



CITY OF NEWPORT BEACH

OFFICE OF THE MAYOR

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Mayor Pro Tem

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September 10, 2013

The Honorable Judge Thomas J. Borris
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

**RE: Report of the 2012-2013 Orange County Grand Jury – “The Goal of Equal Employment Opportunity: NO VICTIMS”
Matter No.: A13-00459**

Dear Presiding Judge Borris:

The City of Newport Beach appreciates the time and effort the Grand Jury spent on the development of their report, “*The Goal of Equal Employment Opportunity: No Victims.*”

The City Council has reviewed the report and authorized the attached response to the findings, conclusions and recommendations noted in the report. The City values the opportunity to respond to this report, share our perspective, and provide a response to each of the issues requested by the Grand Jury in their report.

If the City of Newport Beach can provide additional information or clarification of our response, please do not hesitate to call me.

Sincerely,

Keith D. Curry
Mayor of Newport Beach

Encl: Response to Findings/Conclusions & Recommendations

cc: Dave Kiff, City Manager (w/enclosure)
City of Newport Beach Council Members (w/enclosure)
Terri Cassidy, Deputy City Manager/Human Resources Director
(w/enclosure)

RE: Report of the 2012-2013 Orange County Grand Jury – “*The Goal of Equal Employment Opportunity: NO VICTIMS*”

FROM: City of Newport Beach, California

DATE: September 10, 2013

The Report obligates the City to respond no later than September 25, 2013 to:

- Findings: F1, F4, F5 and F6; and
- Recommendations: R1, R2 and R3.

The Newport Beach City Council, the City Manager's Office and the Human Resources Department have reviewed the Orange County Grand Jury report, *The Goal of Equal Employment Opportunity: NO VICTIMS*; published June 27, 2013. Deputy City Manager/Human Resources Director Terri L. Cassidy was instructed to provide the following response, in accordance with California Penal Code Section 933.05 (a) and (b).

FINDINGS

Finding F1. Municipalities in Orange County cities are well-versed in EEO issues and maintain exemplary compliance strategies.

Response: The City of Newport Beach **agrees** with the Finding F1 as it pertains to Newport Beach.

Finding F4. Complaint ratios between OC cities and the County of Orange are similar; but differences in how previous complaints were handled in the County led to major problems.

Response: The City of Newport Beach **agrees** with the Finding F4 as it pertains to Newport Beach.

Finding F5. The County and several cities do not offer, or provide limited, training in harassment, discrimination, and retaliation, particularly for line staff.

Response: The City of Newport Beach **disagrees partially** with the Finding F5 as it pertains to Newport Beach. The City of Newport Beach offers harassment, discrimination and retaliation training to management and supervisory staff. In addition

to providing this training, the City of Newport Beach is committed to providing a work environment free of harassment and discrimination, and has adopted a comprehensive policy regarding discrimination and harassment. All employees are required to read, acknowledge receipt of, fully comply with and are protected by the City's discrimination and harassment policy. In addition to this policy, some line staff employees do attend the training provided to management and supervisory staff.

Finding F6. There are several Risk Management Joint Powers Insurance Pools (of which most cities are members) to ensure adequate coverage and sharing of liability with other member entities.

Response: The City of Newport Beach **agrees** with the Finding F6 as it pertains to Newport Beach.

RECOMMENDATIONS

R1. All OC cities and County government shall include funding for training of management and supervision as required by law and ensure training for all employees every two to three years. (F2,3,4,5)

Response: The recommendation of funding for training of management and supervision has been implemented. On an annual basis, and as part of its annual budget process, the City allocates funding for training of management and supervisory staff as required by law.

The recommendation to ensure training for all employees will be implemented by the City of Newport Beach by first examining how the City's staff may effectively and efficiently be provided the training. Within the next year, the City will then provide this training opportunity to all City employees and will continue to provide training every three years.

R2. OC cities shall review SIR aggregate limits every five years to assess changes in risk management economies and insurance pool mix. (F6)

Response: The recommendation has been implemented as the City reviews its coverage limits, assumptions and insurance pool mix every year between January and May.

R3. OC cities and the County of Orange government shall continue efforts to utilize best practices with respect to Harassment, Discrimination and Retaliation. (F1,3)

Response: The recommendation has been implemented as the City's Discrimination and Harassment Policy reflects a zero tolerance for unlawful harassment or

discrimination. The City will continue to advise employees that this Policy requires the victim to promptly report all forms of unlawful harassment and discrimination, and that the City is obligated to promptly investigate any claim of a violation of the Policy.