

MOTION BY SUPERVISOR GLORIA MOLINA

September 7, 2010

**AMENDMENT TO ITEM NO. 30**

All County Departments are required to comply with the County’s Employment Discrimination Complaint Process (EDCP), by investigating employment discrimination complaints in a fair and impartial manner. The role of the Office of Affirmative Action Compliance (OACC) is to provide central monitoring and oversight of departments for all employment discrimination complaints. Under the Shared Services model, OACC has assumed responsibility for the investigations of the employee discrimination process for some County Departments. While the Shared Services model has improved the timeliness of the investigations, the County should take a more proactive role in managing the workplace environment to prevent investigations. Additionally, recent employment discrimination settlements, such as the Leamon case, demonstrate the need for improved risk management of such claims. The total indemnity paid for the discrimination and harassment claims was approximately \$3.6 million for claims and lawsuits that were closed in Fiscal Year 2008-09 and \$4.6 million for claims and lawsuits that were closed in Fiscal Year 2009-10. Total legal fees and costs for the same claims and lawsuits was \$5.7 million for claims and lawsuits closed in Fiscal Year 2008-09 and

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Ridley-Thomas \_\_\_\_\_

Yaroslavsky \_\_\_\_\_

Knabe \_\_\_\_\_

Antonovich \_\_\_\_\_

Molina \_\_\_\_\_

\$6.4 million for claims and lawsuits closed during Fiscal Year 2009-10.

The Sheriff's Department employs a unique system to handle its employment discrimination complaint process. The Sheriff's Equity Oversight Panel (EOP), is an independent panel of employment law experts, who review all harassment and discrimination complaints and evaluate the effectiveness of the Sheriff's Policy on Equality as originally required by the Federal District Court in the Bouman v. Baca case. The Department benefits by having attorneys with employment law background to oversee this process and make objective systemic recommendations in a timely manner.

I, THEREFORE, MOVE THAT the Board of Supervisors:

Direct the CEO, in conjunction with the Department of Human Resources and the Office Affirmative Action, to report back in 30 days on the feasibility of creating a model similar to, but not necessarily identical to, the Sheriff's Equity Oversight Panel—an independent employment body responsible for the review and monitoring of all Sheriff employment discrimination and harassment investigations. The report should include a review of current procedures, practices and policies, and recommended changes to improve the County's overall Employment Discrimination Complaint Process.

AU/ld