

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

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NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE	C-25	1 of 13

PURPOSE: The purpose of this policy is to protect the right of employees to be free from unlawful discrimination, harassment, and retaliation, and to set forth a procedure for promptly investigating and taking appropriate remedial action in dealing with internal complaints of unlawful discrimination, harassment, and retaliation.

SCOPE: This policy is applicable to all County of Riverside employees, including, but not limited to, contract workers, volunteers, interns, externs, and elected officials.

POLICY: To implement a policy regarding discrimination or harassment of an applicant or an employee by a supervisor, management employee, County Officer, or co-worker on the basis of actual or perceived race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

It is also the Policy of the Board of Supervisors to provide a work environment free from sexual harassment, including unwelcome sexual overtures, advances, or coercion although sexually harassing conduct need not be motivated by sexual desire.

Any retaliation against a person for opposing unlawful discrimination or harassment, filing a discrimination or harassment complaint, reporting discrimination or harassment, or participating in a discrimination or harassment investigation or lawsuit is prohibited. Employees found to be retaliating against another employee shall be subject to disciplinary action, up to and including termination.

This policy applies to all workplace behaviors and terms and conditions of employment, including but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, compensation and training. It applies to a County employee acting on behalf of the County on or off the job site.

Disciplinary action, up to and including termination, will be instituted for unlawful discrimination, harassment and/or retaliation as defined in this policy.

TRAINING: All non-management or non-supervisory employees shall attend Employee Harassment Prevention Training (offered by Human Resources) within the first six (6) months of hire and every four (4) years thereafter.

All supervisory and management employees shall attend Management Harassment Prevention Training (offered by Human Resources) within the first six (6) months of the hire/promotion date and every two (2) years thereafter.

The training provided shall include the prevention of abusive conduct.

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DEFINITIONS:

Discrimination – is the disparate or adverse treatment of a person or applicant based on the group, class, or category to which that person or applicant belongs rather than on individual merit. Group, class, or category includes, but is not limited to, race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

Harassment – can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with terms, conditions, or privileges of employment. Harassment may be verbal, physical, visual, or sexual. It may be made in general or directed to an individual or a group of people. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit the terms, conditions, or privileges of employment. Harassment may occur regardless of whether the behavior was intended to harass. Harassers may be supervisors, managers, co-workers, contractors, or elected officials, or members of the public.

Verbal – speech, such as lewd propositioning, epithets, stereotypical or derogatory comments, slurs, threats, offensive or degrading remarks, verbal abuse, or other behavior such as insulting, teasing, degrading or ridiculing another person or group. This might include inappropriate sex-oriented comments or appearance, including dress or physical features, stories or jokes, or gender characteristics that do not conform to traditional or social expectations.

Physical Acts – unwelcome or inappropriate physical contact such as assault, impeding or blocking movement, or offensive touching, or any physical interference within normal work or movement when directed at an individual. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual Insults - derogatory, prejudicial, stereotypical, or otherwise offensive email messages, web pages, screen savers and other computer images; posters, photographs, cartoons, notes, notices, bulletins, or drawings; and staring or leering.

Sexual Harassment – unsolicited or unwanted sexual advances, requests for sexual favors and/or other acts of a sexual nature, whether or not the sexually harassing conduct was motivated by sexual desire, where submission is made a term or condition of employment; where submission or rejection of the conduct is used as the basis for employment decisions; or

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where the conduct is intended to or actually does unnecessarily interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Retaliation – taking adverse employment action against an employee because of the employee's protected activities, including but not limited to opposing unlawful discrimination and/or harassment, filing a discrimination or harassment complaint, reporting discrimination or harassment, or participating in a discrimination or harassment investigation or lawsuit. Adverse employment actions may include, but are not necessarily limited to denial of a promotion, refusal to hire, and/or imposition of discipline.

