	Date Approved: <u>Manuel Jimenez</u> By: Manuel J. Jimenez, Jr., MA, MFT, Behavioral Health Care Services Director <u>6/23/2014</u>
POLICY: Non-Discrimination AUTHOR: Reviewed by Executive Committee, Recommended for approval by BHCS Director: Date <u>8/6/13</u> initials <u>[Signature]</u>	Date Revised: _____ Policy No.: _____

POLICY: Non-Discrimination Policy & Procedure

The intent of this Policy & Procedure is to reaffirm the basic right of all employees to work in an environment free from harassment, discrimination and retaliation. These actions are forbidden by law.

1. Harassment, discrimination, and retaliation are forbidden by law. An employee who engages in harassment, discrimination, or retaliation against a job applicant, an employee, a volunteer, or a member of the public, will be subject to corrective action.
2. Employees are encouraged to report incidents of harassment, discrimination, or retaliation by employees and volunteers, as well as by non-employees and volunteers. With respect to nonemployees and volunteers, although the County will investigate such reports and take further action as necessary, the County may not always possess the authority to take further action. All reports should be made promptly to facilitate the employer's ability to investigate and take appropriate action to prevent further incidents.
3. Employees shall be provided a copy of the policy upon hiring and be assured of their right to file complaints without fear of reprisal. This does not apply to an employee who willfully and intentionally makes false charges.
4. Managers and supervisors shall report instances of harassment, discrimination, or retaliation to their respective supervisors or the Deputy CAO and/or Personnel Director. The Board of Supervisors expects Department Heads, Managers, Supervisors, and elected officials to act promptly and forcefully to prevent harassment, discrimination, or retaliation.
5. Harassment, discrimination, or retaliation against another employee or member of the public may be grounds for disciplinary action, up to and including termination of employment.


DISTRIBUTION AND TRAINING

This policy, and any revisions thereof, shall be distributed to employees by the Personnel Department.

2. The County shall provide all supervisors with two hours of sexual harassment training every two years-training will be interactive and shall inform supervisors of responsibilities and obligations relative to identifying, dealing with, and remedying any instances of harassment, discrimination, or retaliation which arise in the workplace. For an employee hired or promoted to a supervisory position after July 1, 2005, the County shall give sexual harassment training within six months after hiring or promotion.
3. The County shall provide to all employees and elected officials specialized training to inform them of, and sensitize them to, conduct/behavior that constitutes harassment, discrimination, and retaliation, and the consequences of such actions; to inform them of employee rights and responsibilities when harassment, discrimination, or retaliation occurs; and to communicate departmental procedures for investigating and remedying complaints.

CONFIDENTIALITY

It is the County's policy to encourage employees with knowledge of facts evidencing a violation of this policy to report or co-operate in the investigation of violations of this policy. In many instances a complainant or witness may be reluctant to report such violations for fear that their privacy will be lost during the processing of the complaint. The procedures established in this policy for processing a complaint of, and subsequent investigation into, possible violations of this policy are designed to protect the privacy and confidentiality of all parties involved to the extent permitted by law and to the fullest extent possible while enabling the employer to investigate reported incidents and prevent future workplace harassment, discrimination or retaliation. Documents expressing final adverse action taken against someone who violates this policy shall be maintained in personnel files like other confidential

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personnel records. Complaints shall not be maintained in the complainant's personnel file unless the complainant requests them to be so maintained; if such a request is made, those documents shall be maintained in the complainant's personnel files like other confidential personnel records.

PERSONAL LIABILITY FOR HARASSMENT, DISCRIMINATION, AND RETALIATION

In addition to the potential employment discipline consequences for violations of this policy, an individual may be held personally liable in a court of law for the adverse effects upon another of his or her unlawful harassment of, or discrimination or retaliation against, the other individual.

COMPLAINT PROCEDURE

1. People may not be aware that their behavior is unwelcome, offensive, or insulting or inappropriate, and that it may constitute harassment or discrimination. Often simply advising an individual that his or her behavior or comments are unwelcome, insulting or offensive will resolve the problem. All employees that are subjected to such behavior at work are encouraged to inform the individual that his or her behavior is unwelcome, offensive, in poor taste, or inappropriate, and to request that individual to discontinue the behavior. If this does not resolve the concern, or if the offended employee is not comfortable broaching the subject with the offending individual, the offended employee, or any witnessing employee, shall report the incident(s) of harassment, discrimination or retaliation as described in this policy to their supervisor, manager, department head, elected official, employee organization, County Counsel, or the Personnel Director.
2. If the department head is so notified, he/she shall attempt to resolve the matter and if he/she is not successful in so doing, or another incident arises between the same employees, the department head shall immediately notify the Personnel Director for further action.
3. Any department or agency head who has knowledge of any harassment, discrimination, or retaliation shall report all known incidents to the Personnel Director if the actions taken within the department the first time do not cure the problem.
4. The Personnel Director shall conduct an investigation into the complaint and/or recommend disciplinary action or other action to be implemented by the department head. An investigation may include collection of relevant documents and interviews with the complainant, witnesses, including the accused employee(s), and all persons whom the investigator reasonably believes would have relevant knowledge concerning the complaint. Employees are entitled to have a Union or legal representative present during their interviews where the investigation could result in the imposition of disciplinary action against them. If the accused person is a public safety officer, the investigation will be conducted in accordance with the Peace Officer's Bill of Rights.
5. Following the completion of the investigation, the complainant and accused employee(s) will be notified of the completion of the investigation and of the ultimate outcome (i.e. whether the evidence establishes a violation of County policy). If the determination is made that harassment, discrimination, and/or retaliation occurred which violates County policy, the Personnel Director (EEO Officer) or CAO shall take and/or recommend prompt and effective remedial action commensurate with the severity of the offense(s). The Personnel Department may provide investigation and evidence to the relevant department head or other employee(s) as strictly necessary.