

Topic: RESPONSIBILITIES FOR ATTAINING

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EQUAL EMPLOYMENT OPPORTUNITY/
NON-DISCRIMINATION OBJECTIVES

Section: Equal Employment Opportunity
NON-DISCRIMINATION

Number: II.7.B.

PURPOSE:

To define the specific responsibilities of various parties within the County for attaining Board of Supervisors adopted goals and objectives.

LEGAL BASIS:

Personnel Regulations 190 - Equal Employment Opportunity Plan
Personnel Regulations 191 - EEO/Non-Discrimination Policies

POLICY:

I. GENERAL OBJECTIVES OF THE COUNTY EQUAL EMPLOYMENT OPPORTUNITY PLAN

1. To establish and maintain records of all employees ethnicity, sex and disability in order to compare the employee records to the U.S. Census available workforce statistics, as required by federal laws.
2. To take such steps as are necessary to ensure equal employment opportunity throughout the County personnel transactions.
3. To make efforts to eliminate and prevent occurrence of arbitrary, unnecessary and artificial practices which relate to employment or promotion within Santa Cruz County government.
4. To make efforts to upgrade and fully utilize existing local resources, including, minority, disabled and women's resources within the County work force.
5. To communicate the County's Policy and activities in equal employment opportunity/non-discrimination to the community.
6. To develop organizational resources from within the County to actively monitor and enforce the equal employment opportunity/ non-discrimination program.

II. EQUAL EMPLOYMENT OPPORTUNITY/NON-DISCRIMINATION PROGRAM POLICY STATEMENT

1. The County of Santa Cruz is committed to:
 - a. creating a working environment which will encourage and bring about mutual understanding and respect among all groups within the County;
 - b. taking those actions which are necessary to eliminate prejudice, discrimination and harassment; and
 - c. fostering wherever possible equal rights and opportunities for all people so that the negative effects of prejudice and discrimination may be avoided.
2. An essential means of achieving these goals is assuring that the activities of the County of Santa Cruz as an employer are free from employment or personnel practices which discriminate against persons on the basis of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, gender, sex, sexual orientation, age (over 18), veteran status, pregnancy or any other non-merit factor.

3. As a part of the commitment to achieving its goals and objectives Personnel and Equal Employment Opportunity Program staff will:
 - A. Prepare reports, at least annually, to the Board of Supervisors, County employees, the Equal Employment Opportunity Commission and the public on workforce composition representation of minorities, men, women and the disabled persons in County employment that compare the workforce composition data to the U.S. Census local available workforce and develop action steps to continue ensuring equal employment in the County.
 - B. Provide training for all county employees in the intent and content of this policy statement and the Equal Employment Opportunity Program through specialized training and through dissemination for information through designated department representatives;
 - C. Assure that all county employees are aware of and comply with the provisions of this policy statement and the Equal Employment Opportunity Program through program and individual employee evaluation;
 - D. Intensify the County's on-going program of classification review to ensure that employment standards are job related.

II . DISSEMINATION OF POLICY

The County of Santa Cruz Equal Employment Opportunity/Non-Discrimination Policies will be given to each new employee and will be easily accessible to all employees, supervisors and managers. The Equal Employment Opportunity Program staff will provide training programs, counseling session and presentations to employees, departments and community groups as determined necessary by the Equal Employment Opportunity Officer and as requested.

III. RESPONSIBILITY FOR IMPLEMENTATION

A. COUNTY ADMINISTRATIVE OFFICER

The County Administrative Officer is responsible for all aspects of County government operations and management. As such, the County Administrative Officer appoints the Personnel Director, who appoints the Equal Employment Opportunity Officer. The authority of the County Administrative Officer is derived from the Board of Supervisors. The authority of the Personnel Director is derived from the delegated authority of the Board through the County Administrative Officer and the Civil Service Commission through the Board. The Equal Employment Opportunity Officer is responsible for the management of the Equal Employment Opportunity/Non-Discrimination and Contract Compliance Programs. As such, the County Administrative Officer has ultimate responsibility for attaining the Equal Employment Opportunity recommendations and objectives.

B. COUNTY EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The County Equal Employment Opportunity Officer shall have responsibility for the following activities:

1. Develop, direct and monitor the County Equal Employment Opportunity/Non-Discrimination Policy and Plan.
2. Achieve of the goals established by the Board of Supervisors.
3. Develop guidelines for use by Department Heads in developing proposed Department EEO Plan; and assisting departments in the development and implementation of the overall Equal Employment Opportunity/Non-Discrimination Policy and Plan adopted by the Board of Supervisors.
4. Inform all employees of the Board's Equal Employment Opportunity/ Non-Discrimination Policy and Plan.
5. Create improved understanding of federal protected classes among county administrators, supervisors, and employees.

