

**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@dfeh.ca.gov

DIRECTOR KEVIN KISH

October 13, 2017

Agent for Service for City of El Cajon
City of El Cajon EEO Dept
200 Civic Center Way
El Cajon, California 92020

Respondent:

City of El Cajon

Co-Respondent(s):

Bill Wells City of El Cajon Mayor
Gary Kendrick City of El Cajon Council Member

RE: Notice of Filing of Discrimination Complaint - Response Requested

DFEH Number: 794009-307597

EEOC Number: 37A-2018-00111-C

Kalasho / City of El Cajon

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.

It is noted that this complaint was untimely filed; however, under California Code of Regulations, title 2, section 10018 and Department of Fair Employment and Housing v. Cairo (Sept. 14, 1984) No. 84-04, FEHC Precedential Decisions 1984-85, CEB 3 [1984 WL 54284], the one-year time limit for filing a complaint with the department may be tolled in cases where the DFEH itself, through no fault of the complainant, misleads the complainant about filing obligations, commits errors in processing the complaint, or improperly discourages or prevents the complainant from filing at all. The Department is pursuing this complaint based on these principles.

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

RECEIVED OFFICE OF
CITY CLERK
EL CAJON CA
2017 OCT 19 P 2:23

October 13, 2017

Page 2

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 **794009-307597** 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,

Adeola Egbeyemi

Adeola Egbeyemi
Staff Services Analyst
213-337-4467
adeola.egbeyemi@dfeh.ca.gov

Enclosure

CERTIFIED MAIL: 70162140000073756911

cc: City of El Cajon Mayor
Bill Wells
200 Civic Center Way
El Cajon, CA 92020

City of El Cajon Council Member
Gary Kendrick
200 Civic Center Way
El Cajon, CA 92020

SUPPLEMENTAL QUESTIONS

Complainant: Ben Kalasho

Respondent: City of El Cajon

File Date: October 11, 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 (Please see attached complaint language).
3. Provide copies of documents that support the employer's position regarding the allegations contained in the complaint.
4. Provide copies of Ben Kalasho's entire personnel file.

Harassment:

1. State what information was provided by Ben Kalasho pertaining to the complaint of verbal racial harassment and clarify to whom it was provided and when.
2. Provide a copy of any written complaint submitted to the City of El Cajon by Ben Kalasho concerning the harassment.
3. Describe your organization's policy and procedures for processing employee complaints. Submit a copy of any written complaint procedures relevant to Ben Kalasho and the issues raised in the complaint.
4. Provide copies of all notes and documents compiled by respondent concerning the alleged harassment, and provide a copy of your final investigative report.
5. Provide a list of all persons who worked under the supervision of Bill Wells for last two years. For each person listed state their position(s), date(s) of employment, whether still employed, and provide their last known address and home and work telephone numbers.
6. Provide copies of any reprimands or warnings issued to Bill Wells and Gary Kendrick for the last three years.
7. State whether the City of El Cajon had, prior to Ben Kalasho's charge, been informed of any other complaints of harassment by Bill Wells and Gary Kendrick.
8. List the job title and provide a copy of any written job description for Bill Wells and Gary Kendrick.
9. If no written job description exists, describe the duties and supervisory responsibilities.

10. 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.
11. Explain the present status of Bill Wells and Gary Kendrick listed in the complaint.
12. Explain any action(s) that have been taken or were taken to protect Ben Kalasho from retaliation for filing the harassment complaint or for objecting to the alleged harassment.
13. Explain how your organization communicates the policy statement prohibiting harassment to new employees.
14. Identify employees who worked with the charging party during the relevant period. Include:
 - Name, position, national origin
 - Last known address and telephone number.
15. Ben Kalasho asserts that he is the only Council Member asked to have his agenda topics approved prior to being placed on the agenda and not being called to speak up or be introduced at public events. Please respond to these allegations and provide documentation which supports your position.
16. List (by name) all employees who filed an internal or external complaint of discrimination the past three years and copy of each employee's complaint. For each employee listed provide their starting and ending dates of employment. If employee was terminated, state reasons for termination and date of termination.

