

# Patrick Monette-Shaw

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December 4, 2018

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**“ The Ordinance needs more work because the amendments and Mayor Breed’s September 18 Executive Directive are at odds with each other. ”**

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Rules Committee, San Francisco Board of Supervisors  
The Honorable Ahsha Safaí, Chair  
The Honorable Norman Yee, Committee Member  
The Honorable Catherine Stefani, Committee Member  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: **Agenda Item 7 – Harassment Prevention Training**

Dear Chair Safai and Rules Committee Members,

The Harassment Prevention Training Ordinance amendments at agenda item #7 on the Rules Committee’s December 5 agenda need more work, in part because provisions in the amendments and Mayor Breed’s September 18 *Executive Directive* are at odds with each other.

## 1. Disconnect Regarding Who Will Receive the Prevention Training

Mayor Breed’s September 18 *Executive Directive* claims that *all* City employees will receive the harassment prevention training. But it is clear that the amendments in the proposed Ordinance clearly provides that the prevention training will be mandatory *only* for “covered employees,” defined as those who work more than 20 hours per week for permanent and exempt positions, and those provisional and temporary employees who are expected to work or at least 960 hours during a fiscal year.

That means that up to 10,234 City employees — nearly one-quarter of all employees — who work less than 20 hours per week are not considered to be “covered employees” and will be exempt from the expanded harassment prevention training program.

The carve-out exempting part-time employees from the training must be removed. The City — and this Ordinance — should require that *all* City employees be required to take the training, *annually*.

## 2. Disconnect Regarding Frequency of the Prevention Training

Mayor Breed’s September 18 *Executive Directive* appears to confuse the definitions of *biannual* and *biennial*. Currently, the training is required biennially — every two years — but Breed’s *Directive* claims the training will be provided biannually — twice annually. Breed confuses *biannual* with *biennial* and may not have realized that the Ordinance expands the training to *annually*.

## 3. Other Deficiencies in the Proposed Ordinance

Unfortunately, the proposed Ordinance has other deficiencies and doesn’t require that:

- The harassment prevention training include sexual-orientation harassment, racial discrimination and racial harassment, or other forms of already prohibited personnel practices, such as wrongful termination or retaliation.
- DHR stratify in quarterly and annual reports the number of harassment complaints by the *types* of harassment complaints reported.
- The City Attorney’s Office continue submitting **monthly** reports of lawsuits and *claims* filed by female city employees who allege *employment discrimination* to any agency other than to DSOW. Instead, the City Attorney’s Office will only be required to submit **annual** reports on “settlements” of *harassment* cases — but perhaps not other types of employment discrimination cases — without specifying whether the harassment cases will be stratified by *type* of harassment case, omitting specifying whether “settlements” that do not award monetary damages (and perhaps *not* reporting cases where no monetary damages are awarded) will be reported, doesn’t specify whether “claims” (as opposed to monetary settlements) will continue to be reported, and doesn’t require that significant additional costs for City Attorney time and expenses fighting the “settlements” will be reported. It’s also unclear whether the annual reports will report the amount of the settlements incurred, or just data on the raw number of settlements reached.

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- DHR, DSOW, the City Attorney’s Office, and the City Controller’s Office — which also plays a role in accepting and processing claims against the City — to do any interdepartmental collaboration to report harassment lawsuits and claims.
- Require the City Attorney’s Office to report settlements of harassment case awards to the Board of Supervisors; instead the City Attorney will only be required to report the settlements to the Department on the Status of Women. The amendments must be changed to require reporting to the full Board of Supervisors!

The Rules Committee should completely reject this legislation outright and send it back for more amendments!

Respectfully submitted,

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

cc: The Honorable Malia Cohen, Board President  
The Honorable Sandra Lee Fewer, Supervisor District 1  
The Honorable Aaron Peskin, Supervisor District 3  
The Honorable Katy Tang, Supervisor District 4  
The Honorable Vallie Brown, Supervisor District 5  
The Honorable Jane Kim, Supervisor District 6  
The Honorable Rafael Mandelman, Supervisor District 8  
The Honorable Hillary Ronen, Supervisor District 9  
Angela Calvillo, Clerk of the Board  
Victor Young, Rules Committee Clerk  
Alisa Somera, Legislative Deputy Director, Clerk of the Board's Office  
Sophia Kittler, Legislative Aide to Supervisor Cohen  
Lee Hepner, Legislative Aide to Supervisor Peskin  
Tim Ho, Legislative Aide to Supervisor Safai  
Cathy Mulkey-Meyer, Legislative Aide to Supervisor Safai  
Suhagey Sandoval, Legislative Aide to Supervisor Safai  
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Jen Low, Legislative Aide to Supervisor Yee  
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Jarlene Choy, Legislative Aide to Supervisor Yee