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April 19, 2016

Dear County Employee:

The County of Orange is committed to valuing the dignity of every person by treating others with civility and respect. Toward that end, it is our responsibility, as a community, to cultivate a work environment that is free of all forms of discrimination, harassment, including sexual harassment, retaliation and abusive conduct.

Our efforts will be more effective, if we have a shared understanding of what this means. All of us need to know how to recognize harassment and other forms of discriminatory conduct and how to respond appropriately should such a situation arise. In order to accomplish this, the Board of Supervisors has directed that every employee receive equal employment opportunity training. Additionally, the Board has adopted the revised Equal Employment Opportunity and Anti-Harassment Policy and Procedure (EEO Policy). In adopting the revised policy the Board reaffirms the County's longstanding commitment to a respectful, civil and productive work environment. The policy is applicable to all County Agencies and Departments and their employees, interns and volunteers. The policy defines unlawful discrimination, harassment, and retaliation; contains examples of prohibited discriminatory and harassing conduct that could create a hostile and offensive work environment; describes the complaint resolution procedures; and, makes clear that unlawful discrimination, harassment, and retaliation in any form will not be tolerated.

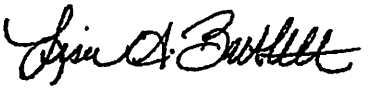
Additionally, the County EEO Policy also forbids and will not tolerate abusive (bullying) conduct that is not directed at someone's membership in a protected classification. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the sabotage or undermining of a person's work performance.

An employee, intern or volunteer who experiences conduct contrary to the EEO Policy should report the conduct to his/her supervisor, unless the supervisor is the offending party, or the Agency's Human Resource Services staff or to the EEO Access Office for assistance. Additionally, reports can also be made to the Equal Employment Opportunity Commission or to the Department of Fair Employment and Housing.

Please take the time to read, familiarize and understand the attached EEO Policy and Procedure. Any questions regarding the EEO policy should be directed to your supervisor, Agency/Department Human Resources staff, or the EEO Access Office at (714) 834-5259.

Thank you for your continuing commitment to the County of Orange and for creating a positive and productive working environment.

Sincerely,



Lisa A. Bartlett
Supervisor, Fifth District
Chairwoman, Orange County Board of Supervisors

COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY and ANTI-HARASSMENT POLICY AND PROCEDURE (Board Resolution No. 15-135)

This policy and procedure shall be known as the County of Orange Equal Employment Opportunity and Anti-Harassment Policy and Procedure. It may be referred to as the EEO/Anti-Harassment Policy.

PURPOSE

The purpose of the County of Orange EEO/Anti-Harassment Policy is to ensure equal opportunity in all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, compensation, and training. The County is committed to ensuring that no employee, unpaid intern (hereinafter 'intern') or volunteer is subjected to unlawful discrimination, harassment, retaliation or abusive conduct. Unlawful discrimination, harassment, retaliation or abusive conduct in any form will not be tolerated.

SCOPE

A. The EEO/Anti-Harassment Policy is applicable to all County Agencies and Departments and their employees, interns and volunteers.

B. Agencies/Departments and their employees, interns and volunteers are responsible for full support and commitment to a policy of equal employment or placement opportunity and a workplace free of discrimination, harassment, retaliation and abusive conduct.

POLICY

A. Equal Employment Opportunity

1. Agencies and Departments are responsible for preparing and submitting to the Human Resource Services - Equal Employment Opportunity Access Office (EEO Access Office) each calendar year a Certification of Compliance and/or an Equal Employment Opportunity Plan.

2. Equal employment opportunity will be achieved through leadership and aggressive implementation of programs designed to achieve equal employment opportunity. The program will include the periodic and systematic review of recruitment, selection and promotional practices, attention to upward mobility, periodic training and educational opportunities and audits of progress through a review of statistics, and annual Certificates of Compliance and/or Equal Employment Opportunity Plans.

3. In all cases, the better qualified applicant or employee shall be selected for a position, promotion, assignment, training, unpaid internship,

volunteer position or other employment action, unless the provisions of an applicable MOU require a different result.

