

City and County of San Francisco  
Carol Isen  
Human Resources Director



Department of Human Resources  
*Connecting People with Purpose*  
www.sfdhr.org

**MEMORANDUM**

**DATE:** November 29, 2023  
**TO:** Carol Isen  
Human Resources Director  
**FROM:** Amalia Martinez  
EEO Director *Amalia Martinez*  
**SUBJECT:** Fiscal Year 2023/2024—First Quarter Report on Harassment Complaints

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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 filed with the Department of Human Resources (DHR) during the First Quarter (July 1, 2023 through September 30, 2023) of Fiscal Year 2023/2024.

DHR received 56 complaints alleging harassment from employees in 19 City departments during the first quarter. (Table A). Of the 56 cases, 1 was closed and 55 remain open and are being investigated. 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 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. In some cases, the complaint may have multiple bases, for example a complaint that the harassment was due to both sex and race.

In the first quarter, 45% of the harassment complaints received by DHR alleged sex as the basis. Table C provides a breakdown of the sex-based harassment complaints (i.e. complaints of harassment based on sex and of sexual harassment).

Should you have any questions, please contact me at [Amalia.Martinez1@sfgov.org](mailto:Amalia.Martinez1@sfgov.org).

Enclosure

**Table A**  
**Harassment Complaints by Department<sup>1</sup>**  
**First Quarter of Fiscal Year 2023/2024**  
**(July 1, 2023 through September 30, 2023)**

<b>Department</b>	<b>Total</b>
Adult Probation	1
Airport Commission	2
Assessor Recorder	1
City Administrator's Office	3
District Attorney	1
Economic & Workforce Development	4
Emergency Management	2
Environment	1
Fire Department	5
Human Services Agency	1
Municipal Transportation Agency	6
Police Department	3
Port	2
Public Defender	1
Public Health	8
Public Library	3
Public Utilities Commission	6
Public Works	3
Sheriff's Office	3
<b>Total</b>	<b>56</b>

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<sup>1</sup> 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 Civil Rights Department (CRD) or the U.S. Equal Employment Opportunity Commission (EEOC) are not included.

**Table B**  
**Harassment Complaints by Protected Category Alleged and by Department<sup>2</sup>**  
**First Quarter of Fiscal Year 2023/2024**  
**(July 1, 2023 through September 30, 2023)**

<b>Department</b>	<b>Age</b>	<b>Ancestry</b>	<b>Disability/ Medical Condition</b>	<b>Military Status</b>	<b>National Origin</b>	<b>Other</b>	<b>Race</b>	<b>Retaliation</b>	<b>Sex</b>	<b>Weight</b>
Adult Probation			1							
Airport Commission	1						1			
Assessor Recorder	1	1		1					1	
City Administrator's Office			1					1	1	
District Attorney									1	
Economic & Workforce Development							2	1	1	
Emergency Management					1		2			
Environment							1			
Fire Department			1			1	1		2	
Human Services Agency									1	
Municipal Transportation Agency	1		1			1	2		2	1
Police Department							1		2	
Port								1	1	
Public Defender									1	
Public Health			1			2	5		3	
Public Library	1								2	
Public Utilities Commission	1		2		1		3		1	
Public Works	1		1				1		3	
Sheriff's Office									3	
<b>Total</b>	<b>6</b>	<b>1</b>	<b>8</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>19</b>	<b>3</b>	<b>25</b>	<b>1</b>

<sup>2</sup> 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.

Additionally, some complaints contain more than one allegation of harassment. Therefore, the total number of identified protected categories will exceed the total number of complaints. Table B contains a total of 70 protected categories stemming from 56 complaints.

**Table C**  
**Sex-Based Harassment Complaints by Department<sup>3</sup>**  
**First Quarter of Fiscal Year 2023/2024**  
**(July 1, 2023 through September 30, 2023)**

<b>Department</b>	<b>Sexual Harassment</b>	<b>Harassment Based on Sex</b>
Assessor Recorder		1
City Administrator’s Office	1	
District Attorney	1	
Economic & Workforce Development	1	
Fire Department		2
Human Services Agency		1
Municipal Transportation Agency	1	1
Police Department		2
Port	1	
Public Defender	1	
Public Health		3
Public Library		2
Public Utilities Commission		1
Public Works		3
Sheriff’s Office	3	3
<b>Total</b>	<b>9</b>	<b>19</b>

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<sup>3</sup> Sex-based harassment complaints may contain allegations of sexual harassment, harassment based on sex, or both. Of the 28 complaints above, 4 alleged both sexual harassment and sex-based harassment. Therefore, there were 25 discrete complaints. 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 sex, as the latter is defined as physical, verbal, or visual conduct based on 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 Sex column.

**Table D**  
**Status and Disposition of Harassment Complaints<sup>4</sup>**  
**First Quarter of Fiscal Year 2023/2024**  
**(July 1, 2023 through September 30, 2023)**

Department	Closed					Open
	Settled	Insufficient Evidence	Sustained	Insufficient Allegations/ Immediate Preventative Actions Taken	No EEO Jurisdiction or Withdrawn	
Adult Probation						1
Airport Commission						2
Assessor Recorder						1
City Administrator's Office						3
District Attorney						1
Economic & Workforce Development					1	3
Emergency Management						2
Environment						1
Fire Department						5
Human Services Agency						1
Municipal Transportation Agency						6
Police Department						3
Port						2
Public Defender						1
Public Health						8
Public Library						3
Public Utilities Commission						6
Public Works						3
Sheriff's Office						3
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>55</b>

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<sup>4</sup> **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; 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.