**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
Ben Kalasho, Complainant.

██████████
El Cajon, California 92020

DFEH No. 794009-307597

EEOC No.

37A-2018-00111-C

vs.

City of El Cajon, Respondent.
200 Civic Center Way
El Cajon, California 92020

Bill Wells, As an individual, Co-Respondent;
Gary Kendrick, As an individual, Co-Respondent

THE PARTICULARS ARE:

1. I, Ben Kalasho, allege that I was subjected to Discrimination, Harassment by respondent, City of El Cajon due to one or more Fair Employment and Housing Act protected bases: National Origin - Including language use restrictions.
2. I was denied a work environment free of discrimination and/or retaliation and subjected to differential treatment. The most recent harm occurred on or around October 10, 2017.
3. My belief is based on the following: From November 2016 to October 2017, I was verbally harassment by Bill Wells, Mayor and Gary Kendrick, Council Member, which is discrimination based on my national origin (Iraq). The harassment was verbal in nature and occurred on numerous occasions. Examples include, but are not limited to Bill and Gary making comments such as "Camel", "Foreigner", "Hey Foreigner" and "Does Ben even know the Pledge of Allegiance?" in reference to my national origin. I never reported the verbal harassment to anyone out of fear that nothing would be done. Furthermore, I believe I was subjected to differential treatment on the basis of my national origin (Iraq). After a month of employment, I was unable to bring forth issues to the biweekly agenda. I have to have another councilman approve the topic before being placed on the agenda. And I am never

called up to speak or be introduced when out at public events. I am the only minority on the council board. I am aware of other non-Iraqi Council Members who are not subjected to the same treatment.

VERIFICATION

I, **Ben Kalasho**, 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:


Ben Kalasho (Oct 11, 2017)

Date:

Oct 11, 2017

**El Cajon CA
Ben Kalasho**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PERSON FILING CHARGE

Ben Kalasho

THIS PERSON (CHECK ONE)

- Claims to be aggrieved
 Is filing on behalf of other person(s)

DATE OF ALLEGED VIOLATION

Earliest Most Recent

January 01, 2017 October 10, 2017

PLACE OF ALLEGED VIOLATION

California, County of San Diego - S

EEOC CHARGE NUMBER

37A-2018-00111-C

FEP AGENCY CHARGE NUMBER (if known)

794009-307597

Ben Kalasho
 vs.
 City of El Cajon

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.

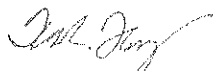
- An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
 Enclosure: Copy of the Charge

BASIS OF DISCRIMINATION:

- RACE COLOR SEX RELIGION NATIONAL ORIGIN AGE OTHER
 DISABILITY RETALIATION

CIRCUMSTANCES OF ALLEGED VIOLATION:

See attached complaint.

DATE October 13, 2017	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL William R. Tamayo	SIGNATURE 
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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.

Bill Wells
City of El Cajon Mayor
200 Civic Center Way
El Cajon, CA 92020

RECEIVED

OCT 19 2017

CITY MANAGER'S
OFFICE



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
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October 13, 2017

Agent for Service for City of El Cajon
City of El Cajon EEO Dept
200 Civic Center Way
El Cajon, California 92020

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CITY MANAGER'S
OFFICE

Respondent:

City of El Cajon

Co-Respondent(s):

Bill Wells City of El Cajon Mayor
Gary Kendrick City of El Cajon Council Member

RE: Notice of Filing of Discrimination Complaint - Response Requested
DFEH Number: 794009-307597
EEOC Number: 37A-2018-00111-C
Kalasho / City of El Cajon

RECEIVED OFFICE OF
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EL CAJON CA
2017 OCT 19 P 2:23

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October 13, 2017

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If you have any questions, please contact me.

Sincerely,

Adeola Egbeyemi

Adeola Egbeyemi
Staff Services Analyst

213-337-4467

adeola.egbeyemi@dfeh.ca.gov

Enclosure

CERTIFIED MAIL: 7016214000073756911

cc: City of El Cajon Mayor
Bill Wells
200 Civic Center Way
El Cajon, CA 92020

City of El Cajon Council Member
Gary Kendrick
200 Civic Center Way
El Cajon, CA 92020

SUPPLEMENTAL QUESTIONS

Complainant: Ben Kalasho

Respondent: City of El Cajon

File Date: October 11, 2017

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**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
Ben Kalasho, Complainant.
[REDACTED]
El Cajon, California 92020

DFEH No. 794009-307597
EEOC No.
37A-2018-00111-C

vs.

