

EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION PROGRAM

- 191.1. EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION POLICY
(Adopted Resolution 320-75 7/75; Revised Resolution 791-81 10/81;
Resolution 599-90 10/90; Resolution 385-91 and 386-91 6/91; Reso-
lution 25-92 1/13/92; Resolution 91-93 3/2/93; Resolution 164-94
4/12/94)

The Santa Cruz County Board of Supervisors, recognizes the need for and reaffirms its commitment to equal employment opportunity and nondiscrimination. The continuing practice of the County of Santa Cruz shall be:

- A. This policy shall be known and may be cited as the:

COUNTY OF SANTA CRUZ EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION POLICY

- B. As provided by State and Federal laws, the County of Santa Cruz will ensure equal employment opportunity and nondiscrimination in all personnel transactions including, but not limited to, the recruitment, selection, transferring, promotion, retention, discipline, compensation, assignment, benefits, training, evaluation, layoff, and rehire of qualified persons; to be fair and impartial with all of its employees and applicants for employment, whether elected, exempt, or civil service without regard to race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, sexual orientation, gender, age (over 18), veteran status, pregnancy or any other non-merit factor; and
- C. The County of Santa Cruz is committed to equal employment opportunity and views equality of opportunity, fair access, equal treatment and the concept of diversity in the workforce as necessary elements of its merit system; these elements shall be integrated, and considered congruent, with its Personnel practices; and
- D. Each employee of the County of Santa Cruz shall take affirmative steps, within his or her job responsibility, to implement this policy and to protect the rights it guarantees.
- E. The Board of Supervisors is committed to the concept that in order to best serve the diverse County population, pro active efforts to ensure equal employment opportunity should be taken in order to employ the most qualified workforce. It is the goal of the Board of Supervisors to maintain a diverse workforce by continually evaluating, monitoring, tracking all levels of employment in all categories and occupational groups; and maintaining a countywide EEO plan as required by federal laws.
- F. This policy shall be implemented in the following manner:

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1. The County Administrative Officer is hereby charged with ensuring the achievement of the policy of equal employment opportunity as established by the Board, and stated herein.
2. The County Administrative Officer has designated the Equal

Employment Opportunity Officer as the manager of the Equal Employment Opportunity/Nondiscrimination program and all related programs and activities.

3. The County Administrative Officer has designated the Equal Employment Opportunity Officer as the "504" Equal Employment Opportunity/Nondiscrimination program compliance officer.
4. The Equal Employment Opportunity Officer shall provide for effective communication of the Board's goals, and see that each agency or department head takes such proactive steps as are necessary to achieve its goals in compliance with Federal, State, and local law and as specified in the Equal Employment Opportunity/Nondiscrimination Program.

191.2. HARASSMENT POLICY

(Adopted Resolution 791-81 10/81; Revised Resolution 386-91 6/91)

- A. The Policy of the County of Santa Cruz regarding discriminatory harassment is established as follows:
 1. It is the policy of the County of Santa Cruz to promote an employment environment free from harassment having the effect, either directly or indirectly, of discriminating against a County employee or applicant on the basis of race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, sexual orientation, age (over 18), pregnancy, gender, veteran status, or any other non-merit factor, and to take reasonable steps to prevent such harassment from occurring in the employment practices environment, including the following:
 - a. affirmatively raising the subject of harassment;
 - b. expressing strong disapproval;
 - c. developing appropriate sanctions;
 - d. informing employees of their right to raise and how to raise the issue of harassment under California law;

AND

 - e. developing methods to sensitize all concerned.
 2. Harassment includes but is not limited to:

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- a. verbal harassment, e.g., epithets, derogatory comments or slurs on a basis enumerated in the foregoing paragraph;
- b. physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on a basis enumerated in the foregoing paragraph;
- c. visual forms of harassment, e.g., derogatory posters,

cartoons or drawings on a basis enumerated in the foregoing paragraph;

OR

- d. sexual advances, including but not limited to sexual advances which condition an employment benefit upon an exchange of sexual favors. (See the policy on Sexual Harassment in Section 192.3. below.)
3. It is the policy of the County of Santa Cruz that such harassment shall not be tolerated, condoned or trivialized, and any harasser, if a County employee, manager, official, volunteer, client, advisory board or commission member, contractor or vendor, shall be subject to appropriate discipline, including possible dismissal, as determined by the employee's department head or appointing authority upon due consideration of the findings and recommendations of the Equal Employment Opportunity Officer.

