

# CITY OF LOS ANGELES

# WORKPLACE EQUITY

# COMPLAINT PROCEDURES

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## 1. INTRODUCTION

The City of Los Angeles' ("City") Workplace Equity Complaint Procedures establish the City's current processes for reporting, investigating, and resolving complaints of violations of the City's Workplace Equity Policy ("Policy").

All reports of Policy violations made to the Office of Workplace Equity using the Workplace Equity Complaint Procedures ("Equity Complaints") will be investigated in a fair, complete, and timely manner. All Equity investigations will be handled with discretion, sensitivity and due concern for the dignity of those involved. All "Equity Investigations" will be as extensive as required, based upon the nature of the allegations. Violations of the Policy will lead to prompt and appropriate administrative action including, but not limited to, counseling, training, written warnings, written reprimands, suspension, demotion, or discharge (as referenced in the Policies of the Personnel Department, Section 33.2).





## 2. INCIDENT REPORTING PROCEDURES

### 2.1 INCIDENT REPORTING PROCEDURES

Employees (as defined in section 2.1.1 of the Workplace Equity Policy) may report any potential violation of the Policy to the following:

- Online at [MyVoiceLA.org](https://myvoice.la.org)

Additionally, employees may report any potential violation of the Policy to any of the following:

- Any City supervisor
- To a departmental Workplace Equity Officer, Sexual Harassment Support Officer, LGBTQ+ Support Officer, Reasonable Accommodation/Disability Support Officer, or Human Resources (HR) representative
- The Equal Employment Opportunity Division, Personnel Department (contact information can be found at [MyVoiceLA.org](https://myvoice.la.org))
- Any external non-discrimination enforcement agency such as the [California Department of Fair Employment and Housing \(www.dfeh.ca.gov\)](https://www.dfeh.ca.gov) or the federal [Equal Employment Opportunity Commission \(www.eeoc.gov\)](https://www.eeoc.gov)

Any individual who files a report as outlined in these procedures, regardless of that person's connection to the potential Policy violation, will be known as the "Reporting Party." This may include, but is not limited to, witnesses, supervisors reporting as part of their duties (outlined in section 6.1 of the Workplace Equity Policy), individuals who become aware of a potential Policy violation, or any individual who has experienced or is impacted by a potential Policy violation ("Complainant").

Where possible, the Equity Complaint should include the following information:

- The name, address, and telephone number of the Complainant
- The basis of the alleged Policy violation (see the protected categories covered by the Policy)
- A description of the offensive practice(s), procedure(s), or incident(s) alleged
- The names of any persons thought to be responsible for the alleged Policy violation

Equity Complaints that are reported close to the time of the incident and which include the key intake information identified above (including current contact information) will facilitate a more efficient Equity Investigation and a timely resolution.

### 2.2 RIGHT TO WITHDRAW A REPORT

Reporting Parties have the right to request that an Equity Complaint be withdrawn at any time. However, the City may have a legal obligation to proceed with an Equity Investigation or may decide that continuing and concluding an Equity Investigation is warranted, based on the information provided to the City.

## 2.3 INTENTIONALLY FALSE ACCUSATIONS

**Knowingly** making false accusations or providing false information during an Equity Investigation may be grounds for discipline under the City's Personnel Policy. This does not apply to any complaint or allegation made in good faith (believed to be true) by a Reporting Party, Complainant or witness, which might later be determined to be unsubstantiated by the Office of Workplace Equity.

## 2.4 PROTECTION FROM RETALIATION

All employees who file an Equity Complaint or participate in an Equity Investigation are protected from Retaliation" by the City, Department management, supervisors or any other employee (as defined by the Policy). Any action believed to be retaliatory should be immediately reported to [MyVoiceLA.org](https://myvoice.la.org) or to the Equity Investigator conducting the investigation.



# 3. SUPERVISORY & HR REPRESENTATIVE REPORTING REQUIREMENTS

## 3.1 DUTY TO REPORT

**All City supervisors and managers ("supervisors") are required to report any known potential violations of the Workplace Equity Policy**, and are responsible for knowing how to report according to this procedure.

