

termination, as provided for in any applicable collective bargaining agreement covering the employee and/or the Monterey County personnel Resolution, as amended and/or will require that the convicted employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement or other appropriate agency.

6. In order to assure employee drug-free awareness and policy, the County shall provide the following program for all County employees and volunteers: distribution to each County employee and volunteer of (1) a brochure on the dangers of drug abuse; (2) distribution to all County employees and volunteers of a copy of this policy; and (3) dissemination of information regarding the County Employee Assistance program in order to provide counseling and/or referral for extended counseling and/or treatment of drug-related problems. In addition, copies of applicable Monterey County collective bargaining agreements and of the current Monterey County Personnel Resolution, as amended, shall be available at each department work site for County employee and volunteer review.
7. The County will make good faith efforts to continue to maintain a drug-free workplace as described above.

PASSED AND ADOPTED on this 23rd day of July, 1991, upon motion of Supervisor Del Piero, seconded by Supervisor Strasser Kauffman, by the following vote, to-wit:

AYES: Supervisors Del Piero, Shipnuck, Perkins, Karas & Strasser Kauffman

NOES: None

ABSENT: None

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page 65 Minute Book 65, on July 23, 1991

Dated: July 23, 1991

ERNEST K. MORISHITA, Clerk of the Board  
of Supervisors, County of Monterey,  
State of California.

By Ernest K. Morishita

## *Monterey County Policy Acknowledgement Statement*



By my signature, I acknowledge that I have been provided with a copy of the Monterey County Drug-Free Workplace Policy and understand that the purpose of this policy is to protect the health, safety, and well-being of employees, volunteers and the public.

I understand, as an employee or volunteer of the County, that I shall, in the performance of my duties, while on County property or at a County location, not engage in the unlawful manufacture, sale or distribution, dispensing, possession, use, or be under the influence of a controlled substance.

Additionally, I understand that employees or volunteers engaged in the performance of duties or services pursuant to a Federal grant or contract must, as a condition of employment, notify the appointing authority (or his/her designee) of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

\_\_\_\_\_  
Name of Employee (Print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# EQUAL OPPORTUNITY AND NON-DISCRIMINATION POLICY

## I. INTRODUCTION

It is the policy of the County of Monterey not to engage in unlawful discrimination against or harassment of any person employed or seeking employment or contracting with the County on the basis of race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), ancestry, marital status, age (40 and over), sexual orientation, citizenship, status as a covered veteran, or any other classification protected by local, state, or federal law.

## II. EQUAL OPPORTUNITY

As provided by State and Federal laws, the County of Monterey will ensure equal opportunity and nondiscrimination in all personnel, business and services related actions. The County maintains and promotes a policy of equal opportunity and is committed to maintaining a work environment that is free from unlawful discrimination. The County will be successful only when people are treated fairly and allowed to advance and achieve their full potential. The County is proud to extend equal opportunities to all qualified employees, individuals, job applicants and businesses without regard to protected classifications.

Decisions and practices based on an individual's protected classification that unlawfully affect employment or compensation, terms or privileges of an individual's employment, potential employment, business or services with the County are prohibited by this policy. This includes unlawful decisions, actions and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, dismissal or any other application or selection process relating to County employment, or the provision of County services or business opportunities.

## III. HARASSMENT

It is the policy of the County of Monterey to promote an environment free from harassment having the effect, either directly or indirectly, of unlawful discrimination. The County values its employees and strives to provide a nurturing environment where there is mutual respect and support. To foster such an environment, the County is committed to maintaining an environment that is free from harassment because of a protected classification. Harassment based on a protected classification is strictly prohibited.

Harassment is a form of misconduct that undermines the integrity of the employment environment. Harassment is any behavior that intimidates, threatens, degrades, torments, or places demands on another, based on one or more of the categories listed in the Introduction, to

the extent that the conduct unreasonably interferes with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of harassment include, but are not limited to:

- Verbal conduct, such as ethnic or racial slurs, epithets, derogatory or insulting comments, taunting, heckling, unwanted sexual advances or comments, racial or sexual jokes;
- Physical conduct, such as inappropriately impeding or blocking movement, gestures, or unwelcome touching;
- Visual conduct, such as derogatory or sexually oriented posters, photographs, letters or other writings, emails, cartoons or drawings.

It is the policy of the County of Monterey that such harassment shall not be tolerated, condoned or trivialized. Any harasser, if a County employee, manager or official, shall be subject to appropriate discipline, including possible dismissal, as determined by the appropriate department head or appointing authority, upon due consideration of the findings and recommendation of the Equal Opportunity Officer. A harasser who is a contractor, vendor, recipient of County services or volunteer shall be subject to appropriate corrective action.

#### IV. APPLICABILITY

This policy applies to all County employees at on-site and off-site workplaces, elected and appointed County officials, applicants for County employment and promotion, bidders and contractors who seek to do business with the County or its agencies, and recipients of County services. This policy also extends to conduct by County employees, officials and contractors towards members of the public relating to County business or services.

This policy not only protects individuals from prohibited conduct because of their own protected status, but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin, disability, or other protected status of other persons with whom they are associated.

These protections apply to actions, whether or not intentionally offensive or specifically directed at a particular person or group, that violate this policy.

Some offensive acts or remarks may violate this policy, even if they are not so severe that they violate federal, state or local discrimination laws. The County may discipline conduct that violates this policy even if the conduct does not violate a law prohibiting discrimination. This policy is intended to promote a discrimination-free workplace but not to create new rights.

All County employees are expected to be respectful of all of their co-workers and members of the public, and to be sensitive to the effects of their behavior on those around them.

## V. RETALIATION

Applicable laws prohibits retaliation for complaining about unlawful discrimination or harassment. It is a violation of this policy to retaliate against or harass any person who asserts his or her rights regarding employment discrimination by:

- 1) opposing discriminatory practices in the workplace;
- 2) complaining about prohibited conduct; or
- 3) participating in any way in the complaint, investigation or reasonable accommodation processes.

It is also a violation of this policy to retaliate against or harass someone because of his or her association with such an individual. Acts of retaliation are subject to appropriate corrective action, up to and including termination.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions negatively affecting the terms, conditions or privileges of employment or the receipt of County services.

Examples of behavior that is protected from retaliation under this policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in a discrimination complaint investigation, administrative proceeding, hearing or trial; and/or seeking a reasonable accommodation.

## VI. RESPONSIBILITY

County Department Heads, managers, and supervisory personnel are responsible for implementing this policy within their areas of responsibility. Also, they shall ensure that individuals in their areas of responsibility are informed of their rights to a discrimination and harassment-free work environment, and of the appropriate steps to take if they believe that these rights have been violated.

Any member of County management and supervisory personnel who receives a report involving potential discrimination, harassment, or retaliation is responsible for complying with the procedures established by the Equal Opportunity Office and making prompt contact with County's Equal Opportunity Office.

Under applicable law, supervisors and non-supervisors may be personally liable for unlawful harassment perpetuated by the employee.

Department Heads shall be responsible for coordinating and cooperating with the Equal Opportunity Officer or designee in resolving complaints involving employees in their respective departments.

The County shall ensure that Contractors with the County be responsible for insuring that effective policies and procedures concerning the prevention of discrimination and harassment exist in their companies as part of the requirements under the equal employment opportunity/nondiscrimination clause of their contracts with the County in a manner consistent with purpose and intent of this policy.

#### VII. REPORTING DISCRIMINATION OR HARASSMENTS COMPLAINTS

An employee or job applicant who believes that she has been subjected to unlawful discrimination, harassment, or retaliation is encouraged to immediately report the complaint to the appropriate supervisor, manager, Department Head, appropriate Human Resources personnel or the County Equal Opportunity Office.

Complaints of unlawful discrimination or harassment shall be processed in accordance with the procedures established by the Equal Opportunity Office. Information about the process for filing complaints can be obtained by contacting the County's Equal Opportunity Office at (831) 755-5117, or through the EOO website at <http://www.co.monterey.ca.us/eqopp/>.

#### VIII. POLICY DISSEMINATION

The Equal Opportunity Officer is responsible for ensuring that this policy is implemented and disseminated appropriately.

#### IX. TRAINING

The Equal Opportunity Office shall be responsible for formulating and coordinating training on this policy for county employees and officials.

Each Department Head shall be responsible for ensuring its employees complete the training provided by the Equal Opportunity Office.

## PREVENTION OF SEXUAL HARASSMENT POLICY

### I. INTRODUCTION

The County of Monterey is dedicated to providing a professional working environment that embodies mutual respect for the dignity and worth of its employees. Accordingly, each Monterey County official, employee and agent should be individually responsible for maintaining an environment free from all forms of discrimination, including sexual harassment, intimidation, retaliation and coercion. The County is committed to providing a work environment free from sexual harassment.

### II. APPLICABILITY

This policy applies to all County employees at on-site and off-site workplaces, elected and appointed County officials, applicants for County employment and promotion, bidders and contractors who seek to do business with the County or its agencies, and recipients of County services. This policy also extends to conduct by County employees, officials and contractors towards members of the public relating to County business or services.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, job assignments, co-workers, subordinate employees, or supervisors. Any employee or official found to have acted in violation of this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension, and/or termination.

Similarly, the County will not tolerate sexual harassment of its employees, applicants, or contractors by non-employees, such as third party contractors, vendors, clients and/or customers. The County should be immediately alerted to any such conduct so that it can take immediate and appropriate corrective action to prevent further harassment.

### III. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is either an expressed or implied term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment need not be motivated by sexual desire or gratification, and may include nonsexual conduct motivated by the violator's hostility toward the victim's gender, or toward the victim's nonconformity to gender stereotypes. Sexual harassment includes not only conduct motivated by gender, but also by pregnancy, childbirth, or a related condition.

Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. The work environment for County employees extends to non-work places and non-work hours when the violator continues the behavior outside the normal workplace.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
2. Stated or implied threats that a person's employment, wages, opportunities for promotion, or other conditions of employment, may be adversely affected by not submitting to sexual advances.
3. Promised or granted favored treatment in hiring, promotion, discipline, or other employment decisions, in exchange for sexual favors.
4. Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
5. Unwanted exposure to sexual graffiti, photographs, electronic transmissions or suggestive objects.
6. Unwelcome and inappropriate touching, patting, pinching, unnecessary brushes, blocking normal movement, or assault.

#### IV. COUNTY'S RESPONSIBILITY

The County is responsible for taking all reasonable steps necessary to prevent sexual harassment from occurring. The County's efforts in this regard include, but are not limited to, training, providing counseling, investigating complaints and taking appropriate corrective actions.

In order to ensure that offensive conduct does not rise to the level of conduct which is illegal, the County will not tolerate a violation of this policy which either by itself or when repeated would constitute sexual harassment.



An employee or official engaging in prohibited conduct shall be subject to appropriate disciplinary action, up to and including termination of employment, regardless of whether the employee or official engages in prohibited conduct only once.

#### V. SUPERVISORS' AND MANAGERS' RESPONSIBILITIES

Supervisors and managers are in key positions to ensure a discrimination-free workplace is maintained by not engaging in, and correcting inappropriate behavior in the workplace. It is the responsibility of supervisors and managers to ensure that their area of responsibility is in full compliance with the County's sexual harassment policy and to take all necessary steps to prevent sexual harassment.

Supervisors or managers are obligated by law and policy to address potential issues of sexual harassment once discovered, even in circumstances where the managers and supervisors are not the direct manager or supervisor of the victim or the alleged harasser.

Any Department Head, manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action.

Department Heads shall be responsible for coordinating and cooperating with the Equal Opportunity Officer or designee in investigating and resolving complaints involving employees in their respective departments.

#### VI. EMPLOYEE'S RESPONSIBILITY

Employees who believe they are or have been subjected to sexual harassment in the workplace have an obligation to report the incident(s) to their immediate supervisor, a manager, appropriate Human Resources personnel, a Department Head, or the Equal Opportunity Officer. Employees should also understand the importance of reporting incidents promptly to assure that further incidents do not occur. Complaints of sexual harassment shall be addressed in accordance with the County's Discrimination Complaint Procedures.

It is important for all employees to understand that failure to utilize the County's procedures to report violations will hinder the County's ability to stop and correct violations.

It is the responsibility of all County employees to ensure a discrimination-free work environment.

If the County determines that a County employee intentionally provided false information regarding a complaint, then corrective action may be taken, up to and including termination.

## VII. RETALIATION

It is a violation of this policy to retaliate or engage in any form of reprisal because a person has raised a concern, filed a complaint, or been a witness to sexual harassment. Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the sexual harassment complaint. Acts of retaliation are subject to appropriate corrective action, up to and including termination.

## VIII. CONFIDENTIALITY

All information received in connection with inquiries or with the filing, investigation, and resolution of sexual harassment, discrimination, and retaliation complaints is treated as highly sensitive and confidential. Employees authorized by the County to receive and investigate complaints are required to maintain confidentiality to the extent possible.

## IX. POLICY DISSEMINATION

The Equal Opportunity Office is responsible for ensuring that the policy and complaint procedures relating to sexual harassment is disseminated.

## X. TRAINING

All new employees will receive sexual harassment prevention training within (6) six months of their employment and every two (2) years thereafter. County officials, Department Heads, managers, and supervisors shall receive sexual harassment prevention training for supervisors and managers, in compliance with state law.

