

REPORT  
FROM



THE PERSONNEL  
DEPARTMENT

TO: The Honorable Members of the City Council	DATE April 19, 2018
REFERENCE:	COUNCIL FILE 17-1286
SUBJECT: Sexual Harassment Discrimination Complaint Procedure and Policy Update	

**RECOMMENDATION**

That the City Council note and file this report as it is submitted for informational purposes.

**BACKGROUND**

On March 7, 2018, the City Council noted and filed the Personnel Department report dated February 15, 2018 with information on the City's current Sexual Harassment Discrimination Procedure and Policy (C.F. No. 17-1286). This report was prepared in response to a motion (Krekorian-Martinez) regarding the City's Sexual Harassment Discrimination Complaint Procedure and Policy and noted the desire for the establishment of a telephone hotline wherein City employees and City residents who have been harassed by a City employee can easily and quickly file a complaint. On March 7, 2018, the City Council also instructed the Personnel Department to report back before April 20, 2018 with a status update and any budgetary requests for implementation of changes to the Sexual Harassment Policy within the next fiscal year.

**DISCUSSION**

On January 17, 2018, the Risk Reduction Cabinet (the Mayor's Office, Councilmember Krekorian, and the City Attorney), established in accordance with Executive Directive 18 (A Safe and Healthy Workforce and Risk Management), formally launched the Harassment and Discrimination Initiative and created an interdepartmental working group to conduct an in-depth analysis of 1) the reporting and investigation process, 2) training, 3) technology, and 4) best-in-class practices and processes in other organizations to inform improvements to City policies and operations. Through the efforts of four subcommittees (Training, Technology, Policies, and Operations) this working group expects to present recommendations to the Risk Reduction Cabinet in May, 2018.

**Survey Update**

Since the Personnel report dated February 15, 2018 was considered by the Personnel and Animal Welfare Committee, the Personnel Department conducted two surveys.

The interdepartmental working group sought input from all City Department Heads on the existing City Sexual Harassment Complaint Procedure, the ways incidents are investigated and resolved, and recommendations for improvement. Accordingly, the Personnel Department surveyed all City Department Heads. Based on the questions that were asked, the most commonly favored items identified in responses were a desire for more consistent and standardized procedures, a centralized reporting process, qualified independent investigators or a third-party review of investigations and resolutions, and bolstered online training with an annual rather than biennial requirement, as well as in-person training.

The other survey sought confidential input from all City employees regarding how to improve and streamline the process for reporting sexual harassment and assault. The draft employee survey provided in the Personnel report dated February 15, 2018 was shared with labor unions representing the City's civilian employees and in accordance with Memorandum of Understanding (MOU) 24 for Police Officers and MOU 23 for Firefighters, for review prior to citywide release. Input from labor unions was incorporated into the final version of the survey prior to release.

With the assistance of ITA, the EEO Division of the Personnel Department distributed the Employee Survey on Sexual Harassment to all sworn and civilian employees via email on March 20, 2018. The email included a link to the survey for those employees who preferred to participate electronically, as well as a PDF version of the survey for those employees who preferred to participate by completing and submitting the survey in paper form. In addition, paper copies of the survey were made available to all employees in the lobby of the Personnel Department. These options were provided to ensure that the survey would reach as many employees as possible and maximize participation and responses. On March 28, 2018, a reminder that the survey was due on March 30 was emailed to all City employees. The reminder email included another way to participate in the anonymous survey: a link from the City's intranet site, InsideLA.

By March 30, 2018, the EEO Division received 3,144 responses. The survey participation period was extended to April 6, 2018, to encourage additional responses. At the conclusion of the survey, the EEO Division had received 4,205 responses: 4,049 electronic responses and 156 paper submissions. The attached charts reflect the summary data collected from the survey. It should be noted that the survey contained four questions with opportunities for free-text responses, two of which elicited extensive comments. The survey asked those employees who encountered sexual harassment in the workplace but did not report it to share their reasons for not reporting. This question received 1,030 unique responses. The survey also asked for any recommendations for improvements to the City's process for reporting and/or handling harassment claims. This question received 1,836 unique responses, some of which were quite expansive. We are still in the process of sorting through all of the free-text responses.

While the summary response data is attached, we would like to highlight a few items: 82% (3,444 of the 4,205 total participants) stated they would use the hotline; 73% (3,080 of 4,205 participants) stated affirmatively that they would use an online reporting system; and 48% (2,026 of 4,205 participants) are interested in additional sexual harassment awareness and prevention training.

