

EQUAL EMPLOYMENT OPPORTUNITY PLAN



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COUNTY OF FRESNO
EQUAL EMPLOYMENT OPPORTUNITY PLAN

ADOPTED BY
COUNTY OF FRESNO BOARD OF SUPERVISORS

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EQUAL EMPLOYMENT OPPORTUNITY PLAN

PURPOSE

The purpose of the Equal Employment Opportunity Plan (EEOP) is to ensure equal employment opportunity (EEO) to all persons and to attain the elimination of discrimination in employment practices to the fullest extent reasonable and feasible of accomplishment by local government. The overall goal of the County of Fresno is to obtain and maintain a diverse workforce reflective of its community wherein employees are selected, managed and retained based on merit consistent with the Civil Service System and all Federal and State EEO laws and regulations.

The EEOP is the implementation of specific activities required by law to ensure that the County of Fresno's employment practices are non-discriminatory and any artificial or arbitrary barriers to employment are non-existent. Employment opportunities will be based on an individual's ability and job performance in all aspects of employment without regard to race, color, religion, sex, national origin, age (40 or older), disability (physical or mental), medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, veteran/military status or any other basis protected by Federal or State law. Fresno County staff analyzes specific data of the County's workforce in comparison to its relevant labor market and identifies underutilization in any of the Equal Employment Opportunity Commission's (EEOC) required reporting job categories and analyzes whether problems in the County's employment practices exist.

Additionally, this EEOP is completed as a condition for County departments receiving Federal or State funding. The information contained in the [EEO Utilization reports](#) applies to Countywide information and will be compiled and disseminated by Human Resources. More specific department-related requirements for the application of such Federal or State funding, and/or in other instances where additional EEO information is required, will be administered and maintained by the respective department(s).

This document reinforces equal employment opportunities throughout every level of the County as an organization with emphasis on hiring, promotions, retention, and career development opportunities. Furthermore, the EEOP makes equal employment opportunity a reality for all County employees and is intended to be a Countywide guide for a plan of action and reference resource.

STATEMENT OF COMMITMENT

The Fresno County Board of Supervisors hereby reaffirms its commitment to a clearly defined EEOP. The Board of Supervisors has adopted administrative policies which provide policy statements expressing support of EEO concepts and define management responsibilities. These policies include Administrative Policy Numbers 1 - Code of Ethics; 31 - Equal Employment Opportunity; and 32 - Discrimination/Harassment. These policies can be found in the Fresno County Board of Supervisors' Administrative Policies Manual and are also attached to this EEOP.

COMPLIANCE

The County of Fresno shall act responsibly to further its efforts and maintain the EEOP that will discourage and eliminate employment discrimination, retaliation and all types of harassment by:

- Accepting accountability and complying with all applicable Federal and State EEO discrimination laws, statutes, regulations, merit principles, County ordinance and County policies.
- Committing to review, update and maintain County of Fresno EEO policies and procedures.
- Informing Fresno County employees and the general public of their EEO rights and responsibilities.
- Avoiding employer liability that results in negative employment actions.
- Providing EEO training to County department heads, senior management, supervisors and support staff consistent with mandated training regarding their legal obligations, duties and responsibilities.
- Offering reasonable, comprehensible and accessible channels for reporting, filing and resolution of complaints.
- Ensuring prompt, thorough and fair investigation of complaints.
- Ensuring appropriate and corrective remedial actions.
- Posting in public view current Federal and State laws prohibiting employment discrimination for employees and job applicants throughout County departments.
- Posting the County's EEO commitment on department letterhead, as well as the County of Fresno's website.

ACCOUNTABILITY & RESPONSIBILITY

The Board of Supervisors has the overall responsibility to set and achieve County of Fresno's EEOP and policies in collaboration with the County Administrative Officer (CAO). It is essential that leadership, responsibility and commitment to EEO be demonstrated at all levels of management to achieve success. Furthermore, every employee of this organization is given an equal amount of responsibility to demonstrate a positive attitude, maintain a pleasant work environment, show respect for diversity and to extend a good faith effort in implementing the organization's EEOP to the best of their ability.

To ensure support and success of this EEOP and to meet the established objectives, the following person(s) have been assigned specific responsibilities, which include, but are not limited to:

▶ Board of Supervisors

- Appointing and designating appropriate individual(s) who shall assume responsibility for overseeing, administering, implementing and monitoring the County of Fresno's EEOP and policies.
- Ensuring that designated personnel responsible for the County of Fresno's EEOP and policies are given the authority and support necessary to successfully accomplish their objectives and assigned responsibilities.
- Ensuring that all department heads and Board appointees comply with the EEOP and policies.
- Approving and reviewing the County's EEOP and policies.

▶ County Administrative Officer

- Acting as Equal Employment Opportunity Officer, has overall responsibility for the implementation and successful functioning of the EEOP.
- Implementing necessary policies and management directives consistent with the EEOP and policies.
- Assigning and directing the EEO Coordinator and staff.
- Ensuring that all department heads comply with the EEOP and policies.
- Involving other agencies, community organizations and partners, as necessary, to achieve outreach and participation in the County's EEOP and policies.
- Reviewing recommendations and complaints associated with discrimination and taking corrective action where necessary to ensure a discriminatory-free workplace.

