

POLICY COMPARISON MATRIX– Existing Policy versus Proposed Policy

Workplace Violence Policy		
Existing Policy Language	Changes	Proposed Policy Language
San Luis Obispo County is committed to serving a wide range of citizens, some of whom can be under severe stress and have nowhere else to turn. Providing services to these and other persons can place County employees in a position of vulnerability to violence or threatening behavior. The County values its employees and clients and, with this Policy, the County affirms its commitment to providing work environments and facilities that are free from violence. Authority for this Policy is Title 8, Section 3203 of the California Administrative Code.	<p><i>Introduction statement:</i></p> <ul style="list-style-type: none"> • Added reference to County core values • Added ability for HR Director to update policy 	San Luis Obispo County is committed to providing a workplace that is safe, secure and free of violence, threats and intimidation for all employees. It is every employee's duty to maintain a safe and productive workplace. A businesslike workplace helps to ensure courteous treatment for both employees and the public we serve. This commitment is reflected in this Workplace Violence Policy, the County's core values statement, and the Board of Supervisors' ongoing support for violence awareness/prevention programs and safety programs. All covered individuals are required to report, as soon as possible, any conduct that violates this policy. This policy and associated procedures may be modified by the Human Resources Director as needed to comply with changes in state or federal law, or for administrative reasons.
None	<p><i>Scope:</i></p> <ul style="list-style-type: none"> • Added Scope. • Added off-duty conduct with nexus to job 	This policy applies to all County employees, contractors and volunteers. This policy applies to all locations where County employees work or represent the County including any County facility, County vehicles, customer and vendor premises and County sponsored events and activities. This policy may apply to off-duty employee conduct depending on the nexus to the job and the impact on the County.
As a matter of policy the County of San Luis Obispo will not tolerate violent acts or threats of violence, either verbal, written or implied, toward employees by other County employees, clients or members of the public.	<p><i>Policy:</i></p> <ul style="list-style-type: none"> • Added zero tolerance standard • Added details about employee conduct and non-employee conduct. 	<p>San Luis Obispo County (County) maintains a zero-tolerance policy prohibiting violent acts or threats of violence, by County employees, clients or members of the public. It is the policy of the County that all employees shall have a working environment free of violence, threats of violence, or retaliation for making a report pursuant to this policy.</p> <p><u>Employee Conduct:</u> The County will not tolerate acts of violence or threats of violence by employees. Any violation of this policy is grounds for disciplinary action up to and including termination. San Luis Obispo County requires that all employees and officers of the County treat the public and other employees with courtesy and respect. Off duty conduct meeting the definition of workplace violence above may also be subject to discipline depending on the nexus to the employee's job as well as the discredit such conduct may bring to the County. Violation of this policy by an employee will result in discipline up to and including termination.</p> <p><u>Non-Employee Conduct:</u> The County will not tolerate acts of violence or threats of violence by members of the public against County employees or at a County workplace regardless of the relationship between the County and the individual involved in the incident. Such acts or threats may result in any or all of the following actions: 1) being denied access to County facilities; 2) controls on how the member of the public interfaces with County staff; and 3) referral to local law enforcement agencies.</p>
For the purposes of this policy, "violence" includes any willful touching of a person in a harmful or unwanted way, and a "threat" of violence includes any statement, course of conduct or other action that would cause a reasonable person to believe that violence may occur. Some examples: <ul style="list-style-type: none"> • Grabbing, pushing or striking another person. • Pinching, groping or fondling another person, either sexually or otherwise. • Fighting, challenging another person to fight. • Stalking or following another person. • Accosting or harassing another person in an intimidating way, either face to face or by telephone, fax, mail, computer or other form of communication. • Displaying, threatening to use or using a firearm, or other weapon in the work environment. 	<p><i>Definition of Workplace Violence:</i></p> <ul style="list-style-type: none"> • Added detail to examples of workplace violence 	Workplace violence is defined as all threats or acts of violence occurring at a County workplace regardless of the relationship between the County and the individual involved in the incident. This list of behaviors, while not all inclusive, provides examples of conduct that is prohibited: <ul style="list-style-type: none"> • Hitting, shoving or making contact with an individual in a threatening or hostile manner, with any part of one's body and/or an object; • Threatening to harm an individual or his/her family, friends, associates, or property; • Making harassing or threatening telephone calls, or sending harassing or threatening written or electronic communications; • Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress; • Intimidating or attempting to coerce an employee to do wrongful acts, or violate law, administrative rule, or policy;

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		<ul style="list-style-type: none"> • Willful and repeated following of another person, also known as “stalking”, or harassing surveillance of another person; • Simulating acts of violence, simulating use of a weapon, or presenting an intimidating posture towards another person; • Stating or suggesting that harm to a person or property is appropriate or desired; • Intentionally damaging County property or property of another employee; • Possession of a weapon while on County property or while on County business (unless specifically required by the job and approved by the County/Department Head).
