

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 2.80 OF THE MONTEREY COUNTY CODE ESTABLISHING
POLICY AND PROCEDURES FOR THE INVESTIGATION AND RESOLUTION OF
DISCRIMINATION**

County Counsel Summary

This ordinance amends and expands Chapter 2.80 of the Monterey County Code, which was enacted in 1991 to establish policy and procedures for the investigation and resolution of discrimination complaints. The amended Chapter 2.80 reaffirms the commitment of the County of Monterey to provide equal opportunities for all, provides for flexibility in administration with the ability to respond to changes in the law, establishes policies, and delegates to the Equal Opportunity Officer the responsibility to develop and revise as appropriate procedures to implement the purposes of this Chapter. The ordinance also authorizes the Board of Supervisors to adopt by resolution the following policies: 1. Equal Opportunity and Non-Discrimination Policy; 2. Prevention of Sexual Harassment Policy; 3. Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy; and 4. Diversity Policy. The ordinance changes the title of Chapter 2.80 to "Equal Opportunity and Non-Discrimination."

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 2.80 of the Monterey County Code is hereby amended in its entirety as follows:

Chapter 2.80 EQUAL OPPORTUNITY AND NON-DISCRIMINATION ORDINANCE

- Sections**
- 2.80.010 Recitals**
- 2.80.020 Purpose**
- 2.80.030 Jurisdiction**
- 2.80.040 County policies supporting this Chapter**
- 2.80.050 Programs supporting this Chapter**
- 2.80.060 Procedures supporting this Chapter**
- 2.80.060 Superseding of redundant resolutions**

2.80.010 Recitals.

A. This ordinance is adopted with the stated goal of reaffirming the commitment of the County of Monterey to providing equal opportunities for all, and preventing and eliminating

unlawful discrimination. In 1991, the County of Monterey adopted the Discrimination Complaint Ordinance, which has served the County of Monterey well for many years. The 2013 amendment and retitling of the ordinance recognizes the long-standing commitment of the County of Monterey to the principles of equal opportunity and anti-discrimination. It also provides for flexibility in administration and the ability to respond to changes in the law, establishes policies and authorizes the development and amendments to the procedures, and establishes a process for updating of procedures when needed to conform to changes in the law. To promote this commitment, the County adopts this ordinance and provides for the adoption of policies, programs and procedures designed to effectuate the purposes of this Chapter.

2.80.020 Purpose.

A. The County of Monterey reaffirms its commitment to providing all persons residing in, employed by, or doing business with the County with equal opportunities to live, grow, learn, work, play, worship, and enjoy the privileges and responsibilities of contact with the County, unhampered by unlawful discrimination, irrespective of any person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or any other protected status recognized under the law.

B. The Board of Supervisors values providing an open and empathetic channel of communications for County officials and employees, applicants for employment and for business relationships with the County, and others who receive services from the County, so that they may discuss and obtain guidance with respect to issues covered by this ordinance. To that end, the Board of Supervisors has appointed an Equal Opportunity Officer who is charged with the responsibility for developing, maintaining and revising policies and procedures under the Chapter, administering the relevant delegated provisions of the County of Monterey Equal Opportunity Plan; ensuring compliance with federal, state and local laws pertaining to equal opportunity and discrimination; receiving, addressing and investigating complaints of discrimination; and providing advice about resources and assistance available for persons concerned about discrimination.

C. The Board of Supervisors reaffirms its expectation that each County official and employee should be responsible for maintaining a workplace that is free from unlawful discrimination, harassment and hostile working conditions. To this end, the County has provided, and will continue to provide, training and education designed to enable all employees to recognize and prevent unlawful discrimination, sexual harassment and hostile work environments.

D. The Board of Supervisors reaffirms its belief that the interests of the County and all affected parties are best served when complaints of unlawful discrimination are effectively and expeditiously handled at the lowest possible level, so as to provide for prompt and thorough

investigation and appropriate response to such complaints, and to promote early resolution of all discrimination complaints.

