



Metro

**EQUAL EMPLOYMENT OPPORTUNITY
Internal Complaint Process**

(CIV 4)

POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is an equal employment opportunity (EEO) employer committed to equal employment opportunity, and maintains and values diversity in an environment where all employees are free from discrimination and harassment. LACMTA's internal complaint procedure was established to promptly investigate and resolve allegations of discrimination or harassment and to provide a mechanism through which it can identify, respond to, prevent, and eliminate incidents of discrimination and harassment.

PURPOSE

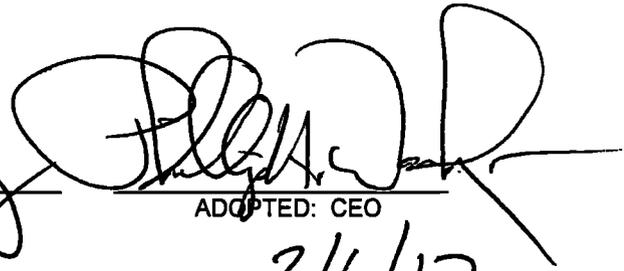
This policy establishes procedures for filing, investigating and resolving internal complaints of discriminatory employment practices.

APPLICATION

This policy applies to all LACMTA employees. If a procedural conflict occurs between this policy and a collective bargaining agreement, the collective bargaining agreement will prevail.


APPROVED: County Counsel or N/A


Department Head


ADOPTED: CEO

Effective Date: 3/6/17

Date of Last Review: _____



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1.0 GENERAL

LACMTA's Office of Civil Rights, Equal Employment Opportunity Unit (EEO Unit) investigates allegations of harassment and discrimination on the basis of which is a characteristic protected by federal or state law. If an employee believes he/she has been harassed or discriminated against, the employee may file a complaint with the EEO Unit within 365 days of the alleged violation of LACMTA's Discrimination/Harassment (CIV 3) policy.

2.0 PROCEDURES

LACMTA policy prohibits harassment or discrimination. Any employee believing he/she has been harassed or discriminated against, in violation of LACMTA policy on the basis of race, color, religious creed, national origin, sex, age (40 and over), physical disability (including HIV and AIDS), ancestry, mental disability, medical conditions (including cancer), marital status, sexual orientation, gender, gender identity, gender expression, military and veteran status, genetic information or any other basis protected by federal or state statutes, including the Family and Medical Leave Act (FMLA), the Pregnancy Discrimination Act (PDA), and related statutes, may file a complaint with the EEO Unit within 365 days of the alleged discrimination or harassment.

2.1 Complaint Process

Employees should notify the Director, EEO & Civil Rights at (213) 922-4530 as soon as they believe they have been harassed or discriminated against, or within 365 days of the alleged CIV 3 policy violation. Complaints will be investigated in a fair, consistent and timely manner. After being notified of a complaint, an appointment will be scheduled between the employee and an EEO Investigator.

The employee who lodged the complaint (complainant) will complete an Intake Form (Attachment 1), when meeting with the EEO Investigator. After reviewing the Intake Form, the Director, EEO & Civil Rights will determine whether sufficient grounds exist for filing a formal written complaint. The complainant may file a formal written complaint with the EEO Unit or work with the EEO Investigator to provide the information necessary to begin an investigation. The complainant may also pursue external options and go directly to entities such as the State of California Department of Fair Employment and Housing (DFEH), the United States Equal Employment Opportunity Commission (EEOC), the Federal Transit Administration (FTA), and the Department of Transportation (DOT).



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A formal complaint should include the following:

- complainant's name, address, telephone number, and badge number;
- a detailed description of the alleged discrimination, including date(s) and time(s) the action(s) occurred;
- identification of any witnesses who saw, heard, or otherwise have knowledge of the alleged harassment or discrimination; and
- information supporting the allegation(s).

A complainant may submit additional information at any time during the investigation process.

