CONTRA COSTA

COUNTY

AFFIRMATIVE ACTION PLAN

Board of Supervisors

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CONTRA COSTA COUNTY
OFFICE OF THE COUNTY ADMINISTRATOR
AFFIRMATIVE ACTION DIVISION
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I. POLICY STATEMENT

It is Contra Costa County's goal to achieve a County and Departmental workforce representative at all levels of the distribution of minorities and women in the labor force, and to ensure the rights of other protected groups, consistent with the County's policy on equal employment opportunity.

It is the policy of Contra Costa County to select, develop and promote applicants and employees based on individual ability and job performance. It has been, and shall continue to be, the policy of this County to provide equal employment opportunity through affirmative action to all people in all aspects of employer/ employee relations without discrimination because of race, color, religious creed, sex, national origin, ancestry, marital status, age, sexual orientation, disability, or medical condition (Cancer related).

It has been, and shall continue to be, the policy of the County to identify and remove artificial barriers to employment and promotion of members of protected groups and that consistent with the merit system aggressive efforts shall be made to attract and assist members of protected groups to qualify for employment and promotion; and that the Office of the County Administrator, the Personnel Department and all departments of County government shall act affirmatively to make equal employment opportunity a reality throughout the County workforce.

It has been, and shall continue to be, the County's policy to maintain a working environment free of harassment or intimidation based on sex, race or national origin.

It is also the policy of the County to comply with applicable local, state and federal statutes concerning equal employment opportunity.

This policy requires the active support of all officials, department heads, managers, supervisors and other County employees and shall be implemented under the direction of the County Administrator through a Countywide Affirmative Action Program.

II. INTRODUCTION

This Affirmative Action Plan is presented in six broad sections.

1. Program Responsibility (Section III.)
2. Advisory Council on Equal Employment Opportunity (Section IV.)
3. Affirmative Action Program areas (Section V.)
4. Complaint Resolution and Counseling (Section VI.)
5. Timetables and Goals (Section VII.)
6. Plan Evaluation (Section VIII.)

The first section identifies specific areas of responsibility for the Board of Supervisors, the County Administrator, managers, supervisors and employees. Their roles and responsibilities are discussed.

The second section describes the County's Affirmative Action Plan identifying areas coordinated and implemented by the Affirmative Action Office.

The third section addresses the Advisory Council on Equal Employment Opportunity.

The fourth and fifth sections review the Discrimination Complaint Procedure and the method of establishing Timetables and Goals.

The final section reviews how the Plan is evaluated.

An Appendix is provided to present the legal references for the Plan and includes examples of some of the documents used in the implementation of the Plan and the County's Statement of Values.

III. PROGRAM RESPONSIBILITY

A. Board of Supervisors

1. The Board of Supervisors has policy responsibility for the County's Affirmative Action Plan.
2. The Board of Supervisors acknowledges achievement in the area of Affirmative Action and makes an Affirmative Action Award to deserving departments.

B. County Administrator

1. It is the responsibility of the County Administrator's Office to administer and enforce the Affirmative Action policy and plan.
2. The County Administrator will include a factor for rating success in attaining Affirmative Action Plan objectives in department head evaluations each year.
3. The County Administrator will periodically review the method of evaluating department heads' success in attaining Affirmative Action Plan objectives.

C. Affirmative Action Officer

Direct responsibility for the development, coordination, implementation and evaluation of the Affirmative Action Plan is with the County's Affirmative Action Officer. Some of the officer's duties and responsibilities in the Affirmative Action area are the following:

1. Assists departments and special districts in consistent administering their Affirmative Action Plans with the overall Program for the County.
2. Plans, coordinates and directs the day-to-day activities of the Affirmative Action Program.
3. Develops and recommends the implementation of policies and procedures needed to attain Affirmative Action Goals.
4. Disseminates information on the Affirmative Action Plan, legal developments and articles concerning Affirmative Action to County Departments and special districts.
5. The Affirmative Action Officer stays informed of developments in the Equal Employment Opportunity area.
6. Reviews departmental Affirmative Action plans and advises the department head and the departmental Affirmative Action (AA) Coordinator of suggested revisions. Assists departmental personnel in developing effective methods of achieving Affirmative Action goals by:

    a) Reviewing departmental procedures for monitoring appointments, transfers, reassignments, provisional appointments, separations, etc., and making suggestions for change, as needed.
    b) Reviewing department methods for conducting discrimination complaint

investigations and trains Coordinators how to conduct such investigations.

