

COUNTY OF ORANGE
EMPLOYEE CODE OF CONDUCT



April 2006

County of Orange Code of Employee Conduct

The Orange County Board of Supervisors is responsible for establishing policies to guide the business functions of all County departments and to engender trust and accountability within the public we serve. This Code of Conduct is designed to help ensure that all County employees support and maintain the highest employment standards.

The County is committed to providing an ethical, respectful and discrimination free environment. Employees should strive to uphold the mission of the County of Orange and to ensure a safe, lawful and productive environment by conducting themselves appropriately. Agencies, Departments and their managers, supervisors and employees are responsible for commitment to this policy and are expected to:

- Safeguard the County's resources and ensure their prudent and effective use;
- Avoid activities that constitute a conflict of interest;
- Uphold and adhere to all county and department policies and procedures as well as all County ordinances, state and federal law, and professional/ethical standards;
- Abstain from conduct that is unsafe or creates an unsafe workplace/environment;
- Meet commitments in regard to work schedules and the requirements of their positions.

The following list is not intended to be exhaustive, but are examples of inappropriate conduct or conduct in violation of County polices and procedures:

- Falsification of records;
- Insubordination;
- Providing false information
- Violations of local, state or federal laws;
- Discourteous, harassing, hostile or rude treatment of fellow employees or the public;
- Working overtime without authorization;
- Inappropriate physical contact with a fellow employee or a member of the public;
- Reporting to work under the influence of a substance that impairs an employee's ability to perform their job;
- Conducting personal business or non-County related business while on duty;
- Inappropriate or misuse of County equipment, badge, uniform or position;

Employees are expected to be aware of, and adhere to, any additional policies that are specific to their respective department/agency.

The following County Personnel and Salary Resolution (PSR) provisions and policies are attached for each employee's review and understanding and to ensure that the standards articulated within this Code of Conduct are understood and upheld:

- Regulation of Employees
- County Policy on Employment of Relatives
- Drug and Alcohol Policy
- Policy for the Prevention of Workplace Violence
- Information Technology Usage Policy
- Off Duty Conduct Policy
- Equal Employment Opportunity Policy

Employees should notify their supervisor or Human Resources Department if there are any questions or clarification is needed regarding this Code of Conduct or the attached policies. Additionally, if an employee believes that the policies and standards of this Code of Conduct have been violated, they should immediately report the violation to their Supervisor, Department Manager, Agency/Department Human Resources Department, the Human Resources Department, Equal Employment Opportunity Office or the Internal Audit Fraud Hotline. Failure to follow this Code of Conduct and accompanying policies shall likely lead to discipline up to, and including, discharge from County employment.



County of Orange Mission Statement

The County of Orange is a collection of dedicated, public-spirited individuals, who together comprise a regional service provided and planning agency committed to maximizing resources and improving the quality of life for residents of Orange County. Our core businesses are public safety, public health, environmental protection, regional planning, public assistance, social services and aviation.

The County's Values

Accountability

Efficiency

Results

Regulation of Employees

- A. There is hereby adopted a merit system for the personnel administration of this County, basing appointments, promotions, demotions and discharges specifically on merit for all employees except for extra help employees, assistants and clerical employees to members of the Board of Supervisors, and secretaries and Executive Assistants to elected Department Heads and other at will employees.
- B. All employees shall hold their positions subject to rules and regulations established by Resolution of the Board.
- C. County employees shall refrain from engaging in any activities which constitute a conflict of interest due to the nature, conditions, or some other aspect of the activity. It shall be the responsibility of each Agency/Department Head to ensure that employees in his or her agency/department refrain from engaging in any activities which constitute a conflict of interest. The following are examples of activities which may involve a conflict of interest:
 - 1. The use of County time, facilities, equipment, badge or uniform for private gain or advantage, or private gain or advantage of another.
 - 2. The use of prestige or influence of County employment for private gain or advantage, or the private gain or advantage of another.
 - 3. The use of confidential information acquired by virtue of County employment for the employee's private gain or advantage, or private gain or advantage of another.
 - 4. The acceptance of money or other consideration by an employee from any person except the County for the performance of an act which the employee would be required or expected to render in the regular course or hours of his or her County employment, or as a part of his or her duties as a County employee.
 - 5. The performance of an act in other than his or her capacity as a County employee, knowing that such act may later be subject directly or indirectly, to the control, inspection, review, audit or enforcement by the employee or the agency/department in which he or she is employed.
 - 6. The representation of, or assisting in the representation of private interests for profit before any board or commission of the County or in court when the County is a party.
 - 7. The solicitation of future employment with a business doing business with the County over which the employee has some control or influence in his or her official capacity at the time of transaction.

