

	COUNTY OF YUBA POLICY MANUAL	POLICY NO.: HROS 1.12 PAGE 1 OF 2 ORIGINATION DATE: MAY 1, 2009 AMENDED: JANUARY 22, 2019 REAFFIRMED: MARCH 22, 2022
Title: Equal Employment Opportunity Policy		Approved By: Board of Supervisors, Resolution # <u>2022-38</u>

Purpose / Scope:

The County of Yuba is an equal opportunity employer and prohibits discriminatory employment based on protected status. The purpose of this Equal Employment Opportunity (EEO) Policy is to promote an atmosphere of nondiscrimination and fair treatment for all employees, applicants, volunteers, interns, visitors, and persons providing services pursuant to a contract; assure compliance with federal and state equal opportunity requirements and regulations; and establish employment practices and tracking mechanisms to achieve the objectives of this policy, including an EEO Plan which commits Yuba County, its officers, and employees to support and pursue in good faith the basic guarantees of equal employment opportunity.

Policy:

It is the policy of the Board of Supervisors that the County of Yuba shall:

- Provide equal employment opportunity to all its employees and applicants regardless of race, color, ancestry, religious creed, national origin, age over 40, marital status, sexual orientation, sex, gender, gender identity, gender expression, political or religious opinions or affiliations, physical or mental disability, medical condition, genetic information, military and veteran status, the taking of family and medical leave per the Family and Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA), or any other factor unrelated to job performance, except where gender is a bona fide occupational qualification (the term “bona fide occupational qualification” will be construed in the same manner as defined under the Civil Rights Act of 1964 and the California Fair Employment and Housing Act as amended).
- Not discriminate against or tolerate the harassment of its employees or applicants for employment on the basis of race, color, ancestry, religious creed, national origin, age over 40, marital status, sexual orientation, sex, gender, gender identity, gender expression, political or religious opinions or affiliations, physical or mental disability, medical condition, genetic information, military and veteran status, the taking of family and medical leave per the Family and Medical Leave Act (FMLA) and/or California Family Rights Act (CFRA), or any other factor unrelated to job performance, except where gender is a bona fide occupational qualification.
- Not discriminate in admission or access to, or operation of, its programs, services or activities.

The County of Yuba is committed to EEO, fair and impartial treatment, and non-discrimination for all existing and prospective employees as a necessary element in basic merit system principles. It is the County’s intent to ensure all human resources policies, practices, and programs are administered and implemented in a fair, equitable and non-discriminatory manner.

The Board of Supervisors has established the Human Resources Director as the EEO Officer, who may designate an individual to assume a role on his/her behalf.

All aspects of human resource administration shall be fair and impartial. The principle of EEO shall apply with respect to all incidents of an employment relationship, including, but not limited to:

- Recruitment, including advertising or solicitation for employment;
- Job selection, hiring, and placement;
- Treatment during employment including the probationary period;
- Promotion and advancement;
- Compensation and benefits;
- Evaluation of work performance;
- Selection for training and other professional development opportunities;
- Discipline;
- Transfer, demotion, layoff, and termination;
- Application of personnel rules and regulations.

In addition, the County of Yuba will provide reasonable accommodations for employees and prospective employees with disabilities in an effort to enable them to successfully perform the essential functions of the job, benefit from training, or compete for a job opening or promotional opportunity.

Definitions:

Adverse Impact

A substantially different rate of selection in hiring, promotion or other employment decision which works to the disadvantage of members of a protected status. Disparate treatment identified in a given employment practice will not be considered to constitute adverse impact if the practice has been established as job-related and consistent with business necessity, is the result of a bona fide occupational qualification, or conforms to applicable security regulations established by federal or state law.

Business Necessity

Where there is a facially neutral practice that has an adverse impact, that practice is permissible provided that there is an overriding legitimate business purpose such that the practice is necessary to the safe and efficient operation of County business, and the practice effectively fulfills the purpose it is supposed to serve. Business necessity does not exist where there is an alternative practice that will accomplish business needs equally well with a lesser discriminatory impact.