7. Assists department heads and AA coordinators in handling internal departmental complaints on Affirmative Action issues.
8. Evaluates and prepares reports on the progress of the County and individual departments in reaching Affirmative Action goals.
9. Makes recommendations to further the achievements of Affirmative Action goals.
10. Acts as liaison with community and professional groups concerned with Affirmative Action issues.
11. Prepares, analyzes and provides workforce statistical surveys to department heads semi-annually. Reports on new appointments and promotions and other data that is pertinent to Affirmative Action.
12. Interprets Equal Employment Opportunity requirements of Federal and State agencies.
13. Reviews the need for formalized training in Affirmative Action/Equal Employment Opportunity for department heads.
14. Determines whether imbalance exists in relevant individual job classifications; where imbalance exists, prepares timetables and goals for Affirmative Action; disseminates timetables and goals to department heads and department Affirmative Action Coordinators for review and comment.
15. General desirable characteristics for Affirmative Action Coordinators will be developed and sent to department heads. Some desirable characteristics for an Affirmative Action Coordinator would include:
    a) Basic knowledge of the County's Affirmative Action Plan.
    b) Basic knowledge of the County's personnel selection process.
    c) Knowledge of community groups and organizations.
16. Recommends training classes that managers, supervisors and employees should attend to department heads.
17. Upon request of the department head, assists in the development of department Affirmative Action committees.
18. Review the training institute's workshops to determine if the County can provide more training to all employees, not just management employees.
19. Request regularly scheduled meetings with union representatives to present changes in the County's Affirmative Action Program.
20. Internal Dissemination

    a) The Affirmative Action Officer will meet periodically with Department Affirmative Action Coordinators and disseminate information on the County's Affirmative Action Program.
    b) Contra Costa County’s policy on Equal Employment Opportunity

and the Federal and State Notices of Equal Employment Opportunity have been posted on department bulletin boards at locations where applicants are received for employment.

c) The County's policy statement is available to all employees. In addition, this policy is included in the personnel policies and procedures and in the employee handbook.

d) Department heads and supervisors who have a responsibility for interviewing, hiring, promoting, transferring, disciplining, and terminating employees will continue to receive training in and review of the County's Affirmative Action policy and the resources available to assist them in meeting their goals set forth in the County's Affirmative Action Program.

e) A discussion of Equal Employment Opportunity and the Affirmative Action Program is included in the orientation of all new employees.

f) The County's Equal Employment Opportunity policy and the Affirmative Action Program will continue to be a discussion item in all staff meetings for employees, supervisors and managers.

g) The phrase "Contra Costa County is an Equal Opportunity Employer. Women and minorities are encouraged to apply" will be included in all job announcements. Such announcements will be posted on department bulletin boards.

h) A copy of the County's Affirmative Action Program and Department Affirmative Action Plans is available for all employees' review through their supervisor, the Personnel Department or the Affirmative Action Office.

D. Department Heads

Department Heads are responsible for implementing Affirmative Action within their department or agency. Their areas of responsibility include:

1. Appoint an Affirmative Action Coordinator to assist and advise the Department Head in carrying out the Affirmative Action Plan.
2. Require Affirmative Action Coordinator to attend the County's Affirmative Action/Equal Employment Opportunity/Sexual Harassment workshop.
3. Assess compliance in carrying out the purposes and goals of the plan.
4. Communicate the purposes and goals of the plan to employees.
5. Provide opportunities for equal employment opportunity training for supervisors, managers, and employees.
6. Include Affirmative Action performance as an element in manager and supervisor evaluations.
7. Make available copies of the County and Departments' plan for all employees.
8. The County and Department Affirmative Action Plans should be emphasized in protected group communities and in dealings with organizations serving protected groups.
9. Take action as appropriate to resolve equal employment opportunity problems.

