

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 08/14/2018 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2018/465

Censure of Gus Kramer, County Assessor

WHEREAS, Contra Costa County is committed to providing a work environment that is free from unlawful discrimination, harassment and retaliation, where the sexual harassment of an employee, applicant for employment, intern, volunteer or contractor is never tolerated.

WHEREAS, County Administrative Bulletin 429.4, Policy Against Unlawful Discrimination, Harassment and Retaliation & Unlawful Discrimination, Harassment and Retaliation Complaint Procedure (copy attached) addresses the County's policy against unlawful employment practices and sets forth a complaint procedure that permits employees who believe they have experienced unlawful harassment or discrimination to: (1) file a complaint of unlawful harassment or discrimination with their supervisor or their department's Equal Employment Opportunity Coordinator; (2) file a complaint with the County's Equal Employment Opportunity Officer; or (3) file a complaint with the Contra Costa County Merit Board. The County Equal Employment Opportunity Officer is empowered to: (1) work with the Department to mediate the complaint; (2) refer the employee to the Contra Costa County Merit Board; or (3) conduct an investigation. These policies and procedures create a comprehensive system that supports the County's equal employment opportunity program.

WHEREAS, Administrative Bulletin 429.4 defines sexual harassment to include unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the workplace; or a pattern of repeated sexually harassing conduct that creates an abusive or hostile work environment. Examples may include: verbal conduct (advances, flirtations, inappropriate comments on a person's dress or physical features, inappropriate stories or jokes), visual conduct (derogatory posters, cartoons, drawings, emails, texts, or website content), or physical conduct (assault, impeding or blocking movement, offensive or unwanted touching, pinching grabbing, patting).

WHEREAS, in January 2018, a female Associate Appraiser in the Assessor's Office filed a complaint with the County's Equal Employment Opportunity Officer. Her complaint alleged that in 2014 and 2015, County Assessor Gus Kramer, made unwelcome comments to her of a sexual nature. She was concerned that her career in the Assessor's Office had been stalled after she reported these matters in 2015 to her department's Equal Employment Opportunity Coordinator. Following receipt of the complaint, an investigation of these matters by an independent outside attorney investigator was initiated.

WHEREAS, During the intake process another employee was named as a witness. It was alleged that this witness had also complained in 2015 to the department's Equal Employment Opportunity Coordinator about inappropriate comments of a sexual nature made by the Assessor, and that the witness believed that she had not been promoted for bringing her concerns forward. The outside attorney investigator also investigated this allegation.

WHEREAS, the independent outside attorney investigator sustained the following allegations, meaning that the investigator determined that it was more likely than not that the incidents listed below took place:

1. As to the initial complainant, there was sufficient evidence to indicate that Mr. Kramer engaged in the following conduct in 2014 and 2015:
 - a. Mr. Kramer frequently visited the complainant's cubicle on the first floor and the complainant frequently visited Mr. Kramer's office during 2014 and up to March 2015. During these visits they discussed work related and non-work related matters.
 - b. On one occasion Mr. Kramer told her that he had given a vibrator to a woman (not a County employee) as a gift. She thought that this was inappropriate and offensive.

c. Mr. Kramer sent her two text messages in 2014 that she believed suggested a romantic/sexual interest in her. The partial text messages provided by the complainant in support of this allegation are attached. She considered the texts to be inappropriate and unwelcome.

d. In May 2014, he offered her a rose, which she interpreted to be a romantic gesture.

2. As to the second employee/witness, there was sufficient evidence to indicate that Mr. Kramer made a comment in her presence in 2008 and told a story in her presence in 2013 concerning his social interactions with women that she thought were inappropriate and offensive; and that on one occasion in 2015 he made a comment to her that she believed was intended to be sexually suggestive and considered inappropriate, offensive and unwelcome.

WHEREAS, despite the fact that the independent attorney investigator found that: (1) the evidence did not show that Mr. Kramer retaliated against either employee or take action to negatively impact their careers; (2) the evidence did show that Mr. Kramer stopped making inappropriate and offensive comments of a sexual nature to both employees after he learned of their complaints in 2015; and (3) no further harassment complaints from these or any other employees have been made against Mr. Kramer since mid-2015; the Board considers the conduct described above to have been inappropriate and unbecoming of an elected County official. The Board expects all County employees, supervisors, department heads and officials to refrain from any conduct in the workplace that a reasonable person would consider to be inappropriate, offensive and unwelcome.

WHEREAS, although elected officials are not subject to the normal avenues of employee discipline, they should never consider themselves to be above reproach and should always be mindful of the fact that they are accountable to the voters.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of Contra Costa County does hereby censure Assessor Gus Kramer for engaging in the conduct described above and reminds Mr. Kramer that, as a County officer, it is his duty to provide a workplace free from sexual harassment. This is what the Board expects of all of its department heads, whether they are appointed or elected.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 14, 2018

Contact: -

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:



Contra
Costa
County

To: Board of Supervisors
From: Supervisor Karen Mitchoff & Supervisor John Gioia
Date: August 14, 2018
Subject: Censure of County Assessor Gus Kramer

RECOMMENDATION(S):

ADOPT Resolution 2018/465 censuring County Assessor Gus Kramer for engaging in the conduct described in the attached resolution which was inconsistent with the County's policy of providing a workplace free from sexual harassment.

REFER this matter to the Contra Costa County Civil Grand Jury to evaluate whether further investigation of the Assessor's conduct or the operational procedures of the Assessor's Office with regard to sexual harassment complaints is warranted.

FISCAL IMPACT:

No impact.

BACKGROUND:

There are six County departments that are managed by elected department heads: the Assessor, Auditor, Clerk-Recorder, District Attorney, Sheriff, and Treasurer-Tax Collector. These elected officials are responsible for managing the County employees who work in their departments. The Board of Supervisors does not have

APPROVE OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/14/2018** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: August 14, 2018

David J. Twa, County Administrator and Clerk of the Board of Supervisors

ABSENT: John Gioia, District I
Supervisor

By: June McHuen, Deputy

Contact: -

