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Supervisor, Fourth District

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Dear County Employee:

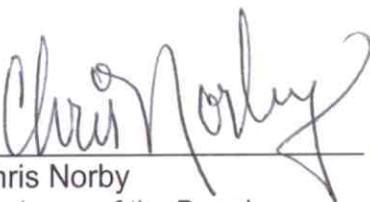
The County and its employees share a stake in maintaining a harassment free work environment. Our Board of Supervisors has adopted a policy regarding non-discrimination and equal employment opportunity. The EEO Policy and Procedure affirms the County's longstanding commitment to a respectful, productive work environment. The policy explains that **unlawful** discrimination and harassment will not be tolerated, contains examples of **legally prohibited** discriminatory and harassing conduct, and describes complaint resolution procedures.

The County also forbids harassing conduct even if it **does not violate the law**. Some of the conflicts which employees experience may not fall within the legal framework of workplace discrimination or harassment. Rather, they may involve strained interpersonal relations, disagreements, or misunderstandings. Attached are some examples of discrimination, harassment and conduct that, while possibly being offensive or disappointing, are probably not illegal.

An employee who experiences offensive conduct should make his/her displeasure clearly and completely known to the offender or their supervisor as soon as possible. Such concerns can often be resolved when the parties meet together and discuss the issues. Employees may also contact their Agency/Department Human Resources Office or the EEO Access Office for assistance.

The best course of action is to avoid any conduct that might be offensive to a co-worker.

A copy of the Board's EEO Policy and Procedure is being provided to all County employees. Please read the EEO Policy and Procedure, and take any questions you may have to your supervisor, Agency/Department Human Resources staff, or contact Bart Bartlett with the EEO Access Office at (714) 834-5259 or Bart.Bartlett@ocgov.com. The 2007 Keys to a Harassment Free Workplace pocket calendar will be distributed to you at your worksite.



Chris Norby
Chairman of the Board



Thomas G. Mauk
County Executive Officer



C. H. Crown
Human Resources Director

Examples of *legally prohibited* harassing conduct that could create a hostile environment:

- Regularly telling sexual jokes or using sexually vulgar or explicit language
- Repeatedly making comments to an employee about sex, sexual orientation, race, color, national origin or ethnicity
- Pressuring another to conform to particular religious beliefs
- Making negative comments to a pregnant employee about her condition and appearance
- Derogatory cartoons about age given to an employee over 40
- Mimicking a physical impairment
- Teasing about a medical condition
- Criticizing unmarried employees

Examples of conduct that may be offensive, inappropriate, upsetting or disappointing but probably *does not violate* the law:

- A co-worker does not say “good morning,” or does not speak to or ignores another
- Not including an employee in group social activities at the office
- Raising one’s voice to another
- Being consistently argumentative, harsh and disrespectful during conversations
- Physically intimidating another by getting close and making them feel threatened and uncomfortable
- When performance is an issue, a supervisor’s need to review one’s work more frequently

COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY
POLICY AND PROCEDURE
(Board Resolution 99-514)

This policy and procedure shall be known as the County of Orange Equal Employment Opportunity Policy and Procedure. It may be referred to as the EEO Policy.

PURPOSE

The purpose of the County of Orange EEO Policy is to ensure full realization of non-discrimination and equal employment opportunity by selecting, training, and promoting employees based on their ability and job performance and to provide equal opportunities in all aspects of employment without regard to sex, race, color, ethnicity, national origin, ancestry, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veterans status, citizenship, or any other protected group status ("protected classification"). Unlawful discrimination, harassment and retaliation in any form will not be tolerated.

SCOPE

The County of Orange's EEO Policy is applicable to all County Agencies and Departments, and to the heads of County Agencies and Departments, their managers, supervisors and employees.

