

Patrick Monette-Shaw

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January 13, 2019

San Francisco Board of Supervisors

The Honorable Norman Yee, Board President
The Honorable Sandra Lee Fewer, Supervisor, District 1
The Honorable Catherine Stefani, Supervisor, District 2
The Honorable Aaron Peskin, Supervisor, District 3
The Honorable Gordon Mar, Supervisor, District 4
The Honorable Vallie Brown, Supervisor, District 5
The Honorable Matt Haney, Supervisor, District 6
The Honorable Rafael Mandelman, Supervisor, District 8
The Honorable Hillary Ronen, Supervisor, District 9
The Honorable Shamann Walton, Supervisor, District 10
The Honorable Ahsha Safai, Supervisor, District 11

1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Agenda Item 12 – Harassment Prevention Training**

Dear President Yee and Members of the Board of Supervisors,

This Board of Supes must prevent all forms of harassment of City Employees by following U.S. Senate and House precedent set in 2018.

On December 13, 2018 both the U.S. Senate and House of Representatives passed legislation unanimously in both chambers to reform how sexual harassment lawsuits are handled on Capitol Hill — including holding lawmakers liable for paying for sexual harassment and retaliation settlements out of their own pockets, rather than the former practice of having U.S. taxpayers foot the bill.

The legislative version of File 180546 before you Tuesday, January 15 is still deficient, and you should find the political will and courage to strengthen it prior to passing it on second reading. by incorporating the lead set in Congress just a month ago in December.

I have previously published articles indicating the City has paid out at least \$70 million to settle “prohibited personnel practice” lawsuits over the past decade — through December 22, 2017 — between settlements paid and costs of City Attorney time and expenses in over-ligating those lawsuits trying to squash them. The costs have been about evenly split between Plaintiff settlement awards and CAO expenses.

“Prohibited personnel practices” refers to proscriptions in local, state and federal employment law, including such things as racial discrimination; sexual harassment; age, gender, and disability discrimination; wrongful termination; and a whole host of other prohibited personnel practices

A preliminary response from the City Attorney’s Office suggests those costs may have risen in the one-year period between December 23, 2017 and December 14, 2018 by another \$18 million — to a total of over \$88 million. Last I checked, that’s not *chump change*. After I noted at least 12 discrepancies in data the CAO provided to me on December 13, 2018, the CAO acknowledged it had a “technical error” and indicated it would update its records response, which I haven’t received yet.

You should amend this legislation to require that defendants named in all lawsuits that Plaintiffs prevail have to pay the settlement awards and the City’s legal fees out-of-their-own pockets. That would be the fastest way to stop all of these prohibited personnel practices and save taxpayers the expense.

This is *not* a “meet-and-confer” issue for the City’s labor partners to be “bargained” over. My understanding is all City employees are required by oath of employment to obey all local, state, and federal laws.

You should send this legislation back and incorporate this precedent set by the U.S. Congress.

Respectfully submitted,

Patrick Monette-Shaw, *Columnist, Westside Observer Newspaper*

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cc: Angela Calvillo, Clerk of the Board
Lee Hepner, Legislative Aide to Supervisor Peskin
Tim Ho, Legislative Aide to Supervisor Safai
Jack Gallagher, Legislative Aide to Supervisor Stefani
Angelina Yu, Legislative Aide to Supervisor Fewer
Daisy Quan, Legislative Aide to Supervisor Mar
Percy Burch, Legislative Aide to Supervisor Walton