Upon being promoted to a supervisory or managerial position, the newly promoted will attend a training class for supervisors and managers on sexual harassment prevention, regardless of the date of their most recent sexual harassment training as an employee.

The Equal Opportunity Office shall be responsible for formulating and coordinating the training program on sexual harassment prevention.

Each Department Head shall be responsible for ensuring its employees are trained in accordance with direction provided by the Equal Opportunity Office.

Monterey County Department of Social Services



Administrative Directive No. 98-05

TO: All Staff June 30, 1998  
SUBJECT: Non-Discrimination/Non-Harassment Policy  
Supersedes Administrative Directive No. 85-11  
IMPLEMENTATION: Upon Receipt

I. PURPOSE

This Administrative Directive provides policy on equal employment opportunities and non-harassment.

II. POLICY

The department is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available person in every job. Department policy prohibits unlawful discrimination based on race, color, creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful. The department is committed to complying with all applicable laws equal employment opportunities. The department also complies with equal employment opportunity and affirmative action policies of the Local Agency Personnel Standards (LAPS) outlined by Merit System Services.

The department is committed to providing a work environment free of unlawful harassment. Department policy prohibits sexual harassment, and harassment based on pregnancy, childbirth or related medical conditions, race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state, or local law, ordinance or regulation. All such harassment is unlawful.

The department's equal employment opportunity and anti-harassment policies apply to all persons involved in the operation of the department and prohibit unlawful discrimination and harassment by any employee of the department, including managers, supervisors, and co-workers. Any breach of the department's or the county's equal employment opportunity and anti-harassment policies shall constitute grounds for disciplinary action, up to and including dismissal.

### III. GUIDELINES

Harassment may include, but is not limited to, the following behavior:

- a. Verbal conduct such as epithets, derogatory jokes and/or comments, slurs and/or unwanted sexual advances, offensive invitations, and/or intimidating comments.
- b. Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, and/or gestures.
- c. Physical conduct such as assault, unwanted touching, blocking normal movement, and/or interfering with work because of sex, race, and/or any other protected basis.
- d. Threats and demands to submit to sexual requests as a condition of continued employment benefits, favored work assignments, and/or promotions in return for sexual favors; and
- e. Retaliation for having reported, and/or threatened to report, harassment.

### IV. PROCEDURES

If you believe that you or someone else has been discriminated against or harassed in any manner by any Monterey County official, employee, or agent, you may file a complaint with any of the following without fear of retaliation or reprisal:

- A. Your supervisor;
- B. Your supervisor's supervisor, or any other manager in the department;
- C. The department's Personnel Manager or other Human Resources staff;
- D. The County Affirmative Action Officer;
- E. The California State Personnel Board;
- F. The Equal Employment Opportunities Commission (EEOC);
- G. The Department of Fair Employment and Housing (DFEH).

The department is willing and able to discuss with any employee during working hours the proper implementation of this policy. It is the county's policy to attempt to resolve complaints of discrimination or harassment at the lowest possible level.

/s/ Marie A. Glavin  
MARIE A. GLAVIN, Director

MAG:sr:lat

COUNTY OF MONTEREY  
EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES  
AND REASONABLE ACCOMMODATION POLICY

I. POLICY STATEMENT

The County of Monterey (County) is committed to providing equal access and opportunity to qualified individuals with disabilities in its employment practices, provision of public services, and access to governmental facilities. The County will adhere to the Americans with Disabilities Act of 1990, as amended, the Fair Employment and Housing Act, and all other applicable federal and state laws, regulations, and guidelines with respect to providing Reasonable Accommodation, as necessary, to afford equal employment opportunity and equal access to programs, services, and benefits for qualified individuals with disabilities.

II. PURPOSE

This policy is intended to assist applicants for employment, current employees, individuals desiring to participate in County programs or activities, and department supervisors and managers in requesting and processing reasonable accommodation requests.

III. DEFINITIONS

The following definitions are provided solely as a guide to assist in the interpretation and application of this Policy. Further detail is available from the County's Equal Opportunity Office and is also set forth in the Americans with Disabilities Act (ADA), as amended, the California Fair Employment and Housing Act (FEHA), California Government Code section 12926, related federal and state laws and regulations, and cases interpreting those acts and regulations. The following definitions may be subject to change in applicable law.

Individual with a Disability – An individual with a disability is a person who has a physical or mental impairment that limits the performance of one or more major life activities, has a record of impairment, or is regarded as having such impairment.

Reasonable Accommodation - A reasonable accommodation means modifying or adjusting practices, procedures, policies, job duties, or the work or application environment so that a qualified individual with a disability can perform a position's essential functions, and/or enjoy equal employment opportunity.

Each reasonable accommodation request will be evaluated on a case-by-case basis, so that the accommodation provided meets the needs of the individual with the disability, and will allow him/her to perform the essential functions of his/her job. Reasonable accommodations may include, but are not limited to, special testing/interview arrangements, accessible work and test sites, a modified work schedule, a leave of absence, alternative job placement, modified equipment, assistive devices, supportive services, assistants, worksite modifications, job restructuring or placement in a vacant position or class where they can perform the essential functions in a job with or without reasonable accommodation.

Qualified Individual with a Disability - A qualified individual with a disability is a person with a disability, who meets the skill, experience, education, and other job-related requirements of the position held or desired, and who is able to perform the essential functions of the position with or without reasonable accommodation.

Mental Impairment - Mental impairment includes, but is not limited to, having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.

Physical Impairment - Physical impairment includes, but is not limited to, having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, speech organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, which limits a major life activity.

Major Life Activities - Major life activities are basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Interactive Process - The interactive process is an ongoing dialogue between the employee and the County about possible options for reasonably accommodating the individual's disability. Both the County and the individual are expected to participate in the interactive process.

Essential Functions – Essential functions are the fundamental job duties or requirements of a position. Essential functions are such that they cannot be eliminated or substantially modified without changing the nature of the position. Factors to consider in determining if a job function is essential include, but are not limited to:

- Whether the reason the position exists is to perform that function;
- The number of other employees available to perform the function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the function and whether the function is specialized and the individual is hired based on his/her ability to perform it.

Benefits and Privileges of Employment – Benefits and privileges of employment include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs, cafeterias, lounges), and (3) parties, County sanctions or other social functions (e.g., parties to celebrate retirements and birthdays).

Undue Hardship – Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the County. The overall resources and options available to the County are legally relevant in determining whether a requested reasonable accommodation poses an undue hardship, not just the budget or resources of an individual segment, sub-component, or division within the County or department.

Direct Threat – A direct threat is a significant risk of substantial and imminent harm, which cannot be eliminated or reduced to an acceptable level by reasonable accommodation. A direct threat occurs when an individual who, because of a disability, poses a direct threat to the health or safety of the individual or others even with a reasonable accommodation. An individual who poses a direct threat is not a qualified individual with a disability. The assessment of whether or not a person poses a direct threat must be made on a case-by-case basis considering the following factors: duration of the risk, nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.

Departmental Reasonable Accommodation Coordinator (DRAC) – Each County department shall designate a DRAC. The DRAC is responsible for appropriately responding to requests from employees, members of the public seeking services,

applicants, and/or management regarding disability related accommodation issues. The DRAC is responsible for the management and tracking of reasonable accommodation requests as well as initiating the mandatory interactive process. Accommodations which are handled and granted by a supervisor or manager need not go to the DRAC; however the information should be reported to the DRAC for tracking purposes. The Equal Opportunity Office shall be notified of the designated DRAC.

Reasonable Accommodation Review Committee (RARC) - The RARC is comprised of the DRAC and a representative from Risk Management, Human Resources (including Employee Relations and Benefits representatives as needed) and the Equal Opportunity Office. Members of the RARC are available to assist the department and the DRAC with requests for reasonable accommodations. Prior to denying a request for reasonable accommodation, the matter must be referred to the RARC for further review and response.

#### **IV. PUBLIC ACCESS TO COUNTY SERVICES AND PROGRAMS**

An individual member of the public who is disabled may request a reasonable accommodation in order to access County facilities, programs or services. No person will be denied because of a disability, and no one will be charged a fee for a reasonable accommodation. The County will respond to requests for reasonable accommodations in a timely manner to avoid unreasonable delays or unreasonable denial of services.

It is the responsibility of the individual to seek available assistance, to make his or her needs known to County staff, and to give adequate time for the County to provide the accommodation. County employees shall assist and advise individuals who request reasonable accommodations. If the department is unable to assist the individual, the department shall contact the Equal Opportunity Office.

#### **V. REQUESTS FOR REASONABLE ACCOMMODATION**

A request for a reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a physical or mental impairment. Requests for accommodation may be made either orally or in writing. The



reasonable accommodation process begins as soon as the request for accommodation is made.

An individual with a disability may request a reasonable accommodation whenever s/he chooses, even if s/he has not previously disclosed the existence of a disability. An employee or applicant may consult with the DRAC, the Ergonomics Manager, or the Equal Opportunity Office for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

- **Current Employees:** Generally, to comply with privacy laws, the County is subject to strict limitations with regard to making inquiries about the physical, mental or medical condition of an employee. Employees are therefore responsible for requesting accommodation when needed. An employee may request a reasonable accommodation orally or in writing from his/her Supervisor, another Manager in his/her immediate chain of command, the DRAC, the Ergonomics Manager, or the Equal Opportunity Office. A Reasonable Accommodation Request form will be given to the employee to complete. The written form is required only for the first request although appropriate notice must be given each time the accommodation is needed.
- **Applicants:** Employment opportunities will not be denied to anyone because of the need to make Reasonable Accommodation for a person's disability. The County will include a statement on all applications and recruitment packages indicating the availability of reasonable accommodation in the application process with instructions to applicants regarding the process for requesting reasonable accommodation. Applicants who have received employment interview offers may also make an accommodation request.

When an applicant requests an accommodation, the Human Resources department staff will confer with the applicant on the type of accommodation(s) s/he needs. When the applicant's disability is not obvious or known or when additional medical clarification is needed, appropriate documentation of the disability, limitations and the needed accommodation will be sought from the applicant. Given the time sensitivity of the recruitment process, Human Resources staff will move as quickly as possible to make a decision, and if appropriate, provide an accommodation. When a request for a reasonable accommodation is received, Human Resources shall complete the County's Request for Reasonable Accommodation form.

- A family member, health care professional, or other representative may request an accommodation on behalf of a County employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.

When a request for accommodation is made by a third party, the DRAC should, if possible, confirm with the employee or applicant with a disability that s/he, in fact, wants a reasonable accommodation before proceeding. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the County will process the third party's request and will consult directly with the individual needing the request as soon as it is practical.

Employees are encouraged to utilize the County's Request for Reasonable Accommodation form. The processing of a request will be determined as of the date an oral or written request was made, not the date the Reasonable Accommodation Request form was submitted. All requests for reasonable accommodation must provide the following information:

- The type of accommodation requested;
- An explanation of the limitation for which the accommodation is needed; and
- A description of how the accommodation will allow the individual to perform the essential functions of his/her job.

To enable the County to keep accurate records regarding requests for accommodation, the DRAC must follow up an oral request by completing the Reasonable Accommodation Request form.

Requests should be forwarded to the DRAC as soon as possible but in no more than five (5) business days. All requests must be copied to the Equal Opportunity Office. Requests for reasonable accommodation(s) will be processed by the DRAC using the interactive process.

#### VI. INTERACTIVE PROCESS

When a request for accommodation is made, the County and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the County must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process. The

employer and employee are obligated to participate in the interactive process in good faith and are required to communicate directly and exchange essential information so as to work towards the shared goal of identifying effective reasonable accommodation(s). Applicants, employees, managers and supervisors are encouraged to contact the DRAC, the Ergonomics Manager, or the Equal Opportunity Office at any time during this process to request assistance or advice. Individuals seeking reasonable accommodation may also be assisted in the process by a person of their choice.

While each request for accommodation is unique and individual cases vary, steps to be taken in the Interactive Process may include, but are not limited to the following:

1. Analyze the particular job involved and determine its purpose and essential functions. Evidence of whether a particular function is essential includes, but is not limited to, the following:
  - The County's judgment as to which functions are essential.
  - Written job descriptions or job analysis prepared before advertising or interviewing applicants for the job.
  - The amount of time spent on the job performing the function(s).
  - The consequences of not requiring the incumbent to perform the function.
  - The terms of a collective bargaining agreement/memorandum of understanding.
  - The work experiences of the employee and past incumbents in the job.
  - The current work experiences of incumbents in similar jobs.
  - Analysis of job to show frequency of performing various job components.
  
2. Consult with the employee/applicant to ascertain the precise job-related limitations that may be created as a result of the particular disability and how those limitations could be overcome with a reasonable accommodation.
  - Do not delay the start of the process while waiting for information.
  - Identify barriers to job performance. Ask the person to clearly identify which job tasks are difficult because of the limitations. If the disability limitations relate to non-essential functions, these may be reassigned to

other employees or eliminated from the job. Any problems with essential functions can then be addressed.

3. In consultation with the employee/applicant, identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. There may be several different accommodations that will enable the employee to perform his or her job. Evaluate individual accommodations by considering the following questions:

- Does the accommodation enable the person to perform the essential function(s) of the job?
- Does the accommodation appear to be reliable and capable of being provided in a timely manner?
- Does the accommodation enable the person with a disability to be competitively employed and to have equal advancement and promotional opportunities?