POLICY

- A. Agencies, Departments, and their managers, supervisors and employees are responsible for full support and commitment to a policy of non-discrimination and equal employment opportunity.
- B. Agencies and Departments are responsible for preparing and submitting to the Human Resources Department - Equal Employment Opportunity Access Office (EEO Access Office) each calendar year a Certification of Compliance and/or an Equal Employment Opportunity Plan.
- C. Equal employment opportunity will be achieved through leadership and aggressive implementation of a program of equal employment opportunity. The program will include the periodic and systematic review of recruitment, selection and promotional practices, attention to upward mobility, periodic training and educational opportunities and audits of progress through a review of statistics, and annual Certificates of Compliance and/or Equal Employment Opportunity Plans.
- D. Any person who believes he or she has been the victim of unlawful discrimination, harassment or retaliation should report the incident immediately to his or her supervisor, manager, Agency or Department Human Resources staff, or the Human Resources Department/EEO Access Office. All allegations will be investigated promptly.

Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken.

- E. The Human Resources Department/EEO Access Office is charged with the responsibility for administering this Policy.

COMPLIANCE PROCEDURES

- A. The EEO Access Office is responsible for overseeing the administration of the County's EEO Policy and may act through the County Executive Office and County Agencies and Departments as necessary to carry out this Policy.
- B. Agencies and Departments are responsible for ensuring that they do not discriminate, harass or retaliate in any policy, practice or procedure on the basis of any protected classification.
- C. The EEO Access Office will gather and provide to Agencies and Departments work force statistics for their particular Agency or Department. This information may be used to insure that employment related decisions are made in compliance with federal and state non-discrimination law and this Policy.
- D. Each Agency and Department will appoint an EEO Coordinator who is responsible for administering this Policy within his or her respective Agency or Department.
- E. All Agency and Department Heads and EEO Coordinators shall on an annual basis timely submit a Certificate of Compliance to Equal Employment Opportunity. Those Agencies and Departments required under the provisions of state or federal contracts or grants to prepare Equal Employment Opportunity Plans must do so by timely preparing and updating their existing plans and contacting the EEO Access Office for assistance as needed.
- F. Unlawful discrimination based on a person's protected status or classification will not be tolerated. Discrimination includes any employment related policy, practice, procedure or decision based upon a person's status, such as sex, race, color, national origin, ancestry, ethnicity, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other protected group status rather than merit.
- G. Harassment based on a person's protected status or classification will not be tolerated. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's actual or perceived status, such as sex, race, color, national origin, ancestry, ethnicity, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other protected group status. Harassment in the form of retaliation for complaints of discrimination will likewise not be tolerated. The County of Orange will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment. Whenever an employee alleges harassment, or at any time where

it is believed that harassment is taking place, the County of Orange will act promptly to investigate and take swift and appropriate remedial action in dealing with those found in violation of the County's EEO Policy.

- H. Harassment based on a person's sex includes, but is not limited to: unwelcome sexual advances, requests for sexual favors, any physical, verbal, or visual conduct based on sex where such conduct is an explicit or implicit term or condition of employment or where harassment is so severe or pervasive that a reasonable person would conclude the conduct creates a hostile or abusive work environment or the conduct involves a concerted pattern of harassment of a repeated, routine or generalized nature. Sexual harassment may include same sex as well as opposite sex misconduct where it is based on the person's gender.

Occasional, isolated, sporadic, or trivial acts that are simply annoying in nature may not constitute harassment. Nonetheless, Agencies and Departments are expected to investigate and remedy promptly any seemingly minor acts of harassment to avoid the development of a hostile work environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within the above:

- explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- participating in conduct the purpose or effect of which is to unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment;
- unwelcome touching or grabbing any part of an employee's body;
- continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- displaying or transmitting in person or through any media sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to send sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of another person;
- using foul language or gestures;
- harassing acts or behavior directed against a person on the basis of his or her sex:
- derogatory or provocative remarks about or relating to an employee's sex or appearance;
- off-duty conduct which falls within any of the above and affects the work environment; and
- making unwelcome, inappropriate inquiries about a person's private or personal behavior.

- I. The County of Orange is dedicated to providing equal employment opportunities to persons with disabilities. Discrimination based on a person's disability will not be

tolerated. A person with a disability is one who has a physical or mental impairment or medical condition that limits one or more major life activities, any person who has a past history of such an impairment, or any person who is treated as if he or she has such an impairment. To insure that persons protected by the American's with Disabilities Act and the California Fair Employment and Housing Act are considered on the basis of merit, all employment related decisions will be based upon neutral criteria to determine each candidate's ability to perform a position's essential functions with or without reasonable accommodations.

