INTER
OFFICE

MEMO

Date: March 13, 2013
To: All City Attorney Employees
From: Cristina Sarabia, Human Resources Director
Los Angeles City Attorney’s Office
Subject: Office Policy Regarding Criminal Charges

As a Criminal Justice Agency, the City Attorney’s Office is authorized to receive information relative to employees’ criminal prosecutions and/or convictions.

Employees must immediately notify Cristina Sarabia, Human Resources Director, when misdemeanor or felony charges have been filed against them. Failure to do so may result in dismissal from their position.

Since this office is considered a Criminal Justice Agency, employees are required to inform the City Attorney when either:

a) they are the subject of any criminal prosecution; or,

b) they are convicted of any crime.

Such information should be communicated to Cristina Sarabia, Human Resources Director, in writing. Ms. Sarabia can be contacted at (213) 978-7160, if there are any questions regarding this policy.

YOUR COPY
Date: March 13, 2013
To: All City Attorney Volunteers
From: Cristina Sarabia, Human Resources Director
Los Angeles City Attorney's Office
Subject: Equal Employment Opportunity Policy

The City Attorney’s Office has a strong commitment to our Equal Employment Opportunity policy. No act of sexual or any other form of harassment, or sexual orientation discrimination or other discriminatory conduct will be tolerated in this Office. If any person in this Office believes that this policy has been violated, you are hereby advised to contact our Equal Employment Opportunity Coordinator, Cristina Sarabia (213) 978-7160, as soon as possible.

Attached are materials regarding these policies.
CITY POLICY

The City of Los Angeles is committed to providing its employees a working environment free of sexual harassment, intimidation, and coercion.

Sexual harassment is a form of sex discrimination which is unlawful and is a violation of official City policy and State and Federal law. It has been and shall continue to be the policy of the City to make every effort to prevent all discriminatory practices, including sexual harassment.

City policy and State and Federal law require that prompt and appropriate action be taken to deter and punish sexual harassment. Such conduct is unacceptable and will be neither tolerated nor condoned.

MANAGEMENT RESPONSIBILITY

Management has the responsibility to take all necessary steps, including appropriate disciplinary action, to carry out the City's policy against sexual harassment.

EMPLOYEE RESPONSIBILITY

Any employee who believes he or she has been sexually harassed is encouraged to tell the harasser that the behavior is unwelcome and should immediately report the complaint as set out in the Sexual Harassment Complaint Procedure. Any employee who observes an incident of sexual harassment should cooperate in any investigation which may be conducted in response to a complaint.

WHO CAN BE AFFECTED BY SEXUAL HARASSMENT?

Although it is generally thought that sexual harassment involves a male supervisor as the harasser with a female subordinate as the victim, sexual harassment can involve co-workers, employees from other City Departments, people doing business with the City, and members of the public. It is against the law for males to harass other males, for females to harass other females, and for females to harass males, as well as for males to harass females.

WHAT IS THE LAW?

Sexual harassment is unwelcome exposure to visual, verbal, or physical conduct of a sexual nature, by either males or females, which may cause an individual's workplace to be intimidating, offensive, or hostile.

Federal Law:

In 1980, the Equal Employment Opportunity Commission (EEOC) established that sexual harassment is a violation of Federal law as it is a form of sex discrimination. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

State Law:

- Verbal harassment - derogatory comments, epithets, jokes, or slurs of a sexual nature.

Examples: Sexually explicit or degrading words to describe an individual, sexually explicit jokes, graphic verbal commentaries about an individual's body and/or dress, lewd or patronizing remarks or jokes.

- Visual harassment - sexual gestures, inappropriate display of sexually explicit objects or pictures, cartoons or posters.

Examples: Displaying sexually oriented drawings, cartoons, graffiti, pictures, calendars, or objects; obscene letters or invitations, leering, sexually oriented gestures.

- Physical harassment - assault, sexually suggestive touching or body contact.

Examples: Touching, pinching, patting, brushing against or poking another employee's body, impeding or blocking movement.

- Sexual favors - unwanted sexual advances, offering employment or other employment benefits in exchange for sexual favors.

Examples: Offering employment benefits, such as promotions, favorable performance evaluations, favorable assignments or shifts, recommendations in exchange for sexual favors.

WHAT CAN EMPLOYEES DO IF SEXUAL HARASSMENT OCCURS?

Employees are encouraged to immediately and clearly let the person who has harassed you know that the behavior is unwelcome.

Employees should report any sexual harassment to a supervisor, their Department's Sexual Harassment Counselor, or the Citywide Sexual Harassment Awareness Coordinator in the Personnel Department.

After reporting the incident, an employee has the right to a confidential conference with the person to whom the complaint is made.

A complete and timely investigation, including interviews with witnesses and the alleged harasser, will be conducted. All investigations will be handled with discretion and sensitivity. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation in order to protect the privacy of all those participating in the investigation.
The complainant shall be notified of the results of the investigation and will be provided with a copy of the report which will include findings on whether the allegations have been substantiated. The complainant may be informed if appropriate disciplinary actions have been taken against the harasser, but the specific nature of the disciplinary actions may not be disclosed to the complainant.

If not satisfied with the way a complaint has been resolved, the employee must be informed of the other options available which include filing complaints with State and Federal compliance agencies. (See "Where To Go For Help" section)

WHAT PROTECTION DO EMPLOYEES HAVE AGAINST RETALIATION?

All employees are assured that they may file complaints, testify, assist, or participate in an investigation without fear of retaliation by the City, Department management, their immediate supervisors or any other employee. It is against City policy and Federal and State law to retaliate against an employee for filing or participating in the Investigation of complaints.

WHAT ARE THE CONSEQUENCES OF SEXUAL HARASSMENT?

In addition to disrupting the workplace, lowering productivity and increasing costs for the City, and most important, taking a high emotional toll on the individuals involved, the consequences of sexual harassment are costly to the harasser. An employee found guilty of sexual harassment may be personally liable for monetary damages as well as face disciplinary actions - up to and including termination - by the City.

WHERE CAN CITY EMPLOYEES GO FOR HELP?

In the City -

Citywide Sexual Harassment Awareness Coordinator
Personnel Department
Room 380, Personnel Building
(213) 647-9208

Employees may also seek assistance from the Commission on the Status of Women at (213) 485-6538, the Mayor's Office at (213) 647-3463, or their unions.

Outside Agencies -

Employees have the right to file a complaint with State and/or Federal compliance agencies and/or in a State or Federal court. However, time limits for filing complaints with compliance agencies vary and employees should check directly with those agencies listed below for specific information:

California Department of Fair Employment and Housing (DFEH)
611 W. 6th St., 15th Fl.
Los Angeles, CA 90017
1-800-884-1684

Federal Equal Employment Opportunity Commission (EEOC)
255 East Temple, Fourth Floor
Los Angeles, CA 90012
(213) 894-1000

If the Investigating agency finds that harassment occurred, it has the authority to order hiring or reinstatement, back pay, promotion, changes in policies or practices, and/or fines or damages for emotional distress.

This information has been prepared by the Equal Employment Opportunities Section of the Personnel Department of the City of Los Angeles as part of its Sexual Harassment Awareness Program. The Personnel Department provides a wide range of assistance to departments and employees as part of the City's Affirmative Action Program. Among these services is investigation of discrimination in the workplace, training for supervisors in the prevention of sexual harassment and other types of discrimination in the workplace, and counseling of employees who believe they have been victimized by discrimination, including sexual harassment. The Personnel Department is committed to a full program of equal employment opportunity to ensure that City employment practices are based on merit, and that employees are provided work environments free of harassment.
November 1, 2009

City Attorney Policy Directive No. 1 - Revised

TO: ALL CITY ATTORNEY PERSONNEL

SUBJECT: POLICIES REGARDING EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION COMPLAINT PROCEDURE AND SEXUAL HARASSMENT

Attached for your review are (1) the Mayor’s Executive Directive No. PE 1 Equal Employment Opportunity, Non-Discrimination and Reasonable Accommodations, (2) the City’s Discrimination Complaint Procedure, and (3) the City’s Sexual Harassment Discrimination Complaint Procedure. These procedures and directives all state the City’s obligation to ensure that personnel practices are administered without regard to race, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, age, religion, creed, marital status, disability, medical condition, including having or being perceived as having AIDS or the HIV virus, or retaliation for engaging in any protected equal employment opportunity activity. Further, these procedures and directives ensure that the City will promote and maintain a working environment free of sexual harassment, intimidation, and coercion.

It is my commitment to provide a workplace where our employees can perform their duties without unwanted hindrances. Thus, I want to make sure that the message is clear to everyone in this Office - discrimination, harassment, and intimidation of any kind, will not be tolerated, and that any such action or behavior will be dealt with swiftly and accordingly.

Also attached is the City’s Disciplinary Guidelines brochure relating to Discrimination, Harassment, and Sexual Harassment that describes the City’s standards of conduct and the proposed penalties for violations of these standards.

If any employee of this office believes that these policies have been violated or you have any questions about work incidents that you believe may be discriminatory in nature, you are advised to contact our Equal Employment Opportunity Coordinator, Cristina Sarabia or our Sexual Harassment and Sexual Orientation Counselor, Kristina de la Vega at (213) 978-7160. Both are available to meet with employees and will handle these issues in a sensitive and confidential manner.
If for some reason, you are not comfortable contacting an employee of our Office, you may choose to contact the State or Federal agencies that are listed in each of these documents.

The foregoing policies are consistent with my focus on providing a discriminatory free workplace and a pleasant working environment.

Your prompt cooperation in following the above directive in maintaining a workplace free of discrimination is appreciated.

Sincerely,

CARMEN A. TRUTANICH
City Attorney
TO: Heads of all City Departments and Bureaus

FROM: James K. Hahn, Mayor

DATE: August 31, 2004

SUBJECT: Revision to Executive Directive No. PE-1 to include expanded definition of discrimination based on sex

As you are aware, the City is committed to promoting and maintaining a work environment free of any form of discrimination based on sex. Assembly Bill 196 signed into law in August 2003 expands the definition of "sex" in the California Fair Employment and Housing Act (FEHA) to include a person's gender identity or expression. Effective January 1, 2004, FEHA prohibits discrimination based on gender or perceived gender, whether or not the person's appearance, identity or behavior conforms to what is traditionally associated with that person's sex at birth, including, but not limited to, their actual or perceived transgender status.

Attached is Executive Directive No. PE-1 (Revised). Please make all necessary updates to your personnel policies and procedures.

Should you have any questions regarding this matter, please contact Ms. Jurutha Brown, Chief of the Equal Opportunity and Employment Development Division, Personnel Department, at (213) 847-9771.

