CITY OF LONG BEACH

PERSONNEL POLICIES + PROCEDURES

Policy 2.1	Discrimination Complaints
	Effective Date: June 19, 1992 Last Revision Date: March 10, 2015

I. POLICY STATEMENT

It is the policy of the City of Long Beach to actively promote equal employment opportunity to all persons on all matters affecting City employment. The City of Long Beach is committed to a policy of non-discrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information, gender, gender expression, gender identity, military and veteran status or on any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

II. GENERAL INFORMATION

The following procedure is intended to facilitate the timely resolution of complaints of unlawful discrimination. It is important that complainants be advised of their rights to file a complaint with an external regulatory agency. They should, however, be encouraged to first utilize the City's internal procedures to seek resolution.

III. PROCEDURES

There are several administrative processes available to City employees, unpaid interns, volunteers, job applicants, and third parties, for resolution of an informal or formal complaint. A complaint may be presented either to a departmental Equal Employment Opportunity Counselor, appropriate supervisor/manager, or the City's Equal Employment Opportunity Office.

An informal complaint differs from a formal complaint in that a complainant may seek assistance from the Department or the Equal Employment Opportunity Office in the Department of Human Resources. The investigation is limited and generally narrow in scope, and resolution is usually attempted through conciliation.

A complainant may elect to immediately file a formal complaint, which is only handled through Civil Service or the Equal Employment Opportunity Office, with the assistance of the department. A formal complaint generally requires a more extensive investigation and questioning of witnesses. Either the Civil Service Commission or the Equal Employment Opportunity Officer makes recommendations for resolution of a formal complaint.

A classified City employee or job applicant may choose to present a complaint to the Civil Service Commission. The commission may then elect to either investigate the complaint as it relates to the Civil Services Rules and Regulations or refer it to the City's Equal Employment Opportunity Office for investigation.

These processes are designed to administratively resolve complaints in a timely manner, and minimize the financial impact upon both the complainant and the City.

A. Informal Complaint

Each department head designates an Equal Employment Opportunity Counselor who acts as liaison between management and the department's employees. The Counselor serves as the primary contact person on equal employment issues, and assists employees in the resolution of problems and concerns related to equal employment opportunity matters.

1. Department Level

   Whenever possible, complaints should be handled at the departmental level. Employees, unpaid interns and volunteers should be made aware of the name of the Equal Employment Opportunity Counselor within their Department. Any employee, unpaid intern or volunteer who feels she/he has been subjected to illegal discrimination should immediately advise either the Department's Equal Employment Opportunity Counselor or an appropriate supervisor/manager. Timeliness in handling a complaint indicates to the complainant's concerns are being taken seriously.

   No complainant shall fear reprisal or retaliation because of reporting an alleged act of discrimination.

   To the extent possible, it is important that strict confidentiality be maintained. Information pertaining to the complaint shall be maintained in a separate confidential file. Employees are allowed to use scheduled work hours in order to

meet with their Equal Employment Opportunity Counselor or appropriate supervisor/manager.

The City's Equal Employment Opportunity Officer should be advised of all complaints, whether or not assistance is required. The City's Equal Employment Opportunity Officer will notify the City Attorney's Office of all complaints.

After investigation, should the Equal Employment Opportunity Counselor or supervisor/manager conclude that an employee, unpaid intern or volunteer was subjected to discriminatory treatment or retaliation, she/he is to advise the Department Head and the City's Equal Employment Opportunity Officer of the proposed resolution to the situation. When finalized, the resolution is to be presented to the employee, unpaid intern or volunteer, in writing, and a copy shall also be forwarded to the City's Equal Employment Opportunity Officer.

2. Equal Employment Opportunity Officer

An employee, unpaid intern or volunteer may choose to discuss a complaint with the City's Equal Employment Opportunity Officer, rather than within his or her own Department. If so, she/he may obtain an appointment during scheduled work hours and, after advising his/her supervisor of the scheduled appointment, meet with the City's Equal Employment Opportunity Officer.

B. Formal Complaint

A formal complaint generally results from an inability to resolve a complaint at the informal level. A formal complaint may either be handled through the Equal Employment Opportunity Office or the Civil Service Commission, as it relates to the Civil Service Rules and Regulations.

A complainant may elect to pursue his/her complaint through the Equal Employment Opportunity Office without first pursuing an informal resolution. In this case, the Equal Employment Opportunity Officer/designee shall contact the City Attorney's Office prior to contacting the complainant to arrange an interview.

The Equal Employment Opportunity Officer acts as a neutral third party and is responsible for determining the facts. The City Attorney determines whether illegal discrimination occurred. The role of the Equal Employment Opportunity Officer is not to serve as an advocate of either the City or the complainant.

In order to seek resolution, the Department and any relevant witnesses shall be contacted. Upon completion of the findings, the Equal Employment Opportunity Officer shall contact the Department, advising them of the findings and the recommended resolution of the complaint.

The Equal Employment Opportunity Office shall advise the complainant, in writing, of the findings and resolution. A copy of the resolution should be sent to the departmental Equal Employment Opportunity Counselor.

If dissatisfied with the results at the formal complaint stage, complainants are informed that they may file a complaint with the California Department of Fair Employment and Housing (DFEH), the U. S. Equal Employment Opportunity Commission (EEOC), or other appropriate agency.

C. Outside Regulatory Agencies

The City's Equal Employment Opportunity Office is responsible for all responses to complaints from outside regulatory agencies. Should a Department receive a complaint directly, it is to immediately forward the complaint to the Equal Employment Opportunity Office.

Upon receipt of a complaint, the Equal Employment Opportunity Office will notify the City Attorney's Office and contact the Department, providing both with a copy of the complaint. The Department will respond to the allegations contained in the complaint and return it, via the City Attorney's Office, to the Equal Employment Opportunity Office within the time specified. The Equal Employment Opportunity Officer/designee will then prepare the City's response.

In preparing the City's response, it may be necessary to contact individuals directly involved in the complaint or individuals who may be able to provide additional information.

Once the response is complete, it will be sent to the City Attorney's Office for review. When approval is obtained, the response is forwarded to the appropriate regulatory agency. A copy of the City's response is sent to the Department for record keeping purposes.

IV. RELATED INFORMATION (IF APPLICABLE)

Personnel Policies & Procedures, Policy 2.2: Unlawful Harassment Complaints
Administrative Regulations, AR8-10: Policy Regarding Sexual Harassment

V. REFERENCES

A. Equal Employment Opportunity Program Plan: Section - Responsibility; Equal Employment Opportunity Office

B. Civil Service Rules and Regulations: Article I, Section 2 - Non-Discrimination