

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

DEPT: Chief Executive Office

BOARD AGENDA #: *B-7

AGENDA DATE: April 5, 2016

SUBJECT:

Approval to Accept the Stanislaus County Equal Employment Opportunity Plan for 2015-2016

BOARD ACTION AS FOLLOWS:

No. 2016-166

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended


2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office
Urgent Routine

BOARD AGENDA #: *B-7

AGENDA DATE: April 5, 2016

pk

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Accept the Stanislaus County Equal Employment Opportunity Plan for 2015-2016

STAFF RECOMMENDATIONS:

1. Accept the Stanislaus County Equal Employment Opportunity Plan – 2015-2016 Program and Report Update.

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 the creation of formalized Commission bylaws. Other activities include an annual update of the County's Equal Employment Opportunity Commitment Statement approved by the Board of Supervisors, annual Diversity week which is celebrated County-wide, the annual Dale Butler Equal Rights Award Ceremony and the preparation of the Equal Employment Opportunity (EEO) report which includes an overview of the County's workforce data compared to the race/ethnicity labor force census data.

While the County has prepared an EEO report on an annual basis, the plan was expanded in 2013 to encompass the entire County Equal Employment Opportunity Program in one plan document and accepted by the Board of Supervisors on July 23, 2015. The Equal Employment Opportunity Plan (EEOP) for 2015 and 2016 highlights the roles and responsibilities of the Board of Supervisors, the Equal Rights Commission, the Chief 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 EEOP. Also included in the document are the County's Equal Employment Opportunity policies, a listing of the program components and an analysis of the county-wide workforce data and labor force census data by EEO Category with an action plan to address any underutilization in the workforce.

The EEOP document was reviewed and updated as part of our continuing program of self-evaluation to ensure that all people work under equal opportunity conditions and that employment decisions in County service are made in accordance with EEO principles in

compliance with State and Federal legal requirements. The 2015-2016 Program and Report includes updates to the EEO training areas, EEO Annual Statement and County workforce and applicant data analysis. In keeping with the high level of support by the Board of Supervisors and others in County government, Stanislaus County will continue to advance the principles of Equal Employment Opportunity throughout our workforce.

POLICY ISSUE:

The Board of Supervisors created the Stanislaus County's Equal Rights Commission (formerly the Affirmative Action Committee) in July of 1972. This report is based on Board policy to advance the principles of Equal Employment Opportunity and ensure employment decisions in County service are made in accordance with EEO principles in compliance with State and Federal legal requirements.

FISCAL IMPACT:

There is no fiscal impact as a result of this item.

BOARD OF SUPERVISORS' PRIORITY:

This action is consistent with the Board of Supervisors' priority of Efficient Delivery of Public Services as the Commission supports and advances the Board's initiative to achieve workforce diversity through policy development, training and outreach.

STAFFING IMPACT:

Existing County staff will continue to support the Equal Employment Opportunity Plan across all Departments in support of the Board's dedication to a clearly defined Equal Employment Opportunity Program.

CONTACT PERSON:

Georgia Cochran, Chief Executive Office, 209-525-6333

ATTACHMENT(S):

1. Equal Employment Opportunity Plan – 2015/2016 Program and Report Update

Attachment 1

Stanislaus County

Chief Executive Office-Human Resources

1010 10th Street, Suite 6800

Modesto, California 95354

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EQUAL EMPLOYMENT OPPORTUNITY PLAN

2015-2016 PROGRAM AND REPORT

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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:

- 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 serve as liaison with departments, enforcement agencies, special groups representing minorities, women, 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 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 to the Equal Rights Program. The Department 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 Department'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, 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; and

- Prepare reports and make 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 two 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; and
- 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

1. 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 website. 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.

2. 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.

3. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

The Equal Employment Opportunity Complaint Procedure provides 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.

4. EEO TRAINING

EEO training focuses on the following areas:

Mandatory Sexual Harassment Prevention for Managers and 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 must provide at least two hours of interactive training and education regarding sexual harassment to all supervisory employees. This also requires new managers and 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, Discrimination and Retaliation: Provides an overview of the concepts and theories 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. This class is designed for non-supervising staff.

Disability Management: This course provides Supervisors with an understanding of laws and regulations related to disability management and the Supervisors role in the process. This includes an understanding of the interactive process and preventing discrimination and harassment of employees with disabilities.

