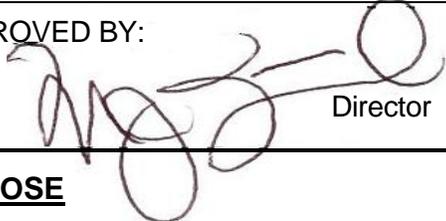




DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

| | | | |
|--|------------------------------------|---|--|
| SUBJECT EMPLOYEES' COOPERATION IN THE ADMINISTRATIVE INVESTIGATION PROCESS | POLICY NO. 605.06 | EFFECTIVE DATE 11/20/2012 | PAGE 1 of 2 |
| APPROVED BY:  Director | SUPERSEDES | ORIGINAL ISSUE DATE 11/20/2012 | DISTRIBUTION LEVEL(S) 1 |

PURPOSE

- 1.1 To provide the Los Angeles County-Department of Mental Health's (LAC-DMH or Department) expectations of employees with regard to administrative investigations.

POLICY

- 2.1 All LAC-DMH employees are to fully cooperate in, and refrain from taking any action that could interfere with, delay, obstruct, distort, or influence any administrative investigation process conducted by the County of Los Angeles or any authorized agency.
 - 2.1.1 Failure to cooperate when ordered to do so and when properly advised of their rights, as applicable, may subject employees to disciplinary action up to and including discharge.
- 2.2 All LAC-DMH employees are required to fully cooperate with internal administrative investigations within the Department as well as those being conducted by agencies within or external to the County. Employees shall make full, complete, and truthful statements during an administrative investigation when ordered to do so.
- 2.3 Any investigation or inquiry of employees shall comply with applicable provisions of law, including, but not limited to those provisions set forth in the "authority" section of this policy.
- 2.4 Any employee who provides false evidence, withholds evidence, or interferes in any way during an investigation, requests or encourages another to do so, or retaliates against another who participates in an investigation shall be deemed to have obstructed the investigation.

PROCEDURE

- 3.1 The Department Head or designee shall provide notification to the Subject of Investigation (SOI) of his/her required participation in an investigation, advise the SOI of his/her role in the investigative process, as appropriate, and of the consequences of his/her failure to cooperate in the investigation.
- 3.2 SOI may assert their right to representation. If SOI requests representation, that request shall not unreasonably delay the investigation.



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

| SUBJECT | POLICY NO. | EFFECTIVE DATE | PAGE |
|---|---------------|-------------------|---------------|
| EMPLOYEES' COOPERATION IN THE ADMINISTRATIVE INVESTIGATION PROCESS | 605.06 | 11/20/2012 | 2 of 2 |

- 3.2.1 SOI's representative may advise him/her but is not allowed to answer questions on behalf of the SOI as this may impair the integrity of the interview process. However, the SOI's representative may supplement the employee's response and/or assist him/her to ensure that the response is clear. To the extent possible, the representative should not knowingly have any personal involvement in the matter under investigation.
- 3.3 Interviews with employees shall take place during regular business hours or while on duty. If not feasible, off duty interviews must be compensated consistent with the provisions of law or County policy, including, but not limited to, the Fair Labor Standards Act.
- 3.4 The employee may be instructed to maintain confidentiality and shall not discuss or disclose any information pertaining to the investigation with other employees. However, the employee is not precluded from consulting with the shop steward, union representative, or private counsel on matters related to their own personal involvement in the investigation.
- 3.5 The employee should be instructed to refer any inquiries regarding the interview to the investigator in charge of the case.
- 3.6 While under investigation, no employee shall be voluntarily transferred or promoted to any position within LAC-DMH or anywhere within the County of Los Angeles.

AUTHORITY

1. Civil Service Rule 18.031, Discipline
2. Sielbauer v. County of Santa Clara, 45 Cal 4th 704; 199 P. 3d 1125; 88 Cal. Rptr. 3d 590 (2009)
3. Lybarger v. City of Los Angeles, 40 Cal 3d 822, 710 P. 2d 329; 221 Ca. Rptr. 529 (1985)
4. Upland Police Officers Assn vs. City of Upland, 111Cal 4th 1294 (2003)
5. Garrity v. State of New Jersey, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 U.S.
6. NLRB v. Weingarten, Inc. 420 US 251 (1975)
7. Skelly v. State Personnel Board, 15 Cal.3d 194 (1975)
8. California Government Code Section 3300-3311, Public Safety Officers Procedural Bill of Rights
9. California Government Code Sections 3250-3262, Fire Fighters Procedural Bill of Rights
10. LAC-DHR Policies, Procedures, and Guidelines Nos. 910 and 1044.
11. DMH Policy No. 601.04, Transfers

RESPONSIBLE PARTY

LAC-DMH Human Resources Bureau