

**EQUAL OPPORTUNITY PLAN  
FOR  
COUNTY OF MONTEREY**



JANUARY 1, 2012 THROUGH DECEMBER 31, 2014

**Draft**

**PART I: EQUAL OPPORTUNITY PLAN FOR MINORITIES AND WOMEN**

**PART II: EQUAL OPPORTUNITY PLAN FOR COVERED VETERANS  
AND PERSONS WITH DISABILITIES**

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## EXECUTIVE SUMMARY

The County of Monterey (County) is an Equal Employment Opportunity Employer and is committed to provide equal employment and promotional opportunities to all County employees and applicants for employment. The County of Monterey believes in treating all people with respect and dignity. We strive to foster a supportive working environment that celebrates the diverse county in which we live. The purpose of the Equal Opportunity Plan (EOP) is to commit the County to a program that makes equal employment opportunity a reality for all County employees and qualified job applicants.

The EOP provides the framework for the County policy of equal employment opportunity. The EOP is a coordinated program of policies, practices, procedures, and initiatives to ensure equal employment opportunity principles are ingrained in the County's recruitment, retention, selection, and advancement practices, as well as into all other aspects of the County's employment environment. These practices are applied without regard to race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical conditions (cancer-related or genetic characteristics), genetic information, ancestry, marital status, age (40 or older), sexual orientation, veterans, service in the military or any other characteristic protected by state and federal law.

The County, as a federal contractor, is required by Executive Order 11246, as amended, and its implementing regulations, found at 41CFR, Part 60-2, to implement an annual plan. The Equal Opportunity Office has developed the ~~2011-2013~~<sup>2012 - 2014</sup> EOP in conformance with the requirements and intentions of these governing authorities, as well as Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974, Section 4212 and Section 503 of the Rehabilitation Act of 1973 as amended. The purpose of the ~~2011-2013~~<sup>2012 - 2014</sup> Plan is to promulgate employment policies and practices regarding nondiscrimination and to promote affirmative action for minorities, women, individuals with disabilities and covered veterans. Because the County has \$50,000 or more in annual contracts with the federal government and employs 50 or more employees, we are required to prepare annual written EOP's for minorities and women, for covered veterans, and for persons with disabilities for the County-wide and for each County department. Failure to comply with these laws and their implementing regulations, which are enforced by the Office of Federal Contract Compliance Programs (OFCCP), can result in debarment of the County from future contracts and subcontracts.

In compliance with Title VII of the Civil Rights Act, the County has developed this EOP in accordance with and in reliance upon the EEOC's Guidelines on Affirmative Action, Title 29 Code of Federal Regulations, Part 1608.

The Plan presents a utilization analysis comparing the representation of minorities and women in the County workforce (excluding Department Heads, & Appointed Elected Officials) with their estimated labor market availability. Analyses of applicant flow, hires, promotions, and terminations were conducted by job group to determine if there were any selection disparities in personnel activity for women, minorities and/or individual ethnic minority categories through examination of transaction data that occurred during the period of January 1, 2012 through December 31, 2014<sup>42</sup>. (New Date Range)

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Annual placement goals have been established and additional objectives of the Plan to ensure equal employment opportunity are stated in the plan. The County has a firm commitment to attract a broad and diverse pool of qualified applicants, including minorities and women, to the County's workforce. In addition, the Equal Opportunity Office has reviewed employment policies to assure that non-discrimination and equal opportunity obligations are being met.

Part II addresses the County's equal opportunity plan for individuals with disabilities and covered veterans.

During the upcoming year, the Equal Opportunity Office will work closely with the County Administrative Officer and the Director of Human Resources to provide ongoing evaluation of the County's employment practices and policies that support the goals of the plan.

The Plan is available for review in the Equal Opportunity Office. The Plan is also located on the Equal Opportunity Office website at <http://www.co.monterey.ca.us/eqopp/equal-opp-plan>.

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## INTRODUCTION

### STATEMENT OF PURPOSE FOR PARTS I AND II

This EOP has been designed to bring qualified women, members of minority groups, covered veterans, and persons with disabilities into all levels and segments of the County's workforce in proportion to their representation in the qualified relevant labor market.

The EOP, therefore, is a detailed, results-oriented set of procedures which, when carried out, results in full compliance with equal employment opportunity requirements through the equal treatment of all people.

The manner in which this is to be accomplished becomes technical and somewhat complicated. There are several reasons for this. First, the County is subject to and must address a variety of State and Federal laws and guidelines dealing with equal employment opportunity and affirmative action. These guidelines and requirements are in themselves somewhat technical and complex. In addition, relevant court decisions, which are often useful in interpreting, but sometimes conflicting with these requirements and guidelines, must be taken into account when developing and implementing the EOP. Furthermore, in determining the County's current equal employment opportunity and affirmative action position and its desired future achievements, numbers, percentages, statistics, and numerous calculations and computations must come into play.

The technical, legal, and mathematical aspects of the Equal Opportunity Plan all have one common purpose: to allow us to properly identify three key concepts:

1. Where we stand now;
2. Where we must go; and
3. How best to get there.

These three concepts are the Equal Opportunity Plan.

### MONTEREY COUNTY VALUES

We are committed to assuring honesty and integrity in all County actions.  
We are committed to providing top quality customer service.  
We are committed to practicing continuing innovation.  
We are committed to treating our fellow employees, customers  
and residents with respect and courtesy at all time.

### MISSION STATEMENT

"The Mission of Monterey County is to Excel at providing Quality Services  
for the benefit of all Monterey County residents while developing,  
maintaining, and enhancing the resources of the region."

