THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this (Order onJanuary 29	, 1985	, by the f	following vote:
AYES: NOES: ABSENT: ABSTAIN:	Supervisors Powers, Schro None. None.	oder, McPe	ak, Torlakson,	Fahden.
SUBJECT:	Discrimination Complaint Procedure Services and Programs)) RI)	ESOLUTION NO.	85/57

The Board of Supervisors enacts this resolution in its capacity as the Governing Board of Contra Costa County of all special districts of which it is the governing board.

I. Purpose

This resolution establishes the procedure for processing discrimination complaints relating to services and programs provided by agencies of Contra Costa County.

II. Scope

The procedure set forth herein covers discrimination complaints based on race, color, national origin, age, sex, handicap, and any other discrimination prohibited by state or federal law or regulation relating to admission to, access to, or treatment in, County programs or services. The procedure shall not apply to employment discrimination complaints or complaints subject to the County's employee grievance procedure or the provisions of the Personnel Management Regulations.

III. Definitions

As used herein, the following definitions shall apply:

- Agency: "Agency" includes County departments and special districts governed by the Board.
- 2. Board: Board of Supervisors of Contra Costa County.
- 3. Complainant: A person who has sought admission to, benefits from, or treatment in a County program or service, and who believes he or she has been discriminated against because of their race, color, national origin, age, sex, handicap or any other discriminating prohibited by state or federal law with respect to such program.
- 4. Department Head: The head of an agency.
- 5. Grievance Procedure: The procedure set forth in memoranda of understanding between the County or special districts and recognized employee organizations representing their employees or contained in Resolution No. 81/1165.
- 6. Special District: A district governed by the Board.

IV. General Provisions

- 1. Each department head shall designate a representative to receive complaints of service or program discrimination.
- A complainant may have a representative of choice at complainant's expense to assist in the complaint procedure at any step.

- 3. Any complaint shall be written, signed by the complainant and shall provide an address to which notices are to be sent. Notices to the County Affirmative Action Officer and to the Board of Supervisors shall be sent to the County Affirmative Action Officer at 651 Pine Street, 11th Floor, Martinez, California 94553.
- 4. Complainants are encouraged to attempt to resolve discrimination complaints at the agency level, but filing a complaint at that level is optional and complainants may proceed directly to Step 2 (County Affirmative Action Officer).
- 5. Complainants, agencies, and contractors are required to cooperate with the investigating authority.
- 6. Complaints involving the same issue may be consolidated and handled as one complaint when referred to the hearing officer.

V. A. Complaint Procedure, Step 1. (Department)

- A complainant may file a written discrimination complaint against an agency or contractors for whom the agency is responsible with the agency representative, within 30 days of the incident which is alleged to have occurred because of prohibited discrimination.
- 2. A complaint shall state who it is against, the type of discrimination alleged, the circumstances or situation resulting in the alleged discrimination, and the remedy requested. The department may refuse to accept complaints which do not contain this information.
- 3. The department representative shall undertake such investigation as is deemed necessary to resolve the complaint and within 30 days of receipt of the complaint complete the investigation and give the complainant personally or by mail written notice of the results of the investigation.

B. Complaint Procedure, Step 2. (Affirmative Action Officer)

- 1. Within 10 days of delivery or mailing of notification of the results of the investigation of the Department representative, or within 30 days of the alleged incident which was the result of discrimination, whichever is later, a complainant may file a written complaint of discrimination with the County Affirmative Action Officer.
- 2. A complaint filed with the County Affirmative Action Officer shall state who it is against, the type of discrimination alleged, the circumstances or situation resulting in the alleged discrimination, and the remedy requested. The Affirmative Action Officer may refuse to accept complaints which do not contain this information.
- 3. The County Affirmative Action Officer will investigate the complaint.
- 4. After investigation, the Affirmative Action Officer will attempt to resolve the complaint.
- 5. If the County Affirmative Action Officer is unsuccessful in resolving the complaint, the Affirmative Action Officer shall provide written notice to the complainant and to the agency of the right to have the complaint heard by the Board of Supervisors.

C. Complaint Procedure, Step 3. (Board of Supervisors)

1. Within 10 days of mailing of the notice by the County Affirmative Action Officer to the complainant and agency, the complainant may file with the Affirmative Action Officer a notice of appeal to the Board

- When a discrimination complaint is appealed to the Board of Supervisors, the Board may hold a hearing before it, or may refer the matter to a hearing officer for hearing and recommended findings of fact and conclusions of law.
- 3. In the hearing, the complainant will have the burden of proof.
- 4. Evidence of oral or written communications to or by the County Affirmative Action Officer in the course of investigation by the Affirmative Action Officer shall not be admissible in any hearing by the Board or hearing officer.
- 5. If the Board refers the matter to a hearing officer, upon receiving the recommended findings of fact and conclusions of law and proposed decision, it shall either adopt the findings of fact, conclusions of law, and decision or adopt them in part or reject them entirely. If it adopts the findings in part, or rejects them, the Board shall review the entire record of the hearing prior to rendering a decision. If a complainant requests that the Board review a hearing transcript, it shall be the complainant's obligation to provide the Board with and pay for such transcripts.
- 6. The decision of the Board shall be final and binding.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

PHIL BAPCHELOR, Cierk of the Board of Supervisors and County Administrator

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Orig. Dept.:

cc: Director of Personnel
Members, Section 504 Committee