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### **12.04.01 Introduction**

The County of Glenn and its employees recognize that behavior resulting from the misuse of alcohol and/or other drugs may detrimentally affect work performance, safety, and public confidence in the County's work force, and may present a risk to County employees and to the health and welfare of the citizens of the County. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job and the influence of these substances on employees during working hours, are inconsistent with this objective.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of County managers and employees. To that end, the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage the County's reputation.

### **12.04.02 Purpose**

- A. It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the County has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. The Board's concern is that employees be in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.
- B. It is County policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property (except at locations where the general public may be exempt from this requirement) at work locations, or while on duty or on call back status; shall not utilize such substances while they are on call back status subject to County duty, sell, or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on call back status, nor have their ability to work impaired as a result of the use of alcohol or drugs.
- C. This policy sets forth the general terms and conditions of the County of Glenn Alcohol and Drug Abuse Policy which applies to all County employees. In addition to the provisions of the general County policy, certain employees in specially funded programs or specific classifications are also covered by the following legislated requirements as outlined in this policy.
  - Federal Drug-Free Workplace Act of 1988
  - California Drug-Free Workplace Act of 1990
  - US Department of Transportation (DOT) Omnibus Transportation Employee Testing Act of

If any provisions of this policy conflict with the above referenced laws, the legislated requirements will take precedence. All employees will be provided with a copy of the Alcohol and Drug Abuse Policy.

- D. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program (EAP). While the County will be supportive of those who seek help voluntarily, Glenn County will be equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help.
- E. Supervisors will be trained to recognize abusers and become involved in this control process.
- F. This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of the County managers and employees. To that end the County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the County's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline.
- G. In recognition of the public service responsibilities entrusted to the employees of the County, and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the County adopts the following policy against drug and alcohol abuse.

#### **12.04.04 Policy**

- A. It is the County's policy that employees shall not be under the influence of or in possession of alcohol or drugs; nor possess alcohol or drugs while on County property, at work locations, or while on duty or on a paid standby status, shall not utilize such substances while they are on a paid standby status; employees shall not sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or on a paid standby status; and employees shall not report to the job site with their ability to work impaired as a result of the use of alcohol or drugs. the County is committed to providing a safe and healthy work environment for all employees, and is dedicated to ensuring dependable and efficient services to the community. To this end, it is the policy of the County of Glenn to:
  - 1. Provide a workplace free from the adverse effects of drug and alcohol abuse or misuse;
  - 2. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
  - 3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances in the workplace; and
  - 4. Encourage employees to seek professional assistance if drug and/or alcohol abuse or dependency adversely affect their ability to perform assigned duties.
  - 5. The County will establish an ongoing drug-free awareness program to inform employee about
    - a. The dangers of drug abuse in the workplace;
    - b. The grantee's policy of maintaining a drug-free workplace;
    - c. Any available drug counseling, rehabilitation, and employee assistance programs; and

d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

B. Prescription Drugs. While the use of medically prescribed medications and drugs is not per se a violation of this policy, the following policies shall apply to prescription drugs:

1. Failure by the employee to notify his or her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment can result in discipline.
2. In exercising the supervisor's discretion in assignments of duties in the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medication or drugs, clearance from a qualified physician may be required by the County.
3. For purposes of this subdivision (B) "medications or drugs which could foreseeably interfere with the safe and effective performance of such employee's duties or operation by such employee of County equipment" shall mean medications or drugs that have written warnings advising that the drug or medication could cause drowsiness or other side effects that could affect performance or judgment on the job.

C. Use of Non-Prescription, Over the Counter Drugs or Medications. An employee using non-prescription, over-the-counter drugs or medications, such as allergy, cold or pain relief medications, must inform his/her supervisor if the employee experiences symptoms from the drugs which could interfere with the safe and effective performance of duties or the safe operation of County vehicles or equipment. It is the employee's responsibility to know of the impairing effects of an over-the-counter drug. Failure to inform the supervisor of a known impairment may result in discipline, up to and including dismissal.

D. The County reserves the right to search, with reasonable suspicion, all areas and property in which the County maintains control or joint control with the employee for the purpose of detecting the suspected presence of alcohol or illegal drugs. (All searches applying to sworn personnel shall be consistent with Government Code Section 3309 - Police Officer's Bill of Rights.)The County may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. Areas in which the County maintains full control include, but are not limited to, all County owned properties, buildings, and County owned vehicles and equipment. Areas jointly controlled by the County and the employee include, but are not limited to, desks, lockers, file cabinets, office cabinets, and bookshelves.

E. Employees reasonably believed to be under the influence of alcohol or drugs, upon order of the department head or the employee's immediate supervisor, shall not engage in further work until reasonable, appropriate and safe action can be taken to ensure the safety of the work place.

F. The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal or state law or when employees voluntarily recognize that they have a drug/alcohol problem and seek treatment. However, any employee found to be in violation of this policy may still be subject to disciplinary action, up to and including dismissal, regardless of the employee's leave status or participation in a treatment or rehabilitation program.

G. Employees are strongly encouraged to seek professional assistance if they have a drug or alcohol problem. The County provides all employees with the services of an Employee Assistance Program (EAP). The EAP is a voluntary, confidential, limited counseling services which can help employees acquire counseling and/or treatment for substance abuse problems.

Employees can contact the Personnel Department or their department head for a brochure describing the EAP and how to access the counseling services.

#### **12.04.06 Application**

This policy applies to all employees of and to all applicants for positions with the County. This policy applies to alcohol and to all substances, drugs, or medication, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

#### **12.04.07 Drug Or Alcohol Testing**

- A. Drug-Free Workplace Acts All departments of the County receiving federal and/or state grants are specifically required to comply with the Drug-Free Workplace Acts, provisions of which are incorporated herein. The Drug-Free Workplace Acts define a "drug-free workplace" as any site for the performance of work done in connection with a specific grant at which employees of the grantee are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance. It is the responsibility of affected department heads to notify their employees if they are covered by the requirements of the Drug-Free Workplace Act.
- B. US DOT Omnibus Transportation Employee Testing Act of 1991 Employees in certain "safety-sensitive" classifications who are required to possess a commercial driver's license (Class A or Class B) are covered under the federal Omnibus Transportation Employee Testing Act of 1991. These employees must submit to pre-employment, random, reasonable suspicion, post-accident and return-to-work drug and/or alcohol testing as a condition of employment.
- C. Applicants for Specific County positions. The County requires certain job applicants to take a drug and alcohol test after a conditional job offer has been made. This requirement applies to all external applicants for jobs classified by the County as safety-sensitive positions including, but not limited to, those jobs where individuals perform work that involves a danger to the public (for example: operation of equipment or heavy trucks used to transport hazardous material, work requiring national security, and work involving the enforcement of drug laws and those jobs that can directly influence children (for example: working directly with children and overseeing those who work directly with children).
- D. An external applicant for a County safety-sensitive position who has received a conditional offer of employment shall be required to undergo and successfully pass a preplacement/post-offer drug screening analysis prior to beginning work with the County. Any offer of employment by the County for a safety-sensitive position will be conditioned upon compliance with this Policy. The post-offer applicant will be requested to review and sign a consent form for the controlled substance test, which includes a waiver and release. The form will be completed by the applicant and by the collection center at the time of collection. A positive test indicating the presence of controlled substances as defined in this Policy will result in the withdrawal of the conditional offer and constitute disqualification of the applicant for the position. The applicant will not be considered for employment for a safety sensitive position for one year from the applicant's last positive test.
- E. A post-offer external applicant for a position who refuses to submit to testing as defined herein will be considered to have refused to participate in the testing process and will not be hired. In addition, the applicant will not be considered for employment for safety- sensitive positions for one year from the job applicant's refusal to participate in the testing process.