<p>If one of your employees becomes a troubling employee it is important to start appropriate personnel actions immediately. Remember that the County’s Workplace Violence Awareness Policy prohibits any violent or threatening behavior and provides for disciplinary action as needed. This may include suspension or discharge. The progressive discipline process includes a wide range of options. Call Personnel at 781-5959 if you need advice or assistance in any of these areas. Do not let such problems persist unaddressed. The worst thing you can do is to ignore a problem or have an employee transferred to another department, because the problem will just crop up there.</p>	<p>Enforcement:</p> <ul style="list-style-type: none"> • Added that Department Heads are responsible for enforcement. • Expanded possible responses a department may take. 	<p>All Department Heads are responsible for ensuring that this Workplace Violence Policy is enforced. All managers, supervisors, leadworkers and discrimination and harassment coordinators, (hereinafter, managers), are required to take appropriate action when made aware of any violation of this policy. Because incidents may vary in risk and severity, judgment must be used when determining an appropriate course of action. Actions the manager may take include invoking front desk safety protocols, removing individuals from the workplace, calling 911, or in extreme incidents, evacuation or lockdown of the workplace.</p>
<p>If one of your employees reports a threat of violence, take the threat seriously and tell the employee that reporting the threat was the right thing to do. Assure him or her that the report will be handled discreetly and will only be shared with those who need to know.</p> <p>Your next steps after receiving a threat report:</p> <ul style="list-style-type: none"> • Inform your immediate supervisor and your Department Head • Notify the Crisis Management Team (Personnel 781-5959 or Risk Management 781-5959.) If you think that a violent act is imminent, 	<p>Reporting:</p> <ul style="list-style-type: none"> • Removed reference to Crisis Management Team and added requirement to notify HR of the matter. 	<p>Any employee who believes he/she has been subjected to or is aware of a violent act or threat of violence in the workplace is required to report the conduct to any manager or County Human Resources. An employee who becomes personally aware of an individual who poses a risk of violence or threat of violence in the workplace must inform a manager. For example, a person who is aware of a domestic dispute that could threaten the workplace must notify manager. Any employee who has been granted a restraining order against another individual must notify his/her Department Head of the restraining order. Department management shall notify County Human Resources of any violations or potential violations of this policy and shall consult with County Counsel and law enforcement as appropriate.</p>
<p>The County will investigate all threats, regardless of the nature of the threat to verify the source of information. The purpose of the investigation is to establish a probable cause and a good faith belief the potential for violence is real. The investigation may intrude into the perpetrator’s private matters and to prevent defamation claims it should be prompt, thorough and confidential before warning other employees.</p> <p>If the investigation reveals the threat is genuine and perhaps imminent, the County will take immediate action. Safety or security measures may have to be provided for the intended victim. Depending on the circumstances, security measures might be necessary before meeting with the person making the threat. The investigation will be non-threatening and non-confrontational. The facts and County action taken will be documented to demonstrate that the County took prompt and reasonable steps based on the evidence available.</p>	<p>Investigation:</p> <ul style="list-style-type: none"> • Removed non-policy language 	<p>It is the policy of the County to investigate allegations of violent acts or threats of violence in the workplace, including those in which anonymity is requested. Managers who receive complaints of violent acts or threats of violence must document the complaint and notify the Human Resources Department promptly.</p>
<p>None</p>	<p>Retaliation:</p> <ul style="list-style-type: none"> • Added prohibition against retaliation. 	<p>The County will not retaliate against any person who reports or supports others who report violent acts or threats of violence in the workplace. In addition, it is a violation of this policy for any employee to retaliate against any person who reports or supports others who report violent acts or threats of violence in the workplace.</p>

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Equal Employment Opportunity Policy		
Existing Policy Language	Changes	Proposed Policy Language