▶ EEO Coordinator and Staff

- Acting as EEO Coordinator, the Director of Human Resources directs, administers and monitors the EEOP.
- Acting as EEO Coordinator, the Director of Human Resources reviews, evaluates and monitors the operational functions of Human Resources to ensure compliance to afford equal opportunities to all.
- Acting as EEO Staff, Human Resources employees and County Counsel employees will keep abreast of all applicable Federal and State EEO discrimination laws, statutes and regulations.
- Continually reviewing EEO policies, employment practices and procedures, and making recommendations to achieve EEO compliance.
- Maintaining effective communication and conformance with department heads and designated departmental EEO staff to achieve the plan's objectives and mandates.
- Acting as a resource in the area of EEO programs and serving as liaison with departments, enforcement agencies, minority or women groups, disabled groups, employee unions, and other community groups as appropriate.
- Ensuring all internal and external complaints of alleged discrimination are investigated.
- Conducting annual analysis of the County workforce to determine the effectiveness of the plan, ensuring required data is in conformance with Federal and State reporting requirements.
- Human Resources staff is responsible for communicating the objectives set by the Board of Supervisors and CAO, developing statistical data and providing reports of progress.
- County Counsel staff serves as a liaison between Federal and State compliance agencies; investigates and/or reviews investigations of complaints of alleged unlawful discrimination; provides legal counsel and training to department heads and management.

▶ Elected and Appointed Department Heads

- Understanding the County of Fresno's EEOP and policies, and promoting and enforcing these policies within their department.
- Achieving progress towards the goals and objectives of the County's EEOP.
- Actively identifying and remedying problem areas regarding EEO policies.
- Ensuring all employment decisions, including development of job knowledge and skill requirements, interviews, offers of employment and compensation commitments, assignment, training and evaluation, and employee relations are consistent with the County's personnel practices, EEO principles and Federal and State law.
- Evaluating managers and supervisors on their efforts and success in meeting EEOP goals and objectives.
- Providing statistical data and information specific to their department as required by Federal and State agencies.
- Appointing EEO departmental staff as deemed necessary within their department.

▶ Management and Supervisory Staff

- Understanding the County of Fresno's EEOP and policies, and promoting and enforcing these policies within their respective areas.
- Achieving progress towards the goals and objectives of the EEOP and ensuring all employees within their span of control comply with the EEOP and policies.
- Actively identifying and remedying problems within their area of responsibility regarding EEO policies.
- Reporting allegations of discrimination, or potential discrimination, immediately to their supervisor/manager/department head.
- Ensuring all employment decisions, within their scope of responsibility, including development of job knowledge and skill requirements, interviews, offers of employment, assignments, training and evaluation, and employee relations are consistent with the County's personnel practices, EEO principles, and Federal and State law.
- Adhering to the spirit of fair and equal treatment of all employees and those encountered in their employment, respecting and embracing ethnic and cultural diversity.

▶ County Employees

- Recognizing their moral, ethical and legal responsibilities to ensure compliance with the County of Fresno's EEOP and policies.
- Treating all individuals encountered in the performance of one's duties in a respectful and professional manner.
- Adhering to the spirit of fair and equal treatment of all employees and those encountered in their employment, respecting and embracing ethnic and cultural diversity.

▶ Civil Service Commission

- Overseeing the County's merit system of selection and retention of employees in classified service as provided by County Charter, Ordinance and Personnel Rules and acting as the appeals body for unlawful discrimination complaints with respect to rejection during probation.

WORKFORCE ANALYSIS

Human Resources is responsible for preparing annual EEO Utilization reports and conducting analyses of the County's workforce. The County of Fresno's workforce data is a breakdown of the EEOC's required reporting job categories and is classified by gender within each race/ethnic identification. Fresno County's statistics are compared to the community labor workforce statistics obtained through the U.S. Census Bureau for Fresno County. All workforce data related to gender or race/ethnic identification relies on voluntary reporting.

The total number of each EEOC reporting job category is statistically converted into percentages which reflects the portion of people in each job group, and is then incorporated into a Utilization Analysis report. The Utilization Analysis report is used to determine if, and in what job categories, women and/or minorities are under-represented within the County workforce. The utilization analysis forms the basis for the EEOP as it identifies areas of concern where there is a significant underutilization (over 3%) of the EEOC's required reporting job categories. Individual category findings of less than 3% are considered not to be significant areas of concern. However, mere underutilization is not sufficient for a County to conclude that employment discrimination has

occurred and that action must be taken. Therefore, statistics alone are not sufficient to prove discrimination. Generally, additional analysis is required to factually establish that an illegal employment barrier has caused the underutilization before appropriate corrective action is justified.

PLAN OF ACTION

- ▶ Objectives - The County will consistently review its recruitment, hiring and promotional policies and practices to ensure EEO for all. The following identifies specific objectives that support the County's commitment to achieve a workforce reflective of the community it serves.
 - Achieve and maintain appropriate employment levels of all protected groups in proportion to their availability in the relevant labor force according to Federal and State laws.
 - Evaluate our employment practices to avoid underutilization in job categories identified in the annual EEO Utilization reports.
 - Recognize areas of underutilization by gender and race/ethnic identification.
 - Promote good employer-employee relations between management and all employees to ensure non-discrimination policies are enforced.
 - Ensure that training programs are available to County employees.
 - Ensure that the County's EEOP is available on-line, disseminated to all employees and made available to job applicants and the general public.
 - Ensure all employees and job applicants have access to Fresno County's complaint process for reporting or filing a complaint.
 - Monitor, review and evaluate our objectives to ensure that these objectives are being met.
- ▶ Steps to Achieve Objectives - The following includes specific steps that will be taken by the County to achieve plan objectives and address underutilized areas in the County's workforce.
 - Distribute EEOP updates, as they occur, to all department heads, related EEO management staff and employees.
 - Continue the review of recruitment efforts, selection processes, and applicant flow data to assist in identifying areas that may be disproportionately eliminating protected groups.
 - Identify specific recruitment issues experienced by departments in recruiting for hard-to-fill positions.
 - Evaluate data regarding promotions and the hiring of new employees by gender and ethnicity to ensure that no gender or ethnic group has been adversely impacted by personnel processes.
 - Review and maintain appropriate recruitment and advertisement practices to ensure employment opportunities reach as many groups as possible.
 - Develop recruitment and advertisement strategies for specific outreach for underutilized protected groups.
 - Conduct annual reviews to measure EEO progress through an analysis of statistical data.
 - Review and update County policies and procedures pertaining to EEO so they reflect current laws, as needed.
 - Maintain an ongoing practice of reviewing position descriptions and job titles to ensure they accurately reflect position functions so they remain consistent and non-discriminatory.
 - Provide mandated training and, where allowable, staff development and training workshops for County employees.
 - Provide management with appropriate training regarding the County of Fresno's EEOP and policies.
 - Provide mandated AB 1825 interactive training and education regarding sexual harassment to all supervisory employees as required by law.

