



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT HARASSMENT POLICY	POLICY NO. 605.02	EFFECTIVE DATE 05/25/2010	PAGE 1 of 6
APPROVED BY:  Director	SUPERSEDES 01/01/1995	ORIGINAL ISSUE DATE 10/01/1989	DISTRIBUTION LEVEL(S) 1

PURPOSE

Los Angeles County - Department of Mental Health (LAC-DMH) is committed to providing a work environment that is free of harassment, discrimination, and inappropriate conduct towards others. LAC-DMH maintains a strict policy prohibiting harassment, discrimination, inappropriate conduct towards others, which applies to all DMH employees, including supervisors and managers, as well as vendors, customers, independent contractors, interns, and volunteers.

To ensure the work environment is free of harassment, discrimination, and inappropriate conduct towards others, the DMH has committed itself to doing the following:

- 1.1 Dissuade such unlawful practices through communication, training and other appropriate methods designed to train all employees and other persons involved with the LAC-DMH workforce regarding harassment, discrimination, and inappropriate conduct towards others.
- 1.2 Provide a means for LAC-DMH workforce members to notify their supervisors and/or managers of a harassment, discrimination, and/or inappropriate conduct situation to enable the supervisor and/or managers to take the necessary corrective actions, including removing the employee from that immediate environment.
- 1.3 Provide an internal complaint process for employees who experience or witness unlawful conduct that protects employees' confidentiality to the extent legally permissible, shields the individual from retaliation, and allows for appropriate corrective action.
- 1.4 Investigate all observed or reported instances of violations of this policy and take appropriate corrective action, including disciplinary action, when warranted.
- 1.5 Communicate to the complaining party, and to the alleged offender, the disposition of the complaint.



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- 1.6 This policy is intended to stop inappropriate conduct before it becomes unlawful discrimination or harassment. As such, to violate this policy, the conduct need not be pervasive or repeated. An isolated derogatory comment, joke, racial slur or sexual innuendo may violate this policy and subject the offender to disciplinary action. Similarly, to violate this policy, the conduct need not be unwelcome to the party against whom it is directed. If the conduct could reasonably be considered inappropriate for the workplace, it would violate this policy.

DEFINITIONS

- 2.1 Harassment, discrimination, retaliation, and other conduct violates this policy if it is based on any one of the following characteristics:

- Sex
- Transgender status
- Sexual orientation
- Race
- Skin Color
- Religious Creed or Beliefs
- Marital Status
- The Need for Medical Leave
- National Origin (Including accents)
- Ancestry
- Medical Condition
- Age (40 and above)
- Disability (Mental and Physical), Including HIV and AIDS
- Pregnancy, Childbirth, and Related Condition
- Any Other Basis Protected by Federal, State or Local Law, Ordinance or Regulation

POLICY

- 3.1 The Los Angeles County - Department of Mental Health (LAC-DMH) is committed to providing a work environment that is free of harassment, discrimination, and inappropriate conduct towards others. This policy applies to all DMH employees, job applicants, interns, volunteers and independent contractors.



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- 3.2 Personal behavior that matches the definition of harassment per Section 2.1 above will not be tolerated. LAC-DMH will take corrective actions to cause such behavior to be stopped and LAC-DMH workforce members will be subject to appropriate disciplinary action.
- 3.3 Sexual harassment is illegal and includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. This policy applies whenever such conduct meets any of the following three criteria:
- 3.3.1 Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - 3.3.2 Submission to, or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 - 3.3.3 Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, offensive or abusive working environment.
- 3.4 DMH prohibits retaliation against employees who oppose harassment and discrimination; who make a complaint in good faith or state their intention to complain in good faith about harassment or discrimination or retaliation; or who participate in any investigation or disciplinary proceeding involving claims of harassment, discrimination, or retaliation.