County Policy on Employment of Relatives

1. Purpose:

To provide guidelines for employment of close relatives as situations involving relatives working in the same County agency/department may result in morale problems, inappropriate supervision, conflict of interest, or public criticism. The intent is to avoid the opportunity for an officer or employee of the County to use personal influence to aid or hinder another in the employment setting or situation because of a personal relationship.

2. Policy:

a. General: No person may be appointed, promoted, reduced, transferred or reassigned to a position in which that person is in the direct line of supervision of a close relative; nor shall close relatives have the same immediate supervisor. "Supervision" includes the assignment of work, evaluation of performance and setting or influencing the pay or granting of benefits to the other.

b. Definition: A close relative shall be defined as an individual related by blood, adoption or marriage, e.g., spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, mother/father in-law, son/daughter in-law, sister/brother in-law, stepparent, stepchild, stepbrother/sister or half brother/sister.

c. Disclosure: All applicants for employment, promotion, reduction, transfer or reassignment to a position in an agency/department shall be required to disclose the name(s) and position title(s) of any close relative currently employed in that agency/department prior to appointment, promotion, reduction, transfer or reassignment. An employee who becomes a "close relative" by marriage subsequent to appointment shall disclose the new relationship(s) to his/her supervisor.

The Human Resources Director shall provide appropriate forms and procedures for the disclosure process.

d. Exemptions: The agency/department head may grant exemptions required for the effective and efficient operation of the agency/department. Each agency/department head shall develop appropriate procedures to ensure the objective review of requests for exemption.

3. Procedure For Exemption From Policy:

a. The hiring supervisor shall request authority for an exemption from policy from the Agency/Department Head prior to appointing,

promoting, reducing, transferring or reassigning a close relative of an employee if such action will result in a violation of policy above.

- b. The written request for exemption from policy shall include:
 - 1) Names of prospective employee and known close relative employee(s) and relationship(s).
 - 2) Titles and summary of duties, and work relationship of affected positions.
 - 3) Qualifications of applicant indicating why the selected applicant is the best qualified or better qualified than other candidates.
 - 4) Justification for exemption, indicating why it is necessary for the effective and efficient operation of the agency/department and including a statement of why supervisor believes problems will not result.
- c. The Agency/Department Head will approve or disapprove supervisor's recommendation and notify the agency/department Human Resources Manager of specific reasons for decision. Upon request, the agency/department Human Resources Manager (or in those departments without an on-site personnel team, the manager of the Human Resources Department General Government/Law Enforcement Team) and/or the County Affirmative Action Office will review and provide comments to the agency/department head. The Human Resources Director shall maintain a listing of exemptions granted after the effective date of this policy.
- d. If an exemption is granted for a close relative of the agency/department head, the Board of Supervisors shall be promptly notified.

Drug and Alcohol Policy

1. Purpose:

It is the purpose of this policy to articulate the position of the Orange County Board of Supervisors with respect to the use of drugs or alcohol by County employees while on County time, in County vehicles, on County property or in County facilities.

2. Policy:

In recognition of the duties entrusted to the employees of the County and with knowledge that drugs and alcohol do hinder a person's ability to perform duties safely and effectively, the Board of Supervisors adopts the following policy:

It is the policy of the County of Orange to maintain a safe, healthful, lawful and productive work place. Members of the Board of Supervisors are committed to discouraging alcohol and drug abuse and to achieving a work force free from the influence of drugs and alcohol.

