, without first having to comply with the formal interview requirements of Paragraph (d) of this Subsection hereinabove.

(i) Notwithstanding any other provisions of this Subsection, if a particular recruitment requires any type of selective certification procedure because such procedure is required by the County's Affirmative Action Plan or otherwise required by law, such selective certification requirement shall prevail over any of the provisions of this Subsection.

(3) The Personnel Office shall notify in writing all job candidates whose applications have been denied certification because of failure to meet minimum job requirements, and shall specify the reason therefor. The Personnel Director shall be responsible for developing, proposing, and implementing, pursuant to the prior approval of the Board of Supervisors, policies and procedures providing appropriate written notice to candidates whose applications have been accepted as meeting minimum qualifications but who have not been certified for selection to recruiting departments, taking into consideration special recruitment

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§ 24355. Appointments.

(1) Appointments of new hires or to promotional positions shall be effected by the department head, in compliance with the [REDACTED] Sect. [REDACTED] 20 of the [REDACTED] Div. [REDACTED] The [REDACTED] par [REDACTED] head shall certify to the Personnel Director on the written appointment form for the particular appointment that he has complied with all the requirements of this Chapter.

(2) No department head shall fail to make an appointment of a new hire or an appointment to a promotional position based in any manner on a job applicant's or an employee's pregnancy, childbirth or related medical conditions.

(Amended by Ord. No. 623; eff. July 14, 1977; amended by Ord. No. 689; eff. Apr. 24, 1979.)

(3) Appointments of limited term employees, as defined in Paragraph(s) of Subsection (2) of Section 24100 of Chapter 1 of this Division, shall be effected by department heads by identifying such appointments on the appropriate appointment documents and by requiring such employees to execute a written form provided by the Personnel Director acknowledging that they understand and agree to the terms and conditions of limited term employment. (Amended by Ord. No. 689, eff. April 24, 1979.)

§ 24356. Promotions.

(1) All recruitment, selection and appointment policies and procedures provided for in this Chapter apply as fully to promotional appointments as they do to new hires to entry level positions.

(2) The Personnel Director shall be responsible for developing, proposing, and implementing, pursuant to the prior approval of the Board of Supervisors, any special policies and procedures which may be desirable to maximize flexibility in promotional recruitment, automatic advances in graded levels of classifications within the departments, special recruitment programs for professional positions, or for positions with special recruitment difficulties or considerations. Such special policies and procedures shall be adopted by resolution of the Board of Supervisors, and shall be based upon specific findings of the Board of Supervisors that such policies and procedures are necessary to the efficient management of the personnel system of the County.

§ 24357. Employee Performance Evaluations.

Amended by Ord. No. 689, eff. April 24, 1979.
Repealed and re-enacted as Section 24218 of Chapter 2 of Division 4 by Ord. No. 736, eff. Sept. 18, 1980.

§ 24358. Force Reduction Layoffs.

(1) The County shall have the Reduction in Force Layoff Policy based on merit principles as herein provided by Chapter 5.5 of this Division.

(2) Notwithstanding any other provision of this Chapter, limited term employees, as defined in paragraph(s) of §24100 et seq. of Chapter 1 of this Division shall not have any rights pursuant to this Chapter in regard to the automatic termination of the employee with the County.

(Amended by Ord. No. 623, eff. July 14, 1977; amended by Ord. No. 873, eff. Sept. 13, 1984.)

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§ 24359

§ 24359. Appeals.

(1) All applicants for County employment and all County employees shall have the right to appeal any employment decision by any County Officer, official, department head, or departmental employee which they believe adversely affect any of their rights
[REDACTED] d for by [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

(2) Such appeals shall be initiated and processed pursuant to the provisions of Chapter 10.5 of this Division.

(Sections 24350-24359 amended by Ord. No. 574, eff. June 17, 1976.)

CHAPTER 3.5

PERSONNEL ADMINISTRATION BASED ON EQUAL EMPLOYMENT OPPORTUNITY PRINCIPLES

- Section 24350. General Intent.
- Section 24351. Position Classifications.
- Section 24352. Employment Standards.
- Section 24353. Recruitment.
- Section 24354. Selection.
- Section 24354.5 Nondiscrimination in Employment; Handicapped Persons.
- Section 24355. Appointments.
- Section 24356. Promotions.
- Section 24357. Employee Performance Evaluations.
- Section 24358. Force Reduction Layoffs.
- Section 24359. Appeals.