Overall, of the 1,266 of survey participants who reported having been sexually harassed in the workplace, 31.2% rated the existing sexual harassment complaint procedure positively, 21.8% rated the procedure negatively, and 47% gave the procedure a neutral rating.

Interestingly, the input from City Department Heads and a preliminary review of the participant responses of the employee survey reflect similar recommendations to create a consistent process for reporting and handling harassment reports, a clearly communicated and uniformly used policy, a neutral reporting mechanism, and an investigative process handled or audited by a third-party or department outside of the person reporting a claim of harassment. The new or enhanced process should include a breakdown of each step, from filing a report to the outcome of the investigation or resolution of the matter so all parties involved are aware of what to expect. Statutes of limitations for reporting incidents of sexual harassment should be revised or lifted to encourage an environment of reporting incidents. For the process to be successful, all reports of sexual harassment should be handled with the same level of review in terms of following the defined steps, and a thorough and timely investigation.

Survey participants revealed an overwhelming concern about retaliation for reporting an incident. The survey responses reflect employees' belief that reporting persons may be subjected to negative impacts on careers and interactions with co-workers and other employees at various levels. This feedback points to incorporating standards for anonymous reporting to support those who chose to speak out by providing a safe space to disclose incidents without fear of retaliation.

The survey responses have provided valuable input to the Harassment and Discrimination Working Group. In addition to the external research being conducted by the working group committees, each committee's findings and detailed recommendations will be informed by the responses from both surveys.

**Personnel Budget Request**

The Personnel Department noted the feedback submitted through both surveys and the preliminary findings being developed by the working group as it considered resource needs for 2018-19. As the policies continue to be refined in response to the feedback submitted by City employees and best-in-class research being conducted by the committees of the interdepartmental working group, a couple of needs appear clear: as the City moves forward to implement a centralized complaint reporting system, additional staffing resources will be needed to triage and assign reports to investigators for proper follow up. The Personnel Department requested two Senior Personnel Analyst I positions to perform this triage function.

Once employees recognize the City's commitment to responding to reports of harassing behavior, the Personnel Department can expect to receive a significant number of such reports. The County of Los Angeles uses a centralized intake, assessment, and assignment process and receives about 5,000 complaints a year. At almost half the size of the County, the City might expect to receive as many 2,500 complaints in a year. Accordingly, the Personnel Department requested eight Senior Personnel Analyst I positions to investigate these complaints, and one Senior Administrative Clerk position to provide support with data entry, records retention, and customer service.

In addition, the Personnel Department budget request seeks funding for an independent review panel of highly qualified employment law experts who would meet with department representatives and investigators to review sensitive and complex investigations, evaluate the quality of the investigations, and make appropriate determinations for violations of City policies. This panel would establish the transparency and accountability necessary in the handling of all complaints of discrimination and harassment. We anticipate that this effort would also aid in recognizing patterns or trends in workplaces in need of targeted training. Each panel would consist of three experts. At a rate of \$900 per full day session, funding of \$97,200 would ensure one panel of three experts once per week for 36 weeks. A recommendation for how best to incorporate an independent review panel to support the City's efforts will be presented for consideration to the Risk Reduction Cabinet in May.

The following chart summarizes the Personnel Department request of \$1,031,283 for 2018-19:

Positions	Salaries	Expenses
10 Sr. Personnel Analyst I Sr. Administrative Clerk	\$895,083 (9 months funding)	Outside Expert Panel - \$97,200 Training - \$17,000 PCs and Software - \$22,000

The Mayor's Proposed Budget for 2018-19 provides six months funding for five Senior Personnel Analyst I positions and one-time funding of \$57,100 for the panel of experts. Recognizing the magnitude of this request, and the unknown number of reports that may be submitted, the Personnel Department appreciates these resources. At the same time, it will be very important to be able to be responsive should a large number of reports be submitted. A backlog could create a credibility gap for this program. The Personnel Department can report to the Personnel and Animal Welfare and Budget and Finance Committees with an update in October on the number of reports submitted, investigations begun, investigations completed, any notable feedback from the panel of experts, and a request for additional resources, should they be warranted.

