



Diversity and Equity Standing Committee
Regular Meeting Agenda

(to be held both at the physical and virtual locations below)
Ukiah Valley Conference Center
200 South School Street, Ukiah, CA 95482

To participate or view the virtual meeting, go to the following link:
<https://us06web.zoom.us/j/99995172194>

August 24, 2022 - 6:00 PM

1 ROLL CALL

2 INTENTIONS

Inspirational, spiritual, encouraging words, short reading, or prayer that sets the tone for our work: to inspire, acknowledge our collective purpose, and focus our energies as many working as one.

3 AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda that is within the subject matter jurisdiction of the City Council, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

4 APPROVAL OF MINUTES

Approval of the Minutes for the July 27, 2022, Regular Meeting of the Diversity and Equity Committee Meeting.

4.a. Approval of the Minutes for July 27, 2022, Regular Diversity and Equity Committee Meeting.

Recommended Action:

Attachments:

1. Draft Minutes 2022-08-24

5 UNFINISHED BUSINESS

5.a. Report from the General Plan Ad Hoc.

Recommended Action: Receive report.

Attachments: None

6 MONITORING THE IMPLEMENTATION OF THE EQUITY ACTION PLAN BY OBJECTIVES AND PERFORMANCE MEASURES

6.a. Equity Action Plan Report.

Recommended Action: Receive Equity Action Plan progress report.

Attachments:

1. 22-8-19 PROGRESS RPRT

6.b. Develop Training Objectives for Equity Action Plan Goal 3.2

Recommended Action: Develop training objectives for Equity Action Plan Goal 3.2

Attachments:

1. Workplace Diversity Vector Solutions Training

- 6.c. Develop Stakeholder Contact List for Equity Action Plan Goals 4.1 and 5.2

Recommended Action: Develop a stakeholder contact list for Equity Action Plan goals 4.1 and 5.2.

Attachments: None

7 NEW BUSINESS

8 ANNOUNCEMENTS

9 ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the Equity & Diversity Committee after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.



AGENDA SUMMARY REPORT

SUBJECT: Approval of the Minutes for July 27, 2022, Regular Diversity and Equity Committee Meeting.

DEPARTMENT: City Manager /
Admin

PREPARED BY: _____

PRESENTER: _____

ATTACHMENTS:

1. Draft Minutes 2022-08-24

Summary:

Background:

Discussion:

Recommended Action:



Diversity and Equity Standing Committee

Special Meeting

MINUTES

July 27, 2022 - 6:00 PM

1 ROLL CALL

Present: Orozco, Duenas, Gorny, Jackson, Marston, Stern, Qiu, Upadhyay, Jones

Absent: Duenes, Martinez

2 INTENTIONS

3 INTRODUCTION/PRESENTATION

3.a. Introduction and Presentation of the Mendocino County Department of Social Services Diversity, Equity and Inclusion Program.

Report Received.

4 AUDIENCE COMMENTS ON NON-AGENDA ITEMS

Public Comment provided by Les Marston regarding an encounter that he had with members of the City of Ukiah Police Department.

Public Comment provided by Troyle Tognoli regarding the purpose and expected outcomes of the City of Ukiah Diversity and Equity Committee Action Plan.

5 APPROVAL OF MINUTES

5 a. Approval of the Minutes for the May 25, 2022, Regular Meeting

Marston/Gorny to approve Minutes for the May 25, 2022, Regular Meeting by the following roll call vote:

AYES: Orozco, Gorny, Jackson, Marston, Stern, Qiu, Upadhyay, Jones

NOES: None

Abstain: None

5 b. Approval of the Minutes for the June 22, 2022, Special Meeting

Orozco/Jones to approve the Minutes for the June 22, 2022, Regular Meeting by the following roll call vote:

AYES: Orozco, Gorny, Jackson, Stern, Upadhyay, Jones

NOES: None

ABSTAIN: Marston, Qiu, Jones

6 UNFINISHED BUSINESS

6 a. Discuss and Assign Direction Regarding Upcoming Proclamations

Upcoming proclamations were discussed and assigned to the relevant committee members.

- 6 b. Receive Report from the General Plan Ad Hoc and, if Applicable, Dissolve General Plan Ad Hoc

Committee Discussed the General Plan Ad Hoc and determined that the Ad Hoc would provide a report at the next meeting, at which time the Committee would then determine if the Ad Hoc should be dissolved.

7 MONITORING THE IMPLEMENTATION OF THE EQUITY ACTION PLAN BY OBJECTIVES AND PERFORMANCE MEASURES

- 7.a. Ad Hoc Report on the Equity Action Plan

Report Received from Equity Action Plan Ad Hoc member Marston. Committee Liaison provided a brief summary regarding the status of several action plan items and requested additional input from the committee on Action Plan Goals 3.2 & 3.3 (Mandate diversity, equity, and inclusion training for City employees...). Committee Members Jones, Tognoli, Marston, and Gorny agreed to meet with City staff to assist in developing Goals 3.2 & 3.3 (DEI training for City of Ukiah employees).

