



EMPOWER **LA**TM
Department of
NEIGHBORHOOD EMPOWERMENT



Employee Handbook

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

Employee Handbook

DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT OFFICES

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SEPTEMBER 2015

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Welcome to the Department of Neighborhood Empowerment also known as EmpowerLA! I hope your experience with the City and EmpowerLA is both fulfilling and rewarding. As an EmpowerLA employee, our clients include residents and visitors of this City, those working or conducting business in Los Angeles and staff of City elected, departments, offices, and agencies. Our commitment must be to provide quality services to our clients in a courteous manner and to ensure that our working environment is free of discrimination.

Every position is valuable to our organization so please take pride in your work and perform every task to the very best of your ability. Get to know the managers, supervisors and peers with whom you work and interact. We are all part of the team that will make our mission and goals a reality. Enjoy the many opportunities you will experience in your assignment and the opportunities to learn about other areas of the organization. Let's work together to make your employment with the City of Los Angeles and EmpowerLA a rewarding and satisfying experience.

This Employee Handbook provides the information concerning the City of Los Angeles and its form of government, the major functions of each EmpowerLA team and the Working Rules for Employees of the Department of Neighborhood Empowerment. We have also included a section entitled, "Additional Information." This should prove to be a valuable tool to assist you in finding information concerning other City services, policies, and resources.

The Working Rules have been developed to ensure that employees and their supervisors understand basic conditions of employment in the Department of Neighborhood Empowerment. A good understanding of these rules will contribute much toward effective working relationships among employees and between employees and their supervisors. Should any employee or supervisor need assistance in the application or interpretation of these rules, please consult the Department's Personnel Officer.

I look forward to working with you. Thank you for helping us to Empower LA!

GRAYCE LIU
General Manager



Empower Yourself. Empower Your Community. Empower LA.



EMPOWER LA™

Department of
NEIGHBORHOOD EMPOWERMENT



Strategic Plan

VISION

The vision of the Department of Neighborhood Empowerment is to collaborate with Neighborhood Council leaders, stakeholders, City elected and departments to make the Los Angeles Neighborhood Council system the model of local civic engagement in the nation.

MISSION

Pursuant to the Charter of the City of Los Angeles, Article IX, Section 900, the mission of the Department of Neighborhood Empowerment is to promote more citizen participation in government and to make government more responsive to local needs.

HOW WE WORK

Bottom Up Support - the Department treats Neighborhood Councils as independent, self-governing and self-directed entities and works with them to develop policies and procedures to improve the Neighborhood Council system.

Inclusive Membership- the Department works with stakeholders of all backgrounds and experience.

Open and Transparent- the Department's work and communications with stakeholders shall be open and transparent.

Focus on End User - the Department's policies and procedures should be developed with the stakeholders and be simple, efficient and impactful.

Continual Improvement - the Department strives to collaborate with Neighborhood Councils and the City to find ways to continually improve its services.



HISTORY

The first settlers of the City of Los Angeles consisted of 14 families numbering 44 individuals. The ceremonies founding the City took place on September 4, 1781. At that time, Colonel Felipe DeNeve, who was then Governor of the Spanish Province of Alta California, officially applied the name “El Pueblo de Nuestra Señora la Reina de Los Angeles” or “The Town of our Lady the Queen of the Angels.”

The City of Los Angeles was incorporated on April 4, 1850. It had a population of 1,610 (U.S. Census) and an area of 28 square miles. It did not have a graded street, a sidewalk, a water system, lights, or a single public building of its own. On Saturday morning, every citizen swept or cleaned the street in front of their home. Street lighting was simple. Each homeowner, whose house faced the street, was obliged to put a light at the door in front of the house each night during the first two hours of darkness.

Today Los Angeles has a population of nearly four million, an area of 465 square miles, over 7,366 miles of streets, an abundance of water and power brought from mountains hundreds of miles away, and thousands of publicly owned structures of various types. The friendly lanterns that once hung at the door have been replaced with streetlights. Adobe houses have been replaced with commercial buildings and residences, volunteer police and fire departments have been succeeded by highly trained, properly equipped, and well-organized municipal forces, and mud flats have been dredged to become two of the world’s busiest harbors at Wilmington and San Pedro.

GOVERNMENT

The form of government for the City of Los Angeles is a Mayor-Council-Commission structure as provided by the Los Angeles City Charter effective July 1, 2000. Currently, primary and final elections are held in the spring of odd numbered years. The people elect the Mayor, City Controller, and City Attorney every four years. The people elect fifteen City Council members representing fifteen districts for four-year terms with odd-numbered district elections coinciding with mayoral elections. The Mayor, subject to the approval of the City Council, appoints members of Commissions.

The Honorable Eric Garcetti, Mayor of the City of Los Angeles, has offices in City Hall. The City Council Chamber, room 340, also known as the John Ferraro Council Chamber, is where Council convenes every Tuesday, Wednesday, and Friday at 10:00 a.m.

Chapter

1

TEAM FUNCTIONS OF THE DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT

Board of Neighborhood Commissioners

The Board of Neighborhood Commissioners consists of seven part-time Commissioners appointed by the Mayor to represent diverse geographic areas of the City. The Board is charged with setting policy but not the day-to-day operations of the Department. The Board is also charged with certifying or de-certifying Neighborhood Councils and deciding on issues such as boundary disputes between Neighborhood Councils. The Board meets twice monthly or when the need arises.

General Manager

The General Manager is appointed by the Mayor to manage the daily operations of the Department of Neighborhood Empowerment. The General Manager is also responsible for the NEIGHBORHOOD EMPOWERMENT budget and staffing in accordance with City Charter and civil service requirements.

Department Teams

Department Administration

Neighborhood Council Administration

Neighborhood Council Funding

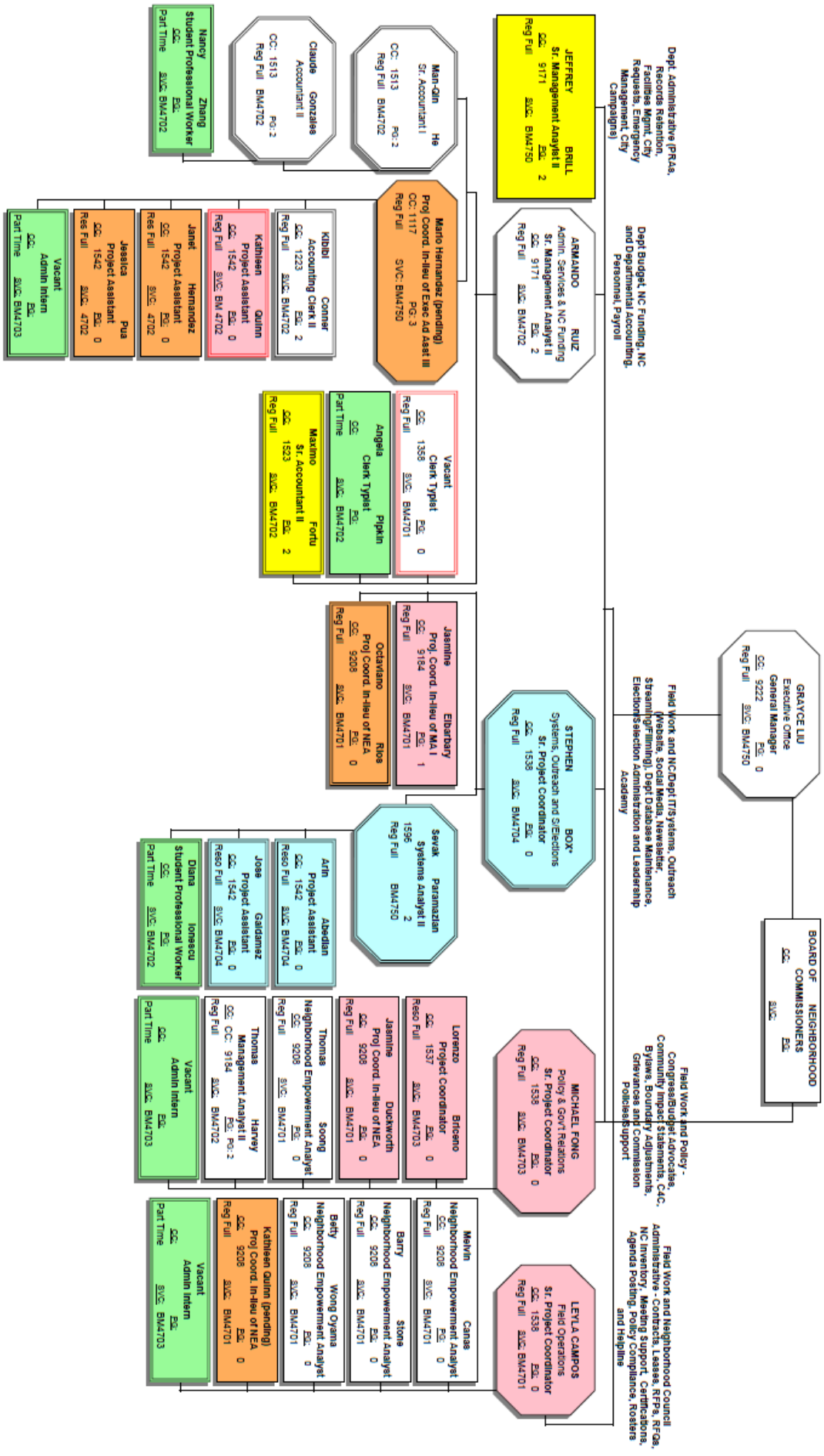
Policy and Government Relations

Outreach and Communications



DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT ORGANIZATIONAL CHART FISCAL YEAR 2015-16

96 Certified Neighborhood Councils
3 Forming



Charter 1001A - Officers of Election Exemption
 Charter 1001B - Mayor Exemption
 On Leave
 As Needed Part Time Staffing
 Need Exemptions

Revised: 08/24/2015

WORKING RULES FOR DEPARTMENT OF NEIGHBORHOOD EMPOWERMENT EMPLOYEES

General Applicability

These **working** rules are based on provisions of the City Charter, Los Angeles Administrative Code and Rules of the Board of Civil Service Commissioners. Nothing contained herein supersedes present legal provisions, which should be consulted for amplification of these rules.

Where an employee is working in a class that is subject to a Memorandum of Understanding (MOU), the applicable section of such a memorandum shall take precedence over a working rule appearing herein.

Working Rule

1

CONDITIONS OF EMPLOYMENT

This handbook contains general information about your employment with the City of Los Angeles Department of Neighborhood Empowerment and outlines general working rules. It is important that you also review the Memorandum of Understanding (MOU) for your bargaining unit, which may outline benefits and entitlements unique to your classification (<http://cao.lacity.org/MOUs/>). Employees not represented by a bargaining unit should refer to the appropriate section of the Administrative Code (<http://lacity.org/city-government/city-charter-rules-and-codes?laCategory=2188>). For assistance in determining your benefits, you may also request assistance from the Department's Personnel Officer or from the Personnel Department.

1.1 HOURS OF WORK

All staff, both hourly (non-exempt) and salaried, must have a regular work schedule. All full-time employees are expected to work on a full-time basis (80 hours in a pay period) to fulfill the requirements of their jobs. Your working hours are arranged to meet the requirements of the Department. Your Team Manager must approve any rearrangement of your normal working hours **in advance**.

Salaried employees, while not subject to deductions from salary or leave banks for absences from work of less than a full work day, may be required to work a regular schedule and be accountable to their respective supervisors for any absences from work.

Except in emergencies, you may take two 15-minute breaks per day, one prior to your lunch period and one following your lunch period. Breaks may not, however, be taken within the first hour or last hour of work or within one hour of lunch break. Your lunch period may be taken at a time agreeable to your supervisor.

Under the Fair Labor Standards Act (FLSA), a workweek must be established for all employees, including exempt employees, in writing. FLSA defines a workweek as a regular recurring period of 168 consecutive hours. A workweek need not be the same as the calendar week nor need it correspond to a payroll period. It may begin and end on any day of the week and at any time of the day. Once the beginning of an employee's workweek is established, **it remains fixed**. You are responsible for ensuring that an up to date Employee Workweek form (available at <http://cityweb.ci.la.ca.us/repository/forms/index.cfm> or from your supervisor) is on file with the Department's Personnel Officer. The established workweek cannot be changed unless the change is

intended to be permanent. The Department of Neighborhood Empowerment offers the following work schedules (all options may not be available in all Teams) listed below. The workweek that corresponds to each of the schedules is also described.

1. 5/40 Schedule

All salaried (exempt) employees and hourly (non-exempt) employees who work a 40-hour schedule (5/40) will have a workweek that corresponds to the calendar week (i.e., 12:01 a.m. Sunday through 12 midnight Saturday).

2. 9/80 Modified Schedules (Currently not offered)

The workweek for 9/80 schedules will begin on the same day of the week as the 9/80 regular day off which is known as the split day. Specifically, the workweek begins four hours after the employee's split day start time. The established 9/80-day off is a fixed day. The short day (8-hour day) may be on either the same day of the week as the regular day off or the day before the employee's 9/80 day off. Employees may be assigned to one of the approved defined workweeks. No temporary changes will be allowed to the employee's regular 9/80 day off (e.g., switching the day off) at the convenience of the employee or supervisor.

A permanent change to the 9/80 schedule may be requested based on a change in life circumstances (e.g., change in child care provider, new vanpool, etc.), based on a change in work assignment or departmental need. Employees obtain approval from the Team Manager, complete a new Employee Workweek form, and submit the approved form to the Personnel Officer.

3. Intermittent and Reduced Work Schedules (72 hour plan)(Currently not offered)

All intermittent employees (as-needed) and employees who work on a reduced schedule will have a workweek that corresponds to the calendar week (i.e., 12:01 am Sunday through 12 midnight Saturday) to provide the greatest flexibility, unless an operational need dictates otherwise.

