

# COUNTY OF LOS ANGELES POLICY OF EQUITY



Effective July 1, 2011

## PURPOSE

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This Policy is intended to preserve the dignity, respect, and professionalism of the workplace as well as to protect the right of employees to be free from discrimination, sexual harassment, unlawful harassment (other than sexual), retaliation and inappropriate conduct toward others based on a protected status. Retaliation, as well as, discrimination, sexual harassment, unlawful harassment (other than sexual), and inappropriate conduct toward others based on a protected status, are contrary to the values of the County.

The County will not tolerate unlawful discrimination on the basis of age (40 and over); ancestry; color; ethnicity; religious creed (including religious dress and grooming practices); denial of family and medical care leave; disability (including mental and physical disability); marital status; medical condition (cancer and genetic characteristics); genetic information; military and veteran status; national origin (including language use restrictions); race; sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding); gender; gender identity; gender expression; sexual orientation; and any other protected characteristic protected by state or federal law. Further, the county will not tolerate retaliation for filing a complaint under the Policy or similar state and federal law, for participating in an administrative investigation or proceeding under the Policy, for performing duties under the Policy, or for otherwise opposing conduct prohibited by the Policy.

As a preventive measure, the County also will not tolerate inappropriate conduct toward others based on a protected status even if the conduct does not meet the legal definition of discrimination or unlawful harassment. All County employees are responsible for conducting themselves in accordance with this Policy and its associated Procedures. Violation of the Policy and/or Procedures will lead to prompt and appropriate administrative action including, but not limited to, counseling, training, written warning, written reprimand, suspension, demotion, or discharge.

Supervisors, co-workers, and third-parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act.

## REFERENCE

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[May 31, 2011](#), Chief Executive Office and Executive Office, Board of Supervisors: Approval of County of Los Angeles Policy of Equity

[County of Los Angeles Policy of Equity, July 1, 2011](#)

Department of Human Resources, Policies, [Procedures and Guidelines Number 910](#), Employees Cooperation in the Administrative Investigations Process

[Los Angeles County Code Chapter 5.09](#)

## POLICY

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### THE POLICY

All Los Angeles County (County) employees are required to conduct themselves in accordance with the entirety of this County Policy of Equity (Policy), and all applicable local, county, state, and federal laws.

### COUNTY POLICY OF EQUITY: PROHIBITED CONDUCT

Each County employee is responsible for understanding and abiding by these definitions of prohibited conduct as they may impact any administrative process/proceeding for potential violations of this Policy and/or associated Procedures.

### COUNTY POLICY OF EQUITY: DISCRIMINATION

Discrimination is the disparate or adverse treatment of an individual based on or because of that individual's age (40 and over); ancestry; color; ethnicity; religious creed (including religious dress and grooming practices); denial of family and medical care leave; disability (including mental and physical disability); marital status; medical condition (cancer and genetic characteristics); genetic information; military and veteran status; national origin (including language use restrictions); race; sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding); gender; gender identity; gender expression; sexual orientation; and any other protected characteristic protected by state or federal law.

### COUNTY POLICY OF EQUITY: SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature which meets any one of the following criteria:

- 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 the individual's employment or creating an intimidating, hostile, offensive, or abusive working environment.

COUNTY POLICY OF EQUITY: UNLAWFUL HARASSMENT (OTHER THAN SEXUAL)

Unlawful harassment of an individual because of the individual's age (40 and over); ancestry; color; ethnicity; religious creed (including religious dress and grooming practices); denial of family and medical care leave; disability (including mental and physical disability); marital status; medical condition (cancer and genetic characteristics); genetic information; military and veteran status; national origin (including language use restrictions); race; sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding); gender; gender identity; gender expression; sexual orientation; and any other protected characteristic protected by state or federal law is also discrimination and prohibited. Unlawful harassment is conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

COUNTY POLICY OF EQUITY: THIRD-PERSON HARASSMENT

Third-person unlawful harassment is indirect harassment of a bystander, even if the person engaging in the conduct is unaware of the presence of the bystander. When an individual engages in harassing behavior, he or she assumes the risk that someone may pass by or otherwise witness the behavior. The County considers this to be the same as directing the harassment toward that individual.

COUNTY POLICY OF EQUITY: INAPPROPRIATE CONDUCT TOWARD OTHERS

Inappropriate conduct toward others is any physical, verbal, or visual conduct based on or because of age (40 and over); ancestry; color; ethnicity; religious creed (including religious dress and grooming practices); denial of family and medical care leave; disability (including mental and physical disability); marital status; medical condition (cancer and genetic characteristics); genetic information; military and veteran status; national origin (including language use restrictions); race; sex (including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding); gender; gender identity; gender expression; sexual orientation; and any other protected characteristic protected by state or federal law, when such conduct reasonably would be considered inappropriate for the workplace.