#### **12.04.08 Employee Responsibility**

Employees have the following responsibilities:

- A. They shall not report to work or be on paid standby status while their ability to perform job duties is impaired due to on or off duty alcohol or drug use.
- B. They shall not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on paid standby status, on breaks, or at anytime while on County property.
- C. They shall not directly or through a third party manufacture, distribute, dispense, possess, or use a controlled substance while at the County workplace. They shall not provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or on paid standby status. Action that will be taken against an employee for violation of such prohibition may include termination.
- D. They shall submit to an alcohol and drug test when requested pursuant to section 12.04.10 (B) below.
- E. They shall notify their supervisor, before beginning work, when taking any medication or drugs, prescription or non- prescription, as defined in paragraph (B) (3) of section 12.04.04, above.
- F. They shall provide upon request a bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.
- G. As a condition of employment all employees must abide by this policy and notify his/her supervisor in writing of any conviction for any violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

#### **12.04.10 Management Responsibilities And Guidelines**

- A. Managers and supervisors are responsible for reasonable enforcement of this policy.
- B. Managers and supervisors may request that an employee submit to a drug or alcohol test when a manager or supervisor has a "reasonable suspicion" that an employee is intoxicated or under the influence of drugs or alcohol while on the job or on paid standby status.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or the employee's ability to perform the job safely is reduced.

For example, any of the following may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking and movement;
4. An accident involving County property;
5. Physical altercation;
6. Verbal altercation;
7. Unusual behavior;
8. Non job required possession of alcohol or drugs;
9. Information obtained from a reliable person with personal knowledge.

- C. Any manager or supervisor requesting an employee to submit to a drug or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.
- D. Any manager or supervisor encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor shall take appropriate, safe and reasonable action to ensure the safety of the employee, other employees and the work place in general.
- E. Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given consent of, and in the presence of, the employee.
- F. Managers and supervisors shall notify their department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. If the department head or designee concurs that there is reasonable suspicion of illegal drug possession, the department head shall notify the appropriate law enforcement agency.

The County will establish an ongoing drug-free awareness program to inform employees about

- 1. The dangers of drug abuse in the workplace;
- 2. The grantee's policy of maintaining a drug-free workplace;
- 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
- 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

#### G. Grant Administration

The County must notify the grant agency in writing, within ten calendar days after receiving notice from an employee of his or her conviction for a violation of a criminal drug statute occurring the workplace, or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

- 1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

### **12.04.12 Physical Examination**

The drug and alcohol tests may test for any substance which could impair an employee's ability to effectively and safely perform the functions of the employee's job.

#### **12.04.14 Results Of Drug And Alcohol Analysis**

##### A. Pre-employment Physicals

1. A positive result from a drug or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs or alcohol could affect requisite job standards, duties or responsibilities.
2. If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

##### B. During Employment Alcohol/Drug Tests

1. A positive result from a drug or alcohol analysis may result in disciplinary action.
2. If the drug screen is positive, the employee must provide within 24 hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified the employee's supervisor pursuant to section 12.04.08 (E), the employee will be subject to disciplinary action.
3. If an alcohol or drug test is positive for alcohol or drugs, the County shall conduct an investigation to gather all facts. The decision to discipline or terminate will be carried out in conformance with applicable disciplinary policies.

#### **12.04.15 Consequences Of A Positive Test Result Following Reasonable Suspicion Testing**

A confirmed positive test result from a drug and/or alcohol test will result in appropriate personnel action which may include disciplinary action, up to and including dismissal. If a drug test is positive, the employee must provide, within 24 hours of request, proof of a current prescription for the drug identified in the drug screen, if the employee is taking the identified drug under the orders of a physician. The prescription must be in the employee's name. If the employee does not provide acceptable proof of a prescription, or if the prescription is not in the employee's name, or if the employee has not previously told his or her supervisor of potential impairment due to use of medication, the employee will be subject to disciplinary action, up to and including dismissal.

If an alcohol or drug test is confirmed positive, the Personnel Director, or designee, shall conduct an investigation to gather all available, pertinent information.

Any disciplinary action will be carried out according to applicable County rules regarding disciplinary action (Personnel Rules, Chapter 10).

Any Personnel Department investigation or action will be separate and distinct from and shall not interfere with any concurrent law enforcement criminal investigation of the employee which may be taking place.

#### **12.04.16 Confidentiality**

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Personnel Director. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without the employee's consent, may also occur under the following circumstances:

- A. The information is compelled by law or by judicial or administrative process to be disclosed;
- B. The information has been placed at issue in a formal dispute between the employer and employee;
- C. The information is to be used in administering an employee benefit plan; and
- D. The information is needed by medical personnel for the diagnosis or treatment of the employee, who, as a patient, is unable to authorize disclosure.



[12.06.02 Introduction](#)

[12.06.04 Policy](#)

[12.06.06 Complaint Resolution Procedures](#)

**12.06.02 Introduction**

It is the policy of Glenn County to comply with all applicable laws prohibiting discrimination, harassment, or retaliation in employment, defined here as including (but not limited to) all provisions of currently applicable federal and state employment statutes, their implementing regulations, and related precedential case law. Glenn County maintains a strict policy prohibiting harassment and discrimination because of race, sex, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status, veteran status or any other basis made unlawful by federal or state law or county ordinance. This policy applies to all persons involved in the operations of Glenn County. Glenn County does not tolerate discrimination, harassment, or retaliation against employees, applicants, contractors, or other individuals by another employee, vendor, customer, or other third party.

This policy applies to all aspects of employment and covers, for the County, all employees at all on-site and off-site workplaces, elected and appointed officials, applicants for employment, employee beneficiaries, providers/vendors, individuals performing work and/or services of the County, and volunteers.

**12.06.04 Policy**

A. Harassment Prevention:

Forms of prohibited unlawful harassment (conduct) or discrimination because of race, sex, religion religious creed, color, national origin, ancestry, disability physical disability, mental disability, medical condition, gender, gender information, gender identity, gender expression, marital status, age, military status, veteran status or any other basis include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments.
2. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures.
3. Physical conduct such as unnecessary or unwanted touching, impeding, blocking of normal movement; or interfering with work directed at the employee because of sex or any other protected basis.
4. Retaliation for having reported or threatened to report harassment.
5. Threats and demands to submit to sexual requests to keep a job or avoid some other loss; and offers of job benefits and/or job advancement in return for sexual favors.

B. Sexual Harassment:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of the individual's employment;
2. Submission to or rejection of such conduct is used for the basis of employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

C. Non-Discrimination:

Glenn County is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in County operations. Glenn County prohibits unlawful discrimination against any job applicant, employee, volunteer or unpaid intern by any employee of the County, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

D. Anti-Retaliation:

Glenn County will not retaliate against an employee, applicant, or volunteer for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or co-workers.

E. An employee and/or other individual may have a claim of unlawful harassment or discrimination even if there has not been a loss of job or some other economic benefit. The law prohibits any form of harassment or discrimination that impairs an employee's working ability or emotional well being at work.

F. If an employee and/or other individual believes she or he is being harassed or discriminated against because of race, sex, religion religious creed, color, national origin, ancestry, disability physical disability, mental disability, medical condition, gender information, gender identity, gender, gender expression, marital status, age, military status, veteran status or any other basis made unlawful by federal or state law or county ordinance, or believes the comments, gestures or actions of any employee, including supervisors or members of management to be offensive, the employee and/or other individual should use the procedure outlined in this policy to file a complaint and have the matter investigated.

G. Reasonable Accommodation:

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, Glenn County will engage in the interactive accommodation process and attempt to make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant, employee, or volunteer who requires an accommodation in order to perform the essential functions of the job should contact the Personnel Department and discuss the need for an accommodation. Glenn County will engage in an interactive process with the employee to identify possible accommodations, if any, which will help the applicant or employee, perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming

practices, such as religious clothing or hairstyles) should also contact the Personnel Department and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, Glenn County will make the accommodation.

Glenn County will not retaliate against any employee, applicant or volunteer for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

- H. All individuals performing work and/or services for the County are responsible for maintaining workplace environments free of discrimination, harassment, and retaliation.
- I. County elected or appointed officials, administrative officers, supervisors, managers, and administrative personnel shall maintain non-discrimination, non-harassment, and non-retaliation in County public employment, public services, public accommodations, and public telecommunications. They are responsible for creating a working environment for all employees, free from harassment, discriminatory, and retaliatory practices.

### **12.06.06 Complaint Resolution Procedures**

Glenn County is committed to preventing and correcting behavior that violates this policy. The County provides multiple avenues for individuals to notify the County of any perceived violation and conducts prompt investigations of complaints, and takes appropriate corrective and disciplinary action when policy violations are sustained.