DISSEMINATION

The EEO Coordinator is assigned the responsibility of dissemination of the EEOP. Fresno County's dissemination processes shall include, but are not limited to, the following:

- ▶ EEOP Availability - The EEOP shall be distributed to each department head who will ensure that all employees receive or have direct access to a copy of the EEOP. Copies of the EEOP shall be available in each department, Human Resources, and the County Library for review by County employees or the general public, and also available on Fresno County's website.
- ▶ New Employee Training - The County's EEO policies shall be included in the new hire orientation packets and communicated to all new employees during new hire training.

- ▶ Training - Currently, the focus is on mandated training. Depending on budget allocation EEO training will be provided. In addition, departments may provide specific-related EEO training to their employees.
- ▶ Management Responsibility - Managers and supervisors are expected to generate a positive attitudinal environment for employee understanding of EEO through staff meetings, memos and other appropriate means.
- ▶ Posting of Federal and State EEO Laws - Departments are required to post applicable EEO laws in a visible location within their department to ensure employees are aware of the laws and their rights.
- ▶ Utilization Reports - Upon completion of annual EEO Utilization reports, Human Resources shall distribute copies to departments.
- ▶ Letterhead - Official letterhead and memoranda shall include the following statement: "The County of Fresno is an Equal Employment Opportunity Employer."
- ▶ Advertisement - Job bulletins, announcements, brochures and job applications, as well as advertisements in publications, shall include the following statement: "The County of Fresno is an Equal Employment Opportunity Employer."
- ▶ Outsourcing - The County of Fresno shall inform outside contractors, sub-contractors, vendors and suppliers of their obligations to comply with the County of Fresno's EEO and non-discrimination policies.
- ▶ Community Outreach - EEO staff and department staff shall provide community outreach, wherever possible, consistent with the EEOP.

EMPLOYMENT DISCRIMINATION, HARASSMENT AND RETALIATION

The Fresno County Board of Supervisors, through adoption of this EEOP, restates its commitment to provide a work environment free from unlawful discrimination, harassment and retaliation directed toward all County employees, elected officials, volunteers, interns, vendors and contractors, as well as to all applicants for such positions. Federal and State laws prohibit discrimination, harassment and retaliation in employment practices, programs, activities and public accommodations on the basis of (actual or perceived) race, color, religion, sex, national origin, age (40 or older), disability (physical or mental), medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, veteran/military status or any other basis protected by Federal or State law.

This section will define discrimination, harassment and retaliation, and the complaint process and describe the procedures for filing complaints of discrimination, harassment and/or retaliation. It is the responsibility of every elected official, department head, manager, supervisor and employee to refrain from such conduct, prevent such conduct from occurring in the workplace, and cooperate fully and truthfully during the course of an investigation of such complaints.

- ▶ Discrimination - The act of unequal treatment of an individual(s). Employment discrimination towards a protected class of individuals is prohibited in all employment practices and services offered by the County of Fresno which include, but are not limited to:

Application Process	Job Assignments	Assigned Duties/Responsibilities
Job Advertisements	Transfers	Professional Development/Training
Recruitment	Promotions	Work Location/Conditions
Testing/Examination	Layoffs/Recalls	Use of Facilities
Interviews	Classification/Compensation	Retirement Plans
Hiring	Fringe Benefits	Serving on Committees
Discipline	Disability/Pregnancy Leaves	Serving in Organizations
Discharge	Privileges/Honors	

- ▶ Bona Fide Occupational Qualification (BFOQ) - BFOQ is a job requirement that discriminates but is allowable because of "business necessity." An example would be a religious organization that may lawfully require members of its clergy to be members of that religious organization.

► Harassment – Harassment is a form of employment discrimination that violates the rights of a protected class of individuals covered under Federal and State laws (see Board of Supervisors Administrative Policy Number 32 – Discrimination/Harassment, which is attached to this EEOP). Any County employee who engages or participates in any form of harassment or who aids, abets, incites, compels or coerces another to commit harassment against a County employee, elected official, volunteer, intern, vendor, contractor, or applicant for such position, is in violation of County policy. Harassment becomes unlawful when, but not limited to:

- An individual endures offensive, unwelcome or persistently annoying conduct which becomes a condition of continued employment.
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive such that it interferes with an individual's work performance or duties.
- Such conduct is used against individuals in retaliation for filing a discrimination charge, testifying or participating during the course of an investigation, proceeding, lawsuit, or opposing employment practices that he/she reasonably believes discriminates against individuals.

