

Administrative Bulletin

Office of the County Administrator

Contra
Costa
County



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Date 3-26-93
Section Admin.

SUBJECT: Employment Discrimination Complaint Procedure

- I. **PURPOSE.** This bulletin sets forth procedures for resolving allegations of employment discrimination by agencies of Contra Costa County.
- II. **SCOPE.** This procedure governs complaints of discrimination by employment applicants and employees of Contra Costa County. It covers all issues of discrimination in regard to recruitment, appointment, training, promotion, retention, or other aspects of employment. The subject areas of discrimination include race, color, national origin, sex, religion, marital status, disability, age, medical condition (cancer related) and other areas as prohibited by applicable State or Federal laws.
- III. **LIMITATIONS.** The establishment of this procedure is not intended to supplant the County's grievance procedure or the appeal provisions of the Personnel Management Regulations.
- IV. **RESOLUTION OF INTERNAL DISCRIMINATION COMPLAINTS**

A. **Contra Costa County Employees**

Employees are encouraged to resolve discrimination complaints at the department level. An employee may nevertheless submit a discrimination complaint directly to the County's Affirmative Action Officer or the Merit Board.

1. **First Level**

- a. Each county department shall designate a person to whom complaints of discrimination may be directed.
- b. The complainant shall contact the department's representative and attempt to resolve the discriminatory action.

- c. The department's representative is responsible for making the necessary inquiries in order to resolve the complaint and must advise the complainant of the results.
- d. If the complaint cannot be resolved at the department's level, the complainant may file a written complaint of discrimination with the County Affirmative Action Officer (second level) or Merit Board (third level).
- e. If the complainant is a project employee, the complainant may file with the County Affirmative Action Officer (second level) or the Director of Personnel.
- f. The Director of Personnel is responsible for making the necessary inquiries in attempting to resolve the complaint and must advise the complainant of the results.

2. Second Level:

- a. If a written complaint is filed with the County Affirmative Action Officer, an investigation will be conducted with the assistance (if needed) of the Personnel Department, County Counsel, and operating department.
- b. The Affirmative Action Officer acts as an impartial third party in the investigation and mediation of discrimination complaints. The Affirmative Action Officer's role is not to represent or be an advocate for the employee or the department. The Affirmative Action Officer's role is to act as a neutral third party in the investigation and mediation of internal discrimination complaints and in coordinating the investigation, mediation, and responses for complaints filed with State and Federal agencies.
- c. The complainant must state who the complaint is against, the type of discrimination alleged, the circumstances or situation involving the complaint, and the remedy requested.

- d. If the County Affirmative Action Officer is successful in mediating the complaint, the complaint is resolved.
- e. If, after the investigation of the complaint, the County Affirmative Action Officer is unsuccessful in mediating the complaint, the complainant shall be advised of their right to file a written complaint with the Merit Board within 30 days of receipt of notice from the County Affirmative Action Officer closing the complaint and advising the complainant of the next level (third level).
- f. If, however, mediation by the County Affirmative Action Officer is unsuccessful for project employees, the complainant shall be advised of their right to file a written complaint with the Director of Personnel (third level) within 30 days of receipt of notice from the County Affirmative Action Officer closing the complaint.

3. Third Level:

- a. The complaint to the Merit Board must be in writing and must set forth the grounds and facts upon which discrimination is alleged and the remedy sought.

A person may file a complaint of unlawful discrimination with the Merit Board within 60 days of the date the alleged discrimination occurred, or within 30 days of termination of mediation effort by the County Affirmative Action Officer, whichever is later, except that as to matters in which personnel management rules provide specific appeal procedures and time limits, such appeal procedures and time limits shall apply.

- b. The Merit Board may hear the complaint or refer the complaint to a Hearing Officer. The hearing by the Merit Board or Hearing Officer is separate and independent from the investigation conducted by the County Affirmative Action Officer.
- c. The Merit Board and the Hearing Officer shall not receive or require the disclosure of oral

or written communication to or by the County Affirmative Action Officer in the course of mediation.

- d. The Merit Board is the final appeal level for discrimination complaints within the County. 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.

B. Employment Applicants

An employment applicant may file a discrimination complaint at the second level or otherwise according to the Personnel Management Regulations.

V. RESOLUTION OF COMPLAINTS FILED BY FEDERAL AND STATE AGENCIES AGAINST THE COUNTY OR OPERATING DEPARTMENT. Complaints filed by agencies such as the Equal Employment Opportunity Commission (EEOC) and the Department of Fair Employment and Housing (DFEH) are coordinated by the County Affirmative Action Officer.

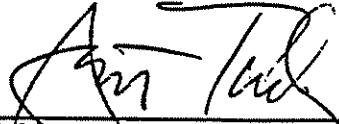
- A. A copy of complaints received by a department will be sent immediately to County Counsel.
- B. The Personnel Department, operating department, and County Counsel (if requested) may assist in preparing a response to the Federal or State agency.
- C. A copy of the response shall be sent to the County Affirmative Action Officer for review before submitting to the Federal or State agency.
- D. The County Affirmative Action Officer will mediate the complaints (when applicable) between the department(s) and State or Federal agencies.

VI. INVESTIGATE INQUIRIES FROM FEDERAL AND STATE AGENCIES

- A. The County Affirmative Action Officer will coordinate (if necessary) with the Personnel Department, operating department, and County Counsel responses to investigate inquiries from State and/or Federal Compliance Agencies.

- B. The response to investigate inquiries will be reviewed by the County Affirmative Action Officer before submitting to the agencies.

Orig. Dept.: County Administrator
Reference: Personnel Management Regulations



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