

## APPENDIX B

### SUPERVISORY GUIDE

#### INITIAL DISCRIMINATION/HARASSMENT COMPLAINT INTAKE AND THE COMPLAINT TRACKING SYSTEM (CTS) ENTRY PROCESSING

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### INITIAL DISCRIMINATION/HARASSMENT COMPLAINT INTAKE AND THE COMPLAINT TRACKING SYSTEM (CTS) ENTRY-PROCESSING

#### INTRODUCTION

Fire Department members are prohibited from creating, allowing, encouraging and participating in acts or incidents of potential harassment, discrimination, retaliation or hazing based on the protected groups listed on Page ( ) of this Handbook.

Although Managers, Officers and Supervisors are not tasked with investigating claims of discrimination, harassment, retaliation and hazing, the Department is dependent on them to gather and enter into the Complaint Tracking System (CTS) as much information as possible in order to facilitate the Professional Standards Division's ability to route the complaint to the appropriate investigative team and begin the investigation with minimal delays.

This Supervisory Guide provides additional information and guidance to assist Managers, Officers, managers and Supervisors in carrying out their responsibilities in the areas of accepting, recording and reporting allegations of discrimination, including sexual harassment, as described in the LAFD Discrimination Prevention Policy Handbook.

The following information explains the processing of discrimination complaints in general terms. While each case may unfold or develop on its own based on unique circumstances, the basic elements remain the same. If you have a complaint of discrimination based on sexual harassment, it is strongly urged that you refer to the Sexual Harassment Prevention Policy and Complaint Procedure within the Handbook for specific information about these complaints. If you have a complaint of discrimination based on sexual orientation, it is strongly urged that you refer to the Supervisory Guide for Sexual Orientation, Gender Identity or Gender Expression Discrimination Prevention located in Appendix C of the LAFD Discrimination Prevention Policy and Complaint Procedures within the Handbook for specific information about these complaints.

Managers, Officers and Supervisors are reminded that, for purposes of this Handbook, the term "complainant" includes any Fire Department member or non-member who wishes to file a complaint with the Fire Department.

It is not extraordinary for the Department to later discover that the complainant had previously discussed the same or somewhat similar allegations with another Manager, Officer or Supervisor, without leading to their proper reporting or the complainant receiving a resolution or follow-up. Such a discovery can lead to a CTS entry and investigation against the Manager, Officer or Supervisor who failed to take appropriate actions. Every Manager, Officer and Supervisor must understand their responsibility to promptly and immediately report complaints they are made aware of.



## A. OFFICER, MANAGER AND SUPERVISOR

Even though allegations of discrimination or harassment will be investigated by the Professional Standards Division or the Fire Chief's or Fire Commission's designated representative, the initial entry of the complaint may be completed by the Manager, Officer or Supervisor who initially receives the complaint.

Managers, Officers and Supervisors must remember that they are tasked with collecting complaints from any individual who wishes to file a complaint, including but not limited to Fire Department members, employees from other City departments, elected officials or their staff, hospital personnel and the citizens served by or who come into contact with our members **whether on or off-duty.**

The questions below and the following Discrimination/Harassment Complaint Intake Worksheet<sup>3</sup> are ~~suggestions and~~ intended to be a guideline for the initial collection of relevant information that will assist in the entry of the complaint into CTS, as well as determine the need for immediate actions such as temporarily detailing the involved parties. They are not intended to limit the lines of communication, as good follow-up questions are essential for drawing out and clarifying the required information ~~that you obtain.~~ Even though each complaint presents a unique set of facts and circumstances, the questions used in the collection of the preliminary information needed to complete the entry into CTS, may differ only slightly based on the allegation.

Complainants who wish to independently enter their complaint into CTS may also use these questions to assist them in preparing their entry.