The Personnel Director is designated as the Compliance Officer for Non-Discrimination and Americans with Disability Act (ADA)/Fair Employment and Housing Act (FEHA) per appointment by the County Board of Supervisors and has full authority and responsibility for:

- A. Receiving and investigating complaints of perceived violations of this Policy, as appropriate;
- B. Utilizing early resolution strategies to address perceived violations of this Policy;
- C. Developing remedies to address perceived violations of this Policy;
- D. Assessing the County's duty and ability to provide a reasonable accommodation and to assess American's with Disabilities needs;
- E. Providing training and education to County employees and elected or appointed officials regarding the principles addressed in this Policy;
- F. Reporting to the County Board of Supervisors and Administration on progress, issues, and needs related to equal employment opportunity and ADA compliance;
- G. Generally ensuring County compliance with this Policy.

The Personnel Director may designate an individual(s) to assist in the performance of these and any other responsibilities described in this Policy.

Individuals may bring concerns of perceived violations of this Policy to the County's attention using any of the methods described below. The County encourages individuals to report concerns immediately. The County will promptly investigate the facts and circumstances of any claim that this Policy has been violated and take appropriate corrective and disciplinary action in response, up to and including termination.

Employees and applicants are encouraged to attempt resolution of complaints as quickly as possible at the lowest and least formal level. However, if deemed inappropriate in the judgment of the individual, then he or she is encouraged to pursue resolution at a higher level. The most important consideration

should be resolution of the issue in a prompt and fair manner.

The County recognizes internal reporting procedures:

- A. An individual has a right to redress for harassment or discrimination. To secure this right, a written or oral complaint should be made to the employee's supervisor. If the complaint is not resolved, or the employee's supervisor is an issue, the employee is encouraged to pursue resolution through discussion with the next higher manager, department head, or directly to the Personnel Director as soon as possible after any incident believed to be prohibited harassment or discrimination. . It would be best to communicate your complaint in writing, but this is not mandatory. Glenn County requests a written report that contains specific facts of the harassment so that it can be properly and fully investigated, the complaint should include all known details of the incident or incidents, the names of the individuals involved and the names of any witnesses.
- B. Supervisors will refer all harassment or discrimination complaints to the department head. Department heads will refer all such complaints to the Personnel Director. All supervisors and/or department heads are required to refer complaints appropriately, regardless as to whether or not the complaint was given in confidence. The Personnel Director will immediately undertake an effective, thorough and objective investigation of the harassment or discrimination allegations. The Personnel Director may arrange for an outside investigator to investigate the complaint. This investigation will be completed and a determination regarding the alleged harassment or discrimination will be made and communicated as soon as practical.
- C. If the Personnel Director determines that the unlawful harassment or discrimination has occurred, Glenn County will take effective remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any further harassment or discrimination. Glenn County will take appropriate and immediate disciplinary and/or corrective action to prevent future occurrences.
- D. Glenn County will not retaliate against any employee and other individuals for filing a complaint and will not knowingly permit retaliation by management, employees or co workers. Employees and other individuals are encouraged to report any and all incidents of harassment or discrimination forbidden by this policy immediately so complaints can be quickly and fairly resolved.

External Agencies:

In addition to the above, employees and applicants always have the option of filing a complaint with either, or both, the state and federal external compliance agencies. The address and phone numbers for each agency are listed below.

1. California Department of Fair Employment and Housing, 2218 Kausen Drive, Elk Grove, CA 95758  
(916) 478-7251
2. United States Equal Employment Opportunity Commission, 450 Golden Gate Avenue, San Francisco, CA 94102-3661 (800) 669-4000 Fax (415) 522-3415

#### **E. Confidentiality**

Confidentiality of the employee will be maintained to the extent possible, but the County cannot guarantee complete confidentiality. A copy of the Harassment, Discrimination and Retaliation Prevention Policies will be provided annually to all employees with an acknowledgment form for the employee to sign and return. A copy of the signed acknowledgment will be retained by the Personnel Department in the employee's Personnel file.

The Harassment Discrimination and Retaliation Prevention Policy will be on County's website.

Each new hire will be provided with a copy of the harassment Discrimination and Retaliation Policy. It will be discussed with each new employee upon hire during the new hire orientation.

## [12.07.01 Violence](#)

## [12.07.02 Respect And Bullying](#)

### HISTORY

Adopted by Res. [2023-070](#) on 8/1/2023

## **12.07.01 Violence**

### **A. Intent and Purpose:**

i. It is the intent of the County to provide for the safety and security of all County employees at all work locations, as well as providing a safe environment for citizens and visitors to County facilities. the County affirms the right of all County employees to a safe work environment free from intimidation, harassment, violence, and threats of violence whether from co-workers, former employees or the public. Acts or threats of intimidation, harassment, or violence by County employees, volunteers, former employees or the public will not be tolerated in the workplace or in connection with any County business. Any such acts or threats will constitute ground for immediate investigation, and if made by County employees, may also constitute ground for disciplinary action, up to and including termination.

ii. This prohibition covers intimidation, personal harassment, violence, or threats of violence, made directly or indirectly, including but not limited to words, gestures, correspondence, symbols, or physical acts which threaten the security and safety of County employees. Also included are acts which inhibit County employees from conducting business or providing services in an environment of safety and security. This includes such acts made on County premises, at County work operations or County functions.

### **B. Expressly Prohibited Conduct:**

i. The County expressly prohibits harassment, intimidation, threats or workplace violence as defined below:

1. Harassment. A knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, torments, terrorizes or intimidates the person and serves no legitimate governmental purpose. This course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the person.

2. Intimidation. Threatening behavior which may induce fear for physical safety in another person. Examples include threatening telephone calls, electronic or computer graphics and messages.

3. Threat. The expression of intent to inflict physical harm and/or an action that a reasonable person would perceive as a threat to physical safety and property.

4. Workplace Violence. Violence which any person inflicts, threatens to inflict, or refers to inflicting on others at the place of work, which may result in serious bodily harm, injury, or death or in damage to property. The person performing such behavior may be a co-worker or a member of the public (e.g., a client). Examples of such behavior include but are not limited to:

a. Comments that a person in the work area is better off injured or dead.

b. Clear verbal threats of physical harm made to a person in the work area.

c. Gestures directed at a person in the work area which are a threat to a person or to property in the area.

- d. Obscene gestures or motions intended to harass or intimidate a person in the work area.
- e. Displaying a weapon when not a part of one's work duties.
- f. Stalking or otherwise focusing undue attention whether romantic or angry, on another person.
- g. Striking, punching, slapping, shoving or assaulting another person.
- h. Throwing objects with the intent to frighten or injure.

ii. Weapons. County employees and volunteers will not possess in the workplace, including their vehicles parked in County parking lots, firearms, explosives, ammunition, fixed blade knives, or folding knives with blades over 3 and 1/2 inches in length, unless it has both a work-related purpose and the employee has received the prior written approval of the individual's department head.

### **C. Responsibilities:**

i. All department heads, managers, and supervisors are responsible for maintaining a safe and secure environment through implementation of the County Injury and Illness Prevention Program (IIP). All department heads, managers, and supervisors are responsible for clearly communicating the program to employees and volunteers and ensuring that they understand the program, including informing employees of potential dangers and actions they should take.

ii. All employees and volunteers are responsible for assisting in maintaining a safe and secure environment. Employees and volunteers are responsible for conducting themselves in the workplace without intimidating, harassing, threatening, or violent behavior which may cause harm or fear for physical wellbeing to employees, the public, or to property. Employees are responsible for reporting immediately to their supervisors, managers, and/or the Risk Management Division, all acts or threatened acts of intimidation, harassment or violence.

iii. Should the employee or volunteer perceive that he or she is in immediate apparent danger of a violent act, has been a victim of a violent act, or is a witness of a violent act, he or she will whenever possible:

1. Place themselves in a safe location;
2. If appropriate call the local law enforcement agency and request immediate response of an officer and be prepared to inform the dispatcher of the circumstances of the exact location of where an officer is needed;
3. Inform a supervisor, manager, or the department head of the circumstances;
4. Complete the Workplace Security and Safety Incident Investigation Report Form as soon as possible and submit the original copy to the office of the County Administrative Officer and retain a photocopy;
5. Refer medial inquiries to the department head, or the office of the County Administrative Officer; and
6. Cooperate fully in any administrative or criminal investigation, which will be conducted within existing policy and laws.