When assessing the feasibility of accommodations:

- Focus on business necessity/operations;
  - Do not remove essential functions; and
  - Consider undue hardship to business operations or a direct threat.
4. Select and implement the accommodation(s) most appropriate for both employee or applicant and the County. It should be understood that the County does not have to provide the accommodation preferred by the employee or applicant or his/her health care professional. The County has the ultimate discretion to choose amongst the accommodations, so long as the chosen accommodation is reasonable and effective. If one accommodation is more costly or is more burdensome than the other, the County may choose the less expensive or less burdensome accommodation, or one that is easier to provide.
- Develop an implementation plan that includes information such as the accommodation being provided, how and when it will be implemented, and whether it is effective.
5. Document all options discussed and reasons for selecting particular option(s).

6. Follow up regularly with the employee/applicant.

- Once a reasonable accommodation has been implemented, it is important to maintain dialogue with the employee/applicant. Upon completion of the interactive process, the accommodation is implemented with the understanding that the accommodation can be revisited should it prove ineffective for either the operation of the department or the employee. If the accommodation should prove ineffective, the interactive process continues until an appropriate accommodation is determined.
- If the accommodation is not working, go back to the interactive process and determine whether:
  - The action plan was followed to completion;
  - The work continues to be within the functional limitations; and
  - The employee is successfully performing the essential functions.

If a qualified employee with a disability cannot perform the essential functions of their current position, with or without accommodation, but may be qualified to perform the essential functions of a different position, the County will explore reassignment to a vacant position. Reassignment to another position is made only to vacant, funded positions. Efforts will be made to find a vacant position within the employee's current Department. If a suitable position does not exist within the employee's current Department, Human Resources will conduct an internal County-wide job search. Promotions, creation of new positions, or displacement of other employees are not a required part of the accommodation process.

Reassignment will be considered only if no accommodations are available to enable the individual to perform the essential functions of his/her current job, or if the only effective accommodation would cause an undue hardship. In considering whether there are positions available for reassignment, the DRAC will work with Human Resources, the Equal Opportunity Office, and the individual requesting the accommodation to identify all vacant positions within the Department for which the employee may be qualified, with or without a reasonable accommodation; and all positions which Human Resources has reason to believe will become vacant over the next 30 working days and for which the employee may be qualified.

The County will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there are no vacant

equivalent positions, the County will consider vacant lower level positions for which the individual is qualified.

## VII. PERFORMANCE AND CONDUCT STANDARDS

The ADA and FEHA do not require the employer to ignore a violation of a uniformly applied rule that is job related and consistent with business necessity. Additionally, since reasonable accommodations are prospective, an employer is not required to ignore past misconduct even if the misconduct is the result of the disability. Therefore, departments are not prohibited from applying appropriate disciplinary action or exercising appropriate management responsibility.

If, during the disciplinary process, an employee makes a connection between a physical or mental impairment and the performance or misconduct, the County will initiate the interactive process which includes requesting appropriate documentation/verification of the disability. Whether or not an effective accommodation is provided, the employee remains responsible for performing the essential job functions in a timely and satisfactory method, and for complying with County policies and guidelines. If the employee fails to do so, disciplinary action may be initiated.

## VIII. REQUESTS FOR MEDICAL INFORMATION

The County is entitled to know that an individual has a covered disability that requires a reasonable accommodation. When an individual's disability is not readily apparent, the disability has not been previously documented, and/or the reasonableness of the accommodation request is not obvious, the County may request that the individual provide verification from a health care professional that s/he has the disability as claimed and that it has the effect of necessitating reasonable accommodation. The request for verification may ask the opinion of the health care professional as to whether the individual can perform the essential functions of the job or whether the requested accommodation is appropriate to the disability. The County has a right to have medical information reviewed by its own medical experts at the County's expense.

The County has a right to request relevant supplemental medical information if the information submitted does not clearly explain the impact of the disability on working, or the need for the reasonable accommodation, or otherwise clarify how the requested accommodation will assist the employee to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace, or assist an applicant with the application process. If this does not result in sufficient

information, the County may require the individual to be evaluated by a healthcare professional of the County's choice at the County's expense. During the time period necessary to obtain relevant and sufficient supplemental medical information, the employee's eligibility for any form of paid leave shall be determined by the County's Personnel Policies and Practices Resolution (PPPR) or applicable MOU or collective bargaining agreement.

Prior to obtaining medical information, the employee, or applicant or third party shall execute an appropriate Authorization to Release Medical Information statement.

All medical information will be requested and reviewed by the DRAC and/ or Human Resources, to identify an effective accommodation, in consultation with the individual to be accommodated or his/her representative.

The failure to provide appropriate documentation or to cooperate in the County's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

#### IX. CONFIDENTIALITY REQUIREMENTS REGARDING MEDICAL INFORMATION OBTAINED IN THE REASONABLE ACCOMMODATION PROCESS

To the extent possible and in accordance with applicable laws and regulations, all medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation is treated as a confidential medical record and is maintained in a secure manner, apart from personnel files and with access restricted to designated personnel on a need to know basis. In addition, employees who obtain or receive such information are strictly bound by these confidentiality requirements. The information may be disclosed only to the following individuals:

- Supervisors and managers who need to know may be told about functional limitations and necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information regarding the condition itself should only be disclosed if absolutely necessary;
- First aid and safety personnel, when appropriate, if the disability might require emergency treatment;
- Government officials investigating compliance with the ADA and/or FEHA; and



• The County may give information to state workers' compensation offices, state second injury funds or workers' compensation insurance carriers or administrators in accordance with state workers' compensation laws.

"Medical information" includes the fact that someone is receiving an accommodation or has a disability as well as any information concerning an individual's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question.

#### X. TIME FRAME FOR PROCESSING REQUESTS AND PROVIDING REASONABLE ACCOMMODATION

The County will process requests for reasonable accommodation as previously set forth and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. The County recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

The DRAC will make a decision on the request and the accommodation, if granted, will be provided within a reasonable time from the date the request was initially made, absent extenuating circumstances. If medical documentation is necessary, the decision will be made within 30 (thirty) working days from the receipt of the documentation, absent extenuating circumstances.

Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. It is the County's policy that extensions based on extenuating circumstances should be limited to circumstances where they are strictly necessary. All County staff are expected to act as quickly as reasonably possible in processing requests and providing accommodations. The following are examples of extenuating circumstances, but are not the sole reasons for extenuating circumstances.

- There is an outstanding initial or follow-up request for medical information.
- The purchase of equipment may take longer than 30 (thirty) days.
- Equipment must be back ordered or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.



- The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before the equipment is purchased by the County.
- An accommodation involves the removal of architectural barriers.

Where extenuating circumstances are present, the DRAC must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual.

- If there is a delay in providing accommodation that has been approved, the DRAC must investigate whether temporary measures can be taken to assist the individual. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the DRAC may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the department/County; and (2) the employee is clearly informed, in writing, that they are being provided only on a temporary, interim basis.

#### **XI. GRANTING A REASONABLE ACCOMMODATION REQUEST**

As soon as the DRAC determines that a reasonable accommodation will be provided, that decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the DRAC must inform the individual of the projected time frame for providing the accommodation. This notice must be in writing in order to maintain the required information for reporting purposes. A copy shall be forwarded to the Equal Opportunity Office.

#### **XII. DENYING A REASONABLE ACCOMMODATION REQUEST**

As soon as the DRAC determines that a request for reasonable accommodation will be denied, s/he must fill out the Denial of Request form. The explanation for the denial should clearly state the specific reasons for the denial. For example:

- The requested accommodation would not be effective.

- Providing the requested accommodation would result in undue hardship. Before reaching this determination, the DRAC must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. If the undue hardship is for budgetary reasons, the County Administrative Officer or his/her designee must determine whether the proposed accommodation would in fact pose an undue (financial) hardship.
- Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- The requested accommodation would require the removal of an essential function.
- The requested accommodation would require the lowering of a performance or production standard.

Where the DRAC has denied a specific requested accommodation, but offered to make a different one in its place, which was not agreed to during the interactive process, the denial notice should explain both the reasons for the denial of the requested accommodation and the reasons that the DRAC believes the chosen accommodation will be effective.

Prior to denying a request reasonable accommodation, the matter must be referred to the RARC for further review and response.

The written notice of denial must inform the individual that s/he has the right to file a complaint with the County Equal Opportunity Office, the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). Nothing contained in this policy shall preclude an individual from filing a complaint with the County Equal Opportunity Office, EEOC, or the DFEH prior to the issuance of the denial notice.

Individuals with disabilities can request prompt reconsideration of a denial for reasonable accommodation. If an individual wishes reconsideration, s/he should first ask the DRAC to reconsider the decision. The individual may present additional information in support of his/her request. The DRAC will respond to the request for reconsideration within ten (10) business days.

This policy is in addition to statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims, including time frames for filing such claims are set by the agencies listed in Section XIII below.

### XIII. COMPLAINT RESOLUTION

If the individual is not satisfied with the outcome of the interactive process, he/she has several options available.

- File a formal complaint with the County pursuant to the County's Equal Employment Opportunity Discrimination Complaint Ordinance (Monterey County Code; Title 2, Chapter 2.80). Any Equal Opportunity Office staff member who has significant involvement in processing a request for reasonable accommodation shall recuse him/herself from investigating or decision making on any subsequent Equal Opportunity Office counseling contact or complaint challenging the department's handling of the accommodation request.
- Contact the California Department of Fair Employment and Housing by calling 1-800-884-1684.
- Contact the U.S. Equal Opportunity Commission by calling 1-800-669-4000.

### XIV. INFORMATION TRACKING AND REPORTING

Within five (5) business days after a reasonable accommodation request is granted or denied, the DRAC and Human Resources shall complete a Reasonable Accommodation Reporting form and forward a copy to Equal Opportunity Office. The following information will be reported in the form:

- (1) The number of reasonable accommodations, by type, that have been requested in the application process and whether those requests have been granted or denied;
- (2) The jobs for which reasonable accommodations have been requested;
- (3) The types of reasonable accommodations that have been requested for each of those jobs;
- (4) The number of reasonable accommodations, by type, for each job that have been approved, and the number of accommodations, by type, that have been denied;

- (5) The number of requests for reasonable accommodations, by type, that relate to the benefits or privileges of employment, and whether those requests have been granted or denied;
- (6) The reasons for denial of requests for reasonable accommodation;
- (7) The amount of time taken to process each request for reasonable accommodation; and
- (8) The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.

#### **XV. DISTRIBUTION OF POLICY**

The County will display in each department the **EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES AND REASONABLE ACCOMMODATION POLICY**. Notices should be posted in conspicuous places frequented by employees and/or applicants to ensure maximum opportunity for review. The notices must list the department name and telephone number of the person responsible (DRAC) for addressing requests for reasonable accommodation. Upon request, the information contained on the notice must be made available in alternate formats (e.g. Braille, audio, large print, etc.). Additionally, notices of the **EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES AND REASONABLE ACCOMMODATION POLICY** will be posted alongside other Equal Opportunity and Employment Rights postings.

The County will distribute this information to all new employees as part of their orientation on their first day of work, post the information on its website. Copies also will be available in the Equal Opportunity Office. The County will also conduct training on these procedures for all Managers and Supervisors initially and to all new Managers and Supervisors as they are hired or promoted to such status.

#### **XVI. RECORDS RETENTION**

The County will maintain all records related to accommodation requests for at least three (3) years or the duration of employment, whichever is longer.

#### **XVII. RESOURCES**

**Monterey County Equal Opportunity Office**  
168 West Alisal Street  
Salinas, CA 93901  
755-5117 (Voice)  
755-5349 (TTY)  
<http://www.co.monterey/eqopp/>

**U.S. Equal Employment Opportunity Commission**  
San Jose Local Office  
96 N. Third St., Ste 250  
San Jose, CA 95112  
1-800-669-4000 (Voice)  
1-800-669-6820 (TTY)  
<http://www.eeoc.gov>

**California Department of Fair Employment and Housing**  
San Jose District Office  
2570 N. First St., Ste 480  
San Jose, CA 95131  
1-800-884-1684 (Voice)  
1-800-700-2320 (TTY)  
<http://www.dfeh.ca.gov>

**Job Accommodation Network (JAN)**  
1-800-526-7234 (Voice)  
1-877-781-9403 (TTY)  
<http://www.jan.wvu.edu>

JAN is a service provided by the U.S. Department of Labor's Office of Disability Employment Policy (ODEP). JAN's mission is to facilitate the employment and retention of workers with disabilities by providing employers, employment providers, people with disabilities, their family members and other interested parties with information on job accommodations, entrepreneurship, and related subjects.

**ADA Disability and Business Technical Assistance Centers (DBTACs)**  
1-800-949-4232 (Voice/TTY)  
<http://www.adata.org>

The DBTACs is a national network of 10 regional ADA Centers that provide the most complete and experienced services for up-to-date information, referrals, resources, and training on the Americans with Disabilities Act (ADA) to businesses, employers, government entities, and individuals with disabilities, as

well as media and news reporters. The DBTAGs can make referrals to local sources of expertise in reasonable accommodations.

