

## **GLOSSARY OF TERMS**

(No.1 May 2015)

Adverse Effect:	A detrimental impact resulting from the utilization of underrepresented classes or groups in the workforce.
Affected Classes:	A category of people who have been discriminated against based on their age, ancestry, gender or gender identity, race, sex, sexual preference/orientation, color, religion, marital status, current or past medical condition, disability, pregnancy, national origin, political affiliation, military or veteran status, or reprisal.
Aggrieved Person:	A person who believes that he/she has been discriminated against in some legally recognized way and makes his/her concerns known.
Artificial Barrier:	A non-job related employment consideration, which excludes from consideration for employment individuals otherwise capable of doing the work.
Basis:	A basis is the 'reason' alleged for discrimination. An EEO complainant must assert a basis, or reason, when bringing forward an EEO complaint. Basis or protected characteristics under EEO are currently: age, ancestry, gender or gender identity, race, sex, sexual preference or orientation, color, religion, marital status, current or past medical condition, disability, pregnancy, national origin, political affiliation, military or veteran status, or reprisal.
Bilingual Certification:	Selective certification on the basis of bilingual skills. This occurs when the duties of a specific position require that the incumbent be a person with bilingual skills.
Bona Fide Occupational Qualification (BFOQ):	Selection criteria based solely on an individual's fitness and ability to perform essential job functions of a classification and/or job.
Burden of Proof:	In discrimination cases, the complainant must show that an action, practice, or policy used by the employer has an adverse effect. Once adverse effect is shown, the burden of proof shifts to the employer who must show the action, practice, or policy is job related.
Complainant:	An employee, a former employee, or an applicant for employment who files a formal complaint of discrimination based on his/her age, race, sex, sexual preference or orientation, color, religion, marital status, current or past medical condition, disability, pregnancy, national origin, political affiliation, military or veteran status, or reprisal.

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- Complaint:** An allegation of discrimination or harassment that is reported to a supervisor/manager, EEO Counselor/EEO Analyst, a filing with the Department of Fair Employment and Housing, or the Equal Employment Opportunity Commission. A complaint may result when an employee believes he or she has been unfairly treated because of a protected characteristic. The allegation itself is not proof that a policy violation has taken place. The investigation that follows the acceptance of issues from a complaint will provide the basis for a determination as to whether or not discrimination or harassment has, in fact, occurred.
- Disabled:** Any individual who has a disability that constitutes or results in a substantial barrier to employment. Disability standards may differ between ADA (Americans with Disabilities Act) and FEHA (Fair Employment and Housing Act). The ADA/FEHA protection applies if a person meets one of the following criteria:
- a) Has a physical or mental impairment that substantially limits one or more major life activities;
  - b) Has a record of such an impairment; or
  - c) Is regarded as having such impairment.
- Discrimination:** Any act or failure to act, or an employment decision that is based in whole or in part on a person's age, ancestry, gender or gender identity, race, sex, sexual preference/orientation, color, religion, marital status, current or past medical condition, disability, pregnancy, national origin, political affiliation, military or veteran status, or retaliation that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on employees or applicants.
- Disparate Impact** Under EEO law, less favorable effect for one group than for another. Disparate impact results when rules applied to all employees have a different and more inhibiting effect on a protected group or class than on the majority. For example, nonessential educational requirements for certain jobs can have a disparate impact on minority groups looking for work, as they have often been limited in their access to educational opportunities.
- Disparate Treatment:** Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among

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other employees, is an example of disparate treatment. Such inconsistent application of rules often leads to complaints.