**Toll-Free Hotline Update**

Finally, the Personnel Department has been working with the Information Technology Agency (ITA) to examine the feasibility of creating a sexual harassment complaint telephone hotline. Implementation of a toll-free 800 number to serve as a hotline for reporting sexual harassment would incur costs at a rate of about \$0.15 per minute rate for each call.

There are no additional fees and any available toll-free number, 800 or vanity, would take a few days to activate as a City number. ITA is currently researching the availability of vanity and custom numbers, which include a word or a sequence of numbers that are easy to remember, to serve as the reporting hotline. To make implementation of this number as cost effective as possible, the hotline would connect to an answering machine that would be checked at the beginning and at the end of each work day, Monday through Friday. Callers would be able to leave a message. Provided the caller leaves sufficient contact information, the City will initiate an investigation. The hotline would direct callers who have been victims of an assault or who are in immediate danger to call 9-1-1.

### **Online Reporting Tool Update**

As previously reported, the Personnel Department is continuing to work with the technology committee of the interdepartmental working group to create a beta version of an online portal, which is expected to launch in late April or early May. As a team, we have identified options that include modifications of an existing City case tracking system used currently by the Fire Department and options offered by third-party vendors. This beta tool will provide key information in the development of a final system, which is expected to be launched over the summer.

### **CONCLUSION**

This report is provided for informational purposes only. The Personnel Department will continue to provide updates as needed.



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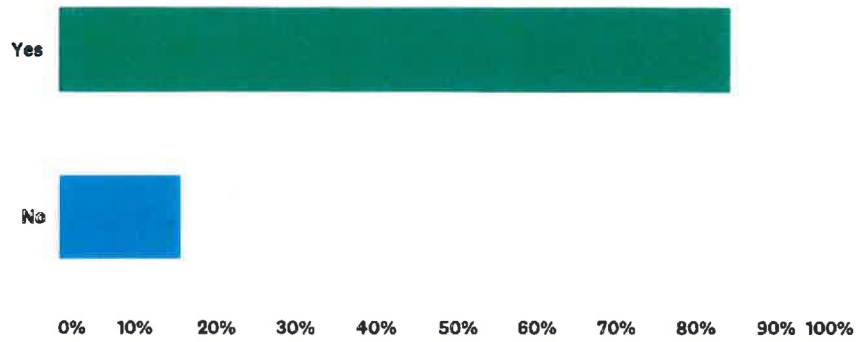
WENDY G. MACY  
General Manager

Attachment

Employee Survey

# Q1 Are you aware of the City's Sexual Harassment Complaint Procedure?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

84.30%

15.70%

3,545

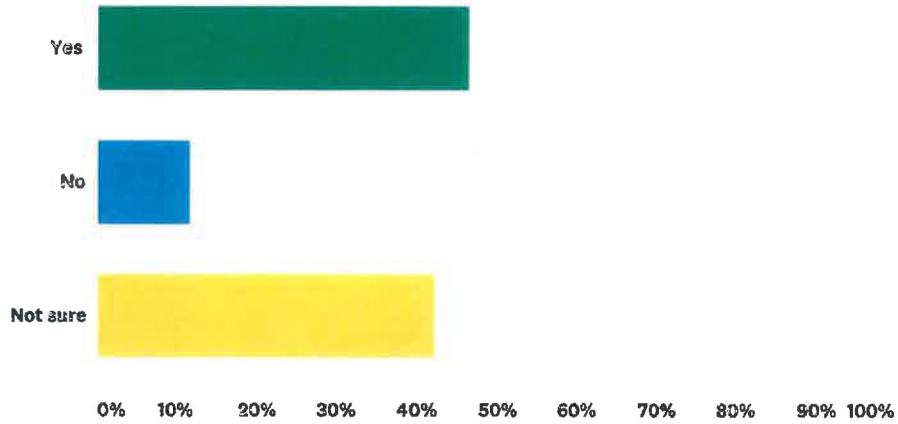
660

4,205

Employee Survey

Q2 Is the City's Sexual Harassment Complaint Procedure easy to locate on the Personnel Department - City's internet site?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes  
No  
Not sure  
TOTAL