Effective Communication: This course provides employees with the tools to communicate effectively. Employees learn techniques to send and receive messages and understand the ultimate goal of communication and being understood. This course also helps employees with conflict management and teaches them how to build effective teams.

5. 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.

6. THE PROGRESSIVE EMPLOYMENT PROGRAM (PEP)

The PEP program is the County's employment program intended 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 to obtain full-time, permanent positions with the County. The program benefits the County in assisting a variety of individuals into careers with local government.

7. 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.

8. 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.

9. 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 2016

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), political affiliation or belief, or military and veteran status. Moreover, it is further reaffirmed that our Workplace Harassment, Discrimination, and Anti-Retaliation Policy includes prohibition of harassment (visual, verbal, or physical) of or discrimination against an employee or their family members, applicant, unpaid intern, volunteer, independent contractor, or client based on the conditions enumerated above. The policy also prohibits retaliatory discrimination or harassment against a person or their family members 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 & COMPLAINT PROCEDURE

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

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 are 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 possible supervisory level of the organization, 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

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 their 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/eo-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 and 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 EEO domain.
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 (EEOP) will be accessible to any member of the public or employee via the County's websites. The Federal Department of Justice requires EEOP plans when receiving certain federal funding.

VII. WORKFORCE ANALYSIS

County Labor Force Data & Organization Workforce Data

Data utilized in this analysis is derived from two sources representing two nested populations. The primary population, the "Employed County Labor Force," is comprised of the civilian labor force over the age of 15 living in Stanislaus County and employed. Data on this population is derived from five years of American Community Survey data, created by the United States Census, and presented in the 2010 United States Census EEO 6R Table (State and Local Government Job Groups by Sex, and Race/Ethnicity for Residence Geography, Total Population).

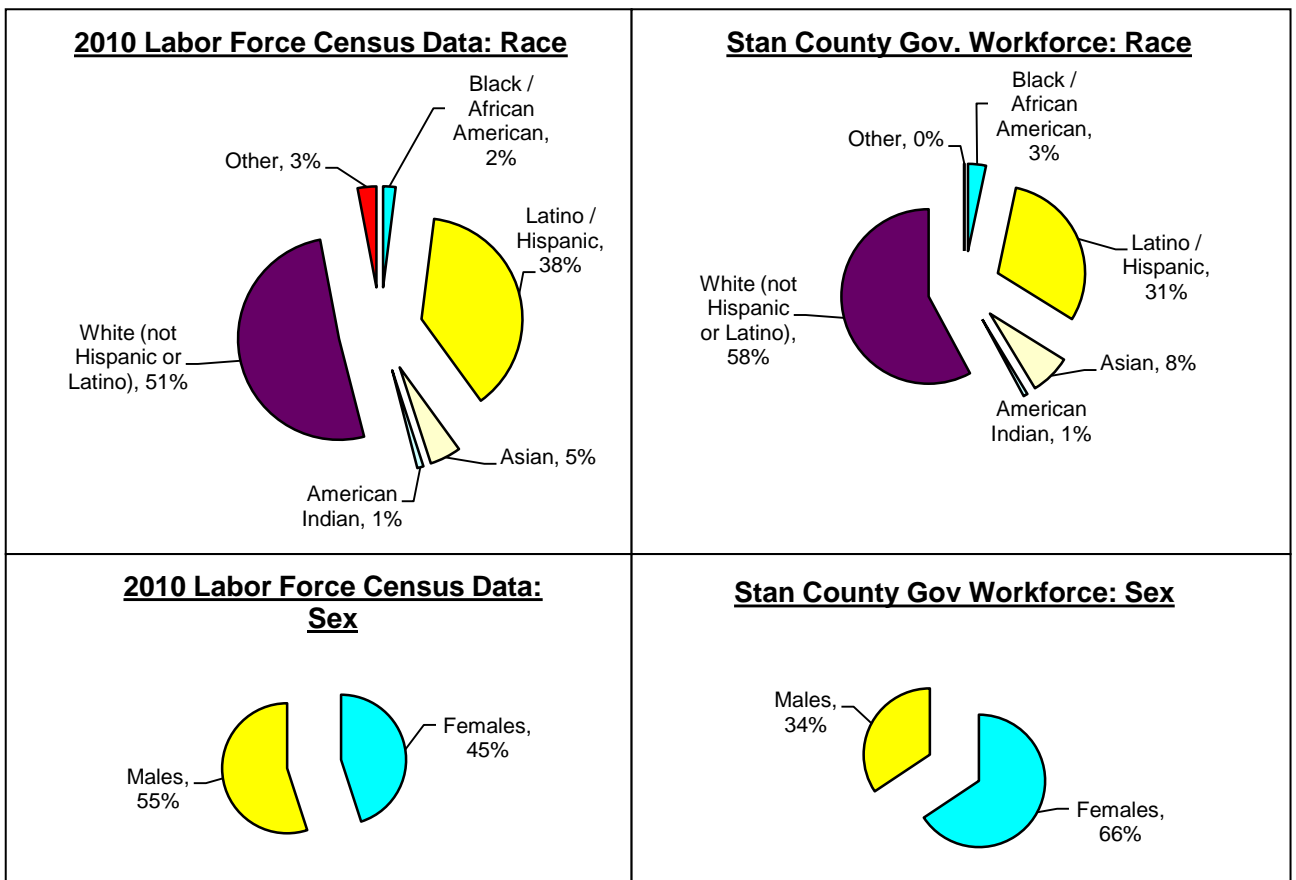
The second population, “Government Workforce,” consists of all individuals employed within the Stanislaus County Government organization. These data are derived from the organization’s internal personnel data base.¹