2.2 Subsequent Complaints and Amended Charges

A complainant may submit a Discrimination Complaint Form (Attachment 2), for any subsequent complaint or amended charge. Amended charges can also be submitted by email or other written format. The Director, EEO & Civil Rights will review each subsequent complaint or amendment, and determine whether it should be incorporated into the original complaint, or processed as a separate complaint.

2.3 Investigation Process

The EEO investigation process includes:

- notice to the complainant acknowledging acceptance of the complaint, and providing the assigned case investigator's name;
- notice to the person accused of harassment or discrimination (respondent), providing him/her with an opportunity to respond to the allegation(s);
- notice to the respondent's department head that the EEO Unit will be investigating the complaint; and
- the interviewing of witnesses and review of relevant documentation, so the EEO Investigator can research facts alleged in the complaint.

In some cases, the nature of the allegation may warrant the complainant and the respondent to be separated during the course of the investigation. Under these circumstances, it is the *respondent* that is transferred or put on leave pending the outcome of the investigation.



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The EEO Unit investigates every case in a fair, consistent and timely manner. The EEO Investigator prepares a report of the investigation findings that includes a recommendation regarding a resolution to the complaint. The Director, EEO & Civil Rights reviews the EEO Investigator's report and recommendation with the Executive Officer of Civil Rights, and County Counsel. After final review, closing letters are sent to the complainant, respondent, and the respondent's direct supervisor. For substantiated findings, closing letters will also be sent to the respondent's department head and applicable member of the CEO's Senior Leadership Team. The EEO unit retains copies.

In cases where there is sufficient evidence to substantiate the complainants allegations, the department head consults with the Director, EEO & Civil Rights and determines the appropriate disciplinary action to be administered. The department head must provide the Director, EEO & Civil Rights with a written confirmation of discipline, no later than ten days after the disciplinary action has been taken. If disciplinary action warrants a transfer, it is the *respondent* who is transferred; not the complainant. The complainant may be transferred only if he/she requests to be transferred.

An "unsubstantiated" finding will be recorded if the investigation fails to find sufficient evidence to support the complainant's allegation(s). After a final "unsubstantiated" finding review by the Director, EEO & Civil Rights and County Counsel, the complainant and respondent are notified. If the complainant accepts the findings, the matter is closed. The complainant may appeal the "unsubstantiated" finding within 20 business days of the closing letter's date, and the respondent may appeal a "substantiated" finding within 10 business days of the closing letter's date. The appeal should be made to the Chief, Office of Civil Rights. The Chief's decision will be final.

At any time during the complaint process, the complainant should promptly notify the Director, EEO & Civil Rights in writing if he/she:

- decides to withdraw the complaint;
- files a lawsuit against LACMTA or its employees; or
- changes an address, telephone number, or other contact information.

If at any time during the course of the investigation, a complainant fails to respond to communications from the EEO Unit after two written requests, the complaint may be closed for failure to cooperate.



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All LACMTA employees are required to participate with the EEO investigative process. Failure to do so where there are no mitigating factors may result in discipline.

Regardless of the outcome of the complaint, the complainant has a right to consult or file a complaint with the State of California Department of Fair Employment and Housing (DFEH), the United States Equal Employment Opportunity Commission (EEOC), the Federal Transit Administration (FTA), and the Department of Transportation (DOT). If an employee files a complaint with an outside agency, a formal conciliation conference may be scheduled with the EEO Unit, County Counsel and the outside agency.

2.4 Retaliation

LACMTA prohibits retaliation against any complainant(s) or other person who provides information during the investigation. Any employee who believes he/she has been retaliated against should immediately contact the Director, EEO & Civil Rights at (213) 922-4530.

Any LACMTA employee who retaliates against anyone involved in an EEO matter will be subject to disciplinary action (see the Discipline (HR47) policy), up to and including termination.

2.5 Confidentiality

All attempts will be made to ensure that information gathered during an EEO investigation is kept confidential by the EEO Investigator. However, sensitive information learned in the course of investigations may be disclosed on a need-to-know basis.

