

**MEMORANDUM
PERSONNEL DEPARTMENT
COUNTY OF PLACER**

To: Board of Supervisors
From: Civil Service Commission
By: Nancy Nittler, Personnel Director *NN*
Date: December 14, 2010
Subject: Recommendations from the Civil Service Commission regarding the Equal Employment Opportunity Program

Recommendation:

It is recommended that the Board of Supervisors approve the attached Equal Employment Opportunity Program effective January 1, 2011 through December 31, 2011.

Basis for Recommendation:

The County, through both the Civil Service Commission (CSC) and the Board of Supervisors, is required to adopt the County's Equal Employment Opportunity Policy as an annual affirmation of the County's policy that is in compliance with state law and the constitution.

The attached Equal Employment Opportunity Program has been thoroughly reviewed by the Civil Service Commission who has considered recommended edits to update language contained within the current document.

Specifically, the recommended edits include changes as highlighted below:

- Reference to "the physically disabled" has been changed to be a bit more inclusive and now reads, "persons with disabilities," as disabilities under the Americans with Disabilities Act can include cognitive or other disabilities as well.
- Reference to age discrimination "(over 40)" has been updated to be more consistent with the Age Discrimination in Employment Act (ADEA) to read, "(40 or over)."
- The Placer County Code includes a documented complaint procedure with regard to harassment, so this has been referenced in the EEO document in order to avoid duplication.
- Where reference to "sexual harassment" is listed, references to "discrimination" and "retaliation" were also added in order to maintain consistency with the County's current policies.

- Language regarding the County's interactive process has been included in the document, as this is an integral part of the accommodation process and complies with State EEO standards.
- Reference to the role the County Executive's Office plays in supporting the County's EEO Program, particularly in the areas of disability compliance, the formal interactive process, and mandated employee training has been added.
- Clarifying language regarding the criteria for establishing the medical standards for each County classification has been added to the Medical Standards section at the end of the document.

With these recommended edits, this staff report requests your continued support and affirmation of the County's policy and program with regard to equal employment opportunity.

Placer County Equal Employment Opportunity Program

PROGRAM STATEMENT

Placer County is an equal opportunity employer and is committed to an active nondiscrimination program. It is the stated policy of Placer County that harassment, discrimination and retaliation are prohibited and that all employees and applicants shall receive equal consideration and treatment. All recruitment, hiring, transfer and promotion will be based on the qualifications of the individual for the positions being filled regardless of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (Including HIV and AIDS), mental disability, medical condition (cancer or genetic characteristics/information), age (40 or over), or marital status.

The objective of Placer County's nondiscrimination program is, wherever possible, to actively recruit and include for consideration for employment qualified applicants including, members of minority groups, women and persons with disabilities. All decisions of employment and promotions must be made solely on the individual's qualifications (merit) for the job in question.

The County Personnel Director has been designated as the Equal Employment Opportunity Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to the Personnel Director (530) 889-4060, Placer County Personnel Department.

To achieve equal employment opportunity, it is necessary that each County employee understands the importance of the program. It is the employee's individual responsibility to contribute toward the success of the program and he/she will be evaluated accordingly as to his/her performance.

Placer County will update and reaffirm this Equal Employment Opportunity Program statement annually:

Date: _____

Signed: _____
Chair, Civil Service Commission

Date: _____

Signed: _____
Chair, Board of Supervisors

Discrimination Prohibited

Placer County Code section 3.08.110 delineates the procedures to be followed should an individual feel that he/she were treated in a manner which violated any constitutional or statutory right associated with County employment opportunities. This policy states in part, that "no person in the Civil Service System or seeking admission thereto shall be appointed, reduced or removed or in any way favored or discriminated against because of any constitutionally or statutorily protected right, or because of age, sex, race, sexual orientation, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, marital status, family sick leave or pregnancy leave except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operation."