COMPLAINT PROCEDURE: An employee or job applicant who believes he or she has been discriminated and/or harassed has a responsibility to immediately make a complaint either orally or in writing with any of the following:

- Immediate supervisor;
- Any supervisor or management employee/officer within the department, including the department head;
- Any supervisor or management employee/officer within the County of Riverside;
- The Human Resources Department, Employee Relations Division.

Any supervisor or management employee, or County officer who receives a discrimination/harassment complaint shall: (1) provide the employee and/or job applicant with a copy of the C-25 policy and refer them to Attachment B, and (2) immediately notify the Human Resources Department.

The employee or job applicant also has the right to file a complaint with the state Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or the Department of Industrial Relations (DIR). An employee or job applicant may file a complaint with the DFEH by calling (800) 884-1684 or visiting the DFEH website at www.dfeh.ca.gov. The employee or job applicant may file a complaint with the EEOC by visiting the EEOC website for directions on how to file a charge of employment discrimination at www.eeoc.gov. The employee or job applicant may file a complaint for retaliation with the DIR by visiting the DIR website for direction on how to file a charge of employment discrimination at www.dir.ca.gov.

Although the County recommends an employee who believes he or she may be the victim of discrimination, harassment, and/or retaliation to report such conduct, the County will not tolerate intentional false accusations of discrimination, harassment, and/or retaliation. The filing of any intentional false claims is considered unlawful and may result in disciplinary action up to and including termination.

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COMPLAINT INVESTIGATION: Upon receiving notification of a discrimination/harassment complaint, the Department Head, the Human Resources Director or designee, shall:

1. Immediately authorize and supervise the investigation of the complaint. The investigation shall, at a minimum, include interviews with the complainant, the accused harasser, and any other persons the Department Head or the Human Resources Director has reason to believe may have relevant knowledge concerning the complaint.
2. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination and/or harassment giving consideration to all actual information and the totality of the circumstance, including the nature of the visual, verbal, and/or physical conduct.
3. Take or recommend prompt and effective remedial action against the harasser if it is determined through the investigation that illegal discrimination and/or harassment occurred.
4. Take reasonable steps to protect the complainant from further discrimination and/or harassment and any retaliation.
5. Take action to remedy the victim's loss, if any, which resulted from the harassment.

COMPLAINT PROCEDURE FOR PUBLIC SAFETY AGENCIES: Public safety agencies (Riverside County Sheriff's Department, District Attorney's Office, and Probation Department) are charged with conducting investigations of allegations of violation of this policy. These departments shall comply with the Peace Officer Bill of Rights (POBR), California Government Code Sections 3300-3313, for peace officers employed in their departments.

In order to ensure consistency countywide the public safety agencies shall:

1. Upon receipt of verbal notification of a C-25 complaint, the public safety agency shall cross-report in writing the name of the complainant(s), name of the accused, allegation(s), and a brief summary of which the complaint is based to the Human Resources Employee Relations Division. The public safety agency will provide a copy of any written complaint received to the Human Resources Employee Relations Division.
2. The public safety agency will conduct the investigation pursuant to the requirements set forth in POBR §3303, for peace officers employed in their departments.
3. At the conclusion of the investigation, the public safety agency shall provide the Human Resources Employee Relations Division with the complaint disposition (i.e. sustained, not-sustained, or unfounded) within 30 working days of the conclusion of the

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investigation.

4. For investigations conducted by the Sheriff's Department or District Attorney's Office against an employee within their respective chains of command, any disciplinary action taken shall be at the discretion of the Department Head. However, the level of discipline must be consistent with countywide disciplinary actions taken with similar acts or omissions related to this policy.
5. Pursuant to Penal Code Section 832.7, the completed investigation shall be maintained by the public safety agency and only disclosed pursuant to Sections 1043 and 1046 of the Evidence Code or other enforceable court process.
6. The Human Resources Department shall work collaboratively with the public safety agencies on responses to complaints filed with external federal or state agencies including, but not limited to, the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission, and the Department of Labor.