8 NEW BUSINESS

None

9 ANNOUNCEMENTS

None

10 ADJOURNMENT

7:24 PM



AGENDA SUMMARY REPORT

SUBJECT: Report from the General Plan Ad Hoc.

DEPARTMENT: City Manager /
Admin

PREPARED BY: Traci Boyl, Management Analyst

PRESENTER:

ATTACHMENTS:

None

Summary: Ad Hoc members Orozco and Stern will provide an update on the General Plan to the Committee.

Background:

Discussion:

Recommended Action: Receive report.

Equity Action Plan



August 19, 2022

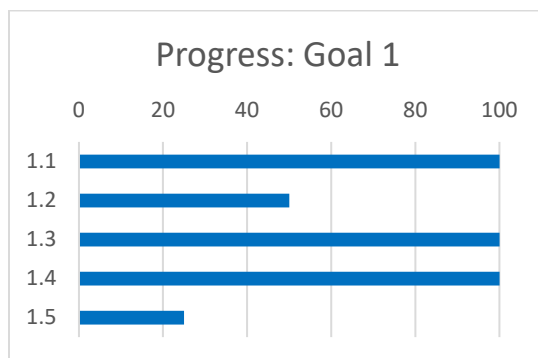
City of Ukiah, Diversity & Equity Committee



GOAL 1. Create and sustain an equitable, diverse, and inclusive workplace and workforce that reflects, values, and celebrates the diverse community we serve.

STRATEGY: Consistently, clearly, and boldly communicate that diversity, equity, and inclusion (DEI) are critical to the City's values

1.1	Create and adopt a Diversity, Equity and Inclusion statement	CM Office/Diversity and Equity Committee	Statement created	12/22	100%
1.2	Integrate the Diversity, Equity, and Inclusion statement into City initiatives and communication materials	CM Office/Diversity and Equity Committee	Statement will be integrated into City initiatives and communication materials	12/22	50%
1.3	Create a schedule of recommended proclamations to celebrate the diversity of our community and educate and raise awareness of diversity, equity, and inclusion related issues	CM Office/Diversity and Equity Committee	Schedule of recommended Proclamations received by City Council	12/11	100%
1.4	Create an Equity webpage on the City's website	CM Office	webpage created	12/22	100%
1.5	Create a social media and website campaign that highlights the value of the diversity of the organization	CM Office	Social media and website campaigns created and initial roll-out has begun	7/22	25%



Notes:

July 22

1.2 Social media campaign continued

June 22

1.1 Statement created and approved by DEI 3/22

1.2 Inclusion statement being integrated into a number of communication materials: email signature lines, applications, website, and social media

1.3 Schedule of recommended proclamation received by City Council

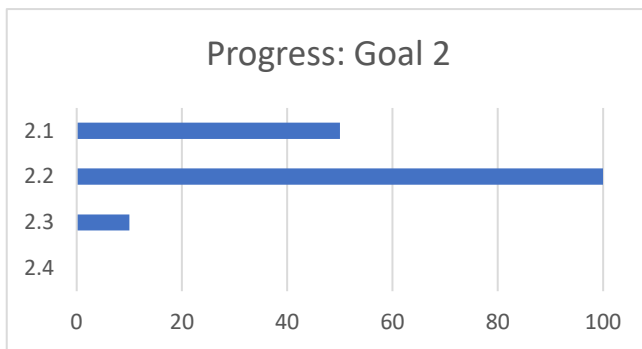
1.4 Webpage created

1.5 Social media and website campaign created and initial roll-out has begun Social media and website campaign created and initial roll-out continued

GOAL 2. Eliminate internal and external barriers to Diversity, Equity, and Inclusion within the systems of the organization.

STRATEGY A: Improve access to City communication, public meetings, and essential services to remove barriers to inclusivity.

2.1	Develop a plan to improve the accessibility of public meetings	CM Office/City Clerk	Plan created and ready for implementation	07/23	50%
2.2	Identify, develop, and implement strategies to improve the accessibility to including but not limited to, the City's website, social media content, program applications, and requests for proposal	CM Office	Documented identified strategies implemented	07/23	100%
2.3	Evaluate essential services to identify strengths and to identify and remedy barriers	CM Office	Documented process for essential service evaluation, including strengths and barriers, and identified remedies. Documented summary of identified barriers and action taken to remedy.	07/23	10%
2.4	Provide ongoing education and training on the plans and strategies identified	CM Office/HR Dept.	Summary of education and training activities related to identified strategies	12/23	0%



Notes:

