



Monterey County Board of Supervisors

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Board Order

Upon motion of Supervisor Salinas, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

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.

PASSED AND ADOPTED on this 9th day of January 2018, by the following vote, to wit:

AYES: Supervisors Alejo, Salinas, Phillips and Parker

NOES: None

ABSENT: Supervisor Adams

I, Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 80 for the meeting January 9, 2018.

Dated: January 23, 2018
File ID: 17-1262

Nicholas E. Chiulos, Acting Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

County of Monterey Board Policy Manual

Policy Name	Policy Number	Page
Nondiscrimination Policy	P-160	1 of 5
Policy Category Personnel		

I. Purpose

1. To expand upon Chapter 2.80 of the Monterey County Code, the Civil Rights Ordinance.
2. To comply with federal and state civil rights laws including California's Fair Employment and Housing Act, the Civil Rights Act of 1964, the American with Disabilities Act, the Age Discrimination Act of 1975, and the Rehabilitation Act of 1973.
3. To support an organizational culture that values inclusion, equity, and diversity.

II. Definitions

Employee: all persons employed by Monterey County including but not limited to managers, supervisors, Department Heads, frontline staff, elected officials, appointed officials (including commissioners), unpaid interns, and volunteers.

Harassment: any behavior that intimidates, threatens, degrades, torments, or places demands on another, based on one more of the protected categories. Examples include, but are not limited to:

1. Racial or ethnic slurs, epithets, and any other offensive remarks;
2. Jokes, whether written, verbal or electronic;
3. Threats, intimidation and other menacing behavior;
4. Inappropriate verbal, graphic or physical conduct;
5. Sending or posting harassing messages, videos or messages via text, instant messaging, or social media;
6. Other harassing or discriminatory conduct based on one or more of the protected categories identified in this policy.

III. Background

The 2017 creation of the Nondiscrimination Policy is in response to last year's revision of the Fair Employment and Housing Act and a countywide effort to ensure compliance with Title VI and Title VII of the Civil Rights Act. This policy combines elements of the previous Equal Opportunity and Non-Discrimination Policy and Resolution 80-12 that allows for equal opportunities for persons serving on County commissions.

IV. Policy

Monterey County is committed to providing equal opportunities to all employees, applicants, customers, persons receiving services from, and persons doing business with the County and will ensure that people may participate in, enjoy the benefits of, and be free from discrimination under any program or activity it administers without regard to:

- Age (40 or older);
- Ancestry;
- Color;
- Religious creed (including religious dress and grooming practices);
- Denial of family and medical care leave;
- Disability (mental and physical) including HIV and AIDS;
- Marital status;
- Medical condition (cancer and genetic characteristics);
- Genetic information;
- Military and veteran status;
- National origin (including language use restrictions);
- Race;
- Sex (including pregnancy, child birth, breastfeeding and medical conditions related to pregnancy, child birth or breastfeeding);
- Gender;
- Gender identity and gender expression;
- Sexual orientation; or,
- Any other protected status in accordance with all applicable federal, state and local laws (Further referred to as "protected categories").

In addition, Monterey County is committed to providing a work environment that is free of unlawful harassment. In furtherance of this commitment, the County strictly prohibits all forms of unlawful harassment, including harassment based on the protected categories and any other protected status in accordance with all applicable federal, state, and local laws. In addition, Monterey County does not tolerate sexual harassment. The County's sexual harassment policy clarifies this position.

Similarly, the County is committed to complying with all laws protecting qualified individuals with disabilities, as well as employees' religious beliefs and observances. This policy extends to all aspects of the County's employment practices, including recruiting, hiring, discipline, termination, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

Monterey County will provide a reasonable accommodation for any known physical or mental disability of a qualified individual or for employees' religious beliefs and observances, provided the requested accommodation does not create an undue hardship for the County and does not pose a direct threat to the health or safety of others in the workplace or to the individual. The County will not retaliate or discriminate against a person for requesting an accommodation for his or her disability, regardless of whether the accommodation was granted.

The County prohibits managers, supervisors, and employees from discriminating against or harassing co-workers as well as customers, vendors, suppliers, independent contractors, and others doing business with the County. In addition, the County prohibits customers, vendors, suppliers, independent contractors, and others doing business with the County from discriminating against or harassing the County's employees.

