COUNTY OF LOS ANGELES
OFFICE OF AFFIRMATIVE ACTION COMPLIANCE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 780
Los Angeles, CA 90012
(213) 974-1080
Fax (213) 626-7034 TTY (888) 478-3502
http://oaac.co.la.ca.us

Dennis A. Tafoya
Director

Members of the Board
Gloria Molina
Mark Ridley-Thomas
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich

March 3, 2010

To: Each Supervisor

From: Dennis A. Tafoya
Director

Subject: **QUARTERLY EMPLOYMENT DISCRIMINATION INVESTIGATIONS REPORT**

On September 23, 2008, your Board adopted the Chief Executive Officer's recommendation for my office to establish an Enhanced Case Management Compliance (ECMC) reporting procedure; including procedures for notifying monitored departments of untimely investigations. My office has developed and implemented a reporting procedure that will provide your Board, the Chief Executive Officer, and department heads with progress updates each quarter. The ECMC reporting procedures tracks the progress of both monitored departments and the Office of Affirmative Action Compliance's (OAAC) abilities to conduct efficient employment discrimination investigations.

Timeline for Completing Investigations

The OAAC has established an ambitious internal working goal to complete 80% of investigations within 90 business days. It is important to note that our research of other comparable state and federal agencies found that the average established timeline for completing investigations is 140 business days. The OAAC continues to strive to meet this case closure goal; however, the goal may require adjustment based on the industry standard and our current case closure experiences. Any changes to the goal will be reported in the annual report.

Tracking Reports

For purposes of this report we have identified those cases that exceed 120 business days as being delinquent. The following reports were created to track monitored department and OAAC caseload:

- *Quarterly Management Report* (Attachment I) details the total number of new cases received and assessed for jurisdiction; number of cases deemed jurisdictional; number of investigations completed; and number of cases with a violation of the County's nondiscrimination policies; and
- *The Open Case Report* (Attachment II) tracks the number of cases exceeding 90 business days.

In addition, affected department heads received a *Delinquent Investigations Notice* letter in December 2009 that identified open cases that exceeded 120 business days (investigations exceeding 120 business days are considered delinquent). My office will issue departmental delinquency notices every quarter as needed.

Progress

During this quarter, 257 new employment discrimination cases were received, 172 or 67% were deemed jurisdictional; 151 cases were closed, 14 of these cases resulted in a violation of the County's nondiscrimination policies. Also, there were 438 open cases; with OAAC responsible for 282 or 64% of the cases; and monitored departments responsible for 156 or 36% of the cases.

During this quarter, the OAAC closed 139 cases, 54 or 39% in 90 business days or less; 96 cases or 69% in 120-business days or less; and 43 or 31% in 180 business days or less. Monitored departments closed 12 cases, 3 or 25% of their cases within 90 business days or less; 4 or 33% in 120 business days or less; and 8 cases exceeded 180 days.

Monitored Investigations (investigations conducted by departments)
The following is quarterly summary case data for monitored department investigations:

- Monitored departments had 156 open cases;
- 22 or 14% of open cases were less than 90 days old; 9 or 6% were 120 or less; and 125 or 80% of cases were over 120 business days, with 101 or 81% older than 180 days;
- Received 25 new cases; 20 assessed as jurisdictional;
- Closed 12 cases; 3 or 25% were closed in 90 days or less; 4 or 33% closed within 120 business days or less; and 8 or 67% exceeded 180 days;
- 1 case resulted in a violation of the County's nondiscrimination policies.

Under the Shared Services Investigations Program, the OAAC assumed investigations responsibilities for six new departments effective April 20, 2009. However, the responsibility for completing investigations on cases filed before this date remained the responsibility of the six departments. Important to note is that three of the six

departments are responsible for 66 or 53% of the backlog delinquent cases, 63 of these cases are over 180 business days. Currently there is an initiative underway to eliminate the backlog of these cases by May 2010.

