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June 21, 2018

TO: Supervisor Sheila Kuehl, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Janice Hahn
Supervisor Kathryn Barger

FROM: Celia Zavala, Acting Executive Officer
Executive Office of the Board of Supervisors

SUBJECT: **STATUS REPORT MEMORANDUM: ENHANCEMENTS TO THE COUNTY POLICY OF EQUITY PROGRAM**

On December 5 and 12, 2017, your Board received a comprehensive overview concerning the County's established policies and procedures relating to workplace equity complaints, and specifically those concerning sexual harassment. Consequently, on January 16, 2018, your Board directed the Executive Office of the Board of Supervisors and the Department of Human Resources (DHR), in consultation with County Counsel, to begin implementing various enhancements to the County's established County Policy of Equity (CPOE) Program. This memorandum is to provide you with a status update on these efforts.

- **Enhancement #1: Update CEOP's existing website containing the County's online CPOE complaint filing system to improve user-friendliness and accessibility, and further enhance the online experience.**

The Executive Office of the Board of Supervisors is pleased to report that on March 8, 2018, the County Equity Oversight Panel (CEOP) 'went live' with an enhanced website which was specifically re-designed with transparency and 'user-friendliness' in mind. Formerly, the CEOP utilized an *intranet*-based portal which featured a unique online complaint filing system. Now, the site is publicly accessible from any internet-connected device (e.g., smartphone, tablet, personal computer, etc.) and supports common operating systems, allowing individuals greater access to file a complaint outside of the County workplace. In addition to the enhanced accessibility, the website features a more plain language description of policy coverage and a new user-friendly "look and feel" as well as an official marketing campaign entitled: "ELEVATE: *Respect, React, Report*" (further detailed later in this memorandum). The enhanced website is located at: <https://ceop.lacounty.gov/>, and also contains additional helpful resources pertinent to the Policy and County workplace.

- **Enhancement #2: Augment technology to further integrate business processes.**

The CEOP has historically utilized a specially-designed database which houses confidential complaint and outcome information and analytical/trending data. This system operates separate and apart from DHR systems. To further streamline processes and enhance data reporting, CEOP and DHR are currently working with a vendor to bridge the distinct data systems, while maintaining autonomy as part of the 'checks and balances' system in place between the Executive Office of the Board of Supervisors and DHR, who each partner to administer the Program. Managers from each respective function have provided comprehensive workflow information to the vendor, who is actively working to integrate recommended efficiencies with a 'go live' date of early 2019.

- **Enhancement #3: Enhance marketing and outreach to further educate the workforce on the Policy's coverage and its associated complaint filing process.**

Since establishment of the CPOE Program by your Board in 2011, various outreach measures have been utilized to educate the County workforce on the applicability and meaning of the Policy. At present, the CPOE Program has designed a new marketing and outreach campaign entitled, "ELEVATE: *Respect, React, Report,*" which reinforces the importance of rejecting inappropriate workplace behavior and immediately reporting such conduct, so that our County workplaces are ELEVATED to environments that are free from discrimination, harassment, and inappropriate behavior connected to protected categories (including sexual harassment). The "ELEVATE" campaign is distinctly featured on the CEOP's enhanced website, and marketing materials are currently being distributed Countywide.

As an example, the Executive Office's CEOP has designed new workplace posters and educational desk reference guides and other resources featuring "ELEVATE" and memorable hashtags and catchphrases such as "Equity Matters" and "Just Equity" to assist employees and other covered staff remember the applicability and meaning of the Policy. In addition, beginning in December 2017, DHR published articles focused on the issue of harassment prevention in the monthly County Digest distributed to all County employees. The articles focused on educating the County workforce on the concepts related to harassment prevention. The ongoing articles strive to make County employees aware of applicable policies, communicate acceptable and unacceptable workplace conduct, educate the workforce about the CPOE complaint process, explain employees' rights and advise on how to act when a person feels they are subjected to a *hostile work environment* due to the sexual misconduct of another individual. CEOP has recently published a feature article revealing the County's new "ELEVATE" campaign in the County Digest. CEOP continues to provide individualized training, outreach and support to Departments and County leadership concerning the Policy and reporting processes.

Additionally, the CEOP has been working to prepare a survey to gauge the experience of those who have been engaged in the CPOE process. Results of this survey will be evaluated to identify any necessary enhancements or improvements to the process.

- **Enhancement #4: Enhance reports to present data, including volume and outcomes of complaints (including sexual harassment), along with a comparison to jurisdictions of a similar size and composition.**

Consistent with the enhancement in #2 above, the CEOP has identified areas within its current database portal requiring adjustments in order to generate more robust data and trending analytics, and other information relating to complaint outcomes. For example, the CEOP is currently working to generate relational reports on complaints which involve sexual harassment and/or inappropriate conduct toward others based upon sex, and cross reference this with disciplinary actions taken or in progress. Because the respective data sets are maintained separately, CEOP and DHR have been working to identify potential areas to integrate so that complaint and outcome data can be accessed more quickly and seamlessly. Additionally, CEOP continues to work with a consultant who is conducting research of other like jurisdictions to compare respective processes and data trending with respect to workplace sexual harassment issues. This confidential data outcome report will be reported to your Board shortly. To the extent any of the data is privileged, it will be provided through County Counsel.