§ 24350. General Intent.

The Board of Supervisors intends that the County's personnel system be based on equal employment opportunity principles. Such system should provide for recruitment, selection, compensation, promotion, and retention of personnel based upon their relative abilities, open competition, and job performance. The goals of such system shall be the employment or promotion of the most qualified candidates in all instances, the elimination of artificial barriers to such employment in all aspects of personnel administration policies, procedures and practices, and achievement of the specific objectives described hereinbelow.

§ 24351. Position Classifications.

(1) Job classification statements, established pursuant to Section 24300, shall be comprehensively documented, to insure that (a) required knowledge, abilities and skills are identified and accurately described and (b) job qualification requirements are realistic and based upon the specific knowledge, abilities and skills identified as necessary to performance of duties of the particular job.

(2) The Personnel Director shall be responsible for insuring that job classification statements meet the requirements of paragraph (1) above.

§ 24352. Employment Standards.

(1) Employment standards and practices for positions in the County shall be based upon job qualification requirements that are job-related in accordance with Federal and State laws and regulations pertaining thereto and the current Uniform Guidelines on Employee Selection Procedures promulgated by the United States Equal Employment Opportunity Commission in Title 29, Code of Federal Regulations, Chapter XIV, Part 1607.

(2) Employment standards and practices of the County shall provide for equal employment opportunities for qualified handicapped persons who, with reasonable accomodation, can perform the essential

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candidates who appear to meet the minimum employment qualifications for the position.

(b) The Personnel Director shall review all applications certified as acceptable and categorize all such applications as "equally qualified" or "minimally qualified".

(c) Recruiting departments shall be entitled to a minimum of three applicant referrals for a job opening. Applications of all candidates classified as "qualified" shall be referred to the recruiting department. If less than three candidates are classified as "qualified", the Personnel Office shall refer all those applications so classified to the recruiting department, but the department may then, at its option, either request a further application review of the "minimally qualified" applicants by the Personnel Office, to select a total of three applications which shall be referred to the recruiting department or may waive the recruitment process and request that a new recruitment commence.

If more than one position opening is being recruited for at the same time by a department, the Personnel Department shall refer a sufficient number of applications to the department to insure the department received three applications for the first opening and one additional application for each additional opening.

(d) The recruiting department shall interview all candidates referred from the Personnel Office in accordance with procedures established by the Personnel Director and shall establish and rank a numerical ranking for all said applicants. The department shall utilize criteria for making evaluations and rankings which have been approved by the Personnel Director. The department shall document the specific reasons for its evaluations and ranking of all candidates.

(e) The Personnel Director shall certify for appointment to the appointing authority the three highest ranked applicants for a job opening. If more than one position opening is being recruited for at the same time by a department, the Personnel Director shall certify for appointment to the appointing authority the three highest ranked applicants plus the next highest ranked applicant for each additional position opening.

(f) The appointing authority shall be entitled to receive the three highest ranked applicants. The appointing authority may tentatively select for appointment any one of the applicants certified for appointment by the Personnel Director, treating all such applicants certified for appointment as equally qualified for the job opening (the "rule of three").

For purposes of making such a temporary selection, the appointing authority or his/her designee shall consider and treat equally all applicants certified for appointment. In the exercise of the appointing authority's discretion in making temporary selections, the appointing authority or his/her designee may consult with or otherwise evaluate such applicants

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such tentative selections, and shall request the requisite certifications by the Affirmative Action Officer. Based on such review, the Affirmative Action Officer either shall certify in writing to the Personnel Director and the department head that the selection is acceptable and recommend to the Personnel Director that the selection be set aside and the Personnel Director take appropriate remedial actions. Such remedial actions shall include, but not be limited to, maintaining the position open for additional interviews of reevaluations of applicants. If the remedial actions taken by the Personnel Director result in the same or another non-underparity selection by the appointing department head, such new selection shall be tentative in nature, and such selections shall become final when it is approved in writing by the Personnel Director and the Affirmative Action Officer. If both such officers do not formally approve such selection, a committee composed of the Affirmative Action Officer, the Personnel Director, and the County Counsel shall review the remedial actions taken and the new tentative selection. By a majority vote, such committee is hereby authorized to determine whether the remedial actions taken are satisfactory or whether additional remedial actions shall be required, and to certify the tentative selection as final or to set aside such tentative selection and order steps to be taken to effect a final resolution of the selection matter.

