



Prepare Now

What To Do **BEFORE** You're Sent Home Without Pay.

****We recommend printing this packet and placing it in a folder that you can have with you at all times. If you are going to a meeting that might lead to discipline BRING THIS PACKET WITH YOU****

HERE ARE THE STEPS TO TAKE AND QUESTIONS TO ASK WHEN YOU ARE CALLED INTO A MEETING YOU THINK MAY RESULT IN DISCIPLINARY ACTION.

1. ASK: **"Could this meeting lead to discipline?"**

2. If YES:

"This conversation needs to stop. I believe this discussion could lead to my being disciplined. I, therefore, request that my Union representative or Shop Steward be present to assist me at the meeting. I further request reasonable time to consult with them regarding the subject and purpose of the meeting. Please consider this a continuing request; without representation I shall not participate in the discussion, I shall not consent to any searches or tests affecting my person, property, or effects without first consulting with my Union representative, Shop Steward and lawyer."

(As a Union member, you have a RIGHT to representation. This is known as your Weingarten Rights. You can read more about it on a separate page in this packet.)

3. IF THEY WANT TO HAND YOU PAPERWORK, ASK AGAIN "COULD THIS PAPERWORK LEAD TO DISCIPLINE?" DO NOT ACCEPT PAPERWORK THAT COULD LEAD TO DISCIPLINE WITHOUT YOUR SHOP STEWARD OR LAWYER PRESENT!!!

4. DO NOT CONTINUE THE CONVERSATION! (if they try to continue it simply repeat the above statement about your Weingarten Rights!)

5. Take a photo of the **Notice of Infringement of Constitutional Rights** with your direct supervisors name on it. Intentionally "serve" your direct supervisor the Notice of Infringement (be sure that their NAME has been written in all the blank spaces, there are EIGHT)

6. Serve **ANYONE ELSE THAT WAS A PART OF THE MEETING** with their own **Notice of Infringement of Constitutional Rights** with that individuals name written on it. (Be sure to write their name on each of the lines, there are EIGHT places for their name. Take a photo of the front page of that paperwork too)

7. You do **NOT** need to leave work, and you **DO** get to come back to work the next day. You can be at work until the meeting with your direct supervisor and Shop Stewart/Union representation happens. (see section 33 of the Policies of the Personnel Department. Under letter D it states that a notice of disciplinary action must be given before disciplinary action can take place.)

If they don't believe you, present them with Section 33 from their Policies of the Personnel Department. Some of the important sections have been highlighted for you.

Here is your ACTION PLAN for AFTER the meeting.

1. **Contact your Shop Steward and Sunny Wise**, and your personal civil rights lawyer if you have one. (*the Freedom to Choose Telegram is a great resource for finding a Shop Steward or suggestions on a Civil Rights lawyer.*)
2. **Email Sunny Wise** the photos of the Infringement of Constitutional Rights with the names on them and the photo of the harassment paperwork (the harassment paperwork is the paperwork they attempted to serve you with that was attempting to put you on unpaid leave).
Send the above photos along with all the exact details of the meeting.
 - What time was the meeting?
 - What was the date of the meeting?
 - Where was the meeting held?
 - Who asked for the meeting?
 - When/How did they give you notice of the meeting?
 - Who attended the meeting?
 - What happened at the meeting?
 - How does being harassed at work effect you?-----> lawofficesofHelenaSunnyWise@ProtonMail.com <-----
3. Download the next packet about "What to Do Now That You Have Been Sent Home Without Pay". Many of these items will need to be submitted with in FIVE days of your notice.

YOUR WEINGARTEN RIGHTS

What do they mean?

YOUR WEINGARTEN RIGHTS:

“ I believe this discussion could lead to my being disciplined. I, therefore, request that my Union representative or officer be present to assist me at the meeting. I further request reasonable time to consult with my Union representative regarding the subject and purpose of the meeting. Please consider this a continuing request; without representation I shall not participate in the discussion, I shall not consent to any searches or tests affecting my person, property, or effects without first consulting with my Union representative.”

Here is some background information for you to help you better understand the rights you are invoking by using the Weingarten statement above.

The Weingarten right is a right derived from the Supreme Court's 1975 Weingarten decision where the court recognized union employees' rights to representation at investigatory interviews.

