Departmental Order #205 - Policy Regarding Equal Opportunity Employment

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Purpose

The purpose of this Order is to establish Departmental policy for affirmative Action and other Equal Opportunity Employment practices, and to outline the responsibilities of the Affirmative Action Coordinator who is the Human Resources Division Commander.

Background

The Santa Ana Police Department is strongly committed to affirmative action; this Departmental Order augments the City’s equal opportunity employment practices. All Departmental employment processes will adhere to the City’s policy of equal employment opportunity and Affirmative Action Program to ensure that equal opportunities exist for all applicants and employees. Additionally, the City has a strong commitment to prohibit and prevent harassment in employment and strictly enforces its Anti-Harassment Policy.

I. Equal Opportunity Employment Defined

All employees shall be treated equally without regard to race, color, creed, religion, sex, national origin, age (40 and older), disability, marital status, ancestry, medical condition, pregnancy, and sexual orientation in all employment matters, including, but not limited to, promotions, transfers, job rotation, training, and discipline. Discriminatory practices shall not be tolerated in the Santa Ana Police Department.

II. Reporting of Unfair Treatment

A. An employee or applicant who believes that he or she is a victim of unfair treatment based on the areas listed in Section I has the right to report the matter to his or her supervisor or the Affirmative Action Coordinator. The Affirmative Action Coordinator for the Police Department is the Human Resources Division Commander

1. In the event that the employee feels uncomfortable reporting the matter directly, he or she may contact any supervisor to initiate the process.

Employees should not feel reluctant to initiate an unfair treatment complaint because of fear of reprisal, as this will not be tolerated. In the interest of providing the most objective and fair treatment to both complainant and the accused, it is important that incidents of this nature be reported in a timely manner. All reports of unfair treatment will be thoroughly and objectively investigated.

2. If an individual feels reluctant to report an unfair treatment incident to anyone employed by the Police Department, he or she may initiate the process by contacting the Affirmative Action Coordinator for the City of Santa Ana, who has the responsibility to conduct the investigation in conjunction with the Police Human Resources Division Commander or designee by the Chief of Police. The City’s Affirmative Action Coordinator will notify the Chief of Police that a complaint has been lodged as soon as possible. Once the investigation is completed it will be forwarded to the Chief of Police for the necessary action.

B. When an employee or applicant reports to a supervisor or the Affirmative Action Coordinator that he or she received unfair treatment, it becomes the responsibility of the Affirmative Action Coordinator to confidentially investigate the complaint to determine its validity in a timely manner and without unnecessary delay. Investigations of unfair treatment complaints shall only be conducted by
sergeants and above and under the direction of the Affirmative Action Coordinator. If the investigation is sustained, it will be forwarded to the Chief of Police for necessary action. All complaints and actions taken to resolve such complaints will be treated confidentially.

C. While the Department takes unfair treatment practices seriously, it also will not tolerate false accusations of unfair treatment practices. False allegations are subject to disciplinary action against the accuser and with possible civil remedies sought by the accused.

III. Responsibilities

A. Supervisor’s Responsibilities

1. It is the duty and responsibility of management and supervisory personnel to take necessary steps to prevent unfair treatment practices.

2. All management and supervisory personnel are responsible for reporting equal opportunity violation complaints through their chain of command. All complaints shall be immediately communicated to the affected Bureau Commander and to the Human Resources Division Commander/Affirmative Action Coordinator.

B. Human Resources Division Commander’s/Affirmative Action Coordinator’s Responsibilities

1. It is the duty of the Affirmative Action Coordinator to review, investigate and determine the merits of unfair treatment complaints. The Affirmative Action Coordinator will direct the investigation and will maintain a confidential file tracking the progress of the investigation.

2. Once the Affirmative Action Coordinator or his or her designee has submitted a completed investigation report, it shall be reviewed by the Affirmative Action Coordinator prior to final submission to the Chief of Police as to:

   a. Compliance with relevant Departmental Orders.

   b. Compliance with the procedural guidelines in the City’s Anti-Harassment Policy and complaint procedure.

3. Thoroughness and compliance with applicable state and federal regulations including the Public Safety Officers Procedural Bill of Rights Act

4. The Affirmative Action Coordinator will then review the preliminary results of the investigation with a representative from the City Personnel Services Department to insure it complies with City Policies.

5. The Affirmative Action Coordinator will report the results of the investigation to the affected Bureau Commander and the Chief of Police. The affected Bureau Commander will evaluate and recommend the resolution of unfair treatment complaints, including disciplinary action, if appropriate to the Chief of Police for the necessary action.
6. Once the investigation is completed and a disposition of the case is reached, the complainant shall be notified of the findings by the Affirmative Action Coordinator. If discipline is imposed, the fact that discipline was imposed but not the type of discipline imposed will be communicated to the complainant.

7. The Affirmative Action Coordinator will advise and assist in the development and implementation of affirmative action training for management personnel, including the development or programs to meet near-term and long-range affirmative action goals and objectives.

8. Nothing in this policy shall preclude employees from exercising their rights through the Equal Employment Opportunity Commission or the Department of Fair Employment and Housing.