




**County of
San Bernardino
Department of
Public Works
Title VI Plan**



**Kevin Blakeslee P.E.
Director of Public Works**



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Deputy Director of Transportation**

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The San Bernardino County Department of Public Works (SBCDPW) has adopted this Title VI Plan to ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving federal financial assistance.

Federal-aid recipients, sub recipients and contractors are required to prevent discrimination and ensure nondiscrimination within all of their programs, activities and services whether these programs, activities and services are federally funded or not.

1. Non-Discrimination Policy:

It is the policy of the SBCDPW that no person shall be excluded from participation in, be denied that benefits of, or be otherwise subject to discrimination under any program or activity receiving federal funds on the basis of race, color, national origin, sex, age, disability, or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal-aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disability Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166, and County Policy 07-01. County Policies 07-01, 07-08 and 11-12 are attached as Appendices E through G respectively, and incorporated herein by this reference.

2. Authorities:

Title VI of the 1964 Civil Rights Act provides: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 U.S.C. 2000d.) The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

3. Title VI Plan Organization and Staffing:

The SBCDPW Title VI Coordinator is the Deputy Director for Transportation, who is responsible to ensure compliance with this Plan, and applicable laws.

Title VI Coordination:

SBCDPW’s Title VI Coordinator is also responsible for initiating, monitoring, and ensuring the SBCDPW’s compliance with the Title VI requirements. The Title VI Coordinator shall have direct access to the SBCDPW Director. Additional responsibilities of the Title VI Coordinator includes:

- Process Title VI complaints as they are received by SBCDPW.
- Review SBCDPW programs or projects receiving federal funds to ensure compliance with Title VI requirements.

- Work with SBCDPW staff to develop and disseminate Title VI program information to employees and sub recipients, including contractors, subcontractors, consultants and sub-consultants.
- Provide training related to Title VI requirements for SBCDPW staff who are responsible for Title VI compliance.
- Make recommendations on ways to achieve compliance with Title IV requirements.
- Develop information regarding this Title IV Plan for dissemination to the general public and where appropriate.
- Review and update this Title VI Plan as needed and/or required.
- Provide translation services to individuals with "Limited English Proficiency" (LEP) and provide reasonable accommodations.

4. Title VI Complaint Procedures:

How to file a complaint

Any person who believes that he or she has, individually, or as a member of any specific class or group, been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination on the basis of race, color, or national origin under a SBCDPW service, program or activity may file a Title VI complaint with the SBCDPW Title VI Liaison Coordinator. The complaint must be filed within 180 days of the date of the alleged discrimination. The "Title VI Complaint Form" is available online at the SBCDPW website and should be used to detail the complaint, but the form is not mandatory. Additionally, if a member of the public needs this information in an alternate format, they may contact SBCDPW at (909) 387-7920 for additional assistance.

5. How A Complaint Is Processed

All Title VI Complaints alleging discrimination based on race, color, or national origin will be logged on the SBCDPW's Title VI Complaint Database. This database shall include the date of the investigation, lawsuit, or the date the complaint was filed; a summary of the allegation; the status of the investigation, lawsuit, or complaint and actions taken by the recipient or sub-recipient in response to the investigation, lawsuit, or complaint. Upon receipt of the complaint, SBCDPW will determine whether it has jurisdiction over the complaint and whether the required information has been provided. The complainant will receive an acknowledgement letter within fifteen (15) days.

All complaints will be investigated promptly. Upon completion of the investigation, the Title VI Coordinator or designee will complete a final report. The investigation process and final report should take no longer than ninety (90) days after receipt of the complaint. If a Title VI violation is found to have occurred, a Determination Letter will be issued to the Complainant which summarizes the allegation, the investigation findings, and explains the remedial steps to be taken. If no Title VI violation is found, the Complainant will receive a closure letter which summarizes the allegation and states that there was no Title VI violation and the matter will be closed.

If the Complainant wishes to appeal the decision, she or he has 30 days after the date of the letter to do so. Appeals may be filed with the Director of SBCDPW. All decisions on the appeal by the Director of SBCDPW shall be deemed final. Also, Complainants may contact the U.S. Department of Justice, Office of Civil Rights, Attention: Federal Coordination and Compliance Section – NWB, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530; Phone No. (888) 848-5306.

All records regarding discrimination complaints and remedial actions taken shall be maintained in the SBCDPW Complaint Database for a period of not less than three years from the final date of the resolution of complaint.

6. Self-assessment and remedial action procedures for SBCDPW and Sub-recipient:

- a. **Title VI Self-Assessment Federal-aid Highway Funds:** SBCDPW will conduct Title VI self-assessment of its programs and activities on a periodic basis. Where applicable, SBCDPW will revise policies, procedures and directives to include Title VI requirements.
- b. **SBCDPW Remedial action:** When irregularities occur in the administration of Federal-aid highway programs, corrective action will be taken to resolve identified Title VI issues. Also, SBCDPW will take affirmative action to correct any deficiencies found by SBCDPW, Caltrans, or the Federal Highway Administration (FHWA) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this plan.
- c. **Consultants, Contractors, Subcontractor Reviews and Remedial actions:** SBCDPW periodically conducts Title VI compliance reviews of consultants, contractors and subcontractors. SBCDPW also conducts the reviews of selected recipients of the Federal-Aid Highway or other Federal Funds to ensure adherence to the Title VI requirements. SBCDPW provides guidelines to Consultants, Contractors, and Subcontractors, which includes Title VI language, provisions, and related requirements, as applicable.

