

DEPARTMENT: Administration BY: John W. McCamman PHONE: 966-4744

**RECOMMENDED ACTION AND JUSTIFICATION:**

Approve this Resolution adopting the attached Equal Employment Opportunity and Affirmative Action Policy and Program.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

The Board of Supervisors adopted an Affirmative Action Plan, dated February 25, 1975. This Plan is not in compliance with current EEO/Affirmative Action rules and regulations as required by State and Federal guidelines. The attached comprehensive EEO/Affirmative Action Policy and Program Statement should now meet and satisfy those guidelines. This document will also serve to meet requirements for future grant applications.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- 1) Not approve this Resolution
- 2) The current, out-dated policy would remain in effect and be out of compliance with State and Federal regulations.

**COSTS:** (X) Not Applicable

- A. Budgeted current FY \$ \_\_\_\_\_
- B. Total anticipated costs \$ \_\_\_\_\_
- C. Required add'l funding \$ \_\_\_\_\_
- D. Source: \_\_\_\_\_

**SPECIAL INSTRUCTIONS:**

List the attachments and number the pages consecutively:

**SOURCE:** ( ) 4/5ths Vote Required

- A. Internal transfers \$ \_\_\_\_\_
  - B. Unanticipated revenues \$ \_\_\_\_\_
  - C. Reserve for Contingency \$ \_\_\_\_\_
  - D. Description: \_\_\_\_\_
- Balance in Reserve for Contingency if approved: \$ \_\_\_\_\_

**CLERK'S USE ONLY:**

Res. No.: 90-301

Ord. No.: \_\_\_\_\_

Vote - Ayes: 5 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: \_\_\_\_\_

*hws* Approved ( ) Denied

( ) Minutes Order Attached

**ADMINISTRATIVE OFFICER'S RECOMMENDATION:**

This item on agenda as:

- Recommended
- Not Recommended
- For Policy Determination
- Submitted With Comment
- Returned for Further Action

Comment: \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS

County of Mariposa, State of CA

By: \_\_\_\_\_

Deputy

A.O. Initials: 

POLICY AND PROGRAM OF MARIPOSA COUNTY EMPLOYMENT  
CONCERNING:

- Equal Employment Opportunity Policy Statement
- Harassment Policy
- Dissemination of EEO Policy Statement
- Responsibility for Implementation of Nondiscrimination Program
- Selection Procedures
- Analysis of Employment Procedures
- Disability Policy
- Pregnancy Policy
- AIDS Policy
- Affirmative Action Policy
- Internal Audit and Reporting System
- Summation

SECTION I: OBJECTIVES OF THIS DOCUMENT

- A. To achieve equality of employment opportunities for all qualified persons without regard to race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or disability in accordance with Federal and State laws and County ordinance.
- B. To remove any artificial, arbitrary or unnecessary barriers to employment which discriminate on the basis of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or disability.
- C. To establish a harassment policy to preclude unwelcome sexual or any other type of harassment behavior, and to provide remediation to address such behavior.

This comprehensive Equal Employment Opportunity and Affirmative Action statement has been developed to enable the County to effectively carry out the policy and objectives set forth herein.

**SECTION II: MARIPOSA COUNTY'S NONDISCRIMINATION AND EQUAL  
EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

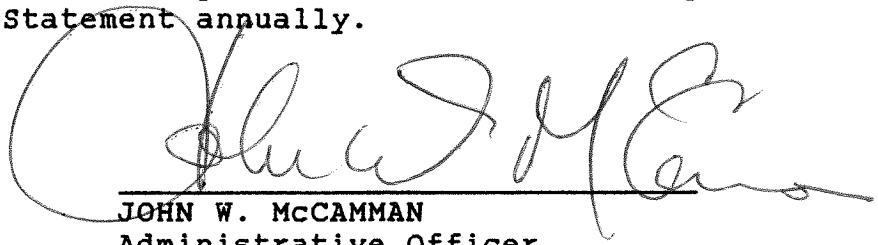
The County of Mariposa has been, is, and will continue to be, committed to the principle that equal employment opportunity in the public service of the County must be afforded to all persons regardless of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or disability (the term disabled or disability shall be construed to apply to those individuals covered by Title 2 California Administrative Code, Sec. 7293.6(a) and 29 USC, Sec. 706 (7)(B) and the regulations promulgated pursuant to that section) as required by applicable Federal and State laws. No person shall suffer discrimination with respect to employment or other terms or conditions of employment by reason of such person's status as enumerated above.

