



Monterey County

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Board Report

Legistar File Number: 17-1262

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Current Status: Consent Agenda

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Matter Type: General Agenda Item

Adopt the following countywide civil rights-related policies concurrent with the proposed name change of "Civil Rights Office":

- a. Adopt the Nondiscrimination Policy;
- b. Adopt the Sexual Harassment Policy; and
- c. Adopt the Language Access and Effective Communication Policy.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Adopt the Nondiscrimination Policy;
- b. Adopt the Sexual Harassment Policy; and
- c. Adopt the Language Access and Effective Communication Policy.

SUMMARY/DISCUSSION:

On December 5, 2017, the Board of Supervisors adopted the County's Title VI Implementation Plan and discussed changing the name of the Equal Opportunity Office to the Civil Rights Office. To make the changes throughout the Office's guiding documents, it is recommended that the Board of Supervisors update the County's policies related to the Civil Rights Ordinance. The three policies maintain the spirit of the past policies, but are updated to reflect new County Board Policy Manual formatting. In addition, the policies were updated to comply with the 2016 revision of California's Fair Employment and Housing Act and include provisions to ensure County compliance with Title VI of the Civil Rights Act of 1964.

Currently, Monterey County has the following policies:

- Equal Opportunity and Non-Discrimination
- Prevention of Sexual Harassment
- Diversity
- Relative to Committees and Commissions

It is recommended that the Policy Relative to Committees and Commissions be combined into the Nondiscrimination Policy, which also includes the essence of the Equal Opportunity and Non-Discrimination Policy. It is also recommended that the Prevention of Sexual Harassment Policy become the Sexual Harassment Policy and that the Diversity Policy become the Language Access and Effective Communication Policy.

The Diversity Policy, as it is currently written, discusses the County's commitment to diversity and inclusion. This commitment is affirmed clearly in Chapter 2.80 of the Monterey County Code, which is the rationale for omitting it in the policy revision. The key protection created in the Diversity Policy is the ability for employees to use a language other than English in the workplace. That protection, plus other guidelines related to Title VI of the Civil Right Act are included in the proposed Language Access and Effective Communication Policy, obviating the need for a separate Diversity Policy.

The law does not require the County to have a Sexual Harassment Policy separate from our Nondiscrimination Policy, which also includes harassment provisions, but we recommend a separate policy because of the gravity and importance of dealing with sexual harassment. This is in line with best practices and with practices from most California counties.

The Nondiscrimination Policy includes all the protected classes required by state law as it relates to employment and extends nondiscrimination protections to the public for all the California-level protected classes. This brings us into compliance with federal Title VI requirements and grants additional protections - otherwise not contemplated in federal law - to people receiving services from the County.

The Equal Opportunity Office reviewed recommendations from national and state organizations, current law, and consulted with community groups for suggestions. The Commission on the Status of Women was consulted regarding the Sexual Harassment Policy.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has reviewed and approved as to form.

FINANCING:

Complying with the language access requirements of Title VI of the Civil Rights Act and the Language Access and Effective Communication Policy may affect County departments and that they might have to incur costs for interpretation and translation services.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Effective enforcement of harassment and discrimination laws and policies is essential to all facets of County government.

Mark a check to the related Board of Supervisors Strategic Initiatives

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Colleen Beye, Management Specialist, x6625

Approved by: Juan P. Rodriguez, Equal Opportunity Officer, x6614

A handwritten signature in blue ink, appearing to read "Juan P. Rodriguez", is written over a horizontal line.

Attachments: Diversity Policy (current); Equal Opportunity and Non-Discrimination Policy (current); Resolution No. 80-12 Establishing a Policy Relative to Committees and Commissions; Prevention of Sexual Harassment Policy (current); Language Access and Effective Communication Policy; Nondiscrimination Policy; Sexual Harassment Policy (Attachments on file with the Clerk of the Board)