

CITY OF LOS ANGELES

DISCRIMINATION COMPLAINT PROCEDURE

I. Employee and Candidate Rights

Employees of the City and candidates for City employment have the right to file a complaint in writing on any action, procedure, or practice in selection or employment they believe to be discriminatory on the basis of race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity, gender expression, creed, ancestry, medical condition (cancer), Acquired Immune Deficiency Syndrome (AIDS) – acquired or perceived, or retaliation for having filed a discrimination complaint. An employee making a discrimination complaint can choose to file the complaint with the employee's department EEO Counselor, the City's Office of Discrimination and Complaint Resolution, and/or with an external non-discrimination enforcement agency.

Complaints filed internal to the City must be filed within one (1) year from the date of the last alleged act of discrimination. Otherwise, the complaint may be considered untimely.

A person filing a complaint shall have the right of representation by any designated person or organization.

Although complaints must be prepared and filed on an employee's own time, department managers and supervisors should make an effort to allow the complainant and all other employees who are interviewed as part of the investigation, to be interviewed while on City time when requested by staff conducting the discrimination investigation.

Nothing in this procedure shall restrict the right to file a complaint with any State or Federal agency responsible for the enforcement of anti-discrimination legislation.

II. Departmental Complaint Procedure

Each department shall make an effort to acquaint department employees with its own procedure for reviewing and responding to complaints by its employees in which there are allegations of discrimination. City employees who contact the Personnel Department regarding alleged discrimination shall be encouraged to first request a review of their complaints under their department's complaint procedure.

III. Board of Civil Service Commissioners' Complaint Procedure

If the complainant does not receive what he or she believes to be satisfactory resolution of the complaint or he or she does not believe it can be adequately

handled at the department level, he or she may submit the complaint, in writing, to the:

Office of Discrimination Complaint Resolution (ODCR)
700 E. Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9123

If the complainant wishes to file the complaint in person and receive assistance, he or she should call the ODCR at (213) 473-9123 to arrange for an appointment to meet with a member the investigating staff.

A written complaint should include:

1. The name, address, and telephone number of the complainant.
2. The basis of the alleged discrimination: race, color, religion, national origin, sex, age, disability, marital status, sexual orientation, gender identity, gender expression, creed, ancestry, medical condition (cancer), Acquired Immune Deficiency Syndrome (AIDS) – acquired or perceived, or retaliation for having filed a discrimination complaint.
3. The discriminatory practice(s), procedure(s), or incident(s) which has occurred.
4. The names of any persons thought to be responsible for the discrimination.
5. The name, address, and telephone number of the complainant's representative, if any.
6. A statement of what remedy the complainant is seeking as a result of the complaint.

The following procedure will guide staff in investigating and attempting to resolve discrimination complaints.

1. If the complainant is a probationary employee whose termination is being considered but has not been filed with the Board of Civil Service Commissioners, investigating staff will request the appointing authority to place the complainant on a personal leave of absence until the discrimination complaint is resolved, withdrawn, or considered by the Board of Civil Service Commissioners.
2. Investigating staff will discuss the complaint with the complainant and concerned department(s) and will initially attempt to resolve the complaint informally.
3. If the complaint is not resolved following the above discussion, an investigation will be conducted and a report of findings and recommendations prepared for

the Board of Civil Service Commissioners within one hundred and twenty (120) days of the termination of informal efforts.

4. The time limit in this subsection may be extended with the mutual consent of the concerned parties or on the approval of the Board of Civil Service Commissioners upon receipt of a status report from staff.
5. The Executive Director of the ODCR shall have the authority to administratively close a complaint, thereby precluding further consideration of the complaint, for any of the following reasons:
 - a. failure by the complainant to cooperate with staff conducting the investigation;
 - b. inability to reach the complainant after repeated efforts by the staff conducting the investigation;
 - c. no assertion that the alleged acts occurred based on one or more of the seventeen discriminatory bases;
 - d. failure by the complainant to respond within 15 calendar days to a written offer by the concerned department which would afford relief for the harm alleged by the complainant;
 - e. lack of jurisdiction by the Board of Civil Service Commissioners over the complaint;
 - f. the complainant has filed a grievance or appeal under another City procedure regarding the same or similar issues;
 - g. the complainant has filed a complaint with an outside agency (e.g., EEOC, DOL, DOJ, DFEH) or has filed a lawsuit against the City (or City Department) regarding the same or similar issues;
 - h. a reasonable remedy has been provided, or has been offered and rejected;
 - i. there is a conflict of interest on the part of the Personnel Department and investigating division;
 - j. failure to establish a nexus between the alleged act and discrimination based upon one of the fourteen categories.
6. The administrative closure of a complaint by the Executive Director of the ODCR may be appealed to the Board of Civil Service Commissioners only where the complainant can provide evidence refuting the reason for closure.
7. Complaints that are not resolved informally, are not withdrawn, or are not closed administratively, will be heard by the Board of Civil Service Commissioners. The basis for the hearing will be the report and recommendations of the General Manager and the Executive Director of the ODCR.

IV. Consideration of Complaints by the Board

The Board of Civil Service Commissioners will review the written complaint and the report and recommendations prepared by investigating staff. The complainant shall be given a copy of that report at least five (5) days prior to its scheduled consideration by the Board. If the complainant has designated a representative in the complaint, a copy of the report will also be given to that representative.

The Board may take any or all of the following actions:

1. Request additional information;
2. Make a finding on the charge(s) of discrimination;
3. Order a remedy within the Board's jurisdiction; or
4. Recommend actions which the Personnel Department or concerned department(s) may take to correct discriminatory practices, prevent the occurrence of potentially discriminatory practices, change or eliminate other personnel practices related to the complaint, or enhance equal employment opportunity efforts.

In those instances in which the Board believes that it is not in the public interest for it to review a discrimination complaint because of a conflict of interest or the appearance of a conflict of interest, the Board shall take the following action(s):

1. Request the City Attorney to review the matter and render a written opinion on the questions of the Board's possible conflict of interest in the matter in an expeditious manner.
2. Determine that a conflict of interest or the appearance of a conflict of interest does exist and submit the matter to the Board of Referred Powers, which shall have the authority to act on behalf of the Board of Civil Service Commissioners on that particular discrimination complaint.

V. Discrimination Complaints Against Elected Officials

There is a special procedure for filing a complaint of discrimination against elected officials outlined in the Los Angeles Administrative Code Sections 4.405 through 4.411. Contact the Personnel Department Equal Employment Opportunity Section at (213) 473-9100 should you need detailed information on this procedure.

VI. To file with the State and/or Federal compliance agencies, contact:

<i>STATE</i>	<i>FEDERAL</i>
<p><i>Department of Fair Employment and Housing 1055 W. Seventh St., Suite 1400 Los Angeles, CA 90017 1-800-884-1684 TTY (800) 700-2320</i></p>	<p><i>Equal Employment Opportunity Commission 255 East Temple Street, Fourth Floor Los Angeles, CA 90012 (213) 669-4000</i></p>