JKH:jl
Attachment
EXECUTIVE DIRECTIVE NO. PE-1 (REVISED)

Subject: EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND REASONABLE ACCOMMODATIONS

For more than 30 years, our City has been a leader in promoting equal employment opportunity. Consequently, our City employees comprise one of the most diverse workforces in the world. We must continue our efforts to enhance the level of inclusion and diversity this City has come to appreciate, even as we reaffirm support for merit-based human resource management decisions, which value high performance, public service and inclusion, to ensure our continued competitiveness in this 21st Century.

The City of Los Angeles is committed to maintaining a discrimination free workplace for all employees and candidates for employment. City policies and personnel practices, including but not limited to, recruitment, selection, advancements, work assignments, compensation, benefits, training, discipline and terminations, will continue to be established and administered without regard to race, national origin, ancestry, sex, sexual orientation, age, religion, creed, marital status, disability, medical condition, including having or being perceived as having AIDS or the HIV virus, or retaliation for engaging in any protected equal employment opportunity activity.

Sexual harassment is a form of sex discrimination. It includes unwelcome exposure to visual, verbal, or physical conduct of a sexual nature, by either males or females, which may cause an individual's workplace to be intimidating, offensive, or hostile. Unwanted sexual advances, or the offering of employment or related benefits in exchange for sexual favors, or the withholding of such employment or benefits conditioned upon an exchange of sexual favors, is unlawful and will not be tolerated.

The definition of "sex" includes a person's gender identity or expression. This includes a person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth. Employees who have changed their gender or are planning to change their gender are protected by law. The City prohibits discrimination based on gender-related characteristics, including, but not limited to, their actual or perceived transgender status.
A discrimination free workplace includes providing reasonable accommodation to individuals with disabilities. The City has been proactive in this effort, having created a Department on Disability, a reasonable accommodation fund, special employment programs and a Placement Officer position in the Personnel Department. The City of Los Angeles is one employer for purposes of reasonable accommodation, and it is imperative that we have a consistent, credible process for reviewing and acting on requests for reasonable accommodation.

The City has zero tolerance for discrimination, harassment and retaliation; therefore, I expect the City’s leadership and all employees to comply with all Federal, State and local equal employment opportunity laws and policies.

All General Managers, Heads of Departments/Offices and Commissions of City Government are directed to ensure that workplaces throughout the City are committed to equal employment opportunity and the maintenance of environments free of discrimination.

The Personnel Department shall monitor compliance of City departments with this Executive Directive.

Each Department Head shall immediately carry out the responsibilities listed on the Attachment of this Executive Directive.

Executed this 26th day of August, 2004

JAMES K. HAHN
Mayor

JKH:wtf:39200

Attachment

ATTACHMENT EXECUTIVE DIRECTIVE NO. PE-1
EQUAL EMPLOYMENT OPPORTUNITY, NON-DISCRIMINATION AND REASONABLE ACCOMMODATIONS

I. BACKGROUND

A. Equal Employment Opportunity

The Mayor is ultimately responsible for the management and administrative control of departmental activities and will vigorously enforce all Federal, State and City equal employment opportunity laws, policies and directives. The Personnel Department will be the lead agency for equal employment opportunity policy development, implementation and monitoring and complaint resolution, specifically as it relates to investigating and resolving complaints of discrimination. Further, the Personnel Department will periodically review operating department activities and report equal employment opportunity compliance and diversity management innovations, as well as patterns and trends that indicate areas of concern. Department management is expected to fully support these monitoring activities.

B. Non-Discrimination

Any City employee or employment candidate who believes the City's policy of equal employment opportunity and non-discrimination has been violated is strongly encouraged, and must not be prohibited from reporting the alleged policy violation. Further, employees and employment candidates can be assured that the necessary steps will be taken promptly to address all reported violations.

City employees and employment candidates who believe they have experienced illegal discrimination are strongly encouraged to file discrimination complaints under the City discrimination complaint procedure entitled, “Citywide Discrimination Complaint Procedure” or the “Sexual Orientation Discrimination Complaint Procedure”. Said procedures shall be issued by the Personnel Department. Complaint investigations will be handled in accordance with these procedures; and departments must cooperate with complaint investigators to ensure prompt and appropriate action is taken to address the complaint. This includes accommodating investigators’ requests to meet with complainants and witnesses during working hours. Further, departments are to ensure individuals filing complaints of discrimination are advised of all of their legal options to file with applicable Federal and State enforcement agencies and are not retaliated against.

Sexual harassment is a form of sex discrimination. It includes unwelcome exposure to visual, verbal, or physical conduct of a sexual nature, by either males or females, which may cause an individual’s workplace to be intimidating, offensive, or hostile. Verbal harassment may include derogatory comments, epithets, jokes, or slurs of a sexual
nature. Visual harassment may include sexual gestures, inappropriate display of sexually explicit objects or pictures, cartoons or posters. Physical harassment may include any unwelcome touching or bodily contact. Finally, unwanted sexual advances, or the offering of employment or related benefits in exchange for sexual favors, or the withholding of such employment or benefits conditioned upon an exchange of sexual favors, is unlawful and will not be tolerated.

In January 2004, the definition of “sex” in the California Fair and Employment and Housing Act (FEHA), was expanded to include a person’s gender identity or expression. The City also prohibits discrimination based on gender-related characteristics, or identity, appearance or behavior different from that traditionally associated with the person’s sex at birth, including, but not limited to, their actual or perceived transgender status. Transgender status includes employees who have changed or plan to change their gender. An applicant’s or employee’s gender identity is a protected class like any other protected class under FEHA. City employees are required to comply with reasonable workplace appearance, grooming, and dress standards consistent with department policies and procedures, but employees have the right to dress consistent with their gender identity.

C. Reasonable Accommodations of Persons with Disabilities

In January, 2001, the California Fair Employment and Housing Act was amended to expand both the definition of a disability and the types of physical and mental conditions that can be considered disabilities. The amendment also clarified the requirement that employers engage in timely, interactive and good faith efforts to respond to requests for reasonable accommodations from individuals. Reasonable accommodation takes varied forms. It may be modification or adjustment of non-essential job functions or the way duties usually are performed. Most accommodations can be accomplished with little or no cost.

The City of Los Angeles is one employer for purposes of reasonable accommodation, and it is imperative that we have a credible process for reviewing and acting on requests for reasonable accommodation. Ideally, each department will be able to accommodate its own employees. However, if a department has made an exhaustive effort to accommodate an employee and has documented that a reasonable accommodation is not feasible, the department may refer the individual to the Personnel Department’s Citywide Placement Officer. The Placement Officer will continue to work with the department to identify other options within the department, and may also begin a Citywide search for suitable vacancies in other departments. The Personnel Department will be responsible for reporting to the Mayor and City Council on departmental efforts of providing reasonable accommodations. Departments will be required to report to the Personnel Department the status of each request for reasonable accommodation on a monthly basis. This information will be due on the tenth working day of each month.
II. RESPONSIBILITIES OF DEPARTMENT HEADS

A. Each Department Head shall be responsible for carrying out the following actions within 90 days of issuance of this directive:

1. Designate a departmental Equal Employment Opportunity Counselor/Coordinator and Reasonable Accommodations Counselor/Coordinator to counsel employees, investigate, resolve and/or address complaints of discrimination, serve as a resource and provide internal expertise to management and disabled individuals regarding the reasonable accommodation process. Such designation and any subsequent change in designation shall be made in writing and a copy provided to the Personnel Department’s Equal Employment Opportunity Section.

2. Distribute this Executive Directive to all departmental employees and executive officers for each currently executed personal services contract and letter of agreement.

3. Include this Executive Directive and all revised equal employment opportunity, reasonable accommodation and non-discrimination policies and procedures in the appropriate department operating and training manuals.


5. Ensure that workplaces throughout the City are committed to equal employment opportunity and the maintenance of environments free of discrimination by:

   - Disseminating to all employees a statement of your commitment to equal employment opportunity and providing them with the most current copies of the City’s equal employment opportunity policies and the City’s discrimination complaint procedures;
   - Informing employees of the name and telephone number of the departmental Equal Employment Opportunity Counselor/Coordinator and the Reasonable Accommodations Counselor/Coordinator;
   - Providing easy access to the department, City, State and Federal compliance agency discrimination complaint investigation processes without fear of retaliation;
   - Taking all steps necessary to prevent any and all forms of illegal discrimination, harassment and retaliation.

6. Evaluate equal employment opportunity policies annually to ensure they are up to date.
7. Review departmental operations and actions to implement appropriate equal employment opportunity policies and eliminate barriers to effective equal employment opportunities on a regular basis.

8. Ensure departmental staff assigned as the Equal Employment Opportunity Counselor/Coordinator and Reasonable Accommodations Counselor/Coordinator have been sufficiently trained to effectively perform their duties and responsibilities.

9. Take immediate action to address, remedy and resolve complaints alleging discrimination, including but not limited to prompt, objective and thorough investigations of complaints. Ensure departmental personnel responding to complaints adhere to the City's discrimination complaint procedures and sound personnel practices.

10. Take prompt and appropriate action in response to acts of illegal discrimination and/or violations of the Federal, State and City equal employment opportunity laws, policies and regulations, including disciplinary actions to address violations and inappropriate behaviors.

11. Ensure employees who file discrimination complaints, participate in investigations, and/or oppose real or perceived discriminatory acts are not retaliated against by management or co-workers.

12. Ensure that the Personnel Department is notified, as instructed, of discrimination complaints filed and resolved within the Department.

13. Inform employees of the procedure for requesting a reasonable accommodation.

14. Require department staff to engage in a timely, interactive and good faith effort when presented with a request for an accommodation by an employee or job applicant. This process must be fully documented using the "Reasonable Accommodation Assessment Form" provided by the Personnel Department.

15. Submit a monthly report to the Personnel Department on the status of each request for reasonable accommodation received during the preceding month. This report will be due on the tenth working day of each month.

16. Instruct all department human resources personnel and line managers to fully cooperate with the Personnel Department in identifying vacant positions.

17. Fully cooperate with the Personnel Department and other Department heads in accepting transfers of employees with disabilities into positions which will afford them a reasonable accommodation.
III. RESPONSIBILITIES OF THE PERSONNEL DEPARTMENT

A. The Personnel Department will be responsible for administering the City's equal employment opportunity programs including, but not limited to:

1. Develop, revise and disseminate policies, protocols and guidelines as necessary to comply with equal employment opportunity law, disability related laws and City policies and diversity strategies.

2. Assign adequate staff resources within the Personnel Department to assist departments with compliance with equal employment opportunity laws, disability related laws and City policies and procedures.