B. This policy shall be implemented in the following manner:

1. The procedure for resolving complaints alleging harassment shall be that set forth in Personnel Regulations and References of Santa Cruz County Section 192 for resolving complaints of discrimination or harassment. The Equal Employment Opportunity Officer shall inform the alleged harasser of the alleged offending behavior(s) and provide an opportunity to respond to the allegations by way of refutation thereof or correction of behavior deemed to be harassment, as part of the informal investigation and resolution of the complaint.
2. The Equal Employment Opportunity Officer shall be responsible for:
 - a. insuring that this policy, its definition of harassment, including sexual harassment, and the complaint procedures are disseminated to all employees;
 - b. providing guidance, training and assistance to department heads, supervisors, liaisons and employees on dealing with harassment within their areas of responsibility;

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- c. investigating, resolving and making findings and recommendations on complaints of harassment that are reported according to established informal and formal complaint procedures;

AND

- d. upholding the rights of all employees to appeal in accordance with Personnel Regulations Section 192 .
3. Department heads shall be responsible for informing personnel in their respective departments during employee orientation or special training sessions, of their rights and responsibilities under this policy regarding harassment, and

for coordinating and cooperating with the Equal Employment Opportunity Officer in resolving complaints involving personnel in their respective departments.

4. Contractors with the County of Santa Cruz shall be responsible for insuring that effective policies and procedures concerning the prevention of harassment exist in their companies as part of the requirements under the equal employment opportunity /non-discrimination clause of their contracts with the County in a manner consistent with the purpose and intent of this policy.
- C. It is the policy of the County of Santa Cruz, and of departments having regular public contact in particular to be supportive of employees experiencing harassment on the job from members of the public by taking reasonable steps to identify and prevent such behavior as it may occur.
 - D. In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy.
 - E. Nothing in these regulations may be construed as limiting the County's right to take reasonable disciplinary measures which do not discriminate on a basis enumerated in this policy.

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191.3. SEXUAL HARASSMENT POLICY

- A. It is the policy of the County of Santa Cruz that sexual harassment is unacceptable conduct and is prohibited in the work environment. Such employee misconduct is a form of discrimination on the basis of sex as defined in Section 703 of Title VII of the 1964 Civil Rights Act (as amended), and is subject to disciplinary action up to and including dismissal. Employees should also be aware that charges of sexual harassment can be filed in civil court, with potential monetary damages.
- B. The County of Santa Cruz will not tolerate sexually harassing behavior by any of its employees, managers, officials, volunteers, clients, advisory board or commission members, contractors, or vendors. If sexual harassment is found, action will be taken against the harasser.
- C. Sexual harassment is defined as:
 1. conduct including, but not limited to:
 - a. unsolicited and unwelcome sexual advances;
 - b. requests for sexual favors;
 - OR
 - c. verbal, visual or physical conduct of a sexual nature.
 2. WHEN any of the following criteria are met:
 - a. submission to such conduct is made either explicitly or

implicitly a term or condition of employment (Quid Pro Quo);

OR

- b. submission to or rejection of such conduct or communication by an employee is used as a basis for employment decisions affecting the employee (Quid Pro Quo);

OR

- c. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or create an intimidating, hostile or otherwise offensive work environment (Hostile Environment).

- D. The three categories of sexual harassment are defined below but not limited to the following examples:

1. Verbal

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Sexually derogatory comments, slurs, jokes, remarks or epithets. It is not necessary to use graphic or sexually explicit language to verbally harass someone. Otherwise benign language, spoken in a suggestive or derogatory tone of voice or accompanied by visual or physical harassment, can also be considered sexual harassment.