B. Discrimination

1. The County of Orange is committed to ensuring that no employee, intern, volunteer or applicant is a victim of discrimination based on the person's legally protected status, whether actual or perceived, including race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation, veteran status, citizenship status, use of family medical leave, military leave or any other legally protected classification under state or federal law (collectively referred to as "protected classification"). Unlawful discrimination of any kind will not be tolerated.

2. Any person who believes that he or she has been the victim of unlawful discrimination should report the incident immediately to his or her supervisor, manager, Agency or Department Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken. Employees may also make complaints to the Equal Employment Opportunity Commission (EEOC) and/or California Department of Fair Employment and Housing (DFEH). Interns or volunteers may also make complaints to the DFEH.

3. Discrimination is misconduct which could result in severe discipline up to and including discharge.

C. Harassment

1. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's legally protected status, whether actual or perceived, including race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation, veteran status, citizenship status, use of family medical leave, military leave or any other legally protected classification under state or federal law.

2. Occasional, isolated, sporadic, or trivial acts that are simply annoying in nature may not constitute unlawful harassment. A hostile work environment exists when harassing conduct is severe or pervasive enough to alter the conditions of employment or intern/volunteer placement so as to create an abusive working environment. Nonetheless, Agencies/Departments are expected to investigate and remedy promptly even seemingly minor acts of harassment to avoid the development of a hostile work environment.

Examples of harassment include, but are not limited to:

- Explicitly or implicitly conditioning any term of employment or intern/volunteer placement (e.g. continued employment/placement, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- Participating in conduct the purpose or effect of which is to unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment;
- Unwelcome touching or grabbing any part of an employee's, intern's or volunteer's body;
- Continuing to ask an employee, intern or volunteer to socialize on or off-duty when that person has indicated she or he is not interested;
- Displaying or transmitting, in person or through any media, sexually suggestive pictures, words, objects, cartoons, or posters if it is known or should be known that such behavior is unwelcome;
- Sending sexually suggestive notes or letters if it is known or should be known that the recipient does not welcome such behavior;
- Telling sexual jokes or using sexually vulgar or explicit language in the presence of another person;
- Using foul language or gestures;
- Harassing acts or behavior directed against a person on the basis of his or her sex or any other protected classification;
- Derogatory or provocative remarks about or relating to an employee's, intern's or volunteer's sex or appearance;
- Off-duty conduct which falls within any of the above that nonetheless affects the work environment; and
- Making unwelcome or inappropriate inquiries about a person's private or personal behavior.

3. Any person who believes he or she has been the victim of unlawful harassment, should report the incident immediately to his or her supervisor, manager, Agency/Department Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken. Employees may also make complaints to the Equal Employment Opportunity Commission (EEOC) and/or California Department of Fair Employment and Housing (DFEH). Interns and volunteers may also make complaints to the DFEH.

4. The County of Orange will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment. Whenever an employee, intern or volunteer alleges harassment, or at any time when it is believed that harassment is taking place, the County of Orange will act promptly to investigate and take swift and appropriate remedial action in dealing with those found in violation of the County's EEO and Anti-Harassment Policy.

5. Harassment in the form of retaliation for complaints of discrimination will likewise not be tolerated.

6. Harassment is misconduct which could result in discipline, up to and including discharge.

D. Retaliation

1. Retaliation is defined as taking an adverse employment action(s) against an employee, intern or volunteer because of his/her protected activities, including but not limited to the reporting of violations of law or policy, unlawful discrimination, harassment, retaliation, and any other violation of this policy. Adverse employment actions may include, but are not necessarily limited to, denial of a promotion, refusal to hire, and/or imposition of discipline. Adverse placement actions include violations of the terms and conditions of internship or volunteer placement.

2. Any person who believes he or she has been the victim of retaliation should report the incident immediately to his or her supervisor, manager, Agency/Department Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken. Employees may also make complaints to the Equal Employment Opportunity Commission (EEOC) and/or California Department of Fair Employment and Housing (DFEH). Interns and volunteers may also make complaints to the DFEH.

