

EXHIBIT B

• Chapter 2.80 UNDERLINE/STRIKEOUT

EQUAL OPPORTUNITY AND NON-DISCRIMINATION ORDINANCE^[5]

Sections:

• 2.80.010 – Recitals.

A.

~~This chapter is adopted with the stated goal of reaffirming the commitment of the County to providing equal opportunities for all, and preventing and eliminating unlawful discrimination. In 1991, the County adopted the Discrimination Complaint Ordinance, which has served the County well for many years. The 2013 amendment and retitling of the ordinance recognize the long-standing commitment of the County 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 chapter and provides for the adoption of policies, programs and procedures designed to effectuate the purposes of this chapter.~~

- (Ord. No. 5213, § 1, 1-29-2013)

2.80.020 – Purpose.

A.

~~The County 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 chapter. 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 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.~~

EXHIBIT B

~~—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.~~

~~—(Ord. No. 5213, § 1, 1-29-2013)~~

• ~~**2.80.030 – Jurisdiction.**~~

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

~~—(Ord. No. 5213, § 1, 1-29-2013)~~

• ~~**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.~~

~~—(Ord. No. 5213, § 1, 1-29-2013)~~

• ~~**2.80.050 – Programs supporting this chapter.**~~

EXHIBIT B

~~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.~~

~~(Ord. No. 5213, § 1, 1-29-2013)~~

~~• **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 chapter.~~

~~(Ord. No. 5213, § 1, 1-29-2013)~~

~~• **2.80.070 – Superseding of redundant resolutions.**~~

~~In recognition of the provisions of this chapter and the policies, programs and procedures established hereunder, the following resolutions of the Board of Supervisors are hereby superseded by this chapter and the policies identified 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.~~

EXHIBIT B

- ~~— 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.~~
- ~~— (Ord. No. 5213, § 1, 1-29-2013)~~

CIVIL RIGHTS ORDINANCE.

Section 2.80.010 – Purpose and Findings.

A. The purpose of this Chapter is to reaffirm the County’s commitment to respect civil rights, provide equal opportunities for all, and pursue equity in all County operations and services.

B. The County understands that diversity is a collection of individual attributes that together help the agency pursue organizational objectives efficiently and effectively. The County of Monterey believes the variety of perspectives resulting from such diversity helps promote innovation, creativity, and opportunities for collaboration. The County supports an organizational culture of inclusion that connects each employee to the organization so that all employees are able to participate and contribute their full potential. This culture encourages collaboration, flexibility, fairness, respect, and courtesy.

C. A broad study of the effects of diversity trainings found that mandatory diversity prevention training works to minimize biases within professional environments.

D. Despite decades of efforts, Monterey County residents may still suffer from inequities, bias, discrimination, and harassment.

E. A National Women’s Law Center report found that more than one in four women experience sexual harassment in the workplace but are loath to report it. It is estimated that between 70-90% of women never file a complaint.

F. This Chapter is consistent with the Civil Rights Act of 1964, California’s Fair Employment and Housing Act (FEHA) of 1959, The Americans with Disabilities Act of 1990, and cases interpreting those laws.

Section 2.80.020 – Applicability.

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

Section 2.80.030 – Definitions.

EXHIBIT B

Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meanings set forth below:

A. “Chapter” means Chapter 2.80 of the Monterey County Code.

B. “County” means the County of Monterey.

Section 2.80.040 – Regulations.

A. The County of Monterey will comply with all state, federal, and local civil rights, equal opportunity, nondiscrimination, and anti-harassment laws.

B. All County officials and employees are responsible for maintaining a workplace and delivering services in a manner that is free from unlawful discrimination, harassment, hostile working conditions, and retaliation.

C. 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 officials whom the Board appoints concerning their compliance with this Chapter, related adopted policies, and the Equal Opportunity Plan.

Section 2.80.050 – Enforcement.

A. Pursuant to Chapter 2.19 of the Monterey County Code, the Civil Rights Officer is responsible for the investigation and resolution of civil rights and equal employment opportunity complaints by or against the County, its officers, employees, and agents.

B. Duties assigned to the Civil Rights Officer under the Chapter shall be carried out by the Civil Rights Officer or his or her designee.

C. In furtherance of the purposes of this Chapter, the Board of Supervisors shall direct and delegate to the Civil Rights Officer responsibility for developing, revising, and implementing equal opportunity and nondiscrimination policies.

D. The Board of Supervisors shall direct and delegate to the Civil Rights Officer responsibility for developing, revising, and implementing appropriate procedures to enforce this Chapter and policies adopted to implement this Chapter.

E. The Board of Supervisors shall adopt by resolution policies to implement this Chapter in furtherance of its commitment to equal opportunity and nondiscrimination, including, but not limited to, the following:

1. Nondiscrimination Policy;

EXHIBIT B

2. Sexual Harassment Policy;

3. Language Access and Effective Communication Policy; and

4. Reasonable Accommodation Policy.

SECTION 2. Severability

If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.