2. Visual

Leering, looking someone "up and down", making sexual gestures, notes or letters, displaying sexually suggestive objects, pictures, cartoons or posters.

3. Physical

Touching, impeding or blocking movement, sexual assault and attempted sexual assault. (Note: reporting sexual assault as sexual harassment does not replace the filing of criminal charges). Common physical gestures like hugging or other physical contact can be improper taken in context with other comments and/or behavior.

- E. For the purpose of further clarification, sexual harassment includes but is not limited to:

1. Subjecting any person in non-traditional work environments to hazing (for example being dared or asked to perform unsafe work practices; having tools and equipment stolen, etc.) if requests for sexual favors are not met.
2. Making sexual advances that are unwanted, even in situations where the relationship began with reciprocal attractions, but later ceased to be reciprocal.
3. Making reprisals, threats of reprisal, or implied threats of

reprisal following a negative response to a request for sexual favors. For example, either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared or suggesting probation will be failed. Also making reprisals against an individual who has filed a sexual harassment complaint.

4. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee. This may include situations where an individual is treated less favorably because others have acquiesced to sexual advances.
5. Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

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6. Repeatedly asking an employee out, "hanging around" an employee with no legitimate work related reason, and pursuing an employee in or out of the workplace CAN cause a hostile work environment, affecting the employee's job performance.

If the interest is not reciprocal, this IS sexual harassment, even if no job benefit is lost, and even if there is no superior/subordinate relationship involved.

7. Engaging in written, verbal, physical and/or visual behavior (as defined above) that results in an ongoing intimidating, hostile or offensive work environment impacting the recipients' ability to do his or her job.
- F. Sexual Favoritism: A situation when one person is granted a promotion or other job benefit by a department head, manager or supervisor received it because that person submitted to sexual advances or requests. An isolated instance of favoritism toward a lover, friend or spouse may be unfair and entirely unethical, but it does not discriminate against women or men in violation of Title VII, since both are disadvantaged for reasons other than their genders. However, there are slightly different circumstances in which sexual favoritism does constitute sexual harassment.
1. If an employee is coerced into submitting to unwelcome sexual advances in return for a job benefit, this constitutes quid pro quo harassment of the coerced employee. Other employees who were qualified for but denied the benefit may be able to establish that sex was generally made a condition for receiving the benefit (a condition that would not have been imposed on the opposite sex).
 2. If favoritism based upon the granting of sexual favors is widespread in a workplace, both male and female colleagues who do not welcome this conduct can establish that a hostile work environment exists, regardless of whether any objectionable conduct is directed at

them and regardless of whether those who were granted favorable treatment willingly bestowed the sexual favors.

- G. Non-Employee Sexual Harassment: Departments may be responsible for sexual harassment of an employee by a non-employee where the department head, managers or supervisory employees knew or should have known of the unlawful conduct and the department failed to take immediate and appropriate corrective action. A department is potentially liable for non-employee sexual harassment in the same way they are liable for co-worker sexual harassment depending on:

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1. the extent of the department's control over the non-employee, and;
 2. any legal responsibility which the employee may have with respect to the non-employee's conduct.
- H. This policy shall be implemented in the following manner:
1. Employees may file a formal complaint using the Discrimination or Harassment Complaint Process (Personnel Regulations -Section 192) in dealing with sexual harassment. The Complaint form is available through the County's Online Personnel Regulations Information (OPRI) System and at the Equal Employment Opportunity Office. The Equal Employment Opportunity Officer shall inform the alleged harasser of the alleged offending behavior(s) and provide an opportunity to respond to the allegations by way of refutation thereof or correction of behavior deemed to be harassment, as part of the informal investigation and resolution of the complaint. If appropriate action is not taken to stop the harassment, employees may further file a formal complaint with the state Department of Fair Employment and Housing (DFEH) and/or the federal Equal Employment Opportunity Commission (EEOC).
 2. The Equal Employment Opportunity Officer shall be responsible for:
 - a. insuring that this policy, its definition of sexual harassment, and the complaint procedures are disseminated to all employees;
 - b. providing guidance, training and assistance to department heads, supervisors and employees on dealing with sexual harassment within their areas of responsibility;
 - c. investigating, resolving and making findings and recommendations on complaints of sexual harassment that are reported according to established informal and formal complaint procedures;
- AND
- d. upholding the rights of all employees to appeal in accordance with Personnel Regulations Section 192.

