

NWNC DRAFT

Re: DONE's Proposed Code of Conduct Amendment dated 7/19/21 and the Draft Workplace Equity Policy. CIS - Approve, if amended

The Proposed Code of Conduct Amendment dated 7/19/21, is an overreach and an abuse of the democratic system, and would allow DONE and its manger, Ms. Beltran, to unilaterally punish NC Board Members who are accused of violations against the Draft Workplace Equity Policy without due process. The proposed amendment would take away power from the elected NC Boards and voters and instead allow DONE and its Manager exclusive power to punish NC Board members. DONE should not be used as a tool to make political decisions that are the role of the LA City voters. Furthermore, the DRAFT Workplace Equity Policy is overly broad, vague and open to misinterpretation and needs to be amended before any enforcement may be considered. Finally, NC Board Members are not paid employees, but are elected officials of the City of LA whose job it is to comment on LA City policy and to sometimes criticize DONE and therefore should not be treated in the same manner as paid employees and subject to removal by DONE. **Therefore, the Northridge West NC recommends the following amendments to the Proposed Code of Conduct Amendment dated 7/19/21 and the Draft Workplace Equity Policy, as follows:**

*Excerpts from the Policy are included and **NWNC recommendations are highlighted.**

NC Board Member Code of Conduct Policy 2021-1. Item

4. "In such circumstances where a Neighborhood Council Board Member or Committee Member fails or refuses to comply with item #1, the Department shall proceed to suspend the Board Member or Committee Member from their Neighborhood Council. Said Board Member or Committee Member shall not be eligible to act on any matter that comes before their Neighborhood Council and shall not be counted for the purpose of establishing a quorum of the Neighborhood Council or Committee."

This policy would allow NC Board Members to be suspended by DONE without due process, a hearing or appeal. REMOVE THIS SECTION.

5. "If within 30 days of being suspended the Neighborhood Council Board Member or Committee Member does not comply with the provisions of item #1 above, they shall be removed as a Neighborhood Council Board Member or Committee Member by the following procedures:"

This policy would allow DONE to remove NC Board Members without a vote by their NC Board and/or an election process. REMOVE THIS SECTION.

5c. "Any Board Member [or Committee Member removed pursuant to this policy shall have the right to present to the Department evidence that he or she has in fact complied with this policy. The Department shall be the sole and final decision maker."

In this section, the "right to present to the Department evidence" is provided only AFTER DONE has already REMOVED the NC Board Member. This violates the individuals due process rights AND subverts the democratic process, by which the NC Board and/or the voters should determine consequences to NC Board member actions. REMOVE THIS SECTION and PROVIDE due process as soon as an accusation is made and BEFORE any consequences are determined. DONE is meant to support the NC NOT to be used as a political tool to change the make up on NCs who are elected by voters.

"6. If a Board Member or Committee Member is alleged to have violated either the City's Workplace Equity Policy or the Commission's Code of Conduct, the Department, with written approval from the General Manager, may immediately suspend the Board Member or Committee Member for a period of up to 90 days."

This policy would allow NC Board Members to be suspended by DONE without due process, a hearing or appeal. REMOVE THIS SECTION.

6 b. "The Department shall be the sole decision-maker with respect to a suspension. The Board Member or Committee Member **may not appeal the suspension decision.**

c. The Neighborhood Council shall retain its authority to remove Committee Members for failure to affirm this policy or for failure to adhere to its provisions."

In this section, there is NO APPEAL for suspension allowed and violations are overly vague and ripe for abuse of power by DONE. This violates the individuals due process rights AND subverts the democratic process, by which the NC Board and/or the voters should determine consequences to NC Board member actions. REMOVE THIS SECTION.

7. "The Department may petition the Commission to remove the Board Member for a violation of the Workplace Equity Policy or this Policy pursuant to the process for Declaring a Board Vacancy in Los Angeles Administrative Code 22.810.1(e)(3)."

Gives BONC authority to remove NC Board Members. Remove this section.

DRAFT CITY OF LOS ANGELES WORKPLACE EQUITY POLICY Dated 10/2/2020

2.2 When and Where This Policy Applies: “This Policy prohibits discrimination, harassment, retaliation, bullying, hazing, and other inappropriate conduct in the workplace, during working hours, and/or at work-related events. The City also reserves the right to take appropriate corrective action against potential Policy violations occurring in an environment or under circumstances with a nexus to the workplace. These environments or circumstances may include, but are not limited to: ● at work-related conferences ● at City sponsored volunteer activities, meetings or events ● at council, committee and commission meetings or events ● in “the field” ● before or after working hours (including during breaks) ● online (whether or not during working hours) ● at “off-duty” events when interacting with other City employees, contractors, and/or volunteers (including social events such as “happy hours,” retirement parties, holiday 4 DRAFT celebrations, etc.) This Policy also prohibits employees from using any technology, communication system, or equipment, regardless of whether City-issued, **personal**, or otherwise, whether used online or offline, to deliver, display, store, forward, publish, circulate, or solicit material in violation of this Policy. The technology, communication systems, or equipment referenced in this subsection may include, but are not limited to, email, text, social media, internet, intranet, telephones, computers, fax machines, voicemail, radio, video, cell phones, mobile digital terminals, or other communication devices.

This section is overly board and intrudes of individuals freedom of speech rights outside of the “workplace.” Furthermore, NC Board Members are elected volunteers whose job it is to comment and sometimes criticize LA City and DONE. Allowing DONE to punish NC Board members to “violations” will become a tool for political punishment. This section should be re-written to apply only to employees in the work environment and NOT outside of work on ANY personal devices.

3.2.6 Inequitable Conduct: “By way of this subsection, it is the City’s intent to identify, address, and prevent misconduct at the lowest possible level. Inequitable Conduct is any inappropriate conduct based on a Protected Category or protected activity. Inequitable Conduct includes any instance of unwelcome conduct directed at one or more employees or applicants, that is committed by any City employee, because of the employee(s)’ or applicant(s) actual or perceived Protected Category(ies) or protected activity(ies). Similarly unwelcome conduct that is sexual in nature may also violate this Policy. Inequitable Conduct may be similar in nature to conduct defined as discrimination, harassment, sexual harassment, and retaliation under this Policy, although to be considered Inequitable Conduct, it will be lesser in severity. Inequitable Conduct may include, but is not limited to, one or more instances of the following, depending on the context in which it occurs: ● Microaggressions (indirect, subtle or unintentional verbal or behavioral conduct that communicates hostile, derogatory, or negative attitudes toward protected categories) ● Stray remarks ● Hostilities in vocal tone and body language ● Sexual innuendo”

REMOVE THIS SECTION it is overly board, subjective and largely based on perception and not actions. “Micro aggressions” should be removing because the description includes subjective and presumptive terms like “negative attitude” “vocal tones and body language” which a are easily misattributed.