When collecting this information it is highly recommended that the Managers, Officers and Supervisor write the allegations and complainant's responses on the Discrimination/Harassment Complaint Intake Worksheet to assist with an accurate entry into CTS. ~~You may want to write down the allegations, verify the accuracy with the complainant, and use this record as future reference.~~

Managers, Officers and Supervisors are reminded to remain impartial and objective during the information gathering process. They should refrain from any comments such as attempting to dissuade the complainant from complaining, or compelling the complainant to be more tolerant or "thick skinned".

Managers, Officers and Supervisors should refrain from physically reacting to a complainant's claim(s), such as rolling their eyes or sighing heavily. These reactions can convey to the complainant that their complaint is or may be minimized or completely disregarded. ~~If a supervisor receives a discrimination complaint, the supervisor shall maintain objectivity while addressing the following questions with the complainant:~~

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<sup>3</sup> Once the complaint has been entered into the Complaint Tracking System, Managers, Officers and Supervisors shall discard the worksheet in a manner that will maintain the confidentiality of the complaint.



## The Intake Process

Note: Before starting the collection of information, if a condition is existing in the workplace which is related to the complaint, i.e. inappropriate photos, dry-erase board messages, posting of derogatory or inappropriate materials, Managers, Officers and Supervisors must either take photos of the item(s)/location in its improper condition and/or take possession of the item(s) for forwarding to the Professional Standards Division.

If a supervisor receives a complaint that might be based on discrimination, harassment, retaliation or hazing, the supervisor shall conduct a discussion with the complainant in a **private** location. During the discussion the supervisor should demonstrate objectivity while posing the following questions and collecting the responses from the complainant:

For further guidance Managers, Officers and Supervisors should also refer to *Appendix D, Basic Things To Avoid During The Initial Discrimination/Harassment Complaint Intake Process.*

## The Collection of Information

- Determine if the complainant wants to make a formal complaint or is seeking advice or counseling information only. Advice the complainant that you are required to enter their complaint into CTS, regardless if they consider the complaint to be informal or do not wish for it to be pursued.
- What has happened to the complainant or what did the complainant hear and see?
- Who is responsible for the alleged incident~~discrimination~~?
- Where did the incident take place?
- When did the incident take place?
- Did anyone else witness the incident?
- Why does the complainant believe this has happened to them?

Note: This question provides the opportunity for the complainant to communicate that they believe the incident was based on a protected group applicable to them, i.e. race, color, gender, sexual orientation, etc. The complainant, not the Manager, Officer, Supervisor or Investigator, is responsible for naming the basis (i.e. religion, color, race, ethnicity, sexual orientation, etc.) for the incident or treatment the complainant has allegedly experienced.

- Is this the only incident involving this person, or have there been others?

- Did the complainant indicate to the alleged subject member/non-employee offender that the conduct was inappropriate or unwelcome? If so, ~~W~~when and ~~? H~~how did the complainant do this?
- How did the complainant feel at the time? How does the complainant feel ~~N~~now?
- Did the complainant tell anyone else about the alleged incident? If so, who did they tell and when?
- Who else can give ~~provideme~~ relevant information regarding this incident?
- Did the complainant document or keep any notes, emails, text messages, photos or telephonic messages about the alleged incident? Complainants should be advised that they will be required to produce these items once the Professional Standards Division conducts their full intake interview with the complainant.
- Does the complainant have knowledge of others who have been affected by this person or action incident? Who?
- Was the complainant's ability to perform work affected? And how?
- Can the complainant continue to work with the alleged subject member and/or remain in their place of assignment?

Note: The complainant's allegation that they cannot continue to work with the alleged subject member or remain in their place of assignment must be **immediately** shared with the entire chain of command.

- What action does the complainant believe will resolve the issues?

Note: Managers, Officers and Supervisors should refrain from expressing an opinion on the complainant's proposed resolution, as well as refrain from making promises beyond their authority.