### **D. Incident or Employee Complaint Investigations:**

i. Department heads are responsible to ensure that all employee complaints are heard, evaluated, and responded to appropriately. A formal or written complaint must be investigated. In incidents involving possible criminal action, or breaches of security or security hazards, the appropriate local law enforcement agency will be notified to take charge of the initial investigation.

ii. In all cases of safety, the initial investigation may be conducted at the department level. Results of the investigation are to be reported to the Safety Officer. The Safety Officer will review the investigation and hazard resolution documents and report evaluation results to the County Administrative Officer, the department head, the Personnel Director, the Risk Manager and the County Counsel or the designee of each. These individuals, in conference, will confirm the resolution of any identified hazards.

iii. If the problem cannot be resolved at the department level, the Safety Officer will further investigate the incident (or employee report of hazard) and recommend preventive or mitigating actions as appropriate. This report will also be forwarded to the above four individuals for evaluation. The supervisor, or other person designated by the department head to conduct the investigation, must keep proper notes and records. In accordance with regulatory requirements, the employee may make complaints anonymously. The following methods, as applicable, will be used whenever investigating a complaint, or an incident which has occurred:

1. Review of all previous incidents.
2. Visit the scene of an incident as soon as possible.
3. Interview threatened/or injured workers and witnesses.
4. Exam the workplace for security risk factors, not previously identified, associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
5. Determine the cause of the incident.
6. Take corrective action to prevent the incident from recurring.
7. Record the findings and corrective actions taken, including discipline.

**E. No Retaliation:** No employee shall retaliate against another employee who reports an incident pursuant to this section.

### **12.07.02 Respect And Bullying**

#### **A. Intent, Purpose and Policy:**

i. Glenn County is committed to a work environment free from bullying. Mutual respect at work is important to a successful workplace. Glenn County will not tolerate any behavior which is characteristic or consistent with actions described as workplace bullying. Those employees who display abusive behavior toward fellow employees, colleagues, or staff will be disciplined. This rule applies to all employees including Department Heads, supervisors, managers, and administrators.

ii. Glenn County employees are expected to adhere to the highest level of standards and expectations for professionalism and integrity. Workplace bullying negatively impacts employee morale and the workplace climate, which subsequently undermines the objective of creating a work culture conducive to successful team building and cohesiveness among staff members.

iii. Employees shall treat one another with respect, kindness, and fairness regardless of different perspectives or beliefs. Employees who feel that they have been subjected to workplace bullying



should inform their supervisor, manager, department head, or contact the Glenn County Personnel Office for assistance immediately.

iv. Victims of bullying shall be free from reprisal. Employees who are found to be in violation of this rule are subject to discipline, up to and including dismissal. Workplace bullying may be intentional or unintentional; however, the intent behind the behavior is irrelevant when making a consideration for discipline. As in other cases of harassment, the effect of the behavior on the individual is the primary factor in determining disciplinary action.

**B. Examples:** Bullying may include, but is not limited to, the following:

- **Verbal Bullying:**

- Angry outbursts or yelling.
- Profane or disrespectful language.
- Derogatory or sarcastic remarks about an employee's appearance or performance.
- Hostile, abusive or offensive remarks.
- Humiliating comments, spreading rumors or gossiping.
- Slandering, belittling, teasing, lying, publicly reprimanding, ridiculing, name calling, or insulting behavior.
- Threatening to cause harm.

- **Social Bullying:**

- Socially or physically excluding or disregarding a person in work-related activities.
- Assigning punitive tasks and duties to a specific individual.
- Isolating, ostracizing, or ignoring an individual.
- Disparate treatment or sabotaging work.
- Embarrassing someone in public.
- Spreading rumors about someone.
- Facilitating conflict among employees.

- **Physical Bullying:**

- Pushing, shoving, kicking, poking, or tripping.
- Throwing anything at or toward a co-worker.
- Assaulting or threatening physical violence.
- Vandalizing or damaging an employee's work area or personal property.
- Nonverbal threatening gestures.

**C. Effects of Workplace Bullying:** Unresolved workplace bullying can have long-term mental and physical effects on employees. Workplace bullying may negatively impact an employee's performance or interfere with an individual's career or employment status (i.e. unwarranted reassignment, demotion, termination, or refusal to promote or transfer). In addition, workplace bullying may be directly attributable to adverse health consequences, which may ultimately lead to excessive sick leave use.

For instance, increased tobacco, alcohol, and drug abuse; depression, anxiety, suicidal thoughts and even acts of suicide may be residual effects of workplace bullying.

#### **D. Supervisors, Managers, and Department Heads:**

In the workplace, supervisors managers, and department heads occupy a critical role. These leaders are responsible for ensuring a work environment which is free from bullying, harassment, intimidation, and other disruptive behaviors. In addition, they are responsible for fostering a culture which prioritizes inclusion and does not tolerate workplace bullying. Therefore, reports of bullying and associated behaviors must be addressed promptly and consistently. Managers and supervisors must make reasonable efforts and take swift action to demonstrate workplace bullying will not be tolerated.

Under Federal and State law, if a manager or supervisor is made aware of harassing behavior, they have an immediate duty to act. Supervisors, Managers, and Department Heads who observe or are informed of allegations or harassing or disrespectful conduct must:

1. Take immediate steps to resolve conflicts at the onset of disputes in order to avoid future instances, including communicating expected behaviors and consequences for not adhering to this personnel rule, even if the employee raising the allegations requests confidentiality.
2. Work with other Department Heads to resolve issues that cross over one or more departments. Supervisors should not directly address behavior of those other than their own subordinates.
3. Regularly demonstrate a commitment against bullying.
4. Be proactive by educating employees on respectful workplace topics such as civility and bystander intervention. The Personnel Office may assist with resources and training.
5. Empower employees to intervene when they witness workplace bullying or similar harassing behavior.
6. Promote respect among employees from different cultures, backgrounds, and different career levels.
7. Help to create a sense of collective responsibility by eliminating workplace bullying and other problematic behavior in the workplace.
8. Model respectful behavior and report conduct/allegations to appropriate officials.
9. Take steps to ensure the harassing conduct is appropriately addressed to deter further misconduct, including taking disciplinary action when appropriate.

**E. Conduct Not Considered Workplace Bullying:** Workplace bullying should not be confused with an employer's right to assign tasks, transfer or re-assign employees based on the needs of the organization, and to reprimand or impose disciplinary sanctions. Insofar as the employer does not misuse these rights, it is not workplace bullying to administer respectful coaching and counselling or justified progressive disciplinary procedures. Other examples of conduct not considered bullying are loud or expressive communication styles, differences of opinions on work-related concerns, or conflicts between parties which are resolved through traditional resolution methods or techniques.

**F. Retaliation:** Employees are encouraged to report workplace bullying. Retaliation against any employee who is a target of bullying behavior, as well as any employee who makes complaints about, or participated in any investigation or administrative process related to a complaint of workplace

bullying is against the law and will not be tolerated. Disciplinary action will be taken against an employee who is found to have retaliated against another employee for their involvement.

**G. Complaint Procedure:** Complaints about workplace bullying may be made to an employee's direct supervisor, manager, department head, or the Glenn County Personnel Office. Any reports of workplace bullying will be treated seriously and investigated promptly and impartially. Complaints will be kept confidential to the extent possible.

**H. Complaints within a Single Department:** Upon witnessing or receiving an employee complaint of workplace bullying, the supervisor, manager, or coworker shall report the incident to the Department Head, designee, or Personnel Director within 30 working days. After reviewing the complaint, the Department Head or designee shall conduct such investigation as they deem necessary. The Department Head or designee shall respond to the complaint within thirty (30) business days.

The Department Head or his/her designee may, at any time after being made aware of the complaint, refer the matter to the Personnel Office for discussion and recommendations. In the event the complaint is reported to Personnel, Personnel shall conduct such investigation as it deems necessary to determine whether there has been a violation of this policy, and if so, the steps necessary to address the policy violation.

**I. Complaints Involving a Department Head, Elected Official, County Administrative Officer, Member of the Board of Supervisors and/or Multiple Departments:** Conduct by a Department Head, Elected Official, member of the Board of Supervisors, or conduct involving multiple departments, shall be reported to the Personnel Office within 30 days of the incident/occurrence. The Personnel Department will conduct an investigation of the complaint as it deems necessary in order to determine whether there has been a violation of this policy and if so, the steps necessary to address the policy violation. The Personnel Director or his/her designee may at any time after being made aware of the complaint, refer the matter to the Chief Administrator and/or County Counsel for discussion and recommendations. If a complaint involves the Director of Personnel, other than as a witness, the matter shall be referred to the County Administrative Officer.

