



Los Angeles County
Metropolitan Transportation Authority

Metro

CIVIL RIGHTS 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 and applicants are free from discrimination, harassment, and retaliation.


LACMTA's internal complaint procedure was established to promptly investigate and resolve allegations of discrimination, harassment, or retaliation; and to provide a mechanism for identifying, responding to, preventing, and eliminating incidents of discrimination, harassment and retaliation.

PURPOSE

This policy establishes procedures for filing, investigating and resolving internal complaints of discrimination, harassment and retaliation.

APPLICATION

This policy applies to all LACMTA employees and applicants for employment.


APPROVED: County Counsel or N/A


Department Head


ADOPTED: CEO

Effective Date: 4/11/2022



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1.0 GENERAL

As detailed in its Discrimination/Harassment/Retaliation (CIV 3) policy, LACMTA prohibits discrimination, harassment, and retaliation based on a protected status or activity.

LACMTA's Office of Civil Rights, Racial Equity & Inclusion, Equal Employment Opportunity Unit (EEO Unit) investigates allegations of discrimination, harassment, and retaliation as detailed in the CIV 3 policy. All complaints will be assessed in a fair, consistent and timely manner.

2.0 PROCEDURES

Any employee or applicant who believes they have been discriminated against or harassed in violation of the Discrimination/Harassment/Retaliation (CIV 3) policy may file a complaint with the EEO Unit within three (3) years of the alleged discrimination or harassment. Similarly, any employee or applicant believing they have been retaliated against for engaging in a protected activity may file a complaint with the EEO Unit within three (3) years of the alleged retaliation.

2.1 Complaint Process

Any employee or applicant who believes they have been discriminated against, harassed or retaliated against, should notify the Director, EEO & Investigations at (213) 418-3148 as soon as possible. After being notified of a complaint, EEO will contact the employee for additional information as necessary.

The employee or applicant who lodged the complaint (complainant) may complete a Discrimination, Harassment or Retaliation Complaint Form (Attachment 1). They may file a formal, written complaint with the EEO Unit, and/or work with the EEO Investigator to provide the information necessary to begin an investigation. The complainant may also file a complaint with outside agencies such as the State of California Department of Fair Employment and Housing (DFEH), United States Equal Employment Opportunity Commission (EEOC), Federal Transit Administration (FTA), and Department of Transportation (DOT).

A formal complaint filed with EEO should include the following:

- The complainant's name, badge number, and personal and work contact information;
- A detailed description of the alleged discrimination, harassment, or retaliation, including the date(s) and time(s) the action(s) occurred;



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- Identification of any witnesses who saw, heard, or otherwise has knowledge of the alleged discrimination, harassment, or retaliation; and
- Any additional information relevant to the allegation(s).

A complainant should submit all relevant information at the start of the investigation or while being interviewed, but may present additional information during the investigation process.

2.2 Subsequent/Amended Complaints

After a complaint is filed, the complainant may amend the original complaint or submit a separate subsequent complaint based on new information. The amended or subsequent complaint may be submitted on a Discrimination, Harassment, or Retaliation Complaint Form (Attachment 1) or via email, verbally or other written format. If an amended or subsequent complaint is filed, the Director, EEO & Investigations will review this complaint and determine whether to combine it with the original complaint or process it separately.

2.3 Investigation Process

The formal EEO investigation process includes:

- Notifying the complainant that the complaint was accepted and the assigned case investigator's name;
- Notifying the person accused of discrimination, harassment, or retaliation (respondent), and providing them with an opportunity to respond to the allegation(s);
- Notifying the respondent's department head and applicable Senior Leadership Team member that the EEO Unit will be investigating the complaint; and
- Interviewing witnesses and reviewing 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, the *respondent* may be transferred or placed on leave pending the outcome of the investigation, unless the complainant voluntarily requests to transfer temporarily during the course of the investigation.

