



# **Discrimination and Unlawful Harassment Complaint Process**

**City of Long Beach, Human Resources  
Equal Employment Opportunity Division  
March 9, 2022**

## Overview

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- **Bullying**
- **Policy 2.1 – Discrimination**
- **Policy 2.2/AR8-10 – Unlawful Harassment**



## Policy Summaries

**Discrimination Complaints (Policy 2.1) & Unlawful Harassment Complaints (Policy 2.2/ AR8-10)**

## Bullying

**Unwelcomed behavior that occurs over a period of time and is meant to harm someone who feels powerless to respond.**

- Social Bullying
- Verbal Bullying

**Since January 1, 2015, AB 2053 requires employers to train supervisors on how to identify abusive contact (Bullying) as part of their sexual harassment training.**

**Is it illegal? Bullying vs Unlawful Harassment**

## DISCRIMINATION COMPLAINTS **(Policy 2.1)**

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 a protected class.**

# PROTECTED CLASSES (Policy 2.1)

- 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
- Any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

# ACTIONABLE ISSUES (Policy 2.1)

**May include the following, in connection with one of the previously listed bases:**

- Denial of employment
- Denial of training
- Denial of promotion
- Denial of reasonable accommodation (for disability or religion)
- Termination
- Disciplinary action
- Work assignment

## UNLAWFUL HARASSMENT COMPLAINTS (Policy 2.2/AR8-10)

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 reaffirms that **no person shall be harassed on the basis of a protected class.**

# PROTECTED CLASSES (Policy 2.2)

- 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
- Any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

# ACTIONABLE ISSUES (Policy 2.2)

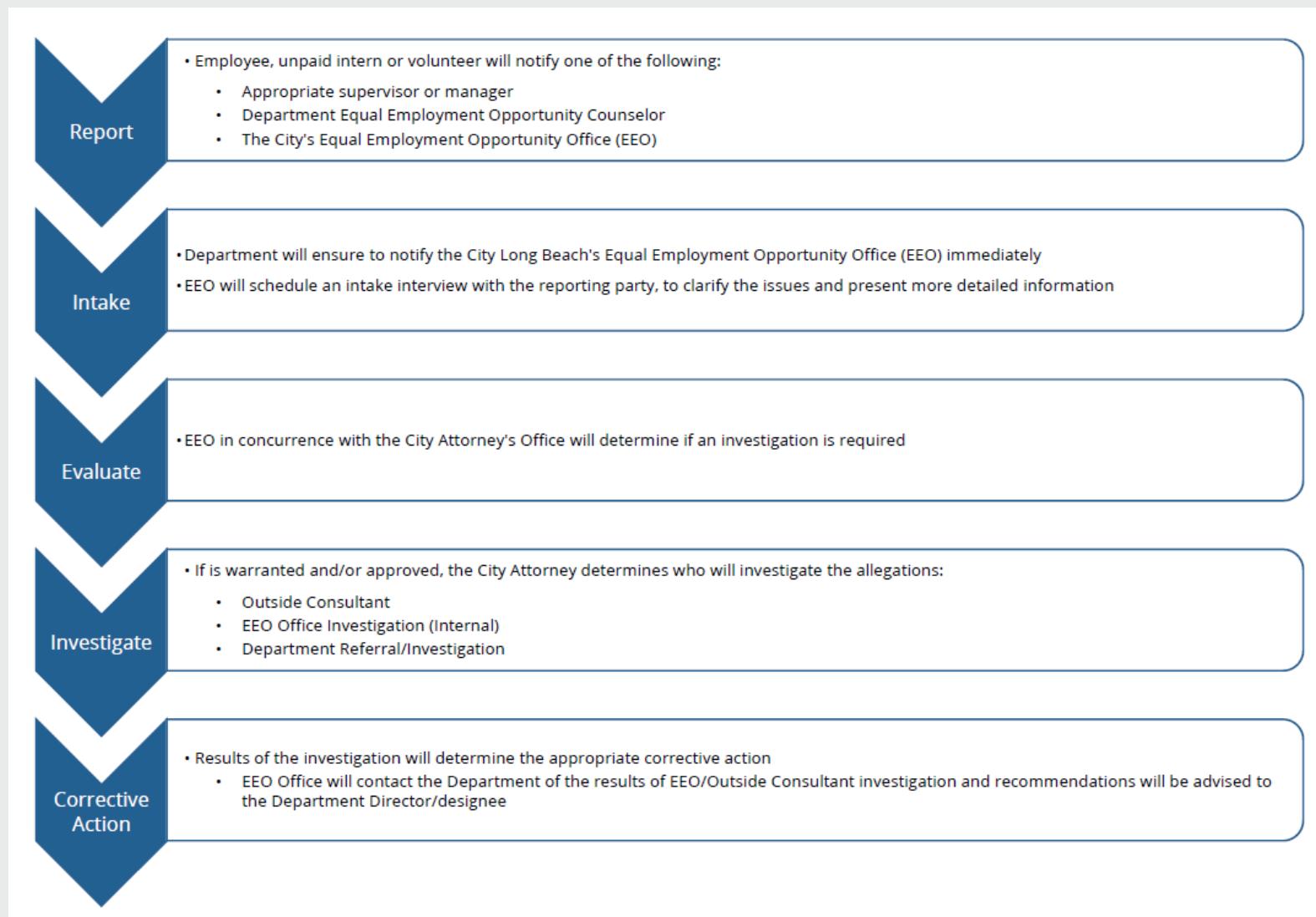
**May include the following, in connection with one of the previously listed bases:**