"An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at -

- A. any formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practices or other general condition of employment; or
- B. any examination of an employee in the unit by a representative of the agency in connection with an investigation if -
 - i. the employee reasonably believes that the examination may result in disciplinary action against the employee; and
 - ii. the employee requests representation."

**Policies of the
Personnel Department
for the City of Los Angeles
Section 33
Disciplinary Action: Policy and Procedures**

**POLICIES OF THE PERSONNEL DEPARTMENT
CITY OF LOS ANGELES**

Section 33

Disciplinary Action: Policy and Procedures (Revised 6/23/05)

33.1

A. General

Fundamentally, the basis of the employment relationship is that, in exchange for salary and other benefits, employees will perform duties for which they are hired in accordance with the standards set for operational efficiency and effectiveness. Employees are expected to consistently report to work on time, carry out assigned duties, and cooperate with the public, co-workers, supervisors, and management to complete the work assigned to their organization. This Policy provides the framework for the implementation of corrective disciplinary action for situations in which employees fail to adhere to the requirements for proper job performance.

It is equally important that recognition be given to the employee who does a job exceptionally well or even goes beyond the normal demands of the job.

Management is encouraged to give recognition to such employees by using the Notice of Commendation, Form General 79.

This policy and procedure is a guide to constructive, progressive discipline to be used in deciding on corrective action for improper conduct by employees after discussion and oral reprimands have failed.

It is also designed to ensure fair treatment to all employees; to prevent impulsive and unreasonable punishment for improper conduct. The rights of the individual must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.

Initial problems may be minor and not easily definable offenses. This behavior should not be overlooked, as it can grow more serious with time. A private conference can often resolve the problem and give the individual an opportunity to correct the behavior. **Recognition should be given to the employee who has received discipline and has demonstrated that the problem has been corrected.**

The primary goal of this disciplinary policy is to correct employee behavior or performance. To achieve that goal requires a mutual understanding among City management, employees, and the Civil Service Commission that the following criteria apply:

- (1) Behavior and performance standards must relate to the duties of the job, and management must make employees aware of them;
- (2) Employees are expected to adhere to standards of reasonable and prudent conduct;
- (3) Employees will be subject to corrective action when they violate those standards;
- (4) Penalties must be appropriate for the type and seriousness of the offense, while employees who commit serious offenses, or who show a pattern of offenses after successive efforts at corrective action, must not remain in City service. When it is suspected that a violation of a performance standard has occurred, and before deciding whether corrective actions is necessary, department management should conduct a thorough, objective investigation and get all available facts, including the employee's side of the story. If the investigation shows that an offense occurred, the actions required by the department's discipline procedures and policies should be taken. However, if management determines that an offense did not occur, or that the allegation is lacking in substance, a record of the incident should not be placed in the employee's file where it might prejudice future actions.

1. Probationary Termination although a pre-discipline procedure is not required for a probationary termination, it is advisable that such actions be documented. Management should utilize the probationary period as the working test period of fitness to perform the duties of the job and meet the standards of performance.

A probationary employee should receive periodic counsel regarding their job performance during the probationary period. Such counseling should be documented by the supervisor in a memo to the supervisor's file. A probationary termination should not come as a surprise to an employee. If an employee has not met satisfactory performance standards in all areas by the end of the month of probation, management should make a decision regarding the retention of the employee. If termination is appropriate, management should initiate the termination process as soon as practical.

2. Discharge or Suspension

If a discharge or a suspension is being considered for an employee who has completed probation, the courts have ruled that a pre-discipline procedure is necessary (*Skelly v State Personnel Board*).

This is the case even when an appeal procedure including a post discharge evidentiary hearing is available. The purpose of this procedure is to "minimize the risk of error" in the manager's initial decision. The

procedure enables the employee to receive notice of the charges and a copy of the materials upon which the proposed discipline is based, to provide his or her version of the facts surrounding the proposed discipline, and gives the Department an opportunity to reevaluate the proposed decision before it is irreversibly made.