#### **J. Review and Investigation of Complaints:**

i. In review the complaints made under this policy, the Department Head, Personnel Director or designee may consider the severity of the conduct; the frequency of the conduct; whether the conduct is physically threatening or humiliating; whether the conduct is unwelcome; whether the conduct unreasonably interferes with an employee's work performance or alters conditions of employment; whether a reasonable person would find the conduct offensive or intimidating; and, any other factors which may have bearing upon the complaint. Employees are required to cooperate with workplace investigations. Whenever an employee is interviewed as part of any investigation under this policy, whether by the Department head or designee, the Personnel Director or designee or an outside investigator, the employee is entitled to have a Union or legal representative present during their interviews where the employee reasonably believes the investigation could result in the imposition of disciplinary action against them. If the accused is a public safety officer, the investigation will be in accordance with the Peace Officer Bill of Rights.

ii. Following completion of the investigation, the complainant and accused employee(s), Department Head of Supervisor will be notified of the completion of the investigation and of the ultimate outcome, i.e. whether the evidence establishes a violation of this policy.

iii. If the investigation has been completed by the Department Head or designee and it is determined that this policy has been violated, the Department Head shall take prompt and effective remedial action commensurate with the severity of the offense(s) which may include coaching and/or counseling intervention, required training for the employee(s) determined to have violated this rule, or disciplinary action.

iv. If the investigation is completed by the Personnel Director or designee or an outside investigator and the determination is made that this policy has been violated, the Director of Personnel, County Administrative Officer or County Counsel shall recommend to the Department Head prompt and effective remedial action commensurate with the severity of the offense(s), which may include coaching and/or counseling intervention, required training for the employee(s) determined to have violated this policy or disciplinary action.

v. Personnel may provide investigation materials and evidence to the relevant Department Head or other employee(s) as strictly necessary to carry out any disciplinary or corrective action; however, preservation of the confidentiality of the records pursuant to applicable statutes shall apply. For example, in the event disciplinary action is taken, the nature of any discipline will not be disclosed to the complainant.

vi. Employees who make a good faith complaint under this policy will be protected from retaliation; however, repeated unfounded complaints may be determined to be a violation of this policy. relevant supervisors and managers must continue to monitor the workplace during and after the complaint and investigation process to ensure that there is no recurrence of behavior constituting a violation of this policy and to maintain an environment of compliance with the provisions of this policy.

vii. Employees are encouraged to report workplace bullying to their direct supervisor, manager, department head, or the Glenn County Personnel Office, whether a victim or witness to workplace bullying. Supervisors, managers, and department heads must take reasonable measures to prevent workplace bullying and respond promptly in order to address and prevent future instances. For assistance with resolving workplace bullying, contact the Glenn County Personnel Office for guidance.

viii. The Glenn County Personnel Office will provide assistance and guidance to departments as requested. In the event of a workplace bullying complaint, the Personnel Office may conduct a thorough, impartial, and objective investigation.

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## **12.09.02 Overview**

Volunteers are a valuable resource in enhancing and improving Glenn County's ability to provide efficient and effective services to the community. The Board of Supervisors of the County of Glenn recognizes and supports the use of volunteers to assist County government in providing services and programs. Volunteer service can enhance the County's ability to deliver services in a cost effective manner, provide a meaningful and positive impact on County Programs and the community, and may provide greater diversity in the workforce; as well as bring a fresh perspective and expanded skill set to County services and programs. In addition, volunteers can improve or promote the quality of their own lives as well as the lives of those people they interact with while volunteering. Volunteering allows the volunteer to enhance his or her own skills, make contacts for possible employment and community involvement and could be considered self-satisfying and may fulfill the volunteer's altruistic desires.

## **12.09.04 Purpose**

Except as set forth herein, the Glenn County Volunteer Policy applies to all persons who perform voluntary service for the County of Glenn, and provides such persons with the terms and conditions of their voluntary service to the County of Glenn. This policy formalizes the volunteer program and establishes standards of volunteer service. This policy defines the responsibilities of the County and volunteers. Written policies and procedures assure volunteers are suitably selected, oriented and trained, written assignments and job duties are developed, supervision is appropriate to assigned duties and discussion with volunteers regarding safety, liability to the County and accident and property damage coverage is conducted. This policy is designed to enable the County to accept volunteers, reduce volunteer risk and protect the interests of the County, its volunteers, and the community it serves.

This policy also provides the County of Glenn, through its various departments, with the necessary supervision and control over the provision of such voluntary services so as to protect the volunteer and the County of Glenn from unnecessary exposure to liability or other problems in connection with such service.

All volunteers are expected to abide by County policies and regulations that govern their actions, including but not limited to those of ethical behavior, confidentiality, financial responsibility, and drug and alcohol use.

## **12.09.06 Application**

Individuals who are engaged in internships and/or work experience programs that are covered by external agencies and/or educational institutions, and volunteers who are provided from other organizations through a MOU or contract with the County, are not covered by this policy but are expected to comply with all policies relating to prohibited activities and general conduct as set forth herein.

## **12.09.08 Policy Administration**

Generally, administration of volunteers and a volunteer program will be the responsibility of the department for which the volunteer works. Overall program coordination will be under direction of the

Personnel Department, or as delegated to a volunteer management agency by contract with the County. Departments are responsible to create their specific department procedures to coordinate their volunteer program and to meet expectations outlined in this policy.

### **12.09.10 Scope**

- A. Definition of Volunteer: County volunteers are uncompensated individuals who perform services directly related to the business of the County for their benefit, to support the humanitarian, charitable or public service activities of the County, or to gain experience in specific endeavors. To qualify as a County volunteer, an individual must be willing to provide service according to the procedures in this policy.

In order to maximize the effectiveness of volunteers, yet limit risk exposure to both volunteers and the County, this policy will apply to all County departments and volunteers. Exceptions to the conditions of the policy may be brought to the Board of Supervisors for review and approval on a case-by-case basis.

- B. Types of Volunteers: There are five broad classes of volunteers:

1. General Volunteer: Defined as one who is not assigned to sensitive areas or situations and does not require particular licensing or certification. Examples of departments using such volunteers might be, but not limited to: Planning, Transportation, General Services, and Animal Control. Placement of these volunteers will require only a basic background such as reference checks and verifying information from application.
2. Special Volunteer: Defined as one who is assigned to sensitive areas or to work with children or other vulnerable populations such as in the Health & Human Services Agency (HHSA). Placement of these volunteers may require a Livescan (fingerprinting) or extensive background check and drug screenings.
3. Public Safety Volunteer: Defined as one who perform services related to law enforcement and public safety. Placement of volunteers in these areas may require the full law enforcement background check including complete physical, psychological, polygraph and drug screenings, or a background investigation similar to that of law enforcement personnel. Reserve Deputy Sheriff's shall not lose the status of volunteer if/when on an occasional basis they might receive compensation for their time related to extra law enforcement services at special events where a private company/entity/individual provides compensation for such activity to offset costs to the Sheriff, by contract or agreement.
4. Internal Volunteer: Defined as one who is currently an employee of County of Glenn and is volunteering for a job distinctly different from their classification or working in a different department. Current public officers/employees may act in a volunteer capacity, but are not permitted to voluntarily perform services which are the same as, or are similar to, the duties for which they are paid to perform by the same public agency. The duties of the internal volunteer shall not, in any way, conflict with the provisions of Government Code Section relating to inconsistent, incompatible or conflicting activity by a local officer or employee.
5. External Volunteer is defined as one who does not work for the County of Glenn. All screening activities related to volunteer placement are the responsibility of the department.

- C. Prohibited Activities: County volunteers are not intended to, and cannot replace employee positions or impair the employment of a County position. Volunteer services are generally limited to humanitarian, charitable or public services. County volunteers are also prohibited from

performing the following activities:

- Working with stored energy (e.g. steam, electricity, hydraulics)
- Participating in an activity considered inappropriate for any employee
- Entering into any contract on behalf of the County
- Cash handling without the direct supervision of a County employee
- Working with infectious or potentially infectious agents, including human blood
- Operating a County function without supervision of a County employee
- Participating in media interviews without permission of volunteer supervisor
- Working as a Disaster Service Worker Volunteer without permission and appropriate certification from County Authority
- Any exception to the above, as long as properly supervised and trained, must be identified by an individual service level agreement approved by Risk Management.