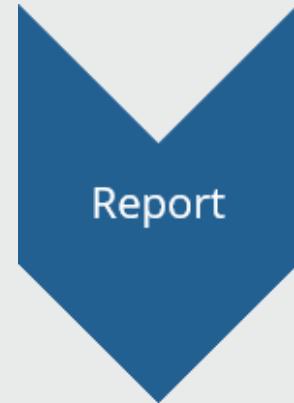
- Unlawful Harassment
  - Harassment which creates a hostile, intimidating, or offensive work environment because of protected class status.
  - Retaliation against an individual for having initiated complaint of harassment or discrimination is unlawful harassment.
    - Discipline, transfer, shun, or denial of promotion, training or assignment after filing a complaint may be viewed as retaliation .
- Sexual Harassment
  - A form of sex discrimination. Conduct of a sexual nature which is unwelcome, not asked for, and not returned.
  - Includes but is not limited to: sexually offensive comments, offers, slurs, innuendoes, leering, ogling, posters, cartoons, or drawings; physical contact such as touching, pinching, or brushing against another body; or demands for sexual favors.



## Complaint Process

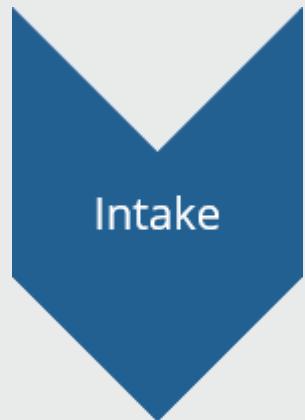
# PROCESS





## **A Discrimination, Harassment and/or Retaliation complaint can be filed with the EEO Division via:**

- Online: <https://www.longbeach.gov/hr/about-us/eeo/>
- Email: [EEOCLB@longbeach.gov](mailto:EEOCLB@longbeach.gov)
- Phone: 562-570-EEO8 (3368), M-F 7:30 AM to 4:30 PM
- Fax: 562-247-9871
- Mail: 411 W. Ocean Blvd., 10th Floor, Long Beach, CA 90802, ATTN: EEO Office

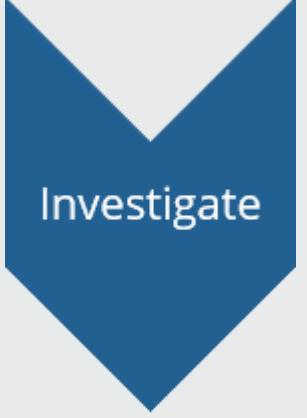


- Human Resources EEO will schedule intake with complainant to offer the opportunity to provide detailed information and clarify issue(s).
- EEO will compile a complaint summary in preparation for review with City Attorney's Office.