7. Public Outreach

The purpose of public participation is to help ensure that the citizens of San Bernardino County are kept informed and involved in the SBCDPW's various programs, projects and activities. SBCDPW is committed to ensuring it serves the citizens in San Bernardino County by delivering efficient, responsive, and cost-effective public works service that protect and enhance the safety, health and quality of life in San Bernardino County. SBCDPW values public participation and encourages involvement by the community.

Listed below are the outreach strategies that will be implemented by SBCDPW in an effort to reach the citizens of San Bernardino County and provide equal access to up-to-date information and promote an active channel of communications.

- a. **Title VI Program Information:** This Title VI Plan, Notice to the Public, Title VI Policy Statement, Complaint Process and Forms and Title VI Brochure are posted on the SBCDPW website, and are available in person at the SBCDPW's Contracts Division

SBCDPW website, and are available in person at the SBCDPW's Contracts Division located at 825 E. 3rd Street, Rm. 147, San Bernardino, CA. 92415-0835. SBCDPW's Title VI Policy Statement is to be included in the bid specifications packages, construction and consultant contracts and is posted at the front counter of the Department of Public Works' main office.

- b. **SBCDPW Website:** The website provides information regarding the Title VI information, down-loadable materials, brochures, County road closures, and updates on projects and programs, etc.
- c. **Equal access to information allowing SBCDPW to continue promoting a culture of dialogues between the public and SBCDPW.**
- d. **Social Media Network:** Through Facebook, the public can find out about plans and projects as well as communicate their needs. Facebook has the capabilities for the first time users to choose the option of their desired language which allows individuals with Limited English Proficiency (LEP) equal access to information allowing SBCDPW to continue promoting a culture of dialogue between the public and SBCDPW.
- e. **Public Notice:** SBCDPW will include notations in all of its public notices in appropriate non-English language(s) that will provide contact information for translation service, if language assistance is required.
- f. **Public Hearings:** All SBCDPW public hearings will be held in locations accessible to individuals with disabilities. Upon request, interpretation services will be provided free of charge to those individuals with Limited English Proficiency.

8. Title VI Implementing Program Activities:

Consultants Contract Activities:

- a. **Consultant Selection Process:** SBCDPW staff procures qualifications and proposals from consulting firms specializing in various areas that relate to public works projects and the development of construction plans and special provisions for roads and bridges, performing environmental studies or preparing National Environmental Policy Act of 1969 (NEPA) documents. Title VI language is included in all Request for Proposals (RFP) and contracts.
- b. **Title VI Assurances and Provisions:** Title VI assurances and provisions are included in all federally funded consultant contracts. SBCDPW staff review documents and language therein to ensure compliance with current laws and regulations.

Design/Environmental Review Process and Title VI:

- a. SBCDPW will ensure compliance with Title VI requirements in all aspects of conducting an Environmental Impact Statement (EIS) or Environmental Assessment (EA). During the review process, adequate time will be given for appropriate review and comments, as applicable, on draft EIS/EA, to ensure there are no violations of the Federal Civil Rights Act, as amended.**
- b. In order to ensure dissemination of information and foster participation from affected populations when preparing an EA or EIS, SBCDPW staff and/or Consultants will select accessible locations and times for public hearings or meetings, and arrange for translation and interpretation services, as needed; particularly in projects impacting predominating minority communities. SBCDPW will ensure that the public will be provided with information pertaining to their rights and given contact information to address environmental concerns.**

Environmental Justice

SBCDPW strives to identify and address the transportation needs of the citizens of San Bernardino County and ensures that the benefits and burdens of transportation investments are being fairly distributed. Safety is the SBCDPW's primary concern. Pedestrian safety improvement projects such as sidewalks, traffic signals, crosswalks, and bicycle lanes improve neighborhood accessibility and livability in San Bernardino County for all residents.

Environmental Justice as it pertains to projects subject to CEQA/NEPA

- a. Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human and environmental effects of their actions on minority and low-income populations. Sub-recipients are required to comply with the federal government's Environmental Justice (EJ) policy by integrating EJ principles into their programs.**
- b. Whether projects are federally or locally funded, they are all subjected to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA) process. The relationship between the CEQA/NEPA process and environmental justice involves both fundamental and procedural considerations. Both CEQA and NEPA include environmental components that address the effects of a proposed action on environmental elements, specifically on minority and low-income populations. Any proposed SBCDPW project that will have a disproportionately high and adverse effect on minority or low-income population will be required to include analysis and provide mitigation measures or alternatives that would avoid or reduce the high and adverse effect when practical.**

- c. To comply with CEQA/NEPA, public involvement and community outreach is necessary throughout the entire environmental documentation process, from project scoping to circulation of the draft and final documents for public review and comment. Through this process, Environmental Justice is reinforced and offers protection to the low-income and minority communities from discrimination and ensures their full participation.

Right-of-Way Activities

1. **Real Property Services – Real Estate Department manages and coordinates the appraisal and acquisition of real property and relocation assistance services for SBCDPW projects. The right of way acquisition process entails preparation of right-of way documents, appraisal of property, negotiation of terms, and conditions for acquisitions, and assistance in the relocation of displaced individual, business, farm operations, nonprofit organization, and property management.**
2. **Right of Way Activities and Title VI**
 - a. **Ensure equal opportunity in all aspects of procuring real estate services contracting and appraisal agreements.**
 - b. **Follow adopted procurement policies in the acquisition of contracted services.**
 - c. **Incorporate Title VI language and assurance statements in all surveys of property owners and tenants.**
 - d. **Ensure the appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.**
 - e. **If applicable, ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.**
 - f. **Assist with communications with property owners, lessees, renters, and others, as appropriate, to help ensure we evaluate applicability of, and compliance with, Limited English Proficiency (LEP) and Environmental Justice (EJ) requirements for projects. Provide access to information in alternative languages when needed.**
 - g. **Maintain statistical data, including race, color, national origin, age, gender, disability, LEP and income levels on all relocations affected by federally funded projects, and provide to the Title VI Coordinator.**