This provision is intended to stop inappropriate conduct based on a protected status before it becomes discrimination or unlawful harassment. As such, the conduct need not meet legally actionable state and/or federal standards of severe or pervasive to violate this

Policy. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc., **may** constitute conduct that violates this policy and is grounds for discipline. Similarly, the conduct need not be unwelcome to the party against whom it is directed; if the conduct reasonably would be considered inappropriate by the County for the workplace, it **may** violate this Policy.

### COUNTY POLICY OF EQUITY: RETALIATION

Retaliation for the purposes of this Policy is an adverse employment action against another for reporting a protected incident or filing a complaint of conduct or opposing conduct that violates this Policy or the law, or participating in an investigation, administrative proceeding or otherwise exercising their rights or performing their duties under this Policy or the law.

### COUNTY POLICY OF EQUITY: EXAMPLES OF CONDUCT THAT MAY VIOLATE THIS POLICY AND SCOPE OF COVERAGE

**Depending on the facts and circumstances, the below are examples of conduct that may violate this Policy. Please be advised that this is not exhaustive:**

- Posting, sending, forwarding, soliciting or displaying in the workplace any materials, documents or images that are, including but not limited to, sexually suggestive, or racist;
- Verbal conduct such as whistling and cat calls, using or making lewd or derogatory noises or making graphic comments about another's body, or participating in discussions about sexual experiences and/or desires;
- Verbal conduct such as using sexually, racially or ethnically degrading words or names, using or making racial or ethnic epithets, slurs, or jokes;
- Verbal conduct such as comments or gestures about a person's physical appearance which have a racial, sexual, disability-related, religious, age or ethnic connotation or derogatory comments about religious differences and practices;
- Physical conduct such as touching, pinching, massaging, hugging, kissing, rubbing the body or making sexual gestures;
- Visual conduct such as staring, leering, displaying or circulating sexually suggestive objects, pictures, posters, photographs, cartoons, calendars, drawings, magazines, computer images or graphics;
- Sexual advances or propositions, including repeated requests for a date;
- Adverse employment actions like discharge and/or demotion.

### SCOPE OF COVERAGE

County Workforce: For purposes of this Policy, County Workforce includes but is not limited to County employees, applicants for employment, unpaid volunteers and interns, and persons providing services pursuant to a contract.

Location: This Policy prohibits discrimination, unlawful harassment, retaliation, and inappropriate conduct toward others based on a protected status, whether in the workplace or in an environment with a nexus to the workplace, including in other work-related

settings such as off-site work-related events (e.g., retirement parties).

Communication System/Equipment: This Policy also applies to the use of any communication system or equipment in the workplace, including but not limited to, electronic mail, internet, intranet, telephone lines, computers, facsimile machines, voice-mail, radio, cell phones, and mobile digital terminals. Employees may be disciplined in accordance with this Policy for using any communication system or equipment to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy.

#### COUNTY POLICY OF EQUITY: REPORTING VIOLATIONS OF THIS POLICY

Any County employee who believes they have been subjected to conduct that potentially violates this Policy is strongly encouraged to report the matter to a supervisor or manager, whether or not the employee is directly supervised by that person, or to the County Intake Specialist Unit (CISU). The CISU may be reached by phone: **1-855-999-CEOP (2367)** or website: <https://CEOP.bos.lacounty.gov> and is located at: **Kenneth Hahn Hall of Administration, 500 West Temple Street, Room # B-26, Los Angeles, CA 90012**

Any non-supervisory County employee who has knowledge of conduct that potentially violates this Policy is also strongly encouraged to report the matter.

Any County employee who believes they have been subjected to conduct that potentially violates this Policy has the right to, without undue obstruction or interference, report the potential violation to a supervisor or manager other than their direct supervisor.

Supervisors and managers have an affirmative duty to report potential violations of this Policy to the CISU. Supervisors and managers also have additional duties and responsibilities as detailed in the procedures associated with this Policy.

All complaints filed under the Policy will undergo a fair, complete, and timely investigation, followed by a reasonable conclusion drawn from the evidence collected. The County will take appropriate corrective action if misconduct is revealed.

County employees may also contact the California Department of Fair Employment and Housing (DFEH) by calling (800) 884-1684 or visiting their website at [www.dfeh.ca.gov](http://www.dfeh.ca.gov); and/or may contact the Federal Equal Employment Opportunity Commission by calling (213) 894-1000 or (800) 669-4000 or visiting their website at [www.eeoc.gov](http://www.eeoc.gov).