2.6 False Accusations

LACMTA considers false allegations of discrimination or harassment to be an abuse of state and federal law. Where there is clear evidence that a complainant has intentionally made false allegations of discrimination or harassment, or a complainant or respondent has made false statements to the EEO Investigator, disciplinary action, up to and including termination will follow.



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2.7 Non-Jurisdictional Complaints

If a complaint is determined to be non-jurisdictional under EEO criteria, the EEO Unit is available to provide conciliation between the employee and management.

2.8 Informal Resolutions

In some instances, EEO complaints can be addressed and resolved in an informal manner and it can be counterproductive to implement a formal investigation. For informal resolutions that result in a summary report and/or have a substantiated finding, the EEO Unit will vet the report through the Executive Officer, Office of Civil Rights, and County Counsel. Once reviewed and approved, applicable managers and members of the CEO's Senior Leadership Team will be notified of the findings of the case and will be included in discussions regarding outcomes.

3.0 DEFINITION OF TERMS

Business Day – Any day LACMTA is open for business, excluding Saturdays, Sundays and Holidays

Complaint – Written document that states incident(s) of alleged discrimination or harassment, what term or condition of employment was affected, and who is believed to have engaged in discrimination or harassment in violation of LACMTA's EEO policies

Complainant – Party who filed the complaint

Information – Any and all tangible or electronically stored data or documents

Respondent – Party or parties named in the complaint that complainant believes engaged in discrimination or harassment in violation of LACMTA's EEO policies

"Substantiated" Finding – Sufficient evidence found to support the complainant's allegation(s)

"Unsubstantiated" Finding – Insufficient evidence found to support the complainant's allegation(s)



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4.0 RESPONSIBILITIES

Managers and Supervisors have an affirmative duty to:

- refer employees to the Director, EEO & Civil Rights at (213) 922-4530 or the Executive Officer, Office of Civil Rights if an employee alleges he/she has been a victim of discrimination or harassment;
- contact the Director, EEO & Civil Rights to investigate any discrimination complaint as soon as it is received;
- contact the Director, EEO & Civil Rights when the manager or supervisor observes behavior that appears to be in violation of LACMTA's EEO policies;
- document relevant discussions regarding an incident or complaint and forward original documents to the Director, EEO & Civil Rights for complaint file; and
- contact the Director, EEO & Civil Rights with any questions concerning harassment or discrimination.

The Office of Civil Rights, Equal Employment Opportunity Unit (EEO Unit) designs, develops, implements and monitors LACMTA's EEO policies and procedures; investigates complaints of employment discrimination; and recommends remedies if violations of EEO policies are found.

Complainant cooperates with the Office of Civil Rights, Equal Employment Opportunity Unit during all stages of the internal complaint process.

Respondent cooperates with the Office of Civil Rights, Equal Employment Opportunity Unit during all stages of the internal complaint process.

5.0 FLOWCHART

See p.9.

6.0 REFERENCES

- California Fair Employment and Housing Act
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- Discrimination/Harassment (CIV3) Policy
- Discipline (HR 47)



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7.0 ATTACHMENTS

1. Intake Form
2. Discrimination Complaint Form

8.0 PROCEDURE HISTORY

- 03/15/06 EEO Internal Complaint Process (EO 1-4).
- 09/24/09 Policy renumbered from EO 1-4 to EO 4 and revised into standardized (GEN 5) policy format. Subsection 2.2 Subsequent Complaints and Amended Charges added to 2.0 Procedures section to reflect current practice.
- 08/04/10 Policy revised to reflect administrative changes. Subsection 2.3 Investigation Process updated to reflect current practice.
- 03/07/12 Policy revised to reflect administrative changes. Statute of Limitations added to § 1.0 General and 2.0 Procedures and subsection 2.1 Complaint Process. Added definitions and attachments and § 2.7 Non-Jurisdictional Complaints. Internal Complaint Processing chart updated to reflect policy revisions.
- 12/04/13 Biennial review: changed call letters from EO to CIV; updated contact information; increased protected classes; modified the confidentiality clause.
- 12/15/14 Review: clarified the complaint process; added requirement that LACMTA employees must cooperate with an investigation.
- 6/23/15 Policy revised to include an appeal process for Respondents. Flow chart updated accordingly.
- 4/12/16 Added Section 2.8 Informal Resolutions. Updated department and position titles.
- 02/13/17 Added that respondent may be transferred, if necessary; some results may require providing notification to the Senior Leadership team.

