WASTE SOURCE REDUCTION AND RECYCLED PRODUCT CONTENT PROCUREMENT POLICY

3/26/91

BACKGROUND

Supervisors should assist in the reduction of waste produced and the building of regional markets for products with recycled content. County leadership in this area is considered essential to promoting similar waste management practices and recycled-content product purchasing management practices and recycled-content product purchasing among private businesses and the general public. This also reflects the County's waste reduction and recycling philosophy and commitment to progressive waste management solutions.

This policy concerns itself with the source of wastes produced and the source of materials used to manufacture products the County purchases and uses. The objective is to ensure that the waste stream is reduced to the maximum extent feasible and that no product manufactured with recycled or "secondary" material is discriminated against for reasons other than function; and further, to direct that such products are to be preferred over goods made strictly with virgin material when recycled-content products can meet the necessary standards of performance. The purchase of recycled-content products is necessary to close the recycling "loop". Improving the economics of recycling is also essential to guarantee the long-term health of the County's recycling investment.

PURPOSE

To decrease the amount of waste generated and to decrease the amount of waste disposed by landfill.

To increase the recycled content of products purchased and used by the County of Napa, its contractors and its grantees.

To reduce waste in the manufacture and use of products and packaging purchased by the County

To provide guidance to County staff evaluating the purchase of products for County use.

POLICY

WHEREAS, the volume of material disposed of at Napa County landfills has been increasing annually; and

WHEREAS, sanitary landfill space is at a premium, and it is becoming increasingly difficult to site new landfills; and

WHEREAS, much of the material that enters the waste stream can be minimized; and WHEREAS, much of the material that enters the waste stream can be recycled, reused or incorporated in the manufacture of new products; and

WHEREAS, Napa County's participation in and promotion of recycling programs can significantly reduce the volume of material entering the waste stream thereby extending landfill life expectancy; and

WHEREAS, for recycling programs to be effective, markets must be developed for products which are reusable, or are designed to be recycled, or which incorporate post-consumer materials in their manufacture.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Napa County do hereby adopt the following Policy:

I. **DEFINITIONS**

- 1. Definition of Waste Source Reduction:
 - A. <u>Source Reduction</u>. Any action which causes a net reduction in the generation of solid waste. "Source reduction includes, but is not limited to, reducing the use of non-recyclable materials; replacing disposable materials and products with reusable materials and products; reducing packaging; reducing the amount of waste generated; increasing the efficiency of the use of paper, cardboard, glass, metal, plastic and other materials. "Source reduction" promotes the durability, reusability and recyclability of product selection. "Source reduction does not include steps taken after the material becomes solid waste."

2. Definition of Recycled Content:

- A. <u>Post-Consumer Recovered Material</u>. A finished material which would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Examples of post-consumer recovered materials include, but are not limited to, used newspaper, office paper, yard waste, plastic bottles, oil, asphalt, concrete and tires.
- B. <u>Pre-Consumer Recovered Material</u>. Material or by-products generated after manufacturing of a product is completed, but before the product reaches the end use consumer. Examples of pre-consumer recovered materials include, but are not limited to, obsolete inventories of finished goods, rejected unused stock and paper waste generated during printing, cutting and other converting operations.

This category does <u>not</u> include mill or manufacturing trim, scrap or "broke", which is material generated at a manufacturing site and commonly reused within the manufacturing process. For example, pre-consumer <u>paper</u> waste sources not considered "recycled" components of a paper product include,

but are not limited to, fibers recovered from waste water, trimmings of paper rolls, sawdust, chips, wood slabs and other wood residue from a manufacturing process and such materials sold between mills.

C. <u>Total Recovered Material</u>. The total pre- and post-consumer recovered material contained in a product.

II. WASTE SOURCE REDUCTION AS A PRIORITY

It is County policy, whenever practicable, to purchase products which will minimize the amount of solid waste generated. The purchase of products shall promote the durability, reusability and recyclability of the products. Important criteria in selecting products shall also be:

- 1. The ability of product and its packaging to be reused, reconditioned for use or recycled through existing collection programs.
- 2. The volume and toxicity of waste and by-products a given product and its packaging generate in their manufacture, use, recycling and disposal. Products and packaging designed to minimize waste and toxic by-products in their manufacture, use, recycling and disposal shall be preferred.

III. RECYCLED CONTENT PREFERENCE

It is County policy, whenever practicable, to purchase products which contain in order of preference:

- 1. The highest percentage of post-consumer recovered material available in the marketplace.
- 2. The highest percentage of pre-consumer recovered material available in the marketplace.

In addition, in purchasing paper products, it is County policy, whenever practicable, to purchase products which at a minimum met the State of California's definition of "recycled paper products", i.e., at least 10 percent post-consumer recovered material and at least 50 percent total recovered material.

IV. EQUIPMENT COMPATIBILITY

Equipment purchased or rented by the County shall be compatible, whenever practicable, with the use of recycled-content products.

Effective May 2, 1995 Revised Effective December 12, 2000 Revised Effective January 8, 2002 **Revised Effective August 23, 2005**

POLICY FOR MAINTAINING A HARASSMENT AND DISCRIMINATION FREE WORK ENVIRONMENT

I. STATEMENT OF POLICY

A. Maintaining a Harassment and Discrimination Free Work Environment

It is the policy of the County of Napa to maintain a work environment free of harassment and discrimination. A work environment which is free of harassment and discrimination provides a productive and pleasant environment characterized by mutual respect. Pursuant to this policy all employees, elected officials, vendors on County premises, members of the public while on County premises and persons providing services to the County pursuant to a contract shall be treated in a fair and nondiscriminatory manner. Additionally, individuals subject to this policy have a responsibility to abide by this policy and not violate its provisions. References to "employee" throughout this policy are intended to include County of Napa elected officials, vendors and persons providing services to the County pursuant to a contract.

Unlawful harassment, discrimination and retaliation undermines the philosophy and policies of the County as well as the rights guaranteed to employees and others under both state and federal laws. The County will not tolerate verbal, visual and/or physical harassment or discrimination against an employee on the basis of race, age, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, gender, self-identified gender or sexual orientation.

