



BOARD OF SUPERVISORS
AGENDA LETTER

**Clerk of the Board of
Supervisors**
105 E. Anapamu Street, Suite
407
Santa Barbara, CA 93101
(805) 568-2240

**Agenda
Number:**

Department Name: Human Resources
Department No.: 064
For Agenda Of: June 19, 2018
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

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

Contact Info: Joe Pisano,
Employee Relations, 568-2893

SUBJECT: *Civil and Respectful Workplace Policy*

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 Civil and Respectful Workplace Policy in Attachment A and authorizes the Human Resources Director to implement the Policy, and
- b) Authorizes the Human Resources Director, unless otherwise directed by the Board of Supervisors, to revise the Policy in the future to comply with subsequent changes that are required by law, after review by County Counsel. Any revisions will be posted online on the County's Web site, and
- c) Determine the above actions are not a "Project" within the meaning of the California Environmental Quality Act (CEQA), pursuant to Section 15378(b)(5) of the CEQA Guidelines,

because the actions consist of organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

Summary Text:

Employees are the County's most valuable resource, and the County invests a large portion of its budget in recruitment, retention and training programs for employees. The return on this investment is diminished or even eliminated if the County fails to foster and cultivate an environment and organizational culture that is free of illegal harassment, unprofessional conduct, and bullying behavior. This would not only be a disservice to our employees, but could result in:

- Poor morale and low productivity;
- Employee lost time;
- Extended leaves of absence;
- Job abandonment;
- Untimely resignations followed by claims of constructive discharge;
- Workers' Compensation claims; and
- Lawsuits as a result of allegations of harassment, discrimination, and retaliation.

Proactive and preventative measures are essential to avoiding these outcomes. Implementing a Civil and Respectful Workplace Policy (Attachment A) will help establish an inclusive and welcoming environment that allows all employees to do their best work. County employees deserve this kind of workplace, and the public they serve deserves to have them focus on their work free from the obstacles created by rude, uncivil or bullying behavior.

The Civil and Respectful Workplace policy expands upon a previous Respect in the Workplace Memorandum (Attachment B) issued by a former CEO on March 2, 2012. That document affirmed the County's commitment to creating and maintaining a professional, respectful, and positive work environment for all of its employees, but it stopped short of implementing any policy or attendant procedures by which the County could effectively follow through on that commitment.

Additionally, recognizing the need to address these types of problems in the workplace environment across the State, California Government Code Section 12950.1 requires employers to provide Equal Employment Opportunity (EEO) training that includes the prevention of "abusive conduct." In the context of that Government Code Section, " 'abusive conduct' means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests." However, the Civil and Respectful Workplace Policy is not limited to conduct "with malice." Rather, it is intended to address a myriad of issues including any uncivil, disrespectful, and/or bullying behavior in the workplace. It establishes clear expectations for employee behavior, includes a complaint and review process that encourages (not requires) individuals to informally resolve concerns whenever possible, and provides notice that uncivil, disrespectful, and abusive behavior may result in disciplinary action.

The County does not currently have personnel policies that adequately address issues of bullying/abusive behavior. Unprofessional, bullying, and abusive conduct hurts employees, impedes productivity, and can lead to claims of illegal harassment, discrimination, and retaliation. Human Resources is attempting to proactively address these issues and become a

statewide innovator in this area, both in implementing this Policy and providing high impact Civil Treatment Training. The County has met its obligations to meet and confer with labor organizations prior to bringing this item to the Board.

The recommended actions would approve the “Civil and Respectful Workplace Policy” in Attachment A, authorize the Human Resources Director to implement the Policy, and authorize the Human Resources Director, unless otherwise directed by the Board of Supervisors, to revise the Policy in the future to make any changes that are required by State or Federal law, after review by County Counsel. This authorization will allow any mandated changes to be implemented in a timely and efficient manner. Any revisions will be posted online on the County’s Web site.

Background:

Data from the EEO Office indicates a need for the County to implement a Civil and Respectful Workplace Policy: approximately 62% of the 89 inquiries received by the County’s EEO Office from January 23, 2017 to November 28, 2017, pertain to bullying/abusive conduct in the workplace. Absent a policy setting forth expectations for appropriate workplace conduct and a specified complaint review and investigation procedure, there is no clear mechanism for an employee to request an investigation or review of potential bullying/abusive behavior. In addition, this policy is needed to articulate clearly what types of behavior the County considers uncivil, disrespectful, and/or bullying/abusive. The absence of such a policy also makes it more difficult for County Departments to discipline their management level employees who are exempt from the Civil Service Rules for engaging in bullying/abusive conduct.

Similar to the Anti-Harassment policy update, all Civil Service employees would have full appeal rights under the Civil Service Rules if any discipline is taken under the proposed Policy.

The County has an opportunity to distinguish itself as an employer that sets the standard of excellence in creating a respectful, welcoming, and inclusive work environment for all. Government Code Section 12950.1 requires mandatory training to prevent abusive conduct at work. In order to continue to foster a safe, welcoming, inclusive workplace free from abusive conduct, Human Resources recently launched a high quality, high impact Civil Treatment for Leaders training that covers mandated areas in greater depth. The County is a pioneer in this arena, and other counties have expressed interest in following our lead. All managers are to attend this training by May 2018. Over 180 of the 350 managers (including 4 elected department heads) have already attended the training. A similar version of this training will be rolled out next year for all non-management employees. Our efforts in this regard are innovative, proactive, and supportive of the implementation of the Civil and Respectful Workplace Policy the Board is being asked to approve.

County Human Resources staff developed this Policy to establish clear expectations for workplace behavior and to provide a complaint review and investigation mechanism to address concerns about bullying/abusive conduct in the workplace. This will bring clarity of process and consistency of practice to all employees. Without appropriate policies and operational procedures to implement and enforce them, the County is vulnerable to all the consequences of unprofessional conduct and bullying behavior in the workplace.

The County shared a draft of the Civil and Respectful Workplace Policy with its ten collective bargaining groups in April 2017. Eight of the ten groups did not request to meet and confer over the Policy. Although agreement on the Policy was not reached with the two groups who requested to meet and confer, the County has met its collective bargaining obligations and is now legally able to unilaterally implement the policy.

The recommended actions would approve the Civil and Respectful Workplace Policy in Attachment A, authorize the Human Resources Director to implement the Policy, and, unless otherwise directed by the Board of Supervisors, consistent with the Anti-Harassment Policy update earlier this year, authorize the Human Resources Director to revise the Policy in the future to make any changes that are required by State or Federal law, after review by County Counsel. This authorization will allow any mandated changes to be implemented in a timely and efficient manner. Any revisions will be posted online on the County's Web site.

Fiscal Analysis:

Budgeted: Yes.

There is no fiscal impact associated with the creation of a Civil and Respectful Workplace Policy.

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

Attachment A: New Proposed Civil and Respectful Workplace Policy
Attachment B: March 2012 Memorandum Regarding Respect in the Workplace