

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # \*B-5

Urgent

Routine

AGENDA DATE July 23, 2013

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval of the Stanislaus County Equal Employment Opportunity Program Plan for 2013 and 2014

STAFF RECOMMENDATIONS:

Approve the Stanislaus County Equal Employment Opportunity Program Plan for 2013 and 2014.

FISCAL IMPACT:

There is no fiscal impact associated with this item. Existing staff will provide program plan oversight.

BOARD ACTION AS FOLLOWS:

No. 2013-372

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

## Approval of the Stanislaus County Equal Employment Opportunity Program Plan for 2013 and 2014

### **DISCUSSION:**

Stanislaus County has a long and active history with its Equal Employment Opportunity Program and is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. The County's Equal Rights Commission was formed in July of 1972 and has met regularly since that time. This commission has guided the County's Equal Employment Opportunity Program. Recent accomplishments of the Commission include updating the County's Workplace Harassment, Discrimination and Retaliation Policy and the Equal Employment Opportunity Complaint procedure. Other activities include an annual update of the County's Equal Employment Opportunity Commitment Statement approved by the Board of Supervisors, Diversity week which is celebrated County-wide, the Annual Dale Butler Equal Rights Award Ceremony and the preparation of the Equal Rights report which includes an overview of the County's workforce data and race/ethnicity residence census data.

While the County has prepared an Equal Employment Opportunity report on an annual basis, the plan has been expanded to encompass the entire County Equal Employment Opportunity Program in one plan document covering two years. This document highlights the roles and responsibilities of the Board of Supervisors, the County Executive Officer, the Human Resource Director (County Equal Rights Officer), department heads, department Equal Rights Officers, County managers and supervisors and County employees in ensuring compliance with the Equal Employment Opportunity Program Plan. Also included in the document are the County's Equal Employment Opportunity (EEO) policies, a listing of the program components and an analysis of the county-wide workforce data and census data by EEO Category and an action plan to address any underutilization in the workforce.

The Program Plan is for calendar years 2013 and 2014 and will be updated for calendar year 2015 to include an updated analysis of the County Workforce.

### **POLICY ISSUES:**

This action is consistent with the Board of Supervisors priority of Efficient Delivery of Public Services.

### **STAFFING IMPACT:**

There are no staffing impacts associated with this item. Existing staff will continue to oversee the Equal Employment Opportunity program.

### **CONTACT INFORMATION:**

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# EQUAL EMPLOYMENT OPPORTUNITY

## REPORT AND PLAN—2013-2014

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## **I. INTRODUCTION**

The Chief Executive Office, Stanislaus County Equal Rights Commission, the County's Equal Rights Officer and Departmental Equal Rights Officers are pleased to present this Equal Rights Report and Plan. Stanislaus County is committed to a clearly defined Equal Employment Opportunity Program to ensure that all people work under equal opportunity conditions and that employment decisions in County service are made in accordance with Equal Employment Opportunity principles. This document is intended to be a County wide guide for a plan of action as well as a reference resource for the County's Equal Rights Program and to confirm the Board of Supervisors' dedication to a clearly defined Equal Opportunity Program.

## **II. RESPONSIBILITIES**

To assure support and success of this Equal Employment Opportunity Plan and to meet the established objectives, the Board of Supervisors has assigned specific responsibilities to the following officials:

### **1. BOARD OF SUPERVISORS**

The Board of Supervisors actively and aggressively supports equal employment opportunity through:

- The Annual re-commitment to the County's Equal Employment Opportunity/Non-Discrimination statement;
- Encouragement and budgetary assistance to County departments;
- Dissemination of equal employment opportunity information to employees and the general public; and,
- Regular review of the County's equal employment opportunity practices and procedures.

### **2. STANISLAUS COUNTY EQUAL RIGHTS COMMISSION**

The Commission serves as a resource group to the Board of Supervisors and County staff for the review and formulation of ideas for Equal Rights improvement in County service. The Commission supports and advances the Board of Supervisors' initiative to achieve workforce diversity through policy development, training and outreach, and other activities. Each year the commission develops goals and objectives for the program.

**Mission: Stanislaus County's Equal Rights Commission provides guidance and oversight in assuring equal opportunities and fairness in public services and employment.**

**Vision: A Community free from discrimination in public service and employment**

### **3. CHIEF EXECUTIVE OFFICER**

The Chief Executive Officer has the ultimate responsibility for the success of the Equal Employment Opportunity Plan. The Chief Executive Officer will assure effective communication of, and conformance with, the requirements of this Plan and assure that each Department Head takes such action as is necessary to achieve the Plan's objectives.

### **4. HUMAN RESOURCES DIRECTOR/COUNTY EQUAL RIGHTS OFFICER**

The Human Resources Director/Equal Rights Officer is responsible for implementation and the general administration of the Plan and will continually review all personnel policies, employment practices and procedures, and make recommendations on steps to achieve full equal employment opportunity.

The County Equal Rights Officer is also responsible for developing a County-wide collaboration through advising and assisting Commission members, County leadership, and departmental personnel to ensure that Stanislaus County embraces the EEO Commitment statement through its business practices, communication, leadership trainings, and diversity celebrations.