Construction Activities

1. **SBCDPW is responsible for the planning, designing, funding, operating and maintaining the County Maintained Roadway System.**
2. **Operation and Maintenance - DPW is responsible for operation and maintenance of roads, bridges, drainage and related facilities by utilizing in-house personnel, the resources of contractors, vendors, equipment and materials.**

Construction Activities and Title VI

- 1. Review all federally funded projects for application of Disadvantaged Business Enterprise (DBE) goals. As appropriate, include DBE provisions in those projects with designated goals.**
- 2. Include Title IV language and provisions in all federally funded construction contracts. Documents and language shall be periodically reviewed to ensure compliance with current laws and regulations.**
- 3. Review and ensure all appropriate Title VI language is placed in bid announcements and applicable construction documents.**
- 4. Award construction contracts on the basis of lowest responsive bidder, as well as meeting DBE good faith effort requirements.**
- 5. Ensure that prime contractors with DBE requirements award contracted work to qualified DBE's that perform commercially useful functions.**
- 6. Monitor construction activities to ensure compliance with Title VI.**
- 7. Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report and provide to the Title VI Coordinator.**

9. Limited English Proficiency (LEP) Plan:

It is the policy of SBCDPW to provide reasonable language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or encountered by SBCDPW's programs and services that receive Federal financial assistance.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare this plan, the following four-factor LEP analysis took into account the following:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered by the programs and services provided through Federal funding.**
- b. The frequency with which LEP persons come into contact with the programs and services.**
- c. The nature and importance of the programs and services to the person's life**
- d. The resources available to Department staff and overall costs to provide LEP assistance. The resources available may affect the nature of the steps that the Department must take. "Reasonable steps" may no longer be reasonable where the costs imposed substantially exceed the benefits.**

Limited English Proficiency Coordinator

A Limited English Proficiency Coordinator ("LEPC") will be the Title VI Liaison Coordinator to oversee the LEP requirements and procedures, including as required by funding recipients. The LEPC is responsible for ensuring the SBCDPW adheres to the LEP Plan and procedures to provide community access. The LEPC is:

Identification of LEP Communities

Limited English Proficiency persons are those who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. When reviewing demographics data to analyze language assistance needs, it is important to focus on the languages spoken by those who are not proficient in English and not simply individuals who speak multiple languages.

A 2012 review of the language proficiency of the residents of San Bernardino County revealed 327,036 individuals who do not “speak English very well.” (U.S. Census Bureau 2007-2011 American Community Survey 5-year Estimates – Languages Spoken at Home by Ability to Speak English for the Populations 5 Years and Over. Of the languages spoken by the residents of San Bernardino County, there are 5 languages that are spoken by the threshold size of 5% or 1,000 persons. Those 5 languages are:

Language	Number of Individuals in Population	Percentage
Spanish or Spanish Creole	277,166	84.5%
Chinese	9,876	3.0%
Tagalog	6,767	2.1%
Vietnamese	6,706	2.0%
Korean	6,264	1.9%

The analysis shows that English is the primary language spoken and represents sixty-eight percent (68%) of the County’s population over five years old while Spanish is the second most spoken language within the County at thirty-eight percent (38%) of the County’s population. Although other languages may meet the minimum safe harbor threshold, SBCDPW will evaluate the translation of any vital documents on a case by case basis. At this time, SBCDPW has not seen a need for translation or interpretation services for these other languages; however, these needs will be re-evaluated.

Language Assistance Plan:

A person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English may be a Limited English Proficiency person and may be entitled to language assistance with respect to SBCDPW programs and activities. According to the four-factor analysis, the following top five LEP populations are represented in the County of San Bernardino: Spanish (84.5%), Chinese (3%), Tagalog (2.1%), Vietnamese (2%), and Korean

(1.9%). Because Spanish is by far the most spoken language behind English, any translation or interpreter services will be targeted into this language. However, if other language interpretation is needed, the Department will make reasonable efforts to provide free language assistance which may include one or more of the following measures:

- **Written Translation**

Written translation of Department vital documents will be provided for each eligible language group that constitutes 5% or 1,000 individuals, whichever is less, of the population of persons eligible to be served encountered by SBCDPW's programs.

- **Translating Vital Documents**

Classification of a document as "vital" depends upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

Essentially, there are two distinct types of vital documents – those that are meant for the general public or a broad audience, and those which are specific communications regarding a case or matter between an individual and SBCDPW. Translations should be completed by qualified translators.

- **Oral Interpretation**

Oral interpreters will be offered to individuals in a timely manner free of charge. SBCDPW will provide bilingual staff members as available for Spanish speaking LEP persons. Services offered to LEP persons will be documented in appropriate records.

SBCDPW Bilingual Certification Program

SBCDPW provides three levels of certification for employees that successfully pass an oral examination.

LEP Strategies

At a minimum, SBCDPW will implement the following strategies to serve as guidelines for engaging LEP persons.

- Provide language identification forms (I Speak cards) which invite LEP persons to identify their language needs to SBCDPW staff.
- Arrange for reasonable language assistance with certified bilingual SBCDPW employees
- Contract with an outside interpreter service for trained and competent interpreters, as needed.
- Translate forms, informational and other written materials into appropriate non-English language by competent translators, if requested.

