# Non-Discrimination
## Policy & Procedure
### County of Butte, California

Adopted by Butte County Board of Supervisors
April 24, 2001

## Objectives

- To establish a strong effective Civil Rights Policy and Procedure for Butte County in order to respond both informally and formally to all complaints.
- In the case of a complaint, to encourage all citizens and employees of Butte County to exhaust internal remedies before initiating outside actions.
- To minimize complaints by citizens and employees through preventive education, training and communication.
- To achieve early and enduring resolution of complaints
- To gain support for Civil Rights compliance.

# NON-DISCRIMINATION POLICY

## STATEMENT OF INTENT

**It is the policy of Butte County to comply with all *applicable discrimination laws*** defined here as including (but not limited to) all provisions of all current federal and state employment statutes, their implementing regulations and related case law, the Acts for Civil Rights, Equal Employment Opportunity (EEO), Americans With Disabilities Act (ADA), Age Discrimination in Employment, Equal Pay and Fair Labor Standards.

**Butte County is committed to equal employment opportunity** in *all employment facets* for all employees and applicants for employment without regard to their membership in *Protected Classes*.

***There shall be no discrimination, harassment* and *retaliation*** against any individual or group of individuals on the basis of belonging to, or being perceived as belonging to, a *Protected Class* in Butte County policies, programs, services, activities, practices, terms, privileges, benefits, conditions, facilities, buildings or grounds.

In employment and providing services to the disabled, **Butte County will make *reasonable accommodation*** as required for all employees, applicants or citizens with a *disability*, provided that the individual is otherwise *qualified* to safely perform the *essential functions* connected with the job and provided further that any accommodations made would not require *undue hardship* on the County.

**Butte County is committed to providing opportunities to address all issues relating to workplace *discrimination, harassment or retaliation***. The County recognizes that workplace issues must surface comfortably and early in order to minimize the direct and indirect costs of *discrimination, harassment or retaliation*.

## COVERAGE

This Non-Discrimination Policy and Procedure applies to all *employment facets* and covers, for the County, all employees at all on-site and off-site workplaces, elected and appointed officials, applicants for employment, employee beneficiaries, providers/vendors and individuals performing work and/or services for the County.

No individual shall be subjected to *discrimination*, *harassment* or *retaliation* during any County public service, program or activity.

## RESPONSIBILITY

All individuals performing work and/or services for the County are responsible for maintaining workplace environments free of *discrimination*, *harassment* and *retaliation*.

County elected or appointed officials, administrative officers, supervisors, managers and administrative personnel shall maintain non-*discrimination,* non-*harassment* and non-*retaliation* in County public employment, public services, public accommodations and public telecommunications. They are responsible for creating a working environment for all employees, free from harassment or discriminatory practices.

County elected or appointed officials, administrative officers, supervisors, managers and administrative personnel must consider any employee information, even if it is given in confidence, as a complaint and act accordingly.

## NON-COMPLIANCE WITH POLICY

Immediate disciplinary action shall be taken against any individual determined to be in violation of this policy, up to and including termination.

## CIVIL RIGHTS COMPLIANCE OFFICER

The Civil Rights Compliance Officer for Non-Discrimination and Americans with Disabilities Act (ADA) Coordinator (*Civil Rights Compliance Officer*) is appointed by the County Board of Supervisors and has full authority and responsibility for:

1. receiving and investigating complaints (of discrimination, harassment or retaliation
2. resolving workplace issues through early resolution strategies with all affected personnel
3. ordering remedies to address discriminatory, harassing or retaliatory conduct or practices
4. processing of requests for ADA *reasonable accommodation;*
5. providing training and education in non-discrimination, non-harassment and non-retaliation for County employees and elected or appointed officials;
6. reporting to the County Board of Supervisors and Administration on progress, issues and needs related to *applicable discrimination law*;
7. and providing, in general, a workplace and public services that are *discrimination-free, harassment-free and retaliation*-free.

The Civil Rights Compliance Officer may designate an individual(s) to carry out these responsibilities, and may seek the assistance of the County Administrative Office.

# NON-DISCRIMINATION PROCEDURE

## COMPLAINT PROCEDURE

The County encourages all employees, whenever possible, to:

1. communicate directly with anyone whose conduct is perceived to be *discriminatory, harassing* or *retaliatory*
2. bring forth potential workplace issues early in order to prevent damaging and costly *discrimination, harassment* and *retaliation*.

An employee may choose to address a *discrimination, harassment* or *retaliation* complaint with a Department Head or directly with the Department of Human Resources.

*Optional Department* Level Any Department Head, when approached by an employee with a complaint, is required to report the complaint to the *Civil Rights Compliance Officer* (or designee). The Department Head shall consult with the *Civil Rights Compliance Officer* (or designee) to develop a plan for proceeding with an investigation and addressing the issues comprehensively.