July 22

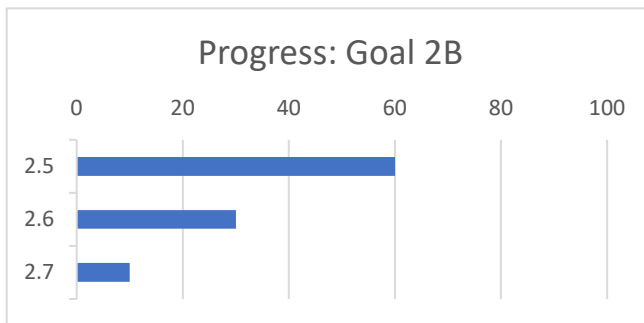
- 2.2 City has a new website with full ADA accessibility including accessibility to essential services applications, RFB's and RFP's (www.cityofukiah.com)
- 2.3 City of Ukiah has a new utility billing platform which includes the ability to register, track and pay utility bills online

June 22

- 2.1 All Committee and council Meetings now available in hybrid format
- 2.2 City's website is being updated to include accessibility functions, social media content and applications are being translated into Spanish

STRATEGY B: Improve the organization’s recruitment, development, and retention practices to remove barriers within these processes.

2.5	Review recruitment, development, and retention practices to identify barriers to employment and create a plan to reduce those barriers, including but not limited to the development and implementation, of a recruitment plan designed to increase employment that accurately reflects the community we serve	CM Office/HR Dept.	Recruitment, development, and retention practices plan complete and ready for implementation.	07/23	60%
2.6	Develop and implement an oversight process to ensure diversity in hiring, evaluation, and promotion	CM Office/HR Dept	Oversight process developed and implemented.	12/22	30%
2.7	Develop annual employee surveys that include diversity, equity, and inclusion topics and identify a review team to assess the survey, prepare a summary, and make recommendations to city leadership	CM Office/HR Dept	Annual survey developed. The review team identified.	12/22	10%



Notes:

August 22

2.5 Internal team continues to meet and has now formed 3/5 goals to improve recruitment, promotion, etc.

2.6 Continuing (see 2.5)

July 22

2.5 Continuing - Internal team (five members – HR, CM Office, Finance, PW, PD mid-management level) meeting regularly and have begun plan draft

2.6 Continuing - Internal team formed (see 2.5)

2.7 Survey draft developed

June 22

2.5 Internal team (five members – HR, CM Office, Finance, PW, PD mid-management level) meeting regularly and have begun plan draft

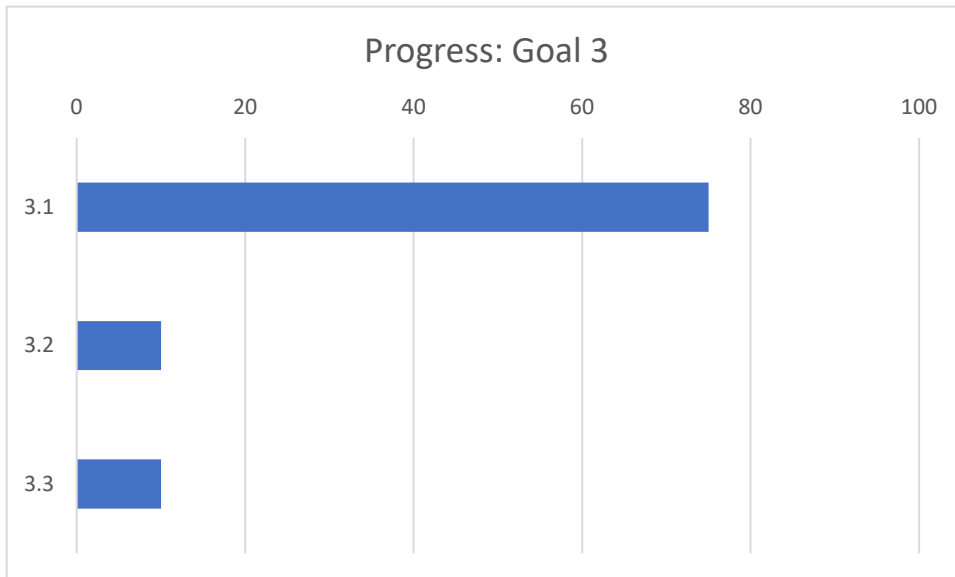
2.6 Internal team formed (see 2.5)

2.7 Survey draft developed

GOAL 3. Recruit, retain, and advance a community of staff that reflects, values, and celebrates the diversity of the community we serve.

STRATEGY: Strengthen the City to advance diversity, equity, and inclusion efforts and to provide equitable and inclusive opportunities for advancement for all staff. Listen to City staff, committee, commission, and Council members, and value and consider their opinions, perspectives, and actions.