Shared Services Investigations (investigations conducted by OAAC)
The following is quarterly summary case data for OAAC investigations:

- OAAC had 282 open cases;
- 206 or 73% of open cases were less than 90 days old; 24 or 9% were 120 days or less; 42 or 15% were 180 days or less, and 10 or 4% exceeded 180 days;
- Received 232 new cases; 152 assessed as jurisdictional;
- Closed 139 cases; 54 or 39% were closed in 90 business days or less; 96 or 69% closed within 120 business days or less; 43 or 31% in 180 days or less;
- 13 cases resulted in a violation of the County's nondiscrimination policies.

As indicated earlier, the OAAC began conducting investigations for six new departments in April 2009. The initial caseload projections and number of OAAC investigators required to meet the investigation demands of the six new departments was based on the caseload averages over the past three years. However, the year to date complaint activity for the six departments has exceeded the original projections by 25%, resulting in higher than planned caseload ratios per OAAC investigator. In the short term, the increased caseload ratio has caused some delay in closing cases. We are approaching this increased spike in caseload as a temporary workload issue which is currently being managed within existing OAAC resources and staffing.

The Countywide goal is to transition all County departments into the Shared Services Investigations Program by Fiscal Year 2011-12. The OAAC is working with the remaining 19 small monitored departments on the possibility of transitioning them to Shared Services effective Fiscal Year 2010-11. Currently 17 of these departments have agreed in principal to transition start of the new fiscal year. It remains our expectation that OAAC's assuming investigative responsibilities for all departments will result in overall improved case closure rates.

Summary

The investigations data for this quarter reveals that overall (OAAC and monitored departments) 38% of cases were closed in 90 business days or less and 60% of cases closed in 120 business days or less. Case closure rates for this quarter did not achieve the 90 day goal, but overall case closure met the 140 day industry standard 73% of the time. Further, case closure rates are expected to improve for the next quarter due to the following efforts by the OAAC and monitored departments: temporary reassignment of additional staff to conduct investigations; requiring departments to compel

complainants, subjects, and witnesses to cooperate with the investigation in a timely manner; and limiting OAAC and departmental time for reviewing the final investigative report to five business days.

Timeliness of investigations and preventing further acts of employment discrimination are central to minimizing risk and liability. The OAAC remains committed to achieving an employment discrimination investigation process where all complaints are investigated timely and will implement any changes necessary to accomplish this goal.

If you have any questions, please contact me at (213) 974-1080, or have your staff contact Ms. Evangeline V. Ross, Chief Deputy of my staff, at (213) 974-1087.

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Attachments (2)

C: William T Fujioka, Chief Executive Officer
Ellen Sandt, Deputy CEO, Operations
Department Heads

Attachment I

County of Los Angeles
Office of Affirmative Action Compliance

QUARTERLY MANAGEMENT REPORT
October 1, 2009 to December 31, 2009

MONITORED DEPARTMENTS	Complaints Received and Assessed		Jurisdictional Cases Closed during this Quarter				
	Total Cases Received	Assessed as Jurisdictional	Total Cases Closed	Cases Closed ≤ 90 days	Cases Closed 91 to 120 days	Cases Closed > 120 days	Total Substantiated Cases
Agri Comm/Weights & Measures	3	3	0	0	0	0	0
Alternate Public Defender	1	0	0	0	0	0	0
Animal Care and Control	3	3	0	0	0	0	0
Assessor	1	1	2	1	0	1	1
Auditor - Controller	0	1	0	0	0	0	0
Beaches & Harbors	1	1	0	0	0	0	0
Board of Supervisors	0	1	1	0	0	1	0
Chief Executive Office	1	1	3	1	1	1	0
Child Support Services	8	5	2	0	0	2	0
Community & Senior Services	0	0	0	0	0	0	0
Consumer Affairs	0	0	1	0	0	1	0
Coroner	0	0	0	0	0	0	0
County Counsel	0	0	0	0	0	0	0
District Attorney	1	1	0	0	0	0	0
Human Relations Commission	0	0	1	0	0	1	0
Human Resources	0	0	2	1	0	1	0
Public Defender	1	0	0	0	0	0	0
Public Library	2	0	0	0	0	0	0
Regional Planning	1	1	0	0	0	0	0
Treasurer & Tax Collector	2	2	0	0	0	0	0
TOTAL	**25**	**20**	**12**	**3**	**1**	**8**	**1**

