

San Mateo County

EEO Policy

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Board of Supervisors' Commitment to Equal Employment Opportunity

The Board of Supervisors of the County of San Mateo takes this opportunity to express its philosophy that an essential component of excellence in County government is the diversity of its community. As a result of our long-standing commitment to equal employment opportunity, San Mateo County has become a model of diversity among public sector entities.

We recognize, welcome, and appreciate our workforce. This diversity allows us to respond to the needs of our customers in a more effective and culturally sensitive manner and provides a reflection of the community we serve.

Through adoption and dissemination of this policy to employees, the Board of Supervisors commits the County and all employees to a diverse, results-oriented, equal employment opportunity environment aimed at a balanced workforce free of illegal discrimination and harassment.

**Board of Supervisors,
County of San Mateo**

I. Language Diversity

While the County recognizes English as the primary language of the workplace and encourages its mastery, it also acknowledges the fact that other languages are both necessary and welcome in providing the best service possible to the residents of our County. For employees for whom English is a second language, the County affirms the right to speak another language freely without threat of discrimination or reprisal. It is important, however, that the right to speak a language other than English is not used as a tool to exclude or demean co-workers.

II. Discrimination

The Board of Supervisors hereby restates its commitment to ensuring that no employee or applicant shall be discriminated against based on sex, pregnancy, childbirth or related medical conditions, race, veteran status, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age (40 and above), gender (including gender identity and gender expression), sexual orientation, use of family medical leave, genetic testing, or any other basis protected by federal or state law. This policy shall apply to all employment practices.

The County will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of the County's Equal Employment Opportunity Plan, and through its review and evaluation of hiring and promotional policies and procedures.

It is the policy of the Board of Supervisors that equal employment opportunity is consistent with the basic merit system principle that all persons be afforded equal access to positions in public service based on their ability to do the job. Hiring will be made solely on the basis of job-related criteria, and all employment decisions will be made on the basis of merit, in conformity with these principles of equal opportunity.

The County considers violation of this policy, on the basis of any of these categories, to constitute misconduct that undermines the integrity of the employment relationship. Corrective action up to and including dismissal shall be taken against individuals who violate any provision of this policy.

III. Harassment

It is the policy of San Mateo County to maintain an environment free from illegal harassment in the workplace. The County will not tolerate any action that illegally harasses, disrupts, or interferes with another's work performance; or creates an intimidating, offensive, or hostile work environment. San Mateo County encourages its employees and contractors to respect the differences of others. All are expected to act in a responsible, professional manner and to contribute to a productive work environment that is free from harassing or disruptive activity. All can expect to work in an environment free from harassing behaviors.

This policy unequivocally extends to all forms of harassment based on the criteria set forth in 'Section II. Discrimination'. The County considers harassment on the basis of any of these categories to constitute misconduct that undermines the integrity of the employment relationship. Protection against harassment covers all employees, applicants and independent contractors (as defined by the California Fair Employment and Housing Act). Corrective action, up to and including dismissal, shall be taken against individuals who violate this policy.

Harassment is severe or pervasive conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment based on any EEO-protected categories.

Harassing behavior includes, but is not limited to:

- Verbal conduct, such as epithets, derogatory or insulting comments, taunting, heckling, slurs, jokes, stories, disparaging terms, or unwanted sexual advances or comments;
- Physical conduct, such as impeding or blocking movement, gestures, physical interference with normal work movement, unwelcome touching, or assault;
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or other writings, e-mail, cartoons, graffiti, drawings, or gestures; or
- Nonverbal conduct, such as staring, leering, winks, or other gestures

In addition to the above, sexual harassment shall include unwelcome, unwanted, sexual advances or overtures, requests for sexual favors, and other verbal, physical or body language of a sexual nature. The actions above will be considered sexual harassment when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

IV. Retaliation

Retaliation is defined as unlawful punishment of an employee because that employee reported unlawful discriminatory conduct, or participated in an investigation of discrimination. The most obvious types of retaliation are denial of promotion, refusal to hire, denial of job benefits, demotion, suspension and discharge. Other types of retaliation may include threats, reprimands, negative evaluations, or harassment. The source of retaliation may be from a manager or supervisor toward an employee, or from one employee or group of employees toward another employee.

The Board recognizes that the ability to communicate, report, and oppose illegal activity is the single most effective tool employees and applicants have to prevent and stop such activity. If retaliation for reporting or opposing illegal activity were permitted to continue without remedy it would have a chilling effect upon employees and applicants who speak out against, or oppose, such activity.

The County does not tolerate any acts of retaliation. County employees are forbidden to retaliate against the efforts of any employee or applicant in reporting any violation of this Equal Employment Opportunity Policy. Corrective action, up to and including dismissal, shall be taken against individuals in violation of any provision of this policy.

