

# **Non-Discrimination Policy & Procedure**

## **County of Butte, California**



### **I. OBJECTIVES**

- A. To establish a strong effective policy for Butte County ("the County") to prevent and respond to complaints of perceived discrimination, harassment, or retaliation.
- B. To encourage individuals to utilize internal County procedures to resolve complaints of perceived discrimination, harassment, or retaliation.
- C. To minimize complaints of perceived discrimination, harassment, or retaliation through preventive education, training and communication.
- D. To achieve early and enduring resolution of complaints of perceived discrimination, harassment, or retaliation.
- E. To gain support for Civil Rights compliance.

## **II. NON-DISCRIMINATION POLICY**

### **A. STATEMENT OF INTENT**

**It is the policy of Butte County to comply with all applicable laws prohibiting discrimination, harassment, or retaliation in employment**, defined here as including (but not limited to) all provisions of all current applicable federal and state employment statutes, their implementing regulations, and related precedential case law.

**Butte County is committed to equal employment opportunity** in all aspects of employment for all employees and applicants, without regard to an individual's membership in a protected class.

**Butte County does not tolerate discrimination, harassment, or retaliation against employees, applicants, contractors or other individuals by another employee, vendor, customer, or other third party.** Any form of discrimination, harassment, or retaliation on the basis of any protected class, including race, religion or religious creed, color, age, sex, sexual orientation, gender identity, genetic information, national origin, marital status, medical condition, disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state or local laws or ordinances, violates this Policy and Procedure ("Policy"). All appropriate corrective and disciplinary action will be taken in response to a violation of this Policy, up to and including termination of employees and contracts with vendors. The County has zero tolerance for discrimination, harassment, or retaliation and is committed to providing a work environment that is free of any such conduct.

**Butte County provides reasonable accommodation** consistent with the requirements of federal, state or local laws or ordinances.

**Butte County is committed to preventing and correcting behavior that violates this Policy.** The County provides multiple avenues for individuals to notify the County of any perceived violation and conducts prompt investigations of complaints, and takes appropriate corrective and disciplinary action when policy violations are substantiated.

**Butte County prohibits retaliation** against any individual for reporting in good faith any perceived violation of this Policy.

### **B. COVERAGE**

This Policy applies to all aspects of employment and covers, for the County, all employees at all on-site and off-site workplaces, elected and appointed officials, applicants for employment, employee beneficiaries, providers/vendors, individuals performing work and/or services for the County, and volunteers.

### **C. RESPONSIBILITY**

**All individuals** performing work and/or services for the County are responsible for maintaining workplace environments free of discrimination, harassment, and retaliation.

County elected or appointed officials, administrative officers, supervisors, managers and administrative personnel shall maintain non-discrimination, non-harassment and non-retaliation

in County public employment, public services, public accommodations and public telecommunications. They are responsible for creating a working environment for all employees, free from harassment, discriminatory, and retaliatory practices.

County elected or appointed officials, administrative officers, supervisors, managers and administrative personnel must consider any employee information, even if it is given in confidence, as a complaint and take appropriate action, including notification of the County Civil Rights Officer.

#### **D. NON-COMPLIANCE WITH POLICY**

The County will not tolerate any violation of this Policy, and all appropriate corrective and disciplinary action will be taken in response to any violation, up to and including termination of employees and contracts with vendors.

#### **E. CIVIL RIGHTS COMPLIANCE OFFICER**

The Human Resources Director is the Civil Rights Compliance Officer for Non-Discrimination and Americans with Disabilities Act (ADA)/Fair Employment and Housing Act (FEHA) per appointment by the County Board of Supervisors and has full authority and responsibility for:

1. Receiving and investigating complaints of perceived violations of this Policy, as appropriate;
2. Utilizing early resolution strategies to address perceived violations of this Policy;
3. Developing remedies to address perceived violations of this Policy;
4. Assessing the County's duty and ability to provide a reasonable accommodation;
5. Providing training and education to County employees and elected or appointed officials regarding the principles addressed in this Policy;
6. Reporting to the County Board of Supervisors and Administration on progress, issues, and needs related to equal employment opportunity in County employment; and
7. Generally ensuring County compliance with this Policy.