3. Initiate programs to achieve equal employment opportunity standards and goals.

4. Provide technical assistance, information and training to departmental human resource management personnel.

5. Monitor City hiring activities and turnover rates to identify and investigate any patterns that indicate areas of concern.

6. Review, investigate, resolve and respond to complaints of discrimination filed against the City with the Civil Service Commission and/or enforcement compliance agencies.

7. Review ethnic, gender and disabled representation to determine progress toward achieving parity with the labor force.

8. Monitor and report to the Mayor on the effectiveness of the City's program of equal employment opportunity.

9. Review discrimination complaints filed Citywide to identify trends, issues and training needs and provide information to the Mayor's Office on appropriate alternatives to address disputed discrimination complaints.

10. Monitor compliance of City departments in providing reasonable accommodations.

11. Report to the Mayor and City Council on a quarterly basis by the twentieth working day following the end of the quarter on the status of reasonable accommodations of disabled employees and job applicants.

12. Provide the Placement Officer with sufficient resources to effectively work with City departments to place disabled employees.
CITY OF LOS ANGELES  

DISCRIMINATION COMPLAINT PROCEDURE

I. Employee and Candidate Rights

Employees of the City and candidates for City employment have the right to file a complaint in writing on any action, procedure, or practice in selection or employment they believe to be discriminatory on the basis of race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity, gender expression, creed, ancestry, medical condition (cancer), Acquired Immune Deficiency Syndrome (AIDS) – acquired or perceived, or retaliation for having filed a discrimination complaint. An employee making a discrimination complaint can choose to file the complaint with the employee’s department EEO Counselor, the City’s Office of Discrimination and Complaint Resolution, and/or with an external non-discrimination enforcement agency.

Complaints filed internal to the City must be filed within one (1) year from the date of the last alleged act of discrimination. Otherwise, the complaint may be considered untimely.

A person filing a complaint shall have the right of representation by any designated person or organization.

Although complaints must be prepared and filed on an employee’s own time, department managers and supervisors should make an effort to allow the complainant and all other employees who are interviewed as part of the investigation, to be interviewed while on City time when requested by staff conducting the discrimination investigation.

Nothing in this procedure shall restrict the right to file a complaint with any State or Federal agency responsible for the enforcement of antidiscrimination legislation.

II. Departmental Complaint Procedure

Each department shall make an effort to acquaint department employees with its own procedure for reviewing and responding to complaints by its employees in which there are allegations of discrimination. City employees who contact the Personnel Department regarding alleged discrimination shall be encouraged to first request a review of their complaints under their department’s complaint procedure.

III. Board of Civil Service Commissioners’ Complaint Procedure

If the complainant does not receive what he or she believes to be satisfactory resolution of the complaint or he or she does not believe it can be adequately
handled at the department level, he or she may submit the complaint, in writing, to the:

Office of Discrimination Complaint Resolution (ODCR)
700 E. Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9123

If the complainant wishes to file the complaint in person and receive assistance, he or she should call the ODCR at (213) 473-9123 to arrange for an appointment to meet with a member the investigating staff.

A written complaint should include:

1. The name, address, and telephone number of the complainant.

2. The basis of the alleged discrimination: race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity, gender expression, creed, ancestry, medical condition (cancer), Acquired Immune Deficiency Syndrome (AIDS) – acquired or perceived, or retaliation for having filed a discrimination complaint.

3. The discriminatory practice(s), procedure(s), or incident(s) which has occurred.

4. The names of any persons thought to be responsible for the discrimination.

5. The name, address, and telephone number of the complainant’s representative, if any.

6. A statement of what remedy the complainant is seeking as a result of the complaint.

The following procedure will guide staff in investigating and attempting to resolve discrimination complaints.

1. If the complainant is a probationary employee whose termination is being considered but has not been filed with the Board of Civil Service Commissioners, investigating staff will request the appointing authority to place the complainant on a personal leave of absence until the discrimination complaint is resolved, withdrawn, or considered by the Board of Civil Service Commissioners.

2. Investigating staff will discuss the complaint with the complainant and concerned department(s) and will initially attempt to resolve the complaint informally.

3. If the complaint is not resolved following the above discussion, an investigation will be conducted and a report of findings and recommendations prepared for
the Board of Civil Service Commissioners within one hundred and twenty (120) days of the termination of informal efforts.

4. The time limit in this subsection may be extended with the mutual consent of the concerned parties or on the approval of the Board of Civil Service Commissioners upon receipt of a status report from staff.

5. The Executive Director of the ODCR shall have the authority to administratively close a complaint, thereby precluding further consideration of the complaint, for any of the following reasons:
   a. failure by the complainant to cooperate with staff conducting the investigation;
   b. inability to reach the complainant after repeated efforts by the staff conducting the investigation;
   c. no assertion that the alleged acts occurred based on one or more of the seventeen discriminatory bases;
   d. failure by the complainant to respond within 15 calendar days to a written offer by the concerned department which would afford relief for the harm alleged by the complainant;
   e. lack of jurisdiction by the Board of Civil Service Commissioners over the complaint;
   f. the complainant has filed a grievance or appeal under another City procedure regarding the same or similar issues;
   g. the complainant has filed a complaint with an outside agency (e.g., EEOC, DOL, DOJ, DFEH) or has filed a lawsuit against the City (or City Department) regarding the same or similar issues;
   h. a reasonable remedy has been provided, or has been offered and rejected;
   i. there is a conflict of interest on the part of the Personnel Department and investigating division;
   j. failure to establish a nexus between the alleged act and discrimination based upon one of the fourteen categories.

6. The administrative closure of a complaint by the Executive Director of the ODCR may be appealed to the Board of Civil Service Commissioners only where the complainant can provide evidence refuting the reason for closure.

7. Complaints that are not resolved informally, are not withdrawn, or are not closed administratively, will be heard by the Board of Civil Service Commissioners. The basis for the hearing will be the report and recommendations of the General Manager and the Executive Director of the ODCR.

IV. Consideration of Complaints by the Board

The Board of Civil Service Commissioners will review the written complaint and the report and recommendations prepared by investigating staff. The complainant shall be given a copy of that report at least five (5) days prior to its scheduled consideration by the Board. If the complainant has designated a representative in the complaint, a copy of the report will also be given to that representative.

The Board may take any or all of the following actions:
1. Request additional information;

2. Make a finding on the charge(s) of discrimination;

3. Order a remedy within the Board's jurisdiction; or

4. Recommend actions which the Personnel Department or concerned department(s) may take to correct discriminatory practices, prevent the occurrence of potentially discriminatory practices, change or eliminate other personnel practices related to the complaint, or enhance equal employment opportunity efforts.

In those instances in which the Board believes that it is not in the public interest for it to review a discrimination complaint because of a conflict of interest or the appearance of a conflict of interest, the Board shall take the following action(s):

1. Request the City Attorney to review the matter and render a written opinion on the questions of the Board’s possible conflict of interest in the matter in an expeditious manner.

2. Determine that a conflict of interest or the appearance of a conflict of interest does exist and submit the matter to the Board of Referred Powers, which shall have the authority to act on behalf of the Board of Civil Service Commissioners on that particular discrimination complaint.

V. Discrimination Complaints Against Elected Officials

There is a special procedure for filing a complaint of discrimination against elected officials outlined in the Los Angeles Administrative Code Sections 4.405 through 4.411. Contact the Personnel Department Equal Employment Opportunity Section at (213) 473-9100 should you need detailed information on this procedure.

VI. To file with the State and/or Federal compliance agencies, contact:

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| **Department of Fair Employment and Housing**  
611 West Sixth Street, Suite #1500  
Los Angeles, CA 90017  
1-800-884-1684  
TTY (800) 700-2320 | **Equal Employment Opportunity Commission**  
255 East Temple Street, Fourth Floor  
Los Angeles, CA 90012  
(213) 894-1000 or (213) 894-1111 |

Revised 08/06
SEXUAL HARASSMENT DISCRIMINATION COMPLAINT PROCEDURE

The policy of the City of Los Angeles is to promote and maintain a working environment free of sexual harassment, intimidation, and coercion. Sexual harassment is a form of sex discrimination and is a violation of official City policy and Federal and State law. Acts constituting sexual harassment are not necessarily limited to acts by a male toward a female but can be committed by and against persons of both sexes.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

1. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

As used in this procedure, “employee” is any individual occupying a position in the classified civil service, and also includes interns, contract employees (personal services contracts), and employees exempted under provisions of the City Charter, including elected and appointed officials. Also covered by this procedure are members of the public, volunteers, or employees of a business under contract with the City, who claim harassment by City employees during the conduct of their employment.

Employees and applicants are also protected from sexual harassment by non-employees. The City may be liable for non-employee sexual harassment, where the employer, or its agents or supervisors, knows or should have been known of the conduct and fails to take immediate and appropriate corrective action.

Consistent with this definition, it is sexual harassment for any employee or non-employee to use implicit or explicit sexual behavior, of a verbal, visual or physical nature, to affect the work environment, job or performance of any employee. Further, supervisory level employees who condone the sexually harassing conduct of another employee or applicant, when the supervisor is aware or should have been aware of such conduct and does not take appropriate steps to eliminate it, will be held liable and subject to disciplinary action.

City policy and State and Federal law require that prompt and appropriate action be taken to deter and punish sexual harassment.

Department managers have been instructed to take all necessary steps, including appropriate disciplinary action, to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. Appropriate disciplinary action for substantiated allegations of sexual harassment will be administered in accordance with Policy 33 (Disciplinary Action) of the Policies of the Personnel Department. For
example, the severest disciplinary action, up to and including discharge, will be taken in
the case of proven instances of implicit and/or explicit, coercive pressure for sexual
favors committed by supervisory employees, which affect the terms and conditions of a
subordinate’s employment. Contractors and subcontractors are also fully liable for
compliance with this Procedure and substantiated claims of sexual harassment could
result in termination of a contract and/or subcontract.

Each Department manager has designated a Sexual Harassment Counselor for his or
her Department and will disseminate, and post in prominent locations, the name and
phone number of the designated Counselor to all employees. A complaint of sexual
harassment must be filed within one year of the alleged act of harassment. Otherwise,
the complaint may be considered untimely. In all cases, allegations of sexual
harassment will be fully and completely investigated. The employee or applicant
making a sexual harassment complaint can choose whether the complaint will be
investigated by the employee’s Department Sexual Harassment Counselor, by the
Personnel Department’s Sexual Harassment Counselor, or by the State and/or Federal
compliance agencies. If during a City administrative investigation the investigator
determines, based upon discussions with the complainant, that the issues are related to
the complainant’s “sex” rather than being “sexual” in nature, the investigation will
continue under the procedures outlined in the City’s Discrimination Complaint
Procedure.

