



- Board Members
- Business Taxes Committee
- Customer Services and Administrative Efficiency Committee
- Legislative Committee
- Property Tax Committee
- Other [Insert Name]

Topic:

EQUAL EMPLOYMENT OPPORTUNITY OFFICE UPDATE AND BEAM POLICIES

Background:

In May 2001, the Board was provided a copy of the Cooperative Personnel Services (CPS) Report on the Equal Employment Opportunity (EEO) Office. The Report is very comprehensive and provides 41 Key Findings, and 33 Recommendations to address improvements identified in the following broad areas:

- EEO Office policy and the strategies used to carry out EEO policy.
- Functions of the EEO Office.
- Organizational structure of the EEO functions.
- Staffing of the EEO Office.
- Training of the EEO Office staff.
- Organizational style of the EEO Office.

A Workplan was developed to address the CPS identified areas of improvement. All report recommendations have been or are in the process of being completed. Attachment A provides more detail on the current status. At the August 1, 2001 Board meeting, the Board designated Ms. Jennifer Willis as the EEO Officer. On August 31, 2001, Ms. Doris Dominey was hired as the EEO Office Manager running the day-to-day operations.

During the October 24, 2001 Board meeting, the Board requested that Ms. Willis identify the EEO Office's top five priorities to be completed over the next year and provide a one-year status report. This is an interim status report.

Current Status:

Following are the top five EEO Office priorities identified and their status.

1. Establish and update all EEO policies. Ensure EEO complaints are addressed timely.

The following four policies were drafted and are attached for Board approval.

- EEO Policy (Attachment B).
- Discrimination Complaint Policy and Process (Attachment C).

- Sexual Harassment Complaint Policy and Process (Attachment D).
- Disabled Advisory Committee Policy (Attachment E).

A new complaint procedure was implemented to ensure that all cases are closed within 60 days. The EEO Manager must approve any extension of the timeline.

2. Implement a tracking system that includes a reporting and monitoring component for EEO complaints in order to reach timely resolution.

In collaboration with Strategic Planning and Program Development Section and Research and Statistics Section staff, the EEO Office developed a case tracking and reporting system. Full implementation occurred in January 2002.

3. Assist the Recruitment and Outreach Manager with recruiting efforts to attain and retain a diverse workforce.

The EEO Office counsels applicants interested in working for BOE. The new Exit Questionnaire and Exit Interview processes are administered by the EEO Office to ascertain why employees leave the BOE and to recommend improvements to the work environment to retain qualified employees. The EEO Officer and Manager review recruitment strategies and policies. The EEO Manager participated in the BOE Recruiters meeting last November and provided them with an update on EEO programs, policies, and changes to law.

4. Implement a stronger Upward Mobility Program for movement of staff from lower paying occupations into the professional level series, and provide information to assist staff at all levels with Career Development.

In collaboration with the Organizational Effectiveness Careers Team, the EEO Office developed and implemented a new Upward Mobility policy and program. The Upward Mobility policy and goals were reviewed and approved by executive management, and submitted to and approved by the State Personnel Board. The policy was forwarded to the Strategic Planning and Program Development Section for publication in the Board of Equalization Administrative Manual (BEAM).

The Personnel Management Division, Forms and Publication Section and the EEO Office significantly updated and revised the Upward Mobility and Career Development handbook, now titled *Working Your Way Up at BOE*. It will be provided to all BOE employees and made available on the intranet, *eBOE*. In addition, the EEO Office actively counsels and encourages career counseling for current BOE employees on an ongoing basis.

5. Educate BOE staff boardwide on the EEO program.

EEO staff developed a new EEO training class that includes an overview of EEO, sexual harassment and discrimination. Attachment F provides a copy of the agenda. The class is taught at the quarterly Management and Supervisory Development Program (MSDP) and at staff meetings. After Board approval and publication of the new BEAM policies, EEO staff will begin a training circuit to train all employees.

ADDITIONAL ACCOMPLISHMENTS AND RESPONSIBILITIES

- Improved the effectiveness, efficiency, and fairness of the EEO counseling function by separating the counseling and investigation duties between different EEO staff.
- Implemented the State Personnel Board and the Department of Fair Employment and Housing's Complaint Mediation programs. On non-EEO issues, the EEO Office mediates or refers complaints and inquiries to other resources.
- Completed formal EEO counseling, investigating, and technical training for EEO Office staff.
- EEO Office Manager continues to actively meet with BOE staff to communicate EEO policy concerning EEO practices and jurisdiction. Communication channels are strengthened.
- Due to contract negotiations, effective January 31, 2002, the EEO Office is now required to review, and when necessary, investigate grievances alleging discrimination or sexual harassment. The timeline for processing grievances is 21 days. The EEO Office has coordinated with the Labor Relations Office to implement this change.

Conclusion:

The EEO Office will continue to strive to meet its Mission "to establish and implement an effective program to attain a diverse workforce representative of the State's Relevant Labor Force, provide all employees and job applicants equal access to employment and upward mobility, and promote a work environment free from discrimination and sexual harassment."

Prepared by: Taxpayers' Rights and Equal Employment Opportunity Division - EEO Office