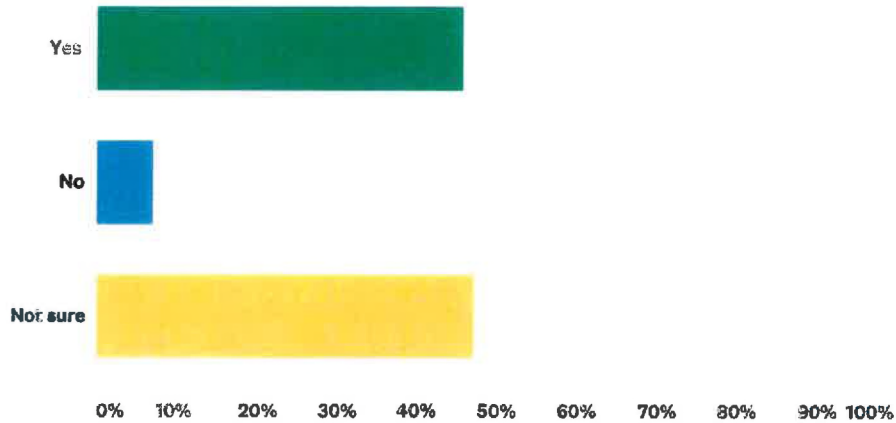
**RESPONSES**

46.35% 1,949  
11.44% 481  
42.21% 1,775  
4,205

Employee Survey

Q3 Is the City's Sexual Harassment Complaint Procedure available to you through your department's intranet site?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes  
No  
Not sure  
TOTAL

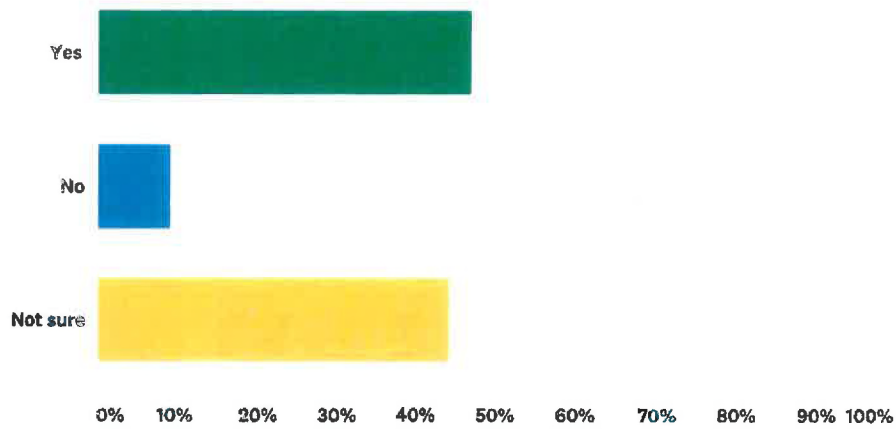
**RESPONSES**

45.73% 1,923  
7.09% 298  
47.18% 1,984  
4,205

Employee Survey

### Q4 Does your department have its own Sexual Harassment Complaint Procedure?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

Not sure

TOTAL

**RESPONSES**

46.90%

8.89%

44.21%

1,972

374

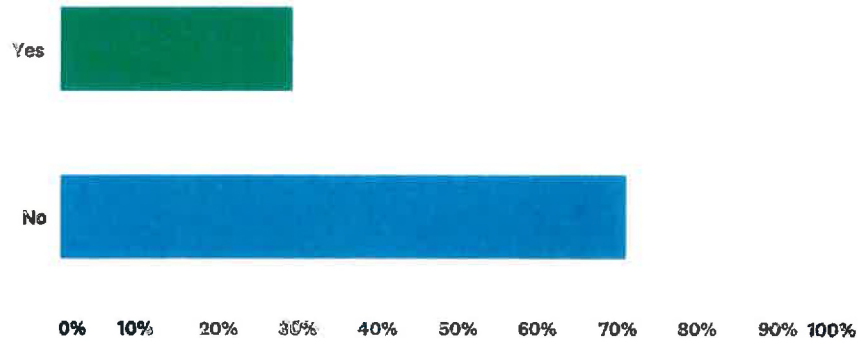
1,859

4,205

Employee Survey

Q5 Do you know who your departmental sexual harassment counselor is?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

