

**EXECUTIVE OFFICE**



**BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES**

**EDWARD YEN**  
EXECUTIVE OFFICER

**COUNTY OF LOS ANGELES  
EXECUTIVE OFFICE  
BOARD OF SUPERVISORS**

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**MEMBERS OF THE BOARD**

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December 03, 2024

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**RECOMMENDATION TO APPROVE UPDATES TO BOARD POLICY 9.015 - COUNTY POLICY  
OF EQUITY AND EXTEND SUNSET REVIEW DATE  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

The Executive Office of the Board is requesting approval of several key updates to Board Policy 9.015, County Policy of Equity (Policy), and to amend its Sunset Review period.

**IT IS RECOMMENDED THAT THE BOARD:**

Approve the attached proposed updates to Board Policy No. 9.015, County Policy of Equity (CPOE), and amend its Sunset Review to a period of four years, with the next scheduled date of December 31, 2028.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Background

First adopted by the Board of Supervisors in 2011, the County Policy of Equity (CPOE) strictly prohibits workplace inappropriate conduct, harassment, retaliation, and discrimination based on a legally protected characteristic. While meeting legal obligations under the California Fair Employment and Housing Act (FEHA) and Title VII of the Federal Civil Rights Act, the CPOE was also designed to not only prohibit unlawful conduct, but to proactively prevent and correct unacceptable workplace conduct and uphold the highest of standards of professionalism in the workplace. Uniquely, the CPOE Program stands apart from any other known municipal or

government entity by featuring a novel and non-traditional investigative process. Rather than following a standard single investigator human resources-focused model, the CPOE Program features a robust 'checks and balances system' administered by two central County departments (the Executive Office of the Board of Supervisors (EO) and the Department of Human Resources (DHR)) with oversight by a panel of independent employment experts to ensure a fair and thorough investigative process, free from bias, conflict, or outside influence.

The CPOE continues to evolve, adapt, and improve with your Board's unwavering support and vision for this novel workplace program. Notably, while several programmatic enhancements are underway and forthcoming in collaboration with the Anti-Racism, Diversity, and Inclusion Initiative (ARDI), the following key updates to the CPOE are proposed for your approval.

### Legally Required Updates and Incorporation of Fair Chance Protections into the CPOE

Over the past several years, several programmatic enhancements and updates pursuant to State law have been incorporated into the CPOE. Specifically, with the Board's approval, the CPOE was last revised and streamlined in 2021 to incorporate best practices and alignment with the Board's vision for the County's anti-racist policy agenda, to reflect newly codified protected characteristics under State law, and to effectuate greater ease of understanding for employees and stakeholders.

In accordance with the Board's vision, recent additional updates under State law, and to advance the Board's priority of removing the stigma attached to system-impacted individuals and ensuring individuals with criminal records have fair and equitable access to opportunities for gainful employment, the following several key updates to the CPOE are proposed as follows:

- Incorporate "Persons with Criminal History" as an additional protected category consistent with the County's Fair Chance Ordinance and Fair Chance Board Policy (approved by your Board at its meeting on September 24, 2024);
- Add Reproductive Loss Leave as a new protected category pursuant to Senate Bill 848 and as codified under California Government Code Section 12945.6 amending the California Fair Employment and Housing Act (FEHA);
- Add Reproductive Health Decision-Making as a new protected category pursuant to Senate Bill 523 amending FEHA;
- Add Off Duty Cannabis Use as a new protected category pursuant to Assembly Bill 2188 and as codified under California Government Code Section 12954 amending FEHA;
- Update CPOE Section 12 (Additional Duties of Managers and Supervisors) to incorporate the responsibility of managers and supervisors to not only comply with substantive provisions under the policy, but to model and demonstrate appropriate behavior for the workplace; and
- Update the sunset review date to four years, consistent with the Board Policy Manual and the previously established sunset review period for the CPOE. Please note that if updates are necessary before the extended sunset review period, the responsible departments will return to your Board in advance of the required deadline.

**Implementation of Strategic Plan Goals**

This recommended action is consistent with principles of the Countywide Strategic Plan, Goal III.1: Continually Pursue Development of Our Workforce, as well as Goal III.3: Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability.

**FISCAL IMPACT/FINANCING**

There is no anticipated fiscal impact or financing required to update the Policy.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

At its meeting held on October 16, 2024, the Audit Committee reviewed and approved the attached proposed updated Policy and extended Sunset Review period.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

Approval of the updated Policy will be consistent with legal requirements under FEHA and will allow for continued successful administration of the CPOE Program, with the goals of protecting the workforce from unlawful discrimination, harassment, retaliation, and inappropriate conduct, and preventing unnecessary legal exposure to the County.