Current as of: May 24, 2002

STATUS OF WORKPLAN TO ADDRESS THE COOPERATIVE PERSONNEL SERVICES (CPS) REPORT ON THE EEO OFFICE- 5/29/02

BOE ACTIONS TO ADDRESS CPS REPORT	CPS KEY FINDINGS AND RECOMMENDATIONS	RESPONSIBLE PARTIES	ANTICIPATED TIMEFRAME	STATUS
<p>1. CPS identified workload issues and made recommendations to move five functions, if necessary, to refocus the attention of the EEO Office on the highest priority EEO activities.</p> <ul style="list-style-type: none"> Determine the roles, responsibilities, and reporting relationship of the EEO Office, including assignment of the bilingual program, summer youth employment program, sign language interpreter contracts and services, disabled employee evacuations, and the vacancy announcement process. 	<p>Key Findings: 1, 3, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37</p> <p>Recommendations: 1, 2, 3, 21, 22, 26, 33</p>	<p>Jim Speed Jennifer Willis Doris Dominey Sally Lee</p>	<p>September 2001</p>	<p>Completed. The Board agreed to continue the EEO functions of the bilingual service survey and reporting. Contracts and services for sign language interpreters for the hearing impaired, the coordination of the summer youth employment program, and the job vacancy announcement process were moved to Personnel Management Division. Emergency evacuation assistance surveys and listing were moved to the Administrative Support Division. EEO Office will continue to review exceptions to advertising.</p>
<p>2. EEO Board of Equalization Administrative Manual (BEAM) sections is outdated, causing lack of consistency and inability of staff to rely on the information. CPS recommends clarification of the mission and basic purpose of the EEO Office to improve its the efficiency and effectiveness.</p> <ul style="list-style-type: none"> Develop and implement a workplan to update each EEO BEAM section. Review and revise the EEO program plan mission, scope, goals and objectives. 	<p>Key Findings: 1, 3, 28, 29</p> <p>Recommendations: 1, 2, 3, 5, 7, 11, 21</p>	<p>Jennifer Willis Doris Dominey</p>	<p>October, 2001, Develop workplan</p> <p>Implement approved workplan as identified.</p>	<p>Completed.</p> <p>Completed. All BEAM sections are revised and are submitted for board approval for June 19, 2002 Board Meeting. The workplan to revise BEAM sections and the review/revisions to the EEO mission scope, goals, and objectives were completed with the annual Program Planning process and revised in October to eliminate reference to "Affirmation Action".</p>
<p>3. Backlogged formal and informal discrimination complaints and sexual harassment investigations were identified. Case resolution exceeds acceptable time guidelines, which diminishes the effectiveness and fairness of the complaint investigation process.</p> <ul style="list-style-type: none"> Identify the need for resources (internal and external) to timely complete formal and informal backlogged cases, with focus on aged cases. 	<p>Key Findings: 2, 8, 9,10, 11, 12, 13, 14, 15, 24</p> <p>Recommendations: 9, 15, 16</p>	<p>James Speed Jennifer Willis Doris Dominey Sally Lee Tim Boyer</p>	<p>September, 2001</p>	<p>Completed. Due to the diligence of the EEO Investigator and with the assistance of EEO Analytical staff, the backlogs were addressed and eliminated.</p> <p>A new office policy has been implemented that requires complaint closure within 60 days. The EEO Office Manager must approve extension of the closure date. Also, retired annuitants will be employed by the EEO Office to serve as on-call investigators under certain circumstances. This will prevent the possibility of any backlog. Currently, there is no backlog.</p>

STATUS OF WORKPLAN TO ADDRESS THE COOPERATIVE PERSONNEL SERVICES (CPS) REPORT ON THE EEO OFFICE- 5/29/02

BOE ACTIONS TO ADDRESS CPS REPORT	CPS KEY FINDINGS AND RECOMMENDATIONS	RESPONSIBLE PARTIES	ANTICIPATED TIMEFRAME	STATUS
<p>4. CPS identified deficiencies in the recording and reporting of basic discrimination complaint information. Changes in the tracking and reporting of discrimination complaints and sexual harassment cases are needed to improve the efficiency and equity of the complaint management process and to focus management and staff's attention.</p> <ul style="list-style-type: none"> In collaboration with Legal, review and identify additional improvements to new, ongoing, and completed investigation complaint case files, including the organization methods, standards, content, recording, tracking, and reporting, and document retention criteria. Review and update EEO Office case files in accordance with improvements identified. Redesign and simplify EEO reports. 	<p>Key Findings: 5, 6, 7, 8, 9, 10, 19, 20</p> <p>Recommendations: 14, 16, 18, 20</p>	<p>Jennifer Willis Doris Dominey Tim Boyer Laurie Frost</p>	<p>October 2001 Review and identify needed improvements</p> <p>February 2002 Complete review and make improvements identified.</p>	<p>Completed. The tracking system was modified and generates various reports to reflect the status of each complaint. The Legal Office as requested in the CPS report reviewed copies of the tracking system as well as the reports.</p> <p>With the assistance of Agency Planning and Research Division, effective September 28, 2001, a new tracking system was implemented. EEO Staff tested the tracking and reporting elements of the new system for 2-3 months. All EEO complaints have been entered into the tracking system. The system is updated immediately to reflect the current up-to-date status of each complaint. The system will be used to develop simplified EEO reports.</p>
<p>5. CPS identified the need to improve the effectiveness, efficiency, and fairness of the counseling function.</p> <ul style="list-style-type: none"> Consider re-implementing a decentralized discrimination complaint/sexual harassment counseling function. If re-implemented, identify and determine training required for Counselors, the selection process, and the ongoing relationship with the EEO Office. Modify BEAM sections accordingly. 	<p>Key Findings: 15, 16</p> <p>Recommendations: 3, 11</p>	<p>James Speed Jennifer Willis Doris Dominey</p>	<p>January 2002 Determine whether to implement decentralized function</p> <p>April 1, 2001 Modify BEAM</p>	<p>Completed. The Counseling process was revised. The same EEO staff person cannot counsel and investigate the same complaint. The EEO Investigator is assigned a case after an EEO Counselor briefs the Manager on the details of the allegations. If warranted an EEO Investigator is then assigned the case to investigate. The investigator is to be non-biased and serve as a fact-finder.</p> <p>BEAM has been revised. Due to the efficiencies established the decision was made not to re-implement a decentralized discrimination complaint/sexual harassment function.</p>

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<p>6. The BOE has a comparatively high rate of formal of discrimination complaints.</p> <ul style="list-style-type: none"> Consider SPB's Mediation program. 	<p>Key Findings: 2, 17 Recommendations: 12</p>	<p>James Speed Jennifer Willis Doris Dominey</p>	<p>November 1, 2001</p>	<p>Completed. Two BOE staff have been trained in the Mediation program. EEO staff were trained to identify opportunities for use of the Mediation program</p> <p>The EEO Office Manager is the official gatekeeper and has implemented the SPB Mediation Program, effective September 28, 2001.</p>
<p>7. CPS identified that the BOE EEO Office Manager plays a stronger role in the adverse action recommendations than in any of the three comparison departments.</p> <ul style="list-style-type: none"> Review and modify the role of the EEO Manager in the determination of appropriate levels of adverse actions that result from EEO investigations, if necessary. 	<p>Key Findings: 18 Recommendations: 13</p>	<p>James Speed Jennifer Willis Doris Dominey</p>	<p>July 1, 2001</p>	<p>Completed. The EEO Office Manager is only involved in adverse actions if given a directive to do so by Ms. Willis or Mr. Speed. Otherwise, the EEO Office does not have jurisdiction involving adverse actions. The role of the EEO Office is to serve as an "impartial fact finder" to determine if, in fact, discrimination or sexual harassment exists.</p>
<p>8. CPS identified that the EEO Office staff lacks knowledge, skill and training in certain technical areas. Timely completion of performance evaluations was also identified.</p> <ul style="list-style-type: none"> Identify, schedule and provide appropriate initial and ongoing OJT and formal EEO counseling, investigating, and technical training for EEO Office staff. Immediately and timely complete performance evaluations of EEO staff. 	<p>Key Findings: 20, 21, 22, 23, 24, 25, 38, 39, 40 Recommendations: 19, 20, 25, 27, 28, 29, 30, 31, 32, 33</p>	<p>Jennifer Willis Doris Dominey</p>	<p>July 1, 2001</p>	<p>Completed. The annual training plan process provided the opportunity to identify staff training needs and to complete performance evaluations. EEO staff Ms. Jayne Clark and Mr. Dave Hillis completed EEO Investigator and Counselor training through SPB. EEO Office Manager Doris Dominey attended refresher training with her staff on October 25, 2001. As turnover occurs, training needs will be identified and addressed. The EEO Manager will complete timely performance evaluations.</p>
<p>9. CPS identified that: EEO Office staff sometimes investigates complaints not based on EEO issues. Collateral complainants and complaints to investigations of initial complaints causes unnecessarily complex and lengthy investigations, and these lengthy investigations have diminished the effectiveness and fairness of the</p>	<p>Key Findings: 21, 22, 23, 24 Recommendations: 19, 20</p>	<p>Jennifer Willis Doris Dominey</p>	<p>August 1, 2001 Initial Review Ongoing review thereafter.</p>	<p>Completed.</p> <p>A new policy has been implemented:</p> <ul style="list-style-type: none"> Only formal complaints and management inquiries are to be investigated.

