

# **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 s/he 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.