



County of Monterey

Board Report

Legistar File Number: 23-281

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

April 18, 2023

Introduced: 4/3/2023

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Review, approve, and adopt the following proposed revised policies: Nondiscrimination Policy, Language Access and Effective Communication Policy, and Sexual Harassment Policy.

RECOMMENDATION:

It is recommended that the Board of Supervisors review, approve, and adopt the three proposed revised policies: Nondiscrimination Policy, Language Access and Effective Communication Policy, and Sexual Harassment Policy.

SUMMARY/DISCUSSION:

The Civil Rights Office recommends that the Board of Supervisors review, approve, and adopt the recommended revised Nondiscrimination Policy, Sexual Harassment Policy, and Language Access and Effective Communication Policy. These policies are up for revision based on the approved revision date found in the current Board Policy Manual.

All three policies were made available for a one-week employee comment and feedback window to allow County of Monterey employees to participate in shaping equitable and reasonable policies. Although the number of respondents was minimal in comparison to the workforce, the feedback received was valuable. The Civil Rights Office was not able to adopt all suggestions that were made; however, many of the proposed changes were integrated into the proposed revised policies presented here. The Civil Rights Office aspires to integrate employee feedback in this way for policy revisions in the future.

Additionally, the Civil Rights Office adopted gender-neutral language throughout all three of the presented policies.

Nondiscrimination Policy

The County's Nondiscrimination Policy was last updated in 2018. The policy was reviewed for legal compliance and the proposed Nondiscrimination Policy includes minor changes for clarity, some of which were highlighted during the comment and feedback window. This includes updated names of agencies, such as updating the name for the Department of Fair Employment and Housing to the recently adopted name of Civil Rights Department.

Sexual Harassment Policy

The County's Sexual Harassment Policy was last updated in 2018. The proposed Sexual Harassment Policy includes minor proposed changes for clarity, some of which were highlighted during the comment and feedback window.

Language Access and Effective Communication Policy

The County's Language Access and Effective Communication Policy was last updated in 2018. The proposed Language Access and Effective Communication Policy includes changes to ensure services are equitable and accessible for all County residents, no matter their need or requests for translation and interpretation services. Additionally, the proposed policy includes an update to encourage departments to direct resources to these services.

One term that has remained the same despite feedback received during the comment and feedback window is "Limited English Proficiency" to describe people who may need to access translation and interpretation services. However, the decision to keep this term ultimately fell on the rationale that this is the legal term used by the Federal government and in relevant data collected.

In addition to minor changes for clarity and updated demographic data, the proposed updates contain four substantive changes outlined below.

Significant Change No. 1: Updated Background: The previous version of the policy used data from the 2010 Census to establish which languages met the criteria to be considered a "threshold language." A threshold language is a language that 5% or more of the population speaks. However, the 2020 Census is not as specific as the 2010 Census and could not provide the same level of detail to be able to determine which languages qualify as threshold languages for Monterey County. Alternatively, the Civil Rights Office used data from the 2021 American Community Survey to establish Spanish as the only language that qualifies as a threshold language.

Significant Change No. 2: Updated Definitions: In replacement of American Sign Language, the change was made to "preferred sign language" to acknowledge that American Sign Language is a single dialect of sign language and may not be suitable for all individuals. The Civil Rights Office recommends this change since there is such a high population of speakers of languages other than English in the County and American Sign Language is not going to be an appropriate interpretation language for a person who is hard of hearing but has learned sign language in a different country.

Significant Change No. 3: Updated Procedure: Addition of the prohibition of the use of minors as interpreters or translators. This is consistent with findings from research throughout California as a way to protect minors from shouldering the burden of understanding and communicating complicated or possibly traumatic information. However, it is noted that minors can facilitate spontaneous and informal communication. The Civil Rights Office recognizes that during the comment and feedback window, we received input that prohibiting minors as interpreters could be disruptive for families and add a delay in services, but it is in the best interest of the minors to recommend the addition to the policy and minors could still help with spontaneous and informal communication.

Significant Change No. 4: The aim is for departments to budget resources to provide appropriate services when needed. With these proposed changes, the Language Access and Effective Communication Policy will ensure that County services are accessible to all residents, regardless of their language preferences.

OTHER AGENCY INVOLVEMENT:

The Civil Rights Office researched other policies throughout California to ensure that the proposed policies are up to date with state-wide standards, including the Civil Rights Department and cities and

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other counties throughout the state. The Civil Rights Office consulted with the County Counsel's Office. Additionally, the three revised policies were presented to County of Monterey employees in a week-long comment and feedback window.

FINANCING:

Approval of this recommendation will not impact the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The proposed policy revisions will help constituents who receive County services, County employees, and those applying for employment understand the County's process and procedure in regard to Nondiscrimination, Sexual Harassment, and Language Access and Effective Communication policies to build safer communities where everyone can thrive.

Mark a check to the related Board of Supervisors Strategic Initiatives:

- X__ Economic Development
- X Administration
- X__ Health & Human Services
- X__ Infrastructure
- X__ Public Safety

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Attachments:

- Attachment A - 2023 Proposed Revised Nondiscrimination Policy
- Attachment B - 2023 Proposed Revised Nondiscrimination Policy (Redlined)
- Attachment C - 2018 Nondiscrimination Policy
- Attachment D - 2023 Proposed Revised Sexual Harassment Policy
- Attachment E - 2023 Proposed Revised Sexual Harassment Policy (Redlined)
- Attachment F - 2018 Sexual Harassment Policy
- Attachment G - 2023 Proposed Revised Language Access and Effective Communication Policy
- Attachment H - 2023 Proposed Revised Language Access and Effective Communication Policy (Redlined)
- Attachment I - 2018 Language Access and Effective Communication Policy

(Attachments on file with the Clerk of the Board)