

CHAPTER 1
POLICY AND PROGRAM RESPONSIBILITIES
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CHAPTER 1

POLICY AND PROGRAM RESPONSIBILITIES

1. INTRODUCTION. The California Highway Patrol (CHP) recognizes that commitment to equal employment opportunity (EEO) principles and practices provides a workplace that strengthens employees' dedication to its mission to provide the highest level of safety, service, and security to the state of California. The Department is committed to providing a professional work environment free from discrimination, harassment, and retaliation. To achieve this, the Department has established an EEO Program through the Equal Opportunity & Access Section (EOAS) which ensures equal opportunity for applicants and employees at all levels of recruitment, examination, selection, training, promotion, and other benefits and privileges extended through employment

2. THE MISSION OF THE EQUAL OPPORTUNITY & ACCESS SECTION.
 - a. Carry out the Department's EEO policies, which incorporate the fundamental values of diversity, equity, inclusion, and access.

 - b. Comply with state and federal antidiscrimination laws to ensure equal employment opportunities for all departmental applicants and employees.

 - c. Promote a work environment free of discrimination and harassment by ensuring program objectives, standards, and practices conform with EEO policies.

 - d. Ensure equal employment opportunity is integrated into the Department's policies, procedures, and practices related to recruitment, examination, selection, training, promotion, and retention of a qualified workforce representative of the public we serve.

3. POLICY.
 - a. It is the policy of the Department to provide EEO to all persons without regard to any protected characteristic outlined in Chapter 2, Protected Characteristics, Activities, Terms, and Definitions, of this manual. All examination, hiring, and promotional practices shall ensure EEO and be made based on and consistent with the Civil Service Act and Merit Principle.

 - b. It is the policy of the Department to prohibit employees, supervisors, and third parties from engaging in discrimination and harassment based on any of the

protected characteristics outlined in Chapter 2 of this manual and set forth in California Government Code (GC) Section 12920.

c. In addition, the Department prohibits employees, supervisors, and third parties from engaging in retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

d. The policy contained in this manual applies to all applicants and employees, CHP contractors, volunteers, students, and interns in the workplace. In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from CHP premises, such as a business trip or business-related social function.

e. This policy shall be discussed with all employees upon hire and during new employee orientation. Employees shall acknowledge that they have reviewed and understand this chapter, Chapter 4, Sexual Harassment and Abusive Conduct Prevention; Chapter 8, Disability Services Program; and Chapter 5, Discrimination, Harassment, and Retaliation Complaint Process, upon initial hire and annually thereafter utilizing the CHP 237A, Annual Equal Employment Opportunity Policy Review.

f. The Department shall maintain both an informal and formal complaint process for departmental employees and applicants to bring forward complaints which allege discrimination, harassment, or retaliation in employment practices covering recruitment, selection, appointment, compensation, transfer, training, and other terms and conditions of employment. Once the Department is aware of allegations of discrimination, harassment, or retaliation, the Department shall determine if an investigation into alleged violations of the Department's EEO policy is warranted and shall conduct a prompt, thorough, and objective investigation by qualified personnel. Both the informal and formal processes provide management the opportunity to correct inappropriate behavior and practices through education, training, and corrective action. (Refer to Chapter 5, Discrimination, Harassment, and Retaliation Complaint Process).

g. Continuous training and learning opportunities, whether on-the-job, departmental, or specialized, are critical to the Department's ability to achieve a labor force which is aware and sensitive to, as well as representative of, the people of the State of California. Therefore, employees shall be afforded full access to, and participation in, training opportunities offered through the Department.

4. STATUTORY AUTHORITY. The Department's equal employment opportunity and antidiscrimination policies, procedures, and practices are in compliance with the laws set forth in Title VI of the Civil Rights Act of 1964 (Title VI) Nondiscrimination in Federally Assisted Programs, Title VII of the Civil Rights Act of 1964 (Title VII), the California Fair Employment and Housing Act (FEHA), Title II of the Americans with Disabilities Act of 1990 (Title II) (ADA), the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, as amended, the California Constitution, Article I, Section 31 Declaration of Rights, the Pregnancy Discrimination Act of 1978, the Pregnant Workers Fairness Act of 2022 (PWFA), the Age Discrimination in Employment Act of 1967 (ADEA), the California Family Rights Act (CFRA), the Family and Medical Leave Act (FMLA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Genetic Information Nondiscrimination Act of 2008 (GINA), the Dymally-Alatorre Bilingual Services Act (Act), and other related state and federal civil rights laws.