The County of Mariposa recognizes that equal employment opportunity may be ensured only by a carefully administered and practiced program designed to eliminate any practices, standards or conditions tending to result in discrimination, and by initiating positive efforts in recruitment, examination, selection, retention, promotion, pay, and training procedures to extend equal employment opportunities to all qualified persons without limiting, segregating or classifying employees or applicants for employment in any way which would deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, ancestry, national origin, religion, sex, marital status, age, medical condition or disability.

The County's Administrative Officer serves as the Equal Employment Opportunity Coordinator. Inquiries concerning the application of federal and state laws and regulations should be referred to him/her. The coordinator and staff are responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure adherence to this policy.

To achieve the goals of our Nondiscrimination Program it is necessary that each employee of this County understand the importance of the program and his or her individual responsibility to contribute toward its maximum fulfillment. Specifically, managers' and supervisors' efforts towards the success of this program will be monitored and evaluated as is their performance on other goals of the County.

The County of Mariposa will update and reaffirm this Equal Opportunity Policy Statement annually.

A handwritten signature in cursive script, appearing to read "John W. McCamman", written over a horizontal line.

JOHN W. McCAMMAN  
Administrative Officer

June 12, 1990

### SECTION III: MARIPOSA COUNTY'S HARASSMENT POLICY

It is the policy of the County of Mariposa to provide for a work environment free from unwelcome sexual behavior and overtures or any other type of harassment. This policy applies to all employees, including permanent, probationary, part-time and temporary employees. Harassment is an unlawful employment practice prohibited by State and Federal law. It is also unapproved and unacceptable work behavior that will not be tolerated by the County. County employees are expected to adhere to a standard of conduct while on the job that consists of respect and courtesy toward other employees and persons. County employees shall under no circumstances engage in behavior which constitutes any type of harassment.

This policy applies to all phases of the employment relationship, including recruitment testing, hiring, upgrading, promotion/demotion, layoff, termination, rates of pay, benefits and selection for training.

Unlawful harassment may take many forms, including:

- verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations, or comments
- visual conduct such as derogatory posters, cartoons, drawings or gestures
- physical conduct such as assault, blocking normal movement, or interference with work directed at you because of your sex or other protected basis
- threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors
- retaliation for having reported the harassment

County officials and employees who perpetrate harassment will be subject to firm disciplinary action up to and including termination of employment. Retaliation resulting from filing a harassment complaint is unacceptable and will subject the violator to disciplinary action, including but not limited to reprimand, suspension, and termination. Anyone who engages in harassment may not be entitled to indemnification and defense where the Board of Supervisors finds that such conduct falls outside the scope of employment.

In order to prevent harassment, management and supervisory employees are responsible for informing employees of the County policy and complaint procedure, and reporting all complaints of harassment to the Department Head or the Administrative Officer for investigation

#### Complaint Procedure:

- acts of harassment should immediately be reported by the complainant either to departmental management or to the County's Administrative Officer. Acts of sexual harassment should, if possible, be reported first to the supervisor or manager. However, it is sometimes more comfortable for the complainant to talk directly with the Administrative Officer. Anyone who would prefer to contact the Administrative Officer and talk to the Office Technician or Administrative Officer rather than his/her supervisor, is encouraged to do so.
  
- an immediate, thorough, objective, and complete investigation of the alleged harassment will be conducted. The County will make a determination about whether unlawful harassment occurred, and communicate this alleged finding to the harasser and any other concerned party
  
- the County will take appropriate disciplinary action if the findings of the investigation indicate harassment has occurred with action commensurate with the severity of the offense

SECTION IV. DISSEMINATION OF MARIPOSA COUNTY'S EQUAL  
EMPLOYMENT OPPORTUNITY POLICY STATEMENT

To ensure that all employees, applicants for employment, and the public are aware of Mariposa County's policy on Equal Employment Opportunity and its commitment to nondiscrimination, the following steps will be taken:

1. INTERNAL DISSEMINATION

- a copy of this policy statement covering the County's overall nondiscrimination commitment will be distributed to all County Department Heads and Elected Officials
- the County's nondiscrimination policy will be posted on the bulletin board in the Personnel Office and at other departmental locations where applications may be received
- this policy statement will be included with the distribution of the Personnel Policies and Procedures Handbook to new employees
- the County's Equal Employment Policy and program of nondiscrimination will continue to be a discussion item in all staff meetings for County employees, department heads, supervisors and managers
- the phrase, "Mariposa County is an Equal Opportunity Employer. Women and minorities are encouraged to apply", will be included in all job announcements.
- the County's Nondiscrimination policy is available for review through department heads or the Personnel Office