Indicated in the figures and tables below, overall the Stanislaus County Government Workforce representation exceeds the Employed County Labor Force for:

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

The Stanislaus County Government Workforce representation overall is below the available workforce for:

- Latino/Hispanic



¹ Note: Internal data only identifies individual as belonging to a single racial/ethnic category. We therefore omit individuals identifying as belonging to more than one racial/ethnic category from our comparisons, as these individuals represent a very small minority of the population.

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).

OFFICIALS AND ADMINISTRATORS Total: 282			
Race/Ethnicity	Number of Employees	Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	11	4%	1%
Latino/Hispanic	36	13%	20%
Asian	20	7%	4%
American Indian	0	0%	1%
White (not Hispanic or Latino)	215	76%	72%
Females	156	55%	38%
Males	126	45%	62%

PROFESSIONALS Total: 1350			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	56	4%	3%
Latino / Hispanic	358	27%	18%
Asian	141	10%	7%
American Indian	10	1%	1%
White (not Hispanic or Latino)	785	58%	70%
Females	890	66%	58%
Males	460	34%	43%

ADMINISTRATIVE SUPPORT Total: 1380			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	40	3%	2%
Latino / Hispanic	485	35%	32%
Asian	84	6%	6%
American Indian	20	1%	1%
White (not Hispanic or Latino)	751	54%	57%
Females	1195	87%	64%
Males	185	13%	36%

TECHNICIANS Total: 950			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	37	4%	6%
Latino / Hispanic	401	42%	25%
Asian	57	6%	10%
American Indian	1	0%	1%
White (not Hispanic or Latino)	454	48%	56%
Females	761	80%	54%
Males	189	20%	46%

SERVICE and MAINTENANCE Total: 167			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	4	2%	2%
Latino / Hispanic	44	26%	53%
Asian	5	3%	6%
American Indian	4	2%	1%
White (not Hispanic or Latino)	110	66%	36%
Females	65	39%	41%
Males	102	61%	59%

SKILLED CRAFT WORKERS Total: 84			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	1	1%	2%
Latino / Hispanic	16	19%	45%
Asian	2	2%	3%
American Indian		0%	1%
White (not Hispanic or Latino)	65	77%	49%
Females		0%	4%
Males	84	100%	96%

PROTECTIVE SERVICES SWORN Total: 360			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	7	2%	4%
Latino / Hispanic	70	19%	27%
Asian	37	10%	2%
American Indian	2	1%	0%
White (not Hispanic or Latino)	244	68%	62%
Females	69	19%	13%
Males	291	81%	87%