## REPORTING PERIOD

This EOP is designed to cover the following reporting period: January 1, 2012 through December 31, 2014. (New Date Range)

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## APPLICABLE AFFIRMATIVE ACTION LAWS AND REGULATIONS

The County's EOP for minorities and women (Part I) has been prepared according to Executive Order No. 11246, as amended, and Title 41, Code of Federal Regulations, Part 60-1 (Equal Employment Opportunity Duties of Government Contractors), Part 60-2 (Affirmative Action Programs of Government Non-Construction Contractors; also known as "Revised Order No. 4"), and Part 60-20 (Sex Discrimination Guidelines for Government Contractors).

The County has developed separately an Equal Opportunity Plan for covered veterans and persons with disabilities (Part II) prepared in accordance with the Rehabilitation Act of 1973, Section 503, as amended and Title 41, Code of Federal Regulations, Part 60-741 (Affirmative Action Program for Handicapped Persons), the Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 4212, as amended, and Title 41 Code of Federal Regulations, Part 60-250 (Affirmative Action Program for Disabled Veterans and Other Veterans).

The Veterans Employment Opportunities Act of 1998 (VEOA), Public Law 105-339, effective October 31, 1998, increased the threshold for coverage under VEVRAA from a contract of \$10,000, or more to a contract of \$25,000 or more; extended the law's protections to "veterans who served on active duty during a war or in a campaign for which a campaign badge was authorized; and, provides temporary (up to one year) protection to veterans who do not have a service connected disability, did not see action in a foreign war and did not serve during the Vietnam era.

The Jobs for Veterans Act (JFVA), Public Law 107-288, effective December 1, 2003, increased the threshold for coverage under 38 U.S.C. §4212 from \$25,000 to \$100,000; grants VEVRAA protection to those veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (62 Fed. Reg. 1209); changes the definition of "recently separated veteran" to include "any veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty"; changes "Special Disabled Veterans" to "Disabled Veterans," expanding the coverage to conform to 38 U.S.C. § 4211 (3); and, following publication of the final regulations, requires contractors to post job listings with their local employment service delivery system.

## PROTECTED GROUPS

Coverage under affirmative action laws and regulations applies to:

Women and minorities who are recognized as belonging to or identifying with the following race or ethnic groups: Blacks/African Americans, Hispanics/Latinos, Asians/Pacific Islanders, and Native Americans (American Indians/Alaskan Natives).

Disabled veterans: veterans entitled to compensation for a disability rated at 30 percent or more, or rated at 10 or 20 percent in the case of a veteran who has been determined under section 3106 of Title 38 to have a serious employment disability, or a person who was discharged or released from active duty because of a service-connected disability.

Recently separated veterans: any veteran currently within three-year of discharge or release from active duty.

Veterans who received an "Armed Forces Medal."

An individual with a disability: a person who has a physical or mental impairment that limits one or more of his/her major life activities; (2) has a record of such impairment, or (3) is regarded as having such impairment.

# Draft

**EQUAL OPPORTUNITY PLAN  
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**PART I: EQUAL OPPORTUNITY PLAN FOR MINORITIES AND WOMEN**

**JANUARY 1, 2012 THROUGH DECEMBER 31, 2014**

## PART I

### EQUAL OPPORTUNITY PLAN FOR MINORITIES AND WOMEN

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<b>CHAPTER 4:</b>	Comparing Incumbency to Availability and Placement of Goals 41 C.F.R. § 60-2.15, 41 C.F.R. § 60-2.16

#### ADDITIONAL REQUIRED ELEMENTS OF EQUAL OPPORTUNITY PROGRAMS

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## PART I: EOP FOR MINORITIES AND WOMEN

### CHAPTER 1: ORGANIZATIONAL PROFILE

41 C.F.R. § 60-2.11

The Organizational Profile is a detailed chart of the County's organizational structure. For each County department, the profile includes the following:

- The name of the department (and divisions, if applicable,) and the job title, race and gender of the unit supervisor.
- The total number of male and female incumbents and the total number of male and female incumbents in each of the following groups: African Americans (AA), Asians (A) ~~or~~ Pacific Islanders (PI), Native Americans (American Indians ~~AI~~ or Alaskan Natives ~~AN~~), Hispanics (H), and White (W) other than Hispanics.

See Exhibit 1

#### **Workforce Analysis**

The County conducted a workforce analysis to identify employees by gender and race/ethnicity in each job title. The data was collected from payroll records dated ~~JANUARD~~ December ~~Y~~ 2012.

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Job titles are listed by organizational unit. Job titles are listed from lowest to highest paid. The list includes all job titles, including departmental supervision, exempt, and nonexempt titles. For each job title, the lower threshold of the salary range is provided.

For each job title, the County identified the total number of employees, the number of male and female employees, the total number of minority employees, the male and female minority employees, the total number of White, African American, Hispanic, Asian ~~or~~ Pacific Islander, Native Americans (American Indian or Alaskan Native) employees, and the male and female employees within each of these race/ethnic groups.

The County carefully analyzed the workforce analysis to identify apparent underutilization such as concentrations or segregation of minorities or women by organizational unit, job, or pay. Underutilization if any, are identified in Chapter 6: Identification of Problem Areas; programs to correct underutilization are identified in Chapter 7: Action-Oriented Programs.

See Exhibit 2

#### **Lines of Progression**

There are no formal lines of progression in this Plan. To the extent that there is a usual promotional sequence, it is taken into account in establishing feeder Job Groups in the Availability Analysis. A feeder Job Group is one from which an employee could be promoted, transferred, or trained into another job group being analyzed for internal availability data.

**CHAPTER 2: JOB GROUP ANALYSIS AND  
PLACEMENT OF INCUMBENTS IN JOB GROUPS**  
**41 C.F.R. § 60-2.12, 41 C.F.R. § 60-2.13**

The workforce analysis was conducted individually for every job title, after it was completed, job titles were grouped for the comparison of incumbency to availability and for setting goals. There are three reasons for grouping job titles: (1) similar wages, (2) similar job duties and responsibilities; and (3) similar opportunities for training, promotion, transfer and other employment benefits. This is the most critical guideline in creating job groups. Above all, the job titles placed into a job group must be more similar or related to each other than the job titles in other job groups.