The County Equal Rights Officer is also responsible for ensuring the completion of:

- Ensure the completion of all required reports including developing and implementing audit and reporting systems designed to:
  - Measure the effectiveness of the County's Equal Employment Opportunity Plan, as well as individual departmental efforts.
  - Identify areas that appear to require special attention or remedial action.
- Act as resource person in the area of equal employment opportunity and affirmative action programs and serving as liaison with departments, enforcement agencies, special groups representing minorities, women, and persons with disabilities, employee unions, and other community groups as appropriate;
- Investigate complaints and working to resolve internal and external complaints of alleged discrimination or harassment;
- Arrange, conduct and evaluate training activities related to equal employment opportunity programs and non-discrimination policies;
- Prepare reports and make presentations to County management, employees, and community groups;
- Ensure the completion of the EEO 4 Report filed with the EEOC every odd year.

## 5. DEPARTMENT HEADS

Department Heads will adhere to the County's Equal Employment Opportunity Plan, in both spirit and intent, and are responsible for achieving progress toward the goals and objectives of the Plan in their departments. Specifically, the Department Head will:

- Participate or appoint a department designee to attend the County Equal Rights Commission meeting;
- Participate with the Department's Equal Rights Officer in identifying problem areas and working with departmental managers and staff to correct those problem areas; and
- Ensure that all employment decisions, including development of job knowledge and skill requirements, interviews, offers of employment and compensation commitments, assignments, training and evaluation, and employee relations are consistent with the County's personnel practices and equal employment opportunity principles.

## 6. DEPARTMENT EQUAL RIGHTS OFFICER

**Department Equal Rights Officers are an extension of the County Equal Rights Officer within each County department providing support the Equal Rights Program. Departments Equal Rights Officer will:**

- Participate as a member of the Stanislaus County's Equal Rights Commission regarding policies, procedures, and resources available.
- Assist management and department heads in problem identification and resolution.
- Develop and implement audit and reporting systems designed to measure the effectiveness of the Departments's Equal Employment Opportunity Plan, as well as individual departmental effort and identify areas that appear to require special attention or remedial action.
- Act as the Department resource person in the area of equal employment opportunity and affirmative action programs and serving as liaison with departments, enforcement agencies, special groups representing minorities, women, and persons with disabilities, employee unions, and other community groups as appropriate.
- Investigate complaints and work to resolve internal and external complaints of alleged discrimination or harassment.
- Arrange, conduct and evaluate training activities related to equal employment opportunity programs and non-discrimination policies.
- Prepare reports and making presentations to County management, employees, and community groups.

## 7. MANAGERS AND SUPERVISORS

County managers and supervisors are responsible for the following:

- Comply with Government Code Section 12950.1 (AB1825) requiring all supervisors and managers, every 2 years, to attend training on preventing discrimination and harassment in the workplace.
- Ensure that all staff understand and work within Federal and State laws, as well as County policies and procedures, dealing with equal employment opportunity and affirmative action.
- Initiate steps to foster and maintain a work climate that is conducive to achieving equal employment opportunities and a workplace free from discrimination or harassment.
- Follow and report to appropriate personnel any allegations of discrimination, harassment or retaliation.

## 8. COUNTY EMPLOYEES

County employees are responsible for supporting a work climate that is conducive to achieving equal employment opportunities and that is free of any form of discrimination or harassment.

### III. EQUAL RIGHT PROGRAM COMPONENTS

**Annual Equal Employment Opportunity Commitment Statement:** Each year Stanislaus County Board of Supervisors reviews and approves the County's Equal Rights/Non-Discrimination Commitment Statement. Upon approval of this Statement, it is distributed to all County departments, all Departmental Equal Rights Officers, local community organizations, and on the County's web site. Approval of this Commitment Statement communicates the County's commitment to a clearly defined Equal Rights Program, which is established to assure Equal Employment Opportunity and non-discrimination towards our employees, applicants, and those seeking the services provided by County government.

During labor negotiations, Non-Discrimination/Fair Representation sections of negotiated Memorandums' of Understanding are updated to reflect the protected classification as affirmed by the Board of Supervisors each year.

**Equal Employment Opportunity Policy:** Stanislaus County is committed to maintaining equal opportunity in all employment actions and public services in compliance with all applicable federal and state laws. The County's Workplace Harassment, Discrimination and Retaliation Policy is intended to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. The policy is located in the County's Personnel Manual and on-line on the County's Equal Rights website.

**Equal Employment Opportunity Complaint Procedure:** There is Equal Employment Opportunity Complaint Procedure to provide specific procedures to address complaints under the County's Workplace Harassment, Discrimination and Retaliation Policy and associated complaints. These procedures apply to every County employee, job applicant, or person seeking County services who believes he or she may have been treated differently based upon a protected classification.

**EEO Training:** EEO training focuses on the following areas:

**Mandatory Sexual Harassment Training for Supervisors:** Overview of Government Code Section 12950.1 (AB1825) and practical guidance regarding Federal and State statutory laws regarding sexual harassment Government Code Section 12950.1 requires that by January 1, 2006, an employer having 50 or more employees to provide at least 2 hours of interactive training and education regarding sexual harassment to all supervisory employees. This also requires new supervisors to attend this training within six months of an appointment to a supervisory position and existing employees to attend every two years. The County has identified those classifications that are required to attend this training and has developed an automated system to notify employees of the requirement and dates of training and to track compliance.

**Preventing Workplace Harassment Training:** Provides an overview of harassment, discrimination, and retaliation in the workplace. The course also includes a focused discussion on the negotiated County's Harassment Policy and Equal Opportunity Complaint Procedures including information on the process for filing a complaint.