10. Review need for bilingual positions.
11. Recognize managers and supervisors who have made equal employment opportunity accomplishments.
12. Direct annual review of department's workforce composition and preparation of progress reports for the department with copies sent to the Affirmative Action Office.
13. Direct annual review and update of department Affirmative Action Plan.
14. The department head may delegate to the Affirmative Action Coordinator the authority to investigate discrimination complaints.
15. External Dissemination
    a) All recruiting sources such as those listed in the personnel policies and procedures manual, and the Outreach and Recruitment Program and other organizations which serve minorities, females, disabled and community leaders, secondary schools and colleges will continue to be informed orally and in writing of Contra Costa County's Affirmative Action Program. We will also request their support and assistance in furthering our commitment to equal employment opportunity.
    b) Contra Costa County will also actively recruit and refer minorities, females and the disabled for all available positions in the County.
    c) The phrase, "Contra Costa County is an Equal Employment Opportunity Employer". Women and minorities are encouraged to apply" will be used in all recruitment publications; and if pictures are utilized, minorities, females and the disabled, will be represented where appropriate.
    d) The County will notify each labor union or representative of workers with which we have a collective bargaining agreement or other contract or understanding of our Affirmative Action commitment.

E. County Counsel

Provides advice and counsel to Department Heads, Affirmative Action Officer, County Administrator and the Board of Supervisors.

F. Managers and Supervisors

Every manager and supervisor is responsible for implementing the County's Affirmative Action policy. Each manager and supervisor is expected to take appropriate initiative to successfully implement the County's commitment of providing job opportunities for all people. The performance of managers and supervisors should be assessed, among other criteria, on the basis of their efforts and results in promoting equality of employment. Among the actions expected of managers and supervisors are:

1. Provisions are made for counseling employees on affirmative action issues when initiated by management or as a response to employee requests.
2. Opportunity is afforded to employees who are members of protected groups to participate in sponsored education, training, recreation, or social Programs

sponsored by the department or County.

3. Managers and supervisors should encourage professional development for all employees**.**

G. Employees

Employees are responsible for conducting themselves in ways that ensure others are able to work in an atmosphere free from discrimination, harassment or intimidation.

H. Affirmative Action Coordinators

Affirmative Action Coordinators are appointed by Department Heads. Coordinators report directly to Department Heads and assist and advise Department Heads in carrying out the Affirmative Action Program.

IV. ADVISORY COUNCIL ON EQUAL EMPLOYMENT OPPORTUNITY

I. The Advisory Council on Equal Employment Opportunity shall serve as an advisory committee to the Board of Supervisors in regard to the implementation of the County's Affirmative Action Plan. The Council reviews the Affirmative Action Program and recommends actions to facilitate attainment of the County's goal for affirmative action.

II. The Council shall be composed of nine (9) members appointed by the Board of Supervisors based on the recommendation of the Internal Operations Committee. Four (4) members of the Advisory Council shall be representative of women, minorities and other protected groups; one (1) member shall be representative of the disabled; two (2) members shall be representative of employee organizations; and two (2) members shall be representative of County management.

III. The nine initial appointments will be staggered terms assigned by lot. Three initial appointments will be for a one-year term; three for a two-year term; and three for a three-year term. Thereafter, appointments will be for rotating three-year terms. No individual may be appointed a member of the council for more than two terms.

IV. Advisory Council meetings will be open public meetings.

V. AFFIRMATIVE ACTION PROGRAM AREAS

A. Job Restructuring

Classification plans should be reviewed by departments, Personnel Department, and the Affirmative Action Officer to eliminate factors which arbitrarily discriminate against members of protected groups.

1. Classification Plan Review. Class specifications should be reviewed to ensure that:
   a). Specifications accurately describe the work of the positions allocated to the class.
   b). Entrance requirements are job related;
   c). A requirement of experience in the County; or restrictions on age or sex, are deleted unless they are a bona fide occupational qualification;
   d). Classes, and families of classes, are within a series with promotional lines.

The Affirmative Action Office receives all revised and new class specifications. The minimum qualifications and job descriptions are reviewed, and recommended changes are sent to the Personnel Department. If the Personnel Director does not agree with the recommended changes, the Personnel Director or Affirmative Action Officer may discuss the recommendations with the County Administrator for a final decision.

B. Career Development and Advancement

1. Trainee and paraprofessional classes are established by the Personnel Department where feasible with minimum qualifications commensurate with duties and responsibilities.
2. Career ladders are reviewed by the Affirmative Action Officer and recommendations for change are sent to the Personnel Department.
3. Departments are encouraged to advise employees of career opportunities and training Programs.
4. Promotional requirements (such as supervisory evaluation, oral examinations, written tests, qualification requirements, and seniority) are evaluated by the Affirmative Action Office for any discriminatory patterns.