Many job titles are so similar in job function that handling them individually in the EOP is not necessary. Grouping together these very similar titles is appropriate for the comparison of incumbency to availability. For many job titles, the availability data that can be collected is limited, and the same data must be used for several related jobs. Therefore, grouping these related titles together is logical. Also, many job titles have so few incumbents in them that identifying disparities between incumbency and availability by job title is meaningless—as underutilization would be identified in terms of fractions of people. By grouping several similar titles and increasing the number of employees involved, a meaningful comparison can be conducted; any identified underutilizations are more likely to be described in terms of whole people. Consequently, goals established to correct underutilization are also more likely to be in terms of whole people.

Job groups must have enough incumbents to permit meaningful comparisons of incumbency to availability and goal setting. Ideally, if a job group is identified as containing underutilization, it should be large enough that a goal of at least one whole person can be established. No minimum size has been established for this purpose, however, since it is dependent not only on the size of the job group, but also on the size of the availability percentage and the number of minorities or women already employed in the job group.

The County did not combine job titles with different content, wages, or opportunities if doing so would have obscured underutilization (e.g., job groups which combine jobs in which minorities or women are concentrated with jobs in which they are underrepresented).

Exhibit 3 includes the job group analysis summary followed by the job group analysis.

## CHAPTER 3: DETERMINING AVAILABILITY

41 C.F.R. § 60-2.14

"Availability" is an estimate of the proportion of each gender and race/ethnic group available and qualified for employment at the County for a given job group in the relevant labor market during the life of the EOP. Availability indicates the approximate level at which each gender and race/ethnic group could reasonably be expected to be represented in a job group if the County's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, attainable goals, and increases in employment for underrepresented groups depend on competent and accurate availability analyses. With valid availability data, we can compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis), identify areas of underutilization to establish goals to achieve parity.

### Steps in Comparison of Incumbency to Availability

#### Identify Availability Factors

The following availability factors are required of federal government contractors for consideration when developing availability estimates for each job group:

1. External Factor: The external requisite skills data comes from the 2010 Census of Population.
  - a. Local labor area: County of Monterey, California – 100%
  - b. Reasonable labor area: State of California – 100%
2. Internal Factor: The percentage of minorities or women among those promotable, transferable, and trainable within the County. See Exhibit 5 Internal Availability

Assign Internal and External Factor Weights: Weights were assigned to each factor for each job group. A combination of historical data and experience were used to determine the weights. Weights were not assigned in an effort to hide or reduce problem areas.

Identify Final Availability: Weights were multiplied by the component-specific data to produce weighted data for each component. Weighted data for each component was summed. This produced a final availability estimate for each gender and race/ethnic group, as well as for minorities in the aggregate.

Exhibit 4 includes the Final Availability Analysis for each job group.

## CHAPTER 4: COMPARING INCUMBENCY TO AVAILABILITY AND PLACEMENT GOALS

**41 C.F.R. § 60-2.15, 41 C.F.R. § 60-2.16**

The County has established a percentage annual placement goal whenever it found that minority or female representation within a job group was less than would reasonably be expected given their availability. In each case, the goal was set at the availability figure derived for women and/or minorities, as appropriate for that job group. These goals take into account the availability of basically qualified persons in the relevant labor area. They also take into account anticipated employment opportunities with our organization. The County believes these goals are attainable. These goals will be reached primarily through recruiting and advertising to increase the pool of qualified minority and female applicants and through implementation of our action-oriented programs (see Chapter 7). Selections will occur only from among qualified applicants. Goals do not require the hiring of persons when there are no vacancies or the hiring of a person who is less likely to do well on the job ("less qualified") over a person more likely to do well on the job ("better qualified"), under valid selection procedures. Goals do not require that the County hire a specified number of minorities or women.

Goals are not rigid and inflexible quotas which must be met, but are instead targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire EOP work. A goal is a guideline which the County can measure progress in remedying identified underutilization in the County's workforce. By setting realistic goals, based on expected vacancies and anticipated availability of skills within the relevant labor area, and using a job-related selection system, the County should be able to meet the goals, assuming we conduct effective recruitment and advertising efforts to ensure an adequate pool of qualified minority and/or female qualified applicants from which to make selections.

In each of the 20 job groups of the County (i.e. Job Group 01 - Management II, Job Group 02 - Management I, Job Group 03 - Professionals Administration, Job Group 04 - Professional Attorneys, Job Group 05 - Human Services, Job Group 06 - Land Use, Job Group 07 - Health Administration, Job Group 08 - Health Ancillary, Job Group 09 - Health Doctors, Job Group 10 - Health Nurses, Job Group 11 - Law Enforcement II, Job Group 12 - Law Enforcement I, Job Group 13 - Paraprofessional Technicians II, Job Group 14 - Paraprofessional Technicians I, Job Group 15 - Skilled Craft II, Job Group 16 - Skilled Craft I, Job Group 17 - Office Clerical II, Job Group 18 - Office Clerical I, Job Group 19 - Service Maintenance II, Job Group 20 - Service Maintenance I) placement goals have been established and are listed in Exhibit 6.

In establishing goals, the County considered the results which could reasonably be expected from putting forth every good faith effort to make our overall EOP work. (In philosophy, the concept of good faith denotes sincere, honest intention, regardless of the outcome of an action.) We involved human resources staff ~~and~~ department heads, ~~and unit managers and supervisors~~ in the goal-setting process. Goals were not established that would exclude any gender or race/ethnic group. Once final availability estimates were made for each job group, the County compared the percentage of incumbents in each job group to their corresponding availability. A comparison was made between the percentage employed as of January 1~~December 28~~, 2012 and that group's final availability.