After investigating a complaint, the EEO Investigator makes findings of fact and determines whether an EEO policy violation occurred based on a preponderance of evidence. These findings are presented in an investigative report. The



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Director, EEO & Investigations reviews the EEO Investigator's findings and report with the Chief Civil Rights Officer and County Counsel. After final review, closing letters are sent to the complainant, respondent, respondent's direct supervisor, and applicable Senior Leadership Team member.

In cases where there is sufficient evidence to substantiate a policy violation, the department head will coordinate a roundtable with the Director, EEO & Investigations, County Counsel, and any other appropriate parties to address any questions/concerns related to the EEO aspects of the matter and gather information and/or recommendations on appropriate disciplinary action to be administered. **(Note: A roundtable with EEO and County Counsel must be conducted before any disciplinary action is finalized or taken against the respondent).** The department head must provide the Director, EEO & Investigations with a written confirmation of any discipline or other action, no later than ten business days after the discipline or other action takes effect. If a transfer is deemed appropriate, it is the *respondent* who is transferred; not the complainant. The complainant may be transferred *only* if they voluntarily request to be transferred.

An "unsubstantiated" finding will be recorded if the investigation fails to find sufficient evidence to support a civil rights policy violation. After a final "unsubstantiated" or "substantiated" finding review by the Director, EEO & Investigations, the Chief Civil Rights Officer and County Counsel, the complainant and respondent are notified of the determination, and the case is closed.

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 or applicant files a complaint with an outside agency, a formal conciliation conference may be scheduled with the EEO Unit, County Counsel and the outside agency.

At any time during the complaint process, the complainant should promptly notify the Director, EEO & Investigations in writing if they:

- Decide to withdraw the complaint;
- File a lawsuit against LACMTA or its employees; or
- Change their address, telephone number, or other contact information.

The complainant is expected to diligently cooperate with the investigation. If at any time during the course of the investigation, a complainant fails to respond to



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communications from the EEO Unit after two requests, the investigation may be completed without further input from the complainant, or may be closed for failure to cooperate.

All LACMTA employees are required to participate with the EEO investigative process. Failure to do so may result in discipline.

2.4 Retaliation

LACMTA prohibits retaliation, as defined in the Discrimination/Harassment/Retaliation (CIV 3) policy, against any complainant(s) or other person who provides information during the investigation. Any employee or applicant who believes they have been retaliated against should immediately contact the Director, EEO & Investigations at (213) 418-3148.

Any LACMTA employee who retaliates against anyone involved in an EEO matter will be subject to disciplinary action, up to and including termination.

2.5 Confidentiality

In order to ensure the integrity of the investigation while it is open and ongoing, and to protect participants and witnesses from retaliation, all participants and witnesses are required to maintain the confidentiality of the investigation, unless otherwise authorized by law. Any participant or witness who intentionally discloses confidential information about an open investigation may be subject to disciplinary action, up to and including termination. The EEO Unit will make every possible effort to assure the confidentiality of complaints made under this policy. However, complete confidentiality cannot be guaranteed by the EEO Unit, due to the need to fully investigate the complaint and duty to take effective, remedial action. The EEO Unit will not disclose a completed investigation report, except as necessary to support a disciplinary action, take remedial action, defend LACMTA in adversarial proceedings, or comply with the law or a court order.

2.6 False Allegations and Statements

LACMTA considers false allegations of discrimination, harassment or retaliation to be a violation of policy, and an abuse of state and federal law. Any employee who makes false allegations of discrimination, harassment, or retaliation, or provides false statements to the EEO Investigator during the investigation, will be subject to disciplinary action, up to and including termination.



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2.7 Non-Jurisdictional Complaints

If a complaint is determined to be non-jurisdictional under EEO criteria, the EEO Unit will refer the complaint to the appropriate department within LACMTA, if applicable. The EEO Unit is also available to provide conciliation between the employee and management.