- When SBCDPW schedules a meeting for which the target audience is expected to include LEP individuals, provide reasonable translation and interpretation services for documents and agendas.

10. Staff Training

At least every two years, training will be provided. Training for SBCDPW front-line staff members, who are often the first point of contact with LEP individuals, will include:

- Requirements and implementation of this Plan
- Information on Title VI and LEP procedures identifying and documenting language needs of LEP persons.
- How to deliver reasonable services effectively to LEP persons.
- Description of language assistance services offered to the public.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP Complaint.

APPENDIX A

TITLE VI POLICY STATEMENT

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, PE
Director

TITLE VI POLICY

It is the policy of the San Bernardino County Department of Public Works that no person shall be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving federal funds on the basis of race, color, national origin, sex, age, disability, or income, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Federal-aid Highway Act of 1973, Age Discrimination Act of 1975, the Americans with Disability Act of 1990, Section 504 of the Rehabilitation Act of 1973, Executive Order 12898 and Executive Order 13166, and County Policy 07-01.

Kevin Blakeslee, P.E.,
Director of Public Works

APPENDIX B

TITLE VI NOTICE TO THE PUBLIC

Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, PE
Director

YOUR RIGHTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964 and related statutes requires that no person in the United States, on the grounds of race, color, or national origin be excluded from, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Based upon the above, the County of San Bernardino Department of Public Works will not discriminate or exclude individuals in admissions to its programs, services, or activities, in access to them, in treatment of, or in any aspect of operation.

The County of San Bernardino Department of Public Works will also not tolerate discrimination by the County of San Bernardino employees or recipients of Federal funds such as cities, counties, contractors, consultants, suppliers, planning agencies and any other recipients of federal-aid highway funds.

Any person who believes that they have been excluded from, denied benefits of, or been subjected to discrimination because of their race, color, national origin, sex, age, disability or income status may file a written complaint with the San Bernardino County Department of Public Works' Title VI Coordinator. For more information on the County of San Bernardino Department of Public Works' Title VI program, and the procedures to file a complaint, please contact:

County of San Bernardino – Department of Public Works
Attn: Contracts Division Chief/Title VI Liaison Officer
825 East Third Street, Room 147
San Bernardino, CA 92415
Phone: (909) 387-7920

Or visit the County of San Bernardino's website: www.sbcounty.gov/dpw/Home.

A complainant may file a complaint directly with:

Office of Civil Rights
Attn: Federal Coordination and Compliance Section - NWB
950 Pennsylvania Avenue, N.W.
Washington, DC 20530.

Anyone who requires an auxiliary aid or translating service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County of San Bernardino, should contact the County of San Bernardino at (909) 387-7920. Requests must be received no later than 72 hours before the schedule event. The County of San Bernardino will take reasonable steps to ensure that all individuals have meaningful access to programs, services, and information free of charge.

APPENDIX C

TITLE VI COMPLAINT FORM



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, PE
Director

TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color, sex, nation origin, or disability be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance."

Information of Person that felt their Civil Rights were violated:

Name: _____

Address: _____

City, State, Zip Code: _____

Contact Number: _____

Contact Email: _____

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

Was it because of your:

_____ Race/Color _____ National Origin _____ Age _____ Sex _____ Disability

When did the alleged discrimination take place?

Alleged Discrimination Date: _____

Please provide information about a contact person at the agency/court where the complaint was filed.

Agency Contact Name: _____

Agency Address: _____

City, State, Zip Code: _____

Agency Number: _____

Attach any written material or other information that you think is relevant to your complaint.

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD
First District

JANICE RUTHERFORD
Second District

DAWN ROWE
Third District

CURT HAGMAN
Chairman, Fourth District

JOSIE GONZALES
Vice Chair, Fifth District

Gary McBride
Chief Executive Officer

In your own words, describe the alleged discrimination. Explain what happen and whom you believe was responsible:

Have you filed this complaint with any other state, state, or local agency; or with any federal or state court?

Check one: Yes No

If Yes, check all that apply:

Federal Agency **Federal Court** **State Agency** **State Court** **Local Agency**

Person filling this form if different from above:

Name: _____

Address: _____

City, State, Zip Code: _____

Contact Number: _____



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Surveyor
- Transportation

Kevin Blakeslee, PE
Director

COUNTY OF SAN BERNARDINO TITLE VI COMPLAINT LOG

2019			
Date	Name	Address	Email
Date of Alleged Discrimination	Type of Alleged Discrimination	Location Complaint was Filed	Additional Complaint Filed Locations
Nature of Complaint			
Date	Name	Address	Email
Date of Alleged Discrimination	Type of Alleged Discrimination	Location Complaint was Filed	Additional Complaint Filed Locations
Nature of Complaint			
Date	Name	Address	Email
Date of Alleged Discrimination	Type of Alleged Discrimination	Location Complaint was Filed	Additional Complaint Filed Locations
Nature of Complaint			

BOARD OF SUPERVISORS

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Vice Chair, Fifth District

Gary McBride
Chief Executive Officer

APPENDIX D

BILINGUAL CERTIFICATION



County of San Bernardino BILINGUAL COMPENSATION

Employees in positions designated by the appointing authority or designee which require employees as a condition of employment to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a part of their regular duties, shall be entitled to bilingual compensation. Such compensation shall apply regardless of the total time required per day for such translation.

Additionally, employees who, with the approval of the appointing authority, are required to perform bilingual translation before an officially convened court, appeals board, commission, or hearing body, in addition to their regular duties, shall be entitled to a bilingual per diem differential.