Harassment also consists of offensive and unwelcome behavior towards an individual that may include, but is not limited to:

- Verbal - suggestive or obscene language, epithets, verbal abuse, intimidation, threats, slurs, insults, ridicule or mockery, derogatory or degrading comments, jokes or stories.
- Physical – assault; unwelcome touching, grabbing or groping; sexually oriented gestures; impeding or blocking mobility; stalking.
- Visual - derogatory, obscene or degrading pictures, posters, cartoons, drawings or objects; unwelcome written letters, cards or notes.

Harassment can occur in a variety of circumstances; therefore each case may be unique and will be handled on a case-by-case basis.

► Retaliation - Retaliation is a form of harassment and occurs when an employer, employment agency or labor organization takes an adverse action against a covered individual because he/she engaged in a protected activity.

The County of Fresno does not discourage employees from reporting or filing employment discrimination complaints. Therefore, retaliation against any employee or person who exercises their rights under the law and files a complaint of employment discrimination is strictly prohibited.

- Adverse Action - A conflicting or opposing act taken against an individual for filing a charge of discrimination or for participating in a discrimination proceeding. Adverse actions may include:
 - Employment Actions - termination, refusal to hire, denial of a promotion, verbal threats, unjustified negative evaluations or references and increased job surveillance, transfers, shift changes, reassignments.
 - An assault or act of terrorization that is likely to deter a reasonable person from pursuing their rights due to fear.
- Covered Individuals - Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, religion, sex, national origin, age (40 or older), disability (physical or mental), medical condition, pregnancy, genetic information, ancestry, sexual-orientation, marital status, veteran/military status, or any other basis protected by Federal or State law. Also covered are individuals who have a close association with someone, such as a spouse, who has engaged in a protected activity.
- Protected Activity - An action of opposing a practice believed to be prohibited, unlawful and a violation of anti-discrimination law such as:
 - Complaining to anyone about alleged discrimination against oneself or others.
 - Requesting a reasonable accommodation based on religion or disability.
 - Filing a charge of employment discrimination.
 - Participating in an employment discrimination proceeding or investigation as a charging party or witness.
 - Picketing in opposition to discrimination.
 - Refusing to obey an order reasonably believed to be discriminatory.

In order to avoid retaliation or the appearance of retaliation, the County directs all employees involved in the complaint process to:

- Refrain from taking any action that may discourage a person from exercising their right to file an employment discrimination complaint.
- Secure and keep confidential all complaints and investigations including the identity of all parties involved.
- Ensure the person against whom a complaint has been filed is directed not to contact the complainant, witnesses or person(s) involved in a complaint either in person, by mail, email, telephone, text messaging, or through any intermediary.

A department head/supervisor may not fire, demote, harass or otherwise retaliate against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. An employee may not be retaliated against for refusing to comply with an order that the employee reasonably believes violates the anti-discrimination laws.

An employee may bypass his/her department head/supervisor in filing a complaint when the department head/supervisor is the subject of the complaint.

► Reporting or Filing a Complaint of Discrimination, Harassment or Retaliation

- Internal Complaints

Employees or Applicants for Employment - To file a discrimination complaint related to employment practices, harassments or discrimination, including reasonable accommodation complaints, please refer to Fresno County Administrative Officer's Management Directives, Chapter 200, Subject 210 - Discrimination Complaint Procedure, which is available in each department, Human Resources, and Human Resources' website, and submit the Discrimination form to:

Fresno County Human Resources
Labor Relations Division
2220 Tulare Street, 16th Floor
Fresno, CA 93721
(559) 600-1840
<http://www.co.fresno.ca.us>

The above procedure applies in all instances of alleged employment discrimination, except those associated with the following:

- Rejection During Probation - In accordance with Fresno County Personnel Rule 1 - Civil Service Commission, and Personnel Rule 5 - Probationary Periods, the Fresno County Civil Service Commission considers appeals to rejection during probationary period based upon alleged discrimination. Contact information is listed below:

Fresno County Civil Service Commission
2220 Tulare Street, 14th Floor
Fresno, CA 93721
(559) 600-1833

- Examination Complaint Procedure - A candidate for employment alleging that the procedure provided in Fresno County Personnel Rule 4, Selection Process, is not followed or that bias, fraud or error occurred in any part of the examination process may submit a complaint to the Director of Human Resources (contact information below) in accord with Personnel Rule 4, Section 4114 – Examination Complaint Procedure. However, this filing does not prohibit filing of a request for hearing under Personnel Rule 1, Section 1041 - Hearings.

Fresno County Human Resources
2220 Tulare Street, 16th Floor
Fresno, CA 93721
(559) 600-1800
<http://www.co.fresno.ca.us>

- Department Discrimination Complaint Procedure - Each County department may have a departmental Discrimination Complaint Procedure. Use of this procedure does not preclude filing a complaint consistent with Management Directive Section 210 – Discrimination Complaint Procedure.
- Public Accessibility Complaints - To file a complaint under ADA/FEHA related to public accessibility, please refer to Fresno County Administrative Officer's Management Directives, Chapter 100, Subject 120 - Americans with Disabilities Act/California Fair Employment & Housing Act Complaint Procedure and submit to:

Fresno County Public Works and Planning
 2220 Tulare Street, 6th Floor
 Fresno, CA 93721
 (559) 600-4200
<http://www.co.fresno.ca.us>

- ▶ External Complaint - An employee or job applicant may file a discrimination complaint simultaneously with the appropriate agency (see below) such as the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH) or other agencies which have jurisdiction over the complaint. EEOC and DFEH who enforce anti-discrimination laws have “work sharing agreements” in order to avoid duplication of efforts while at the same time ensuring that a charging party's rights are protected under both Federal and State law.