C. Recruitment

The Personnel Department annually reviews and updates the outreach and recruitment action plan. Recruitment efforts and activities of the Personnel Department should be supported and supplemented by active efforts of the operating Departments and Special Districts.

1. Development of Recruitment Sources
   a) Personnel Department has developed communications with leaders from protected groups.
   b) All recruitment contacts are advised that nondiscrimination is a basic element of the County's Personnel Selection Program con-ducted in accordance with Personnel Management Regulations and merit principles.
   c) Facilities and resources of organizations serving protected groups are

used.

d) Referrals are requested from Government agencies and Programs.

2. Encouragement of Job Applicants

a) Recruiting is directed to protected groups.
b) Departments conduct additional recruitment and assign staff for targeted recruitment when necessary and feasible.
c) East County and West County recruitment centers are used to conduct targeted recruitment.
d) Departments encourage employees who are members of protected groups to refer applicants.
e) The County utilizes interns, the Summer Youth Programs, and Volunteer Programs to help employ protected group members.

3. Recruitment Material, Information and Media

a) Publications are reviewed to ensure that language or photographs do not imply inequality of people in protected groups.
b) The application form contains only job-related questions.
c) Job announcements are readable and understandable.
d) The statement "An Equal Opportunity Employer"... it is the policy of Contra Costa County not to discriminate because of race, color, religion, sex, national origin, age or disability is listed on all announcements.
e) Information on job opportunities is disseminated to radio and television stations, newspapers and magazines with large protected group audiences.

D.Selection, Appointment and Placement

1. Selection

a). Departments and Special Districts cooperate with the Personnel Department to validate all selection devices (including written tests, oral exams, rating of training and experience, etc.) to ensure that they are job related.
b). The Affirmative Action Officer reviews examinations to recommend to the Personnel Department whether they should be given on an open, promotional or combination (i.e. Open and promotional) basis.
c). Selection devices are reviewed each time a test is administered.
d). Protected groups are represented on oral exams and screening committees when feasible.

2. Appointment

a). Information on the appointment process is available to applicants from the Personnel Department, other departments or the Affirmative Action Office.
b). Managers or supervisors who conduct employment interviews shall attend the Final Selection Interviewing workshop to better equip them to objectively assess the abilities of applicants. They should attend the workshop at least every three years.

3. Placement
   a). Departments make efforts to place protected group members in job classes or organizational units having low protected group representation.

E. Other Personnel Actions

1. Employee Communication and Participation Employees are given opportunities to discuss individual problems informally and to obtain needed advice and counseling confidentially with Department Affirmative Action Coordinators and the County's Affirmative Action Officer.
   a) Managers and supervisors are required to be knowledgeable about the Department's Affirmative Action Plan and the County's Affirmative Action Program.
2. Performance Evaluations
   a) A factor for rating success in attaining the Affirmative Action Plan objectives is included in Department Head evaluations each year.
   b) Employees, supervisors and Department Heads demonstrating superior accomplishment in Affirmative Action receive recognition.
3. Terminations

   Departments conduct exit interviews and the Affirmative Action Office conducts special surveys of employees terminating from County service to ascertain whether real or imagined discrimination was a factor in their termination.

F. Training

Training opportunities are designed to develop skills needed to improve current performance, or to qualify for higher level positions, and are provided to all employees on a non-discriminatory basis.

1. New employees are given County orientation which includes a section on the County's Affirmative Action Plan. The orientation also provides them with the name of their Department Affirmative Action Coordinator.
2. Department orientations are given informing employees of their department's Affirmative Action Plan.
3. Departments advise employees of training opportunities with the Training Institute (appendices), on-the-job training, conferences, workshops, educational opportunities, etc.

The Affirmative Action Office works continuously with the Training Institute in the Personnel Department to develop programs targeted at Affirmative Action issues. Workshops that are viewed as a part of the Affirmative Action Program are:

1. Affirmative Action/Equal Employment Opportunity/Sexual Harassment Workshop.
2. Final Selection Interviewing Workshop
3. Cultural Diversity Workshop
4. Moving into Supervision

5. Current and proposed training programs are examined to ensure their relevance to both the present and projected staffing needs of the County and identified training needs of employees.