V. Reasonable Accommodations

The Americans with Disabilities Act (ADA) and California's Fair Employment and Housing Act (FEHA) prohibit employment discrimination on the basis of a disability. It is the policy of the County that no qualified applicant or employee with a disability shall be excluded from participation, be denied the benefits, or be subjected to discrimination because of their disability. The County is committed to provide reasonable accommodations to qualified individuals with disabilities if it does not result in an undue hardship on the operations of the County. The Disabilities Unit Manager, in the Human Resources Department, can assist applicants, employees and departments in providing accommodations by contacting (650) 363-4738.

VI. Employee Responsibilities

All County employees (including but not limited to managers and supervisors) have the responsibility to:

- Understand and abide by the County's Equal Employment Opportunity Policy, and comply with its terms.
- Respect the differences of others.
- Contribute to a harassment-free environment by acting and behaving in an appropriate manner.
- Immediately report any violations of this policy that they personally observe, or have knowledge of.
- Cooperate completely in any investigation of violations of this policy.

VII. Manager and Supervisor Responsibilities

All Managers and Supervisors have additional responsibility to:

- Be proactive and foster a work environment free of discrimination and harassment.
- Eliminate personal biases from employment decisions and practices.
- Ensure employment, performance or conduct decisions and practices are based on a consistent set of criteria that is applied equally to all employees and not based on non-job-related factors.
- Ensure that tradition and stereotypes do not create a "glass ceiling" to advancement of persons historically excluded from middle and upper management positions.
- Set a positive example.
- Keep consistent documentation on all employees.
- Take each complaint concerning violations of this policy seriously. Failure to report an incident of harassing or discriminatory conduct is itself a violation of this policy.
- Ensure that all employees are aware of this policy and the procedures for communicating a complaint.
- Conduct complete and thorough investigations when appropriate or cooperate with HR/ EEO Division as needed.
- Take corrective action whenever an investigation results in a finding that this policy has been violated.
- Make a referral to the County's Employee Assistance Program where appropriate.
- Prohibit retaliation against an employee or applicant who has complained of a violation of this policy, or who has participated in an investigation of complaints.
- Maintain a record of both informal and formal complaints and resolutions.
- Respect confidentiality to the greatest extent possible by only sharing information regarding complaints and investigations with those who have a "need to know."

VIII. Complaint Resolution Procedures

1. County Complaint Procedures

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then he or she is encouraged to pursue resolution at a higher level. The most important consideration should be resolution of the issue in a prompt and fair manner.

San Mateo County recognizes four (4) internal reporting procedures:

(A) Resolution within the Department

An employee can discuss the complaint/issue and seek a remedy with his/her immediate supervisor. If the complaint/issue is not resolved, or the behavior of the employee's supervisor is an issue, the employee is encouraged to pursue resolution through discussion with the next higher-level manager up to the Department Director.

(B) Filing an Internal Complaint

Any employee or applicant ("Complainant") may file a complaint with the County's Equal Employment Opportunity Manager in the Human Resources Department:

EEO Manager

HRD 121

455 County Center, 5th Floor

Redwood City, California, 94063-1663

(650) 363-4340

To be timely, a Complainant must submit or report his or her complaint no later than one year after the alleged discriminatory act/ violation took place or the Complainant should have first become aware of the alleged discriminatory act/ violation.

The EEO Manager, or designee, shall take all timely complaints seriously and investigate with due diligence. Confidentiality shall be maintained at all times to the greatest extent possible, recognizing the rights of the complainant, the accused, and all third party witnesses.

No Complainant shall be subjected to intimidation, coercion, or retaliation of any kind as a result of filing a complaint pursuant to this policy or as a result of being a witness in an investigation.

(C) Filing a Grievance

Employees covered by a Memorandum of Understanding (MOU) have the right to file a grievance for violation of a provision contained in that MOU. Each MOU prescribes timeframes within which grievances must be filed to be considered timely and outlines the process. The grievance must state the provision of the MOU that is alleged to have been violated.

(D) Filing an Appeal

An employee or applicant can file for a hearing with the Civil Service Commission on items covered by the Civil Service Rules by submitting a written petition to the Human Resources Department Director identifying the section of the Civil Service Rules that is alleged to have been violated. If an employee files an appeal with the Commission on a specific item he/she is precluded from also filing a grievance or an internal County administrative discrimination complaint on that item.

2. External Agencies

In addition to the above, or in place of the above procedure, employees and applicants have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below:

California Department of Fair Employment and Housing

Bay Area Regional Office

39141 Civic Center Drive, Suite 250

Fremont, CA 94538

(800) 884-1684

www.dfeh.ca.gov

State Headquarters

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

(800) 884-1684 or (916) 478-7251

www.dfeh.ca.gov

United States Equal Employment Opportunity Commission

450 Golden Gate Avenue

5 West, P.O. Box 36025

San Francisco, CA 94102-3661

(800) 669-4000

www.eeoc.gov