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<p>complaint investigation process.</p> <ul style="list-style-type: none"> • Avoid the addition of collateral complainants, complaints to investigations of initial complaints, and investigation of complaints that are not based on EEO issues. • Provide appropriate formal training for EEO staff who performs counseling and investigation duties. 				<ul style="list-style-type: none"> • The EEO Office Manager reviews all complaints before they are investigated to ensure only EEO issues are addressed. • Established a 45-60 day deadline to close complaints. • The EEO Office Manager must approve extensions. Issues concerning non-EEO jurisdiction are either forwarded to the proper resource or referred for mediation.
<p>10. CPS complimented BOE on the recent implementation of training for all BOE staff in sexual harassment prevention and recommended continued consideration of alternative methods of providing discrimination and sexual harassment prevention training to supervisors, managers, and staff.</p> <ul style="list-style-type: none"> • Identify methods to reinforce training provided and implement as identified. 	<p>Key Findings: Recommendations: 17</p>	<p>Jennifer Willis Doris Dominey Sally Lee</p>	<p>July 2002</p>	<p>EEO Staff developed a Sexual Harassment class that includes the discrimination complaint process. After board approval, the EEO staff will train BOE employees on a regular basis. The EEO staff currently provides training at every MSDP class held at least twice a year. EEO Office will be involved in providing on-going training to all BOE staff.</p> <p>BEAM has been updated to reflect current policy and regulations concerning discrimination and sexual harassment. EEO staff will meet with training and program staff to implement the above</p>
<p>11. BEAM identifies a significant role for BOE Employee Advisory Committees that exceeds the requirements of current Government Code and State Personnel Board mandates.</p> <ul style="list-style-type: none"> • Determine the future role of BOE Employee Advisory Committees. • Revise BEAM Advisory Committee guidelines accordingly. 	<p>Key Findings: 1, 28, 29 Recommendations: 21</p>	<p>James Speed Jennifer Willis Doris Dominey</p>	<p>January 2002</p>	<p>Completed. After research it was determined that an Employee Advisory Committee would not be recommended for development. However, because the Disabled Advisory Committee (DAC) is mandated the BEAM policy and guidelines were developed for Board approval. After Board approval the DAC will be implemented.</p>
<p>12. In none of the comparison departments was the EEO responsible for coordinating the Vacancy Announcement</p>	<p>Key Findings: 31, 32,</p>	<p>Jennifer Willis Doris Dominey</p>	<p>July 1, 2001 first phase</p>	<p>Completed. Agency Planning and Research Division worked to develop an automated</p>

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<p>process. The basic design of the VPOS system contributes to a significant number of errors.</p> <ul style="list-style-type: none"> Conduct a detailed systems study of the BOE vacancy announcement process in order to improve the effectiveness and the efficiency of the process. 	<p>Recommendations: 23, 24, 25, 26</p>	<p>Laurie Frost Sally Lee</p>		<p>system to post the vacant positions. The first phase was the Job Vacancy process. The Vacancy Announcement process has been transferred to the Examination Section.</p>
<p>13. The organizational style of the EEO Office needs to be reviewed.</p> <ul style="list-style-type: none"> Consider and implement specific ways to improve the reality and the perception of the organizational style of the EEO Office. 	<p>Key Findings: 41 Recommendations: 33</p>	<p>James Speed Jennifer Willis Doris Dominey</p>	<p>September 1, 2001</p>	<p>Completed. The EEO Office Manager initiates meetings and gives presentations to the various units, divisions and departments. More exposure with BOE staff will encourage a positive perception. Every attempt is being made to communicate EEO mission, goals and objectives. Future training on various EEO policies will provide further opportunities to improve the perception and reality of the EEO office.</p>

EQUAL EMPLOYMENT OPPORTUNITY POLICY

1670

It is the policy of the Board of Equalization (BOE) to provide equal employment opportunities for all persons without regard to age, race, sex, ancestry, color, religion, disability, national origin, marital status, political affiliation or opinion, sexual orientation, physical or mental impairment, medical condition, or pregnancy. Employment decisions will be made on the basis of merit, efficiency, and fitness, consistent with state civil service and merit system principles.

The BOE shall abide by all laws, rules, and regulations concerned with promoting or providing equal opportunity such as:

- Government Code Sections 19700 – 19706
- California Fair Employment and Housing Act; Government Code Section 12940
- Title VII of the Federal Civil Rights Act of 1964
- State Personnel Board Regulations 547 and 547.1
- Rehabilitation Act of 1973, Section 504
- Title II of the Americans with Disabilities Act of 1990
- Age Discrimination Acts of 1967 and 1978
- Pregnancy Discrimination Act of 1978
- Federal Rehabilitation Act of 1973
- California Executive Order B-54-79

RESPONSIBILITIES

1670.1

EEO Office and EEO Manager:

The EEO Manager reports to the Chief, Taxpayers' Rights and Equal Employment Opportunity Division and the Executive Director. The EEO Manager develops and recommends EEO policies and procedures. The EEO Office implements approved EEO policies through the EEO Manager, and assists BOE staff in the application of EEO policies and procedures. The EEO Office is responsible for the following programs and processes:

- Discrimination complaints
- Sexual harassment complaints and prevention training
- Mediation
- Limited Examination and Appointment Process (LEAP) appointments
- Bilingual pay certification
- Multilingual/bilingual listing
- Language survey process mandated by Dymally-Alatorre Bilingual Services Act
- Resource library locations and coordinators master list maintenance
- Exit questionnaire
- Upward mobility oversight
- Career Counseling

BOE Managers and Supervisors:

All BOE managers and supervisors are responsible for assuring that the hiring, promotion, assignment, and training of personnel is conducted consistent with this policy.

DISABLED ADVISORY COMMITTEE

1670.2

The Board of Equalization (BOE) has established a Disabled Advisory Committee (DAC) to provide advice to the Equal Employment Opportunity (EEO) Office on disability issues and provide information related to deficiencies in hiring individuals with disabilities. Specifically, the DAC reviews and evaluates operations and activities, provides

recommendations for improvement to ensure equal employment opportunities for individuals with disabilities, and undertakes projects that deal with disability issues and resolves problems as they arise. The DAC acts as liaison between groups and organizations that are concerned with achieving equitable representation and utilization of individuals with disabilities in the BOE's workforce. Guidelines for the DAC are written and maintained by the EEO office.