3.1	Create a mentorship program to create mentoring opportunities throughout the organization.	CM Office	Program created and implemented	07/22	75%
3.2	Mandate diversity, equity, and inclusion training for all new hires during the orientation process	CM Office/HR Dept.	Diversity, Equity, and Inclusion training included in new employee orientation process and diversity, equity, and inclusion training scheduled for all employees	07/22	20%
3.3	Mandate biannual diversity, equity, and inclusion training for all current employees	CM Office/HR Dept.		07/22	20%



Notes:

August 22

3.2 Committee met and discussed training goals/trainers

3.3 Staff have begun contacting trainers

July 22

N/A

June 22

3.1 Mentorship program created

3.2 N/A

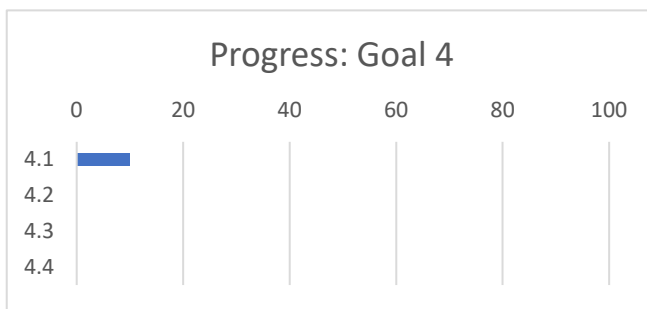
3.3 N/A

GOAL 4. Identify and actively engage underrepresented communities in which to retain, expand, develop, and implement programs

STRATEGY: Leverage existing resources to conduct asset mapping and develop a needs assessment with recommendations inclusive of input from underrepresented members of the community.

4.1	Coordinate with existing groups representing the diversity of the community we serve to identify the best methods for connecting with those groups	CM Office/Diversity and Equity Committee	Detailed database of identified groups and their contact info. including best ways to connect	12/22	10%
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4.2	Conduct focus groups and listening sessions	CM Office/Diversity and Equity Committee	Documented summary of focus group and listening sessions	12/22	0%
4.3	Conduct community-wide surveys	CM Office	Documented summary of surveys and results	12/22	0%
4.4	Provide ongoing recommendations regarding the need assessment to City leadership	CM Office/Diversity and Equity Committee	Quarterly recommendation reports from the Ad Hoc to City leadership	12/22	0%



Notes:

July 22

4.1 Requested a list of contacts from the Diversity and Equity Committee, met with Social Services DEI Committee to explore collaboration opportunities. Social Services DEI to present to City's Diversity and Equity Committee on 7/27/22

June 22

4.2 N/A

4.3 N/A

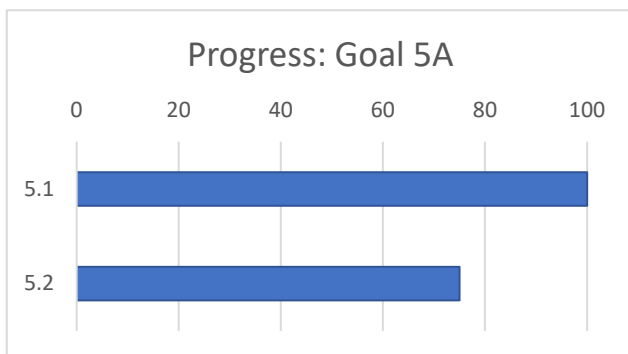
4.4 N/A

GOAL 5. Instill diversity, equity, and inclusion as essential core elements of policy-making, accountability, and delivery of City services.

STRATEGY A: Increase the diversity of the City's Boards, Commissions, and Committees to accurately reflect the diversity of the community we serve.

5.1	Add diversity/inclusivity questions to all board, commission, and committee applications to evaluate applicants' understanding of/and experience working with diverse groups	CM Office/City Clerk	Diversity and inclusivity questions included on all board, commission, and committee applications	07/22	100%
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5.2	Identify and implement methods of engaging and advertising employment and board/committee openings to reach a more diverse audience of potential applicants	CM Office/HR Dept.	Identified summary of methods implemented to engage and advertise for employment and board/committee openings.	07/22	75%
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Notes:

July 22

5.2 Board, commission, and committee openings are now being shared on social media, and sent to the DEI Committee via email distribution list

