Got Equity?

*When* and *When Not* to File a County Policy of *Equity* Complaint
CPOE Program

Five Years and Going Strong

Adopted by the Board of Supervisors and effective July 1, 2011, the CPOE celebrated the end of five years in operation on July 1, 2016.

CPOE Key Highlights:

Two unique components of the CPOE are:

1. The “Inappropriate Conduct Toward Others” (or ICTO) standard; and

2. The “Duty of All Supervisors and Managers to Report” standard
CPOE Program

Three Main Components

The Executive Office of the Board of Supervisors (BOS) and the Department of Human Resources (DHR) partner in administering the CPOE Program. The CPOE Program is broken down into three main components:

1) The County Intake Specialist Unit (CISU)-BOS

2) The County Equity Investigations Unit (CEIU)-DHR

3) The County Equity Oversight Panel (CEOP)-BOS
CPOE Complaint Process

Any Supervisor or Manager

Jurisdictional Complaints: Referred to Mediation & Investigation

Mediation Process Completed: Resolved = settlement with complainant Unresolved = impasse

County Intake Specialist Unit (CEOP)

A Cases to CEIU (DHR)

County Equity Oversight Panel (CEOP)

CEOP Briefing

CEOP Recommended Disposition

Sheriff’s Department Briefing

Subject’s Appeal/Grievance Rights

Department issues letter of intent

Letter from EDCEOP to Department stating result

Substantiated

Inconclusive

Unsubstantiated

Letter from EDCEOP to Department stating result

Department informs individual parties

CEOP/CISU

DHR

DEPARTMENT

SHERIFFDPT

A Cases
- Jurisdictional
- Full Investigation
- CEOP Investigative Briefing

B Cases
- Jurisdictional
- Initial Investigation sufficient
- CEOP Concurs in B assessment
- Referral back to Dept. with recommendations re: 30 day follow up.

C Cases
- Non-Jurisdictional
- Consult with DHR if performance issues
- Referral back to Dept. re: non-equality matters
- CEOP Concurs in C assessment

E Cases
- External Complaints
  Full jurisdictional assessment required

N Cases
- Non-County entity/employee
  EDCEOP makes contact to involved entity for appropriate handoff

B, C, N cases to department
Who is Filing CPOE Complaints?

CPOE complaints are being filed by...

Employees submitting their own complaints, and

Supervisors filing on behalf of others (as required by the CPOE)
Got Equity?

*When* and *When Not* to File a County Policy of *Equity* Complaint
To File or Not to File?

That is the Question!
Think of It This Way....

A CPOE Complaint Requires
Two Main Ingredients:
CONDUCT
+
EQUITY
What Kinds of CONDUCT Are We Talking About?

CONDUCT comes in the form of some workplace behavior or event.

Various types of behaviors and events happen at work every day!
CONDUCT: Behavior

Examples of Workplace Behaviors

- Being Offensive
- Being Bossy
- Being Rude
- Being Loud
- Swearing
- Being a Jokester
- Questioning
- And so on........
CONDUCT: Event

Examples of Workplace Events

Not getting promoted
Performance Evaluation Issues
Given Extra Work
Touching
Staring
Spoken to About Work Performance
And so on.....
What does the ‘E’ in CPOE Mean?

The ‘E’ means that workplace matters must be rooted in EQUITY.

What is EQUITY you ask?
EQUITY MEANS...

The alleged conduct must be linked to a State or Federally protected classification such as:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Race</th>
</tr>
</thead>
<tbody>
<tr>
<td>Color</td>
<td>Ancestry</td>
</tr>
<tr>
<td>Religion</td>
<td>National Origin</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>Age (40 and over)</td>
</tr>
<tr>
<td>Disability</td>
<td>Sexual Orientation</td>
</tr>
<tr>
<td>Marital Status</td>
<td>Medical Condition</td>
</tr>
<tr>
<td>Military Status</td>
<td>Gender</td>
</tr>
<tr>
<td>Gender Identity</td>
<td>Gender Expression</td>
</tr>
<tr>
<td>Genetic Information</td>
<td>Pregnancy</td>
</tr>
</tbody>
</table>

*Any Other Protected Classification Identified Under State or Federal Law*
Remember!