The Civil Rights Compliance Officer may designate an individual(s) to assist in the performance of these and any other responsibilities described in this policy.

#### **F. EQUAL EMPLOYMENT OPPORTUNITY**

The County is an equal opportunity employer. We enthusiastically accept our responsibility to make employment decisions without regard to race, religion or religious creed, color, age, sex, sexual orientation, gender identity, genetic information, national origin, marital status, medical condition, disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state, or local laws or ordinances. This Policy applies to all aspects of employment including the hiring, placement, promotion, transfer,

demotion, layoff, termination, recruitment advertising, pay, and other forms of compensation, training, and general treatment during employment.

## **G. REASONABLE ACCOMMODATION**

Any individual seeking a reasonable accommodation may make an accommodation request through the office of the Civil Rights Compliance Officer. The office of the Civil Rights Compliance Officer will assist the individual in completing the request, if necessary.

The Civil Rights Compliance Officer will evaluate whether a reasonable accommodation is appropriate. If the Civil Rights Compliance Officer determines that an accommodation is appropriate, the Civil Rights Compliance Officer will work with the individual to implement the accommodation.

## **H. HARASSMENT PREVENTION**

The County does not tolerate harassment of employees, applicants, contractors or other individuals by another employee, vendor, customer, or any third party. Any form of harassment on the basis of race, religion or religious creed, color, age, sex, sexual orientation, gender identity, genetic information, national origin, marital status, medical condition, disability, military service, pregnancy, childbirth and related medical conditions, or any other classification protected by federal, state, or local laws or ordinances is a violation of this Policy, and all appropriate corrective and disciplinary action will be taken in response, up to and including termination. The County has zero tolerance for harassment and is committed to a workplace free of any harassment.

The County provides appropriate training to newly hired employees and existing employees as required by law, and provides additional training as appropriate.

## **I. RETALIATION**

It is a violation of this Policy to retaliate or engage in any form of retaliation against an individual for bringing a complaint under this Policy, participating as a witness in an investigation of a complaint under this Policy, or exercising legal rights or testifying in a legal hearing related to any complaint brought under this Policy.

It is also a violation of this Policy to retaliate against an individual who has requested a reasonable accommodation.

No County elected or appointed officials, administrative officers, supervisors, managers, administrative personnel or any other employee shall intimidate, threaten or block another employee's attempts to bring forward a complaint or participate in a complaint process or to participate in an investigation or legal hearing related to any such complaint.

Any individual who believes the provisions of this Policy prohibiting retaliation have been violated should report the perceived violation utilizing the complaint process outlined in this Policy.

### **III. COMPLAINT PROCEDURE**

Individuals may bring concerns of perceived violations of this Policy to the County's attention using any of the methods described below. The County encourages individuals to report concerns immediately. The County will promptly investigate the facts and circumstances of any claim that this Policy has been violated and take appropriate corrective and disciplinary action in response, up to and including termination.

#### **A. BRINGING A COMPLAINT**

An individual may report a perceived violation of this Policy to any County employee in a supervisory or managerial position, to any Department Head, or directly to the Civil Rights Compliance Officer. Alternatively, the individual may, but is not required to, communicate directly with the person the individual believes is violating this Policy, to try and resolve the complaint.

If an individual makes a complaint under this Policy and does not receive a satisfactory response within five (5) business days, the individual should contact the Civil Rights Compliance Officer immediately.

Any supervisory or managerial County employee, Department Head, or County elected or appointed official who learns of a perceived violation of this Policy must immediately report it to the Civil Rights Compliance Officer.

#### **B. INVESTIGATION BY THE CIVIL RIGHTS COMPLIANCE OFFICER**

The Civil Rights Compliance Officer will promptly initiate an investigation into the facts and circumstances of any perceived violation of this Policy.

All County employees, agents, contractors, and volunteers are expected to fully cooperate with County-initiated investigations to examine any perceived violation of this Policy. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.

The County attempts to safeguard the privacy of the complainant, respondent, witnesses and all others involved in investigation of a perceived violation of this Policy, to the extent possible. Additionally, all County employees, agents, contractors, and volunteers are expected to treat such matters as confidential.

