

MENDOCINO COUNTY POLICY #10	EQUAL EMPLOYMENT OPPORTUNITY
ADOPTED: September 10, 1985 REVISED: June 9, 1992; October 2015 September, <u>2016</u>	ADOPTED BY: Minute Order REVISED BY: Minute Order

Policy and Application

The County of Mendocino is an equal opportunity employer and is committed to an active Equal Employment Opportunity Program (EEO). It is the stated policy of the County of Mendocino that all employees and applicants shall receive equal consideration and treatment in employment without regard to race, color, ~~religion~~ religious creed ~~n~~ (including all aspects of religious belief, observance, and practice, including religious dress and grooming), ancestry, national origin, citizenship status, age, sexual orientation, gender (including pregnancy, medical conditions related to pregnancy or childbirth, breastfeeding, or medical conditions related to breastfeeding), gender identity, gender expression, marital status, genetic information, medical condition, physical or mental disability, military status, or any other consideration made unlawful by federal, state, or local law. ~~All~~ Discrimination against employees, applicants, or volunteers on any such ~~discrimination~~ basis is unlawful and is prohibited.

The objective of this Policy EEO is to ensure nondiscrimination in all conditions and privileges of employment ~~and, as well as use of County facilities and participation in all County sponsored activities, to actively recruit and include for consideration for employment minorities, women and individuals with disabilities.~~

To achieve the goals of our EEO policy, it is necessary that each member of this organization understand the importance of the program and his/her individual responsibility to contribute toward its maximum fulfillment.

~~Recruitment~~ Equal Opportunity in the Terms and Conditions of Employment

All recruitment, hiring, placements, transfers and promotions will be on the basis of individual skills, knowledge and abilities, and the feasibility of any necessary job accommodation, regardless of ~~the above identified basis.~~ an applicant or employee's membership in a protected class as identified above.

Compensation

All personnel actions such as compensation, benefits, layoffs, discipline, and terminations, training, etc., are also administered on an equal basis and without discrimination. Equal employment opportunity will be promoted through a continual and progressive EEO.

Reasonable Accommodation

To comply with applicable laws ensuring equal opportunities to qualified individuals with a disability, including the Americans with Disabilities Act ("ADA") and the Fair Employment and Housing Act ("FEHA"), ~~Mendocino the~~ County will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified ~~individual applicant or employee~~ with a disability. ~~who is an applicant or an employee unless such an accommodation would cause an undue hardship or that such accommodation would cause unsafe conditions for other employees.~~

Request for Reasonable Accommodation

Any applicant or employee who requires ~~special~~ accommodation(s) to perform the essential functions of

his or her ~~the~~ job ~~should~~ ~~must~~ ~~notify~~ ~~contact~~ the Human Resources Department ~~of his or her~~ ~~and~~ request ~~such~~ ~~for~~ accommodations. ~~The individual with a disability should specify~~ ~~must~~ identify: (1) the ~~job-~~ related functions at issue; and (2) ~~what accommodation he or /she needs to perform the job.~~ It is the County's preference that any such requests be in writing. However, a request for accommodation may be made verbally or informally.

Although the burden to request a reasonable accommodation generally rests with the applicant or employee, if the County knows or should have known of an applicant or employee's disability which limits his or her ability to perform the essential job function then, as part of its reasonable accommodation obligation, the County has a duty to identify and implement a reasonable accommodation.

Reasonable Documentation of Disability

Following receipt of the request, the Human Resources Department may require additional information, such as reasonable documentation of the existence of a disability.

Fitness for Duty Evaluation

The County may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The County may also require that a County-approved physician conduct the examination.

Interactive Process Discussion

~~The individual with a disability should specify what accommodation he/she needs to perform the job.~~ After receipt of the results of a reasonable documentation of disability and/or a fitness for duty report, along with information provided by the employee, the County will conduct an investigation to identify the barriers that make it difficult for the applicant/employee to have an equal opportunity to participate in the examination process or to perform his/her job. The county will arrange for a discussion, in person or via telephone conference call, with the employee or applicant and his or her representative(s), if any. The purpose of the discussion is to work in good faith to fully discuss all feasible potential reasonable accommodations.

Determination

The County, in its sole discretion, will identify whether a reasonable accommodation can be made and the possible accommodations, if any, that will allow the employee to perform the essential functions of the job. If the accommodation is reasonable and will not impose an undue hardship, the County shall make the accommodation. ~~The County may choose to provide an alternative accommodation other than the one requested so long as it is effective in assisting the applicant of employee to perform the essential job functions. The County will not provide accommodation(s) that would pose an undue hardship on County finances or operations, or that would endanger the health or safety of the employee or others. The County will inform the employee of its decision as to reasonable accommodation(s) in writing.~~

Ongoing Process of Reasonable Accommodation

The duty to accommodate is a continuing duty that is not exhausted by one effort. Once the County becomes aware that an accommodation is not working, it must consider alternative accommodations. If it becomes apparent that a previously granted accommodation is not working, the County must further engage in the interactive process with the applicant or employee to try and arrive at a mutually agreeable alternative to the originally proposed accommodation.

EEO Compliance Officer and Complaints Regarding Discrimination

The Human Resources Director has been designated as the County's EEO Compliance Officer / Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to him/her. If you believe you have been subjected to any form of unlawful discrimination, provide a written complaint to the Human Resources Department as soon as possible. Your complaint should be specific and should include name(s) of individual(s) involved and the name(s) of any witnesses. The County will take immediate action to make an effective, thorough and objective investigation and attempt to resolve the situation. The Human Resources Director is responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure the adherence of this policy.

If it is determined that unlawful discrimination has occurred, effective remedial action will be taken, commensurate with the severity of the offense. The action taken by the County to remedy the situation will not be made known to the complainant. The County will not retaliate against any employee for lawfully using this Policy to resolve a complaint discrimination or failure to reasonably accommodate, opposing the conduct prohibited by this Policy, or filing a complaint with or otherwise participating in an investigation or other proceeding conducted by the DFEH, the FEHC or the EEOC, or by utilizing any applicable arbitration procedure, nor will it permit retaliation by management and/or your co-workers.

~~and the County will not retaliate nor permit retaliation against you for filing a complaint.~~

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Reports to Outside Administrative Agencies

An employee or job applicant who believes that he or she has been discriminated against may, within one year of the discriminatory act(s), including failure to reasonably accommodate, file a complaint of discrimination with the California Department of Fair Employment and Housing ("DFEH") or within 300 days of the discriminatory act(s), including failure to reasonably accommodate, file a complaint of discrimination with the Equal Employment Opportunity Commission ("EEOC").

DFEH and EEOC are neutral fact-finders that try to help parties voluntarily resolve disputes. If a fact finder finds that discrimination or failure to accommodate occurred, it can order remedies, including fines or damages from the County. In addition, the fact-finder may order hiring or reinstatement, back pay, promotion and changes in the policies or practices of the County.

For more information you may contact the following:

Department of Fair Employment and Housing
Dfeh.ca.gov

OR

Equal Employment Opportunity Commission
www.eeoc.gov