2. EXTERNAL DISSEMINATION

- all possible recruiting sources will be utilized in order to encourage applications of minorities, women, and the handicapped
- all recruitment bulletins will carry the phrase, "Mariposa County is an Equal Opportunity Employer. Women and minorities are encouraged to apply".
- all other appropriate documents will carry the above phrase

SECTION V: RESPONSIBILITY FOR IMPLEMENTATION OF  
MARIPOSA COUNTY'S NONDISCRIMINATION PROGRAM

The Administrative Officer, acting as Equal Employment Opportunity Coordinator, will be responsible for the following:

- to develop sound policies and procedures to ensure that the County's Nondiscrimination Program is carried out
- to periodically review the County's hiring, promotion and termination practices
- to promote improved understanding of ethnic minority cultures and women among County management
- to develop and implement procedures for monitoring the Nondiscrimination Program on a periodic basis
- to ensure that employees are informed of available opportunities for advancement
- to keep management informed on changes which may affect the Nondiscrimination Program and to revise the program as necessary
- to ensure that supervisors understand the County's Nondiscrimination Program and their role and responsibilities in carrying out the County's commitment to equal employment
- to ensure that open lines of communication are maintained throughout the County workforce
- to direct and monitor the County's Affirmation Action Program to assure attainment of equal employment opportunities
- to identify problem areas and assist management in their resolution



## SECTION VI: MARIPOSA COUNTY SELECTION PROCEDURES

### RECRUITMENT

The Personnel Office will be responsible for recruitment and testing. When a vacancy occurs, the department requests that Personnel begin the recruitment process, which generally consists of job announcement, application screening, appropriate examinations and the establishment of a list of qualified candidates. Examinations may be given to determine the applicants knowledge and abilities. Examinations may consist of an evaluation of training and experience, performance tests, written tests, oral appraisal boards, reference checks, or any combination of these. The department head will receive a list of the top three (3) to five (5) candidates to interview, from which an appointment will be made to the position available. All tests are designed to be job related and to aid in the selection of the best qualified applicants. All appointments are based on merit without reference to age, sex, race, creed, or national origin.

### APPLICATIONS

Applications will be accepted at any time; applications for a specific position will be accepted when a vacancy occurs in that classification.

Applications for employment will be made to the Personnel Office on the official County application form.

### SCREENING

At times, recruitment may result in a large number of applicants who meet the minimum qualifications. When such circumstances arise, the County may limit the number of applicants or candidates to advance through the examination process based on such considerations as the following:

- 1) Length, type and level of work experience related to the position.
- 2) Applicability of past work experience to meet the County's special needs or requirements
- 3) Type, degree, and recency of job preparation for prescribed responsibilities, to include certificates, technical training or course work, and educational achievements.

## VACANCY ANNOUNCEMENTS

All County job opportunities will be announced by publication of a recruitment bulletin which will include:

- 1) Job Title
- 2) Salary Range
- 3) Purpose of Recruitment
- 4) Filing Period (where and when)
- 5) Description of Position
- 6) Job Requirements
- 7) Employment Standards
- 8) Selection Process
- 9) Special Requirements (if any)
- 10) State that no appointment will be made prior to a pre-employment physical and proof of citizenship or right-to work
- 11) Statement that the County is an equal employment opportunity employer

## INTERNAL PROMOTION

It is the policy of Mariposa County to allow Department Heads the discretion to promote qualified full-time, regular employees to a higher classification or level within their department when such a vacancy occurs.

## HIRING FROM WITHIN THE COUNTY

When a vacancy occurs, a job announcement will be circulated to all County departments for posting giving notice to all full-time, regular employees that a position is open.

If eligible, qualified employees have applied by the specified closing date, screening may proceed. If there are no such interested employees, outside recruitment may begin.

## OUTSIDE RECRUITMENT

When a new position is created, or a present position becomes vacant and is not filled by a qualified County employee, the County policy is to use announcement advertising, and any other method of publicizing employment opportunities so that the greatest possible number of applicants may be recruited.

Recruitment sources may be:

- 1) Local and/or multi-regional newspapers
- 2) Specialized public sector recruitment publications including trade journals for certain professional positions

- 3) Distribution of recruitment bulletins to County and State personnel offices
- 4) Distribution of recruitment bulletins to community, ethnic and women's groups and organizations
- 5) Distribution of recruitment bulletins to County and State agencies and departments having similar job classifications

#### ORAL INTERVIEW

After appropriate screening of applicants has been completed, an oral interview panel may be established to interview the most qualified candidates. The panel should be comprised of individuals with knowledge and/or expertise in the job area.