**Disabilities Awareness Training:** Conducted by our local Disability Resource Agency for Independent Living (DRAIL). Provides an understanding of the Americans with Disabilities Act and how this affects people with disabilities and their rights for integration into mainstream society.

**Diversity Just be FAIR Training:** Identifies practical steps that can be taken to recognize and respond to our differences and similarities. This course focuses on working together productively to gain the benefits of diversity and to better understand our changing culture and demographics.

**Accessibility to the Disabled:** Stanislaus County is also committed to comply with Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 797), the Americans with Disabilities Act (ADA) of 1990, and Title VII of the Civil Rights Act of 1964 (P.L. 88-352) to the end that no person in the United States shall, on the basis of proscribed grounds, be excluded from participation, be denied the benefits, or be otherwise subjected to discrimination under any program or activity in which the County receives Federal financial assistance.

The Progressive Employment Program (also known as the PEP Program) is the County's employment program to assist qualified individuals in removing barriers to obtaining a position with Stanislaus County. Individuals selected under the PEP Program are hired in a trainee

capacity. The goal of the program is to assist individuals with employment barriers into obtaining full-time, permanent positions with the County. The program benefits the County in assisting a variety of individuals into careers with local government.

Stanislaus County EEO Website: Stanislaus County has identified and solely dedicated a website designed to provide all information related to the County's EEO program on one website. The website is maintained and updated to provide the most current information on the County's EEO Commission, plans, goals, awards, reports, and activities.

Stanislaus County Dale Butler Equal Rights Annual Awards: This program annually recognizes Department Heads and department representatives for promoting Equal Rights. These individuals are recognized at a special awards ceremony sponsored by the County's Equal Rights Commission.

Diversity Awareness Week: At the request of the County's Equal Rights Commission the Board of Supervisors declares the first week of October as Stanislaus County Diversity Awareness Week. The County celebrates diversity in conjunction with other local activities. Departments throughout the County organize activities and displays acknowledging and increasing awareness of the various diverse cultures that make our County a wonderful place to live. These countywide events help to educate staff and the public.

#### **IV. STANISLAUS COUNTY EEO ANNUAL STATEMENT**

##### **EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION STATEMENT 2013**

The Board of Supervisors of Stanislaus County hereby reaffirms its commitment to a clearly defined Equal Employment Opportunity Program to ensure that all people will work under equal opportunity conditions and that employment decisions in County service are made in accordance with Equal Employment Opportunity principles in compliance with state and federal legal requirements.

It is hereby reaffirmed that there shall be no discrimination in County employment policies and practices including pre-employment medical examinations and inquiries, recruitments, advertising, testing, certification, hiring, transfers, promotions, job assignment, training, compensation, benefits, leaves of absence, layoffs (including reemployment), terminations, and all other conditions of employment based on race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, pregnancy related condition, marital status, gender/sex, sexual orientation, gender identity, gender expression, age (over 40), or political affiliation or belief. Moreover, it is further reaffirmed that our Workplace Harassment, Discrimination, and Anti-Retaliation Policy includes prohibition of harassment (visual, verbal, or physical) of an employee or client based on the conditions enumerated above. The policy also prohibits retaliatory discrimination or harassment against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

It is further reaffirmed that the County is also clearly committed to comply with all laws enforced by the EEOC including; Section 504 of the Rehabilitation Act of 1973 as amended (29 U.S.C. 797), the Americans with Disabilities Act (ADA) of 1990, and Title VII of the Civil Rights Act of 1964 (P.L. 88-352) to the end that no person in the United States shall, on the basis of proscribed grounds, be excluded from participation, be denied the benefits, or be otherwise subjected to discrimination under any program or activity in which the County receives Federal financial assistance.

It will be the Chief Executive Officer's responsibility, in concert with those persons cited in the County's Equal Employment Opportunity Program, to effectively carryout the Board's commitment of assuring Equal Employment Opportunity and non-discrimination towards those who seek the services provided by County government. This statement shall be updated annually and upon approval it will be distributed to all County Departments, posted to the County website and distributed to local community organizations.

## **V. COUNTY POLICY**

### **STANISLAUS COUNTY EMPLOYEE CONDUCT/BEHAVIOR EXPECTATIONS APPROVED JANUARY 24, 2012/RESOLUTION #2012-026 WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION POLICY**

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#### **PURPOSE**

Stanislaus County is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, which promotes equal opportunities and prohibits discriminatory practices. **AT STANISLAUS COUNTY, HARASSMENT, DISCRIMINATION AND RETALIATION WHETHER VERBAL, PHYSICAL OR ENVIRONMENTAL, IS UNACCEPTABLE AND WILL NOT BE TOLERATED.**

It is the intention of this Policy to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. To do this, the County, through this Policy, will define unlawful harassment, discrimination and retaliation and will set forth a procedure for filing, investigating and resolving internal complaints.

#### **POLICY**

Harassment, discrimination and retaliation of an applicant or employee by an employee or non-employee on the basis of a protected classification is not acceptable and will not be tolerated. Protected classifications include, but are not limited to: race, color, religion, sex, national origin, ancestry, physical or mental disability, medical condition, marital status, age (over 40), sexual orientation, or genetic history. Annually, the Board of Supervisors reaffirms its commitment to

non-discrimination by adopting the County's Equal Employment Opportunity Non-Discrimination Statement. Please review the annual Non-Discrimination Statement for updates to protected classifications. The Non-Discrimination statement is located in each department, in the Personnel Manual, and on-line on the County's Equal Rights website.

