



Office of the
City Attorney

August 15, 2014

Danuta W. Tuszynska, Esq.
Law Offices of Danuta W. Tuszynska
7121 Magnolia Ave.
Riverside, CA 92504

Subject: Darlene Elliot, Assistant to Mayor Bailey; Our File No. 14-1659

Dear Ms. Tuszynska:

The City of Riverside is in receipt of your undated letter regarding Darlene Elliot (Elliot) in which Elliot has made a settlement demand of the City summarized as follows:

1. Provide Elliot with a lateral transfer to the position of Principal Management Analyst in Public Utilities.
2. Provide a copy of Elliot's personnel file pursuant to California Labor Code Sections 432 and 1198.5.

Elliot's demand is based upon the allegations as stated in your letter, on her behalf, to the City. They are as follows:

1. The June 20, 2014, meeting with Maureen Kane (Kane) in which Elliot was told by Kane that she would be transferred to the Parks and Recreation Department against her wishes.

Kane never told Elliot that Elliot was being transferred. Instead, Kane was aware that Elliot had voiced many complaints that Elliot was not paid enough and had been looking for other employment, including outside of the City organization. Kane was made aware of a position in the Parks and Recreation Department and informed Elliot of the opening. Kane suggested that Elliot could meet with Adolpho Cruz (Cruz), Director of Parks and Recreation, to learn more about the job. The proposed job is within the same classification as that currently held by Elliot, but the pay range is higher and permitted room for future pay increases. In fact, Elliot expressed to Kane her willingness to consider the position in the Parks and Recreation Department, but never followed through.

There is a close relationship between Elliot's skills and qualifications and the job in the Parks and Recreation Department. Again, Elliot was merely encouraged to meet with the Parks and Recreation Director to learn more about the job so she could consider if she wanted to pursue the opportunity to change jobs within the City organization. Kane did not state that Elliot would not have a job in the Office of the Mayor at any time.



August 15, 2014

Page 2

There is no merit to this allegation.

2. Elliot alleges that Kane stated she wanted to see an investigation conducted as to how Councilman Davis became aware of the conversation Kane had with Elliot concerning the potential job for Elliot in the Parks and Recreation Department.

No such statements were made by Kane and no such investigation has been discussed or undertaken.

There is no merit to this allegation.

3. When Elliot capitulated to the pressure and asked for a position in Public Utilities, she was denied same.

At no time did Kane, or anyone else in the City organization, represent to Elliot that Elliot could transfer to the Public Utilities Department, or any other department, within the City organization. Instead, Elliot was encouraged to apply for any job opportunity she had an interest in, including within the City organization.

There is no merit to this allegation.

4. At a July 7 meeting, Elliot was told by the new Assistant Human Resources Director that Elliot's option is to find another job or take severance pay, in yet another effort to force out Elliot.

The Assistant Human Resources Director was brought in by Kane to discuss all employment alternatives for Elliot within the City organization. One of the alternatives discussed included Elliot requesting a severance option from the City to continue in Elliot's stated efforts at finding another job outside of the City organization. The other options discussed included Elliot remaining in her current job in the Office of the Mayor and applying for other posted jobs within the City organization for which Elliot is qualified, or continuing her ongoing search outside of the City organization for employment while remaining employed in the Office of the Mayor in her current job.

There is no merit to this allegation.

5. Kane routinely uses the phrase "your people" to Elliot and Kane stated to Elliot that Kane's daughter was having a "Mexican" party and everyone was dressing up as Mexicans.

Kane denies frequently saying "your people" to Elliot as stated in her complaint. Elliot's report of Kane's daughter having a Mexican party was based upon Kane sharing that Kane's daughter had wanted a Quinceanera when she was 15. Kane's daughter has strong ties to the

August 15, 2014
Page 3

Hispanic community and her first language is Spanish. Kane gave her daughter a "Sweet Sixteen" party instead and now, as an adult, her daughter had a birthday party with the theme of a Quinceanera to mark her 30th year. Kane's daughter's birthday guests came to the party in the appropriate attire for such an event. Elliot's characterization of this event, in her complaint, as an example of discrimination against her is completely unfounded.

There is no merit to this allegation.

Conclusion: Elliot has a job in the Office of the Mayor. The effort to assist Elliot with her stated goal to leave the Office of the Mayor to earn more money elsewhere was without any discriminatory motivations. In fact, it is consistent with all of the efforts to maintain her in the Office of the Mayor when the current Mayor was elected and Elliot was very afraid of losing her job. Historically, when a new Mayor takes office, he/she hires all or mostly new staff in the Office of the Mayor. Elliot, upon the installation of the current Mayor, expressed fear that she'd be displaced and couldn't go back to Public Utilities. The Mayor's office determined that Elliot would be allowed to stay employed in the Office of the Mayor, but due to staffing changes, she accepted a lower paid position, in which she continues to be employed.

The City continues to employ Elliot in the Office of the Mayor and she remains free to exercise all of her rights in the same manner as any other employee of the City to apply for a vacant position for which she is qualified, or to resign from City service for a better opportunity elsewhere.

Additionally, the City has sent to you Elliot's personnel file under separate cover.

Sincerely,



Robert L. Hansen,
Deputy City Attorney

cc: William R. Bailey III, Mayor
Brenda Diedrichs, Human Resources Director ✓

RLH:mm