June 22

5.1 Inclusion questions added to all boards, commissions, and committee applications

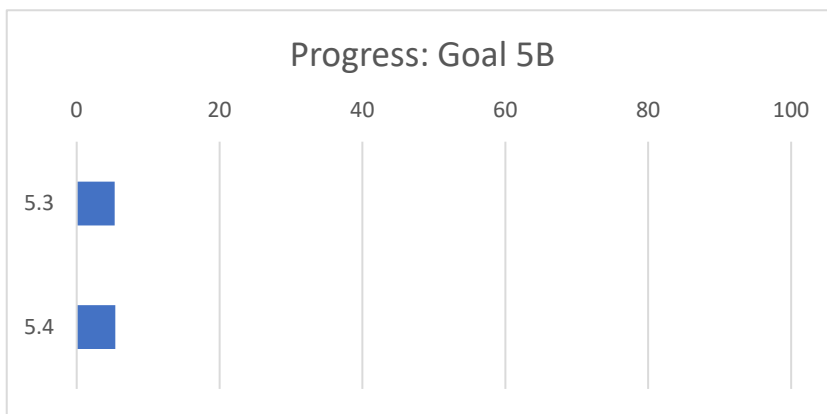
5.2 Internal employee team have identified methods for increasing a diverse audience of potential applicants (summary of methods to be discussed at the upcoming workshop June 22, 2022)

GOAL 5. Instill diversity, equity, and inclusion as essential core elements of policy-making, accountability, and delivery of City services.

STRATEGY B: Improve the quantity, quality, and accessibility of City programs to reflect the needs of the diverse community we serve.

5.3	Conduct a community-wide survey to assess program needs and/or interests in the community	CM Office	Survey with results conducted	12/22	0%
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5.4	Complete an inventory and analysis of existing programs to identify gaps and create a plan to reduce the identified gaps	CM Office	Analysis complete, gaps identified, and a plan to reduce the gaps ready for implementation.	12/22	0%
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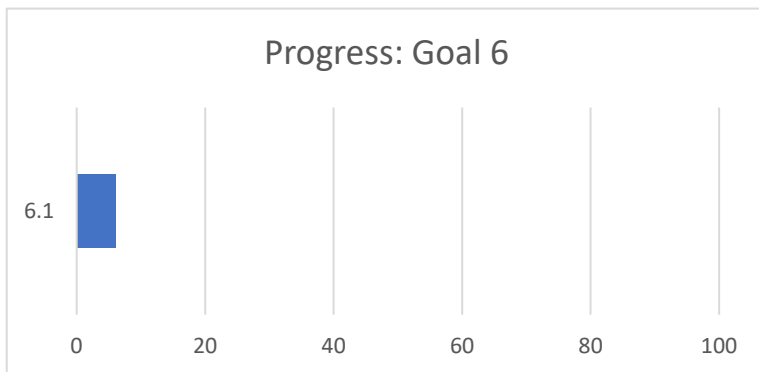
Notes:

June 22
5.1 N/A
5.2 N/A

GOAL 6. Ensure accountability in the implementation of goals and assessment of progress toward outcomes

STRATEGY: Develop external processes to preserve and ensure accountability in the process and implementation of goals, strategies, and critical steps to evaluate the progress towards the outcomes and goals and to assist in the annual accountability report to the Ukiah City Council

6.1	Celebrate achievements and make recommendations for corrective action through ongoing monitoring and quarterly evaluations by the Ad Hoc	CM Office/Diversity and Equity Committee	Quarterly progress reports and press releases summarizing recommendations and achievements	04/22	12.5%
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Notes:

August 22

6.1 Second press report released 08/22

June 22

6.1 First press report released 4/22

NOTES:

August 2022

Due to fire season, progress on the Equity Action Plan slowed this past month although work continues at a steady pace.

- A second press release was issued on 8/2/2022
- Internal Recruitment/Promotion team making significant progress in their plan
- Committee met to assist with a training plan
- New programs are being implemented for electric bikes and energy rebates for low-income customers

July 2022

July brought significant updates to City technology to improve accessibility and expand access to reach even more members of our community. Technological updates include the following:

- A new ADA-accessible, mobile-enabled website with language options and a comprehensive FAQ.
- A new online utility billing payment portal. Access and pay your utility bill online.
- New employment recruitment portal. The recruitment portal allows users to save resumes/applications, sign up for job alerts based on their preferences, and apply for and submit electronic paperless application

May 2022

- Diversity, Equity, and Inclusion priorities are incorporated into the City Council's Strategic Plan (Strategic Plan updated and adopted with the annual budget each year)
- Police Chief assisted in the facilitation and coordination of the Lake and Mendocino County First Responder Autism Seminar (engaging underrepresented populations to improve services)
- Police Department is providing recruitment flyers in English and Spanish
- PD created a process for improving response to persons with access and functional needs
- Fire Department created living/sleeping quarters to accommodate all genders
- Community Development held Housing Element workshops and CDBG utility assistance workshops in Spanish; provided child care as well
- Developing a needs assessment related to parks and recreation
- Applied for and received Outdoor Equity Grant to develop parks in underrepresented communities



Workplace Diversity

Introduction

Overview and Course Objectives

What Is Workplace Diversity?

Acknowledging Our Similarities and Differences

Creating a Positive Work Atmosphere

Ways to Promote Diversity

Discrimination Laws

Workplace Protections

Who Anti-Discrimination Laws Affect

Are You Protected?