29.13%

70.87%

1,225

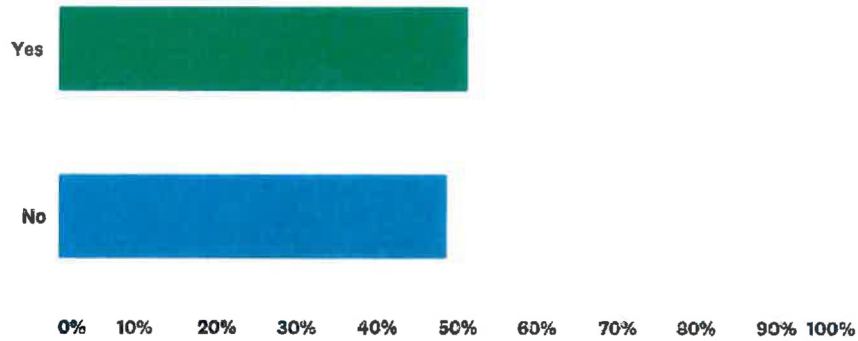
2,980

4,205

Employee Survey

Q6 Do you know, or know where to locate, the contact information for your departmental sexual harassment counselor?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

51.25%

48.75%

2,155

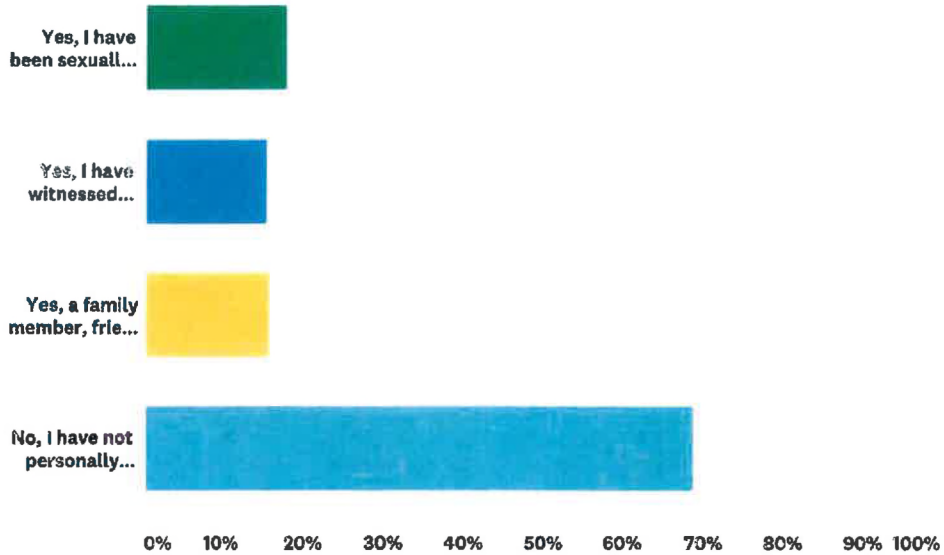
2,050

4,205

Employee Survey

Q7 Have you personally encountered sexual harassment in the workplace? (Please check all that apply):

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes, I have been sexually harassed in the workplace.

Yes, I have witnessed sexual harassment in the workplace.

Yes, a family member, friend, or colleague of mine has been sexually harassed in the workplace.

No, I have not personally witnessed or even encountered any instance of sexual harassment in the workplace.