3. All department heads, managers and supervisors shall be responsible for creating a business-like work environment free from sexual harassment. This includes closely scrutinizing their own actions. In addition, they are responsible for taking direct, effective action to stop sexual harassment they are aware of, and harassment they should be aware

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of (in other words, ignorance of harassment is not necessarily an acceptable defense for inaction). Action taken must prove effective.

4. Although it is not required, it is generally helpful for individuals who believe they are being sexually harassed to inform the harasser that his or her behavior is unwelcome, offensive, or highly inappropriate. This is often the first and sometimes the only action needed to end the harassment. Employees who believe they have been sexually harassed can and are advised that they may seek assistance from management, the department's Sexual Harassment Liaison or the Equal Employment Opportunity Office.
 5. Employees should understand that total confidentiality cannot be guaranteed in regard to sexual harassment. While the need to protect all parties involved will be addressed with confidentiality as much as possible, and no one without a clear need to know will be involved, the need to resolve a sexual harassment situation and remove future sexual harassment threat from the workplace may require directly contacting the alleged harasser and his or her supervisor(s). This should not deter an employee from contacting the Equal Employment Opportunity Office to try to resolve a difficult, uncomfortable, or threatening situation. Every effort will be made to take the complainant's wishes into consideration, especially if there are informal ways to resolve the problem.
 6. It should be noted that in some cases the actions of employees or supervisors, while not being targeted at one single employee, may be considered harassing if those actions (including the telling of sexually explicit or derogatory jokes and display of lewd or suggestive printed pictures, cartoons, or posters) are perceived to create a hostile or intimidating work environment. The safest course of action to take in resolving such problems or any potential situation of harassment is to cooperate by modifying behavior or removing or asking that the offensive materials be removed.
 7. Employees and managers/supervisors are strongly encouraged to seek assistance early from the Equal Employment Opportunity Office with any situation that they perceive has the potential of becoming a sexual harassment case.
- G. Santa Cruz County's policy on Sexual Harassment is not intended to inhibit or restrict the relationships of women and men employees within appropriate modes of behavior - but rather to welcome, encourage and support teamwork and mutual respect among all em-

ployees.

191.4. The Santa Cruz County Board of Supervisors Policy regarding discriminatory practices effecting individuals with disabilities is established as follows:

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A. DISABILITY NON-DISCRIMINATION POLICY (Resolution 25-92 1/13/92)

1. The County of Santa Cruz shall promote programs, services and a workplace environment for County employees, applicants and the public free from unlawful discrimination, either directly or indirectly, on the basis of an individual's disability; and
2. The County of Santa Cruz shall take steps to prevent such discrimination from occurring in County government including the following areas: a) opportunity for employment and; b) accessibility to public services and accommodation including programs, services and facilities.
3. Each employee of the County of Santa Cruz whether elected, exempt or civil service is hereby directed to uphold this policy and to acknowledge and protect the rights that it guarantees; and
4. Contractors with the County of Santa Cruz shall be responsible for insuring that effective policies and procedures concerning the prevention of discrimination based upon an individual's disability exist in their companies as part of the requirements under the equal employment opportunity / non-discrimination clause of their contracts with the County in a manner consistent with the purpose and intent of this policy.

B. This policy shall be implemented in the following manner:

1. The County Administrative Officer shall be responsible for upholding the rights of all individuals both from the public and employees to express allegations of unlawful discrimination without fear of retaliation or reprisal.
2. Employees are encouraged to pursue resolution of their complaints of alleged discrimination with their supervisors; other complainants including the public are encouraged to resolve their complaints or allegations at the lowest level possible within the department or agency as published by the department providing the service or program in the complaint resolution procedure.
3. For purposes of employment:
 - a. The Equal Employment Opportunity Officer shall develop and maintain procedures for Discrimination Complaint Resolution. These procedures for informal and formal resolution of charges, complaints, allegations of unlawful discrimination, shall be set forth in the County Personnel Regulations Section 193.