3. Offenses During Off-Duty Hours

The following guidelines are provided for conduct that occurs off-duty:

- a. Corrective actions taken should be related to the job performed by the employee, the effect of the offense on the conduct of departmental operations, and should be consistent with any other applicable policies and directives.
- b. For offenses that result in the employee being unable to perform his/her job duties (detention and booking or incarceration for a period of time, loss of driver's license, etc.), periods of absence from work should initially be treated as an unauthorized absence (AW). In cases which are neither felonies nor serious misdemeanors, nor related to the job performed by the employee, the employing department may consider the propriety of granting authorized time off (vacation, overtime, leave without pay) for the employee to consult with an attorney, to appear in court, or to otherwise resolve the problem.

4. Option of Resigning to Avoid Discharge In some circumstances, such as inability to perform satisfactorily, the employee, without coercion, may be afforded the option of resigning to avoid discharge. The decision to resign in lieu of discharge must be voluntary and the employee should be allowed a full working day in which to exercise the option.

The department representative, while explaining the alternative of resignation in lieu of discharge, must notify to the employee in writing of the consequences of resignation: that the resignation will result in the loss of the right of appeal of the discharge to the Civil Service Commission; that the separation will be coded as "resignation in lieu of discharge" in official City records; that the resignation cannot be withdrawn after acceptance by the appointing authority; that restoration of the employee's name to the eligible list may not be recommended; and that future re-employment by the City cannot be guaranteed.

5. Suspension of Exempt (Salaried) Employee

Under applicable City policies and provisions of the Fair Labor Standards Act, a FLSA exempt (salaried) City employee, as defined in Division 4, Chapter 2, Article 8, Section 4.114 of the Los Angeles Administrative Code, shall not be subject to disciplinary suspension for a period of less than a workweek (seven days; half of the biweekly pay) unless the discipline is based on violations of a safety rule of major significance or misconduct.

6 Taking Disciplinary Action

The appropriate steps for any supervisor, administrator or manager to follow in taking disciplinary action are outlined in Sections A through F.

Note: For advice and guidance on any questions related to this procedure and in emergencies, supervisors should contact the employing department's Personnel Office.

B. Conducting the Investigation-Non-Emergency Circumstances:

The purpose of the investigation is to ensure that the supervisor has considered all relevant facts through:

- (1) Reviewing any written documentation related to the incident(s) including police reports and citizen complaints;
- (2) Interviewing supervisors, other employees, or citizens who may have knowledge of the incident(s);
- (3) Determining the work rules, practices, job-performance standards, or general standards of behavior involved and the extent to which the employee should reasonably have been expected to know and follow them;
- (4) Reviewing the employee's total work record, including records of past performance, conduct, and attendance;
- (5) Interviewing, when appropriate, the employee to verify facts and obtain a preliminary statement of what happened from the employee's perspective. This interview should be in private, informal, and conducted in accordance with the employing department's rules. The interview may include the employee's representative. (The employee has a right to representation in an investigative meeting that could result in discipline of that employee. Should the employee request a representative, allow the employee a reasonable amount of time to obtain representation.

Note: Employees do not have an entitlement to representation if management is not investigating the employee for possible discipline.) During the interview, the supervisor should avoid argument, and refrain from making statements that could later be used to suggest that a fair investigation was not conducted. The supervisor should make notes documenting what occurred in the interview.

C. Conducting the Investigation- Emergency Circumstances:

Administrative Leave Policy:

Circumstances may occur where it is necessary to remove the employee from the work situation before final decisions can be reached regarding any disciplinary action to be taken. Removal of the employee should take place only when management believes there is a significant risk in allowing the employee to remain on the job.

In such cases, the supervisor should immediately notify the next level supervisor, as well as the employing department's personnel office or other designated office concerning this action. If the next level supervisor or personnel office are not available, or it is impractical to contact them, the supervisor should take the following actions:

- Call 9-1-1 emergency when a weapon is involved or when there is an immediate and direct threat to employees or the public. If the danger is not to this level but assistance is needed, call General Services Security at (213) 978-4670.
- Direct the employee to leave the worksite immediately. Place the employee who posed the immediate threat off work with pay.
- If possible, have another, higher level supervisor present when directing the employee's removal.

If an employee is removed from the worksite under emergency circumstances, the circumstances and rationale for the removal should be carefully documented by the supervisor and/or the employing department's personnel office and the procedures outlined above should be followed to the extent feasible under the circumstances. If the next level supervisor or the employing department's personnel office are not available at the time of the employee's initial removal, the supervisor must notify them as soon as possible after the immediate emergency situation has been addressed.

