



## Legislation Text

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**File #:** CSC 19-0016, **Version:** 1

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Request to adopt the amendments to the Civil Service Rules sections referencing Departmental Equal Employment Opportunity (EEO) Representative

### **HUMAN RESOURCES' RECOMMENDATION**

The Director of Human Resources recommends the Civil Service Commission adopt the proposed amendments the Civil Service Rules.

### **SUMMARY**

The Department of Human Resources conducted its annual review of the County's Equal Employment Opportunity Harassment/Discrimination Policy (EEO Policy), as required. The amendments were to reflect the provisions in Senate Bill 1343 (2018); the bill requires employers to provide sexual harassment training to supervisors, nonsupervisory employees, seasonal and temporary employees within a prescribed timeline and once every two years thereafter. It was during this review that there was a proposal to remove Departmental Equal Employment Opportunity (EEO) Representatives to receive complaints at the department level. The Board of Supervisors adopted the amendments to the EEO Policy on April 9, 2019. Under Section II Definitions of the Civil Service Rules, Departmental EEO Representative is defined. To align with the Board of Supervisors' adopted EEO Policy, staff proposes to delete this definition in the Civil Service Rules.

### **DISCUSSION**

The County's EEO Policy provides options for employees, applicants, unpaid interns, volunteers and persons providing services to the County under a contract to register a complaint of alleged discrimination, harassment, retaliation or any conduct that may violate the policy. Filing a Departmental Complaint is one of the options provided, and under this section, the complainant may file a complaint with a Departmental EEO Representative. Departmental EEO Representatives are appointed by the Appointing Authority. There are individuals on the Departmental EEO Representative list 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 actions and conduct that may violate the EEO Policy. Additionally, having a Departmental EEO Representative list provides an unintended assumption that complaints must be reported to the individual(s) listed. Complaints may be filed with any person of authority, meaning having the ability to file a complaint with any supervisor and management employees outside the individual's chain of command or outside the department's reporting structure. The Board of Supervisors adopted the proposed amendments to the EEO Policy, including the removal of Departmental EEO Representatives to receive complaints on April 9, 2019.

The Civil Service Rules provide a procedure for employees and applicants covered under civil service to register a complaint of alleged discrimination and the right to appeal any action taken which adversely affect them. Under Section II Definitions, Departmental EEO Representative is defined. To align with the Board of Supervisors' adopted EEO Policy, staff proposes to delete this definition in the Civil Service Rules.

Attached are copies of the proposed amended Civil Service Rules, showing the amended text ("add/delete version") and a final version.

### **ALTERNATIVES**

The Civil Service Commission could elect not to approve the proposed amended Civil Service Rules; however, the Director of Human Resources does not recommend this, as the changes are tied to the County's EEO

Policy, which the Board of Supervisors adopted deletion of Departmental EEO Representatives on April 9, 2019.

**OTHER AGENCY INVOLVEMENT**

The County provided a copy of the proposed rule changes to all employee organizations and provided an opportunity to meet-and-confer. None of the employee organizations requested to meet-and-confer. Further, all Department Heads and County Counsel's Office had an opportunity to provide feedback into the proposed rule revisions.