B. Liability for Policy Violations

Any County employee who violates this policy shall be subject to discipline, up to and including immediate dismissal. A vendor or persons providing services to the County under contract who violate this policy shall be subject to termination of their business relationship with the County.

In addition, an employee may be held personally liable for harassment committed by the employee and prohibited under the law.

C. Zero Tolerance

The County maintains a zero tolerance stance regarding violations of this policy. This means that serious cases of employee harassment, discrimination or retaliation related to a complaint made pursuant to this policy, will lead to recommendations for immediate dismissal by the Human Resources Director or designee and the County Executive Officer or designee.

II. **DEFINITIONS**

A. "Discrimination"

For purposes of this policy, discrimination may occur by either:

- 1. Treating members of a protected class less favorably because of their membership in that class. The protected groups are based upon race, age, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, gender or self-identified gender.
 - a) "Sex" is defined as including, but not limited to pregnancy, childbirth or medical conditions related to such, as well as one's gender (see California Government Code, section 12926(p)).
 - b) "Gender" is defined as including a person's sex, gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth (see California Penal Code, section 422.56).
- 2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

B. "Harassment"

Conduct which constitutes harassment in violation of this policy includes, but is not limited to:

- 1. Making or using derogatory comments, slurs, jokes or epithets which are related to an individual's race, ethnicity, religion, gender, self-identified gender, sex, or are of a sexual nature, or are based on any other identified protected category, as set forth in section II.A.1., above, or are otherwise deemed inappropriate.
- 2. Assaulting, touching, impeding or blocking movement, making derogatory gestures, or any physical interference with normal work movement which is motivated or related to an individual's protected status as set forth in section II.A.1., above.
- 3. Displaying derogatory posters, letters, poems, graffiti, cartoons or drawings that involve or relate to an individual's protected status as set forth in section II.A.1., above.
- 4. Sexual harassment as defined in section II.C., below.
- 5. Retaliation against an employee or person who provides services to the County pursuant to a contract or other covered individual who:

- a) files or responds to a bona fide complaint of harassment or discrimination;
- b) acts as a witness or otherwise cooperates in the investigation of a harassment or discrimination complaint; or
- c) serves as an investigator in processing complaints of harassment or discrimination.

C. "Sexual Harassment"

- 1. For purposes of this policy, sexual harassment is any behavior that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when:
 - Submission to, or rejection of, such conduct is used as the basis for employment decisions that influence or affect an individual's career (such as promotions, salary, employment conditions or other aspects of a career development); or
 - b) Such conduct unreasonably interferes with an individual's job performance; or
 - c) Creates an intimidating, hostile or offensive work environment.
- 2. All of the conduct described in II. B. (1)-(3), above, when it is of a sexual nature; or
- 3. Deliberate, repeated or unwelcome sexual advances, offering employment benefits in exchange for sexual favors or making or threatening reprisals after a negative response to sexual advances.

D. "Complainant"

- 1. A Napa County employee or elected official who alleges that they have been subjected to harassment, discrimination or retaliation, as defined in this policy.
- 2. A person providing services to the County pursuant to a contract, a vendor or member of the public who is on County premises who alleges that they have been subjected to harassment, discrimination or retaliation as defined in this policy.

III. PROCEDURES

Harassment, discrimination or retaliation against complainants of such conduct is prohibited. In addition, there shall be no retaliation against employees or other covered individuals who participate in any manner in any investigation concerning harassment, discrimination or

retaliation. Employees and other covered individuals are strongly encouraged to follow the procedures described in this policy.

A. Self-Help

Some harassment, discrimination or retaliation may be stopped by means of self-help. While a complainant is encouraged to consider self-help, it is not necessary to proceed with self-help before filing a formal complaint. No complainant should engage in self-help if doing so could result in an unacceptable level of tension, a physical altercation, or the threat of either one. A complainant may also consider addressing a concern regarding harassment, discrimination or retaliation with his or her supervisor, or any other supervisor, as the complainant deems appropriate.

Harassment, discrimination and retaliation are serious matters. No one is expected to tolerate it. However, some people who engage in harassment, discrimination or retaliation are unaware that their conduct is offensive and potentially unlawful and will stop if told to do so. Therefore, whenever it is reasonably possible under the circumstances, complainants should tell the individual in person, in clear and unambiguous words, that the conduct is offensive and ask the individual to stop. If, under the circumstance, it is not possible to do this in person, then the complainant should consider doing so in writing. In either case, as an aid to any future investigation, the complainant is encouraged to keep a written record of each occurrence of harassment, discrimination or retaliation and the writing should describe the offensive behavior in detail, noting the date, time and place of each occurrence, including the names of witnesses, if any.

B. Complaint Procedures

- 1. If a person who has a complaint about harassment (including sexual harassment, discrimination, or retaliation related to a complaint made pursuant to this policy), is not able to satisfactorily resolve the complaint using the self-help procedures (or if the self-help procedures are not appropriate under the circumstances), that person should then file a formal complaint with the Human Resources Director, or designee, in the Human Resources Division. The name, address and telephone number of the Human Resources Director, or designee, for receipt of harassment and/or discrimination complaints, shall be posted in all County departments and shall also be posted in the Human Resources Division which is located at 1195 Third Street, Suite 110, Napa, CA 94559, telephone number (707) 253-4303. All filings should be made as soon as possible after the date of the alleged incident of harassment or discrimination.
- 2. The Human Resources Division shall provide a designated complaint form, which complainants are encouraged, but are not required, to use (a copy of the complaint form is attached to this policy). However, should a complainant feel more comfortable reporting the matter directly to the Human Resources Director or designee, by letter or electronic mail, or orally in person or by telephone, then the

complainant should and is encouraged to do so. However, regardless of the form the complaint takes, in order to properly investigate the matter, the following information, at a minimum, must be provided:

- a) The name and job title of the complainant, the department in which the complainant works, and the department's address.
- b) The name of the person who is the alleged cause of the harassment, discrimination or retaliation and a specific description of the incident(s), including date(s) and location(s).
- c) A clear and complete description of the specific act(s) or omission(s) which are alleged to have resulted in the harassment, discrimination or retaliation.
- d) The identity and status of any witness (es) to the incident(s) with telephone numbers, e-mail addresses, and street addresses if known.
- e) A clear and complete statement of the relief or corrective action being sought.

