



MEMORANDUM

DATE: July 15, 2019
TO: Micki Callahan
Human Resources Director
FROM: Linda C. Simon
Director, EEO and Leave Programs
SUBJECT: Fiscal Year 2018/2019—Combined Fourth Quarter and Annual Report on Harassment Complaints

This memo contains the combined quarterly and annual reports on harassment within the City and County of San Francisco (City) workforce, in accordance with San Francisco Administrative Code Section 16.9-27 (Harassment Prevention Training and Reporting). These reports show the total number of harassment complaints filed with the Department of Human Resources (DHR) in fiscal year 2018/2019, and the number of harassment complaints by department for the fourth quarter of the fiscal year.

Tables A through D show harassment complaints filed during the fourth quarter (April 1, 2019 through June 30, 2019) of fiscal year 2018/2019. Tables E through I show all harassment complaints filed with DHR during fiscal year 2018/2019 (July 1, 2018 through June 30, 2019).

DHR received 98 complaints alleging harassment from 21 City departments during the fourth quarter. During fiscal year 2018/2019, DHR received 399 harassment complaints from 32 City departments. (Tables A and E). The status and disposition of each complaint is contained in Tables C and H.

This report also provides information about the basis of the harassment complaint (i.e. the protected category the harassment is based on), by department. (Tables B and F) This additional information is part of DHR's ongoing effort to identify "hotspots" that may need additional resources to prevent harassment, and to advise City departments of any trends, concerns, or areas in need of improvement.

The majority of harassment complaints DHR receives are based on gender (sex). This past fiscal year, 143 of the 399, or 36% of the harassment complaints received by DHR, alleged gender as the basis. Tables C and G provide a breakdown of the sex-based harassment complaints (i.e. complaints of harassment based on gender (sex) and of sexual harassment). Sexual harassment and harassment based on gender may require different approaches in resolving a "hotspot." Thus, providing the total number of sex-based complaints, as well as a breakdown of those complaints into sexual harassment and harassment based on gender, allows the City to see the big picture when it comes to its most common basis in harassment complaints, while also providing data needed to tailor our harassment prevention strategies.

Additionally, the combined report provides composite data for the fiscal year on the City's response to harassment complaints. To date, DHR has closed 277 of the 399 harassment complaints it has received.

Of the 277 that have been closed, DHR has required City departments to take a total of 314 preventative and/or corrective actions in 120 complaints. Additionally, DHR has required departments to take preventative action in 20 pending complaints to protect the complainant and other employees while the investigation is ongoing. Thus, DHR has required departments to take action in 140 complaints it received in fiscal year 2018/2019. (Table I-1)

DHR requires several types of corrective and/or preventative actions, ranging from counseling and reissuing the EEO and/or Respect Policy, to requiring trainings, such as the harassment prevention training or a management training, to disciplinary action, up to and including termination. Corrective actions also include remedial actions to make employees whole. For example, an employee who used vacation or had to take unpaid sick leave due to the effects of the harassment they suffered may have leave balances restored or be compensated for wages lost. DHR uses these tools to stop any misconduct, prevent its reoccurrence and to make the complainant whole. The 140 complaints required 314 corrective actions to make complainants whole. (Table I-2)

Should you have any questions, please contact me at (415) 557-4837.

Enclosure

Table A
Harassment Complaints by Department
Fourth Quarter of Fiscal Year 2018/2019
(April 1, 2019 through June 30, 2019)

Department	Total¹
Administrative Services	2
Airport Commission	2
City Attorney's Office	2
District Attorney's Office	1
Elections	1
Ethics Commission	1
Fine Arts Museum	4
Fire Department	1
Homelessness & Supportive Housing	1
Human Resources	1
Human Services Agency	19
Municipal Transportation Agency	13
Police Department	9
Public Defender's Office	2
Public Health	21
Public Library	1
Public Works	9
Public Utilities Commission	1
Recreation & Park	1
Sheriff's Department	5
Treasurer/Tax Collector	1
Total Complaints	98

¹ All complaints of harassment, including sexual harassment, are included in these figures. These complaints were filed pursuant to the City's internal process. Complaints filed externally with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC) are not included.

