

**C-5 EQUAL EMPLOYMENT
OPPORTUNITY (EEO)
HARASSMENT/DISCRIMINATION
POLICY**



Inception Date: 2/2/1982
Last Revision Date: 4/4/2017
By: Human Resources
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REVIEW TIME: Annually in March of each Year

5.1.0 POLICY

5.1.1 It is the policy of the County of Solano that all applicants, employees, unpaid interns, volunteers and persons providing services to the County under a contract shall work in an environment free of harassment/discrimination. Conduct which harasses or discriminates against an applicant, employee, unpaid intern, volunteer or contractor on the basis of a protected status is against the law and will not be condoned or tolerated by the County. Applicants, employees, unpaid interns, volunteers and contractors are protected under this policy from harassment/discrimination by a County elected or appointed officer, department head, manager, supervisor, employee or non-employee. Protected class includes: age, ancestry, color, religion, denial or family and medical care leave, disability (including HIV and AIDS), marital status, medical condition (cancer and genetic characteristics), military and veterans status, national origin, race, sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender (including gender identity and gender expression), pregnancy, sexual orientation, or political belief or affiliation.

Examples of harassment/discrimination prohibited by this policy include the following types of conduct when based upon one of the protected categories listed above:

- Verbal Conduct: Making or using derogatory comments, negative stereotypes, slurs, epithets, or jokes, or other offensive language, comments or discussion;
- Physical Conduct: Assaulting, touching, impeding or blocking movement, making derogatory gestures, or other threatening, intimidating or hostile acts; or
- Visual Conduct: Display of offensive posters, pictures, drawings, e-mail, letters, or other written or graphic material.

5.1.2 Employees who violate this policy shall be subject to firm disciplinary action, up to and including dismissal. Conduct of the nature prohibited by this policy will be considered misconduct and will subject an offending employee to disciplinary action even if the conduct may not rise to the level of legally actionable harassment/discrimination.

5.2.0 SEXUAL HARASSMENT

5.2.1 Sexual harassment is one form of prohibited workplace harassment. California's Fair Employment and Housing Act defines sexual harassment as harassment based on sex or of a sexual nature, gender harassment, or harassment based on pregnancy, childbirth or related medical conditions.

5.2.2 As stated above, sexual harassment will violate this policy and be considered misconduct even if it does not rise to the level of legally actionable harassment.

Examples of the types of sexually harassing conduct that are prohibited by this policy include:

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- Unwelcome sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Sexual jokes, comments, teasing or innuendo;
- Obscene or vulgar gestures, posters, pictures, e-mails, letters, or other written or graphic material;
- Uninvited touching of a sexual nature or assault;
- Threatening, intimidating or hostile acts targeted at only one gender, even if the content is not sexual;
- Derogatory comments based on gender;
- Workplace favoritism arising from a romantic or sexual relationship between employees.

5.3.0 EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCEDURE

5.3.1 Every complaint of harassment/discrimination by an applicant, employee, unpaid intern, volunteer or contractor will be investigated and addressed as soon as possible with the purpose of preventing or ending the harassment/discrimination and ensuring the harassment/discrimination will not reoccur.

5.3.2 Applicants, employees, unpaid interns, volunteers and contractors who believe they have been subjected to inappropriate conduct under this policy are encouraged to file a complaint with the County at the earliest opportunity and before the situation becomes severe or pervasive. Generally, complainants should follow the complaint filing deadlines set forth in Section 1.031 of the County's Civil Service Rules. However, the County will investigate all complaints of harassment/discrimination that are made within one year of an alleged act(s) of harassment/discrimination. Complainants should utilize the following applicable complaint process:

5.4.0 APPLICANTS

5.4.1 When an applicant with the County has a complaint involving harassment/discrimination by a County elected or appointed officer, department head, manager, supervisor or employee, the applicant should file the complaint as soon as possible with the County Equal Employment Opportunity Officer (hereinafter EEO Officer), located at 675 Texas Street, Suite 1800, Fairfield, California 94533, telephone number (707) 784-6170. The applicant will be asked to complete a complaint form provided by the EEO Officer, attaching any documentation regarding the alleged harassment/discrimination the applicant may possess. The EEO Officer, will immediately conduct an investigation and

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provide the findings, along with recommendations for the resolution of the complaint, to the appropriate County official, department head or their representative.