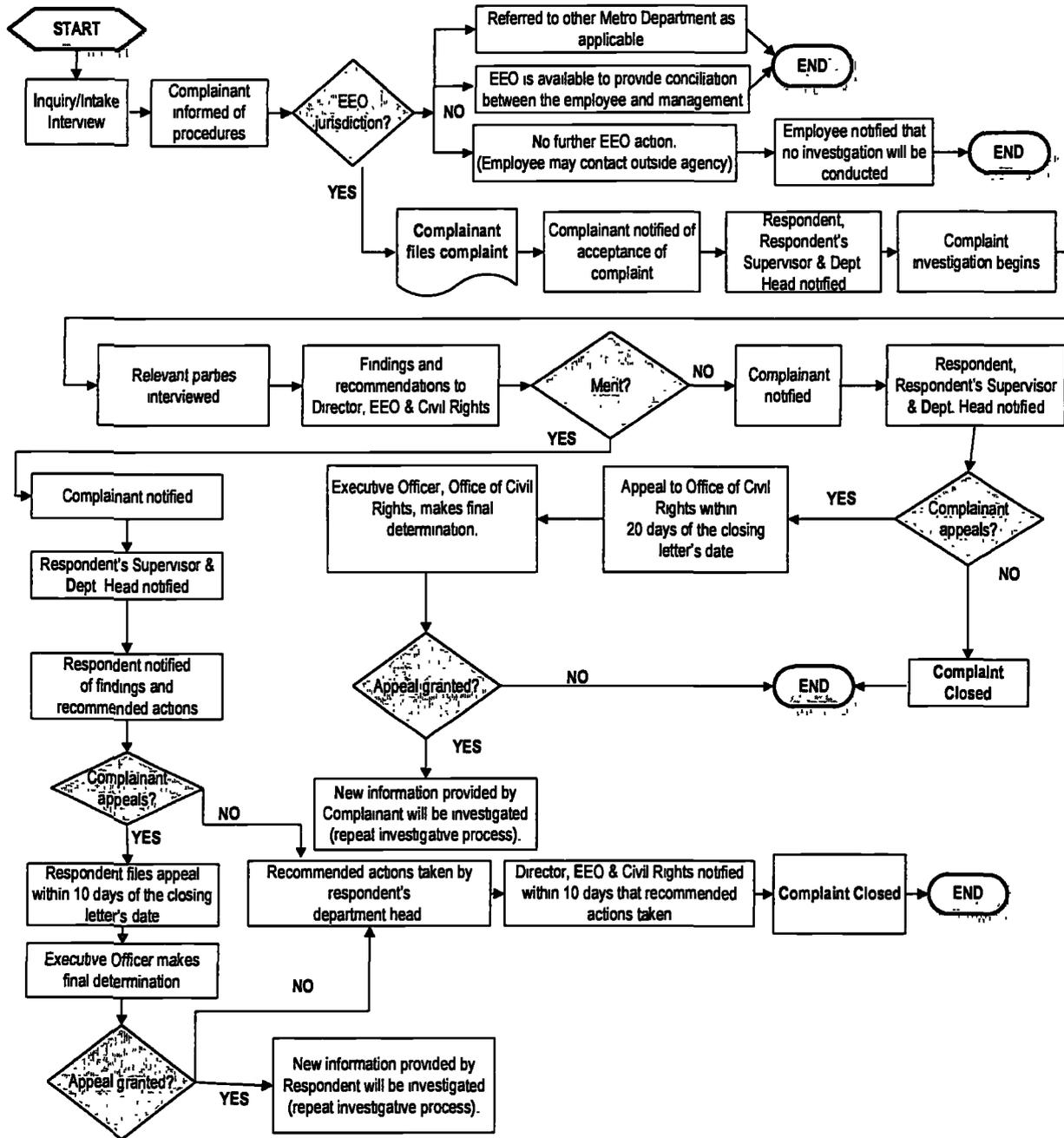


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INTERNAL COMPLAINT PROCESS FLOW CHART