3. Retaliation is misconduct which could result in severe discipline up to and including discharge.

E. Abusive Conduct

1. Abusive conduct means conduct of an employer or employee, intern or volunteer in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

2. Abusive conduct is not directed at someone's membership in a protected classification.

Examples of abusive conduct include, but are not limited to:

- Mocking, insulting or ridiculing a coworker, intern or volunteer;
- Spreading rumors, hurtful gossip or innuendo;
- Offensively discounting an employee's, intern's or volunteer's ideas in front of others;
- Regularly yelling, screaming, using a threatening tone towards another;
- Using foul and profane language;
- Unwanted physical contact or physical gestures that intimidate or threaten;
- Repeatedly calling someone a humiliating 'nick-name';
- Glaring at a coworker, intern or volunteer to intimidate them;
- Intentionally and repeatedly discrediting another's work;
- Temper tantrums, mood swings, shouting; and/or
- Ganging up against a co-worker, intern or volunteer

3. Any person who believes he or she has been the victim of abusive conduct should report the incident immediately to his or her supervisor, manager, Agency/Department Human Resources staff, or the Human Resource Services/EEO Access Office. All allegations will be investigated promptly. Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken.

4. Abusive conduct is misconduct which may result in severe discipline up to and including discharge.

F. Disability Accomodation

1. The County of Orange is dedicated to providing equal employment opportunities to persons with disabilities in accordance with the Americans with Disabilities Act and Fair Employment and Housing Act. Discrimination based on a person's actual, perceived, or record of disability will not be tolerated.

2. Qualified employees, with disabilities shall have the same access to benefits as employees without disabilities.

3. An individual with a disability is responsible for making his or her supervisor or HR recruiter, during a recruitment, aware of his or her need for a reasonable accommodation. When the need for accommodation has been identified, or if the supervisor is aware of the disability, the supervisor or HR recruiter is responsible for entering into an "Interactive Process" with the individual. The "Interactive Process" is case specific and may include one or more of the following steps:

   i. Identifying the essential functions of the job based upon the job description, job announcement, policies and procedures manuals;

ii. Consulting with the individual who requested the accommodation to identify which duties are affected by the individual's disability and what accommodations could enable the individual to perform those duties or the duties of another vacant position;

iii. Conferring with the Agency/Department Human Resources staff, Human Resource Services/EEO Access Office to evaluate the reasonableness of the requested accommodations and/or to identify alternate accommodations on a case-by-case basis. The EEO Access Office shall provide support and assistance in determining the reasonableness of an accommodation;

iv. Providing a qualified applicant with a disability, who is able to perform the essential functions of the position, an equal opportunity to compete for the position; and

v. Implementing those reasonable accommodations that allow an employee to perform the essential functions of his or her position without imposing an undue hardship on the operation of the business of the County or creating a direct threat of harm to the safety of the employee or others.

COMPLIANCE AUTHORITY AND PROCEDURES

A. The EEO Access Office is responsible for overseeing the administration of the County's EEO and Anti-Harassment Policy and may act through the County Executive Office and County Agencies/Departments as necessary to carry out this Policy.

B. Executives, managers, and supervisors are expected to foster support for the EEO/Anti-Harassment Policy and to show leadership in supporting the County's commitment to providing a working environment free of discrimination, harassment, retaliation and abusive conduct.

C. Agencies/Departments are responsible for ensuring that they do not discriminate, harass or retaliate in any policy, practice or procedure on the basis of any legally protected classification.

D. The EEO Access Office will gather and provide to Agencies and Departments work force statistics for their particular Agency or Department. This information may be used to insure that employment related decisions are made in compliance with federal and state non-discrimination law and this Policy.

E. Each Agency/Department will appoint an EEO Coordinator who is responsible for administering this Policy within its respective Agency/Department.