Employee Rights and Responsibilities

Every employee is entitled to work in an environment free from sexual harassment or
coercion. An employee who perceives comments, gestures, visual displays, or physical
actions of a sexual nature by another employee, non-employee or supervisor be
offensive is to encouraged to immediately and clearly communicate to that person that
such sexual behavior is unwelcome. The purpose of immediately communicating to a
harasser that the behavior is unwelcome is to stop the harassment before it becomes
more serious. Such notice will also go to support a claim that the harassment did occur.
Failure to notify the harasser that the behavior is unwelcome does not prevent the filing
of a complaint of sexual harassment.

The following Sexual Harassment Complaint Procedure has been developed specifically
for use by employees and applicants who believe that they have been sexually
harassed, and who wish their complaint to be investigated by their individual department
or the Personnel Department.

Under City policy and procedures, any employee or applicant who believes he or she
has been sexually harassed has the following rights and responsibilities:

1. The complainant is encouraged to report the sexual harassment to any or all of
the following individuals; a supervisor, the Department’s Sexual Harassment
Counselor, or the Personnel Department’s Sexual harassment Counselor. The
complainant may also seek assistance from the Commission on the Status of
Women. Such immediate reporting is important because the sooner the
allegations can be investigated, the sooner appropriate steps can be taken to
end the harassment. ALL EMPLOYEES AND APPLICANTS ARE ASSURED
THAT THEY MAY MAKE SUCH REPORTS WITHOUT FEAR OF RETALIATION
BY THE CITY, DEPARTMENT MANAGEMENT, THEIR IMMEDIATE
SUPERVISOR, OR ANY OTHER EMPLOYEE.

2. The complainant has the right to a confidential conference with the person whom
the sexual harassment complaint is made. The complainant has the option to be
represented during the conference and any subsequent investigation by a union
representative, an attorney, or another individual of the complainant’s choice.

3. Each complaint of sexual harassment will be fully and completely investigated by
the Department’s Sexual Harassment Counselor or by the Personnel
Department’s Sexual Harassment Counselor, unless it is determined that the
complainant has also filed a grievance or utilized another internal City
administrative procedure, raising the same or similar sexual harassment issues,
in which case the complaint will be administratively closed.

4. All investigations will be handled with discretion, sensitivity and due concern for
the dignity of those involved. Every reasonable effort will be made to restrict
information on the specifics of the complaint to those who are participating in the
investigation; the complainant, the alleged harasser, witnesses, and department
management, unless and until complaint findings are presented in a public
hearing, such as before the Board of Civil Service Commissioners. All persons
contacted or interviewed during the investigation will be requested not to discuss
the subject matter of the investigation in order to protect the privacy of all those
participating in the investigation.

5. All investigations will be as extensive as required, based upon the nature of the
allegations. All persons named as potential witnesses by the complainant will be
contacted during the course of the investigation, and those witnesses who have
information relevant to the issues of the complaint will be interviewed. Any
employee or non-employee who is alleged to have committed acts of sexual
harassment will be contacted during the investigation, be informed of the
allegations being made against him or her, be given the opportunity to respond
to the allegations, and be given the opportunity to identify witnesses. Any
accused employee has the option to be represented during the investigation by a
union representative, attorney, or other individual of his or her choice.

6. Any employee who observes what he or she believes to be sexually harassing
verbal, visual, or physical behavior occurring should report such behavior to a
supervisor, and/or a Sexual Harassment Counselor. ALL EMPLOYEES ARE
ASSURED THAT THEY MAY MAKE SUCH REPORTS WITHOUT FEAR OF
RETAIATION BY THE CITY, DEPARTMENT MANAGEMENT, THEIR
IMMEDIATE SUPERVISOR, OR ANY OTHER EMPLOYEE. ANY ACTION
BELIEVED TO BE RETALIATORY SHOULD BE IMMEDIATELY REPORTED.

7. Any employee who observes an incident of sexual harassment should cooperate
in any investigation. ALL EMPLOYEES ARE ASSURED THAT THEY MAY
COOPERATE IN SUCH INVESTIGATION WITHOUT FEAR OF RETALIATION
BY THE CITY, DEPARTMENT MANAGEMENT, THEIR IMMEDIATE SUPERVISOR, OR ANY OTHER EMPLOYEE. ANY ACTION BELIEVED TO BE RETALITORY SHOULD BE IMMEDIATELY REPORTED TO THE PERSON COONDUCTING THE INVESTIGATION.

8. All employees who initiate or participate in the investigation of a complaint are protected from retaliation by the City, Department management, supervisors or any other employee. Employees found to have committed acts of retaliation will be subject to disciplinary action in accordance with the provisions of Policy 33 (Disciplinary Action). Retaliation will be considered a serious act of misconduct, with appropriate discipline indicated in the Policy up to and including discharge. Because of their increased responsibility for enforcing the City's policies against sexual harassment, supervisors will be held to a higher standard and can expect the most severe disciplinary measures for proven acts of retaliation.

9. The complainant may expect a timely resolution of complaints. Complainants will be kept apprised of the status of their complaints on a regular basis by the individual investigating the complaint. Complainants may also request information of the status of their complaint from the City Sexual Harassment Coordinator. Additionally, complainants will be notified if the time to file with outside agency appears likely to run out before the internal investigation is completed.

Responsibilities of the Department Sexual Harassment Counselor

Each City department manager must designate a Sexual Harassment Counselor and ensure that all department employees are made aware of the name and phone number of the designated Counselor. An employee or applicant who believes he or she has been sexually harassed may choose to file a complaint with the Department Sexual Harassment Counselor. Each Department Sexual Harassment Counselor has the following responsibilities:

1. Upon receipt of a sexual harassment complaint, the Counselor shall meet with the complainant as soon as mutually convenient. The Counselor shall inform the complainant that he or she may have a representative at the meeting. The Counselor shall fully inform the complainant about the City's sexual harassment policies and complaint procedures, and shall answer any questions that the complainant may have regarding the City policy. The Counselor shall also inform the complainant about the other available options, such as filing with the Personnel Department's Sexual Harassment Counselor, and State and Federal compliance agencies. The complainant shall also be informed that under the City Procedure, complaints may be considered untimely if the action(s) occurred more than one year prior to the filing of the complaint; allegations brought to State or Federal compliance agencies may have different filing time limitations which should be confirmed by the complainant with the agencies. The complainant will be notified if the time to file with outside agency appears likely to run out before the internal investigation is completed.
2. The Counselor shall listen to the complainant’s allegations and discuss the complained actions with the discretion, sensitivity and due concern for the dignity of those involved. The complainant shall be asked what remedies he or she feels would resolve the complaint. The Counselor shall inform the complainant that while every reasonable effort will be made to protect the confidentiality and privacy of the individuals involved, the conduct of an investigation requires that the alleged harasser be informed of the allegations, and that witnesses be interviewed.

3. The Counselor shall fully record and document the complaint and the requested remedies.

4. The Counselor shall conduct a complete and timely investigation into the complaint, including conducting interviews with witnesses and the alleged harasser(s). If the alleged harasser is the General Manager of the complainant’s department, the advice of the City Attorney may be requested.

5. If the complaint is against a non-employee, the Counselor shall conduct an investigation as indicated above. The extent of the City’s control and any other legal responsibility which the City may have with respect to the conduct of the non-employee shall be considered.

If the investigation finds that sexual harassment occurred during the scope of work for a non-employee, this information must be forwarded to their employer for corrective action. If the non-employee has no employer affiliation, such as a private citizen, appropriate action should be taken to prevent a recurrence. Such action may include modification of assignments to ensure no future contact, provide or add security, etc.

Each case for non-employees must be handled on an individual basis to determine the most effective remedy to stop the sexual harassment.

6. Upon completion of the investigation, the Counselor shall draft a report on the investigation, which shall include findings on whether the allegations have been substantiated. Copies of the report shall be provided to the management of the Department and the complainant. Where appropriate disciplinary actions have been taken, the complainant may be so informed without disclosing the specific nature of the actions. If the alleged harasser is the General Manager of the complainant’s department, the advice of the City Attorney may be requested.

7. If the complainant is not satisfied with the way the sexual harassment complaint has been resolved, the Counselor shall again fully inform the complainant of his or her additional rights under the law, including filing under the City’s Discrimination Complainant Procedure or with State or Federal compliance agencies.
8. The Counselor shall maintain all documentation of the complaint and the investigation, information concerning the resolution of the complaint, and whether the complainant was satisfied with the department’s efforts, in accordance with the City’s Records Retention Program. The documentation shall be made available to the Personnel Department, if requested, for further investigative or auditing purposes.

Responsibilities of the Personnel Department’s Sexual Harassment Counselor

An employee who has been sexually harassed may choose to file a complaint with the Personnel Department’s Sexual Harassment Counselor. The Personnel Department’s Sexual Harassment Counselor has the following responsibilities:

1. The Counselor will be available at (213) 473-9123 to discuss sexual harassment issues with complainants, shall fully inform employees about the City’s sexual harassment policies and complaint procedures, and shall answer any questions that the complainant may have regarding the City’s policy, or the other options available to them. Complainants will be notified if the time to file with an outside agency appears likely to run out before the internal investigation is completed.

2. The Counselor shall listen to the complainant’s allegations and discuss the complained of actions with discretion, sensitivity and due concern for the dignity of those involved. The complainant will be asked if the department has been informed of the allegations, if an investigation was conducted by the department and the result of that investigation. The complainant will be asked if he or she wishes the Counselor to:

   a. pursue an informal investigation and, where appropriate, seek a resolution to the complaint without a formal investigative report; or,
   b. open a formal investigation into the allegations.

3. If the complainant requests an informal attempt at a resolution, the Counselor shall, where appropriate, make preliminary efforts to resolve the complaint with the assistance of the department’s Sexual Harassment Counselor. The actions taken by the Counselor and the department will be documented, and the complainant will be informed of the outcome of the informal investigation.

4. If the complainant is not satisfied with the results of the informal investigation he or she may file a formal complaint utilizing the City’s Discrimination Complaint Procedure. At the time of the filing of a formal complaint, the complainant shall also be informed of the other options available, including filing the complaint with the State or Federal compliance agencies.

5. Investigative procedures and protections for the complainant, the alleged harasser, and witnesses previously noted in this Procedure under Employee Rights and Responsibilities and Responsibilities of the Department Sexual Harassment Counselor shall apply to the conduct of the investigation by the
Personnel Department's Sexual Harassment Counselor or other staff analysts. The report of the investigation of the complainant's allegations(s), including the investigator's findings and recommendations shall be presented to the Board of Civil Service Commissioners in accordance with the City's Discrimination Complaint Procedure, unless the Counselor is able to resolve the complaint to the complainant's satisfaction prior to the scheduled hearing before the Commission.