G. Community Liaison

The Affirmative Action Officer will attend community meetings and otherwise inform the community about the County's Affirmative Action Program.

VI. COMPLAINT RESOLUTION AND COUNSELING

Discrimination complaints are mediated by the Affirmative Action Officer. Complaints from the Equal Employment Opportunity Commission (EEOC), Department of Fair Employment and Housing (DFEH), Department of Labor (DOL), etc. are processed through the Affirmative Action Office.

A. Discrimination Complaint Procedure

The County has a discrimination complaint procedure for processing allegations of discrimination to the Affirmative Action Officer and Merit Board.

Departments shall give their full cooperation when the Affirmative Action Office investigates complaints. Files and departmental documentation are available for review to assist in resolving complaints.

It is important to the County to resolve discrimination complaints internally. Use of the discrimination complaint procedure is encouraged to foster internal resolutions of complaints.

1. The Discrimination Complaint Procedure (refer to Appendices) is followed by Department Affirmative Action Coordinators, and employees are advised of the procedure.
2. Department Affirmative Action Coordinators are trained by the Affirmative Action Officer in complaint investigation so complaints can be resolved within the department.

B. Counseling

1. Employees who need to talk to someone regarding the County's policies and procedures and to discuss discrimination concerns may also call the Affirmative Action Office or their department coordinator.

C. Other

1. Employees may call to request that the Affirmative Action Officer investigate a situation if they do not want to file a discrimination complaint.

VII. TIMETABLES AND GOALS

The County's goal for Affirmative Action is that the percentage of minorities and females employed in each job classification and each department in County employment reflect the qualified members of minority groups and females in the work force in Contra Costa County. Each department's goal for Affirmative Action is that the percentage of minorities and females employed in each job classification in the department reflect the qualified numbers of minority groups and females in the work force in Contra Costa County.

Action data (census data) is the primary data used to determine the qualified minorities and females in the County work force.

Imbalance in the number of females and minorities employed is deemed to exist when such number is less than 90% of the number representative of the percentage available in the work force of Contra Costa County qualified for a given job classification. When imbalance exists, a goal for Affirmative Action shall be established such that the number of females or minorities employed shall be not less than 100% of that number reflecting employment equal to the percentage of qualified females or minorities in the work force in Contra Costa County for the classification.

Timetables for progress are based upon the yearly number of vacancies occurring within the job classification, through employee turnover and the creation or elimination of new positions. If such vacancies are filled only from open examinations the timetable shall assume that the proportion of such vacancies per year which can be filled by qualified members of protected groups is 1-1/2 times the proportion of such persons as are in the work force in the County. If such vacancies are filled from promotional examinations, the timetables are based upon the same assumption unless an adequate number of female and minority promotional candidates cannot be made available; in which case a reasonable timetable is determined. Timetables include yearly interim goals.

The Affirmative Action Officer shall determine whether imbalance exists in relevant individual job classifications. Where an imbalance exists, the Affirmative Action Officer will prepare timetables and goals for affirmative action.

Timetables and goals are sent to Department Heads and Department Affirmative Action Coordinators for review and comment. Timetables and goals are reviewed approximately every two years.

VIII. PLAN EVALUATION

The County's Affirmative Action Plan is evaluated as follows:

A. The County Administrator receives reports of the County's Affirmative Action Plan. The report contains the overall status of the plan, results achieved toward established objectives, identity of any particular problems encountered and recommendations for corrective actions needed.

B. The Affirmative Action Office submits to the Board of Supervisors progress reports on the County's Affirmative Action Plan.

C. Department Head evaluations for pay increases include a section on their Affirmative Action plans' effective-ness and success.

D. Priorities are identified in the County's Affirmative Action Plan and in each department's plan.

E. Timetables and goals are established approximately every two years when necessary and if possible.

IX. CONCLUSION

Top level support is essential to the success of an Affirmative Action Plan. The goal of equal employment opportunity is a major component of the ultimate goal of general equality of opportunity for all.

APPENDIX I.