**Registry of Interpreters for the Deaf**

1-703-838-0030 (Voice)

1-703-838-0459 (TTY)

<http://www.rid.org>

The Registry offers information on locating and using interpreters and transliteration services.

## PREVENTION OF SEXUAL HARASSMENT POLICY

### I. INTRODUCTION

The County of Monterey is dedicated to providing a professional working environment that embodies mutual respect for the dignity and worth of its employees. Accordingly, each Monterey County official, employee and agent should be individually responsible for maintaining an environment free from all forms of discrimination, including sexual harassment, intimidation, retaliation and coercion. The County is committed to providing a work environment free from sexual harassment.

### II. APPLICABILITY

This policy applies to all County employees at on-site and off-site workplaces, elected and appointed County officials, applicants for County employment and promotion, bidders and contractors who seek to do business with the County or its agencies, and recipients of County services. This policy also extends to conduct by County employees, officials and contractors towards members of the public relating to County business or services.

This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, job assignments, co-workers, subordinate employees, or supervisors. Any employee or official found to have acted in violation of this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension, and/or termination.

Similarly, the County will not tolerate sexual harassment of its employees, applicants, or contractors by non-employees, such as third party contractors, vendors, clients and/or customers. The County should be immediately alerted to any such conduct so that it can take immediate and appropriate corrective action to prevent further harassment.

### III. DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is either an expressed or implied term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment need not be motivated by sexual desire or gratification, and may include nonsexual conduct motivated by the violator's hostility toward the victim's gender, or toward the victim's nonconformity to gender stereotypes. Sexual harassment includes not only conduct motivated by gender, but also by pregnancy, childbirth, or a related condition.

Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. The work environment for County employees extends to non-work places and non-work hours when the violator continues the behavior outside the normal workplace.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
2. Stated or implied threats that a person's employment, wages, opportunities for promotion, or other conditions of employment, may be adversely affected by not submitting to sexual advances.
3. Promised or granted favored treatment in hiring, promotion, discipline, or other employment decisions, in exchange for sexual favors.
4. Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
5. Unwanted exposure to sexual graffiti, photographs, electronic transmissions or suggestive objects.
6. Unwelcome and inappropriate touching, patting, pinching, unnecessary brushes, blocking normal movement, or assault.

#### IV. COUNTY'S RESPONSIBILITY

The County is responsible for taking all reasonable steps necessary to prevent sexual harassment from occurring. The County's efforts in this regard include, but are not limited to, training, providing counseling, investigating complaints and taking appropriate corrective actions.

In order to ensure that offensive conduct does not rise to the level of conduct which is illegal, the County will not tolerate a violation of this policy which either by itself or when repeated would constitute sexual harassment.



An employee or official engaging in prohibited conduct shall be subject to appropriate disciplinary action, up to and including termination of employment, regardless of whether the employee or official engages in prohibited conduct only once.

#### V. SUPERVISORS' AND MANAGERS' RESPONSIBILITIES

Supervisors and managers are in key positions to ensure a discrimination-free workplace is maintained by not engaging in, and correcting inappropriate behavior in the workplace. It is the responsibility of supervisors and managers to ensure that their area of responsibility is in full compliance with the County's sexual harassment policy and to take all necessary steps to prevent sexual harassment.

Supervisors or managers are obligated by law and policy to address potential issues of sexual harassment once discovered, even in circumstances where the managers and supervisors are not the direct manager or supervisor of the victim or the alleged harasser.

Any Department Head, manager, supervisor, or designated employee responsible for reporting or responding to sexual harassment who knew about the harassment and took no action to stop it or failed to report the prohibited harassment also may be subject to disciplinary action.

Department Heads shall be responsible for coordinating and cooperating with the Equal Opportunity Officer or designee in investigating and resolving complaints involving employees in their respective departments.

#### VI. EMPLOYEE'S RESPONSIBILITY

Employees who believe they are or have been subjected to sexual harassment in the workplace have an obligation to report the incident(s) to their immediate supervisor, a manager, appropriate Human Resources personnel, a Department Head, or the Equal Opportunity Officer. Employees should also understand the importance of reporting incidents promptly to assure that further incidents do not occur. Complaints of sexual harassment shall be addressed in accordance with the County's Discrimination Complaint Procedures.

It is important for all employees to understand that failure to utilize the County's procedures to report violations will hinder the County's ability to stop and correct violations.

It is the responsibility of all County employees to ensure a discrimination-free work environment.

If the County determines that a County employee intentionally provided false information regarding a complaint, then corrective action may be taken, up to and including termination.

## VII. RETALIATION

It is a violation of this policy to retaliate or engage in any form of reprisal because a person has raised a concern, filed a complaint of, or been a witness to sexual harassment. Sexual harassment also encompasses retaliation when based upon the termination of a prior intimate relationship. Any act of retaliation will be treated as a separate and distinct incident, regardless of the outcome of the sexual harassment complaint. Acts of retaliation are subject to appropriate corrective action, up to and including termination.

## VIII. CONFIDENTIALITY

All information received in connection with inquiries, or with the filing, investigation, and resolution of sexual harassment, discrimination, and retaliation complaints is treated as highly sensitive and confidential. Employees authorized by the County to receive and investigate complaints are required to maintain confidentiality to the extent possible.

## IX. POLICY DISSEMINATION

The Equal Opportunity Office is responsible for ensuring that the policy and complaint procedures relating to sexual harassment is disseminated.

## X. TRAINING

All new employees will receive sexual harassment prevention training within (6) six months of their employment and every two (2) years thereafter. County officials, Department Heads, managers, and supervisors shall receive sexual harassment prevention training for supervisors and managers, in compliance with state law.

Upon being promoted to a supervisory or managerial position, the newly promoted will attend a training class for supervisors and managers on sexual harassment prevention, regardless of the date of their most recent sexual harassment training as an employee.

The Equal Opportunity Office shall be responsible for formulating and coordinating the training program on sexual harassment prevention.

Each Department Head shall be responsible for ensuring its employees are trained in accordance with direction provided by the Equal Opportunity Office.

EQUAL OPPORTUNITY POLICIES

ACKNOWLEDGEMENT FORM

By my signature, I acknowledge that I have been provided with a copy of the following policies: Equal Opportunity and Non-Discrimination Policy, Prevention of Sexual Harassment Policy, Diversity Policy and County of Monterey Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy.

Print Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*Send to Human Resources  
Form to be filed in employee's personnel file

**Administrative Directive No. 11-02**

**TO:** All Staff  
**SUBJECT:** March 1, 2011  
**IMPLEMENTATION:** Identification Badges and Electronic Keys  
**REFERENCE:** W & I Code, Section 10805, Obsoletes AD 94-06

**I. PURPOSE**

To help provide protection for staff and clients, to provide building security, and to insure the integrity of confidential material.

**II. BACKGROUND**

Because the department is large and spread throughout the county, it is not always possible for employees to identify each other by sight. The department recognizes that to secure property and confidential information, and ensure the safety of our workers, security measures are necessary to grant access to work areas.

In addition, W&I Code Section 10805 mandates that each worker employed by a county department with public social services, "whose responsibilities require making home visits shall be provided with an identification card showing the name and position of the worker and containing a recent picture." This identification card will be known as a badge.

Badges are also the electronic key to unlock doors in DSES facilities, which are secured from the general public. Since badges serve as both identification and electronic key access, all staff are to wear their badge at all times while at work, when visiting other departmental offices, and when making home visits.

It is the department's policy to welcome family and friends at the worksite for limited periods of time, and visitor badges are not typically issued.

The following procedures for this policy are intended to provide the minimum standards under which the department will operate. Individual branches or offices may have stricter requirements based on the branch needs for the location.

### III. PROCEDURES

#### A. Badges for Permanent Staff

1. All current staff have been issued badges by the Human Resources (HR) Branch. As new employees are hired, badges are issued during the new hire process.
2. Staff are required to wear their own picture badges from the time they enter the building until exiting the premises at the end of the work day. Do not share your badge with anyone or allow someone to borrow it.
3. It is the responsibility of supervisors to assure that their staff wears their badges. Employees who fail to do so are violating policy and are subject to disciplinary action.
4. If a staff member forgets their badge, a temporary badge must be secured from HR or the designee in their building and turned in at the end of the day.
5. Replacements for lost or damaged badges are to be requested directly from the Human Resources Branch. It will be necessary to make an appointment to obtain your new badge. Refer to the Request for I.D. Badge Replacement Form attached to this AD.

There is a fee of \$10 for replacement badges.  
This fee is non-refundable.

6. Badges are to be returned to Human Resources upon separation from employment with the department (resignation, retirement, etc.).
7. Badges are to be worn picture side out and should be presented to staff when requested. Badges are identification tools as well as being electronic keys.
8. Receptionists and supervisors have authority to bar access to anyone who is not displaying a badge in accordance with this policy.

#### B. Temporary Staff Badges

Temporary staff is usually issued identification badges, and these badges will not have electronic key access into locked areas.

1. Temporary employee badges are a different color than permanent employee badges.
2. Temporary employee badges will be issued by the Human Resources Branch.
3. All temporary employees must be supervised by a permanent DSES employee.
4. Temporary employee badges are to be returned to HR at the end of that temporary employee's assignment with that office.

TEMPORARY employees include:

- a. Senior Aides
- b. Summer Youth helpers
- c. GA workers
- d. Temporary Social Service Aides
- e. Work Experience workers
- f. Temporary employees from Agencies (Manpower, Kelly, etc.)
- g. Volunteers and Interns (based on assignment)

Temporary County employees will usually be issued an identification badge with electronic key access. Temporary employees from agencies will only be issued identification badges that do not have electronic key access. Exceptions will be made at the joint discretion of the appropriate Deputy Director and HR.

#### C. Visitor Badges

Visitors are not typically issued badges due to the short duration of their visits. Visitors shall be accompanied at all times by a DSES staff member while they are in a work area. If there is a need for a visitor to be issued an electronic key, contact HR.

VISITORS are anyone entering the offices including:

- a. Family members
- b. Friends, including former employees
- c. Community Service workers
- d. Other Community and County Agency workers
- e. Repair persons
- f. Commissioners and Council Members
- g. Foster Parents
- h. Volunteers and interns, including students being mentored (based on assignment)
- i. Representatives of unions or employee organizations (requires advance approval by the Program/Branch Manager or designee)
- j. Employees from other county departments
- k. Employee benefit representatives (requires advance approval of HR management)

Note: Being a visitor is a privilege, not a right. Inclusion on the above visitor list does not imply that it is appropriate for those persons to be in the work area, which is a separate consideration.

Employees are responsible for notifying Program Managers or designees of important changes in family/friend relationships that could potentially affect the safety of staff so that they will not be admitted to the work area.

D. Clients are not required to have badges.

E. Staff who are having meetings should ensure that visitors have appropriate access to offices and restroom facilities.

F. Access to work areas that cannot be secured will be limited to employees and others with a job-related reason to be there. Final determinations of the appropriateness of reason for access to an unsecured work area shall be made by the Program Manager or designee.

**IV. SUMMARY**

These are important steps to insure security and confidentiality and your cooperation is essential. We know that all staff will exercise good judgment to ensure the safety and security of worksites. Staff is encouraged to present ideas for increased security to their building Safety Officers.

Exceptions for issuing badges will be made as needed at the discretion of the Human Resources Branch and the appropriate Deputy Director.

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**Elliott Robinson, Director**

**Distribution: All staff**

**ER:rjm**

# Monterey County Department of Social Services



## Administrative Directive No. 03-01

TO: All Staff April 22, 2003  
SUBJECT: Conflicts of Interest  
REFERENCE: Obsoletes Administrative Directive 00-02

### I. PURPOSE

The potential which exists for conflicts between an employee's job duties and the employee's private interests is something about which all staff must be concerned. Staff frequently establishes close relationships with clients due to the nature of human services. Staff must be continually aware of the potential for empathetic relationships developing beyond the scope of one's authority. Conflicts of interest, in addition to being prohibited by law, can be detrimental to our clientele, staff, and the department. Demonstration of the highest standards of personal integrity, truthfulness, honesty and fortitude in all our professional activities is required in order to inspire public confidence and trust. In this regard, the public often has a higher expectation of us, as public servants, which may require us to assess even the appearance of a conflict of interest in our actions. This directive confirms and restates the department's conflict of interest policies and procedures. This information is also incorporated in the Department's Personnel Handbook.

### II. POLICIES AND PROCEDURES

1. An employee shall not be assigned to any case and shall not perform any action on any case if it in any way personally involves the employee. This includes CalWORKs benefits, employment services and social work services cases which involve the employee's relatives, family members, household members, personal friends and individuals with whom there is a business relationship. It also includes casework, clerical, and any other official department activities. It does not include assisting persons to complete forms or submit information to the department as long as the employee does not perform any departmental actions on the case.
  - A. All situations of potential conflicts of interest as described previously shall be immediately brought to the attention of a supervisor. Supervisors, in turn, must notify the program manager.
  - B. Program managers shall arrange for the work on such cases to be done by a limited number of uninvolved staff. Program managers will also arrange to receive a monthly report on the assignment of the cases to ensure an even distribution of sensitive cases to assigned staff.
  - C. Employee-recipient cases shall be assigned as in Paragraph B.
2. Employees shall not charge, request, or receive any fee, reward, gift, or payment of any kind from any person in exchange for providing county and departmental



services to any person. This prohibition does not apply to fee collection activities authorized as part of the operation of a program (e.g. adoptions, emergency shelter).