- D. Recruitment: Potential volunteers will be required to submit a written application form provided by Personnel or a designated volunteer management agency under contract with the County. Submission of an application shall not be construed as, nor implied as, acceptance of any individual into the volunteer program.
- E. Selection: A selection process shall be established where potential volunteers are interviewed, references verified, and in sensitive placements, consistent with type of volunteer (A, B, C, D, E) a Livescan Background Authorization Form shall be completed.

If the selection process discloses any information which indicates a potential volunteer is precluded from working in certain situations or fulfilling department requirements, the County is under no obligation to accept or retain that volunteer.

- F. Orientation: In order for both the County and volunteers to have a complete understanding of the conditions of being a volunteer, volunteers must complete an orientation similar to the orientation provided to new employees of Glenn County. The orientation will discuss County policies to which volunteers are subject to adhere, such as, but not limited to, Sexual Harassment, Drug Free Workplace, Health Information Portability and Accountability Act (HIPAA), etc. Departments are responsible for conducting orientation for volunteers that work in their department within the first week of work.
1. Policy and Procedure: Policy and procedures regulating volunteer duties must be discussed. Specific emphasis must be given to working safely, conditions of driving while as a volunteer and risk exposure to the County. This policy should be furnished to and discussed with volunteers.
  2. Training: Volunteers will receive an overview of their volunteer assignment and, as appropriate, a written list of duties and expectations, hours of service, supervision, necessary forms, approved financial expenditures and reimbursement procedures, accident reporting procedures, confidentiality, call in, dress code, etc. Volunteers will also receive safety training as appropriate.
  3. Supervision: Volunteers will be supervised by permanent County employees as to assignments, performance, activity, use of equipment, etc. Performance problems will be corrected or the volunteer service terminated. Supervisors are to consult with the Personnel Department, or its designee, if they experience issues with the volunteer. Department Head, Supervisor, or designee is responsible for making sure volunteer hours are tracked and reported.
  4. Separation: Volunteers serve at the pleasure of the County. Accordingly a volunteer can be terminated without notice or cause.
  5. Computer Usage: Volunteers are only able to use the computer as assigned by the Department Head or Supervisor.

6. Telephone Usage: Volunteers may be contacted by phone at the assigned department for important personal matters that cannot wait. Outgoing calls must be limited to County business or emergencies.
7. Drugs and Alcohol: Volunteers are expected to adhere to County Drug Free Workplace to which employees are subject. Possession, use, or being under the influence of drugs or alcohol while on duty in a volunteer capacity is strictly prohibited.
8. Smoking: Smoking is not permitted inside any County building or within 20 feet of a County building.
9. Sexual Harassment: Sexual Harassment is against the law; the County of Glenn takes this very seriously and enforces a Sexual Harassment Policy. Volunteers and employees are expected to contribute positively to a work environment that is free from unwelcome overtures, advances, or coercion, by or to any volunteer, employee, or a member of the public using County facilities. Any matter of this nature must be brought to the attention of the Supervisor, so immediate corrective action can be taken.
10. Conflict of Interest: Volunteers, like employees, are required to disclose any business, commercial or financial interest they may have, where such interest might be construed by a reasonable person as being in real, potential or apparent conflict with their official duties for the organization. A determination may be made by the organization to end or modify a volunteer assignment if a serious conflict of interest exists, if the volunteer cannot or chooses not to modify or end such conflict of their own accord.
11. Use of Organizational Affiliation: A volunteer may not use his/her affiliation as a volunteer with the County in connection with partisan politics, religious matters, or community issues contrary to positions taken by the County.
12. Speaking on Behalf of the County: Volunteers may not represent themselves as anything other than a volunteer while performing duties as a volunteer, unless specifically authorized and to the extent specified in writing for a specific purpose.
13. Confidentiality Statement: The County is committed to maintaining client's and customer's right to protection of their personal information. Staff and volunteers in the County must be committed to maintaining the privacy and confidentiality customers/clients; particularly their personal and personal health information subject to HIPAA. Breaches of privacy put the County at risk of legal consequences.

#### **12.09.12 Risks Of Injury To Volunteers Or Property Damage**

- A. Personal Injury: Workers Compensation coverage will be provided by Golden State Risk Management or as designated with a volunteer management agency under contract with the County. Time loss benefits are not available.
- B. Damage to Volunteer's Property: In the event the personal property of a volunteer is damaged while the volunteer is serving in either authorized or unauthorized volunteer status, neither the County nor any designated volunteer management agency under contract with the County will be responsible to reimburse for the damage. Members of the Glenn County Search and Rescue Organization and Sheriff's Reserve Deputy Program are covered under the same conditions as the Sheriff personnel.
- C. Damage to Private Property: In the event private property is damaged by a volunteer serving in only an authorized volunteer status, provisions of the County Risk Management policy and procedures will be observed.



### **12.09.14 Notification To Risk Management And Personnel**

Departments utilizing volunteers must notify Golden State Risk Management and the Personnel Department.

### **12.10 Glenn County Service Animal Policy.**

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[12.10.04 Service Animals](#)

[12.10.06 Inquiries, Exclusions, Charges And Other Specific Rules Related To Service Animals](#)

[12.10.08 Authorized Trainer Of Service Dogs](#)

[12.10.10 Accommodating Employees With Disabilities](#)

**12.10.02 Overview**

Glenn County allows service animals to accompany people with disabilities in all areas of the County where the public is allowed to go.

According to the U.S. Department of Justice, Civil Rights Division, Disability Rights Section:

- Only dogs are recognized as service animals.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Service animals can accompany people with disabilities in all areas where members of the public are allowed to go.

**12.10.04 Service Animals**

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person to take prescribed medications, calming a person during an anxiety attack, or performing other duties.

Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals according to the Americans with Disabilities Act.

A dog that is individually trained to help a person with a mental disability with specific requirements is also considered a service dog, and an individual that uses such a dog is entitled to the same rights as someone with a physical disability that uses a service dog.

A service dog is not required to be registered, certified, or identified as a service dog.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

**12.10.06 Inquiries, Exclusions, Charges And Other Specific Rules Related To Service Animals**

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, at a homeless shelter, they both

should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals.
- Staff are not required to provide care or food for a service animal.

#### **12.10.08 Authorized Trainer Of Service Dogs**

Glenn County also permits an authorized trainer to bring a service dog into areas of the County where the public is allowed, even if the trainer does not have a disability.

#### **12.10.10 Accommodating Employees With Disabilities**

Employees with disabilities are allowed to bring service dogs and emotional support animals to work, with some limitations, according to the California Fair Employment and Housing Act.

Once the employer knows of the disability, the employer must enter into the interactive process with the employee to determine an appropriate accommodation. The employee needs to provide the Personnel Department with reasonable medical documentation from a health care provider that confirms:

- the existence of the disability, and
- the need for reasonable accommodation.

Glenn County will work with employees to accommodate their disabilities, in reasonable ways. This includes determining the most appropriate accommodation potentially allowing an employee with a disability to bring service dogs, psychiatric service dogs, or emotional support animals to work.

#### **[12.11 Glenn County Equal Opportunity For Person With Disabilities Reasonable Accommodation Policy](#)**

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**12.11.02 Policy Statement**

The County of Glenn (County) is committed to providing equal access and opportunity to qualified individuals with disabilities in its employment practices, provision of public services, and access to governmental facilities. The County will adhere to the Americans with Disabilities Act of 1990, as amended, the Fair Employment and Housing Act, and all other applicable federal and state laws, regulations, and guidelines with respect to providing Reasonable Accommodation, as necessary, to afford equal employment opportunity and equal access to programs, services, and benefits for qualified individuals with disabilities.

**12.11.04 Purpose**

This policy is intended to assist applicants for employment, current employees, individuals desiring to participate in County programs or activities, and department supervisors and managers in requesting and processing reasonable accommodation requests.

**12.11.06 Definitions**

The following definitions are provided solely as a guide to assist in the interpretation and application of this Policy. Further detail is available from the County's Equal Opportunity Office and is set forth in the Americans with Disabilities Act (ADA), as amended, the California Fair Employment and Housing Act (FEHA), California Government Code section 12926, related federal and state laws and regulations, and cases interpreting those acts and regulations. The following definitions may be subject to change in applicable law.