Note: Until an employee has been tested and certified as competent in translation skills they should not be translating on the job. *Refer to department guidelines for individual procedures*

REFERENCES

Current County Memoranda of Understanding (MOU); Exempt Compensation Plan

GENERAL INFORMATION

The appointing authority or designee has the responsibility to determine whether or not an employee is designated to a position that is eligible for bilingual compensation. Following that determination, the appointing authority or designee will request bilingual compensation for that employee. Requests will be forwarded to Employment-Human Resources (HR) for determination of appropriate skill level (Levels I through III) and assessment of competency (Levels II & III only). The results of the assessment(s) will be forwarded to the appointing authority or designee. *Refer to department guidelines for individual procedures*

Bilingual compensation is tied to the **position number**, not to the employee. If an employee is transferred from one position number to another, the bilingual compensation will stop immediately upon transfer.

Note: Any questions regarding designation and certification processes of employees for whom bilingual compensation is being requested, as well as the cost of certification, should be directed to Employment-HR

Effective Date

The effective date can be a prior, current or future pay period. Enter the first Saturday of the appropriate pay period that the employee is entitled to receive bilingual pay. The supervisor requesting the bilingual compensation determines this date. The date entered may be changed to reflect the Saturday of the pay period in which the employee passed the test and not necessarily when the department has requested the bilingual pay to be effective, unless it is a recertification.

BILINGUAL COMPENSATION LEVELS

Level I (Verbal)

Involves the use of English and a second language, in generally verbal situations, with some requirements to interpret simple documents in the second language. The appointing authority or designee attests to competency, except for certain departments, which require assessment through an oral examination.

Level II (Written)

Involves reading, writing and speaking in both English and a second language. Competency is assessed through written examination, except for certain departments, which require assessment through an oral and written examination.

Level III (Technical)

Involves reading, writing or speaking in both English and a second language using medical or legal terminology. The bilingual functions being performed must be in a specific medical or legal environment (i.e., hospital, courtroom setting, etc.). Literacy in the second language is a prerequisite for consideration for Level III, since this assures the level of fluency required for accurate use of a technical vocabulary. Competency is assessed through written examination, except for certain departments, which require assessment through an oral and written examination.

Safety Unit

Employees, who perform bilingual translation at any level as part of their regular duties, shall be entitled to bilingual compensation. Competency is assessed through an oral examination.

Per Diem

Note: The per diem differential does not apply to the Attorney Unit or Exempt

Such differential shall apply regardless of the total time required per day for such translation. Such differential shall be \$12 per day and shall only be paid upon certification by the employee's appointing authority or presiding official that such translation was performed.

To receive payment the eTime entry or TLR should show a TRC code of BLG (1 unit per day for each day of translation).

BILINGUAL COMPENSATION REQUEST-LEVEL I (VERBAL)

The Bilingual Compensation Request form is completed to authorize compensation for any employee that is required to perform verbal translation.

FORMS REQUIRED

Bilingual Compensation Request-Level I (Verbal)

MANDATORY FIELDS

All

GENERAL INFORMATION

The appointing authority or designee of a bilingual employee who will be required to perform Level I translation is responsible for submitting this form. Although a verbal examination is generally not mandatory, the appointing authority or designee may request a verbal examination to be administered at a cost to the requesting department of \$20 per test.

All employees in departments that require mandatory testing will be required to take the oral examination at a cost to the department of \$20 per test.

BILINGUAL ASSESSMENT AND COMPENSATION REQUEST-LEVEL II (WRITTEN) OR LEVEL III (TECHNICAL)

This form is to be used when a department determines that a need exists for written translation (Level II) or technical terminology translation (Level III).

FORMS REQUIRED

Bilingual Assessment and Compensation Request-Level II or Level III
Bilingual Compensation Questionnaire/Justification-Level II or Level III

MANDATORY FIELDS

All
All

GENERAL INFORMATION

The appointing authority or designee of a bilingual employee who will be required to perform Level II or Level III translation is responsible for submitting this form. A completed Bilingual Questionnaire/Justification form

must be attached to the request. Each questionnaire will be reviewed on a case-by-case basis. If approved, the employee will be scheduled for an assessment of bilingual skills. The requesting department will be billed for the bilingual testing at a cost of \$20 if tested for oral or written skills only, and \$25 if tested for both oral and written skills. The results of the assessment will be forwarded to the appointing authority or designee.

BILINGUAL QUESTIONNAIRE/JUSTIFICATION—LEVEL II (WRITTEN) OR LEVEL III (TECHNICAL)

The Bilingual Questionnaire/Justification form is used to determine payment of Level II or Level III bilingual compensation to an employee.

FORMS REQUIRED

Bilingual Questionnaire/Justification—Level II or Level III
Bilingual Assessment and Compensation Request—Level II or Level III

MANDATORY FIELDS

All
All

GENERAL INFORMATION

This form is used to substantiate the Bilingual Assessment and Compensation Request to compensate an employee for Level II or Level III bilingual pay. Refer to the Bilingual Compensation Levels for an explanation of the requirements for Level II and Level III.

BILINGUAL ASSESSMENT AND COMPENSATION REQUEST—SAFETY UNIT

This form is completed to authorize compensation for Safety Unit employees that are required to perform bilingual translation.

FORMS REQUIRED

Bilingual Assessment and Compensation Request—Safety Unit

MANDATORY FIELDS

All

GENERAL INFORMATION

Employees must be certified as competent in job-related translation skills, via an oral examination administered by Employment-HR, to be eligible for bilingual compensation.