4. Adjusting Time Schedules

On a case-by-case basis, employees may adjust their time within the workweek with approval from the supervisor. For example, an employee may be allowed to come in late due to a doctor's appointment and make up the time during the same workweek in which the time was taken. However, adjustments will not be allowed at the end of the workweek. Exceptions can be made if the supervisor authorizes the employee to work additional hours (i.e., overtime).

5. Business Hours

It is the policy of the Department of Neighborhood Empowerment to be open for business and adequately staffed during the normal business hours of 8:00 to 5:00 PM. The Department may also remain open evenings and weekends when there are special events, or a need is identified by Department management.

1.2 ATTENDANCE AND PUNCTUALITY

You are expected to report to work on time. If you are to be tardy or absent, you must notify your supervisor of the reason either by telephone, email, or text message as soon as you are aware of the incident, but no later than the first half hour of work (whichever is earlier) and on each day of absence thereafter, unless you have made other arrangements with your supervisor. (See Working Rule 2, Absences from Duty) You must also contact the Front Desk at (213) 978-1551 so your absence can be noted on the Staff Calendar.

1.3 HOLIDAYS

You are entitled to the following paid holidays. When a holiday falls on a Sunday, the Monday immediately following shall be considered the holiday. When a holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday.

<u>HOLIDAY</u>	<u>DATE</u>
New Year's Day	January 1
Dr. Martin Luther King Jr. Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Cesar Chavez Day	Last Monday in March
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
The day after Thanksgiving Day	4 th Friday in November
Christmas Day	December 25
Unspecified Day(s) – "Floating Holiday"	1 (8-hour) day

1.4 PAYS R DISTRIBUTED TIME (D-TIME) AND PAYDAY

Distributed Time (D-Time) is the application for individual employees to report their time subject to electronic approval by their supervisors. This application runs on any personal computer that is connected to the City network. Employees are responsible for entering their time correctly and completely by the prescribed bi-weekly due dates (currently the 2nd Friday of every pay period, by noon). Any variances in work schedules, such as sick time, leave with pay, vacation, or overtime worked also require completion and submission of a completed blue slip (approved by the employee's supervisor).

Payday for the majority of full-time City employees is every other Wednesday. A Payroll Calendar is available on the City Controller's website: <http://ctr.ci.la.ca.us/>

For direct deposit of your paycheck, please complete the Direct Deposit form available through the Citywide Forms Repository at: <http://ctr.ci.la.ca.us/forms.htm>

You can also access your personal payroll profile through Apple or Android devices using MyPayLA. With MyPayLA, you can download your pay-stubs on-the-go, view the payroll calendar and check your vacation, holiday and sick-time balances--with just a few swipes of your finger.

Google Play: <https://play.google.com/store/apps/details?id=com.la.inside>

iTunes: <https://itunes.apple.com/us/app/insidela/id954584938?mt=8&ign-mpt=uo%3D4>

1.5 VACATION

Your supervisor must approve vacations in advance. Every effort will be made to grant your request subject to the workload of your team. Except for the special situation described in Section 2.1, vacation may not be taken in less than one hour segments. You may accumulate vacation time that totals, but does not exceed, two annual vacation periods. If not taken, you will lose any vacation time that accumulates in excess of two annual vacation periods.

You are responsible for monitoring your vacation balances and notifying your supervisor when you are close to a maximum vacation balance. Reasonable effort should also be made to notify your supervisor in advance of the day(s) that you must take vacation. However, as a last resort, you may take vacation without prior approval so that you do not lose any of your vacation time.

Each full-time employee who has completed his/her qualifying year, shall be entitled to the following number of vacation days with full pay, based on the number of years of City service completed, accrued and credited at the rates indicated, subject to deductions for absences as provided in Section 4.246 of the LAAC:

Service Years	Accrual VC Days	Max Accrual Hours	Monthly Accrual Rate In Hours/Minutes	Lump Sum Amount
1	11	176	7.33	88 hrs
2	11	176	7.33	
3	11	176	7.33	
4	11	176	7.33	
5	17	272	11.33	55 hrs
6	17	272	11.33	
7	17	272	11.33	
8	17	272	11.33	
9	17	272	11.33	
10	17	272	11.33	
11	17	272	11.33	
12	17	272	11.33	
13	18	288	11.33	19.2 hrs
14	19	304	11.33	27.2 hrs
15	20	320	11.33	35.2 hrs
16	21	336	11.33	43.2 hrs
17	22	352	14.4	51.2 hrs
18	23	384	14.4	22.4 hrs
19	24	384	16	30.4 hrs
20	24	384	16	
21	24	384	16	
22	24	384	16	
23	24	384	16	
24	24	384	16	
25	25	384	16.67	24 hrs
26	25	400	16.67	
27	25	400	16.67	
28	25	400	16.67	
29	25	400	16.67	
30	25	400	16.67	

1.6 OVERTIME

Management will attempt to assign overtime work as equitably as possible among all qualified employees in the same classification, same organizational unit and work location. However, management may consider special skills required to perform particular work. You may work overtime only with the approval of your supervisor prior to working the time and will not be assigned to work overtime unless the work cannot be performed during normal working hours, or if, because of workload requirements and schedules, it must be done immediately. Overtime worked without prior approval of your supervisor may result in disciplinary action. At the beginning of your work week or as soon as you are aware, please advise your supervisor if you require overtime for that week. Working and not recording time or working during unpaid meal periods shall not be permitted unless prior approval of the supervisor is secured.

Under the Fair Labor Standards Act (FLSA), **all hours worked** over 40 hours in a workweek by non-exempt (non-salaried) employees are considered overtime. For non-exempt employees, overtime will be compensated in time accrued and one-half. Overtime worked in one pay period should be used in the next pay period. Unless you are on a special project, e.g. elections, you may not bank more than 40 hours of overtime at any time.

A non-exempt employee who requests time off for overtime worked should be permitted to use accumulated time off unless granting such time would “unduly disrupt” the operations of the department. Salaried employees are not subject to the overtime provisions of the FLSA. While such employees do not receive overtime, the General Manager may grant time off for hours worked due to unusual circumstances.

1.7 MILEAGE

The Department, pursuant to the Administrative Code, Section 4.220 – 4.241 and the employee’s Memorandum of Understanding (MOU), is authorized to reimburse employees that are required to use their private vehicles on City business. Employees designated as such (Mileage Employees) must comply with City requirements for insurance coverage limits. Further information on being designated as a mileage employee can be acquired by contacting the Department’s Personnel Officer.

Submission of bi-weekly mileage statements for reimbursement will follow the payroll deadline schedule as indicated in section 1.4.

1.8 CITY FLEET VEHICLES

The City of Los Angeles maintains a fleet of vehicles (cars, trucks, vans, etc.) available for any employee who may need to travel while conducting City business. Use of fleet vehicles is generally not recommended or authorized where public transportation (such as the Downtown City Dash Bus) is

more practical or economically feasible. An employee requesting to use a fleet vehicle must complete a "Trip Card" (Form GS/FS 317) available at the Department's front desk, or with the Personnel Officer.

Employees on mileage are expected to use their own vehicles and not fleet vehicles to conduct City business. Such vehicles will not be used by an employee on official mileage unless an approval is obtained in advance from Management.

Occasional/Overnight garaging of fleet vehicles is not allowed without prior approval by the General Manager or Personnel Officer. Employees whose work assignments require that they garage a vehicle away from their regular work site on City business must complete an "Occasional Garaging Authorization" form (CAO Form 36) and obtain the signature of the General Manager or Personnel Officer. Permission for overnight garaging is limited only to driving the vehicle to and from the operator's residence, and to and from the business destination. Occasional garaging may be granted when it is considered essential, would provide for economy and efficiency, and would serve the City's best interest.

1.9 PETTY CASH REIMBURSEMENTS

The Department of Neighborhood Empowerment maintains a petty cash fund to make small emergency purchases covering items of expenses, incidental services, materials and supplies that cannot be obtained from General Services Department (GSD) Supply Services, or are not available from annual contracts, or cannot be acquired without loss to the City on a regular purchase order and blanket purchase order.

All expenditures by Department employees must be pre-approved by authorized personnel (Team Manager, Accounting staff, or General Manager). If petty cash is used for reimbursement, the employee completes a Petty Cash Voucher Form Gen. 17 (<http://ctr.ci.la.ca.us/forms.htm>) and attaches the original or customer's copy receipt and submits for signature by authorized personnel. When reimbursement is received, the employee signs the Petty Cash Voucher form.

For more information on the allowable uses of petty cash funds, consult the Controller's intranet site at http://ctr.ci.la.ca.us/controller_manual.html

1.10 LAYOFF

A layoff is a separation from City service due to lack of work, lack of funds, or abolishment of position. To displace means to replace an employee with another employee who has greater displacement seniority pursuant to Charter Section 1015. For further information, please refer to Civil Service Rule 8 and Personnel Procedures Manual Section 6.000 Layoff and Displacement. Additionally, the following link to the Personnel Department Intranet describes the layoff process:

<http://per.lacity.org/layoff/layoffprocesssteps.pdf>

1.11 PROBATIONARY PERIOD

The probationary period is the working test period during which an employee is required to demonstrate his/her fitness by the actual performance of the duties and responsibilities of his/her position and during which he/she may be terminated without the right of appeal to the Board of Civil Service Commissioners. The grievance procedure is not available to employees who have been terminated on probation. For information regarding the probationary evaluation, please refer to Working Rule 5.1.

Individuals appointed to exempt, at-will positions with the Department will not accrue any civil service tenure, contractual employment rights, or due process rights. The incumbent may be removed, without any finding of cause, by the hiring authority.

1.12 OUTSIDE EMPLOYMENT

You may have employment or engage in business activities outside the Department if you obtain permission **in advance** from your Team Manager. You should submit your request to your Team Manager on a completed "Notification of Outside Employment or Business Activity." The form is available on the Personnel Department Intranet under the "Forms" tab. If you are a new employee of the Department and have outside employment, you must obtain permission from your Team Manager to continue this employment.

Should your Team Manager disapprove your request, you may appeal to the General Manager, who shall make the final decision.

(See also Working Rule 7.2 Conflict of Interest)

1.13 REPORTING ON-DUTY INJURIES

If you are injured or have an illness arising out of and in the course of your employment with the City, it is your right to receive medical treatment and care at no cost to you. If you are injured during working hours, no matter how slight the injury, you must report it immediately to your supervisor. If the injury is serious and no supervisor is present, get medical attention first and report it to your supervisor as soon as possible.

Instructions and information relating to reporting an injury (filing a claim) or benefit entitlement for work-related injuries may be obtained from the following sources.

- Workers Compensation Division – (213) 473-3400
- City of L. A. **Intranet** –

Information: <http://per.ci.la.ca.us/> Select: Workers Compensation tab

Forms: <http://cityweb.ci.la.ca.us/repository/forms/index.cfm> Keyword: injury

FRAUD WARNING:

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

The City prosecutes fraud vigorously and the Department of Neighborhood Empowerment will terminate such employees.

1.14 SAFETY

It is the policy of the Department of Neighborhood Empowerment to maintain a safe and healthy work environment as is reasonably feasible for all employees. Managers and employees shall comply with all applicable Federal, State and local safety laws and regulations. The Department of Neighborhood Empowerment employees shall conduct its operations and activities in a safe manner to minimize the risk of injury to employees and the public. All employees are responsible for complying with all applicable safety and health regulations, policies, and established work procedures. Employees have an obligation to work in a safe manner and in accordance with all training and instruction received by supervision. Employees are required to familiarize themselves with the Department's written Injury and Illness Prevention Program available from Department's Personnel Officer.

1.15 REPORT FRAUD, WASTE, AND ABUSE

The City of Los Angeles, Office of the Controller, operates a confidential hotline for City employees, contractors, citizens and other interested parties to report fraud, waste and abuse affecting City resources. The City has contracted with an independent company (The Network) whose trained intake specialists will receive all calls and web-based reports. You may remain anonymous.

Report Fraud, Waste and Abuse of City Resources

CALL: 1-866-428-1514 (toll free 24 hrs - 7 days/week)

Or file a web-based report at http://controller.lacity.org/Fraud_Hotline/index.htm

What to Report

- Theft of City resources (e.g., cash, equipment, supplies or materials)

- Record falsification
- Payroll fraud or time abuse
- Kickbacks or bribes
- Intentional misuse of City equipment or property
- Contractor fraud
- Gross mismanagement of resources, including careless expenditures
- Gross disregard of policy and procedural controls

Complaint Evaluation

The Controller's Fraud, Waste and Abuse Unit will conduct a thorough analysis of each complaint. In order to protect the confidential reporting process, updates of actions will not be provided.

Additional City Contacts:

- General City Services, information & complaints 3-1-1 or (213) 473-3231
- Non-Emergency Police Service (877) ASK- LAPD
- City Campaign and Ethics Violations (800) 824-4825
- Workers Compensation Fraud (877) 742-5352

Working Rule

2

ABSENCES FROM DUTY

2.1 BRIEF ABSENCES

Team Managers may authorize absences of less than eight hours. With permission you may be absent for four hours or less without a deduction from your pay if the time is made up within the established workweek during which the absence occurred. If it is not possible for you to make up the time as approved within the workweek, you must cover the time with approved compensated time or leave without pay. However, all absences over eight hours in one day will be deducted from your pay unless covered by sick leave, vacation time, or compensated time off (accumulated overtime).

2.2 SICK LEAVE

A. POLICY AND GENERAL INFORMATION

The City's sick leave benefits plan provides for use of sick leave for personal illness, immediate family illness, preventive care, and pregnancy.

These sick leave benefits are provided to ease the financial burden of employees who are required to be absent from duty due to a non work-related illness or injury stated above. Although 96 hours of 100% paid sick leave and 40 hours of 75% paid sick leave are added to an employee's sick leave balance each year, an employee is not allowed to use an excessive amount of paid sick leave without an **acceptable reason**. Frequent absences, excessive use of sick leave, patterned absences or failure to follow reporting requirements **may** result in an unsatisfactory attendance record and in nonpayment of sick leave benefits. Supervisors will be notified of employees who have records of excessive absenteeism and/or extensive use of paid sick leave benefits. Supervisors may counsel these employees or take other action, **if appropriate**, as determined by the circumstances of the absence(s).

