

# PORT SAN LUIS HARBOR DISTRICT POLICY HANDBOOK

**POLICY TITLE:** Equal Employment Opportunity (Previously “Non-Discrimination”)  
**POLICY NUMBER:** 2220  
**Originally Adopted:** October 2001  
**Revised:** April 2017; September 2022  
**Reviewed:** September 27, 2022

**2220.10** The Port San Luis Harbor District has a strong commitment to prohibiting and preventing discrimination, harassment, and retaliation in employment related to State and Federal protected classes. It is the District’s objective to ensure a work environment free from all forms of discrimination and harassment for its diverse workforce. The principles of EEO are applied in all employment decisions and business practices, unless such practices would violate state or federal laws and statutes, court orders, or result in a loss of federal funds.

The District encourages all covered individuals to report, as soon as possible, any conduct that is believed to violate this policy.

**2220.20** The District uses merit and excellence of qualifications as the basic principles guiding District Equal Employment Opportunity (EEO) efforts regarding employee recruitment, hiring, retention, training, transfers, promotions, and related public and private sector business activities.

The District strives to maintain a diverse workforce and to provide EEO to all applicants, employees, clients, and customers, without regard to race, religious creed, color, national origin, ancestry, age, disability (physical or mental), medical condition (cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, sexual orientation, political affiliation, or military and veteran status (Government Code sections 12920 and 19702 et seq). The District has a zero tolerance policy for EEO-related discrimination and/or harassment.

**2220.21** It is unlawful and a violation of this policy to retaliate against District employees, applicants, vendors, contractors, or an employee of another organization or agency who has supported this policy, filed a complaint, testified, or assisted in any proceeding under this policy.

**2220.22** All applicants and employees have the right to file complaints alleging discrimination. All EEO complaints must be filed with the District EEO Officer by completing and returning a PSLHD Employment Discrimination Complaint Form to the District Administrative Offices, filing via email at [EEOConcerns@portsanluis.com](mailto:EEOConcerns@portsanluis.com) or by phone at: 805-595-5412 within the applicable statute of limitations.

## **2220.30**      Definitions and Protected Classes:

**2220.30.1**      Discrimination – Any act or failure to act, or an employment decision that is based in whole or in part on a person’s status in a protected class or retaliation that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on employees, applicants, and business partners.

**2220.30.2**      Harassment – A form of employment discrimination that violates related civil rights laws. Harassment is unwelcome conduct that is based on the State and Federal protected classes. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

**2220.30.3**      Retaliation – Civil rights laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. It is unlawful to retaliate against applicants, employees, or business partners for reporting, filing an EEO complaint, or participating in an EEO-related investigation, or the perception of either. Employees (supervisors, co-workers and management) found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

**2220.30.4**      Protected Classes – Race, color, ancestry/national origin, religion, age (40 and over), disability (physical or mental), sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), gender (including identity and expression), sexual orientation, medical condition (cancer and genetic characteristics), genetic information, marital status, military or veteran status, political affiliation, as well as protection from retaliation for filing/perception of filing an EEO complaint and protection from retaliation if participating/being perceived to participate in an EEO investigation.

## **2220.40**      Responsibilities

**2220.40.1**      EEO Officer:

- a. Ensures that the District’s EEO Program and plan are fully implemented and complied with in all programs and business activities.
- b. Ensures that employment, recruitment, hiring, retention, training, transfers, promotions and business activities comply with EEO guidelines and laws.
- c. Ensures that active recruitment efforts for qualified applicants are broad and inclusive of all segments of the relevant workforce.
- d. Provides EEO technical assistance to managers and supervisors.
- e. Provides oversight for District discrimination complaint processes.
- f. Ensures that comprehensive, neutral and timely investigations of discrimination complaints and provides a thorough, impartial, uniform, and confidential complaint intake process. Serves as point of contact for employees to initiate the complaint process.

- g. Conducts fair, impartial, and timely reviews of discrimination complaints (including allegations of sexual harassment and denial of reasonable accommodation) and recommends resolutions.
- h. Serves as the liaison to the United States Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), and representatives from other State agencies as required, and executive and legal staff regarding EEO matters.
- i. Submits reports and data to executive staff and legal counsel for presentation to Commissioners.

**2220.40.2** Managers and Supervisors:

- a. Provide a work environment that is free from discrimination and harassment by ensuring that standards and practices comply with EEO guidelines and this policy.
- b. Review this policy with employees on an annual basis, or more often as needed.
- c. Forward EEO complaints to the EEO Officer in a confidential and timely manner.
- d. Ensure that employees are aware of their responsibility to cooperate fully in the investigation processes of a complaint and in any disciplinary proceedings for violations of this policy.
- e. Work with the EEO Officer, legal counsel, and human resources to take immediate and appropriate corrective action when a violation of this EEO policy occurs. Corrective action may include remedial or disciplinary action after an appropriate finding that a policy violation occurred, and/or taking steps during the period that an investigation of a complaint is pending to prevent additional potential or alleged policy violations.
- f. Provide a work environment that is free from retaliation for those who have supported this policy, filed a complaint, testified, or assisted in any proceeding under this policy.

**2220.40.3** Employees, Applicants and Business Partners:

- a. Ensure that fellow employees, business partners, and the general public are treated with dignity and respect in a work environment that is free from discrimination and harassment.
- b. Immediately report alleged violations of this policy, whether directed at themselves or at co-workers, to a supervisor, manager, or the District EEO Officer.
- c. Cooperate fully in the investigation processes of a complaint and in disciplinary proceedings for violations of this policy.