3. Complaint Investigations

- a) The County shall make every effort to conduct an investigation promptly, while still remaining thorough. After completing the investigation, the investigator appointed by the Human Resources Director, or designee, shall forward a written report and recommendation for disposition to the Human Resources Director or designee.
- b) Confidentiality of Investigations
 - (i) Responsibility

Investigations of complaints made pursuant to this policy usually relate to very sensitive matters. These investigations are to be considered confidential. Complainants and persons involved in the investigation of a complaint (such as witnesses) have a responsibility to maintain confidentiality. Covered individuals are prohibited from discussing the complaint and investigation process unless they are specifically asked to provide information by Human Resources or a management representative.

(ii) Covered Individuals

Individuals who have a responsibility to maintain confidentiality include complainants who make a complaint pursuant to this policy, witnesses providing information as part of an investigation, those individuals who are the subject of an investigation, investigators, involved managers and other individuals who have been told to keep the matter confidential.

(iii) Qualified Confidentiality

The responsibility to maintain confidentiality does not guarantee absolute confidentiality. Individuals may out of business necessity have a need to discuss the nature of the complaint or its processing with superiors. Other individuals may have a business necessity to discuss the complaint and/or investigation with others on a "need to know" basis. Every effort must be made to limit discussions or information relating to a complaint to individuals having a business necessity to know about the complaint and/or the status of an investigation.

(iv) Right to Representation

Individuals, who are the subject of an investigation based on a complaint of harassment, discrimination or retaliation, the outcome of which may reasonably lead to disciplinary action for a violation of this policy, have the right to have a representative present during investigatory interviews or meetings.

- 4. Upon receipt of a written report and recommendation for disposition, the Human Resources Director, or designee, shall make every effort to conduct a review promptly, while still remaining thorough. The Human Resources Director or designee shall meet with the complainant to discuss the determination and complaint disposition. Following the meeting, the Director or designee shall provide a summary of the complaint disposition to the complainant.
- 5. Generally Applicable Conditions:
 - a) Once a complaint discloses identifying information and that information is sufficient to state a claim of discrimination, harassment or retaliation, a complaint will be deemed filed with the County.
 - b) The County will take prompt responsive action upon filing of a complaint unless the complainant expressly requests that no action be taken and the County determines in its sole discretion that no further action is required.
 - c) All documents, communications and records dealing with the processing of a complaint pursuant to this policy, shall be filed in a separate complaint file and shall not become part of an employee's personnel file.

- d) Complaints filed and processed through this complaint procedure shall not be filed or processed through any other existing procedure, rules, regulations, resolutions, ordinances or Memoranda of Understanding.
- e) Within a reasonable period of time (considering the nature of and circumstances surrounding the complaint) following the written disposition of the harassment, discrimination and/or retaliation complaint, the Human Resources Director or designee shall inquire into the status of any corrective action taken and report the status of the matter to the County Executive Officer. When appropriate, the Human Resources Director or designee shall make further status inquiries and shall report the status to the County Executive Officer.

C. Private Contract or Outside Agency Investigation Authority

- 1. Complaints of harassment, discrimination or retaliation shall be referred to a private contractor or outside agency for investigation under the following circumstances:
 - a) When the complaint involves the County Counsel's Office, or the Board of Supervisors. In this case, the Human Resources Director, or designee, shall be the agent for receipt of the complaint and all documents, communications and records dealing with the processing of the complaint. The Human Resources Director or designee shall be the contact with the outside investigator regarding the status of the investigation and shall be the agent for receipt of the investigation report.
 - b) When the complaint involves the County Executive Office. In this case, the County Counsel or designee shall be the agent for receipt of the complaint and all documents, communications and records dealing with the processing of the complaint. The County Counsel or designee shall be the contact with the outside investigator regarding the status of the investigation and shall be the agent for receipt of the investigation report.
 - c) When the complaint involves the Human Resources Division. In this case, the County Executive Officer, or designee, shall be the agent for receipt of the complaint and all documents, communications and records dealing with the processing of the complaint. The County Executive Officer or designee shall be the contact with the outside investigator regarding the status of the investigation and shall be the agent for receipt of the investigation report.
- 2. Following consultation with the Human Resources Director, or designee and the County Executive Officer, Human Resources may utilize the services of a private contractor or outside agency to investigate other allegations of prohibited harassment, discrimination or retaliation.

D. Other Available Remedies

a) Employee Assistance Program (EAP)

The County's EAP can provide employees with confidential counseling services. Employees wishing to confidentially discuss an incident of possible discrimination, harassment or retaliation, or employees seeking information and advice without committing to future action are encouraged to contact the County's EAP. The role of the EAP's counseling staff in such cases will be limited to personal counseling and treatment of the employee as a client.

b) Outside Agency Complaints

An employee or other covered individual may further direct complaints about harassment, discrimination and/or retaliation to the California Department of Fair Employment and Housing ("DFEH") or the Equal Employment Opportunity Commission ("EEOC"). An employee or other covered individual may contact the DFEH or the EEOC at the locations listed on the DFEH/EEOC poster located in the Human Resources Office or by checking the government listings of a telephone directory.

IV. RESPONSIBILITIES

A. Responsibility of Employees and Others

All County employees and officers share the responsibility of understanding and preventing harassment and discrimination in the workplace. All County employees are expected to comply with state and federal law regarding the prohibition of harassment and discrimination in the workplace. Under state law, a county employee may be held personally liable for unlawful harassment and discrimination committed by the employee. Ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continuous cooperation of the complainant and other persons who have been harmed by conduct in violation of this policy.