Respectfully submitted,



Edward Yen

Executive Officer

EY:SH:VB:BS

Enclosures

c: Chief Executive Officer  
County Counsel  
Director of Personnel



*Los Angeles County*  
**BOARD OF SUPERVISORS POLICY MANUAL**

Policy #:	Title:	Effective Date:
<b>9.015</b>	<b>County Policy of Equity</b>	<b>07/01/11</b>

**PURPOSE**

This Policy supports the County's mission to actively champion diversity, equity, inclusivity and belonging across the County workforce, including promoting the vision of a truly anti-racist organization. In furtherance of this mission, this Policy shall uphold the highest of standards of workplace conduct by advancing ~~is intended to preserve the~~ dignity, respect, and professionalism ~~of at~~ the workplace and as well as to protecting the right of all employees to be free from discrimination, sexual harassment, harassment (other than sexual), retaliation and inappropriate conduct toward others based on a state or federal protected characteristic.

~~Inappropriate conduct toward others, Discrimination, sexual harassment, harassment (other than sexual), and retaliation are contrary to the values of the County of Los Angeles. As such, all members of the County workforce are responsible for conducting themselves in accordance with this Policy and its associated Procedures. Further, the County will not tolerate retaliation for filing a complaint under the Policy or similar state or 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 will not tolerate inappropriate conduct toward others based on a protected characteristic even if the conduct does not meet the Policy definition of discrimination, retaliation, sexual harassment, or harassment.

~~Further~~ Moreover, the County will not tolerate retaliation for filing a complaint under the Policy or similar state or 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. ~~Inappropriate conduct toward others, discrimination, sexual harassment, harassment (other than sexual), and retaliation are contrary to the values of the County of Los Angeles. As such, all members of the County workforce are responsible for conducting themselves in accordance with this Policy and its associated Procedures.~~

Violation of the Policy and/or Procedures ~~will~~ may lead to appropriate administrative action including, but not limited to, counseling, training, written warning, written reprimand, suspension, demotion, ~~or~~ discharge, or a requirement to engage in traditional, alternative, or holistic dispute resolution.

Managers, supervisors, co-workers, and certain third parties are prohibited from engaging in unlawful behavior under the Fair Employment and Housing Act, and this Policy.

## 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](#)

[Board Policy 9.101 Sexual Harassment Prevention Training for County Employees](#)

[Board Policy 9.102 Discrimination Prevention Training for Managers and Supervisors](#)

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

[Department of Human Resources Policies, Procedures and Guidelines Number 514, Designation of Sensitive Positions and Conviction History Assessments](#)

[Los Angeles County Code Chapter 5.09](#), Policy of Equity

[Los Angeles County Code Chapter 5.10, Policy on Diversity](#)

June 6, 2017 [Board Order No. 8](#)

[California Government Code Section 12921](#)

[California Government Code Section 12940 et seq.](#)

[Board Policy 9.035, County Fair Chance Policy](#)

~~Department of Human Resources, [Policies, Procedures and Guidelines Number 812](#), County Policy of Equity~~

## POLICY

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### THE POLICY

All members of the Los Angeles County (County) workforce 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**

All members of the County workforce are responsible for understanding and abiding by the ~~standards~~ ~~se definitions~~ of prohibited conduct ~~set forth in the Policy~~.

**COUNTY POLICY OF EQUITY: PROTECTED CHARACTERISTICS**

Age (40 and over)	Ancestry	Color
Ethnicity	Religious Creed <i>(including religious dress and grooming practices)</i>	Denial of family and medical care leave
Disability <i>(including mental and physical disability)</i>	Marital Status	Medical Condition <i>(cancer and genetic characteristics)</i>
Genetic Information <i>(including family medical history)</i>	Military and Veteran Status	National Origin <i>(including language use restrictions)</i>
Race <i>(inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles)</i>	Sex <i>(including pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding)</i>	Gender <i>(includes gender identity and gender expression)</i>
Sexual Orientation	<u>Reproductive Health Decision-Making</u>	<u>Reproductive Loss Leave</u>
<u>Off Duty Cannabis Use</u>	<u>Persons with Criminal History (as defined under Board Policy 9.035)<sup>1</sup></u>	Any Other Characteristic Protected by State or Federal Law

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**SCOPE OF COVERAGE**

County Workforce: For purposes of this Policy, County workforce includes but is not limited to County employees (including supervisors and managers), Commissioners, contractors, applicants for employment, unpaid volunteers and interns, and persons providing services pursuant to a contract. Complaints raised by members of the public, patrons, or otherwise not members of the County workforce may be investigated under the Policy in appropriate circumstances.