### After The Collection of Information

Once the is questioning information has been discussed completed:

- Repeat information back to complainant to confirm accurate collection of the facts.
- Assure the complainant/employee that you the incident will be reported in accordance with Fire Department procedures and protocol are taking the matter seriously.



~~• Repeat information back to complainant for confirmation of the facts.~~

- ~~• If a formal complaint is to be made, d~~Do not make promises of confidentiality. ~~– b~~But do advise that, to the extent possible, confidentiality will be maintained.
- ~~• Tell the complainant when you intend to enter their complaint into CTS and advise them that you will provide them with the CTS number upon its entry. what you intend to do and when you will get back to the complainant.~~
- ~~• If the complainant is insisting on providing items such as copies of emails, text messages, or photos they believe are related to the complaint, accept these items, scan them and electronically attach copies to the CTS complaint. Once you have completed this process return the items to the complainant and advise the complainant NOT to destroy them.~~
- ~~• Document and date~~ Journalize your discussion with the complainant.
- ~~• If the complainant is a member, E~~Ensure the ~~employee is~~ are not left in a threatening, hostile, or unsafe work environment.

~~NOTE: AS A SUPERVISOR, IF YOU HAVE KNOWLEDGE OF (ALLEGED) SEXUAL HARASSMENT, YOU MUST TAKE PROMPT AND APPROPRIATE ACTION. Refer to Appendix C Supervisory Guide – Sexual Orientation, Gender Identity or Gender Expression Discrimination Prevention and Appendix F Supervisory Guide – Complaint Processing for Sexual Harassment Complaints within the Handbook for more detailed guidelines on how to process a sexual harassment or sexual orientation discrimination complaint. Some of this information is also applicable to other types of discrimination complaints.~~

- ~~• Urge the complainant to immediately report to you or any other Manager, Officer or Supervisor, immediately if there is any repetition of the alleged problem behavior or if reprisals occur and remind assure the complainant of the Department's zero-tolerance on retaliation that you will do everything possible to prevent any reprisals.~~
- ~~• Inform the complainant that they may file a complaint of retaliation with the Professional Standards Division at (213) 978-2107 or complete and submit the Complaint Record Form located at www.LAFD.org and fax it to (213) 978-3004. Inform members they may also file their complaint directly into the Department's Complaint Tracking System from any Department computer.~~
- ~~• Do not permit or engage in retaliatory behavior against the complainant or others who may participate in an investigation.~~

### Managing the Workplace After the Complaint



After a Manager, Officer or Supervisor has received a complaint of harassment, discrimination, retaliation or hazing, you have taken the above steps, it is also advisable to they shall:

- Take the appropriate actions to stop the behavior or prevent recurrences, including advising the alleged subject member of the allegation and informing them that they are to refrain from the alleged discriminatory, harassing, retaliatory or hazing behavior;

Note: At the time of this advisement, a Manager, Officer or Supervisor shall not conduct an inquisition of the alleged subject member, attempt to determine the validity of the complainant's claim, attempt to impose discipline or apply an adverse employment action on the alleged subject member.

- Maintain confidentiality to the extent possible and continue to document and report related incidents as Professional Standards Division's appropriate facts that may surface during the investigation progressesprocess. If your investigation cannot proceed without disclosing the complainant's identity, limit the number of persons contacted and require that each one maintain confidentiality. Questions regarding the investigative process or the sharing of information, shall be directed to the Professional Standards Division at (213) 978-2107You may consult with the Fire Commission Office at (213) 978-3837;
- Inform your supervisor the chain of command and the Professional Standards Division about the situation immediately – especially if the involved parties allege that they cannot continue to share the same workplace.
- Not permit or engage in retaliatory behavior against the complainant, the alleged subject member or others who may have to participate or have participated in the investigation.
- Monitor their command for potential signs of recurrences or retaliation.
- Remind their entire command of the Department's zero tolerance on retaliation, and document this reminder on Fire Station or Battalion journals.