#### COUNTY POLICY OF EQUITY PROCEDURES: DUTIES OF SUPERVISORS AND MANAGERS

Under these Procedures, supervisors and managers have an affirmative duty to perform certain duties as enumerated below.

Supervisors and managers, for purposes of the Policy include: any employee regardless of job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees,

or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

NOTE:

FAILURE BY ANY SUPERVISOR OR MANAGER TO CARRY OUT THESE DUTIES MAY BE CAUSE FOR DISCIPLINE

Duty of All Supervisors and Managers to Report

Supervisors and managers have an affirmative duty to report potential violations of the Policy. Supervisors and managers are required to report potential violations of the Policy to the CISU as provided below even when a complaining or reporting party requests that no action be taken. The supervisor or manager shall:

Immediately notify the CISU of the incident(s) or complaint and any initial steps taken by the supervisor or manager; and complete a County Policy of Equity Report /Notification form ("CPOE Report Form") with the CISU.

Additional Duties of All Supervisors and Managers

Supervisors and managers are also responsible for:

- Being aware of, abiding by and understanding the Policy and Procedures, as well as any modifications that may be made to them;
- Actively monitoring the work environment to ensure that conduct that potentially violates the County Policy of Equity is not occurring;
- Informing County employees under their supervision of the types of behavior prohibited, and the County's procedures for reporting and resolving complaints arising under the Policy;
- Stopping conduct that potentially violates the Policy and taking immediate and **appropriate administrative action** whether or not the involved County employees are within their line of supervision; and
- If a situation requires separation of the involved parties, particular care must be taken to avoid actions that appear to punish the complaining party. (Note: Supervisors are not required to place themselves in physical harm's way to separate the parties.)

Supervisors and managers have the foregoing duties whether or not a complaint has been made.

### Additional Duties of Department Heads

In addition to the duties described above, Department Heads have the following duties:

- Ensuring that the CPOE is disseminated to every employee in the Department; and
- Ensuring that each employee is provided access to a computer capable of utilizing the County's online CPOE reporting portal, and reasonable time to make use of the portal or file a CPOE Report Form, and ensuring that blank CPOE Report Forms are maintained in a prominent and accessible place in every Department Unit. It is the further duty of the Department Head to ensure that the location, availability, and purpose of the computer portal and the CPOE Report Forms are made known to each Department member.

### COUNTY POLICY OF EQUITY: DUTY TO COOPERATE

All County employees are responsible for cooperating fully in any administrative investigation related to this Policy in accordance with County PPG 910.

### COUNTY POLICY OF EQUITY: NO RETALIATION

This Policy absolutely prohibits retaliation. No County employee will be subjected to an adverse employment action for: making a complaint of conduct, or opposing conduct that potentially violates this Policy, or cooperating in any administrative investigation or otherwise preventing prohibited practices under this Policy. The County will take corrective administrative action to prevent retaliation, including the imposition of appropriate discipline to any County employee who engages in retaliation.

### DUE PROCESS, GRIEVANCE AND APPEAL RIGHTS

#### County Employee Rights

All applicable County employee due process, grievance and appeal rights remain intact under this Policy and Procedures.

Represented County employees may grieve disciplinary actions according to the terms of applicable memoranda of understanding ("MOU") negotiated by the Department and the union representing said members. As such, these MOUs may require separate or additional procedures according to their respective terms.

#### Supervisors' and Managers' Responsibilities

Any supervisor authorized to conduct grievance shall promptly communicate, in writing, to the Executive Director of the County's Equity Oversight Panel and to the involved subject's Department Head the factual basis for any decision to modify the County Equity Oversight Panel's recommendation. Failure to do so may be cause for discipline.



### Appeals to Civil Service Commission

County Employees also may appeal final determinations of discipline to the Civil Service Commission in accordance with the Civil Service Rules. The Department shall notify the Executive Director of the County's Equity Oversight Panel of a settled Civil Service Commission case.

### COUNTY POLICY OF EQUITY PROCEDURES: EXTERNAL COMPLAINT MONITORING

The CISU shall receive and process all external discrimination, harassment, and/or retaliation complaints. A Department in receipt of an external discrimination, harassment and/or retaliation complaint shall forward the complaint to the CISU for processing. Where appropriate, the CISU will forward the complaint to the County's Equity Investigations Unit (CEIU) for investigation and any required contact, communication and/or closure with the involved external entity.

### COUNTY POLICY OF EQUITY PROCEDURES: CONFIDENTIALITY

The County shall maintain all complaint-related information in confidence to the extent possible given the obligation to conduct a full and fair investigation. For more information concerning confidentiality, County employees should contact the CISU.

