



Los Angeles County
Metropolitan Transportation Authority

Metro

CIVIL RIGHTS
Discrimination/Harassment/Retaliation

(CIV 3)

POLICY STATEMENT

The Los Angeles County Metropolitan Transportation Authority (LACMTA) is an Equal Employment Opportunity (EEO) employer and is committed to maintaining a fair, equitable, and diverse work environment in which all employees are free from discrimination, harassment, and retaliation.

PURPOSE

This policy sets forth LACMTA's prohibitions against discrimination and harassment based on various protected classifications, and against retaliation for certain protected activities; mandates supervisors to immediately report any possible violation of this policy to LACMTA's EEO Department and consult with it regarding potential discipline and/or corrective action; describes employee requirements and restrictions to maintain the integrity of the EEO review and investigative process; and identifies employee training requirements to prevent discrimination, harassment, and retaliation.

APPLICATION

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

Razmig Khayalian

APPROVED: County Counsel or N/A

Nicole Eugene

Department Head

[Signature]

ADOPTED: CEO
Effective Date: 6/4/05



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1.0 GENERAL

LACMTA personnel are prohibited from engaging in: (1) discrimination based on a protected classification; (2) harassment based on a protected classification; (3) sexual harassment; and (4) retaliation based on a protected activity. Refer to section 5.0 of this policy for definitions of these terms.

Conduct that violates any of these prohibitions is unacceptable and will be addressed in a manner that takes into account relevant factors such as the nature, frequency, and severity of the offense, prior misconduct by the wrongdoer, and any power differential between the parties. Misconduct need not constitute a legal violation to violate this policy. A single act may be deemed a violation and provide grounds for employee discipline, up to and including termination.

LACMTA does not tolerate discrimination, harassment, or retaliation against employees or applicants by third parties, and will investigate and address such reported conduct as appropriate.

2.0 PROCEDURES

LACMTA's EEO Department is responsible for assessing any report of an alleged violation of section 1.0 of this policy and determining whether and how to investigate the allegation. Additional information about complaint submissions and the EEO Department's review and investigatory process is found in LACMTA's EEO Complaints and Investigations (CIV 4) policy.

2.1 Employee/Applicant Incident Reporting

LACMTA encourages all employees and job applicants to immediately report any perceived policy violation. An employee or job applicant who experiences or observes conduct they believe constitutes discrimination, harassment, or retaliation, as defined in this policy, should:

- If safe, demand the unwelcome behavior stop, placing the offending party on notice;
- Immediately inform a supervisor or manager of the offending conduct; and
- Contact the EEO Department at (213) 418-3190 or EEODept@metro.net in addition to or in lieu of the above responses.



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2.2 Supervisor/Management Requirements

All supervisors and managers must immediately report to the EEO Department any conduct they observe or learn about that reasonably may constitute discrimination, harassment, or retaliation, as defined in this policy.

The EEO Department may be contacted at (213) 418-3190 or EEOdept@metro.net.

Supervisors and managers are also required to consult with the EEO Department prior to making a disciplinary or corrective action decision based on a violation of this policy.

Failure to comply with these requirements may subject a supervisor or manager to disciplinary action, up to and including termination.

2.3 EEO Investigation Requirements and Restrictions

All employees are required to fully cooperate and participate in the EEO investigative process as directed by the EEO Department.

To maintain the integrity of the EEO review and investigative process, the following conduct is prohibited:

- Knowingly reporting a false allegation of discrimination, harassment, or retaliation;
- Making a knowingly false or misleading statement to the EEO Department, including to an EEO investigator;
- Attempting to interfere with an EEO investigation;
- Attempting to use the EEO investigative process to intimidate or bully; and
- Disclosing information regarding an EEO investigation in violation of an EEO Department directive to maintain confidentiality.

A violation of any requirement or restriction stated above may result in disciplinary action, up to and including termination.

3.0 Mandatory Training

Every non-supervisory employee must complete one (1) hour of sexual harassment and abusive conduct prevention training within 30 calendar days after starting employment, except that a non-supervisory employee who is temporary, seasonal, or otherwise



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expected to work at LACMTA for less than six (6) months must complete the training within 30 calendar days or 100 hours worked after starting employment, whichever occurs first.

Every supervisory employee must complete two (2) hours of sexual harassment and abusive conduct prevention training within 30 calendar days after assuming the supervisory position (regardless of when they last completed non-supervisory training), except that a supervisory employee who is temporary, seasonal, or otherwise expected to work at LACMTA for less than six (6) months must complete the training within 30 calendar days or 100 hours worked after starting employment, whichever occurs first.

Every employee must take refresher training at least every two (2) years thereafter.

If an employee is on unplanned leave of absence that conflicts with a deadline for completing sexual harassment and abusive conduct prevention training, the employee must complete the training within 10 calendar days after returning to work from the unplanned leave of absence.