Total Respondents: 4,205

**RESPONSES**

17.72% 745

15.20% 639

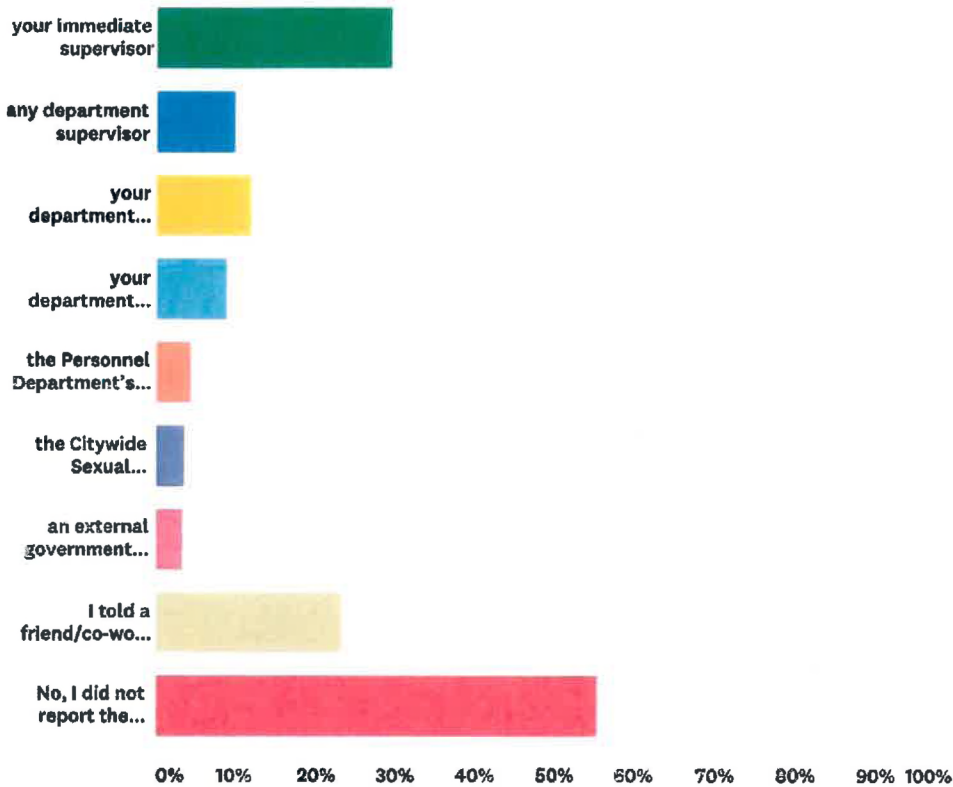
15.74% 662

68.70% 2,889

Employee Survey

Q8 If you have been the subject of sexual harassment in the workplace, did you report the incident to any of the following (check all that apply):

Answered: 1,674 Skipped: 2,530



**ANSWER CHOICES**

your immediate supervisor

any department supervisor

your department human resources office

your department sexual harassment counselor

the Personnel Department's Office of Discrimination Complaint Resolution (ODCR)

the Citywide Sexual Harassment Counselor

an external government enforcement agency, such as the California Department of Fair Employment and Housing (DFEH) or the federal Equal Employment Opportunity Commission (EEOC)

I told a friend/co-worker

No, I did not report the incident

Total Respondents: 1,674

**RESPONSES**

29.51% 494

9.74% 163

12.01% 201

8.84% 148

4.42% 74

3.46% 58

3.29% 55

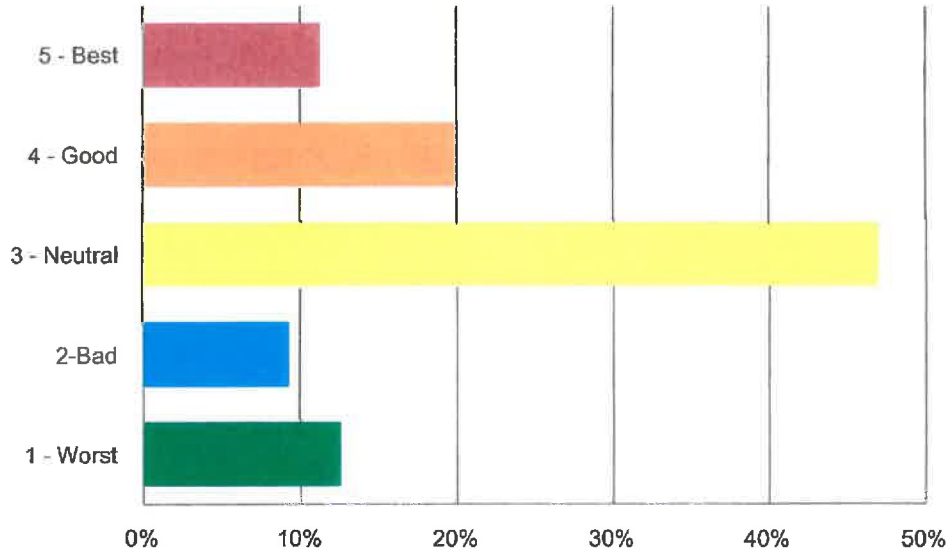
23.48% 393

55.50% 929

Employee Survey

Q9 If you reported an incident of sexual harassment, on a scale from 1 to 5, with 5 being the most satisfactory because the process was easy and respectful, how would you rate the reporting process?