A copy of the Disabled Advisory Committee guidelines may be requested through the EEO Office by calling 916-322-7639 or CALNET 8-485-7639. The guidelines are also published on the intranet (*eBOE*).

DISCRIMINATION COMPLAINT PROCESS

1635

Authority: State and Federal laws mandate that employees have the right to work in an environment that is free from all forms of discrimination. The key legal mandates are referenced below:

- Government Code Sections 19700 – 19706
- California Fair Employment and Housing Act; Government Code 12940
- Title VII of the Federal Civil Rights Act of 1964
- State Personnel Board Regulations 547 and 547.1
- Rehabilitation Act of 1973, Section 504
- Title II of the Americans with Disabilities Act of 1990
- Age Discrimination Acts of 1967 and 1978
- Pregnancy Discrimination Act of 1978
- Federal Rehabilitation Act of 1973
- California Executive Order B-54-79

POLICY

1635.1

It is the policy of the BOE to promote and provide equal employment opportunity to all individuals, maintain an environment free from discrimination and harassment (including sexual harassment), provide equal access to services, programs or activities, and to prohibit discrimination in every phase of policy and practice in the treatment of its employees and the public it serves. The BOE will enforce all laws, rules, and regulations prohibiting discrimination based on age, race, sex, ancestry, color, religion, disability, national origin, marital status, political affiliation or opinion, sexual orientation, physical or mental impairment, medical condition, pregnancy, or such other classifications as may be provided specific protection in employment by California or United States law.

PURPOSE

1635.2

The purpose of the discrimination complaint process is to provide all BOE employees and applicants for employment with a uniform method of raising allegations and complaints of discrimination. The process ensures that such allegations and complaints receive prompt and impartial review and resolution at the lowest organizational level, while assuring employees that the allegations receive full consideration and appropriate remedy as applicable, without fear of reprisal or retaliation.

A discrimination complaint may be filed by employees or applicants who seek resolution to an action, decision, policy, or condition which they believe discriminates against them on the basis of age, race, sex, ancestry, color, religion, disability, national origin, marital status, political affiliation or opinion, sexual orientation, physical or mental impairment, medical condition, or pregnancy.

ROLES AND RESPONSIBILITIES

1635.3

Equal Employment Opportunity (EEO) Manager:

The EEO manager is responsible for providing guidance in resolving informal and formal complaints of discrimination by working with managers and supervisors, providing EEO counseling to employees, and investigating complaints as necessary. The EEO manager determines if the BOE has the jurisdiction and the legal authority to act on a complaint in order to investigate or attempt resolution of the complaint. If within the EEO Office's jurisdiction, the EEO manager selects and assigns qualified EEO counselors and/or Investigators to the EEO case. When appropriate, the EEO manager will consult with the Legal Division and the Personnel Management Division to develop a plan to make the complainant whole (satisfy complainant). If the complaint is not within the EEO Office's jurisdiction, the EEO manager will refer the complainant to the appropriate authority to resolve the issue(s).

The identification of qualified persons to serve as EEO counselors and Investigators is critical to the success of the BOE's discrimination complaint process. The EEO manager ensures that persons selected for these positions are knowledgeable, empathetic, flexible, fair, and resourceful people who can diplomatically correct misunderstandings and help build stronger relationships between people working in the same environment. They must have the highest level of integrity and maintain the employees' concerns in the strictest confidence.

EEO Counselors and Investigators:

In the informal discrimination complaint process, the EEO counselors assist complainants to resolve their issue(s) at the lowest level possible. They conduct preliminary investigations or inquiries to determine whether informal resolution or mediation is the most appropriate means to resolve the issue(s). The EEO counselor should avoid becoming the intermediary between the complainant and the BOE in seeking a resolution of the complaint during an investigation.

In the formal discrimination complaint process, the EEO investigator must maintain the role of fact-finder when conducting investigations. The Investigator's responsibility is to gather and assemble enough information to provide a basis for deciding whether or not the reported action was discriminatory. The EEO investigator should remain neutral and refrain from including any personal opinions or hearsay in the report.

BOE Managers and Supervisors:

It is the responsibility of each manager and supervisor to:

- Promote a discrimination-free work environment, and take appropriate action to prevent or stop any and all forms of discrimination and harassment, including sexual harassment.
- Ensure that zero tolerance is implemented by addressing each and every discrimination complaint allegation.
- Ensure that all employees are informed of the BOE's discrimination complaint process.
- Ensure that staff attend EEO training as a preventive measure, encourage employees to conduct themselves in a professional manner with behavior that is free of discrimination or harassment, and educate employees on the consequences of such actions.

When a complaint is filed (formally or informally) or brought to the manager's or supervisor's attention, it is the manager's or supervisor's responsibility to:

- Listen to the complainant and take the complaint seriously. Managers and supervisors should not discourage employees from reporting complaints.
- Provide the complainant with a Discrimination Complaint Form (BOE-350), which includes the Statement of Rights (Exhibit I).
- Contact the EEO Office immediately.
- Protect the complainant from any reprisal or retaliation.

Employees:

It is the responsibility of the employee who perceives comments, gestures, or actions of another employee, supervisor, or manager to be discriminatory or offensive to immediately communicate to the person that such behavior is not appropriate and/or is unwelcome. Employees who feel threatened or have difficulty expressing disapproval may seek informal assistance from their manager or supervisor or the EEO Office.

Employees who believe they have incurred discrimination or witnessed discrimination have the responsibility to report it to the manager, supervisor, and/or the EEO Office and provide all relevant information that will allow the EEO Office the opportunity to resolve the complaint at the lowest level possible.

Complaint Processes

In most cases, the discrimination complaint process shall not be used in place of the grievance procedure. However, under certain bargaining contracts some employees may be able to grieve discrimination and sexual harassment complaints. The grievance procedure is used to address issues relating to the terms and conditions of employment, such as working hours, out-of-class claims, and overtime requirements, which do not involve allegations of discrimination. With the exception of certain contract agreements, employees are not normally permitted to have parallel reviews of an issue under both the grievance and discrimination complaint processes.

Complaints alleging any action prohibited by the Americans with Disabilities Act (ADA) should be discussed with the BOE's EEO staff. These actions include discrimination based on disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training and other terms and conditions or privileges of employment.

The BOE has two levels of processes for raising concerns of possible discrimination: an informal process using trained EEO counselors and a formal process using trained EEO investigators.

Informal Complaint

The informal complaint is generally the first step in the discrimination complaint process. The purpose of the informal process is to resolve complaints at the lowest level possible. While employees are encouraged to begin at the informal level, employees are not required to utilize the informal complaint process.

