

*Before the Board of Supervisors in and for the
County of Monterey, State of California*

Resolution No. 90-525 ---)
Amending Resolutions No. 72-274,)
No. 76-56, No. 81-133 and 82-166,)
Revising the Equal Employment)
Policy and the Sexual Harassment)
Policy and the Nondiscrimination)
Policy for Monterey County)

BE IT RESOLVED that Resolutions No. 72-274, No. 76-56, No. 81-133 and No. 82-166 are hereby amended, insofar as each is inconsistent with the policy set forth hereinbelow, as follows:

1. The County of Monterey shall not discriminate against any employee or applicant for employment because of race, color, ethnic group, religion, national origin, sex, sexual preference, marital status, age, handicap, disability or veteran status. Such action shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; discipline, termination or layoff; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

2. The County shall not limit, segregate, or classify its employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunity or otherwise adversely affect that person's status as an employee because of such person's race, color, ethnic group, religion, national origin, sex, sexual preference, marital status, age, medical condition, handicap, disability, or veteran status.

3. All County officials, appointing authorities, managers and supervisory personnel are directed to comply with all applicable federal, state and local laws and regulations requiring equal employment opportunity, reasonable accommodation, nondiscrimination and affirmative action. The County Administrative Officer and Department Heads are directed to develop such personnel policies and procedures as may be necessary to assure that all provisions of the County's Affirmative Action Plan are implemented and all goals and time tables are met. The County Administrative Officer is authorized to intervene in the recruitment, testing and selection process whenever and to the extent necessary to assure equal employment opportunity and nondiscrimination.

4. The Board of Supervisors shall appoint an Affirmative Action Officer who shall be responsible for enforcement of all equal employment opportunity and nondiscrimination policies, and the relevant delegated provisions of the County's Affirmative Action Plan. This Officer shall receive, investigate and resolve complaints of discrimination against the County.

5. No County employee or applicant for employment with the County shall be subjected to coercion, intimidation or harassment due to race, color, ethnic group, religion, national origin, sex, sexual preference, marital status, age, handicap, disability or veteran status. Unwelcome sexual physical conduct of a sexual nature constitute a violation of this policy when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of "unreasonably" interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

6. No County official or departmental appointing authority shall deny an employment or promotion opportunity because of a person's accent or manner of speaking. County employees and applicants for employment shall be considered on the basis of their ability to perform the duties of the position. No manager or supervisor may require that employees speak only English on the job; nor may they punish employees who may occasionally speak a language other than English during the work day. Notwithstanding the foregoing, departments may require, after consultation and with the Director, that specific employees speak only English at certain times when it is justified by business necessity or during a life-threatening crisis in which optimum communication is vital.

7. Nothing contained in this policy of the Affirmative Active Plan relating to discrimination on account of marital status shall affect the right of the County to reasonably regulate the working of spouses within the same department, division or facility, or where they may interface within the course and scope of their normal job duties, consistent with anti-nepotism regulations adopted by the County of Monterey.

8. The Board of Supervisors reaffirms its commitment to taking affirmative action to recruit, employ and promote qualified women and racial/ethnic minority persons into all job classes including executive, managerial, professional and supervisory positions. County officials and appointing authorities shall develop goals and time tables to eliminate the under-utilization of women and racial/ethnic minority persons and bring the County's work force at least to parity with the local job market.

9. The Board of Supervisors shall hold all County officials and appointing authorities accountable for the actions of their managers, supervisors, staff and agents; and shall include criteria in their annual performance evaluations of all appointed officials concerning their

compliance with this policy and the County's affirmative action goals and time tables.

PASSED AND ADOPTED this 25th day of September, 1990, on motion of Supervisor Strasser Kauffman, seconded by Supervisor Shipnuck, by the following vote:

AYES: Supervisors Del Piero, Shipnuck, Perkins, Karas & Strasser Kauffman.

NOES: None.

ABSENT: None.

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 64 , on Sept. 25, 1990

Dated: Sept. 25, 1990

ERNEST K. MORISHITA, Clerk of the Board
of Supervisors, County of Monterey,
State of California.

By ³ Ashe Arce Deputy