State of California

Department of Fair Employment
 and Housing (DFEH)
 1320 E. Shaw Ave., Suite 150
 Fresno, CA 93710
 (800) 884-1684 (Toll Free)
 (800) 700-2320 (TTY)
www.dfeh.ca.gov

United States (Federal)

Equal Employment Opportunity
 Commission (EEOC)
 Fresno Local Office
 2300 Tulare St., Suite 215
 Fresno, CA 93721
 (559) 487-5793 (Phone)
 (800) 669-4000 (Toll Free)
 (800) 669-6820 (TTY)
www.eeoc.gov

- ▶ Other Complaints (Department Specific) - persons who feel they are discriminated against or denied services regarding provisions of County services may file a complaint with that respective department.

REASONABLE ACCOMMODATION

In accordance with the Americans with Disabilities Act of 1990 (ADA)¹, Section 503 & 504 of the Rehabilitation Act of 1973 (RA), and the Vietnam Era Veterans Readjustment Assistance Act of 1974 (VEVRAA)², the Fresno County Board of Supervisors is strongly committed to the principles of equal employment opportunities and non-discrimination of individuals with disabilities. The County of Fresno does not discriminate on the basis of disability in its employment practices including but not limited to: recruitment, testing, training and apprenticeship programs, assignments, classifications, compensation, evaluations, promotions, transfers, disciplinary action, demotions, terminations, layoffs, reemployment, awards or privileges, fringe benefits, retirement plans, disability leave, use of facilities, or other terms and conditions of employment. Such employment practices shall be based on qualifying factors, ability, job performance and merit.

The County of Fresno's employment process does not stereotype disabled persons or veterans in any manner that limits their access to jobs for which they are qualified. For applicants who are covered veterans, the County of Fresno's employment process considers only that portion of the individual's military record, including discharge papers, that are relevant to the position for which they apply. Pre-employment physical examinations are conducted post-offer and only for those positions for which they are required under State law.

¹ EEOC “The Americans with Disabilities Act of 1990”, 42 U.S.C. 12101: <http://www.eeoc.gov/policy/ada.html>

² “Vietnam Veterans Readjustment Assistance Act of 1974”, 38 U.S.C. 4212: <http://www.dol.gov/compliance/laws/comp-vevraa.htm>

The County of Fresno may make reasonable accommodations upon request for individuals with qualifying disabilities on a case-by-case basis for testing and/or selection processes, unless otherwise prohibited by essential functions, ADA/FEHA or other legal standards, such as Peace Officer Standards (POST). Prior to any part of the testing and/or selection process, an applicant requesting reasonable accommodation should notify the Human Resources Analyst conducting the recruitment or the hiring department of the need for reasonable accommodation. Verification of a qualifying disability is required.

Reasonable accommodation requests by those currently employed with the County of Fresno are coordinated at the department level. Employees requesting reasonable accommodation must advise their immediate supervisor and/or contact their designated departmental representative consistent with departmental policies and procedures. Human Resources provides County departments consultation, technical assistance and coordination support with implementing the County's interactive process for reasonable accommodation.

The County is committed to providing reasonable accommodation to qualified individuals with disabilities, as long as it does not result in an undue hardship on the operations of the County, is inconsistent with legal standards or doesn't allow an individual to perform essential functions of the job even with reasonable accommodation. Reasonable accommodation may include, but is not limited to:

- Making existing facilities readily accessible and useable by persons with disabilities.
- Job restructuring, modified work schedules or reassignments.
- Acquiring, modifying or adjusting equipment or devices necessary to perform essential job functions.
- Providing qualified readers or interpreters.

EEO staff and/or department management staff participate in an interactive process with a disabled individual to identify the needs of the individual and determine if reasonable accommodation is possible.

- ▶ Qualified Individual with a Disability - A qualified employee or applicant with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.
- ▶ Individual with a Disability - An individual with a disability under the ADA and FEHA is a person who has a physical or mental impairment that limits one or more major life activities, has a record of, or is regarded as, having such an impairment. Our goal is to ensure effective communication for all employees and qualified persons with disabilities so they can participate equally in the County of Fresno's programs, services and activities. In addition, we are committed to providing information and communication accessibility to those with speech, hearing or vision impairments. Anyone who requires an auxiliary aid for services or effective communication in order to participate in a program, service or activity of the County of Fresno should contact the respective department as soon as possible, but no later than 48 hours before the scheduled event. All Fresno County employees have the responsibility to immediately report artificial barriers that prevent accessibility to services, programs or employment opportunities.

Department heads, managers and supervisors shall immediately, upon receiving oral or written request for accommodation by an employee, or by observing that an employee with an obvious disability is having difficulty performing the essential functions of the job, initiate and participate in the interactive process to determine possible accommodations available.

APPENDIX A

LEGAL AUTHORITY

The Equal Employment Opportunity Commission (EEOC) was created by Title VII of the Civil Rights Act of 1964 followed by numerous Federal and State laws, amendments and executive orders that protect the rights of individuals for non-discrimination, harassment and retaliation.³

The U.S. EEOC was created by Federal legislation to investigate complaints and issue legally enforceable decisions concerning violations of Federal equal employment opportunity laws and regulations concerning discrimination, harassment, and retaliation on a protected group of individuals as described below. Discrimination may also include failure to provide reasonable accommodations, as required by the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA).

The Department of Fair Employment and Housing (DFEH) promotes and enforces the civil rights of the people of California to be free from unlawful discrimination in employment, housing, and public accommodations, and to be free from hate violence, and threats of violence, pursuant to the FEHA (Government Code 12900 et seq.).

