CSDA NEWS

VOLUME 14, NUMBER 1 JANUARY 1998

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

A Legal Checklist for Handling Sexual Harassment Complaints

by Ceila Ruiz, Esq. and Laurie Erdman, Esq.

Claims of sexual harassment have increased 235 percent between 1990 and 1995. With the increased focus on sexual harassment caused by the Clarence Thomas hearings and Paula Jones, special districts cannot ignore sexual harassment. To prevent liability for sexual harassment, districts must be aware of what sexual harassment is and the district's obligations and duties under federal and state law.

Two Types of Sexual Harassment

There are two types of sexual harassment that districts must be aware of: quid pro quo and hostile environment. Quid pro quo is where a supervisor uses his or her authority to condition receipt of employment benefits on a subordinate employee's submission to the supervisor's sexual demands. Hostile environment sexual harassment occurs when an employee is subject to unwelcome sexual harassment because of his or her sex and the harassment is sufficiently severe, persistent or pervasive to alter the conditions of the employee's employment and create an abusive employment environment.

When the District Can Be Held Liable

Employer liability for sexual harassment not only varies under state and federal law, but on whether the individual engaging in the harassment is a supervisor or co-worker. Employers are liable for harassment as follows:

1. Under California law, employers are strictly liable for

continued on page 4

Inside

Financing for the Year 2000 .... p.2
In The Capitol p.3
Personnel Issues p.5
SDRMA Report p.7