"Individual with a Disability" – An individual with a disability is a person who has a physical or mental impairment that limits the performance of one or more major life activities, has a record of impairment, or is regarded as having such impairment.

"Reasonable Accommodation" – A reasonable accommodation means modifying or adjusting practices, procedures, policies, job duties, or the work or application environment so that a qualified individual with a disability can perform a position's essential functions, and/or enjoy equal employment opportunity.

Each reasonable accommodation request will be evaluated on a case-by-case basis, so that the accommodation provided meets the needs of the individual with the disability, and will allow him/her to perform the essential functions of his/her job.

Reasonable accommodations may include, but are not limited to: special testing/interview

arrangements, accessible work and test sites, a modified work schedule, a leave of absence, alternative job placement, modified equipment, assistive devices, supportive services assistants, worksite modifications, job restructuring or placement in a vacant position or class where they can perform the essential functions in a job with or without reasonable accommodation.

“Qualified Individual with a Disability” - A qualified individual with a disability is a person with a disability, who meets the skill, experience, education, and other job related requirements of the position held or desired, and who is able to perform the essential functions of the position with or without reasonable accommodation.

“Mental Impairment” – Mental impairment includes, but is not limited to, having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.

“Physical Impairment” – Physical impairment includes, but is not limited to, having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, speech organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine, which limits a major life activity.

“Major Life Activities” – Major life activities are basic activities that the average person in the general population can perform with little or no difficulty, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

“Interactive Process” – The interactive process is an ongoing dialogue between the employee and the County about possible options for reasonably accommodating the individual's disability. Both the County and the individual are expected to participate in the interactive process, in good faith.

“Essential Functions” – Essential functions are the fundamental job duties or requirements of a position. Essential functions are such that they cannot be eliminated or substantially modified without changing the nature of the position. Factors to consider in determining if a job function is essential include, but are not limited to:

- Whether the reason the position exists is to perform that function;
- The number of other employees available to perform the function or among whom the performance of the function can be distributed; and
- The degree of expertise or skill required to perform the function and whether the function is specialized and the individual is hired based on his/her ability to perform it.

“Benefits and Privileges of Employment” – Benefits and privileges of employment include, but are not limited to, employer-sponsored: (1) training, (2) services (e.g., employee assistance programs, break rooms), and (3) County sanctions or other social functions (e.g., parties to celebrate retirements and birthdays).

“Undue Hardship” – Undue hardship means an excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the County. The overall resources and options available to the County are legally relevant in determining whether a requested reasonable accommodation poses an undue hardship, not just the budget or resources of an individual segment, sub-component, or division within the County or department.

“Direct Threat” – A direct threat is a significant risk of substantial and imminent harm, which cannot be eliminated or reduced to an acceptable level by reasonable accommodation. A direct threat occurs when an individual who, because of a disability, poses a direct threat to the health or safety of the

individual or others even with a reasonable accommodation. An individual who poses a direct threat is not a qualified individual with a disability. The assessment of whether or not a person poses a direct threat must be made on a case-by-case basis considering the following factors: duration of the risk, nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.

The Personnel Director, Department Head, or designee is responsible for appropriately responding to requests from employees, members of the public seeking services, applicants, and/or management regarding disability related accommodation issues. The Personnel Department is responsible for the management and tracking of reasonable accommodation requests as well as initiating the mandatory interactive process.

Accommodations, which are handled and granted, by a supervisor or manager should be documented and provided to the Personnel Department for tracking purposes.

### **12.11.08 Public Access To County Services And Programs**

An individual member of the public who is disabled may request a reasonable accommodation in order to access County facilities, programs or services. No person will be denied because of a disability, and no one will be charged a fee for a reasonable accommodation. The County will respond to requests for reasonable accommodations in a timely manner to avoid unreasonable delays or unreasonable denial of services.

It is the responsibility of the individual to seek available assistance, to make his or her needs known to County staff, and to give adequate time for the County to provide the accommodation. County employees shall assist and advise individuals who request reasonable accommodations. If the department is unable to assist the individual, the department shall contact the County Administrative Officer.

### **12.11.10 Requests For Reasonable Accommodation**

A request for a reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a physical or mental impairment. Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made.

An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability. An employee or applicant may consult with the Personnel Department for further information or assistance in connection with requesting or processing a request for reasonable accommodation.

- Current Employees: Generally, to comply with privacy laws, the County is subject to strict limitations with regard to making inquiries about the physical, mental or medical condition of an employee. Employees are therefore responsible for requesting accommodation when needed. An employee may request a reasonable accommodation orally or in writing from his/her supervisor, another manager in his/her immediate chain of command, or the Personnel Director who is designated the ADA Compliance Officer.

A Reasonable Accommodation Request form will be given to the employee to complete. The written form is required and appropriate notice must be given each time the accommodation is needed.

- Applicants: Employment opportunities will not be denied to anyone because of the need to make Reasonable Accommodation for a person's disability. The County will include a statement

on all applications and recruitment packages indicating the availability of reasonable accommodation in the application process with instructions to applicants regarding the process for requesting reasonable accommodation. Applicants who have received employment interview offers may also make an accommodation request.

When an applicant requests an accommodation, the Personnel Department staff will confer with the applicant on the type of accommodation(s) he/she needs. When the applicant's disability is not obvious or known or when additional medical clarification is needed, appropriate documentation of the disability, limitations and the needed accommodation will be sought from the applicant. Given the time sensitivity of the recruitment process, Personnel staff will move as quickly as possible to make a decision, and if appropriate, provide an accommodation.

- A family member, health care professional, or other representative may request an accommodation on behalf of a County employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request. When a third party makes a request for accommodation, the Personnel Department should, if possible, confirm with the employee or applicant with a disability that he/she, in fact, wants a reasonable accommodation before proceeding.

Employees are encouraged to utilize the County's Request for Reasonable Accommodation form and the County's Certification of Health Care Provider. The processing of a request will be determined as of the date an oral or written request was made, not the date the Reasonable Accommodation Request form was submitted. All requests for reasonable accommodation must provide the following information:

- The type of accommodation requested;
- An explanation of the restriction/limitation for which the accommodation is needed; and
- A description of how the accommodation will allow the individual to perform the essential functions of his/her job.
- Requests for reasonable accommodation(s) will be processed by the Personnel Department using the interactive process.

### **12.11.12 Interactive Process**

Under FEHA employers are required to engage in a "timely, good faith, interactive process" with the employee or applicant in response to requests for reasonable accommodation. Similarly, the Ninth Circuit has also held that the interactive process imposes a continuing obligation to consider alternative accommodations if a presently implemented accommodation is ineffective.

When a request for accommodation is made, the County and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the County must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

The employer and employee are obligated to participate in the interactive process in good faith and are required to communicate directly and exchange essential information to work towards the shared goal of identifying effective reasonable accommodation(s). Applicants, employees, managers and supervisors are encouraged to contact the Personnel Department at any time during this process to request assistance or advice. A person of their choice may also assist individuals seeking reasonable accommodation in the process. Employees have the right to have union representation at the interactive accommodation meeting.

While each request for accommodation is unique and individual cases vary, steps to be taken in the Interactive Process may include, but are not limited to the following:

- A. Analyze the particular job involved and determine its purpose and essential functions. Evidence of whether a particular function is essential includes, but is not limited to, the following:
  - The County's judgment as to which functions are essential.
  - Written job descriptions or job analysis prepared before advertising or interviewing applicants for the job.
  - The amount of time spent on the job performing the function(s).
  - The consequences of not requiring the incumbent to perform the function.
  - The terms of a collective bargaining agreement/memorandum of understanding.
  - The work experiences of the employee and past incumbents in the job.
  - The current work experiences of incumbents in similar jobs.
  - Analysis of job to show frequency of performing various job components.
- B. Consult with the employee/applicant to ascertain the precise job-related limitations that may be created as a result of the particular disability and how those limitations could be overcome with a reasonable accommodation.
  - Do not delay the start of the process while waiting for information.
  - Identify barriers to job performance. Ask the person to clearly identify which job tasks are difficult because of the limitations. If the disability limitations relate to non-essential functions, these may be reassigned to other employees or eliminated from the job. Any problems with essential functions can then be addressed.
- C. In consultation with the employee/applicant identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position. There may be several different accommodations that will enable the employee to perform his or her job. Evaluate individual accommodations by considering the following questions:
  - Does the accommodation enable the person to perform the essential function(s) of the job?
  - Does the accommodation appear to be reliable and capable of being provided in a timely manner?
  - Does the accommodation enable the person with a disability to be competitively employed and to have equal advancement and promotional opportunities?