2.8 Informal Resolution

Where appropriate, EEO complaints may be addressed and resolved in an informal manner, instead of a full investigation, if an allegation is not egregious enough to constitute a CIV 3 policy violation and an informal resolution appears to be the most effective approach to resolving the complaint. For informal resolutions that result in a summary report and/or have a substantiated finding, the EEO Unit will vet the summary report through the Chief Civil Rights Officer and County Counsel. Once reviewed and approved, applicable managers 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 LACMTA holidays.

Complaint – Written document that describes one or more incidents of alleged discrimination, harassment, or retaliation and the change in a term or condition of employment, if any, and that identifies the individual(s) believed to have engaged in discrimination, harassment or retaliation in violation of LACMTA EEO policies.

Complainant – Party who filed the complaint.

False Allegations/Statements – Any intentional misrepresentation or omission of relevant information pertaining to the complaint or investigation.

Respondent – Party or parties named in the complaint that the complainant alleges engaged in discrimination, harassment or retaliation in violation of LACMTA's CIV policies.

“Substantiated” Finding – Sufficient evidence found to support a civil rights policy violation(s).

“Unsubstantiated” Finding – Insufficient evidence found to support a civil rights policy violation(s).



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4.0 RESPONSIBILITIES

Managers and Supervisors have an affirmative duty to:

- Refer employees or applicants to the Director, EEO & Investigations at (213) 418-3148 or the Chief Civil Rights Officer if an employee or applicant alleges they have been a victim of discrimination, harassment, or retaliation;
- Contact the Director, EEO & Investigations to investigate any discrimination, harassment, or retaliation complaint as soon as it is received;
- Contact the Director, EEO & Investigations 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 & Investigations for complaint file; and
- Contact the Director, EEO & Investigations with any questions concerning harassment, discrimination or retaliation.

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

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

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

5.0 FLOWCHART

See p.9.

6.0 REFERENCES

- Cal. Gov't Code § 12940 et seq. (California Fair Employment and Housing Act)
- Title VII of the Civil Rights Act of 1964
- Employee Code of Conduct
- Discrimination/Harassment (CIV 3)
- Discipline (HR 47)

7.0 ATTACHMENTS

1. Discrimination, Harassment, or Retaliation Complaint Form



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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.
04/12/16	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.
02/14/19	Added “applicants” to the process; reporting for retaliation is the same as for discrimination/harassment; EEO & County Counsel must be consulted before EEO-related disciplinary action; EEO may continue with a complaint regardless of cooperation; EEO will forward non-jurisdictional complaints to the proper LACMTA department.
10/16/19	Extended timeline for disclosure of incident from one year to three years, per AB-9 (2019-2020).
04/02/20	Updated contact information, appeals process, confidentiality clause and investigation process



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12/14/21 Annual review. No substantive changes.

