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July 20, 2012

By Grisa Martinez  
DEPUTY

The Honorable David P. Warner  
Presiding Judge, San Joaquin County Court  
222 E. Weber Ave.  
Stockton, CA 95202

Dear Judge Warner,

The Board of Trustees of the San Joaquin County Mosquito and Vector Control District has reviewed the 2011-2012 Civil Grand Jury Final Report concerning the operations of the District. In accordance with Penal Code section 933 the Board has the following responses.

Finding No. 1 Sexual harassment has been committed in the form of rude, vulgar and lewd remarks. These remarks were made on several occasions in the presence of several employees and met the criteria as specified in District Policy #2210.

Response The District disagrees in part with this finding.

Explanation Management received a report that an employee had told lewd jokes to other employees. The reporting person was not present at the time of the alleged incident and the incident was reported to have occurred well before the report was made. No one present at the alleged incident ever reported it or complained to management. Because no complaint was ever made by those present, the alleged incident, if it did in fact occur, does not appear to have risen to the level of creating an 'intimidating, hostile or offensive working environment'. However, such behavior, regardless of whether it created a hostile working environment, is in violation of Policy No. 2210 and the alleged violator was counseled not to engage in such behavior.

Management did report to the Grand Jury a separate incident involving inappropriate banter. Those involved were counseled and to management's knowledge no further instances have occurred.

Recommendations:

R1) Review the effectiveness of the District's Sexual Harassment Policy and take appropriate steps to improve the training.

R2) the District's annual Prevention of Sexual Harassment training to be given as a separate program.

Response to both Recommendations. Management considers the current Sexual Harassment Policy to be sufficient. Regarding training, the District complies with California law by sending all employees in a supervisory role to attend 2 hours of Sexual Harassment Training on a biennial basis and provides annual in-house training to each employee on Harassment in the Workplace, which includes Sexual Harassment Prevention and Sexual Discrimination. Management is aware of one actual case of inappropriate sexual bantering and one reported case of inappropriate sexual comments and jokes over a period of 20 years. Currently management trains its employees on Sexual Harassment Prevention training in conjunction with other mandated safety/policy training subjects. Management will provide its next scheduled Sexual Harassment Prevention training as a stand-alone program.

Finding No. 2 The Grand Jury found no evidence to support a claim of retaliation against the complaining employee.

Response The District agrees with the finding.

Finding No. 3 The Nepotism policy #2230 applies to new applicants only.

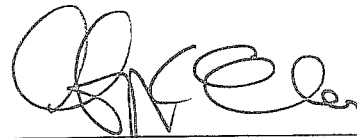
Response The District agrees with the finding.

Finding No. 4 There was no evidence of criminal violation occurring based on the review by the District Attorney's office

Response The District agrees with the finding.

This response was reviewed and approved by the Board of Trustees of the San Joaquin County Mosquito and Vector Control District at its regular meeting of July 17, 2012.

Respectfully Submitted,



CHRISTOPHER K. ELEY  
Attorney at Law

CKE/kl  
Cc: Clients  
Courtesy Copy: Honorable George Abdallah