City of El Cajon, Respondent.
200 Civic Center Way
El Cajon, California 92020

Bill Wells, As an individual, Co-Respondent;
Gary Kendrick, As an individual, Co-Respondent

THE PARTICULARS ARE:

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I, **Ben Kalasho**, 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:


Ben Kalasho (Oct 11, 2017)

Date:

Oct 11, 2017

**El Cajon CA
Ben Kalasho**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PERSON FILING CHARGE

Ben Kalasho

THIS PERSON (CHECK ONE)

- Claims to be aggrieved
- Is filing on behalf of other person(s)

DATE OF ALLEGED VIOLATION

January 01, 2017 Earliest October 10, 2017 Most Recent

PLACE OF ALLEGED VIOLATION

California, County of San Diego - S

EEOC CHARGE NUMBER

37A-2018-00111-C

FEPA CHARGE NUMBER (if known)

794009-307597

Ben Kalasho
vs.
City of El Cajon

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

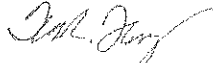
- An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- Enclosure: Copy of the Charge

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
October 13, 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.

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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.

Reverse side of EEOC Form 131/131-A (Test 10/94)

**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@dfeh.ca.gov

DIRECTOR KEVIN KISH

October 13, 2017

Agent for Service for City of El Cajon
City of El Cajon EEO Dept
200 Civic Center Way
El Cajon, California 92020

Respondent:

City of El Cajon

Co-Respondent(s):

Bill Wells City of El Cajon Mayor
Gary Kendrick City of El Cajon Council Member

RE: Notice of Filing of Discrimination Complaint - Response Requested

DFEH Number: 794009-307597
EEOC Number: 37A-2018-00111-C
Kalasho / City of El Cajon

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.

It is noted that this complaint was untimely filed; however, under California Code of Regulations, title 2, section 10018 and Department of Fair Employment and Housing v. Cairo (Sept. 14, 1984) No. 84-04, FEHC Precedential Decisions 1984-85, CEB 3 [1984 WL 54284], the one-year time limit for filing a complaint with the department may be tolled in cases where the DFEH itself, through no fault of the complainant, misleads the complainant about filing obligations, commits errors in processing the complaint, or improperly discourages or prevents the complainant from filing at all. The Department is pursuing this complaint based on these principles.

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

RECEIVED OFFICE OF
CITY CLERK
EL CAJON CA
2017 OCT 19 P 2:23

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 **794009-307597** 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,

Adeola Egbeyemi

Adeola Egbeyemi
Staff Services Analyst
213-337-4467
adeola.egbeyemi@dfeh.ca.gov

Enclosure

CERTIFIED MAIL: 70162140000073756911

cc: City of El Cajon Mayor
Bill Wells
200 Civic Center Way
El Cajon, CA 92020

City of El Cajon Council Member
Gary Kendrick
200 Civic Center Way
El Cajon, CA 92020

SUPPLEMENTAL QUESTIONS

Complainant: Ben Kalasho

Respondent: City of El Cajon

File Date: October 11, 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 (Please see attached complaint language).
3. Provide copies of documents that support the employer's position regarding the allegations contained in the complaint.
4. Provide copies of Ben Kalasho's entire personnel file.

Harassment:

1. State what information was provided by Ben Kalasho pertaining to the complaint of verbal racial harassment and clarify to whom it was provided and when.
2. Provide a copy of any written complaint submitted to the City of El Cajon by Ben Kalasho concerning the harassment.
3. Describe your organization's policy and procedures for processing employee complaints. Submit a copy of any written complaint procedures relevant to Ben Kalasho and the issues raised in the complaint.
4. Provide copies of all notes and documents compiled by respondent concerning the alleged harassment, and provide a copy of your final investigative report.
5. Provide a list of all persons who worked under the supervision of Bill Wells for last two years. For each person listed state their position(s), date(s) of employment, whether still employed, and provide their last known address and home and work telephone numbers.
6. Provide copies of any reprimands or warnings issued to Bill Wells and Gary Kendrick for the last three years.
7. State whether the City of El Cajon had, prior to Ben Kalasho's charge, been informed of any other complaints of harassment by Bill Wells and Gary Kendrick.
8. List the job title and provide a copy of any written job description for Bill Wells and Gary Kendrick.
9. If no written job description exists, describe the duties and supervisory responsibilities.