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- b. The Equal Employment Opportunity Officer shall be responsible for:
 1. insuring that this policy, its definition of discrimination, and the Discrimination and Harassment Complaint Resolution procedures are disseminated to all employees;
 2. providing guidance, training and assistance to department or agency administrators, departmental liaisons, supervisors, and employees on dealing with discrimination and reasonable accommodation within their areas of responsibility;
 3. resolving or investigating and making findings and recommendations in response to allegations and complaints of discrimination that are reported according to established procedures; and
 - c. The County Administrative Officer shall be responsible for upholding the right of appeal in accordance with the Discrimination or Harassment Complaint Resolution procedures.
 - d. Department or agency administrators shall be responsible for informing their employees of their rights, responsibilities and performance accountabilities under this policy, and for the administration of the Discrimination and Harassment Complaint Resolution process in coordination and cooperation with the Equal Employment Opportunity Officer.
4. For the purposes of the public's accessibility to public services including the benefits of services, programs or activities and accommodation related issues;
- a. The Equal Employment Opportunity Officer shall develop and maintain procedures for Discrimination or Harassment Complaint Resolution. These procedures for informal and formal resolution of charges, complaints, allegations of unlawful discrimination, shall be set forth in the County Personnel Regulations Section 193.
 - b. Each Department Head shall use the County's complaint resolution procedure as defined in Personnel Regulations Section 193, for resolving complaints made by a member of the public in regards to issues covered by these regulations. This complaint resolution procedure will be made available to the public through a published document distributed to individuals using the program or receiving services.
 - c. Each Department Head shall be responsible for:

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1. designating a staff member responsible for dissem-

inating information to staff and the public and resolving complaints received and publishing this individual's name and contact information.

2. insuring that this policy, its definition of discrimination, and the complaint resolution procedures are disseminated to the public;
3. providing guidance, training and assistance to department or agency managers, supervisors, and employees on dealing with discrimination within their areas of responsibility;
4. resolving or investigating and making findings and recommendations in response to allegations and complaints of discrimination that are reported according to established procedures.

d. The County Administrative Officer shall be responsible for upholding the right of appeal in accordance with the complaint resolution procedures.

- C. In exercising their right to express an allegation of discrimination or complain against unlawful practices, an individual shall be free from retaliation, reprisals, or threats of reprisals because they made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy.
- D. In applying this policy, the rights of free speech and association shall be accommodated consistently with the intent of this policy.
- E. Nothing in these regulations may be construed as limiting the County's right to take reasonable disciplinary measures which do not discriminate on a basis enumerated in this policy.

191.5. REASONABLE ACCOMMODATION POLICY (Resolution 25-92 1/13/92)

A. It is the policy of the County of Santa Cruz that no qualified individual with a disability, shall on the basis of a disability, be subjected to discrimination in employment as covered under Section 703 of the Civil Rights Action of 1964 (as amended) and defined in the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008 and the California Fair Employment and Housing Act.

- B. It is the policy of the County of Santa Cruz that individuals with disabilities who require a reasonable accommodation in order to take an examination must inform the Personnel Department at the time of application of the need for the accommodation. Documentation from a physician or Department of Rehabilitation verifying the need for accommodation must accompany the request.

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Reasonable accommodation in the test administration will be made considering the individual's needs and the physical ability requirements to perform the essential job functions.

Physical Agility Tests: Physical agility tests are not medical examinations and can be given at any time during the employment process. These tests will be job related and consistent with business necessity and will be used where performance of job related activities measures cannot be achieved with reasonable accommodation.