During the processing of a complaint and After atthe complaint has been closed resolved, by the Professional Standards Division, Managers, Officers and Supervisors must continue to monitor the workplace follow-up to ensure that the complaining memberemployee or any memberemployees who participated in the a discrimination investigation, including the subject member, are not subject to retaliation.

## B. COMPLAINANTS

An ~~member~~employee who believes he or she is the victim of inappropriate behavior, ~~or~~ unfair employment practices or actions that may be discriminatory, harassing, retaliatory or hazing in nature should be prepared to provide a Manager, Officer, Supervisor or Department assigned Investigator with a response to any of the above-noted questions, if appropriate and related to the allegations. ~~an officer/counselor with the following information as it applies to his or her complaint:~~

Complainants who believe that they have experienced unusual incidents, which they believe to be retaliatory and related to having filed a complaint or participated in an investigation, should immediately contact the Professional Standards Division at (213) 978-2107 or complete and submit the Complaint Record Form located at [www.LAFD.org](http://www.LAFD.org) and fax it to (213) 978-3004. Department members may also file their complaint directly into the Department's Complaint Tracking System from any Department computer.

- What happened?
- Who is creating or causing the discrimination?
- Did you indicate to that person the alleged conduct was unwelcome or inappropriate? How?
- Where did the incident(s) take place?
- When did the incident(s) take place?
- How has your ability to perform work been affected?
- Did anyone else witness the incident?
- Was this the only incident involving this person, or were there others?
- What action(s) did you take?
- What were your feelings at the time? Now?
- Did you talk to anyone else about it? When?
- Did you document the incident by recording it in a diary, a memo, or a letter?
- How can the situation be resolved?



~~All allegations of discrimination or harassment will be thoroughly investigated. All persons named as potential witnesses by the complainant will be contacted during the course of the investigation. Anyone who is alleged to have committed acts of discrimination or harassment will be contacted during the investigation to allow him or her to respond to the allegations.~~

### C. WITNESSES

Any ~~member~~employee who observes an incident of discrimination, ~~or harassment, retaliation or hazing or has been identified as a potential witness,~~ shall cooperate in ~~the~~ any investigation. ALL MEMBERS ARE ASSURED THAT THEY MAY COOPERATE IN SUCH INVESTIGATION WITHOUT FEAR OF RETALIATION OR REPRISAL BY THE CITY, DEPARTMENT MANAGEMENT, OR THEIR IMMEDIATE SUPERVISOR.

Witnesses who believe that they have experienced unusual incidents, which they believe to be retaliatory and related to having participated in an investigation, should immediately contact the Professional Standards Division at (213) 978-2107 or complete and submit the Complaint Record Form located at [www.LAFD.org](http://www.LAFD.org) and fax it to (213) 978-3004. Department members may also file their complaint directly into the Department's Complaint Tracking System from any Department computer.

### DC. ACCUSED/SUBJECT MEMBERS

Anyone who is alleged to have committed acts of discrimination, harassment, retaliation or hazing will be contacted during the investigation to allow him or her to respond to the allegations.

~~If you are a~~An ~~member~~employee named as the accused ~~or subject member~~ in a ~~potential~~ discrimination, ~~or harassment, retaliation or hazing~~ ~~complaint,~~ ~~has you have~~ the right to ~~have~~ representation during the investigation interview, ~~as designated in their respective Memorandums of Understanding or Letters of Agreement between Management and their respective labor representatives. -and you~~The accused or ~~subject member~~ should be prepared to cooperate fully during the investigation. Just as the complainant has the right to a fair investigation, so does the ~~alleged subject member~~accused. Provide the investigation officer/counselor with the following:

- ~~From your perspective, what happened?~~
- ~~Did the complainant indicate to you that the alleged conduct was unwelcome or inappropriate?~~
- ~~Reflect upon the allegation(s) identified, and ask yourself from the complainant's perspective: Could my actions have been interpreted differently from the way I meant them? By the complainant or others?~~
- ~~Where did the incident(s) take place?~~

- When did the incident(s) take place?
- Did anyone else witness the incident?
- What action(s) did you take?
- What were your feelings at the time? Now?
- Did you talk to anyone else about it?
- Did you document the incident by recording it in a diary, a memo, or a letter?
- Do you have any other information that may be relevant to the investigation?