- **Enhancement #5: Work with the Internal Services Department (ISD) to evaluate and incorporate applicable provisions of the Policy in all County service contracts.**

The Executive Office, CEOP, County Counsel, and ISD worked together to identify current obligations under the Policy related to County vendors, service contractors, and subcontractors. In an effort to bring greater consistency and enhanced accountability of vendors, service contractors, and subcontractors with respect to rights and obligations under the Policy, new contractual language has been developed as follows:

“The contractor acknowledges that the County takes its commitment to preserving the dignity and professionalism of the workplace very seriously, as set forth in the County Policy of Equity (CPOE) (<https://ceop.lacounty.gov/pdf/PolicyOfEquity.pdf>). The contractor further acknowledges that the County strives to provide a workplace free from discrimination, harassment, retaliation and inappropriate conduct based on a protected characteristic, and which may violate the CPOE. The contractor, its employees and subcontractors acknowledge and certify receipt and understanding of the CPOE. Failure of the contractor, its employees or its subcontractors to uphold the County's expectations of a workplace free from harassment and discrimination, including inappropriate conduct based on a protected characteristic, may subject the contractor to termination of contractual agreements as well as civil liability.”

We will be working with your Board to ensure that the aforementioned language is in all prospective County contracts.

- **Enhancement #6: Work with the Chief Executive Office (CEO) to assess and request additional permanent staff and resources, if needed, to address increased workload and increase productivity and efficiency included in the Fiscal Year 2018-2019 Budget Request and provide a written report back to the Board during Budget Deliberations.**

The CPOE Program has historically received yearly complaint filing increases and has closely analyzed trending and past performance of the Program to predict future volume and workload. Based on the increased complaint volume, and in anticipation of additional increases as a result of the enhanced marketing and outreach, the Executive Office – CEOP, who assesses all

CPOE complaints and manages the CEOP Panel, and DHR – County Equity Investigation Unit (CEIU), who conducts thorough investigations of complaints referred by the CEOP, have been working with the CEO to assess the need for additional resources.

Executive Office – CEOP

In the Fiscal Year 2018-2019 budget process, the Executive Office - CEOP requested a total of nine Deputy Compliance Officers, one Senior Deputy Compliance Officer, one Senior Board Specialist, and two contract panel members. In addition, a 10% contract maximum increase for all panel members was requested. In response to this request, during the Recommended and Final Changes budget phases, the CEO approved five Deputy Compliance Officers and one additional panel member (at a rate of \$100,000 annually).

The Executive Office-CEOP will continue to assess the existing and future volume of CEOP cases and determine if additional resources are needed in FY 19-20.

DHR – CEIU

The reduction in backlog of cases by the Executive Office - CEOP directly affects the volume of cases referred to investigation by DHR - CEIU. From January 2018 through May 2018, CEIU experienced a 104% increase in cases referred for investigation. During the same period, CEIU increased unit productivity by 6.8%. To address this recent workload increase and to maintain operational stability, DHR is currently exploring the expansion of its use of contractors to assist with the increased volume of new referrals and exploring enlarging the pool of available contractors. DHR will also request additional investigators (Deputy Compliance Officers) in its Supplemental Budget request.

- **Enhancement #7: Strengthen the timeliness and efficacy of mandatory training.**

DHR is currently working on improvements with respect to mandatory sexual harassment prevention and CPOE training. For example, enhanced instructor-led CPOE and sexual harassment prevention training is expected to “Go Live” by August 2018; enhanced *online* CPOE training is scheduled to “Go Live” in December 2018; and enhanced *online* sexual harassment prevention training is expected to “Go Live” in June 2019, due to funding issues and new outside vendor arrangements.

- **Enhancement #8: Work with County Department Heads to develop a mechanism to ensure compliance with mandatory training, including the obligations of supervisors and managers to report and monitor the workplace.**

DHR is pleased to announce that improvements are currently in progress with respect to enhancing Department Head Management Appraisal and Performance Plan (MAPP) ‘Job Success’ factors to strengthen engagement and the required enforcement of mandatory training by creating specific language to be included in all Department Head MAPP planning. Moreover, DHR will soon be working with individual departmental human resources units to ensure regular reporting and follow-up on mandatory training compliance, as well as to develop cross-departmental partnerships on sharing enforcement tools.

The Honorable Board of Supervisors
June 21, 2018

The Executive Office of the Board of Supervisors and DHR, in consultation with County Counsel, will continue to work toward full implementation of the above-recommended enhancements to the CPOE Program. Moreover, the Program will work diligently to pursue continued improvements, identify additional techniques to augment overall efficiency, increase transparency, and ensure broad accessibility.

CZ:JG:VB

c: County Counsel
Department of Human Resources