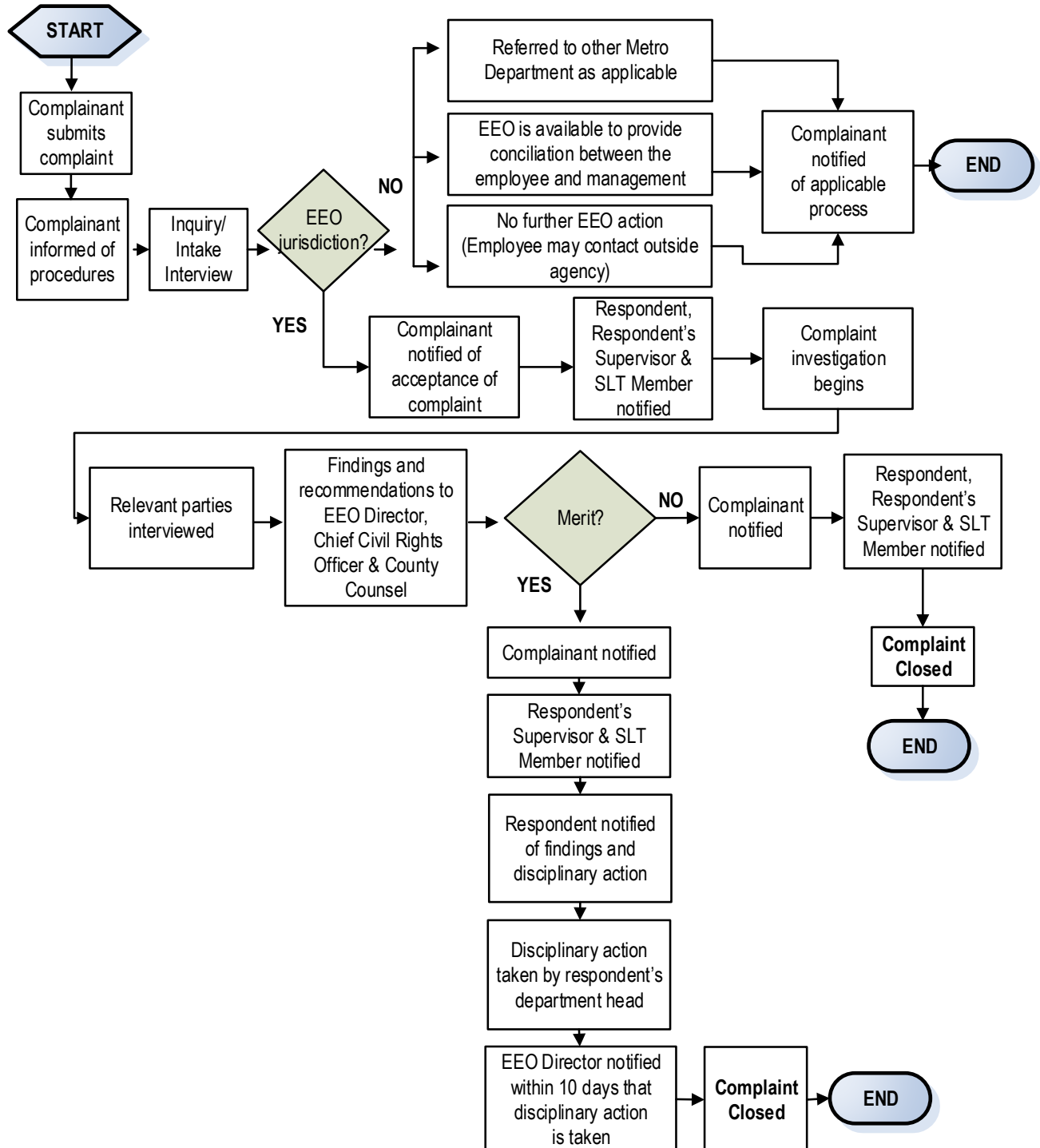


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INTERNAL COMPLAINT PROCESS FLOW CHART



**Metro**

Equal Employment Opportunity (EEO)

DISCRIMINATION, HARASSMENT, OR RETALIATION COMPLAINT FORM

(PLEASE PRINT)

Last Name (Complainant)	First Name	Work Extension	Dept/Division
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Address	City	State	Zip Code	Cell or Home Phone
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Job Title	Badge Number	Hire Date	Union
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Department Supervisor's Name	Supervisor's Extension
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What is the basis of the complaint? Mark all that apply:

- | | | |
|--|---|--|
| <input type="checkbox"/> Disability (mental or physical) | <input type="checkbox"/> Medical Condition (incl. cancer, AIDS, HIV) | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Religious Creed | <input type="checkbox"/> Color |
| <input type="checkbox"/> National Origin | <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"/> Veteran Status |
| <input type="checkbox"/> Sex/Gender | <input type="checkbox"/> Denial of Pregnancy Disability | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Other (i.e. Marital Status, Genetic Information) | |

Have you filed a complaint with EEO about any prior incident? ☐ Yes ☐ No**What is the status of the prior complaint?** _____**Person(s) discriminating against you currently:** (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)

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's Internal Complaint Process (CIV 4) policy. Any employee who intentionally files a false discrimination complaint or makes false statements during the investigation 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. The complainant's cooperation is required. Retaliation is prohibited.

Signature of Employee (Complainant)

Date