

CONTRA COSTA COUNTY
Office of the County Administrator

ADMINISTRATIVE BULLETIN

Number: 429.4
Date: 10-1-17
Section: Personnel

SUBJECT: Policy Against Unlawful Discrimination, Harassment and Retaliation & Unlawful Discrimination, Harassment and Retaliation Complaint Procedure

I. PURPOSE

This bulletin sets forth the County policy and procedures against unlawful discrimination, harassment and retaliation.

II. APPLICABILITY

This bulletin is applicable to all County departments and agencies.

III. AUTHORITY

In accordance with the provisions of Contra Costa County Ordinance Code Section 24-4.008, the County Administrator has the authority and responsibility to establish and enforce personnel policies in County departments and agencies.

IV. POLICY AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT & RETALIATION.

Contra Costa County is committed to providing a work environment that is free from unlawful discrimination, harassment and retaliation. Unlawful discrimination, harassment and retaliation by co-workers, supervisors, managers and third-parties (e.g. vendors and customers) will not be tolerated. Unlawful discrimination and harassment against an employee, applicant for employment, intern, volunteer or contractor on the basis of a protected class will not be tolerated.

A protected class is a group of people legally protected from unlawful discrimination and harassment. The following protected class groups are legally protected by state or federal law and the Personnel Management Regulations: age (40 and above), ancestry, color, disability (mental and physical, including HIV and AIDS), genetic information, marital status, medical condition (cancer/genetic characteristics & information), military or veteran status, national origin (including language use restrictions), request for pregnancy disability leave, political activity, race, religion, religious activities, request for family care leave, request for leave for an employee's own serious health condition, retaliation for reporting patient abuse in tax-supported institutions, sex (gender, gender identity, gender expression), sexual orientation, or union activities. [The California Fair Employment and Housing Act, Government Code sections 12900 through 12906, and its implementing regulations,

California Code of Regulations, Title 2, sections 11000 through 11141; and Contra Costa County Personnel Management Regulations, Part 14.]

Additionally, the County does not condone retaliation against employees, applicants for employment, interns, volunteers or contractors for engaging in legally protected activities.

V. DEFINITIONS:

A. Unlawful Discrimination & Harassment.

Unlawful discrimination and harassment as used in this policy may result from words or conduct directed at a protected class, such as, verbal conduct (slurs, jokes, insults, epithets, gestures, or teasing), or visual conduct (offensive posters, symbols, cartoons, drawings, computer displays, or emails) or physical conduct (physically threatening another person, assault, or impeding or blocking a person's movements).

B. Sexual Harassment.

Sexual harassment as used in this policy includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work place; or a pattern of repeated sexually harassing conduct that creates an abusive or hostile work environment. Examples may include: verbal conduct (advances, flirtations, inappropriate comments on a person's dress or physical features, inappropriate stories or jokes), visual conduct (derogatory posters, cartoons, drawings, emails, texts, or website content), or physical conduct (assault, impeding or blocking movement, offensive or unwanted touching, pinching, grabbing, patting).

C. Retaliation.

Retaliation as used in this policy means taking an adverse employment action against an employee, applicant for employment, intern, volunteer or contractor in retaliation for making an unlawful discrimination or unlawful harassment complaint or good faith participation in the investigation of an unlawful discrimination or unlawful harassment complaint.

D. Prevention.

All employees, including department heads, supervisors, and other management personnel are expected and required to abide by this policy. Supervisors and management personnel are expected to take steps to prevent unlawful discrimination, harassment and retaliation from occurring in the workplace. An employee who engages in unlawful, discrimination, harassment or retaliation will be subject to disciplinary action, including the possible termination of employment.

E. Education.

- All supervisors must receive a two-hour sexual harassment training every two years, as required by Government Code section 12950.
- All employees must receive sexual harassment training at least once every three years, as required by a Board Order dated October 22, 1991.

VI. UNLAWFUL DISCRIMINATION, HARASSMENT & RETALIATION COMPLAINT PROCEDURE.

Complaints of unlawful discrimination, harassment and retaliation filed by County employees, interns or volunteers (collectively, referenced as Complainants) will be investigated in accordance with the procedure set forth below.

A. What Kind of Complaints Can Be Filed?

Unlawful discrimination, harassment and retaliation complaints filed with the County must be based on one or more of the protected classes listed above, or as otherwise specified by law.

B. How Does a Complainant File a Complaint?

1. Internal: Using County Process

The County encourages Complainants to discuss any workplace issues or concerns including complaints of unlawful discrimination, harassment and retaliation with their immediate supervisor. If the issue isn't resolved at that level, a Complainant may file an oral or written complaint of unlawful discrimination, harassment and retaliation with: (1) their immediate supervisor, manager or department head; or (2) their department equal employment opportunity officer; or (3) the County Equal Employment Opportunity Officer ("EEO Officer"). Any supervisor who receives a complaint of unlawful discrimination, harassment and retaliation must immediately report it to their manager.