All departmental human resources (HR) representatives (including but not limited to employees in the Personnel Analyst class series, and any person performing HR work and/or acting as a Workplace Equity Officer, Sexual Harassment Support Officer, LGBTQ+ Support Officer, or Reasonable Accommodation/Disability Support Officer,) are required to report any known potential violations of the Workplace Equity Policy, and are responsible for knowing how to report according to this procedure.

Failure by any supervisor to carry out these duties may be cause for discipline. For this reason, it is recommended that any supervisor who is unsure whether a Policy violation has occurred report the incident using the City's Workplace Equity Complaint Procedures. Supervisors may also seek advice from the Office of Workplace Equity at any time.

## 3.2 WHAT TO REPORT

Supervisors and HR representatives must report **all potential Workplace Equity Policy violations** they become aware of in the City workplace. This obligation to report applies even when the Complainant or Reporting Party requests that no action be taken, or where the supervisor does not regard the Equity Complaint as reasonable or true. Supervisors are required to fulfill their reporting duties even if the party affected by the Policy violation is not a subordinate of the supervisor.

Supervisors may let employees know of their reporting responsibilities before they receive a report, in the event that this may independently affect the employee's decision to discuss the issue with them. However, supervisors **may not discourage or refuse** to accept reports of violations of this Policy for any reason.

### 3.3 REPORTING GUIDELINES/EXPECTATIONS

Any supervisor or HR representative who becomes aware of any incident that may violate the Policy **must report** the potential Policy violation to [MyVoiceLA.org](https://myvoice.lacity.org) using the supervisory reporting function **promptly (usually within 48 hours)** of receiving a report about, witnessing, or learning of the incident). Where ongoing or severe conduct is alleged or suspected, a report of potential policy violation must be made as soon as practically possible.

This duty to report **promptly** or **as soon as practicably possible** (depending on the urgency of the complaint) to the Office of Workplace Equity exists regardless of technical limitations or difficulties. In the event such reporting difficulties or limitations arise, supervisors or HR representatives must attempt to utilize any available reporting options (including phone, in person, etc.)

When submitting a report, supervisors or HR representatives should include a description of the Policy violation(s) and any initial steps taken by the supervisor or the Department. Supervisors or HR representatives must identify themselves and include their contact information if they are reporting on behalf of another individual.

If a supervisor or HR representative wishes to report on their own behalf (e.g. if they were the target of harassing conduct), they may file such a report at [MyVoiceLA.org](https://myvoice.lacity.org) or use any other reporting procedure outlined in Section 2.1 of this document (anonymous reporting is permitted in this circumstance).

### 3.4 ADDITIONAL ACTIONS MANDATORY REPORTERS MAY TAKE

Supervisors may consult with departmental human resources staff or the Office of Workplace Equity to seek advice and determine appropriate next steps that prevent continued violations or address any immediate concerns.

Supervisors or HR representatives may offer a private meeting with the Reporting Party or Complainant of the incident to discuss the potential Policy violation. The purposes of this meeting are to gather facts, ensure that the Reporting Party or Complainant is not at risk of continued prohibited conduct and to assure the Reporting Party or Complainant that this potential Policy violation will be taken seriously and investigated

Supervisors or HR representatives may also direct employees to the Policy, which can be found at [per.lacity.org](https://per.lacity.org) or [MyVoiceLA.org](https://myvoice.lacity.org), as necessary.



## 4. COMPLAINT INVESTIGATION PROCEDURES

All Equity Complaints will be investigated in a fair, complete, and timely manner.