3. Employees shall not provide services or goods to clients of the department other than those which are appropriately provided under the rules of the various programs administered by the department. Such conflicts of interest would include, but are not limited to:
  - Establishing legal relationships such as power of attorney, durable power of attorney, guardianship of conservatorship with clients; or
  - Referring clients to professionals who are personal friends, or accepting departmental clients in a private client role where one expects to receive personal remuneration for providing services.
  - Engaging in business relationships
  - Personally benefiting in some financial manner
  - Being a beneficiary of a client's estate or insurance policy
4. Employees shall not solicit among county employees on county property or during work time for the purpose of providing professional or other services to them. This prohibition does not apply to legitimate employee bargaining unit activities.
5. No employee shall participate in making any departmental decision regarding any agency, board, or organization in which the employee holds an official position.
6. No employee shall receive gifts from potential vendors when in a decision-making position regarding contracts or purchases.
7. No employee shall participate in a decision involving a contract, vendor or services if the employee's family member or significant other is involved.
8. Outside Employment

State law and the County Personnel Resolution specify that County employees shall not engage in any employment, activity or enterprise which is incompatible with their duties as employees or with the duties, functions or responsibilities of the department head or the agency by which they are employed. State law prohibits any outside employment or activity which:

- Involves the use of County time, facilities, equipment, or supplies.
- Involves the use of a badge, uniform, prestige, or influence of County office or employment.
- Would normally be required or expected as a part of County employment.
- Involves any act for compensation which may later be subject, either directly or indirectly, to the control, inspection, review, audit or enforcement of another County officer or employee.

Outside employment is permitted only where there is no conflict of interest and prior permission is obtained in writing from the Director, the Personnel Manager and the County Administrative Office.

**Procedure for Requesting Approval for Outside Employment:**

- A. Employees wishing to obtain permission to engage in outside employment may contact the Department's Human Resources office to request form PD-13-5/93. Completed PD-13-5/93 are submitted to the employee's supervisor for processing.
- B. Supervisors receiving PD-13-5/93 forms from an employee must complete form Co 13 G, attach it to the request, and forward both forms to the Division Manager.
- C. Division Managers forward completed forms through the Deputy and Assistant Directors to the Director for departmental recommendation.
- D. In accordance with the County Administrative Office requirement, the Director must approve or deny any request for outside employment. Once the Director has approved or denied a request it will be forwarded to the Personnel Manager.
- E. The Personnel Manager will record the department's concurrence and forward to the County Administrative Office, or if denied, return the request to the employee with the reasons for the denial.

When the request has been approved or denied by the County Administrative Office, one copy is maintained in the employee's personnel file, and one copy is returned to the employee by the Department's Human Resources staff.

**9. Employment of Relatives**

While we will accept and consider applications for employment from relatives, close family members such as; parents, grandparents, children, spouses, brothers and sisters, or in-laws will not be hired or transferred into positions where supervision, hiring or promotional decisions are made by close family members. Further, such relatives will not be placed in positions where they work with or have access to sensitive information regarding a close family member or if there is an actual or apparent conflict of interest.

**Procedure:**

- A. During the Final Selection Interview process, staff must review the candidate's application to determine if the Department employees his/her spouse or relative and verifies such information with the candidate.
- B. Before formally offering employment to the candidate, staff completes a "Request to Employ Spouse or Relative of Employee" form and submits to the Department's Personnel Manager.
- C. Department Personnel Manager reviews requests, annotates with justification for approval/denial and forwards to the Director for final review.

**10. Other Relationships**

The Department's management practice is that; employees who have a close personal relationship of a romantic or sexual nature, business relationship, or other financial arrangement with one another will be placed into or transferred to separate work units which are supervised by different supervisors or managers. Nothing in the Department's management practice is intended to be inconsistent with County's ordinances, policies, procedures, rules or regulations prohibiting unlawful sexual harassment in the workplace.

11. As public servants, our actions are limited by law and regulations in all cases, whether or not our personal beliefs coincide.

**III. RESPONSIBILITY**

It is the responsibility of all staff to be aware of and comply with these policies. Any questions regarding the interpretation of these policies shall be promptly discussed by the employee with their supervisor. The Supervisor will consult with Human Resources, for further clarification, regarding interpretations of these policies.

It is the responsibility of all Department managers and Supervisors to ensure that each employee understands and complies with these policies. Non-compliance with these policies shall result in corrective action, which may include disciplinary action up to and including termination.

\_\_\_\_\_  
Elliott Robinson

\_\_\_\_\_  
April 22, 2003

I have been provided with a copy of the Monterey County Department of Social Services' Conflicts of Interest Administrative Directive. My acknowledgment of its receipt and my understanding of these policies are indicated by my signature below.

I understand that a copy of this acknowledgement will be placed in my personnel file.

\_\_\_\_\_  
Employee name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**Administrative Directive No. 11-01**

**TO:** All DSES Staff

**DATE:** April 4, 2011

**SUBJECT:** CONFIDENTIALITY OF CUSTOMER / CLIENT INFORMATION

**OBSOLETES:** All Prior Directives are Obsolete

**IMPLEMENTATION:** Immediately upon receipt.

**REFERENCE:** Welfare and Institutions Code (W&I Code), State Operations Manual (SOM), California Code of Regulations (CCR), Manual of Policies and Procedures Eligibility and Assistance Standards (EAS), Manual of Policies and Procedures, Division 63 CalFresh (Food Stamp) Regulations, California Penal Code, Medi-Cal Eligibility Manual Title 22, CCR, Code of Federal Regulations (CFR), Health Insurance Portability and Accountability Act (HIPAA), Confidentiality Memo dated 7/27/11 Access to C-IV Files, HR Confidentiality Memorandum dated 2-1-10

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**I. PURPOSE**

The purpose of this directive is to interpret regulations and give staff information and guidelines for handling customer/client confidentiality issues. The need for confidentiality impacts all areas of Department of Social & Employment Services (DSES) programs and requires a cooperative staff effort when the need for information under one program crosses the boundaries of other programs. This document does not and cannot address every situation which may occur; rather, it outlines Department policy and provides basic guidelines, as well as references to resources when individual circumstances require interpretation of regulations.

**II. GENERAL REQUIREMENTS**

1. Welfare and Institutions Code (W&I) Section 10850 specifies that all information regarding applicants/recipients is confidential. This section applies to all DSES administered programs, except where specifically excluded. Division 19 of the State Operations Manual contains the regulations implementing this law for CalWORKs (including Child Welfare Services), State Supplemental Program (SSP), and Title XX programs, unless otherwise indicated. The CalFresh (Food Stamp) program regulations regarding records and confidentiality are found in Section 63-201.3; the regulations for the Adoptions Program are in Title 22 of the California Code of Regulations.
2. Confidential information is defined as names, addresses, telephone numbers, Social Security numbers, birthdates and all other information concerning the circumstances of any individual for whom or about whom information is obtained. This includes both written and oral information.
3. It is a violation of these regulations and a *misdemeanor* to release confidential information without the consent of the applicant or recipient. It is also a misdemeanor

for anyone to access, view, and/or possess confidential information they have no legal right to know or possess. (Manual of Policies and Procedures Eligibility and Assistance Standards 19-002.1)

4. Employees who unlawfully disclose confidential information are subject to disciplinary action up to and including termination.
5. Information can be released only if it is necessary for the administration of public social services, as explained below. Statistical or recipient profile information which cannot be used to identify persons, such as a count of cases, average grant, etc., can be released without any authorization.

#### **A. Public Officials**

1. Public officials are specifically restricted by confidentiality regulations. Public officials include members of the United States Congress, State Legislatures, County Board of Supervisors and City Councils. If a request for specific information is made by such an official, determine why the information is needed. If the information is not needed in connection with their official duties regarding the administration of public social services, explain that a release of confidential information form, signed by a customer, is required prior to releasing information.
2. Care should be taken during this explanation not to acknowledge if the person about whom information is requested is known to DSES.
3. A letter from a customer to a member of the United States Congress, State Legislature, County Board of Supervisors, or City Council that is signed and dated and requests the official's assistance in a social services related matter is considered an authorization for the release of confidential information. Any response is restricted to the specific area of inquiry.

#### **B. Law Enforcement Officials**

1. The District Attorney's staff is entitled to confidential information necessary to perform their duties relating to DSES referrals for child support, child welfare, paternity, or fraud investigations. This information may be provided without a release of information from the applicant/recipient. Information being requested for any other purpose is not to be released without proper authorization from the applicant/recipient.
2. W&I Code Section 10850.3 allows an authorized employee of the Department to disclose confidential information concerning a public social services applicant/recipient to any law enforcement agency where a warrant has been issued for the arrest of the applicant/recipient for the commission of a felony. The request must be made in writing from the head of the agency or an authorized individual. Information which may be released is limited to the name, address, telephone number, birthday, Social Security number and physical description of the applicant for, or recipient of, public social services.

that can be used to distinguish or trace an individual's identity, e. g. names, addresses Social Security Number).

## 2. Computer Printouts, Lists and Reports

All computer-produced printouts, lists or reports which must be destroyed are to be placed in boxes located in each office. Such materials are collected regularly by Stores and Records personnel and transported for recycling.

## 3. Case Records

Case materials will be boxed, taped and labeled with destruction dates. Designated staff in each office will box the records. Once cases have been imaged they will be kept in storage. Stores and Records collect the boxes and transport them to the department warehouse where cases are maintained in storage facilities until designated destruction dates. Following Board action, they are recycled. A certificate of destruction provided by the disposal company is retained on file by the Administrative Services Branch.

# IV. METHODS FOR RELEASING INFORMATION

## A. General Requirements

1. Release of confidential information without violating regulations can be accomplished in one of the following ways:
  - When someone accompanies an applicant/recipient to an interview, explain that the interview will cover personal and confidential information. Obtain verbal permission from the applicant/recipient to allow another person to remain during the interview. Document that the applicant/recipient granted permission in case comments.
  - An authorization, signed by the applicant/recipient, is on file granting release of the *specific* information to an individual or agency.
  - A telephone authorization is acceptable if the applicant/recipient adequately identifies him/herself; however, it is a temporary authorization and must be closely followed by a written authorization. Some acceptable forms of identification may include, voice recognition, call back, social security number, case number, driver's license number, date of birth or mother's maiden name,. Document the form of identification used in case comments. Examples of typical circumstances for releasing confidential information by telephone authorization are:
    - Inquiries from medical offices
    - Welfare rights organizations or legislators calling on behalf of the recipient.
  - The information is being released to a service agency with which the department has a contract which contains a confidentiality clause.

3. Law enforcement personnel seeking confidential information shall be directed to a Program Manager. Inquiries from law enforcement personnel not specifically addressed in this Administrative Director shall be referred by the Program Manager to County Counsel for a determination as to whether information shall be released.
4. W&I Code Section 10850.7 permits disclosure of confidential information concerning a public social services applicant/recipient to any law enforcement agency where the applicant/recipient is deceased. Again, the request must be in writing, specify that the applicant/recipient is deceased, and that the requesting agency is otherwise unable to adequately identify the deceased.
5. An inquiry from immigration counselors, parole officers, credit bureaus, etc., for information regarding any matter is to be referred to a Branch/Program Manager to determine the correct course of action.

#### **C. School Officials**

1. Confidential information can be released without authorization to Superintendents of Schools and their representatives in relation to the administration of federally funded programs which provide assistance in cash, kind, or services. The information to be released is limited to the facts necessary for the Superintendent of Schools to determine eligibility for the particular program or necessary to obtain the federal funds. This includes such programs as free school lunches and Summer Youth Employment Programs (SYEP).
2. Information needed to support claiming under the Elementary/Secondary Education Act can be released to Superintendents of Schools and their representative providing an agreement regarding confidentiality is signed. Such an agreement has been completed with the Monterey County Office of Education.

### **III. PROCEDURAL REQUIREMENTS**

#### **A. General Procedures**

1. Staff, including receptionists and telephone operators must be very careful not to acknowledge to anyone making an inquiry whether or not the person about whom they are inquiring is known to the agency. If the call appears to be about an eligibility matter, it is routed to the Duty Supervisor. If the call is Services related, it is given to a Children's Services or Adult Services worker on the desk, whichever seems most appropriate.
2. Do not discuss confidential customer/client information at reception counters, on in-house phones that do not provide privacy, or in any non-confidential setting, e.g. in a hallway, break room, patio or outside of the office.
3. Since there are not many areas offering privacy for discussion of sensitive issues, it is very important that staff be conscious at all times of where the sensitive conversation



is taking place, who might potentially overhear what is being said, and the listener's need to know the information being discussed.

4. When an agency requests information about an applicant/recipient the request form must contain a signed release of information specifically addressed to the department unless the agency is covered by an agreement with the Department of Social and Employment Services.
5. Occasionally a case record is subpoenaed by a court in relation to a non-public social services matter. In such situations, the case is to be called to the attention of the Branch/Program Manager who will request County Counsel to take immediate action to safeguard the confidential nature of the records. Further explanation follows in Section C.
6. Contracts entered into with a public or private agency which involve the release of confidential information will be used in accordance with applicable regulations and shall be provided only on a need-to-know basis.