6. Monitor employee training programs, hiring and promotion practices, at all levels, and recommending changes to facilitate equal employment opportunity in personnel transactions.
7. Perform an active role, in conjunction with the Civil Service Commission, the Equal Employment Opportunity Commission, county administration, Personnel Department staff, and employee organizations, in establishment of improved systems, procedures and activities, which will enhance the effectiveness of the Equal Employment Opportunity/Non-Discrimination Policy and Plan.
8. As a neutral party, hear, investigate and resolve complaints alleging discrimination, an unlawful employment practice, or harassment because of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, gender, sexual orientation, age (over 18), veteran status, pregnancy or any other non-merit factor.
9. Assume responsibilities delegated by the Board of Supervisors, County Administrative Officer and Personnel Director to advance the County's Equal Employment Opportunity/Non-Discrimination Program.
10. Work with the Equal Employment Opportunity Liaisons to design, implement, and monitor internal audit and reporting systems to measure the effectiveness of the Departmental Equal Employment Opportunity Plan and Program and determine where progress has been made and where further action is needed. Make specific recommendations and assure that follow-up action is taken.

C. EQUAL EMPLOYMENT OPPORTUNITY DIVISION OF THE PERSONNEL DEPARTMENT

The Equal Employment Opportunity Division of the Personnel Department will serve as the focal point for all equal employment opportunity/non-discrimination programs and activities and will have the following responsibilities:

1. Maintain community contacts and public relations.
2. Perform oversight of outreach and recruitment in the community; strengthen community relations, building rapport with the minority and majority communities.
3. Establish positive working relationships with outside compliance and regulatory agencies by understanding their operations, requirements, objectives and methodology.
4. Investigate complaints of discrimination, unlawful employment practices and harassment.
5. Develop and recommend policies and rules to further the intent of the Equal Employment Opportunity Plan.
6. Monitor compliance with the Equal Employment Opportunity/ Nondiscrimination Plan.
7. Analyze adverse impact in the recruitment/examination and selection practices.
8. Develop internal forms and procedures for handling complaints from the public and employees to assure a comprehensive and well-documented record keeping and follow-up system consistent with Federal and State law.
9. Provide a comprehensive training program for departmental managers, supervisors and Equal Employment Opportunity Liaisons on the law and requirements of equal employment opportunity; Sexual Harassment in the Workplace; and Managing and Working in an Environment of Cultural Diversity.
10. Ensure oral boards adequately represent the candidate pools in the interview process (i.e., male, female, minority, etc...)
11. Provide counseling, advice and guidance to individuals and groups in matters related to equal employment opportunity/ nondiscrimination.

12. Make presentations on equal employment opportunity and prevention of sexual harassment at the quarterly Employee Orientation.
13. Notify community organizations including, minority, disabled and women's organizations, community agencies, community leaders, and colleges of the County's Equal Employment Opportunity Program in writing.
14. Make Equal Employment Opportunity Plan available for review by applicants, employees, community members or other requesting parties.
15. Provide oversight for contract activities of the County, to assure that Contract Compliance Program elements are implemented.
16. Serve as the American's with Disabilities Act compliance monitor to provide a central focal point for implementation of the Act and on-going complaint resolution, as required.
17. Provide training and support to County staff, as necessary to advance the goals of the Equal Employment Opportunity/ Nondiscrimination Plan.

D. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Equal Employment Opportunity Commission shall:

1. Receive, review, evaluate, and monitor the County's Equal Employment Opportunity/Non-Discrimination Policy and Plan.
2. Advise the Personnel Director and the Equal Employment Opportunity Officer on methods of accomplishing Equal Employment Opportunity/Non-Discrimination objectives.
3. Take actions, in conjunction with the Civil Service Commission, county administration, Personnel Department staff, and employee organizations, to promote the establishment of improved systems, procedures and activities, which enhance the effectiveness of the Equal Employment Opportunity/ Non-Discrimination Policy and Plan.
4. Work with the Equal Employment Opportunity Officer to assure that the County's Equal Employment Opportunity contract compliance obligations are met, consistent with federal, state, and local law.
5. Work with the Equal Employment Opportunity Program Manager, the Personnel Department staff, County Administrative Officer, employee organizations, and other interested parties, to implement the goals and objectives of Equal Employment Opportunity/Non-Discrimination
6. Report its findings at least semi-annually to the Board of Supervisors regarding progress made towards Equal Employment Opportunity objectives.
7. Research all relevant information, materials and data which is necessary to carry out its charges.