<sup>1</sup> The scope of the protections under this Policy for Persons with Criminal History is limited to applicant and employee complaints for potential violations of the protections, processes, and procedures set forth in Fair Chance Board Policy 9.035 and accompanying PPG 514 (County Fair Chance Policies).

Location: This Policy prohibits discrimination, harassment, sexual harassment, retaliation, and inappropriate conduct toward others based on a protected ~~status~~ characteristic, whether in the workplace or in an environment with a nexus to the workplace.<sup>2</sup>

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, voicemail, virtual meeting and communication platforms, radio, cell phones, social media, and mobile digital terminals.

### SECTION 1. COUNTY POLICY OF EQUITY: DISCRIMINATION

Discrimination is the disparate or adverse treatment of an individual (based on or because of any state or federal ~~of the~~ protected characteristic, such as those set forth e-as delineated in this Policy).

### SECTION 2. COUNTY POLICY OF EQUITY: SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature ~~which-that~~ 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, and a reasonable person subjected to the conduct would find that the harassment so altered working conditions as to make it more difficult to perform the job.

### SECTION 3. COUNTY POLICY OF EQUITY: HARASSMENT (OTHER THAN SEXUAL)

Harassment is unwelcome conduct ~~which-that~~ has the purpose or effect of unreasonably

<sup>2</sup> This may include, but is not limited to conduct, language, comments, gestures, photos, or social media use whether or not taking place in the county workplace or during working hours, if sufficiently connected to the workplace or otherwise jurisdictional to the Policy.

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interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment (based on or because of any state or federal of the protected characteristics such as those set forth delineated in this Policy).

#### SECTION 4. COUNTY POLICY OF EQUITY: THIRD-PERSON HARASSMENT

Third-person 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 potentially harassing behavior, that person 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.

#### SECTION 5. COUNTY POLICY OF EQUITY: INAPPROPRIATE CONDUCT TOWARD OTHERS

Inappropriate conduct toward others is any conduct (based on or because of any state or federal of the protected characteristic such as those set forth delineated in this Policy) when such conduct reasonably would be considered inappropriate for the workplace.

This provision is intended to stop inappropriate conduct based on a protected characteristic or activity before it rises to the level of discrimination, sexual harassment, retaliation, or harassment under the Policy.

As such, the conduct need not meet legally actionable state and/or federal standards to violate this Policy. An isolated derogatory comment, joke, racial slur, sexual innuendo, etc., may constitute conduct that violates this Policy. Similarly, the conduct need not be unwelcomed by 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.

#### SECTION 6. COUNTY POLICY OF EQUITY: RETALIATION

~~This Policy prohibits retaliation.~~ Retaliation for the purposes of this Policy is an adverse employment action against another for: 1) reporting a protected incident; 2) filing a complaint of conduct or opposing conduct that violates this Policy or related State or Federal law; or 3) participating in an investigation, administrative proceeding or otherwise exercising their rights or performing their duties under this Policy or related State or Federal law. Retaliatory conduct not rising to a violation of this provision may nonetheless violate the Inappropriate Conduct Toward Others policy provision, as mentioned above.

#### SECTION 7. COUNTY POLICY OF EQUITY: DUTY TO COOPERATE

~~All~~ In accordance with County Policies, Procedures, and Guidelines (PPG) 910, all County employees are responsible for cooperating fully in any administrative investigation related to this Policy ~~y in accordance with County Policies, Procedures, and Guidelines (PPG) 910.~~ Interview Cooperation at the initial complaint and investigation stages ensures accurate and thorough information is obtained.

#### SECTION 8. NO RETALIATION

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This Policy absolutely prohibits retaliation. No County employee will be subjected to an adverse employment action for: ~~1) reporting a protected incident; 2) filing making a~~ complaint of conduct, or opposing conduct that potentially violates this Policy or related State or Federal law; or ~~3) participating cooperating in any administrative investigation, administrative proceeding or otherwise preventing exercising their rights or performing their duties under this Policy or related State or Federal law. The prohibited practices or performing duties 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.