<p>The San Luis Obispo County Board of Supervisors, recognizing the need for equal employment opportunity and reaffirming its commitment to the concept of equal employment opportunity, hereby proclaims the following:</p> <p>The County of San Luis Obispo is an equal opportunity employer and is committed to an active Nondiscrimination Program. It is the stated policy of the County of San Luis Obispo that all employees, and applicants, shall receive equal consideration and treatment. All recruitment, hiring, placements, transfers, and promotions will be on the basis of qualifications of the individual for the positions being filled regardless of race, color, religion, ancestry, national origin, age (over 40 years), sex, marital status, medical condition (cured of rehabilitated cancer), or physical handicap (including AIDS). All other personnel actions such as compensation, benefits, layoffs, returns from layoffs, terminations, training, and social and recreational programs are also administered regardless of race, color, religion, ancestry, national origin, age (over 40 years), sex, marital status, medical condition (cancer related), or physical handicap (including AIDS).</p>	<p><i>Policy Statement:</i></p> <ul style="list-style-type: none"> • Updated language to reflect opportunities to be merit based and free of discrimination. • Updated protected status to include ethnicity and gender expression or identity. • Expanded list of employment actions covered including participation on commissions. • Added reference to eliminating artificial barriers and EEO Plan. 	<p>The County maintains and promotes a policy of equal employment opportunity within the County. The County is committed to maintaining a work environment that is merit based, and free from discrimination. The Board of Supervisors, its managers, employees, agents, and volunteers will not discriminate against any applicant for employment, employee, contractor, subcontractor, vendor, or client because of age, ethnicity, marital status, medical condition (cancer or genetic characteristics), national origin, physical or mental disability, pregnancy, race, religion, sex, sexual orientation, gender expression or identity, or any other legally protected status.</p> <p>This policy shall apply to all employment actions including, but not limited to: recruitment, testing, hiring, training, promotion, demotion, transfer, layoff, discipline, salary and benefits administration, and participation on or appointment to all County boards and commissions. All employment decisions shall be made on the basis of individual qualifications, bona fide occupational qualifications for the job in question, and the feasibility of any necessary job accommodations.</p> <p>The employment goal of the County is to develop an employee population that is representative of the general population of San Luis Obispo County. The County will take positive measures toward eliminating artificial barriers to employment and achieving equal opportunity through its continued implementation and coordination of the County's Equal Employment Opportunity (EEO) Plan, and through its review and evaluation of hiring, promotional and employment policies and procedures.</p>

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Policy Against Discriminatory Harassment		
Existing Policy Language	Changes	Proposed Policy Language
<p>It is the policy of San Luis Obispo County that all employees shall have a working environment free of unlawful discrimination. A businesslike workplace assures courteous treatment for both employees and the public we serve. Harassment of an applicant or employee by a supervisor, manager or coworker on the basis of race, religion, national origin, marital status, disability, age, sex or sexual orientation is employee misconduct that constitutes illegal discrimination and is grounds for disciplinary action up to and including termination. San Luis Obispo County requires that all employees treat the public and other employees with courtesy and respect</p>	<p><i>Policy Statement:</i></p> <ul style="list-style-type: none"> • Added “zero-tolerance” standard • Updated protected status to include ethnicity and gender expression or identity. 	<p>The County of San Luis Obispo maintains a zero-tolerance policy prohibiting discriminatory harassment in the workplace. The County is committed to providing a work environment in which all individuals are treated with respect and professionalism. Employees must not harass anyone because of race, color, gender, marital status, national origin, religion, medical condition, physical or mental disability, sexual orientation, gender identity or expression, or because the person is 40 years old or older. Employees also must not harass anyone for opposing discrimination or for participating in the discrimination complaint process.</p>
<p>Discriminatory Harassment includes unwelcome derogatory comments, physical acts, written or visual insults which are made on the basis of an employee’s protected status. The harassing conduct unreasonably interferes with an employee’s work performance by creating an intimidating, hostile or offensive working environment.</p>	<p><i>Definition of Discriminatory Harassment:</i></p> <ul style="list-style-type: none"> • Expands definition of Discriminatory Harassment. 	<p>Discriminatory harassment can be written, verbal, or physical conduct that denigrates or shows hostility or aversion toward an individual based on his or her protected status as described above. Harassing conduct includes, but is not limited to, epithets, “jokes,” slurs or negative stereotyping, threatening or hostile acts, and written or graphic material that demeans or denigrates an individual or group because of any characteristic protected by law. In general, harassment can be against the law when it creates an intimidating, hostile, or offensive working environment, when it interferes with an individual’s work performance, or when it adversely affects an individual’s employment opportunities.</p>
