

**COUNTY OF IMPERIAL
BOARD OF SUPERVISORS POLICY**



Subject: Equal Employment Opportunity Policy and Complainant Procedure
Effective Date: March 03, 2026
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**EQUAL EMPLOYMENT OPPORTUNITY POLICY
AND
COMPLAINT PROCEDURES**

I. INTRODUCTION

The County of Imperial (“County”) is committed to maintaining a work environment that is free of all forms of sexual harassment, discrimination and harassment based on a protected characteristic, and an environment free from retaliation for participating in activities covered by this policy. The County of Imperial is committed to providing equal employment opportunities to all employees and applicants for employment.

The County believes that discrimination, harassment, sexual harassment, and retaliation in any form constitute misconduct that undermines the integrity of the employment relationship. This policy has been adopted to prevent discriminatory and harassing conduct in our workplace. The County will implement appropriate corrective action(s), up to and including formal discipline, in response to violations of this Equal Employment Opportunity Policy.

II. APPLICABILITY

This policy prohibits discrimination, harassment, and retaliation by all County employees, including elected and appointed officers, department heads, unpaid interns, volunteers, independent contractors, and to those who are agents of a public or private institution doing business with the County. The protections of this policy extend to all County employees and applicants for employment, elected officials and appointed officers, department heads, unpaid interns, volunteers, and independent contractors.

This policy does not supersede the County of Imperial grievance procedures, or any other local, state, or federal law.

III. POLICY

A. Discrimination

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This Equal Employment Opportunity Policy is derived from the Imperial County Ordinance Chapters 3.16. The County of Imperial prohibits discrimination in the provision of employment opportunities, to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, a person's race, age (40 or over), genetic information, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity, gender expression, marital status, sexual orientation, reproductive health decision making, veteran or military status, domestic violence victim status, or any other protected characteristic recognized by state, federal, and local anti-discrimination laws covering employment.

Discrimination of this kind may also be strictly prohibited by federal, state, and local laws, including but not limited to Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

As used in this policy, “discrimination” is defined as unequal treatment of individuals in any aspect of employment based solely or in part on any one or more of the protected characteristics listed above. Discrimination violates this policy regardless of whether the individual actually has the protected characteristic or is perceived to have it.

Examples of discrimination include, but are not limited to:

- Allowing an applicant’s or employee’s protected characteristic to be a factor in hiring, promotion, compensation, or other employment related decisions (unless otherwise permitted by applicable law)
- Withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected characteristic.

B. Harassment

The County of Imperial prohibits harassment based on any one or more of the protected characteristics listed above.

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As used in this policy, “harassment” means disrespectful or unprofessional conduct that is not welcomed by the person being harassed and is based solely or in part on one or more of the protected characteristics listed above. Harassment extends to all forms of verbal, visual, and physical contact that are unwanted and are intimidating, demeaning, or derogatory specifically on the basis of a protected characteristic. Harassment violates this policy regardless of whether the applicant or employee has the protected characteristic or is merely perceived to have it. Harassment also violates this policy when it’s based on a combination of two or more protected characteristics or the protected characteristics of someone with whom the applicant or employee is associated, such as a family member or friend. Harassment in violation of this policy will be subject to disciplinary measures up to and including termination.

Personality conflicts, standing alone, should not be misconstrued as harassment and should be reported through the appropriate supervisory channels. Employees may report harassment to any member of management to report harassment if their supervisor or manager is the subject of their complaint or directly to EEO office.

Harassment can include:

1. Hostile Work Environment - Any unwelcome harassing conduct on the basis of the individual’s protected characteristics by any person in the workplace that unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive working environment.
2. Third-party Harassment: Visual, verbal, or physical harassing conduct between two or more employees who appear to welcome the conduct may constitute third-party harassment of a person who observes the conduct, and it unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive working environment. Conduct may constitute harassment even if it is not explicitly or specifically directed at an individual.

