

DATE: December 8, 2015
TO: Board of Supervisors
FROM: Lori Walsh, Human Resources Director
SUBJECT: Equal Employment Opportunity Program - 2016

Action Requested:

Annual approval and adoption of the Equal Employment Opportunity Program (EEOP) effective January 1, 2016 through December 31, 2016 as recommended by the Civil Service Commission on November 9, 2015.

Background:

The County, through both the Civil Service Commission and the Board of Supervisors, is required to adopt the County's Equal Employment Opportunity Policy as an annual affirmation of the County's compliance with state and federal laws pertaining to equal employment and non-discrimination.

As part of this year's review, the current EEOP was reviewed by Human Resources with input and feedback from County Counsel. The revisions recommended this year consist of the following:

- Updated language to reflect the newly organized Human Resources Department
- Inclusion of volunteers and non-paid interns to the list of covered employees in compliance with AB 1443 which extends the Fair Employment and Housing Act's protections to unpaid interns and those in apprenticeship training programs
- Streamlined and consolidated language to increase clarity and understanding of the EEOP per the County Executive's directive.

This staff report requests your continued support and affirmation of the County's policy and program with regard to equal employment opportunity.



Equal Employment Opportunity Program

2016

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 (whether classified or unclassified), applicants, agents, contractors, and interns/volunteers shall receive equal consideration and treatment. All terms and conditions of employment, including but not limited to recruitment, hiring, transfer and promotion will be based on the qualifications of the individual for the positions being filled regardless of gender (including gender identity and expression), sexual orientation, race, color, ancestry, religion, national origin, physical disability (Including HIV and AIDS), mental disability, medical condition (cancer or genetic characteristics/information), age (40 or over), marital status, military and/or veteran status, sex (including pregnancy, childbirth and related medical conditions), or any other classification protected by federal, state, or local law.

An objective of Placer County's Equal Employment Opportunity Program is 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 Human Resources 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 Human Resources Director (530) 889-4060, Placer County Human Resources Department.

To achieve equal employment opportunity, it is necessary that each person working for the County understands the importance of the program. Each individual is responsible 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: 11/9/2015

Signed: 
Chair, Civil Service Commission

Date: _____

Signed: _____
Chair, Board of Supervisors

Policy Against Discrimination, Harassment and Retaliation

It is the policy of the County of Placer that employees, agents, contractors, interns, and volunteers have a working environment free from any form of unlawful discrimination, harassment and/or retaliation. The work environment should be business-like and assure fair, courteous treatment for employees, job applicants, contractors, interns, volunteers, and the public we serve.

All employees should be informed of the discrimination appeal process codified in Placer County Code § 3.08.110 - 3.08.130, and the process to submit a complaint pursuant to the County's policy against Workplace Discrimination, Harassment and Retaliation. Employees should also be assured of their right to file an appeal or complaint without fear of reprisal. Employees, including supervisors and managers will be trained regarding behavior that constitutes discrimination, harassment or retaliation. Employees will also understand the importance of reporting incidents promptly to ensure 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 and/or retaliation of a protected class and the consequences of such actions. They should be aware that discrimination, harassment and/or retaliation may be grounds for disciplinary action.

Dissemination of Program

The following actions have been/will be taken to ensure effective internal and external communication about the Equal Employment Opportunity Program ("Program").

Internal Dissemination

1. The Human Resources Director or his/her designee shall meet periodically with department heads to discuss and disseminate information on the County's Equal Employment Opportunity Program, facilitate implementation of the Program within the departments, and review the bi-annual workforce analysis.
2. Placer County's Equal Employment Opportunity Program Statement and the notices required by state and federal law will be posted conspicuously and prominently on employee bulletin boards in each department, and at locations where they can be readily seen by employees and job applicants. In addition, each Department will maintain a copy of the Program Statement and federal/state notices.
3. All employees shall be informed of the County's Equal Employment Opportunity Program and the County's policy against Workplace Discrimination, Harassment and Retaliation, and receive a copy of the Program Statement and Policy at the orientation of new employees.

4. All department heads and supervisors shall continue to receive updates to the Equal Employment Opportunity Program through Human Resources and receive any related training.

External Dissemination

1. A copy of the County's Equal Employment Opportunity Program shall be supplied to an individual or organization upon request.
2. The phrase "Equal Opportunity Employer" will be included in all job announcements and recruitment publications.
3. 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 employment opportunity nondiscrimination clause therein.
4. 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 Program and commitment to the program.
5. Local organizations, including organizations promoting the employment of minorities, women and persons with disabilities shall be sent a link to access the County's online job bulletin board.

Delegation of Responsibilities

Placer County has designated the responsibilities associated with the Equal Employment Opportunity Program as follows.

Board of Supervisors Responsibilities

Members of the Placer County Board of Supervisors pledge their support to the County's Equal Employment Opportunity Program ("Program"), and in doing so, they agree to:

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

Civil Service Commission Responsibilities

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

1. Establish rules for the classified service 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) Promotion, Demotion, Transfer, Reinstatement
 - h) Leaves of Absence
2. Review minimum qualifications of new and revised classifications to try to eliminate non job-related barriers which adversely impact persons in a protected class as defined in the EEO Program Statement.
3. Use their best effort to ensure that employment in the classified service is based upon merit principles and that there is no employment discrimination in the classified service based on gender, gender identity and expression, sexual orientation, race, color, ancestry, religion, national origin, physical disability (Including HIV and AIDS), mental disability, medical condition (cancer or genetic characteristics/information), sex (including pregnancy, childbirth and related medical conditions), age (40 and over), military and/or veteran status, marital status, or any other classification protected by federal, state, or local law.
4. Be the final administrative level of appeal in the County's Discrimination Appeal Procedure as set forth in Placer County Code section 3.08.110, et seq.

