

PERSONNEL AND ANIMAL WELFARE COMMITTEE REPORT relative to enhancing the City's harassment and discrimination policies.

Recommendations for Council action:

1. REAFFIRM the Personnel Department's role as the lead agency for Equal Employment Opportunity (EEO) policy and complaint resolution, specifically as it relates to monitoring policy compliance and investigating and resolving complaints of discrimination, harassment, and retaliation.
2. APPROVE and AUTHORIZE the Personnel Department to undertake the following actions as detailed in the April 10, 2019 Personnel Department report, attached to the Council file, except as otherwise noted, subject to consultation with the City's labor partners as appropriate:
  - a. Policies:
    - i. Update the City's Discrimination Free Workplace Policy Resolution with current protected bases and references to federal, state and local policies and submit to Council for adoption.
    - ii. Create a comprehensive Citywide Harassment and Discrimination-Free Workplace Policy that simplifies and consolidates existing harassment, discrimination, and other related policies, addresses acts of bullying and hazing to the greatest extent feasible and ensures continued compliance with state and federal laws
    - iii. Ensure all policies are written in clear, concise, and plain language.
    - iv. Consistent with the California Code of Regulations, establish an affirmative responsibility for supervisors to report all potential violations of the new *Harassment and Discrimination Free Workplace Policy* to the Personnel Department and to take appropriate action to correct and eliminate harassment and discrimination in the workplace.
    - v. Incorporate into the *Harassment and Discrimination Free Workplace Policy* a provision that each Department head ensures that supervisors report violations of this Policy and take appropriate action (counseling, retraining, or discipline) against any supervisor who fails to report policy violations.
    - vi. Develop a policy that provides for retraining or counseling of parties involved in incidents of harassment and discrimination where applicable and appropriate (for less severe or complex cases of harassment and discrimination).
    - vii. Update disciplinary policies (Section 33, *Policies of the Personnel Department*) with supervisory standard for failure to report potential policy violations and guidelines for offense(s) and suggested action(s), subject to

approval by the Board of Civil Service Commissioners.

- viii. Develop strategies that encourage all employees to report potential violations of the *Harassment and Discrimination Free Workplace Policy*.
- ix. Formalize policies that allow for the anonymous reporting of incidents of harassment and discrimination.
- x. Allow for the reporting of all incidents of harassment and discrimination, regardless of the length of time that has elapsed since the incident occurred.
- xi. Ensure that the City's policies continue to be publicly accessible.

b. Processes:

- i. Establish a centralized intake unit to receive and classify complaints of discrimination, harassment, retaliation and inappropriate conduct toward others, to include hazing, bullying and other workplace conflict.
- ii. Establish guidelines and criteria, and incorporate a protocol, for referring complaints received by the Personnel Department centralized intake unit to entities for investigation.
- iii. Establish guidelines for the centralized intake unit in closing out investigations of all incidents.
- iv. Ensure a fair, neutral process by creating independent review panel(s) comprised of impartial members with expertise in human resources practices and employment law who can be called upon to review certain complex or sensitive cases and provide recommendations.
- v. Establish guidelines for independent review panel(s) to include:
  - 1. Authority, jurisdiction, and responsibility.
  - 2. Protocols for the referral and review of investigations and submission of recommendations to Department heads.
  - 3. Protocols to address cases where the Panel and Department heads disagree with the findings of an investigation and/or a recommendation for discipline.
- vi. Establish guidelines for Department heads to include
  - 1. Protocols for interaction of Department head, or designee, with the panel.
  - 2. Guidelines for department response to panel recommendations.
  - 3. Protocols for reporting actions taken in response to panel

recommendations.

- vii. Standardize on-boarding processes across all Departments; allow time for new employees and volunteers to review the City's policies; and require new employees and volunteers to confirm that they have read and understand the City's policies and procedures.
  - viii. Establish clear guidelines for supervisors and managers to report, including:
    - 1. What to report
    - 2. How to report
    - 3. To whom reports should be submitted.
    - 4. Next steps
  - ix. Develop clear expectations and toolkits for supervisors to use when responding to policy violations.
  - x. Develop clear procedures for discipline relating to supervisory standard for failure to report potential policy violations along with guidelines for offense(s) and suggested action(s).
  - xi. Establish standard timelines and protocols for responding to individuals who have submitted a complaint.
  - xii. Establish clear guidelines for the reporting of, investigation of, and response to incidents that fall outside of external agencies' legal statutes of limitations for reporting.
  - xiii. Implement and use a case management system with the system to be addressed by the Technology Committee of the Working Group.
  - xiv. Where feasible, implement changes via a pilot program, to test recommendations before Citywide roll-out.
  - xv. Standardize communications (forms and memos).
  - xvi. Ensure procedures are written in clear, concise, and plain language.
  - xvii. Ensure transparency and accessibility- map out process via flowchart or similar mechanism and where possible make this information public.
- c. Training:
- i. In concert with the Department on Disability, ensure that City employees have access to a suite of Section 508-accessible online and in-person skills-based training curricula, that support the creation of a civil and inclusive work

environment, covering at least some elements from the following topics:

1. Key skills required in effectively resolving interpersonal conflicts and intervening incidents of harassment and discrimination.
  2. Retaliation prevention training
  3. City policies, and employee rights and responsibilities relating to harassment and discrimination
  4. Supervisory and leadership-level responsibilities relating to harassment and discrimination.
- ii. Develop a suite of 30-60 minute training modules to be taken over time, with the goal of establishing mandatory training requirements for all full-time and part-time City employees.
  - iii. Recommend to Department heads that they require specific training modules (not to exceed two hours) be completed by all employees as a condition of passing probation following their initial appointment to City service.
  - iv. Work with the Board of Civil Service Commissioners to include appropriate training modules as a minimum eligibility requirement for civil service examinations, including more extensive training modules for supervisory classifications.
  - v. Ensure that all training records are consistently documented in the Citywide training platform as a risk management mitigation tool.
  - vi. Develop training materials for a variety of circumstances and on a variety of topics to make it easy for departments to customize them and roll them out to staff, including:
    1. A toolbox of short and simple training curricula for supervisors to deliver during staff, tailgate, and roll call meetings.
    2. Regular email communications that can be sent by City leadership that include information on preventing and responding to incidents of harassment and discrimination, and on creating and maintaining a civil workplace.
    3. Content that is Department and job specific; tailoring examples to meet a wide variety of work environments; and scenarios that speak to the highest liabilities the City incurs.
    4. Content that is easily understandable and appropriate to the varying literacy and language abilities of city employees, and where possible delivered in different formats and languages.

5. Specific in-person and video trainings for part-time and volunteer staff who currently do not have access to the City's online training platform, with the aim of ensuring these staff have access to high quality training materials that meet their unique needs.
6. Establish training and guidelines for supervisors to address harassing, discriminating, and retaliating conduct in the workplace.
7. Curriculum should be curricula consistent with the rest of the recommendations and where possible, make training videos and curriculum available for use by other organizations in order to make it easier for them to prevent harassment and discrimination in their own workplaces.

d. Technology:

- i. Develop a user-friendly reporting system that reduces barriers to reporting incidents.
- ii. Develop a resource hub for all staff to learn about their rights and responsibilities relating to harassment and discrimination.
- iii. Develop a case management system that allows for timely and effective investigation and resolution of complaints.
- iv. Where possible make the code for elements of MyVoiceLA.org open source, so that other organizations may use it to build their own reporting system and resource hub.
- v. Update MyVoiceLA to include the following elements:
  1. Streamlined complaint form
  2. Additional features and information on the website to incorporate department feedback.
  3. Updated back-end process that allows for improved complaint management.
  4. Supervisor and bystander reporting
- vi. Utilize the existing Personnel Department EEO phone number (213) 473-9100, which is listed on MyVoiceLA and is checked every week day, as the City's hotline.

Fiscal Impact Statement: None submitted by the Personnel Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

Summary:

On March 20, 2019, your Committee considered a Motion (Martinez - Krekorian - Rodriguez) relative to enhancing the City's harassment and discrimination policies. According to the Motion, the Harassment and Discrimination Working Group was created in January 2018 and spent six months researching best practices in preventing harassment and discrimination in the workplace while also developing recommendations to enhance the City of Los Angeles' policies, processes, systems and training. The last status update that was provided to Council was in April 2018. At that time the Personnel Department reported on the City's sexual harassment discrimination complaint procedures. The Working Group was looking into conducting an in-depth analysis of the reporting and investigation process, training, technology and best in class practices and processes in other organizations to inform improvements to City policies and operations. The interdepartmental working group sought input from all City Departments on existing City Sexual Harassment Complaint Procedure, the ways incidents are investigated and resolved, and recommendations for improvement. Accordingly, the Personnel Department has surveyed all City Department Heads and the Harassment and Discrimination Working Group has developed a report that outlined recommendations to enhance the City's harassment and discrimination policies, processes, trainings and technology. After consideration and having provided an opportunity for public comment, the Committee moved to continue the matter pending receipt of a report from the Personnel Department with recommendations to enhance the City's harassment and discrimination policies, processes, trainings and technology.

Subsequently, on April 17, 2019, the Committee considered an April 10, 2019 Personnel Department report in response to the Motion. According to the Personnel Department, its report contains the report *Preventing Harassment and Discrimination: Recommendations to enhance the City of Los Angeles' harassment and discrimination policies, processes, trainings, and technology*. Specifically, it contains background, a summary of existing City programs, a brief description of programs in other organizations, a synopsis of academic research and best practices, recommendations, proposed metrics, and next steps. This report was prepared to summarize the efforts and findings of the Harassment and Discrimination Working Group of the Mayor's Risk Reduction Cabinet. The Working Group, comprised of over 50 City human resources subject matter experts and chief risk officers, was guided by the Mayor's Office and the City Attorney's Office and included the offices of Councilmember Krekorian and Councilmember Martinez. The Harassment and Discrimination Working Group presented a draft of this report to leadership of the Risk Reduction Cabinet (the Mayor's office, City Attorney's office, and Councilmember Krekorian's office) in July, 2018. Cabinet members requested additional information and specifically asked for feedback from all City departments. The Personnel Department circulated the draft report to all Department heads, and the report was updated to incorporate feedback accordingly. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the recommendations contained in the City Personnel Department report and detailed above. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

PERSONNEL AND ANIMAL WELFARE COMMITTEE



**MEMBER VOTE**

KORETZ: YES

SMITH: YES

PRICE: ABSENT

ARL

4/17/19

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**