Uniform oral interview questions and an evaluation point grading system may be used.

After interviewing, the panel may assign an overall rating for each applicant and make its recommendation.

Other non-biased evaluation procedures also may be used.

#### NOTIFICATION OF SUCCESSFUL CANDIDATE

All applicants for a position will be notified as to the status of his/her application.

The successful candidate and those applicants that participate in the interview process will be notified in writing.

#### RECORD RETENTION

Records of applicants and interview work sheets will be retained by the Personnel Office for a period of six (6) months.

The Personnel Office may exercise the option of calling any rated candidates within two years of the original interview, to re-interview them to hire without re-advertising.

SECTION VII: MARIPOSA COUNTY'S ANALYSIS OF EMPLOYMENT PROCEDURES

1. In order to more adequately fulfill the growing needs of the County in meeting its obligations concerning all personnel matters, it was determined that a centralized personnel function was needed.

With the establishment of a centralized Personnel Office, monitoring of the recruitment and selection procedure has been much more effective. Although the Personnel Office, at this time, has not been delegated all recruitment duties, it has served as a coordinating point for departments with vacancies and applicants. This function has now made the hiring process more standardized and uniform, and ensures adherence to County policies and procedures which meet standard merit requirements.

2. It was determined that the job descriptions for County positions were outdated and inadequate to deal with the growth in employment numbers and standards.

In 1988, all County positions were analyzed through an extensive job analysis questionnaire and interview process and as a result comprehensive job descriptions were written for all classifications. This has resulted in removal of non-essential requirements to permit disadvantaged persons to gain entrance into trainee and journeyman level classifications and to permit lateral and upward movement into other jobs from the trainee and journeyman level.

3. In reviewing the hiring and retention practices of part-time positions, it was determined that a system needed to be established to ensure that these "part-time" positions were not evolving into substitutes for full-time positions without benefits.

Effective July, 1990 all extra-help positions will only be allowed to work a total of 1373 hours in a fiscal year. This will ensure that "extra-help" means just that. Further, a form of agreement has been developed for signature of the extra-help employee which outlines the status of the employee prior to beginning work.

## SECTION VIII: DISABILITY POLICY

An otherwise qualified disabled individual shall not be denied employment opportunities solely on the basis of the disability. The County shall make reasonable accommodation to eliminate obstacles that would prevent an otherwise qualified disabled person from performance in a County position.

Where not yet accomplished, structural changes to County facilities or appropriate alternatives to ensure accessibility by disabled individuals shall be made as soon as can be reasonably accomplished. Newly constructed County facilities shall be physically accessible to the disabled and barrier free.

## SECTION IX: PREGNANCY POLICY

No person shall be terminated, denied employment, promotion, advancement, or accumulated seniority or other employee benefits on account of pregnancy. In addition to other rights pursuant to the Personnel Policies & Procedures Handbook, any female employee of the County of Mariposa is entitled to an unpaid leave of absence for a period not to exceed three months when she is physically unable to work due to pregnancy, childbirth, or pregnancy-related medical conditions. A leave of absence which exceeds three months is discretionary according to policy regarding leaves of absence in general.

**SECTION X: AIDS POLICY**

Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) and other Human Immune Deficiency Virus (HIV) are medical conditions within the meaning of Section I, Paragraph A of this document. Neither fear of transmission of such diseases through casual contact nor disruption of the work place because of such fear shall be grounds for discrimination against a person with such a disease.

## SECTION XI: POLICY OF AFFIRMATIVE ACTION

The County of Mariposa will take appropriate affirmative action steps to maximize the employment opportunities of those racial minority groups and women whose representation in the County work force is less than could reasonably be expected given their availability in the area labor force.

### Objectives

1. To increase the percentage of minority persons employed in all departments and classifications including supervisory, technical and administrative positions, where the present proportion is lower than their percentage of the county population.
2. To achieve appropriate racial minority persons employed in positions requiring personal contact with, or delivery of human service to minority persons.

### Program Features

In order to achieve the above-described objectives, the County has initiated a program which will include, but not be limited to, the following actions:

1. The scope of this Affirmative Action Program will encompass all phases of personnel management including, but not limited to, recruitment, examination, selection, promotion, pay, and training.
2. The County will, when necessary, permit employees in trainee classifications to take limited time off with pay in order to increase the level of their formal education or to receive job-related training which will enable them to achieve journeyman level status in their job classification.
3. The job classification structure of the County has been reviewed for the purpose of revising education, experience and skill requirements of the specifications. The objective of the revision is to remove non-essential requirements to permit disadvantaged persons to gain entrance into trainee and journeyman level classifications and to permit lateral and upward movement into other jobs from the trainee and journeyman level.
4. All Department Heads and the Personnel section of the Administrative Office will make every effort to ensure



that all examinations are valid, job-related, and non-discriminatory toward ethnic minorities. Also, they will develop and carry out measures which will further the above objectives of this Affirmative Action Program.