Policy Against Discriminatory Harassment and Retaliation

It is the policy of the County of Placer that employees have a working environment free from any form of discrimination, harassment or retaliation. The work environment should be business-like and assure fair, courteous treatment for employees and the public we serve. It is employee misconduct that can decrease work productivity; undermine the integrity of employment relationships, decrease morale and cause severe emotional and physical stress.

All employees should be informed of the discrimination complaint process codified at Placer County Code § 3.08.110- 3.08.130 and be assured of their right to file complaints without fear of reprisal. Employees, including supervisors and managers will be trained regarding behavior that constitutes discriminatory harassment or retaliation. Employees will also understand the importance of reporting incidents promptly to assure that further incidents do not occur.

The Board of Supervisors expects County department heads to convey to their employees strong disapproval of discriminatory, harassing or retaliatory behavior. All employees, including supervisors and managers, should be clearly informed regarding behavior that constitutes harassment, discrimination or retaliation **of a protected class** and the consequences of such actions. They should be aware that discriminatory harassment or retaliation may be grounds for disciplinary action.

Dissemination of Program

To ensure that all employees, applicants for employment and the public are aware of Placer County's official policy on Equal Employment Opportunity (EEO) and its commitment to nondiscrimination and all applicable Federal and State discrimination laws, the following actions have been/will be taken to ensure effective internal and external communication.

Internal Dissemination

1. The Personnel Director or his/her designee shall meet periodically with department heads and disseminate information on the County's overall Equal Employment Opportunity Program.

2. The Personnel Director or his/her designee shall meet with department heads and their representatives in implementing the Equal Employment Opportunity Program in their respective departments. The Personnel Director or his/her designee shall review the bi-annual workforce analysis with the department head.
3. Placer County's policy on Equal Employment Opportunity and the Federal and State notice requirements will be posted on department bulletin boards and at locations where applications are received for employment.
4. All County departments, including Personnel, shall have copies of the Equal Employment Opportunity Program and a copy of the Fair Employment and Housing Commission's Discrimination in Employment poster, in a conspicuous location.
5. All employees shall be informed of the policy on Equal Employment Opportunity and receive a copy of the Equal Employment Opportunity Program Statement at the orientation of new employees.
6. The phrase "Equal Opportunity Employer" will be included in all job announcements. Such announcements will be posted on department bulletin boards.
7. All department heads and supervisors shall continue to receive changes in the Equal Employment Opportunity Program through Personnel and receive any related training.

External Dissemination

1. A copy of the Equal Employment Opportunity Program shall be supplied to an organization upon request.
2. A copy of the Equal Employment Opportunity Program shall be supplied to an individual upon request.
3. The phrase "Equal Opportunity Employer" will be included in all recruitment publications.
4. All purchase orders, leases and contracts covered by or subject to Executive Order 11246 (as amended) or its implementing rules and regulations will contain an appropriate equal opportunity nondiscrimination clause therein.
5. The County will notify each labor union or representative with whom the County has a collective bargaining agreement, or other contract, or memorandum of understanding, of the County's Equal Employment Opportunity commitment.
6. Local organizations, including organizations promoting the employment of minorities, women and persons with disabilities shall be sent a copy of job announcements to be placed on bulletin boards.

Delegation of Responsibilities

The successful implementation of this Equal Employment Opportunity Program shall require the understanding and support of County employees especially supervisory and management employees along with department heads. To ensure equal employment opportunity to all individuals, Placer County has designated responsibilities to various staff. The following are the assigned functions and responsibilities:

Board of Supervisors

Members of the Placer County Board of Supervisors pledge their support to this Program, and in doing so, they agree to:

1. Provide, within budgetary limits, the necessary financial and staff support to effectively implement the Program.
2. Utilize available outside resources where appropriate to assist in the attainment of the Program's objectives.
3. Seek the support and cooperation of all County employees in achieving the Program's objectives.