The City's sick leave benefit plan provides for accumulation of sick leave hours from year to year and cash payment for unused 100% sick leave benefits over the 800 hour maximum accumulation limit. Employees are encouraged to "bank" their sick leave and to use it only when truly ill or temporarily disabled, thereby assuring that they will have adequate benefits should a major illness or injury occur.

Immediate Family Defined

Immediate family includes the employee's father, father-in-law, mother, mother-in-law, brother, sister, spouse, child, foster child, grandparents, grandchildren, step-parents, step-children, the domestic partner of an employee, a household member (any person residing in the immediate household of the employee at the time of illness or injury) and the following relatives of a domestic partner: child, grandchild, mother, and father.

Any non-represented employee who claims a domestic partner for purposes of the provisions of this section shall complete a confidential affidavit to be filed in the Employee Benefits Office, Personnel Department, which shall be signed by the City employee and the domestic partner, declaring the existence of a domestic partnership with a named domestic partner. No affidavit is required to secure family illness benefits arising from the illness or injury of a household member. NOTE: Please consult your specific MOU as additional persons may be identified as immediate family members.

B . B E N E F I T S

The Los Angeles City Administrative Code and appropriate Memoranda of Understanding govern the sick leave benefits for City employees. To qualify for sick leave benefits, new employees must complete a period of six consecutive months of service, without being absent without pay for more than a total of ten working days. For employees who have been absent more than ten working days, the six-month qualifying period will be adjusted in accordance with the method specified in the Administrative Code.

Following the completion of the qualifying period, employees will accrue 8 hours of 100% sick leave per month until January 1, of the following year. Each January 1, following completion of the qualifying period, employees are awarded 96 hours of 100% sick leave, and 40 hours of 75% sick leave.

Unused annual sick leave may be accumulated up to a maximum of 800 hours each of 100% pay and 75% pay. Employees who accumulate more than 800 hours of 100% sick leave will be compensated at one-half their current salary for those unused hours in excess of 800 hours. Accumulated sick leave does not include the hours credited at the beginning of the current calendar year. No compensation is made for unused hours in excess of the maximum accumulation of 75% sick leave.

When an employee retires, any balance of accumulated sick leave (earned prior to current calendar year) at full (100%) pay remaining unused at the date of retirement is compensated by cash

payment at 50% of the salary rate at date of retirement. There is no compensation for unused 75% sick leave.

Note: Prior to 1998, City employees accrued annually an additional 40 hours of sick leave at 50% of their salary rate. This benefit has been eliminated. Employees with accrued 50% sick leave hours, at the time the benefit was eliminated, will receive compensation for these hours upon retirement from City service. The cash compensation for these hours will be at the rate of 25% of their current hourly rate for each hour of accrued 50% sick leave.

C. ABSENCE REPORTING REQUIREMENTS

You are expected to report to work on time. If you are to be tardy or absent, you must notify your supervisor of the reason either by telephone, email, or text message as soon as you are aware of the incident, but no later than the first half hour of work (whichever is earlier) and on each day of absence thereafter, unless you have made other arrangements with your supervisor. (See Working Rule 2, Absences from Duty) You must also contact the Front Desk at (213) 978-1551 so your absence can be noted on the Staff Calendar. If, due to the nature of the illness, the employee will be absent from work for several days, the supervisor may waive the requirement to call in each day to report the absence. Supervisors may permit an employee to report every third day or at other specified intervals, as deemed appropriate. However, employees must keep their supervisor informed of their condition and the expected return to work date.

If an employee fails to return to duty at the start of the workday specified on a medical slip or fails to report to work at the start of the normal workday, the employee's supervisor will take **immediate** steps (such as, but not limited to, calling employee at home) to determine his/her status. If an employee fails to call his/her supervisor to report their absence, his/her time slips may reflect "No Compensation." Except in cases of hospitalization or dire emergencies, notice after-the-fact will **not** be accepted.

D. SICK LEAVE VERIFICATION

Management recognizes the fact that an employee may be ill and not require the services of a physician. Therefore, supervisors will normally accept the employee's own certification of illness. Self-certification consists of the employee's notification to the supervisor of illness and submitting a timesheet to the supervisor for approval. This procedure does not apply to those individuals who are required to provide Physician's Certificates for all absences. (See following section).

However, a supervisor may, at any time, require an employee to provide proof of illness or injury in the form of a medical certificate and/or a completed Medical Information Certificate for review by a City Physician.

Depending on the circumstances, supervisors may require that medical certificates be furnished during the absence or may elect to require the certificate upon the employee's return to work.

E. PHYSICIAN CERTIFICATE REQUIREMENT

A Physician's Certificate Requirement is a notice to the employee that he/she is required to submit medical documentation for each use of sick leave. This requirement should be used selectively with employees whose attendance has not improved after several warnings. A physician's notice may be required, however, for any single incident of sick leave use. The employee should be given adequate advance notice of this requirement.

Employees who have previously been counseled regarding unsatisfactory attendance and who are required to provide a physician's certificate for all absences, or other employees who are specifically directed to provide physician's certificates, must comply with the following requirements:

1. Visit the physician on the **first** day of illness. Retroactive medical slips will not be accepted, and sick time for those days prior to the physician's visit will not be paid;
2. Physician's certificates must state that the employee was **unable** to work and indicate the specific work restrictions; or that the employee, if at work, would represent a serious hazard to himself or herself or others; the dates of the absence; and
3. Certificates must be presented to the supervisor no later than the **first** day back to work.

Failure to provide certificates in compliance with these requirements will result in the amending of payroll records to reflect "No Compensation" for the days missed and/or the periods not covered by the physician's certificate.

F. MEDICAL INFORMATION CERTIFICATE

If a physician's certificate does not provide sufficient data for a supervisor to approve payment of sick leave, the supervisor may require that the employee provide a Medical Information Certificate. This form provides for the release of medical information directly to the City's Physician. Submittal of an incomplete form may result in the denial of sick leave pay. The completed form is considered confidential and will be kept in the employee's medical file at the Medical Services Division.

G. USES OF SICK LEAVE

1. IMMEDIATE FAMILY ILLNESS

Employees who have accumulated 100% sick leave may use these hours (unless otherwise provided in the appropriate Memorandum of Understanding or Administrative Code) when they are required to be absent due to illness or injury in the immediate family. Only 100% sick time may be used for family illness, unless the family illness is used in conjunction with a leave

under provisions of the FMLA. The employee may be required by the supervisor to furnish a Physician's Certificate or other suitable and satisfactory proof indicating that the nature and extent of the injury or illness was sufficient to justify such absence.

2. PREVENTIVE CARE

With prior supervisory approval, an employee who has sufficient 100% sick leave may be allowed time off, not to exceed an aggregate of sixteen hours in any one calendar year (unless otherwise provided in the appropriate Memorandum of Understanding), for the purpose of securing preventive medical, dental, optical, or other similar type of treatment or examination for the employee and for members of the employee's immediate family. This sick leave must be taken in hourly increments and will be deducted from allowance of sick leave at full pay. Whenever possible, appointments should be arranged on the employee's regular day off.

3. PREGNANCY

An employee who is unable to work because of pregnancy, childbirth or related medical conditions is entitled to use accumulated sick leave hours upon presentation of medical verification of disability or to be placed on disability leave pursuant to the FMLA or California Fair Employment and Housing Act (FEHA). Employees are eligible for up to six weeks of leave if not disabled due to pregnancy and up to four months of leave if disabled due to pregnancy prior to FMLA. Employees are also eligible for family leave (bonding) under California Family Rights Act (CFRA), which is limited to four months of time, but must be concluded within one year of the child's birth. Early in the pregnancy the employee should contact the Personnel Officer for a full explanation of this benefit. **Qualifying** employees may take up to 18 weeks (9 pay-periods) of leave for this purpose as described below.

4. FAMILY AND MEDICAL LEAVE

In accordance with the Family Medical Leave Act (FMLA), the City allows employees to take a leave under the preceding provisions. Qualifying employees may take up to 18 weeks (9 pay-periods) of leave for this purpose. It is important that each employee review his/her specific MOU regarding benefits and entitlements under this leave. Non-represented employees should refer to Administrative Code Section 4.129. Additionally, the National Defense Authorization Act, which amended the FMLA, provides unpaid Military Caregiver Leave (up to 26 weeks) and unpaid Military Exigency Leave (up to 12 weeks). Earned or accrued paid leave may be substituted for the unpaid Military Family Leave.

Management has the right to verify the circumstances surrounding a request for such leave. Therefore, it is imperative that employees provide that information which is required to support their leave request. Such information may be in the form of a certification from a health care provider.

We encourage employees to use the forms the City has established for requesting a leave. These forms were established so employees and health care providers can provide the City with only that information which is necessary to approve the leave and properly account for time. These forms are available at the City's Intranet-

<http://cityweb.ci.la.ca.us/repository/forms/index.cfm> Keyword: FMLA

These forms can also be obtained from the Personnel Officer. It is important to note that management has the right and obligation to designate qualifying absences as FMLA time, irrespective of the employee's request for such leave.

5. SUPPLEMENTING WORKERS' COMPENSATION STATE RATE

Employees on the State Rate may elect to use their accrued sick leave, vacation, or other compensated time off to supplement their State Rate benefit to receive the equivalent of their regular salary.

2.3 OTHER LEAVES OF ABSENCE

A. BEREAVEMENT LEAVE

You will be allowed to take up to three working days leave with full pay should a death occur in your immediate family. Your Team Manager must approve such leave.

An employee whose qualifying bereavement leave involves their travel of more than 1,500 miles one-way may use two sick leave days in addition to their regular bereavement leave entitlement. The employee must have available sick leave at 100% pay. You may be required to furnish a death certificate or satisfactory proof to justify your absence. Multiple family deaths shall be considered as one occurrence.

B. MILITARY LEAVE

If you are ordered to report for military duty you will be granted a military leave of absence in accordance with the provisions of the State Military and Veterans Code and the Uniformed Services Employment and Reemployment Rights Act (USERRA). Your supervisor must be notified in writing of impending military service. A copy of your official military orders must be submitted to the Personnel Officer. If you have had a combined total of military service and City service equaling one year when ordered to active duty, you will receive a leave of absence with pay for a maximum of 30 calendar days in any one fiscal year. The Mayor and City Council may take action to extend further continuation of City salary and Benefits to employees on military leave. In the absence of such action, the 30 days maximum applies. Civil service seniority continues to accrue during any military leave of absence.

C. VETERAN'S EDUCATIONAL LEAVE

If you have completed a probationary period in any class you may be granted a leave of absence to receive State or Federal veteran's education benefits. A written request must be submitted to your Team Manager for such leave or extension of an existing leave.

D. PERSONAL LEAVE

Personal leaves of absence without pay may be granted if the reason for such leave is considered compatible with the interests of the Department. The maximum amount of time for which a leave may be granted is one year.

A written request, which includes the reason for the personal leave and the proposed length of absence, must be submitted to your supervisor.

2.4 JURY DUTY

When you receive notice or summons for jury duty or service it should be sent immediately, through your supervisor and Team Manager, to the Personnel Officer.

You will continue to receive regular salary while serving on jury duty. You may retain any mileage allowance paid to you by the Court. At the conclusion of your service, you will be required to submit a "Certification of Jury Service" form from the Court Clerk.

Unless a regular request for accumulated overtime or vacation is submitted and approved, you must report for work on any day you are not required to serve on jury duty. If you become ill during jury service, this fact must be reported to your supervisor and a regular request for paid sick leave completed.

EMPLOYEE DEVELOPMENT

3.1 DEPARTMENTAL TRAINING

All Department employees are encouraged to take full advantage of training programs and materials including those offered by or through the Department of Neighborhood Empowerment. Supervisors are expected to fulfill their Equal Employment Opportunity responsibility by disseminating training to all employees. It shall be the responsibility of each employee to fully participate in the training made available.

Supervisors shall make nominations and recommendations regarding employees to receive training to the Team Manager. Employees may request that they be nominated for specific training through their supervisors.

Supervisors should make every effort to arrange work schedules to allow employee participation in training programs and to ensure that such participation does not adversely affect the performance of assigned duties.

The Department's goal is to encourage all employees to seek training and knowledge in their current assignment while also educating them on functions of the Department in general.

3.2 TRAINING RIGHTS AND PRIVILEGES

All employees have a right to expect that they will be provided adequate training and the Department recognizes a responsibility to ensure that all occupational categories within the Department, including clerical and technical as well as professional, receive the training necessary to ensure competent performance and to enhance employees' personal growth and opportunities for upward mobility. It must be understood, however, that the need to maintain service levels necessarily dictates that priorities be given to that training which maintains and enhances job performance. Moreover, those aspects of training that are for the purpose of general career or personal development, as contrasted with training related to improving the employee's performance of his or her current assignment, must be considered as privileges which will be granted only in consideration of an

employee's performance history. Attendance at and reimbursement for professional conferences or organizational meetings, nominations for specialized training, time off or adjustment of working hours for training pursuits may not be approved for employees whose performance is less than satisfactory or who have shown in the past that they will abuse such privileges.

3.3 SPECIALIZED TRAINING

A permanent employee may be authorized to attend an institute, seminar, or other specialized training program on City time and at City expense.

Team Managers may nominate employees whose performance, potential and interest in relevant work subjects merit approval for specialized training.

To be considered for approval, the specialized training must:

1. Be offered by an accredited institution of higher learning, a recognized authority in the field, or a nationally recognized institute or professional organization;
2. Be of direct value to the City and be relevant to the employee's duties; and,
3. Provide special knowledge and skills that cannot be provided through available in-service training programs.