5. PROGRAM RESPONSIBILITIES.

a. Commissioner. The Commissioner is committed to, and ultimately responsible for, the implementation of an effective and meaningful EEO Program compliant with state and federal law. The Deputy Commissioner and the Assistant Commissioners, through their efforts and programs within their purview, will ensure sufficient resources and personnel are available to fully integrate equal employment opportunity into every aspect of recruitment, examination, selection, training and advancement of employees and nondiscrimination policies and practices in all aspects within the Department.

b. Deputy Commissioner. The Deputy Commissioner reviews discrimination complaints and accommodations which have been appealed to ensure all facts relevant to the matter have been gathered and authorizes additional action if warranted. The Deputy Commissioner is the final level of review for appeals and will render a final decision for internally filed discrimination complaint appeals or accommodation appeals.

c. EEO Officer. The EEO Officer shall be appointed by the Commissioner. However, the EEO Officer may receive functional direction from the Deputy Commissioner. The EEO Officer is responsible for the review and approval of discrimination complaints and accommodations, as well as providing Department-wide leadership to achieve equal employment opportunity in every aspect of employment. Their primary role is to objectively monitor and assess departmental personnel policies and practices, recommend administrative changes to prevent discrimination, promptly address complaints, administer EEO programs, and to continuously facilitate equal employment opportunity.

d. Division Commanders. Division Commanders are responsible for and accountable to the appropriate Assistant Commissioner for meeting departmental EEO Program objectives and ensuring subordinate managers and supervisors are aware of EEO policies and their roles and responsibilities.

e. Equal Opportunity & Access Section. The EOAS is under the supervision of the EEO Officer and is responsible for the overall administration of the EEO Program and discrimination complaint process. The EOAS's responsibilities include general development of the EEO Program and its specific approaches, providing related assistance to departmental staff, monitoring and evaluating performance and progress in carrying out and achieving program objectives, as well as preparing recommendations to the EEO Officer.

f. Managers and Supervisors. It is the responsibility of all managers and supervisors to be familiar with EEO policies, ensure the dissemination of EEO program information to employees within their command, and engage employees and applicants in the interactive process regarding accommodations. Managers and supervisors are responsible for supporting, implementing, and facilitating the Department's EEO policy to ensure hiring, promotion, assignment, and training of personnel is conducted consistent with policy. Further, they are required to take immediate and appropriate action to stop, correct, and prevent inappropriate and violations when necessary.

State and federal laws require all employers to display information related to civil rights laws in the workplace. The posters must be conspicuously displayed where they can be easily seen and read by all employees and job applicants. Required postings can be found on the EOAS's Intranet site.

g. Employees. Each employee is responsible for ensuring their conduct adheres to the Department's EEO Program policies and should promptly report any EEO violation to a supervisor or an EEO counselor.

h. Applicants. If necessary, applicants are responsible for requesting a reasonable accommodation prior to an examination or scheduled interview. The accommodation request should be submitted through the hiring command.

6. DISCRIMINATION COMPLAINT PROCESS. The discrimination complaint process is a uniform method for departmental employees and applicants to bring forward complaints which allege discrimination, harassment, or retaliation. The process affords employees and applicants the opportunity to express their concerns through either, or both, the informal and formal complaint process. (Refer to

Chapter 5, Discrimination, Harassment, and Retaliation Complaint Process and Chapter 6, Discrimination, Harassment, and Retaliation Complaint Investigations.)

- a. Informal Process. The informal process allows for complaints to be resolved at the lowest appropriate level and provides management the opportunity to correct inappropriate behavior and practices through education, training, and corrective action.
- b. Formal Process. The formal process provides for a prompt, thorough, and objective investigation, appropriate due process, and impartial review of the evidence collected. This process also provides management the opportunity to correct inappropriate behavior and practices through education, training, and corrective or disciplinary action.