Civil Service Commission

The Placer County Civil Service Commissioners pledge their support to this Program, and in doing so, they agree to:

1. Establish rules related to:
 - a) Recruitment
 - b) Examinations
 - c) Eligible Lists and Appointments
 - d) Position Classifications
 - e) Oral Board Panel Compositions
 - f) Wage and Salary Recommendations
 - g) Employee Disciplinary and Grievance Process
 - h) Work Week and Overtime
 - i) Promotion, Demotion, Transfer, Reinstatement
 - j) Leaves of Absence
 - k) Sick Leave and Vacation
2. Review minimum qualifications of new and revised classes to assure that non job-related barriers which adversely impact minorities, women and persons with disabilities are eliminated.
3. Assure that employment is based upon merit principles and that there is no discrimination based on sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (Including HIV and AIDS), mental disability, medical condition (cancer or genetic characteristics/information), age (40 and over), or marital status.

4. Be the final administrative level of appeal in the County's Discrimination Complaint Procedure.

Personnel Director

The County Personnel Director shall be the person primarily responsible for the implementation of the Equal Employment Opportunity Program. Subject to direction from the Board of Supervisors and the County Civil Service Commission, the Personnel Director shall:

1. Be responsible for the policy direction and implementation of the Program to ensure attainment of equal employment opportunities in all County departments.
2. Be responsible for administration of the Program as it relates to employment, training, recruitment and promotion.
3. Develop policy statements, internal and external communications and specify the procedures to be used in the implementation and administration of this Program.
4. Ensure that employment standards for County positions are valid and job related.
5. Disseminate information concerning the Program to all County employees and inform them of the County's responsibilities and intentions with regard to equal employment opportunity.
6. Continue to work with the County Executive Officer to offer opportunities for training programs designed to facilitate career advancement for all employees including minorities, persons with disabilities, and women.
7. Review the Program periodically and recommend revisions to the Board of Supervisors through the Civil Service Commission, when necessary.
8. Be responsible for investigating complaints of alleged discrimination and recommending corrective action to the County Executive Officer and Civil Service Commission.
9. Establish recruitment programs to assure that employment information is widely disseminated, including dissemination to minority groups. The use of advertising, publications, web-based electronic networking systems, direct mailings, and other forms of communication and contact shall be utilized to ensure a large distribution which includes minority associations and groups supporting persons with disabilities so all persons are informed of County employment opportunities.
10. Continue to analyze testing procedures and all other aspects of the recruitment and selection process to ensure that non-job related barriers to

hiring or promoting applicants/employees who are persons with disabilities, minority group members or women are eliminated.

11. Recommend, through the Civil Service Commission, appropriate Equal Employment Opportunity Program changes to the Board of Supervisors.
12. Continue to analyze and remove non-job related barriers in class specifications which discriminate against any protected group.
13. Provide counseling to employees on promotional opportunities.
14. Conduct formal and informal orientation sessions with managerial and supervisory personnel to emphasize that top management considers the Equal Employment Opportunity Program to be of major importance and priority.
15. Provide reasonable accommodation to disabled persons in the course of recruitment and examination. Assure that all testing locations are accessible to all applicants.
16. Assist in maintaining open lines of communication throughout the work force.
17. Assume any contingent responsibilities necessary to ensure effective implementation of the Equal Employment Opportunity Program.
18. Assist department heads and their designated representatives in implementing the Program in their respective departments.
19. Support the County Executive's Office, department heads and their designated representatives in conducting interactive process meetings for those applicants and employees who request reasonable accommodations for documented medical restriction.

Department Heads

Each department head shall be responsible for implementing the Program at the department level. The department head shall:

1. Ensure that employees and applicants for departmental positions are appointed, trained, assigned, promoted, and demoted on the basis of ability to perform the duties of the job.
2. Demand of themselves and their representatives a responsible and active role in realizing the objectives of the Program.
3. Ensure that employees are aware of the objectives of the Program.
4. Cooperate with the Personnel Department in developing valid and job-related employment standards and class specifications.

5. Provide reasonable accommodation which will enable a qualified person with a disability to work.
6. Identify and work with the Personnel Department to resolve any problem areas that are in conflict with the Program's objectives.
7. Review and, as necessary, revise hiring and promotional strategies to attract the best qualified applicants.
8. Assist the Personnel Department in recruitment for the various jobs within the department at all levels.

