



Office of the City Manager

September 4, 2018

To: Honorable Mayor and City Councilmembers

From: *DWR* Dee Williams-Ridley, City Manager

Subject: FY 2018 Year End EEO Complaint Status Report

Attached for your information is the FY 2018 Year End EEO Complaint Status Report prepared by the City's Equal Employment Opportunity (EEO) & Diversity Officer. It provides a summary of the EEO complaints filed and processed during FY 2018.

You may contact Dennis T. Feggans, EEO Officer, with any questions about the report. He can be reached at 981-6811.

Attachment

cc: Paul Buddenhagen, Interim Deputy City Manager  
LaTanya Bellow, Human Resources Director  
Mark Numainville, City Clerk  
Ann-Marie Hogan, City Auditor  
Matthai Chakko, Assistant to the City Manager / Public Information Officer  
Dennis Feggans, EEO Officer, Human Resources



Human Resources Department

August 29, 2018

To: Dee Williams-Ridley, City Manager

From: Dennis T. Feggans, Equal Employment Opportunity & Diversity Officer

Subject: **FY 2018 YEAR END COMPLAINT STATUS REPORT**

The following report provides a summary of the EEO complaints filed and processed during FY2018. The complaint summary does not include complaints alleging failure to provide reasonable accommodation for a disability, as those decisions necessarily involve confidential medical information which cannot be disclosed in a report available to the public.

The City received a total of eleven (all but disability-related complaints, described above) internal EEO complaints during fiscal year 2018. The following was revealed:

- Eleven (11) internal City complaints were received for processing; six have been investigated and closed.
- Three (3) cases that have been investigated and closed contained allegations of sexual harassment. Violations of the City Harassment Prevention Policy involving inappropriate comments, behavior and pictures of a sexual nature were found in two of the cases and appropriate disciplinary actions were issued. The third sexual harassment complaint which alleged inappropriate comments, leering and touching was not substantiated and closed.
- One complaint alleging racial discrimination when the employee was issued a temporary transfer for two months, an unsatisfactory performance appraisal and disciplined was not sustained and closed.
- Two (2) complaint cases have been investigated and are pending final approval. One case contains an allegation of race discrimination and retaliation regarding the issuance of a suspension; one case contains allegations of age discrimination for employee's release from probationary period.
- One complaint alleging race discrimination involving unfair working conditions, denial of overtime and delayed approval of leave was assigned to an external investigator and is pending completion. A second complaint case assigned to an external investigator containing gender based allegations of a hostile work environment was sustained and disciplinary actions are pending.

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- Two (2) complaints are pending investigation. Both cases are alleging discrimination based on National Origin regarding the denial of promotions.
- One complaint case containing allegations of National Origin discrimination was withdrawn and closed.
- None of the Complainants whose complaints have been investigated and closed, have taken any further action subsequent to the City's final decision.
- There are no civil lawsuits pending for any FY2018 complaints. There is one law suit pending for a 2017 case.

The City received two external complaints (but for disability related complaints) from the Department of Fair Employment and Housing (DFEH) during FY 2018. The DFEH closed one case because there were no grounds to proceed and the second one<sup>1</sup> is pending a decision.

The internal discrimination cases involving harassment allegations did not disclose any apparent correlation or pattern between any of the complaints, as the cases involved different alleged offenders, divisions and/or departments.

If there are any questions regarding the above information, feel free to contact me at 981-6811.

Approved for distribution:



LaTanya Bellow, Director of Human Resources

cc: Paul Buddenhagen, Interim Deputy City Manager

Attachment

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<sup>1</sup> The employee filed complaints simultaneously with the City and the DFEH.



## FY 2018 YEAR END COMPLAINT SUMMARY REPORT

No.	AGENCY	PROTECTED CLASSIFICATION	ALLEGATIONS	DETERMINATION	RESOLUTION
1	COB	SEX/GENDER	Allegedly, employee was subjected to sexually offensive comments by immediate supervisor.	Violation of the City Harassment Prevention Policy was found. Case closed. Responsible party was disciplined and provided harassment prevention training.	Complainant has not pursued any further action.
2	COB	SEX/GENDER	Allegedly, employee subjected to a hostile work environment by coworkers.	Violations of City's Policy found. Disciplinary actions pending.	Complainant has not pursued any further action.
3	DFEH	RETALIATION	Employee alleged retaliation based on Whistleblowing activity when employee was issued a one day suspension.	DFEH closed the case concluding there were no bases to proceed.	Complainant has not pursued any further action.
4	COB	RACE	Employee alleged racial discrimination involving a performance evaluation, a written reprimand, and a temporary transfer.	No violation of regulations or City policies found. Case closed.	Complainant has not pursued any further action.
5	COB	AGE	Employee alleged release from probationary period was based on employee's age.	Investigation found no violations of regulations or City policies. Pending final review.	Complainant has not pursued any further action.
6	COB	SEX/GENDER	Employee alleged subjection to unwelcome sexually behavior by immediate supervisor and work schedule was changed.	No violation of regulations or City policies found. City case closed.	Complainant filed a complaint simultaneously with the DFEH. City provided position statement on 7/20/18. Awaiting decision.
7	COB	RACE, FLMA, RELIGION, RETALIATION	Employee alleged 15 day suspension was unlawful.	No violation of regulations or City policies found. Pending final review.	Complainant has not pursued any further action.
8	COB	SEX/GENDER	Employee was subjected to pictures of a sexual nature by third party.	Violation of the City Harassment Prevention Policy was found. Case closed. Appropriate actions were taken.	Complainant has not pursued any further action.

No.	AGENCY	PROTECTED CLASSIFICATION	ALLEGATIONS	DETERMINATION	RESOLUTION
9	COB	RACE, RETALIATION	Employee alleged that work schedule change, ULWOP charge, request for medical documentation, and denial of overtime were unlawful actions.	Case assigned to external investigator; pending completion.	
10	COB	AGE, NATIONAL ORIGIN (LATINO)	Employee alleged harassment from supervisor and denied the privilege to speak Spanish in the work place.	Complaint withdrawn. Case Closed.	Complainant has not pursued any further action.
11	COB	NATIONAL ORIGIN (LATINO)	Employee alleged that denial of promotion was unlawful based on National Origin.	Open investigation.	
12	COB	NATIONAL ORIGIN (LATINO), RETALIATION	Employee alleged denial of provisional supervisory assignments was unlawful; and denial of promotion was retaliation.	Open investigation.	