#### SECTION 9. 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 and to the extent permitted by law. For more information concerning confidentiality, County workforce members should contact the County Intake Specialist Unit (CISU).

#### SECTION 10. COUNTY POLICY OF EQUITY: DUTIES OF SUPERVISORS AND MANAGERS

Supervisors and managers have an affirmative duty to report potential violations of this Policy to the ~~County Intake Specialist Unit (CISU)~~. Supervisors and managers also have additional duties and responsibilities as detailed in the procedures associated with this Policy.

Supervisors and managers, for purposes of the Policy include: any member of the County workforce 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 such action, if, in connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the exercise of independent judgment.

#### SECTION 11. 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. Supervisors and managers remain responsible under this provision if the reporting has been delegated and a report is not made as set forth below. The supervisor or manager shall:

- Within a reasonable time under the circumstances, notify the CISU of the incident(s) or complaint and any initial steps taken by the supervisor or manager;

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and

- Complete a County Policy of Equity Report/Notification form ("~~CPOE~~ Report Form") with the CISU.
  - The CISU encourages the filing of ~~CPOE~~ Report Forms via website through the online complaint portal at <https://ceop.lacounty.gov>.

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## SECTION 12. ADDITIONAL DUTIES OF ALL SUPERVISORS AND MANAGERS

Supervisors and managers are also responsible for:

- Being aware of, abiding by and understanding the Policy and its pProcedures, as well as any modifications or updates that may be made ~~to them~~it;
- Complying with the Policy's substantive provisions, and also serving as role models and exemplifying appropriate workplace behaviors to colleagues, customers, and employees;
- Actively monitoring the work environment, including proactively fostering open dialogue with staff and colleagues, to ensure that conduct that potentially violates the County Policy of Equity is not occurring;
- ~~Informing County workforce members under their supervision of the types of behavior prohibited, and the County's procedures for reporting and resolving complaints arising under the Policy;~~
- To the extent reasonable, stopping conduct that potentially violates the Policy and taking appropriate administrative action regardless of whether the involved County employees are within their line of supervision; and
- If a situation requires separation of the involved parties, work with their department's Human Resources office to perform a substantive evaluation of the circumstances before any or all of the parties' assignments or work locations are adjusted, and ensure particular care ~~must be~~is taken to avoid actions that punish the complaining party. (Note: Supervisors and managers are not required to place themselves in physical harm's way to separate the parties in emergent situations.)

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Supervisors and managers have the foregoing duties regardless of whether a complaint has been made.

## SECTION 13. ADDITIONAL DUTIES OF DEPARTMENT HEADS

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

- Ensuring that the Policy is disseminated to all employees within the Department; and

- Ensuring that each County workforce member is provided access to a computer or mobile device capable of utilizing the County's online ~~GPOE-complaint~~ reporting portal, and reasonable time to make use of the portal or file a ~~GPOE-Report Form~~, and ensuring that if appropriate, blank ~~GPOE-Report F~~forms are maintained in a prominent and accessible place. It is the further duty of the Department Head to ensure that the location, availability, and purpose of the computer portal or mobile device and the ~~GPOE-Report F~~forms are made known to all department members.

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- Endorse and promote in good faith the Alternative Dispute Resolution (ADR) process, including but not limited to mediation, facilitated conversations, conciliation sessions, peer-to-peer resources, and where appropriate, all available holistic methods of resolving disputes, conflicts or misunderstandings.

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**EXAMPLES OF CONDUCT THAT MAY VIOLATE THIS POLICY**

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

- Posting, sending, forwarding, soliciting, or displaying in the workplace any materials, documents or images that are ~~inappropriate, including but not limited to, sexually suggestive, 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-that~~ 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;

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- Sexual advances or propositions, including repeated requests ~~for a date of this~~ nature;
- Adverse employment actions like discharge and/or demotion based on or because of any of the protected characteristics delineated in this Policy.

REPORTING POTENTIAL VIOLATIONS OF THIS POLICY

Any member of the County workforce 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, regardless of whether the County workforce member is directly supervised by that person. As noted above, supervisors and managers as defined in this Policy 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.

- The County Intake Specialist Unit (CISU). The CISU may be reached as follows:
  - Website: <https://CEOP.lacounty.gov>;
  - By phone: **1-855-999-CEOP (2367)** or
  - Visiting the CISU located at: Kenneth Hahn Hall of Administration, 500 West Temple Street, Room # B-286, Los Angeles, CA 90012, during the hours of 8 am to 5 pm, Monday through Friday.