This Policy applies to all terms and conditions of employment, including, but not limited to: hiring, job assignments, promotion, disciplinary action, layoff, re-employment, transfer, leave of absence, compensation and training.

Disciplinary action up to, and including, termination will be instituted for employee's behavior which conflicts with expectations as described in the definition of harassment, discrimination, and retaliation set forth in this policy.

### **HARASSMENT AND DISCRIMINATION**

Discrimination and harassment behavior is a form of misconduct that violates this policy and in some cases may constitute discrimination that is in violation of federal and state law. When evaluating complaints of hostile, offensive or abusive conduct the County will consider both current legal standards and County Policy Examples of harassment, discrimination, and prohibited unlawful behavior include, but are not limited to:

- Harassment behavior of any kind that is verbal, physical, visual, or electronically communicated based upon a protected classification. Examples of prohibited unlawful behavior include but is not limited to, the following:
  - Speech such as epithets, derogatory comments, offensive remarks or slurs and lewd propositioning on the basis of a protected classification. This includes inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.
  - Physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of a protected classification. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied on-the-job threats or promises in return for submission to physical acts.
  - Visual insults, such as derogatory posters, cartoons or drawings related to a protected classification.
  - Circulation or posting of written materials or electronic circulation of jokes, messages, cartoons, pictures.
  - Conduct that affects or interferes with an individual's job performance that creates a hostile, offensive, or abusive working environment.

- Sexual harassment is illegal and is a form of sex discrimination forbidden by federal and state law. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as:
  - Unwelcome sexual advances, requests for sexual favors, and other acts of a sexual nature when such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or
  - When rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
- Other examples of types of conduct which may constitute sexual harassment include:
  - Explicit sexual propositions, preferential treatment in exchange for sexual favors, retaliating or getting back at someone who turns down sexual advances;
  - Sexual innuendos, suggestive comments; Sexually oriented joking or teasing, jokes about gender specific traits; or
  - Dissemination of printed visual material, display or electronic communication of offensive or obscene jokes, messages, or pictures.
- **It is no defense to a claim of harassment that the alleged harasser did not intend to harass.**

## **RETALIATION**

Any retaliation against a person for filing a harassment/discrimination charge or making a harassment/discrimination complaint is prohibited. Retaliation occurs when adverse action is taken against an individual who, reports a concern about potential illegal or unethical conduct or a violation of Stanislaus County's policies or procedures. Employees (supervisors, co-workers and management) found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

## **COMPLAINT PROCEDURE**

Employees are encouraged to resolve issues and concerns under this policy at the lowest supervisory level of the organization possible given the circumstances of the issues involved. While Stanislaus County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, Stanislaus County also recognizes that power and status disparities between the individuals involved in the situation may require an alternative resolution process. In the event that such informal, direct

communication between individuals is either ineffective or impractical, the County's Equal Employment Opportunity (EEO) Complaint Procedures should be followed in reporting a complaint of harassment, discrimination or retaliation. The County's EEO Complaint Procedure is located in the County's Personnel Manual and on-line on the County's Equal Rights website. To initiate the EEO Complaint Procedure, any employee, job applicant, or person seeking County services who believes he or she has been subject to harassment, discrimination or retaliation in violation of this policy may make a complaint orally or in writing with any of the following:

1. Immediate supervisor;
2. Any supervisor or manager within or outside the department;
3. Department Head;
4. Departmental Equal Rights Officer;
5. Director of Personnel or Chief Executive Office designee; or
6. County Equal Rights Officer.

This procedure shall apply to allegations of harassment, discrimination and retaliation in any employment action or in the delivery of public services based upon a protected classification. County departments may develop separate policies and procedures related to processing complaints regarding the delivery of public services in compliance with all applicable federal and state laws and regulations. Applicants or employees may also file a complaint with a government agency such as the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

### **APPLICATION**

This Policy applies to all employees of Stanislaus County, including volunteers, contract employees, supervisory employees, department heads, and elected officials. All employees shall receive a copy of this Policy and shall sign a written acknowledgment that they have received and read a copy of the policy. A copy of this acknowledgment shall be placed in the employee's official personnel file.

### **CONCLUSION**

Stanislaus County has developed this Policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. Stanislaus County will make every effort to ensure that all personnel are familiar with the Policy and know that any complaint received will be thoroughly investigated and appropriately resolved. Employees are encouraged to contact their department's designated Human Resources Representative, or any member of the Chief Executive Office Human Resources Division at (209) 525-6333, with any questions related to the provisions of this policy.

**STANISLAUS COUNTY  
PERSONNEL MANUAL  
BOARD OF SUPERVISORS RESOLUTION  
APPROVED JANUARY 24, 2012/RESOLUTION #2012-026  
EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCEDURE**

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Stanislaus County is committed to maintaining equal opportunity in all employment actions and public services in compliance with all applicable federal and state laws. The County's Workplace Harassment, Discrimination and Retaliation Policy is intended to prohibit, eliminate and prevent unlawful harassment, discrimination and retaliation and its effects in the workplace. The policy is located in the County's Personnel Manual and on-line on the County's Equal Rights website.