County Executive's Office

County Executive Office staff assigned to oversee Risk Management and Disability Compliance functions shall provide support to the Personnel Director and department heads to ensure compliance with appropriate laws and regulations related to this policy, including:

1. Provide in-house training for all employees during their regular working hours.
2. Oversee the provision of mandatory training to all supervisors and managers focusing on the laws, policy, and impacts concerning Title VII protected classes, sexual harassment, discrimination, retaliation, workplace violence and the Americans with Disability Act.
3. Assist department heads and their designated representatives in conducting interactive process meetings for those applicants and employees who request reasonable accommodations for documented medical reasons.

Process

1. Analyze and evaluate the outcome of recruitment, selection, testing, hiring and promotional practices to eliminate any discriminatory and non-job related barriers. This requirement does not in any way preclude the preparation of interim reports from time to time.
2. Analyze and identify where underutilization of women, persons with disabilities and minorities exists and to determine the causes for such underutilization. This analysis shall be done bi-annually by the County Personnel Director
3. Become more involved in job analysis and development of items for upcoming selection processes. Provide specific job analysis of knowledge, skills and abilities pertinent to any positions for which a recruitment is being undertaken.
4. Review class specifications used in the department which may have arbitrary employment standards which do not appear to be legitimate job requirements prior to requesting new examinations for respective classes.

5. Review positions prior to the need to fill to determine if there are positions in the department which (a) disabled individuals or rehabilitated County employees could be accommodated, (b) if there is a need for a special skill (e.g., language). Coordinate items for modifications to existing class specifications or for recruitment to meet identified needs with the Personnel Department.
6. Discuss equal employment opportunity and the supervisory role on equal employment opportunity with management and supervisory staff.
7. Develop department procedures for monitoring all new hires and promotions to determine if there is a pattern of non-selection of women, persons with disabilities or minorities who are the most qualified for the job.
8. Consult with the County Personnel Director for specific ideas and techniques relevant to individual department needs or help in utilizing any of the above techniques in the department.

Recruitment and Selection Procedures

Placer County will continue to make efforts to attract the most qualified applicants for employment in all classifications.

The County's recruitment program shall include, but not be limited to, the following:

Recruitment:

Review – The County shall continue its program of analyzing and reviewing recruitment procedures for each job classification to identify and to seek to eliminate any non job-related barriers which may impact applicants.

Classification – Class specifications shall be maintained by the Personnel Department, which shall include an ongoing assessment of duties and responsibilities to ensure the job relatedness of employment standards, knowledge, skills and abilities. The County shall continue, wherever possible, to structure classifications to ensure promotional opportunities for County employees.

All class specifications developed for County positions shall clearly define the duties and responsibilities of each job, and the employment standards shall be the minimum education and/or experience that is required to successfully perform the job.

Job Announcements – Job Announcements shall clearly define the duties and responsibilities of the position and employment standards required. Prior to recruitment, the job class specifications shall be reviewed to ensure that the requirements of the position are current. Particular attention shall be given to employment standards to be certain that the required education, experience and abilities are not in excess of the actual skill needed to successfully perform the particular job.

Advertising – The County shall continue to advertise broadly all non-promotional openings for County employment in local and major circulation newspapers and/or websites, public sector publications, college placement centers and use minority and female media sources where appropriate. Effective advertising will be used to reach all segments of the population, including minority and women’s organizations.

List of Organizations – The County shall compile and maintain a reasonable list of minority, persons with disabilities, and women’s organizations appropriate for advertising job announcements and shall send job announcements to such organizations on the list as are appropriate.

Departments that have information regarding names of career organizations in that department’s occupational specialty shall provide the Personnel Department with such names, including organizations which promote minority, disabled or women applicants.

Outreach – The County shall work with community groups, professional associations, and other agencies concerned with the employment of minorities, women, and persons with disabilities.