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Exhibit 6 includes the Comparison of Incumbency to Availability and Placement Goals reports

## CHAPTER 5: DESIGNATION OF RESPONSIBILITY

41 C.F.R. § 60-2.17(a)

As part of its efforts to ensure equal employment opportunity to all individuals, the County has designated specific responsibilities to various staff to ensure the EOP focuses on all components of the employment system.

To assure support and success of the EOP, and to meet the established objectives, the following persons have been assigned specific responsibilities:

### Board of Supervisors

The Monterey County Board of Supervisors bears the responsibility to assure that the County is in compliance with any and all federal and state laws and regulations mandating equal employment opportunity and nondiscrimination.

The Board's role includes, but is not limited to, the following:

1. Adoption of the EOP on a county-wide basis.
2. Designate the Equal Opportunity Officer the responsibility for overseeing, administering, implementing, and monitoring the County's EOP. Ensure that the Equal Opportunity Officer is identified in writing by name and job title.
3. Ensure that the Equal Opportunity Officer, who is responsible for all EOP components, is given the necessary authority and budgetary support and staffing to successfully implement the EOP.
4. In accordance with County policies, hold all County officials, elected and appointed accountable for the actions of their managers, supervisors, staff and agents.
5. Ensure that the County adheres to the stated policy of equal employment opportunity, and monitor the application of equal employment opportunity policies and their participation in and completion of mandatory equal opportunity trainings.

### Equal Opportunity Officer

The Equal Opportunity Officer is responsible for ensuring the directives of the Board of Supervisors are implemented. The Equal Opportunity Officer's duties include, but are not limited to, the following:

1. Responsible for the design and effective implementation of the EOP.
2. Update the EOP on an annual basis utilizing the County's current workforce statistics and the current census data.
3. Prepare and present a report to the Board of Supervisors on an annual basis on the EOP.

4. Develop, implement, and maintain audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will indicate the need for improvement and determine the degree to which goals and objectives have been obtained.
5. Advise management in the modification and development of County policies to ensure the enhancement of equal employment opportunity for all employees and applicants within existing equal employment opportunity guidelines.
6. Conduct periodic audits to ensure all required posters and those advertising County equal employment opportunity policies and the EOP are displayed and that County equal employment opportunity policies are being thoroughly communicated.
7. Assist in review and revision of all policies, procedures, and rules that may affect equal opportunity programs and to ensure they are not in violation of federal or state laws and regulations.
8. Ensuring that the Department's EOP is updated annually.
9. Identifying underutilization and establishing procedures, goals and objectives to achieve parity.
10. Keeping management informed of the latest developments in the equal employment opportunity area.
11. Provide guidance to Department Heads, managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact, training, and corrective action.

#### Equal Opportunity Advisory Commission

The Equal Opportunity Advisory Committee (EOAC) serves as an advisory committee to the Board of Supervisors in regards to EEO-related matters relating to equal employment opportunity and access to contracting opportunities.

The EOAC is a diverse committee comprised of representatives of protected groups, representatives appointed by the County's Board of Supervisors, and representatives of designated employee groups.

The specific duties of the EOAC include the following:

1. Review and provide recommendations on EEO programs, EEO-related trainings and activities.
2. Review County recruitment, testing, selection, and promotion procedures and recommend changes when deemed necessary.
3. Hold meetings with Department Heads, appropriate employee groups and community

groups in order to achieve full implementation of the EOP.

4. Assist with the preparation and delivery of an annual report to the Board of Supervisors in coordination with the Equal Opportunity Officer.

#### County Administrative Officer

The County Administrative Officer is responsible for achievement of the objectives established in the County's Equal Opportunity Plan and for effective implementation of the Plan on a county-wide basis as directed by the Board of Supervisors. The County Administrative Officer's duties include, but are not limited to, the following:

1. Evaluate the Equal Employment Opportunity performance of subordinate department heads.
2. Through both administrative and budgetary direction, establishes priorities for carrying out the various aspects of the EOP.
3. Appropriately manage subordinate department heads who consistently fail to comply with EOP guidelines, who fail to complete mandatory equal opportunity training, or where underutilization is demonstrated to be caused by lack of good faith efforts in hiring, recruitment or promotions.

#### Director of Human Resources

The Director of Human Resources has the principal responsibility of developing and maintaining the County's personnel system including recruitment, selection, classification, testing, and compensation programs, and for ensuring that these systems are adhered to in accordance with federal and state mandates. In addition, the Director of Human Resources is responsible for coordination and/or implementation of various County programs and policies which impact the EOP include, but not limited to, the following:

1. Develop and implement recruitment, selection, promotion, transfer, and layoff programs which address the County's Equal Opportunity needs.
2. Evaluate Recruitment and Examination methodology to ensure applied criteria is job related, defensible and free from adverse impact towards women, minorities and people with disabilities.
3. Monitor County recruitments/selection efforts to ensure compliance with the EOP.
4. Coordinate with the Equal Opportunity Officer to assure compliance with the EOP procedures and objectives.
5. Coordinate employee development programs which are designed to increase employee job skills and career opportunities within County government and ensure that employees seeking career counseling are referred to appropriate agencies.

6. In-eCollaboration with the Equal Opportunity Officer and all Human Resources staff (whether “Centralized or “Decentralized”) to assist departments in arriving at solutions to EEO/AE problems. Address adverse impact implications in the hiring process by providing training on selection process, policy, the proper use of disposition codes for applicants and consistent application of selection criteria. Monitor hiring decisions on an ad hoc basis, as appropriate.
7. Review all job descriptions and specification to ensure they are free of discriminatory provisions and artificial barriers. Ensure that all requirements are job related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
8. Provide information to the County’s Equal Opportunity Advisory Commission.
9. Provide the Equal Opportunity Officer the prior year Workforce Statistics necessary to update the Equal Opportunity Plan by September 30<sup>th</sup> of every year.