### 4.1 INTAKE PROCEDURES - CIVILIAN & NON-LAPD SWORN EMPLOYEES AS NAMED PARTIES

After initial review of the details of an Equity Complaint submitted to the Office of Workplace Equity, a member of the Citywide Workplace Equity Intake Unit (“Intake Investigator”) will contact the Complainant or Reporting Party within 10 days of receipt of the report. If the Intake Investigator makes successful contact with the Complainant or Reporting Party, the Intake Investigator will take the following steps, as appropriate:

- Review the Equity Complaint details with the Complainant
- Describe the Equity Investigation and resolution process
- Answer the Complainant’s questions about the process or policies
- Ask about any key details or information missing from the original report
- Discuss the Complainant’s right to be free from retaliation and how to report any potential retaliation
- Ask the Complainant about the remedy they seek and/or set these expectations where appropriate

A notice of the receipt of the complaint will be sent out to the Reporting Party and the department of the Named Party (the individual alleged to have violated the Policy). If the Named Party in an Equity Complaint is a General Manager or other appointed official, this notice will be sent to their appointing authority. If the Named Party is an elected official, a special procedure, as outlined in Los Angeles Administrative Code Division 4, Chapter 7, Article 9.5 will be followed.

Complaints not found to be within the Office of Workplace Equity’s jurisdiction (e.g. a complaint about the actions of a private employer) will be administratively closed by the Office of Workplace Equity.

Equity Complaints found to be within the Office of Workplace Equity’s jurisdiction will be reviewed to determine their appropriate category: allegations with a **Protected Basis** or a **Non-Protected Basis**. Equity Complaints containing allegations related to an employee or applicant’s Protected Category—such as harassment, discrimination, sexual harassment, retaliation, and/or inequitable conduct—will be determined to have a **Protected Basis**. Conversely, Equity Complaints containing only allegations of other Policy violations, including hazing, abusive conduct (bullying), or other inappropriate conduct will be determined to have a **Non-Protected Basis**.

Complaints within the Office of Workplace Equity’s jurisdiction, which are identified as having a **Protected Basis** will be investigated by the Office of Workplace Equity. Any complaint found as having a **Non-Protected Basis** will then be referred to the appropriate entity -- typically, the Named Party’s employing department -- for investigation, resolution, and/or closure.

## 4.2 INTAKE PROCEDURES - SWORN LAPD EMPLOYEES AS INVOLVED PARTIES

The intake procedures for complaints submitted to the Office of Workplace Equity when an LAPD sworn employee is involved in a complaint are the same as those for civilian employees, except for the following procedures:

- After the Equity Intake Unit categorizes the complaint, any complaint (whether identified as having a “Protected Basis” or a “Non-Protected Basis”) against a sworn employee will be referred to the LAPD Internal Affairs Group for investigation, resolution, and/or closure.

## 4.3 EQUITY INVESTIGATION PROCEDURES

All Equity Investigations conducted by the Office of Workplace Equity will be handled with discretion, sensitivity, and due concern for the dignity of those involved. All Equity Investigations will be as extensive as required, based upon the nature of the allegations.

### ROLE OF THE EQUITY INVESTIGATOR

The Office of Workplace Equity will assign an Equity Investigator to conduct a thorough Equity Investigation. An Equity Investigation involves reviewing the report, interviewing the Complainant, interviewing other parties relevant to the case (including witnesses and/or the Named Party), and gathering and reviewing information and materials pertinent to the allegation(s), as appropriate.

### INVESTIGATORY INTERVIEWS

Named Parties, as appropriate, may be contacted during the investigation, informed of the allegations being made against them, given the opportunity to respond to the allegations, and given the opportunity to identify witnesses. Investigatory interviews of Named Parties, Complainants, or Reporting Parties, and witnesses may be audio-recorded to allow for a complete and accurate record of the interview.

Named parties who occupy positions in the classified civil service (and any Named Parties who have been granted any such right by contract or statute) have the option to be represented by a union representative, attorney, or other individual of their choice during investigatory interviews.

Other parties (e.g. witnesses) who are interviewed in the course of an Equity Investigation **may** also have the option to be represented by a union representative, attorney, or other individual of their choice during investigatory interviews, if they are granted any such right by contract, statute, or agreement.