It is the intent of this policy to deter the misuse or abuse of legal or illegal substances which create a threat to the safety and health of any County employee or member of the public. The County is concerned with those situations where the use of alcohol and drugs interferes with any employee's safety and job performance, adversely affects the job performance or safety of other employees, or affects the safety of the public.

The County has established a voluntary employee assistance program to assist all County employees who wish to seek help for alcohol and drug problems. The County also makes available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact their supervisors, insurance provider, or the Employee Assistance Program for additional information.

The use, possession, or sale of illegal drugs is unlawful, dangerous and prohibited. The use of alcohol in the workplace, or prior to coming to the workplace, so that the employee's performance is impaired, is dangerous to the employee, to other employees and the general public and is prohibited. The abuse of all drugs, including alcohol, by employees is unacceptable since it can adversely affect health and safety, security, and productivity as well as public confidence and trust.

Violation of this policy may be grounds for disciplinary action up to and including discharge from County service. Departments or agencies may develop additional policies or work rules to augment the above policy statement.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Program (EAP) or their insurance provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems. Once a violation of this policy occurs, subsequent use of the Employee Assistance Program or other programs, on a voluntary basis, will not necessarily lessen disciplinary action.

Policy for the Prevention of Workplace Violence

1. Purpose:

To establish a County Policy that threats and acts of violence by and against County employees, contractors and the public while engaged in County business or related to the performance of their official duties will not be tolerated.

2. Policy:

The County of Orange is committed to the principle that a work environment free of threats of violence, threatening behavior and acts of violence is essential to providing effective and efficient government services. Civility, understanding, and mutual respect toward fellow employees and members of the public we serve are intrinsic to providing effective and efficient government services.

Towards this end, threats of violence, however communicated, threatening behavior, and acts of violence, by anyone, including County employees, contractors, their employees or the public, directed at County employees, contractors, their employees or members of the public, while engaged in County business or related to the performance of their official duties, will not be tolerated.

Violations of this policy by County employees will lead to disciplinary action up to and including termination from County employment. If violations of this policy by County employees, contractors, their employees or members of the public involve suspected criminal misconduct, the County will report such incidents and cooperate fully with law enforcement authorities.

All County employees are responsible for notifying their immediate supervisor, or another member of the management team, of any threats of violence, threatening behavior or acts of violence they have received, witnessed, or of which they otherwise have knowledge.

If furtherance of the County Policy for the Prevention of Workplace Violence, the possession or use of dangerous weapons by County employees is prohibited, except as provided for below, while the employee is acting within the course and scope of employment or traveling in a County-owned vehicle. A dangerous weapon is a firearm, or any other instrument capable of producing bodily harm when used in a manner and under circumstances that manifest an intent to harm, or intimidate another person, or that would cause a reasonable person to have concern for their safety or the safety of another. This provision does not apply to peace officers authorized by law and their Agency/Department to carry firearms on duty or to County employees legally in possession of a firearm for which the employee holds a

valid permit to carry a concealed firearm and the Agency/Department is made aware of and approves the carrying of the weapon.

Employees with a valid permit or who are otherwise legally in possession of a firearm but who are not authorized to carry a firearm on duty shall safely store the weapon while on duty.

Employees may be authorized by their Agency/Department to carry personal defense devices such as pepper spray while on duty on a case by case basis or in accordance with written Agency/Department policy.

Agencies/Departments may develop additional policies or work rules to augment the above policy statement.

Information Technology Usage Policy

1. Purpose:

To provide a Policy that defines conditions for the authorized use of information technology and associated electronic information devices, including personal computers, laptops and related peripheral equipment and software; Internet/Intranet connectivity and access to related services; E-mail and any other electronic information device.

2. Scope:

The County of Orange (County) provides employees with an e-mail system, a network connection, and Internet and Intranet access. This Policy governs all use of the County and its Departmental networks, Internet/Intranet access, and e-mail systems, whether for electronic mail, chat rooms, the Internet, newsgroups, electronic bulletin boards, or the County or Department Intranet.

