

LEGISLATIVE DIGEST

Administrative Code - Harassment Prevention Training for City Employees - Reporting Requirements for City Departments - Time Frame for Filing Equal Employment Opportunity Complaints

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

Existing Law

California law requires only supervisory personnel to take biennial harassment prevention training. California Government Code Section 12950.1. 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 (“CSOW”) a written report on the number of sexual harassment complaints, the departments involved, and disposition 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 CSOW 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. City Charter Section 10.103. There is no existing law on how long the employee has to file an internal complaint of harassment, discrimination, or retaliation with the City. It is currently set by Department of Human Resources (“DHR”) policy.

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 report 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 annually the settlements of harassment cases 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, this proposed ordinance would require 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.

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