#### **B. General Case Record Procedures**

1. The purpose of public assistance and social service records is to evidence eligibility and delivery of public social services. The applicant's or recipient's record should only contain facts relevant to his or her case.
2. Certain items should be excluded from case records.
  - *Examples:* Instructional notes from line supervisors, supervisory reviews, managers and newspaper articles that might reflect on the character of the recipient. When such an item is essential to determine eligibility, amount of grant, or eligibility for social services, an explanation *must* be attached indicating how the information relates to eligibility, amount of grant, or the delivery of social services.
3. Other items can be included without explanation.
  - *Example:* Information that is proper for inclusion in a case can be birth notices, death notices, marriage or divorce notices, and notices of legal cash settlements from accidents or lawsuits.

#### **C. Social Work/Eligibility Case Records \***

1. The W&I Code, Section 10850 specifies that all information contained in case records is to be considered confidential and may not be disclosed to any person or institution which is not involved in the administration of public social services. The Information Practices Act of 1977 section 1798.53 states that any person who intentionally discloses confidential and personal information shall be subject to civil action for

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\* Electronic case records are specifically discussed on page 11 of this document.

invasion of privacy. To ensure this confidentiality and compliance with the law, staff will abide by the following:

2. Case records, whether hard copy or imaged, will remain in departmental offices, except when subpoenaed or needed in a court proceeding or case staffing, or when requested by the Auditor or others meeting the criteria stated in the W&I Code. Case records or images are not to be taken home without the prior, specific authorization of the Program Manager on a particular occasion.
3. Hard copy case records, when not in use, shall be kept in designated areas such as file cabinets or desk drawers.
4. Customers are only entitled to view the information provided by them that is kept on their applications and in our records in accordance with W&I Code 10850.2.
5. Access to adoptions and licensing case records shall be limited to staff assigned to those functions and appropriate administrative staff.
6. An employee shall not *view or access, perform any action on, or be assigned to work on* any case if it in *any way personally involves the employee*. Violation is subject to discipline, up to and including termination. Conflicts of interest are covered in Administrative Directive # 03-01. Sensitive Case handling is covered in Administrative Directive # 11-03
  - "Shall not view or access" means: do not make inquiries, or conduct information searches, in computerized case records, data bases or paper case records.
  - "Shall not perform any action" means: do not make changes in any information, make copies or images of any information or otherwise make any notes of information pertaining to the case record.
7. If an employee is aware of, or suspects potential fraudulent activity on such a case, s/he should seek assistance from his/her supervisor and not attempt to investigate.

#### D. Privileged Communications

Certain privileged communications may not be released to the client. These communications are defined in the Evidence Code and include Sections 957 (lawyer-client) and 1041 (identity of informer).

#### E. Destruction of Confidential Materials

##### 1. Wastepaper

Each office has a large recycle bin exclusively for confidential papers. If there is not a bin available, be certain to shred or cut sufficiently prior to disposing of any paper which contains confidential information (Personal Identifiable Information (PII) — any information about an individual maintained by an agency, including any information

- The information is being released to a *mandated reporter* of child abuse, who is entitled to general feedback about their report.

## **B. Release of Aid History**

1. There are frequent requests from persons who wish to obtain documentation of their aid history to present to the American Consul or United States Citizenship and Immigration Services (USCIS).
2. Get clarification from the customer so that there is no misunderstanding about the exact nature of the request. If the request is non-specific or unclear, it is the customer's responsibility to determine the kinds of information to release. Only information ***specifically requested by the customer*** can be released (e.g., an authorization to prepare a letter verifying that a person did not receive CalWORKs is ***not*** authorization to release information about any denied/withdrawn applications for CalWORKs or to release CalFresh (Food Stamp) information).

## **C. Written Authorization**

1. Written authorization must conform to the following rules:
2. The authorization must be signed and dated by the customer.
3. The specific information being released must be indicated on the form. The statement CalWORKs case is not satisfactory. At a minimum, the type of aid should be included.  
*Example: CalWORKs grant, Medi-Cal case...*
4. The type of aid being received, what information is to be released, and to whom is preferable.
5. An authorization is good for one year unless the authorization specifies an expiration date.
6. The authorization may be withdrawn in writing at any time by the applicant/recipient.
7. The authorization must be retained in the paper case file if one exists or imaged to the electronic case file.
8. The authorization must specifically refer to the Department in allowing release of information.
9. Certain other types of inquiries, such as requests relative to lawsuits, releases to research organizations, absent parents wishing to reunite with their families, and auditors, are also covered in the regulations.

#### **D. Release of Information to Public or Private Agencies**

1. Confidential information may be shared with public or private agencies without a release signed by the applicant/recipient when it is necessary for the administration of public social services. However, in sharing information, consideration must be given to each agency's need to know and the appropriateness of releasing information on that need.

Examples of circumstances where it is appropriate to release information are as follows:

- The Social Security Administration needs information contained in our records to verify the birth date of a disabled child or information to establish an applicant's entitlement to Social Security benefits.
  - The Mental Health Clinic needs background information on a patient referred by the Department for services in order to understand why the referral was made.
  - The Volunteer Bureau needs information as to what services a person needs and the person's address.
  - The Veteran's Administration needs information to help determine entitlement to Veteran's benefits.
2. The following guidelines can be used in these situations:
    - Does the request come from an agency providing services to the applicant/recipient?
    - Is the information requested necessary to perform that service? Is there a need to know?
    - Would it be a benefit to the applicant/recipient to release the information, and would it compliment the services being performed by our agency?
    - Does the agency understand that the information is confidential, and do they have confidentiality rules?
    - Caution should be taken that ***only the information needed*** is released. If the agency does not have a **NEED** to know, the information must not be provided.

#### **E. Release of Information to the Health Department/Natividad Medical Center (NMC)**

1. Workers may provide Medi-Cal eligibility information, such as beneficiary I.D. number, month of eligibility, Medicare coverage, etc., to employees of NMC and the Health Department. The Release of Information must be directly connected with the administration of the Medi-Cal or other public assistance programs.

2. County Counsel has ruled that NMC may not use information from DSES automated systems to assist them in their patient billing. Article 1, Section 1, of the California Constitution was cited as the basis for the determination.

#### **F. Subpoenaed Records**

1. Occasionally, we receive subpoenas from attorneys for information from our case files, or for us to bring certain information to a CalWORKs related civil court hearing. These hearings are usually in relation to paternity or child support. These subpoenas are generally one of the two types: a subpoena for certain documents or documents which contain certain information, or for the entire case file.

**➤ BEFORE ACTING ON ANY SUBPOENA, THE PROGRAM MANAGER IS TO CONTACT COUNTY COUNSEL AND DISCUSS WHAT ACTION TO TAKE.**

2. If the subpoena is for specific documents, take the documents out of the paper case folder, if there is one, before you take them to court. Be sure to take a complete set of photocopies of the documents with you. If the documents are entered into the court record we should then request the Judge to allow the substitution of the photocopies so our case file is not missing any documentation.
3. If the case is fully imaged, designated staff will be required to photocopy all documents and images for the court to meet the conditions of the subpoena.
4. If the entire case is subpoenaed you should advise the Judge that the file contains confidential information not pertinent to the court case and is protected under W & I Code 10850. The Judge will advise you whether or not to release only the pertinent documents or the entire case file. If, after the attorney examines the file, he wants any documents entered into the court record, make the same request to be permitted to substitute photocopies for the originals.
5. In either situation, follow the instructions of the Judge.

8. All transmissions of sensitive data via e-mail outside of the county network must be encrypted. Sensitive data is the information protected by government regulations; it includes Personal Identifiable Information (PII), Protected Health Information (PHI), and Federal Tax Information (FTI). See DSES Encryption and DSES E-mail Policies (AD 10-02 and AD 10-03)

## **VII. FAMILY AND CHILDREN'S SERVICES PROGRAM**

### **A. General Information**

1. All material and information concerning cases in Family and Children's Services (FCS) is confidential. The material and information may be released by order of the Juvenile Court.
2. The procedure for requesting release of information is initiated by the party requesting the information. That person must file a motion with Juvenile Court. Upon filing of the motion, the court will determine if the request is valid. The Juvenile Court Judge will review the records and information in Chambers and determine whether or not any information shall be released, and the content and extent of any such release (Penn vs. Ritchie).
3. Further, all material and information released shall only be used for the specific purpose requested in the motion (Navaho Express).
4. A Special Matter Order determines to which specific agency Family and Children's Services personnel can share information, and the extent of the information and materials to be shared. There are currently two Special Matters Orders:
  - One, dated October 2, 1986, covers a number of child protection treatment and investigation agencies.
  - The second, dated, March 9, 1993, specifically covers child custody mediation services.

### **B. Child Abuse Reporting Law**

1. The identity of all persons who report child abuse is confidential. The identities may be disclosed in the following circumstances only:
  - Between Child Protective agencies, or
  - To counsel representing a child protective agency, or
  - To the District Attorney in a criminal prosecution, or
  - In an action initiated under Section 602 of the W&I Code, arising from alleged Section 318 of the W&I Code, or

## **V. REFUGEE INFORMATION**

- 1. DSES staff are authorized to exchange confidential information only as necessary for the administration of public social services. Following are examples of information releases deemed necessary for the administration of public social services.**
- 2. Information which may be shared with staff that perform intake functions:**
  - **Any information necessary to complete the counseling interview requirements of the sanctioning process, including refugee's current address and phone number, and verification that a non-mandated refugee is on public assistance.**
  - **Any information necessary to make appropriate employment and training referrals.**
- 3. Information staff may share with DSES funded health accessing, mental health and social adjustment services providers:**
  - **With the consent of the refugee, staff may share any information necessary to make an appropriate and successful referral. Such information may include the refugee's name, address, and/or telephone number.**
- 4. Other Requests for Information Regarding Refugee Cases:**
  - **Staff may receive requests from other interested parties for confidential Refugees case information. Access to such information may only be obtained via two methods:**
    - **A written consent form, signed by the refugee, which allows the requesting person or organization access to specifically designated, confidential information.**
    - **A person or organization designated as a refugee's Authorized Representative (AR) may have access to confidential information for the purpose of acting as the AR. Staff may disclose confidential information requested by an AR upon receipt of written verification of said authorization. An example of such written verification would be a release signed by the customer that specifies the time frame and names the person or organization that is an authorized representative.**

## **VI. Electronic Records**

- 1. The use of computer terminals and access to confidential files and images, including records available through the DSES Data Warehouse, are available only to employees of DSES who have a job related need to know.**
- 2. Employees shall not view or access their own case(s) or any case if it in any way personally involves the employee. This includes cases which involve the employee's relatives, family members, household members, personal friends and individuals with**

whom there is a business relationship. The C-IV system has enhanced tracking ability to determine when cases are accessed by employees. Supervisors and managers have access to audit trails within the C-IV system to ensure that confidentiality policies are followed.

3. Cases designated as "Sensitive Cases" are typically either employees or relatives of employees. However, sensitive status, requiring special case handling, may be granted for cases of former employees, relatives of former employees, county employees from other departments, elected officials, or any other individual determined to need or requesting special handling. For C-IV users, these cases are to be marked "confidential" in the C-IV system. Marking the case "confidential" makes it inaccessible to the general population of C-IV users. Only a limited number of staff have the profile to access cases marked "confidential" in C-IV.
  - Relative – A member of the immediate family or any relative in the home of the employee.
  - Immediate Family Member – An immediate family member is defined as father, mother, brother, sister, wife, husband, domestic partner, child, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, aunt, uncle, niece, and nephew, cousin, former spouse/domestic partner or ex in-law.
4. Access to the State MEDS system is limited to those persons in the department who have a direct responsibility for the administration of the Medi-Cal, CalWORKs, and CalFresh (Food Stamp) programs.
  - Eligibility, CWES and Administration staff may have inquiry only status. The access level of Clerical staff varies according to assignment and is determined by the Clerical Supervisor. A designated program analyst has full access and monitors system security. Designated System Support staff issues passwords. Requests for passwords must be submitted in writing through a Program Manager to Systems Support.
5. Requests for information by other County departments or departmental employees who have been authorized to request confidential information must be processed by authorized terminal operators. These operators are clerical staff assigned to MEDS Functions, clerical supervisors, and eligibility workers assigned to NMC.
6. Certain employees of other agencies/departments having a direct mandate to operate programs providing public social services as stated in the W&I Code have been assigned individual codes for direct access to data systems. These individuals give their codes, and may be provided with the worker number and/or the case status. i.e. active or inactive. Such agencies/departments include: Social Security (Salinas, Watsonville, and Carmel), Health Department, and Mental Health Department.
7. For further explanation of departmental policy and data system security procedures, see AD 82-06 and AD 00-03.



- To County Counsel, or District Attorney in an action initiated under Section 301 of the W&I Code, or
- When those persons waive confidentiality or by court order.

*Note:* Anonymous reporting by *non-mandated* reporters is permitted.