Persons named as potential witnesses by the Reporting Party or Complainant may be contacted during the course of the investigation, and those witnesses determined by the investigator to have information relevant to the issues of the Equity Complaint will be interviewed. All persons contacted or interviewed during the Equity Investigation will be instructed not to discuss the Equity Investigation (other than with their representatives) in order to protect both the privacy of all those participating in the investigation as well as the integrity of the investigation itself. All parties will be advised about the protections against retaliation for participating in an Equity Investigation.



## 4.3 EQUITY INVESTIGATION PROCEDURES (Cont'd)

### COOPERATION WITH INVESTIGATIONS

All City employees are expected to cooperate with Equity Investigations. The minimum standard for cooperation is attending scheduled investigatory interviews and providing any pertinent documents requested by investigators. Failure to cooperate in an Equity Investigation may result in disciplinary action. Departments should weigh individual facts and circumstances when determining whether disciplinary action for failure to cooperate should apply.

In order to support this duty to cooperate, all Departments shall be required to permit any employees who are requested to appear for interview by the Office of Workplace Equity to be interviewed while on City time.

### INVESTIGATIVE REPORTS

Once the relevant facts are gathered, the Equity Investigator will draft an investigative report. This report will state the allegations investigated and describe the investigative process, including: who was interviewed, which information and materials were reviewed, and what information was found to be relevant to the investigation. The report will also include the Equity Investigator's ultimate findings (including findings of fact and whether allegations were substantiated, unsubstantiated, or inconclusive).

### CONFIDENTIALITY OF INVESTIGATIONS

Equity Complaints and related documents (including investigative notes and reports) are confidential personnel records and will be accorded the strictest confidentiality possible. Such records shall be maintained, secured, and released only as permitted by law.

Certain limitations to confidentiality may apply. In order to investigate and/or respond to Equity Complaints, certain details (including but not limited to complaint allegations or the identity of the parties to the complaint) may be disclosed to persons with a legitimate business need for the information. Such persons may include, but are not limited to parties or witnesses identified in the Equity Investigation (including the Named Party) or the appointing authority, as appropriate.

Investigative reports and supporting documents will be maintained by the Office of Workplace Equity as a record of the Equity Investigation and to inform any actions taken to address the findings of the investigation.

## 4.4 EQUITY REVIEW PANEL PROCEDURES (IN DEVELOPMENT)

### PILOT ANTICIPATED IN FY 22-23

The final investigative report of the Equity Investigators will be reviewed by the Chief of the Equal Employment Opportunity Office or their designee for approval. After approval, the investigative report, along with any supporting documents from the Equity Investigation, will then be sent to the Equity Review Panel ("ERP") for evaluation and recommendation. The final investigative report for any complaint naming a sworn officer which was flagged by the Office of Workplace Equity for having an "Protected Basis" will also be sent to the ERP for review, evaluation, and recommendation.

#### 4.4 EQUITY REVIEW PANEL PROCEDURES (Cont'd)

The ERP members will review the investigative report and materials from the investigation, and make a determination on the thoroughness and completeness of Equity Investigation and the accuracy of the findings. If the ERP is unsatisfied with the investigation, the ERP may ask for further investigation, documents or information.

If the ERP is satisfied with the Equity Investigation but seeks further context before making a recommendation, the ERP may hold an Equity Review Briefing where stakeholders from the appointing authority, HR representatives, and other relevant management figures will appear to provide information relevant to the matter. Neither the Complainant(s) nor the Named Party(ies) (or their representatives) shall participate in the Equity Review Briefing.

If the ERP is satisfied with the Equity Investigation and needs no additional information to make a ruling and recommendation, the Office of Workplace Equity will notify the Named Party and Complainant's appointing authorities of both the ERP's tentative finding and their recommendation on appropriate responsive action.

If the appointing authority of the Named Party agrees with the tentative finding(s) and recommendation(s) and does not seek further context or information through an Equity Review Briefing, a representative shall respond to confirm their agreement and responsive actions taken within 60 days of receipt of the recommendation.

If the appointing authority of the Named Party disagrees with the tentative ruling or recommendation, or would like further context or information, its representative may also request to participate in an Equity Review Briefing. After the conclusion of the Equity Review Briefing, the ERP will finalize their findings and recommendations based on both the Equity Investigation materials and the information presented during the briefing. The ERP's finding and recommendation for responsive action will then be submitted to the appointing authority.