E. AGENCY/DEPARTMENT HEADS

In order to implement county-wide recommendations and objectives at the department level, the agency/department head has key responsibilities including:

1. The agency/department head directs the preparation of their Departmental Equal Employment Opportunity Plan which makes a commitment to departmental actions steps and objectives.
2. The agency/department head is responsible for the work environment and education of managers, supervisors and staff in equal employment opportunity/non-discrimination to meet the department's equal employment opportunity actions and objectives.

3. The agency/department head is responsible for communicating the department's commitment to equal employment opportunity/non-discrimination, in keeping with the County's policies.
4. The agency/department head is responsible for carrying out the department's commitment including evaluating managers and supervisors on the effectiveness in which they further the goals and objectives of equal employment opportunity.
5. Administer the Equal Employment Opportunity Complaint Resolution procedure which directs the department head at the second step of review, after the immediate supervisor, to allow resolution to be reached within the department.
6. Administer the American's with Disabilities (ADA) Complaint Resolution procedure which directs the department head to resolve public complaints regarding access to programs, services or activities.
7. The agency/department head is responsible for assuring that all contracts, procurement or capital improvement projects under their administration comply with the State, Federal and County Contract Compliance Programs.
8. Work with the Personnel Department to assure maximum outreach and recruitment of all people including federally protected class members.

F. AGENCY/DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY LIAISONS

1. Departmental Equal Employment Opportunity Liaisons will act as a neutral party for the department to coordinate specific activities and projects, as follows:

A. Equal Employment Opportunity Liaison

Equal Employment Opportunity-Non-Discrimination Program and Plan

Departmental Equal Employment Opportunity Plan

Equal Employment Opportunity Complaint Resolution

Targeted recruitments required under federal law

Departmental Equal Employment Opportunity training

B. Sexual Harassment Liaison (2-one female and one male)

Sex Discrimination

Departmental information

Employee training to prevent Sexual Harassment

Sexual Harassment Complaint Resolution

C. American's with Disabilities Act (ADA) Liaison

The Disabled and Equal Employment Opportunity

Departmental information on working with the disabled

Departmental training on Reasonable Accommodation

Assurances of accessibility to work and services

ADA program, services and activities complaint resolution

2. The primary responsibilities of the Equal Employment Opportunity Liaisons appointed by each County Agency/Department Head are as follows:

A. Develop of the Departmental EEO program, written Departmental Equal Employment Opportunity Plan, internal and external communications. Liaisons shall:

1. Remain abreast of new laws, guidelines, regulations and programs related to equal employment opportunity by participating in Equal Employment Opportunity seminars and training programs.
2. Disseminate current legal information and news developments on EEO/Non-Discrimination to responsible department administrators.

- B. Keep top level management and supervisors within the department aware of progress and performance towards meeting the goals and timetables stipulated in the Department's Equal Employment Opportunity objectives. Programs should include specific remedies to eliminate discriminatory practices discovered in the employment system.
- C. Actively participate and coordinate target group recruitment efforts with the Personnel Services Division and with the Equal Employment Opportunity Officer to promote outreach to a broad representation of the community.
- D. Assist in the investigation and resolution of discrimination complaints filed against their department.
- E. Work with the Equal Employment Opportunity Program Officer to design, implement, and monitor internal audit and reporting systems to measure the effectiveness of the Departmental Equal Employment Opportunity Plan and Program and determine where progress has been made and where further action is needed. Assure that follow-up action is taken.
- F. Report to the Department Head on the progress or operational problems and deficiencies of each department divisions.
- G. Provide counseling, advice and guidance to individuals and groups within their department in matters related to Equal Employment Opportunity/Nondiscrimination.

G. PERSONNEL SERVICES DIVISION OF THE PERSONNEL DEPARTMENT

1. Recruitment

Each agency/department develops and implements a Departmental Equal Employment Opportunity Plan. All County recruitment efforts will be focused and enhanced to more effectively attract a broad representation qualified individuals including minorities, women, men and the disabled.

a. Recruiter Responsibilities

- 1. The personnel analysts and technicians responsible for recruiting and testing will design recruitment plans to meet equal employment opportunity needs for each classification and/or department.
- 2. Mailing lists used in recruiting will be continually reviewed and updated based upon information provided by the Equal Employment Opportunity Division to assist in seeking out community organization or locations that provide services to a broad representation of individuals.
- 3. Job vacancies will be advertised, in media and community locations which are most likely to reach a broad representation and to include minorities, women, men and the disabled.
- 4. The Personnel Services Division staff will attend career days as identified to ensure that recruitment information reaches a broad representation of people who possess the skills necessary for professional and technical positions.
- 5. Current County employees will be encouraged to recruit by word-of-mouth.

b. Sources of Recruitment

- 1. The Personnel Department will actively use community agencies representing a broad representation of individuals to recruit for County positions.
- 2. Local community organizations will be used for recruitment in craft, labor and trades; technical; professional; safety; administrative; management; supervisory and clerical classes. Review of the available labor market may reveal the need to conduct statewide or nationwide recruitments to ensure a broad representation of applicants.

