

**California Department of Human Resources
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Role and Major Responsibilities of the Equal Employment Opportunity Officer	REFERENCE NUMBER: 2013-032
DATE ISSUED: 09/27/13	SUPERSEDES:

This memorandum should be forwarded to:

**Agency Secretaries
Directors
Equal Employment Opportunity Officers
Personnel Officers**

FROM: California Department of Human Resources
Office of Civil Rights

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Government Code section 19795, subdivision (a), requires all state agencies to establish and administer an effective equal employment opportunity (EEO) program under the direction of an EEO Officer¹ appointed by the director. This memorandum and accompanying attachments provide guidance on the role, major responsibilities and key relationships of an EEO Officer.

Government Code section 19795, subdivision (a), states in part:

*“...The appointing power of each state agency and the director of each state department shall appoint, **at the managerial level, an equal employment opportunity officer, who shall report directly to, and be under the supervision of, the director of the department,** to develop, implement, coordinate, and monitor the agency’s equal employment opportunity program...”*

The EEO Officer is required to report directly to, and be under the supervision of, the director of the department. His/her duties include developing, implementing, coordinating, and monitoring the agency’s or department’s EEO program as well as analyzing and reporting on appointments, bringing issues of concern regarding EEO to the appointing power, and recommending appropriate action.

¹ The EEO Officer may have a different working title, such as Civil Rights Officer or Diversity Manager.

It is essential that an EEO Officer be able to objectively monitor and assess the department's personnel policies and practices, to recommend administrative changes to prevent discrimination and to continuously facilitate EEO.² By reporting to the director, the EEO acquires the visibility and the level of support needed to ensure that the department's EEO efforts are appropriately addressed and implemented at all levels within the department. Agencies are encouraged to include the EEO Officer in "senior staff" meetings because of the position's policy influencing role.

All EEO Officers are responsible for ensuring that their departments have non-discriminatory employment policies and practices and provide EEO to all potential job applicants and employees. Examples of duties that are appropriate for an EEO Officer include, but are not limited to, monitoring workforce composition, identifying underutilization issues, ensuring the department conducts broad and inclusive recruiting, validating examinations, eliminating non-job-related minimum qualifications, staying abreast of legal trends and changing laws, and conducting diversity/sensitivity training.

Departments must take proactive measures and invest in prevention of discrimination by adequately staffing EEO offices with trained personnel, keeping departmental managers and supervisors informed and trained about the latest EEO requirements, quickly identifying inappropriate employment policies and practices and making recommendations, and providing effective complaint resolution.

Subsequent pages contain guidance in the following areas:

- Role and Major Responsibilities of an Equal Employment Opportunity Officer
- Key Relationships of an Equal Employment Opportunity Officer
- Summary of Major Equal Employment Opportunity Laws

The best way to demonstrate support is to ensure that your department has an effective EEO Officer who will ensure full compliance with all state and federal statutory and regulatory requirements.

If you have any questions regarding this information, please contact CalHR's Office of Civil Rights, civilrights@calhr.ca.gov, (916) 324-0970 or via the California Relay service, 7-1-1.

² In departments with less than 500 employees, the law provides that the EEO Officer may also serve as the department personnel officer.

<p style="text-align: center;">ROLE AND MAJOR RESPONSIBILITIES OF AN EQUAL EMPLOYMENT OPPORTUNITY OFFICER</p>
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The following is an overview of duties frequently performed by EEO Officers in State civil service:

1. Reporting directly to the Director, the EEO Officer serves as a key advisor and resource to departmental management regarding Equal Employment Opportunity (EEO)* and workforce diversity laws and rules. [Gov. Code, §19795, subd. (a)]
2. Develops, implements, coordinates, and monitors the department EEO program in accordance with applicable laws and rules. [Gov. Code, §19795, subd. (a)]
3. Provides departmental management with information and assistance regarding the EEO program and options for implementation and compliance with laws and regulations. [Gov. Code, §19795, subd. (a)]
4. Reviews departmental policies and procedures to ensure they are nondiscriminatory and there is no illegal adverse impact against employees in any protected class. [Gov. Code, §19795, subd. (a)]
5. Manages and evaluates the discrimination complaint program, including monitoring the performance of investigators; maintaining tracking systems, records, and reviewing data for trends. [Gov. Code, §19795, subd. (a)]
6. Ensures EEO posting requirements are met. [Gov. Code, §19795, subd. (a)]
7. Monitors, analyzes and evaluates occupational areas to identify significant underutilization of employees by racial/ethnic, gender and disability categories. Develops, coordinates, and monitors action plans designed to identify the causes of underutilization problems and to eliminate illegal employment barriers. [Gov. Code, §19797]
8. Proposes personnel management policies, procedures and practices (i.e., recruitment, hiring, retention, etc.) [Gov. Code, §19795, subd. (a)]
9. Monitors hiring practices including the composition of panel members in department examinations and participates in outreach/recruitment planning and evaluating the results of efforts. [Gov. Code, §19791 & §19795, subd. (a)]

*Affirmative Action continues to be a federal requirement for all contractors and subcontractors receiving federal funds as well as for the employment of persons with disabilities at the state level.

