

COUNTY OF MARIN EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Marin County Board of Supervisors, in compliance with all applicable federal, state and local laws, and in support of our commitment to the principles and goals of equal employment opportunity and diversity prohibits discrimination against employees and applicants and persons providing services pursuant to a contract because of sex, race, color, ancestry, religious creed, national origin, physical or mental disability, medical condition, age, marital status, the taking of Family Medical Leave (FMLA) or pregnancy disability leave, sexual orientation, political or religious opinions or affiliations or any other factor unrelated to job performance.

To achieve the goal of equal employment opportunity, the Policy and its guidelines must be adhered to by all county employees and enforced by top management, supervisors, and section or division managers. All employees and applicants for employment must be informed that equal employment opportunity is basic policy. Therefore, Marin County employees will be guided by the following requirements:

Managers at every level (executive, mid-level and supervisory) must share in the responsibility and accountability for attainment of equal employment opportunity. Inherent in the duties of all managers shall be the responsibility for demonstrated commitment and support of this policy.

Recruit, hire, train and promote persons in all jobs titles, without regard to race, color, religion, sex, ancestry, national origin, age, marital status, or sexual orientation, except where gender is a bona fide occupational qualification. (The term "bona fide occupational qualification" has been construed very narrowly under the Civil Rights Act of 1964. Under Executive Order 11246 as amended and this policy, this term will be construed in the same manner.)

Base decisions on employment on the principle of equal employment opportunity and diversity.

Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

Insure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, county sponsored training, education, tuition assistance, social and recreation programs, will be administered without regard to race, color, religion, sex, ancestry, national origin, physical or mental disability, medical condition, age, marital status, or sexual orientation.

Recruitment efforts will be expanded to include agencies and the media, assuring adequate notification of all open positions. All job announcements and recruitment publications shall include the phrase "COUNTY OF MARIN IS AN EQUAL OPPORTUNITY EMPLOYER"

Applications will be screened only with respect to factors which are related to job requirements.

For technical, vocational and clerical jobs where a written test is used in the selection process, a pre-test orientation to assist applicants in understanding the testing procedure will be available to applicants who request it.

All elements of the examination will be directly related to actual job duties and requirements.

Women and/or other protected classes shall not be excluded on the basis of their gender or protected class from representation on any oral review board. Oral review board members will be instructed on the county policy with regard to equal employment opportunity.

Immediate and direct disciplinary action up to and including termination will be taken against any employee if it is found that he/she has practiced employment discrimination. Disciplinary measures may be progressive depending on the severity and/or frequency of the discrimination policy violation(s) and will be in accordance with Merit System Ordinance 2.56.090 and applicable memorandums of understanding.

If it is found that a manager or supervisor has discriminated against an employee, that manager/supervisor's suitability for retention in a supervisorial /managerial or any other position will be re-evaluated.

Examinations will be validated with generally accepted validation techniques. All selection devices shall be administered fairly to all applicants and/or candidates.

Classification specifications will clearly define the duties of the job, and employment standards will be realistically related to duties and skills required.

County personnel procedures shall not involve utilization of any organization that prohibits employment because of sex, race, color, ancestry, religious creed, national origin, physical or mental disability, medical condition, age, marital status, the taking of FMLA or pregnancy disability leave, sexual orientation, political or religious opinions or affiliation or any other factor unrelated to job performance.

This policy and federal and state notices of Equal Employment Opportunity will be posted throughout the workplace.

This policy and discussion of equal employment opportunity shall be a part of new employee orientation.

The Marin County Equal Opportunity Office may be reached at (415) 499-3731 concerning the application of this policy and/or federal or state agencies to be contacted regarding alleged discrimination.

INVESTIGATION AND CORRECTIVE ACTION

All persons should and are strongly encouraged to immediately report any suspected discrimination to their supervisor, manager, to the Human Resources Director or Affirmative Action Officer. Any supervisor or manager who receives a complaint shall immediately report it to the Human Resources Director. The Human Resources Director or Affirmative Action Officer shall authorize the investigation or conduct the investigation of any incident of alleged discrimination reported to them. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved.

The person designated to investigate shall immediately report in writing the findings of fact to the Human Resources Director and Affirmative Action and Diversity Officer. The Human Resources Director will determine whether the Policy has been violated and communicate the conclusion to the complainant.

Disciplinary action shall be decided in accordance with County policy and based upon the advise of the Human Resources Director.

All investigations shall be conducted in compliance with any applicable state and federal regulations, including the Public Safety Officers' Procedural Bill of Rights Act.

ANTI-HARASSMENT POLICY

It is the policy of the County of Marin to provide a work environment free from discriminatory harassment. County employees are expected to adhere to a standard of conduct that is respectful and courteous to other employees and to all persons at any time when they are acting as County employees. **THE COUNTY HAS ZERO TOLERANCE FOR ANY FORM OF DISCRIMINATORY HARASSMENT.** To this end, this policy defines discriminatory harassment and sets forth the procedure for the investigation and resolution of a complaint of such harassment by or against any employee, applicant or person providing services pursuant to a contract.

POLICY

Discriminatory harassment violates this Policy, and will not be tolerated. Discriminatory harassment of an applicant or employee or person providing services pursuant to a contract, is harassment based on actual or perceived race, color, religious creed, sex, national origin, ancestry, disability (including ARC and/or HIV positive), medical condition, marital status, age, sexual orientation, political opinions or affiliations. It is also improper to retaliate against any individual for making a complaint of discriminatory harassment or for participating in a harassment investigation or other proceeding involving a claim of harassment. **RETALIATION CONSTITUTES A VIOLATION OF THIS POLICY.** Retaliation is any adverse employment action which is reasonably likely to prevent the complaining party or others from engaging in protected activity. An adverse employment action could include a decrease in pay, change of hours, reduction in authority and responsibility, or an unfavorable job reference.