The City's Discrimination Complaint Procedure

The City's Discrimination Complaint Procedure gives employees and applicants the right to file a written complaint with the City's Civil Service Commission. The complaint must deal with a City action, procedure or practice in hiring or employment which the employee or applicant believes to be discriminatory. Sexual harassment is a form of sex discrimination. Complaints filed in accordance with the City's Discrimination Complaint Procedure must be filed within one year of the alleged act of discrimination.

State and Federal Compliance Agencies

Employees or applicants who believe they have been sexually harassed have the right to file a complaint with State and/or Federal compliance agencies and/or in State or Federal court. However, time limits for filing complaints with compliance agencies vary and complainants should check directly with those agencies for specific information.

The State and Federal compliance agencies may be contacted at the following addresses:

<table>
<thead>
<tr>
<th>STATE</th>
<th>FEDERAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Fair Employment and Housing</td>
<td>Equal Employment Opportunity Commission</td>
</tr>
<tr>
<td>611 West Sixth Street, Suite #1500</td>
<td>255 E. Temple Street, Fourth Floor</td>
</tr>
<tr>
<td>Los Angeles, CA 90017</td>
<td>Los Angeles, CA 90012</td>
</tr>
<tr>
<td>(800) 884-1684</td>
<td>(800) 669-4000</td>
</tr>
<tr>
<td>TTY (800) 700-2320</td>
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</tr>
</tbody>
</table>
City policies require that Departments discipline employees for discriminatory conduct. There still remains, substantial confusion, however, over what the standards are and what kind of discipline is appropriate for violations.

The standards of conduct and the proposed penalties for violations are set out in the Civil Service Commission Disciplinary Guidelines. They have been reprinted in this brochure so that you will know exactly what the City expects of you. Following each standard is a list of violations or offenses. This list does not contain all possible offenses. It contains the ones, which are the most significant or the most common in the workplace. Beside each offense is the discipline recommended.

This brochure provides guidance to all City employees on expected conduct to comply with City policies on a Discrimination Free Workplace. Refer to the City’s Disciplinary Guidelines in Civil Service Commission Policy 33.2 for more detailed information.

Personnel Department
City of Los Angeles
2001
### DISCRIMINATION/HARASSMENT

**Standard:** City employees are expected to comply with Federal and State laws and regulations and City policies regarding equal employment opportunity, affirmative action, and a discrimination/harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Suggested Actions</th>
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<tbody>
<tr>
<td>1. Failure to comply with City policies on equal employment opportunity and affirmative action, including but not limited to, the recruitment, selection, promotion, training or disciplining of employees equally regardless of a particular race, color, religion, national origin, sex (with or without sexually harassooing conduct), age, disability, marital status, sexual orientation, creed, ancestry, medical condition (cancer), HIV/Acquired Immune Deficiency Syndrome (AIDS – acquired or perceived), or in retaliation for having filed a discrimination complaint or participating in a protected activity.</td>
<td>Oral warning to discharge 1 day suspension to discharge Discharge</td>
</tr>
<tr>
<td>2. Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing remarks, or slurs based on race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, creed, ancestry, medical condition (cancer), or HIV/Acquired Immune Deficiency Syndrome (AIDS – acquired or perceived).</td>
<td>Oral warning to 10 days suspension 5 to 20 days suspension 20 days suspension to discharge</td>
</tr>
<tr>
<td>3. Demonstrating insensitivity to others through non-verbal actions, such as making suggestive gestures, or displaying cartoons or images that derogatorily depict or describe differences associated with race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, creed, ancestry, medical condition (cancer), or Acquired Immune Deficiency Syndrome (AIDS – acquired or perceived).</td>
<td>Oral warning to 10 days suspension 5 to 20 days suspension 20 days suspension to discharge</td>
</tr>
<tr>
<td>4. Harassment – repeated and/or multiple actions as described in #2 and/or #3 above which created or could lead to a hostile, offensive, threatening, or intimidating work environment.</td>
<td>5 days suspension to discharge 10 days suspension to discharge Discharge</td>
</tr>
<tr>
<td>Offense</td>
<td>First Offense</td>
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<td>------------------------------------------------------------------------</td>
<td>-----------------------------------</td>
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<tr>
<td>5. Retaliating against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.</td>
<td>5 days suspension to discharge</td>
</tr>
<tr>
<td>6. Supervisory Standard</td>
<td></td>
</tr>
<tr>
<td>a. Failure to fulfill supervisory responsibility as specified in City policies and in the City's Affirmative Action Program.</td>
<td>Oral warning to discharge</td>
</tr>
<tr>
<td>b. Failure to maintain a harassment free workplace for subordinates; failure to foster a discrimination free workplace by one's own individual actions or conduct; or allowing subordinates to retaliate against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.</td>
<td>1 day suspension to discharge</td>
</tr>
</tbody>
</table>
SEXUAL HARASSMENT

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner which fosters a discrimination/harassment free workplace which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes unreasonably with an individual's work performance.

<table>
<thead>
<tr>
<th>Offense</th>
<th>Suggested Actions</th>
</tr>
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<tbody>
<tr>
<td>1. Sexual Favors Implicit or explicit coercive pressure for sexual favors.</td>
<td>First Offense: 20 days suspension to discharge</td>
</tr>
<tr>
<td>2. Physical</td>
<td></td>
</tr>
<tr>
<td>a. Any physical conduct or act of a sexual nature, involving the use of force or the threat of force. Examples: rape, attempted rape, sexual assault, stalking,</td>
<td>Discharge</td>
</tr>
<tr>
<td>b. Unwelcome physical contact in sexual areas, including but not limited to breasts, buttocks, or genitalia. Examples: grabbing, groping, kissing.</td>
<td>20 days suspension to discharge</td>
</tr>
<tr>
<td>c. Unwelcome touching, rubbing, or any type of physical contact and/or conduct toward other employees which is sexually suggestive. Examples: pinching, patting, caressing, massaging, stroking, hugging, violating space, impeding/blocking movement.</td>
<td>1 day suspension to discharge</td>
</tr>
<tr>
<td>3. Verbal</td>
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<tr>
<td>Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, slurs, or questions of a sexual nature.</td>
<td>Oral warning to 10 days suspension</td>
</tr>
<tr>
<td>4. Visual</td>
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<tr>
<td>Demonstrating insensitivity to others through non-verbal actions, such as making sexually suggestive gestures; displaying sexually explicit objects, pictures, cartoons, or posters; leering; unwanted letters, gifts, and/or materials of a sexual nature.</td>
<td>Oral warning to 10 days suspension</td>
</tr>
<tr>
<td>5. Hostile Work Environment</td>
<td></td>
</tr>
<tr>
<td>Retaliating against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions.</td>
<td>5 days suspension to discharge</td>
</tr>
<tr>
<td>Offense</td>
<td>First Offense</td>
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<tr>
<td>6. Retaliation</td>
<td>Retaliating against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions.</td>
</tr>
<tr>
<td>7. Supervisory Standard</td>
<td>Failure to take appropriate action to correct and eliminate sexual harassment from the workplace; failure to foster a discrimination free workplace by one’s own actions or conduct; or allowing subordinates to retaliate against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions.</td>
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(Amended 12-15-95)
November 1, 2009

City Attorney Policy Directive No. 2 - Revised

TO: ALL CITY ATTORNEY PERSONNEL

SUBJECT: POLICY AGAINST SEXUAL ORIENTATION, GENDER IDENTITY, AND GENDER EXPRESSION DISCRIMINATION AND COMPLAINT PROCEDURE

Attached for your review are (1) the Mayor’s Executive Directive No. 12 Policy Against Discrimination in Employment Based on Sexual Orientation, Gender Identity or Gender Expression and (2) the City’s Sexual Orientation, Gender Identity and Gender Expression Discrimination Complaint Procedure. This directive and procedure both state what the City’s policy has been, and will continue to be, to promote and maintain an environment free from discrimination based on known or perceived sexual orientation, gender identity or gender expression. Discrimination is prohibited on the basis of one’s actual or perceived sexual orientation, including actual or perceived heterosexual, lesbian, gay, or bisexual orientation. Sexual orientation, gender identity and gender expression discrimination inhibits optimal performance, demeans esteem, creates contention and diminishes productivity. The City is committed to ensuring merit-based human resource management decisions that value high performance, public service excellence and inclusion; and therefore reiterates its policy of equal employment opportunity and non-discrimination.

It is my commitment to provide a workplace where our employees can perform their duties without unwanted hindrances. Thus, I want to make sure that the message is clear to everyone in this Office - sexual orientation, gender identity and gender expression discrimination, harassment, and intimidation will not be tolerated, and that any such action or behavior will be dealt with swiftly and accordingly.

If any employee of this office believes that these policies have been violated or you have any questions about work incidents that you believe may be discriminatory in nature, you are advised to contact our Equal Employment Opportunity Coordinator, Cristina Sarabia or our Sexual Harassment and Sexual Orientation Counselor, Kristina de la Vega at (213) 978-7160. Both are available to meet with employees and will handle these issues in a sensitive and confidential manner.
If for some reason, you are uncomfortable contacting an Office employee, you may choose to contact the State agency that is listed in the procedure.

The foregoing policies are consistent with my focus on providing a sexual orientation, gender identity and gender expression discriminatory free workplace and a work environment that is pleasant to work in for all employees.

Your prompt cooperation in following the above directive in maintaining a sexual orientation, gender identity and gender expression discriminatory free workplace is appreciated.

Sincerely,

[Signature]

CARMEN A. TRUTANICH  
City Attorney
EXECUTIVE DIRECTIVE NO. 12

Issue Date: June 6, 2008

To: All Departments, Commissions, Appointed Officers and Employees of City Government

Subject: Policy against Discrimination in Employment based on Sexual Orientation, Gender Identity or Gender Expression

The policy of the City of Los Angeles has been, and will continue to be, to promote and maintain an environment free from discrimination based on known or perceived sexual orientation, gender identity or gender expression. Discrimination and harassment on these bases are illegal, as well as harmful to those in work environments affected by offensive, intolerant and hostile behaviors. Discrimination based on known or perceived sexual orientation, gender identity or gender expression inhibits optimal performance, demeans esteem, creates contention and diminishes productivity. The City is committed to ensuring merit-based human resource management decisions that value high performance, public service excellence and inclusion; and therefore reiterates its policy of equal employment opportunity and non-discrimination.