D. Due Process Requirements:

Departmental discipline procedures should be followed for all cases except genuine emergency situations. In emergency situations, steps must be taken as soon as practical to provide any due process rights to which the employee is entitled.

- Give the employee written notice of the proposed action by department letterhead, memorandum or other appropriate form, such as an unsigned copy of Form General 77. The notice must include the reasons disciplinary action is being proposed. The reasons constituting the cause of action should be sufficiently specific to allow the employee to respond. The notice must also advise the employee of the right to representation of choice in responding to management's proposed disciplinary action.
- Provide the employee with copies of the documents or materials upon which the disciplinary action is based. Where the action being considered is subject to appeal under Charter Section 112, and where the appointing authority intends, in accordance with Civil Service Rule 12.11d, to present evidence that the employee is not fit and suitable to perform the duties of the position, that added evidence should be specified and presented to the employee.
- After being given a reasonable opportunity to review the above documents and materials, the employee may respond, either orally, in writing, or through a representative (at the employee's option). If a meeting is held to allow the employee to respond, it should not be an adversarial proceeding. Such a meeting

does not require calling or cross-examining witnesses or formally presenting a case supporting the proposed discipline.

- A reasonably impartial and uninvolved reviewer, who possesses the authority to recommend a final disposition of the matter, reviews both sides of the case and makes a recommendation to the appointing authority. The reviewer should not be the same person who investigated the incident(s) which form the basis for the proposed discipline.

NOTE: Personnel with Peace Officer status have additional statutory protections under the California Peace Officer Bill of Rights (Government Code section 3300, et seq.). These protections include the Lybarger admonition (Lybarger v. City of Los Angeles). Departments employing personnel with Peace Officer status should incorporate into their disciplinary procedures the appropriate requirements to ensure full compliance with the Peace Officer Bill of Rights.

E. Implementing Progressive Disciplinary Action:

In most cases corrective actions should be administered as outlined below, with time to assess whether the employee has corrected the deficiencies. Some infractions, however, may require proceeding directly to more severe levels of discipline.

1. Oral Warning

- (a) Give in private
- (b) Conduct on a one-to-one basis between the supervisor and the employee. Explain to the employee, the employing department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is not corrected, and prepare a memorandum to the supervisor's file documenting the conversation. In some cases, a memorandum to the employee summarizing the discussion, including what was agreed upon, may be in order.

2. Written Notice

- (a) Use a memo or the "Notice to Correct Deficiencies" (Form Gen. 78). It must contain a full statement of the reason for issuing the notice.
- (b) Serve the memo or Notice to Correct Deficiencies to the employee in private. Explain to the employee the employing department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance in question is not corrected.
- (c) Send a copy of the Notice to Correct to the departmental personnel office to be placed in the employee's personnel file. If a memo is issued instead of a Notice to Correct Deficiencies, a copy may be sent to the personnel office for inclusion in the employee's

personnel file. **Whatever document is placed in the employee's personnel file must be given to the employee first.**

3. Suspension or Discharge

- (a) After completion of a thorough investigation and compliance with due process (Skelly) procedures, prepare a "Notice of Discharge, Suspension or Probationary Termination" (Form General 77). Be sure a full statement of the reason for the action is included.
- (b) Obtain approval and signature of the appointing authority.
- (c) Obtain the effective date(s) of the suspension or termination.
- (d) Give a copy of the Form General 77 to the employee in person.
- (e) A suspension should be discussed when the notice is served. Explain to the employee the reasons for the suspension, what is now expected, and what further disciplinary action might result from lack of compliance.
- (f) A discharge notice should be served personally, unless after a diligent search, the employee cannot be found. (If the employee cannot be personally served, document the efforts made to serve the notice on the reverse of the form. Return the form to the employing department's Personnel Office, which will then send the form by certified mail to the employee's last known home address.)
- (g) Certify that the notice was served on the employee and return the original form as soon as possible to the departmental personnel office, which will then forward the original form to the Civil Service Commission.

F. Last Chance Agreements:

A Last Chance Agreement is a tool to bring finality to efforts to resolve behavior or performance problems with an employee that have resulted in repeated disciplinary problems. These agreements can be drafted to reflect the particular issues and circumstances of individual disciplinary cases. Such agreements should only be utilized in cases where management believes progressive disciplinary steps have been fully exhausted and discharge is the only available corrective action remaining. Violation of a Last Chance Agreement should result in discharge unless significant mitigating circumstances are present.

