



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
San Francisco District Office

350 The Embarcadero, Suite 500
San Francisco, CA 94105
(415) 625-5600
TTY (415) 625-5610
FAX (415) 625-5609
Toll Free (800) 669-4000

Respondent: San Joaquin County
EEOC Charge No: 556-2012-00422

4 - 27-12

Tiffany Anderson
2 N. Avena Avenue
Lodi, CA 95240

EEOC Number: 556-2012-00422

Dear Ms. Anderson:

Now that you have filed a charge with the U.S. Equal Employment Opportunity Commission (EEOC), it is important for you to understand some of our case processing procedures.

A Copy of your charge will automatically be filed with the State of California, Department of Fair Employment and Housing. This is being done to protect your right to file a suit in state court, should you desire to do so at a later date. It is not necessary for you to contact the state agency. Because of the formal agreement between the EEOC and the state agency, the EEOC will be processing your charge. The state agency will not process it unless we request them to do so. This rarely happens, but, it does, we will certainly let you know that we are transferring your charge to the state agency for processing.

In the interest of saving both your time and the time of the state agency, please do not contact that office either to file your charge or to inquire regarding it.

A copy of your charge will be served upon the Respondent within the time limitation set forth under both federal and state laws. In this instance, your charge will be served within ten (10) days following receipt of it by this office.

Finally, we suggest that you keep this notice and a copy of your charge for your records. Be sure to advise us of any change in your address or telephone number. Failure to do so could result in dismissal of your charge. Please use your charge number on all correspondence.

If you need further assistance, please contact Anna Lam at (415) 625-5643.

Sincerely,
Eric Darius
CR/TIU Supervisor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive | Suite 100 | Elk Grove | CA 95758-7115

(916) 478-7251 | TTY (800) 700-2320 | Videophone for the DEAF (916) 226-5285 | Fax (916) 478-7329

www.dfeh.ca.gov

Date: June 27, 2012

Case Name: Tiffany Anderson vs. San Joaquin County

EEOC No: 556-2012-00422

NOTICE TO COMPLAINANT AND RESPONDENT☐
H4800 Stockdale Hwy., Suite 215
Bakersfield, CA 93309
(661) 395-2729☒
MBay Area Regional Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2941☐
C1277 Alluvial Avenue, Suite 101
Fresno, CA 93720
(559) 244-4760☐
R/S1055 West Seventh Street,
Suite 1400
Los Angeles, CA 90017
(213) 439-6799☐
ESacramento District Office
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
(916) 478-7230☐
G2570 North First Street, Suite 480
San Jose, CA 95131
(408) 325-0344

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under the federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

TIMOTHY M. MUSCAT
Chief of Enforcement

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency/Case No.

☐ FEPA☒ EEOC

556-2012-00422

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Tiffany K. Anderson

Home Phone (Incl. Area Code)

(209) 747-9095

Date of Birth

08-22-1970

Street Address

City, State and ZIP Code

2 N. Avena Avenue, Lodi, CA 95240

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

SAN JOAQUIN COUNTY

No. Employees, Members

Over 500

Phone No. (Include Area Code)

(209) 982-4675

Street Address

City, State and ZIP Code

Mosquito & Vector Control District, 7759 S. Airport, Stockton, CA 95207

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

05-16-2012

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired with Respondent on or about April 19, 2004. My current position is Pesticide Applicator, Tech I. In 2007, I filed a sexual harassment complaint against Bob Durham, my then-supervisor, and Eddie Lucchesi. I was then involuntarily reassigned to a different zone which resulted in a change of my job duties. Other employees were instructed not to talk to me, which resulted in my not knowing specific information about where I was working. I was also denied tools and chemicals essential to performing my job. I had three surgeries between 2008 and 2010. I was injured on the job on or about July 1, 2011. In about August 2011, I returned to work with limitations. I requested accommodations but Respondent failed to provide them. For example, I requested a smaller truck, but was not given one. Respondent threatened to terminate me if I did not turn over my medical records. The job description Respondent gave to my doctor did not accurately reflect my job duties. On or about February 14, 2012, I was released to return to work with limitations. In about April 2012, Respondent again requested my medical records. Respondent has failed to accommodate me, thus I have not been returned to work.