10. 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.
11. Explain the present status of Bill Wells and Gary Kendrick listed in the complaint.
12. Explain any action(s) that have been taken or were taken to protect Ben Kalasho from retaliation for filing the harassment complaint or for objecting to the alleged harassment.
13. Explain how your organization communicates the policy statement prohibiting harassment to new employees.
14. Identify employees who worked with the charging party during the relevant period. Include:
 - Name, position, national origin
 - Last known address and telephone number.
15. Ben Kalasho asserts that he is the only Council Member asked to have his agenda topics approved prior to being placed on the agenda and not being called to speak up or be introduced at public events. Please respond to these allegations and provide documentation which supports your position.
16. List (by name) all employees who filed an internal or external complaint of discrimination the past three years and copy of each employee's complaint. For each employee listed provide their starting and ending dates of employment. If employee was terminated, state reasons for termination and date of termination.

**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
Ben Kalasho, Complainant.
[REDACTED]
El Cajon, California 92020

DFEH No. 794009-307597
EEOC No.
37A-2018-00111-C

vs.

City of El Cajon, Respondent.
200 Civic Center Way
El Cajon, California 92020

Bill Wells, As an individual, Co-Respondent;
Gary Kendrick, As an individual, Co-Respondent

THE PARTICULARS ARE:

1. I, Ben Kalasho, allege that I was subjected to Discrimination, Harassment by respondent, City of El Cajon due to one or more Fair Employment and Housing Act protected bases: National Origin - Including language use restrictions.
2. I was denied a work environment free of discrimination and/or retaliation and subjected to differential treatment. The most recent harm occurred on or around October 10, 2017.
3. My belief is based on the following: From November 2016 to October 2017, I was verbally harassment by Bill Wells, Mayor and Gary Kendrick, Council Member, which is discrimination based on my national origin (Iraq). The harassment was verbal in nature and occurred on numerous occasions. Examples include, but are not limited to Bill and Gary making comments such as "Camel", "Foreigner", "Hey Foreigner" and "Does Ben even know the Pledge of Allegiance?" in reference to my national origin. I never reported the verbal harassment to anyone out of fear that nothing would be done. Furthermore, I believe I was subjected to differential treatment on the basis of my national origin (Iraq). After a month of employment, I was unable to bring forth issues to the biweekly agenda. I have to have another councilman approve the topic before being placed on the agenda. And I am never

called up to speak or be introduced when out at public events. I am the only minority on the council board. I am aware of other non-Iraqi Council Members who are not subjected to the same treatment.

VERIFICATION

I, **Ben Kalasho**, 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:


Ben Kalasho (Oct 11, 2017)

Date:

Oct 11, 2017

**El Cajon CA
Ben Kalasho**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ben Kalasho
vs.
City of El Cajon

PERSON FILING CHARGE

Ben Kalasho
THIS PERSON (CHECK ONE)
 Claims to be aggrieved
 Is filing on behalf of other person(s)
DATE OF ALLEGED VIOLATION
Earliest Most Recent
January 01, 2017 October 10, 2017
PLACE OF ALLEGED VIOLATION
California, County of San Diego - S
EEOC CHARGE NUMBER
37A-2018-00111-C
FEPA CHARGE NUMBER (if known)
794009-307597

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
October 13, 2017	William R. Tamayo	

INFORMATION SHEET ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

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Reverse side of EEOC Form 131/131-A (Test 10/94)

Gary Kendrick
City of El Cajon Mayor
200 Civic Center Way
El Cajon, CA 92020

RECEIVED

OCT 19 2017

CITY MANAGER'S
OFFICE