B. County Compliance

The County may be held liable for acts of harassment including sexual harassment, discrimination or retaliation on the part of its management or supervisory officers or employees who knew, or should have known, of such actions and failed to take immediate and appropriate corrective action to end the harassment, discrimination or retaliation. Therefore, all County officers and employees shall comply with the provisions of this policy. Any violation of this policy shall be cause for the imposition of discipline, up to and including the possibility of immediate dismissal.

C. Supervisory and Management Responsibility

As agents of the County; supervisors, managers and officers have the responsibility as agents of the County to act promptly to eliminate any prohibited discrimination, harassment or retaliation. A manager, supervisor or officer who knows or should know that discrimination, harassment or retaliation is occurring, or receives information that discrimination, harassment or retaliation may be occurring, must take immediate corrective action to address the problem.

Such action should include, but is not limited to:

- 1. Direct communication with the affected employee(s) or other person(s); or
- 2. Development of a specific account of the actions or behavior that is alleged to be in violation of this policy; or
- 3. Consultation with the Human Resources Director, or designee, to determine appropriate action to take.

If the alleged harassment, discrimination or retaliation is not directly within a manager's, supervisor's or officer's area of oversight, that person must notify the Human Resources Director, or designee, who will determine the appropriate action.

D. Prevention of Harassment, Discrimination and Retaliation

- 1. Prevention is the best method for avoiding harassment including sexual harassment, discrimination and retaliation. The Human Resources Division shall disseminate this policy to all County departments. All County Department Heads shall notify their employees of this policy, the consequences which may be imposed for violating it, and the procedure for handling complaints about harassment, discrimination and/or retaliation. Departments shall express strong disapproval of all forms of harassment, discrimination and retaliation and take immediate and appropriate corrective action when confronted with such complaints.
- 2. The County shall provide guidance, training and assistance to Department Heads and to management and supervisory employees for dealing with harassment, including sexual harassment. The Human Resources Director or designee shall provide training as mandated by California Government Code, section 12950.1.

E. Independent Contractors, Vendors and Other Covered Individuals

1. This policy shall apply to: (1) persons employed to do work for the County as independent contractors, (2) to County vendors and suppliers and to (3) members of the public who are on County premises.

- 2. A person who believes they have been harassed, discriminated or retaliated against by such an independent contractor, vendor or supplier or other covered individual should utilize the procedures described in this policy to resolve such complaints. Likewise, an independent contractor, vendor or supplier or other covered individual who believes they have been harassed, discriminated and/or retaliated by a County employee should utilize the procedures described in this policy to resolve such complaints.
- 3. A violation of this policy by an independent contractor, vendor or supplier shall be cause to terminate the business relationship or contract for goods or services.

F. Witness to Harassment and Employee Cooperation

Any employee who witnesses any incident of unlawful harassment, discrimination or retaliation is strongly encouraged to report the matter to the Human Resources Director or designee at the Human Resources Office, 1195 Third Street, Suite 110, Napa, CA 94559.

V. CONFIDENTIALITY

The County endeavors to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information and advice about harassment, discrimination or retaliation.

A. The Employee Assistance Program (EAP)

The County's EAP maintains the confidentiality of employees who are referred for EAP counseling services. The EAP does not report the names of individual employees utilizing the EAP.

B. During the Complaint Process

- 1. A complaint shall be handled in as confidential a manner as is practicable. The complaint will only be addressed with those persons who are interviewed as part of an investigation and those individuals who have a legitimate business need to know the information upon which the complaint was filed.
- 2. If it has been determined that an inappropriate breach of confidentiality has occurred in conjunction with an investigation into a complaint of harassment, discrimination or retaliation, such determination may be a separate and independent grounds for disciplinary action.

VI. STATUS OF OTHER POLICIES

This policy supersedes and replaces all other policies on the same subject, especially that policy entitled, "POLICY FOR MAINTAINING A HARASSMENT FREE WORK ENVIRONMENT" adopted by the Board of Supervisors effective on or about January 18, 2002. The County reserves

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the right to amend this policy whenever it is appropriate to conform to State and Federal laws, rules and regulations.



COUNTY of NAPA HUMAN RESOURCES

COMPLAINT FORM

HARASSMENT/DISCRIMINATION/RETALIATION

| Complainant's Full Name | | | | |
|--|--------------------------------------|------------------|---|---------------------|
| | | | | |
| | | 3 | | 4 |
| Job Title | | Complai | inant's Department | Work Phone |
| Name of the person causing the harassmen | t/discrimination/retaliation | Departm | nent | |
| Date(s) on which you believe the harassme | ent/discrimination/retaliation | took place: | | |
| Please indicate check whether your compla | aint is based on discrimination | on, harassment a | nd/or retaliation: | |
| Г | ☐ Discrimination | | | |
| | ☐ Harassment | | | |
| | ☐ Retaliation (for | filing a complai | nt) | |
| | ☐ Retaliation (for pa | | an investigation) | |
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| Indicate the reason you have checked a particle of the reason of the reason you have checked a particle of the reason you have the reason you have checked a | articular box. For example, | if you checked | Age | e "male or female." |
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| Race National Origin | articular box. For example, | | Age Marital Status | |
| Race National Origin Ancestry Color Religion | articular box. For example, | | Age Marital Status Sex (gender) Self-identified gender Sexual Orientation | |
| Race National Origin Ancestry Color Religion Medical Condition | | | Age Marital Status Sex (gender) Self-identified gender | |
| Race National Origin Ancestry Color Religion | | | Age Marital Status Sex (gender) Self-identified gender Sexual Orientation | |
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| Race National Origin Ancestry Color Religion Medical Condition Disability (physical and/or re | mental) nd/or discrimination against | you took place (| Age Marital Status Sex (gender) Self-identified gender Sexual Orientation Sexual Harassment | |

12. What corrective action or remedy, if any, are you seeking?

| WAIVER OF CONFIDENTIALITY |
|--|
| I,, understand that I waive my right to |
| complete and absolute confidentiality for purposes of Human Resources investigating the matters |
| described in this complaint. I understand that investigations into harassment, discrimination and/or |
| retaliation matters are highly sensitive and that investigations will be conducted respecting that |
| sensitivity. However, I recognize that complete confidentiality cannot be guaranteed. Refer to the |
| County's Policy For Maintaining a Harassment and Discrimination Free Work Environment for a more |
| detailed explanation of confidentiality. |
| |
| Signature of Complainant Date |
| |

DRUG AND ALCOHOL POLICY

It is the purpose of this policy to articulate the position of the Napa County Board of Supervisors with respect to the use/influence of drugs or alcohol by/on County employees while on County time, in County vehicles, on County property or in County facilities. The use of illicit drugs, as well as the abuse of other drugs, and alcohol, by employees is unacceptable since it can adversely affect health and safety, security, and productivity, as well as public confidence and trust. The County shall provide a copy of this policy to each of its employees.