If a request for specialized training meets the criteria for approval but funds are not available, employees may be authorized to attend the training on City time at their own expense.

3.4 PROFESSIONAL CONFERENCES

Permanent employees may be authorized to attend appropriate professional conferences on City time. As funding permits, the Department may pay all, or some percentage, of the registration fee established for members of the organization. The employee shall be responsible for that portion of the registration fee that represents dues or a non-member differential.

Team Managers will nominate employees whose performance, potential and interest in relevant work subjects merit approval for such attendance.

3.5 SHARING OF EXPERIENCES

Whenever the Department sponsors or pays for the attendance of individual employees at specialized training programs or professional conferences, employees shall be expected to share their experiences with co-workers. This may be accomplished either through the preparation and distribution of written

reports outlining the materials or through oral presentations as a part of Department or Team staff meetings.

3.6 PERIODIC ORGANIZATION MEETINGS

Regular employees may be authorized by Team Managers to attend regular or special meetings of professional organizations or associations on City time. The employee shall be responsible for any membership or other fees connected with such meetings, unless departmental funding is available and approved.

When such meetings are held as luncheon meetings, employees may not be authorized to take an additional lunch period upon returning to work, provided, however, that employees will not be required to make up any time that such luncheon extends beyond their normal lunch break.

3.7 SPECIAL PRESENTATIONS, FILMS, ETC.

The Personnel Department, other City departments, or special interest groups may offer from time to time special job-related presentations, films or training sessions. The determination of whether attendance is to be on City time, the employee's time, or a combination thereof, shall be made by the General Manager, at the time of such training. The time-off policy established for a particular training program or presentation shall apply to all Department employees.

3.8 PREPARATION FOR PROMOTIONAL EXAMINATIONS

Department of Neighborhood Empowerment supervisors, who counsel, give mock interviews and suggest study materials for employees taking promotional examinations must be certain that any assistance they provide is consistent with established Department Policy.

It is important that special efforts be made to ensure that assistance in preparing for examinations is equally available to all Department employees and that the appearance that a candidate or group of candidates is receiving an unfair advantage be avoided.

Supervisors involved in or responsible for the job analysis or examination for a promotional examination should not participate in any preparation of employees for examinations. Subordinates of such supervisors should be referred to other supervisors for assistance.

3.9 REQUIRED ATTENDANCE

If the Department pays for, nominates or provides time off or other accommodations to enable an employee to attend some training-related function, the employee will be expected to ensure that all compensated time is devoted to conference-related activities and to participate fully in the conference. Also, employees who have signed up to attend a training course are required to attend. Abuse of such privileges shall result in appropriate disciplinary action.

Employees scheduled to attend training or conferences at City expense are responsible for canceling reservations with the sponsor and notifying the Personnel Officer if they cannot attend. Failure to do so may result in the employee being required to reimburse the Department for amounts not recovered.

3.10 PERSONAL GROWTH

The Department of Neighborhood Empowerment is concerned about the personal growth of its staff beyond the context of professional or job-related requirements. In order to facilitate such growth, the Department is willing to adjust working schedules and hours to accommodate the needs of employees involved in development activities of personal interest to them, provided that such adjustments do not materially affect productivity or service to the public.

Working Rule

4

PERSONNEL ACTIONS AND ASSIGNMENTS

4.1 PROMOTION

All employees are encouraged to take promotional examinations when eligible to do so and to prepare for promotion by pursuing an individual program of self-development. Such a program might include continuing education in an appropriate field or improving technical, clerical, or supervisory skills.

4.2 REASSIGNMENT

Department of Neighborhood Empowerment employees may be reassigned or rotated from one position to another position within the same class. A reassignment will usually be made to provide an employee with a broader range of in-class experience or to meet a particular need of the Department. The Department is committed to the concept of rotating and reassigning its staff with the following objectives:

- a. Ensure that Department management is able to meet essential operating and staffing needs; and,
- b. Provide maximum, well-rounded development of Department of Neighborhood Empowerment employees.

4.3 TRANSFERS

If you are considering a transfer to another department because of your career objectives, you should consider reassignment within the Department first. Possible reassignment should be discussed with your supervisor. If your placement objectives cannot be met by reassignment within the Department, and you desire further investigation of transfer opportunities, you should contact the Personnel Officer or consult the Personnel Department intranet page <http://per.ci.la.ca.us/>.

You should then contact the personnel office of the department in which a transfer opportunity exists. Your supervisor should be notified in writing as soon as possible when you are transferring to another department. Normally you should give notice at least two weeks prior to the date of your impending transfer.

4 . 4 R E S I G N A T I O N S

You should notify your supervisor in writing at least two weeks prior to the effective date of resignation. This requirement may be waived in emergencies.

When you resign, you will be paid for any accrued vacation or overtime. Contributions you have made to the employee retirement fund may be returned, with interest, upon your application to the Retirement System. For further information, or to further discuss the full set of options available to you, contact the Los Angeles City Employees' Retirement System at (800) 779 – 8328 or www.lacers.org.

4 . 5 R E S I G N A T I O N S I N - L I E U O F D I S C H A R G E O R P R O B A T I O N A R Y T E R M I N A T I O N

In certain cases, an employee may be given the opportunity to resign instead of being terminated during probation or being discharged. Accepted resignations cannot be rescinded after the effective date of such resignation.

4 . 6 E X I T I N T E R V I E W S

All employees who leave the Department will be encouraged to complete an exit interview, which may be arranged by the Personnel Officer. Interviews will be conducted by the Personnel Officer or other person designated by the General Manager, so that comments and suggestions may be received from the employee concerning any part of the employee's job. Upon request, all comments and suggestions made by the employee during the interview will be regarded as confidential.

4 . 7 E M P L O Y M E N T / P L A C E M E N T O F R E L A T I V E S O R T H O S E W I T H A P E R S O N A L R E L A T I O N S H I P

Whenever an employee of the Department of Neighborhood Empowerment is related to another employee or has a personal relationship with another employee, great care must be taken to avoid even the appearance of a conflict of interest between the professional responsibilities of the individuals concerned and their relationship. Therefore, careful consideration will be given to the employment and/or placement of employees to ensure that an actual or potential conflict of interest is not created.

Relationships between Department of Neighborhood Empowerment employees that create an actual or potential conflict of interest include, but are not limited to:

- Relatives through blood relationship or marriage;
- Dependents;
- Employees sharing living accommodations; or
- Business partners.

A conflict of interest may exist whenever two employees meet the above conditions and:

- Are in the same chain of command;
- Are in a position to directly audit or certify the other employee's work;
- Are required to evaluate the work of the other employee; or
- Are required to review evaluations of the other employee's work.

Employees who are aware that the placement of an employee would result in any of the above situations must notify their Team Manager. The General Manager, based on the recommendation of the Personnel Officer, has the final authority to approve or disapprove the placement of all employees.

Working Rule

5

EMPLOYEE EVALUATION

5.1 PROBATIONARY RATINGS

If you are a probationary employee with a six-month probationary period, your supervisor will rate you at the end of the second and fifth month of service. The standards used in the ratings will be based on an acceptable level of achievement, taking into consideration your length of time on the job. On each rating, your supervisor will recommend either your retention or termination. Your supervisor will discuss the rating with you and, if applicable, suggest means by which you may improve your performance.

Individuals appointed to exempt, at-will positions with the Department are not subject to a six-month probationary period. The incumbent may be removed, without any finding of cause, by the hiring authority.

5.2 PERFORMANCE EVALUATIONS

Policy pending implementation of CLEAR Program.

Working Rule

6

GRIEVANCES

The following grievance definition and procedures apply to Department of Neighborhood Empowerment employees who are not covered by a Memorandum of Understanding.

Represented employees must follow the grievance procedure in their respective Memoranda of Understanding.

6.1 GRIEVANCES: DEFINITION

A grievance is defined as any dispute concerning the interpretation or application of any departmental working rule, management policy or directive regarding the terms and conditions of employment in the Department of Neighborhood Empowerment.

6.2 GRIEVANCE PROCEDURE

The purpose of this section is to provide a review procedure for any grievance as defined above. However, no review shall be made under this procedure of any matter for which another avenue of appeal already exists or any matter which has already been reviewed and acted upon by the General Manager.

During each phase of the review process, the individual or committee reviewing the grievance shall meet and discuss the grievance with the employee. At any level of review, an individual of the employee's choice may represent an employee. The employee and the employee's representative shall be allowed a reasonable amount of City time to present the grievance. The time limits established for review or decision may be extended by mutual consent of the employee and management.

Nothing in this grievance procedure shall be construed as creating the right to a formal hearing on a grievance, or a hearing conducted according to the rules of quasi-judicial administrative hearings, such as those conducted by the Board of Civil Service Commissioners.

The grievance procedure for employees not covered by any Memorandum of Understanding shall be as follows:

A. Informal Discussion – Step 1

The employee shall discuss the grievance with the employee's immediate supervisor on an informal basis in an effort to resolve the grievance. The grievance shall be considered waived if not discussed with the immediate supervisor within ten (10) calendar days following the occurrence of the event that is being grieved.

The immediate supervisor shall respond within five (5) calendar days following the discussion with the grievant. Failure of the immediate supervisor to respond within this time limit shall entitle the grievant to process the grievance to the next step.

B. First Level of Review – Step 2

If the grievance is not settled at Step 1, the grievant may serve written notice of the grievance on the Team Manager by completing a Grievance Initiation Form (Form Gen. 162 or its equivalent) within seven (7) calendar days of receipt of the grievance response at Step 1. Failure of the grievant to serve such written notice shall constitute a waiver of the grievance.

If such written notice is served, the Team Manager shall meet with the grievant. The Team Manager's written decision or statement of the facts and issues on a Grievance Response Form (Form Gen. 163 or its equivalent) shall be rendered to the grievant and representative, if any, within fifteen (15) calendar days from the date of service. Failure of the Team Manager to respond within such time limit shall entitle the grievant to process the grievance at the next level of review.

C. Second Level of Review - General Manager Review – Step 3

If the grievance is not settled at Step 2, the grievant may serve written notice of the grievance on the General Manager or designee by completing a Grievance Appeal Form (Form Gen. 164 or its equivalent) within seven (7) calendar days following receipt of the grievance response at Step 2. Failure of the grievant to serve such written notice shall constitute a waiver of the grievance.

The General Manager or designee shall consider the grievance. The General Manager shall render a written decision on a Grievance Response Form (Form Gen. 163 or its equivalent) within thirty (30) calendar days from the date the General Manager or designee discussed the grievance with the grievant.

D. If the grievant leaves the Department, there shall be no further consideration of the grievance.

Working Rule

7

EMPLOYEE CONDUCT

7.1 GENERAL CODE OF CONDUCT

As an employee of this Department, your conduct shall always demonstrate a commitment towards the best interests of the Department of Neighborhood Empowerment and the City.

You shall not engage in any discriminatory activities while in the workplace. You must do your part to ensure that the work environment is free from discriminatory actions, language and images. You are also expected to demonstrate sensitivity to and respect for cultural, sexual, and physical differences when coming in contact with or during the course of working with other employees and the public.

Please refer to Working Rule 11 for greater detail regarding your responsibilities as an employee of the Department of Neighborhood Empowerment. Discriminatory actions in the workplace will not be tolerated. Employees who engage in such practices will be disciplined.

7.2 CONFLICT OF INTEREST

You shall not engage in or have any direct or indirect interest in any business or transaction which conflicts with the proper discharge of your City duties. You also shall not incur any obligation, financial or otherwise, which would impair your independence of judgment in the performance of your official duties.

(See also Working Rule 1.6 Outside Employment)

7.3 CONFIDENTIAL INFORMATION

You shall not disclose confidential information acquired by, or made available to you in the course of your City employment, or use such information for speculation or personal gain. Because of your access to information and your relationships to members of the public and City employees, you occupy

a special position of trust as an employee of the Department. Therefore, you must be especially careful to ensure the security of all confidential information and to maintain care in your contacts with other individuals.

7.4 GRATUITIES

You shall not accept money, favors, or other considerations for work you would normally be required or expected to perform in the regular course of your duties. You may not accept any gifts, gratuities, or favors of any kind which might be interpreted as an attempt to influence your action with respect to City business.

7.5 USE OF CITY TIME AND CITY PROPERTY

You may not use City time or City facilities, equipment, or supplies for private gain or advantage.

7.6 POLITICAL ACTIVITY

Employees of this Department are subject to certain restrictions on their political activities because, like other public employees, their positions in government often give greater influence to their actions than to similar actions by other citizens. This rule reflects the limitations imposed by State and Federal laws, and City Ordinances, and the decisions of the courts in interpreting them.

Unless specific exceptions are mentioned in this rule, you may not: 1) engage in political activities of any kind during working hours; 2) participate in political activities in a manner which gives the impression that the City or any of its agencies or officials has endorsed a ballot measure or a candidate for a political office, if such endorsement has not previously been given publicly; 3) directly or indirectly solicit or receive political funds or contributions, knowingly, from other City employees or from persons on City eligible lists; 4) permit any person to enter a location under your control which is used for City governmental purposes to solicit or receive political funds or contributions.

You may on your own time or, on City time with Departmental approval, solicit or receive political funds or contributions from any persons, including City officers and employees and persons on City eligible lists, to promote the passage or defeat of certain ballot measures. These ballot measures include those which would affect the salary, hours of work, retirement, civil service, or other working conditions of any City officers or employees. If prior written approval has been obtained from the departments involved, you may solicit or receive political funds or contributions for such a ballot measure from City employees during their working hours and in City operated facilities.

In addition you may, on your own time, take part in any campaign or political activity related to an election of a City office and you are encouraged to vote as you choose, and to express your individual opinion on political subjects.

If such permitted political activities, including running for political office, conflict or interfere with your effective job performance, you will be required to request a leave of absence in order to continue participation in such activities.