Filing a Charge

Methods and Procedures

Dealing with a Charge

Who is Responsible?

Resolving a Charge

EEOC Requirements

Conclusion

Final Thoughts

Summary

References and Resources

Subject Matter Expert

Kimberly Friedman

Introduction

Overview and Course Objectives

Welcome to this course on Workplace Diversity.

Cultural diversity can strengthen an organization's values and enhance community awareness. Due to our country's rapid growth and ever-changing diverse populations, organizations are realizing strength in the marketplace is linked to their ability to attract a culturally diverse workforce. Unfortunately, discrimination still occurs on many levels.

The goals of this program are to promote awareness and encourage acceptance, describe strategies to create a positive and accepting work environment, and to highlight the steps to take should discrimination occur in the workplace.

After successfully completing this course, you will be able to:

- recognize the benefits of ethnic and cultural diversity
- explain the characteristics of a diversity program
- recall federal laws prohibiting job discrimination
- describe discrimination practices prohibited by law
- identify who is covered by anti-discrimination laws
- explain the steps for filing, processing, and resolving a charge

A culturally diverse workplace is an organizational strength.

What Is Workplace Diversity?

Acknowledging Our Similarities and Differences

Workplace diversity is a broad term that refers to acknowledging and understanding similarities and differences among people in the workplace.

These include, but are not limited to, age, class, ethnicity, gender, physical characteristics, race, sexual orientation, and religion.

Workplace diversity encompasses a wide variety of characteristics among co-workers: ethnic diversity is one such characteristic.

The goals for any workplace diversity program should include:

- promoting awareness, acceptance, understanding, respect, and harmony among different ethnic, cultural, religious, and nationality groups
- developing recommendations that serve to enhance the well-being, respect, and dignity of all people
- developing skills in cross-cultural communication and understanding

Unfortunately, the world presents potential barriers for employees. Some employers still discriminate on the basis of gender, race, religion, age, and more. Consider the following harmful effects of discrimination, based on true stories:

While speaking with friends in your native language, another employee says, “Go back to where you came from.” His buddies give him high-fives.

Your co-workers use racial slurs as though they are a harmless form of slang. You want to speak up but are afraid of being singled out.

Your boss forms assumptions about your work ability due to your race. For example, he keeps you in Accounting even though you’ve expressed an interest in transitioning to a Sales position. His rationale: “You’re Asian, so you’re better suited for something math-related.”

Creating a Positive Work Atmosphere

Ways to Promote Diversity

Diversity issues that occur in the workplace usually stem from race, gender, sexual orientation, religious beliefs, age, disabilities, and behavioral health. And creating a culture of diversity can have many challenges that may hinder a company’s efforts to promote workplace diversity.

Creating a culturally competent workplace requires excellent leadership, good communication, training, and more.

Healthy Communication

Competent communication among employees is an essential element of any workplace diversity program. Poor communication among employees or levels within the organization can lead to low company morale, lack of teamwork and confusion of company policies.

Embracing Change

Change can be intimidating and is not always welcome with open arms by all employees. Resistance of employees to change should never stop diversity policies from being affected.

Role of Leadership and Management

Workplace diversity programs fail because of ineffective management of the program once it is in place. The promotion of workplace diversity is something that constantly needs to be cultivated, not just implemented and then left alone. Ongoing inclusion, training, and updates are critical to successful programs.

Here are some tips employers can use to create a positive, diverse culture in the workplace.

FIND COMMON GROUND: Encourage employees to find common ground with each other. While employees do not always agree with each other, encouraging them to find some common ground with one another can promote positive interaction in the workplace.

TAKE CAUTION IN POLITICAL DISCUSSIONS: Encourage employees to be cautious when engaging in politically charged discussions. Political viewpoints can be a major cause of tension in the workplace.

CODE OF CONDUCT: Make sure the company "Code of Conduct" clearly spells out the need to honor the diverse opinions, beliefs, values, and goals of all employees. When it comes to promoting diversity, policies must be written, distributed to employees, and reinforced by the managerial staff.

WORKPLACE DIVERSITY PROGRAM: Ongoing assessment of workplace diversity programs are critical. Once a diversity program has been implemented, it must be cultivated.

INCLUSION: Include representation from all company sectors when formulating and executing a diversity program in your workplace.

OPEN ENVIRONMENT: Encourage employees to express their ideas and opinions.

DIVERSITY TRAINING: Provide diversity training. It is important to reinforce the workplace diversity program after it has been instituted.

TAKE CHARGES SERIOUSLY: Take any harassment or discrimination charge seriously.

Employers are not the only ones who need to embrace diversity. Employees also need to respect diversity in the workplace. Here are things you can do to foster an environment of positive diversity in your workplace.