## **INFORMATION ABOUT THE POLICY AND PROCEDURES**

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### CPOE COMPLAINT PROCESS

#### Reporting Complaints

Any County employee who believes they have been subjected to conduct that potentially violates the Policy is encouraged to report the matter to:

- A supervisor or manager (whether or not in the County employee's chain-of-command); or
- The CISU by phone at: **1-855-999-CEOP (2367)**, or website: <https://CEOP.bos.lacounty.gov> or by visiting: **Kenneth Hahn Hall of Administration, 500 West Temple Street, Room # B-26, Los Angeles, CA 90012**

Non-supervisory County employees are also encouraged to report potential violations of the Policy directed toward another to a supervisor, manager, or to the CISU, the contact information for which has been provided above. Supervisors and managers have an affirmative duty to report potential violations of the Policy in accordance with the

procedures detailed above.

### County Intake Specialist Unit

The CISU is an initial point of contact for County employees who wish to report a potential violation of the Policy. County employees are not required to identify themselves when contacting the CISU. The CISU also functions as a specialized resource for all County employees concerning the CPOE and these Procedures. The CISU shall respond to inquiries, including anonymous inquiries, about the Policy and Procedures and provide information to County employees about, among other things, their rights and responsibilities and complaint and investigation procedures concerning administrative equity matters. If a caller provides enough information to indicate a potential violation of the Policy, the CISU shall complete the CPOE Report Form and inform the caller of this fact.

The CISU shall be responsible for conducting an initial investigation of the CPOE Report Form/complaint to determine the appropriate course of action based on the designations below:

- "A" designation indicates that, based on the initial intake investigation, it is determined that there has been/is a potential violation of the County Policy of Equity, which rises to a level requiring a further investigation by the County Equity Investigations Unit (CEIU);
- "B" designation indicates that, based upon the initial intake investigation, the County Intake Specialist Unit (CISU) has determined that although the situation may involve, or appear to involve, an equity issue, the situation does not rise to the level of a potential violation of the County Policy of Equity;
- "C" designation indicates that, based upon the initial intake investigation, the CISU has determined that there is no equity issue involved;
- "E" designation indicates that the initial intake investigation reveals that a discrimination, harassment, and/or retaliation complaint was received by County from an external agency, such as the California Department of Fair Employment and Housing (DFEH), and/or from the Federal Equal Employment Opportunity Commission (EEOC); and
- "N" designation indicates a non-County involved incident.

The CISU shall contact the complainant during the course of the investigation if there is a reasonable basis to believe retaliation is occurring. The CISU shall make prompt notification to the appropriate parties if an issue of retaliation is raised.

### Investigating Complaints: The County Equity Investigations Unit

The County Equity Investigations Unit (CEIU) is responsible for promptly, fully and fairly investigating CPOE Report Forms/complaints of conduct that potentially violate the Policy

or Procedures. CEIU investigations shall be prompt, thorough, objective, and complete. CEIU investigations shall be as confidential as reasonably possible, and consistent with the County's obligation to conduct a full and fair investigation. Upon conclusion of the investigation, the CEIU investigators shall present their findings to the County Equity Oversight Panel (CEOP) for review.

#### Review of County Equity Investigations Unit Investigations

- The County Equity Oversight Panel

The CEOP is an independent oversight body which, in accordance with the procedures described in this section, shall have authority and be responsible for reviewing CEIU investigations and making recommendations to County Department Heads concerning the disposition and discipline recommended. The CEOP shall meet as needed to discuss and review each CEIU investigation.

- The Review Process

The review process shall consist of the following steps:

The CEOP shall receive a thorough briefing from and have the opportunity to question the CEIU investigator(s) who handled the investigation. The involved Subject's Department Head or supervising chain of command shall attend the briefing. After the briefing presented by the CEIU investigator, the CEOP shall recommend appropriate dispositions and discipline, if discipline is warranted.

- The CEOP shall meet to read, review and discuss each CEIU investigation;
- In all cases, the CEOP may direct the CEIU to conduct further investigation. If further investigation is directed, another briefing shall be held in accordance with this section after the investigation; and
- The Executive Director of the CEOP shall communicate the Panel's recommendations to the involved Department Head. When required, the involved Department shall issue all required administrative action letters to the Subject or, where appropriate, inform the Subject that the complaint was substantiated, unsubstantiated, or inconclusive. At the same time, the involved Department shall issue a letter to the Complainant indicating the status of administrative action.

## **RESPONSIBLE DEPARTMENTS**

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Executive Office of the Board of Supervisors

County Department of Human Resources