33.2 GUIDE TO DISCIPLINARY STANDARDS

This guide lists various offenses, and job performance or behavior standards that should be considered in determining whether an employee's actions constitute an offense subject to discipline. The specific offenses listed are examples of some of the more common types of violations of the standards of conduct by employees for which disciplinary action may be taken. **A specific offense need not be listed in order for disciplinary action to be taken for conduct that violates one of the standards of employee behavior.**

Various levels of corrective actions for first, second, and third offenses are also presented. These corrective actions are recommendations only and are offered for general reference as a common base for disciplinary action in the City of Los Angeles. The appropriate action for a specific disciplinary case may be either more or less severe, depending on the circumstances of the case. For instance, management should exercise its discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge.

An offense is considered a "first" offense the first time action is taken by the supervisor under the applicable section of this guide. An offense should be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable actions have been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense should be considered in determining the corrective action.

On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed should not be determined by simply adding together the corrective actions for each offense. In such cases, the appropriate corrective action should be selected from the range of actions applicable for the most serious offense and the severity of the disciplinary action should be determined after considering the less serious offenses.

Similarly, an employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/ or third offenses. Nevertheless, all past offenses in the absence of any intervening pattern of good conduct are indicative of a pattern of unsatisfactory behavior and should be considered when determining an appropriate corrective action. Including a statement of "requiring excessive supervision or continued failure to observe commonly accepted levels of behavior" in the list of specific charges may be appropriate as a means of connecting unrelated types of offenses committed by a problem employee.

Employees in supervisory positions and those performing safety/security functions are generally expected to demonstrate a higher level of conscientiousness and integrity with respect to their employment. Accordingly, these employees may be subject to more severe levels of discipline for violations of behavior and/or performance standards because they are held to a higher standard of conduct.

MISCONDUCT, ON OR OFF THE JOB, SERIOUSLY REFLECTING ON CITY EMPLOYEES OR EMPLOYMENT

Standard: Employees must perform their duties in a manner that earns and maintains the trust and respect of their supervisors, other employees, and the public.

OFFENSE and SUGGESTED ACTIONS

1. Using official position or office for personal gain or advantage.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Engaging in any activity which constitutes a conflict of interest
FIRST OFFENSE: Written notice to 30 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
3. Accepting favors or gratuities for services required on the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Disclosing confidential information.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.
5. Engaging in illegal behavior or conduct in conflict with job duties, on or off the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 10 day suspension to discharge.
THIRD OFFENSE: Discharge.

JOB PERFORMANCE BELOW STANDARD

Standard: Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

OFFENSE and SUGGESTED ACTIONS

1. A violation of departmental rules.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
3. Misusing, or failing to use, delegated authority in the performance of duties.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
4. Personal appearance and hygiene not appropriate for the job in terms of employing department's standards and job safety.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
5. Failure to perform work assignments adequately or promptly.
FIRST OFFENSE: Oral warning to discharge.
SECOND OFFENSE: 1 day suspension to discharge.
THIRD OFFENSE: Discharge.
6. Failure to carry out supervisory responsibilities adequately.
FIRST OFFENSE: 1 day suspension to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: Discharge.
7. Failure to remain alert and responsive while on duty, for example, sleeping on the job.
FIRST OFFENSE: Written notice to discharge.
SECOND OFFENSE: 5 day suspension to discharge.
THIRD OFFENSE: 10 day suspension to discharge.

ATTENDANCE AND TARDINESS (See Note A)

Standard: Employees must report for work as scheduled, unless ill, injured, or involved in an emergency

1. Unexcused, excessive or patterned absenteeism
FIRST OFFENSE: Written notice to 5 day suspension.
SECOND OFFENSE: 6 day suspension to discharge.
THIRD OFFENSE: Discharge.
2. Failure to follow established procedure for notification of inability to report for work
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
3. Leaving assigned work location without proper approval or appropriate reason.
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: 1 day suspension to discharge.
THIRD OFFENSE: 10 day suspension to discharge.
4. Frequent or unexcused tardiness.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 10 day suspension.
THIRD OFFENSE: 10 day suspension to discharge.