The e-mail system, network, and Internet/Intranet access are primarily for official business only. Employees are authorized to access the Internet for limited personal business only during nonworking time, and in strict compliance with the other terms of this Policy.

All information created, sent, or received via the e-mail system, network, Internet, telephones or the Intranet is the property of the County. Employees should not have any expectation of privacy regarding such information. This includes all e-mail messages and all electronic files. The County reserves the right to, at any time and without notice, access, read and review, monitor, and copy all messages and files on its computer system as it deems necessary. When it believes necessary, the County may disclose text or images to law enforcement without the employee's consent.

3. Personal Responsibility:

By accepting the account password and other information from the County and accessing the Network or the Internet, employees agree to follow the rules in the Policy. Misuse means any violations of this Policy, or any other use that, while not included in this Policy, has the effect of knowingly harming another or another's property. Once logged on, employees should normally not leave their computer unattended or available for someone else to use.

4. Purposes and Use:

The County is providing access to its Network and the Internet only for County business purposes. If there is any doubt about whether a

contemplated activity is appropriate for County business purposes, employees may consult with their Department Head or his/her designee to help decide if a use is appropriate.

5. Netiquette and Prohibited Activity:

All users must abide by rules of network etiquette, which include being polite and using the Network and the Internet in a safe and legal manner. The County or authorized County officials will make a good faith judgment as to which materials, files, information, software, communications, and other content and activity are permitted and prohibited based on the following guidelines and under the particular circumstances. Unless employees are specifically authorized due to their work assignment, the following are among uses that are considered unacceptable and constitute a violation of this Policy:

- a. Using, transmitting, or seeking inappropriate, offensive, swearing, vulgar, profane, suggestive, obscene, abusive, harassing, belligerent, threatening, or defamatory (harming another's reputation by lies) language or materials.
- b. Revealing personal information without permission such as the employee's or another's home address, telephone number, or social security number.
- c. Making offensive or harassing statements or jokes about language, race, color, religion, national origin, veteran status, ancestry, disability, age, sex, or sexual orientation.
- d. Sending or soliciting sexually oriented messages or images.
- e. Visiting sites featuring pornography, terrorism, espionage, theft, or drugs.
- f. Gambling or engaging in any other activity in violation of local, state, or federal law.
- g. Uses or activities that violate the law or County policy or encourage others to violate the law or County policy. This includes, for example:
 - 1) Offering for sale or use any substance the possession or use of which is prohibited by law.
 - 2) Without proper authorization, accessing, transmitting, or seeking confidential information about clients or co-workers.
 - 3) Conducting unauthorized business.

- 4) Viewing, transmitting, downloading, or seeking obscene or pornographic materials or materials that violate or encourage others to violate the law.
 - 5) Intruding, or trying to intrude, into the folders, files, work, networks, or computers of others, or intercepting communications intended for others.
 - 6) Knowingly downloading, or transmitting confidential information.
- h. Uses that cause harm to others or damage to their property. This includes, for example:
- 1) Downloading or transmitting copyrighted materials without permission from the owner of the copyright in those materials. Even if materials on the Network or the Internet are not marked with the copyright symbol, ©, employees should assume that the materials are protected under copyright laws unless there is explicit permission on the materials to use them.
 - 2) Using another's password or some other user identifier that misleads message recipients into believing that someone other than the employee is communicating or otherwise using the other's access to the Network or the Internet.
 - 3) Intentionally uploading a virus or other harmful component or corrupted data, or vandalizing any part of the Network.
 - 4) Using any software on the Network other than that licensed or approved by the County.
- i. Uses that jeopardize the security of access and of the Network or other networks on the Internet. For example, the disclosing or sharing of a password with others, or impersonating another.
- j. Accessing or attempting to access controversial or offensive materials. Employees are advised that access to the Network and the Internet may include the potential for access to materials inappropriate for use for County business purposes, including materials that may be illegal, defamatory, or offensive. Certain of these areas on the Internet may contain warnings as to their content, and users are advised to heed these warnings. Not all sites that may contain inappropriate material, however, will include warnings. Employees must take responsibility for the use of the Network and the Internet and stay away from these sites.