The County of Fresno has the responsibility to investigate and issue legally enforceable decisions concerning complaints of discrimination, harassment or retaliation protected by Federal and State laws. The law also requires the County to implement a comprehensive discrimination complaint process and maintain uniform and consistent internal methods for employees and applicants to raise concerns of possible discrimination through an Informal or Formal complaint process.

In addition, an employee may file a complaint simultaneously with the County of Fresno and the EEOC and/or the DFEH depending on the jurisdiction of the complaint. Complaints relating to discrimination not covered by EEOC or DFEH may be filed with the appropriate Federal or State agency, as well as the County, through the proper procedures.

FEDERAL / STATE PROTECTED GROUPS (NOT INTENDED TO BE AN ALL INCLUSIVE LIST)
RACE
COLOR
RELIGION
SEX/GENDER
NATIONAL ORIGIN
AGE (40 OR OLDER)
DISABILITY (PHYSICAL/MENTAL)
MEDICAL CONDITION
PREGNANCY
GENETIC INFORMATION
ANCESTRY
SEXUAL ORIENTATION
MARITAL STATUS
VETERAN/MILITARY STATUS
SEX-BASED (WAGES)

The following list of Federal and State laws are provided for reference purposes and are not intended to be an all inclusive list.

³ www.eeoc.gov

FEDERAL LAWS EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS (Not intended to be an all inclusive list)	
Executive Order 11246 & Executive Order 11375	Prohibits employment discrimination on the basis of race, color, religion, sex, national origin or gender by federal contracts or subcontracts.
Sections 501, 503, 504 and 505 of the Rehabilitation Act of 1973, as amended	Prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance in the federal government. Prohibits employment discrimination in all aspects of employment against persons with disabilities who with reasonable accommodations can perform the essential functions of a job
38 U.S.C. 4212 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended	Prohibits employment discrimination and requires affirmative action to employ and advance in employment qualified Vietnam era veterans, qualified special disabled veterans, recently separated veterans and other protected veterans.
Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act	Prohibits discrimination on the basis of race, color, religion, sex or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs.
Americans with Disabilities Act of 1990, as amended	Protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law requires that covered entities, such as state and local governments, provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.
Pregnancy Discrimination Act of 1978	Afforded EEO protection to pregnant workers and requires pregnancy to be treated like any other disability.
Age Discrimination in Employment Act of 1967 as amended in 1978, 1986	Protects individuals 40 years of age or older from discrimination on the basis of age in hiring, promotion, discharge, compensation, terms, conditions or privileges of employment.
Equal Pay Act of 1963, as amended	Prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335)	The Uniformed Services Employment and Reemployment Rights Act of 1994 is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other “uniformed services:” (1) are not disadvantaged in their civilian careers because of their service; (2) are promptly reemployed in their civilian jobs upon their return from duty; and (3) are not discriminated against in employment based on past, present, or future military service.
Fair Labor Standards Act as amended by Section 1558 of Title 1 of the Affordable Care Act of 2010 (29 U.S.C. § 218c)	Protects employees from retaliation associated with employee’s use of benefits under the Affordable Care Act or reporting of any Affordable Care Act violations.

STATE LAWS (Not intended to be an all inclusive list)	
Fair Employment and Housing Act (FEHA) Gov. Code, 12900-12996 (et seq.)	Prohibits discrimination in employment, job protected leaves and housing. Also, guarantees access, services and public accommodations and to be free from hate violence, intimidation and threats of violence. Prohibits discrimination on the bases of age (40 and older), ancestry, color, religious creed, disability (mental and physical) including HIV and AIDS, marital status, medical condition (cancer and genetic characteristics), pregnancy, national origin, race, sex, and sexual orientation.
California Civil Rights Initiative –Proposition 209	Amended the California Constitution (section 31 of Article 1) and voted into law on November 5, 1996 that affirmative action of any kind is strictly prohibited. Prop 209 prohibits public entities from affirmative action using race, sex, color, ethnicity or national origin as a basis for either discriminating against, or granting preferential treatment to any individual or group in the operation of public employment, public education, or public contracting.
The California Family Rights Act of 1991 (CFRA)	Generally provides that eligible employees have the right to take family care leave for up to 12 weeks in a 24-month period in connection with the employee's own serious health condition (not including pregnancy), birth of the employee's child, the adoption of a child by the employee, or the serious illness of the employee's child; or to care for the employee's parent or spouse who has a serious medical condition.
Pregnancy Disability Leave (PDL)	Allows up to four months of leave for a pregnancy-related medical disability.
Family and Medical Leave Act of 1993 (FMLA)	Requires employers covered under the legislation to provide up to 12 weeks of unpaid leave, job-protected leave to employees for certain family and medical reasons.
Ralph Civil Rights Act (Civ. Code 51.7)	Protects all persons from violence and intimidation by threats of violence based on their age, ancestry, color, disability, national origin, political affiliation, race, religion, sexual orientation or position in a labor dispute.
Workers Compensation - Labor Code Section 132(a)	Prohibits discrimination against workers who are injured in the course and scope of their employment; has filed or made known their intention to file a claim for compensation with their employer or an application for adjudication, or because the employee has received a rating, award, or settlement or is guilty of a misdemeanor.
Discrimination Preclusions for Cal-OSHA Complaint - Labor Code Sections 6310 and 6311	Prohibits discrimination against any employee for filing complaints, testifying, instituted, participation in occupational health and safety committee(s), refusing to perform work in which this code, including Section 6400, any occupational safety or health standard or any safety order of the division or standards board will be violated where the violation would create a real and apparent hazard to the employee or his or her fellow employees.
Local Agency Personnel Standards (LAPS)	Pursuant to California Government Code Section 19800 - 19810, LAPS ensures that counties who receive federal funds for programs within their Social Services and Child Support Services departments adhere to federal merit principles. A Merit System is defined as the manner of hiring and promoting government employees that emphasizes their ability, education, experience and job performance.