In 1979, the City of Los Angeles adopted Ordinance No. 152,458 (Municipal Code 49.70) which established and defined the City's intent to promote and maintain a working environment free from discrimination on the basis of sexual orientation, gender identity or gender expression. Specifically, the ordinance protects gay men, lesbians,

1 Sexual orientation refers to whether a person is romantically or sexually attracted to other adults of a different sex (as is true for those who are heterosexual), the same sex (as is true for those who are lesbian or gay) or both (as is true for those who are bisexual). Discrimination is prohibited on the basis of one's actual or perceived sexual orientation, so that even if one's actual sexual orientation is misperceived by a wrongdoer, the wrongdoer can still be liable for sexual orientation discrimination.
biseuxuals, and heterosexuals, as well as those “having or projecting a self-image not
associated with one’s biological maleness or one’s biological femaleness” from
discrimination in employment, housing, business establishments, City facilities and
services, and education. Additionally, effective January 1, 2000, sexual orientation was
included in the State Fair Employment and Housing Act as one of the bases on which
complaints of employment discrimination can be filed. Effective January 1, 2004, a
prohibition on discrimination or harassment on the basis of gender identity was added to
the same act.

Discrimination by any City employee in any City employment practice on the basis of an
individual's sexual orientation, gender identity or gender expression (or perceived
sexual orientation, gender identity or gender expression) is unacceptable and will not be
tolerated. No City officer or employee shall consider an applicant's or employee's
known or perceived sexual orientation, gender identity or gender expression in any
pre-employment or employment action or decision, including but not limited to
background checking, testing, hiring, assigning, training, transferring, upgrading,
promoting, compensating, disciplining and discharging. Nor shall any City officer or
employee classify or otherwise treat a City employee differently because of the
employee's known or perceived sexual orientation, gender identity or gender
expression. City policy shall prohibit, as a form of discrimination, the creation of or
contribution to a hostile, intimidating, threatening, offensive or abusive work
environment on the basis of an individual's known or perceived sexual orientation,
gender identity or gender expression. This includes written, spoken, graphic or
demonstrative derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or
jokes with respect to an individual's known or perceived sexual orientation, gender
identity or gender expression. The following are examples of discrimination that are
prohibited:

1. Inquiring into a job applicant's relationship with a roommate;

2. Denying training to a gay, lesbian, bisexual, or transgender employee for
   a position that involves working with children based on the view that the
   employee's sexual orientation, gender identity or gender expression
   makes him or her inappropriate for the position; and

3. Imposing greater supervision or discipline on an employee based on the
   employee's known or perceived sexual orientation, gender identity or
   gender expression.

It is against City policy to discriminate against or harass an individual because of his or
her known or perceived gender identity or gender expression. This policy prohibits
discrimination based on a perception that the employee's or applicant's gender, identity,
appearance, behavior, or expression is different from that traditionally associated with
the person's "biological sex."
Further, it is City policy that prompt and appropriate action be taken to deter and punish discrimination and harassment based on an employee's known or perceived sexual orientation, gender identity or gender expression. Therefore, it shall be the responsibility of each Department manager to take all steps reasonably necessary to remedy violations, including providing counseling to employees who are found to have suffered harassment or discrimination, and to prevent future violations of this policy, including taking appropriate disciplinary action, to ensure and maintain a working environment free from discrimination and harassment based on known or perceived sexual orientation, gender identity or gender expression. If discrimination recurs in a Department, the Department manager may take steps that are additional to those that were taken in response to earlier instances of such violations and should do so if it appears necessary to ensure that there is no further recurrence of such violations.

Additionally, all reported allegations of discrimination based on known or perceived sexual orientation, gender identity or gender expression will promptly be fully documented and promptly, adequately and completely investigated. City policy prohibits retaliation by the City or any department or employee based on reporting a claim of discrimination on the basis of known or perceived sexual orientation, gender identity or gender expression or for supporting such a complaint (as a witness or otherwise) or for opposing such discrimination. Therefore, no City employee may intimidate, penalize, or take action against an individual for filing a complaint of discrimination on the basis of known or perceived sexual orientation, gender identity or gender expression nor engaging in any other protected activity. Nor may any employee take any action to discourage the making of a complaint of discrimination or harassment on the basis of known or perceived sexual orientation, gender identity or gender expression.

Employees who believe that this policy has been violated may and are strongly encouraged to report policy violation(s) by contacting either: the EEO Counselor of his/her Department; the City's Sexual Orientation Counselor in the Personnel Department; or, the Personnel Department's Office of Discrimination Complaint Resolution. For information or to file a complaint of discrimination on the basis of sexual orientation, the Personnel Department may be contacted at (213) 847-9800. Investigations will be conducted in accordance with the Sexual Orientation Discrimination Complaint Procedure and/or Citywide Discrimination Complaint Procedure. To the maximum extent allowed by law, but limited by its duty to conduct a prompt and thorough investigation and the practical consequences thereof, the City will provide confidentiality with respect to the filing and investigation of complaints of discrimination based upon known or perceived sexual orientation, gender identity or gender expression.

The Mayor is ultimately responsible for the management and administrative control of departmental activities and will continue to foster a positive and productive working environment for all employees and vigorously enforce all Federal, State and City equal employment opportunity and non-discrimination laws, directives and policies. The
Personnel Department shall continue to be the lead agency for equal employment opportunity policy and complaint resolution, specifically as it relates to monitoring policy compliance and investigating and resolving complaints of discrimination. The Personnel Department will also provide additional guidance to departments for compliance with this directive and other non-discrimination laws, policies and procedures and recommended training.

It shall continue to be the City's policy and practice that every good faith effort be made to eliminate any discriminatory practice. To this end, all heads of departments are directed to cooperate with the Personnel Department in complying with the responsibilities included herein.

Further, the Policy Against Employment Discrimination Based on Sexual Orientation, Gender Identity or Gender Expression, the Sexual Orientation Discrimination Complaint Procedure and the Citywide Discrimination Complaint Procedure (to be issued by the Personnel Department) must be disseminated to all employees and included in departmental personnel manuals and training materials. The Personnel Department may revise and update this policy on an as-needed basis.

**Responsibilities of General Managers and Executive Directors Relating to the City's Policy on Employment Discrimination Based on Sexual Orientation, Gender Identity or Gender Expression**

Each General Manager and Executive Director shall be responsible for carrying out the following actions within 90 days of the issuance of this Directive unless otherwise indicated:

1. Designate a departmental Equal Employment Opportunity Counselor to counsel employees with regard to discrimination based on known or perceived sexual orientation, gender identity or gender expression and to investigate, resolve and/or address complaints of discrimination based on known or perceived sexual orientation, gender identity or gender expression. Such designation and any subsequent change in designation shall be made in writing and a copy provided to the Personnel Department’s Equal Employment Opportunity Section and to the Office of the Counsel to the Mayor. This designation and reporting responsibility shall be completed within 60 days of the issuance of this Directive.

2. Distribute this Executive Directive to all departmental employees and executive officers via email with a return receipt requested (these receipts shall be forwarded to the Personnel Department by each department), or by internal mail for those employees for whom email distribution is not available.
3. Review all of the department's non-discrimination and harassment policies to ensure that all policies are in accordance with current law and that sexual orientation (not "sexual preference"), gender identity and gender expression is explicitly included as one of the protected bases under relevant State law. Ensure that those policy documents that exclude sexual orientation, gender identity or gender expression as covered bases under relevant State law or refer to the Division of Labor are destroyed and replaced with language advising employees that the proper state agency with which to file such a complaint is the California Department of Fair Employment and Housing. Include this Executive Directive and all revised equal employment opportunity and non-discrimination policies and procedures in the appropriate department operating and training manuals. A report that the Department has complied with this responsibility, as well as copies of the department's revised policies are to be forwarded to the Personnel Department for review within the timeframe set forth above and to the Office of the Counsel to the Mayor after that review.

4. Adhere to the Personnel Department's Citywide Discrimination Complaint Procedure and the Sexual Orientation Discrimination Complaint Procedure as the departmental policy and distribute the departmental policy and complaint procedures to all employees in the same manner described in paragraph 2 above. Report to the Personnel Department, when, how and to whom this distribution was made in the same manner as is set forth in Paragraph 2 above.

5. Review departmental documents that discuss the City's benefit and leave policies and MOUs to ensure that they comport with the Los Angeles Administrative Code sections governing domestic partners, and revise and redistribute any that are not in compliance. Report completion of this responsibility to the Personnel Department and to the Office of the Counsel to the Mayor.

6. Post the City's equal employment opportunity poster and this Executive Directive on employment-related bulletin boards. Report completion of this responsibility to the Personnel Department and to the Office of the Counsel to the Mayor.

7. Adopt a written policy welcoming the attendance of employees' spouses, domestic partners and significant others to department-sponsored social events open to employees' spouses. Provide a copy of this policy to the Personnel Department and to the Office of the Counsel to the Mayor.

Responsibilities of the Head of the City's Personnel Department Relating to the City's Policy on Employment Discrimination Based on Sexual Orientation, Gender Identity or Gender Expression

The Head of the City’s Personnel Department shall be responsible for carrying out the following actions within 180 days of the issuance of this Directive:
1. Ensure that all City departments have timely complied with all the responsibilities set forth above, including but not limited to all distribution and reporting procedures set forth above, and notify the Mayor's Office of any department which has failed to do so. To the extent that any department is not in compliance, the Mayor shall issue an order to comply forthwith.

The City's Personnel Department shall also re-distribute the Directive and the City's complaint procedures to each Department which shall in turn distribute the policy to all employees via email with a return receipt requested (these receipts shall be forwarded to the Personnel Department by each department), or by internal mail for those employees for whom email distribution is not available. This shall be done on an annual basis for at least three years after the initial distribution of these City policies.

Executed this 6th day of June, 2008

ANTONIO R. VILLARAIGOSA
Mayor

CITY OF LOS ANGELES  
SEXUAL ORIENTATION, GENDER IDENTITY, AND GENDER EXPRESSION  
DISCRIMINATION COMPLAINT PROCEDURE

The policy of the City of Los Angeles has been, and will continue to be, to promote and maintain an environment free from sexual orientation, gender identity, or gender expression discrimination. Discrimination is prohibited on the basis of one's actual or perceived sexual orientation, including heterosexual, lesbian, gay, or bisexual, transgender, or gender identity, or gender expression. Also prohibited is discrimination against an individual based on his or her association with a person of a particular sexual orientation, gender identity, or gender expression or because of his or her political activities or affiliations to further the rights of people of a particular sexual orientation, gender identity, or gender expression. Discrimination and harassment on the basis of sexual orientation, gender identity, or gender expression is illegal. Therefore, it is an unlawful employment practice for the City to fail or refuse to hire, to segregate, to fail to provide training, to discharge any individual, or to otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis (in whole or part) of such individual's known or presumed sexual orientation, gender identity, or gender expression.