- k. Commercial uses. For example, employees shall not:
 - 1) Sell or buy anything over the Internet.
 - 2) Solicit or advertise the sale of any goods or services (whether to one recipient or many, such as "junk e-mail").
 - 3) Give others private information about themselves or others, including credit card numbers and social security numbers.
 - 4) Use County information technology for unauthorized outside fundraising activities, participate in any lobbying activity, or engage in any prohibited partisan political activity.
 - 5) Use County information technology to post County, Department and/or other public agency information to external news agencies, services bureaus, bulletin boards or other forums except if authorized prior.
- l. Operating a business, or soliciting money for personal gain.
- m. Uses that waste limited resources. For example:
 - 1) Don't waste toner or paper in printers, and don't send chain letters, even for noncommercial or apparently "harmless" purposes, as these, like e-mail with large graphic attachments and "junk e-mail," use up limited Network capacity resources.
 - 2) Only copy others on an e-mail who should be "in the loop" on that e-mail.
 - 3) Be careful with distribution lists, determining first whether it is appropriate for everyone on that list to receive the e-mail.
 - 4) "All hands" e-mails are only to be sent if permission is obtained prior.
- n. Suggesting to other associates that they view, download, or seek materials, files, information, software, or other content that may be offensive, defamatory, infringing, or illegal.

6. Confidential Information:

Employees may have access to confidential information of the County, its employees, and clients of the County. E-mail makes it very easy to send and receive information and attachments. It is also easy to send confidential e-mail to more than those intended. If employees have a business need to communicate confidential information within the County, with permission of management, they may do so by e-mail, but only sending the e-mail to those who have a need to know the information, and marking it

"CONFIDENTIAL." County management may from time-to-time issue guidelines to those whose responsibilities include the internal e-mail communication of confidential information. Again, when in doubt, employees should not send it by e-mail. Memoranda and reports on paper, telephone calls, and face-to-face meetings should be used in some contexts, such as with respect to personnel matters.

7. Use and Maintenance of Equipment and Facilities:

The County may occasionally issue rules for use and maintenance of computers and other equipment. These include the following:

- a. Liquids or magnets are not to be kept on or near your computer, as these can cause serious damage.
- b. All original software assigned to employees must be available when the system needs to be serviced--it may need to be reinstalled.
- c. When employees have a computer problem, they should record/communicate all the details about the problem on the appropriate form and/or when called into the service hotline, working with Information Technology staff, etc.
- d. Computers are not to be removed from the building without written permission from County management.
- e. Software that is not licensed or authorized by the County is not to be installed and disks are not to be transported back and forth. (Viruses can easily be picked up onto your computer or the Network from the Internet or other computers.)
- f. Keep equipment plugged into a surge protector at all times.
- g. Report any damage to equipment to the appropriate authorities.

8. Privacy:

Network and Internet access is provided as a tool for County business. The County reserves the right to monitor, inspect, copy, review, and store at any time and without prior notice any and all usage of the Network and the Internet access and any and all materials, files, information, software, communications, and other content transmitted, received, or stored in connection with this usage. All such information, content, and files shall be and remain the property of the County, and employees should not have any expectation of privacy regarding those materials including those relative to personal computers or laptops used at home for business use. Network administrators may review files and intercept communications for any reason, including, but not limited to, purposes of maintaining system

integrity and ensuring that users are using the system consistently with this Policy.

9. Failure to Follow Policy:

Employees' use of the Network and the Internet is a privilege, not a right. If employees violate this Policy, they may be subject to having their access to the Network and the Internet terminated, which the County may refuse to reinstate for the remainder of an employee's tenure in the County. Further, except if authorized in specific job related circumstances, if employees violate this Policy, or if employees permit another to use their account or password to access the Network or the Internet, including, but not limited to, someone whose access has been denied or terminated, if the person the employee allows to use the account violates this Policy using their account, it is considered to be the same as the employee violating this Policy. Both are then subject to the consequences of that violation. The County may take other disciplinary action under County policy. A violation of this Policy may also be a violation of the law and subject the user to investigation and criminal or civil prosecution.