Table B
Harassment Complaints by Protected Category Alleged and by Department²
Fourth Quarter of Fiscal Year 2018/2019
(April 1, 2019 through June 30, 2019)

Department	Age	Color	Disability/Medical Condition	Ethnicity	Gender Identity	Marital or Domestic Partner Status	National Origin	Other - Not EEO	Parental Status	Political Affiliation	Race	Religion	Retaliation	Sex ³	Sexual Orientation
Administrative Services														2	
Airport Commission											2		1		
City Attorney's Office	1										1			1	
District Attorney's Office														1	
Elections											1				
Ethics Commission		1									1				
Fine Arts Museum												1	1	1	1
Fire Department					1										
Homelessness & Supportive Housing														1	
Human Resources			1												
Human Services Agency	1		2			1		4	1		4		2	9	
Municipal Transportation Agency	1			1			1	5		1	4		1	2	
Police Department								3			2		2	3	
Public Defender's Office					2										
Public Health	1						2	3		1	8	1		6	
Public Library														1	
Public Utilities Commission											1			1	

Department	Age	Color	Disability/Medical Condition	Ethnicity	Gender Identity	Marital or Domestic Partner Status	National Origin	Other - Not EEO	Parental Status	Political Affiliation	Race	Religion	Retaliation	Sex ³	Sexual Orientation
Public Works			2					3			3		1	4	1
Recreation & Park													1		
Sheriff's Department								4			1				
Treasurer/Tax Collector													1		
Total⁴	4	1	5	1	3	1	3	22	1	2	28	2	10	32	2

² The quarterly reports reflect the harassment allegations filed with DHR EEO as of the close of that quarter. However, complainants may choose to amend their complaints to include additional protected categories as a basis for the alleged harassment after the close of quarter. Those amended complaints will be reflected in the annual report only. As a result, the annual report may contain more complaints than the combined total of the quarterly reports.

³ These figures reflect all complaints of sex-based harassment, including sexual harassment. Table C breaks down these figures to show the number of complaints of harassment based on gender and of sexual harassment.

⁴ The total for each column reflects the number of harassment complaints filed alleging harassment based on the protected category indicated. A complainant may file a complaint alleging harassment based on more than one protected category. As a result, the sum for each department and the sum of the totals may be greater than the total number of harassment complaints filed, as shown in Table A.

Table C
Sex-Based Harassment Complaints by Department⁵
Fourth Quarter of Fiscal Year 2018/2019
(April 1, 2019 through June 30, 2019)

Department	Sexual Harassment	Harassment Based on Gender
Administrative Services	2	
City Attorney's Office		1
District Attorney's Office	1	
Fine Arts Museum	1	
Homelessness & Supportive Housing	1	
Human Services Agency	6	3
Municipal Transportation Agency	1	1
Police Department	2	1
Public Health	3	3
Public Library	1	
Public Utilities Commission		1
Public Works	2	2
Total	20	12

⁵ Sex-based harassment complaints may contain allegations of sexual harassment, harassment based on gender, or both. Sexual harassment is defined as:

- Any unwelcome sexual advance, request for sexual favors, and other physical, verbal, or visual conduct of a sexual nature; or
- Conditioning an employment benefit on the acceptance of sexual or romantic favors; or
- Making or threatening reprisals after a negative response to a sexual or romantic advance.

Sexual harassment is distinguished from harassment based on gender, as the latter is defined as physical, verbal, or visual conduct based on gender or sex, but is not of a sexual nature. For example, a sex-based harassment complaint resulting from a colleague stating “females are not qualified to be firefighters” would be included in the Harassment Based on Gender column.

