

REVISED LEGISLATIVE DIGEST

(1/15/2019, Amended in Board)

Administrative Code - Harassment Prevention Training for City Employees; Reporting Requirements for City Departments

Ordinance amending the Administrative Code to require City employees to complete harassment prevention training annually, the Department of Human Resources (DHR) to post harassment prevention training and complaint information on its website, and the Department on the Status of Women to post on its website reports from DHR and the City Attorney; and recommending that the Civil Service Commission adopt a rule requiring DHR to accept complaints of harassment, discrimination, or retaliation up to one year after the date of the alleged incident.

Existing Law

California law (California Government Code Section 12950.1.) requires supervisory personnel to take biennial harassment prevention training. City law requires the City to “[t]rain and educate employees regarding sexual harassment issues and policy” and requires each appointing officer to provide for its supervisory personnel a periodic training program designed to educate and thereby prevent sexual harassment. Administrative Code Sections 16.9-25(a)(4)(B) & 16.9-25(d).

The Human Resources Director is required to provide on a quarterly basis to the Commission on the Status of Women (“COSW”) a written report on the number of sexual harassment complaints received, the departments involved, and the disposition of complaints. Administrative Code Section 16.9-25(e).

The Human Resources Director is required to provide on an annual basis to the Mayor, the Board of Supervisors, the Human Rights Commission, and COSW a written report on the number of claims of sexual harassment filed, including information on the number of claims pending and the departments in which claims have been filed. Administrative Code Section 16.9-25(f).

The City Attorney must submit to the CSOW a monthly report of settlements of lawsuits and claims filed by female employees alleging employment discrimination. Administrative Code Section 33.7(c).

The Human Resources Director must review and resolve allegations of discrimination. Charter Section 10.103. There is no existing law on how long the employee has to file a complaint of harassment, discrimination, or retaliation with the City. It is currently set by Department of

Human Resources (“DHR”) policy under authority provided to it by the Civil Service Commission.

Amendments to Current Law

This proposed ordinance would require City departments to provide annual harassment prevention training to permanent and certain long-term temporary employees. The harassment prevention training would include bystander intervention training. DHR would be required to post annually on its website the number of employees at each department who have completed harassment prevention training.

Additionally, this proposed ordinance would require DHR to post on its website on a quarterly and annual basis a report on the number of harassment complaints filed with DHR and the departments that were involved. The City Attorney would be required to report quarterly the settlements of discrimination lawsuits and claims, filing of discrimination claims, and litigation judgments to Department on the Status of Women (“DOSW”). The DOSW would post both the DHR reports and the City Attorney report to its website.

Finally, in an uncodified section of this proposed ordinance, the Board recommends that the Civil Service Commission adopt a rule requiring DHR to accept harassment, discrimination and retaliation complaints up to one year after the date of the last alleged incident.

Background Information

The DOSW recommended the proposed amendments.

A previous version of this ordinance required that DHR accept harassment, discrimination and retaliation complaints up to one year after the date of the last alleged incident. DHR policy provides that the City will accept EEO Complaints up to 180 days after the last alleged incident, and the DHR promulgated this policy under the authority provided to it by the Civil Service Commission. (CSC Rule 103.3.3)

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