3. The following sources will be used on a routine basis:
 - a. The State Employment Development Department (E.D.D.) both Santa Cruz and Watsonville Offices.
 - b. Local radio stations including Spanish speaking stations.
 - c. Local community groups and newspapers that provide a broad representation of individuals.
 - d. State Department of Rehabilitation both Santa Cruz and Watsonville Offices
4. Job announcements and recruitment efforts will attempt to include community organizations concerned with employment.
5. Where groups of employees are featured in the publications and communications (i.e., mentioned in text and/ or shown in photographs), a diverse representation of individuals including persons with disabilities, minority and non-minority men and women shall be featured, as a visual display of the County's equal employment opportunity achievements.
6. The Personnel Department will only use recruitment sources which support the principles of equal employment opportunity/non-discrimination.
7. Where financially feasible, national, regional and local publications specifically designed for the recruitment of diverse professional, management, and college graduates will be utilized as an advertising source.
- c. Procedures
 1. Unless current County employment has been justified as a bona fide occupational qualification or career ladder definition, or there is a specific administrative requirement to avoid layoff, no recruitments will generally be conducted on an open and promotional basis.
 2. As determined by the Personnel Director, no recruitment activity will be concluded without the inclusion of a representative number of qualified and diverse and/or women applicants.

2. Examinations

The Personnel Department will continue to evaluate the total selection process, including application forms, oral examination procedures, test administration, test validity, referral procedures, and the final selection process, to strengthen the job relatedness and validity, and to aid equal employment opportunity objectives. No examinations will be issued without prior analysis of duties and responsibilities of the position and the establishment of job-related qualifications, testing requirements and procedures.

- a. Minimum Qualifications
 1. The Personnel Services Division will ensure that all minimum qualifications are "necessary prerequisites," to perform the essential duties of the job and not merely "desirable qualifications" for the job.
 2. Screening criteria will be developed and documented to standardize this process and will be free of elements that would discriminate against minorities, women or other groups protected under the EEO/Non-Discrimination Policy.
 3. Education minimum qualification are stated in terms of course equivalents. Degrees may not be used as an absolute minimum qualification unless mandated by State or Federal law.
 4. Alternate patterns for qualification will be established where additional education may compensate for required experience, or additional experience compensate for required education.

b. Written tests

1. The use of content valid written tests will be emphasized.
2. Where written tests may have adverse effect, they shall be the subject of an analysis of content or other appropriate validity measures.
3. Cut-off or pass points will be set on written examinations which are mindful of the impact of the overall selection.

c. Oral Examinations

1. Prior to serving on an oral board, all individuals must have been briefed on oral board procedures which includes an orientation to the County's equal employment opportunity/non-discrimination policy and plan.
2. Oral board raters whose performance show that they are not in compliance with oral board examination standards, or the spirit and the intent of the equal employment opportunity program, will not be allowed to participate in future oral boards.
3. Oral boards will represent the diversity of the candidates. which may include minorities and/or women.
4. All oral examinations will be structured according to job dimensions and relevant rating scales that were developed during the job analysis, and will be limited to skills, knowledge and abilities necessary for the position/class.

3. Classification Plan

Position classification activities are and will be conducted in a manner which in no way discriminates on the basis of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, gender, sexual orientation, age (over 18), veteran status, pregnancy or any other non-merit factor. Further, the classification plan will continue to be revised adhering to the principles of equal employment opportunity and actively seek to determine new class concepts to facilitate the implementation of the Equal Employment Opportunity Plan.

a. Methods and Standards

1. Duties, responsibilities and tasks performed in each classification are evaluated to determine the essential job functions, and the knowledge, skills and abilities required for entry into the class.
2. Career ladders and lattices will be created, strengthened and more clearly defined. Experience is used, wherever possible, as a criterion for promotion in lieu of additional education.
3. Trainee classes are established for entry into a job series where feasible. Bridge classes of a technical or para-professional level will continue to be created to allow for transition into a higher level related series.
4. Where appropriate classes will be combined into broad classes to facilitate mobility and promotional opportunity within the classification plan.

b. Scope of Activity

1. Continuing efforts will be made to evaluate the duties and responsibilities of positions without regard to the abilities or performance of incumbents and to classify positions on the basis of essential job functions required to be performed.
2. Classification analysis will continue to explore new class concepts designed to promote growth of employees and to provide opportunity for advancement to all.

