

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfefh.ca.gov

17 SEP 18 PM 2:23

FILED REPT. CLERK OF
THE BD. OF SUPERVISORS
BY _____ DEPUTY

GOVERNOR EDMUND G. BROWN JR.

DIRECTOR KEVIN KISH

September 15, 2017

✓ Agent for Service for Kern County Human Services
County of Kern
Clerk of the Kern County Board of Supervisors
1115 Truxtun Avenue, 5th Floor
Bakersfield, CA 93301

Respondent:

Kern County Human Services

Co-Respondent(s):

Sonia Chagollan

Code No _____
BY ORDER OF THE BD/SUPV
Referred To County Counsel
13 pages

Copies Furnished Risk Management
& Human Resources
Filed by BD Supv 9/18/17
KATHLEEN KRAUSE
Clerk of the Board of Supervisors
By Laura Belden

RE: Notice of Filing of Discrimination Complaint - Response Requested

DFEH Number: 795473-289690

EEOC Number: 37A-2017-03182-C

Casas / Kern County Human Services

To All Listed Respondents:

Enclosed is a copy of a complaint filed with the Department of Fair Employment and Housing (DFEH). The enclosed complaint, in which you have been named a Respondent or Co-Respondent, alleges unlawful discrimination pursuant to Government Code section 12960.

The DFEH serves as a neutral fact-finder and represents the state of California rather than the complaining party. The merits of this complaint have not been determined. It was, however, subjected to a screening process, and the allegations, if proven, could support a finding of discrimination.

Government Code Section 12940, subdivision (f) or 12955 (f), prohibits any retaliatory action against a person because he or she has filed a complaint, has opposed any practices forbidden under the Fair Employment and Housing Act, or has assisted in any proceeding before the DFEH.

California Government Code section 12946 requires that all employment records (or union membership and referral records) be retained for a minimum of two (2) years. When a discrimination complaint has been served, the records must be kept until the DFEH closes its inquiry and until any resulting law suit or appeal has been terminated.

This complaint has also been filed with the U. S. Equal Employment Opportunity

Commission (EEOC). You need not reply to EEOC unless that agency specifically requests a response.

You must submit a response to the questions below and on the attached supplemental sheet within thirty (30) days of the date of this letter.

1. State the legal name of your business and any other name(s) under which you do or have done business in California.
2. State your business address. Please note that you are required to notify the DFEH in writing of any change of address and the effective date of such change while the complaint is under investigation and throughout any administrative adjudication. (California Code of Regulations, title 2, sections 7403 and 7411).
3. State type of legal business entity (i.e., corporation, partnership, limited partnership, sole proprietorship, etc.).
4. Does your company have a current contract(s) for the provisions of goods, services or public works with the State of California or receive federal funds? If so, name the awarding agency.

Your response can be submitted by mail. In all mailed correspondence, please include your DFEH number **795473-289690** and mail it to DFEH, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758.

If you are interested in discussing a possible settlement of this complaint, please contact me immediately. This will avoid unnecessary delay and limit any potential liability. All settlement discussions are confidential, and not subject to disclosure. All discussions referring to evidence or information which has a bearing on determining the merits of this complaint will not be considered part of a settlement discussion unless confidentiality is acknowledged by the DFEH. If a settlement is reached which is mutually acceptable to the parties, submission of the requested information may not be necessary.

If you have any questions, please contact me.

Sincerely,

Rosaline Madrigal
Staff Services Analyst
661-395-2770
rosaline.madrigal@dfeh.ca.gov

Enclosure
CERTIFIED MAIL: 7015-0640-0001-0941-1946

Notice of Filing of Discrimination Complaint – Response Requested
September 15, 2017

Page 3

cc: Kern County Dept. of Human Services
Sonia Chagollan
100 E California Ave
Bakersfield CA 93301
CERTIFIED MAIL: 7015-0640-0001-0941-1953

SUPPLEMENTAL QUESTIONS

Complainant: SandyB. Casas

Respondent: Kern County Human Services

File Date: May 08, 2017

1. Identify the person or persons designated to represent the company in this matter. Provide telephone contact number, email address, and mailing address for your representative(s).
2. Provide a statement of the employer's position with regard to the allegations contained in the complaint:

From February to March 2017 I was subjected to age harassment by Supervisor Sonia Chagollan. On a daily basis Sonia Chagollan would make comments such as "These old ones up here don't get it and I have to re-explain myself" "The old ones are in the front" "These old ones right here" and point at me (Details on File with DFEH) On March 21, 2017, I believe I was terminated based on my age (47), because I am aware of younger Eligibility Case workers who were allowed to continue the test process.