Examples of harassment include, but are not limited to:

- Verbal conduct such as slurs, jokes, insults, epithets, gestures, or teasing specifically on the basis of a protected characteristic.

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- Visual conduct such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails specifically on the basis of a protected characteristic.
- Physical conduct such as physically threatening another person, blocking someone’s way, or making physical contact in an unwelcome manner specifically on the basis of a protected characteristic.

Examples of harassment specifically on the basis of a protected characteristic in the workplace include racist comments, jokes or nicknames, derogatory remarks about someone's religion or ethnicity, comments about a colleague's disability, or offensive statements about an older person's age.

C. Sexual Harassment

As used in this policy, “sexual harassment” means harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, or sexual orientation. It includes all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexual harassment does not have to be of a sexual nature and sexual harassment does not need to be motivated by sexual desire. In addition, sexual harassment may include situations that began as a consensual dating or sexual relationship, but that later became a relationship that was not welcomed by one of the people involved.

This policy applies during, but it is not limited to: normal working hours, at work sponsored functions, and while traveling on work related business. Any conduct that is believed to violate this policy should be reported immediately by individuals covered by this policy. There will be no retaliation towards anyone who in good faith alleges illegal harassment. The victim as well as the harasser may be of any gender. The victim does not have to be of the opposite gender. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, an agent of the employer, or a non-employee of the employer, such as a client or customer.

1. Sexual harassment is generally categorized into two types: *Quid Pro Quo* or *Hostile Work Environment*.

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- a. Quid Pro Quo Harassment - Unwelcome sexual advances, requests for favors, and other verbal, physical or visual conduct of a sexual nature when:
 - Submission to sexual conduct is made explicitly or implicitly a term or condition of a person’s employment; or
 - Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee.
- b. Hostile Work Environment – Any sexual harassing conduct including and not limited to any unwelcome sexually suggestive comments, gestures, advances, pictures, emails, texts, epithets, sexual liaisons in graphic detail, touch, or humor by any person in the workplace, directed to or witnessed by any employee that unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or otherwise offensive working environment.

D. Retaliation

This policy extends to all forms of adverse employment action or an action that materially affects the terms and conditions of the applicant’s or employee’s employment status specifically for engaging in activity protected under this policy or retaliates against a person who opposes, reports, or assists another person to oppose unlawful discrimination or harassment, including filing a complaint.

Retaliation is any adverse employment action taken against an applicant, employee, unpaid intern, volunteer, or contractor because that person engaged in activity protected under this policy or reasonably thought to be protected under this policy. Protected activities may include, but are not limited to, reporting, or assisting in reporting suspected violations of this policy or cooperating in investigations or proceedings arising out of a violation of this policy.

The following individuals are protected from retaliation:

1. An individual is protected from retaliation for having filed a complaint, testified, assisted, or participated in any manner in a discrimination and harassment investigation, proceeding, or hearing and;
2. Those who associate with an individual who is involved in reporting harassment, discrimination, or who participates in the complaint or investigation process.

Examples of retaliation under this policy include the following actions taken because of the employee’s

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engagement in a protected activity under this policy, but are not limited to, demotion; suspension; reduction in pay; denial of a merit salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion; harassing an employee because they have complained or filed a charge of discrimination, harassment, sexual harassment, or retaliation, or participated in an EEO investigation or lawsuit; denying employment opportunities for participating in an investigation; changing someone’s work assignments for identifying harassment or other forms of discrimination in the workplace; treating people differently such as denying a reasonable accommodation; or not talking to an employee when otherwise required by job duties; or excluding the employee from job-related activities because of engagement in activities protected under this policy.

IV. COMPLAINT PROCEDURE

The County will take preventative, corrective and disciplinary action for any behavior that violates policy. An employee who is found to have engaged in discrimination, harassment or sexual harassment will be subject to appropriate disciplinary action, which may include termination.