2. The California Penal Code, Article 2.5, Child Abuse Reporting, provides legal definitions of terms inherent to the reporting of child abuse. Further, clarification is provided regarding the disclosure of identities of persons who report child abuse, the actions of those individuals required to report or act in abuse cases, content of the report or action, and the consequences of failure to act.
3. Penal Code 11172 – Immunity from liability; failure to report offense. Provides immunity from civil or criminal liability for employees of related agencies who report known or suspected child abuse. Other persons are also immune unless it can be proven that the person knew the report was false. The code also allows a picture to be taken of the suspected victim of child abuse without parental consent, free of civil or criminal liability. Failure to report an instance of child abuse is a misdemeanor and is punishable by confinement in the County Jail for a term not to exceed six months or by a fine of not more than \$500.00 or both.

### C. Adoptions

1. The California Code of Regulations – Title 22 – Chapter 3, Adoption, states: “All information in adoption case records shall be confidential.” Further, “Information from case records can be released only to agencies specified in the law, parties to the adoption or their legal counsel or persons authorized to receive it.”
  - “Records shall not be produced in Court on request of any of the parties except on subpoena.”
2. Case material may be shared intra-agency only in instances where a case is shared by two different DSES units who are involved with the same customer, such as Child Welfare Services and Adoption for a birth parent and/or foster child or Adoptions and Aging and Adult Services for a birth parent. Only that information which pertains to the mutual client may be shared.
3. Information relating to birth parents and all persons requesting adoptive home study is confidential and is not to be shared with non-involved staff.
4. Release of information forms are signed for communication with other professionals when necessary for adoption planning.

### D. Juvenile Court Proceedings

1. Rule 5.546 of the Rules of Juvenile Court encourages the timely disclosure of materials and information within the possession of the petitioner, subject to the right of the party to show privilege or good cause. PC 11167 mandates that the identity of all

persons who report suspected child abuse shall be confidential and disclosed only to specific persons outlined in this section, or when the reporting party waives confidentiality, or by court order. Attorneys for parents in W&I Code Section 300 cases are not included in PC 11167 as persons to whom the petitioner may disclose the identity of the reporting party. W&I Code Section 300 cases are juvenile dependency cases.

2. To ensure that the confidentiality of reporting parties is maintained in all Juvenile Court proceedings, while encouraging the appropriate sharing of information, the following procedures were developed. These procedures were reviewed and approved by the Juvenile Court Judge and County Counsel. It is the intent that these proceedings will not substantively change current practice.
  - During the court investigation, the Social Worker shall advise the reporting party of their right to confidentiality.
  - The Social Worker shall ask the reporting party if they wish to waive confidentiality and further explain that their confidentiality may be divulged if there is a court order requiring DSES to do so.
  - If the reporting party waives confidentiality, such waiver should be obtained in writing. After obtaining a written waiver of confidentiality rights, the Social Worker may inform the attorney for the parents, of the identity of the reporting party, by attaching the petition sent to the attorney.
  - If the reporting party refuses to waive confidentiality, then the Social Worker shall blacken out the name of the reporting party on the police report and not disclose the identity unless ordered to do so by the Court.

#### **E. Foster Care/Caregivers**

Foster parents and other caregivers (relatives, group homes, etc.) are entitled to the summary in the recommendation section of the Court Report in accordance with the W&I Code. This information is automatically provided to Foster Parents by Family and Children's Services staff after the court report has been filed. Foster parents and their attorneys are not entitled to a copy of the court report.

#### **VIII. OFFICE FOR AGING AND ADULT SERVICES – COMMUNITY SERVICES – ELDER AND DEPENDENT ADULT ABUSE REPORTING LAW**

1. AD 87-06 informs staff of the reporting requirement of the suspected elder and dependent adult abuse as adopted by the State Department of Social Services and required under W&I Code, Section 15630. The law and regulations require employees of Social Service departments to report suspected abuse of elder and dependent adult persons. Failure to report physical abuse of the elder or dependent adult is a misdemeanor, punishable by not more than six months in the County Jail, by a fine of not more than five hundred dollars (\$500.00), or by both fine and imprisonment.

2. **The identity of mandated reporters is confidential and disclosed only by court order or between elder protective agencies. Mandated reporters are exempt from civil and criminal liability for any report required by law.**

## **IX. TRAINING**

**Training on reporting responsibilities regarding suspected child, elder or dependent adult abuse, and confidentiality requirements will be conducted for all new staff by Benefits Coordinators during New Employee Orientation and Benefits Orientation, reviewed by supervisors with all staff during annual performance evaluations.**

## **X. SUMMARY**

**If a situation arises that is not covered by the regulations cited in this directive, it should promptly be called to the attention of the Branch/Program Manager, who shall refer the matter to the Office of County Counsel for resolution.**

## **XI. DISCIPLINE**

**Violation of this Directive could lead to disciplinary action up to and including termination from County employment.**

## **XII. APPENDIX**

**Includes: A reference chart and summary of this administrative directive; California Welfare and Institutions Code WIC Section 10850; Civil Code Section 1798.14-1798.23.**

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**Elliott Robinson, Director**

**ER:dla**

**B. TELEPHONE AUTHORIZATIONS:**

Telephone authorization is acceptable if the applicant/recipient adequately identifies himself/herself. A telephone authorization is temporary only and must be followed by written authorization. [Section IV, A, 1]

**C. APPLICANT/RECIPIENT WRITTEN REQUESTS FOR ASSISTANCE TO LEGISLATORS:**

A signed and dated letter from a customer to a Member of Congress, State Legislature, Board of Supervisors or City Council that requests the official's assistance in a Social Services related matter is considered an authorization for the release of information. [Section II, 3]

**D. INFORMATION MAY ALSO BE RELEASED TO LAW ENFORCEMENT OFFICIALS IN THE FOLLOWING CIRCUMSTANCES:**

An applicant/recipient is deceased and law enforcement agency is otherwise unable to adequately identify the deceased; OR

A felony arrest warrant has been issued for an applicant/recipient.

Requests must be in writing from the head of an agency or an authorized individual.

Information to be released is limited to name, address, telephone number, birthday, Social Security number and physical description. [Section II, B, 2, 3]

**E. RELEASE OF INFORMATION TO THE CUSTOMER:**

Information relating to eligibility that was provided by a customer shall be open to inspection by the customer. [III, C, 4]

Certain privileged communications may not be released to the customer. These communications are defined in the Evidence Code and include Sections 954 (lawyer-customer) and 1041 (identity of Informer). [III, D]

In any matters relating to release of information from Family and Children's Services (FCS) case records an FCS supervisor must be consulted. The Supervisor will determine what form of consent is to be used or if a court order is required.

**F. ADOPTIONS**

Access to adoption case records shall be limited to staff assigned to those functions and appropriate administrative staff. [III, C, 3]

Release of information from adoption case files is covered in [VII, D] of this directive.

## XII. APPENDIX

### CONFIDENTIALITY

Reference: Administrative Directive No. 11-01

Information obtained from applicants and recipients, whether written or oral, is confidential and must be safeguarded. Disclosure of this information shall not be made, directly or indirectly, other than in the administration of public social services programs.

In addition to Welfare and Institutions Code Section 10850, Division 19 of the State Operations Manual dealing with confidentiality and Title 22 of the California Administrative Code dealing with adoptions, staff is expected to make judgments about the handling of confidential information in accordance with the following:

- √ All staff within DSES have access to confidential files of various types. All staff have an equal responsibility to follow confidentiality laws and regulations.
- √ Case records will remain in departmental offices except for limited instances specified in the Administrative Directive. Case records are not to be taken home unless specifically authorized in advance by a Program Manager on a particular occasion.
- √ Confidential case information shall only be discussed with authorized personnel who have a work-related need for the information.
- √ Conversations at restaurants, in stores, or in other non-confidential settings, such as during breaks, shall not involve names of recipients or other details of case situations where the identity of parties involved could be discovered by a listener.

Improper release of confidential information is a misdemeanor and is subject to disciplinary action up to and including termination. Disclosure of Confidential information may also be subject to civil action for invasion of privacy.

Note: Reference to specific sections of Administrative Directive 11-01 are contained in brackets.

#### AUTHORIZATION:

##### A. WRITTEN AUTHORIZATION

Except as provided in this directive, all authorizations to release confidential information are to be written.

Written authorization must indicate the specific information to be released. It shall be signed and dated by the applicant/recipient and shall expire on year from the date signed unless an earlier expiration date is specified or authorization is revoked. [IV, C]

All information requests should be referred to an adoption supervisor who shall determine what form of consent is required and whether or not a court order is necessary.

**G. REPORTS OF SUSPECTED CHILD ABUSE**

The identity of all persons who report child abuse is and shall be kept confidential.

The identity of persons who report child abuse, reports of suspected child abuse and information contained therein may be disclosed only in limited circumstances. [VII, D]

All requests for such information should be referred to an FCS supervisor who shall determine if the request can be honored and what form of consent or court order is required.

## SUMMARY OF CONFIDENTIALITY REQUIREMENTS

Requesting Party	May information be given by staff?	How may information be obtained?
Landlord, Neighbor	Yes. Only with authorization and only if necessary for the administration of public social services. [III, C]	With customer authorization
School Officials	Yes. To superintendents of Schools or representatives for purpose of claiming for ESEA program. Also in administration of other federally funded programs, incl. Free and reduced lunches. Limited to information necessary to determine eligibility for the program. [II, C]	Without customer authorization. DSES has an agreement with County Office of Education
Public Officials	Yes. Only with authorization and only if necessary for the administration of public social services. Limited to information requested. [II, A]	With customer authorization. A signed and dated letter from customer to official asking for assistance is sufficient.
District Attorney	Yes. Information needed in regard to child support, child welfare, paternity or fraud.  Yes. Information for other purposes. [II, B, 1]	Without customer authorization.  With customer authorization
Other Law Enforcement Agencies	Yes. In case of felony arrest warrant issued for customer. Information to be released is limited.  Yes. When applicant or recipient is deceased, for purposes of identification. [II, B, 2-3]	Official written request from law enforcement needed. Requests must go to Program Managers.

**SUMMARY OF CONFIDENTIALITY REQUIREMENTS – CONTINUED**

<b>Requesting Party</b>	<b>May information be given by staff?</b>	<b>How may information be obtained?</b>
Private and Public Agencies	Yes. If necessary for the administration of public social services. Guidelines in [IV, D]	Without customer authorization, using Guidelines.
Health Dept. Natividad Medical Center	Yes. Med-Cal eligibility information only. [IV, E]	Without customer authorization.
Banks, other financial institutions, Attorneys, Legal Aid, Insurance companies, Immigration Counselors, Parole Officers	Refer to Program Manager or Eligibility Supervisor. [II, B, 4] [IV, B]	In most cases with customer authorization only.
Intake staff and DSES funded Refugee Services providers requesting info. From Refugee cases.	Yes. May share any information with intake staff necessary to complete requirements of sanctioning process and make employment and training referrals	Without customer authorization
Other requests for info. From Refugee cases.	Yes. May share information necessary to make referrals with DSES funded services providers.  Yes. Only with consent form or to designated authorized representative (AR). [V]	With consent of the refugee.  With customer authorization.
Requests for information from Family and Children's Services cases, Adult Protective Services cases and AIDS Case mgmt. Records.	A variety of laws and special matter orders apply.  All requests should be made through a social work supervisor.	May require court order and/or customer consent.  In many cases information is protected and cannot be released.
Subpoenas	Program Manager is to contact County Counsel before responding. [IV, F]	Follow Directive and Counsel.



<b>REFERENCES</b>	
Division 19, Chapter 19-000	Manual of Policies and Procedures Confidentiality Fraud, Civil Rights (CFC)
Division 23, Chapter 23-001	Manual of Policies and Procedures, Management Office Procedures
Chapter 40, Section 101.13	Manual of Policies and Procedures, Eligibility And Assistance Standards (EAS)
Article 2, Section 50111	Medi-Cal Eligibility Manual Title 22, CCR, Third Edition
Chapter 63, Section 201.3	Manual of Policies and Procedures Division 63 Food Stamp Regulations
Section 10850 Confidentiality	Welfare and Institutions Code
Section 15630 Elder and Dependent Adult Abuse	Welfare and Institutions Code
Article 2.5 Child Abuse Reporting	California Penal Code
Title 22, Chapter 3 Adoptions	California Code of Regulations
<i>Note: In cases where a Supervisor or Program Manager cannot determine whether information may be released, a Program Manager or Deputy Director will contact County Counsel. See IV, F for policies regarding subpoenas.</i>	

### **DESTRUCTION OF CONFIDENTIAL MATERIAL**

Confidential material is any material which could be used to identify an individual or family as being an applicant or recipient of aid or services. Such material could include wastepaper, computer printouts, lists, reports, and entire or portions of case records. If the material contains a name, address or any other customer information, it is considered confidential.

1. **DISPOSAL OF MATERIAL IN TRASH**

Before placing in trash receptacles, any paper which contains confidential information must be torn or cut sufficiently so that the confidential information is destroyed.

2. **DISPOSAL OF COMPUTER PRINTOUTS, IMAGES, LISTS, REPORTS**

All printouts, images, lists and reports containing confidential information which are to be destroyed are to be placed in "confidential" boxes located in each District Office. Such materials are collected regularly by Storekeepers and transported for recycling.

3. **DISPOSAL OF CASE RECORDS**

Designated staff in each District Office box, tape and label case materials with destruction dates. Stores and Records transport these boxes to Department warehouses for maintenance until designated destruction dates.