Human Resources Director Responsibilities

As the County's Equal Employment Opportunity Coordinator, the County's Human Resources Director shall be the person primarily responsible for the implementation of the Equal Employment Opportunity Program ("Program"). Subject to direction from the Board of Supervisors, CEO, and the County Civil Service Commission, the Human Resources Director shall:

1. Be responsible for the policy direction, implementation, and administration of the Program to facilitate attainment of equal employment opportunities in all County departments.
2. Develop policy statements, internal and external communications and specify the procedures to be used in the implementation and administration of this Program.

3. Ensure that employment standards for County positions are valid and job related and that there is no employment discrimination in either the classified or the unclassified service based on gender, gender identity and expression, sexual orientation, race, color, ancestry, religion, national origin, physical disability (Including HIV and AIDS), mental disability, medical condition (cancer or genetic characteristics/information), sex (including pregnancy, childbirth and related medical conditions), age (40 and over), military and/or veteran status, marital status, or any other classification protected by federal, state, or local law.
4. Facilitate the dissemination of information concerning the County's Equal Employment Opportunity Program and the County's policy against Workplace Discrimination, Harassment and Retaliation to all County employees.
5. Offer opportunities for training programs designed to facilitate career advancement and promotional opportunities for all employees including those in a protected class.
6. Review the Program annually and recommend revisions to the Board of Supervisors and the Civil Service Commission, when necessary.
7. Manage the investigation of complaints of alleged discrimination, harassment, and/or retaliation, and recommend corrective action as described in the County's Policy against Workplace Discrimination, Harassment, and Retaliation.
8. Establish recruitment programs to ensure that employment information is widely disseminated.
9. Continue to analyze the County's recruitment and selection processes, as well as job specifications, to try to eliminate non-job related barriers to hiring or promoting applicants/employees who are members of a protected class.
10. Review positions prior to the need to fill in order to determine if there are positions in the department that (a) could be filled with County employees with disabilities or medical conditions that could reasonably be accommodated, or (b) whether there is a need for a special skill (e.g., language) or working conditions specific to each particular position that need to be considered prior to filling them. Coordinate items for modifications to existing class specifications or for recruitment to meet identified needs with the Human Resources Department.
11. Conduct formal and informal sessions with managerial and supervisory personnel to promote understanding of the County's Equal Employment Opportunity Program and emphasize that top management considers the Equal Employment Opportunity Program to be important, and a priority.
12. Oversee the provision of training to all supervisors and managers to facilitate their understanding of protected classes and activities under state and federal law.

13. Provide reasonable accommodation to persons with disabilities in the course of recruitment and examination. Ensure that all testing locations are accessible to all applicants.
14. Assume any contingent responsibilities necessary to ensure effective implementation of the Equal Employment Opportunity Program.
15. Support department heads and their designated representatives in conducting interactive process meetings for those applicants and employees in a protected class who request a reasonable accommodation.
16. Conduct biannual analyses of the County workforce in relation to the relevant labor market in order to identify any underutilization of protected classes.
 - a. These analyses shall include an identification of where underutilization was noted, an explanation of area(s) of underutilization, and proposed actions and objectives to address the underutilization in the future.
 - b. Where underutilization is identified, work with departments and other local stakeholders to correct or reduce underutilization.

Department Head Responsibilities

Each department head shall be responsible for implementing the Equal Employment Opportunity Program (“Program”) at the department level. The department head shall:

1. Use his/her best effort to 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 Program, and the County’s policy against Workplace Discrimination, Harassment and Retaliation.
4. Cooperate with the Human Resources Department in developing valid and job-related employment standards, hiring and promotional strategies, and class specifications.
5. Provide reasonable accommodation which will enable a qualified person with a disability, or in another protected class, to work.
6. Identify and work with the Human Resources Department to resolve any problem areas that are in conflict with the Program’s objectives, including addressing and correcting any areas of underutilization identified in the County’s workforce analyses.

County Employee, Agent, Contractor, Intern, and Volunteer Responsibilities

1. Understand and abide by the County's Equal Employment Opportunity Program, and the County's policy against Workplace Discrimination, Harassment and Retaliation.
2. Respect the differences of others, act appropriately at work, and avoid engaging in unlawful discrimination, harassment, and/or retaliation in the work environment.
3. Promptly report any violations of the Program and/or the County's policy against Workplace Discrimination, Harassment and Retaliation that they personally observe or that is within their personal knowledge.
4. Cooperate completely in any investigation of discrimination, harassment, and/or retaliation, and do not retaliate against complainants or witnesses.
5. County employees responsible for administering, monitoring, or overseeing the work of County agents, contractors, interns, or volunteers shall use their best effort to try to ensure the contractor, intern or volunteer does not violate County policy or the Program.

Program Evaluation

The Human Resources Department will evaluate the effectiveness of the County's Equal Employment Opportunity Program as follows:

1. Maintain a continuous ethnic composition analysis of all available data relating to the County workforce, area population, and labor force statistics.
2. Maintain records of persons in a racial or ethnic minority, persons with disabilities, and women for equal employment opportunity evaluation purposes. These records will include applications, referrals, placements, transfers, promotions, and terminations.
3. Enhance the County's hiring practices by ensuring that the medical standards and examinations are job related and consistent with business necessity.