A complaint alleging discrimination, harassment, sexual harassment, or retaliation shall be reported immediately to either the employee’s chain of command (employee may bypass any offending member of management to report such conduct), or the Equal Employment Opportunity Office (“EEO Office”). Supervisors or managers who learn of any potential violation of this policy are required to immediately report the matter to the EEO Office and must follow that officer’s instructions of how best to proceed.

A complaint can be filed with the County’s EEO Office at 1-442-265-1017 (or, TDD); www.imperialcounty.org or at eeo@co.imperial.ca.us.

Complaints will be:

- Acknowledged to in a timely manner;
- Kept confidential to the extent possible;
- Investigated impartially by qualified personnel
- Documented and tracked for reasonable progress; and
- Completed in a timely manner.

The EEO Office will also assess if interim measures should be taken during the pendency of any investigation. The County will reach conclusions based on the evidence collected. The EEO Office will make recommendations to the affected Department regarding reasonable corrective measures that would ensure compliance with this policy. The reasonable corrective measure should be proportionate to the seriousness of the sustained conduct.

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Upon receipt of a complaint, the EEO Office shall evaluate the allegations on an individual basis and take into consideration all the facts and circumstances pertaining thereto. For allegations found to be within the jurisdiction of this policy, the EEO Office shall investigate, conciliate, resolve, and make appropriate recommendations to County Counsel and the department head to ensure the situation is remedied. To the extent possible, the EEO Office will endeavor to keep the reporting of the applicant or employee’s concerns confidential; however, complete confidentiality cannot be guaranteed when it interferes with the County’s ability to fulfill its obligations under this policy, applicable law, and any court order. Individuals covered under this policy are required to cooperate fully with any investigation. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation.

A confidential investigative report will be prepared by the EEO Office or their designee and reviewed by the legal advisor. A confidential executive summary of the investigation will be prepared by the EEO Office and reviewed by the legal advisor. The applicable department head and County Counsel shall be provided with a summary of findings and recommendations. The complainant and Respondent of the alleged conduct will be provided by the EEO Office, a notice of determination which will only specify if the allegations were sustained or not sustained on the basis of EEO policy violation.

The EEO Office will prepare a confidential monthly status reports to the Chairman of the Board of Supervisors and the County Executive Officer. Such a status report shall include the date of complaint, department, summary of allegations, status and once concluded, the findings of the investigation. To ensure confidentiality, the report will exclude any information that would identify any parties of the complaint process.

If the EEO Office cannot conciliate the matter, then they may recommend a hearing by the Employment Appeals Board (“EAB”). In that case, the EEO Office shall brief the EAB on the findings of the original investigation.

The Human Resources Director shall refer employee requests for EAB hearings of sexual harassment complaints to the EEO Office, just as for one alleging any other form of discrimination.

If, after an initial assessment, the complaint does not fall within the jurisdiction of the EEO Office, the allegation/complaint will be referred to the corresponding department head for review under the corresponding internal processes. The employee presenting the allegations will be notified of the referral for their records. It will be the responsibility of the department head to reconcile the matter as deemed necessary and submit a final account to the EEO Office for recordkeeping.

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V. RESPONSIBILITIES

Employees:

It is the responsibility of all employees to treat each other with respect and consideration. In the event an employee believes in good faith that a work situation constitutes discrimination, harassment, sexual harassment, or retaliation as defined in this policy, it is the employee’s responsibility to report the matter to their chain of command (employee may bypass any offending member of management to report such conduct), the EEO Office as soon as practicable. Employees are not required to approach the person who is harassing or discriminating against them, and they may bypass any offending member of management to report such conduct.

Management:

It is the responsibility of every supervisor, manager, department head, and appointed/elected official to inform employees of this policy. Management should monitor the work environment, take all steps necessary to prevent discrimination, harassment, sexual harassment, or retaliation from occurring and respond immediately to allegations of sexual harassment.