For example, a supervisor should not state in an employee's evaluation that the employee has difficulty getting along with others in the workplace, if the reason that employee does not get along with co-workers is their discriminatory attitudes or ostracism based upon the evaluated employee's sexual orientation. Such an evaluation could be considered an evaluation of an employee's work performance based upon the employee's actual or perceived sexual orientation, which is impermissible. The rationale for prohibiting such an evaluation is that it would be unfair to penalize an employee for the bigotry of others.

Similarly, a manager selecting employees to conduct outreach to high school students may not exclude a lesbian employee from consideration on the grounds that the manager feels that, because she is a lesbian, she would poorly represent the City. Again, such conduct could be considered making a job assignment based, in part, upon the employee's sexual orientation, which is prohibited. The rationale for prohibiting such differential job assignments is that the lesbian employee loses an opportunity to gain experiences that could enhance her career. Additionally, the lesbian employee may feel stigmatized.

The following are additional examples of conduct prohibited by City policy. These examples are mere illustrations and are in no way intended to limit the basis for filing a complaint:

1. Inquiring into a job applicant's relationship with a roommate;
2. Refusing to hire (or impeding the hiring of) an applicant based on the applicant's sexual orientation, gender identity, or gender expression or perceived sexual orientation, gender identity, or gender expression;

3. Denying training to a gay, lesbian, bisexual, or transgender employee for a position that involves working with children based on the view that the employee's sexual orientation, gender identity, or gender expression makes him/her inappropriate for the position, and;

4. Imposing greater supervision or discipline on an employee based on the employee's sexual orientation, gender identity, or gender expression or perceived sexual orientation, gender identity, or gender expression.

Harassment in the workplace of a city employee on the basis of actual or perceived sexual orientation, gender identity, or gender expression, and/or the association with a person or persons of a particular sexual orientation, gender identity, or gender expression, and/or political activity or affiliations to further the rights of persons of a particular sexual orientation, gender identity, or gender expression is also prohibited. Sexual orientation, gender identity, or gender expression harassment includes the creation of or contribution to a hostile, intimidating, threatening, offensive, or abusive environment for lesbian, gay, bisexual, transgender, or heterosexual City employees through written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes regarding sexual orientation, gender identity, or gender expression.

Further, City policy prohibits retaliation by the City, any department, or employee based on making a claim of discrimination or harassment on the basis of sexual orientation, gender identity, or gender expression. This means that no City employee may intimidate, penalize, or take action against an individual for filing a complaint of discrimination based on sexual orientation, gender identity, or gender expression or for supporting such a complaint (as a witness or otherwise) or for opposing such discrimination.

The policy of the City requires that prompt and appropriate action be taken to deter and punish sexual orientation, gender identity, or gender expression discrimination. Therefore, persons believing that they are victims of sexual orientation, gender identity, or gender expression discrimination are strongly encouraged to report any and all incidents.

I. FILING A COMPLAINT

An employee making a sexual orientation, gender identity, or gender expression discrimination complaint can choose to file the complaint with the employee's department EEO Counselor, the City's Sexual Orientation Counselor, and/or with
an external non-discrimination enforcement agency. Complaints filed about pre-employment, employment actions, or actions directly related to Personnel Department functions should be directed to the City's Sexual Orientation Counselor, and/or to an external, non-discrimination enforcement agency.

Complaints filed internal to the City must be filed within one (1) year from the date of the last alleged act of discrimination. Otherwise, the complaint may be considered untimely.

Although complaints must be prepared and filed on an employee's own time, department managers and supervisors should allow the employee filing the complaint, and all other employees who are interviewed as part of the investigation, to be interviewed while on city time when requested by staff conducting the discrimination investigation. A person filing a sexual orientation, gender identity, or gender expression discrimination complaint shall have the right of representation by any designated person or organization.

II. WHERE TO FILE

City employees and employment candidates have the following options for filing a sexual orientation, gender identity, or gender expression discrimination complaint. Complaints may be filed with:

1. The Personnel Section of your City Department

A person wishing to file a complaint with a City department should obtain the name, address and telephone number of the department's Sexual Orientation or Equal Employment Opportunity (EEO) Counselor. Contact the Counselor to discuss the complaint and if necessary, arrange to meet with the Counselor to file a formal complaint. If information for the department Counselor cannot be obtained, contact the Personnel Department Equal Employment Opportunity Section at (213) 473-9100.

2. The City's Sexual Orientation Counselor

A person wishing to file a complaint directly with the City's Sexual Orientation Counselor about pre-employment or employment actions should contact the Counselor at the address or phone number below. Also complaints about actions directly related to Personnel Department functions should be directed to the City's Sexual Orientation Counselor.

Los Angeles City Personnel Department
Office of Discrimination Complaint Resolution
700 E. Temple Street, Room 380, Los Angeles, CA 90012
Phone: (213) 473-9123 Fax: (213) 473-0138
Information concerning the City's non-discrimination policies, complaint procedures and filing options, as well as filing deadlines will be provided by the City's Sexual Orientation Counselor upon request.

3. The City's Civil Service Commission

A person wishing to file a complaint through the City’s centralized discrimination resolution and investigation entity may write or contact:

Los Angeles City Personnel Department
Office of Discrimination Complaint Resolution
700 E. Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9123 (213) 473-0138

Information concerning the City's non-discrimination policies, complaint procedures and filing options, as well as filing deadlines will be provided by the Civil Service Commission upon request.

4. A Governmental Non-Discrimination Enforcement Agency

Sexual orientation discrimination complaints can also be filed with the State compliance agency. The State compliance agency may be contacted at the following address:

Department of Fair Employment and Housing
611 West Sixth Street, Suite #1500
Los Angeles, CA 90017
1-800-884-1684
TTY (800) 700-2320

Persons considering filing complaints of discrimination with DFEH should verify the filing criteria, including deadlines for filing. The period of time the City investigation takes will not extend the agency filing period. An individual who files a complaint with the DFEH shall not lose any rights he or she has to pursue redress under the City's internal complaint procedures. A DFEH filing shall not terminate or have any other negative impact on the City's investigation or processing of a parallel complaint filed with any City entity. Individuals who file complaints with the DFEH are encouraged to also file with the City, so the City has the opportunity to investigate the complaint, correct the situation, and offer an acceptable remedy to the complainant. Even where an internal complaint is not filed, the City shall conduct its own investigation upon learning of a complaint to an outside agency in an effort to prevent further occurrences or complaints.
III. DISCRIMINATION COMPLAINTS AGAINST ELECTED OFFICIALS

There is a special procedure for filing a complaint of discrimination against elected officials outlined in the Los Angeles Administrative Code Sections 4.405 through 4.411. Contact the Personnel Department Equal Employment Opportunity Section at (213) 473-9100 should you need detailed information on this procedure.

The investigation of such a complaint shall not be conducted by the accused official nor by such official's subordinates nor by the departments or personnel under such official's supervision or management.

Nothing in this procedure shall restrict a person's right to file a complaint with any applicable State agency responsible for the enforcement of anti-discrimination legislation.

IV. EMPLOYEE RIGHTS AND RESPONSIBILITIES

Every employee is entitled to work in an environment free from sexual orientation, gender identity, or gender expression discrimination. An employee who perceives comments, gestures, or actions which offend against an individual's sexual orientation, gender identity, or gender expression made by another employee or supervisor should immediately and clearly communicate to that person that such behavior is offensive.

Any employee who believes he or she has been discriminated against due to his/her sexual orientation, gender identity, or gender expression should take the following steps:

1. The employee should immediately report the sexual orientation, gender identity, or gender expression discrimination complaint to her or his supervisor, or to the department's EEO Counselor, or to the City's Sexual Orientation Counselor in the Personnel Department's Office of Discrimination Complaint Resolution. All employees are assured that they may make such reports without fear of retaliation by the City, department management, or their immediate supervisor.

2. The employee has the right to a confidential conference with the person to whom the sexual orientation, gender identity, or gender expression complaint is made. Additionally, the person filing the complaint has the right of representation by any designated person or organization, e.g., a union representative, an attorney or another individual of the complainant's choice.
3. If an employee chooses to initiate a complaint of sexual orientation, gender identity, or gender expression discrimination, the employee's department EEO Counselor or the City's Sexual Orientation Counselor should make preliminary efforts to resolve the complaint, and if not resolved, will conduct a complete investigation. All efforts to resolve the complaint will be fully documented.

4. All investigations, whether conducted by the department EEO Counselor or the City's Sexual Orientation Counselor, will be handled with discretion, sensitivity, and due concern for the dignity of those involved, and will be conducted consistent with the procedures indicated in this document. As in any discrimination complaint investigation, information will be kept confidential to the maximum extent allowed by law.

5. All investigations will be thorough. All persons named as potential witnesses by the employee will be contacted as required during the course of the investigation. Anyone who is alleged to have committed acts of sexual orientation, gender identity, or gender expression discrimination will be contacted during the investigation and allowed to make a statement. Any person accused or alleged to have committed acts of discrimination or harassment has the right to representation by a union representative or attorney.

6. Any employee who witnesses an incident of sexual orientation, gender identity, or gender expression discrimination shall cooperate in any investigation. All employees are assured that they may cooperate in such an investigation without fear of retaliation or reprisal by the City, department management, their immediate supervisor or any other City employee. Any employee who fails or refuses to cooperate or to be truthful shall be subject to disciplinary action, up to and including termination from City employment.

7. Employees may expect a timely resolution of all complaints.

V. RESPONSIBILITIES OF THE DEPARTMENT EEO COUNSELOR

Each City department manager must designate an EEO Counselor and ensure that all department employees are made aware of the name and phone number of the designated Counselor. An employee who believes he or she has been discriminated against based on sexual orientation, gender identity, or gender expression may choose to file a complaint with the department EEO Counselor. All department EEO Counselors who may receive a complaint of discrimination or harassment based on sexual orientation, gender identity, or gender expression shall receive specialized
training in the law and on the City's policies and procedures governing sexual orientation, gender identity, or gender expression discrimination and harassment and the handling of discrimination and harassment complaints; personnel complaint documentation; investigation and reporting; interviewing skills and techniques; and federal, state and City resources available to assist those concerned about such discrimination or harassment.