7.7 DRESS AND GROOMING

You are expected to wear clothing suitable for your work environment and the type of work you perform, and to be as neat and clean as your working conditions permit. You shall be groomed and dressed so that you will not cause a distraction or be the object of criticism or ridicule. You may not wear clothing or a hairstyle that will create a hazard which might lead to your being injured on the job.

The head of each Team shall be responsible for administering the standards and criteria for appropriate personal grooming and attire of employees on duty.

When meeting with other City departments, or elected officials and their staff, Department employees are expected to be dressed in business attire.

The Department of Neighborhood Empowerment has a casual dress day every Friday, and every employee should understand what the expectations are as they relate to this day. It is important to note that on Casual Day, if the events of the day require you to attend a special meeting that you wear clothing that is appropriate for the event. Supervisors are responsible for determining if any employee is dressed inappropriately for the office or the activities of the day. Failure to adhere to these standards will result in disciplinary action. Examples of Casual Day appropriate and unacceptable attire are as follows:

Unacceptable Attire

- See-through fashions worn without appropriate undergarments such as camisoles or slips.
- Shorts or overalls.
- Soiled or extremely worn clothing or athletic shoes.
- Athletic wear, i.e., warm up, jogging or sweatshirts, pants or suits.
- Exercise wear, i.e., stretch (spandex) tops, pants or leggings.
- Beach or shower thongs (rubber or plastic flip flops), water shoes
- Bare back, strapless, tube top, one shoulder or halter-tops
- Tank tops, bare midriff, or crop top fashions.
- T-shirts (except on designated special days, e.g. March of Dimes).

- Skirts too short or too tight to allow for normal bending, stooping, or sitting without revealing undergarments
- Jeans that are frayed or have raw edges, holes, rips, or tears.

Appropriate Attire

- Polo, collared or collarless (banded or crewneck) shirts, or blouses.
- Blazer, casual or sports jackets, and sweaters (pullover and cardigan).
- Trousers or slacks.
- Pants, skirts, or culottes.
- Jeans must be neat, clean, pressed, and not frayed, or have raw edges, holes, rips, or tears.

Working Rule

8

DISCIPLINE

The Department of Neighborhood Empowerment expects from all of its employees both appropriate conduct and a high level of performance. Should an employee fail to meet acceptable standards of performance or conduct, as established by working rules and job requirements, disciplinary action shall be taken.

Disciplinary actions may either be informal or formal, depending upon the type of misconduct. Informal actions include both oral and written warnings, while formal actions include written reprimands, suspensions, and discharge. Before any disciplinary action is taken, a thorough investigation of the facts shall be made and appropriate action taken to preserve the employee's appropriate due process rights. Please see Personnel Policy 33.2 below for a listing of suggested penalties for misconduct. The Department's entire discipline policy follows what has been established by the Personnel Department and is also available on the Personnel Department's website at <http://per.ci.la.ca.us/Guide/Policy.pdf>.

Any employee may appeal a suspension of more than 5 days, or more than 5 days in the aggregate within a 12-month period to the Civil Service Commission. An employee who has completed a probationary period may appeal a discharge to the Commission. Either type of appeal must be submitted in writing within five calendar days after notification of the suspension or discharge.

Employees represented by a certified union may grieve suspensions of five days or less through the procedure established by the appropriate Memorandum of Understanding.

33.2 GUIDES TO DISCIPLINARY STANDARDS

This guide lists various offenses and job performance or behavior standards that should be considered in determining whether an employee's actions constitute an offense subject to discipline. The specific offenses listed are examples of some of the more common types of violations of the standards of conduct by employees for which disciplinary action may be taken. A specific offense need not be listed in order for disciplinary action to be taken for conduct that violates one of the standards of employee behavior.

Various levels of corrective actions for first, second, and third offenses are also presented. These corrective actions are recommendations only and are offered for general reference as a common base for disciplinary action in the City of Los Angeles. The appropriate action for a specific disciplinary case may be either more or less severe, depending on the circumstances of the case. For instance, management should exercise its discretion in recognizing that a single minor offense

by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge.

An offense is considered a “first” offense the first time action is taken by the supervisor under the applicable section of this guide. An offense should be considered as a “second” or “third” offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable actions have been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense should be considered in determining the corrective action.

On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed should not be determined by simply adding together the corrective actions for each offense. In such cases, the appropriate corrective action should be selected from the range of actions applicable for the most serious offense and the severity of the disciplinary action within that range should be determined after considering the less serious offenses.

Similarly, an employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/or third offenses. Nevertheless, all past offenses in the absence of any intervening pattern of good conduct are indicative of a pattern of unsatisfactory behavior and should be considered when determining an appropriate corrective action. Including a statement of “requiring excessive supervision or continued failure to observe commonly accepted levels of behavior” in the list of specific charges may be appropriate as a means of connecting unrelated types of offenses committed by a problem employee.

Employees in supervisory positions and those performing safety/security functions are generally expected to demonstrate a higher level of conscientiousness and integrity with respect to their employment. Accordingly, these employees may be subject to more severe levels of discipline for violations of behavior and/or performance standards because they are held to a higher standard of conduct.

MISCONDUCT, ON OR OFF THE JOB, SERIOUSLY REFLECTING ON CITY EMPLOYEES OR EMPLOYMENT

Standard: Employees must perform their duties in a manner that earns and maintains the trust and respect of their supervisors, other employees, and the public.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Using official position or office for personal gain or advantage	Written Notice to discharge	10 day suspension to discharge	Discharge
2. Engaging in any activity which constitutes a conflict of interest	Written Notice to 30-day suspension	6 day suspension to discharge	Discharge
3. Accepting favors or gratuities for services required on the job	Written Notice to discharge	6 day suspension to discharge	Discharge
4. Disclosing confidential information	1 day suspension to discharge	10 day suspension to discharge	Discharge
5. Engaging in illegal behavior or conduct in conflict with job duties, on or off the job	Written Notice to discharge	10 day suspension to discharge	Discharge

JOB PERFORMANCE BELOW STANDARD

Standard: Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. A violation of departmental rules	Oral warning to 5 day suspension	6 day suspension to discharge	Discharge
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
3. Misusing, or failing to use, delegated authority in the performance of duties	Oral warning to 5 days suspension	6 day suspension to discharge	Discharge
4. Personal appearance and hygiene not appropriate for the job in terms of employing department's standards and job safety	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
5. Failure to perform work assignments adequately or promptly	Oral warning to discharge	1 day suspension to discharge	Discharge
6. Failure to carry out supervisory responsibilities adequately	1 day suspension to discharge	5 day suspension to discharge	Discharge
7. Failure to remain alert and responsive while on duty, for example: sleeping on the job	Written Notice to discharge	5 day suspension to discharge	10 day suspension to discharge

ATTENDANCE AND TARDINESS (See Note A)

Standard: Employees must report for work as scheduled, unless ill, injured, or involved in an emergency.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Unexcused, excessive or patterned absenteeism	Written Notice to 5 day suspension	6 day suspension to discharge	Discharge
2. Failure to follow established procedure for notification of inability to report for work	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
3. Leaving assigned work location without proper approval or appropriate reason	Written Notice to discharge	1 day suspension to discharge	10 day suspension to discharge
4. Frequent or unexcused tardiness	Oral warning or Written Notice	Written Notice to 10 day suspension	10 day suspension to discharge

Note A: In some cases it may be appropriate to consider the use of **Disciplinary Pay Status** in lieu of an actual suspension. Disciplinary Pay Status serves as a suspension for disciplinary purposes, but does not place the employee off duty. The use of Disciplinary Pay Status is appropriate for attendance and tardiness infractions and other situations where the absence of the employee from the job is counter-productive.

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC

Standard: Employees must cooperate and work well with the public, supervisors, and co-workers.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination)	6 day suspension to discharge	Discharge	
2. Using abusive language toward or making inappropriate statements to the public, supervisors, or co-workers	Oral warning to 5 day suspension	Written Notice to discharge	6 day suspension to discharge
3. Disrupting the work of other employees	Oral warning or Written Notice	Written Notice to 5 day suspension	6 day suspension to discharge
4. Making threats (verbal or non-verbal) or engaging in a confrontation with the public, supervisors or co-workers (See Note B)	6 day suspension to discharge	Discharge	
5. Unauthorized possession or use of dangerous weapons, such as firearms or knives, on City property or the job	5 day suspension to discharge	Discharge	

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC (Continued)

Standard: Employees must cooperate and work well with the public, supervisors, and co-workers.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
6. Actions on the job or City property intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs)	Written Notice to discharge	Discharge	
7. Failure to provide information related to work to supervisors or others requiring the information	Written Notice to 10 day suspension	6 to 30 day suspension	Discharge

Note B. Employees who: (1) make threats or engage in confrontational behavior; (2) possess and/or use without authorization weapons on City property or the job; or, (3) engage in actions on the job or City property intended to destroy property or to inflict bodily injury represent a potential Workplace Violence threat. Such behavior must be brought to the attention of a supervisor and/or manager and steps taken to convene the employing department's Workplace Violence Assessment team. Refer to the City's Workplace Violence Policy for guidance in handling these matters.

USE OF ALCOHOL OR CONTROLLED SUBSTANCES

Standard: While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City and its employees.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Use of alcoholic beverages or controlled substances while on duty (See Note C)	10 day suspension to discharge	Discharge	
2. Reporting for duty under the influence of drugs or alcohol which results in unfitness to work	10 day suspension to discharge	Discharge	
3. Operating City vehicles or other equipment while under the influence of any alcoholic beverage or any drug(s) or narcotic which will impair operative capability	20 day suspension to discharge	Discharge	
4. Illegally possessing or using drugs or narcotics on the job site or on City property	10 day suspension to discharge	20 day suspension to discharge	
5. Positive drug or alcohol test resulting from a for-cause test administered under the provisions of the U.S. Dept. of Transportation and Alcohol Testing Policy	20 day suspension to discharge	Discharge	

Standard: While at work, employees must not do anything that would impair their ability to perform their duties, or discredit the City and its employees.

USE OF ALCOHOL OR CONTROLLED SUBSTANCES (Continued)

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
6. Positive drug or alcohol test resulting from a random test administered under the provisions of the U.S. Department of Transportation Drug and Alcohol Testing Policy	5 day suspension to discharge	20 day suspension to discharge	Discharge

Note C: The suggested action may be 1) reduced in severity if the employee successfully participates in an alcoholism or drug abuse rehabilitation program or 2) delayed during employee participation in the program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to have the employee taken home safely and to ensure that the employee is released to the custody of another responsible person.

SAFETY

Standard: All employees must perform their duties in a safe manner.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Operating City equipment un-safely and/or without the required license or equipment	Written Notice to 5 day suspension	5 day suspension to discharge	Discharge
2. Causing or contributing to an accident by operating City equipment in an unsafe manner	1 day suspension to discharge	5 day suspension to discharge	Discharge
3. Violations of safety rules or practices, which endanger the employee or others or damages City property or equipment	Written Notice to 20 day suspension	5 day suspension to discharge	Discharge
4. Playing tricks or jokes, or engaging in horseplay on the job, which may lead to injury of employees or others, or damage to equipment or property	Written Notice to 10 day suspension	10 day suspension to discharge	Discharge
5. Creating unsanitary conditions	Oral warning to 5 day suspension	6 day suspension to discharge	Discharge
6. Failure to carry out supervisory responsibility to ensure a safe work environment.	Written Notice to 5 day suspension	5 day suspension to discharge	Discharge

FRAUD, DISHONESTY, THEFT, OR FALSIFICATION OF RECORDS

Standard: City employees must demonstrate personal integrity and honesty both in securing employment and in the performance of duties.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Soliciting, accepting, or offering a bribe	Discharge		
2. Theft of or aiding in the theft of cash, or City property or equipment, as established by proper investigation	Discharge		
3. Intentionally destroying City equipment, property or records without proper authorization	10 day suspension discharge	Discharge	
4. Providing false information in connection with the employment application process	Discharge		
5. Falsifying City Records such as time reports, mileage reports, expense accounts or other work related documents	Discharge		
6. Falsely claiming sick or allowed pay, falsifying reasons for absence	Discharge		
7. A finding of Workers Comp fraud as a result of a proper investigation	Discharge		
8. Using City time, property or equipment without authorization	Written Notice to discharge	6 day suspension to discharge	Discharge
9. Unauthorized removal or possession of City equipment or property	1 day suspension to discharge	10 day suspension to discharge	Discharge
10. Unauthorized removal and/or use of City equipment or material in fabricating articles for private use	Written Notice to discharge	5 day suspension to discharge	Discharge
11. Failure to exercise proper supervisory oversight to protect City assets	Written Notice to discharge	5 day suspension to discharge	Discharge

STANDARDS OF CONDUCT FOR PEACE OFFICERS

Standard: Employees performing functions that require peace officer status are required to conduct themselves (on and off duty) in a manner demonstrating respect for the laws they are sworn to uphold and the people and property they are employed to protect. Behavior on and off the job must not reflect negatively upon the City as their employer.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Use of excessive force	30 day suspension to Discharge	Discharge	

STANDARDS OF CONDUCT FOR PEACE OFFICERS (Continued)

Standard: Employees performing functions that require peace officer status are required to conduct themselves (on and off duty) in a manner demonstrating respect for the laws they are sworn to uphold and the people and property they are employed to protect. Behavior on and off the job must not reflect negatively upon the City as their employer.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
2. Falsification or destruction of evidence or reports related to investigations	15 day suspension to Discharge	30 day suspension to Discharge	Discharge
3. Failure to report or take action against officer misconduct, on or off the job	15 day suspension to Discharge	30 day suspension to Discharge	Discharge
4. Abuse or inappropriate use of Peace Officer status	15 day suspension to Discharge	30 day suspension to Discharge	Discharge