Fresno County Board of Supervisors

ADMINISTRATIVE POLICY

NUMBER 1 Code of Ethics

Effective Date: May 15, 1990
Revision Date: June 6, 2016

POLICY STATEMENT

The Board of Supervisors and All County employees, including elected officials, classified and unclassified personnel should:

PUT loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.

UPHOLD the Constitution, laws, and legal regulations of the United States and all governments therein and never be a party to their evasion.

GIVE a full day's labor for a full day's pay; giving to the performance of one's duties one's earnest effort and best thought.

SEEK to find and employ more efficient and economical ways of getting tasks accomplished.

NEVER discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for one's self or family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of one's governmental duties.

ACCEPT no money, commissions or thing of value of any kind in exchange for or as quid pro quo for County services other than the regular County salary.

WORK related gratuities are only to be accepted if they constitute a gesture of good will toward the agency or if the primary purpose furthers a legitimate County interest as opposed to the personal interest of the recipient.

- A. It is the policy of the Board that any doubts about the propriety of accepting a particular gratuity should be resolved by the refusal of the gratuity.
- B. The Board of Supervisors, elected officials, and County officers and employees must report all gifts and gratuities as required by State law. Effective beginning the quarter ending June 30, 1990, each officer and employee required to report under State law shall quarterly file a list containing the name and address of the donors of work-related gifts and gratuities received by them which aggregate in value \$50 or more from a single source during that calendar year, and a description of the gift(s). Department heads and board members shall file their quarterly reports with the Clerk to the Board of Supervisors. All other officers and employees shall file their quarterly reports with their department heads.

MAKE no private promise of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.

ENGAGE in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of one's governmental duties.

NEVER use any confidential information received in the performance of one's governmental duties as a means for making private profit.

EXPOSE corruption wherever discovered.

TREAT all individuals encountered in the performance of one's duties in a respectful and professional manner.

UPHOLD these principles, ever conscious that public office is a public trust.

BOARD AND ADMINISTRATOR RESPONSIBILITY

Chairman of the Board of Supervisors and County Administrative Officer

The Chairman of the Board of Supervisors, who is responsible for the orderly conduct of all official Board meetings, shall require all persons participating in any Board room discussion; including Board members, staff and citizens, to act in a courteous, respectful and professional manner.

The Chairman of the Board of Supervisors and the County Administrative Officer (CAO) are to consult if either believes a problem exists or corrective action needs to be taken regarding conduct during public/staff meetings.

County Administrative Officer and Department Heads

The CAO and all department heads are responsible for promoting conformance with the principles of this policy.

County Counsel and Director of Human Resources

County Counsel shall be available to answer questions from both Board members and employees regarding conflict of interest provisions under State law, the County Charter, and County ordinances and policies.

The Director of Human Resources shall provide copies of all County policies regarding conflict of interest to all department heads upon their employment and shall inform all new employees of applicable County conflict of interest policies and regulations.

Ethics Training Under AB 1234

The following County officials shall receive ethics training pursuant to Assembly Bill (AB) 1234 (Gov. Code, § 53234 et seq.) every two years:

- The Board of Supervisors.
- The members of all County boards, committees, and commissions who receive per diem under the Salary Resolution.
- The members of all County boards, committees, and commissions who receive reimbursement for expenses under the Salary Resolution.
- All elected County officers.
- The CAO and all appointed department heads.

The Clerk to the Board of Supervisors annually shall inform the Board of Supervisors, the CAO, and all County department heads of the ethics training required under AB 1234, and of the availability of ethics training program and materials referred to below. For any of those new covered County officials who commence their County service after the provision of that annual information, the Clerk to the Board of Supervisors also shall inform those new covered County officials, on or about their respective service commencement dates, that they shall receive their first ethics training required under AB 1234 by no later than one year from their first day of service, and of the availability of ethics training programs referred to below. Each department that provides staff to a County board, committee, or commission shall provide the same information required under this paragraph, as and when applicable, to all existing and new members of those County boards, committees, or commissions who are County officials required to receive ethics training under AB 1234.

Covered County officials shall use the free on-line self-study AB 1234 ethics training program provided by the Fair Political Practices Commission (FPPC) and the Institute for Local Government (ILG) via the Internet, as the primary method to satisfy their mandatory ethics training obligations under AB 1234. After having completed that self-study program, these covered County officials shall print and fill out the on-line certificate as proof of having participated in that self-study program, and submit that certification to the appropriate record keeper, below.

Any covered County officials who are unable to timely use the foregoing on-line self-study program, may use the hardcopy self-study AB 1234 ethics training materials, with a test, available from the ILG, at County cost, if the relevant department has sufficient funds budgeted for that purpose. After having completed those self-study materials and passed that test, these covered County officials will receive the certificate from the ILG as proof of having participated in that self-study program, and shall submit that certification to the appropriate record keeper, below.

Records certifying that covered County officials have received the ethics training required under AB 1234 shall be retained for a minimum of five years as follows:

- Records for members of the Board of Supervisors, the CAO, and department heads shall be kept in the office of the Clerk to the Board of Supervisors.
- Records for members of County boards, commissions, and committees shall be kept in the relevant department.