#### Department Heads

Department Heads, elected and appointed, are the “Appointing Authorities” within the County who are responsible for all personnel actions within their departments. Department Heads may delegate authority to functional unit managers or supervisors to make employment and promotion decisions, but the ultimate responsibility and authority remains with the elected or appointed Department Head. As such, Department Heads are accountable for any and all actions taken by departmental managers and supervisors and for assuring their compliance with the provisions of the EOP, and the County’s policies requiring equal employment opportunity and, nondiscrimination, including the completion of mandatory equal opportunity training, participation in equal opportunity workshops and forums. Additionally, Department Heads are responsible for:

1. Department Heads are accountable for any and all actions taken by departmental managers and supervisors and for assuring their compliance with the provisions of the EOP and the County’s policies requiring equal employment opportunity and nondiscrimination, including the completion of mandatory equal opportunity training, participation in equal opportunity workshops and forums.
- +2. Annually submit to the Equal Opportunity Office their Department’s Equal Opportunity Plan report outlining the effectiveness of their equal employment opportunity efforts. The Department must use the format disseminated by the Equal Opportunity Office.
- 2.3. Present Department’s Equal Opportunity Plan to the Equal Opportunity Advisory Commission.
4. Coordinate and monitor employee training programs within their own departments which are designed to increase employee job skills and career opportunities and ensure that all employees have equal access to job related developmental programs and on-the-job training.
- 4.5. Provide opportunities for Department Heads, managers, supervisors, and employees to attend County-sponsored equal employment opportunity training.

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5.6. Ensure that managers, supervisors, and other employees in their departments \_\_\_\_\_ understand \_\_\_\_\_ and comply with the County's EEO policies.

6.7. Make a good faith effort to achieve a diverse workforce. Monitor and ensure that assigned Human Resources professionals follow EEO policies so that recruitment, exam and selection processes promote diversity and reduce adverse impact.

7.8. Make positive measures to provide equal employment opportunity within their \_\_\_\_\_ departments.

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#### Managers and Supervisors

The County recognizes that the cooperation of managers and supervisors is required to reach the full potential of the Equal Opportunity Plan. In their direct day-to-day contact with County employees, managers and supervisors have assumed certain responsibilities to help the County ensure compliance with equal employment opportunity programs and effective implementation of the Equal Opportunity Plan. These include, but are not limited to, the following:

1. Apply equitably all personnel policies and practices to provide a workplace free of discrimination. Upon request, provide employees with copies of written policies.
2. Assign employees to significant jobs that might lead to greater personal growth and value, and counsel them with respect to what is needed for upward mobility within the employment structure.
3. Ensure that all interviews, offers of employment and/or wage commitments are consistent with the County's policies.
4. Implement the internal promotion and transfer of all qualified employees under their supervision consistent with the EOP goals and objectives.
5. Assist in identifying underutilization and provide needed information for establishing and meeting department equal employment opportunity goals and objectives.
6. Undertake measures designed to prevent harassment of employees.

#### Employees

All County employees are responsible for creating and maintaining a work environment that is conducive to achieving equal employment opportunities and that is free of any form of discrimination or harassment and being aware of and understanding the County's policies and procedures that prohibit discrimination in the workplace.

## **CHAPTER 6: IDENTIFICATION OF PROBLEM AREAS**

**41 C.F.R. § 60-2.17(b)**

On an annual basis, information pertaining to recruitment and selection practices, transfer and promotion practices, termination practices, and personnel actions (i.e. an analysis of applicant flow, new hires, promotions, reclassifications and separations) is reviewed to identify potential underutilization within the County. The Equal Opportunity Officer, Director of Human Resources and appropriate management personnel will be advised of potential underutilization and specific objectives recommended to address and remedy them as needed.

The County used the Any Difference rule to identify underutilization. The Any Difference Rule is defined as; underutilization exists if there is any difference between the availability of minorities or women, compared to their percentages in the County's actual workforce (i.e. availability).

The County has identified job groups in which underutilization for women and minorities exist. Underutilization is defined as "having fewer minorities and/or females in a particular job group that would be reasonably expected by their availability in the relevant job market". The County is underutilized for minorities in 34 of the 20 Job Groups. They are Job Group 01 - Management II, Job Group 03 - Professional-Administration ~~and~~ Job Group 11 - Law Enforcement II and Job Group 15 - Skilled Craft II. This report can be found in Exhibit 6. For women the County is underutilized in 10 of the 20 Job Groups. They are Job Group 01 - Management II, Job Group 02 - Management I, Job Group 06 - Professionals Land Use, Job Group 10 - Professional – Health, Nurses, Job Group 11 - Law Enforcement II, Job Group 12 - Law Enforcement I, Job Group 13 - Paraprofessionals- Tech II, Job Group 15 - Skilled Craft II and Job Group 16 - Skilled Craft I, Job Group 19 - Service Maintenance II. This report can be found in Exhibit 6.

In each case where potential underutilization has been identified, affirmative steps, as appropriate, will be taken consistent with the action-oriented programs described in Chapter 7 of this Plan.

Areas of underutilization will be analyzed by the Equal Opportunity Officer each year and will be communicated annually to the Human Resources Department. The information will be shared with departments to encourage them to consider a diverse pool of candidates during the screening and referral process.

### **41 C.F.R. § 60-2.17(b)(1): Workforce by Organizational Unit and Job Group**

An analysis of minority and female distribution within each organizational unit was accomplished by a thorough investigation of the Workforce analysis. Exhibit 2 includes the Workforce Analysis by organizational unit.

An analysis of minority and female utilization within each job group was accomplished by a thorough investigation of the Comparison of Incumbency to Availability and Placement Goals reports. See Exhibit 6 for a copy of the Comparison of Incumbency to Availability reports for each job group.

41 C.F.R. § 60-2.17(b)(2): Personnel Activity

Applicant flow, hires, promotions, and terminations were analyzed by job group. An analysis of selection disparities in personnel activity between men/women and whites/minorities was accomplished by a thorough examination of transaction data. In order to avoid meaningless results, Impact Ratio Analyses were conducted only if there are at least 5+ transactions that occurred in a job group. Exhibit 7 includes the Personnel Transaction reports for each job group.