DISCRIMINATION/HARASSMENT

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment free workplace. City employees are expected to demonstrate sensitivity to and respect for individual and personal differences when working with other employees and the public. Actions that create a hostile, offensive, threatening, or intimidating work environment will not be tolerated.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Failure to comply with City policies on equal employment opportunity, including but not limited to, the recruitment, selection, promotion, training or disciplining of employees.	Oral warning to discharge	Discharge	
2. Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, or slurs, or making suggestive gestures or displaying images or written material that derogatorily depict or demean people.	5 day suspension to discharge	Discharge	
3. Retaliating against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.	5 day suspension to discharge	Discharge	
4. Supervisory Standard: Failure to maintain a harassment free workplace for subordinates; failure to foster a discrimination free workplace by one's own individual actions or failure to act; or allowing subordinates to retaliate against an employee for filing a discrimination complaint, for participating in a discrimination complaint investigation, or for opposing discriminatory actions.	5 day suspension to discharge	Discharge	

SEXUAL HARASSMENT

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

SUGGESTED ACTIONS

<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1. Sexual Favors: Implicit or explicit coercive pressure for sexual favors	20 day suspension to discharge	Discharge	
2. Physical:	Discharge		
a. Any physical conduct or act of a sexual nature, involving the use of force or the threat of force.			
b. Unwelcome physical contact in sexual areas, including but not limited to breasts, buttocks, or genitalia.	20 day suspension to discharge	Discharge	
c. Unwelcome touching, rubbing, or any type of physical contact and/or conduct toward other employees, which is sexually suggestive.	1 day suspension to discharge	Discharge	
3. Verbal: Demonstrating insensitivity to others by making derogatory comments, epithets, jokes, teasing, remarks, slurs, or questions of a sexual nature	Oral warning to 20 day suspension	Discharge	
4. Visual: Demonstrating insensitivity to others through non-verbal actions, such as making sexually suggestive gestures; displaying sexually explicit objects, pictures, cartoons, or posters; leering; unwanted letters, gifts, and/or materials of a sexual nature	Oral warning to 20 day suspension	Discharge	
5. Hostile Work Environment: Repeated, unwelcome, unwanted actions as described in #1, #2, #3, and/or #4 which create or could lead to a hostile, offensive, threatening, or intimidating work environment	10 day suspension to discharge	Discharge	
6. Retaliation: Retaliating against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions	10 day suspension to discharge	Discharge	

SEXUAL HARASSMENT (Continued)

Standard: City policy and Federal and State law prohibit sexual harassment in the workplace. Supervisors are required to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. City employees are expected to conduct themselves in a manner that fosters a workplace environment which is free from conduct that is hostile, offensive, threatening, or intimidating, or that interferes with an individual's work performance. Some of these violations, if proved, may also constitute crimes under local and/or state law. Departments should take appropriate measures to report such actions and to advise their employees about reporting such actions that have occurred on City property or involving City employees.

SUGGESTED ACTIONS

	<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
7.	Supervisory Standard: Failure to take appropriate action to correct and eliminate sexual harassment from the workplace; failure to foster a discrimination free workplace by personal actions or conduct; or allowing Subordinates to retaliate against an employee for filing a sexual harassment complaint, for participating in a sexual harassment complaint investigation, or for opposing discriminatory actions	20 day suspension to discharge	Discharge	

HAZING

Standard: City employees are expected to comply with Federal and State laws and regulations and City policies including 125 applicable mayoral directives ensuring equal employment opportunity and a discrimination and harassment-free workplace. Hazing is a form of harassment. Hazing activities are defined as any action taken or situation created in the workplace, which causes or is likely to cause, bodily danger or physical harm, or personal degradation or disgrace. Hazing includes but is not limited to any form of rite of passage or horseplay that involves engaging in illegal, harmful, demeaning, or dangerous acts, which are not consistent with City policy and performing job-related activities. Employees are responsible for maintaining a work environment that is free from any form of harassment including hazing. Employees are further expected to promptly report any hazing incidents to management. Supervisors are also held accountable for reporting hazing incidents to the Department Personnel Director and taking all necessary action to prevent hazing, eliminate hazing in the workplace, and to discipline employees engaged in hazing incidents.

SUGGESTED ACTIONS

	<u>OFFENSE</u>	<u>FIRST OFFENSE</u>	<u>SECOND OFFENSE</u>	<u>THIRD OFFENSE</u>
1.	Planning or engaging in hazing activities to discharge	20 day suspension	Discharge	
2.	Supervisor standard:	20 day suspension to discharge	Discharge	
	a. Failure to take appropriate action to correct and eliminate hazing activities from the workplace; failure to foster a hazing free workplace by personal actions or conduct; or, allowing subordinates to retaliate against an employee for reporting hazing activities, for participating in a hazing complaint investigation, or for opposing hazing in the workplace			
	b. Planning or engaging in hazing activities	20 day suspension to discharge	Discharge	

EMPLOYEE - MANAGEMENT RELATIONS

9.1 EMPLOYEE RIGHTS

Employees of this Department have the right to join employee organizations of their own choice pursuant to Section 4.857 of the Employee Relations Ordinance. **Employees who have union representation must use this representation for grievance matters involving subject matter referred to in their Memoranda of Understanding.** Employees have the right to refuse to join or participate in the activities of employee organizations. In addition, employees have the right to represent themselves individually in their relations with this Department's management. Employees shall not be discriminated against, coerced, granted preferential treatment, or have equitable treatment withheld because of either membership or non-membership in employee organizations. Members of this Department's management will not interfere or choose to dominate any qualified employee organization.

9.2 ACCESS TO EMPLOYEE WORK LOCATIONS

Generally work access for representatives of bargaining units is for the purpose of assisting with the adjudication of a grievance, at the request of represented employees, and for investigating matters arising out of the application of the Memorandum of Understanding. Requests for work access shall be directed to the Department of Neighborhood Empowerment's Personnel Officer.

9.3 REPRESENTATION

Representatives of this Department's management shall meet with representatives of qualified employee organizations or with individual employees to discuss matters of concern within a reasonable time after being asked to do so. Consideration shall be given to the views of individual employees and organized employee groups on the development of employee-management relations policies. The Department may authorize employees of this Department, who are official representatives of qualified employee organizations during the tenure of such official capacity, to use a reasonable amount of Department time for activities allowed in the organization's MOU. Such employees shall obtain permission from their supervisor before leaving their work location.

9.4 USE OF DEPARTMENT FACILITIES AND TIME

Qualified employee organizations may be granted the use of Department facilities in accordance with the provisions of the MOU. Time spent on employee relations issues during the employee's normal working hours shall not interfere with this Department's business and shall be subject to approval of the General Manager or designee.

9.5 DISTRIBUTION AND POSTING OF EMPLOYEE ORGANIZATION LITERATURE

This Department will provide qualified employee organizations a bulletin board and a reasonable amount of space at job locations for posting organization bulletins. Employee organization representatives may post bulletins or distribute material at job locations. However, such material and activity must address employee relations issues and be approved by the Department's management 24 hours prior to posting.

9.6 APPLICATION

Nothing in these rules supersedes present provisions of the City Charter, LAAC, City ordinances, and the rules, regulations, and the Government Code of the State of California governing employee- management relations. These rules will be modified to conform to any City ordinance adopted governing management-employee relations.

9.7 APPEALS

Disagreements or complaints arising out of the application or interpretation of these rules on management-employee relations may, where appropriate, be processed through the established grievance procedure.



EMPLOYEE SUGGESTION PROGRAM

Employees are encouraged to participate in the Employee Suggestion Program by submitting positive and productive suggestions that will benefit the Department through the facilitation of greater teamwork, improved customer service, or cost savings. Suggestions should be submitted via email to your Team Managers and/or the General Manager.



DISCRIMINATION AND HAZING FREE WORKPLACE

11.1 DISCRIMINATION COMPLAINTS

A. GUIDELINES

Employees of the Department of Neighborhood Empowerment have the right to file a complaint in writing on any action, procedure, or practice in selection or employment they believe to be discriminatory against themselves on the basis of race; sex (including sexual harassment); gender identity; gender expression; age; color; ancestry; creed; religion; national origin; disability; medical condition (cancer); marital status; sexual orientation; retaliation for having filed a discrimination complaint; or being affected, or perceived as being affected with the disease Acquired Immune Deficiency Syndrome (AIDS), or the Human Immunovirus (HIV). Said complaints shall be filed within one year of the alleged act of discrimination and shall be processed in a timely manner. Persons filing a complaint shall have the right of representation by any designated person or organization. No individual who files a complaint shall be subjected to any reprisal because of filing the complaint.

This procedure shall be available to all Department of Neighborhood Empowerment employees except those who have utilized another City grievance or appeal procedure for the same matter. If an employee files a complaint under this procedure and subsequently files a complaint on the same matter under another procedure, the processing of the complaint under this discrimination complaint procedure may be terminated.

While the below listed complaint procedure is preferred, employees who believe they have been subjected to discrimination can also exercise their right to file complaints with the following Federal and State regulatory agencies:

FEDERAL

Equal Employment Opportunity
Commission
255 East Temple Street, Fourth
Floor
Los Angeles, CA 90012
(213) 894-1000 or (213) 894-1111

STATE

Department of Fair Employment
and Housing
1055 W. Seventh Street, Suite 1400
Los Angeles, CA 90017
(213) 439-6799 or (800) 884-1684
TTY (800) 700-2320

B . D E P A R T M E N T O F N E I G H B O R H O O D E M P O W E R M E N T
C O M P L A I N T P R O C E D U R E

1. Any Department of Neighborhood Empowerment employee who believes that he or she has been discriminated against by the Department of Neighborhood Empowerment should bring the matter to the attention of his or her Team Manager. However, an employee may also go directly to the Department's Personnel Officer.
2. If the complainant is a probationary employee whose termination is being considered, the Team Manager will, at the request of the complainant, ask the General Manager to place the complainant on a personal leave of absence. If the General Manager agrees to do so, the complainant will remain on leave until the discrimination complaint is withdrawn, resolved, or finally decided by the Board of Civil Service Commissioners.
3. The Team Manager or a designated staff member will then make every effort to resolve the complaint informally within thirty (30) calendar days. He/She will:
 - a. Meet with the complainant to discuss the allegations;
 - b. Meet with the individual(s) responsible for the alleged act(s) of discrimination or with the individual(s) responsible for administering a policy or procedure which is alleged to be discriminatory;
 - c. Arrange and conduct a meeting with all employees involved to discuss the nature of the complaint and to arrive at a resolution; and
 - d. Prepare a complete report of the complaint facts and the resolution, if the concerned parties agree upon a resolution. This report will be submitted to the General Manager.
4. If the complaint is not resolved informally within thirty (30) calendar days, the Team Manager or designated staff member will prepare, within fifteen (15) calendar days, a complete report of facts, steps taken in an attempt to resolve the

complaint, conclusions on the merits of the charge of discrimination, and recommendations for action by the General Manager.

5. Within ten (10) calendar days of receiving the report, the General Manager will make a finding on the merits of the charge of discrimination and send it in writing to the complainant and individual(s) charged with discrimination.
6. If a finding of discrimination is made, the General Manager may also: order any appropriate remedy; discipline those responsible for the discrimination; and/or, take steps to improve personnel practices.

The Team Manager or designated staff member should advise the Department's Equal Employment Opportunities Coordinator when a complaint has been filed and may consult with that person and obtain advice on how to proceed in attempting to resolve the complaint.

C . B O A R D O F C I V I L S E R V I C E C O M M I S S I O N E R S '
 C O M P L A I N T P R O C E D U R E

If the complainant does not receive satisfactory resolution of the complaint or does not believe it can be adequately handled at the department level, he or she may submit the complaint in writing to:

Office of Discrimination Complaint Resolution (ODCR)
700 East Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9123
Fax (213) 473-0138

The complaint will be placed on the agenda for a future meeting of the Board of Civil Service Commissioners. At that meeting the Board will consider information presented orally or in writing by the complainant and the report of the General Manager. The Board will, after reviewing all of the information made available to it, issue its finding(s) and any instructions that might be necessary in light of its finding(s).

11.2 S E X U A L O R I E N T A T I O N , G E N D E R I D E N T I T Y , A N D G E N D E R
 E X P R E S S I O N D I S C R I M I N A T I O N C O M P L A I N T P R O C E D U R E

The policy of the City of Los Angeles has been, and will continue to be, to promote and maintain an environment free from sexual orientation discrimination. Discrimination is prohibited on the basis of one's actual or perceived sexual orientation, including actual or perceived heterosexual, lesbian, gay, or bisexual, transgender, or gender identity, or gender expression. Also prohibited is discrimination against an individual based on his or her association with a person of a particular sexual orientation, gender identity, or gender expression or because of his or her political activities or affiliations to further rights of people of particular sexual orientation, gender identity, or gender expression. Discrimination and harassment on the basis of sexual orientation, gender identity, or gender expression is illegal. Therefore, it is an unlawful employment practice for the City to fail or refuse to hire, to segregate, to fail to

provide training, to discharge any individual, or to otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges or employment on the basis (in whole or part) of such individual's known or presumed sexual orientation, gender identity, or gender expression.

Harassment in the workplace of a City employee on the basis of actual or perceived sexual orientation, gender identity, or gender expression, and/or the association with a person or persons of a particular sexual orientation, gender identity, or gender expression, and/or political activity or affiliations to further the rights of persons of a particular sexual orientation, gender identity, or gender expression is also prohibited. Sexual Orientation, gender identity, or gender expression harassment includes the creation of or contribution to a hostile, intimidating, threatening, offensive, or abusive environment for lesbian, gay, bisexual, transgender, or heterosexual City employees, through written, spoken, graphic or demonstrative derogatory terms, slurs, comments, gestures, ridicule, threats, rumors, or jokes regarding sexual orientation, gender identity, or gender expression.

Further, City policy prohibits retaliation by the City, any department or employee based on making a claim of discrimination or harassment on the basis of sexual orientation, gender identity, or gender expression. This means that no City employee may intimidate, penalize, or take action against an individual for filing a complaint of discrimination based on sexual orientation, gender identity, or gender expression or for supporting such a complaint (as a witness or otherwise) or for opposing such discrimination.