PAYROLL SPECIALIST RESPONSIBILITIES

- ◆ Provide most current form(s) to the appointing authority for completion
- ◆ Audit forms for completeness
- ◆ Retain copies for department file
- ◆ Forward forms to Employment-HR
- ◆ Verify that EMACS has been updated to reflect the requested action

DEADLINES

Refer to Master Calendar for EMACS Processing

DISTRIBUTION GUIDELINES

Employment-HR will forward the approved form(s) to EMACS-HR and a copy to the requesting department.

RELATED FORMS/PROCEDURES

Checklist for Concurrent Appointment (Additional Position)
Checklist for Assignment to Vacant Higher Position (AVHP)-Exempt
Checklist for Contract to Extra-Help
Checklist for Contract to Regular
Checklist for Demotion (Disciplinary Action)
Checklist for Demotion (Voluntary)
Checklist for Extra Help/Recurrent/PSE to Contract
Checklist for Extra Help/Recurrent/PSE to Regular
Checklist for Job Change
Checklist for Job Share
Checklist for New Hire – Contract
Checklist for New Hire – Exempt
Checklist for New Hire – Extra-Help/Recurrent
Checklist for New Hire – PSE
Checklist for New Hire – Regular/Part-Time/Reemployment (Rehire)
Checklist for Promotion
Checklist for PSE to Extra-Help
Checklist for Reclassification
Checklist for Recurrent to Extra-Help
Checklist for Regular to Contract
Checklist for Regular to Extra-Help/Recurrent
Checklist for Return from Leave (Without Right)
Checklist for Return to Former Job Code Title
Checklist for Temporary Performance of Higher Level Duties
Checklist for Transfer without Promotion/Lateral Transfer

APPENDIX E

COUNTY POLICY 07-01



**COUNTY OF SAN BERNARDINO
POLICY MANUAL**

No. 07-01

PAGE 1 OF 4

EFFECTIVE DATE March 20, 2018

**POLICY PROHIBITING DISCRIMINATION,
HARASSMENT AND RETALIATION**

APPROVED

ROBERT LOVINGOOD
Chair, Board of Supervisors

POLICY STATEMENT AND PURPOSE

The County of San Bernardino (County) is committed to providing an environment free of discrimination, harassment, including sexual harassment, and retaliation.

DEPARTMENTS AFFECTED

Board of Supervisors, Elected Officials, all County Agencies and Departments, Board-Governed Special Districts, and Board-Governed Entities.

POLICY

The County prohibits discrimination, harassment and retaliation by all persons involved in or related to the County's business or operations, which includes, but is not limited to: any County elected official; any employee of the County, including supervisors, managers, and co-workers; applicants; contract employees; temporary agency employees; interns; volunteers; contractors; all persons providing services pursuant to a contract, including suppliers and customers; and all other persons with whom individuals come into contact while working. Conduct does not need to rise to the level of a violation of law in order to violate this Policy.

The County prohibits and will not tolerate discrimination, harassment and/or retaliation on the basis of:

- Race
- Religion (includes religious dress and grooming practices)
- Color
- National Origin (includes language use restrictions and possession of a driver's license issued pursuant to California Vehicle Code section 12801.9 [authorizing the DMV to issue a driver's license to a person who is unable to prove that their presence in the United States is authorized under federal law])
- Ancestry
- Disability (mental and physical, including HIV and AIDS, cancer and genetic characteristics)
- Medical Condition (genetic characteristics, cancer or a record or history of cancer)
- Genetic Information
- Marital Status/Registered Domestic Partner Status
- Sex/Gender (includes pregnancy, childbirth, breastfeeding and/or related medical conditions)
- Gender Identity/Gender Expression/Sex Stereotype/Transgender (Includes persons who are transitioning, have transitioned, or are perceived to be transitioning)
- Sexual Orientation
- Age (40 and above)
- Military and Veteran Status
- Any other basis protected by applicable federal, state or local law or ordinance or regulation.

These classes and/or categories are the "Protected Class(es)" covered under this Policy. For more information, visit www.dfeh.ca.gov/Employment.

The County also prohibits and will not tolerate discrimination, harassment and retaliation based on the perception that an individual is a member of one or more of the Protected Classes, or is associated with a person who is or is perceived to be a member of one or more of the Protected Classes.

The County also prohibits and will not tolerate retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations, hearings, or other proceedings regarding a complaint under this Policy.

1. DISCRIMINATION PROHIBITED

The County prohibits discrimination against any employee, job applicant or unpaid intern in hiring, training, promotions, assignments, termination, or any other term, condition, or privilege of employment on the basis of a Protected Class.

Discrimination can also include failing to reasonably accommodate qualified individuals with disabilities or an individual's religious beliefs and practices (including the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial hair, or body hair, which are part of an individual's observance of their religious beliefs) where the accommodation does not pose an undue hardship. Individuals needing an accommodation should contact their immediate supervisor or Human Resources Officer and discuss their need(s). The County will engage in an interactive process to identify possible accommodations. Absent undue hardship, the County will reasonably accommodate employees and applicants with disabilities to enable them to perform the essential functions of a job and will reasonably accommodate the religious beliefs and practices of an employee, applicant and unpaid intern.

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is also prohibited. Pay differentials, however, may be valid in certain situations as defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

2. PROHIBITED HARASSMENT, INCLUDING SEXUAL HARASSMENT

The County prohibits harassment against any employee, job applicant, unpaid intern, volunteer, contractor and any other person providing services to the County pursuant to a contract.

Prohibited harassment is not just sexual harassment but harassment based on any Protected Class.

Prohibited harassment may be made in general or directed to an individual, or a group of people. Prohibited harassment may occur regardless of whether the behavior was intended to harass. Harassing behavior is unacceptable in the workplace as in all other work-related settings, such as business trips and business-related social events.