- Respect diversity and treat others the way you want to be treated.
- Never joke about physical appearance or attributes.
- Search for common ground. Find common ground to help improve positive communication and help you positively discuss matters on which you disagree.
- Include everyone. Don't exclude others from meetings, conversations, work outings, etc., just because you feel they are different.
- Avoid stereotyping others. Stereotyping can lead to rumors, a negative working environment, discrimination, and harassment.
- Don't tolerate intolerance. If you see or hear someone making discriminatory statements, report it to your manager or to HR. Create a culture where discrimination has a zero-tolerance policy.
- Remember that not everyone you work with is going to be your friend. We're all different; however, differences do not need to be a source of irritation and tension in the workplace.

Discrimination Laws

Workplace Protections

Federal job discrimination laws are in place to protect individuals in the workplace. The Equal Employment Opportunity Commission (EEOC), which was established by Title VII of the Civil Rights Act of 1964, is a federal agency that administers and enforces civil rights laws against workplace discrimination and investigates discrimination complaints. Many other pertinent acts and laws have been enacted over the years as follows.

The Equal Pay Act of 1963 (EPA)

Protects men and women from sex-based wage discrimination.

Title VII of the Civil Rights Act of 1964

Prohibits employment discrimination based on race, color, religion, sex, national origin, pregnancy, or genetic information.

The Age Discrimination in Employment Act of 1967 (ADEA)

Protects individuals who are 40 years of age or older by making it illegal for employers to not hire, not promote, lay off, or fire because they are over age 40.

Sections 501 and 505 of the Rehabilitation Act of 1973

Prohibits discrimination against qualified individuals with disabilities who work in the federal government.

Title I and Title V of the Americans with Disabilities Act of 1990 (ADA)

Prohibits employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments.

The Civil Rights Act of 1991

Provides monetary damages in cases of intentional employment discrimination.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)

Prohibits employment discrimination based on genetic information about an applicant, employee, or former employee.

Under Federal Law, it is illegal to discriminate in any aspect of employment including, but not limited to, the following practices:

- hiring and firing
- compensation, assignment, or classification of employees
- transfer, promotion, layoff, or recall
- job advertisements

Workplace Diversity

- recruitment
- (and) fringe benefits

Discriminatory practices protected under these laws also include:

- harassment on the basis of race, color, religion, sex, national origin, disability, sexual orientation, genetic information, or age
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices
- employment decisions based on stereotypes
- (and) denying employment opportunities to a person

Employers are required to post notices to all employees advising them of their rights under the laws the EEOC enforces and their right to be free from retaliation. Such notices must be accessible to persons with visual or other disabilities that affect reading.

Many states and municipalities have enacted protections against discrimination and harassment based on sexual orientation

- status as a parent
- marital status
- and political affiliation

For more information, please contact the EEOC District Office nearest you.

Other federal laws, not enforced by the EEOC, also prohibit discrimination and reprisal against federal employees and applicants. The Civil Service Reform Act of 1978 (CSRA) contains a number of prohibitions, known as prohibited personnel practices, which are designed to promote overall fairness in federal personnel actions (5 U.S.C. 2302) .

How does the EEOC enforce federal laws?

The EEOC processes complaints of discrimination for employees in the private sector. Federal employees, however, can file individual complaints with their own federal agencies, and those agencies conduct a full and appropriate investigation of the claims raised in the complaints. A hearing can then be requested before an EEOC judge.

In 2015, the EEOC successfully resolved over 6,300 discrimination complaints.

In December 2014, two Memphis-based affiliates of Select Staffing (employment companies doing business in Tennessee) agreed to pay \$580,000 to settle allegations they engaged in race and national origin discrimination. The EEOC's lawsuit charged that the staffing firms had discriminated against four Black temporary employees and a class of Black and non-Hispanic job applicants by failing to place or refer them for employment. The four temporary employees said while seeking employment through the company's Memphis area facilities, they witnessed Hispanic applicants getting preferential treatment in hiring and placement.

Who Anti-Discrimination Laws Affect

Are You Protected?

With regard to the various protections in place, as mentioned earlier, are you protected? Here's the breakdown.

Title VII of The Civil Rights Act and The Americans with Disabilities Act (ADA) protects:

- all private employers
- state and local governments
- education institutions that employ 15 or more individuals
- private and public employment agencies
- labor organizations
- and joint labor management committees controlling apprenticeship and training

The Age Discrimination in Employment Act (ADEA) protects:

- private employers with 20 or more employees
- state and local governments (including school districts)
- employment agencies
- labor organizations
- and federal government employees

The Equal Pay Act (EPA) protects:

- federal employers
- all employers covered by the Federal Wage and Hour Law (the Fair Labor Standards Act)
- and federal government employees

The Civil Service Reform Act (CSRA) protects:

- most federal agency employees (except employees of a government corporation)

Different procedures are used for processing complaints of federal discrimination. For more information, contact the EEOC office of the federal agency where the alleged discrimination occurred.