(h) Notwithstanding any other provisions of this Subsection hereinabove, if a particular recruitment process results in a total of three (3) or less job applicants being certified as acceptable and categorized as "Qualified" pursuant to the provision of Paragraph (b) of this Subsection hereinabove, the Personnel Director may certify all such applicants for appointment to the appointing authority, and the appointing authority may make a tentative selection for appointment of any such certified applicant, without first having to comply with the formal interview requirements of Paragraph (d) of this Subsection hereinabove.

(i) Notwithstanding any other provisions of this Subsection, if a particular recruitment requires any type of selective certification procedure because such procedure is required by the County's Affirmative Action Plan or otherwise required by law, such selective certification requirement shall prevail over any of the provisions of this Subsection.

(3) The Personnel Office shall notify in writing all job candidates whose applications have been denied certification because of failure to meet minimum job requirements, and shall specify the reason therefor. The Personnel Director shall be responsible for developing, proposing, and implementing, pursuant to the prior approval of the Board of Supervisors, policies and procedures providing appropriate written notice to candidates whose applications have been accepted as meeting minimum qualifications but who have not been certified for selection to recruiting departments, taking into consideration special recruitment

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§ 24355. Appointments.

(1) Appointments of new hires or to promotional positions shall be effected by the department head, in compliance with the requirements of § 201 of the Civil Service Law. The department head shall certify to the Personnel Director on the written appointment form for the particular appointment that he has complied with all the requirements of this Chapter.

(2) No department head shall fail to make an appointment of a new hire or an appointment to a promotional position based in any manner on a job applicant's or an employee's pregnancy, childbirth or related medical conditions.
(Amended by Ord. No. 623; eff. July 14, 1977; amended by Ord. No. 689; eff. Apr. 24, 1979.)

(3) Appointments of limited term employees, as defined in Paragraph(s) of Subsection (2) of Section 24100 of Chapter 1 of this Division, shall be effected by department heads by identifying such appointments on the appropriate appointment documents and by requiring such employees to execute a written form provided by the Personnel Director acknowledging that they understand and agree to the terms conditions of limited term employment. (Amended by Ord. No. 689, eff. April 24, 1979.)

§ 24356. Promotions.

(1) All recruitment, selection and appointment policies and procedures provided for in this Chapter apply as fully to promotional appointments as they do to new hires to entry level positions.

(2) The Personnel Director shall be responsible for developing, proposing, and implementing, pursuant to the prior approval of the Board of Supervisors, any special policies and procedures which may be desirable to maximize flexibility in promotional recruitment, automatic advances in graded levels of classifications within the departments, special recruitment programs for professional positions, or for positions with special recruitment difficulties or considerations. Such special policies and procedures shall be adopted by resolution of the Board of Supervisors, and shall be based upon specific findings of the Board of Supervisors that such policies and procedures are necessary to the efficient management of the personnel system of the County.

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(1) The County shall have the Reduction in Force Layoff Policy based on merit principles as herein provided by Chapter 5.5 of this Division.

(2) Notwithstanding any other provision of this Chapter, limited term employees, as defined in paragraph(s) of §24100 et seq. of Chapter 1 of this Division shall not have any rights pursuant to this Chapter in regard to the automatic termination of the employee with the County.

(Amended by Ord. No. 623, eff. July 14, 1977; amended by Ord. No. 873, eff. Sept. 13, 1984.)

Principles

§ 24359

§ 24359. Appeals.

(1) All applicants for County employment and all County employees shall have the right to appeal any employment decision by any County Officer, official, department head, or departmental employee which they believe adversely affect any of their rights provided by Chapter 10.5 of this Division.

(2) Such appeals shall be initiated and processed pursuant to the provisions of Chapter 10.5 of this Division.

(Sections 24350-24359 amended by Ord. No. 574, eff. June 17, 1976.)