Forms of prohibited harassment include, but are not limited to, the following:

Verbal Harassment - derogatory jokes or comments, epithets or slurs; unwanted sexual advances, invitations, comments, posts or messages; derogatory or graphic comments; sexually degrading words; suggestive or obscene messages, notes or invitations; repeated romantic overtures, sexual jokes and comments or prying into one's personal affairs.

Physical Harassment - assault; impeding or blocking movement; following/stalking; unwelcome touching or any physical interference with normal work or movement when directed at an individual.

Visual Harassment - derogatory, prejudicial, stereotypical, sexually-oriented or suggestive or otherwise offensive text or email messages, web pages, screen savers and other computer images, online communications, social media tags and postings, posters, photographs, pictures, cartoons, notes, notices, bulletins or drawings and gestures; displaying sexually suggestive objects; staring or leering; or communication via electronic media of any type that includes any conduct that is prohibited by any state and/or federal law or by County Policy.

Sexual Harassment - Sexual harassment is a form of discrimination based on sex/gender (including

pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Sexual harassment includes verbal, physical and visual harassment, as well as unwanted sexual advances. Individuals of any gender can be the target of sexual harassment. Sexual harassment does not have to be motivated by sexual desire to be unlawful or to violate this Policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

There are two types of Sexual Harassment:

"Quid Pro Quo" sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.

"Hostile Work Environment" sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

3. COMPLAINT PROCESS AND REMEDIAL ACTION

Anyone who believes they have been the subject of, becomes aware of, or observed discrimination, harassment, retaliation or other prohibited conduct, should report or make a complaint (either orally or in writing) to their supervisor, the supervisor of the offending party, a representative from the County's Equal Employment Opportunity (EEO) Office or to a Human Resources Officer as soon as possible after the incident. Individuals may bring their report or complaint to any of these individuals. Employees are not required to confront or approach the person who is discriminating against, harassing or retaliating against them. The County's EEO Office can be reached at 1-909-387-5582 (or, TDD 7-1-1). Human Resources Officers can be reached by calling the County's Employee Relations Division at 1-909-387-5564 (or, TDD 7-1-1). For more information, visit www.sbcounty.gov/hr.

Individuals who believe they have been discriminated against or harassed, have been retaliated against for resisting or complaining about discrimination or harassment or for participating in an investigation may also file a complaint with the Federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH). The EEOC and DFEH investigate and prosecute complaints of prohibited discrimination, harassment, and retaliation in employment. The nearest EEOC office can be found by calling 1-800-669-4000 (or, TTY, 1-800-669-6820). For more information about the EEOC, visit www.eeoc.gov. The nearest DFEH office can be found by calling 1-800-884-1684 (or, TTY, 1-800-700-2320). For more information about the DFEH, visit www.dfeh.ca.gov.

When the County receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations that provides all parties appropriate due process. The County will reach reasonable conclusions based on the evidence collected.

The County will maintain confidentiality to the extent possible and consistent with the rights of employees under the County's Personnel Rules and relevant laws. However, the County cannot promise complete confidentiality. The County's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

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

- Given appropriate options for remedial action and resolution; and
- Closed in a timely manner

The County prohibits behavior that is or may be perceived as discriminatory, harassing and/or retaliatory. If the County determines that harassment, discrimination or retaliation or other prohibited conduct occurred, appropriate and effective correction and remedial action will be taken. The County will also take appropriate action to deter future misconduct.

Any employee determined by the County to be responsible for discrimination, harassment, retaliation or other prohibited misconduct will be subject to appropriate disciplinary action, up to, and including termination of employment. Employees who engage in unlawful harassment can be held personally liable for the misconduct.

4. SUPERVISOR/MANAGER RESPONSIBILITY

Supervisors and managers who are aware of or receive complaints of discrimination, harassment, and/or retaliation, even if the occurrence is not directly within their line of supervision or responsibility, must immediately report such conduct or complaint to the Human Resources Officer assigned to their department or any representative of the County's EEO Office so the County can try to resolve the complaint.

5. TRAINING OF SUPERVISORS/MANAGERS AND ELECTED OFFICIALS

All supervisors, managers, elected officials or other persons with supervisory authority will receive and must complete mandatory harassment prevention training as required by California law.

6. RETALIATION PROHIBITED

The County will not retaliate against anyone who reports an alleged violation of this Policy, files or assists another with a complaint under this Policy, causes information to be provided, participates (as witnesses or the accused) in an investigation, hearing or other proceeding regarding a complaint under this Policy or otherwise opposes discrimination, harassment or retaliation. The County will not retaliate against anyone who requests a reasonable accommodation and will not knowingly tolerate or permit retaliation by elected officials, management, employees or co-workers.

LEAD DEPARTMENT

Human Resources

APPROVAL HISTORY

Adopted June 7, 1994 (Item Number 71);

Amended January 26, 1999 (Item Number 11); December 16, 2003 (Item Number 104); August 30, 2005 (Item Number 113); March 20, 2018 (Item Number 22)

REVIEW DATES

MARCH 2023

APPENDIX F

COUNTY POLICY 07-08



**COUNTY OF SAN BERNARDINO
POLICY MANUAL**

No. 07-08

ISSUE 2

PAGE 1 OF 2

By

EFFECTIVE 08/17/99

SUBJECT

EQUAL EMPLOYMENT OPPORTUNITY POLICY

APPROVED

JON D. MIKELS

CHAIRMAN, BOARD OF SUPERVISORS

POLICY STATEMENT

The County of San Bernardino Board of Supervisors is committed to equal employment opportunity (hereinafter referred to as EEO) as a necessary element in basic merit system principles. Equal opportunity can only be effected through definitive programmed affirmative and voluntary efforts. If progress toward achieving EEO is to be made, every County citizen and employee must realize that policies to ensure equality of opportunity cannot be merely passive; there must be positive action steps taken to provide accessibility to County services and equal opportunity to all individuals. It is the policy of the Board of Supervisors that the County of San Bernardino shall:

- Provide EEO to all its employees and applicants for employment regardless of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, sex or sexual orientation.
- Not discriminate against or tolerate the harassment of its employees or applicants for employment on the basis of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, sex or sexual orientation.
- Not discriminate in admission or access to, or operation of, its programs, services or activities.