POLICY REGARDING ILLICIT DRUGS IN THE WORKPLACE

It is the policy of the County of Napa, in accordance with the Drug-Free Workplace Act of 1988 (P.L. 100-690 - 5151 et seq.) that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance as described in schedules I through V. of Section 202 of the Controlled Substance Act (21 USC-Sec. 812), i.e., generally, a drug which is illegal to possess, use, sell or provide without a prescription, shall be prohibited in all work places of the County. Additionally, it is the policy of the County of Napa that the use of illicit drugs outside the workplace, so that the employee's performance is impaired or hinders the employee's ability to perform duties safely and effectively, is prohibited. The County shall, within thirty (30) calendar days of the County's knowledge of violation, either require an employee who violates this policy to satisfactorily participate in an approved drug abuse assistance or rehabilitation program, or be subject to discipline, (up to and including termination) or both, as appropriate.

As a condition of employment or continued employment with the County, all employees shall abide by this policy. Furthermore, all employees shall notify the County of their conviction of any violation of a criminal drug law occurring at the workplace not later than five (5) calendar days after such conviction. The County shall notify any agency of the Federal Government from which it receives a grant of the conviction of any of its employees for any criminal drug law violation occurring at the workplace within ten (10) calendar days after receiving notice thereof.

POLICY REGARDING ALCOHOL IN THE WORKPLACE

It is the policy of the County of Napa that the use of alcohol outside the workplace, so that the employee's performance is impaired or hinders the employee's ability to perform duties safely and effectively is prohibited. Further, the use of alcohol in the workplace or on county time is prohibited. The County retains discretion to implement more stringent rules and regulations regarding alcohol for any department for which it is deemed appropriate. As a condition of employment and continued employment with the County, all employees shall abide by this policy. The County shall, within thirty (30) calendar days of County's knowledge of violation, either require any employee who violates this policy to satisfactorily participate in an approved alcohol abuse assistance or rehabilitation program, or be subject to discipline (up to and including termination), or both, as appropriate.

POLICY REGARDING PRESCRIPTION DRUGS AND OVER THE COUNTER MEDICATION IN THE WORKPLACE

It is the policy of the County of Napa that the abuse of prescription drugs or over-the-counter medication, whether in the workplace or outside the workplace, so that the employee's performance is impaired or hinders the employee's ability to perform duties and safely and effectively is prohibited. The County retains discretion to implement more stringent rules and regulations regarding prescription drugs and over-the-counter medication for any department for which it is deemed appropriate. As a condition of employment and continued employment with the County, all employees shall abide by this policy. The County shall, within thirty (30) calendar days of County knowledge of violation, either require an employee who violates this policy to satisfactorily participate in an approved drug abuse assistance or rehabilitation program, be subject to discipline (up to and including termination), or both, as appropriate.

EMPLOYEE ASSISTANCE AND INFORMATION REGARDING DRUG OR ALCOHOL ABUSE OR USE

The County maintains an Employee Assistance Program available to all employees. Employees or their family members who have problems with or questions concerning drugs or alcohol are encouraged to utilize the program. Any employee or family member interested in utilizing the Employee Assistance Program may confidentially contact the program by calling (800) 227-1060, toll free. Furthermore, employees may confidentially contact their medical insurance provider for information regarding coverage for treatment for drug and/or alcohol abuse.

Approved March 25, 1997 **Revised Effective April 17, 2001**

NAPA COUNTY INFORMATION TECHNOLOGY USE & SECURITY POLICY

I. STATEMENT OF POLICY

Napa County has a significant investment in networked and on-line personal computer technology in order to assist employees in performing their jobs as efficiently as possible. In addition, advancements are being made to integrate voice and facsimile communications capabilities into the County's personal computer and network technology. As a result County employees are expected to ensure that computers, software, electronically stored data, facsimile, voice-mail equipment and other telecommunications systems are secure and used appropriately. This Policy is intended to apply to all County Information Systems equipment and devices, such as, personal computers, laptops, telephones, cellular phones, facsimile machines, hand-held devices and personal data assistants ("PDAs"). For further guidance, please refer to the Information Technology Use & Security Guidelines.

A. Purpose of Policy

1. To Establish Appropriate Use and Security Guidelines

The County makes every effort to provide employees with the best technology available to conduct the County's official business. Therefore, this policy has been created to advise all users regarding the appropriate use of, access to, and the disclosure of information created, transmitted, received and stored via the use of County computing and telecommunications networks, systems and equipment (collectively referred to as Napa County's Information Systems) and is intended to guide employees in the performance of duties as related to the use of these Information Systems. All employees and other users are required to adhere to this Policy. Certain departments may have unique requirements and are encouraged to develop separate policies and guidelines to address those issues.

2. To Provide Notice Regarding Expectation of Privacy

This Policy is also intended to notice employees that all County Information Systems, and their contents, are not confidential or private. That is, all data, including any that is stored electronically or printed as a document, is subject to audit, review, disclosure and discovery. Such data may be subject to disclosure pursuant to the Public Records Act (California Government Code Section 6250 et. seq.). Therefore, there is no expectation of privacy in the use of the County's Information Systems.

Accordingly, the County reserves the right to access and monitor employee use of the County's Information Systems as well as any stored information, created or received by County employees, with the County's Information Systems. The reservation of this right is to ensure that the County's Information Systems are used securely and appropriately in an ethical and lawful manner.