7. EQUAL OPPORTUNITY & ACCESS SECTION PROGRAMS. The EOAS has oversight of the following EEO related programs:

- a. Training Program. The EOAS ensures accurate and appropriate content of all EEO training, and all EEO-related presentations.
 - (1) Employee Training. The EOAS staff conducts specialized EEO training for new employees, first-line supervisors, middle managers, cadets, public safety dispatchers and operators, reinstates, and refresher groups as scheduled by the Organizational Development Section and the CHP Academy. The EOAS staff may also conduct specialized EEO training at the request of commanders or Division Commanders.
 - (2) Counselor and Investigator Training. To ensure an impartial and timely response to complaints, EOAS staff conducts initial and recertification training for EEO counselors and EEO investigators. The EOAS maintains a tracking system to notify Divisions when their staff need to attend biennial recertification training. (Refer to Chapter 5, Discrimination, Harassment, and Retaliation Complaint Process.)
 - (3) Quarterly Training. To ensure employees are familiar with their roles and responsibilities regarding EEO, the EOAS prepares separate training modules specific to EEO programs for inclusion into first and third quarter departmental training.
- b. Sexual Harassment and Abusive Conduct Prevention Program. The Sexual Harassment and Abusive Conduct Prevention Program ensures employee compliance of mandated Sexual Harassment and Abusive Conduct Prevention

training. (Refer to Chapter 4, Sexual Harassment and Abusive Conduct Prevention.)

c. Disability Services Program. The Department's Disability Services Program (DSP), through its ADA Coordinator, ensures members of the public, applicants and employees with disabilities are provided equal opportunity and have equal access to any programs, services, and/or activities under the jurisdiction of the Department for which they are eligible. The DSP also acts to reach, attract, employ, and retain qualified persons with disabilities to the Department at a level commensurate of their representation in the California labor force. (Refer to Chapter 8, Disability Services Program and Chapter 9, Accommodation Services.)

(1) Advisory Committee for Persons with Disabilities (ACPD). The ACPD serves in an advisory capacity to the Office of the Commissioner on issues of concern to employees with disabilities and matters relating to improving the representation of individuals with a disability in its workforce. The ACPD and the EOAS collaborate to identify best practices to recruit, hire, and retain persons with disabilities, and support ongoing cultivation of an inclusive workplace.

(2) Limited Examination and Appointment Program (LEAP). The LEAP is a voluntary, competitive, and alternative method of hiring persons with disabilities for state employment. LEAP candidates are assessed on job-specific related criteria which requires performance of the essential functions of the job to qualify for permanent appointment to state civil service. The ADA Coordinator also acts at the LEAP Coordinator.

d. Accommodation Services. The EOAS oversees the Accommodation Services Program, which is an internal process for qualified applicants and employees with physical or mental disabilities to request a reasonable accommodation, for applicants and employees with sincerely held religious beliefs to request a religious accommodation, or for employees who wish to express breast milk for their infant child at the workplace to request a lactation accommodation. (Refer to Chapter 9, Accommodation Services.)

e. Cultural Competency. The EOAS promotes the development of cultural competency. To achieve this commitment, the Department in conjunction with the Museum of Tolerance, has developed and maintains trainings and material to promote and support a high-performing workforce that delivers culturally responsive services, and reflects the diversity of the communities it serves. (Refer to Chapter 10, Cultural Competency.)

f. Bilingual Services Program. The purpose of the Bilingual Services Program is to ensure the Department provides meaningful language access services to the public as needed. Responsibilities of the program include but are not limited to, telephone and American Sign Language interpreting, written translation of departmental materials, coordination of the biennial language survey, maintaining and posting the bilingual commands list, receiving and processing language access complaints, and assisting public contact employees with providing service. (Refer to Chapter 11, Bilingual Services Program.)

g. Upward Mobility Program (UMP). The UMP is a career mobility program which provides eligible state employees in low paying, entry-level classifications, including low-paying supervisory classes, an opportunity to participate in career development activities to prepare for advancement to qualifying technical, professional, and administrative classifications. Responsibilities of the program include but are not limited to, program implementation, review, and final approval of the CHP 50B, Upward Mobility Career Plan, and developing the Department's annual upward mobility goals and action plan for the annual Workforce Analysis Report. (Refer to Chapter 12, Upward Mobility Program).

h. Workforce Analysis and Demographics. The Workforce Analysis (WFA) is an analysis of the Department's workforce composition, disabled representation, and Upward Mobility Program to identify any group with significant underutilization. The Department reports its findings annually to the California Department of Human Resources (CalHR), takes appropriate action to eliminate any identified non-job-related employment barriers, and develops hiring goals and action plans. (Refer to Chapter 13, Workforce Analysis and Demographics.)

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