FRESNO COUNTY BOARD OF SUPERVISORS

ADMINISTRATIVE POLICY

NUMBER 31

EQUAL EMPLOYMENT OPPORTUNITY

Effective Date: December 3, 1991

Revision Date: June 6, 2016

POLICY STATEMENT

It is the policy of Fresno County that employment discrimination in employment practices, programs and activities on the basis of race, color, religion, sex, national origin, age (40 or older), disability (physical or mental), medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, veteran/military status, or any other basis protected by Federal or State law, is unlawful and will not be tolerated. The management of personnel within County service shall be free from prohibited personnel practices and consistent with merit system principles, as outlined in the provisions of the Fresno County Personnel Rules. Employees should avoid conduct which undermines these merit principles.

The Board of Supervisors, through adoption of this Equal Employment Opportunity policy statement, expresses support of Equal Employment Opportunity principles and practices. The overall goal of the County is to maintain a diverse workforce reflective of its community wherein employees are selected, managed and retained based on merit consistent with the Civil Service System and all Federal and State Equal Employment Opportunity laws and regulations. This also includes a workplace free of discrimination or harassment (including sexual harassment) and providing reasonable accommodation for individuals with disabilities. This is accomplished through a Countywide Equal Employment Opportunity Plan.

The Equal Employment Opportunity Plan commits the County to result oriented personnel actions in recruitment, examination, selection and other terms, conditions and benefits of employment impacting on protected groups. The objective is to identify and reflect percentages of protected groups in the County organization workforce in proportion to the appropriate community labor force that they represent.

The Board of Supervisors directs each appointive and elected official, manager, supervisor and employee to work cooperatively in carrying out this policy.

MANAGEMENT RESPONSIBILITY

County Administrative Officer

The County Administrative Officer is designated as the Equal Employment Opportunity Officer and has overall responsibility for the implementation and successful functioning of the Equal Employment Opportunity Plan.

Equal Employment Opportunity Staff

The Equal Employment Opportunity staff is comprised of Human Resources and County Counsel employees. Human Resources staff is responsible for maintaining the Equal Employment Opportunity Plan; conducting analysis of the County workforce; developing statistical data; and keeping up-to-date on new developments and trends in Equal Employment Opportunity. County Counsel staff serves as a liaison between the County and Federal and State compliance agencies; investigates and/or reviews investigations of complaints of alleged unlawful discrimination; and provides legal counsel and training to department heads and management.

Department Heads

Department heads shall be held responsible for the implementation, promotion and enforcement of the County's Equal Employment Opportunity Plan and policies within their respective departments. In addition, department heads shall initiate rules and procedural changes to ensure Equal Employment Opportunity objectives are met; provide full and equal participation for all employees and applicants in all aspects of employment; maintain a workplace free of discrimination; investigate promptly any discrimination complaints; design and implement reporting systems to measure the department's progress toward goals; and require employees involved with personnel matters to document such actions including employment interviews, placement, discipline and promotions. The performance evaluations of managers and supervisors shall include an evaluation of their efforts and success in meeting Equal Employment Opportunity objectives. Departments shall develop departmental Equal Employment Opportunity plans when required by Federal and State agencies administering contracts or grant monies.

Civil Service Commission

The Civil Service Commission oversees the County's merit system of selection and retention of employees in classified service and acts as the appeals body for unlawful discrimination complaints with respect to rejection during probation.



Fresno County Board of Supervisors

ADMINISTRATIVE POLICY

NUMBER 32

Discrimination/Harassment

Effective Date: December 3, 1991

Revision Date: June 6, 2016

POLICY STATEMENT

It is the policy of Fresno County that discrimination and harassment (including sexual harassment) are improper and will not be tolerated. Fresno County will make every effort to ensure that all personnel are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved. This policy applies to all County employees, elected officials, volunteers, interns, vendors, and contractors, as well as to all applicants for such positions.

The following are prohibited by this policy, and by State and Federal laws:

- Discrimination in any aspect of County employment, based on any legally protected characteristic or status, including race, color, religion, sex, national origin, age, disability (physical or mental), medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, veteran/military status, or any other basis protected by Federal or State law;
- Harassment in any form (verbal, physical or environmental) of any person based on any legally protected characteristic or status as set forth above. This includes sexual harassment.
- Retaliation for opposing, filing a complaint about, or participating in an investigation of, any such harassment;
- Retaliation for use of the Affordable Care Act benefits or reports of violations related to the Affordable Care Act;
- Aiding, abetting, inciting, compelling, or coercing any such harassment or retaliation, or attempting to do so.

MANAGEMENT RESPONSIBILITY

The County Administrative Officer and each department head shall take reasonable steps necessary to prevent such misconduct from occurring. Departments shall clearly communicate to employees that discrimination and harassment will not be tolerated and that anyone found to have engaged in such misconduct will be subject to disciplinary action, up to and including termination.

If an allegation of discrimination and/or harassment has been received, or there is reason to believe it is occurring, the County Administrative Officer and/or department head are responsible for working cooperatively to ensure that the matter is impartially examined/investigated and promptly resolved. If the allegation is determined to be credible, the department will take immediate and effective measures to end the misconduct.

EMPLOYEE RESPONSIBILITY

All County employees and elected officials are required to comply with this policy. Employees are expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues or members of the public with whom they come into contact during the course of official duties. Further, all employees are expected to take appropriate measures to prevent discrimination and harassment.

REPORTING DISCRIMINATION AND HARASSMENT

The discrimination complaint procedure is available for an individual who believes they have been subjected to discrimination or harassment. Please refer to Fresno County Administrative Officers Management Directive, Chapter 200, Subject 210 – Discrimination Complaint Procedure, which is available in each department, the Department of Human Resources, and on the Department of Human Resources' website.