Handling a complaint of sexual orientation, gender identity, or gender expression discrimination or harassment according to the responsibilities outlined below shall be considered a primary duty assignment. The EEO Counselor shall not be constrained in conducting a proper investigation by any City employee, manager, or supervisor. Each department EEO Counselor has the following responsibilities with regard to a sexual orientation, gender identity, or gender expression complaints:

1. The Counselor shall initiate an inquiry into the alleged sexual orientation, gender identity, or gender expression harassment or discrimination. The Department EEO Counselor may not refuse to accept or investigate a complaint that alleges sexual orientation, gender identity, or gender expression discrimination or harassment.

2. The Counselor shall meet with the complaining employee at the employee's earliest convenience. The Counselor shall fully inform the employee about the City's sexual orientation, gender identity, or gender expression policies and discrimination complaint procedures and shall answer questions that the employee may have regarding the City's policies and procedures. The Counselor shall provide the complainant with relevant referral and resource information, including a general statement that there are time limitations for filing a complaint with an outside agency.

3. The Counselor shall listen to the employee's complaint and discuss the complaint with discretion, sensitivity, and due concern for the dignity of those involved. The Counselor shall ask the complaining employee what remedy he or she seeks, including whether the complainant seeks a temporary or permanent transfer for the alleged offender or for him or herself.

4. The Counselor shall fully record and document the complaint, including the complainant's proposed resolution to the alleged violation(s).

5. The Counselor shall notify the City's Sexual Orientation Counselor of the complaint.
6. The Counselor shall conduct a complete and timely investigation into the complaint, including conducting interviews with all non-cumulative witnesses and others who may be involved. The investigation will be conducted in a manner consistent with the procedures included in this section.

7. The Counselor shall immediately notify the Citywide Sexual Orientation Counselor in writing if any City Department, manager, supervisor, or employee fails to cooperate fully during the investigation.

8. The Counselor will communicate to the complainant in writing the status of the investigation at least once every two months.

9. Upon completion of the investigation, the Counselor shall prepare a report of the results of the investigation. The Counselor shall inform complainants if disciplinary action is taken against the accused employee, although not the specific nature of the action. No information provided to the complaining employee shall compromise any confidential or privacy protection afforded to the accused employee under the law or City policy. The Sexual Orientation Counselor should contact the Office of the City Attorney if there are questions in this area.

10. If the employee is not satisfied with the way the sexual orientation, gender identity, or gender expression discrimination complaint has been resolved, the Counselor shall fully inform the employee of his or her additional rights under the law. These rights include appealing, filing a complaint under the Citywide Discrimination Complaint Procedure, filing a complaint with the Civil Service Commission, and filing a complaint with the State Department of Fair Employment and Housing (DFEH) and/or in court.

VII. RESPONSIBILITIES OF THE CITY’S SEXUAL ORIENTATION COUNSELOR

An employee or employment applicant who believes he or she has been discriminated against based on sexual orientation, gender identity, or gender expression may choose to file a complaint with the City’s Sexual Orientation Counselor. The City’s Sexual Orientation Counselor has all of the duties and responsibilities of a department EEO Counselor, as well as the following additional responsibilities:

2. Accept, investigate, and complete any sexual orientation, gender identity, or gender expression discrimination or harassment complaint that is referred from a department EEO Counselor.

3. Maintain custody of completed sexual orientation, gender identity, or gender expression discrimination and harassment complaint investigations.

4. Maintain a copy of each completed sexual orientation, gender identity, or gender expression discrimination or harassment complaint investigation report in secure storage in City filing facilities for no less than five years.

5. Advise EEO Counselors on sexual orientation, gender identity, or gender expression complaint intake and investigation.

6. Ensure that the posting containing the name and phone number of the City Sexual Orientation Counselor is maintained, accurate, and conspicuous in all City Department offices, and promptly compile a written report for the Personnel Department General Manager and the City Board of Civil Service Commissioners of any locations where postings have been removed.

Prior to any employee assuming any of the above duties as the City Sexual Orientation Counselor, the employee must have received training in the law and the City's policies and procedures governing discrimination and harassment and the handling of discrimination and harassment complaints; personnel complaint documentation, investigation, and reporting; interviewing skills and techniques; and federal, California, and City of Los Angeles resources available to assist him or her in competently performing all of the duties required to handle issues related to sexual orientation, gender identity, or gender expression discrimination and harassment on a Citywide basis, including training and providing guidance to department EEO Counselors. Prior to or shortly after assuming the above duties, the Sexual Orientation Counselor shall seek out and obtain specialized training in the law governing sexual orientation, gender identity, or gender expression discrimination and harassment and handling complaints thereof.

The City also has a Sexual Orientation Coordinator; this position is situated in the City's Personnel Department. The Sexual Orientation Coordinator's areas of responsibility include training and policy and procedure development for the City on issues related to sexual orientation, gender identity, or gender expression. The Sexual Orientation Coordinator, in cooperation with the Sexual Orientation Counselor, shall provide training to department EEO Counselors on conducting sexual orientation, gender identity, or gender expression complaint investigations. As described above, the responsibilities of the City's Sexual
Orientation Counselor relate to the handling of formal complaints for sexual orientation, gender identity, or gender expression discrimination.

VII. RESPONSIBILITIES OF CITY MANAGEMENT

It is the responsibility of City Management to take necessary steps to prevent sexual orientation, gender identity, or gender expression discrimination, and, when a complaint is made, has been investigated, and discrimination is found to exist, to remedy any sexual orientation, gender identity, or gender expression discrimination that is discovered.

It is the responsibility of the Personnel Department to ensure that the operating departments are in compliance with the Sexual Orientation, Gender Identity, or Gender Expression Discrimination Complaint Procedures, and to monitor said compliance on an ongoing basis.

In addition, all operating departments are to comply with the Mayor's Directive, 12 issued on June 6, 2008 and to place said directive in Operating Department manuals, policies and training materials.

City Department EEO counselors should be reminded that all sexual orientation, gender identity, or gender expression discrimination complaints filed within their operating departments must be handled in a manner consistent with the procedures set forth in this Sexual Orientation, Gender Identity, or Gender Expression Discrimination Complaint Procedure.

All Operating Departments are directed to evaluate, and if necessary, revise and redistribute their internal sexual orientation, gender identity, or gender expression discrimination complaint procedures to eliminate any provisions that permit the operating department to close the complaint without investigation if the complainant files with an outside agency or other City process, or which allow the operating department to terminate an investigation regardless of the evidence, for reasons such as failure to cooperate with the investigation or refusing to accept the offered remedy. To the extent possible, without the cooperation of the complaining party, the investigation should continue and be completed so that any discovery of improper conduct or behavior can be dealt with and remedied.

All operating departments are to ensure that sexual orientation, gender identity, or gender expression harassment is expressly included in departmental sexual harassment and sexual orientation, gender identity, or gender expression nondiscrimination policies. However, those policies should expressly state and explain that sexual orientation, gender identity, or gender expression harassment is not the same as sexual harassment. Employees should be instructed that, while sexual harassment is based upon a person's gender, sexual orientation, gender identity, or gender expression harassment is based upon a person's sexual orientation, gender identity, or gender expression or on another's
perception of that person’s sexual orientation, gender identity, or gender expression. City departments are to review and update their policies in this regard.

VIII. THE CITY’S DISCRIMINATION COMPLAINT PROCEDURE

The City’s Discrimination Complaint Procedure gives City employees and candidates for City employment the right to file a written complaint with the City’s Civil Service Commission. The complaint must deal with a City action, procedure, or practice in hiring or employment which the employee or prospective employee believes to be discriminatory. Complaints alleging sexual orientation, gender identity, or gender expression discrimination are covered by the Citywide Discrimination Complaint Procedure.

Complaints made under the City’s Discrimination Complaint Procedure must be filed within one year of the alleged act of discrimination.

IX. OTHER DISCRIMINATION COMPLAINT OPTIONS

Employees who believe that they have been discriminated against based on sexual orientation, gender identity, or gender expression also have the right to file a discrimination complaint with the California Department of Fair Employment and Housing (DFEH). See Section II of this procedure for contact information. An employee/employment candidate should check directly with the DFEH regarding filing deadlines.

X. DISTRIBUTION OF COMPLAINT PROCEDURE

This Sexual Orientation, Gender Identity, or Gender Expression Discrimination Complaint Procedure shall be distributed to all Departments, which shall then distribute it to all employees via internal mail or e-mail with a return receipt requested (these receipts shall be forwarded to the Personnel Department by each department), or by internal mail for those employees for whom email distribution is not available. It will also be provided to all applicants for City employment. In addition, all new employees will receive the Complaint Procedure as part of the orientation process. Moreover, this policy should be incorporated into and added to each operating department's personnel rules, work rules, or manuals, or otherwise distributed in a manner that ensures all employees receive it. In addition, the Sexual Orientation, Gender Identity, or Gender Expression Discrimination Complaint Procedure should be posted on all department employment-related bulletin boards. Further, all operating departments should post the City’s equal employment opportunity poster on each department’s employment-related bulletin board.

In adapting this procedure, all operating departments should eliminate any of its prior procedure that required the complaining party to file separate documents
with a series of different City officials in order for the complaint to warrant continued review, or that otherwise deviate from this policy. All internal procedures should be reviewed and approved by the Personnel Department.

Revised 08/08
November 1, 2009

City Attorney Policy Directive No. 3 - Revised

TO: ALL CITY ATTORNEY PERSONNEL

SUBJECT: INVITING AND WELCOMING DOMESTIC PARTNERS AND SIGNIFICANT OTHERS TO OFFICE-SPONSORED SOCIAL EVENTS

As you know, I am committed to ensuring we maintain a discrimination free environment. In keeping with this commitment, I am advising all employees of our Office’s policy on office-sponsored social events.

It is our Office Policy that whenever we sponsor a social event in which family members and or spouses of employees are welcome, please be advised that domestic partners and significant others of employees are also welcome. All written invitations or flyers announcing such an event, should include a statement welcoming significant others and domestic partners, if spouses are invited. Our goal is to ensure that lesbian, gay, bi-sexual or transgender employees do not feel excluded from Office sponsored social events, which are open to employee family members and spouses. It is our responsibility to create a working environment that is open, inclusive and respectful of our diverse workforce.

If any employee of this office believes that this policy have been violated or you have any questions about work incidents that you believe may be discriminatory in nature, you are advised to contact our Equal Employment Opportunity Coordinator, Cristina Sarabia or our Sexual Harassment and Sexual Orientation Counselor, Kristina de la Vega at (213) 978-7160. Both are available to meet with employees and will handle these issues in a sensitive and confidential manner.

Thank you for your cooperation.

Sincerely,

CARMEN A. TRUTANICH
City Attorney