

**Office of Ethics, Compliance and Labor Standard (OECLS)
Discrimination, Harassment & Retaliation Complaint Policy & Procedure OECLS
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Office of Ethics, Compliance and Labor Standard Complaint Procedure

Section I: Complaint Procedure

- A. The County strongly encourages an Individual who feels they have been subject to, or who know of, conduct prohibited by County Discrimination and Harassment Policy (Policy), if they are comfortable in doing so, to immediately and clearly inform the offending person that their conduct is unwelcome, offensive, inappropriate, and must stop.
- B. If an Individual is not satisfied with the offending person's response or prefers not to confront the offending person, the Individual is encouraged to immediately report the conduct to The Departmental Human Resources Officer; any supervisor, manager; and/or the Office of Ethics, Compliance and Labor Standards ethics and compliance unit (OEC).
- C. Supervisors who receive any complaint alleging conduct that violates the Policy, or who are aware of possible conduct that violates this Policy, shall immediately report it to the Office of Ethics and Compliance directly, or through the Departmental Human Resources Officer who shall then refer the complaint to OEC.
- D. Individuals are encouraged, but are not required, to submit the complaint in writing. Complaints should contain a statement of the facts and dates of the incident(s), the name(s) of the individual(s) involved, and the details and facts of the complaint.
- E. Complaints to the Office of Ethics and Compliance may be made in any of the following ways:
1. County employees can file a complaint electronically using the County of San Diego Ethics and Compliance Hotline complaint portal [here](#).
 2. Submitting a written complaint by email to OEC@sdcounty.ca.gov. Individuals are encouraged to use the written complaint form available on OEC's [internal](#) and [external](#) websites.
 3. Delivering a written complaint in person, or by mail, to:

Office of Ethics, Compliance and Labor Standards
County of San Diego
1600 Pacific Highway, Room 400
San Diego, California 92101-2472

Individuals are encouraged to use the written complaint form on OEC's external [website](#).
 4. Contacting the County's Ethics and Compliance Hotline by telephone at (866) 549-0004.

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- F. Certain complaints may also be filed with the Civil Service Commission according to the policy and procedure contained in County Administrative Manual Item No. 0080-04-08.
- G. If the Director of OEC determines a complaint does not fall under OEC's responsibility or authority to investigate, the Director of OEC will notify the Complainant and may refer the complaint to the appropriate County office, agency or department, if any.
- H. OEC may refer a complaint to the Office of County Counsel.
- I. If a complaint is first initiated within an individual County department, that department shall immediately send the complaint to OEC. The Director of OEC will authorize and supervise the investigations conducted by OEC. The Director of OEC will assign or designate the investigator who may be an investigator from the OEC, a Departmental Human Resources Officer or investigative professional, or a contract investigator.
- J. The County department(s) involved in an investigation shall promptly provide necessary information relative to the complaint upon request of the investigator and relieve employees from duty at a reasonable time for purposes of meeting with the investigator.
- K. The investigation may include, but not limited to, any of the following steps:
 - 1. Interviews with the following individuals: (1) the Complainant; (2) the Subject; (3) witnesses to the conduct at issue in the Complaint; and (4) other persons who have relevant knowledge concerning the allegations in the Complaint.
 - 2. Gathering and review of documents and other evidence.
 - 3. Physical inspection of public places or of County property, buildings, facilities, offices or vehicles.
 - 4. Preparation of a written report containing the findings and determination as to whether the conduct occurred and violated County policy. The investigator's findings will be made based on a preponderance of evidence standard. A preponderance of evidence means that it is more likely true than not true that the alleged conduct occurred.
- L. The investigator will conduct the interview of a County employee during the employee's scheduled work hours. Employees have the right to be paid as hours worked for time spent in an interview with the investigator.
- M. An employee who is the Subject of a Complaint shall be allowed to have a representative from their employee organization or personal attorney attend their investigatory interview.
- N. The investigation will be completed within a reasonable time after the Complaint is received by OEC. In cases of extenuating circumstances, the Director of OEC may permit additional time for the investigator to complete a thorough investigation.

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Section II. Post-Investigation Procedure

- A. OEC will notify the Complainant, Subject and Department when the investigation is concluded and a general description of the investigator's findings.
- B. The appointing authority will decide if there is to be any discipline or other remedial action for any violation of this Policy or other County policies, rules or regulations.

Section IV. County Employee Duties & Responsibilities

A. All County Employees

Every employee, including an elected official, is responsible for the following:

1. Report any act you believe constitutes discrimination, harassment or retaliation as defined in this Policy, to the OEC and/or any supervisor, manager, or Departmental Human Resources Officer.
2. Cooperate with the OEC, and the designated investigator, during the investigative process.
3. Provide truthful and accurate responses and information to the investigator.

B. All Supervisors & Appointing Authorities

All Supervisors, including appointing authorities, should exercise reasonable care in preventing discrimination, harassment, and retaliation. Any Supervisor who receives a complaint or learns of a potential violation of the Policy shall promptly report the incident to OEC directly or via their superior and/or Departmental Human Resources Officer, and if necessary, take immediate action to prevent and stop violations of this Policy (e.g., removing inappropriate pictures or correcting inappropriate language).

Section V. Confidentiality and Disclosure

- A. The County will make every effort to assure the confidentiality of complaints made under this Policy to the greatest extent allowed by law. Information will only be shared on a need-to-know basis. Confidentiality is important to maintain the integrity of the investigation and ensure witnesses provide information based on their own observations and personal recollections.
- B. OEC's investigation files are confidential and will be maintained by OEC. Investigation reports will only be disclosed when appropriate and necessary.