10. Coordinates with the departmental personnel, training, workforce planning, and labor relations offices, and employee unions regarding development and implementation of departmental upward mobility programs. [Gov. Code, §§19401 and 19795, subd. (a)]
11. Monitors department's compliance in having an active disability advisory committee and provides guidance on disability employment issues including but not limited to underrepresentation of persons with disabilities. [Gov. Code, §19795, subd. (b)]
12. Annually on the date established by CalHR, submits the following:
 - a. Evaluation of the effectiveness of the EEO program, identifying underutilization of racial/ethnic and gender groups, and an action plan for eliminating non-job-related employment barriers; [Gov. Code, §§19795, subd. (a) and 19797]
 - b. Evaluation of the departmental upward mobility program and upward mobility employment goals; [Cal. Code of Regs, Title 2, §547.86]
 - c. Departmental employment goals for persons with disabilities; [Gov. Code, §19232]
13. In conjunction with the training office, assists with the development of training programs, including but not limited to, EEO/diversity programs, human relations, cultural awareness and sensitivity training; monitors and evaluates the effectiveness of such training efforts. [Gov. Code, §19795, subd. (a)]
14. Participates with the training and personnel offices in planning, implementing, and evaluating upward mobility programs for departmental employees. [Gov. Code, §§19401 and 19795, subd. (a)]
15. Serves as a liaison/facilitator with community and advocate organizations in dealing with EEO/diversity issues. [Gov. Code, §19795, subd. (a)]
16. Acts as a liaison between the department, CalHR and other state or governmental agencies and private entities on EEO/diversity matters. [Gov. Code, §19795, subd. (a)]
17. Provides direction and acts as a resource to departmental EEO/diversity advisory committees, e.g., the Disability Advisory Committee, the Upward Mobility Advisory Committee, etc. [Gov. Code, §19795, subd. (a)]
18. Assists employees, managers, and supervisors by monitoring and coordinating reasonable accommodation requests. [Gov. Code, §§19230, 19232, and 19795, subd. (a)]

KEY RELATIONSHIPS OF AN EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Following are general descriptions of key relationships the EEO Officer may have with other organization counterparts:

1. Director and Top Management

The EEO Officer shall report directly to, and be under the supervision of, the Director of the department, as required by Government Code section 19795, subdivision (a).

The EEO Officer:

- a. Reviews proposed employment policies for non-discrimination, EEO implications and identifies potential compliance issues for consideration by top management;
- b. Advises on employee complaints and grievances relating to discrimination or other EEO matters;
- c. Works with management to identify and eliminate significant underutilization of employees by racial/ethnic, gender and disability group caused by discriminatory personnel policies and practices;
- d. Functions as liaison between the Director and advocacy organizations concerned with EEO/diversity issues; and
- e. Provides expertise regarding proposed legislation affecting EEO.

2. Personnel Office

The EEO Officer:

- a. Advises on broad and inclusive recruitment and selection strategies to facilitate the provision of equal employment opportunity to all groups of job applicants;
- b. Identifies artificial barriers in the classification plan and selection program and works with the personnel office in conducting occupational availability analysis, job restructuring, examination plan review, test validation efforts, and other studies to identify and recommend alternatives;

- c. Coordinates with the Personnel Officer and staff to ensure that recruitment, selection, and classification activities are made a part of the departmental planned actions for ensuring equal employment opportunity for all qualified job applicants;
- d. Assists managers and supervisors in exploring the various alternatives that can be used in filling vacancies which will further EEO program objectives;
- e. Coordinates with the personnel office, the department's broad recruitment of qualified employees who will further diversity in the department for examinations administered by the department; and
- f. Assists the examination staff to educate the department's interview panel members on EEO requirements.

3. Labor Relations Office

The EEO Officer assures that EEO objectives are not adversely affected by labor agreements reached through the collective bargaining process, and consults on grievances that involve EEO issues.

4. Departmental EEO Advisory Committees (including Disability Advisory Committees (DAC))

The EEO Officer:

- a. Functions as a liaison between the Director and committees;
- b. Provides leadership and guidance;
- c. Oversees the selection process of committee members to ensure that the diversity of interests of departmental employees are represented;
- d. Provides information regarding the department's workforce composition, underutilization problems, and efforts to eliminate inappropriate employment barriers; and
- e. Assists in the interpretation of EEO policies, laws and rules.