*Civil Rights Compliance Officer* Level:

3. If for any reason, the complainant is uncomfortable or unsuccessful with attempts at individual resolution or department-level resolution, the complainant should bring their complaint forward to the Civil Rights Compliance Officer or designee.

4. Upon receiving a discrimination, harassment or retaliation complaint, the Civil Rights Compliance Officer or designee shall:
    a. receive the complaint
    b. conduct an investigation promptly
    c. when appropriate, develop a plan to address the issues
    d. when illegal or inappropriate behavior has been “found,” order remedies to end it
    e. work with departmental management, the complainant(s) and the respondent(s) to implement the plan and/or remedies.

## ADA REASONABLE ACCOMMODATION

The County is committed to ensuring compliance with the Americans with Disabilities Act.

Any employee or citizen may seek *reasonable accommodation* on behalf of self or others by completing a request for ADA accommodation through the office of the Civil Rights Compliance Officer where, if needed, assistance in completing the request is available.

The *Civil Rights Compliance Officer* (or designee) shall determine *qualification* under the ADA and if *reasonable accommodation* exists relative to the request. If the request is approved, the *Civil Rights Compliance Officer* (or designee) shall work with the individual party(s) and the department to implement *reasonable accommodation.*

The County is not responsible for providing reasonable accommodation for applicants, employees or citizens determined not to be *qualified*.

## CONFIDENTIALITY

Privacy of the complainant, respondent, witnesses and all others involved in *discrimination, harassment* or *retaliation* allegations shall be respected and protected to the extent possible. The complainant, respondent, facilitators, investigators, interviewees, witnesses and all others involved in a *discrimination, harassment* or *retaliation* investigation shall treat the matter as **confidential**. Although the County cannot guarantee confidentiality, the County shall protect information and only share information with those appropriately involved in the resolution of the complaint—or share as ordered by a court of law.

## RETALIATION

**Retaliation in any way is prohibited** against an individual who has brought forward a complaint; who has participated as a witness in an *discrimination*/*harassment* investigation, proceeding or hearing; or who has exercised their legal rights or testified in a legal hearing.

No County elected or appointed officials, administrative officers, supervisors, managers, administrative personnel or any other employee shall intimidate, threaten or block another employee's attempts to bring forward a complaint or participate in a complaint process.

Supervisors, managers, Department Heads and elected Officials are responsible for ensuring that County work environments are free from retaliation.

Complaints of *retaliation* shall be addressed in the same manner as all other complaints of *discrimination, harassment or retaliation*.

## ADA DEFINITIONS

1. Disability

   a *physical or mental impairment* that *substantially limits* one or more of the *major life activities*, has a record of such impairment or is regarded as having such impairment.

2. Physical or Mental Impairment

   includes vision, speech and hearing impairments; emotional disturbances and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor *disabilities*; and learning *disabilities*. Certain health conditions are covered, including cancer, HIV infections and actively recovering alcohol and/or drug addictions. Specific conditions excluded from ADA coverage are: transvestitism; illegal drug use; compulsive behaviors such as gambling, pyromania, pedophilia, exhibitionism and kleptomania; and alcohol intoxication and use of illegal drugs at the workplace.

3. Limiting

   evaluated for each situation: the nature and severity of impairment; the duration of the impairment; and whether the impairment is permanent or long term. The existence of impairment is to be determined without mitigating measures, such as medications or devices (hearing aids, etc.). A minor, non-chronic condition of short duration—such as a sprain, strain, broken limb, illness, etc.—generally would not be considered limiting.

4. Major Life Activities

   include caring for one's self, performing manual tasks, breathing, walking, seeing, hearing, speaking, learning and working.

5. Essential Functions

   fundamental job duties that are required to be performed to complete the tasks assigned to the position and do not include the marginal functions of the job. Whether a particular function is essential is a factual determination that must be made on a position-by-position basis.

6. Qualified (Individual with a Disability)

   an individual with a *disability* who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who, with or without *reasonable accommodation*, can perform the *essential functions* of that position.

7. Undue Hardship

   any accommodation that would be unduly costly, extensive, substantial, disruptive or that would fundamentally alter the nature or operation of the County or one of its departments.

ACKNOWLEDGEMENT OF REVIEW
BY EMPLOYEE AND SUPERVISOR

I have received and read a copy of the Butte County Non Discrimination Policy, dated April 24, 2001, and understand that all individuals performing work and/or services for the County are responsible for maintaining a workplace environment free of discrimination, harassment and retaliation.

| | |
|---|---|
| Employee's Name (Print) | Employee's Signature |
| Department | Date |

The above employee has acknowledged that they have received and read the foregoing policy.

| | |
|---|---|
| Supervisor's Name (Print) | Supervisor's Signature |
| Date | |

***DEPARTMENT PROCESSING INSTRUCTIONS***

***Please provide a copy of this policy to each employee. After they have read the policy, please have them sign this form. We ask that each Department return the signed forms to the Human Resource Department for inclusion in the employee's personnel file.***