- C. It is the policy of the County of Santa Cruz to conduct a medical examination or inquiry, only after a job offer has been made and to consider reasonable accommodation of an individual to perform the essential functions of the job considering work restrictions; working conditions exposure limitations; job restructuring; adaptive technique, device or equipment; and protective gear and devices. All entering employees in the same job class are given the same examination or screening. Information on the medical condition of an applicant is maintained in separate files and treated as confidential except that supervisors and managers are to be informed of restrictions and accommodations required by an employee; Occupational Safety and Health Division is informed where a disability might require emergency treatment; and government officials investigating compliance also could be provided with information.
- D. It is the policy of the County of Santa Cruz when an employee becomes injured or disabled, whether on the job or off the job, to consider reasonable accommodation of the individual's disability whether short term or permanent.

E. Definitions:

1. Disability Defined: A physical or mental impairment that limits one or more of the major life activities of such individual; a record or history of such an impairment; or being regarded as having such an impairment.
 - a. Physical impairment includes a physiological disorder, cosmetic disfigurement, or anatomical loss affecting a body system.
 - b. Mental impairment includes a mental disorder such as mental retardation or emotional or mental illness.
 - c. Limits includes being unable to perform a major life activity that the average person can perform or being restricted as to the condition, manner or duration under which a major life activity can be undertaken

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- d. Major life activities would include functions such as caring for oneself, walking, hearing, seeing, speaking, etc.
2. Qualified Individual with a Disability Defined: an individual with a disability who satisfies the requisite skill, experience, education and other job related requirements of the employment position such individual holds or desires, and who with or without reasonable accommodation, can perform the essential functions of such position. Departments are required to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified

individual with a disability unless it would result in an undue hardship.

- a. Exclusions: individuals who are currently engaging in illegal use of drugs, however, anyone who has successfully completed a drug rehabilitation program and is not currently using drugs would be included in the definition.
- b. Essential Functions: fundamental job duties of the position. Marginal job functions are not included. Factors to be considered in determining whether a function is essential include: the judgment of the employer; written job descriptions; the amount of time spent in performing the function; and the consequences of not requiring the performance of the function.
- c. Reasonable Accommodation: An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. No specific form of accommodation is guaranteed for all individuals with a specified disability. Reasonable accommodation could include making existing facilities accessible to persons with disabilities (both work and non-work areas); job restructuring; part-time or modified work schedules; reassignment to a vacant position; providing readers or interpreters; or modifying examinations and training materials. Additionally, reasonable accommodation could include using accrued leave or providing additional unpaid leave for medical treatment; making employer provided transportation accessible; providing reserved parking spaces; and providing personal assistants, such as a page turner or travel attendant.
- d. Undue Hardship: Departments do not have to undertake a reasonable accommodation if they can demonstrate it would result in significant difficulty or expense. Undue hardship refers to accommodations that would be

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unduly costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

- F. This policy shall be implemented in the following manner:
 1. Employees may file a formal complaint using the Discrimination or Harassment Complaint Process (Personnel Regulations -Section 192) in dealing with discrimination based upon a disability or cancer related medical condition. The Complaint Form is available through the County's Online Personnel Regulation Information (OPRI) System or at the Equal Employment Opportunity Office. Employees may further file a formal complaint with the state Department of Fair Employment and Housing (DFEH) and/or the federal Equal Employment Opportunity Commission (EEOC).

2. The Equal Employment Opportunity Officer shall be responsible for:
 - a. insuring that this policy and the complaint procedures are disseminated to all employees;
 - b. providing guidance, training and assistance to department heads, supervisors and employees on dealing with reasonable accommodation within their areas of responsibility;
 - c. investigating, resolving and making findings and recommendations on complaints of discrimination based upon a disability that are reported according to established informal and formal complaint procedures;
 - d. determining reasonable accommodation of an individual employee upon the recommendation of the Occupational Health physician, where an employee becomes injured or disabled, whether on the job or off the job;

AND

- e. upholding the rights of all employees to appeal in accordance with Personnel Regulations Section 192.
3. Personnel Services Division staff shall be responsible for:
 - a. Conducting job analysis of positions/classes to determine the physical abilities required to perform the essential job functions;
 - b. Making reasonable accommodation for test administration purposes.
 - c. For the purpose of pre-employment medical examinations or screening, determining reasonable accommodation of

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an individual employee upon the recommendation of the Occupational Health physician.

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