



MEMORANDUM

DATE: January 15, 2020
TO: Micki Callahan
Human Resources Director
FROM: Linda C. Simon
Director, EEO and Leave Programs
SUBJECT: Fiscal Year 2019/2020—Second Quarter Report on Harassment Complaints

This memo contains the quarterly report on harassment within the City and County of San Francisco's (City) workforce, in accordance with San Francisco Administrative Code Section 16.9-27 (Harassment Prevention Training and Reporting). This report shows the total number of harassment complaints by City department filed with the Department of Human Resources (DHR) during the second quarter (October 1, 2019 through December 31, 2019) of fiscal year 2019/2020.

DHR received 83 complaints alleging harassment from 17 City departments during the second quarter. (Table A). The status and disposition of each complaint is contained in Table D.

This report also provides information about the basis of the harassment complaint (i.e. the protected category the alleged harassment is based on), by department. (Table B). 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.

DHR receives more harassment complaints based on sex than any other protected category. In the second quarter, 36% of the harassment complaints received by DHR, alleged sex or gender as the basis. Table C provides 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.

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

Enclosure

Table A
Harassment Complaints by Department
Second Quarter of Fiscal Year 2019/2020
(October 1, 2019 through December 31, 2019)

Department	Total¹
Administrative Services	3
Airport Commission	2
Child Support Services	1
Fine Arts Museum	5
Fire Department	1
Human Resources	3
Human Rights Commission	1
Human Services Agency	11
Municipal Transportation Agency	9
Police Department	5
Public Health	19
Public Library	4
Public Utilities Commission	10
Public Works	6
Sheriff's Department	1
Technology	1
Treasurer/Tax Collector	1
Total Complaints	83

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.

Department	Age	Disability/Medical Condition	Ethnicity	National Origin	Other - Not EEO	Parental Status	Political Affiliation	Race	Religion	Retaliation	Sex	Sexual Orientation	Weight	Total Basis
Treasurer/Tax Collector										1				1
Total³	7	13	3	4	10	1	1	21	2	9	30	2	4	107

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 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 Department⁴
Second Quarter of Fiscal Year 2019/2020
(October 1, 2019 through December 31, 2019)

Department	Sexual Harassment	Harassment Based on Gender
Administrative Services	1	
Airport Commission	1	
Child Support Services	1	
Fire Department	1	
Human Resources	1	1
Human Rights Commission		1
Human Services Agency	2	1
Municipal Transportation Agency	2	3
Police Department		1
Public Health	5	
Public Library	3	
Public Utilities Commission	2	2
Public Works		1
Sheriff's Department	1	
Total	20	10

⁴ 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 Complaints⁵
Second Quarter of Fiscal Year 2019/2020
(October 1, 2019 through December 31, 2019)

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Administrative Services						3
Airport Commission						2
Child Support Services						1
Fine Arts Museum						5
Fire Department						1
Human Resources						3
Human Rights Commission						1
Human Services Agency						11
Municipal Transportation Agency						9
Police Department						5
Public Health				1	1	17
Public Library						4
Public Utilities Commission				4		6
Public Works						6
Sheriff's Department						1
Technology						1
Treasurer/Tax Collector						1
Total				5	1	77

⁵ 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.