Any non-supervisory member of the County workforce who believes they have knowledge of conduct that potentially violates this Policy is also strongly encouraged to report the matter.

INVESTIGATIVE PROCESS AND CORRECTIVE ACTION

All complaints filed under the Policy will undergo a fair, complete, and timely investigation, followed by reasonable conclusions drawn from the evidence collected. The scope of each investigation shall be determined by the facts presented. The County will take appropriate corrective action if misconduct is revealed, including, but not limited to, counseling, training, written warning, written reprimand, suspension, demotion, or discharge.

COUNTY POLICY OF EQUITY-- ADMINISTRATION

County Intake Specialist Unit

The CISU is an initial point of contact for County employees who wish to report a potential

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violation of the Policy. County employees are not required to identify themselves when contacting the CISU.<sup>3</sup> The CISU also functions as a specialized resource for all County employees concerning the CPOE Policy 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 Policy 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 utilizing 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 Policy, which rises to a level requiring a further investigation by the County Equity Investigations Unit (CEIU);

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- "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, a Policy on equity issue, the situation does not rise to the level of a potential violation of the County Policy of Equity and/or require a further investigation by the CEIU;

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- "C" designation indicates that, based upon the initial intake investigation, the CISU has determined that there is no equity Policy issue involved;
- "A/E" "B/E" "C/E" designation indicates that the initial intake investigation reveals that a discrimination, harassment, and/or retaliation complaint was received by the County from an external agency, such as the California Civil Rights Department (CRD) of Fair Employment and Housing (DFEH), and/or from the U.S. Equal Employment Opportunity Commission (EEOC); and
- "N" designation indicates a non-jurisdictional incident.

The CISU may contact the complainant during 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 revealed.

The CISU shall also make appropriate recommendations to County departments regarding "B," "C," and "N" designated complaints, including but not limited to recommending consideration of administrative investigation under departmental and/or other relevant Countywide policies, recommending mediation and/or alternative dispute

<sup>3</sup> Supervisors and managers must identify themselves if filing a complaint that is on behalf of another employee or employees.

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resolution, enhanced conflict resolution services, facilitated conversations, conciliation, peer-to-peer resources, or appropriate training programs.

#### Dispute Resolution Mediation Unit (DHR-DRM)

The Department of Human Resources Dispute Resolution Mediation (DHR-DRM) Section provides dispute resolution and mediation services to accelerate the resolution of complaints of employment discrimination, harassment, and retaliation, relating to the Policy. The mediation process promotes communication, cooperation, and the restoration of relationships by negotiating mutually agreed upon solutions or settlements. All Policy complaints (regardless of letter designation (A, B, C, or N) shall be referred to DHR DRM. Once received, DHR DRM engages with complaining parties and County departments via Invitations to Mediate to determine whether mediation can be an effective tool in each unique case. Departments are afforded 45 days to assess their cases, respond to the Invitation to Mediate, and advise DHR DRM if they will elect mediation. Complaining parties are afforded 10 days to respond to the Invitation to Mediate and inform DHR DRM if they will elect mediation. If both parties elect mediation, DHR DRM will proceed with coordinating the mediation. Departments shall respond to the Invitation to Mediate via the designated database system. Mediation shall be offered as a voluntary option, that both the employee and department must elect to participate in.

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DHR DRM shall retain a non-County contracted mediator to facilitate the mediation in conjunction with DHR DRM. The non-County mediator is a neutral party and will ensure facilitation of the mediation without unduly advocating either party's interests. The primary goal of the mediation session is to identify mutually agreed upon resolutions for the parties to address, correct, and remediate the concern(s) at issue. Although the timeframe to conduct a mediation may vary based on the availability of the parties, DHR DRM shall strive to conduct such mediation within 30-60 days from the date all parties agreed to mediate the issue.

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#### The County Equity Investigations Unit

The County Equity Investigations Unit (CEIU) is responsible for timely, fully and fairly investigating ~~CPOE~~ Report Forms/complaints of conduct that potentially violate the Policy or procedures. CEIU investigations shall be as confidential as reasonably possible, and consistent with the County's obligation to conduct a full, fair and impartial investigation.

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The completed investigation is submitted to the County Equity Oversight Panel (CEOP) for review.

#### 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 CISU assessment designations, and CEIU investigations, and making recommendations to

County Department Heads concerning ~~the disposition~~ and discipline corrective action recommended. The CEOP shall meet as needed to discuss and review each CEIU investigation.