Table D
Status and Disposition of Harassment Complaints⁶
Fourth Quarter of Fiscal Year 2018/2019
(April 1, 2019 through June 30, 2019)

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Administrative Services				1		1
Airport Commission						2
City Attorney's Office				1		1
District Attorney's Office		1				
Elections						1
Ethics Commission						1
Fine Arts Museum					1	3
Fire Department						1
Homelessness and Supportive Housing						1
Human Resources					1	
Human Services Agency				8	4	7
Municipal Transportation Agency				3	1	9
Police Department			1	2	2	4
Public Defender's Office				1		1
Public Health		1		2	3	15
Public Library						1
Public Utilities Commission						1
Public Works				4	3	2

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Recreation & Park						1
Sheriff's Department						5
Treasurer/Tax Collector		1				
Total	0	3	1	22	15	57

⁶ Definitions

Settled: Complaint was resolved, without any admission or acknowledgement of liability.

Insufficient Evidence: A full investigation was conducted, and there was insufficient evidence to establish that conduct occurred in violation of City's or SFMTA's EEO Policy.

Sustained: A full investigation was conducted, and there was sufficient evidence to establish that the conduct occurred in violation of City's or SFMTA's EEO Policy.

**Insufficient Allegations/
Immediate Preventative
Actions Taken:** Complaint alleged conduct that was within the purview of EEO's jurisdiction (*i.e.* alleged conduct was based on a protected category or protected activity), but did not raise an inference of harassment; nonetheless, where the complaint alleged conduct in violation of the City's or SFMTA's EEO Policy, immediate preventative and/or corrective actions were taken; in these cases, DHR instructs departments to take immediate preventative or corrective action (*i.e.* issue City's EEO Policy or Policy Regarding Treatment of Co-Workers and Members of the Public; obtain signed acknowledgement of receipt of policy; direct to take online Harassment Prevention Training/implicit bias training/cultural humility training/management or leadership training, etc.; direct to conduct mediation; conduct review of analysis of department recruitment efforts; etc.). These actions are the same actions that DHR would recommend a department take if the allegation were sustained.

No EEO Jurisdiction or Withdrawn: Complaint did not allege conduct based on a protected category or protected activity, or allege conduct in violation of the City's or SFMTA's EEO Policy; complainant was not a City employee, applicant, volunteer, unpaid intern, or contractor; complaint was not against a City department; the complaint was untimely; complainant's MOU prevents employees from filing both a grievance and an internal EEO complaint regarding the same issue, and complainant elected to pursue complaint as a grievance; or complainant declined to participate or withdrew complaint, and based on the information provided, DHR EEO was without sufficient detail to conduct a full investigation.

Table E
Harassment Complaints by Department
Fiscal Year 2018/2019
(July 1, 2018 through June 30, 2019)

Department	Total⁷
Administrative Services	14
Adult Probation	2
Airport Commission	8
Asian Arts Museum	1
Assessor's Office	2
Building Inspection	3
Child Support Services	1
City Attorney's Office	2
Community College District	1
District Attorney's Office	2
Elections	1
Emergency Management	1
Environment	1
Ethics Commission	1
Fine Arts Museum	13
Fire Department	6
Homelessness & Supportive Housing	6
Human Resources	6
Human Rights Commission	1
Human Services Agency	77
Municipal Transportation Agency	61
Police Accountability	1
Police Department	22
Public Defender's Office	2
Public Health	80
Public Library	7
Public Utilities Commission	13
Public Works	31
Recreation & Park	8
Sheriff's Department	13

Department	Total⁷
Technology	4
Treasurer/Tax Collector	8
Total Complaints	399

⁷ All complaints of harassment, including sexual harassment, are included in these figures. These complaints were filed pursuant to the City's internal process. Complaints filed externally with the California Department of Fair Employment and Housing (DFEH) or the U.S. Equal Employment Opportunity Commission (EEOC) are not included.