EEO-4 Report

A survey required by the Equal Employment Opportunity Commission which indicates the composition of the agency's work force by sex and by race/ethnic category. This survey is conducted biennially in every odd-numbered year.

Equal Employment Opportunity

All qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to all individuals.

Equal Employment Opportunity Plan

A written document that analyzes the County's relevant labor market data and/or employment practices for ensuring equal employment opportunity.

Equal Employment Opportunity Program

All of the various methods by which equal employment opportunity is ensured.

Ethnic Group Identification

An individual's identification in one or more of the ethnic groups distinguished in the EEO reporting requirements. These groups are defined consistent with state and federal law.

Monitored Group

Those groups identified by the EEOC for which monitoring and reporting is required pursuant to Title VII of the Civil Rights Act.

Screening or Selection Procedures

Any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil exams; performance exams; physical, educational, and work experience requirements; supplemental questionnaires; interviews and review of application forms.

Significantly Underrepresented Group

Any monitored group for which the percentage of persons from that group employed by the County in any job category as defined by the EEOC, is below eighty percent (80%) of the projected representation for that group in the job category in question.

Exemptions / Exclusions:

Exemptions as recognized by current law, including business necessity and bona fide occupational qualifications.

Responsibilities:

This policy reflects the County's commitment to equal employment opportunity. It is the County's belief that taking active and vigorous steps to ensure equal employment opportunity and to create a working and public service environment, which is welcoming to all, will foster diversity and promote excellence. To achieve the goal of equal employment, Yuba County employees will be guided by the following responsibilities:

Board of Supervisors

- Commit Yuba County, its officers, and employees to support and pursue in good faith the basic guarantees of equal employment opportunity;
- Pledge their support to the objectives of the EEO Policy;
- Provide, within budgetary constraints, the necessary financial and staff support needed for the effective implementation of the EEO Plan;

County Administrator

- Pledge the cooperation of all department heads, supervisors, and employees in the achievement of this policy's objectives; and
- Assure that each department head takes such action as is necessary to achieve the policy's objectives.

Human Resources Director/ EEO Officer

- Initiate, coordinate and evaluate the County's employment and promotional procedures to ensure that all employees and applicants receive the benefits of equal employment opportunities;
- Establish, evaluate, update and monitor the EEO Policy and EEO Plan;
- Audit, in conjunction with the EEO-4 report in odd-numbered years, the personnel and employment practices for the County and update the EEO Plan for recommendation to the Board of Supervisors based upon audit results;
- Work to resolve internal and external complaints of alleged discrimination or harassment;
- Arrange, conduct and evaluate activities related to equal employment opportunity programs and nondiscrimination policies; and
- Make presentations to County management, employees, and community groups.

Human Resources Staff

- Work with management and/or consultative committees to develop and implement the EEO Policy and Plan;
- Develop and review Human Resources policies and procedures;
- Provide policy direction on attainment of equal employment opportunities in each department;
- Integrate the EEO Policy and practices into human resource management practices and County programs;
- Provide training to department managers and supervisors on the requirements of the EEO Policy and EEO Plan;
- Research EEO matters and keep management informed of developments in EEO;

- Provide statistical and other human resources information to allow the Board of Supervisors to develop and monitor the EEO Plan;
- Investigate discrimination complaints filed with the County;
- Review classification specifications to ensure requirements are relevant to the job;
- Assure County's recruitment practices provide for equal consideration of all qualified applicants;
- Analyze County jobs and selection procedures in order to develop job related selection standards that remove artificial, arbitrary or unnecessary barriers to employment;
- Ensure elements of the examination/recruitment process are directly related to job duties and requirements and are administered fairly to all qualified applicants;
- Select examination and interview panel members based on their knowledge and abilities and/or as subject matter experts;
- Ensure that all personnel actions involving compensation, benefits, transfers, layoffs, and County sponsored training are administered without regard to race, color, ancestry, religious creed, national origin, age over 40, marital status, sexual orientation, sex, gender, gender identify, gender expression, political or religious opinions or affiliations, physical or mental disability, medical condition, military and veteran status, the taking of family and medical leave per the Family and Medical Leave Act (FMLA) or California Family Rights Act (CFRA), or any other factor unrelated to job performance, except where such a factor is a bona fide occupational qualification; and
- Assure equal compensation and benefits based on job responsibility without regard to preference.

