

**EEO CORE CURRICULUM**

**AND**

**OTHER TOPICS**

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## **AB 1825 – SEXUAL HARASSMENT PREVENTION AND EEO COMPLIANCE**

**Audience: Supervisors**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. Equal Employment Opportunity Principles
  - 1. Fairness
  - 2. Consistency
  - 3. Compliance with the Law and Policies
  
- B. The Standard for Workplace Conduct: Respect and Professionalism
  - 1. The Golden Rule
  - 2. The Platinum Rule
  - 3. Principles of Mutual Respect
  
- C. Discrimination Prevention Principles
  - 1. What is “Discrimination”?
  - 2. Your Discrimination Prevention Policy
  - 3. What Characteristics are “Protected” Under Your EEO Policies?
  
- D. Harassment Prevention Principles
  - 1. What is “Harassment”?
  - 2. What is a “Hostile Work Environment”?
  - 3. The Two Types of Sexual Harassment
  - 4. Sexual Harassment under FEHA and Title VII
  - 5. Your Harassment Prevention Policy
  - 6. Inappropriate Verbal, Physical, and Visual Conduct
  - 7. Where Can Harassment Occur?
  - 8. To Whom does Your EEO Policy Apply?
  
- E. What Conduct is Prohibited by Your EEO Policies?
  - 1. Intent vs. Impact
  - 2. The Importance of Perception
  - 3. Why the Policy Imposes a Higher Standard than the Law
  - 4. Consequences of Inappropriate Workplace Conduct
  
- F. Retaliation Prevention Principles
  - 1. What is “Retaliation”?
  - 2. Examples of Protected Activity
  - 3. Your Retaliation Prevention Policy
  
- G. Your Internal Complaint Process

1. Internal Reporting Options for EEO Complaints
2. What about Off-the-Record Complaints?

#### H. The Duties of Managers/Supervisors

1. Prevent EEO Issues
  - i. Proactive vs. Reactive Management
  - ii. Leading by Example
2. Respond Appropriately to Internal Complaints
  - i. The “15-Minute Rule”
  - ii. Using Your Internal Resources
3. Monitor for Retaliation
  - i. Keeping Your Eyes and Ears Open
  - ii. Partnership with Your Internal Resources

#### I. Personal Liability for Harassment and Retaliation

#### J. What Remedies are Available?

#### K. The Finish Line

## **RESPECT AND PROFESSIONALISM – EEO OVERVIEW**

**Audience: Staff**  
**Duration: 2-3 hours**  
**No Pre-Requisites**

- A. Equal Employment Opportunity Principles
  - 1. Fairness
  - 2. Consistency
  - 3. Compliance with the Law and Policies
- B. The Standard for Workplace Conduct: Respect and Professionalism
  - 1. The Golden Rule
  - 2. The Platinum Rule
  - 3. Principles of Mutual Respect
- C. Discrimination Prevention Principles
  - 1. What is “Discrimination”?
  - 2. Your Discrimination Prevention Policy
  - 3. What Characteristics are “Protected” Under Your EEO Policies?
- D. Harassment Prevention Principles
  - 1. What is “Harassment”?
  - 2. What is a “Hostile Work Environment”?
  - 3. The Two Types of Sexual Harassment
  - 4. Sexual Harassment under FEHA and Title VII
  - 5. Your Harassment Prevention Policy
  - 6. Inappropriate Verbal, Physical, and Visual Conduct
  - 7. Where Can Harassment Occur?
  - 8. To Whom does Your EEO Policy Apply?
- E. What Conduct is Prohibited by Your EEO Policies?
  - 1. Intent vs. Impact
  - 2. The Importance of Perception
  - 3. Why the Policy Imposes a Higher Standard than the Law
  - 4. Consequences of Inappropriate Workplace Conduct
- F. Retaliation Prevention Principles
  - 1. What is “Retaliation”?
  - 2. Examples of Protected Activity
  - 3. Your Retaliation Prevention Policy
- G. Your Internal Complaint Process