The policy of the City requires that prompt and appropriate action be taken to deter and punish sexual orientation, gender identity, or gender expression discrimination. Therefore, persons believing that they are victims of sexual orientation, gender identity, or gender expression discrimination are strongly encouraged to report any and all incidents.

A . F I L I N G A C O M P L A I N T

An employee making a sexual orientation, gender identity, or gender expression discrimination complaint can choose to file the complaint with the employee's department EEO Counselor, the City's Sexual Orientation Counselor, and/or with an external non-discrimination enforcement agency. Complaints filed about pre-employment or employment actions or actions directly related to Department of Neighborhood Empowerment functions should be directed to the City's Sexual Orientation Counselor, and/or to 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.

Although complaints must be prepared and filed on an employee's own time, Department managers and supervisors should allow the employee filing the complaint, 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. A person filing a sexual orientation, gender identity, or gender expression discrimination complaint shall have the right of representation by any designated person or organization.

B. WHERE TO FILE

Department of Neighborhood Empowerment employees and candidates for employment have the following options for filing a sexual orientation discrimination complaint. Complaints may be filed with:

1. Personnel Officer of the Department of Neighborhood Empowerment.

A person wishing to file a complaint with a City department should obtain the name, address and telephone number of the department's Sexual Orientation or Equal Employment Opportunity (EEO) Counselor. Contact the Counselor to discuss the complaint, and if necessary, arrange to meet with the Counselor to file a formal complaint. If information for the department Counselor cannot be obtained, contact the Personnel Department Equal Employment Opportunity Section at (213) 473-9100.

2. The City's Sexual Orientation Counselor

A person wishing to file a complaint directly with the City's Sexual Orientation Counselor about pre-employment or employment actions should contact the Counselor at the address or phone number below. Also complaints about actions directly related to Personnel Department functions should be directed to the City's Sexual Orientation Counselor.

Los Angeles City Personnel Department
Office of Discrimination Complaint Resolution
700 E. Temple Street, Room 380
Los Angeles, CA 90012
Phone: (213) 473-9123 Fax (213) 473-0138

Information concerning the City's non-discrimination policies, complaint procedures and filing options, as well as filing deadlines will be provided.

3. The City's Civil Service Commission

A person wishing to file a complaint through the City's centralized discrimination resolution and investigation entity, may write or contact the Office of Discrimination Complaint Resolution or:

Civil Service Commission
700 East Temple Street, Room 380
Los Angeles, CA 90012
(213) 473-9107

Information concerning the City's non-discrimination policies, complaint procedures and filing options, as well as filing deadlines will be provided.

4. A discrimination complaint can also be filed with the California Department of Fair Employment and Housing (DFEH), at 1055 W. Seventh Street, Suite 1400, Los Angeles, CA 90017. DFEH may also be contacted at 1-800-884-1684. Persons considering filing complaints of discrimination with DFEH should verify the filing criteria, including deadlines for filing. The period of time the City investigation takes may not extend the agency filing period.

C . DISCRIMINATION COMPLAINTS AGAINST DEPARTMENT
HEADS AND PUBLIC OFFICIALS

There is a special procedure for filing a complaint of discrimination against elected and appointed officials. Contact the Personnel Department Office of Discrimination Complaint Resolution at (213) 473-9123 or Equal Employment Opportunity Section at (213) 473-9100 if the alleged discrimination based on sexual orientation involves the direct action(s) and/or behavior(s) of a head of a department, a member of a City Board of Commissioners or an elected official. A discrimination complaint counselor, at either number, will provide detailed information on this procedure. **Nothing in this procedure shall restrict a person's right to file a complaint with any applicable Federal or State agency responsible for the enforcement of anti-discrimination legislation.**

D . EMPLOYEE RIGHTS AND RESPONSIBILITIES

Every employee is entitled to work in an environment free from sexual orientation discrimination. An employee who perceives comments, gestures, or actions which offend against an individual's sexual orientation made by another employee or supervisor should immediately and clearly communicate to that person that such behavior is offensive.

An employee who believes he or she has been discriminated against due to his/her sexual orientation should take the following steps:

1. The employee should immediately report the sexual orientation discrimination complaint to her or his supervisor, or to the Personnel Officer, or to the City's Sexual Orientation Counselor in the Personnel Department's Office of Discrimination Complaint Resolution. All employees are assured that they may make such reports without fear of retaliation by the City, Department management, or their immediate supervisor.
2. The employee has the right to a confidential conference with the person to whom the sexual orientation complaint is made. Additionally, the person filing the complaint has the right of representation by any designated person or organization, e.g., a union representative, an attorney, or another individual of the complainant's choice.
3. If an employee chooses to initiate a complaint of sexual orientation discrimination, the employee's department EEO Counselor or the City's Sexual Orientation Counselor should make preliminary efforts to resolve the complaint, and if not resolved, will conduct a complete investigation. All efforts to resolve the complaint will be fully documented.
4. All investigations, whether conducted by the department EEO Counselor or the City's Sexual Orientation Counselor, will be handled with discretion, sensitivity and due concern for the dignity of those involved, and will be conducted consistent with the procedures indicated in this document. As in any discrimination complaint investigation, information will be kept confidential to the extent possible.
5. All investigations will be thorough. All persons named as potential witnesses by the employee will be contacted as required during the course of the investigation. Anyone who is alleged to have committed acts of sexual orientation discrimination will be contacted during the investigation and allowed to make a statement. (Any

- person accused or alleged to have committed acts of discrimination or harassment has the right to representation by a union representative or an attorney)
6. Any employee who witnesses an incident of sexual orientation discrimination shall cooperate in any investigation. All employees are assured that they may cooperate in such an investigation without fear of retaliation or reprisal by the city, department management, their immediate supervisor, or any other city employee.
 7. Employees may expect a timely response of all complaints.

11.3 SEXUAL HARASSMENT COMPLAINT PROCEDURE

The policy of the City of Los Angeles is to promote and maintain a working environment free of sexual harassment, intimidation, and coercion. Sexual harassment is a form of sex discrimination and is a violation of official City policy and Federal and State law. Acts constituting sexual harassment are not necessarily limited to acts by a male toward a female but can be committed by and against persons of both sexes.

A. SEXUAL HARASSMENT DEFINED

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
- (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

As used in this procedure, "employee" is any individual occupying a position in the classified civil service, and also includes interns, contract employees (personal services contracts), and employees exempted under provisions of the City Charter, including elected and appointed officials. Also covered by this procedure are members of the public, volunteers, or employees of a business under contract with the City, who claim harassment by City employees during the conduct of their employment.

Consistent with this definition, it is sexual harassment for any employee to use implicit or explicit sexual behavior, of a verbal, visual, or physical nature, to affect the work environment, job, or performance of any employee. Further, supervisory level employees who condone the sexually harassing conduct of another employee, when the supervisor is aware or should have been aware of such conduct and does not take appropriate steps to eliminate it, will be held liable and subject to disciplinary action.

City policy and State and Federal law require that prompt and appropriate action be taken to deter and punish sexual harassment.

Department managers have been instructed to take all necessary steps, including appropriate disciplinary action, to ensure and maintain a working environment free of sexual harassment, intimidation, and coercion. Appropriate disciplinary action for substantiated allegations of sexual harassment will be administered in accordance with Policy 33 (Disciplinary Action) of the Policies of the Personnel Department. For example, the severest disciplinary action, up to and including discharge, will be taken in the case of proven instances of implicit and/or explicit, coercive pressure for sexual favors committed by supervisory employees, which affect the terms and conditions of a subordinate's employment. Contractors and subcontractors are also fully liable for compliance with this Procedure and substantiated claims of sexual harassment could result in termination of a contract and/or subcontract.

The Department has designated a Sexual Harassment Counselor and will disseminate, and post in prominent locations, the name and phone number of the designated counselor to all employees.

A complaint of sexual harassment must be filed within one year of the alleged act of harassment. Otherwise, the complaint may be considered untimely. In all cases, allegations of sexual harassment will be fully and completely investigated. The employee making a sexual harassment complaint can choose whether the complaint will be investigated by the employee's Department Sexual Harassment Counselor, by the Personnel Department's Sexual Harassment Counselor, or by the State and/or Federal compliance agencies. If during a City administrative investigation the investigator determines, based upon discussions with the complainant, that the issues are related to the complainant's "sex" rather than being "sexual" in nature, the investigation will continue under the procedures outlined in the City's Discrimination Complaint Procedure.

B . E M P L O Y E E R I G H T S A N D R E S P O N S I B I L I T I E S

Every employee is entitled to work in an environment free from sexual harassment or coercion. An employee who perceives comments, gestures, visual displays, or physical actions of a sexual nature by another employee or supervisor to be offensive is encouraged to immediately and clearly communicate to that person that such sexual behavior is unwelcome. The purpose of immediately communicating to a harasser that the behavior is unwelcome is to stop the harassment before it becomes more serious. Such notice will also go to support a claim that the harassment did occur. Failure to notify the harasser that the behavior is unwelcome does not prevent the filing of a complaint of sexual harassment.

The following Sexual Harassment Complaint Procedure has been developed specifically for use by employees who believe that they have been sexually harassed, and who wish their complaint to be investigated by their individual department or the Personnel Department.

Under City policy and procedures, any employee who believes he or she has been sexually harassed has the following rights and responsibilities:

1. The complainant is encouraged to report the sexual harassment to any or all of the following individuals: a supervisor, the Department's Sexual Harassment Counselor, or the Personnel Department's Sexual Harassment Counselor. Such immediate reporting is important because the sooner the allegations can be investigated, the sooner appropriate steps can be taken to end the harassment. All employees are assured that they may make such reports without fear of retaliation by the City, Department management, their immediate supervisor, or any other employee.
2. The complainant has the right to a confidential conference with the person to whom the sexual harassment complaint is made. The complainant has the option to be represented during the conference and any subsequent investigation by a union representative, an attorney, or another individual of the complainant's choice.
3. Each complaint of sexual harassment will be fully and completely investigated by the Department's Sexual Harassment Counselor or by the Personnel Department's Sexual Harassment Counselor, unless it is determined that the complainant has also filed a grievance or utilized another internal City administrative procedure, raising the same or similar sexual harassment issues, in which case the complaint may be administratively closed.
4. All investigations will be handled with discretion, sensitivity and due concern for the dignity of those involved. Every reasonable effort will be made to restrict information on the specifics of the complaint to those who are participating in the investigation: the complainant, the alleged harasser, witnesses, and department management, unless and until complaint findings are presented in a public hearing, such as before the Board of Civil Service Commissioners. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation in order to protect the privacy of all those participating in the investigation.
5. All investigations will be as extensive as required, based upon the nature of the allegations. All persons named as potential witnesses by the complainant will be contacted during the course of the investigation, and those witnesses who have information relevant to the issues of the complaint will be interviewed. Any employee who is alleged to have committed acts of sexual harassment will be contacted during the investigation, be informed of the allegations being made against him or her, be given the opportunity to respond to the allegations, and be given the opportunity to identify witnesses. Any accused employee has the option to be represented during the investigation by a union representative, attorney, or other individual of his or her choice.
6. Any employee who observes what he or she believes to be sexually harassing verbal, visual, or physical behavior occurring should report such behavior to a supervisor and/or a Sexual Harassment Counselor. All employees are assured that they may make such reports without fear of retaliation by the City, Department management,

their immediate supervisor, or any other employee. Any action believed to be retaliatory should be immediately reported.

7. Any employee who observes an incident of sexual harassment should cooperate in any investigation. All employees are assured that they may cooperate in such investigation without fear of retaliation by the City, Department management, their immediate supervisor, or any other employee. Any action believed to be retaliatory should be immediately reported to the person conducting the investigation.
8. All employees who initiate or participate in the investigation of a complaint are protected from retaliation by the City, Department management, supervisors, or any other employee. Employees found to have committed acts will be subject to disciplinary action in accordance with the provisions of Policy 33 (Disciplinary Action). Retaliation will be considered a serious act of misconduct with appropriate discipline indicated in the Policy as up to and including discharge. Because of their increased responsibility for enforcing the City's policies against sexual harassment, supervisors will be held to a higher standard and can expect the most severe disciplinary measures for proven acts of retaliation.
9. Complainants may expect a timely resolution of complaints. Complainants will be kept apprised of the status of their complaints on a regular basis by the individual investigating the complaint. Complainants may also request information of the status of their complaint from the City Sexual Harassment Coordinator. Additionally, complainants will be notified if the time to file with an outside agency appears likely to run out before the internal investigation is completed.

1 1 . 4 H A Z I N G C O M P L A I N T P R O C E D U R E

On November 20, 2006, Mayor Antonio R. Villaraigosa issued his Executive Directive No. 8 ([see Executive Directive No. 8](#)) establishing the City of Los Angeles' zero tolerance for hazing of fellow employees. Hazing is a form of harassment, a violation of official City policy and subject to investigation. All allegations of hazing in the workplace shall be investigated in accordance with the procedures outlined in this document.

As used in this procedure, "employee" is any individual occupying a position in the classified civil service, and also includes interns, contract employees, volunteers, and employees exempted under provisions of the City Charter, including elected and appointed officials.

A . W H A T I S A H A Z I N G O F F E N S E ?

Hazing activities are defined as any action taken or situation created in the workplace which causes or is likely to cause, bodily danger or physical harm, or personal degradation or disgrace resulting in physical or mental harm to another. Hazing includes but is not limited to any form of rite of passage or horseplay that involves: engaging in illegal, harmful, demeaning, or dangerous acts that are not consistent with City policy and the performance of job-related activities.

