



REPORT
FROM

THE PERSONNEL
DEPARTMENT

TO: Personnel and Animal Welfare Committee	DATE February 15, 2018
REFERENCE:	COUNCIL FILE 17-1286
SUBJECT: Sexual Harassment Discrimination Complaint Procedure and Policy	

RECOMMENDATION:

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

DISCUSSION:

On November 28, 2017, the City Council adopted a motion (Krekorian-Martinez) regarding the City's Sexual Harassment Discrimination Complaint Procedure and Policy, and the lack of a centralized reporting hotline wherein City employees and City residents who have been harassed by a City employee can easily and quickly file a complaint. The Personnel Department was instructed to:

- report on the feasibility of creating a sexual harassment and assault complaint hotline and website;
- reexamine the city's sexual harassment policies to ensure the policies are victim-friendly and report back with any recommendations on changes to the policy;
- report to Council with the number of sexual harassment complaints reported in the last five years, broken down by department; and
- conduct an anonymous survey of City employees regarding how to improve and streamline the process for reporting sexual harassment and assault.

As noted in the Council motion, employees have many avenues available to report sexual harassment and may submit to one or more of the following:

With their Department -

- A Supervisor
- Department Sexual Harassment Counselor

With the City -

- Citywide Sexual Harassment Counselor
- Office of Discrimination Complaint Resolution (ODCR)

With the State or Federal Government -

- California Dept. of Fair Employment and Housing (DFEH)
- Equal Employment Opportunity Commission (EEOC)

The Personnel Department's Equal Employment Opportunity (EEO) Division responds on behalf of the City to discrimination complaints filed with external agencies (EEOC and DFEH) and investigates complaints filed internally with the Office of Discrimination Complaint Resolution (ODCR). At the time the motion was adopted by Council, the EEO Division recorded and tracked only those sexual harassment complaints filed with the City or with external agencies but not those solely filed with, or investigated by, an employee's department. Further, while the City has a process for tracking that portion of sexual harassment claims, it is not supported by a modern, online citywide system.

On December 15, Mayor Garcetti established a new data collection protocol for all City departments and bureaus, including proprietary departments. Effective as of December 15, departments are now required to report any incident of sexual harassment involving an employee, customer, visitor, volunteer, or contractor to their departmental human resources section within 48 hours of learning of the incident. Human resources managers are responsible for transmitting a completed Incident Report form to the EEO Division to ensure that no incident is overlooked. The Mayor further directed the formation of a new working group under the Risk Reduction Cabinet and tasked that group with assessing both current reporting processes and technology to enable a best-in-class process that serves all employees.

On January 17, the Risk Reduction Cabinet, 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 the reporting and investigation process for sexual harassment and assault in the City, evaluate best-in-class practices and processes in other organizations, evaluate options for technical interventions, and create recommendations for policy, process and system changes based on the analysis conducted.

A reexamination of the City's policies is being conducted by the working group, which includes the following:

- Mayor's Office
- Council District 2
- Council District 6
- City Attorney
- Personnel Department
- City Clerk
- General Services Department
- Department of Transportation
- Los Angeles Fire Department
- Los Angeles Police Department
- Bureau of Sanitation
- Department of Recreation and Parks
- Department of Water and Power
- Commission on the Status of Women
- Advisory Representatives from Callisto (leader in trauma-informed sexual assault reporting)

This working group is expected to complete its review and develop recommendations in four to six months. The first meeting is tentatively scheduled for February 23, 2018.

The Personnel Department conducted an implementation briefing on the new incident report form for department sexual harassment counselors and personnel officers on January 24, 2018. Since the new reporting protocol was established, the EEO Division has received 26 incident reports (as of February 14, 2018). Of those 26 sexual harassment incidents, only three would have come to the attention of EEO prior to the implementation of the new reporting protocol. The chart below summarizes the number of incident reports, counted by submitting department.

Department	No. of Incident Reports
Anonymous	2
Airports	2
Animal Services	1
El Pueblo	6
EWDD	1
Finance	2
Library	2
Personnel	2
Public Works Bureau of Street Services	1
Recreation and Parks	2
Transportation	4
Zoo	1
TOTAL	26

Two incident reports were submitted on behalf of anonymous parties - one directed toward the General Services Department and one toward the Public Works Bureau of Street Lighting. Two of the four incident reports submitted by the Department of Transportation were initiated by citizens/non-employees. Because incident reports are submitted within 48 hours, most incidents are currently under investigation.