5. Training Office

The EEO Officer:

- a. Coordinates the development and delivery of diversity sensitivity training for managers, supervisors and other departmental employees;
- b. Ensures EEO staff are adequately trained;
- c. Coordinates the provision of technical training in employment law for departmental managers and supervisors; and
- d. Coordinates the development, implementation, and evaluation of the department's upward mobility program to ensure employees in lower paying occupations are afforded equal opportunity to participate in the program.

6. Limited Examination and Appointment Program Coordinator

The EEO Officer:

- a. Advises on confidentiality issues;
- b. Works collaboratively with the LEAP Coordinator to ensure that recruitment, selection, and classification activities of the LEAP program are made a part of the departmental planned actions for ensuring equal employment opportunity for all qualified job applicants;
- c. Serves in a consultative role on reasonable accommodation issues; and
- d. Provides guidance to ensure the department maintains proper documentation.

7. Language Survey Coordinator

The EEO Officer:

- a. Provides leadership and guidance;
- b. May serve in a consultative role on language access complaints or may respond to language access complaints on behalf of the department;
- c. Provides guidance to department in conducting a biennial language survey and timely submission to CalHR unless provided an exemption by CalHR; and
- d. Provides guidance to ensure the department maintains proper documentation.

8. Upward Mobility Coordinator

The EEO Officer:

- a. Monitors department's compliance in having an upward mobility program that is consistent with statutory and regulatory requirements;
- b. Serves in a consultative role on upward mobility; and
- c. Functions as a liaison between the department and CalHR.

9. Reasonable Accommodation Coordinator

The EEO Officer:

- a. Advises on confidentiality issues;
- b. Serves in a consultative role on reasonable accommodation; and
- c. Works with the Reasonable Accommodation Coordinator to ensure reasonable accommodation requests are addressed in a timely manner and that department maintains proper documentation.

10. Advocacy Groups and Community Based Organizations

The EEO Officer:

- a. Functions as a liaison between the department and the organizations on EEO issues;
- b. Enlists support and assistance for broad and inclusive recruitment efforts;
- c. Functions as an information resource; and
- d. Develops strategies for community outreach.

11. CalHR

The EEO Officer:

- a. Functions as a liaison between the department and CalHR;
- b. Works with CalHR in monitoring the department's workforce representation, identifying underutilization problems, and developing action plans to address problem areas;
- c. Consults with CalHR regarding existing and proposed changes in the state's EEO program and policies;
- d. Coordinates with CalHR to assure compliance with state and federal civil rights laws; and
- e. Cooperates with CalHR in evaluating the effectiveness of the department's EEO program.

SUMMARY OF MAJOR EQUAL EMPLOYMENT OPPORTUNITY LAWS

Title VII, U.S. Civil Rights Act of 1964 as amended in 1972 and 1991 (42 U.S.C. §2000e et seq.)

Age Discrimination in Employment Act of 1967 and 1978 (29 U.S.C § 621 et seq.)

Rehabilitation Act of 1973 (29 U.S.C. § 791 et seq.)

Pregnancy Discrimination Act of 1978 (42 U.S.C. § 2000e(k))

Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

Article I, Section 31, California Constitution (Proposition 209 – Prohibits granting of preferences based on race, ethnicity and gender in public employment, contracting and education)

California Fair Employment and Housing Act (Gov. Code, §§12900-12996)

Unruh Civil Rights Act (Civil Code, §§ 51-53)

Government Code Sections

The following source is useful to stay up-to-date on California Government Code:

<http://leginfo.legislature.ca.gov/faces/codes.xhtml>

§ 18500(c)(5)	State's Non-discrimination Principle
§§19230-19237	Hiring of Persons with Disabilities
§§19240-19241	Limited Examination and Appointment Program
§§19400-19406	Upward Mobility
§ 19572(w)	Discrimination a Cause for Disciplinary Action
§§19700-19706	Discrimination
§§19790-19799	State Civil Service Equal Employment Opportunity Program
§§7290-7299.8	Bilingual Services Act

Title 2, California Code of Regulations, Division I, Chapter I

The following source is useful to stay up-to-date on California Code of Regulations:

<http://government.westlaw.com/linkedslice/default.asp?SP=CCR-1000>

§§ 547.50-547.57	Limited Examination and Appointment Program
§ 547.80	Equal Employment Opportunity Definitions
§§ 547.82-547.87	Upward Mobility

/s/Julie Chapman
Director