3. Provide copies of documents that support the employer's position regarding the allegations contained in the complaint.
4. Provide a description of your policy(ies) on harassment, discrimination, and retaliation. Provide a copy of any written policy and explain what steps have been taken to implement them.
5. Provide a copy of performance evaluations for Supervisor Sonia Chagollan. If evaluations are not available, provide a statement, with copies of any substantiating documentation, describing how well this person performed job duties and the circumstances surrounding any disciplinary actions.
6. Provide copies of any and disciplinary documentation, including but not limited to reprimands or warnings issued to the alleged harasser during the period of their employment.
7. State what information was provided by the Complainant pertaining to the complaint of age harassment and discrimination and clarify to who it was provided and when. Provide a copy of any written complaint submitted to Respondent or Respondent's representative by the Complainant concerning the harassment/discrimination.
8. Describe your organization's policy and procedures for processing employee

grievances/complaints. Submit a copy of any written grievance/complaint procedures relevant to the Complainant and the issues raised in the complaint.

9. Describe in detail all steps taken in the investigation of the Complainant's harassment/discrimination allegations, and state what corrective action(s), if any were taken by you or your representative as a result of the investigation.
10. Provide copies of all notes and documents compiled by you/your representative concerning the alleged harassment/discrimination, including the final investigative report.
11. Provide a list of all persons who worked under the supervision of Supervisor Sonia Chagollan during the period of 1/1/16 to the present. For each person provide their job title, dates of employment, current employment status, and provide their last known address/telephone numbers.
12. State whether the Respondent or Respondent's representative had, prior to Complainant's charge, been informed of any other complaints of harassment or discrimination involving the alleged harasser. If so, describe what was known, when it was known, and provide copies of any related documentation.
13. List the job title and provide a copy of any written job description for the alleged harasser. If no written job description exists, describe the duties and supervisor responsibilities.
14. Provide a description of your policy on harassment. Provide a copy of any written policy and explain what steps have been taken to implement it.
15. List the individuals that were interviewed in response to the complaint of harassment made by the Complainant against the alleged harasser and note for each individual interviewed their name, job title, date of interview, and name of the interviewer. Provide a copy of the interview notes.
16. Explain the present status of Supervisor Sonia Chagollan listed in the complaint.
17. Explain any action(s) taken to protect the Complainant from harassment.
18. Explain any action(s) taken to protect the Complainant from retaliation for filing the harassment complaint or for objecting to the alleged harassment.
19. List the names of all persons involved in making the specific decisions to which the Complainant objects. State each person's job title and responsibility as it related to the issues raised by the complaint.
20. Provide a copy of performance evaluations and disciplinary documentation for the Complainant. If evaluations are not available, provide a statement, with

copies of any substantiating documentation, describing how well the Complainant performed job duties and the circumstances surrounding any disciplinary actions.

21. State the reasons Complainant was terminated. Provide copies of any documentation supporting your reasons for the termination.
22. Describe the qualifications for the job most recently held by the Complainant. Provide a copy of any written job descriptions and job analysis for the position. If no written description exists, describe the duties, responsibilities, and minimum qualifications for hire.
23. Describe your company's practices regarding discipline and dismissal of employees in complainant's classification and work unit, including a description of the disciplinary steps required prior to termination for cause. Provide copies of any written policies in effect at the time of the termination in question.
24. Provide a copy of any written notice to complainant of the termination of employment.
25. Provide the work force distribution at the worksite by age as of 1/1/16 and 8/1/17.
26. List the names of all persons who were discharged at the Complainant's worksite during the period from 1/1/16 to 8/1/17. For each individual state protected basis, job title, date of hire, last known address/telephone numbers, date of separation from employment, and whether it was a termination of employment for cause. If terminated for cause state reasons.



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive Suite 100 | Elk Grove | CA | 95758
800-884 1684 | TDD 800 700 2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

August 24, 2017

SandyB Casas
4806 La Posta St #A
Bakersfield, CA 93307

Via email sandycasas14@gmail.com

RE **Request to Approve Complaint**
DFEH Matter Number 795473-289690
EEOC Number
Casas / Kern County Human Services

Dear SandyB Casas

This notice confirms that you have filed an inquiry and have been interviewed by a Department of Fair Employment and Housing representative. You must approve, sign and return the complaint before it can be investigated. If you do not approve the language on the complaint, please do not sign the complaint, instead, contact me to discuss your concerns. **If you do not return the signed complaint within 10 days, your inquiry will be closed and no further action will be taken.**

Please note that the information you provided is subjected to the Department's privacy policy and the California Public Records Act, Government Code section 6250 et seq.