5.5.0 EMPLOYEES, UNPAID INTERNS, VOLUNTEERS OR CONTRACTORS

5.5.1 **Self-Help Option:** Some harassment/discrimination may be stopped by means of self-help. Some people who engage in harassment/discrimination are unaware that their conduct is offensive and will stop if told to do so. Therefore, if it is reasonably possible under the circumstances, employees, unpaid interns, volunteers and contractors are encouraged to tell the perpetrator in person or in writing in clear and unambiguous words that the conduct is offensive and ask the perpetrator to stop. This should only be done if the employee or contractor feels comfortable with this approach.

The employee/unpaid intern/volunteer/contractor should keep a written record of the alleged harassment/discrimination. The employee /contractor should also document attempts to utilize the self-help approach, again noting dates, times, witnesses, etc., and retain any written letters or notes from the alleged perpetrator pertaining to the harassment/discrimination.

5.5.2 **Departmental Complaint:** If the employee/unpaid intern/volunteer/contractor chooses not to use the self-help option or the self-help option has been unsuccessful in resolving the problem, the employee/contractor can file a complaint with their immediate supervisor, with any supervisor or manager in the department, or the Departmental EEO Representative. The Departmental EEO Representative shall receive the complaint; and refer the matter to the department head or the EEO Officer.

The manager and/or supervisor who obtains knowledge of a complaint must immediately notify the department head and the EEO Officer. Investigation of the complaint will be immediately undertaken by the appropriate official. The employee/unpaid intern/volunteer/contractor will be asked to complete a complaint form and to provide all documentation regarding the harassment/discrimination prepared by the employee/unpaid intern/volunteer/contractor and notes, letters, etc., given to the employee/unpaid intern/volunteer/contractor by the alleged perpetrator. Findings of the investigation will be provided to the appropriate officials for the prompt resolution of the complaint and the complainant will be notified in writing of the completion of the investigation.

5.5.3 **County Complaint:** An employee, unpaid intern, volunteer or contractor who does not wish to file the complaint with his/her department can file the complaint directly with the EEO Officer, located at 675 Texas Street, Suite 1800, Fairfield, California 94533, Telephone Number (707) 784-6170.

The individual will be asked to complete a complaint form provided by the EEO Officer and to include any documentation pertaining to the harassment/discrimination. The EEO Officer will conduct an investigation and provide the findings to the appropriate County

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official, department head or his/her representative, along with recommendations for resolution of the complaint. The complainant will be notified in writing of the completion of the investigation.

5.5.4 **County Civil Service Commission Complaint:** An employee who is covered by County Civil Service Rules (a non-exempt employee) and alleges a loss of a tangible employment benefit (e.g., he/she is terminated from employment) because of harassment/discrimination on the basis of a protected class/activity as identified in Section 5.1.1. may file a complaint directly with the County Civil Service Commission. If the employee utilizes the departmental and/or EEO Officer's complaint process and alleges the loss of a tangible employment benefit because of harassment/discrimination for any of the reasons listed above, the employee's right of appeal is outlined the County's Civil Service Rules. A written request for a hearing before the Civil Service Commission should be filed with the Director of Human Resources, pursuant to Section 1.034 of the County Civil Service Rules. The Department of Human Resources is located at 675 Texas Street, Suite 1800, Fairfield, California 94533.

5.5.5 **Other Resources:**

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate complaints of employment harassment, discrimination and retaliation. To file a complaint with those agencies, use the following contact information:

EEOC: (800) 669-4000 or TTY (800) 669-6820; or online at www.eeoc.gov
DFEH: (800) 884-1684 or TTY (800) 700-2320; or online at www.dfeh.ca.gov

5.6.0 **RETALIATION**

5.6.1 An applicant, employee, unpaid intern, volunteer or contractor who opposes harassment/discrimination, files a complaint of harassment/discrimination or participates in a harassment/discrimination investigation or complaint proceeding shall be free from retaliation. Retaliation includes the following types of conduct:

- Disciplining an employee-complainant or rejecting an applicant-complainant because it is believed the allegation of harassment/discrimination is untrue or the allegation of harassment/discrimination is not supported by the subsequent findings of an investigation.
- Subjecting complainants or witnesses to materially adverse employment decisions because of their participation in a workplace harassment/discrimination complaint or investigation.
- Ostracizing or demonstrating hostility to a complainant or witnesses because of their participation in a workplace harassment/discrimination complaint or investigation.