<p>Often, simply telling someone of the offensive nature of his/her behavior will resolve the problem. If possible, an employee should inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, and highly inappropriate. An employee who wishes to seek advice is encouraged to contact the County's Affirmative Action Office at telephone number (805) 781-5959. Confidential advice is also available from the County's Employee Assistance Program at telephone number (800) 999-7222.</p> <p>When an employee's efforts to resolve the discriminatory harassment concern are unsuccessful, or when an employee feels uncomfortable or threatened in raising the issue with the harasser, the employee is urged to:</p> <ol style="list-style-type: none"> 1. Advise, in writing, closest level supervisor not a part of the problem, the department's Harassment Prevention Coordinator, or departmental personnel staff of the situation and/or 2. Make a complaint to the Personnel Department which will be investigated with the appointing authority. 	<p><i>Reporting a complaint:</i></p> <ul style="list-style-type: none"> • Updated language on how to report a violation or complaint. 	<p>Any employee who believes he or she has been the target of discriminatory harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to his or her supervisor or manager, the department’s Discrimination/Harassment Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department.</p>

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Policy Against Sexual Harassment		
Existing Policy Language	Changes	Proposed Policy Language
<p>It is the policy of San Luis Obispo County that all employees shall have a working environment free of unlawful discrimination. A businesslike workplace assures courteous treatment for both employees and the public we serve. Harassment of an applicant or employee by a supervisor, manager or coworker on the basis of race, religion, national origin, marital status, disability, age, sex or sexual orientation is employee misconduct that constitutes illegal discrimination and is grounds for disciplinary action up to and including termination. San Luis Obispo County requires that all employees treat the public and other employees with courtesy and respect</p>	<p><i>Policy Statement:</i></p> <ul style="list-style-type: none"> • Added “zero-tolerance” standard • Updated protected status to include ethnicity and gender expression or identity. 	<p>San Luis Obispo County maintains a zero-tolerance policy prohibiting sexual harassment in the workplace. The County is committed to providing a work environment free of sexual harassment. Sexual harassment is a form of sex discrimination that is illegal under both state and federal law and constitutes employee misconduct for which disciplinary action, up to and including termination, may result. San Luis Obispo County requires that all employees treat the public and other employees with courtesy and respect.</p>
<p><u>Sexual Harassment:</u> Includes unwelcome sexual overtures by any officer, employee, supervisor or manager, whether written, verbal, physical or visual where submission is made a term or condition of employment or the basis of an employment decision. Sexually harassing conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Because the County seeks to prevent any form of illegal harassment, behavior such as unnecessary touching, sexual or discriminatory remarks or joking, which may lead to illegal harassment, will not be tolerated.</p>	<p><i>Definition of Sexual Harassment:</i></p> <ul style="list-style-type: none"> • Expands definition of Sexual Harassment. • Includes language describing three forms of sexual harassment as mandated by statute. 	<p>Sexual Harassment includes unwelcome sexual overtures by any officer, employee, supervisor or manager, whether written, verbal, physical or visual where submission is made a term or condition of employment or the basis of an employment decision. Sexually harassing conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Three basic forms of sexual harassment include:</p> <ol style="list-style-type: none"> 1) Offers of employment rewards for sexual favors, including threats of employment punishment if sexual activities are not engaged in—also termed "quid pro quo" harassment. 2) Creating an intimidating, hostile, threatening and/or offensive work environment through verbal acts, physical acts and graphic displays which interfere with an individual's job performance. 3) Retaliation against an employee for submitting complaints of alleged sexual harassment. <p>Because the County seeks to prevent any form of sexual harassment, behavior such as unnecessary touching, sexual remarks or joking which may lead to illegal sexual harassment is a violation of this policy and shall be the basis for discipline.</p>
