



Office of the City Manager

September 7, 2017

To: Honorable Mayor and City Councilmembers

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

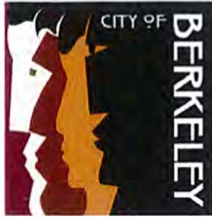
Subject: FY 2017 Year End EEO Complaint Status Report

Attached for your information is the FY 2017 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 2017.

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

Attachment

cc: Jovan Grogan, Deputy City Manager
Mark Numainville, City Clerk
Ann-Marie Hogan, City Auditor
Sarah Reynoso, Director, Human Resources
Matthai Chakko, Assistant to the City Manager / Public Information Officer
Dennis Feggans, EEO Officer, Human Resources
Mansour Id-Deen, President, Berkeley NAACP



Human Resources Department

August 31, 2017

To: Dee Williams-Ridley, City Manager
From: Dennis T. Feggans, Equal Employment Opportunity & Diversity Officer
Subject: **FY 2017 YEAR END COMPLAINT STATUS REPORT**

The following report provides a summary of the EEO complaints filed and processed during FY 2017. 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 eight (all but disability-related complaints, described above) internal EEO complaints during Fiscal Year 2017. The following was revealed:

- Eight (8) internal City complaints have been received for processing. Two cases are pending investigation.
- One complaint involved the release of an employee from the probationary period. This investigation concluded a finding of no discrimination and the case was closed.
- Five complaints contained harassment or hostile work environment allegations. In one case, a violation of the City Harassment Prevention Policy was found and appropriate disciplinary actions were issued. Two complaints concluded in a mutual agreement to the satisfaction of the involved parties and the cases were closed. The fourth harassment complaint resulted in a finding of no discrimination; notwithstanding, the supervisor involved in the complaint no longer is employed by the City. The final harassment complaint resulted in a finding of no discrimination and was closed.
- Two complaints involving allegations of disparate treatment and a termination of an hourly employee, respectively, are pending investigations.
- 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 FY 2016 or FY 2017 complaints.

FY 2017 YEAR END COMPLAINT STATUS REPORT

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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, in distinct divisions and departments.

The City received one external complaint (but for disability related complaints) in FY 2017. The Department of Fair Employment and Housing (DFEH) provided notice to the City of the complaint filing, but closed the case without an investigation. No further actions were taken or warranted.

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

Approved for distribution:



Sarah Reynoso, Director of Human Resources

cc: Jovan Grogan, Deputy City Manager

Attachment

YEAR END FY 2017 COMPLAINT SUMMARY REPORT

AGENCY	PROTECTED CLASSIFICATION	ALLEGATIONS	DETERMINATION	RESOLUTION
COB	GENDER (FEMALE)	Employee was allegedly subjected to unwelcomed sexually explicit conversation by coworkers.	Violation of the City Harassment Prevention Policy was found. Case closed. Responsible parties were disciplined.	Complainant has not pursued any further action.
DFEH	AGE, RELIGION, NATIONAL ORIGIN, GENDER (FEMALE), RETALIATION	City employee who was not suspended or suffered loss in pay, has filed a charge of discrimination with DFEH; the specific allegations were not provided to the City.	No discrimination found by DFEH. Case closed.	Complainant has not pursued any further action.
COB	AGE, NATIONAL ORIGIN, RACE, GENDER(FEMALE)	Employee alleged that decision to release employee during probationary period was discriminatory.	No discrimination found. Case closed.	Complainant has not pursued any further action.
COB	RACE	Employees alleged hostile work environment when subjected to racially suggestive terms.	Complaint was resolved by mutual agreement; complaint closed.	Complainants has not pursued any further action.
COB	GENDER (FEMALE), SEXUAL ORIENTATION	Employee alleged hostile work environment after supervisor criticized employee's work performance.	No discrimination found. Case closed.	Supervisor no longer employed by the City; Complainant has not pursued any further action.
COB	RACE	Employee alleged hostile work environment and discrimination based on supervisor's alleged comments to other management staff and differential treatment.	No discrimination found. Case closed.	Complainant has not pursued any further action.

AGENCY	PROTECTED CLASSIFICATION	ALLEGATIONS	DETERMINATION	RESOLUTION
COB	RACE, GENDER (FEMALE), AGE	Employee alleged harassment after supervisor criticized employee for delinquent work assignments and tardiness.	Complaint resolved after department reassigned complainant to new supervisor. Complaint closed.	Complainant has not pursued any further action.
COB	RACE, COLOR, RETALIATION	Employee alleged disparate treatment when employee was reprimanded for misuse of City Resources.	Investigation ongoing	
COB	RACE, COLOR, RETALIATION	Employee alleged discrimination based on race after employee was terminated from hourly intermittent position for performance related issues.	Investigation ongoing	