On September 16, 2015, Microsoft was hit with a gender discrimination lawsuit. The tech giant was sued in the Seattle federal court by Katie Moussouris, who worked at the company for over seven years. She alleged that female technical employees like her earned less than similarly qualified men because of gender bias. She also claimed that the company

promoted men over equally or more qualified women and that its managers gave woman lower performance reviews compared with their male peers.

Filing a Charge

Methods and Procedures

The EEOC has streamlined the process for filing a complaint about workplace discrimination.

You may file a complaint in the following ways:

1. Using the EEOC online portal at www.eeoc.gov/employees/howtofile.cfm
2. In person at an EEOC office
3. By mail
4. By telephone with an EEOC representative at 1-800-669-4000

If you feel you are being discriminated against in the workplace or want to make a complaint about coworkers who are discriminating against others, first you should approach your boss, manager, or HR about the problem. If they are not helpful or they victimize you for raising the issue, then consider filing a charge with the EEOC.

To protect your rights, it is always best to contact the EEOC promptly when discrimination is suspected.

Who can file a charge?

any individual who believes that he or she has been discriminated against; or, any individual, organization, or agency may file a charge on behalf of another person in order to protect the violated person's identity

How do you file a charge?

you may file in person at the nearest EEOC office or by mail

What information must be provided to file a charge?

- complaining party's name, address, and telephone number
- name, address, and telephone number of the respondent's employer, employment agency, or union
- number of employees or union members, if known
- and a short description of the alleged violation, including the date

What are the time limits for filing a charge?

- a charge must be filed with the EEOC within 180 days from the date of the alleged violation in order to protect the charging party's rights

- the 180-day deadline is extended to 300 days if the charge is also covered by a state or local anti-discrimination law
- for Age Discrimination Employment Act (ADEA) charges, only state laws extend the filing limit to 300 days

Dealing with a Charge

Who is Responsible?

Many states and localities have anti-discrimination laws and agencies responsible for enforcing these laws, known as Fair Employment Practices Agencies, or FEPAs. These agencies can handle a charge that is covered by state or local law, acting as an EEOC equivalent at state and local level.

Through the use of “work sharing agreements,” the EEOC and the FEPAs avoid duplication of effort, which protects the charging parties’ rights under both federal and state laws.

If a charge is filed by either the EEOC or the FEPA, it will be “dual-filed” so all rights are protected.

After a charge has been filed with the EEOC, the employer is notified of the filing. A charge may be assigned for priority investigation. Depending on the strength of the evidence, the charges may be assigned for follow-up investigation. The EEOC can seek to settle a charge at any stage of the investigation if the parties express an interest. The investigation continues if settlement efforts are not successful.

While investigating a charge, the EEOC may do the following:

- make written requests for information
- access the online portal for additional information
- recommend mediation
- interview people
- review documents as needed
- visit the facility where the alleged discrimination occurred

After the investigation is complete, the EEOC will discuss the evidence with the charging party or the employer as appropriate. A charge may be dismissed at any time, if further investigations will not establish a violation of the law

Resolving a Charge

EEOC Requirements

When resolving discrimination charges, the EEOC must establish if discrimination occurred. If evidence does not support an occurrence of discrimination, this will be explained to the charging party. A required notice is then issued, closing the case and giving the charging party 90 days in which to file a lawsuit on their own behalf.

If the evidence establishes that discrimination has occurred, the employer and charging party will be informed, and the EEOC will then attempt conciliation with the employer to develop a remedy for the discrimination.

If the case is successfully reconciled, or if a case has earlier been successfully mediated or settled, neither party may go to court unless the agreement is not honored.

If the EEOC is unable to successfully reconcile the case, the agency will decide whether to bring suit in federal court. If the EEOC does not sue, it will issue a notice closing the case, giving the charging party 90 days in which to file a lawsuit. An administrative complaint process must be completed before filing a lawsuit.

Conclusion

Final Thoughts

This course has outlined the benefits of workplace diversity and the types of discrimination that may potentially exist within the workplace.

Steps to resolve workplace discrimination at the base level have been discussed, along with more advanced steps that can be taken when a violation has occurred without resolution. There are many Federal and state laws in place to provide protection, depending on the type of discrimination witnessed.

By understanding these laws and rights, employers and employees can work together to establish an environment that recognizes and promotes diversity, creating a culture of positivity.

Summary

References and Resources

Workplace diversity and the importance of acknowledging and understanding differences among people in the workplace is vital. Differences usually entail, but are not limited to, class, ethnicity, gender, physical differences, behavioral health, race, sexual orientation, and religion. A culturally diverse workplace is a company strength and necessity.

Click on the Table of Contents to review any lessons, as necessary, before taking the test.

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