Employees who have any questions about what constitutes harassing or discriminatory conduct should contact their supervisor, manager, Department Head, Human Resources, or the Civil Rights Office.

The County has a separate policy directly addressing sexual harassment, and the standards of conduct regarding sexual harassment can be found in that policy.

V. Procedure

Reporting Harassment or Discrimination

If an employee feels that he or she is being harassed or discriminated against by another employee, supervisor, manager, or third party doing business with the County, in violation of this policy, the employee shall immediately contact their supervisor, manager, Department Head, Human Resources, or the Civil Rights Office. In addition, if an employee observes harassment or discrimination by another employee, supervisor, manager, or nonemployee, the employee shall immediately report the incident to one or more of the individuals identified above. Appropriate action will also be taken in response to violation of this policy by any nonemployee.

If a customer, person receiving services from, or person doing business with the County feels that he or she is being harassed or discriminated against by an employee, supervisor, manager, or third party doing business with the County, in violation of this policy, the person should contact an appropriate supervisor or manager, or the Civil Rights Office.

All supervisors, managers, Department Heads, and Human Resources professionals shall report complaints of misconduct under this policy and the Sexual Harassment Policy to the Civil Rights Office immediately so the County can investigate and try to resolve the claim at the most appropriate level.

All complaints of unlawful harassment and discrimination that are reported to management or to the persons identified above will be investigated as promptly as possible, and corrective action will be taken where warranted. All complaints of unlawful harassment that are reported to management or to the persons identified above will be

treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. Complaints will be investigated by impartial and qualified internal personnel unless external involvement is warranted. The process will be documented and tracked for reasonable progress, and all investigations will be completed timely. If the County determines that a County employee intentionally provided false information during an investigation or regarding a complaint, corrective action may be taken against that employee, up to and including termination.

The California Department of Fair Employment and Housing (DFEH) may also investigate and process complaints of harassment and discrimination. Violators are subject to penalties and remedial measures that may include sanctions, fines, injunctions, reinstatement, back pay, and damages. The toll-free number from the DFEH is (800) 884-1684.

Notification to the County is essential to enforcing this policy. All employees and individuals are assured that they will not be penalized in any way for reporting a harassment or discrimination problem. It is unlawful for an employer to retaliate against employees who oppose the practices prohibited by the California Fair Employment and Housing Act (FEHA), or who file complaints or otherwise participate in an investigation, proceeding or hearing conducted by the Monterey County Civil Rights Office, the DFEH, or the Equal Employment Opportunity Commission (EEOC). Similarly, the County prohibits employees from hindering its internal investigations or its internal complaint procedure. Intentionally hindering an investigation may subject the employee to corrective action, up to and including termination.

This procedure is not intended to prohibit complainants from filing complaints with the DFEH, the federal Equal Employment Opportunity Commission (EEOC), other relevant state and federal agencies, or pursuing any legal remedies available to them.

The Civil Rights Officer will maintain detailed complaint procedures which can be obtained by contacting the Civil Rights Office at (831) 755-5117 or at <http://www.co.monterey.ca.us/eqopp>.

Violations of this Policy

Violation of this policy may subject an employee or those doing business with the County to remedial, disciplinary, and/or corrective action, up to and including immediate termination. In addition, under California law, employees may be held personally liable for harassing or discriminating conduct that violates the FEHA.

Retaliation Prohibited

Monterey County prohibits retaliation against those who report, oppose, or participate in an investigation of alleged violations of this policy, or against those who participate in protected activity. Participating in an investigation of alleged wrongdoing in the workplace may include:

1. Filing a complaint internally with the Civil Rights Office, a federal, or state enforcement or administrative agency;
2. Participating in or cooperating with the County, a federal, or state enforcement agency that is conducting an investigation of the County regarding alleged unlawful activity;
3. Testifying as a party, witness, or accused regarding alleged unlawful activity;
4. Associating with another employee who is engaged in any of these activities; and/or,
5. Providing informal notice to the County regarding alleged unlawful activity.