The following Equal Employment Opportunity Complaint (EEO) Procedure was developed to provide specific procedures to address complaints under the County's Workplace Harassment, Discrimination and Retaliation Policy and associated complaints regarding public services. These procedures apply to every County employee, job applicant, or person seeking County services who believes he or she may have been treated differently based upon a protected classification.

All employee labor organizations have agreed to the Equal Employment Opportunity Complaint Procedure which follows. Using this procedure is the most effective way to have an equal rights complaint reviewed, investigated and possibly resolved locally and in a timely manner.

- A. Intent - It is the intent of this procedure to provide an effective means of resolving individual or group problems of a sensitive nature in a timely manner and with a minimum of formal procedural requirements.
- B. Scope - This procedure shall apply to allegations of harassment, discrimination and retaliation in any employment action or in the delivery of public services based upon a protected classification. County departments may develop separate policies and procedures related to processing complaints regarding the delivery of public services in compliance with all applicable federal and state laws and regulations.
- C. Limitations - the establishment of this procedure for resolving complaints of discrimination, as it relates to matters of County employment practices, is not intended to supplant regular grievance or complaint procedures or prohibit employees or applicants from filing complaints with the Department of Fair Employment and Housing (DFEH), Equal Employment Opportunity Commission (EEOC), or the courts. This procedure is intended and should be viewed as a means of providing the special skills needed to promptly and fairly handle the sensitive issues involved, and to ensure full cooperation with Federal and State compliance agencies.

D. Representatives - In presenting and resolving complaints, persons submitting complaints may represent themselves or may designate a representative of their own choosing. Costs associated with such representation, if any, will be borne by the complainant.

E. Definitions

Complainant: An employee or applicant for employment who alleges that he or she has been the subject of harassment, discrimination or retaliation on the basis of a protected classification. May also be a member of the public who alleges that he or she has been denied access to County government services or been discriminated against in the provision of such services on the basis of a protected classification.

Third Party: A separate individual from the subject (Complainant) who alleges that he or she witnessed another party be subjected to harassment, discrimination, or retaliation on the basis of a protected classification and brings forward a complaint.

County Equal Rights Officer: The Deputy Executive Officer assigned to the Chief Executive Office Human Resources Division, who is in close reporting relationship to top management and is assigned the responsibility of managing the County's Equal Rights Program including the procedure for handling complaints under this policy.

Departmental Equal Rights Officer: An employee assigned the responsibility of managing a department's equal rights program trained in EEO procedures and who provides informal counseling on matters pertaining to discrimination. Each County Department Head shall have an assigned Departmental Equal Rights Officer. Departmental Equal Rights Officers may be required to offer assistance to other Departments as requested by the County Equal Rights Officer or designee.

Protected Classification: The term describes characteristics or factors which are specifically protected from harassment, discrimination or retaliation based on federal or state laws. Protected classifications include, but are not limited to, race, color, national origin, ancestry, sex, sexual orientation, religion, political affiliation, action, or belief, marital status, age (over 40), pregnancy related condition, medical or physical disability, and genetic history.

Annually, the Board of Supervisors reaffirms its commitment to non-discrimination by adopting the County's Non-Discrimination Statement. Please review the Non-Discrimination Statement for updates to the list of protected classifications. The Non-Discrimination Statement is located in each department, in the Personnel Manual, and on-line on the County's Equal Rights website.

F. Steps in the Procedure

To initiate the EEO Complaint Procedure, any employee, job applicant, or person seeking County services who believes he or she has been subject to harassment, discrimination or

retaliation based on a protected classification may make a complaint orally or in writing with any of the following:

1. Immediate supervisor;
2. Any supervisor or manager within or outside the department;
3. Department Head;
4. Departmental Equal Rights Officer;
5. Director of Personnel; or
6. County Equal Rights Officer.

Complainants are encouraged to report complaints as soon as learning of the issues related to their complaint. Any delays in reporting complaints may impact the department's ability to fully investigate and respond to the issues presented.

Complainants are encouraged to use the County EEO Complaint form to assist in documenting all of the issues in the complaint. The form is located in the County's Personnel Manual and on-line at <http://www.stancounty.com/personnel/equal-rights/doc/eoo-complaint-form.doc>.

### **Department Level Complaints**

Complaints should first be addressed at the department level in an effort to resolve the issues presented. The Departmental Equal Rights Officer (or alternate Departmental Equal Rights Officer) will be responsible for evaluating and responding to the complaint. Due to the nature of certain complaints, the Department and the County Equal Rights Officer may assign an alternate Departmental Equal Rights Officer to complete the departmental level review or may forward the matter directly to the County Equal Rights Officer to coordinate the appropriate follow-up.

The Department process will typically include the following:

- a) Consult with the complainant to reach a complete understanding of the issues presented.
- b) Make necessary inquiries in an attempt to resolve the complaint. This may include interviews with other witnesses or subjects as necessary.
- c) Seek informal resolution of problems by facilitating open communications between the complainant and any other involved parties.

The Departmental Equal Rights Officer will provide a response to the complainant in writing within 60 calendar days of learning of the complaint. If the complaint will require more than 60-calendar days to fully evaluate and respond, the Departmental Equal Rights Officer

will notify the complainant of the additional period of time necessary to complete their findings.

### **County Level Complaints**

Complainants may appeal the findings of the Departmental Equal Rights Officer to the County Equal Rights Officer. It is recommended Complainants appeal to the County Equal Rights Officer as quickly as possible to assist the County Equal Rights Officer in completing a timely investigation.