Department	Age	Ancestry	Color	Disability/Medical Condition	Ethnicity	Gender Identity	Height	Marital or Domestic Partner Status	National Origin	Other - Not EEO	Other Non-Merit Factors	Parental Status	Political Affiliation	Race	Religion	Retaliation	Sex ⁹	Sexual Orientation
Human Services Agency	8			9	3			1	3	22	1	1		16	1	15	27	1
Municipal Transportation Agency	7				3	2	1		2	24			1	21		10	12	2
Police Accountability																	1	
Police Department	1				1	1		1		7				7	1	3	4	
Public Defender's Office						2												
Public Health	1		1	5	3	1			8	8			1	23	3	7	32	2
Public Library					1	1			1	4				1		1	3	2
Public Utilities Commission		1		2	3				3	2	1			3	1	1	6	1
Public Works	2			3			1			6	1			11	1	9	18	2
Recreation & Park										2				1		1	4	
Sheriff's Department	1			1	1				1	8				1		1	3	
Technology				1													3	
Treasurer/Tax Collector	2		1		1	1				4				1		1	1	1
Total¹⁰	27	1	3	26	19	11	2	2	24	101	5	1	2	111	9	63	143	17

⁸ The quarterly reports reflect the harassment allegations filed with DHR EEO as of the close of that quarter. However, complainants may choose to amend their complaints to include additional protected categories as a basis for the alleged harassment after the close of quarter. Those amended complaints will be reflected in the annual report only. As a result, the annual report may contain more complaints than the combined total of the quarterly reports.

⁹ These figures reflect all complaints of sex-based harassment, including sexual harassment. Table F breaks down these figures to show the number of complaints of harassment based on gender and of sexual harassment.

¹⁰ The total for each column reflects the number of harassment complaints filed alleging harassment based on the protected category indicated. A complainant may file a complaint alleging harassment based on more than one protected category. As a result, the sum of the row for each department and the sum of the Total row may be greater than the total number of harassment complaints filed, as shown in Table E.

Table G
Sex-Based Harassment Complaints by Department¹¹
Fiscal Year 2018/2019
(July 1, 2018 through June 30, 2019)

Department	Sexual Harassment	Harassment Based on Gender
Administrative Services	4	3
Adult Probation		1
Airport Commission	1	
Building Inspection	3	1
City Attorney's Office		1
Community College District	1	
District Attorney's Office	2	
Fine Arts Museum	3	
Fire Department	1	2
Homelessness & Supportive Housing	2	
Human Resources	1	2
Human Rights Commission		1
Human Services Agency	14	13
Municipal Transportation Agency	4	8
Police Accountability	1	
Police Department	2	2
Public Health	22	10
Public Library	3	
Public Utilities Commission	2	4
Public Works	11	7
Recreation & Park	4	
Sheriff's Department	1	2
Technology	3	
Treasurer/Tax Collector		1
Total	85	58

¹¹ Sex-based harassment complaints may contain allegations of sexual harassment, harassment based on gender, or both. Sexual harassment is defined as:

- Any unwelcome sexual advance, request for sexual favors, and other physical, verbal, or visual conduct of a sexual nature; or
- Conditioning an employment benefit on the acceptance of sexual or romantic favors; or

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- Making or threatening reprisals after a negative response to a sexual or romantic advance.

Sexual harassment is distinguished from harassment based on gender, as the latter is defined as physical, verbal, or visual conduct based on gender or sex, but is not of a sexual nature. For example, a sex-based harassment complaint resulting from a colleague stating “females are not qualified to be firefighters” would be included in the Harassment Based on Gender column.

Table H
Status and Disposition of Harassment Complaints¹²
Fiscal Year 2018/2019
(July 1, 2018 through June 30, 2019)

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Administrative Services				5	4	5
Adult Probation				2		
Airport Commission					3	5
Asian Arts Museum				1		
Assessor's Office					1	1
Building Inspection					1	2
Child Support Services					1	
City Attorney's Office				1		1
Community College District					1	
District Attorney's Office		1		1		
Elections						1
Emergency Management				1		
Environment				1		
Ethics Commission						1
Fine Arts Museum				4	3	6
Fire Department				3	2	1
Homelessness & Supportive Housing				1	3	2
Human Resources				1	4	1