2. Additional Internal Avenue for County Employees

In addition to these avenues, the Contra Costa County Merit Board has jurisdiction over employees who are in the Merit System. A County employee in the Merit System may file a written complaint of unlawful discrimination, harassment and retaliation through the Director of Human Resources to the Merit Board. A complaint to the Merit Board must be filed within sixty (60) days after the alleged acts or within thirty (30) days after the date of the letter from the County Equal Employment Opportunity Officer stating the results of the informal resolution attempts, whichever is later. A complaint filed with the Merit Board must describe the facts upon which the unlawful discrimination, harassment or retaliation is alleged, and the employee must request a remedy.

3. External: Complaint Filed with State or Federal Agencies

Complainants are encouraged to take advantage of this County's internal complaint process so that the County can take immediate steps to address and resolve their concerns. However, nothing in this policy bars a person from filing a complaint with the California Department of Fair Employment and Housing, and/or the U.S. Equal Employment Opportunity Commission. Contact information for these agencies is available on the internet or in telephone directories.

C. Complaint Procedure

All internal complaints of unlawful discrimination, harassment and retaliation:

- Will be kept confidential to the extent possible and permitted by law;
- Will be responded to and resolved in a timely manner;

- Will be investigated by qualified personnel in a timely and impartial manner; and
- Will be documented and tracked for reasonable progress.

When the County receives allegations of unlawful discrimination, harassment or retaliation, a fair, timely, impartial, and thorough investigation, commensurate with the circumstances is to be undertaken at the appropriate level of supervision. The goal of the investigation is to provide all parties appropriate due process and reach reasonable conclusions based on the evidence collected. As mentioned above, the investigation is to remain confidential to the extent possible and permitted by law, however, complete confidentiality may not always be possible because there are circumstances in which it may be necessary to speak with others about the complaint or investigation (for example, a witness identified by the Complainant).

D. Applicants for Employment

This policy and procedure also applies to complaints of unlawful discrimination, harassment and retaliation filed by applicants for employment. Applicants for employment should direct complaints of unlawful discrimination, harassment and retaliation to the Director of Human Resources.

E. Contractors

This policy and procedure also applies to complaints of unlawful discrimination, harassment and retaliation filed by contractors. A contractor may file an oral or written complaint of unlawful discrimination, harassment and retaliation with the County Equal Employment Opportunity Officer, or the federal or state agencies identified above.

VII. RETALIATION

Unlawful retaliation is prohibited by this policy. If you believe someone has violated this policy against unlawful retaliation, please notify your supervisor, manager, department head, or the County's Equal Employment Opportunity Officer.

VIII. CORRECTION

Appropriate remedial measures for a violation of this policy may be taken following investigation and resolution of the complaint. The department head is responsible for selecting an appropriate level of discipline for employees within his/her department.

This Administrative Bulletin supersedes Administration Bulletin 429.3.



David Twa
County Administrator

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Contra Costa County



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Unlawful Discrimination, Harassment and Retaliation Complaint Form

Complainant: _____

Job Title: _____ Department: _____

Email Address: _____ Supervisor's Name: _____

Home Address: _____

Work #: () _____ Home #: () _____ Cell #: () _____

1. On what basis do you believe you have been unlawfully discriminated/harassed against and why? *Please check only those which apply.*

- | | | |
|---|---|---|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Disability (mental and physical, including HIV and AIDS) | <input type="checkbox"/> Request for Pregnancy Disability Leave |
| <input type="checkbox"/> Sex/Gender/Gender Identity/Gender Expression | <input type="checkbox"/> Medical Condition (cancer/genetic characteristics and information) | <input type="checkbox"/> Request for Leave for an Employee's Own Serious Health Condition |
| <input type="checkbox"/> Age (40 and over) | <input type="checkbox"/> Military/Veteran Status | <input type="checkbox"/> Retaliation for Reporting Patient Abuse in Tax Supported Hospitals |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Union Activity | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> Religion/Religious Activity | <input type="checkbox"/> Political Activity | |
| <input type="checkbox"/> National Origin/Ancestry (including language use restrictions) | <input type="checkbox"/> Request for Family Care Leave | |
| <input type="checkbox"/> Marital Status | | |

2. Briefly explain why you believe the box or boxes above apply to your situation:

7. If you are a County employee:

a. Have you filed a Grievance/Merit Board Complaint regarding this matter? Yes No

b. Date Grievance/Merit Board Complaint was filed. _____
(If Applicable)

c. Are you being represented by a labor organization? Yes No

d. Name of representative _____ Organization _____

8. All complainants:

a. Do you have an attorney? Yes No

If so, please provide name, address, and telephone number: _____
Name

_____ Address _____ Phone

b. Have you filed a complaint on this matter with any other agency? If so, please specify:

Equal Employment Opportunity Commission _____ Date complaint filed _____

Department of Fair Employment and Housing _____ Date complaint filed _____

Other _____ Date complaint filed _____

My signature hereby authorizes the Equal Employment Opportunity Access Office to gather all essential information in the investigation of my complaint, and, if necessary, to share this information with other parties involved in the resolution of this complaint.

Signature of Complainant

Date

Please complete and return to:

**Antoine Wilson
Equal Employment Opportunity Officer
2530 Arnold Drive, #140
Martinez, California 94553-1229
(925)-335-1455 (Office)
(925) 335-1421 (Fax)
antoine.wilson@riskm.cccounty.us**