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## CHAPTER 7: ACTION-ORIENTED PROGRAMS

41 C.F.R. § 60-2.17(c)

The County tailors our action-oriented programs each year to ensure they are specific to the problem identified. Corrective actions were taken only when the underutilization equaled at least one whole person.

### **Action-Oriented Program:**

The Action-Oriented Program is designed to address the underutilization of women and minorities are listed below. These Action-Oriented Programs will be carried-out throughout the EOP year. The Equal Opportunity Officer, with the help of the County Administrative Officer, Director of Human Resources, Department Heads and managers, will be responsible in ensuring that the following are implemented.

#### **Recruitment:**

1. Human Resources will work to ensure that recruitments and examination processes are defensible and free from adverse impact. ~~to ensure women, minorities and employees with disabilities are hired at rates substantially similar to those of men, non-minorities and employees without disabilities.~~

2.1. The County will place job opportunity announcements on the County website and post in convenient locations throughout the County offices.

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2.2. The County will place advertisements on job opportunities through local and regional educational and vocational institutions.

3.4. The County will- continue to strengthen relationships to encourage applicant referrals with the following organizations: minority groups, female groups, community action groups, state employment agencies, professional organizations and recruitment agencies. We will keep documentation of all contacts made and responses received, whether formal or informal. We will make every effort to give these agencies a reasonable amount of time to locate and refer applicants. also place advertisement on job opportunities through local community and civic groups, and media associated with minorities and females.

4.5. Due to the extensive technical education and experience required for some positions, the County may conduct a state-wide, regional, or national recruitment to attract a qualified, diverse applicant pool.

5.6. Applications, Advertisements and newsletters will always carry the Equal Employment Opportunity clause.

6.7. Minority and female applicants will be considered for all positions for which they are qualified.

7.8. The County will participate in job fair and career day activities when possible.

8.9. The County acknowledges that the expertise and services of an outside recruitment

agency may be required on occasion. When a recruitment is assigned to an outside recruitment firm, Human Resources and the Appointing Department are responsible for monitoring the recruitment activities to ensure that the intent of the Equal Employment Opportunity principles are observed throughout all phases of the recruitment.

- | 9.10. The County will encourage all employees to refer qualified applicants.
- | 10.11. Where groups of employees are featured in recruiting brochures and other County literature, minorities, females, and individuals with disabilities will be included.
- | 11.12. Where underutilization is present, a recruitment outreach plan must be submitted to and approved by the Equal Opportunity Office before the job announcement can be posted.
- | 12.13. Where underutilization is present, departments shall explore the potential use of the trainee status prior to conducting recruitment to determine if it would be expected to produce a more diverse candidate pool. The use of the trainee status shall be in compliance with the elements outlined in the County's Personnel Policies and Practices Resolution.
- | 13.14. List with the California Employment Development Department all job openings of three days or more.
- | 14.15. Human Resources will ~~C~~conduct formal briefing sessions with representatives from recruiting sources. Include as part of the briefing sessions, facility tours, clear and concise explanations of current and future job openings, position descriptions, explanations of the County's selection process, and recruiting literature. Arrange for referral of applicants and follow up with sources.

| **Job Classifications/Selection Process:**

- 1. Develop position descriptions that accurately reflect position functions, identify the essential job functions, and the physical and mental abilities required to perform the essential functions. Whenever the County applies physical or mental qualification standards, in the selection of applicants or employees, Human Resources will conduct a review of the class specification to be certain that the qualification standards are job-related and consistent with business necessity.
- 2. Human Resources will ensure that job classifications are continually reviewed to determine the knowledge, skills, abilities, and other requirements are current. Job classifications will not contain any requirements that would result in discrimination based on race, color, religion, sex, age, national origin, disability, veteran status, or other characteristics protected by law.
- 3. The Equal Opportunity Officer will be advised of all new and revised job classifications and class specifications and may recommend changes where necessary to eliminate artificial barriers to employment and promotion.
- 4. Approved job classifications will be made available by Human Resources to the Equal Opportunity Officer.

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5. The County will use only job classifications that include job-related criteria.
6. Human Resources will continue to carefully select and counsel all personnel involved in the recruiting, screening, selection, promotion, disciplinary, and related processes to eliminate and prevent bias in all personnel actions.
7. Human Resources will notify the appointing authorities when they are filling positions in underutilized job groups. This notice will include a reminder of the County's commitment to equal employment opportunity and making good faith efforts in the recruitment and selection of minorities and women.

#### Retention and Promotion: (New Title)

1. Human Resources will ensure through the County's Growing your Own to develop a Succession Preparation Program that will focus on retention and promotion of female and minority employees. The program will include leadership training, opportunities to participate in cross functional project assignments, mentoring, and trainings and workshops to prepare employees for future leadership positions within the County.
2. Minority, female and disabled employees will be afforded a full opportunity and will be encouraged to participate in all organization sponsored educational and training programs.

#### Job Advancement:

- 1.3. Encourage all employees to apply for promotional opportunities by providing career development opportunities and notices of promotional opportunities.
- 2.4. Train and educate management and supervisory staff about their responsibilities in providing equal employment opportunities.
- 3.5. Encourage managers and supervisors to discuss their employee's career goals and help develop and record plans for them to achieve them.
- 4.6. Encourage the promotion and overall career development of qualified employees without regard to their gender, race, disability, age, and all other characteristics protected by law.
- 5.7. The County will use a formal employee evaluation process in accordance with its Performance Evaluation Policy and Program.
- 6.8. Within available resources, the County will provide career development opportunities for employees. All employees are provided equal access to development and training classes sponsored by the County.
- 7.9. Where appropriate, the County's flexible staffing program will be utilized to facilitate mobility and promotional opportunity within the County.