1. Within 30 calendar days of the occurrence, an employee or applicant who believes that they may have been discriminated against should first discuss the problem with an EEO counselor. However, the initial contact with the EEO counselor **must** be made within 365 calendar days of the alleged discriminatory action or decision affecting the individual with the exception of any action prohibited by the ADA which must be filed within 180 calendar days. An extension of 90 calendar days may be allowed if a person allegedly aggrieved by unlawful discrimination just obtained knowledge of the facts of the alleged discrimination.

2. To initiate an informal complaint of discrimination, the complainant should complete a Discrimination Complaint Form (BOE-350). Completion of the form is not mandatory in the informal stage, but helpful to the EEO counselor who is reviewing the complaint. At the top of the form the complainant should designate it as an "Informal Complaint" and submit the form to the EEO Office. The EEO manager will review the complaint to determine whether or not the allegations fall within the jurisdiction of the EEO Office, and if merited, will assign the case to an EEO counselor. Depending upon the nature of the complaint, the EEO counselor will provide the complainant with an informal assessment within 15 calendar days from the date the individual reports the problem. If additional time is needed to complete the inquiries, the complainant and the EEO counselor may agree to an anticipated completion date beyond the 15 calendar days.

3. The EEO counselor will:
 - a) Provide the complainant with a Discrimination Complaint Form (BOE-350) and copy of the Statement of Rights (BOE-350 S 3).
 - b) Discuss the complaint confidentially and individually with the complainant, the appropriate manager/supervisor and the EEO manager to assess whether the issues can be resolved within 15-30 calendar days at the lowest level possible.
 - c) Conduct a preliminary inquiry.
 - d) Determine whether informal resolution is the most appropriate means to resolve the issues.
 - e) Recommend mediation to resolve the issue if appropriate.

- f) Propose a course of action and discuss the proposal with the complainant and other parties involved to determine if the resolution is acceptable and can be accomplished within the timelines.
 - g) Inform the complainant of appeal rights.
 - h) Complete a report of the preliminary inquiry documenting the factual findings within 15 calendar days, and advise the complainant of the case status.
4. If a complaint is not resolved to the complainant's satisfaction at the informal level, the EEO counselor must inform the individual of the right to file a formal complaint of discrimination and of the time limits governing acceptance of such a complaint.

Formal Complaint

If the employee is not satisfied with the results of the informal process or decides to bypass the informal process, a formal complaint of discrimination may be filed with the EEO Office. The EEO Office can be contacted at (916) 322-7639.

1. To initiate a formal complaint, a written complaint must be filed by the complainant on a BOE Discrimination Complaint Form (BOE-350). At the top of the form the complainant should designate it as a "Formal Complaint" and submit the form to the EEO Office within:
 - a) **365 calendar days from the date the discriminatory act or action occurred with the exception of an action prohibited by the ADA which must be filed within 180 calendar days.**
 - b) **A 90-calendar day extension may be granted beyond the 365 calendar days if an employee allegedly aggrieved by the discrimination first obtained knowledge of the facts after the 365 calendar days.**
2. The complainant shall be notified of the receipt and acceptance of the formal complaint within five (5) calendar days after receipt of the formal complaint.
3. The EEO manager may reject a formal complaint if it is not filed within the designated time limits. The decision and the reasons for the rejection will be transmitted in writing to the complainant. The complainant has ten (10) calendar days following receipt of this notice to appeal in writing to the Executive Director or designee for reconsideration of the decision.
4. The EEO manager will:
 - a) Review the complaint to determine if the allegations fall within the EEO Office's jurisdiction. If merited, notify the complainant that the complaint will be investigated and provide the complainant with the Statement of Rights Form which is included with the Discrimination Complaint Form (BOE-350).
 - b) If outside the jurisdiction of the EEO Office, direct the employee to the appropriate process for resolution of the issue. This may include referral to the Internal Security and Audit Division, the SPB Mediation Program, the BOE's Personnel Management Division, the complainant's manager or supervisor, and/or the Employee Assistance Program.
 - c) Assign the complaint to an EEO investigator within five (5) calendar days of receipt and provide any necessary assistance during the investigation.
5. The EEO investigator will conduct the investigation and provide the EEO manager with a written report of factual findings within 45 calendar days from the date of filing of the complaint with the EEO Office.
6. After review of the written report, the EEO manager will:
 - a) Evaluate the evidence and make a determination as to whether the incidents reported by the complainant were substantiated by the facts collected.

- b) Within five (5) calendar days of receipt of the EEO investigator's report, refer the matter to the Chief of Taxpayers' Rights and Equal Employment Opportunity (TREEO) Division and the Executive Director who will recommend a course of action and notify the EEO manager of the final decision.
 - c) Consult with the Legal Division and the Personnel Management Division on confirmed allegations of discrimination and/or harassment to develop a plan to make the complainant whole (satisfy complainant).
7. The EEO manager will notify the complainant in writing within five (5) calendar days of the final determination by the Legal Division. The response shall include the merit or non-merit aspects of the complaint, as well as the appeal rights of the complainant.
8. Within 30 calendar days of receiving the determination, the complainant, if dissatisfied with the BOE's decision, may request reconsideration by the Chief of TREEO or the Executive Director. The complainant may also file a complaint with any appropriate state or federal compliance agency. (see BEAM section 1635.10)

State Personnel Board (SPB) Mediation Program

In some cases of perceived discrimination mediation may be an effective alternative for resolving conflicts in the workplace. Mediation is a collaborative problem solving process conducted by the SPB, and coordinated by the EEO Office. Mediation is a tool that promotes better understanding in the workplace and assists employees and employers in reaching mutually satisfying solutions in workplace disputes.

Mediation is recommended and has proven to successfully resolve most complaints satisfactorily. Both parties must agree to participate in the mediation program. The mediation process is highly confidential and not shared with any parties other than those involved in assisting with the mediation.

TIMEFRAMES

1635.5

The discrimination complaint process and timeframes are provided in the attached flowchart (Exhibit II). Timeframes referred to in this process are calendar days. Time limits specified between procedural steps are intended to be the maximum elapsed days that will be allowed. The entire investigative process should be completed within 90 calendar days. In the event an extension of time is required, the EEO manager may authorize an extension. However, every effort will be made to ensure the total processing time for an individual complaint is completed as expeditiously as possible.

Complaints alleging any action prohibited by the ADA must be filed within 180 calendar days of the date of the alleged discrimination with the BOE and/or the appropriate state or federal enforcement agency. Equal Employment Opportunity Commission discrimination complaints must be filed within 300 calendar days of the alleged discrimination. Other types of discrimination complaints must be filed within 365 calendar days of the alleged unlawful discrimination.