I believe I have been discriminated against because of my sex (female) and in retaliation for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended. I further believe I have been discriminated against because of my disability and retaliated against for engaging in protected activity, in violation of the Americans with Disabilities Act of 1990, as amended.

my association rep. instructed me to file with EEOC.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

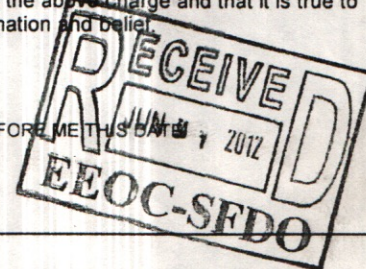
NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 16 DAY of JUN, 2012
(month, day, year)

Date

Charging Party Signature



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

AGREEMENT OF NONDISCLOSURE

Pursuant to Section 705g(1) of Title VII, the EEOC shall have power to cooperate with private individuals in order to accomplish the purposes of Title VII. This same authority also applies to actions under the Americans with Disabilities Act.

PERSON REQUESTING DISCLOSURE

| | | | | | | |
|---|--|--|------------|--|---|-----------------------------|
| X | CHARGING PARTY | | RESPONDENT | AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED | AGGRIEVED PERSON IN COMMISSIONER CHARGE | NAMED PARTY IN CLASS ACTION |
| | ATTORNEY REPRESENTING <input type="checkbox"/> C <input type="checkbox"/> P <input type="checkbox"/> RESPONDENT <input type="checkbox"/> AGGRIEVED PERSON ON WHOSE BEHALF CHARGE IS FILED <input type="checkbox"/> AGGRIEVED PERSON IN COMMISSIONER CHARGE <input type="checkbox"/> NAMED PARTY IN CLASS ACTION | | | | | |

CHARGE NUMBER(S) OF FILE(S) TO BE DISCLOSED

556-2012-00422

STATEMENT

I _____, request disclosure of Commission case file(s) in
(Typed name)

in connection with contemplated or pending litigation. I agree that the information disclosed to me will not be made public or used except in the normal course of a civil action or other proceeding instituted under Title VII or the Americans with Disabilities Act involving such information.

In witness whereof, this agreement is entered into as of the _____ day of _____ 20____

by the Equal Employment Opportunity Commission representative named below and the person requesting disclosure.

Person requesting disclosure (Signature and telephone number/area code)

Complete address

Deborah W. Randall Enforcement Manager

EEOC representative (Signature and title)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Tiffany K. Anderson**
2 N. Avena Avenue
Lodi, CA 95240

From: **San Francisco District Office**
450 Golden Gate Avenue
5 West, P.O. Box 36025
San Francisco, CA 94102

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

556-2012-00422

Malinda K. Tuazon,
Investigator

(415) 522-3126

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

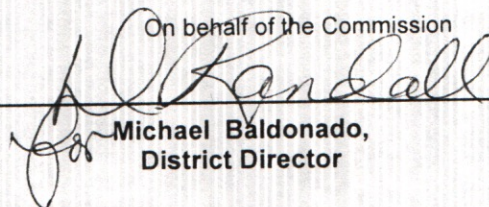
- NOTICE OF SUIT RIGHTS -

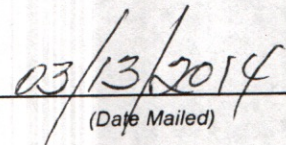
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Michael Baldonado,
District Director


(Date Mailed)

Enclosures(s)

cc:

Human Resources Director
SAN JOAQUIN COUNTY
Mosquito & Vector Control District
7759 S. Airport Way
Stockton, CA 95206

Michael Christian
Jackson Lewis LLP
801 K Street, Suite 2300
Sacramento, CA 95814

The U.S. Equal Employment Opportunity Commission

Facts About Mediation

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary, negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up misunderstandings, determine the underlying interests or concerns, find areas of agreement and, ultimately, to incorporate those areas of agreements into resolutions. A mediator does not resolve the charge or impose a decision on the parties. Instead, the mediator helps the parties to agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

How Mediation Works

An EEOC representative will contact the employee and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediator is scheduled. While it is not necessary to have an attorney in order to participate in EEOC's Mediation Program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute. If mediation is unsuccessful, the charge is investigated like any other charge.