Prior to the implementation of the incident report form, the EEO Division received 35 sexual harassment-related complaints in the five years between 2013 and 2017. The chart below summarizes those complaints by department. Of the 35 complaints received in the last five years, five were filed with external agencies and 30 were filed with ODCR.

Department	No. of Complaints
Airports	5
Animal Services	1
City Attorney	1
Building and Safety	1
City Council	1
Cultural Affairs	1
DWP	2
Finance	1
General Services	1
Housing	1
ITA	1
Library	2
Los Angeles City Employees Retirement System	1
Police	3
Public Works (All Bureaus)	5
Recreation and Parks	2
Transportation	6
TOTAL	35

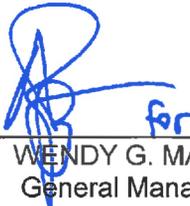
The Personnel Department has also begun work with the Mayor's office and ITA to create an online portal with support and input from key City stakeholders, subject matter experts, and collaborators. ITA has identified options that include modifications of an existing City case tracking system used currently by the Fire Department and options offered by third-party vendors. We are currently working on business requirements and expect to receive input from the Harassment and Discrimination Working Group, which is charged with understanding the efficacy of, and improvement opportunities for, the City's harassment reporting process, reducing risk of harm to employees, making reporting easier, and reducing the number of instances that go under-reported and unaddressed with a goal of developing a process responsive to individuals subjected to sexual harassment.

The City can also establish an 800 number to serve as a sexual harassment and assault complaint hotline. Information on the cost and timeline to implement the hotline is pending from ITA.

Finally, we have developed a draft survey for City employees, and that draft is attached. Memorandum of Understanding (MOU 24) for Police Officers and MOU 23 for Firefighters expressly require internal employee relations review prior to distribution to employees. Additional labor unions have also asked to review the survey before it is distributed to employees. The draft survey has been shared and responses are pending. While the survey is under review, the Personnel Department will complete a logistical review of distribution options to ensure that the survey will reach all employees and, that they will be able to respond anonymously.

FISCAL IMPACT STATEMENT:

Noting and filing this report will have no fiscal impact.



for
WENDY G. MACY
General Manager

Attachment

Draft Employee Survey

The Personnel Department is seeking your feedback on the City's Sexual Harassment Complaint Policy and Procedures.

Please take this survey, which is **completely voluntary and confidential.**

Please complete the survey by [DATE]. It should take no more than 15 minutes to complete. Thanks for your participation.

Please return your completed survey via City mail to:	You can also send it via U.S. mail to:
Equal Employment Opportunity Division Attn: Citywide Sexual Harassment Counselor Personnel Building, Room 380 Mail Stop # 391	City of Los Angeles Equal Employment Opportunity Division Attn: Citywide Sexual Harassment Counselor 700 East Temple Street, Room 380 Los Angeles, CA 90012

1) Are you aware of the City's Sexual Harassment Complaint Procedure?

Yes

No

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

Yes

No

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

Yes

No

4) Does your department have its own Sexual Harassment Complaint Procedure?

Yes

No

Not sure

5) Do you know who your departmental sexual harassment counselor is?

Yes

No

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

Yes

No

7) Have you personally encountered sexual harassment in the workplace?

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.

8) 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):

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.

If you did not report the incident, please share your reason for not reporting. [text box]

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

1

2

3

4

5

Please use this space to briefly share any comments or concerns associated with this rating.
[text box]

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

Yes

No

11) If you reported an incident of sexual harassment, were you advised of the completion of the investigation into your allegations?

Yes

No

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

Yes

No

If yes, please list individual(s) or position(s) _____

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

Yes

No

14) If available, would you use an online reporting system?

Yes

No

15. Do have any recommendations for improvements to the City's process for reporting and/or handling of harassment claims? [text box]

Thank you for your participation!!

Please return your completed survey via City mail to:	You can also send it via U.S. mail to:
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