



COUNTY OF SAN BERNARDINO

STANDARD PRACTICE

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APPROVED

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DEPARTMENT BEHAVIORAL HEALTH
SUBJECT NON-DISCRIMINATION/
EQUAL EMPLOYMENT OPPORTUNITY

PURPOSE

To describe the Department's policy of providing a work environment free of discrimination or harassment.

SCOPE

This policy applies to all employees of the Department of Behavioral Health.

POLICY

Purpose

It is the policy of the Department of Behavioral Health to provide equal employment opportunity to all County employees and applicants for employment on the basis of merit, efficiency and suitability for the position and to prohibit discrimination in every phase of personnel policy and practice in the employment, development, advancement or treatment of its employees.

The Department of Behavioral Health will provide a working environment free from discrimination or harassment based on race, color, national origin, ancestry, religion, sex, marital status, disability, age and retaliation. Employees are expected to adhere to a standard of conduct that is respectful to all persons within the work environment. The Department will not tolerate any form of discrimination or harassment, nor will it tolerate any action of retaliation against any person filing a complaint of discrimination or harassment.

POLICY AMPLIFICATION

Definition of Discrimination

Unlawful discrimination refers to any act, policy, practice or decision which has the effect of creating or resulting in differential treatment of persons or groups on the basis of race, color, national origin, ancestry, religion, sex, marital status, disability, age and retaliation.

Non-Discrimination in Employment

The Department of Behavioral Health will behave in a fair and impartial manner towards employees and applicants for employment. Employment decisions will be made for job-related reasons and without regard to race, color, national origin, ancestry, religion, sex, marital status, disability, age and retaliation. Such employment decisions include new hires, promotions, transfers, and opportunities for training.

Harassment-Free Workplace

The Department of Behavioral Health will provide a workplace free from harassment based on race, color, national origin, ancestry, religion, sex, marital status, disability, age and retaliation. Such harassment includes, but is not limited to, verbal remarks or slurs, gestures or physical contact, display or circulation of written materials or pictures that could be considered derogatory to a group or an individual.

Protection from Retaliation

The Department of Behavioral Health will ensure that employees who complain about discriminatory behavior or harassment will not be subject to retaliation for such a complaint. Also, employees who are interviewed as witnesses in an investigation of a discrimination complaint will not be subject to retaliation.

PROCEDURES

Department Responsibilities and Procedures

The Department recognizes its obligation to take immediate and appropriate action if an incident of discrimination or harassment occurs, and to avoid or minimize the impact of any incidents of discrimination and harassment. Pursuant to these obligations, the Department shall do the following:

1. Investigate any complaint of discrimination or harassment. The investigation will be immediate, thorough, objective and complete. The investigation will be conducted in as confidential a manner as is compatible with a thorough investigation of the complaint, and as is consistent with the rights of employees under the Personnel Rules.
2. Fully inform any complainant of his/her rights and any obligations to secure those rights.
3. Take prompt and appropriate remedial action if a complaint of discrimination or harassment is proven by impartial investigation. An employee found to have discriminated against or harassed another employee or applicant will be subject to disciplinary action, up to and including termination. In addition, appropriate steps will be taken to prevent any further harassment or retaliation, and action will be taken to remedy the complainant's loss, if any.
4. Disseminate this policy to all employees, and include this policy in all orientation packages for new employees.

Employee's Rights and Responsibilities

Any employee who believes that he/she has been discriminated against or harassed can express his/her complaint through any one of the following:

- Immediate supervisor;

- Higher level supervisor/manager, including the Director and Assistant Director;
- Department's Affirmative Action Representative(s) at 387-7055;
- Department's Assistant Personnel Officer at 387-7056;
- County Affirmative Action Office at 387-5584;
- The California Department of Fair Employment and Housing, 1845 S. Business Center Drive, #127, San Bernardino, CA 92408-3426, (909) 383-4711.

Whenever possible, the employee is encouraged to contact one of the sources within the Department so that the problem can be resolved as quickly as possible.

Supervisory Responsibilities When Informed of a Complaint

1. When you receive a complaint, proceed with the following steps at the initial contact with the employee:
 - A. Calm the employee;
 - B. Assure the employee that you are taking the matter seriously and confidentially;
 - C. Maintain objectivity while discussing the following:
 - What happened?
 - Who is the alleged harasser?
 - What did she/he do?
 - Where did the incident take place?
 - When did the incident take place?
 - How was your work affected?
 - Did anyone else witness the incident?
 - Is this the only incident, or have there been others?
 - What did you do?
 - What were your feelings at the time? Now?
 - Did you talk to anyone else about it?
 - Do you know if this person has a history of harassing?
 - Did you document the incident by recording it in a diary, a memo, or a letter?
 - What remedy do you suggest? Immediately? In the future?
 - D. Tell the employee what you intend to do and when you will get back to him/her.

- E. Assure the employee that you will do everything possible to prevent any reprisals that may be attempted against her/him, and that you will monitor the situation to ensure this.
 - F. Document and date your discussion with the employee.
2. Inform the Department's Assistant Personnel Officer at (909) 387-7056, the Department's Affirmative Action Representative at (909) 387-7055, or Human Resources Department Affirmative Action Officer at (909) 387-5584 about the situation immediately after your discussion. Use her/him as your resource for additional action.

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