**Date:** 4-8-11

**To:** All Staff

**From:** Elliott Robinson

**Subject:** Confidentiality AD 11-01

The Administrative Directive, Confidentiality of Customer / Client Information AD 11-01 is effective immediately upon receipt. An acknowledgement of receipt form is attached to this memo. Staff are to read the directive, sign the acknowledgement of receipt form, and submit it to their branch secretary.

Branch secretaries will collect and track the receipt of the acknowledgement forms for their area. When forms have been collected for everyone in the branch, the branch secretary will forward the forms in batch to Stacy Redo in HR, Life Foundation Building, STE #308.

Acknowledgement forms are due to HR no later than May 1<sup>st</sup>, 2011.

**MCDSES**



**MONTEREY COUNTY  
DEPARTMENT OF SOCIAL  
& EMPLOYMENT SERVICES**

WORKING TOGETHER FOR OUR COMMUNITY

**CONFIDENTIALITY POLICY ACKNOWLEDGEMENT**

I, \_\_\_\_\_, hereby certify that I have received information pertaining to my responsibilities, the policies, procedures and laws regarding maintaining the confidentiality of client records and information with the department. I understand that confidentiality is mandated by the State of California, Welfare and Institutions Code Section 10850, Section 19 of the State Operations Manual, Civil Code Section 1798, and the department administrative directives regarding confidentiality and handling sensitive cases. I have been informed that any willful or knowing violation of the law is a misdemeanor and that breach of confidentiality is grounds for disciplinary action up to and including dismissal.

Employee # \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

# Monterey County Department of Social Services



## Administrative Directive No. 96-07

TO: All Staff December 13, 1996

SUBJECT: Parking Policy at the ~~Quadrangle~~ Life Foundation Building

IMPLEMENTATION: To establish Department Policy concerning employee parking at the Quadrangle.

REFERENCE: Director's Memo of August 21, 1996

The referenced Memo stated the Department's policy concerning employee parking in the lot behind the Quadrangle. This directive restates the basic policy and adds information concerning enforcement and monitoring.

### I. Policy

- A. DSS employees assigned to the Quadrangle are **not** permitted to park their private vehicles in the **WHITE** striped parking spaces from 6:00 AM to 5:00 PM. This prohibition includes short stays under two hours. These white spaces are reserved for our clients and the customers of the other businesses in the block. Employees may use the yellow loading zone and the green spaces for the designated purpose or limited stay.
- B. All county vehicles will be parked in the spaces against the rear fence starting from the north-west corner of the lot.

### II. Employee Parking – Monitoring & Enforcement

The DSS/Quadrangle leases give the landlord the obligation to provide parking and the authority to assign it. Quadrangle management has decided to issue parking stickers to the tenants of the building in order to provide visible identification of the cars required to be parked in the yellow employee/tenant spaces away from the building. For MCDSS, The Administrative Services Officer will manage the system of parking permits by:

- A. Maintaining an employee vehicle database using the information from the attached form which will be completed by all current and future Quadrangle employees. This form identifies employee vehicles by license number and will show the serial number of the parking permit assigned to that vehicle. Parking infractions noted by the security guards will be recorded here. Multiple vehicles for an employee will be accommodated and permits issued for each.
- B. Assigned parking permits will be affixed to employee vehicles in the lower, passenger side, corner of the back window – or as close to that location as permitted by the location of defrost wires, etc. In special situations, for example where after-market tinting may be damaged, other locations or mirror holders may be authorized

and noted in the database by the Administrative Services Officer on a case-by-case basis.

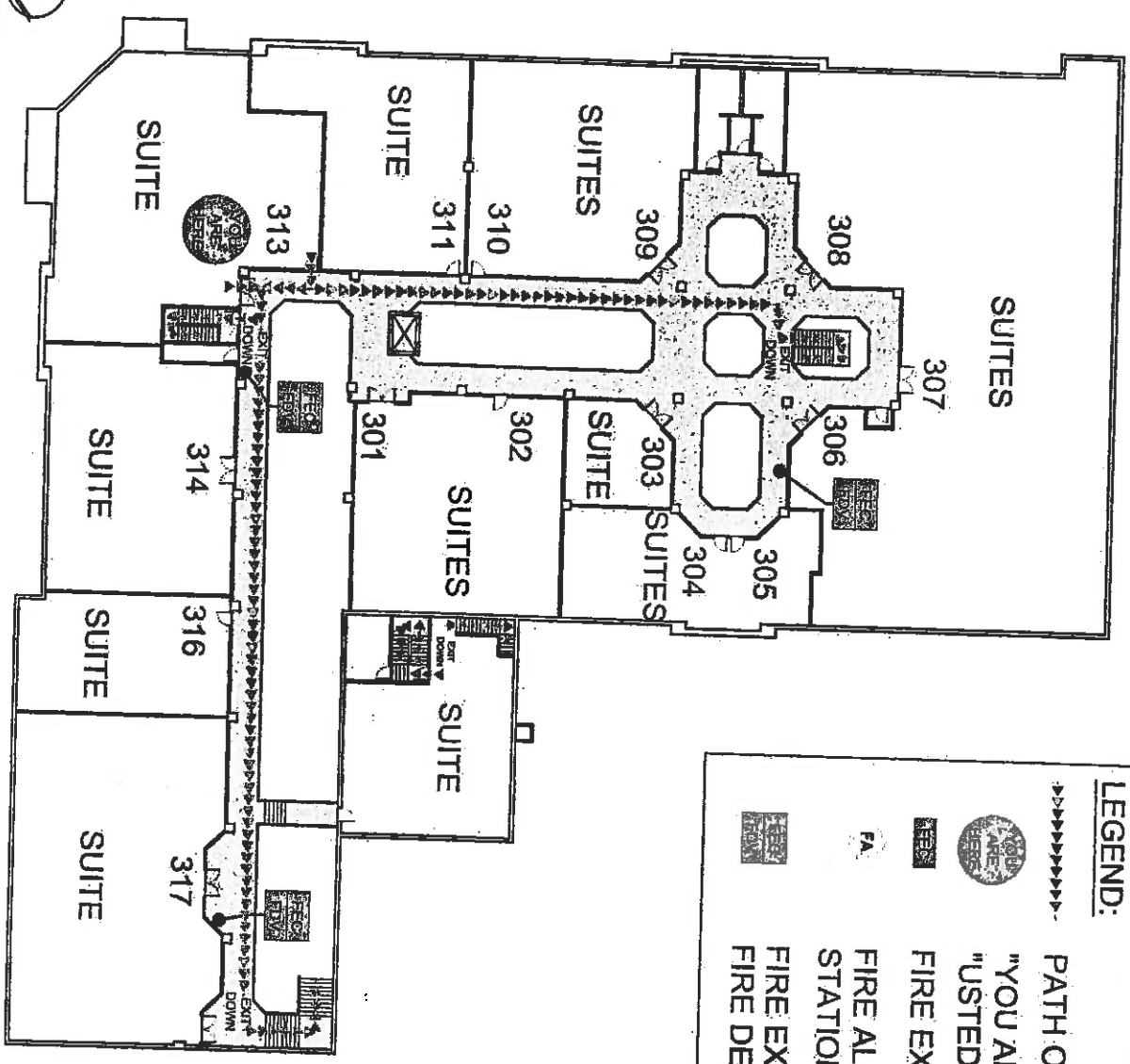
- C. As is true with the reasonable provisions of this and other Department regulations and policies, employees are expected to conscientiously comply, and supervisors and managers are responsible for seeing that their units are in compliance. Parking regulations are currently being monitored by Quadrangle security guards and multiple infractions will be taken up with tenants.

The Department and the Quadrangle is asking for everyone's cooperation with the Parking Lot Association rules so that more stringent limitations will not be imposed.












/s/ Dardell McFarlin  
Dardell McFarlin, Director

# EVACUATION PLAN

## UPPER LEVEL - 1000 S. MAIN STREET, SUITE 313



**LEGEND:**

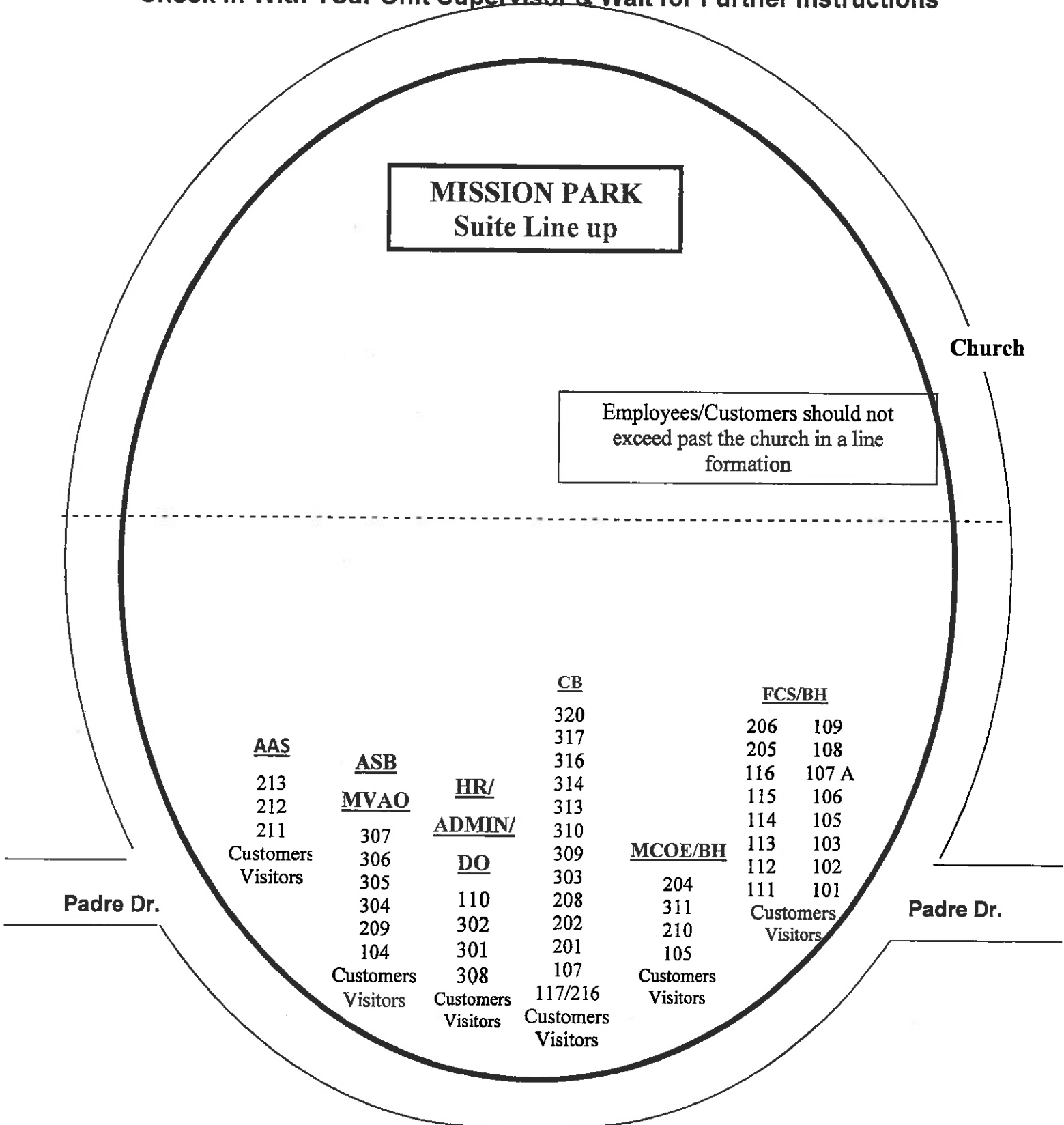
	PATH OF EGRESS		COMMON AREA CIRCULATION
	"YOU ARE HERE"		ELEVATOR
	"USTED ESTA AQUI"		FIRE EXTINGUISHER
	FIRE ALARM PULL STATION		FIRE EXTINGUISHER
	FIRE EXTINGUISHER		
	FIRE EXTINGUISHER		
	FIRE EXTINGUISHER		

**LIFE FOUNDATION BUILDING (Average of 450 Employees)**  
**EMERGENCY ASSEMBLY AREAS**  
 Accompany Customers / Visitors to the Assembly Area  
 Check In With Your Unit Supervisor & Wait for Further Instructions

**MISSION PARK**  
 Suite Line up

Employees/Customers should not  
 exceed past the church in a line  
 formation

**Church**



AAS  
 213  
 212  
 211  
 Customers  
 Visitors

ASB  
MVAO  
 307  
 306  
 305  
 304  
 209  
 104  
 Customers  
 Visitors

HR/  
ADMIN/  
DO  
 110  
 302  
 301  
 308  
 Customers  
 Visitors

CB  
 320  
 317  
 316  
 314  
 313  
 310  
 309  
 303  
 208  
 202  
 201  
 107  
 117/216  
 Customers  
 Visitors

MCOE/BH  
 204  
 311  
 210  
 105  
 Customers  
 Visitors

FCS/BH  
 206 109  
 205 108  
 116 107 A  
 115 106  
 114 105  
 113 103  
 112 102  
 111 101  
 Customers  
 Visitors

**Padre Dr.**

**Padre Dr.**

**Parking Lot**

**Parking Lot**

**W. Romie Lane**  
 ↓

**La Casa  
 Del Sazon**