PROTECTIVE SERVICES NON-SWORN Total: 297			
Race/Ethnicity	Number of Employees	County Government Workforce (% of Sector)	2010 Census Data (% of Sector)
Black / African American	6	2%	2%
Latino / Hispanic	76	26%	43%
Asian	20	7%	0%
American Indian	1	0%	0%
White (not Hispanic or Latino)	194	65%	52%
Females	61	21%	64%
Males	236	79%	36%

Underutilization by Occupational Category

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

Underutilization						
Total Full Time Employees: 4,251						
Underrepresented Categories by Sector						
	Black/ African American	Latino/ Hispanic	Asian	American Indian	White (Not Hispanic or Latino)	Female
Officials and Administrators		X		X		
Professionals					X	
Administrative Support					X	
Technicians	X		X	X	X	
Service and Maintenance		X	X			X
Skilled Craft Workers	X	X	X	X		X
Protective Services Sworn	X	X				
Protective Services Non-Sworn		X				X

Female employee representation is 66%, exceeding the available workforce of 45%. Female employees are under-represented in three occupational categories:

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

Black/African American employee representation is 3%, exceeding the available workforce of 2%. Black/African American employees are under-represented in three occupational categories:

- Technicians
- Skilled Craft Workers
- Protective Services Workers Sworn

Latino/Hispanic employee representation is 31%, below the available workforce of 38%. Latino/Hispanic employees are under-represented in five occupational categories:

- Officials and Administrators
- Service and Maintenance
- Skilled Craft Workers
- Protective Services Workers Sworn
- Protective Services Workers Non-Sworn

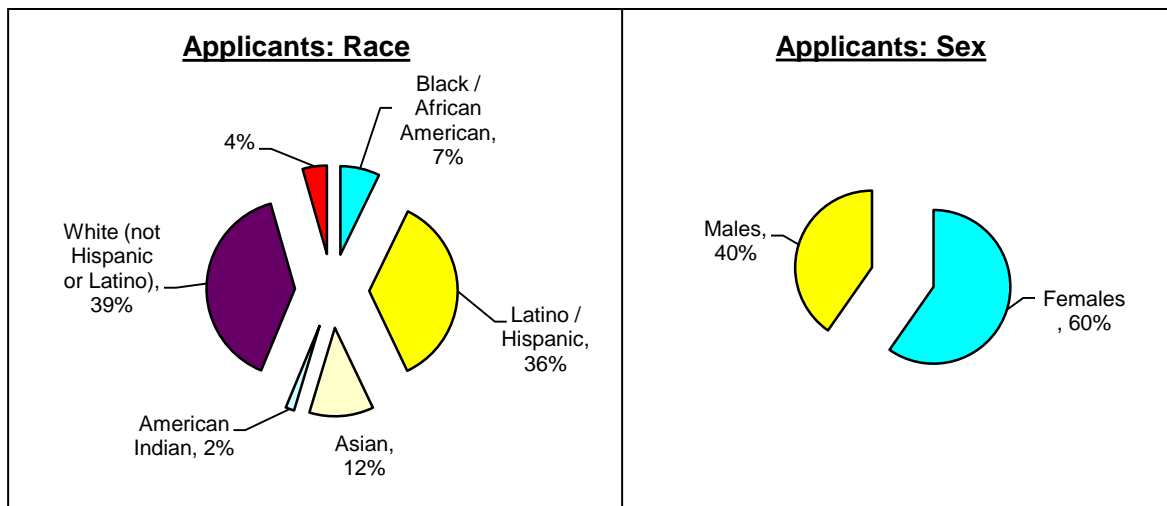
Asian employee representation is 8%, exceeding the available workforce of 5%. Asian employees are under-represented in three occupational categories:

- Technicians
- Service and Maintenance
- Skilled Craft Workers

American Indian employee representation is 1%, exceeding the available workforce of 0.6%. American Indian employees are under-represented in three occupational categories:

- Officials and Administrators
- Technicians
- Skilled Craft Workers

VIII. APPLICANT POOL ANALYSIS



The applicant pool for 2015 exceeds the representation in 4 of the 5 women and minority groups as compared to the 2010 census data as identified in the charts on pages 19 to 22.

The current available Labor Force for Latino/Hispanic is 38% of the population as a whole. Latino/Hispanic applicants for County employment is 36%, below the available workforce by 2%

IX. ACTION STEPS

The following steps will be taken to address 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 minority 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 Black/African American, Latino/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.