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Human Rights Commission				1		
Human Services Agency				33	32	12
Municipal Transportation Agency	1	1		21	22	16
Police Accountability				1		
Police Department			1	7	9	5
Public Defender's Office				1		1
Public Health		4		24	13	39
Public Library				0	3	4
Public Utilities Commission				3	4	6
Public Works	1	1		10	13	6
Recreation & Park			1	3	3	1
Sheriff's Department				2	5	6
Technology					4	
Treasurer/Tax Collector		1		3	4	
Total	2	8	2	130	135	122

¹² Definitions

Settled: Complaint was resolved, without any admission or acknowledgement of liability.

Insufficient Evidence: A full investigation was conducted, and there was insufficient evidence to establish that conduct occurred in violation of City's or SFMTA's EEO Policy.

Sustained: A full investigation was conducted, and there was sufficient evidence to establish that the conduct occurred in violation of City's or SFMTA's EEO Policy.

Insufficient Allegations/ Immediate Preventative Actions Taken:	Complaint alleged conduct that was within the purview of EEO’s jurisdiction (<i>i.e.</i> alleged conduct was based on a protected category or protected activity), but did not raise an inference of harassment; nonetheless, where the complaint alleged conduct in violation of the City’s or SFMTA’s EEO Policy, immediate preventative and/or corrective actions were taken; in these cases, DHR instructs departments to take immediate preventative or corrective action (<i>i.e.</i> issue City’s EEO Policy or Policy Regarding Treatment of Co-Workers and Members of the Public; obtain signed acknowledgement of receipt of policy; direct to take online Harassment Prevention Training/implicit bias training/cultural humility training/management or leadership training, etc.; direct to conduct mediation; conduct review of analysis of department recruitment efforts; etc.). These actions are the same actions that DHR would recommend a department take if the allegation was sustained.
No EEO Jurisdiction or Withdrawn:	Complaint did not allege conduct based on protected category or protected activity, or allege conduct in violation of the City’s or SFMTA’s EEO Policy; complainant was not a City employee, applicant, volunteer, unpaid intern, or contractor; complaint was not against a City department; the complaint was untimely; complainant’s MOU prevents employees from filing both a grievance and an internal EEO complaint regarding the same issue, and complainant elected to pursue complaint as a grievance; or complainant declined to participate or withdrew complaint, and based on the information provided, DHR EEO was without sufficient detail to conduct a full investigation.

City Response to Harassment Complaints
Fiscal Year 2018/2019
(July 1, 2018 through June 30, 2019)

Table I-1¹³
 Complaints Resulting in Preventative and/or Corrective Action

	Closed	Open	Total
Preventative/Corrective Action Taken	120	20	140
None Required ¹⁴	157		157

Table I-2¹⁵
 Total Number of Preventative and/or Corrective Actions
 By Type of Action

Preventative/Corrective Action	Actions
Discipline	5
Issue EEO Policy	133
Issue Respect Policy	118
Take Harassment Prevention Training	5
Other ¹⁶	53
Total	314

¹³ The annual report reflects only the preventative and/or corrective actions taken to date. When appropriate, the City takes immediate preventative and/or corrective actions to protect the complainant and other employees while the investigation is ongoing. Additional corrective actions may be required at the conclusion of the investigation to prevent reoccurrence of any misconduct.

¹⁴ Examples of complaints in the “None Required” category include complaints that are outside of DHR EEO’s jurisdiction, such as whistleblower complaints; complaints in which the alleged conduct was not inappropriate; and complaints in which the City cannot take any action because the respondent employee no longer works for the City.

¹⁵ Table I-2 shows the number of individual preventative and/or corrective actions carried out to prevent reoccurrence of misconduct or to make a complainant whole. For example, to date, 133 employees were counseled and re-issued the EEO Policy as a result of an EEO complaint filed with DHR.

¹⁶ “Other” includes, but is not limited to, actions such as reassignment to another work site, requirement to take management training, restoration of leave balances, and compensation for lost wages.