- Qualified employees with disabilities shall have the same access to benefits as employees without a disability.
 - An individual with a disability is responsible for making his or her supervisor or recruiter aware of his or her need for an accommodation. When the need for accommodation has been identified, or if the supervisor is aware of the disability, the supervisor or recruiter is responsible for entering into an "interactive process" with the individual and taking the following steps:
 1. Identifying the essential functions of the job based upon the job description, job announcement, policies and procedures manuals;
 2. Consulting with the individual who requested the accommodation to identify which duties are affected by the individual's disability and what accommodations could enable the individual to perform those duties or the duties of another vacant position;
 3. Conferring with the Agency or Department Human Resources team, the Human Resources Department, and the EEO Access Office to evaluate the reasonableness of the requested accommodations and/or to identify alternate accommodations on a case-by-case basis. EEO Access Office shall provide support and assistance in determining the reasonableness of an accommodation;
 4. Giving a qualified applicant with a disability, who is able to perform the essential functions of the position, an equal opportunity to compete for the position and
 5. Implementing those reasonable accommodations that allow an employee to perform the essential functions of his or her position.
- J. Discrimination or retaliation because of an employee's exercise of his or her rights to a leave of absence as provided for by law will not be tolerated.
- K. In all cases, the better qualified applicant or employee shall be selected for a position, promotion, assignment, training, or other employment action, unless the provisions of an applicable MOU require a different result.

PROCESSING COMPLAINTS

- A. Any employee or applicant for employment who believes he or she has been the victim of discrimination, harassment or retaliation in violation of the County's EEO Policy is encouraged to file a complaint. When the County of Orange receives a complaint of discrimination, harassment or retaliation or otherwise has reason to believe that discrimination, harassment or retaliation is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and that prompt, appropriate remedial action is taken. The County of Orange is committed to take action if it learns of discrimination, harassment or retaliation in violation of this Policy whether or not the aggrieved employee files a complaint.
- B. The complainant must be given the option to file a discrimination, harassment or retaliation complaint with his or her department manager/supervisor, Agency or Department Human Resources team, the EEO Access Office, or with an outside compliance agency such as the California Department of Fair Employment and Housing (DFEH) or the United States Equal Employment Opportunity Commission (EEOC). The complainant and the accused are entitled to know and shall be promptly informed at the conclusion of the investigation whether allegations have been found to be founded, unsubstantiated or unfounded.
- C. Where a complaint is filed against an employee with whom the EEO Access Office has a reporting relationship, the complaint will be directed to the CEO. The EEO Access Office will not conduct the investigation. The CEO will appoint an independent investigator who will report to the CEO on the complaint.
- D. All supervisory and management employees are responsible for promptly responding to, and/or reporting any suspected acts of discrimination, harassment, and retaliation. Supervisors and managers must immediately report suspected discrimination, harassment and retaliation to their Agency or Department Human Resources team. The Agency/Department Human Resources team shall report any suspected discrimination, harassment and retaliation to the EEO Access Office. Failure by a manager/supervisor to appropriately report and address known or suspected incidents of discrimination, harassment or retaliation shall be considered to be a violation of this Policy and appropriate disciplinary action may be taken.
- E. Although the County encourages an employee who believes he or she may be the victim of discrimination, harassment or discrimination to report such conduct, the County will not tolerate false accusations of discrimination, harassment or retaliation.

ADMINISTRATION OF THE COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROCEDURE

The County of Orange/EEO Access Office is responsible for administering this EEO Policy. To ensure that this Policy is administered consistently on a countywide basis and to ensure accurate record-keeping, information regarding Agency or Departmental investigations, including the nature of the complaint or the suspected misconduct involved, the steps taken in the investigation, and the proposed disposition must be reported to the EEO Access Office before any final action is taken. The EEO Access Office will coordinate with Human Resources Department and the Agency or Department Human Resources teams to ensure that all employees are advised of this Policy and to ensure uniform and effective implementation of this Policy.

Effective date: 4/29/03
Last updated: 4/01/06