Advantages of Mediation

Mediation is an efficient process that saves time and money. Successful mediation avoids a time consuming investigation and achieves a prompt resolution of the charge. The majority of mediations are completed in one session, which usually lasts for one to five hours.

Mediation is fair. Mediators are neutral third parties who have no interest in the outcome. Their role is to help the parties resolve the charge.

Mediation is a confidential process. The sessions are not tape-recorded or transcribed. Notes taken during the mediation are discarded.

Settlement agreements secured during mediation do not constitute an admission by the employer of any violation of laws enforced by the EEOC.

Mediation avoids lengthy and unnecessary litigation.

For additional information about the mediation program at EEOC, you may contact EEOC's web page at <http://www.eeoc.gov/> or the EEOC field office nearest you by calling our toll free numbers 1-800-669-4000 (Voice) or 1-800-669-6820 (TTY).

Questions And Answers About Mediation

Q. What is mediation?

A. Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative and litigation processes. Mediation is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a charge of discrimination. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. Instead, the mediator helps the parties to jointly explore and reconcile their differences.

Q. Does the EEOC require the parties to participate in mediation?

A. No. Participation in EEOC's mediation program is strictly voluntary. If either party declines to participate in mediation, the charge will be processed just like any other charge.

Q. Who mediates EEOC charges?

A. Only mediators who are experienced and trained in mediation and equal employment opportunity law are assigned to mediate EEOC charges. EEOC has a staff of trained mediators. We also contract with professional external mediators to mediate charges filed with EEOC. All EEOC mediators, whether internal staff or external mediators, are neutral unbiased professionals with no stake in the outcome of the mediation process.

Charge No.: 556-2012-00422

Tiffany Anderson vs. San Joaquin County

The San Francisco District Office of the Equal Employment Opportunity Commission (EEOC) has a mediation program designed as an alternative approach in assisting the parties in finding a way to resolve the matter prior to the initiating of an in-depth investigation into the allegations. **Please see attached Mediation Fact Sheet and Questions & Answer Sheet.**

Participation is voluntary; both parties must agree to participate in the program. If you are interested in participating, please complete the bottom portion of this notice and sign and return (or fax) this entire form to the address below. If both parties agree to participate, we will assign the case to a neutral mediator who will conduct the mediation at no cost to the parties. If a settlement is reached as a result of the mediation, the mediator is required to report to the EEOC any benefits received for purposes of providing aggregate data to the EEOC for Mediation Program evaluation purposes only, and the individual terms of the agreement will not be disclosed to the public.

The parties acknowledge that the mediator possesses the discretion to terminate the mediation at any time if an impasse occurs or either party or the mediator deems the case inappropriate for mediation. In the event the mediation does not result in a settlement, the case will be transferred to the Enforcement Unit of the appropriate EEOC office and an investigation will begin.

If you have any questions, please call Charla Vazquez, ADR Program Assistant, at (415) 625-5630 or Fax this form to (415) 625-5631, or mail it to us at :

EEOC San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105-1260

Please place a "X" on your choice:

I/we ARE INTERESTED in participating in the Mediation program. _____

I/we ARE NOT INTERESTED in participating in the Mediation program. _____

Signature

Job Title

Date

Print Full Name

Daytime Phone Number:

E-Mail Address

Address/P.O. Box

City, State and Zip Code

Name & Phone Number of Representative (if any)

Due to demand and limited resources, failure to respond within 15 days from the date of this letter will result in the charge being removed from the Mediation Program. If you decline to mediate this charge, your case will be forwarded to the Enforcement Unit and the investigatory process will proceed in accordance with established procedures.

Q. What happens if a party does not comply with an agreement reached in mediation?

A. An agreement reached during mediation is enforceable in court just like any other settlement agreement resolving a charge of discrimination filed with the EEOC. If either party believes that the other party has failed to comply with a mediated settlement agreement, he or she should contact the ADR Coordinator.

Q. Does mediation work?

A. Yes. Participants in the EEOC's mediation program indicate a high degree of satisfaction with the program. It is a fair and efficient process that can avoid a lengthy investigation and the possibility of unnecessary litigation.

Q. How can I learn more about EEOC's mediation program?

A. Write or fax the office where the charge is located and let that office know you are interested in having that charge mediated. You can also contact the ADR liaison Charla Vazquez at (415) 625-5630 and let her know your intentions.