



Internal Complaints¹ Received by DHR EEO
During Fiscal Year 2018/2019
By Race/Ethnicity of Complainant²

	Complaints	% of Complaints	% of City Workforce
American Indian/Alaskan Native	5	1%	<1%
Asian/Pacific Islander	101	17%	28%
Black	186	32%	15%
Filipino	38	7%	12%
Hispanic	87	15%	15%
White	122	21%	29%
Unknown ³	41	7%	
Total	579	100%	100%

¹ These complaints are 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.

² DHR EEO does not collect information about a complainant's race unless the complainant files a race-based complaint. However, the City maintains information about the race/ethnicity of its employees in PeopleSoft, its human resources management system, as the federal government requires that the City collect this information at the time of hire. At the time of hire, employees are provided the opportunity to self-identify their racial/ethnic category. The race/ethnicity information listed here, and throughout this report, is based on that information.

³ The "Unknown" category consists of complainants whose race/ethnicity was unavailable, such as anonymous complainants and applicants or other non-City persons filing complaints that were not based on race.

**Status/Disposition^{4,5} of Internal Complaints Received by DHR EEO
 During Fiscal Year 2018/2019
 By Race/Ethnicity of Complainant**

	Complaints	% of Complaints ⁶
American Indian/Alaskan Native		
No EEO Jurisdiction	3	60%
Withdrawn	1	20%
Insufficient Allegations/Immediate Preventative Actions Taken	1	20%
Open	2	40%
Asian/Pacific Islander		
No EEO Jurisdiction	43	43%
Withdrawn	5	5%
Insufficient Allegations/Immediate Preventative Actions Taken	37	37%
Insufficient Evidence	1	1%
Sustained	1	1%
Open	25	25%
Black		
No EEO Jurisdiction	74	40%
Withdrawn	11	6%
Insufficient Allegations/Immediate Preventative Actions Taken	71	38%
Insufficient Evidence	4	2%
Sustained	2	1%
Settled	1	1%
Open	41	22%
Filipino		
No EEO Jurisdiction	12	32%
Insufficient Allegations/Immediate Preventative Actions Taken	18	47%
Sustained	1	3%
Open	11	29%
Hispanic		
No EEO Jurisdiction	38	44%
Withdrawn	3	3%
Insufficient Allegations/Immediate Preventative Actions Taken	32	37%
Settled	1	1%
Open	24	28%
White		
No EEO Jurisdiction	48	39%
Withdrawn	8	7%
Insufficient Allegations/Immediate Preventative Actions Taken	41	34%
Insufficient Evidence	2	2%
Sustained	1	1%
Open	36	30%

	Complaints	% of Complaints ⁶
Unknown		
No EEO Jurisdiction	28	68%
Insufficient Allegations/Immediate Preventative Actions Taken	3	7%
Open	10	24%

⁴ The status/dispositions represented here are by allegation, as each allegation in a complaint is evaluated on its own merit and may result in a different disposition. For example, a complaint with two allegations could result in one allegation being closed because it is not within EEO jurisdiction and the other allegation being sustained. As a result, the sum of the number of status/dispositions listed may be greater than the total number of complaints. For the same reason, the sum of the percentages for each race/ethnicity may be greater than 100%.

⁵ Definitions

- No EEO Jurisdiction:** 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, and based on the information provided, DHR EEO was without sufficient detail to conduct a full investigation.
- Withdrawn:** Complainant withdrew the complaint and based on the information provided, DHR was without sufficient detail to conduct a full investigation.
- 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 discrimination; 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.
- 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.
- Settled:** Complaint was resolved, without any admission or acknowledgement of liability.

⁶ These percentages are based on the number of complaints filed by complainants of that race/ethnicity. For example, three complaints

Complaints Resulting in Preventative and/or Corrective Action⁷
Fiscal Year 2018/2019
By Race/Ethnicity of Complainant

	Complaints	% of Complaints ⁸
American Indian/Alaskan Native		
Corrective/Preventative Action Taken	2	40%
None Required	2	40%
Open	1	20%
Asian/Pacific Islander		
Corrective/Preventative Action Taken	27	27%
None Required	54	53%
Open	20	20%
Black		
Corrective/Preventative Action Taken	49	26%
None Required	101	54%
Open	36	19%
Filipino		
Corrective/Preventative Action Taken	14	37%
None Required	13	34%
Open	11	29%
Hispanic		
Corrective/Preventative Action Taken	32	37%
None Required	37	43%
Open	18	21%
White		
Corrective/Preventative Action Taken	40	33%
None Required	50	41%
Open	32	26%
Unknown		
Corrective/Preventative Action Taken	9	22%
None Required	23	56%
Open	9	22%

⁷ This 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.

⁸ These percentages are based on the number of complaints filed by complainants of that race/ethnicity.

Type of Preventative and/or Corrective Actions Taken⁹
Fiscal Year 2018/2019
By Race/Ethnicity of Complainant

	Complaints	% of Complaints ¹⁰
American Indian/Alaskan Native		
Issue EEO Policy	1	20%
Issue Policy Regarding Treatment of Co-Workers and the Public	2	40%
Other	1	20%
Asian/Pacific Islander		
Issue EEO Policy	17	17%
Issue Policy Regarding Treatment of Co-Workers and the Public	17	17%
Take Harassment Prevention Training	1	1%
Other	9	9%
Black		
Discipline	3	2%
Issue EEO Policy	35	19%
Issue Policy Regarding Treatment of Co-Workers and the Public	35	19%
Take Harassment Prevention Training	4	2%
Other	8	4%
Filipino		
Discipline	1	3%
Issue EEO Policy	11	29%
Issue Policy Regarding Treatment of Co-Workers and the Public	8	21%
Take Harassment Prevention Training	1	3%
Other	3	8%
Hispanic		
Discipline	2	2%
Issue EEO Policy	21	24%
Issue Policy Regarding Treatment of Co-Workers and the Public	23	26%
Other	10	11%
White		
Discipline	1	1%
Issue EEO Policy	29	24%
Issue Policy Regarding Treatment of Co-Workers and the Public	26	21%
Take Harassment Prevention Training	2	2%
Other	11	9%
Unknown		
Issue EEO Policy	7	17%
Issue Policy Regarding Treatment of Co-Workers and the Public	4	10%
Other	4	10%

⁹ This table reflects only the number of complaints that resulted in each type of corrective action. Each type of preventative/corrective action may have been taken against more than one respondent. Thus, the total number of preventative/corrective actions taken may be greater. The figures in this table are more appropriate for comparison between groups because it eliminates the impact that outliers (e.g. complaints that resulted in entire work units or departments being reissued the EEO Policy).

¹⁰ These percentages are based on the number of complaints filed by complainants of that race/ethnicity.