Answered: 1,266 Skipped: 2,938



**ANSWER CHOICES**

**RESPONSES**

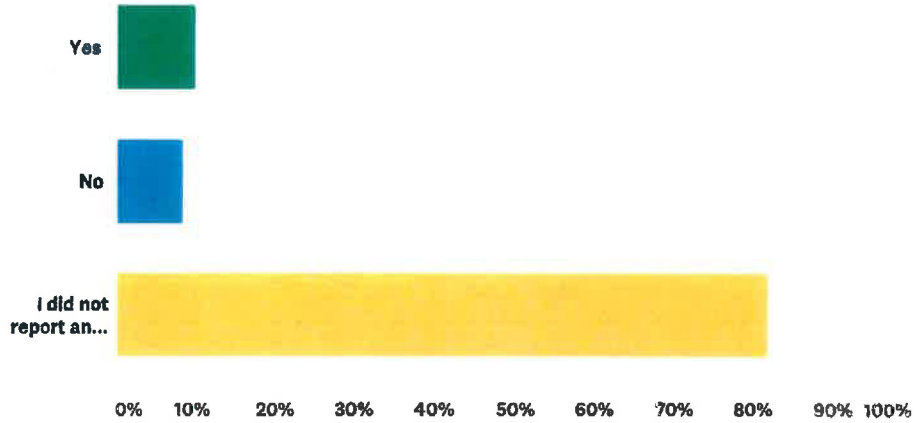
5 - Best	11.22%	142
4 - Good	19.98%	253
3 - Neutral	47.00%	595
2 - Bad	9.24%	117
1 - Worst	12.56%	159

Total Respondents: 1,266

Employee Survey

Q10 If you reported an incident of sexual harassment, did anyone follow up with you during the investigative process?

Answered: 2,758 Skipped: 1,446



**ANSWER CHOICES**

Yes  
No  
I did not report an incident  
TOTAL

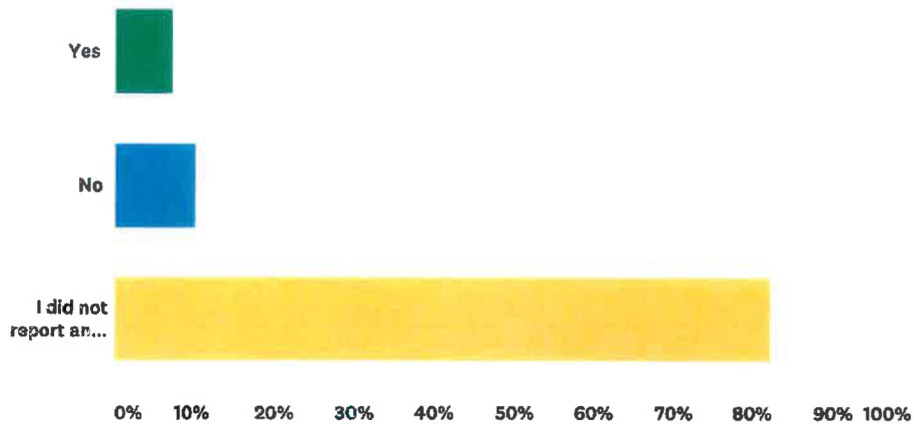
**RESPONSES**

9.83% 271  
8.30% 229  
81.87% 2,258  
2,758

Employee Survey

Q11 If you reported an incident of sexual harassment, were you advised of the completion of the investigation?

Answered: 2,817 Skipped: 1,387



**ANSWER CHOICES**

Yes  
No  
I did not report an incident

**RESPONSES**

7.38% 208  
10.19% 287  
82.43% 2,322

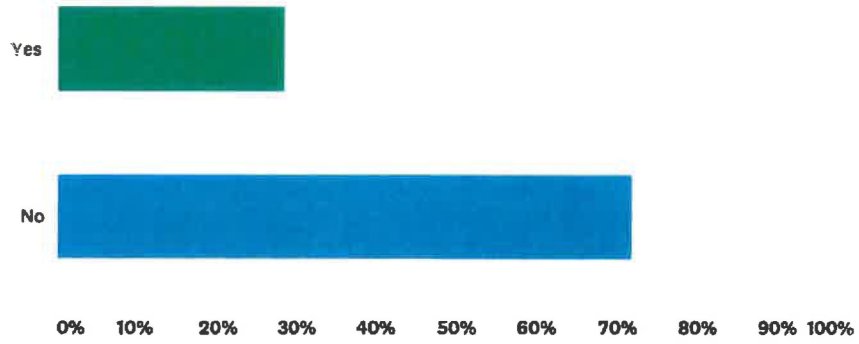
**TOTAL**

**2,817**

Employee Survey

Q12 Do you believe there are other specific individuals to whom you should be able to report an incident of sexual harassment?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

