



Legislation Text

File #: 17-177, Version: 1

Adopt the County's Equal Employment Opportunity (EEO) Harassment/Discrimination Policy, as amended and consistent with current state law; and Dissolve the Minority Task Force (EEO Committee) that has been inactive for two years by terminating the 1992 Memorandum of Understanding between the County of Solano and the Minority Task Force

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 (EEO) Harassment/Discrimination Policy, as amended and consistent with current state law; and Dissolve the Minority Task Force (EEO Committee) that has been inactive for two years by terminating the 1992 Memorandum of Understanding between the County of Solano and the Minority Task Force.

SUMMARY:

The Department of Human Resources conducted its annual review of the County's Equal Employment Opportunity (EEO) Harassment/Discrimination Policy, as required, and recommends that the Board of Supervisors adopt the amendments, which are being made to reflect the current responsibilities of the Departmental EEO Representatives and to dissolve the EEO Committee. When the EEO Committee was formed in 1992, the intent was to formalize management practices, communication structures and common understandings aimed at enhancing the County's relations with its minority employees. Since its enactment, the EEO Committee's objectives have been attained through County adopted rules, training programs and practices and policies. Furthermore, passages of ballot measures and legislations (e.g., Proposition 209, AB 1825) provide mandatory employment practices addressing workplace discrimination, harassment and retaliation.

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 posted on the County's website. As for the dissolution of the EEO Committee, there is some cost savings, as the fees associated with securing a conference room for meetings and making copies of the agenda will be eliminated.

DISCUSSION:

The Department of Human Resources conducted its annual review of the County's EEO Policy, as required, and found the references to Departmental EEO Representatives needed to be updated to reflect the current role and responsibilities of the appointed staff. Furthermore, since last year's annual EEO Policy review and report to the Board of Supervisors, staff completed the research and review on the formation and background of the EEO Committee (previously known as the Minority Task Force). As a result, staff is recommending dissolution of the EEO Committee.

In 1992, the Board of Supervisors adopted the Memorandum of Understanding (MOU) between the County of Solano and the Minority Task Force to formalize management practices, communication structures and common understandings aimed at enhancing County's government relations employees. This was to parallel Congress' passage of the Civil Rights Act of 1991. Since the MOU's adoption, numerous regulations and internal policies and practices have been adopted or enacted, which make the provisions of the MOU redundant and outdated. Further, passage of regulations, measures and legislations address some of the goals and objectives outlined in the MOU. Two examples are the passage of: Proposition 209, enacted in 1996, amending the California Constitution to prohibit public institutions from discriminating on the basis of race, sex, or ethnicity; and AB 1825, adopted in 2007, mandating California employers of 50 employees or more to provide sexual harassment training for any employee who performs supervisory functions every two years. As such, the purpose and responsibilities for which the EEO Committee was established have been addressed and formalized through other means (e.g., County adopted policies, rules, training programs and practices).

Furthermore, as reported on the 2016 Annual Advisory Board Report on the Board of Supervisors' December 6, 2016 meeting, the EEO Committee did not have a quorum present the entire calendar year of 2016. In the 2015 Annual Advisory Board Report, it was also reported that there was no quorum present for the entire calendar year of 2015.

Staff recommends dissolving the EEO Committee by terminating the Memorandum of Understanding (MOU) between the County of Solano and the Minority Task Force.

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 current responsibilities of the Department EEO Representatives.

The Board of Supervisors could choose to not dissolve the EEO Committee; however, staff does not recommend this alternative as the County currently has policies, rules, training programs and practices that help educate and increase awareness on diversity issues that affect County employees, volunteers, unpaid interns and employment applicants. Maintaining the EEO Committee provides redundant efforts by the County.

Should the Board of Supervisors choose not to dissolve the EEO Committee, as an alternate option the Board of Supervisors could choose to amend the EEO Committee member's total composition from thirteen to five, consisting of a diverse group of County employees, and to have the County Administrator, or his/her designee, provide the EEO Committee's goals, objectives and/or activities. This alternate option is an attempt to address the issue of needing a quorum present and to eliminate the redundant efforts assigned to other County departments.

OTHER AGENCY INVOLVEMENT:

Notification of, and an opportunity to meet on the proposed changes was provided to all bargaining unit representatives. Two bargaining groups requested to meet, but mainly for further clarification on the proposed amendments. There were no substantive changes made to the policy after the completion of the meet-and-confer process.

The County Counsel's Office 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