ACCESS TO RECORDS

1635.6

In order to determine the validity of the complaint, the EEO counselor or the EEO investigator assigned to conduct an informal inquiry or a formal investigation shall be authorized to have access to BOE files and records that might contain evidence regarding allegations of discrimination. In limited circumstances, when disclosure of the personnel records is relevant and necessary for the completion of an investigation and no other source for the information exists, the EEO Office will seek approval from the Legal Division to obtain clearly identified records to be reviewed from personnel files. EEO counselors and Investigators are responsible for preserving the confidentiality of all personal information.

The cooperation and assistance of all employees, supervisors, and managers involved in a complaint, inquiry or investigation is required. If an employee of the BOE refuses or threatens to refuse to cooperate in an inquiry or investigation, the BOE may refer the matter to the SPB for investigation.

CONFIDENTIALITY**1635.7**

Information will be kept confidential to the extent possible. However, communications may be disclosed to management and other employees for purposes of enforcing BOE's policies.

REPRISALS (INTIMIDATION AND RETALIATION)**1635.8**

No person shall intimidate, threaten, coerce, discriminate, or retaliate against any individual who has filed a complaint or otherwise reported or participated in a complaint action. Any findings of retaliation will be subject to appropriate action.

USE OF STATE TIME**1635.9**

The complainant or any employee involved in a complaint may use a reasonable amount of state time, as determined by the EEO manager, to discuss the complaint with an EEO counselor or an EEO investigator.

FILING COMPLAINTS WITH EXTERNAL COMPLIANCE AGENCIES**1635.10**

Employees may separately or concurrently file a discrimination complaint with external compliance agencies such as the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), or the State Personnel Board (SPB). The external agencies make it a practice to notify the BOE that a complaint has been filed and normally request information from the EEO Office. Commonly the EEOC, DFEH, and SPB will file a Notice of Filing a Discrimination Complaint with the BOE's EEO Office advising that a complaint has been filed and requesting a position statement regarding the charges filed. If the Notice of Filing a Discrimination Complaint is received in any BOE office, including district/branch offices, the notice should immediately be forwarded to the EEO Office for response.

The EEO Office is responsible for providing a response to the external compliance agency. To do so, the EEO Office will contact the appropriate person(s) for assistance in preparing a response.

The following agencies have specific time limits for accepting complaints of discrimination. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information concerning their process and time limits.

California State Department of Fair Employment and Housing (DFEH)

2014 T Street, Suite 210
Sacramento, CA 95814-6824
(800) 884-1684

State Personnel Board (SPB)

Appeals Division
801 Capitol Mall
Sacramento, CA 95814
(916) 653-0799
ATSS 453-0799

U.S. Equal Employment Opportunity Commission (EEOC)

901 Market Street, Suite 500
San Francisco, CA 94103
(415) 356-5100

SEXUAL HARASSMENT POLICY

1672

Authority: Government Code Sections 12940 and 19702; Federal Civil Rights Act of 1964 (Title 42, USC § 2000); California Fair Employment and Housing Act.

If the information provided in this Board of Equalization Administrative Manual section conflicts with an effective Bargaining Unit Contract, Government Code, Department of Personnel Administration, or State Personnel Board regulatory provision, this section shall be superceded accordingly.

POLICY

1672.1

It is the policy of the Board of Equalization (BOE) to ensure and maintain a nondiscriminatory work environment free from unwelcome sexual overtures and advances. Sexual harassment is prohibited and will not be tolerated by employees, supervisors, managers, contractors, board members, other governmental employees, vendors, or members of the public encountered during or because of work. All employees are expected to behave professionally and respectfully while interacting with others without regard to classification, job title, or function.

In addition, employees shall be allowed to report incidents of sexual harassment without fear of reprisal. The BOE is committed to responding to all complaints of sexual harassment in an expedient and fair manner and to take appropriate action against employees who exhibit prohibited behavior.

DEFINITION

1672.2

Sexual harassment is generally defined as unsolicited and unwelcome sexual advances of a severe and/or pervasive nature, be they written, verbal, physical, or visual. It can consist of unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, physical, or visual conduct of a sexual nature by any employee, supervisor, manager, or any other person in the workplace.

DESCRIPTION

1672.3

The law categorizes sexual harassment into two types: Quid Pro Quo and Hostile Environment.

Quid Pro Quo Sexual Harassment

- Submission to sexual conduct is made either explicitly or implicitly a term or condition of employment by the employer. (This includes, but is not limited to hiring, compensation, promotion, or retention).
- Submission to or rejection of the sexual conduct by an employee is used as a basis for employment decisions affecting the employee.

Hostile Environment Sexual Harassment

- Conduct of a sexual nature by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile, or otherwise offensive working environment.

The following are examples of conduct of a sexual nature that will not be tolerated:

- Making unsolicited written, verbal, physical, or visual contact of a sexual nature. Written examples: sexually suggestive or obscene letters, notes, and/or invitations. Verbal examples: sexually derogatory comments, slurs, and/or jokes. Physical examples: assaulting, touching, impeding and/or blocking movements. Visual examples: leering, gesturing, or displaying sexually suggestive objects, pictures, cartoons, and/or posters.

- Continuing conduct of a sexual nature after being informed that the interest is unwelcome.
- Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. Examples: either implying or actually withholding support for an appointment, promotion, or change of assignment; preparing or suggesting a poor performance appraisal report; and/or suggesting that probation will be failed.
- Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee. This may include situations where an individual is treated less favorably because others have acquiesced without protest to sexual advances.
- Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in exchange for sexual favors.

Whether or not conduct constitutes sexual harassment depends on the context in which the conduct takes place, how a reasonable person would view the conduct, and how that conduct is viewed by the employee who is subjected to the conduct. Any employee who initiates or persists in conduct that is viewed by another as harassment on the basis of sex, regardless of the intent, assumes the risk of liability and the possible penalties for such conduct.

EMPLOYEE RIGHTS

1672.4

All employees are assured of the following rights with regard to complaints of sexual harassment:

- A complainant is entitled to an informal, confidential presentation of the complaint to a trained counselor, using a reasonable amount of state time.
- A complainant is entitled to a confidential complaint until such time as the counselor is given permission to disclose it in order to bring the complaint to the appropriate authority for remedy, or until such time as a formal complaint is filed.
- A complainant is entitled to a full, objective, prompt investigation by a trained investigator if a formal complaint is filed.
- A complainant is entitled to a timely decision from the appointing power, or authority designated by the appointing power, after full consideration of all relevant facts and circumstances.
- A complainant is entitled to representation at each and every step of the review process by a person of the complainant's choosing.
- A complainant is entitled to file concurrent complaints with the Equal Employment Opportunity Commission (EEOC), State Personnel Board (SPB), and Department of Fair Employment and Housing (DFEH).
- A complainant is entitled to file an appeal of the appointing power's decision within 30 days. The complainant may file with the SPB, DFEH, EEOC, and may also file a civil court action.
- A complainant is entitled to freedom from influence to refrain from filing a complaint, and from reprisal for filing a complaint. Complaints of reprisal may be filed directly with the SPB.
- A complainant is entitled to review his or her own departmental personnel records at any time in conjunction with the discrimination complaint investigation.