Thank you for your cooperation.

Sincerely,
Rosaline Madrigal
Staff Services Analyst
661-395-2770
rosaline.madrigal@dfeh.ca.gov

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
Under the California Fair Employment and Housing Act
(Gov Code, § 12900 et seq)**

Complaint of
Sandy B Casas, Complainant
4806 La Posta St #A
Bakersfield, CA 93307

DFEH No 795473-289690
EEOC No 37A-2017-03182-C

vs

Kern County Human Services, Respondent
100 E California Ave
Bakersfield, CA 93301

Sonia Chagollan, As an individual, Co-Respondent,
Chamitra Robinson Adams, As an individual, Co-
Respondent

THE PARTICULARS ARE

1 I, SandyB Casas, allege that I was subjected to Discrimination, Harassment by respondent, Kern County Human Services due to one or more Fair Employment and Housing Act protected bases Age - 40 and over

2 I was Terminated The most recent harm occurred on or around March 31, 2017

3 My belief is based on the following From February to March 2017 I was subjected to age harassment by Supervisor Sonia Chagollan On a daily basis Sonia Chagollan would make comments such as These old ones up here dont get it and I have to re-explain myself The old ones are in the front These old ones right here and point at me (Details on File with DFEH) On March 21, 2017, I believe I was terminated based on my age (47), because I am aware of younger Eligibility Case workers who were allowed to continue the test process

VERIFICATION

I, **Sandy B Casas**, am the **Complainant** in the above complaint I have read the above complaint and know its contents I declare under penalty of perjury under the laws of the State of California that the above is true and correct of my own knowledge, except as to those matters alleged on information and belief, which I also believe to be true

Signature of Complainant or Complainant's Legal Representative

Date

Aug 25, 2017

Sandy B Casas (Aug 25, 2017)

Bakersfield, CA
Sandy B Casas

Document ID: 123456789
Created: 08/24/2017 10:52:46 AM PDT
By: Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
Status: Signed
Transaction ID: CBJCHBCAABAAALjeOXR5S_YMwXrkXSIQcdyCliv9q4ztD









Casas Complaint DFEH# 795473-289690

Adobe Sign Document History

08/25/2017

Created	08/24/2017
By	Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
Status	Signed
Transaction ID	CBJCHBCAABAAALjeOXR5S_YMwXrkXSIQcdyCliv9q4ztD

"Casas Complaint DFEH# 795473-289690" History

-  Document created by Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
08/24/2017 10 52 46 AM PDT IP address 165 235 41 108
-  Document emailed to Sandy B Casas (sandycasas14@gmail.com) for signature
08/24/2017 10 53 11 AM PDT
-  Document viewed by Sandy B Casas (sandycasas14@gmail.com)
08/25/2017 0 57 50 AM PDT IP address 66 102 6 216
-  Document e-signed by Sandy B Casas (sandycasas14@gmail.com)
Signature Date 08/25/2017 1 00 35 AM PDT Time Source server IP address 107 146 209 89
-  Document emailed to Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov) for approval
08/25/2017 1 00 36 AM PDT
-  Document viewed by Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
08/25/2017 12 30 52 PM PDT IP address 165 235 41 108
-  Document approved by Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
Approval Date 08/25/2017 12 31 47 PM PDT Time Source server IP address 165 235 41 108
-  Signed document emailed to Sandy B Casas (sandycasas14@gmail.com) and Rosaline Madrigal (rosaline.madrigal@dfeh.ca.gov)
08/25/2017 12 31 47 PM PDT



Adobe Sign

<p style="text-align: center;">EQUAL EMPLOYMENT OPPORTUNITY COMMISSION</p> <p style="text-align: center;">Sandy B Casas</p> <p style="text-align: center;">vs</p> <p style="text-align: center;">Kern County Human Services</p>	PERSON FILING CHARGE
	SandyB Casas
	THIS PERSON (CHECK ONE)
	<input checked="" type="checkbox"/> Clams to be aggrieved
	<input type="checkbox"/> Is filing on behalf of other person(s)
	DATE OF ALLEGED VIOLATION
February 01 2017 March 31 2017	
PLACE OF ALLEGED VIOLATION	
California, County of Kern	
EEOC CHARGE NUMBER	
37A-2017-03182-C	
FEPA CHARGE NUMBER (if known)	
795473-289690	

