



# Monterey County

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## Board Report

Legistar File Number: 18-823

August 28, 2018

**Introduced:** 8/15/2018

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** General Agenda Item

Review and approve the Civil Rights Complaint Procedures.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve the Civil Rights Complaint Procedures.

### SUMMARY/DISCUSSION:

The County's complaint procedures were last updated in February 2014.

On January 2018, the Board of Supervisors amended Chapter 2.80 of the County Code, changing the name of the Equal Opportunity Office to the Civil Rights Office. Chapter 2.80.050, Section D of the Monterey County Code delegates authority to the Civil Rights Officer to enact procedures to enforce Chapter 2.80 and the following four policies:

1. Nondiscrimination Policy;
2. Sexual Harassment Policy;
3. Language Access and Effective Communication Policy; and
4. Reasonable Accommodation Policy.

Although vested with the delegated authority to enact procedures to enforce Chapter 2.80, to promote transparency, the Civil Rights Officer recommends that the Board of Supervisors review and approve the recommended update to the County's Civil Rights Complaint Procedures.

The updated procedures maintain the main previous processes but are updated to reflect the name change of the Office and Officer and the policy updates, along with five substantial changes, which are outlined below.

Significant Change No. 1: Statute of Limitations: The updated procedures would allow complainants up to 180 days to bring their concern to the Civil Rights Office; current policy allows 90 days. We found that because of the sensitivity and sometimes difficult nature of bringing forth a complaint, it is important to grant 180 days for people to review and determine that they need to file a complaint.

Significant Change No. 2: Responsibility: Current procedures allow the Civil Rights Officer to make recommendations for how a department is to handle a Civil Rights violation, but there are no procedures to follow up after that recommendation. The updated procedures will require that 30 days after the recommendation is made, the department head shall inform their appointing authority (the

County Administrative Officer or the Board of Supervisors) of the steps taken to resolve the complaint.

Significant Change No. 3: Title VI Procedures: Recipients of County services are protected under County Civil Rights policies, as well as federal and state law. In accordance with the County's Title VI of the Civil Rights Act Implementation Plan, the proposed complaint procedures include specific provisions for recipients of County services. The procedures include a collaborative effort of investigation between the County department and the Civil Rights Office.

Significant Change No. 4: Duty to Inform: In accordance with state law and the Nondiscrimination Policy, the new procedures will require managers and supervisors to inform the Civil Rights Office of complains or concerns related to civil rights within 5 days after learning of the concern to comply with Department of Fair Employment and Housing regulations.

Significant Change No. 5: Stronger Emphasis on Conciliation: The updated procedures place a very strong emphasis on conciliation. At all times, the Civil Rights Office will work with the parties involved in a complaint to attempt to resolve the matter through a conciliatory process.

It should also be noted that the Civil Rights Office now has an electronic case management system to maintain our files, processes, and timelines. The timelines presented in the procedures will be tightly monitored to ensure timely processing of complaints.

To develop the revised procedures, the Civil Rights Office reviewed recommendations from national and state organizations, current law, County Counsel, neighboring county procedures, and drew upon its own experience to determine best practices for Monterey County.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel reviewed, provided recommendations, and approved the procedures.

FINANCING:

There is no financial impact to the general fund.

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

- ☐ Economic Development
- ☒ Administration
- ☐ Health & Human Services
- ☐ Infrastructure
- ☐ Public Safety

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Approved by: Juan P. Rodriguez, Civil Rights Officer, x6614

Attachments:

Board Report; Proposed Civil Rights Complaint Procedures; Discrimination Complaint Procedures updated 2014; Graphic Representation of the Complaint Process (Attachments on file with the Clerk of the Board)