E. The Board of Supervisors shall hold all County department heads and appointing authorities accountable for the actions of their managers, supervisors, staff and agents, and the Board of Supervisors shall include criteria in the annual performance evaluations of all appointed officials concerning their compliance with this Chapter and related adopted policies as well as the County of Monterey Equal Opportunity Plan.

F. Duties assigned to the Equal Opportunity Officer under the Chapter may be carried out by the Equal Opportunity Officer or his or her designee.

2.80.030 Jurisdiction.

The scope of this Chapter is limited to claims and complaints alleging unlawful discrimination relating to employment with the County of Monterey, applicants for employment with County of Monterey, recipients of County services and those who seek to or do business with the County of Monterey and efforts to prevent unlawful discrimination.

2.80.040 County policies supporting this Chapter.

A. In furtherance of the purposes of this Chapter, the Board of Supervisors shall adopt by resolution, and may add or revise as appropriate, policies identified as follows:

1. Equal Opportunity and Non-Discrimination Policy
2. Prevention of Sexual Harassment Policy
3. Equal Opportunity for Persons with Disabilities and Reasonable Accommodation Policy
4. Diversity Policy

B. These policies apply to conduct of all vendors, contractors and employees and officers of the County, and will be posted on the County's Equal Opportunity Office website. Each County employee and department is responsible for sound administration of and adherence to these policies.

C. The Equal Opportunity Officer is charged with addressing complaints of non-compliance with these policies.

2.80.050 Programs supporting this Chapter.

In furtherance of the purposes of this Chapter, the Board of Supervisors directs and delegates to the Equal Opportunity Officer responsibility for developing, revising and implementing a Discrimination Prevention Program.

2.80.060 Procedures supporting this Chapter.

A. In furtherance of the purposes of this Chapter, the Board of Supervisors directs and delegates to the Equal Opportunity Officer responsibility for developing, revising and implementing appropriate procedures to effectuate each of the policies identified above. These procedures will be designed to provide practical protocols and instructions for bringing forth and addressing complaints and concerns about compliance with the policies identified above. The Equal Opportunity Officer or his or her designee will provide training to County employees with respect to these policies and procedures.

B. The Equal Opportunity Officer will provide periodic reports to the Board of Supervisors with respect to revisions to the procedures developed by the Equal Opportunity Office pursuant to this ordinance.

2.80.070 Superseding of redundant resolutions.

In recognition of the provisions of this ordinance and the policies, programs and procedures established hereunder, the following resolutions of the Board of Supervisors are hereby superseded by the ordinance and the policies set forth above:

- A. Resolution 71-311 Establishing Policy with Respect to Employment of Minority and Economically Disadvantaged Persons in County Government
- B. Resolution 72-274 Adopting Affirmative Action Plan for Monterey County
- C. Resolution 75-231 Establishing Revised Policy with Respect to Equal Employment Opportunity
- D. Resolution 75-240 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (re-title commission and increase membership)
- E. Resolution 76-56 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises sections 1 and 5)
- F. Resolution 79-12 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)
- G. Resolution 81-133 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)
- H. Resolution 82-166 Amends Resolution 75-65 (amending section 1 of Affirmative Action Plan for Monterey County) and Addition of Sexual Harassment Policy
- I. Resolution 86-138 Amends Resolution 72-274 Adopting Affirmative Action Plan for Monterey County (revises section 5)
- J. Resolution 88-153 To Establish Policy of Non-Discrimination for those Employees Infected with HIV or Having AIDs or AIDS Related Symptoms
- K. Resolution 90-525 Amending 72-274, 75-56, 81-133, and 82-166 insofar as each is inconsistent with 90-525.

SECTION 2. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this _____ day of January, 2013, by the following vote:

AYES: Supervisors

NOES:

ABSENT:

Chair, Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board

By _____
Deputy

APPROVED AS TO FORM:
Kay Reinson