~~Persons named as witnesses by the accused also will be interviewed.~~ Once you a member ~~has~~ been notified that ~~your~~ they are a subject ~~conduct is being investigated,~~ they ~~you~~ are still expected to adhere to a standard of conduct that is respectful to all employees in the Department, including the complainant, ~~any witnesses or supporters and non-employees.~~ Reprisals or vengeful acts ~~will probably~~ may be perceived as retaliation and may result in an independent charge ~~of discrimination, even if the initial complaint was unsubstantiated.~~

Alleged subject members who believe that they have experienced unusual incidents, which they believe to be retaliatory and related to having participated in an investigation, should immediately contact the Professional Standards Division at (213) 978-2107 or complete and submit the Complaint Record Form located at [www.LAFD.org](http://www.LAFD.org) and fax it to (213) 978-3004. Department members may also file their complaint directly into the Department's Complaint Tracking System from any Department computer.

Members ~~Employees~~ who have questions regarding the investigative and notification processes about rights and obligations set forth in the LAFD Discrimination Prevention Policy Handbook should contact the Professional Standards Division at (213) 978-2107 ~~Fire Commission at (213) 978-3837.~~



# LOS ANGELES FIRE DEPARTMENT DISCRIMINATION/HARASSMENT COMPLAINT INTAKE WORKSHEET

|                    |                        |                     |
|--------------------|------------------------|---------------------|
| Name:              | Telephone:             | Is it okay to call? |
|                    |                        | Yes / No            |
| Address:           | Pager or Message #(s): | Is it okay to call? |
|                    |                        | Yes / No            |
|                    |                        | Yes / No            |
| Job Title / Class: | Employee#:             |                     |
| Station or Unit:   | Work Phone:            | Is it okay to call? |
|                    |                        | Yes / No            |

|                            |                  |
|----------------------------|------------------|
| Date and Time of Incident: | Incident Number: |
|----------------------------|------------------|

Description of Incident (including how complainant was affected):

DRAFT

DISCRIMINATION /HARASSMENT COMPLAINT INTAKE WORKSHEET – PAGE 2

Description of why the complainant believes this was discriminatory:

BASIS FOR ALLEGED ACT OF DISCRIMINATION/HARASSMENT

- |  |   |  |   |  |
|--|---|--|---|--|
| <input type="radio"/> Race   | <input type="radio"/> Color             | <input type="radio"/> Religion                     | <input type="radio"/> National Origin   | <input type="radio"/> Sexual Orientation |
| <input type="radio"/> Age  | <input type="radio"/> Disability        | <input type="radio"/> Marital Status               | <input type="radio"/> Ancestry  | <input type="radio"/> Creed              |
| <input type="radio"/> Sex (including sexual harassment, gender identity and expression and transgender status) | <input type="radio"/> Medical Condition | <input type="radio"/> AIDS (acquired or perceived) | <input type="radio"/> Retaliation for having filed a discrimination complaint, or participating in a protected activity | <input type="radio"/> Hazing             |

Remedy Sought by Complainant:

ALLEGED SUBJECT MEMBER(S)

| NAME | RANK | ASSIGNMENT |
|------|------|------------|
|      |      |            |
|      |      |            |
|      |      |            |

WITNESS(ES) TO INCIDENT

| NAME | RANK/TITLE | ASSIGNMENT/CONTACT NUMBER |
|------|------------|---------------------------|
|      |            |                           |
|      |            |                           |
|      |            |                           |
|      |            |                           |
|      |            |                           |