Upward Mobility – The best utilization of the skills and potential of the present County work force is one component involved in recruiting in all segments of the community.

1. Every effort will be made to disseminate information regarding promotional opportunities to County employees.
2. County employees will be encouraged to apply for all promotional opportunities as they become available.
3. Women, persons with disabilities, and minority group employees, as well as other County employees, will be encouraged to participate in educational and training opportunities available in the community and take job-related courses.
4. County department heads and the County Executive’s Office will notify employees of training and educational opportunities as information becomes available to them.

Non-discrimination

All employment announcements, advertisements and recruitment sources shall contain the phrase “Equal Opportunity Employer”

Selection Procedures

Selection procedures used by the County shall be evaluated on an ongoing basis to ensure the job relatedness of selection processes and to ensure that selection, appointment and related activities are conducted to provide and promote equal employment opportunity for all employees and applicants.

Testing Methods

1. **Oral and Performance Testing:** Oral examinations, when given shall be structured to ensure that each candidate has been given an equal testing opportunity. Oral examinations shall be based on specific job related knowledge, skills and abilities as determined by a job analysis of the position. Performance examinations will be conducted, as deemed practical, in order that the candidate may demonstrate any special skills required for a position.
2. **Written Tests:** Written tests may be used to determine the ability to perform defined tasks. New and validated written tests shall be ordered, when possible, and shall be subject to continuing reliability and validation analysis.
3. **Education and Experience Evaluation:** Where a recruitment requires only an oral examination and where it is probable that the recruitment will result in a high number of applications, an appraisal screening will be conducted to determine a reasonable number of most qualified candidates based on their employment applications. Applicants will be evaluated against predetermined job-related appraisal criteria. Applicants shall receive a total score which will be used to determine their ranking within the applicant pool. The applicants within this pool determined to be the most qualified will then be invited to participate in the oral examination process for placement on the eligible list and/or actual filling of the vacant position.
4. **Ranking Candidates:** The method of ranking candidates for employment shall be relevant and uniformly applied and in accordance with the Placer County Civil Service Rules. The Personnel Department will certify to the requesting department, the top five (5) ranks of eligible candidates on open recruitments.

Training

4. The County will continue to conduct training sessions for all personnel directly involved in the employment and selection process with a focus on relevant law and regulations and the application of these laws to day-to-day decisions on personnel matters.

Program Evaluation

The County of Placer maintains a centralized Personnel Department which operates under rules set forth by the Civil Service Commission and will evaluate the effectiveness of its Equal Employment Opportunity Program as follows:

1. Maintain a continuous ethnic composition analysis of all available data relating to the County workforce and area population and labor force statistics.

2. Maintain records of minority persons, persons with disabilities, and women for evaluation purposes. These records include applications, referrals, placements, transfers, promotions, and terminations.
3. Continue to review the testing and selection process with operating departments to ensure the job relatedness of the process and exclusion of artificial barriers.
4. Recommend, through the Civil Service Commission, appropriate Equal Employment Opportunity Program changes to the Board of Supervisors, as appropriate.

Medical Standards

Medical standards for each County classification have been developed that are job-related, consistent with business necessity, and in compliance with state and federal anti-discrimination law. The medical standards will:

1. Enhance the County's hiring practices by insuring that the medical standards are job related and consistent with business necessity.
2. Eliminate barriers to employment of qualified applicants.
3. Assist in preventing injury to employees with disabilities or medical conditions through reasonable accommodation.
4. Assist department heads and their designated representatives in conducting interactive process meetings for those applicants and employees who request reasonable accommodations for documented medical reasons in cooperation with County Executive's Office staff.

Performance Evaluation

The County uses an automated performance appraisal software program throughout the County to:

1. Provide a comprehensive, job related evaluation of performance.
2. Provide constructive feedback to employees on performance.
3. Provide a vehicle to evaluate promotions, demotions, transfers, and merit increases.
4. Establish performance objectives and provide for feedback on accomplishment of objectives.