1. Internal Reporting Options for EEO Complaints
2. What about Off-the-Record Complaints?

H. The Duties of Managers/Supervisors

I. Personal Liability for Harassment and Retaliation

J. What Remedies are Available?

K. The Finish Line

## **VALUING DIVERSITY**

**Audience: Supervisors & Staff**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. The History and Philosophy of Diversity
- B. What is Workplace Diversity?
- C. What is “Valuing Diversity”?
  - 1. Why is it Important to You as an Individual?
  - 2. Your Own Perceptions Regarding Diversity
- D. Primary and Secondary Dimensions of Diversity
- E. Stereotypes and Prejudices
- F. Society’s Stereotypes
- G. The Dangers of Value-Loaded Terms
- H. State and Federal Laws Regarding Diversity
  - 1. Title VII/FEHA
  - 2. ADEA
  - 3. FMLA/CFRA
  - 4. PDL
- I. Inclusion
  - 1. What is Inclusion?
  - 2. Inclusion Guidelines
  - 3. Promoting Inclusion
- J. Building Mutual Respect
  - 1. Principles of Mutual Respect
  - 2. The Golden Rule
  - 3. The Platinum Rule
- K. The Finish Line

## HOW TO CONDUCT EFFECTIVE EEO INVESTIGATIONS – PART I

**Audience: Supervisors & EEO Professionals**

**Duration: 8 hours per part**

**Pre-Requisite: Part I before taking Part II**

- A. The Duty to Conduct an Investigation
- B. Establishing the Prima Facie Case
  - 1. What Characteristics are Protected?
  - 2. What if the Complaint is Not Related to a Protected Characteristic?
- C. When is Retaliation a Factor in an Investigation?
  - 1. Focus
  - 2. Result
  - 3. “Whistleblower”
- D. Other Potential Topics for Investigation
  - 1. Leaves of Absence
  - 2. Safety Violations
  - 3. Other Workplace Misconduct
- E. How Might the Employer be Put on Notice of a Need to Investigate?
- F. The Focus of the Investigation
- G. Common Problems with Investigations
- H. Qualities of a Good Investigator
- I. The Role of the Investigator
- J. The Art of Conducting Interviews
  - 1. Maintaining Objectivity
  - 2. What about Uncooperative Witnesses?
  - 3. When is an Employee Entitled to Representation during Investigative Interviews?
- K. Ten Steps to Conducting the Investigation
  - 1. Prepare an Investigative Workplan
  - 2. Review the Applicable Documents
  - 3. Interview Complainant(s)
  - 4. Interview Witnesses
  - 5. Interview Respondent(s)
  - 6. Conduct Follow-Up Interviews (if necessary)
  - 7. Conclude the Investigation

8. Prepare the Investigative Report
9. Prepare the Investigative File
10. Submit the Investigative Report

L. After the Investigation is Complete

M. The Finish Line

## **HOW TO CONDUCT EFFECTIVE EEO INVESTIGATIONS – PART II**

Part II of this training consists of several “mock” interviews and report-writing drills. This session builds on the skills acquired during Part I.

## UNDERSTANDING YOUR ETHICAL OBLIGATIONS

**Audience: Supervisors & Staff**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. Six Steps to Good Decisions
- B. What about Ethical Dilemmas?
- C. Ethics vs. Values
- D. The Universal Consensus: Ethical Values
  - 1. Trustworthiness
  - 2. Respect
  - 3. Responsibility
  - 4. Fairness
  - 5. Caring
  - 6. Citizenship
- E. The Four Enemies of Ethical Conduct
  - 1. Self-Interest
  - 2. Self-Protection
  - 3. Self-Deception
  - 4. Self-Righteousness
- F. What the State Expects from You
- G. The Importance of Public Perception
- H. Why are Ethics Rules for Public Employees Different?
- I. Ethics Laws: The Minimum Standard
  - 1. Public Employees are Held to a Higher Standard
  - 2. Ethics Laws Relate to Four General Categories
    - i. Personal Financial Gain
    - ii. Perks
    - iii. Government Transparency
    - iv. Fair Processes
- J. The Finish Line