LEGAL REFERENCES

A. Federal Laws

There are several Federal laws the County must comply with in the implementation of its Affirmative Action Program. Many of the laws are viewed as cornerstones in the civil rights movement and set the legal guidelines for our current procedures; they are:

1. 13th Amendment to the U.S. Constitution (1865): "Neither slavery nor involuntary servitude..... shall exist within the United States or any place subject to its jurisdiction."
2. 14th Amendment of the U.S. Constitution (1868): "...No state shall make or enforce any law which shall...deny to any person within its jurisdiction the equal protection of the laws."
3. Civil Rights Acts of 1866, 1870, 1871: These acts were enacted to enforce the provisions of the 13th and 14th Amendments.

   C.R.A. of 1866 "All persons...shall have the same right...to make and enforce contracts,... and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens..." This also covers "employment contracts" for all persons.

   C.R.A. of 1870 "All citizens of the United States shall have the same right to every state...as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property."

   C.R.A. of 1871 “Every person who...subjects, or causes to be subjected, any citizen of the United States or other person within its jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit for equity, or other proper proceeding for redress."
4. Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Opportunity Act 2 of 1972): Title VII prohibits discrimination because of race, color, religion, sex or national origin in any term, condition or privilege of employment. Title VII of the Civil Rights Act of 1964 applied to private employers in 1964, to government employers in 1972. Title VII addresses:

EMPLOYMENT

Section 703(A) (42 U.S.C. S 2000e-2(a)) "It shall be an unlawful employment practice for an employer -

1. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to their compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or

2. To limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin."

   Section 703(H) (42 U.S.C. S 2000e-2(h)) "...Nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex or national origin."

ESTABLISHED EEOC AS ENFORCEMENT BODY

Section 705(A) (42 U.S.C. S 2000e-4(a)) "There is hereby created a commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party."

Section 706(A) (42 U.S.C. S 2000e-5(a)) "The commission is empowered, as herein-after provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 703."

5. Age Discrimination in Employment Act of 1967: Prohibits discrimination on the basis of individual's age (40 years and older as amended in 1974) except where age is a bona fide occupational qualification, reasonably necessary to the normal operation of the business or where the differentiation is based on factors other than age; or where it is necessary to observe the terms of a bona fide seniority system or a bona fide employee benefit plan (such as retirement) which is not a subterfuge to evade the purposes of the act. Enforcement is through the EEOC.
6. Equal Pay Act of 1963 (as amended): The Act requires all employers, including State and local governments, to provide equal pay for men and women performing similar work. The law is enforced by the Wage and Hour Division of the Department of Labor. In the case of wage discrimination based on sex, the EEOC (under Title VII of the 1964 Civil Rights Act) defers to the Labor Department and the Equal Pay Act in pursuing the case.
7. The Rehabilitation Act of 1973, Section 504: ...provides that with regard to Programs administered by the Department of Health, Education and Welfare "no otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any Program or activity receiving Federal financial assistance." As an employer the County must make reasonable accommodations to the handicaps of applicants and employees unless the accommodation would cause the County undue hardship. As a provider of services, the County is required to make Programs operated in existing facilities accessible to handicapped persons, to insure that new facilities are constructed so as to be fully accessible to handicapped persons, and to operate Programs in a

nondiscriminatory manner.

8. Americans With Disabilities Act of July 26, 1990: This Act bars discrimination on the basis of disability in employment, public accommodations, transportation, and telecommunications, and will eventually cover all employers of 15 or more workers.

CODE OF FEDERAL REGULATIONS

1. Code of Federal Regulations - Local Merit Systems (45CFR 205.200 - Standards of Personnel Administration): The state agency responsible for ensuring proper standards of personnel administration (in welfare, health, mental health and civil defense Programs funded with Federal monies) must develop and implement an Affirmative Action plan providing for specific action steps and timetables to assure equal employment opportunity as specified under section 70.4.

2. Code of Federal Regulations Section 70.4 Equal Employment Opportunity: Equal employment opportunity will be assured in the state system and Affirmative Action provided in its administration. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin, or other non-merit factors will be prohibited. Discrimination on the basis of age or sex or physical disability will be prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration.

State Laws

1. California Fair Employment Practices Act (as amended). The Act provides that the State of California protect the right and Opportunity of all persons to seek, obtain and hold employment without discrimination on account of race, religious creed, color, national origin, marital status, or age between ages of 40 and 65. It establishes the Fair Employment Practice Commission which has the power to receive and investigate complaints alleging discrimination in employment.