Once the ERP recommendation is final, a notice will be sent to the appointing authority outlining the details and expectations for follow up, as necessary. A representative shall respond to confirm their agreement and responsive actions taken or their decision to decline the recommendation and the reason(s) for this declination within 60 days of receipt of the recommendation.



## 5. COMPLAINT RESPONSE PROCEDURES

### 5.1 RECOMMENDATION RESPONSE PROCEDURES TO SUBSTANTIATED ALLEGATIONS

At the conclusion of an investigation, if any allegation(s) is (are) substantiated or other City Policy violations are found, the Office of Workplace Equity will forward the investigative report to the appointing authority for prompt and appropriate responsive administrative action which may include, but is not limited to, counseling, education and training, oral or written warnings, written reprimands, suspension, demotion, or discharge.

### 5.2 EDUCATION BASED DISCIPLINE OPTIONS

The Office of Workplace Equity recognizes the ability of individuals to learn and grow through training. Whenever reasonable and where training may be effective in correcting behavior, departments should evaluate whether training or other supportive processes, rather than disciplinary action, may be the first step in the discipline process for substantiated violations.

***It is recommended that departments take responsive action in the form of counseling, education, and/or training for any first violation of the Inequitable Conduct standard of the Workplace Equity Policy.***

### 5.3 RECOMMENDATION RESPONSE PROCEDURES TO UNSUBSTANTIATED ALLEGATIONS

At the conclusion of an investigation, if the allegation(s) is (are) not substantiated and other City Policy violations are not found, the Office of Workplace Equity will follow Equity Complaint closure procedures (see Section 6.1).

### 5.4 VOLUNTARY DISPUTE RESOLUTION PROCEDURES (IN DEVELOPMENT)

The Office of Workplace Equity is developing a voluntary dispute resolution program. Employees or other individuals who report an Equity Complaint may be eligible to be referred to this program to resolve disputes underlying their report.



## 6. COMPLAINT CLOSURE PROCEDURES

### 6.1 COMPLAINT CLOSURE PROCEDURES

A written correspondence stating the general findings of the investigation, including whether or not the Office of Workplace Equity has found a Policy violation, will be sent to the Complainant. Details of disciplinary actions against parties found to have violated the Policy will not be shared with the Complainant in order to comply with privacy laws pertaining to confidential personnel information.

A written notice of the closure of the Equity Investigation, stating the general findings of the investigation, including whether or not the Office of Workplace Equity has found a Policy violation, will be sent to the Named Party's appointing authority.



## 7. MISCELLANEOUS PROCEDURES

### 7.1 NON-CITY EMPLOYEES

Complaints by employees against non-employees will be handled on an individual basis to determine the most effective remedy to stop any prohibited conduct.

If the Named Party is not a City employee, the Equity Investigator will conduct an Equity Investigation as indicated above. The extent of the City's control and any other legal responsibility which the City may have with respect to the conduct of the non-employee shall be considered.

If the non-employee has no City affiliation, such as a private citizen, appropriate action will be taken to prevent a recurrence where possible. Such actions may include, but are not limited to: modification of assignments to ensure no future contact between the Complainant and the named party, the provision or increase of security, or other appropriate measures.

If the Equity Investigation finds that the prohibited conduct occurred during the scope of work for a non-employee who has affiliation through the City (e.g. as a contractor), this information will be forwarded to their employer for appropriate responsive action. Additional measures may be taken by the City to prevent recurrence.

### 7.2 PROCEDURES FOR COMPLAINTS AGAINST AN ELECTED OFFICIAL

The Los Angeles Administrative Code (LAAC) contains a special procedure for handling reports of discrimination and sexual harassment filed against elected officials. This procedure is outlined in LAAC Division 4, Chapter 7, Article 9.5, titled Investigation of Complaints of Discrimination and Sexual Harassment Against City Officials.

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