3. Classification analysis will identify the essential job functions and the physical abilities required to perform these essential functions to assure that there is appropriate reasonable accommodation considerations.

H. EMPLOYEE RELATIONS DIVISION OF PERSONNEL

1. Training

The Training Unit within the Employee Relations Division of Personnel provides coordination of the following programs which are designed to promote progress in the utilization of minorities and federally protected classes including, disabled, and women.

a. County-wide Training Program

1. The County-wide Training Program provides in-service training for regular (non-extra help) County employees at all levels in a variety of subject matter areas, including: specific job skills development, supervisory and management training, safety training, First Aid, Spanish language, equal employment opportunity/sexual harassment, disability and cultural awareness, and career development. Policies for the training program are established by the Training Task Force, comprised of representatives from SEIU Local 415, Operating Engineers Local #3, County Management Association, The County Administrative Office, and the Equal Employment Opportunity Office. Staff for the training program are included in budget 13100 (Personnel); funds for training consultants and materials are provided in budget 13200 (County Training Program).
2. Drawing upon the input from a variety of sources, the Training Task Force periodically assesses training needs for County employees and makes changes in the composition of classes offered. Classes are offered in the Spring and Fall of each year, within budgetary limits established by the Board. At the beginning of each Spring and Fall "semester" brochures of course offering are sent to each regular County employee along with enrollment forms.
3. The brochures for each semester contain specific enrollment information and instructions, and an enrollment form. Supervisory authorization is required on the enrollment form. However, should a supervisor not authorize any course for an employee, the employee may appeal to the Training Task Force through the Personnel Director or Training Coordinator in the Personnel Department.
4. Training Unit staff in the Personnel Department work with the Sheriff's Office and Probation Department to certify classes in the program through the State Department of Corrections. This assists departments by providing courses for their employees through the program while serving as a revenue source for the County-wide Training Program.

b. Equal Employment Opportunity Training Programs

Equal Employment Opportunity Training Programs are scheduled for the County-wide Training Program as described above. Additionally, programs are presented for individual departments or groups of employees and applicants as the need arises. Courses include:

1. Career Development in Santa Cruz County Government
2. Prevention of Sexual Harassment
3. Working with People with Cultural Differences
4. How to Get a Job with Santa Cruz County
5. Developing Test Taking Skills - Written and Oral
6. Application and Test Preparation for Specific Jobs
7. EEO/Diversity
8. Cultural Diversity
9. Cultural Competency

- c. Supervisory and Management Training Certificate Program
 - 1. Pursuant to Board direction, six core supervisory and six core management classes have been established to provide all regular (non-extra help) supervisory and management employees with a common basis for Santa Cruz County operations.

Core Courses Include:(Reference Personnel Administrative Manual Section VIII.2.)

- a. Supervisory Training

- 1. BASICS OF SUPERVISION
- 2. PERFORMANCE APPRAISALS
- 3. DISCIPLINE (In-house How To's)
- 4. HOW TO WORK WITHIN COUNTY GOVERNMENT
- 5. CULTURAL DIFFERENCES/SEXUAL HARASSMENT
- 6. HOW TO HIRE THE BEST PERSON

- b. Management Training Certificate Program

- 1. SYSTEMATIC DECISION MAKING, PROBLEM SOLVING AND PLANNING
- 2. TIME MANAGEMENT
- 3. MOTIVATION
- 4. MEETINGS THAT PRODUCE RESULTS
- 5. ADVANCED MANAGEMENT DEVELOPMENT
- 6. MANAGING PEOPLE AND DIFFICULT TIMES UNDER DIFFICULT CIRCUMSTANCES

These twelve classes were selected after receiving requests and talking to supervisors, managers and department heads. The County history on grievances, discipline and employment questions was also reviewed. Both the county Training Task Force and the Equal Employment Opportunity Office were involved in the selection of these core courses. These classes are open to all regular employees; however, priority will be given to supervisors and managers.

- 2. Department heads are requested to mandate this training for supervisors and managers within their departments. As there are limitations on funds and class size, departments are asked for a plan for these individuals to complete these classes over the first 24 months (four semesters) from September of 1990 for current employees and within 24 months after appointment of new supervisors or managers. Training unit staff in the Personnel Department will maintain listings of core classes completed by individual supervisors and managers. Listings will be provided to department heads of classes completed by individual supervisors and managers. Employees who have already taken one or more of these classes will be given credit if they bring that information to the attention of training unit staff in the Personnel Department.
- 3. Completion of these core courses is not required for participation in promotional examinations.

- e. Tuition Reimbursement - General Representation Unit

Any member of the General Representation Unit may apply for tuition reimbursement for a wide variety of training and education selected by the participant. Section 172 of the Personnel Regulations describes in detail the process.

- f. Employee Orientation Program

Each month a group of new employees are given one day of orientation to County service. At this orientation, equal employment opportunity/non-discrimination policies and procedures are summarized; the services offered by the Division are discussed and the employee's responsibility for the success of the equal employment opportunity program is explained.

- g. Personnel Liaison/Equal Employment Opportunity Liaison Training Program Periodically as new policy, procedures and training programs are developed, they are first presented to Personnel and Equal Employment Opportunity Liaisons. These individual department representatives play a key role in the dissemination of information to employees.

2. Employee Relations

- a. The Employee Relations Division shall meet periodically with employee association and/or union representatives to reaffirm their equal employment opportunity responsibilities and to request their cooperation.
- b. No agreement will be reached with collective bargaining groups that is in conflict with the Equal Employment Opportunity/Non-Discrimination policy.
- c. The Employee Relations Division will assure that the Equal Employment Opportunity/Non-Discrimination Policy is posted on all County bulletin boards.
- d. The grievance procedure will ensure a systematic and consistent process for obtaining fair and proper findings and decisions regarding employee grievances.
- e. Every County employee shall be evaluated annually on his/her support for and practical efforts to further the goals and objectives of the County Equal Employment Opportunity Plan.

IV. EQUAL EMPLOYMENT OPPORTUNITY OBJECTIVES

The only effective way of implementing an Equal Employment Opportunity/ Non-Discrimination Program is through the establishment of objectives based on a thorough analysis of personnel transactions. Long range objectives are developed to prevent and eliminate discrimination. The analysis of utilization and under-utilization of protected groups in various job categories and groups provide the basic data for formalizing such objectives. These statistics and analysis are required reporting requirements under the federal EEO laws and regulations.

EEO objectives shall be based on such factors as anticipated turnover - expansion or contraction; availability of protected group members with required skills in the relevant labor market; evaluation of the extent of skills necessary for particular jobs; the time necessary to acquire such skills; and similar considerations, who will best serve the needs of the county.

A. QUOTA SYSTEMS PROHIBITED

A quota system is one which requires consideration of race, color, creed, religion, national origin, ancestry, disability, medical condition (genetic characteristics and cancer related), medical condition, marital status, sex, gender, sexual orientation, age (over 18), or veteran status to reach some predetermined numerical position. This is not permissible and is, in fact, illegal as determined by the Supreme Court, except when ordered by a district court judge to remedy past practices of discrimination (commonly known as a consent decree). Santa Cruz is not and has not operated under a consent decree, and therefore is not under a quota system.

B. UTILIZATION

Utilization by contrast, is a numerical statistic established realistically considering the number of vacancies expected and the number of qualified applicants available in the relevant labor market as provided by the U.S. Census report. An employer cannot displace existing employees or hire unneeded employees to reach parity or organization's objectives. Nor can preferential treatment be accorded to any applicant. Additionally, if the agency/department has demonstrated every good faith effort to hire individuals from under-represented groups, but has not been able to do so in sufficient numbers to match the available relevant workforce, the organization can not be subject to sanction, because there may be other factors for not having parity.

Under a system of EEO objectives, therefore, an organization is not required to hire a person who does not have the qualifications needed to perform the essential job functions successfully. An organization is not required to hire an unqualified individual in preference to another candidate who is qualified; nor is an organization required to hire a less qualified person in preference to a better qualified person. These decisions must be made in a system where the qualifications used to make such determinations are based upon valid measurements of the person's ability to do the job.

Therefore, implementing equal employment opportunity is consistent with the principles of a merit system in that there is no requirement to hire the less qualified candidate over the better qualified candidate. These terms are not intended to distinguish among individuals who are equally qualified to perform the job successfully.

It should be noted however that Equal Employment Opportunity is not preferential treatment. Nor does it mean that unqualified persons should be hired or promoted over other people. What Equal Employment Opportunity does mean is that positive steps must be taken to provide equal opportunity for all potential applicants to encourage a diverse candidate pool in all levels of employment.

C. LONG-RANGE OBJECTIVES

The County is committed to continue to provide equal employment and promotional opportunities to all of its employees and residents of the County of Santa Cruz. The County's long-range equal employment opportunity goals are:

1. To employ and advance on the basis of merit and to provide equal employment opportunity for all persons regardless of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, gender, sexual orientation, age (over 18), veteran status, pregnancy or any other non-merit factor.
2. To employ the most qualified work force that can best serve the diverse County population, by implementing pro-active efforts to ensure outreach to a broad representation of applicants.

V. COMPLIANCE WITH EEOC, OFCCP, AND CALIFORNIA DFEH SEX DISCRIMINATION GUIDELINES

Although the total county-wide representation of women exceeds parity percentages, there still remains the need to focus assurances that equal employment opportunity exists for women. This will include future evaluation of under-representation in occupational groups and job groups. All personnel policies and procedures are in compliance with the Equal Employment Opportunity Commission (EEOC), Office of Federal Contract Compliance Programs (OFCCP) and California Department of Fair Employment and Housing (DFEH) Sex Discrimination Guidelines. Listed below are program elements addressing the support of these concepts.

A. RECRUITMENT

All advertisements and job bulletin publications will contain the statement "An Equal Employment Opportunity/Non-Discrimination Employer." In addition and as required by federal laws, emphasis will be placed on recruiting women and other underutilized groups of people for non-traditional jobs. No job title will be published which contains the wording "man" or otherwise designates sex orientation, unless it qualifies under a bona-fide occupational qualification as approved by the CA DFEH.

B. EXAMINATION

No examination will be announced indicating male or female preference unless previously approved by the California DFEH as qualifying under a bona-fide occupational qualification.

C. PROMOTIONS

No promotional lines based on sex will be designated within the County work force.

D. MATERNITY LEAVE

Maternity or maternity related leave requests will be treated as any other temporary disability or leave of absence. Determination of appropriate work return and leave dates in relation to the temporary disability will be left to the discretion of the employee and her physician. Upon return to work, such female employee will be reinstated to her

original job, or to position of like pay and status, without loss or penalty, subject to lay-off provision of the Memoranda of Understanding. An employee disabled on account of pregnancy shall be entitled a minimum of two months of paid and/or unpaid personal leave of absence beyond her temporary disability leave.

E. POST JOB-OFFER MEDICAL SCREENING/EXAMINATIONS AND ANNUAL MEDICAL EXAMINATIONS

In conducting post job-offer medical screening/examinations and annual medical examinations, special attention will be given to ensure that all examinations consider the physical ability requirements of essential job functions and reasonable accommodation as appropriate. Additionally, sex-related physical conditions will not be disqualifying, unless specifically necessary and related to the essential job functions of the position.

F. SALARY AND BENEFITS

The County will maintain no distinctions based on sex in terms and conditions of employment, including salary and wage schedules, insurance, retirement or any other benefits.

G. PROTECTIVE LAWS

As advised by the Equal Employment Opportunity Commission, the County will disregard the, optional state "protective laws" which prohibit women from performing certain types of work; from working a certain number of hours; or from lifting or carrying more than a specified weight where it is an essential job function.

H. PREVENTION OF SEXUAL HARASSMENT

The County has taken steps to prevent harassment from occurring through, affirmatively raising the subject to all employees; expressing strong disapproval of such actions; including sexual harassment as a basis of disciplinary action; informing employees of their right to raise the issue and the method of resolving complaints through the Discrimination/Harassment Complaint Resolution Procedure; and developing training programs and joining with the Women's Commission in support of the Sexual Harassment Telephone Services for information and referral.

VI. INTERNAL AUDIT AND REPORTING

- A. On a quarterly basis, the Equal Employment Opportunity Division of Personnel will prepare a report to the Board of Supervisors which will include current statistical analysis; new hire and termination data for all employees including minorities and women; as well as other program activities descriptions.
- B. The Personnel Services Division of Personnel will maintain data for the Equal Employment Opportunity Division to conduct applicant flow analysis to trace the progress of all employees including minorities and women from the point of application to hire.
- C. The Employee Relations Division/Training Unit will keep records of the ethnicity and sex composition of all participants in training programs and the General Representation Tuition Reimbursement program.
- D. The Employee Relations Division will prepare annual turnover reports which evaluate the impact on minorities and women.

VII. COMPLAINT RESOLUTION PROCEDURE

All informal and formal complaints alleging discrimination, harassment or sexual harassment and reported to the Equal Employment Opportunity Division of Personnel will be resolved using the Board of Supervisors approved Complaint Resolution Procedure, Section 192 of the Personnel Regulations.