- EEO and City Attorney's Office will meet to discuss complaint summary.
- Determination will be made if an investigation will be required and who will conduct the investigation, if needed.

# OUTSIDE CONSULTANT INVESTIGATION



Investigate

- Should the City Attorney's Office determine an outside investigator be the most appropriate party to conduct the investigation:
  - City Attorney's Office will designate the Outside Investigator.
  - Human Resources EEO Division will assist in coordination of interview scheduling with witnesses and involved parties.
  - Outside investigator is expected to complete the investigation within 90 days.
- Upon completion of the investigation, the outside investigator will provide findings to City Human Resources and City Attorney's Office.
  - Human Resources EEO will contact and advise the Department of the results and appropriate corrective action will be recommended to the Department Director/designee.



Corrective Action

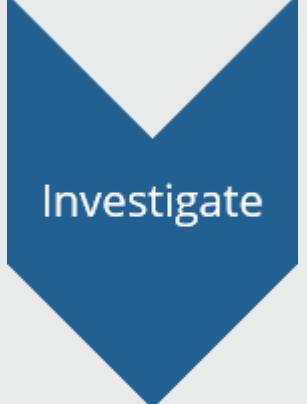
# CITY EEO OFFICE INVESTIGATION (INTERNAL)



Investigate

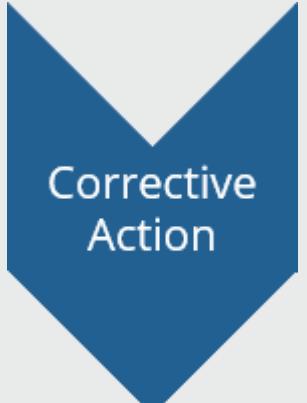
- EEO Office will act as neutral third party and is responsible for investigating, examining the facts, and determining whether discrimination or unlawful harassment occurred.
  - May include:
    - Reviewing personnel files, attendance reports, and performance evaluations
    - Interviewing coworkers and supervisors.
    - Other actions considered necessary to obtain relevant information.
- Upon completion of investigation EEO Office will contact the Department with the results.
- EEO will advise the Department of the appropriate corrective action that will be recommended to the Department Director/designee, if any.

# DEPARTMENT REFERRAL/INVESTIGATION



Investigate

- If complaint is not in violation of Policy 2.1 or 2.2 the complaint will be referred to the departmental EEO Counselor or appropriate party to take appropriate action.
- Department will conduct a thorough and impartial review of allegations reported.
  - Department may interview individuals, respondents, and witnesses and request and review documents.



Corrective Action

- Upon completion, the Department is responsible for taking course of action.
- The EEO Office will follow up with the Department within 30-45 days requesting disposition of the complaint.



## Outside Regulatory Agencies

## Complainant Rights

- A complaint of employment discrimination, harassment, or retaliation may also be filed with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment & Housing (DFEH).
- Complainant is made aware that they may file a complaint with either agency at any point before, during, or after filing a complaint with City EEO or their Department.

## OUTSIDE REGULATORY AGENCIES (cont.)

### City Responsibility

- Complaints coming from the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment & Housing (DFEH) will be copied to the EEO Office, City Attorney's Office, and the Department.
  - The City's EEO Office is responsible for handling and responding to all complaints filed with the outside regulatory agencies. Should a Department receive a complaint directly, it should immediately forward it to the EEO Office.
  - City Attorney's Office will conduct final review/approval, before the response is forwarded to the appropriate agency.



**Thank you**

**Fred Verdugo**  
**Deputy Director of Human Resources**

**Ramon Garcia**  
**Human Resources Officer**