COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Maria M. Oms
Auditor-Controller
John F. Krattli
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

October 25, 2005

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Tricia Taylor v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 319 635

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of $183,500.00.

2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-9910.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO:gs

Enclosures

MEMORANDUM

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MARY C. WICKHAM
Principal Deputy County Counsel
Labor & Employment Division

RE: **Tricia Taylor v. County of Los Angeles**
Los Angeles Superior Case No. BC 319635

DATE OF INCIDENT: June 2002 - June 2003

AUTHORITY REQUESTED: $183,500

COUNTY DEPARTMENT: Los Angeles Sheriff's Department

CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☐ Recommend to Board of Supervisors for Approval

_____, Chief Administrative Office
ROCKY ARMFIELD

_____, County Counsel
JOHN F. KRATTLI

_____, Auditor-Controller
MARIA M. OMS

on _____, 2005

SUMMARY

This is a recommendation to settle the case of Tricia Taylor v. County of Los Angeles, for an amount not to exceed $183,500.

Plaintiff, a Los Angeles Sheriff's Department ("LASD") employee, brought a lawsuit under the Fair Employment and Housing Act ("FEHA") alleging sexual harassment and retaliation against the County and retaliation against a LASD Captain. She seeks compensatory damages, emotional distress damages, punitive damages against the Captain, attorney's fees and costs.

The recommended settlement not to exceed $183,500 would include:

- $10,000 to Ms. Taylor;
- $35,000 to her credit union to extinguish her debt in that amount, to be paid at the end of 852 working days (approximately 4 years) providing she remains an employee in good standing, or upon her terminating her employment with the LASD within that period;
- $25,000 to a mutually agreed upon and accredited school for her training while she remains an LASD employee in good standing; and,
- $113,500 to her attorney for fees and costs.

LEGAL PRINCIPLES

An employer is liable for acts constituting sexual harassment committed by one employee against another where its agents or supervisors knew or should have known of the conduct and fail to take immediate and appropriate corrective action. Further, the mere presence of an employee who has engaged in particularly severe or pervasive harassment can, in and of itself, create a hostile work environment.

An employer is liable for retaliation toward an employee who has engaged in a protected activity, including reporting sexual harassment and suffers an adverse employment action as a result.

A prevailing plaintiff under the FEHA is entitled to attorneys' fees and costs.

SUMMARY OF FACTS

On June 17, 2002, Ms. Taylor filed an internal complaint alleging that on June 14, 2002, she had been kissed by a co-worker while in the workplace. The complaint was investigated, and the co-worker was given a one-day suspension from work for inappropriate conduct. Upon serving the suspension, the co-worker was returned to duty at the same workplace as Ms. Taylor. She complained that she felt threatened and uncomfortable, and that the mere presence of the co-worker created a hostile environment for her. One week after her complaint, the co-worker was relocated. When the co-worker was eventually moved from the building, Ms. Taylor was not allowed to access the building he had been reassigned to, and was, in fact, told to stay away, which she considered punishment. After she complained, she was reassigned to a job which she contends was less desirable.

On August 5, 2004, Ms. Taylor filed a lawsuit against the County for co-worker sexual harassment and against both a LASD Captain and the County for retaliation. She also sought punitive damages from the Captain.

DAMAGES

Should this matter proceed to trial, we anticipate that Ms. Taylor would seek the following damages:

Compensatory damages	$ 500,000
Emotional distress damages	$ 300,000
Attorney's fees and costs	$ 150,000
TOTAL	$ 950,000

STATUS OF CASE

The parties appeared in Department 18 of Los Angeles Superior Court on September 21, 2005, to commence trial. A three-week trial was anticipated. The trial judge requested that the parties conduct a Mandatory Settlement Conference under her direction. Over the next three days, the parties negotiated the proposed settlement. A hearing on an Order to Show Cause regarding dismissal has been ordered by the court for December 20, 2005.

EVALUATION

While we believe this case could be defended, there are factual matters which a jury could decide against the County, thereby exposing it to liability. In addition, the return of the co-worker to the same building as plaintiff following his internal affairs investigation is problematic. That decision, made by LASD executives, is difficult to explain.

In addition, once the co-worker was returned to the building and Ms. Taylor complained to her Captain about it, he did not take appropriate timely action. High-ranking Department managers have advised us, and would so testify, that the Captain handled the matter incorrectly and that he did not proceed as a supervisor should.

Additionally, all of the doctors who have examined Ms. Taylor, including a doctor selected by the County, would testify that as a result of this conduct, she has suffered emotional distress damages and evidences symptoms of post traumatic stress disorder.

Accordingly, we join the LASD in recommending settlement of this action for an amount not to exceed $183,500.00.

APPROVED:

David B. Kelsey

DAVID B. KELSEY
Assistant County Counsel
Labor & Employment Division

MCW:mag