



Agenda Submittal

Agenda #: 4 **Status:** Consent Calendar
Type: Policy **Department:** Human Resources
File #: 19-252 **Contact:** Marc Fox, 784-2552
Agenda date: 4/9/2019 **Final action:** 4/9/2019
Title: Adopt the County's Equal Employment Opportunity (EEO) Harassment/Discrimination Policy as amended to reflect the provisions of Senate Bill 1343 (2018) and update departmental complaint options
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Final EEO Policy, 2. B - Redlined EEO Policy, 3. Minute Order

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|---------|--------|
| 4/9/2019 | 1 | Board of Supervisors | Adopted | |

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Director of Human Resources recommends that the Board of Supervisors adopt the County's Equal Employment Opportunity Harassment/Discrimination Policy (EEO Policy) as amended to reflect the provisions of Senate Bill 1343 (2018) and update departmental complaint options.

SUMMARY:

As part of the 2018 California Legislative Session, Governor Jerry Brown signed into law Senate Bill 1343, which expands existing harassment training requirements. The Department of Human Resources conducted its annual March review of the County's EEO Policy, as required, and recommends that the Board of Supervisors adopt the amendments to the EEO Policy to reflect the provisions in Senate Bill 1343 (SB 1343, 2018). The County already provides sexual harassment training to supervisors every two years and within six months of appointment and nonsupervisory employees every three years; however, by January 1, 2020 the bill requires employers to provide at least one hour of sexual harassment training to all nonsupervisory employees within six months of hire date, and once every two years thereafter. Beginning January 1, 2020, for seasonal and temporary employees, or any employees that is hired to work for less than six months, an employer shall provide sexual harassment training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

The amendments to the EEO Policy also propose to remove Departmental EEO Representatives to receive complaints at the department level. There are individuals listed who are not at a supervisory and/or management level; therefore, they neither have the authority and/or training to receive complaints and to address allegations that may violate the County's EEO Policy.

FINANCIAL IMPACT:

There is a de minimus fiscal impact in making additional photocopies of the amended policy for distribution in County trainings. The policy is also posted on the County's website. The costs associated with preparing the

agenda item are nominal and absorbed by the department's FY2018/19 Adopted Budget.

DISCUSSION:

The Department of Human Resources conducted its annual March review of the County's EEO Policy, as required. With the passing of SB 1343, the policy needed to be amended to reflect requirements of the bill. The County already meets the required training such as providing at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within six months of their assumption of a position and every two years hereafter. The bill also requires for nonsupervisory employees to undergo at least one hour of classroom or other effective interactive training and education sexual harassment training to all nonsupervisory employees within six months of hire date, and every two years hereafter. This requirement is to be completed by January 1, 2020.

Beginning January 1, 2020, for seasonal and temporary employees (which is designated by the County as extra-help employees or contractors), or any employees that is hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

The County already provides harassment training to nonsupervisory and extra-help employees, since the policy was adopted in 1982; however, the current EEO Policy requires the nonsupervisory employees to undergo sexual harassment training every three years. The proposed amendments to the EEO Policy reflect the training timeline requirements as outlined in SB 1343.

The amendments to the policy also propose to remove Departmental EEO Representatives to receive complaints at the department level, as referenced in the EEO Policy and in the Civil Service Rules. Departmental EEO Representatives are designated by the Appointing Authority. There are individuals designated who are not at supervisory and/or management level; therefore, they neither have the authority and/or training to receive complaints and to address complaints on matters pertaining to discrimination, harassment, retaliation or any conduct that may violate the County's EEO Policy.

The County's Civil Service Rules have references to Departmental EEO Representative. Upon the Board of Supervisors' adoption of the proposed amendments to the EEO Policy, the Department of Human Resources shall present to the Civil Service Commission recommending to delete all references to Departmental EEO Representative in the Civil Service Rules.

ALTERNATIVES:

The Board of Supervisors could choose to not adopt the amended policy; however, staff does not recommend this alternative, as the amended policy, reflects the provisions of SB 1343.

The Board of Supervisors could choose to not remove Departmental EEO Representatives to receive complaints at the department level; however, staff does not recommend this alternative. The proposed amendments address that those receiving complaints alleging violation of the County's EEO Policy have the authority and training to act and address complaints on matters pertaining to discrimination, harassment, retaliation or any conduct that may violate the County's EEO Policy. Eliminating the Departmental EEO Representative also avoids confusion that complaints must be reported to the individual(s) listed, rather than having the ability to file a complaint with any supervisor and management representative outside the chain of command and within the department's reporting structure.

OTHER AGENCY INVOLVEMENT:

Notification of, and an opportunity, to meet on the proposed changes was provided to all bargaining unit representatives. There was no request to meet and confer received from any of the bargaining unit

representatives.

The County Counsel's Office, the Department Heads, and the Department of Human Resources have reviewed the proposed revised policy and concur on the amended changes to the policy.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION