



## County Policy

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| <b>Subject:</b>         | Equal Employment and Anti-Harassment Policy and Procedure |
| <b>Authority:</b>       | County Executive Office                                   |
| <b>Policy Owner:</b>    | Human Resources Services                                  |
| <b>Approval Date:</b>   | 12/19/2023  |
| <b>Revision Date(s)</b> | N/A   |
| <b>Version No.:</b>     | 1.0   |

### A. Equal Employment Opportunity

It is the policy of the County of Orange (“the County or County”) to provide equal employment opportunities for all applicants, employees, and other covered individuals in compliance with all applicable laws. This policy applies in all terms and conditions of employment, including but not limited to recruiting, hiring, training, placement, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, and compensation. All County personnel policies, procedures, and practices must be administered consistent with the intent of this policy.

Managers, supervisors, and Human Resources personnel who learn of any potential violation of this policy are required to promptly report such conduct to the EEO Office(r) or designee.

### B. Purpose

#### PROTECTION AGAINST DISCRIMINATION, HARASSMENT, & RETALIATION

The County is committed to providing a professional work environment free from discrimination and harassment, and free from retaliation for participating in any protected activity.

The County strictly prohibits discrimination and harassment, against or by any individual subject to this policy, based on the following protected categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran or military status, and reproductive health decision-making.

In addition, the County prohibits retaliation against anyone subject to this policy who reports, assists in reporting, or expresses an intent to report perceived discrimination, harassment, or other violations of this policy, or who participates in the investigation of or in proceedings related to any claim of discrimination, harassment, or other violations of this policy.

The County will implement appropriate corrective action, up to and including discharge, for violations of this policy, even if the violation does not rise to the level of unlawful conduct.



### **C. Scope**

This policy applies to County employees (co-workers, supervisors, and managers) in all departments and at every level of the organization, as well as to elected officials, applicants, interns, volunteers, and contract workers.

In addition, this policy extends to all locations where County business is conducted, and in other settings in which individuals may find themselves in connection with their jobs (such as business trips or business-related social functions), as well as to other settings that impact the workplace.

### **D. Responsibilities**

The Equal Employment Opportunity Access (EEO) Officer or designee is responsible for maintaining the policy and ensuring that it is kept up to date. The EEO Officer or designee relies on the entire Human Resources Services (HRS) organization to partner in the distribution, implementation, and enforcement of the policy.

Managers, supervisors, and Human Resources personnel are required to promptly report potential violations of this policy to the EEO Office(r) or designee. Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to report the alleged violation using the reporting procedures listed.

Individuals with a disability who need a reasonable accommodation to perform the essential functions of their position, or to participate in the recruiting process, are responsible for making a supervisor, Human Resources, or a Human Resources recruiter aware of their need for a reasonable accommodation. When the need for accommodation has been identified, or if the supervisor is otherwise aware of the disability, the supervisor and/or a member of human resources is responsible for entering into an "Interactive Process" with the individual to discuss what type of accommodation would allow the individual to apply for a job or perform the essential functions of a job.

#### **TRAINING REQUIREMENTS**

Every two years, all employees must take the County's online sexual harassment prevention training as assigned by the EEO Office in partnership with the Learning and Organizational Development Office (L&OD). The training is aimed at increasing their understanding of, and the preventing of, workplace sexual harassment and their role in creating an underlying culture of mutual respect in our workplace. Specific components of the training include how to promptly and effectively respond to sexual harassment when it occurs, the effects of abusive conduct in the workplace, and ways to appropriately intervene if one witnesses behavior that is not in keeping with this policy. Trainings are provided by the County and can be completed in person or via the County's Learning Management System.

The Civil Rights Department provides free online training courses on preventing sexual harassment in the workplace that satisfy California's legal training requirements pursuant to Government Code section 12950.1. The free online training course provided by the Civil Rights Department can be found at <https://calcivilrights.ca.gov/shpt/>.



E. Definitions

| Term                  | Definition  |
|-----------------------|---|
| <b>Discrimination</b> | <p>As used in this policy, discrimination is defined as the unequal treatment in any aspect of employment based solely or in part on an individual's protected characteristic listed above, including their perceived protected characteristic. Discrimination also includes unequal treatment based upon a person's association with a member of these protected classes.</p> <p>Examples of discrimination include, but are not limited to, hostile or demeaning behavior because of a person's protected characteristic; allowing a person's protected characteristic to be a factor in hiring, promotion, compensation, or other employment-related decisions unless otherwise permitted by applicable law; and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to a person because of their protected characteristic.</p> |
| <b>Harassment</b>     | <p>As used in this policy, harassment is defined as unwelcome, disrespectful, or unprofessional conduct based on any of the protected characteristics listed above.</p> <p>Harassment can be verbal (such as slurs, jokes, insults, epithets, gestures, or teasing), visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails), or physical conduct (such as physically threatening another person, blocking someone's way, or making physical contact in an unwelcome manner).</p>  |



| Term                            | Definition  |
|---------------------------------|---|
| <p><b>Sexual Harassment</b></p> | <p>As used in this policy, sexual harassment is defined as harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation.</p> <p>It may include all the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, request(s) for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be of a sexual nature or be motivated by sexual desire. It may include situations that began as reciprocal relationships, but that later cease to be reciprocal.</p> <p>Sexual harassment may generally be categorized into two types:</p> <ol style="list-style-type: none"> <li>1. Quid Pro Quo Sexual Harassment (“this for that”) <ul style="list-style-type: none"> <li>• Submission to sexual conduct (or other harassing conduct) is made explicitly or implicitly a term or condition of an individual's employment.</li> <li>• Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual.</li> </ul> </li> <li>2. Hostile Work Environment Sexual Harassment <ul style="list-style-type: none"> <li>• Unwelcome conduct based on sex, gender, gender identity, gender expression, or sexual orientation by any person in the workplace that unreasonably interferes with a person’s work performance and/or creates an intimidating, hostile, or otherwise offensive working environment. When unwelcome, examples include but are not limited to: <ul style="list-style-type: none"> <li>○ Sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails, or gifts.</li> <li>○ Sex, gender, or sexual orientation-related comments, slurs, jokes, remarks, or epithets.</li> <li>○ Leering, obscene, or vulgar gestures or making sexual gestures.</li> <li>○ Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters.</li> <li>○ Impeding or blocking movement, touching, or assaulting others.</li> <li>○ Reprisals or threats after a negative response to sexual advances.</li> <li>○ Conduct or comments consistently targeted at one gender, even if the content is not sexual.</li> </ul> </li> </ul> </li> </ol> <p>Sexual harassment can happen regardless of the gender, gender identity, orientation, or gender expression of the individuals involved. When determining whether conduct constitutes sexual harassment, a person’s intent does not excuse inappropriate conduct.</p> |



| Term               | Definition   |
|--------------------|--|
| <b>Retaliation</b> | <p>As used in this policy, retaliation is defined as any adverse action that materially affects the terms and conditions of a person's employment status or is reasonably likely to deter a person from making or supporting a claim of harassment or discrimination.</p> <p>Examples of retaliation include, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; intimidating, threatening, or harassing a person for filing a complaint; denying employment or other opportunities because of making a complaint or for cooperating in an investigation; changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace; treating someone differently such as denying an accommodation or not talking to an employee when otherwise required by job duties; or intentionally excluding the person from job-related activities because of engagement in activities protected under this policy.</p> |

## F. Procedure

### F.1. REPORTING VIOLATIONS

Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior. The affected person or witness should also immediately report the alleged violation to any of the following:

- Their supervisor or manager or any other supervisor or manager; or
- Any Human Resources (HR) team member; or
- The Equal Employment Opportunity (EEO) Officer, or designee; or
- The general EEO Access office email: [EEO.Support@ceo.oc.gov](mailto:EEO.Support@ceo.oc.gov); or
- The Compliance Line. Phone: (855) 387-4432. The Compliance line is a hotline run by live operators 24 hours a day, 7 days a week. Complaints through this line may be made anonymously.

If the alleged offender is the person's supervisor or manager, they should report the conduct to another supervisor, manager, HR team member or the EEO Officer or their designee. A person making a report does not need supervisor or manager approval to contact the EEO Officer or their designee, nor to contact any other supervisor, manager, or HR team member. There is no chain of command when reporting violations of this policy.

A complaint may be made verbally or in writing. Written complaints can be made using the County *EEO Complaint Form*, which is attached to this policy and available online at <https://hrs.ocgov.com/page/discrimination-complaint-form>.



## **F.2. ADDRESSING VIOLATIONS**

The County will promptly investigate the facts and circumstances of any alleged violation, as appropriate. All investigations will be fair, impartial, timely, thorough, and completed by qualified personnel.

Even in the absence of a formal complaint, the County may initiate an investigation where it has reason to believe conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, the County may continue the investigation to ensure that the workplace is free from discrimination, harassment, and retaliation.

Anonymous complaints will also be investigated. The method will depend on the details provided in the anonymous complaint. If the complaint is sufficiently detailed, the investigation may be able to proceed in the same manner as any other complaint. If the information is more general, the County may need to do an environmental assessment to try to determine if misconduct has occurred.

To the extent possible, the County will endeavor to keep the reported information confidential; however, complete confidentiality cannot be guaranteed when it interferes with the County's ability to fulfill its obligations under this policy or any applicable law or order.

All individuals subject to this policy are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation, and disclosing all information that may be pertinent to the investigation.

The investigation will reach reasonable conclusions based on the evidence collected. Upon completion of the investigation, the complainant will be notified of the determination in writing. The respondent will also be notified under certain circumstances<sup>1</sup>. The written notification is referred to as a "closure notice." If, upon completion of the investigation, it is determined that this policy has been violated, the County will take appropriate corrective and preventive action to end the conduct and address the violation.

The County will not tolerate retaliation against anyone who has made a good faith complaint or has cooperated with an investigation into a complaint. However, it is prohibited for anyone to make reports that are knowingly and intentionally false.

## **F.3. FILING A COMPLAINT WITH EXTERNAL AGENCIES**

Complaints of discrimination, harassment, or retaliation may also be filed with state or federal compliance agencies by contacting: the California Civil Rights Department at (800) 884-1684 (voice) or (800) 700-2320 (TTY), [www.calcivilrights.ca.gov](http://www.calcivilrights.ca.gov), or the United States Equal Employment Opportunity Commission at (800) 669-4000 or (800) 669-6820 (TTY), [www.eeoc.gov/employees](http://www.eeoc.gov/employees). Individuals who wish to pursue filing with these external agencies should contact them directly to obtain further information.

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<sup>1</sup> Typically, if the respondent is interviewed and the allegations are not substantiated, the EEO Access Office provides a closure notice.



**G. Attachments**

| # | Title                              | Description   |
|---|------------------------------------|---|
| A | <a href="#">EEO Complaint Form</a> | Form is to be filled out by complainant and sent to EEO.Support@ceo.oc.gov. |