Note A: In some cases it may be appropriate to consider the use of Disciplinary Pay Status in lieu of an actual suspension. Disciplinary Pay Status serves as a suspension for disciplinary purposes, but does not place the employee off duty. The use of Disciplinary Pay Status is appropriate for attendance and tardiness infractions and other situations where the absence of the employee from the job is counter-productive.

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

1. Refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination)
FIRST OFFENSE: 6 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
2. Using abusive language toward or making inappropriate statements to the public, supervisors, or co-workers.
FIRST OFFENSE: Oral warning to 5 day suspension.
SECOND OFFENSE: Written Notice to discharge.
THIRD OFFENSE: 6 day suspension to discharge.

IMPROPER BEHAVIOR WITH SUPERVISORS, FELLOW EMPLOYEES, OR THE PUBLIC, (Continued).

Standard: Employees must cooperate and work well with the public, supervisors and co-workers.

3. Disrupting the work of other employees.
FIRST OFFENSE: Oral warning to Written Notice.
SECOND OFFENSE: Written Notice to 5 day suspension.
THIRD OFFENSE: 6 day suspension to discharge.
4. Making threats (verbal or non-verbal) or engaging in a confrontation with the public, supervisors or co-workers. (See Note B).
FIRST OFFENSE: 6 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
5. Unauthorized possession or use of dangerous weapons, such as firearms or knives, on City property or on the job.
FIRST OFFENSE: 5 day suspension to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
6. Actions on the job or City property intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs)
FIRST OFFENSE: Written Notice to discharge.
SECOND OFFENSE: Discharge.
THIRD OFFENSE:
7. Failure to provide information related to work to supervisors or others requiring the information.
FIRST OFFENSE: Written notice to 10 day suspension.
SECOND OFFENSE: 6 to 30 day suspension.
THIRD OFFENSE: Discharge.

Note B. Employees who: (1) make threats or engage in confrontational behavior; (2) possess and/or use without authorization weapons on City property or the job; or, (3) engage in actions on the job or City property intended to destroy property or to inflict bodily injury represent a potential Workplace Violence threat. Such behavior must be brought to the attention of a supervisor and/or manager and steps taken to convene the employing department's Workplace Violence Assessment team. Refer to the City's Workplace Violence Policy for guidance in handling these matters.

**Notice of Infringement
of Constitutional Rights**

**NOTICE OF INFRINGEMENT OF CONSTITUTIONAL RIGHTS
& CONSPIRACY OF DEPRIVATION OF RIGHTS**

The following serves as Notice, _____, that you may be infringing upon the Constitutional Rights of American Citizens and a party to Conspiracy of Deprivation of Rights against employees of the City of Los Angeles.

Ordinance No. 187134, "COVID-19 VACCINATION REQUIREMENT FOR ALL CURRENT AND FUTURE CITY EMPLOYEES" may infringe upon Numerous and Established Constitutional Rights guaranteed to all American Citizens, including but not limited to:

- The Fourth Amendment to the Constitution of the United States (*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated....*);
- The Fifth Amendment to the Constitution of the United States (*No person shall ... be deprived of life, liberty, or property, without due process of law....*);
- The Ninth Amendment to the Constitution of the United States (*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*)
- The Fourteenth Amendment to the Constitution of the United States (*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States....*)

Furthermore, Ordinance No. 187134 violates Constitutionally Guaranteed Rights of Privacy and Personal Liberty.

Enactment of, Enforcement of, and discriminatory or punitive measures based upon Ordinance No. 187134; and any person so engaged in such Enforcing of the Ordinance and its discriminatory or punitive measures is conspiring to interfere with civil rights and is violating: 42 U.S. Code § 1983, 42 U.S. Code § 1985, and 42 U.S. Code § 1986.

Continued violation of these U.S. Codes may make you, _____, personally liable for damages caused and injuries suffered.

Neglecting to act *against* this conspiracy may also make you, _____, personally liable for damages caused and injuries suffered.

This Notice hereby serves to make you aware, _____, that Ordinance No. 187134 may be infringing upon Constitutional Rights, and serves to notify you that you can be held personally liable for violations of U.S. Code should you continue to attempt to Enforce the Ordinance against American Citizens.