REQUIREMENTS FOR MANAGERS AND SUPERVISORS:

- Set the example;
- Provide ALL personnel updated training and information concerning illegal discrimination or harassment;
- Take initial complaints seriously;
- Ensure that all managers and supervisors take immediate action;
- Provide the employee with the C-25 policy and complaint, and report each complaint in accordance with the County's internal Discrimination Complaint Procedure (attached);
- Disseminate this policy to all employees;
- Post federal and state employment posters, "Harassment of Discrimination in Employment is Prohibited by Law" in conspicuous places within the department; and
- Disseminate the State of California "Sexual Harassment – The Facts About Sexual Harassment is Forbidden by Law" brochure to all departmental employees.

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**ACKNOWLEDGMENT OF AND MANDATORY COMPLIANCE
WITH THE COUNTY OF RIVERSIDE
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

I hereby acknowledge receipt of the County of Riverside Non-Discrimination and Anti-Harassment Policy. I understand that compliance with this policy is mandatory and violation of this policy may result in discipline up to and including termination. I also agree to remain apprised of future revisions to this policy and to abide by the terms of all such revisions.

Employee Name: _____

Employee Signature: _____

Date: _____

This form shall be retained in employee's personnel file.

Reference:
Minute Order 3-12 dated 10.28.14
Minute Order 3-34 dated 4.8.14
Minute Order 3.67 dated 9.13.11
Minute Order 3.15 dated 12.8.98
(Resolution No. 98-363)

FOLLOWING ARE:

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURE ATTACHMENT 'A'

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT FORM ATTACHMENT 'B'

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ATTACHMENT A

**COUNTY OF RIVERSIDE HUMAN RESOURCES DEPARTMENT
4080 LEMON STREET, POST OFFICE BOX 1569
RIVERSIDE, CA 92502-1569
PHONE: (951) 955-3510 / FAX: (951) 955-9816 / TTY: 711**

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURE

BASIS FOR FILING A COMPLAINT

Alleged illegal discrimination or harassment based on race, color, national origin, ancestry, religious creed, denial of family and medical care leave, sex (including pregnancy and medical conditions related to pregnancy), age, disability (physical and mental), medical condition, genetic information, marital status, military and veteran status, sexual orientation, gender (including gender identity and gender expression), status as a victim of domestic violence, sexual assault, or stalking, and/or retaliation for protesting illegal discrimination and/or harassment related to one of these categories, or any other legally protected classes under state or federal law.

WHO MAY FILE

County employees or applicants for County employment who believe they have been adversely affected by illegal discrimination or harassment concerning any term or condition of employment such as hiring, promotion, leaves of absence, termination, etc.

COMPLAINT PROCEDURE

An employee or job applicant, who believes he or she has been discriminated against or harassed, has a responsibility to immediately make a complaint either orally or in writing with any of the following: immediate supervisors; any supervisor or management employee/officer within the department, including the Agency/Department Head; any County of Riverside supervisor or management employee/officer or the Human Resources Department. (Any supervisor or management employee, or county officer who receives a discrimination or harassment complaint shall immediately notify the County's Human Resources Director).

The employee or job applicant also has the right to file a complaint with the state Department of Fair Employment and Housing (DFEH), the federal Equal Employment Opportunity Commission (EEOC), or the Department of Industrial Relations (DIR). An employee or job applicant may file a complaint with the DFEH by calling (800) 884-1684 or visiting the DFEH website at www.dfeh.ca.gov. The employee or job applicant may file a complaint with the EEOC by visiting the EEOC website for directions on how to file a charge of employment discrimination at www.eeoc.gov. The employee or job applicant may file a complaint for retaliation with the DIR by visiting the DIR website for direction on how to file a charge of employment discrimination at www.dir.ca.gov.