PROCEDURE

Internal DMH Reporting

- 4.1 Any LAC-DMH employee who believes that she or he has been subjected to conduct that violates this policy is strongly encouraged to report the issue to management. The employee should try to report the incident to his or her immediate supervisor or manager, but, depending on the circumstances, may instead report it to any supervisor or manager.
- 4.2 Any non-supervisory LAC-DMH employee who has any knowledge of conduct that violates this policy is strongly encouraged to report the matter to management. The employee should try to report the incident to his or her



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immediate supervisor or manager, but, depending on the circumstances, may also report it to any supervisor or manager.

- 4.3 Supervisors and managers should immediately report any violation of this policy to the Human Resources Bureau.

External Reporting

- 4.4 Any LAC-DMH employee who believes that she or he has been subjected to conduct that violates this policy, or has witnessed conduct that violates this policy, may (in addition to reporting the matter to management) report the matter to the following agencies:

4.4.1 L.A. County Office of Affirmative Action Compliance (OAAC):
(213) 974-1251

4.4.2 California Department of Fair Employment and Housing (DFEH):
(800) 884-1684 or on the web at www.dfeh.ca.gov

4.4.3 Federal Equal Employment Opportunity Commission (EEOC)
(213) 894-1000, (800) 669-4000, or on the web at www.eeoc.gov

- 4.5 For more information regarding the Fair Employment and Housing Act, the federal anti-discrimination statutes, DMH employees may refer to the California Department of Fair Employment and Housing's web site www.dfeh.ca.gov

- 4.6 The OAAC will promptly and thoroughly investigate all harassment, discrimination and retaliation complaints. DMH will take immediate corrective action as may be warranted by the investigation and the circumstances of the incident. All LAC-DMH employees are expected to cooperate fully in all such investigations.

- 4.7 If the investigation determines that behaviors violated this policy regarding harassment, discrimination, retaliation or inappropriate conduct towards others, the County will communicate the disposition to the complainant, to the offender, and to any other person on a need-to-know basis.



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On the other hand, if the investigation determines that no policy violation occurred regarding harassment, discrimination, retaliation or inappropriate conduct towards others the County will similarly communicate this finding to the complainant, to alleged offender, and to any other person on a need-to-know basis, and will make this finding a part of the record of the investigation.

Responsibilities of the Department Head

- 4.8 Based on LAC-DMH policy, the Department Head shall be responsible for promoting a work environment free from harassment, discrimination, retaliation and inappropriate conduct towards others covered by this policy. The Department Head or his or her designee is specifically required to do the following:
- 4.8.1 Disseminate this policy to every employee in the department.
 - 4.8.2 Ensure that all supervisory personnel comply with this policy and are held accountable for their failure or neglect to comply with this policy.
 - 4.8.3 Adopt a process for promptly responding to and resolving all complaints about harassment, discrimination, retaliation and other inappropriate conduct and communicate the details about this process to employees.

Responsibilities of County Managers and Supervisory Personnel

- 4.9 Managers and supervisory personnel shall also be responsible for promoting a work environment free from harassment, discrimination, retaliation and other inappropriate conduct towards others covered by this policy. Each manager and supervisor is specifically required to do the following:
- 4.9.1 Advise all employees under their supervision regarding LAC-DMH policy against harassment, discrimination, retaliation and other inappropriate conduct towards others.
 - 4.9.2 Ensure that all personnel decisions regarding complaints of harassment, discrimination, retaliation and other inappropriate conduct towards others are made in accordance with this policy.



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4.9.3 Take corrective action as may be warranted by the circumstances.

AUTHORITY

County Code Sections 5.08 and 5.09
California Fair Employment and Housing Act
Title VII of the Civil Rights Act of 1964, as amended
Los Angeles County Equal Employment Opportunity Policy
Los Angeles County Non-Discrimination Policy

REVIEW DATE

This policy shall be reviewed five (5) years following the date of approval.

RESPONSIBLE PARTY

Department of Mental Health – Human Resource Bureau