<p>Often, simply telling someone of the offensive nature of his/her behavior will resolve the problem. If possible, an employee should inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, and highly inappropriate. An employee who wishes to seek advice is encouraged to contact the County's Affirmative Action Office at telephone number (805) 781-5959. Confidential advice is also available from the County's Employee Assistance Program at telephone number (800) 999-7222.</p> <p>When an employee's efforts to resolve the discriminatory harassment concern are unsuccessful, or when an employee feels uncomfortable or threatened in raising the issue with the harasser, the employee is urged to:</p> <ol style="list-style-type: none"> 1. Advise, in writing, closest level supervisor not a part of the problem, the department's Harassment Prevention Coordinator, or departmental personnel staff of the situation and/or 2. Make a complaint to the Personnel Department which will be investigated with the appointing authority. 	<p><i>Reporting a complaint:</i></p> <ul style="list-style-type: none"> • Updated language on how to report a violation or complaint. 	<p>Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee is required to report the conduct to his or her supervisor or manager, the department's Discrimination/Harassment Coordinator, or County Human Resources. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department</p>

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Policy Against Retaliation		
Existing Policy Language	Changes	Proposed Policy Language
None	<i>NEW POLICY</i>	<p>San Luis Obispo County maintains a zero-tolerance policy prohibiting any adverse employment action against those who in good faith report, or supports someone who reports violations of County policy or state / federal law, or engages in other legally protected activity. The County further prohibits retaliation against anyone who participates (as witnesses or accused) in investigations into complaints of alleged misconduct. Disciplinary action, up to and including termination, will be taken against an employee or officer who is found to have violated this policy. This policy applies to all County officials, officers, employees, volunteers, contractors and vendors, and prohibits retaliation because of any of the protected activity as defined herein.</p> <p>"Protected activity" may include, but is not limited to, any of the following:</p> <ul style="list-style-type: none"> • Filing a complaint with the County or a federal or state enforcement or administrative agency • Participating in or cooperating with a County investigation or cooperating with a federal or state enforcement agency that is conducting an investigation of the County regarding alleged unlawful activity • Testifying as a party, witness, or accused regarding alleged unlawful activity • Filing a Workers Compensation claim <p>"Adverse action" may include, but is not limited to, any of the following:</p> <ul style="list-style-type: none"> • Threats or intimidation, which may dissuade or prevent an individual from reporting alleged wrongdoing or because of protected activity • Refusing to hire or promote an individual because of protected activity • Taking adverse employment action or disciplinary action because of protected activity

Policy to Investigate Reported Discrimination or Harassment		
Existing Policy Language	Changes	Proposed Policy Language
<p>It is the policy of the County to investigate all allegations of discriminatory harassment, including those in which anonymity is requested. Departmental supervisors, managers, personnel staff or Harassment Prevention Coordinators who receive complaints of discriminatory harassment including sexual harassment must document the complaint and advise the Personnel Department. At that time, a determination will be made by the Personnel Department in conjunction with the Department regarding an investigation into the alleged discriminatory harassment. The Personnel Department will ensure that allegations of discriminatory/illegal harassment are investigated. All departments must report to the Personnel Director the number and type of discriminatory harassment complaints received, the parties involved, the result of any investigation, and the action taken.</p>	<p><i>Policy to investigate reported discrimination or harassment:</i></p> <ul style="list-style-type: none"> • Removed duplicative language about advising HR of reports of discrimination and harassment. 	<p>It is the policy of the County to investigate all allegations of discrimination or harassment, including those in which anonymity is requested. Departmental supervisors, managers, Human Resources staff or Harassment Prevention Coordinators who receive complaints of discrimination or harassment including sexual harassment must document the complaint and advise the Human Resources Department. Upon notification, the Human Resources Department will ensure that allegations of discrimination or sexual harassment are investigated.</p>