10. Updates:

Employees may be asked from time-to-time to provide new or additional registration and account information, for example, to reflect developments in the law or technology. Employees must provide this information if they wish to continue to receive service. If after employees have provided their account information, some or all of the information changes, employees must notify the person designated by the County to receive this information. This Policy may also be updated by the County from time-to-time, for example, to reflect developments in the law or technology.

11. Management Responsibility:

Managers and supervisors are responsible for following the Policy and for ensuring that their employees follow this Policy. Any employee who violates this Policy or uses the County e-mail system, network, Internet, or Intranet access for improper purposes shall be subject to discipline, up to and including discharge.

Off Duty Conduct Policy

1. Purpose:

To provide guidelines for County of Orange employees on appropriate behavior while off duty.

2. Policy:

To promote a productive and responsible work force, the Board of Supervisors adopts the following policy:

It is the policy of the County of Orange to employ a productive and responsible work force. Members of the Board of Supervisors are committed to encouraging employees to behave responsibly while off duty.

It is the intent of this policy to encourage responsible off duty behavior. Towards this end, irresponsible off duty behavior which is related to your County position will not be tolerated. The following are among the off duty behaviors that are considered irresponsible and constitute a violation of this Policy:

- a. The use of County equipment, facilities, badge, uniform or position for private gain or advantage, or the private gain or advantage of another.
- b. The use of the employee's prestige or influence of County employment for private gain or advantage, or the private gain or advantage of another.
- c. The use of confidential information acquired by virtue of County employment for the employee's private gain or advantage, or the private gain or advantage of another.
- d. Conviction of a felony or misdemeanor for a crime related to your County position. A conviction is a plea of guilty, a plea of nolo contendere or a guilty verdict after trial.
- e. Retaliation for reporting any violation of a County policy, rule or regulation or violation of State or Federal laws.

Peace Officers employed by the County of Orange shall be held to a high standard of off duty behavior. In addition to the above, the following are among the off duty behaviors that may subject peace officers employed by the County of Orange to discipline:

1. Misdemeanor or felony arrests.
2. Misdemeanor or felony conviction.

3. Using actions, words or non-verbal statements that may be construed as vulgar, rude, offensive, hostile or harassing.
4. Racist, homophobic or sexist remarks.
5. Fraternalization within a one-year period with persons who were released from jail.
6. Fraternalization with persons who engage in violations of state and federal laws.
7. Fraternalization, association or membership in an organized crime or crime syndicate.
8. Accepting gifts from persons who were released from jail for less than one year.
9. Knowingly establishing a social, personal or business relationship with persons in jail, or released from jail for less than one year, or the families of persons in jail or released from jail for less than one year.
10. Unauthorized release or disclosure of strategic, sensitive or confidential information obtained through County employment.
11. Any other off duty conduct which the peace officer knows or reasonably should know is unbecoming a peace officer or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the County, Department or members of the Department.

COUNTY OF ORANGE EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROCEDURE

This policy and procedure shall be known as the County of Orange Equal Employment Opportunity Policy and Procedure. It may be referred to as the EEO Policy.

PURPOSE

The purpose of the County of Orange EEO Policy is to ensure full realization of non-discrimination and equal employment opportunity by selecting, training, and promoting employees based on their ability and job performance and to provide equal opportunities in all aspects of employment without regard to sex, race, color, ethnicity, national origin, ancestry, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veterans status, citizenship, or any other protected group status ("protected classification"). Unlawful discrimination, harassment and retaliation in any form will not be tolerated.

SCOPE

The County of Orange's EEO Policy is applicable to all County Agencies and Departments, and to the heads of County Agencies and Departments, their managers, supervisors and employees.