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8.10. The County acknowledges that the Tuition Assistance Program is a valuable tool for employees and the County in aiding in the job advancement of County employees. The County suspended its program as a cost reduction measure. However, the County is committed to re-establishing the program or an effective alternative when financially feasible.

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## **Separations and Terminations**

1. 1. The County Departments will use the County's progressive discipline Model before terminating employees, where appropriate. All employees are made aware of the County's discipline process. The Equal Opportunity Officer will monitor and conduct adverse impact analyses to ensure that women, minorities and employees with disabilities do not leave the County at rates substantially dissimilar to those of men, non-minorities, and employees without disabilities. (New Language)
2. Exit interviews will be conducted for all terminating employees. The process, form, and content of such exit interviews shall be established by the Director of Human Resources and the Equal Opportunity Officer and shall be designed to identify artificial barriers to success and equal opportunity.

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## **CHAPTER 8: INTERNAL AUDIT AND REPORTING**

**41 C.F.R. § 60-2.17(d)**

The purpose of the internal audit and reporting system is to measure results by assessing the effectiveness of the efforts undertaken to achieve the County's goals and objectives. The maintenance of records on applicants, employees, personnel actions, and programmatic activities is necessary for this assessment.

Inherent in the EOP is the need for periodic self-assessment of underutilization, corrective action taken, and progress made. Self-evaluation requires complex record keeping systems on applicants, employees, and components of the EOP itself. Periodic reports from supervisors, department managers, and other relevant persons are required.

The objective of all record keeping systems to be implemented is to assess the results of past actions, trends, the appropriateness of goals and objectives, the appropriateness and relevancy of identified solutions to problems, and the adequacy of the Plan as a whole. In addition, a further objective is to identify the proper corrective actions to be made to all components.

In order to fully achieve the objectives of such a record keeping system, the results of it must lead to follow-up through feedback to managers, supervisors, and staff, through reallocation of resources, through modifications to plans and the record keeping system itself, through appropriate recognition of personal achievements as well as punitive actions for discriminatory acts. For any identified deficiencies, appropriate corrective action will be identified and implemented.

The records that are maintained are the basis for updating the EOP, including revising the availability data and establishing annual numerical goals. The internal audit and reporting system is used as the basis for evaluating systemic, results-oriented programs and affirmative action efforts.

The County's auditing and reporting system periodically measures the effectiveness of its total equal employment opportunity program. The Equal Opportunity Officer:

1. Monitors records of all personnel activity, including referrals, placements, transfers, promotions, terminations, and compensation, at all levels to ensure the non-discriminatory policy is carried out;
2. Requires internal reporting on a scheduled basis as to the degree to which equal employment opportunity and organizational objectives are attained;
3. Reviews report results with all levels of management; and
4. Advises top management of program effectiveness and submit recommendations to improve unsatisfactory performance.

In order to audit the effectiveness and EOP, the following steps will be taken:

1. The Equal Opportunity Officer in conjunction with the Director of Human Resources will monitor records of all personnel activity, including but not limited to applicant flow, hires, transfers, promotions, terminations, layoffs and compensation to ensure the County's non-discriminatory policies are carried out.

The Director of Human Resources shall submit data, by County department and County-wide, to the Equal Opportunity Officer for review, including but not limited to the following:

- a. **Applicant Flow** - Reports that document the number of applicants for employment, interviewees, and new hires to assess overall applicant pool diversity by gender and ethnicity and to assess overall equity of the employment decisions in the recruitment and selection process
- b. **Recruitment and Selection** - Reports that contain applicant data in selection decisions, including copies of recruitment plans that document special activities designed to increase the representation of women and minorities in the applicant pool
- c. **Periodic Review** - Periodically, the Director of Human Resources and the Equal Opportunity Officer shall review and may jointly adjust the job groupings, to assure that groupings and job categories are in line with, and appropriate to, the criteria, goals and objectives specified in this Plan
- d. **Promotions and Demotions** - Reports that contain data on promotions into and demotions out of job groups by gender and ethnicity
- e. **Separations** - Reports that contain data on separations, by type, and by gender and ethnicity
- f. **Corrective Actions** - Reports that contain data on corrective actions other than terminations by gender and ethnicity

2. The Equal Opportunity Officer will advise Department Heads (Elected and Appointed) of program effectiveness —and submit recommendations to improve unsatisfactory performance, where needed. The Equal Opportunity Officer will analyze the data and review the reports with all levels of management, advise top management of programs effectiveness, and provides top management with recommendations to improve performance, where needed.
  - a. Elected officials, and their immediate assistants and appointed officials shall be excluded from the summaries and analysis.
  - b. Copies shall be furnished to the County Administrative Officer and the Director of Human Resources.

3. Non-Statistical Objectives. Progress in non-statistical aspects of the EOP, such as policy dissemination, training in equal opportunity policies and procedures, and corrective action, will be summarized and reviewed on a semiannual basis by the Equal Opportunity Officer and the Director of Human Resources.
4. Meetings and Reports.

- a. ~~Semiannual Status Report. The Equal Opportunity Office will prepare a semiannual status report summarizing the above information and including any recognized statistical variances and/or trends to be distributed to the Director of Human Resources and the County Administrative Officer by June 30<sup>th</sup> of each year. The Equal Opportunity Officer, the Director of Human Resources and the County Administrative Officer shall hold a semiannual meeting to discuss progress and problems with the implementation of the EOP's goals and objectives, including the progress of individual County departments.~~

~~A copy of the semiannual status report, together with any comments and/or recommendations of the Equal Opportunity Officer and Director of Human Resources shall be given to the County Administrative Officer whose responsibility is to counsel and evaluate Department Heads regarding the fulfillment of their Equal Employment Opportunity obligations, and to the Equal Opportunity Advisory Commission, whose duty is to evaluate the information and make recommendations to the Board of Supervisors.~~