DEFINITION OF DISCRIMINATORY HARASSMENT

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit, nor even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to the following misconduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on actual or perceived sex, race color, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation or political opinions or affiliations. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual or racial nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender, race or national origin or other conduct protected by this policy.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement when directed at any individual on the basis of actual or perceived sex, race, color religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation or political opinions or affiliation or other conduct protected by this policy.

Visual or
Written:

The display or circulation of offensive or derogatory visual or written material related to sex, race, color, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation or political opinions or affiliation or other conduct protected by this policy. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A work environment that is permeated with sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the job. A hostile environment can arise from an unwarranted focus on sexual, racial or religious topics or suggestive statements. An environment may be hostile if unwelcome sexual, racial, or religious behavior is directed specifically at an individual or if the individual witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

By definition, sexual harassment is not within the course and scope of an individual's employment with the County of Marin. Other forms of discriminatory harassment may also be determined by the Board to be outside the course and scope of employment. If the conduct is outside the course and scope of employment the County will not provide an employee with legal representation or pay the cost of settlement or judgment

OBLIGATIONS OF SUPERVISORS AND MANAGERS

Prevention is the best tool for the elimination of discriminatory harassment. Supervisors and managers are responsible for taking all steps necessary to prevent discriminatory harassment from occurring within their organization. These steps should encompass discussion of the subject, expression of strong disapproval of discriminatory harassment, immediate action to stop the harassment and taking appropriate disciplinary action after timely investigation when acts of discriminatory harassment occur. Supervisors and managers shall protect employees who have made a complaint from retaliation.

All departments, boards, and agencies shall give each of their employees a copy of this policy and shall further inform them of how a complaint of discriminatory harassment can be filed under this policy.

The Human Resources Office shall make available upon request information from the Department of Fair Employment and Housing and/or the Equal Employment Opportunity Commission regarding filing claims of discriminatory harassment with these entities.

BEHAVIOR AND OBLIGATIONS OF ALL PERSONS

In order to provide a productive and pleasant working environment, all employees must act with courtesy, sensitivity and respect toward each other, applicants, and independent contractors.

Any person who experiences discriminatory harassment from a co-worker should and is strongly encouraged to immediately make it clear to the offender that such conduct is offensive. Do not ignore the problem. All employees should and are strongly encouraged to report any conduct which fits the definition of discriminatory harassment, to their immediate supervisor, the department head or any appropriate authority. This includes conduct of non-employees such as sales representatives or service vendors or harassing conduct toward such contractors.

All persons should and are strongly encouraged to report to their supervisor, manager, the Human Resources Department or the Affirmative Action and Diversity Officer any instances of discriminatory harassment which they have directly observed, whether or not reported by the employee who is the object of the harassment.

All employees shall cooperate with any investigation or grievance proceeding of any alleged act of discriminatory harassment conducted by the County or its agents or employees.

Under no circumstances shall an employee of the County who believes that he or she has been a victim of discriminatory harassment be required to first report that harassment to a supervisor or other authority if that person or authority is the individual who has allegedly done the harassing.

INVESTIGATION AND CORRECTIVE ACTION

All persons should and are strongly encouraged to immediately report any evidence of discriminatory harassment or complaints regarding discriminatory harassment made to them to their supervisor, manager, or to the Human Resources Director or Affirmative Action and Diversity Officer. Any supervisor, or manager who receives a complaint regarding discriminatory harassment shall immediately report it to the Human Resources Director.

The Human Resources Director shall authorize the investigation or conduct the investigation of any incident of alleged discriminatory harassment reported to them. The investigation shall be conducted in a way which ensures, to the extent feasible, the privacy of the parties involved.

The person(s) designated to investigate shall report in writing the findings of fact to the Human Resources Director. The Human Resources Director will determine whether the Policy has been violated and communicate the conclusion to the complainant.

Disciplinary action shall be decided in accordance with County policy and based upon the advise of the Human Resources Director.

All investigations shall be conducted in compliance with the any applicable state and federal regulations, including the Public Safety Officers' Procedural Bill of Rights Act.

POLICY ON REASONABLE ACCOMMODATION

Marin County shall reasonably accommodate physical or mental impairments which rise to the level of disabilities. In general, it is the responsibility of the individual with a disability to notify the County that an accommodation is needed.

I. ACCOMMODATION IN THE HIRING PROCESS

Upon request, reasonable accommodations will be made for qualified persons with disabilities. An accommodation request should be submitted with the employment application. Telecommunications Devices (TDD) are available for the hearing impaired. Other individuals with disabilities requesting accommodation will be responded to by the Human Resources Department on a case-by-case basis.

II. REASONABLE ACCOMMODATION IN EMPLOYMENT

Once the need for reasonable accommodation arises either by the employee's request or by the County's knowledge of the employee's disability, the County by and through the applicable Department and Human Resources will engage in the following process:

- A. Review the purpose and essential functions of the job.
- B. Engage in an interactive dialogue with the individual with a disability to ascertain the precise job related limitations imposed by the individual's disability and how those limitations would be overcome with reasonable accommodation.
- C. In consulting with the individual, identify the potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position.
- D. Consider the preference of the individual to be accommodated and select and implement the accommodation most appropriate for the County considering the employee's input.

Reasonable accommodations may include training, modification of equipment and devices, modifying examination, training or policies, granting leave, reassignment to a vacant position, modifying work schedules, making facilities accessible, or job restructuring.

Reasonable accommodation may not be made if it creates an undue hardship for the County of Marin.