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS

(See EEOC Rules and Regulations for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964
- ☒ The Age Discrimination in Employment Act of 1967 (ADEA)
- ☐ The Americans with Disabilities Act of 1990 (ADA)

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to _____ (FEP Agency)
- ☒ The CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING and sent to the EEOC for dual filing purposes

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII charge) to investigate this charge EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- ☒ As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provision of Title VII and the ADEA as explained on the reverse side of this form apply.

For further correspondence on this matter, please use the charge number(s) shown:

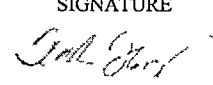
- ☐ An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- ☒ Enclosure: Copy of the Charge

BASIS OF DISCRIMINATION

- ☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☒ AGE ☐ OTHER
- ☐ DISABILITY ☐ RETALIATION

CIRCUMSTANCES OF ALLEGED VIOLATION

See attached complaint.

DATE	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL	SIGNATURE
September 09 2017	William R Tamayo	

INFORMATION SHEET ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 EEOC's Procedural Regulations provides that persons charged with employment discrimination such as yourself may submit a statement of position or evidence with respect to the allegations contained in this charge.

The Commission's Recordkeeping and Reporting Requirements are set forth in Title 29 Code of Federal Regulations (CFR) Part 1602 (see particularly Section 1602.14 below) for the Title VII and the ADA, 29 CFR Part 1620 for the EPA and 29 CFR Part 1627 for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge (for ADEA charges this notice constitutes the written request set out in Part 1627 for respondents to preserve records relevant to the charge - the records to be retained are as described in Section 1602.14, as cited below and should be kept for the periods described in that section). Parts 1602, 1620 and 1627 also prescribe record retention periods - generally three years for basic payroll records and one year for personnel records. Questions regarding retention periods and the types of records to be retained should be resolved by reference to the regulations.

Section 1602.14 Preservation of records made or kept. Where a charge of discrimination has been filed or an action brought by the Commission or the Attorney General against an employer under Title VII or the ADA, the employer shall preserve all personnel records relevant to the charge or the action. The term 'personnel records relevant to the charge' for example would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the aggrieved person applied and was rejected. The date of 'final disposition of the charge or the action' means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation was terminated.

NOTICE OF NON-RETALIATION REQUIREMENT

Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it shall be an unlawful employment practice for an employer to discriminate against any of his/her employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because s/he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The Equal Pay Act of 1963 contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with any person because s/he has exercised or enjoyed, or aided or encouraged others in their exercise of employment or rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including for example, to remedy the emotional harm caused by on-the-job harassment.

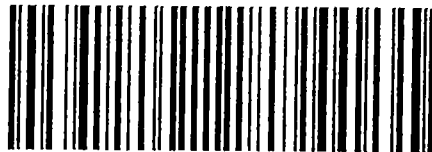
NOTICE REGARDING PRESENTATION BY ATTORNEYS

Although it is not necessary that you be represented by an attorney while we handle this charge, you have a right and may wish to retain an attorney to represent you. If you are represented by an attorney, we request that you provide the Commission with your attorney's name, address, and telephone number, and that you ask your attorney to write to the Commission confirming such representation.

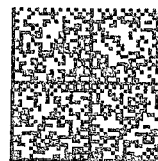


State of California
Business, Consumer Services,
**Department of Fair Employ
Enforcement Division**
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
www.dfeh.ca.gov

CERTIFIED MAIL

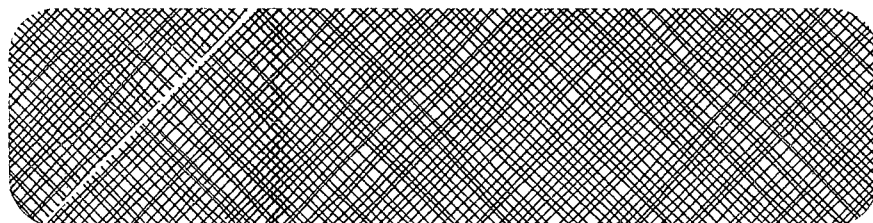


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Personal and Confidential: To be Opened by Addressee or Designee Only