Upon completion of the investigation, the County will take appropriate corrective and preventive action. The Civil Rights Compliance Officer will mail a written determination (the "Determination") to the person bringing the complaint (the "Complainant"). The Determination shall be final unless appealed pursuant to Section III.C. of this Policy, below.

## **C. APPEALS TO AN IMPARTIAL PANEL**

### **1. Appeal Rights and Requirements**

A Complainant who is a County employee or applicant may appeal the Determination referenced in paragraph III.B., above to an impartial panel (the "Panel"). The Complainant must submit a written appeal that meets the requirements specified below and be received by the Butte County Department of Human Resources within seven (7) calendar days of the date of mailing of the Determination. If the appeal is not submitted to and received by the Human Resources Department within the seven (7) calendar day period specified herein, the Determination shall be final and Complainant shall have no further right to appeal.

The appeal must be submitted to the Butte County Department of Human Resources; addressed to the attention of the Human Resources Director and must be submitted and received within the seven (7) calendar day period specified above. The appeal must include the following:

- The reason or reasons the appellant Complainant disputes the Determination; and
- The relief or solutions that the Complainant feels would be appropriate.

### **2. Appeal Panel**

Upon the receipt of a timely appeal, the Human Resources Director will randomly select a Panel to hear the Complainant's appeal and will set the matter for hearing. The Panel will consist of three Human Resources professionals from any of the following agencies (if there is a personal conflict with any of the following agencies, the complainant will have the ability to strike one of the three panel members):

- a. Butte College;
- b. City of Chico;
- c. Butte County Office of Education;
- d. Tehama County;
- e. Colusa County;
- f. Plumas County;

- g. Sutter County;
- h. Yuba County.

### **3. Appeal Procedures**

At the hearing on the appeal of the Determination, the County and the Complainant will each have the opportunity to provide evidence, including relevant testimony related to the matter being disputed, as directed by the Panel and consistent with the provisions of these appeal procedures.

The burden of proof shall be on the Complainant to show by a preponderance of the evidence that this Policy was violated. Both parties may make or waive opening statements. The Complainant shall introduce facts upon which a prima facie claim of violation of this Policy can be made. The County may present evidence in support of its position. Thereafter, each side may present rebuttal evidence followed by closing statements.

The Panel will make its decision as to whether or not there was a Policy violation within thirty (30) calendar days of the submission of all relevant materials to the Panel; unless the Panel notifies the Complainant and the County in advance of the 30 calendar day deadline that additional time is needed. A decision by a majority of the members of the Panel shall be final and binding. The Panel shall issue written findings to complainant and to the Civil Rights Compliance Officer. The Civil Rights Compliance Officer will then take appropriate action based on the findings.

The Panel may not rule to modify, amend or terminate a Memorandum of Understanding, local ordinance, resolution, other written agreement or any other rule which is within the authority of the Board of Supervisors or other legislative body and the Panel may not award any monetary damages. The Panel's decision is applicable only to the specific Determination and shall not be precedent setting. The failure to provide appropriate documentation, or to cooperate with the Panel, may result in denial of the appeal.

Pursuing any of the County's complaint procedures identified above does not affect the time limits for initiating any statutory claims the individual may have. Employees who participate in this process are not precluded in any way from pursuing other remedies, including, but not limited to, filing an administrative complaint with the California Department of Fair Employment and Housing and/or the Federal Equal Employment Opportunity Commission at any time consistent with the legal requirements for filing such complaints.

**BUTTE COUNTY NON-DISCRIMINATION POLICY & PROCEDURE  
ACKNOWLEDGMENT OF RECEIPT**

I have received a copy of the Butte County Non-Discrimination Policy & Procedure (“the Policy”), as revised on 12/11/12 and acknowledge that it is my responsibility to read, understand and comply with the Policy. I understand that all individuals performing work and/or services for the County are responsible for maintaining a workplace environment free of discrimination, harassment, and retaliation.

\_\_\_\_\_  
Employee’s Name (Print)

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Department

\_\_\_\_\_  
Date

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*DEPARTMENT PROCESSING INSTRUCTIONS*

***Please provide a copy of this policy to each employee. After they have read the policy, please have them sign this form. We ask that each Department return the signed forms to the Human Resource Department for inclusion in the employee’s personnel file.***