A complainant is entitled to file directly with the SPB any complaint alleging discrimination against the Executive Director, a Board Member or executive staff of Board Members.

RESPONSIBILITIES

1672.5

It is the Responsibility of the Equal Employment Opportunity (EEO) Office to:

- Ensure that all employees are informed of the BOE's discrimination complaint process and sexual harassment policy.
- Take immediate and appropriate action when a sexual harassment complaint is brought forth.
- Take immediate and effective action to remedy the situation even if the complaint is withdrawn or the complainant requests no action be taken.
- Protect the complainant from any form of reprisal/retaliation.
- Provide counseling assistance for employees who are victims of sexual harassment.
- Assure that prompt, appropriate action is taken to remedy the situation to prevent future incidents of sexual harassment and employer liability.
- Include in the supervisory/management training and employee orientation programs a comprehensive section on sexual harassment prevention, employees' rights and options when harassment is encountered, and supervisory responsibilities and obligations when harassment is complained of or suspected.

It is the Responsibility of Managers and Supervisors to:

- Take direct, effective action to stop sexual harassment of which they are aware. Managers and supervisors may be held personally responsible in a civil suit if action taken by them was ineffective in stopping the harassment. Managers and supervisors should contact the EEO Manager who will consult with the Legal Division and Personnel Management Division staff regarding appropriate action(s) to be taken.
- Ensure that their area of responsibility is in full compliance with this policy. Supervisors and managers are responsible for taking the necessary steps to prevent sexual harassment, including setting the tone for a harassment-free work environment, informing employees of the policy, and how to seek remedy if harassed, promptly contacting the EEO Manager regarding investigating any complaints, and taking appropriate corrective action when needed.

It is the Responsibility of BOE Employees to:

- Immediately inform the offending employee that the behavior is unwelcome, offensive, in poor taste, and/or highly inappropriate. (Note: A complainant's failure to express disapproval does not prevent an employee from filing a sexual harassment complaint nor does it in any way exonerate the offending employee).
- Seek assistance from their manager or supervisor or the EEO Manager if they feel threatened or have difficulty expressing disapproval directly to the offending employee.
- Provide accurate and factual information during all phases of the complaint process.
- Report any witnessed sexual harassment behavior to their supervisor or to the EEO Office.

RETALIATION/REPRISAL PROHIBITION

1672.6

This policy prohibits retaliation of any kind against individuals who file sexual harassment charges or assist in an investigation. An employee making a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected in the terms and conditions of employment, or discriminated against or discharged because of the complaint. If, after a thorough investigation, retaliation is found to have occurred, appropriate action will be taken.

POTENTIAL CONSEQUENCE OF SEXUAL HARASSMENT

1672.7

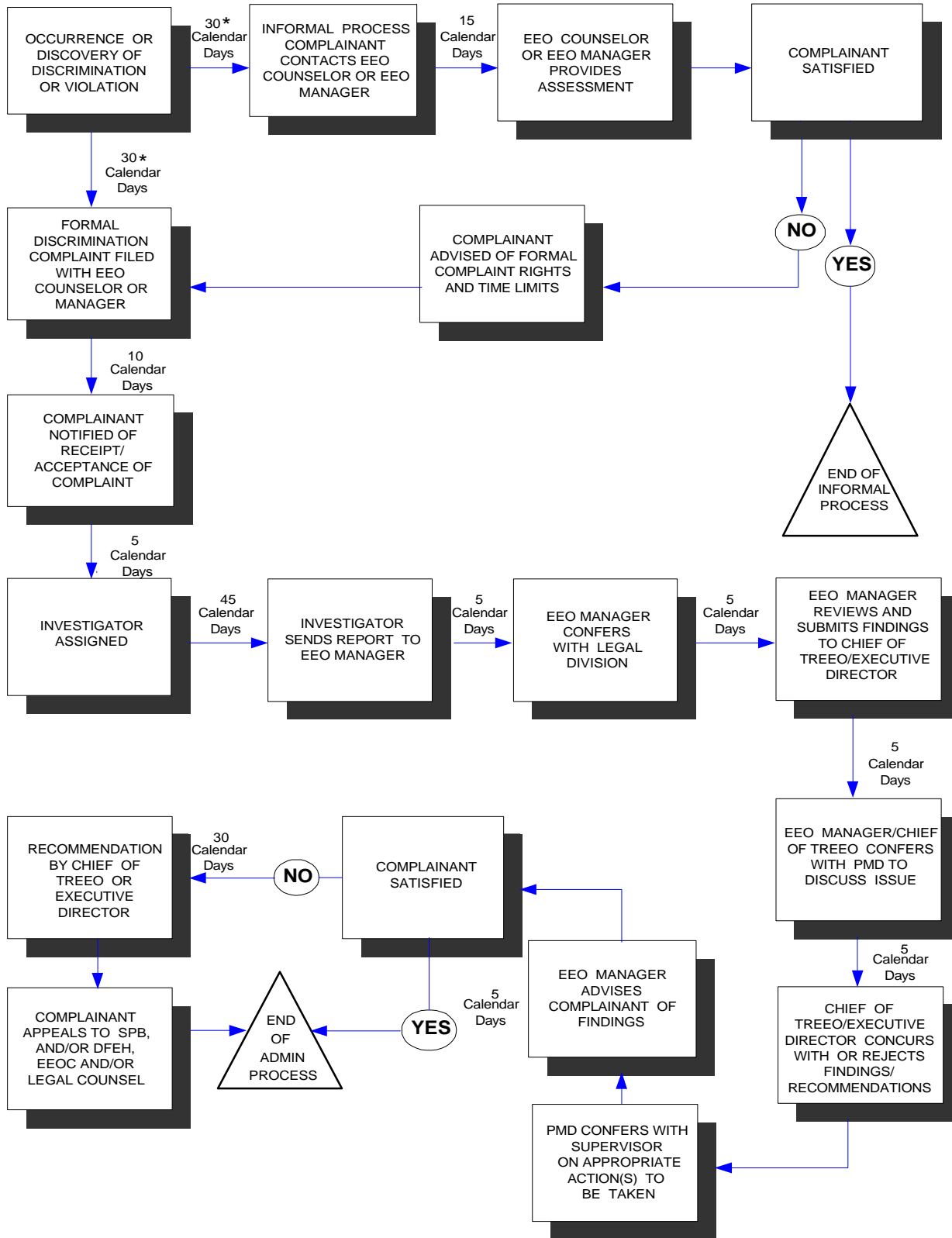
Sexual harassment is a form of discrimination. Incidents of sexual harassment can decrease productivity, undermine the integrity of employment relationships, decrease morale, and cause severe emotional and physical stress. In addition, sexual harassment can result in negative economic consequences to the complainant, the harasser, and the BOE.