The review process shall consist of the following steps:

The CEOP shall review each CEIU investigation and ~~have the opportunity to can~~ question the CEIU investigator(s) who conducted the investigation. The involved Subject's Department Head, designee, or other appropriate representative shall attend the briefing.<sup>4</sup> After the briefing, the CEOP shall recommend appropriate dispositions and discipline corrective action, if discipline is warranted.

- The CEOP shall meet to read, review and discuss each CEIU investigation; and
  - 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. When required, the involved Department shall issue all required notifications to the Subject or, where appropriate, inform the parties to the complaint that the complaint was substantiated, unsubstantiated, or inconclusive.

#### 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 if corrective action is imposed by a department as a result of this Policy. The investigative process and Panel recommendations are not subject to grievance or appeal.

Represented County employees may grieve disciplinary actions ~~according to covered by~~ 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.

##### Appeals to Civil Service Commission

County Employees may also 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.

#### ADDITIONAL DEPARTMENTAL DUTIES

<sup>4</sup> The CEOP briefing is an informal yet structured meeting between members of the CEOP and the appropriate Departmental representatives, during which the facts of the investigation(s) are discussed. At the conclusion of the briefing, the CEOP provides case disposition(s) and disciplinary recommendation(s).

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Departments must provide timely-regular status notifications related to all disciplinary County Equity Oversight Panel recommendations, to enhance accountability and oversight of the Panel recommendations process. Specifically, Departments shall provide regular status updates to the Executive Director of the CEOP (EDCEOP) regarding:

- Disciplinary-Corrective action imposed, as recommended by the Panel (along with date of imposition, to monitor timeliness of the disciplinary process);
- Decisions not to take disciplinary-recommended corrective action or to take a lesser form of corrective action than that recommended by the Panel;
  - Note: All Department Heads or designees shall promptly communicate, in writing, to the EDCEOP, the factual basis for any decision not to follow the recommendations of the County Equity Oversight Panel.
- Alterations to Panel-recommended disciplinary action taken, as a result of, but not limited to, Skelly proceedings, appeals processes (including Civil Service proceedings), and arbitrations.

Information collected regarding adherence to County Equity Oversight Panel recommendations may be reported to County Counsel, the Board of Supervisors, and/or the Department of Human Resources.

## WORKFORCE TRAINING

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The County requires that workforce members receive mandatory training to demonstrate receipt and understanding of their rights and obligations under the Policy. This training is required on a biennial basis.

In accordance with California law, employees must also complete one hour of sexual harassment and abusive conduct training for non-supervisory employees, and two hours of sexual harassment and abusive conduct prevention training for supervisory employees. Managers and supervisors of the County will also undergo training related to discrimination, harassment, retaliation, discipline, and effective management techniques with the aim of preventing disparate treatment, discrimination, and harassment.

All County workforce members are encouraged to enroll and participate in County-sponsored Anti-racism, Diversity, Equity, and Inclusion trainings that effectively engage employees to recognize implicit biases and microaggressions, and how these factors may contribute to judgments, decisions, and behaviors that impact the workplace.

## EXTERNAL COMPLAINT MONITORING



All members of the County workforce may also contact the California ~~Department of Fair Employment Civil Rights Department (CRD) and Housing (DFEH)~~ by calling (800) 884-1684 or visiting their website at ~~www.calcivilrights.ca.govwww.dfeh.ca.gov~~; and/or may contact the U.S. Equal Employment Opportunity Commission (EEOC) by calling (213) 894-1000 or (800) 669-4000 or visiting their website at [www.eeoc.gov](http://www.eeoc.gov).

The CEIU 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 CEIU for processing. The CEIU will file the complaint with the CISU for preliminary investigation and designation under the Policy. The CEIU shall make any required contact, communication and/or closure with the involved external entity.

#### RESPONSIBLE DEPARTMENT

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Executive Office of the Board of Supervisors

~~County~~ Department of Human Resources

#### DATE ISSUED/SUNSET DATE

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Issue Date: July 1, 2011

Review Date: July 16, 2015

Review Date: June 6, 2017

Review Date: June 25, 2019

Review Date: September 14, 2021

Review Date: September 9, 2024

Review Date: October 4, 2024

Sunset Date: July 1, 2015

Sunset Date: July 1, 2019

Sunset Date: July 1, 2021

Sunset Date: October 1, 2021

Sunset Date: October 1, 2023

Sunset Date: December 31, 2024

Sunset Date: December 31, 2028

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