## REASONABLE ACCOMMODATIONS AND THE INTERACTIVE PROCESS

**Audience: Supervisors**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. Employment Practices Covered by Disability Discrimination Laws
  - 1. Who is Protected under California's Fair Employment and Housing Act?
  - 2. Differences between the FEHA and the Americans with Disabilities Act
- B. Who is a "Qualified Individual with a Disability" under the FEHA?
- C. What are the "Essential Functions" of a Position?
- D. The Basic Principles of Reasonable Accommodation
  - 1. What Triggers the Requirement for an Interactive Process?
  - 2. Examples of Reasonable Accommodations
  - 3. Does the Organization Have to Give Any Requested Accommodation?
  - 4. The Organization's Reasonable Accommodation Process: Step-by-Step
  - 5. Leaves of Absence as a Reasonable Accommodation
  - 6. The "Direct Threat" Exception
- E. What is "Undue Hardship"?
- F. What about Medical Inquiries?
  - 1. Timing
  - 2. What about Medical Documentation?
  - 3. What if an Employee Refuses to Provide the Documentation?
  - 4. What is a "Fitness-for-Duty Examination"?
- G. EAP Referrals
- H. Protection under FMLA/CFRA
  - 1. Who is a Covered Employer?
  - 2. How Much Leave is an Employee Entitled to?
  - 3. Intermittent or Reduced Schedule Leave
  - 4. For What Purposes May Leave be Taken?
  - 5. Medical Certification
  - 6. Designation of Leave
  - 7. Pay during Leave
  - 8. Entitlement to Health Benefits While on FMLA/CFRA Leave
  - 9. Reinstatement
- I. Pregnancy Disability Leave
  - 1. Who is Eligible for Pregnancy Disability Leave?

2. How Much Pregnancy Disability Leave is an Employee Entitled to?
3. Pay during Pregnancy Disability Leave
4. Reinstatement after Pregnancy Disability Leave

J. Other Time Off Requirements

1. Interaction of Family Leave and Medical and Pregnancy Disability Leave
2. What about “Paid Family Leave”?

K. Recent Case Law

L. The Finish Line

## **MANAGING EMPLOYEE PERFORMANCE & PROGRESSIVE DISCIPLINE**

**Audience: Supervisors**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. Principles of Effective Discipline
  - 1. A Land Where Fairness and Consistency are King
  - 2. Document, Document, Document!
  - 3. Conduct Regular Employee Evaluations
- B. What are Your Supervisory Responsibilities?
- C. Prevention Before Intervention
  - 1. Respect and Professionalism
  - 2. Leading by Example
- D. Taking Positive Action
  - 1. Use Written Counseling Memoranda and PIPs
  - 2. Managing Work Performance
  - 3. Be Realistic
  - 4. Don't Take Anything Personally
- E. The "Progressive Discipline" Process
  - 1. What is Progressive Discipline?
  - 2. What are the Steps?
  - 3. What is "Just Cause"?
  - 4. What is "Due Process"?
  - 5. Formal vs. Informal Documentation?
- F. Why Use Informal Disciplinary Actions?
  - 1. Corrective Counseling
  - 2. Oral Warning
- G. What are Formal Disciplinary Actions?
  - 1. Written Warning
  - 2. Suspension without Pay
  - 3. Suspension with Pay
  - 4. Disciplinary Demotion
  - 5. Discharge
- H. Behaviors that May Result in Disciplinary Action
- I. Conducting Disciplinary Meetings

1. Before the Meeting
2. During the Meeting
3. After the Meeting

J. Working with Human Resources/Personnel and Legal

K. Avoiding the Legal “Pitfalls”

1. Follow Your Internal Policies
2. Document, Document, Document
3. Work Closely with Your Internal Resources
4. Be Fair and Consistent
5. Don’t Make Assumptions

L. The Finish Line

## **WORKPLACE VIOLENCE PREVENTION**

**Audience: Supervisors & Staff**

**Duration: 3-4 hours**

**No Pre-Requisites**

- A. What is Workplace Violence?
- B. What are an Employer's Legal Obligations with Respect to Workplace Violence?
  - 1. Responsibility of Management
  - 2. Responsibility of Employees
- C. Who Can Engage in Workplace Violence?
  - 1. Warning Signs
  - 2. Triggers
- D. What Conduct is Prohibited by Workplace Violence Prevention Policies?
- E. How Do We Prevent Workplace Violence?
  - 1. Pre-Employment Screening
  - 2. Implement and Enforce Zero-Tolerance Policies
  - 3. Training
  - 4. Physical Safety Interventions and Security
- F. The Obligation to Report Workplace Violence Incidents
- G. The Internal Complaint Process
  - 1. How to Handle Incidents of Workplace Violence
  - 2. The Investigation Process
- H. Dealing with Domestic Violence/The Workplace Violence Safety Act
- I. The "Direct Threat" Exception to Reasonable Accommodation Rules
- J. The Finish Line