The County strictly prohibits any adverse action or retaliation against an employee for participating in an investigation of alleged violation of this policy. If an employee feels that he or she is being retaliated against, the employee shall immediately contact their supervisor, manager, Department Head, Human Resources, or the Civil Rights Office. In addition, if an employee observes retaliation by another employee, supervisor, manager, or nonemployee, he or she should immediately report the incident to the individuals identified above.

Any employee determined to be responsible for violating this policy will be subject to appropriate disciplinary action, up to and including termination. Moreover, any employee, supervisor, or manager who condones or ignores potential violations of this policy will be subject to appropriate disciplinary action, up to and including termination.

Training and Policy Dissemination

The Civil Rights 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 Civil Rights Office.

VI. Review Date

- a. This Policy will be reviewed for continuance by January 8, 2023.

VII. Board Action

- a. Legistar File Number 17-1262, January 9, 2018.

County of Monterey Board Policy Manual

Policy Name Sexual Harassment Policy	Policy Number	Page
	P-260	1 of 3
Policy Category Personnel		

I. Purpose

1. To expand upon Chapter 2.80 of the Monterey County Code, the Civil Rights Ordinance.
2. To comply with federal and state laws, including the Civil Rights Act of 1964 and California's Fair Employment and Housing Act.
3. To create a professional environment where the worth of all people interacting with our County, including our employees, is respected.
4. To operate the County in a manner that is free from sexual harassment.

II. Definitions

Employee: all persons employed by Monterey County including but not limited to managers, supervisors, Department Heads, frontline staff, elected officials, appointed officials (including commissioners), unpaid interns and volunteers.

Gender expression: a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.

Gender identity: a person's identification as male, female, a gender different from the person's sex at birth, or transgender.

Sex: includes but is not limited to, sexual activity, pregnancy, childbirth, breastfeeding, and any related medical conditions, sex at birth, and gender identity and expression.

Sexual Harassment: a form of predatory sexual behavior in which a person targets others. It is a broad spectrum of conduct, including harassment based on sex, gender identity or expression, sexual stereotype, and sexual orientation. Examples of unlawful and unacceptable behavior include, but are not limited to:

1. Unwanted sexual advances;
2. Offering a benefit (such as a streamlined process, approval, raise, promotion, or career advancement) in exchange for sexual favors or engagement in sexual

activity, or threatening a detriment (such as termination, demotion, or denial of County benefits) for a person's refusal or failure to exchange sexual favors or engage in sexual activity;

3. Visual conduct, such as leering or making sexual gestures, and displaying or posting sexually suggestive objects or pictures, cartoons, or posters;
4. Verbal conduct, such as making sexual advances, propositions, requests, or comments;
5. Sending, soliciting, or posting sexually related messages, videos, or messages via e-mail, text, instant messaging, or social media;
6. Verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations;
7. Physical conduct, such as touching, groping, assaulting, or blocking movement;
8. Physical or verbal abuse concerning an individual's gender, gender identity, or gender expression;
9. Verbal abuse concerning a person's characteristics such as pitch of voice, facial hair, or the size or shape of a person's body, including remarks regarding gender stereotypes, such as commenting that a male is too feminine or a woman is too masculine.

Sex Stereotype: an assumption about a person's appearance or behavior, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.

Transgender: a descriptive term for a person whose gender identity differs from the person's sex at birth. A transgender person may or may not identify as 'transsexual.'

III. Background

The 2017 revision of the Sexual Harassment Policy is in response to last year's revision of the Fair Employment and Housing Act.

IV. Policy

The County of Monterey does not tolerate sexual harassment.

It is the policy of the County to both prevent illegal harassment and create a workplace that is free from all forms of sexual harassment. The County will address sexual harassment quickly and through corrective actions, which may comprise discipline, up to and including termination.

V. Procedure

Procedures for the implementation of this policy, including how to report sexual harassment, can be found in the County's Nondiscrimination Policy.

Training and Policy Dissemination

All employees shall 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 employee shall attend, within sixty days of their promotion, 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.

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

VI. Review Date

- a. This Policy will be reviewed for continuance by January 8, 2023.

VII. Board Action

- a. Legistar File Number 17-1262, January 9, 2018.