5. The Mariposa County Board of Supervisors, in establishing an Affirmative Action Program by resolution, shall direct the Administrative Officer to be responsible for the following:
  - a. Establishing direction and monitoring a County-wide Affirmative Action Program to assure attainment of equal employment opportunities in each County department.
  - b. Establishing appropriate efforts to recruit ethnic minority and women candidates for County services.
  - c. Structuring County career ladders so ethnic minorities and women will have the opportunity to achieve increasing responsibilities, status and pay.
  - d. Developing valid jobs, relating standards and techniques for selection which will remove artificial barriers to employment.
  - e. Promoting an improved understanding of ethnic minority cultures and women among County managers, supervisors and employees.
  - f. Providing training and counseling to ethnic minorities and women so they may obtain the necessary skills and knowledge to qualify for advancement in County service.
6. Each Department Head shall inform all employees of the Board of Supervisors Affirmative Action Policy and shall develop where necessary an Affirmative Action Plan with goals and timetables to the department's specifications consistent with this policy.
7. Each Department Head shall be responsible for providing data pertaining to the department and the continuing review of County hiring and promotional practices. To ensure that these practices are consistent with Board policy, the Administrative Officer shall assist departments in the development of an Affirmative Action Plan where required.

SECTION XII: MARIPOSA COUNTY'S INTERNAL AUDIT AND  
REPORTING SYSTEM

In recognition of the need for monitoring of the County's Nondiscrimination Program, a system will be implemented to provide a means to evaluate the program's effectiveness.

- a personnel program has been installed on the County's mainframe computer. When operational, this program will provide easy access to a number of reports to track hiring, promotions, transfers, and termination activities. Analysis of these various reports will be conducted on a yearly basis
- the personnel office will review on a periodic basis hiring policies and procedures and recommended any needed changes
- an annual review will be conducted of all wages, salaries, and benefits to assure nondiscrimination in compensation
- during the annual budget process, the Administrative Officer reviews in detail departmental staffing requests which provides a yearly review and analysis of staffing requirements and organizational structures

**SECTION XIII: SUMMATION**

This document constitutes a complete description of the County-wide policies of the County as relates to Equal Opportunity Employment, Harassment, Nondiscrimination, Disability, Pregnancy, AIDS and Affirmative Action. Nothing in this policy shall be construed to modify, change, or otherwise interpret existing or future policies as defined in the Mariposa County Personnel Policies and Procedures Handbook.

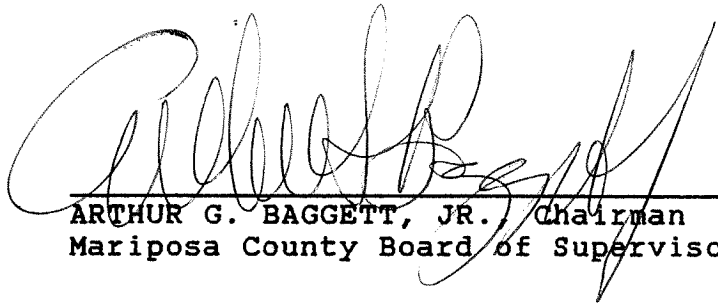
PASSED AND ADOPTED by the Board of Supervisors of  
the County of Mariposa, State of California, this 12th day of  
June, 1990, by the following vote:

AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER

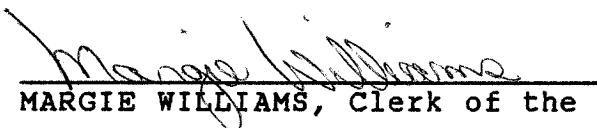
NOES: NONE

ABSENT: NONE

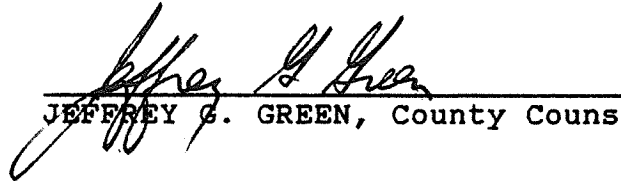
ABSTAINED: NONE

  
\_\_\_\_\_  
ARTHUR G. BAGGETT, JR. Chairman  
Mariposa County Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
JEFFREY G. GREEN, County Counsel