Hazing consists of a broad range of behaviors that may place another person in danger of physical or psychological harm or activities that demonstrate disregard for another person's dignity or well-being. Even when demeaning or embarrassing behaviors do not appear overtly harmful in themselves, as where the participants appear to engage in them willingly, they may constitute hazing if they might cause humiliation or be perceived by non-participants as demeaning or degrading. The determination of whether a particular activity constitutes hazing will depend on the circumstances and context in which that activity occurs. Some examples of conduct that may constitute hazing, when used to mistreat, intimidate, or humiliate the participant, include but are not limited to the following: creation of excessive fatigue; physical and/or psychological shocks; forced, unnecessary exertions; engaging in public stunts or buffoonery; degrading or humiliating games and activities; inappropriate application of substances to the body of another; and any similar activities that violate City of Los Angeles, federal, or state laws.

Department managers have been instructed to take all necessary steps, including appropriate disciplinary action, to ensure and maintain a discrimination free work environment and to send and implement the message that hazing is not acceptable adult behavior. Appropriate disciplinary action for substantiated allegations of hazing will be administered in accordance with Policy 33 (Disciplinary Action) of the Policies of the Personnel Department.

A complaint of hazing must be filed within one year of the alleged act of harassment. Otherwise, the complaint may be considered untimely. In all cases, allegations of hazing will be fully and completely investigated. The employee making the hazing complaint can choose whether to approach a departmental supervisor, the employee's Department EEO Coordinator, or the Personnel Department's Office of Discrimination Complaint Resolution (ODCR).

B . EMPLOYEE RIGHTS AND RESPONSIBILITIES

The City of Los Angeles is committed to maintaining a discrimination-free workplace for all employees. An employee who perceives to have been the subject of hazing is encouraged to immediately and clearly communicate to that person that such behavior is unwelcome.

The following Hazing Complaint Procedure has been developed specifically for use by employees who believe that they have been subjected to act(s) of hazing.

Under City policy and procedures, any employee who believes he or she has been subjected to hazing has the following rights and responsibilities:

1. The complainant is encouraged to report the hazing to any or all of the following individuals: a supervisor, the Department's EEO Coordinator, or the Personnel Department's Office of Discrimination Complaint Resolution. Such immediate reporting is important because the sooner the allegations can be investigated, the sooner appropriate steps can be taken to end the hazing/harassment. All employees are assured that they may make such reports without fear of retaliation by the City, Department management, their immediate supervisor, or any other employee. Such retaliation is absolutely prohibited.

2. The complainant has the right to a confidential conference with the person to whom the hazing complaint is made. The complainant has the option to be represented during the conference and any subsequent investigation by a union representative, an attorney, or another individual of the complainant's choice.
3. Each complaint of hazing will be fully and completely investigated by the Department's EEO Coordinator or by the Personnel Department's Office of Discrimination Complaint Resolution, unless it is determined that the complainant has also filed a grievance or utilized another internal City administrative procedure, raising the same or similar hazing issues, in which case the complaint may be administratively closed so that the other procedure may be pursued.
4. All investigations will be handled with discretion, sensitivity, and due concern for the dignity of those involved. Every reasonable effort will be made to restrict information on the specifics of the complaint to those who are participating in the investigation, the complainant, the alleged harasser, witnesses, and Department management, unless and until complaint findings are presented in a public hearing, such as before the Board of Civil Service Commissioners. All persons contacted or interviewed during the investigation will be requested not to discuss the subject matter of the investigation in order to protect the privacy of all those participating in the investigation.
5. All investigations will be as extensive as required based upon the nature of the allegations. Persons named as potential witnesses by the complainant will be contacted during the course of the investigation, and those witnesses who have information relevant to the issues of the complaint will be interviewed. Any employee or non-employee who is alleged to have committed an act of hazing will be contacted during the investigation, be informed of the allegations being made against him or her, be given the opportunity to respond to the allegations, and be given the opportunity to identify witnesses. Any accused employee has the option to be represented during the investigation by a union representative, an attorney, or other individual of his or her choice.
6. Any employee who observes what he or she believes to be hazing, whether physical, psychological, or verbal should report such behavior to a supervisor and/or EEO Coordinator. All employees are assured that they make such reports without fear of retaliation by the City, Department management, their immediate supervisor, or any other employee. Any action believed to be retaliatory should be immediately reported.
7. Any employee who observes an incident of hazing should cooperate in the investigation. All employees are assured that they may cooperate in such investigation without fear of retaliation by the City, Department management, their immediate supervisor, or any other employee. Any action believed to be retaliatory should be immediately reported to the person conducting the investigation.
8. All employees who initiate or participate in the investigation of a complaint are protected from retaliation by the City, Department management, supervisors, or any

other employee. Employees found to have committed acts of retaliation will be subjected to disciplinary action in accordance with the provisions of Policy 33 (Disciplinary Action). Retaliation will be considered a serious act of misconduct, with appropriate discipline indicated in the Policy up to and including discharge. Because of their increased responsibility for enforcing the City's policies against hazing, supervisors will be held to a higher standard and can expect the most severe disciplinary measures for any proven act of retaliation.

9. The complainant may expect a timely resolution of complaints. The individual investigating the complaint will keep complainants apprised of the status of their complaint on a regular basis.

B. RESPONSIBILITIES OF THE DEPARTMENT EEO COORDINATOR

EEO Coordinators responsible for investigating EEO complaints will now also investigate hazing complaints. An employee who believes he or she has been subject to hazing may choose to file a complaint with the Department EEO Coordinator. Each EEO Coordinator has the following responsibilities:

1. Upon receipt of a hazing complaint, the Coordinator shall meet with the complainant as soon as mutually convenient. The Coordinator shall inform the complainant that he or she may have a representative at the meeting. The Coordinator shall fully inform the complainant about the City's Zero Tolerance for Hazing of Fellow Employees policies and complaint procedures, and shall answer any questions that the complainant may have regarding the City policy. The Coordinator shall also inform the complainant about the other available options, such as filing with the Personnel Department's Office of Discrimination Complaint Resolution, and/or State and Federal compliance agencies as appropriate.
2. The Coordinator shall listen to the complainant's allegations and discuss the complained of actions with discretion, sensitivity, and due concern for the dignity of those involved. The complainant shall be asked what remedies he or she feels would resolve the complaint. The Coordinator shall inform the complainant that while every reasonable effort will be made to protect the confidentiality and privacy of the individuals involved, the conduct of an investigation requires that the alleged harasser be informed of the allegations and that witnesses be interviewed.
3. The Coordinator shall fully record and document the complaint and the requested remedies.
4. The Coordinator shall conduct a complete and timely investigation into the complaint, including conducting interviews with witnesses and the alleged harasser(s). If the alleged harasser is the General Manager of the complainant's department, the advice of the City Attorney may be requested.

5. If the complaint is against a non-employee, the Coordinator shall conduct an investigation as indicated above. The extent of the City's control and any other legal responsibility that the city may have with respect to the conduct of the non-employee shall be considered.
6. Upon completion of the investigation, the Coordinator shall draft a report on the investigation, which shall include findings on whether the allegations have been substantiated. Copies of the report shall be provided to the management of the Department. Where appropriate disciplinary actions have been taken, the complainant may be so informed without disclosing the specific nature of the actions. If the alleged harasser is the General Manager or another high-ranking supervisor of the complainant's department, the advice of the City Attorney may be requested.
7. If the complainant is not satisfied with the way the hazing complaint has been resolved, the Coordinator shall again fully inform the complainant of his or her additional rights under the law, including filing with the City's Office of Discrimination Complaint Resolution or with State or Federal compliance agencies.
8. The Coordinator shall maintain all documentation of the complaint and the investigation, information concerning the resolution of the complaint, and whether the complainant was satisfied with the department's efforts, in accordance with the City's Records Retention Program. The documentation shall be made available to the Personnel Department, if requested, for further investigative or auditing purposes.

C. RESPONSIBILITIES OF THE PERSONNEL DEPARTMENT,
OFFICE OF DISCRIMINATION COMPLAINT RESOLUTION

An employee who has been a victim of hazing may chose to file a complaint with the Personnel Department's Office of Discrimination Complaint Resolution. The Personnel Department's Coordinator has the following responsibilities:

1. The Coordinator will be available at (213) 473-9123 to discuss hazing issues with complainants, shall fully inform complainants about the City's hazing policies and complaint procedures, and shall answer any questions that the complainant may have regarding the City's policy, or the other options available to them.
2. The Coordinator shall listen to the complainant's allegations and discuss the complained of actions with discretion, sensitivity, and due concern for the dignity of those involved. The complainant will be asked if the Department has been informed of the allegations, if an investigation was conducted by the Department, and the result of any such investigation. The complainant will be asked if he or she wishes the Coordinator to:
 - a. Pursue an informal investigation, and, where appropriate, seek a resolution to the complaint without a formal investigative report; or,
 - b. Open a formal investigation into the allegations.

3. If the complainant requests an informal attempt at resolution, the Coordinator shall, where appropriate, make preliminary efforts to resolve the complaint with the assistance of the Department's EEO Coordinator. The actions taken by the Coordinator and the department will be documented, and the complainant will be informed of the outcome of the informal investigation.
4. If the complainant is not satisfied with the results of the informal investigation or resolution, he or she may file a formal complaint with the Personnel Department's Office of Discrimination Complaint Resolution. At the time of the filing of a formal complaint, the complainant shall also be informed of the other options available, including filing the complaint with the State or Federal compliance agencies.
5. Investigative procedures and protections for the complainant, the alleged harasser, and witnesses previously noted in this Procedure under **Employee Rights and Responsibilities** and **Responsibilities of the Department EEO Coordinator** shall apply to the conduct of an investigation by the Personnel Department's Office of Discrimination Complaint Resolution or other staff analysts. The report of the investigation of the complainant's allegation(s), including the investigator's findings and recommendations may be presented to the Board of Civil Service Commissioners in accordance with the City's Discrimination Complaint Procedure, if the Coordinator is unable to resolve the complaint to the complainant's satisfaction prior to the scheduled hearing before the Commission.

D. THE CITY'S HAZING COMPLAINT PROCEDURE

The City's Hazing Complaint Procedure gives employees the right to file a written complaint with the City's Civil Service Commission. Complaints filed in accordance with the City's Hazing Complaint Procedure must be filed within one year of the alleged act of hazing. The Civil Service Commission can be reached at the following address:

Civil Service Commission
700 East Temple, Room 380
Los Angeles, CA 90012
(213) 473-9107

E. STATE AND FEDERAL COMPLIANCE AGENCIES

Employees who believe they have been victims of employment discrimination have the right to file a complaint with State and/or Federal compliance agencies and/or in State or Federal court. Every person is protected against unlawful discrimination in employment practices based upon membership in one or more protected groups. Examples of California State and/or U.S. Federal EEO law protections against discrimination in employment practices include race, color, religion, national origin, sex, gender identity, gender expression, age, disability, marital status, sexual orientation, creed, ancestry, medical condition, HIV/AIDS – acquired or perceived, and retaliation for having filed a discrimination complaint or participating in a protected activity. Time

limits for filing complaints with compliance agencies vary, and complainants should check directly with those agencies for specific information.

The State and Federal compliance agencies may be contacted at the following addresses:

STATE	FEDERAL
Department of Fair Employment and Housing 1055 W. Seventh Street, Suite #1400 Los Angeles, CA 90017 (213) 439-6799 or (800) 884-1684 TTY (800) 700-2320	Equal Employment Opportunity Commission 255 East Temple Street, Fourth Floor Los Angeles, CA 90012 (213) 894-1000 or (213) 894-1111

ADDITIONAL INFORMATION

3.1 WHERE TO FIND IT

There are various Los Angeles City websites that will offer Department of Neighborhood Empowerment employees updated information that can assist them in gaining knowledge to important City information. The City offers an Internet and an Intranet, information accessible to City employees that allows an individual to review a variety of topics. The following chart will provide you the knowledge to access the various websites that will provide you with knowledge of the City of Los Angeles.

<u>WEBSITE</u>	<u>INTERNET / INTRANET LOCATION</u>
Workplace Violence Policy	http://per.lacity.org/eo/violence.htm
Domestic Violence Policy	http://per.ci.la.ca.us/guide/City%20Workplace%20Domestic%20Violence%20Policy%20and%20Resource%20Manual.pdf
Reasonable Accommodation Assessment Guidelines	http://per.ci.la.ca.us/EEOD/ReasonableAccommodationGuideline-0415.pdf
Personnel Dept. Website	http://insidela.ci.la.ca.us/
Employee Benefits Contacts	http://per.lacity.org/Bens/BenContact.htm
Employee Assistance Program (EAP)	http://per.lacity.org/Bens/EAP.htm
Deferred Compensation Program	https://cityofla457.gwrs.com/login.do
Transportation Benefit Info	http://per.lacity.org/Bens/CommuteOptions.HTM
City Forms Repository	http://cityweb.ci.la.ca.us/repository/forms/index.cfm
City Charter Rules and Codes	http://lacity.org/city-government/city-charter-rules-and-codes?laCategory=2188

City MOU's	http://cao.lacity.org/MOUs/
Your Government at a Glance	http://www.lwvlosangeles.org/files/Structure_of_a_City.pdf
How to Report an Injury	http://per.ci.la.ca.us/WorkCmp/injuries.htm
Injury Illness Prevention Program	http://per.ci.la.ca.us/Safety/Personnel%20IIPP.pdf
Department Emergency Plan	http://per.ci.la.ca.us/Guide/PersonnelDeptEmergencyPlan.pdf
Fraud Hotline	http://controller.lacity.org/Fraud_Hotline/index.htm
InsideLA	http://insidela.ci.la.ca.us/
EmpowerLA	http://empowerla.org
Charter Section 900	http://www.amlegal.com/nxt/gateway.dll/California/laac/administrativecode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:losangeles_ca_mc
Administrative Code Chapter 28	http://www.amlegal.com/nxt/gateway.dll/California/laac/administrativecode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:losangeles_ca_mc
ELA Mission Control (Quickbase)	https://lacity.quickbase.com/db/bjk6edj44
Plan for a Citywide System of Neighborhood Councils	http://empowerla.org/wp-content/uploads/2012/12/Plan_Amended_12-18-131.pdf