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WHEN TO FILE

A complaint which is determined to be appropriate for investigation should be filed with the County of Riverside within 90 calendar days of the alleged incident or occurrence.

THE INVESTIGATION

The assigned investigator serves as a neutral third party in seeking the facts and attempting to determine whether illegal discrimination or harassment did take place. Consequently, the assigned investigator does not function as the advocate of the complainant or of the County.

The Human Resources Director, or designee, will evaluate the information gathered within the investigation. If the complaint is substantiated, the Human Resources Director, or designee, will advise the Agency/Department Head or other appropriate County official(s) in order to remedy the situation and eliminate the practices which caused the problem. Complainants will be advised, in writing, of findings and conclusions.

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ATTACHMENT B

**COUNTY OF RIVERSIDE HUMAN RESOURCES DEPARTMENT
4080 LEMON STREET, POST OFFICE BOX 1569
RIVERSIDE, CA 92502-1569
PHONE: (951) 955-3510 / FAX: (951) 955-9816 / TTY: 711**

DISCRIMINATION / HARASSMENT / RETALIATION COMPLAINT FORM
(Attach additional pages to this form as necessary)

I. GENERAL INFORMATION

Last Name _____ First Name _____ MI _____

Title _____ Department _____

Home Address _____ City _____

State _____ Zip Code _____ Preferred Email _____

Home Phone _____ Work Phone _____ Cell _____

Preferred Contact Number: (Check all that apply) Home Work Cell

What is your relationship with the County of Riverside? _____

Current Employee Former Employee If former employee, last date of employment: _____

Applicant for Employment Other Specify: _____

II. COMPLAINT INFORMATION

Indicate the type(s) of complaint being filed: Discrimination Harassment Retaliation

For Discrimination or Harassment complaint, indicate the protected class(es) you belong to that serve(s) as the basis(es) of the allegation: (Select all that apply)

Religious creed Race/Color National origin/Ancestry

Age Disability Genetic information

Sex Medical leave Medical condition

Gender Marital status Sexual orientation

Military/Veteran Status Victim of domestic violence/sexual assault/stalking

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Retaliation for protesting illegal discrimination and/or harassment related to protected class(es)

Other Specify: _____

For Retaliation complaint, indicate the activity you engaged in that served as the basis for the allegation.

Identify the Accused against whom this complaint is made.

Name of Accused:	Title of Accused:	Relationship to you:

Describe the incident(s), including dates, times and locations giving rise to your complaint.

For Harassment or Sexual Harassment complaint, please explain why the conduct was offensive to you.

Describe the specific harm you have suffered resulting from the incident(s).

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III. WITNESSES

Identify individuals who may have witnessed or have knowledge of the incident(s). Attach additional names as necessary.

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

Last Name _____	First Name _____
Telephone _____	Email _____
Relationship to you _____	

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IV. ATTEMPTED RESOLUTION

Was an Informal Resolution sought?

No Yes If yes, with whom? _____ Date _____

What was the outcome? _____

Have you filed a grievance regarding this matter? No Yes

If yes, date grievance was filed _____ Organization _____

Labor Representative _____

Do you have an attorney? No Yes

If represented by an attorney, please provide name, address and telephone number of attorney:

Have you filed a complaint relative to this matter with any other agency? No Yes

If yes, please check the appropriate box(es):

EEOC **Date filed** _____

DFEH **Date filed** _____

DIR **Date filed** _____

V. DOCUMENTATION

Do you have any documents that support your complaint? No Yes

If yes, please list and attach relevant copies with this Complaint:

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VI. EXPECTED OUTCOME

What outcome(s) do you expect from filing your complaint? Be as specific as possible.

AUTHORIZATION

**I certify that the information given in this complaint is true and correct to the best of my
knowledge/belief.**

Print Name of Complainant _____ **Date** _____

Signature of Complainant _____

EMPLOYEE RELATIONS ONLY:

Received by _____ Date _____