The County Equal Rights Officer, upon receipt of a complaint:

Shall review the case with the Departmental Equal Rights Officer.

- a) May assign an investigator to conduct a prompt, impartial investigation, if necessary, and review finding thereafter. The complainant will be notified of the assigned investigator.
  - b) The County Equal Rights Officer shall be authorized to issue subpoenas as necessary.
  - c) Explore further the possibility of informal adjustment of the problems through negotiation or conciliation with Department Head or the parties to the complaint.
  - d) Respond to the Complainant in writing with the County Equal Rights Officer decision and provide notification of appeal rights. If the Complainant wishes to appeal the County Equal Rights Officer's decision, he/she may do so in writing to the County Chief Executive Officer within fourteen (14) working days of receipt of the County Equal Rights Officer's decision.
1. Appeal to Chief Executive Officer: Upon receipt of an appeal of the County Equal Rights Officer's decision the County Chief Executive Officer shall:
    - a) Review the case with the County's Equal Rights Officer, the Investigator, or Departmental Equal Rights Officer as appropriate.
    - b) Request the Investigator gather further information and analysis as appropriate.
    - c) Provide the complainant with a written decision and advise complainant of appeal rights.
  2. Appeal to Hearing Board: Shall the affected individual wish to appeal the Chief Executive Officer's decision; he/she may request a hearing with the Hearing Board established pursuant to Stanislaus County Ordinance Code 3.28.060 within fourteen (14) calendar days of receipt of the Chief Executive Officer's decision. The appeal shall be in writing and shall be filed with the Chief Executive Officer.

The Chief Executive Officer shall forthwith transmit the appeal request to the Hearing Board. The Hearing Board shall, within a reasonable time from the filing of the appeal, commence the hearing and shall notify the interested parties of the time and place of hearing at least five (5) working days in advance.

At the hearing, both the complainant and the County shall have the right to be heard publicly, to be represented by counsel, and to present evidentiary facts. The parties may agree to a hearing closed to the public and the Hearing Board may, at any time, exclude any persons who may be a witness in the appeal under consideration. The hearing shall be informal and the Hearing Board shall not be bound by any of the rules of evidence governing trial procedure and State courts. The Hearing Board shall render a written decision, a copy of which shall be transmitted to the Chief Executive Officer. The Chief Executive Officer shall serve a copy of the decision upon the appellant. The decision is final.

## **VI. DISSEMINATION OF POLICY**

In order to implement provisions of this policy and plan, it is necessary that County employees, the community at large be informed of the County's Equal Employment Policy and their compliance responsibilities. In furtherance thereof:

### **INTERNAL DISSEMINATION**

1. The Equal Employment Opportunity Policy Statement will remain posted on County bulletin boards in a place that is conspicuous to employees.
2. All new employees will continue to be informed of the County's Equal Employment Opportunity Policy in employee orientation sessions. New employees receive a copy of the County's Equal Opportunity Policy statement at orientation.
3. The County's Equal Opportunity statement, policy and related information are accessible on the Stanislaus County internet and intranet.
4. County Equal Employment Opportunity Policies are incorporated into supervisory and management training courses.
5. Meetings with the Equal Rights Commission, County Equal Rights Officer and department representatives are held on a regular basis to explain process, plans and the problems in the areas of EEO.
6. All collective bargaining agreements entered into with the County will continue to contain nondiscrimination clauses.

7. The County keeps union officials informed of the County's commitment to equal employment opportunity.
8. When employees are featured in County publications both minority and non-minority men and women are featured.

#### **EXTERNAL DISSEMINATION**

1. Recruitment resources will continue to be informed of the County's EEO Policy. These sources will be encouraged to actively recruit and refer minorities and females for all County positions.
2. All Stanislaus County job announcements will continue to indicate that Stanislaus County is an equal opportunity employer.
3. When employees are pictured in recruitment materials, both minority and non-minority men and women are included.
4. The County's Equal Employment Opportunity plan (EEO) will be accessible to any member of the public or employee via the County's websites. The Federal Department of Justice requires EEO plans when receiving certain federal funding.

#### **V. WORKFORCE ANALYSIS**

##### **County-Wide Work Force Data and Race/Ethnicity Residence Census Data**

The 2010 United States Census EEO 2R Table (Occupation by sex, and race/ethnicity for residence geography based on total population, civilian labor force above 16 years and over) was used in the comparison.

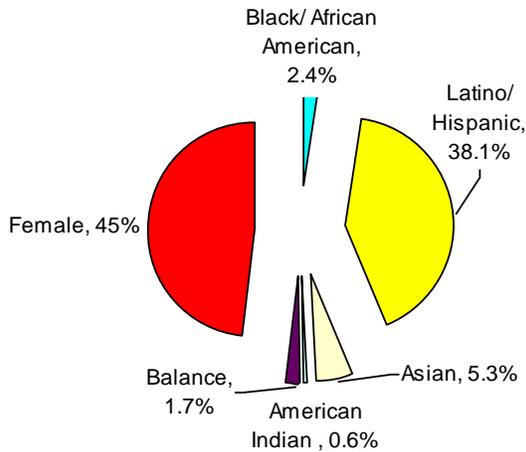
Stanislaus County employee representation overall exceeds the available workforce for:

- Black American/African American
- Asian/Pacific Islanders
- American Indian
- Females