It is not enough to say one has been “discriminated” against, “harassed,” “singled out,” subjected to “disparate treatment” or a “hostile work environment.”

These allegations still need to be linked with an EQUITY basis.
To File or Not to File?

... And Ask Yourself (and Supervisors/Managers who may be filing on behalf of an employee)...

Got Equity?
Tip to Remember

Why do I /you believe I /you was/were: “discriminated” against?
subjected to a “hostile work environment”?
“retaliated” against?

Got Equity?

Is it because of my “race, sex, gender, disability, sexual orientation,” etc?
CONDUCT + EQUITY = CPOE

**Behavior/Events**
- Being Offensive
- Being Rude
- Being a Jokester
- Swearing
- Not Getting Promoted
- Got a Bad PE
- Counseled About Work Performance
- Touching

**Equity**
- Ancestry
- Race
- Color
- National Origin
- Religion
- Sex (includes pregnancy)
- Gender
- Gender Identity
- Gender Expression
- Sexual Orientation
- Disability
- Medical Condition
- Military Status
- Genetic Information
- Age (40 and over)
- Marital Status
- Any other protected characteristic under State and Federal Law
Got Equity?

CONDUCT + EQUITY = CPOE  ✔

CONDUCT + EQUITY = CPOE  ❌

CONDUCT + EQUITY = CPOE  ❌
How Can I Better Understand Whether EQUITY is Involved?

Hypothetical Scenarios...

**Disclaimer:** The following set of slides are hypothetical scenarios designed to help one understand when EQUITY is involved and when EQUITY is not involved and are in no way suggestive of the outcome of any individual complaint. Please note that each complaint submitted to the CISU is different and we investigate each complaint individually and make assessments on a case-by-case basis.
The Following Three Scenarios Have NOTHING to do with EQUITY

CONDUCT + EQUITY = C X O E
A nurse filed a CPOE complaint alleging that her coworker placed a shoe on the hood of her car in the parking lot, which made her cry.

The nurse does not allege her coworker placed the shoe on her car because of any equity basis such as race, sex, national origin, etc.
An employee filed a CPOE complaint alleging harassment because her supervisor called her numerous times regarding work while the employee was on a beach vacation.

The employee *does not* allege that her supervisor treats her any differently than the other staff, or called her on vacation because of an *equity* basis such as race, sex, national origin, etc.
A nurse filed a CPOE complaint alleging that a coworker “keyed” his car.

The employee did not allege an equity basis (i.e. race, gender, sex, disability, etc.) for the alleged vandalism.
The Following Slides Each Involve EQUITY

CONDUCT + EQUITY = CPOE

FILE AWAY!!
An employee alleged that her coworker has a calendar of nude men hanging on her cubicle wall. The employee alleged that after informing her supervisor, she was told to “just ignore it.” The supervisor did not file a complaint, and the calendar remained for the rest of the year.

This scenario clearly involves EQUITY because the coworker’s conduct was linked to the equity basis of sex. Moreover, the supervisor’s inaction regarding the employee’s complaint, triggers a Failure to Report and Failure to Monitor the Workplace violation against the supervisor.
A lab technician expresses to his manager, that he is having difficulty working due to a disability. The manager disregards this information and fails to engage the employee in the interactive process.

This scenario *clearly involves EQUITY* as the manager’s failure to engage the employee in the interactive process involves the equity basis of disability.
An employee filed a CPOE complaint alleging that her coworker “slapped” her on the buttocks while standing near the kitchen.

The employee felt humiliated and when she asked her coworker why he did this, he said it was “okay” because he didn’t use his hand but a rolled up newspaper instead.

This scenario clearly involves EQUITY because the coworker’s conduct was linked to the equity basis of sex.
If You Are Ever Unsure About Whether to File a **CPOE** Complaint...

Call the CISU at 213-974-9868
Or If You Are Unsure:
When In Doubt, Fill It Out!
Remember to Ask Yourself....
Contact Us

• **Location:** Kenneth Hahn Hall of Administration
  500 W. Temple St.,
  Room B-26
  Los Angeles, CA 90012

• **Telephone Number:** (213) 974-9868

• **Hot Line:** (855) 999-CEOP (2367)

• **E-mail Address:** ceop@bos.lacounty.gov

• **File Complaint:**
  https://ceop.bos.lacounty.gov
Questions ?