When assessing the feasibility of accommodations:

- Focus on business necessity/operations;
  - Do not remove essential functions; and
  - Consider undue hardship to business operations or a direct threat.
- D. Select and implement the accommodation(s) most appropriate for both employee or applicant and the County. It should be understood that the County does not have to provide the accommodation preferred by the employee or applicant or his/her health care professional. The County has the ultimate discretion to choose amongst the accommodations, so long as the chosen accommodation is reasonable and effective. If one accommodation is more costly or is more burdensome than the other, the County may choose the less expensive or less burdensome accommodation, or one that is easier to provide.
    - Develop an implementation plan that includes information such as the accommodation being provided, how and when it will be implemented, and whether it is effective.



E. Document all options discussed and reasons for selecting particular option(s). After every interactive accommodation meeting, the employer should document the accommodations considered using the County Interactive Process Record Keeping Form. The form should be provided to the Personnel Department.

F. Follow up regularly with the employee/applicant.

- Once a reasonable accommodation has been implemented, it is important to maintain dialogue with the employee/applicant. Upon completion of the interactive process, the accommodation is implemented with the understanding that the accommodation can be revisited should it proven ineffective for either the operation of the department or the employee. If the accommodation should prove ineffective, the interactive process continues until an appropriate accommodation is determined.

- If the accommodation is not working, go back to the interactive process and determine whether:

- The action plan was followed to completion;
- The work continues to be within the functional limitations; and
- The employee is successfully performing the essential functions.

If a qualified employee with a disability cannot perform the essential functions of their current position, with or without accommodation, but may be qualified to perform the essential functions of a different position, the County will explore reassignment to a vacant position. Reassignment to another position is made only to vacant, funded positions. Efforts will be made to find a vacant position within the employee's current Department. If a suitable position does not exist within the employee's current Department, Personnel will conduct an internal Countywide job search. Promotions, creation of new positions, or displacement of other employees are not a required part of the accommodation process.

Reassignment will be considered only if no accommodations are available to enable the individual to perform the essential functions of his/her current job, or if the only effective accommodation would cause an undue hardship. In considering whether there are positions available for reassignment, Personnel will work with the individual requesting the accommodation to identify all vacant positions within the Department for which the employee may be qualified, with or without a reasonable accommodation; and all positions which Personnel has reason to believe will become vacant over the next 30 working days and for which the employee may be qualified.

The County will first focus on positions that are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there are no vacant equivalent positions, the County will consider vacant lower level positions for which the individual is qualified.

Document the interactive process and the outcome of the process. It often takes more than one meeting to complete the interactive accommodation process. The notes from the meeting and the forms provided shall be placed in the employee's confidential medical file.

### **12.11.14 Performance And Conduct Standards**

The ADA and FEHA do not require the employer to ignore a violation of a uniformly applied rule that is job related and consistent with business necessity. Additionally, since reasonable accommodations are prospective, an employer is not required to ignore past misconduct even if the misconduct is the result of the disability. Therefore, departments are not prohibited from applying appropriate disciplinary action or exercising appropriate management responsibility.

If, during the disciplinary process, an employee makes a connection between a physical or mental impairment and the performance or misconduct, the County will initiate the interactive process, which includes requesting appropriate documentation/verification of the disability. Whether or not an effective accommodation is provided, the employee remains responsible for performing the essential job functions in a timely and satisfactory method, and for complying with County policies and guidelines. If the employee fails to do so, disciplinary action may be initiated.

#### **12.11.16 Requests For Medical Information**

The County is entitled to know that an individual has a covered disability that requires a reasonable accommodation. When an individual's disability is not readily apparent, the disability has not been previously documented, and/or the reasonableness of the accommodation request is not obvious, the County may request that the individual provide verification from a health care professional that he/she has a medical condition or disability, as claimed, and that it has the effect of necessitating reasonable accommodation. The employee should provide the employer with a completed Certification from Physician/Health Care Provider. If this does not result in sufficient information, the County may require the individual to be evaluated by a healthcare professional of the County's choice at the County's expense.

#### **12.11.18 Confidentiality Requirements Regarding Medical Information Obtained In The Reasonable Accommodation Process**

To the extent possible and in accordance with applicable laws and regulations, all medical information, including information about functional limitations and reasonable accommodation needs, obtained in connection with a request for reasonable accommodation is treated as a confidential medical record and is maintained in a secure manner, apart from personnel files and with access restricted to designated personnel on a need to know basis. In addition, employees who obtain or receive such information are strictly bound by these confidentiality requirements. The information may be disclosed only to the following individuals:

- Supervisors and managers who need to know may be told about functional limitations and necessary restrictions on the work or duties of the employee and about the necessary accommodation(s), but medical information regarding the condition itself should only be disclosed if absolutely necessary;
- First aid and safety personnel, when appropriate, if the disability might require emergency treatment;
- Government officials investigating compliance with the ADA and/or FEHA; and
- The County may give information to state workers' compensation offices, state second injury funds or workers' compensation insurance carriers or administrators in accordance with state workers' compensation laws.

"Medical information" includes the fact that someone is receiving an accommodation or has a disability, as well as any information concerning an individual's medical condition or history, regardless of whether the information was provided voluntarily or in response to a disability-related question.

#### **12.11.20 Time Frame For Processing Requests And Providing Reasonable Accommodation**

The County will process requests for reasonable accommodation as previously set forth and then provide accommodations, where appropriate, in as short a time frame as reasonably possible. The County recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

The Department Head or designee will make a decision on the request and the accommodation, if

granted, will be provided within a reasonable time from the date the request was initially made, absent extenuating circumstances. If medical documentation is necessary, the decision will be made within 30 (thirty) working days from the receipt of the documentation, absent extenuating circumstances.

### **12.11.22 Granting A Reasonable Accommodation Request**

As soon as it is determined that a reasonable accommodation will be provided, that decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the Department Head or designee must inform the individual of the projected time frame for providing the accommodation. This notice must be in writing in order to maintain the required information for reporting purposes. A copy shall be forwarded to the Personnel Department.

### **12.11.24 Denying A Reasonable Accommodation Request**

As soon as it is determined that a request for reasonable accommodation will be denied, the Personnel Department will send a letter to the employee or applicant explaining the denial. The explanation for the denial should clearly state the specific reasons for the denial. For example:

- The requested accommodation would not be effective.
- Providing the requested accommodation would result in undue hardship.
- Before reaching this determination, the Personnel Director must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. If the undue hardship is for budgetary reasons, the County Administrative Officer or his/her designee must determine whether the proposed accommodation would in fact pose an undue (financial) hardship.
- Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- The requested accommodation would require the removal of an essential function.
- The requested accommodation would require the lowering of a performance or production standard.

Where the Personnel Director or designee has denied a specific requested accommodation, but offered to make a different one in its place, which was not agreed to during the interactive process, the denial notice, should explain both the reasons for the denial of the requested accommodation and the reasons he/she believes the chosen accommodation will be effective.

The written notice of denial must inform the individual that he/she has the right to file a complaint with the County Equal Opportunity Office, the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). Nothing contained in this policy shall preclude an individual from filing a complaint with the County Equal Opportunity Office, EEOC, or the DFEH prior to the issuance of the denial notice.

### **12.11.26 Complaint Resolution**

If the individual is not satisfied with the outcome of the interactive process, he/she has several options available.

- File a formal complaint with the County Personnel Director pursuant the Book of Administrative Policies and Procedures, Title 12, Chapter 12.06 – Harassment, Discrimination and Retaliation Prevention Policy.
- Contact the California Department of Fair Employment and Housing by calling 1-800-884-1684.

- Contact the U.S. Equal Opportunity Commission by calling 1-800-669- 4000.

### **12.11.28 Records Retention**

The County will maintain all records related to accommodation requests and interactive accommodation meetings for at least three (3) years or the duration of employment, whichever is longer.

### **12.12 Telework Policy**