POLICY

- A. Agencies, Departments, and their managers, supervisors and employees are responsible for full support and commitment to a policy of non-discrimination and equal employment opportunity.
- B. Agencies and Departments are responsible for preparing and submitting to the Human Resources Department - Equal Employment Opportunity Access Office (EEO Access Office) each calendar year a Certification of Compliance and/or an Equal Employment Opportunity Plan.
- C. Equal employment opportunity will be achieved through leadership and aggressive implementation of a program of equal employment opportunity. The program will include the periodic and systematic review of recruitment, selection and promotional practices, attention to upward mobility, periodic training and educational opportunities and audits of progress through a review of statistics, and annual Certificates of Compliance and/or Equal Employment Opportunity Plans.
- D. Any person who believes he or she has been the victim of unlawful discrimination, harassment or retaliation should report the incident immediately to his or her supervisor, manager, Agency or Department Human Resources staff,

or the Human Resources Department/EEO Access Office. All allegations will be investigated promptly.

Complaints will be kept as confidential as possible. If the allegation is sustained, prompt, appropriate remedial action shall be taken.

- E. The Human Resources Department/EEO Access Office is charged with the responsibility for administering this Policy.

COMPLIANCE PROCEDURES

- A. The EEO Access Office is responsible for overseeing the administration of the County's EEO Policy and may act through the County Executive Office and County Agencies and Departments as necessary to carry out this Policy.
- B. Agencies and Departments are responsible for ensuring that they do not discriminate, harass or retaliate in any policy, practice or procedure on the basis of any protected classification.
- C. The EEO Access Office will gather and provide to Agencies and Departments work force statistics for their particular Agency or Department. This information may be used to insure that employment related decisions are made in compliance with federal and state non-discrimination law and this Policy.
- D. Each Agency and Department will appoint an EEO Coordinator who is responsible for administering this Policy within his or her respective Agency or Department.
- E. All Agency and Department Heads and EEO Coordinators shall on an annual basis timely submit a Certificate of Compliance to Equal Employment Opportunity. Those Agencies and Departments required under the provisions of state or federal contracts or grants to prepare Equal Employment Opportunity Plans must do so by timely preparing and updating their existing plans and contacting the EEO Access Office for assistance as needed.
- F. Unlawful discrimination based on a person's protected status or classification will not be tolerated. Discrimination includes any employment related policy, practice, procedure or decision based upon a person's status, such as sex, race, color, national origin, ancestry, ethnicity, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other protected group status rather than merit.
- G. Harassment based on a person's protected status or classification will not be tolerated. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's actual or perceived status, such as sex, race, color, national origin, ancestry, ethnicity, religion, pregnancy, age, sexual-orientation, sexual identity, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other protected group status. Harassment in the form of retaliation for complaints of discrimination will likewise not be tolerated. The County of Orange will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's

work performance, or that creates an intimidating, hostile, or offensive work environment. Whenever an employee alleges harassment, or at any time where it is believed that harassment is taking place, the County of Orange will act promptly to investigate and take swift and appropriate remedial action in dealing with those found in violation of the County's EEO Policy.

- H. Harassment based on a person's sex includes, but is not limited to: unwelcome sexual advances, requests for sexual favors, any physical, verbal, or visual conduct based on sex where such conduct is an explicit or implicit term or condition of employment or where harassment is so severe or pervasive that a reasonable person would conclude the conduct creates a hostile or abusive work environment or the conduct involves a concerted pattern of harassment of a repeated, routine or generalized nature. Sexual harassment may include same sex as well as opposite sex misconduct where it is based on the person's gender.

Occasional, isolated, sporadic, or trivial acts that are simply annoying in nature may not constitute harassment. Nonetheless, Agencies and Departments are expected to investigate and remedy promptly any seemingly minor acts of harassment to avoid the development of a hostile work environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within the above:

- explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- participating in conduct the purpose or effect of which is to unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment;
- unwelcome touching or grabbing any part of an employee's body;
- continuing to ask an employee to socialize on or off-duty when that person has indicated she or he is not interested;
- displaying or transmitting in person or through any media sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to send sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of another person;
- using foul language or gestures;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- derogatory or provocative remarks about or relating to an employee's sex or appearance;
- off-duty conduct which falls within any of the above and affects the work environment; and
- making unwelcome, inappropriate inquiries about a person's private or personal behavior.