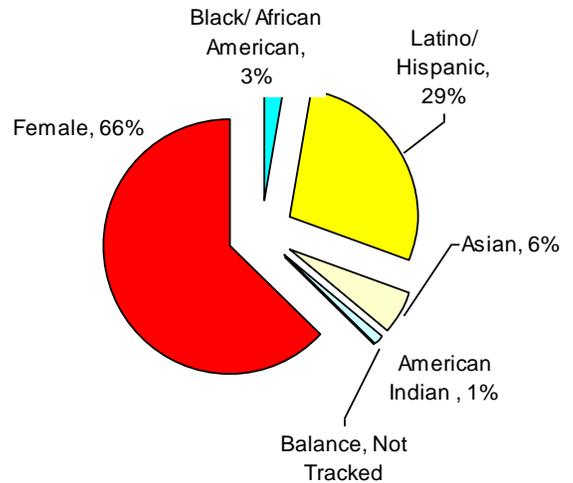
Stanislaus County employee representation overall is below the available workforce for

- Latino/Hispanic

**2010 Census Data**



**2011-12 County Workforce**



**County-Wide Workforce Data and Census Data by EEO Occupational Category**

The following section compares the workforce by ethnicity, gender and occupational categories; and identifies areas of over and under-representation. United States Census data used for this comparison came from the 2010 EEO 6R. Table (State and Local Government job groups by sex, and race/ethnicity for residence geography based on total population, civilian labor force above 16 years).

| <b>OFFICIALS AND ADMINISTRATORS Total: 234</b> |                  |                    |                         |
|--|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                          | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American                       | 6                | 3%                 | 1.0%                    |
| Latino/Hispanic                                | 34               | 15%                | 20.4%                   |
| Asian  | 18               | 8%                 | 3.6%                    |
| American Indian                                | 0                | 0%                 | 0.5%                    |
| Females  | 146              | 62%                | 38.4%                   |

| <b>PROFESSIONALS Total: 905</b> |                  |                    |                         |
|---------------------------------|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>           | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American        | 31               | 3.4%               | 2.8%                    |
| Latino/Hispanic                 | 232              | 25.6%              | 17.5%                   |
| Asian                           | 81               | 9.0%               | 7.0%                    |
| American Indian                 | 9                | 1%                 | 0.5%                    |
| Females                         | 618              | 68%                | 57.5%                   |

| <b>ADMINISTRATIVE SUPPORT Total: 931</b> |                  |                    |                         |
|--|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                    | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American                 | 25               | 3%                 | 2.4%                    |
| Latino/Hispanic                          | 310              | 33%                | 31.7%                   |
| Asian                                    | 45               | 5%                 | 5.7%                    |
| American Indian                          | 8                | 1%                 | 0.7%                    |
| Females                                  | 857              | 92%                | 64.1%                   |

| <b>TECHNICIANS Total: 703</b> |                  |                    |                         |
|-------------------------------|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>         | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American      | 21               | 3.0%               | 6.1%                    |
| Latino/Hispanic               | 261              | 37%                | 25.4%                   |
| Asian                         | 35               | 5.0%               | 10.4%                   |
| American Indian               | 3                | 0.4%               | 0.7%                    |
| Females                       | 536              | 76%                | 54.2%                   |

| <b>SERVICE MAINTENANCE Total: 140</b> |                  |                    |                         |
|---------------------------------------|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                 | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American              | 2                | 1%                 | 2.4%                    |
| Latino/Hispanic                       | 34               | 24%                | 52.9%                   |
| Asian                                 | 2                | 1%                 | 5.5%                    |
| American Indian                       | 2                | 1%                 | 0.6%                    |
| Females                               | 37               | 26%                | 40.6%                   |

| <b>SKILLED CRAFT WORKERS Total: 28</b> |                  |                    |                         |
|--|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                  | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American               | 1                | 4%                 | 1.6%                    |
| Latino/Hispanic                        | 3                | 11%                | 44.8%                   |
| Asian                                  | 1                | 4%                 | 2.7%                    |
| American Indian                        | 0                | 0%                 | 0.2%                    |
| Females                                | 0                | 0%                 | 3.8%                    |

| <b>PROTECTIVE SERVICES SWORN Total: 451</b> |                  |                    |                         |
|---|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                       | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American                    | 10               | 2%                 | 3.8%                    |
| Latino/Hispanic                             | 110              | 24%                | 27.0%                   |
| Asian                                       | 11               | 2%                 | 2.4%                    |
| American Indian                             | 1                | 0.2%               | 0.3%                    |
| Females                                     | 73               | 16%                | 13.3%                   |

| <b>PROTECTIVE SERVICES NON-SWORN Total: 30</b> |                  |                    |                         |
|--|------------------|--------------------|-------------------------|
| <b>Race/Ethnicity</b>                          | <b>Employees</b> | <b>Workforce %</b> | <b>2010 Census Data</b> |
| Black / African American                       | 1                | 3%                 | 1.8%                    |
| Latino/Hispanic                                | 2                | 7%                 | 43.2%                   |
| Asian  | 0                | 0%                 | 0.0%                    |
| American Indian                                | 0                | 0%                 | 0.0%                    |
| Females  | 8                | 27%                | 63.6%                   |