3. Applicability of This Policy to Other County Information Systems Users

Persons providing services to the County pursuant to a contract, vendors, or others who use the County's Information Systems during the course of performing their duties, will be held accountable for abiding by this Policy.

II. USE OF COUNTY INFORMATION SYSTEMS

A. General Use Statement

As improvements in County technology provide increased connectivity, the actions of one employee can impact the integrity and security of a telecommunications network used by many. A County employee, or any other user granted use of the County's Information Systems is expected to use those systems in a responsible manner by complying with all policies, relevant laws and contractual agreements.

All County Information Systems furnished to employees as well as to any other users, are Napa County property, intended for County business use. Use of County Information Systems for personal or commercial gain is prohibited. As a condition of employment, all employees will be required to sign a Standard of Conduct Agreement to acknowledge that they have read and understand this Policy, and, by so signing, consent to the County's accessing, reviewing and disclosing data or messages stored in the County's Information Systems. Department Heads are responsible for taking appropriate action for any violations of this policy.

These same Policy provisions, as well as other applicable County policies, apply to employees and any other users who access the County's Information Systems from remote sites.

B. Prohibited Use

The use of the County's Information Systems is restricted to "official County business", therefore, certain conduct is considered to be in violation of the County's Information Technology Use & Security Policy. In addition, such prohibited use may be in violation of other applicable County policies. Examples of prohibited use include, but are not limited, to the following:

• Personal use of or time spent for personal gain which exceeds incidental use.

- Using the County network to gain unauthorized access to other areas of the County system or other systems to which the County is connected. Such an action is a violation of this Policy as well as the Federal Electronic Communications Privacy Act (ECPA) 18 U.S.C. § 2510.
- Attempting to circumvent data protection schemes or uncover security loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secured data.
- Knowingly or carelessly running or installing on any computer system or network, programs known as computer viruses.
- Violating terms of applicable software licensing agreement or copyright laws and their fair use provisions through inappropriate reproduction or dissemination of copyrighted text, images etc.
- Using County resources for private commercial activity such as creating products or reports for sale.
- Using electronic mail to harass or threaten others. This includes sending repeated, unwanted e-mail to another user.
- Using the Computer or Internet for political campaigns.
- Transmitting or reproducing materials that are vulgar, lewd, disturbing or sexually explicit or that otherwise violate existing County policy.
- Transmitting or reproducing materials that are slanderous or defamatory in nature or that otherwise violate existing County policy.
- Representing yourself as someone else, real or fictional, or sending a message anonymously.
- Downloading files from the Internet without first scanning them with the County's standard virus prevention software.
- Sending, posting or providing access to any sensitive or confidential County material or information unless for official County business purposes.
- Any violation of this Policy may result in disciplinary action up to and including termination as well as civil and/or criminal prosecution.

III. COUNTY INFORMATION SYSTEMS DATA ACCESS

A. Right of Access

- 1. The County has an unrestricted right of access to, inspection of, and disclosure of all voice and electronic data and software on any County equipment or media, at the request of appropriate County management. Such access and disclosure shall be in accordance with, and subject to any controls or restrictions imposed by applicable statutes or licenses, and in a manner consistent with preservation of evidentiary privileges.
- 2. Access to and review of voice and electronic data and Internet files on County Information Systems or media will follow supervisory lines. The supervisor and higher authorities under whom each staff member, other user, or official, works has the authority to access, inspect and disclose information, in accordance with the policies contained in this section, and consistent with applicable statutes or licenses. Peers and subordinates have no authority to access or disclose except as specifically granted by Department manager.

B. Obligation to Provide Access

Individual County employees, officials, or other users of County Information Systems or media are required to immediately provide access, decrypt and disclose any passwords, files or data to appropriate County management upon request. (All County employees, officials and other users shall be informed of this requirement and required to sign and acknowledge the Information Technology Use Standard of Conduct Agreement)

IV. SOFTWARE AND DATA OWNERSHIP

A. County of Napa Ownership Rights

- 1. Ownership rights for all software owned or controlled by the Napa County are vested in the "County of Napa" and are subject to the controls, policies, and procedures established by the Board of Supervisors, except where otherwise provided by software license or consultants under a contract. All software and documentation developed by or under the supervision (direct or indirect) of County programming personnel during work hours or using County Information Systems is the property of the County, until such time that the County abandons or transfers ownership except where such ownership or work is governed by an existing contract or agreement.
- 2. Data files are public records under the control of the appointed Custodians of Records for the respective County Departments, appointed or elective offices.

Ownership and control of such information shall be consistent with the California Public Records Act. The fact that individual items or collections of data or software are public in nature, or actually are public records, does not diminish the "property" aspects of County ownership.

- 3. The County may, in its sole discretion, assert, establish and exercise property rights in any and all data, files and software stored, maintained, created or placed on any County Information Systems including transferable media such as diskettes and tapes, unless that file or software is the licensed property of another entity. The assertion, establishment, and exercise of such rights may occur at any level along lines of supervisory authority. Such action shall be in a manner consistent with state and federal laws. Request for review of such action shall be to the applicable Department Head, whose decision is final.
- 4. The Department of Information Technology Services (ITS) has custodial responsibility for software licensing and data security administration. This includes all data and programs supporting network systems including the processing and storage of data for County Departments.

V. STATUS OF OTHER POLICIES

This policy supercedes and replaces all other policies on the same subject, especially that policy entitled, "NAPA COUNTY COMPUTER INFORMATION & SECURITY POLICY" adopted by the Board of Supervisors effective on or about March 25, 1997. The County reserves the right to amend or append this policy to include necessary guidelines for new developments in computer information use, such as storage of e-mail and stored data and integrated telecommunications systems with computer and electronic data systems, or whenever it is appropriate to conform to state and federal laws, rules and regulations.

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| NAPA COUNTY | |
|--|--|
| Information Technology Use & Security Policy | |
| STANDARD OF CONDUCT AGREEMENT | |

BY SIGNING THIS FORM, I UNDERSTAND AND AGREE TO THE FOLLOWING:

This is to certify that I have read and understand and agree to abide by the Napa County Information Technology Use and Security Policy.