HOW COMPLAINTS ARE FILED

1672.8

Any employee who believes that he or she is or has been a victim of sexual harassment has a right to seek remedy through the BOE's discrimination complaint process. The procedures for filing a discrimination complaint and forms for reporting a discrimination complaint are found in BEAM Section 1635 and on the intranet (*eBOE*). Incidents of sexual harassment should be reported promptly by the employee to assure that further incidents do not occur. An employee may pursue a sexual harassment complaint by contacting the EEO Office at (916) 322-7639 or CALNET 8-492-7639.

DISCRIMINATION COMPLAINT PROCESS



*Charges of discrimination on the basis of a disability under ADA Provisions must be filed with the EEOC within 180 calendar days of the alleged discriminatory act. Other types of discrimination complaints must be filed 365 calendar days of the alleged unlawful discrimination, except that this period may be extended for a period not to exceed 90 days following the expiration of that year, if a person allegedly aggrieved by unlawful discrimination first obtained knowledge of the facts of the alleged unlawful discrimination after the expiration of one year from the date of its occurrence.

DISCRIMINATION COMPLAINT FORM

EQUAL EMPLOYMENT OPPORTUNITY OFFICE

Mediation – is a collaborative problem solving process. It’s an effective alternative for resolving conflicts in the workplace. Mediation is a tool that promotes better understanding and assists employers and employees in reaching a mutually satisfying solution in disputes. (This form is not required for a mediation.)

WOULD YOU LIKE TO BE CONSIDERED FOR MEDIATION? *(If yes, please complete the Complaint Information section only.)*

Yes No

Informal Complaints – are resolved at the lowest level and do not require investigation. (This form is not required for an informal complaint.)

Formal Complaints – require an in-depth inquiry and investigation. (This form is required for a formal complaint.)

When required, this form must be filed with the Board of Equalization (BOE), Equal Employment Opportunity (EEO) Office within 365 calendar days of the last incident of discrimination. For more information, refer to BEAM Section 1635.

Submit this form to BOE, EEO Office, 450 N Street, MIC:51, Room 307, Sacramento, CA 95814

MEDIATION **INFORMAL COMPLAINT** **FORMAL COMPLAINT**

COMPLAINANT INFORMATION

NAME		CLASSIFICATION	
OFFICE/DISTRICT LOCATION		DIVISION/UNIT	
WORK ADDRESS		WORK PHONE ()	
HOME ADDRESS		HOME PHONE ()	
IMMEDIATE SUPERVISOR			

BASIS OF DISCRIMINATION *[check appropriate box(es)]*

- | | | | |
|--|--|--|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color <i>(skin color)</i> | <input type="checkbox"/> Sex <i>(gender)</i> | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Religion | <input type="checkbox"/> Age <i>(40 years or older)</i> | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Political Affiliation | <input type="checkbox"/> Marital Status | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Medical Condition | <input type="checkbox"/> Harassment <i>(specify basis)</i> | <input type="checkbox"/> Disability |
| | | | <input type="checkbox"/> Reasonable Accommodation |

PERSON(S) INVOLVED IN THE ALLEGED ACTION

NAME	CLASSIFICATION	WORK LOCATION	PHONE NUMBER
			()
			()
			()
			()

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE

DESCRIPTION OF DISCRIMINATION: Describe fully the alleged discriminatory act and/or violation. Provide what reason or evidence you have to support your feeling that discrimination occurred. Please include dates. *(attach additional pages if necessary)*

WHAT MAKES YOU THINK THAT THIS INCIDENT IS DISCRIMINATORY?

PERSON(S) WHO HAVE INFORMATION OR KNOWLEDGE OF THE ALLEGED DISCRIMINATION
[list name(s) of witness(es)]

NAME	CLASSIFICATION	WORK LOCATION

HAVE YOU FILED A CHARGE IN THIS MATTER WITH ANOTHER AGENCY? IF YES, PLEASE PROVIDE THE NAME OF THE AGENCY AND THE DATE FILED (e.g., Equal Employment Opportunity Commission, Department of Fair Employment & Housing)

HAVE YOU COMPLAINED TO ANYONE AT BOE ABOUT THIS MATTER? IF YES, EXPLAIN THE SITUATION. WHEN DID YOU COMPLAIN, TO WHOM, AND WHAT WAS THE RESULT? (please attach copies of any supporting documentation)

REMEDY REQUESTED (describe your desired outcome)

I believe the foregoing to be true and correct to the best of my knowledge.

COMPLAINANT'S SIGNATURE



DATE

Make sure you have signed the Statement of Rights on the last page of this form.

DISCRIMINATION COMPLAINT PROCESS STATEMENT OF RIGHTS

With regard to complaints of discrimination, all employees are assured of the following rights:

1. The right to representation by a person of the complainant's own choosing at each step of the process.
2. The right to an informal, confidential presentation of the complaint to a qualified EEO Counselor, using a reasonable amount of state time.
3. The right to a confidential complaint until:
 - Such time as the complainant gives permission to release information in order to bring the complaint to the appropriate authority for remedy; or
 - Such time as a formal complaint is filed; or
 - Such time as appropriate action must be taken to resolve the situation.

In some cases, (e.g., sexual harassment), the complainant should be aware that complete confidentiality cannot be assured because of the legal obligation to take immediate and corrective action.

4. The right to a full, impartial, and prompt investigation by a trained EEO Investigator, if a formal complaint is filed.
5. The right to a notification of the findings.
6. The right to a timely decision from the appointing power or authority designated by the appointing power after full consideration of all relevant facts and circumstances.
7. The right to file concurrent complaints with the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, and the State Personnel Board (SPB), or other appropriate State and Federal compliance agencies; or to file a civil action in the appropriate court.
8. The right to appeal the appointing power's decision to the SPB, Appeals Division.
9. The right to freedom from influence to refrain from filing a complaint, and freedom from reprisal for opposing discrimination and filing a complaint. Complaints of reprisal may be filed directly with the SPB.

A complainant is obligated to provide accurate and factual information during all phases of the complaint process.

I have read and understand these rights.

COMPLAINANT'S SIGNATURE

DATE



DISABLED ADVISORY COMMITTEE

1670.2

The Board of Equalization (BOE) has established a Disabled Advisory Committee (DAC) to provide advice to the Equal Employment Opportunity (EEO) Office on disability issues and provide information related to deficiencies in hiring individuals with disabilities. Specifically, the DAC reviews and evaluates operations and activities, provides recommendations for improvement to ensure equal employment opportunities for individuals with disabilities, and undertakes projects that deal with disability issues and resolves problems as they arise. The DAC acts as liaison between groups and organizations that are concerned with achieving equitable representation and utilization of individuals with disabilities in the BOE's workforce. Guidelines for the DAC are written and maintained by the EEO office.

A copy of the Disabled Advisory Committee guidelines may be requested through the EEO Office by calling 916-322-7639 or CALNET 8-485-7639. The guidelines are also published on the intranet (*eBOE*).