*(New Language)*

- a. ~~Every County Department will annually submit to the Equal Opportunity Office their Department's Equal Opportunity Plan. The Plan shall include the following:~~
    - ~~• Department's Equal Opportunity Policy Statement – The policy statement should outline the department's commitment to the principles of equal employment opportunity. The policy statement should also prescribe procedures for employees and applicants for employment to redress complaints of discrimination.~~
    - ~~• Department's Organizational Profile – The organizational profile is a detailed chart of the department's organizational structure. The display must indicate total number of employees by job title, race and gender.~~
    - ~~• Workforce Analysis – The workforce analysis is an analysis of employees by gender and race/ethnicity in each job title within each job group. This information can be attained by contacting the County's Human Resources Department.~~
    - ~~• Analysis of Progress – The analysis of progress is a comparison of incumbency to placement goals as provided in the County's Equal Opportunity Plan.~~

- Action-Oriented Programs – Action-oriented programs are designed to address the underutilization of minorities and females. These programs are carried out throughout the year. Identify the efforts the department has undertaken or will undertake to recruit, hire, promote, and retain qualified minorities and women.
- Personnel Activity – The data is only from the reporting year and shall include the personnel activity for each job group.
- Discrimination Complaints Filed – Number of discrimination complaints filed in the department for the prior year.

Department's Opportunity Plans will be due the 1<sup>st</sup> week in February of every year.

- b. Annual Status Report of the EOP Progress. An annual status report, including a summary of the above information and an evaluation of the progress, problems, and trends in the EOP shall be presented to the County Administrative Officer and the County's Board of Supervisors, in advance of its Fiscal Year budget deliberations, by the Equal Opportunity Officer and the Director of Human Resources. The report shall be augmented by their recommendations as well as those of the Equal Opportunity Advisory Commission and interested citizens groups, addressing underutilization. This report shall be submitted to the County Administrative Officer and County Board of Supervisors ~~in the month of January as soon as practicable~~ of each year.
- c. The Equal Opportunity Advisory Commission shall receive an advance copy of the annual report, so that the Commission has not less than one monthly meeting at which to discuss both the report and any recommendations the Commission may wish to make, in advance of the time the annual report is placed on the Board of Supervisors' agenda.
- d. Upon its review, and after consideration of the comments and/or recommendations made, the Board of Supervisors may in its discretion require that the EOP's goals and objectives, as well as the annual Department Equal Opportunity plans be reviewed and/or revised in accordance with particular priorities set by the Board of Supervisors, or to deal appropriately with identified underutilization in the County's EOP's progress. The Board shall consider the fiscal implications of any such action.

[Reference: 41 C.F.R. 60-2.23; 60-2.25; 60-250; 20-741 60-2.17(d).]

All appointing authorities are responsible for periodic internal audits to measure the effectiveness of their equal employment opportunity efforts. Each Department Head is required to submit a annual report to the Equal Opportunity Officer using a format disseminated by the Equal Opportunity Office. The Equal Opportunity Officer advises appointing authorities of program effectiveness and recommends improvements at least once annually.

## **CHAPTER 9: EXTERNAL AND INTERNAL DISSEMINATION OF POLICIES**

The Equal Opportunity Office undertakes the following to communicate the County policies on non-discrimination and equal opportunity. See Exhibit 8 for Equal Opportunity and Non-Discrimination Policy.

### **External Dissemination**

1. Inform recruitment sources that the County is an equal opportunity employer. Encourage these sources to refer all qualified potential applicants, including minorities and women, to the Human Resources Department for employment opportunities.
2. Include the clause, "the County of Monterey is an Equal Opportunity Employer," in all job announcements.
3. Provide notice to all contractors, subcontractors, vendors, and suppliers of goods and services of the County's equal opportunity and nondiscrimination policies and obligations pursuant to Executive Order 11246, as amended, and its implementing regulations. Include the clause, "the County of Monterey is an Equal Opportunity Employer," in all the County's purchase agreements, leases, and contracts.

### **Internal Dissemination**

1. Communicate the non-discrimination and equal opportunity policies to employees, including during new employee orientation sessions.
2. Conduct both formal and informal meetings with employees, managers, and supervisors to discuss non-discrimination and equal opportunity policies.
3. Publish written notices concerning training and development programs to ensure equal opportunity and nondiscrimination in participation in such programs.
4. Display equal employment opportunity posters on bulletin boards and in other areas designated for general information.
5. Publish feature articles and photos (when such items are prepared for newspapers, advertisements, handbooks, and other publications) that include women and minorities.
6. Advise union officials of the equal opportunity policies and provide for the inclusion of appropriate clauses in collective bargaining agreements. Review agreements to ensure that they are nondiscriminatory.

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## **CHAPTER 10: CONTRACT COMPLIANCE – MINORITY AND WOMEN BUSINESS OUTREACH PROGRAM**

The County has adopted a policy to promote utilization of disadvantaged business enterprises, minority business enterprises, women business enterprises, disabled veteran business enterprises and small/local businesses (DBE, MBE, WBE, DVBE and SLB) in all aspects of contracting relating to construction, materials and services, professional services, land development-related activities and leases and concessions. The County is fully committed to encouraging the participation of DBE's, MBE's, WBE's, DVBE's and SLB's in all phases of procurement and contracting activity within the scope of current and existing law.

The primary goal of the Outreach Program shall be to contract with DBE's, MBE's, WBE's, DVBE's and SLB's for a reasonable and equitable amount of business, and create an environment of inclusion for County procurement and contracting.

The Contracts/Purchasing Manager shall provide an annual report to the Equal Opportunity Officer. This report will reflect all aspects of the Outreach Program implementation, outreach activities, and participation, including a summary of DBE, MBE, WBE, DVBE and SLB participation.

The Contracts/Purchasing Manager shall also present this report to the Equal Opportunity Advisory Commission in the month of January of each year.

See Exhibit 11.

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