I understand that as a County employee or person who provides services to the County, I have access rights only to the information with which I have been assigned to work and that accessing confidential information in files or other stored communications data other than those to which I am assigned to work, or using County equipment or on-line services to access and/or distribute to other County employees, contractors or members of the public, any unacceptable information obtained from any source, is expressly prohibited.

I understand that the County maintains the right to monitor, access, examine and disclose all data and information stored and transmitted by a County computer and/or telecommunications system in accordance with applicable laws and policies in order to ensure the proper use and maintenance of these systems.

I further understand that failure to comply with any of the guidelines and requirements of the Napa County Information Technology Use and Security Policy, as well as other related County Policies and state and/or federal law could result in disciplinary action, up to and including termination of my employment.

I also agree to periodically review the associated Information & Technology Use & Security Guidelines. In addition, changes or modifications may be made to this Policy and I understand that the law, this Policy and associated Guidelines regarding the use of the County's information systems are continually evolving. Therefore, I understand that my regular review of this Policy is required. I understand that updates to this Policy and associated Guidelines will be made available to me when changes or modifications to these occur.

This acknowledgement form will be filed in my personnel file and with the Department of ITS.

Employee Name (print) Employee's Department Date

Effective May 23, 1995 Revised effective November 2, 2004

WORKPLACE VIOLENCE POLICY

I. STATEMENT OF POLICY

The purpose of this Policy is to promote a safe environment for Napa County employees and the general public and to define procedures for reporting and resolving incidents of workplace violence. The County of Napa is committed to providing a safe, secure and respectful work environment that is free from violence and the threat of violence. Therefore, acts of violence or threats of violence that are committed by or against County employees, officers or elected officials, or members of the public, while on Napa County property or while conducting Napa County business at other locations are strictly prohibited.

The goal of this Policy is two-fold:

- a. To reduce the probability that employees or other persons will engage in violent conduct, and
- b. To ensure that any complaint or report of violence or the threat of violence is properly reported and is thoroughly and promptly investigated.

II. SCOPE OF POLICY

This Policy covers incidents occurring on all County premises, within county vehicles, and County-sponsored events, whether or not on County property and applies to all Napa County employees, officers and officials, as well as to those persons providing services to the County of Napa pursuant to a contract. All references to "employee(s)" that follow in this policy means officers, officials, persons providing services to the County, agents of the County including volunteers and interns, as well as employees. All references to the "Human Resources Director" in this policy include his/her designee.

Computers, e-mail and other information systems and equipment, telephones, facsimile machines and the County's general mail system are considered to be County property and are intended to be used for County business only. The use of these mediums or equipment for the purpose of committing acts of violence or communicating threats of violence will be considered a violation of this Policy, as well as the County's Information Technology Use & Security Policy, and may be grounds for disciplinary action up to and including termination.

For purposes of this Policy, examples of "workplace violence" include, but are not limited to:

- a. Striking, punching, slapping or assaulting another person.
- b. Fighting or challenging another person to fight.

- c. Grabbing, pinching or touching another person in an unwanted way, whether sexually or otherwise.
- d. Engaging in dangerous, threatening or unwanted horseplay.
- e. Possession of firearms, explosives, or other weapons that are intended by their design to inflict fatal injury, unless such possession or use is a requirement of the job. This prohibition is in force anywhere on Napa County property, including parking lots and other exterior premises, County vehicles or while conducting County business at other locations.
- f. Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- g. Stalking (i.e., the repeated following, calling or harassing of another combined with the making of a verbal, written or implied threat of harm).
- h. Engaging in acts of sabotage designed to damage the effectiveness of the County.

III. RESPONSIBILITIES

Employees

Every County employee is responsible for keeping the workplace free of violence or the threat of violence. Every County employee is under an obligation to act responsibly as it relates to refraining from acts of violence or making threats of violence. County employees should:

- Be familiar with County policy and procedures regarding workplace violence.
- Be aware of the security of his/her own work area.
- Be responsible for questioning and/or reporting strangers in the workplace or suspected behavior to your supervisor.
- Be aware of threats of harm, and/or any disruptive behavior of any individual and report such to his/her supervisor.
- Be familiar with procedures for dealing with and reporting workplace violence and emergencies.
- Not confront individuals who are a threat.
- Be familiar with the resources of the County's Employee Assistance Program (hereinafter referred to as "EAP").
- Take all threats of harm seriously.

Managers and Supervisors

Managers and supervisors may become involved in assessing situations and making judgments on the appropriate response to a violent situation. In addition, managers and supervisors are likely to be involved in the reporting of either actual incidents or the knowledge of an incident that has the potential for violence. County managers and supervisors will:

- Inform their employees of County policy and procedures regarding workplace violence and encourage their employees to participate in the training on workplace violence provided by the County.
- Respond to potential threats and escalating situations by utilizing proper resources, such as the County's EAP, the County's Threat Assessment Team, and/or law enforcement, when necessary.

IV. REPORTING

Any employee who:

- is subject to, or believes he/she is subject to, violent conduct or the threat of violence, or
- is a witness to such conduct, or
- receives a report of such conduct, whether the alleged perpetrator is a County employee or other person,

has a responsibility to report the matter as soon as possible. The manner in which the situation shall be reported depends on whether or not the situation is considered to be an emergency.

Reporting Emergency Situations

In the case of an actual or imminent act or threat of violent behavior, call 911 on a commercial phone, 9-911 on a county phone or (707) 253-0911 on a cell phone immediately.

Reporting Non-emergency Situations

In all other cases, the employee should report the matter to a supervisor. The supervisor should obtain all the necessary facts and report such information to his/her Department Director. If the reporting employee believes this to be inappropriate, or is otherwise uncomfortable reporting the situation in this manner, he/she can contact the Human Resources Director directly.

Other Issues Regarding Reporting

False Reporting

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment. However, if, upon investigation, it is determined that a report was falsified or made maliciously, the employee or other person who provided the false information may be subject to disciplinary action, up to and including termination, as well as possible criminal prosecution or civil liability.