NOTICE OF INFRINGEMENT OF CONSTITUTIONAL RIGHTS & CONSPIRACY OF DEPRIVATION OF RIGHTS

The City of Los Angeles passed Ordinance No. 187134 titled "COVID-19 VACCINATION REQUIREMENT FOR ALL CURRENT AND FUTURE CITY EMPLOYEES" (the Ordinance) on August 8th, 2021. The Ordinance imposes on Citizens of the United States economic coercion and duress, medical experimentation, invasive testing, invasions of privacy, a disregard for bodily autonomy, undue strife, unreasonable limitations, discriminatory practices, as well as other violations of basic human rights. The Ordinance is in violation to the United States Constitution and the laws of The United States. Those public officials who have sworn Oaths to uphold and defend the rights and privileges of Californians, and any who assisted, approved, or otherwise aided in any way the enactment of the Ordinance are in violation of the secured rights of the employees of the City of Los Angeles.

Pursuant to Sec. 4.701(a) of the Ordinance, "all employees must be fully vaccinated for COVID-19, or request an exemption, and report their vaccination status..." This is repugnant to the United States Constitution as per:

1. **U.S. Supreme Court, *Winston v. Lee*, 470 U.S. 753 (1985)**, "the Fourth Amendment recognizes one has the 'right to be secure in his person.'"
2. **U.S. Supreme Court, *Roe v. Wade*, 410 U.S. 113 (1973)**, one has "freedom to care for one's health and person, freedom from bodily restraint or compulsion."
3. **U.S. Supreme Court, *Griswold v. Connecticut*, 381 U.S. 479 (1965)**, "the Fourth and Fifth Amendments were described [...] as protection against all governmental invasions of the sanctity of a man's home and the privacy of life."

Pursuant to Sec. 4.701(b) of the Ordinance, "[...] [T]he COVID-19 vaccination and reporting requirements are conditions of City employment and a minimum requirement for all employees, unless approved for an exemption from the COVID-19 vaccination requirement as a reasonable accommodation for a medical condition or restriction or sincerely held religious beliefs. An employee that has been approved for an exemption must still report their vaccination status."

1. **U.S. Supreme Court, *Griswold v. Connecticut*, 381 U.S. 479 (1965)**, "the Fifth Amendment in its Self-Incrimination Clause enables the citizen to create a zone of privacy, which government may not force him to surrender."
2. **U.S. Supreme Court, *Obergefell v. Hodges*, 576 U.S. (2015)**, "the fundamental liberties protected by the Fourteenth Amendment's due process clause extend to certain personal choices central to individual dignity and autonomy."

Pursuant to Sec. 4.704(a)2 of the Ordinance, "All employees whose vaccination status is unvaccinated, partially vaccinated, or unreported shall be ineligible to promote or transfer until the employee has reported to the appointing authority that they have been fully vaccinated."

Choice itself is not the absence of coercion. Coercion itself presents a choice: refuse and defend, or accept and comply. Only when there is the complete absence of coercion does one have freedom of choice.

1. *Freedom of choice*: “The liberty embodied in the exercise of one’s rights. 2. the liberty to exercise one’s right of privacy [...]” Black’s Law Dictionary 807 (11th ed. 2019).
2. *Liberty*: “freedom from arbitrary or undue external restraint.” Black’s Law Dictionary 937 (8th ed. 2007).
3. *Duress of goods*: “demanding and taking personal property under color of legal authority that either is void or for some other reason does not justify the demand.” Black’s Law Dictionary 542 (8th ed. 2007).
4. *Economic duress*: “an unlawful coercion to perform by threatening financial injury at a time when one cannot exercise freewill.” Black’s Law Dictionary (8th ed. 2007).
5. *Coercion 2.*: “Conduct that constitutes the economic power to compel another to submit to the wishes of the one who wields it.” Black’s Law Dictionary 275 (8th ed. 2007).

The Constitution of the United States, pursuant to Article VI, Clause 2, renders any Thing in conflict null and void.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Supreme Court, Marbury v. Madison, 5 U.S. 137 (1803) “[..] a legislative act contrary to the constitution is not law.”

Any Thing in conflict with the U.S. Constitution is void as if it never existed:

U.S. Supreme Court, Norton v. Shelby County, 118 U.S. 425 (1886), “An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, it creates no office, it is in legal contemplation as inoperative as though it had never been passed.”

