



Martin Luther King, Jr.
OUTPATIENT CENTER

POLICY AND PROCEDURE

DIVISION: ADMINISTRATION	NUMBER: 04-030
SUBJECT: INAPPROPRITE CONDUCT (SEXUAL)	
SECTION: HUMAN RESOURCES	PAGE: 1 OF: 2
REVIEWED BY: HR ADMINISTRATOR AND PROCEDURE & POLICY COMMITTEE	EFFECTIVE DATE: 03/05/01
TO BE PERFORMED BY: ALL WORKFORCE MEMBERS	REVIEWED DATE: 04/16/07
	REVISED DATE: 05/2017

PURPOSE

1. To ensure that all workforce members are aware of the prohibition by Los Angeles County regarding conduct of a sexual nature with patients, visitors or others by staff, within the context of employment or assignment.

POLICY

Any conduct by Martin Luther King Jr., Outpatient Center workforce members of a sexual nature, either intended or unintended, either with or in the presence of any member of the public with whom workforce members interact directly or indirectly (e.g. a patient, a relative of a recipient of public services, or even a non-employee friend of the subject workforce member) which may be construed to be inappropriate or unbecoming of a County workforce member may subject the workforce member to disciplinary action, which may include discharge from County Service.

This policy is distinct from the Sexual harassment policy, which prohibits such conduct between workforce members.

MLK OPC has adopted a policy of zero tolerance regarding any instance of inappropriate conduct of a sexual nature by its workforce members, within the context of employment or assignment. Any such conduct, of which may be construed to be inappropriate or unbecoming, will subject that workforce member to appropriate disciplinary action, which may include discharge from employment or termination of training or assignment – and – depending upon the circumstance, may subject the workforce member to criminal and/or civil penalty relative to potential charge(s) of sexual assault.

PROCEDURE

Any MLK OPC workforce member, who exhibits inappropriate conduct of a sexual nature, whether intended or unintended, either toward or in the presence of any member of the public, may be subject to disciplinary action ranging from warning to discharge or termination of training or assignment, based upon the individual circumstances involved.

Inappropriate conduct of a sexual nature is unprofessional and is harmful to the public service, negatively affects the County and MLK OPC facility, and will subject the workforce member to discipline or termination of services. Example of conduct which may be of a sexual nature and therefore inappropriate include, but is not limited to, conduct that is verbal, visual, computer generated (e.g. e-mails), written or physical. Such conduct need not include the touching of another person to be inappropriate. Inappropriate conduct includes consensual sexual conduct; such conduct is not permitted in the workplace. Conduct of a sexual nature, which may not involve other persons, and sexual displays or conduct done in the presence of other persons is also inappropriate and will subject a workforce member to disciplinary action or termination of assignment. This includes sexual behavior or any conduct of a sexual nature which places the MLK OPC facility, the County, or any County department in violation of any state law, federal law, court order, or in jeopardy of liability.

In severe cases involving inappropriate sexual conduct towards a member of the public, the misconduct may, by its nature, warrant serious disciplinary action or termination of assignment. In the most severe cases, the harm to the public

may be irreparable and may render a workforce member unsuitable for continued employment, training or assignment. In all such matters, the judgment of whether discipline is appropriate will be based upon several factors, including but not necessarily limited to the seriousness of the offense; the impact, actual or potential, upon MLK OPC facility or the County, the individual or the community; violation of any applicable policy or procedure; the culpability of the employee; the length of service and overall performance of the charged workforce member, including any previous disciplinary actions.

Any workforce member who witnesses or reasonable believes that inappropriate contact and/or sexual assault and/or abuse occurred to a patient must report it to his or her supervisor, local law enforcement, the DHS Quality Improvement & Patient Safety, and to the Risk Management hotline (562) 420-5959 following sentinel event reporting procedures. If the violation involves a County workforce member, the DHS Performance Management unit must also be contacted.

DEFINITIONWorkforce or Workforce Member

Workforce member is defined as employees, volunteers, trainees, affiliates, students, and any other persons who perform work under the control of DHS, whether or not they are paid by the County.

AUTHORITY

Los Angeles County Code, Title 5, Section 5.12.100
Los Angeles County Civil Service Rule 18.031
Los Angeles County/Department of Human Resources Policy 104 1(b)
DHS Employee Evaluation & Discipline Guidelines, Section 5060

NOTED AND APPROVED:

Cynthia M. Oliver, Chief Executive Officer

Date

Ellen Rothman, M.D., Chief Medical Director

Date

Regina D. Pierre, Human Resources Administrator

Date

Signature(s) on File.