The EEO Plan commits all employees of the County of San Bernardino to support, in an affirmative manner, the Board of Supervisors' policy regarding EEO. The County Administrative Officer is charged with the responsibility for implementing the provisions of the Plan. The County EEO Officer shall provide for effective communication of and conformance with the requirements of the Plan and see that each Group or Department Head takes such affirmative action as is necessary to achieve its objectives.

POLICY AMPLIFICATION

The County of San Bernardino Board of Supervisors fully commits to and supports the Countywide EEO Plan. The key elements of the active in-house monitoring system are the County's EEO Office, the Equal Opportunity Commission, and various departmental EEO representatives.

I. EEO Objectives

- To make a good faith effort to achieve diverse employment representation throughout job classes and salary grades in County service, as allowed by law.
- To make a continuous effort to eliminate and prevent occurrence of arbitrary discriminatory practices relating to employment or access to promotional opportunities.
- To ensure the workplace, programs and services are free of discrimination or harassment.

- To ensure there is no discrimination on the basis of disability in admission or access to, or in operations of, its programs, services or activities.
- To communicate the County's EEO Plan to County employees and the community.

II. EEO Compliance with Laws and Regulations

- Federal Civil Rights Act of 1964, Title VI and VII as amended, and Executive Order Nos. 11141 and 11246, as amended.
- California Fair Employment and Housing Act (FEHA) prohibits discrimination because of age, ancestry, color, disability, gender, marital status, national origin, race or religion.
- Vietnam Veterans Readjustment Act of 1974, as amended.
- Americans with Disabilities Act of 1990.
- California Civil Rights Initiative – Proposition 209, enacted in 1996, prohibits discrimination and preferential treatment to any individual or group on the basis of color, ethnicity, national origin, race or sex in the operation of public employment, public education or public contraction.

APPENDIX G

COUNTY POLICY 11-12



**COUNTY OF SAN BERNARDINO
POLICY MANUAL**

No. 11-12

ISSUE 2

PAGE 1 OF 2

By

EFFECTIVE 04/10/01

**SUBJECT
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
FOR CONTRACTS INVOLVING FEDERAL FUNDS**

APPROVED

FRED AGULAR

CHAIRMAN, BOARD OF SUPERVISORS

POLICY STATEMENT

It is the policy of the Board of Supervisors to encourage the participation of Disadvantaged Business Enterprises (DBEs) in County projects, which receive federal transportation funds. Disadvantaged Business Enterprise (DBE) programs generally establish goals and objectives to increase the number of contracts awarded to DBE businesses. Through implementation of such a program, the County will ensure compliance with Title VI of the Civil Rights Act of 1964; Section 30 of the Airport and Airway Development Act of 1970, as amended; and Code of Federal Regulations (CFR) 49.26 requirements. This policy is adopted to ensure that owners of DBE businesses shall have the maximum opportunity to participate in County projects for which federal transportation funds are received.

Each local agency must implement a Disadvantaged Business Enterprise (DBE) Program and establish an annual DBE plan/goal prior to submitting a "Request for Authorization" to proceed with a federal-aid transportation project.

Chapter 9, "Civil Rights and Disadvantaged Business Enterprises" of CalTrans Local Assistance Procedures Manual shall be followed for implementation of the local DBE program.

POLICY AMPLIFICATION

This policy shall apply to all agreements, contracts and purchase orders for public works, equipment, material, or professional services from firms or individuals engaged in "for profit" business activities paid for in whole or in part out of federal or state funds.

To the extent of any conflict between this policy and any requirements imposed by the federal or state as a condition of receipt of federal or state funds, the federal or state requirements shall prevail.

FUNCTIONS

Departments, offices, agencies and Board Governed Special Districts will maximize the opportunity for DBE businesses to compete for all County contracts, which involve the receipt of federal aid transportation funds.

The Department of Economic and Community Development, through the County Office of Small Business Development, shall be responsible to:

1. Review directly or through authorized department coordinators all County contracts that involve the receipt of federal transportation funds to assure compliance with this policy prior to Board of Supervisors' submission.
2. Develop and maintain County-wide procedures to assure the proper implementation of this policy.

3. Annually report to the County Administrative Officer in writing on the following information:
 - a. Provide data to the CAO to make recommendations to the Board of Supervisors.
 - b. Provide an analysis of the data presented to the CAO in written format on an annual basis.
 - c. Provide recommendations to the CAO as to the strengths and weaknesses of the previous year's program activity.
 - d. Provide recommended actions to continually improve the quality of the program.
 - e. The Director of the County Office of Small Business Development shall work in conjunction with the appropriate County Departments to establish specific goals and objectives for contracting of work or procurement for DBE businesses.

DEFINITIONS

Disadvantaged Business Enterprise shall mean a business that is certified under the requirements of the Code of Federal Regulations (CFR) Title 49 Part 26.

PROCEDURES MANUAL

A standard Operating Procedures (SOP) manual will provide for program implementation.