OAAC INVESTIGATIONS							
Children and Family Services	22	16	3	1	2	0	0
Fire	11	9	9	3	1	5	3
Health Services	47	38	55	23	4	28	6
Internal Services	21	13	4	2	1	1	0
Mental Health	10	9	4	2	2	0	0
Parks & Recreation	7	5	0	0	0	0	0
Probation	38	25	6	3	3	0	0
Public Health	9	6	13	7	4	2	1
Public Social Services	48	22	34	10	19	5	3
Public Works	10	4	10	3	5	2	0
Registrar-Recorder/County Clerk	9	5	1	0	1	0	0
TOTAL	**232**	**152**	**139**	**54**	**42**	**43**	**13**

DEPARTMENT/SERVICE	SUMMARY		SUMMARY				
	Total Cases Received	Assessed as Jurisdictional	Total Cases Closed	Cases Closed ≤ 90 days	Cases Closed 91 to 120 days	Cases Closed > 120 days	Total Substantiated Cases
MONITORED DEPARTMENTS	25	20	12	3	1	8	1
OAAC INVESTIGATIONS	232	152	139	54	42	43	13
GRAND TOTAL	**257**	**172**	**151**	**57**	**43**	**51**	**14**

All data presented in this report was collected on the last business day of the reporting month

Attachment II

County of Los Angeles
Office of Affirmative Action Compliance

OPEN CASE REPORT
as of December 31, 2009

MONITORED DEPARTMENTS	BACKLOG CASES				
	Total Cases	0 to 90 days	91 to 120 days	121 to 180 days	Over 180 days
Agri Comm/Weights & Measures	4	2	0	2	0
Alternate Public Defender	1	0	0	0	1
Animal Care and Control	11	3	1	3	4
Assessor	7	4	0	1	2
Auditor - Controller	1	0	0	0	1
Beaches & Harbors	9	2	0	1	6
Board of Supervisors	1	1	0	0	0
Chief Executive Office	2	2	0	0	0
Chief Information Office	1	1	0	0	0
Child Support Services	21	3	4	7	7
Children and Family Services [1]	14	0	0	3	11
Community & Senior Services	4	1	1	1	1
Coroner	4	1	2	0	1
District Attorney	8	1	0	4	3
Human Resources	2	1	0	0	1
Mental Health [1]	29	0	0	0	29
Office of Public Safety	2	0	0	2	0
Probation [1]	23	0	0	0	23
Public Defender	1	0	1	0	0
Public Library	3	0	0	0	3
Regional Planning	3	0	0	0	3
Treasurer & Tax Collector	5	0	0	0	5
TOTAL	**156**	**22**	**9**	**24**	**101**

OAAC INVESTIGATIONS					
Children and Family Services	31	23	5	3	0
Fire	24	13	4	5	2
Health Services	53	41	2	4	6
Internal Services	24	18	4	2	0
Mental Health	23	16	1	6	0
Parks & Recreation	17	13	2	2	0
Probation	50	37	5	8	0
Public Health	17	9	1	5	2
Public Social Services	33	28	0	5	0
Public Works	5	3	0	2	0
Registrar-Recorder/County Clerk	5	5	0	0	0
TOTAL	**282**	**206**	**24**	**42**	**10**

SUMMARY

DEPARTMENT/SERVICE	Total Cases	0 to 90 days	91 to 120 days	121 to 180 days	Over 180 days
MONITORED DEPARTMENTS	156	22	9	24	101
OAAC INVESTIGATIONS	282	206	24	42	10
GRAND TOTAL	**438**	**228**	**33**	**66**	**111**

[1] Backlog cases prior to transitioning to Shared Services

All data presented in this report was collected on the last business day of the reporting month