Supervisors

- Ensure that the principles covered in the EEO Policy and EEO Plan are upheld;
- Ensure equality of employment and promotional opportunities, and that no unlawful discrimination occurs in employment practices;
- Report any employment discrimination or harassment complaint to the EEO Officer.
- Initiate steps to foster and maintain a work climate that is conducive to achieving equal employment opportunities, employee job satisfaction and fair treatment and a workplace free from discrimination or harassment;

Management (in addition to the above):

- Post this EEO policy and federal and state notice of Equal Employee Opportunity in the workplace.

Employees

- Comply with its terms of the County's Equal Employment Opportunity Policy ;
- Support a work climate that is conducive to achieving equal employment opportunities and a workplace free from discrimination or harassment;
- Are encouraged to report conduct which is prohibited by this policy whether or not they are personally involved to his/her supervisor or the County EEO Officer.
- Cooperate completely in any investigation of violations of this policy.

EEO Plan Purpose:

The County shall take positive measures toward ensuring that equal opportunity is incorporated into all personnel policies and practices by the development and implementation of an EEO Plan. The purpose of the EEO Plan will be to commit the County of Yuba to a program that makes equal employment opportunity a reality for all County employees and prospective employees. To properly serve a growing diverse population, the County will endeavor to hire and retain staff who are sensitive to, and knowledgeable of, the needs of the continually changing community it serves. The plan will accomplish this purpose by:

- Reaffirming the County's commitment to Equal Employment Opportunity in its employment practices, program operations, and service delivery systems;
- Define specific action steps to promote a work environment that is free from all forms of discrimination;
- Eliminate unnecessary, arbitrary or artificial practices that affect applicants and employees, increase employee awareness and acceptance;
- Acknowledge the EEO occupational job categories where all employees, including minorities and women, continue to be under-represented and recommend recruitment, retention and career development solutions to address these areas;
- Recognize the County's workforce by fostering and supporting programs that enhance diversity; and
- Assign responsibility and accountability for the success of the EEO Plan to department heads, managers and supervisors.

Procedures:

The procedures below are part of a constantly evolving process to monitor the EEO Policy and Plan impact. Therefore, such procedures serve only as guidelines and are subject to change based on plan needs and state and federal requirements as deemed appropriate by the EEO Officer.

Recruitment Process (including Promotional Recruitments)

- Applicants will be requested to complete a Voluntary Equal Employment Opportunity Data form with their initial application.
- Human Resources will compile EEO information on applicants.
- Human Resources will analyze EEO data for each step in the recruitment process (i.e. application screening, examination etc.) to determine if adverse impact has occurred.

Performance Standards

- The Human Resources Department will review performance evaluation ratings to determine if there is an adverse impact.

Discipline

- The Human Resources Department will review the disciplinary action to determine if there is an adverse impact.

Employment/EEO-4 Report

- New employees will be requested to complete a Voluntary Equal Employment Opportunity Data form at time of hire.
- In odd-numbered years, Human Resources will compile EEO data per EEO-4 Instructions. This may require a survey of unidentified employees and/or assigning categories as appropriate.
- Human Resources will submit the EEO-4 report by the deadline.
- Human Resources will compare workforce data to the most recent United States Census Data for local employment availability per EEOC guidelines.
- Human Resources will update the EEO Plan with revised statistics and revised procedures and plan accordingly.

Training:

This policy and the EEO Plan will be available on the Yuba County Intranet and Internet and provided to all new employees during New Employee Orientation.

Forms Used:

Harassment / Discrimination Complaint Form

Revision Record:

Revision Date: 8/1/2010

Revision Date: 9/17/2013

Revision Date: 1/22/2019

Appendix A - EEO Plan