



BOARD OF SUPERVISORS  
AGENDA LETTER

**Agenda  
Number:**

**Clerk of the Board of  
Supervisors**

105 E. Anapamu Street, Suite  
407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Human Resources  
**Department No.:** 064  
**For Agenda Of:** July 25, 2017  
**Placement:** Administrative  
**Estimated Tme:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Lori Gentles, Human Resources Director, 568-2816

Contact Info: Kristi Johnson, Equal Employment Opportunity  
Manager, 568-2807

**SUBJECT:** *Updated Anti-Harassment Policy*

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**County Counsel Concurrence**

As to form: N/A

**Other Concurrence:**

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

- a) Approves the proposed updated Santa Barbara County Anti-Harassment Policy in Attachment A, and
- b) Authorizes the Human Resources Director to revise the policy in the future to comply with subsequent changes as required by law, and
- c) Determines pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above action is a government fiscal activity which does not involve any

commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

**Summary Text:**

California law requires employers with five or more employees to have an Anti-Harassment policy for the prevention of harassment, discrimination and retaliation. The County of Santa Barbara's policy was last updated in 2003. California amended the Fair Employment and Housing Act (FEHA) employment regulations, effective April 1, 2016, requiring all employers to include specific items in their Anti-Harassment policies. These changes further Human Resource's commitment to create and maintain a welcoming, inclusive and diverse working environment.

In accordance with the applicable labor laws, on May 22, 2017, the County's Employee and Labor Relations Division distributed copies of the proposed updated Anti-Harassment Policy to the Unions for an opportunity to ask questions and/or discuss changes to the Policy. Human Resources satisfactorily addressed any and all questions raised by the Unions and none of the Unions objected to the proposed updated Anti-Harassment Policy. On June 16, 2017, the EEO Manager shared a draft of the proposed updated Anti-Harassment Policy with County Counsel. County Counsel completed their review on July 7, 2017, and the proposed updated Anti-Harassment Policy in Attachment A incorporates their legal recommendations.

The recommended action would update the current policy to comply with these recent FEHA regulations and approve the policy in Attachment A; changes from the existing Anti-Harassment Policy are tracked in Attachment B. In addition, the recommended actions would enable the Human Resources Director to make future changes to the Anti-Harassment policy in order to comply with applicable Federal and State laws.

**Background:**

Since the County's current Anti-Harassment Policy was adopted in 2003, California amended the Fair Employment and Housing Act (FEHA) regulations, effective April 1, 2016, as provided in Attachment C. The new FEHA regulations require that Anti-Harassment policies meet certain specifications, including the following:

- List all of protected groups under the FEHA;
- Allow employees to report to someone other than a direct supervisor;
- Instruct supervisors to report all complaints;
- State that all complaints will be followed by a fair, complete and timely investigation;
- State that the employer will maintain confidentiality to the extent possible;
- State that remedial action will be taken if any misconduct is found;
- State that employees will not be retaliated against for complaining or participating in an investigation; and
- State that supervisors, co-workers, and third-parties are prohibited from engaging in unlawful behavior under the FEHA.

The recommended action would approve these and other changes to the current policy as tracked in Attachment B. The recommended action to authorize the Human Resources Director to make changes to the Anti-Harassment policy in the future as required by law will enable these changes to be implemented in a timely and efficient manner. These changes further Human Resource's commitment to create and maintain a welcoming, inclusive and diverse working environment.

In accordance with the applicable labor laws, on May 22, 2017, the County's Employee and Labor Relations Division distributed copies of the proposed updated Anti-Harassment Policy to the County's Unions for an opportunity to ask questions and/or discuss changes to the Policy. Human Resources satisfactorily addressed any and all questions raised by the Unions and none of the Unions objected to the proposed updated Anti-Harassment Policy. On June 16, 2017, the EEO Manager shared a draft of the proposed updated Anti-Harassment Policy with County Counsel. County Counsel completed their review on July 7, 2017, and the proposed updated Anti-Harassment Policy in Attachment A incorporates their legal recommendations.

**Fiscal Analysis:**

**Budgeted:** Yes. There is no fiscal impact associated with updating a policy to comply with State law.

cc: Mona Miyasato, County Executive Officer  
Michael C. Ghizzoni, County Counsel

Attachment A: Updated Anti-harassment Policy (changes not tracked)

Attachment B: 2003 Anti-harassment Policy (changes tracked)

Attachment C: April 2016 Fair Employment and Housing Act (FEHA) Employment Regulations