



County of Orange

MEMO

Date: July 11, 2003

TO: Clerk of the Board

FROM: Frank Kim^{FK}, County Budget Office

SUBJECT: Request to Change Attachment #1 on Agenda Item ____ on July 22, 2003

This memo is to request a change to Attachment #1 for the July 22, 2003 Agenda Item "Approve proposed response to FY 2002-03 Grand Jury Report entitled Unresolved County Harassment Complaints". This Agenda Item was continued from the June 17, 2003 Board Meeting [Item #66].

Thank you for your assistance in this request.

**RESPONSE TO FINDINGS AND RECOMMENDATIONS TO
2002-2003 ORANGE COUNTY GRAND JURY REPORT
“UNRESOLVED COUNTY HARASSMENT COMPLAINTS”**

RESPONSE TO FINDINGS:

- 1. The County Executive Office did not take all necessary steps to promptly investigate the allegations of sexual harassment, hostile work environment and retaliation by Employee Number One as required by the Orange County EEO Policy.**

Response to Finding # 1: Agree in part and disagree in part.

The CEO at the time referenced in the report directed a less than thorough investigation. The then-CEO received opinions from two attorneys that no further investigation at that time was required by applicable law. That investigation has proved to be inadequate. The current CEO has directed a thorough, independent investigation of this matter by a qualified, independent professional with decades of experience in this field.

- 2. The County Executive Office did not take all necessary steps to promptly investigate the allegations of sexual harassment, hostile work environment and retaliation by Employee Number Two as required by the Orange County EEO Policy.**

Response to Finding # 2: Agree in part and disagree in part.

The CEO at the time referenced in the report directed a less than thorough investigation. The then-CEO received opinions from two attorneys that no further investigation at that time was required by applicable law. That investigation has proved to be inadequate. The current CEO has directed a thorough, independent investigation of this matter by a qualified, independent professional with decades of experience in this field.

- 3. The County Executive Office did not take all necessary steps to promptly investigate the allegations of sexual harassment, hostile work environment and retaliation by Employee Number Three as required by the Orange County EEO Policy.**

Response to Finding #3: Agree in part and disagree in part.

The CEO at the time referenced in the report directed a less than thorough investigation. The then-CEO received opinions from two attorneys that no further investigation at that time was required by applicable law. That investigation has proved to be inadequate. The current CEO has directed a thorough, independent investigation of this matter by a qualified, independent professional with decades of experience in this field.

- 4. The County Executive Office did not take all necessary steps to promptly investigate the allegations of sexual harassment, hostile work environment and retaliation by Employee Number Four as required by the Orange County EEO Policy.**

Response to Finding #4: Agree in part and disagree in part.

The CEO at the time referenced in the report directed a less than thorough investigation. The then-CEO received opinions from two attorneys that no further investigation at that time was required by applicable law. That investigation has proved to be inadequate. The current CEO has directed a thorough, independent investigation of this matter by a qualified, independent professional with decades of experience in this field.

- 5. The County Executive Office did not take all necessary steps to promptly investigate the allegations of sexual harassment, hostile work environment and retaliation by Employee Number Five as required by the Orange County EEO Policy.**

Response to Finding #5: Agree in part and disagree in part.

The CEO at the time referenced in the report directed a less than thorough investigation. The then-CEO received opinions from two attorneys that no further investigation at that time was required by applicable law. That investigation has proved to be inadequate. The current CEO has directed a thorough, independent investigation of this matter by a qualified, independent professional with decades of experience in this field.

- 6. At its current reporting level, the EEO Access Office does not have the independence to investigate certain management employees.**

Response to Finding #6: Agree with finding.

The Board of Supervisors adopted a revision to the County of Orange Equal Employment Opportunity Policy and Procedure on April 29, 2003 which provides: "Where a complaint is filed against an employee with whom the EEO Access Office has a reporting relationship, the complaint will be directed to the CEO. The EEO Access Office will not conduct the investigation. The CEO will appoint an independent investigator who will report to the CEO on the complaint."

RESPONSE TO RECOMMENDATIONS:

- 1. An independent qualified EEO investigator conduct a thorough investigation of Employee Number One's allegations of sexual harassment, hostile work environment and retaliation. (Finding 1)**

Response to Recommendation #1: The recommendation is currently being implemented.

An independent qualified EEO investigator has been retained to conduct a thorough investigation. Implementation is anticipated to be complete within 30 days.

- 2. An independent qualified EEO investigator conduct a thorough investigation of Employee Number Two's allegations of sexual harassment, hostile work environment and retaliation. (Finding 2)**

Response to Recommendation #2: The recommendation is currently being implemented.

An independent qualified EEO investigator has been retained to conduct a thorough investigation. Implementation is anticipated to be complete within 30 days.

- 3. An independent qualified EEO investigator conduct a thorough investigation of Employee Number Three's allegations of sexual harassment, hostile work environment and retaliation. (Finding 3)**

Response to Recommendation #3: The recommendation is currently being implemented.

An independent qualified EEO investigator has been retained to conduct a thorough investigation. Implementation is anticipated to be complete within 30 days.

- 4. An independent qualified EEO investigator conduct a thorough investigation of Employee Number Four's allegations of sexual harassment, hostile work environment and retaliation. (Finding 4)**

Response to Recommendation #4: The recommendation is currently being implemented.

An independent qualified EEO investigator has been retained to conduct a thorough investigation. Implementation is anticipated to be complete within 30 days.

- 5. An independent qualified EEO investigator conduct a thorough investigation of Employee Number Five's allegations of sexual harassment, hostile work environment and retaliation. (Finding 5)**

Response to Recommendation #5: The recommendation is currently being implemented.

An independent qualified EEO investigator has been retained to conduct a thorough investigation. Implementation is anticipated to be complete within 30 days.

6. Evaluate the current reporting relationship for the EEO Access Office to enable proper performance of its duties. (Finding 6)

Response to Recommendation #6: The recommendation has been implemented.

The Board of Supervisors adopted a revision to the County of Orange Equal Employment Opportunity Policy and Procedure on April 29, 2003 which provides: "Where a complaint is filed against an employee with whom the EEO Access Office has a reporting relationship, the complaint will be directed to the CEO. The EEO Access Office will not conduct the investigation. The CEO will appoint an independent investigator who will report to the CEO on the complaint."