EEO Counselor:	An employee working under the direction of the EEO Manager and EEO Officer who is trained to assist in the intake complaint process.
Equal Employment Opportunity:	Employment practices undertaken by the employer to ensure that discrimination does not occur, employment practices are fair and equitable, and to ensure employment decisions are based on merit.
Essential Functions:	The fundamental activities to be performed in a position. Were it not for these essential activities, the job could not be done.
Ethnic Group:	A group of people who share a common religion, color, or national origin. Irish-Americans, Mexican-Americans, German-Americans, Italian-Americans, Hindus, Muslims, and Jews are examples of ethnic groups. Some members of ethnic groups participate in the customs and practices of their groups, while others do not. Discrimination based on these customs and practices may be illegal under current EEO law.
Hostile Work Environment:	A legal claim meeting all of the following requirements: <ul style="list-style-type: none"><li>a) Related to a protected characteristic;</li><li>b) Unwelcomed behavior or conduct;</li><li>c) Objectively and subjectively offensive where a reasonable person would be offended;</li><li>d) Severe or pervasive.</li></ul>
Investigative Report:	The report of investigation prepared by an investigator after a formal discrimination complaint is filed, accepted for processing, and is investigated.
Job Related:	The knowledge, skills, abilities, and experience necessary to perform a particular job. Tests are job related if they test whether an applicant or employee can perform the job in question. A rule or practice is job related if it is necessary for the safe and efficient performance of a particular job. For example, a rule prohibiting employees from wearing loose, flowing clothing around high speed rotating equipment is job related. However, the same rule applied in an office with no rotating equipment is not job related, and may have a disparate impact on some protected classes/groups.

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- Job Relatedness:** According to EEO legislation, any criteria employers use to determine whether a person will be hired, fired, transferred, promoted, given a salary increase, and so forth, must be directly related to merit, i.e., the person's fitness and ability to perform the job.
- Merit Principles:** Rules in hiring, promoting, and all terms and conditions of employment. One of those rules states that the selection and advancement shall be made on the basis of an applicant's or employee's knowledge, skills, and ability in fair and open competition.
- Parity:** When the percentage of those employed in a particular classification mirrors the percentage in the relevant labor force for that job occupation.
- Prima Facie:** This Latin term translates as "on first view", or "at first appearance." In EEO cases, complainants present evidence and arguments to support a claim of discrimination. If those arguments cannot be rebutted with additional evidence, the claim will be supported by the court without further argument. Thus, a prima facie case is established. In the EEO area, statistics of under-utilization have been sufficient to make a prima facie case for discrimination.
- Protected Characteristics:** Legally identified groups, which are specifically protected by statute and court decision against employment discrimination due to past history of discrimination. Protected characteristics are: age, ancestry, gender or gender identity, race, sex, sexual preference or orientation, color, religion, marital status, current or past medical condition, disability, pregnancy, national origin, political affiliation, military or veteran status, or retaliation.
- Reasonable Accommodation:** Any change in the work environment, in the way things are customarily done, or in the application process that enables a person with a disability to enjoy equal employment opportunities. The three general categories of reasonable accommodation are modification or adjustment to (1) the application process or, (2) the work environment or the circumstances under which the position held or desired is customarily performed, which enables individuals with disabilities to enjoy equal benefits and privileges of employment. (See CAL FIRE policy section 1970-Reasonable Accommodation).
- Recruitment:** Actively seeking qualified and eligible persons for employment.

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Representative:	A person selected and designated in writing by a complainant, respondent or witness in an investigation. The representative may be a union representative, friend, or lawyer, and may accompany, represent, and advise in the complaint process, but cannot be a party to the investigation.
Respondent:	A person or persons identified in an EEO complaint who is the source of the alleged discrimination or harassment that has occurred.
Systemic Discrimination:	The denial of equal employment opportunity through some established business practice, rather than through a specific overt action against an individual. Whether inadvertent or unintentional, systemic discrimination violates non-discrimination laws. It leaves the employer liable and it may also leave individuals liable.
Training & Development Assignment (T&D):	A temporary assignment to (1) provide employees broader experiences and skills that will improve their ability to perform in their current assignments; (2) help prepare employees for future promotion; and (3) facilitate the entry of employees into new occupational fields. (See individual MOU for specific details for rank and file employees.)
Upward Mobility:	Policies and activities implemented to facilitate career advancement for employees in low paying occupations.
Under-Representation or Under-Utilization:	Disparity in the representation of protected groups as defined by State and federal laws; i.e., under-representation of minorities, females, and disabled persons as compared to California relevant labor force parity.
Violence Against Employee	The physical attack or psychological harm caused by threats, intimidation, and/or verbal abuse. (See Personnel Procedures Handbook Section 1086-Assaults, Threats, and Violence Against Employees.)