**Underutilization by Occupational Category**

The following table shows the underutilization of women and minorities in each of the EEO-4 Occupational categories:

| <b>Underutilization Total Full Time Employees: 3431<br/>Number of Employees</b> |               |                               |                        |              |                        |
|---|---------------|-------------------------------|------------------------|--------------|------------------------|
|   | <b>Female</b> | <b>Black/African American</b> | <b>Latino/Hispanic</b> | <b>Asian</b> | <b>American Indian</b> |
| <b>Officials and Administrators</b>   |               |                               | <b>16</b>              |              | <b>1</b>               |
| <b>Professionals</b>  |               |                               |                        |              |                        |
| <b>Technicians</b>  |               | <b>22</b>                     |                        | <b>38</b>    | <b>2</b>               |
| <b>Protective Service Workers</b>   |               | <b>7</b>                      | <b>12</b>              |              |                        |
| <b>Administrative Support</b>   |               |                               |                        | <b>8</b>     |                        |
| <b>Skilled Craft Workers</b>  |               |                               | <b>9</b>               |              |                        |
| <b>Protective Services Non-Sworn</b>  | <b>11</b>     |                               | <b>11</b>              |              |                        |
| <b>Service and Maintenance</b>  | <b>20</b>     | <b>1</b>                      | <b>40</b>              | <b>6</b>     |                        |

**Female** employee representation is 66%, exceeding the available workforce of 45%.

Female employees are under-represented in two occupational categories:

- Protective Services Workers Non-Sworn
- Service & Maintenance

**Black/African American** employee representation is 3%, exceeding the available workforce of 2.4%. Black/African American employees are under-represented in three occupational categories:

- Technicians
- Protective Services Workers
- Service & Maintenance

**Latino/Hispanic** employee representation in 29%, below the available workforce of 38.1%.

Latino/Hispanic employees are under-represented in five occupational categories:

- Officials and Administrators
- Protected Service Workers

- Skilled Craft Workers
- Protective Services Workers Non-Sworn
- Service & Maintenance

**Asian** employee representation is 6%, exceeding the available workforce of 5.3%.

Asian employees are under-represented in three occupational categories:

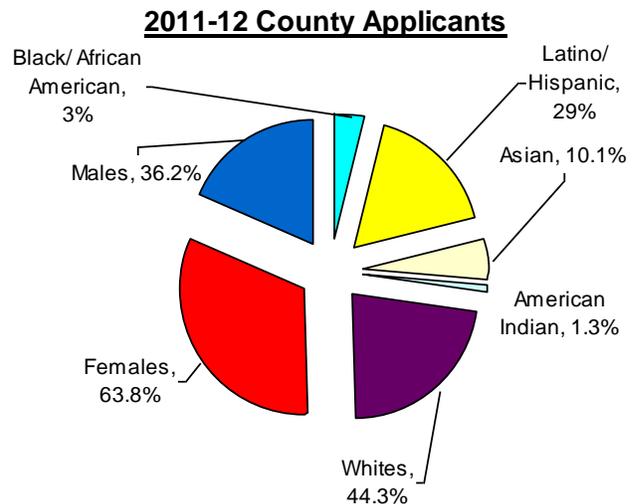
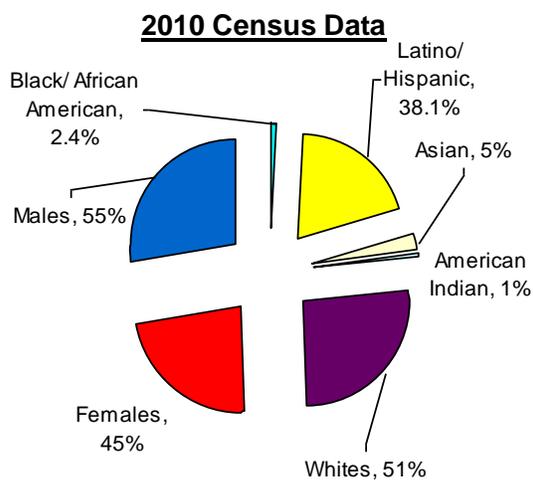
- Technicians
- Administrative Support
- Service & Maintenance

**American Indian** employee representation is 1%, exceeding the available workforce of 0.6%.

Asian employees are under-represented in two occupational categories:

- Officials and Administrators
- Technicians

## VI. APPLICANT POOL ANALYSIS



The applicant pool for 2011-12 exceeds the representation in 6 of the 7 race/ethnic groups as compared to the 2010 census data.

The available workforce for Latino/Hispanic is 38%. Latino/Hispanic applicants for County employment is 34.7%, below the available workforce by 3.3%

## VIII. ACTION STEPS

The following steps will be taken to address reduce underutilization in the County's workforce. The County will:

- Visit local school authorities and community colleges on a regular basis to cultivate an interest in employment with the county for minority students.
- Identify, contact and advertise open positions in the various minority and ethnic media broadcasts and publications
- Develop contacts and intensify the County's presence in minority communities by working with established groups
- Continue to participate in job fairs targeted toward minority groups.
- Monitor recruitment policies and procedure to determine if recruitment efforts are enabling the County to meet and maintain African American, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native and female objectives.
- Enhance upward mobility of all employees, but also assure that opportunities for advancement are equally distributed while encouraging minority participation.
- Publicize employment and career opportunities with minority and female professional organizations.
- Continue to provide EEO training to supervisors and managers on EEO policies, documentation, interview processes and employment requirements.
- Continue to provide EEO and Diversity related training.