- I. The County of Orange is dedicated to providing equal employment opportunities to persons with disabilities. Discrimination based on a person's disability will not be tolerated. A person with a disability is one who has a physical or mental impairment or medical condition that limits one or more major life activities, any person who has a past history of such an impairment, or any person who is treated as if he or she has such an impairment. To insure that persons protected by the American's with Disabilities Act and the California Fair Employment and Housing Act are considered on the basis of merit, all employment related decisions will be based upon neutral criteria to determine each candidate's ability to perform a position's essential functions with or without reasonable accommodations.
- Qualified employees with disabilities shall have the same access to benefits as employees without a disability.
 - An individual with a disability is responsible for making his or her supervisor or recruiter aware of his or her need for an accommodation. When the need for accommodation has been identified, or if the supervisor is aware of the disability, the supervisor or recruiter is responsible for entering into an "interactive process" with the individual and taking the following steps:
 1. Identifying the essential functions of the job based upon the job description, job announcement, policies and procedures manuals;
 2. Consulting with the individual who requested the accommodation to identify which duties are affected by the individual's disability and what accommodations could enable the individual to perform those duties or the duties of another vacant position;
 3. Conferring with the Agency or Department Human Resources team, CEO Office of Human Resources and the EEO Access Office to evaluate the reasonableness of the requested accommodations and/or to identify alternate accommodations on a case-by-case basis. EEO Access Office shall provide support and assistance in determining the reasonableness of an accommodation;
 4. Giving a qualified applicant with a disability, who is able to perform the essential functions of the position, an equal opportunity to compete for the position and
 5. Implementing those reasonable accommodations that allow an employee to perform the essential functions of his or her position.
- J. Discrimination or retaliation because of an employee's exercise of his or her rights to a leave of absence as provided for by law will not be tolerated.
- K. In all cases, the better qualified applicant or employee shall be selected for a position, promotion, assignment, training, or other employment action, unless the provisions of an applicable MOU require a different result.

PROCESSING COMPLAINTS

- A. Any employee or applicant for employment who believes he or she has been the victim of discrimination, harassment or retaliation in violation of the County's EEO Policy is encouraged to file a complaint. When the County of Orange receives a complaint of discrimination; harassment or retaliation or otherwise has reason to believe that discrimination, harassment or retaliation is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and that prompt, appropriate remedial action is taken. The County of Orange is committed to take action if it learns of discrimination, harassment or retaliation in violation of this Policy whether or not the aggrieved employee files a complaint.
- B. The complainant must be given the option to file a discrimination, harassment or retaliation complaint with his or her department manager/supervisor, Agency or Department Human Resources team, the EEO Access Office, or with an outside compliance agency such as the California Department of Fair Employment and Housing (DFEH) or the United States Equal Employment Opportunity Commission (EEOC). The complainant and the accused are entitled to know and shall be promptly informed at the conclusion of the investigation whether allegations have been found to be founded, unsubstantiated or unfounded.
- C. Where a complaint is filed against an employee with whom the EEO Access Office has a reporting relationship, the complaint will be directed to the CEO. The EEO Access Office will not conduct the investigation. The CEO will appoint an independent investigator who will report to the CEO on the complaint.
- D. All supervisory and management employees are responsible for promptly responding to, and/or reporting any suspected acts of discrimination, harassment, and retaliation. Supervisors and managers must immediately report suspected discrimination, harassment and retaliation to their Agency or Department Human Resources team. The Agency/Department Human Resources team shall report any suspected discrimination, harassment and retaliation to the EEO Access Office. Failure by a manager/supervisor to appropriately report and address known or suspected incidents of discrimination, harassment or retaliation shall be considered to be a violation of this Policy and appropriate disciplinary action may be taken.
- E. Although the County encourages an employee who believes he or she may be the victim of discrimination, harassment or discrimination to report such conduct, the County will not tolerate false accusations of discrimination, harassment or retaliation.