28.35%

71.65%

1,192

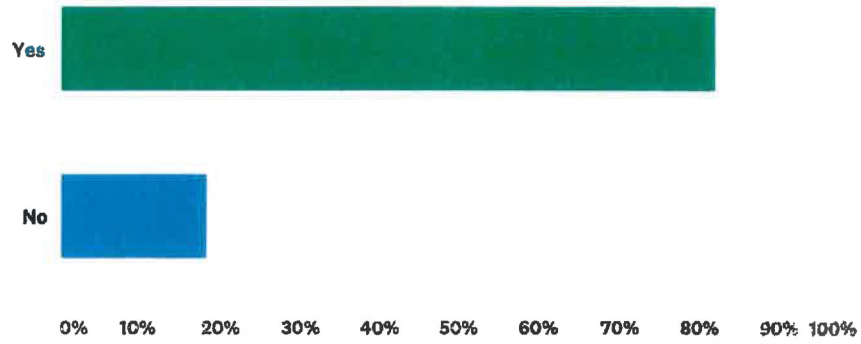
3,013

4,205

Employee Survey

Q13 If available, would you use a hotline to report an incident of sexual harassment?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

81.90%

18.10%

3,444

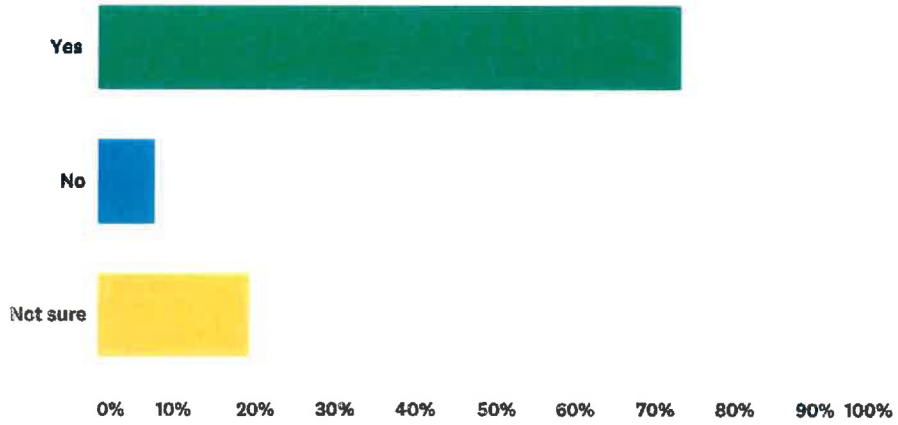
761

4,205

Employee Survey

Q14 If available, would you use an online reporting system?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes  
No  
Not sure  
TOTAL

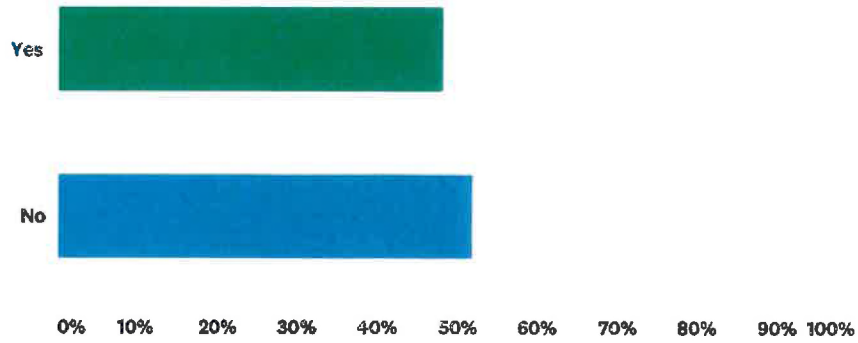
**RESPONSES**

73.25% 3,080  
7.28% 306  
19.48% 819  
4,205

Employee Survey

Q15 Are you interested in receiving sexual harassment awareness and prevention training?

Answered: 4,205 Skipped: -1



**ANSWER CHOICES**

Yes

No

TOTAL

**RESPONSES**

48.18%

51.82%

2,026

2,179

4,205

Employee Survey

Q16 Do you have any recommendations for improvements to the City's process for reporting and/or handling of harassment claims?

Answered: 1,836 Skipped: 2,368

*Free-text responses to this question currently under review.*