County of Monterey Board Policy Manual

Policy Name Language Access and Effective Communication Policy	Policy Number	Page
	P-130	1 of 4
Policy Category Personnel		

I. Purpose

1. To provide for the communication needs of clients who have Limited English Proficiency (LEP) in order to ensure meaningful access to programs, activities, and services for persons with in accordance with state and federal laws.
2. To ensure the employment of an ethnically and culturally diverse workforce where individuals enjoy the opportunity to speak their primary language.

II. Definitions

Limited English Proficient (LEP) person/population: individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

Translation: the rendering of written text in one language (source language) in a comparable written text in another language (target language).

Interpretation: the conversion of a message spoken in a source language into an equivalent message in the target language.

Substantial number of non-English-speaking people: people who either do not speak English or who are unable to effectively communicate in English because it is not their native language, and who comprise five (5) percent or more of the people served by the County. In federal law this is referenced as a “threshold language” when five (5) percent or 3,000 people (whichever is fewer) speak the language.

III. Background

The County is a recipient of federal financial assistance and acknowledges that as a condition of receiving these funds, we must comply with Title VI of the Civil Rights Act of 1964 which includes provisions that require us to provide meaningful access to services for Limited English Proficiency (LEP) persons. In addition, the County must comply with California's Dymally-Alatorre Bilingual Services Act, which has requirements similar to Title VI. Furthermore, since 2013, the County, through its Diversity Policy, has expressed its commitment to primary language use in the workplace. This policy supersedes the Diversity Policy.

Monterey County's population includes a significantly-sized population of individuals who face communication barriers to accessing County benefits and services due to their language abilities. The 2010 census showed that Monterey County is home to more than 25% of people who cannot communicate in English, with close to 100,000 people who speak only Spanish. Our community is home to speakers of many other languages other than Spanish, such as Tagalog (2,280 individuals) and Korean (1,099 individuals). For legal purposes, Spanish is considered the only "significant" or "threshold" language. In addition, it is known that there is a large population of speakers of Mexican indigenous languages including Mixteco, Triqui, and Chatino, among others.

We are committed to ensuring all community members have fair and meaningful access to County programs, activities, and services, which means we must have procedures for serving LEP populations.

IV. Policy

Monterey County will ensure that LEP Persons have meaningful access to its programs, services, and activities. The County recognizes that language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with regulations, or understanding key information if bilingual staff or proper interpretation and translation is not utilized.

The County recognizes that languages other than English are both necessary and welcoming and seeks to provide efficient and accessible public services to its non-English speaking communities.

All employees of the County may use a language other than English without threat of discrimination or reprisal. Departments may require, after consultation with the Civil Rights Office, that specific employees speak only English at certain times when it is justified by business necessity or emergency.

In addition, Monterey County will strive to employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

V. Procedure

Departments must ensure that language services are available to members of the public and may use the following means:

1. Utilize County-certified bilingual staff members; or,
2. Utilize a qualified interpreter or translator.

Departments may not require advance notice for an individual interacting with the County in person or over the phone to receive language interpretation services.

Material translation: Departments distributing documents to the public should endeavor to make available those documents, at minimum, in Spanish and English. Materials should be translated by a qualified translator and be reviewed by at least two staff members.

Language interpretation services shall be available at all Board of Supervisors meetings, coordinated by the Clerk of the Board. When requested by the public or staff, depending on availability of County resources, and at the County's discretion, interpretation may also be provided for additional meetings or events.

Departments are encouraged to offer simultaneous interpretation services at meetings, events, and public outreach events.

Language interpretation services will only help the County accomplish its goals of ensuring meaningful access for all residents if residents are properly informed of these services. Departments should provide notices wherever feasible to inform members of the public of the option to obtain language services. Notices can be included:

1. On the department's website;
2. On departmental handouts, forms, brochures, pamphlets, meeting agendas, flyers, or other informational handouts; and/or,
3. On a sign posted at the department's reception area.

All new public signage created by the County shall be completed in both English and Spanish, with the goal of having all public access points in both languages.

County Department Heads, managers, and supervisory personnel are responsible for implementing this policy within their areas of authority.

The Civil Rights Office is responsible for developing a Language Access Plan to help guide departmental implementation.

VI. Review Date

- a. This Policy will be reviewed for continuance by January 8, 2023.

VII. Board Action

- a. Legistar File Number 17-1262, January 9, 2018.