Local Laws

1. Contra Costa County's Consent Decree: This Federal Court Order mandates the County to implement the requirements in the order as the County's Affirmative Action Program.
2. Personnel Management System Regulations: Lists the Personnel Rules that govern County Employment.

APPENDIX II

BOARD RESOLUTION ON AFFIRMATIVE ACTION

IN THE BOARD OF SUPERVISORS
OF
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

In the Matter of	)	
Adopting Policy on	)	
Affirmative Action	)	RESOLUTION NO. 72/434
Plan for Equal	)	
Employment Opportunity.	)	
_____	)	

WHEREAS since establishment of the merit system in Contra Costa County, the Board of Supervisors has required that appointment to and promotion within the County service be based upon merit and fitness, that discrimination in employment because of race, color, national origin or religious belief is forbidden, and that discrimination on considerations of sex or age is proscribed except as laws or obvious employment conditions require otherwise, and

WHEREAS the United States Government has taken action through the United States Civil Service Commission to have Affirmative Action Programs established in all State and local governments, and

NOW, THEREFORE, BE IT BY THE BOARD OF SUPERVISORS RESOLVED that it hereby ESTABLISHES an Affirmative Action Policy to identify and remove artificial barriers to employment and promotion of minority groups and disadvantaged persons, and that consistent with the merit system, aggressive effort shall be made to attract and assist minority and disadvantaged candidates to qualify for employment and promotion, that the Office of the County Administrator, the Civil Service Department, and all departments of county government shall act affirmatively to make equal employment opportunity a reality throughout the Contra Costa County work force; and

BE IT BY THE BOARD FURTHER RESOLVED that within the aforesaid policy an Affirmative Action Program will be initiated under the direction of the County Administrator and the Director of Personnel which will require the active support of all department heads, said affirmative action to be initiated within current staffing and funding considerations with the understanding the County Administrator will

recommend additional staffing and funding as specific needs are identified for consideration by this Board, said program to include but not be limited to the following steps with the goal of providing full employment opportunity and encouragement of a broader participation of minority and disadvantaged persons:

1. Review existing personnel programs and procedures to identify and remove artificial barriers to employment and promotion of minority disadvantaged candidates;

2. Expand recruitment efforts in the minority and disadvantaged community;

3. Conduct surveys of County work force to identify situations which require special effort in the promotion of this Affirmative Action Policy;

4. Identify needs for bilingual staff;

5. Review existing career ladders to determine if there is need to establish additional entry and promotional opportunities for disadvantaged persons;

6. Evaluate training needs and assure that training opportunities are available to all employees regardless of race, religion, sex or national origin;

7. Instruct department heads in the intent of the Affirmative Action Program and require their support and compliance with the program;

8. Periodically evaluate the results of the Affirmative Action Program and make necessary adjustments within Board Policy to assure the vitality of the program; and

BE IT BY THE BOARD FURTHER RESOLVED that aforesaid Affirmative Action Program is APPROVED with the understanding that the board will consider amendment to same within the next two months.

PASSED and ADOPTED this 26th day of June, 1972 by the following vote of the Board:

AYES: Supervisors J. F. Kenny, A. N. Dias, J. E. Moriarty, W. H. Boggese, E. A. Linscheid.

NOES: None.

ASSENT: None.

cc: Personnel Director (6)

County Administrator

County Counsel

APPENDIX III

PERSONNEL MANAGEMENT REGULATIONS, PART 14

PROHIBITED DISCRIMINATION

1401. NO DISCRIMINATION.

No person in the merit system or seeking admission thereto shall be appointed, promoted, disciplined, reduced, removed or in any way favored, disfavored, or discriminated against because of political or religious or union activities, or race, color, national origin, sex, age, handicap, sexual orientation or other unlawful discrimination.

1402. AFFIRMATIVE ACTION OFFICER.

A person may file a complaint of unlawful discrimination with the County's Affirmative Action Officer. A discrimination complaint must be in writing and must set forth the grounds and facts upon which discrimination is alleged and the remedy sought. The Affirmative Action Officer shall investigate the complaint and shall attempt to mediate it.