VIII. BILINGUAL SKILLS UTILIZATION

In order to meet the needs of bilingual and monolingual County citizens, it is necessary to provide bilingual employees to be available to meet these needs. For the General Representation Unit, Detention Officer and Deputy Sheriff bargaining units, the County has two levels of bilingual designation -Level I oral fluency and Level II oral and written fluency. Employees/applicants are tested for this fluency, and where the position they hold is designated as bilingual, they receive bilingual pay. In 1991 a major revision of the Bilingual Testing Program was completed to include a

Level I test that has been successfully used for Spanish, American Sign and Vietnamese. Additionally, a test administrators test and training program was developed to assure standardization of the process. As of August of 1991, 16% of the employees of these units received either Level I or Level II bilingual pay.

"Bilingual only" recruitments are conducted frequently. When a recruitment is conducted for both English and English/Bilingual Spanish etc., a selective certification may occur at the time of the vacancy to meet the bilingual need.

IX. MEDICAL STANDARDS/REASONABLE ACCOMMODATION

Santa Cruz County conducts physical ability job analysis using the San Bernardino County job analysis methodology. The County's medical standards and post job-offer medical screening/examination practices are in compliance with the 1973 Rehabilitation Act and the 1990 American With Disabilities Act (ADA). Each job class has a physical screening or examination designated for both regular and extra-help appointments. Post job-offer medical examinations are conducted by the Health Services Agency Occupational Health physician who works closely with the Personnel Department on issues of occupational health. Each medical determination considers the essential job functions of the position and considers reasonable accommodation including work restrictions, job restructuring, and protective or adaptive equipment, in the event the individual has a physical limitation that does not endanger the individual or others if the job duties were performed.

X. CONTRACT COMPLIANCE

The responsibility for developing and administering a Contract Compliance Program is delegated to the Equal Employment Opportunity Officer.

To be truly effective, it is imperative that the Contract Compliance Program have the support and commitment of the elected officials and top level management in the County. This is vital in terms of the County's posture as it relates to the legitimacy and credibility of the program ensuring increased participation in the employment and contracting opportunities for minorities, women and disabled owned business enterprises in the community.

1. The implementation of the County's Contract Compliance Program will include:
 - o Establishing definitions and self-identification requirements for local, women, minority and disabled owned businesses. (adopted 10/7/92 by the Board of Supervisors)
 - o Incorporating contract compliance language in all contracts and personal services agreements with the County. (adopted 10/7/92 by the Board of Supervisors)
 - o Incorporating contract compliance language in all bidding instructions.
 - o Developing resources for assuring that all local women, minority and disabled owned businesses are made aware of contract opportunities or sub-contract opportunities for County procurement and capital improvement projects.
 - o Establishing standard reporting requirements for all department's activities for FY 93/94 to be presented with departmental equal employment opportunity plans.
2. Roles and Responsibilities
 - a. The Equal Employment Opportunity Program Officer, in consultation with County Counsel shall develop programs and procedures to assure compliance with State and Federal statutes.
 - b. The General Services Director shall maintain records, in a manner determined by the Equal Employment Opportunity Program Officer, to document the number and amount of County contracts and purchases which are awarded to women, minority and disabled owned businesses which are processed by their department.
 - c. The Public Works Director shall maintain records, in a manner determined by the Equal Employment Opportunity Program Officer, to document the number and amount of Public Works contracts and purchases which are awarded to women, minority, and disabled owned businesses which are processed by their department without the involvement of the Department of General Services.

- d. Each department head shall maintain records, in a manner determined by the EEO Officer, to document the number and amount of personal services contracts which are awarded to women, minority, and disabled owned businesses which are processed by their department.
3. The Equal Employment Opportunity Program Manager shall review data developed by departments, as specified above, and recommend appropriate programs and strategies to the Personnel Director, County Administrative Officer and Board of Supervisors to promote opportunities for local, women, minority, and disabled owned business enterprises in Santa Cruz County.

XI. DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY PLANS

Each county department shall develop an annual Equal Employment Opportunity Plan to establish and maintain employment objectives to promote equal employment opportunity. The objective of the departmental plan is:

1. To analyze and to evaluate the outcome of recruitment, selection, testing, and promotional practices in order to identify and eliminate potential discriminatory and artificial barriers.
2. To analyze each division with the department in order to establish where under-utilization of federally mandated protected groups exists and to determine the causes of such under-utilization.
3. To establish action steps and objectives for each occupational group and job group of the department for the forthcoming year. These steps shall be incorporated into the County's workforce EEO recommendations and objectives.
4. To develop and monitor an internal reporting system which shall record the number of women and minority candidates hired, promoted and terminated in order to measure the department's equal employment opportunity progress.
5. To evaluate requirements, qualifications, and standards used to select and promote individuals, with respect to the job relatedness of such requirements, qualifications and standards.