Every supervisor, manager, and department head is responsible for notifying the EEO Office immediately upon receipt of a discrimination, harassment, sexual harassment, or retaliation allegation, and assisting with the investigation of complaints involving employees in their department.

Equal Employment Office:

1. It is the responsibility of the EEO Office and/or designee to review legislation and court decisions for implications on equal employment opportunity guidelines and County personnel practices.
2. To provide consultation and EEO technical assistance to County agencies/departments.
3. To work with CEO, County Counsel, and agencies and departments in implementing the County EEO program.
4. To interpret for County departments the equal employment opportunity requirements of federal and state compliance agencies.
5. To interact with these agencies includes resolving charges or discrimination filed against the County.
6. To monitor the equal employment opportunity activities of County agencies and departments, and to help them prepare and implement their equal employment opportunity plans.

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7. To provide training on equal employment opportunities for all County employees; with emphasis on managers and supervisors. This training includes equal employment opportunity compliance, sexual harassment prevention, ADA compliance.
8. To investigate and resolve internal discrimination complaints or formal charges filed by employees or applicants for County employment.

VI. PROTECTIONS


If an individual accused of discrimination, harassment, sexual harassment, or retaliation under this policy considers such claim to be malicious or fraudulent, said individual will have the opportunity to present evidence during the normal course of the complaint investigation. When introduced to the basic complaint, the Equal Employment Opportunity Department shall make a determination on the issue. If the allegation is determined to be malicious or fraudulent, the Equal Employment Opportunity Department shall make appropriate recommendations as to the disposition of the case and any resulting employee discipline.

All employees have an obligation to ensure that the County’s workplace is free from discrimination and harassment. All employees must report discrimination or workplace harassment that they become aware of so the County can address the allegations. County employees are encouraged to discuss their equal employment concerns with their Agency/Department management. However, the Equal Employment Opportunity Office is also available to employees and is authorized to conduct internal investigations of employment discrimination allegations against the County of Imperial.

The County will not tolerate retaliation against any individual who, in good faith, reports discrimination, harassment, sexual harassment or retaliation for participating in an investigation, or who otherwise assists in investigating such complaints. If retaliation is alleged, it shall be processed as a separate complaint and reported directly to the EEO Office. Any employees found to be retaliating against another employee shall be subject to disciplinary action up to and including termination.

VII. CONFIDENTIALITY

Every effort will be made to maintain the confidentiality of the information provided in connection with a discrimination, harassment, sexual harassment, or retaliation complaint, and to protect the privacy of the individuals involved. Some level of disclosure may be necessary to ensure a fair, complete, and timely investigation, although the County will maintain confidentiality to the extent possible. Furthermore, the County will not disclose a complete investigation report except as it deems necessary or as required by law.

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VIII. POLICY DISSEMINATION

The Equal Employment Opportunity Department is responsible for ensuring that this policy and complaint procedures relating to discrimination, harassment, sexual harassment, and retaliation are disseminated and implemented.

The Human Resources Director is responsible for ensuring that this information is included in the County Employee Handbook and in the New Employee Orientation sessions held with permanent, extra help and seasonal employees, and that all employees receive a copy of this policy when they are hired.

This policy may be amended according to and not limited to Local, Federal, and State law updates and redistributed.

FILING COMPLAINTS WITH STATE AND FEDERAL AGENCIES

Employees and applicants may also file complaints of discrimination, harassment, or retaliation with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limits.

CALIFORNIA CIVIL RIGHTS DEPARTMENT

- Website: www.calcivilrights.ca.gov
- Complaint-filing portal: <https://ccrs.calcivilrights.ca.gov/s/>
- General information: (800) 884-1684 (voice), (800) 700-2320 (TTY), or California’s Relay Service at 711
- Email: contact.center@calcivilrights.ca.gov

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

- Website: www.eeoc.gov/employees
- General information: (800) 669-4000, (800) 669-6820 (TTY), or (844) 234-5122 (ASL Video Phone)
- Email: info@eeoc.gov