**2220.40.4** Applicability

- a. This policy applies to all District employees, applicants and business partners.

## RESOURCES

Government Code sections [19790-19799](#)

California Fair Employment and Housing Act ([Government Code 12900-12996](#))

[Title VII, US Civil Rights Act of 1964](#)

[The Age Discrimination in Employment Act of 1967 \(ADEA\)](#)

[Rehabilitation Act of 1973 \(29 USC 791 et. seq.\)](#)

[The Pregnancy Discrimination Act](#)

[Title I of the Americans with Disabilities Act of 1990 \(ADA\)](#)

[Unruh Civil Rights Act \(Civil Code 51-53\)](#)

[Article 1, Section 31, California Constitution](#)

EEO concerns email [EEOConcerns@portsanluis.com](mailto:EEOConcerns@portsanluis.com)

Exhibits:

PSLHD Employment Discrimination Complaint Form

PSLHD Equal Employment Opportunity Statement



**PORT SAN LUIS HARBOR DISTRICT**

3950 Avila Beach Drive / P.O. Box 249  
Avila Beach, California 93424

**Employment Discrimination  
Complaint Form**

Port San Luis Harbor District strives to maintain a diverse workforce and to provide equal employment opportunities to all applicants, employees, clients, and customers, without regard to race, religious creed, color, national origin, ancestry, age, disability (physical or mental), medical condition (cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, sexual orientation, political affiliation, or military and veteran status. The District has a zero tolerance policy for EEO-related discrimination and/or harassment.

If you believe that your EEO rights have been violated by the District or it's representative(s), you may use his form to file a complaint with the District. Complaints should be filed as close to the date of the alleged discrimination as possible, but no later than the applicable statute of limitations.

The following information is necessary to assist us in processing your complaint. The completed form must be returned to the District at the address listed at the top of this form. You may also file a complaint by phone at: 805-595-5412 or email: EEOConcerns@portsanluis.com.

In case you need assistance filling out this form, please contact us.

Your Name:	
Street Address, City, State, Zip:	
Your Phone:	Alternate Phone:
E-mail Address:	
Name of person(s) discriminated against (if others beside yourself are discriminated against please include whatever you know about them):	
Street Address, City, State and Zip:	

Which of the following best describes the reason you believe the alleged discrimination took place?

- Race
- Religious Creed
- Color
- National Origin (Limited English Proficiency)
- Ancestry
- Age
- Disability (physical or mental)
- Medical condition (cancer and genetic characteristics)
- Genetic information
- Marital status
- Sex (including pregnancy, childbirth, breastfeeding, and related medical conditions)
- Gender
- Gender identity
- Gender expression
- Sexual orientation
- Political affiliation
- Military and veteran status



**PORT SAN LUIS HARBOR DISTRICT**  
**Employment Discrimination Complaint Form**

Please describe the alleged discrimination incident. Provide the names and title of any District employee who may have been involved. Please explain what happened and who you believe was responsible. Please attach a letter if additional space is required.


Have you filed a complaint with any other agency? (Circle one) Y / N

If so, please list agency contacted and information below:

Agency:	Contact Name:
Street Address:	Phone:
City:	State, Zip:

I affirm that I have read the above complaint and that it is true to the best of my knowledge, information and belief:

\_\_\_\_\_

Signature

Date

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**EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

September 7, 2022

Port San Luis Harbor District (the "District") is committed to the principle of equal employment opportunity for all employees, and to providing employees a work environment free of discrimination and harassment. We are committed to equal employment opportunity (EEO), by celebrating diversity, and creating an inclusive and accessible work environment that prohibits and remedies discrimination and harassment of any kind. It is the policy of the District to ensure that no employee or applicant for employment is denied equal opportunity because of race, color, religion, sex (including sexual orientation, gender identity and expressions, and pregnancy), national origin, age (40 and over), disability, marital status, parental status, veteran status, genetic information, or reprisal. These protections extend to all aspects of employment and management practices and decisions, including recruitment and hiring, pay, job assignments, appraisal systems, promotions, training, career development programs, and any other term, condition, or benefit of employment. All employment decisions are based on business needs, job requirements and individual qualifications.

The District aspires to be a diverse workforce, representative of the public we serve. All District employees must comply with all non-discrimination laws and policies, and actions inconsistent with these laws and policies could result in disciplinary action, up to and including termination of employment. While all District employees are required to attend mandatory EEO training bi-annually, as part of our ongoing efforts to foster and maintain a civil non-discriminatory work environment, additional workplace training opportunities will be available throughout the year, and employees are encouraged to participate as their work schedules permit. All employees and applicants for employment are afforded legal protections against EEO violations and have the right to raise allegations of discrimination and harassment without fear of reprisal. Any employee, former employee, or applicant for employment who believes that they were subjected to discrimination, harassment, or retaliation based upon a protected class and elects to initiate an EEO complaint is encouraged to do so as soon as possible after the alleged discriminatory event or action by completing the EEO Complaint Form or contacting the District EEO Officer, Human Resources, a member of management or Commissioner. Read the full Equal Employment Opportunity Policy available in any staff break room or online on "Z" drive.

The District thanks and appreciates all employees for our continuing commitment to sustaining a civil, respectful, and discrimination-free work environment.

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EEO Officer: Karen O'Brien

Date