OFFICE OF CIVIL RIGHTS
EQUAL EMPLOYMENT OPPORTUNITY

INTAKE FORM

INQUIRY FORM

DATE _____

EMPLOYEE'S NAME _____
(PLEASE PRINT)

BADGE NO _____

EMPLOYEE PHONE NO: WORK _____

CELL/HOME _____

DEPT. NAME _____

DIVISION NO _____

EMPLOYEE'S JOB CLASSIFICATION _____

WHAT IS THE BASIS OF THE DISCRIMINATION? (Mark all that apply)

- Age (40 and over)
- National Origin
- Religious Creed
- Color
- Mental Disability
- Retaliation
- Physical Disability (including HIV & AIDS)
- Family Care Leave
- Pregnancy Disability
- Race _____
- Sexual Harassment
- Marital Status
- Sexual Orientation
- Veteran Status
- Gender: Male Female
- Gender Identity
- Medical Condition
- Other _____

(This section is to be completed by the EEO Investigator)

Jurisdiction: Yes No

Complaint Form Attached

EEO Investigator: _____

Date _____

Concurrence: EEO Manager: _____

Date _____



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Equal Employment Opportunity (EEO)

COMPLAINT OF DISCRIMINATION

(PLEASE PRINT)

<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
Last Name (Complainant)	First Name	Work Extension	Dept/Division	
<hr/>		<hr/>		<hr/>
Address	City	State	Zip Code	Cell or Home Phone
<hr/>		<hr/>		<hr/>
Job Title	Badge Number		Hire Date	
<hr/>		<hr/>		
Department Supervisor's Name		Supervisor's Extension		
What is the basis of the discrimination? Mark all that apply:				
<input type="checkbox"/> Mental Disability	<input type="checkbox"/> Medical Condition (incl. cancer)	<input type="checkbox"/> Physical Disability (incl. HIV/AIDS)		
<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Religious Creed	<input type="checkbox"/> Color		
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Age (40 & over)	<input type="checkbox"/> Race		
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Denial of Family Care Leave	<input type="checkbox"/> Hostile Environment		
<input type="checkbox"/> Sex	<input type="checkbox"/> Denial of Pregnancy Disability	<input type="checkbox"/> National Origin		
<input type="checkbox"/> Retaliation	<input type="checkbox"/> Other (i.e., Veteran Status, Marital Status)			
Have you filed a complaint with EEO about any prior incident? <input type="checkbox"/> Yes <input type="checkbox"/> No				
What is the status of the prior complaint? _____				
Person(s) currently discriminating against you: (Name, title, dept.) _____				
Briefly describe your complaint against the above-named person(s). Specifically, how were you discriminated against or treated differently from others on the basis of race, sex, age, etc. Cite specific examples of other examples of other employees treated differently, and specific incidents, acts, or circumstances, including dates, locations name(s) of witness(es) that support your allegation(s) (Use additional sheet(s) if necessary)				
<hr/>				
What remedy are you seeking? _____				

Non-Contract Employee? Yes No

Have you attempted to resolve the matter by discussing it with your Supervisor/Manager? Yes No

If "yes", what is the status of the matter? _____

Have you filed a report or complaint with your union? Yes No Union Name: _____

If "yes", what is the status? _____

Have you ever filed with an external agency? Yes No If "yes", name of agency? _____

READ BEFORE SIGNING: This complaint will be processed pursuant to Metro Policy CIV 4 "Equal Opportunity Internal Complaint Process". Any employee who intentionally files a false discrimination complaint will be subject to disciplinary action. Every effort will be made to ensure that all documents and information acquired during the investigation are kept confidential. Complainant's cooperation is required. Retaliation is prohibited.

Signature of Employee (Complainant)

Date