As any law, ordinance, statute, bill, or thing infringing on any right of the U.S. Constitution is null and void at the moment it existed, it can thusly be ignored with impunity as per:

U.S. Supreme Court, Shuttlesworth v. City of Birmingham, 394 U.S. 147 (1969), “It is against federal law for any person to deprive any United States citizen of any constitutional right, enumerated or not, under color of an ordinance as per Title 42 U.S. Code § 1983 - *Civil action for deprivation of rights*:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress [...]

If you, _____, infringe upon one’s rights, you may be held liable for civil and/or criminal punishment.

The defense of “Good-Faith” does not grant immunity as per:

U.S. Supreme Court, Owen v. City of Independence, 445 U.S. 622 (1980), “A municipality has no immunity from liability under § 1983 flowing from its constitutional violations, and may not assert the good faith of its officers as a defense to such liability”

There is no immunity from § 1983 in the execution of “official” municipal policy as per:

U.S. Supreme Court, Monell v. Department of Soc. Svcs., 436 U.S. 658 (1978) “Local governing bodies (and local officials sued in their official capacities) can, therefore, be sued directly under § 1983 for monetary, declaratory, and injunctive relief in those situations where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy.”

It is against federal law to conspire to deprive the rights of any person or class of persons as per 42 U.S. Code § 1985 (3) - *Conspiracy to interfere with civil rights*:

If two or more persons in any State or Territory conspire [...] for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; [...] if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

All persons who have sworn an oath to the United States Constitution and do, have done, or “cause to be done, any act in furtherance of” the Ordinance are acting in conspiracy to deprive of their rights the employees of the City of Los Angeles.

Furthermore, it is against federal law to not prevent or aid in the prevention of any conspiracy as outlined in section 1985 as per 42 U.S. Code § 1986. *Action for neglect to prevent*:

“Every person who, **having knowledge that any of the wrongs** conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, **shall be liable to the party injured**, or his legal representatives, for all damages caused by such wrongful act, [...]”

The United States Constitution cannot be suspended by any branch of government, at any level:

U.S. Supreme Court, Ex parte Milligan, 71 U.S. 2 (1866): “Neither the President nor Congress nor the Judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution except so far as the right is given to suspend in certain cases the privilege of the writ of habeas corpus.”

The United States Constitution cannot be suspended by any emergency:

U.S. Supreme Court, Ex parte Milligan, 71 U.S. 2 (1866): The Constitution of the United States is a law for rulers and people, equally in war and in peace, and **covers with the shield of its protection all classes of men, at all times, and under all circumstances.** No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

You have immediate knowledge of Conspiracy of Deprivation of Rights, as described in this Notice. Neglect to act in the defense of those who would have their Rights deprived may implicate you, _____, in the conspiracy.

As a City Employee you, _____, signed an Oath of Loyalty to uphold and defend the supreme law of the land, the United States Constitution.

In summary, both the enactment and your enforcement of the Ordinance violates, at a minimum:

1. The Fourth Amendment to the U.S. Constitution
2. The Fifth Amendment to the U.S. Constitution
3. The Ninth Amendment to the U.S. Constitution
4. The Fourteenth Amendment to the U.S. Constitution
5. The Right of Autonomy
6. The Right of Privacy
7. The Right of Personal Liberty
8. 42 U.S. Code § 1983
9. 42 U.S. Code § 1985
10. 42 U.S. Code § 1986

Anything repugnant to the US Constitution is null and void as if it never existed: it creates no obligation. Enforcement of the Ordinance would deprive U.S. citizens of their Constitutional rights. Those who enacted and those who would enforce the Ordinance each swore an Oath of Loyalty to the U.S. Constitution; thus, they understand the U.S. Constitution. Per U.S. Code Title 42 Sec. 1985, the Ordinance creates a conspiracy of deprivation of rights. By having knowledge of this conspiracy and neglecting to prevent it, those culpable may be legally and financially liable for injuries suffered.

Enforcement, discrimination, or punishment based on the Ordinance may make you, _____, personally liable. Neglecting to act against this conspiracy may also make you personally liable.

Please take all of the above into consideration as you continue to act, or neglect to act, in and against this Conspiracy of Deprivation of Rights.