

1.03 Non-Discrimination

No person shall be discriminated against because of a protected classification, as defined in the County's Equal Employment Opportunity (EEO) Harassment/Discrimination Policy. Employees of the County covered under civil service, including those who are serving their initial probationary period with the County, and former County employees covered under civil service who separated from the County because of dismissal, lay-off or resignation, or those who have applied for employment positions with the County, shall have the right to appeal any action taken which adversely affects them and is based upon such alleged discrimination.

1.031 Procedures for Filing a Complaint of Alleged Discrimination

- A.** Applicants for employment who are covered under civil service, who elect to register a complaint of discrimination shall contact the Director of Human Resources, or his/her designee, or the EEO Officer to request a review of the matter. The Director of Human Resources' designee or the EEO Officer shall forward a copy of the complaint to the Director of Human Resources. The request to file a complaint must be made within 30 calendar days following the date of the alleged discriminatory action or the date the complainant should have first become aware of the alleged violation.
- B.** A complainant who believes he or she has been discriminated may enter the process at any level, options 1 to 6 below, to file a complaint provided, however, that a complainant may not file at two or more levels simultaneously.
 - 1. Immediate supervisor;
 - 2. Any supervisor or manager within or outside the department; or
 - 3. Department Head; or
 - 4. Director of Human Resources, or his/her designee; or
 - 5. Equal Employment Opportunity (EEO) Officer; or
 - 6. The Civil Service Commission, with the exception of harassment complaints which do not affect a tangible job benefit.
- C.** The complaint shall be written on forms provided by the County and shall include but not be limited to:
 - 1. The name, address, and telephone number of the complainant.
 - 2. The basis of the alleged discrimination based on the protected classification

(e.g., race, color, religion, national origin, etc.).

3. The name(s) of any persons thought to be responsible for the discrimination.
 4. A clear and complete description of the specific practice(s), procedure(s), or incident(s) which are alleged to be discriminatory that has occurred.
 5. A clear and complete statement of the remedy or corrective action being sought as a result of the complaint.
 6. The complainant may provide his/her own representative, beginning with this step of the complaint process, by indicating the name, address, and occupation of the representative, if any.
- D. A copy of the written complaint shall be provided to the respondent's department head, unless the respondent is the department head
- E. Every possible effort will be made to assure the confidentiality of complaints. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take an effective remedial action. As a result, confidentiality will be maintained to the extent possible.
- F. Nothing in this procedure shall restrict the right of the complainant to file directly with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, the agencies responsible for the enforcement of antidiscrimination legislation. It is the complainant's responsibility to contact these agencies for filing requirements and deadlines.

1.032 Civil Service Commission Hearing (Final Administrative Review Level)

- A. The complainant may file alleged discrimination complaint to the County Civil Service Commission by filing a request for a hearing with the Director of Human Resources within 30 calendar days of the date of the alleged discriminatory action, or the date the employee/applicant should have first become aware of the violation.
- B. Hearing by the Civil Service Commission**
1. Within thirty (30) calendar days of the receipt of the request for a hearing, the Civil Service Commission shall schedule a hearing.
 2. The hearing shall be conducted in conformance with Section XIII of these rules.
 3. The Civil Service Commission shall take all evidence and testimony into account prior to rendering a final disposition regarding the complaint. The

Civil Service Commission shall then render a final disposition within ten (10) calendar days.

C. Hearing by a Hearing Officer

1. In the alternative, if the Civil Service Commission determines it would be appropriate, it may delegate hearing responsibilities to a hearing officer appointed by the Civil Service Commission.
2. A hearing officer selected by the Commission shall meet the following minimum qualifications:
 - a. Shall be approved by the American Arbitration Association for employment law matters; or
 - b. Shall be an attorney with at least (five) 5 years practice in the State of California with an emphasis in employment law.
3. The hearing officer will conduct a hearing in accordance with Section XIII of these rules.
4. The hearing officer shall prepare a recommended decision and forward it to the Civil Service Commission no later than thirty (30) days after the matter was taken under submission by the hearing officer. The recommended decision shall set forth whether the charges of discrimination are substantiated and the reasons therefore.
5. After receiving the recommendation of the hearing officer and reviewing the written record, the Civil Service Commission may reject or modify the recommendation of the hearing officer. The Civil Service Commission shall render a final written disposition within ten (10) calendar days after taking the recommendation under consideration.

1.033 General Conditions

A. Failure to Act

If the finding or resolution of a complaint at any step of the procedure is not appealed within the prescribed time, said complaint shall be considered settled on the basis of the last answer provided, and there shall be no further review or appeal.

B. Extension and Curtailment of Time Limits

Any of the time limits set forth may be modified by mutual written agreement between the complainant and the appropriate representatives of the County.

C. Written Records of Complaints

All documents, communications, and records dealing with the processing of a complaint shall be filed in a separate complaint file, and shall not become a part of the personnel history file of any County employee.

D. Freedom from Retaliation

An employee or applicant filing a complaint in conformity with this policy shall have freedom from retaliation.

E. County Time

Necessary and reasonable County time for County employees processing a complaint shall be authorized.

F. Valid Appointments

Valid appointments from an eligible list shall not be affected by any subsequent action by the Commission, appointing authority, or Director of Human Resources.

G. Concurrent and Subsequent Filing

Complaints filed and processed through this procedure shall not be filed or processed through any other existing procedure contained within these or other rules, regulations, resolutions, ordinances or Memoranda of Understanding. However, filing of a complaint with state or federal agencies may terminate the process provided for in these rules, but the EEO Officer shall communicate regarding the complaint with the representative of the appropriate agency rather than the employee.

A complainant may enter the filing process of any options as outlined in the County's EEO Harassment/Discrimination Policy, but may not file at two or more levels simultaneously and may only enter one of the processes outlined in Section 1.031 or the options outlined in the County's EEO Harassment/Discrimination Policy. Furthermore, a complainant who has filed a grievance in accordance with the provisions of the Memorandum of Understanding shall be precluded from filing a complaint to the Civil Service Commission.

1.04 Validity

If for any reason, any section, sub-section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses or phrases of this ordinance. It is hereby declared that these Civil Service Rules would have been passed and that each section, sub-section, sentence, clause and phrase thereof would have been included

irrespective of the fact that any one or more sections, sub-sections, sentences clauses or phrases be declared unconstitutional.

1.05 Amendment of Rules

These rules may be amended or added to by the Civil Service Commission in open hearing following seven days public notice on the Commission Bulletin Board.