1403. MERIT BOARD.

A person may file a complaint of unlawful discrimination with the Merit Board within sixty (60) days of the date the alleged discrimination occurred, or within thirty (30) days of termination of mediation effort by the Affirmative Action Officer, whichever is later, except that as to matters in which these rules provide specific appeal procedures and time limits, such appeal procedures and time limits shall apply. Discrimination complaints must be in writing and must set forth the grounds and facts upon which discrimination is alleged and the remedy sought. Final decisions of the Merit Board on discrimination complaints shall be enforced and followed by the County or the appointing authority whose action was the subject of the complaint. Unlawful discrimination complaints are not subject to any grievance procedure.

APPENDIX IV

PROCEDURES USED FOR SETTING TIMETABLES AND GOALS

1. List the labor force data from the 2010 Census Data by job class or other acceptable data.
2. List the number and percent of County employees in the workforce from the most recent Contra Costa County workforce statistical data by job class County wide.
3. To determine if the representation of a particular race, ethnic group (i.e. Black, Hispanic, Asian and Pacific Islanders, American Indians and Alaskan Natives) or Females in a job class is less than 90% of the representation of the County labor force:
   a. Multiply .80 times the County labor force percentage for the particular race/females.
   b. If the result is higher than the workforce percentage (County employees) there is adverse effect.
4. To determine the number currently needed to achieve parity with the County labor force:
   a. Multiply the race, ethnic group or female labor force percentage figures times the total number of positions in the job class.
5. To determine the number currently short of achieving parity with the County labor force:
   a. Subtract the number of County employees in the job class from the number of employees "needed to achieve parity," (answer in step 4) with the County labor force.
6. The average number (based on a three-year average) of positions available for hire is determined by:
   a. Compiling the data from the number of hires for three years, and then computing the average.
   b. For flexible staffed classes, only count hires at the entry (or first) level into the series (i.e., Deputy Public Defender, etc.) Do not count flexible staffed positions at the higher levels (i.e. Deputy Public Defender II, III).
   c. The result is the <u>estimated</u> positions available for hire.
7. List the average number (based on a three-year average) of separations in the job class.
   a. For flexible staffed positions, the person must leave the flexible staffed series.
   b. Compile data from number of separations from the position for three years, then compute the average.

c. The result if the estimated number of people who separated (left the position) from the County.

8. It is necessary to consider the average number of protected group persons leaving the job class. This figure is estimated by multiplying the percentage of the protected group in the job class (employees) times the average number of persons that are separations in the job class.

9. To determine the percentage of hires necessary to achieve goal requirements:

   a. Multiply the labor force percentage of the specified race, ethnic or sex group by 1.5 (the hiring rate proportion) stated in the Consent Decree.

10. To determine the number of hires necessary to achieve goal requirements:

    a. Multiply the percentage calculated in number 9 (above) times the figure obtained in number 6 (the total number of positions available for hire).

DETERMINATION OF "NUMBER OF YEARS TO PARITY"

VARIABLE		DEFINITION
a	=	The number of members of the protected group working (County employees) in the classification.
b	=	The total number of positions in the classification.
c	=	The average number of the protected group leaving (separated) the class, (based on a three-year average).
d	=	The total positions available for hire (based on a three-year average).
f	=	The percentage of the protected group working in the same job class in the labor market (EDD data).
n	=	The number of years to achieve parity.

YEAR IN WHICH PARITY WILL BE ACHIEVED IF AFFIRMATIVE ACTION GOALS ARE MET.

$$n = \frac{(f)(b) - (a)}{[(1.5)(f)(d)] - (C)}$$

STEPS FOR COMPUTING NUMBER OF YEARS TO PARITY

1. Multiply: (f) percentage times (b) _____

2. Subtract: (1) above - (a) _____

3. Multiply: 1.5 times (f) _____

4. Multiply: (d) times (3) _____

5. Subtract: 4 (above) - c _____

6. Divide: (2) above by 5 (above) _____

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Rev 09/25/2012

CONTRA COSTA COUNTY AFFIRMATIVE ACTION PLAN

Board of Supervisors

John M. Gioia
District 1

Candace Anderson
District 2

Mary Piepho
District 3

Karen Mitchoff
District 4

Federal Glover
District 5

CONTRA COSTA COUNTY
OFFICE OF THE COUNTY ADMINISTRATOR
AFFIRMATIVE ACTION DIVISION
January 2012