Restraining Orders and/or Injunctions

In the event a County employee obtains a restraining order or injunction against another person, that employee is encouraged to report this information to his or her supervisor or Department Director. A description of the individual whom the restraining order is filed against, and a photograph if available, should be provided.

V. INVESTIGATING

Emergency Situations

In emergency situations, the investigation of an incident should be immediately referred to the Sheriff's Office and/or the Human Resources Director, or his/her designee, for investigation by the County's Threat Assessment Team. If the alleged perpetrator is a county employee, Human Resources may place the person on administrative leave with pay until the investigation by the TAT is concluded and the situation has been resolved. If the alleged victim is a county employee, Human Resources will ensure the victim is safeguarded.

Non-emergency Situations

In all other cases, a County manager or supervisor is responsible for gathering the necessary facts regarding an incident of violence or threat of violence. The first supervisor or manager to become aware of the situation should gather the facts and report them to his/her Department Director, who shall decide on further disposition in consultation with the Human Resources Director. Further disposition may include placement by the Human Resources Director of the alleged perpetrator on administrative leave with pay pending investigation and resolution of the situation. If the alleged victim is a county employee, Human Resources will ensure the victim is safeguarded.

Basic Components of Fact Gathering

The basic components of an investigation, even if preliminary, should include documentation of every aspect of the incident in question. Documentation should be kept factual; editorial comments should not be part of an investigation. As much as practical, the following should be documented:

- Who was the alleged perpetrator and who else was present at the scene (witnesses)
- What happened
- Where did the incident occur
- When did the incident occur
- Why did the incident occur or why was the threat made
- What is the alleged perpetrator's account and response to what happened

Incident Consultation

Once the necessary facts of the incident are gathered, the applicable Department Director in non-emergency incidents, and the County Threat Assessment Team (TAT) in emergency incidents, shall, in consultation with the Human Resources Director, determine what appropriate steps should be taken to prevent any harm from occurring or to prevent the situation from escalating. Such action may include referral to the TAT for further investigation and recommendations. The Human Resources Director shall prepare a written report of the incident, investigation and recommended actions, if any. The County Executive Officer (hereinafter "CEO") shall review the report and, in consultation with the Human Resources Director, approve the final disposition and actions to resolve the incident.

Incident Debriefing

Employees or other persons who have been subjected to a violent incident, or threat of violence, should be debriefed by either the TAT, applicable Department Director or Human Resources Director regarding the measures taken to ensure the employee's or other person's safety and the prevention of a further incident. Additionally the supervisor or Human Resources Director will recommend to the employee that they seek assistance from the EAP in dealing with any issues of posttraumatic stress.

VI. CONSEQUENCES OF VIOLATIONS

Upon completion of an investigation, incidents of violence or threats of violence will be reviewed by the Human Resources Director or the TAT to determine the appropriate course of action regarding violations of this Policy. Violations of this Policy by any individual subject to this Policy may lead to disciplinary action, remedial or corrective action and/or legal action.

Disciplinary Action

If it is determined that a County employee has violated this Policy, disciplinary action may be imposed, upon recommendation of the Human Resources Director or the TAT, and approval of the CEO. Disciplinary action, depending upon the nature and severity of the specific incident, may include termination of County employment.

Remedial and/or Corrective Action

In addition to, or in lieu of disciplinary action, and upon the recommendation of the Human Resources Director and approval of the CEO, other actions may be considered to address the concerns arising from an investigation of an incident of violence or potential violence. Types of action that may be considered include, but are not limited to, immediate removal from the workplace, job transfer, or a management referral to the County's EAP.

At the discretion of the Human Resources Director, a County employee exhibiting warning signs or other behavior which may be considered problematic as related to violent behavior may be required to submit to a fitness for duty evaluation to determine the employee's continued suitability and fitness to perform the duties of his or her job.

Legal Action

Violations of this Policy may lead to criminal prosecution in accordance with applicable state and/or federal law as well as civil liability. In addition, the County may initiate proceedings to obtain a restraining order against individuals who make credible threats of violence pursuant to the California Workplace Violence Act of 1994 (California C.C.P. §527.8).

VI. EMPLOYEE RESOURCES AND TRAINING

Resources

The Employee Assistance Program (EAP)

The County offers an Employee Assistance Program (EAP). All eligible County employees are encouraged to use the EAP as a resource whenever there is the need for guidance in coping with life's difficulties. The EAP can provide professional assistance in the areas of stress management and issues related to violence in the workplace. The nature of assistance provided by the EAP remains confidential; the County does not receive information about individual employee contacts with the EAP.

The County's Threat Assessment Team

The County has created a Threat Assessment Team (TAT) to administer the County's Workplace Violence Policy. The team is designed and prepared to handle incidents or threats of violence, or the consequences of any incidents or threats of violence and to make appropriate assessments and recommendations for necessary steps to be taken. The team consists of representatives from various County departments, forming a multi-disciplinary approach to the prevention and intervention of workplace violence.

The team has three primary functions:

- Identifying the potential for violence
- Prevention
- Upon referral to TAT, responding to individual acts of violence (investigation, intervention and resource referral).

Members of the TAT may vary depending on the situation. The approach and timing for these interventions and/or evaluations will be specific to the circumstances of each situation. Once a threat assessment is completed, the team will recommend what additional measures, if any, are needed.

Training

Training is one of the most effective ways to learn how to react to and report incidents of violence and is an essential tool to help employees identify persons within their department or within the County that they can turn to for help in resolving potentially violent situations.

As part of the County's commitment to preventing workplace violence, the County shall provide opportunities for employees to be trained in the recognition of the basic risk factors associated with workplace violence and in the proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace. In addition to general employee training, supervisory training is offered by the County to assist managers and supervisors in their roles and responsibilities concerning workplace violence.

VIII. STATUS OF OTHER POLICIES

This Policy supersedes and replaces all other policies on the same subject, especially that Policy entitled, "Workplace Violence Policy" adopted by the Board of Supervisors effective on or about May 23, 1995. The County reserves the right to amend this Policy whenever it is appropriate to conform to state and federal laws, rules or regulations.