LACMTA will provide the above-referenced trainings to employees and may assess disciplinary action, up to and including termination, for an employee's failure to timely complete a required training.

4.0 DEFINITIONS OF TERMS

Discrimination – Differential treatment in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, or any other material term or condition of employment due to a protected classification (as defined in this policy), actual or perceived, of an applicant or employee or someone with whom they associate.

Harassment (other than sexual harassment) – Objectively hostile, abusive, or offensive conduct, including but not limited to speech, commentary, gestures, and physical or visual acts, based on or targeting a protected classification of another individual or group.

Misconduct – One or more offenses that may include, but are not limited to: dishonesty, insubordination, or another violation of this or other LACMTA policies or the Employee Code of Conduct.

Protected Activity – Making a request for an accommodation due to a disability or religious belief, making an EEO complaint or participating in an EEO investigation, or opposing any violation of this policy.



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Protected Classification – Race, color, religion, national origin, sex, age (40 and over), physical disability, ancestry, mental disability, medical condition, marital status, sexual orientation, gender identity, gender expression, military and veteran status, genetic information, reproductive health decision-making, or any other classification similarly protected under relevant federal or state law.

Retaliation – Differential treatment in recruitment, selection, termination, promotion, transfer, layoff, compensation, training, benefits, or any other material term or condition of employment based on an individual's protected activity, as defined in this policy.

Sexual Harassment – Objectively hostile, abusive, or offensive conduct, including but not limited to speech, commentary, gestures, and physical or visual acts, of a sexual nature; proposing, threatening, or influencing a change to an employee's terms or conditions of employment based on the employee submitting to or declining a sexual act or relationship; or providing differential treatment to an employee based on the existence or non-existence of a sexual relationship with them.

5.0 RESPONSIBILITIES

The Equal Employment Opportunity Department within the Office of Civil Rights, Racial Equity & Inclusion assesses any report of discrimination, harassment, and retaliation, determines whether and how to investigate the allegation, and recommends disciplinary and/or corrective action as appropriate.

Management fosters a work environment free from discrimination, harassment, and retaliation; protects employees from such discrimination, harassment, and retaliation; immediately reports to the EEO Department any conduct they observe or learn about that reasonably may constitute discrimination, harassment, or retaliation; after consulting with the EEO Department, makes disciplinary and/or corrective action decisions based on any violation of this policy; and supports the EEO Department in ensuring all employees adhere to the training requirements described in this policy.

LACMTA employees and contractors must comply with all requirements described in this policy.

6.0 FLOWCHART

See Internal Complaint Process (CIV4) policy

7.0 REFERENCES

- Title VII of the Civil Rights Act of 1964
- California Fair Employment and Housing Act (Cal. Gov't Code § 12940 et seq.)



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- Employee Code of Conduct
- EEO Complaints and Investigations (CIV4)
- Violence & Intimidation Prevention (HR 43)
- AB 1825
- SB 1343

8.0 ATTACHMENTS

Not Applicable

9.0 PROCEDURE HISTORY

03/15/06	EEO Discrimination/Harassment (EO 1-3).
09/24/09	Policy renumbered from EO 1-3 to EO 3 and updated into standardized (GEN 5) policy format. Revision of Definition of Terms.
08/04/10	Policy revised to reflect current operations and administrative changes.
11/18/11	Policy revised to reflect administrative changes.
01/10/14	Biennial review: updated protected classes; updated contact; clarified that sexual harassment cannot occur, regardless of gender.
02/15/15	Review: clarifications & non-substantive changes.
08/28/15	Added law requiring mandatory training for supervisors, and sexual harassment as part of the listed protected categories.
04/20/16	Added sentence under 2.0 informing of option to directly report to Office of Civil Rights. Updated title and department name.
11/09/16	Changed mandatory training from within six months of hire to 90 days.
05/26/17	Renamed policy to Discrimination/Harassment/Retaliation; applicants are now covered by the policy; inserted zero tolerance language; added and modified definitions for greater clarity; reorganized for an easier read and understanding.
06/13/18	Added section 2.5 addressing retaliation.
10/02/18	Updated policy to address SB1343, requiring all non-supervisory employees to take sexual harassment training.
02/07/19	Clarified that supervisors/managers not reporting incidents/complaints may be subject to discipline.
04/07/20	Review: clarifications & non-substantive changes



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| 07/14/21 | Review: clarifications and non-substantive changes |
| 06/08/23 | Review: clarified conduct and how it's reviewed; inserted language related to third parties; updated contact info. |
| 01/08/25 | Review: added language for mandatory training requirements for temporary/seasonal workers and those on unplanned leave; streamlined and reorganized language for an easier read and understanding; updated contact info and definitions. |