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If the County finds that an appointed officer, department head, manager, supervisor or employee has engaged in retaliation, such employee shall be subject to disciplinary action up to and including dismissal.

5.7.0 CONFIDENTIALITY

5.7.1 Every possible effort will be made to ensure the confidentiality of complaints made under this Policy in order to protect the integrity of the investigation. Complete confidentiality cannot be guaranteed, however, due to the need to fully investigate the allegations of the complaint and the County's duty to take appropriate remedial action. As a result, confidentiality will be maintained to the extent possible. All investigations related to this process are confidential and are release only to authorized individuals. This restriction does not limit an individual's rights or ability to exercise his/her rights under the law.

5.8.0 COMPLAINTS INVOLVING ELECTED OFFICERS

5.8.1 A complaint that involves harassment/discrimination or retaliation for participation in a workplace harassment/discrimination complaint or investigation by an elected officer shall be directed to County Counsel, located at 675 Texas Street, Suite 6600, Fairfield, California 94533. County Counsel will then retain a neutral investigator, who is familiar with harassment/discrimination complaint issues in the public sector, from outside the County to conduct the investigation. The complainant will be asked to complete a complaint form and to provide all documentation regarding the harassment/discrimination prepared by the employee/unpaid interns/volunteer/contractor and notes, letters, etc., given to the applicant/employee/unpaid intern/volunteer/contractor by the alleged perpetrator. The investigator will prepare written findings and a resolution of the complaint. The complainant will be notified in writing of the completion of the investigation.

5.9.0 PREVENTION

5.9.1 Supervisory and managerial employees are charged with the responsibility of taking steps to prevent harassment/discrimination and retaliation from occurring in the workplace. Failure to take appropriate action to prevent and/or correct harassment/discrimination or retaliation shall be deemed a violation of this policy and may result in disciplinary action.

5.10.0 NOTICE

5.10.1 This policy shall be posted on all County bulletin boards designed for equal employment opportunity information and accessible to County employees, unpaid interns, volunteers

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and contractors, applicants for County employment, and other members of the public. All County elected and appointed officers, department heads, managers, and supervisors in shall express their strong support for the policy and disapproval of all forms of harassment/discrimination and retaliation, and when necessary, take appropriate action to stop harassment/discrimination or retaliation.

5.11.0 EDUCATION

- 5.11.1 In addition to notice, all County employees, unpaid interns and volunteers will receive Sexual Harassment Prevention Training. All elected and appointed officers, supervisory and managerial employees are required to attend at least two (2) hours of certified sexual harassment prevention training every two (2) years. Employees who are promoted to supervisory positions must complete such training within six (6) months of their promotion to a supervisory position. Department managers must provide the names of employees hired into, or promoted to supervisory positions for which they are responsible to their Department Training Coordinator to ensure compliance with this training requirement.
- 5.11.2 The County further requires that non-supervisory employees, unpaid interns and volunteers receive sexual harassment prevention training every three (3) years. Department Training Coordinators are responsible for scheduling employees for the harassment training.
- 5.11.3 To comply with Assembly Bill No. 2053 (2014), the County shall include in its training and education, a component related to prevention of abusive conduct. The term "abusive conduct" means "conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious." [As defined in Government Code 12950.1(g)(2)]

5.12.0 WORKPLACE RELATIONSHIPS

- 5.12.1 The intent of this policy is not to regulate the social interaction or relationships freely entered into by County personnel. However, to ensure a work place free as possible from real or perceived bias or acts of favoritism, the County has a policy restricting the supervision and work assignments of employees in personal relationships with other employees under certain circumstances. For more detailed information on this policy, refer to the section entitled, "Personal Relationships," in the County Civil Service Rules.