F. All Agency/Department Heads and EEO Coordinators shall on an annual basis timely submit a Certificate of Compliance to Equal Employment Opportunity. Those Agencies and Departments required under the provisions of state or

federal contracts or grants to prepare Equal Employment Opportunity Plans must do so by timely preparing and updating their existing plans and contacting the EEO Access Office for assistance as needed.

PROCESSING COMPLAINTS

A. Any employee, intern, volunteer or applicant for employment who believes he or she has been the victim of discrimination, harassment, retaliation or abusive conduct in violation of the County's EEO Policy is encouraged to file a complaint. When the County of Orange receives a complaint of discrimination, harassment, retaliation, abusive conduct or otherwise has reason to believe that discrimination, harassment, retaliation or abusive conduct is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and that prompt, appropriate remedial action is taken. The County of Orange is committed to take action if it learns of discrimination, harassment, retaliation or abusive conduct in violation of this Policy whether or not the aggrieved employee, intern or volunteer files a complaint.

B. The complainant must be given the option to file a discrimination, harassment or retaliation complaint with his or her department manager/supervisor, Agency/Department Human Resources staff, the EEO Access Office, or with an outside compliance agency such as the California Department of Fair Employment and Housing (DFEH) or the United States Equal Employment Opportunity Commission (EEOC), or the Civil Rights Division of the U.S. Department of Labor.

1. California Department of Fair
   Employment and Housing
   1055 W. 17th Street, Suite 1400
   Los Angeles, CA 94612
   (800) 884-1684
   www.dfeh.ca.gov

2. United States Equal Employment
   Opportunity Commission
   555 W. Beach Street, Suite 504
   San Diego, CA 92101
   (800) 669-4000

3. Civil Rights Center
   U.S. Department of Labor
   Room N-4123
   200 Constitution Avenue, NW
   Washington, DC 20210
   (202) 693-6500

C. Complaints alleging abusive conduct must be filed with the department manager/supervisor, Agency/Department Human Resources staff, the EEO Access Office or the DFEH.

D. The complainant and the accused are entitled to know and shall be promptly informed at the conclusion of any investigation by the County of Orange whether allegations have been found to be substantiated or unsubstantiated.

E. Where a complaint is filed against an employee with whom the EEO Access Office has a reporting relationship, the complaint will be directed to the CEO. The EEO Access Office will not conduct the investigation. The CEO will appoint an independent investigator who will report to the CEO on the complaint.

F. All supervisory and management employees are responsible for promptly responding to, and/or reporting any suspected acts of discrimination, harassment (hostile work environment and/or quid pro quo), retaliation or abusive conduct. Supervisors and managers must immediately report suspected discrimination, harassment, retaliation or abusive conduct to their Agency/Department Human Resources staff. The Agency/Department Human Resources staff shall, in turn, report any suspected discrimination, harassment, retaliation or abusive conduct to the EEO Access Office. Failure by a manager/supervisor to appropriately report and address known or suspected incidents of discrimination, harassment, retaliation or abusive conduct shall be considered to be a violation of this Policy and appropriate disciplinary action may be taken.

G. Although the County encourages an employee, intern or volunteer who believes he or she may be the victim of discrimination, harassment, retaliation or abusive conduct to report such behavior, the County will not tolerate false accusations of discrimination, harassment, retaliation or abusive conduct. The filing of any false claim is considered unlawful and may result in severe discipline up to and including discharge.

ADMINISTRATION OF THE COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-HARASSMENT POLICY AND PROCEDURE

The Human Resource Services/EEO Access Office is responsible for administering this EEO and Anti-Harassment Policy and Procedure. To ensure that this Policy is administered consistently on a countywide basis and to ensure accurate record-keeping, information regarding Agency/Departmental investigations, including the nature of the complaint or the suspected misconduct involved, the steps taken in the investigation, and the proposed disposition must be reported to the EEO Access Office before any final action is taken. The EEO Access Office will coordinate with Agency/Department Human Resources staff to ensure that all employees, interns and volunteers are advised of this Policy and to ensure uniform and effective implementation of this Policy.

Effective date: December 8, 2015
Last updated: November 13, 2015