

San Diego senior citizen services worker alleges harassment, groping by boss



City of San Diego Park and Recreation truck (San Diego Union-Tribune)



By **Morgan Cook** · Contact Reporter

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- A lawsuit by a San Diego city employee claims her former supervisor sexually harassed her and intimately touched her without her consent while at work.
- The supervisor did not respond to requests for comment, and the City Attorney's Office said it would respond through the courts.
- The lawsuit seeks damages including lost wages and opportunities at work and emotional distress.

A City of San Diego employee has filed a lawsuit against the city and her former supervisor, who she alleges sexually harassed her and on one occasion grabbed her and touched her breasts in the workplace and without her consent.

Jazmin Garcia, 29, filed the lawsuit against the city and her former supervisor, Frank Cardenas, on Jan. 19, San Diego Superior Court records show. She alleges, among other things, that the city failed to prevent Cardenas from sexually harassing her on a regular basis and eventually sexually battering her in her cubicle during working hours.

Joshua Gruenberg, a San Diego-based attorney who is representing Garcia, said employers including the city have long been required to train and educate employees to prevent sexual harassment.

“What we don’t understand is how this manager was allowed to escape proper training and education in this area,” Gruenberg said. “And those are questions we intend to find the answers to.”

Cheryl Nolan, a spokeswoman for the San Diego City Attorney’s Office, said the office would review the complaint and respond to the allegations through the courts. Reached by telephone, Cardenas declined to comment.

According to the lawsuit, Garcia started working for the city as a recreation leader in its Park and Recreation Department in June 2014. Cardenas became Garcia’s supervisor the following year, when she advanced to a job as assistant recreation center director for senior citizen services.

Garcia alleges in the lawsuit that Cardenas “persistently and pervasively” sexually harassed her by making inappropriate comments to her and touching her body without her consent. He referred to Garcia as “Jazzy,” a nickname he had given her, the lawsuit claims.

Garcia reported Cardenas’s behavior to upper management after an incident in which Cardenas got angry at her and raised his hand to her face, as though threatening to strike her, according to the lawsuit. Cardenas’ superiors did not take any disciplinary action against him, the lawsuit said.

Garcia told Cardenas directly that his behavior made her uncomfortable, the lawsuit said, adding that he responded by urging her to be more friendly to him if she wanted to get the support she needed to advance her career in city government.

Later, Cardenas became physically aggressive towards Garcia, grabbing her by the arm on multiple occasions — once so hard it caused a surgical wound to open and bleed, according to the lawsuit.

In February 2017, Cardenas asked to meet with Garcia in her cubicle, according to the lawsuit. There, out of the view of colleagues, Cardenas told her he liked her a lot and then he said, “Just trust me...I just want to hold you,” and opened his arms, the lawsuit says.

Feeling scared and trapped, Garcia stood to leave, the lawsuit said, adding that Cardenas grabbed her and forcefully pulled her into a hug. The lawsuit said he held her tightly as she struggled to free herself, and whispered, ““Oh, Jazzy, baby”” in her ear. He then allegedly moved his hands under her sweater and pressed them against the sides of her breasts, according to the lawsuit.

Garcia was shaken by the incident, which left her feeling humiliated, “ashamed and disgusted in her own skin,” according to the lawsuit. She told her friend about the incident in a text message the next day, the document says. She wrote, in part, ““I have to tell you because I almost want to pretend it didn’t happen,”” the lawsuit said.

A day later, Garcia filed a sexual harassment complaint with her union representative, the lawsuit said. The representative gave her some information about the entities she could ask to conduct an internal investigation.

The city granted Garcia’s request for a temporary work assignment and she was allowed to work remotely from a different city building where she would not have to be near Cardenas, the lawsuit said, adding that Cardenas remained her supervisor.

Garcia chose to have the city conduct the investigation, believing it was the quickest path to a resolution, according to the lawsuit. A three-person panel interviewed her on three separate occasions, asking her questions “such as whether she ever wore ‘spunks and a crop top to work,’” and if she had ever made fun of Cardenas’ age, the lawsuit said.

Garcia vehemently denied during the interviews that she had made fun of Cardenas’ age or wore spunks and a crop top to work, the lawsuit said. The questions made her feel like the panel was soliciting information to use against her.

Three months after her last interview, Garcia received a letter telling her the investigation was able to “corroborate that there were violations of city policies and procedures,” according to the lawsuit. It said upper management would decide if further action was necessary.

But Cardenas did not experience any consequences or change in his employment status during the investigation or in the following months, leading Garcia to believe that he would “get away with what he had done to her” and continue to victimize others, according to the lawsuit, which also said Garcia became so anxious and depressed she had to take medical leave from work.

Garcia’s temporary assignment was extended, but her department’s upper management “retaliated against” her by constantly pressuring her to return to the office where Cardenas worked, the lawsuit said, adding that Garcia started seeing a psychologist.

Garcia said she was not comfortable working in close proximity to Cardenas, but the pressure continued and intensified until she agreed to resign her temporary position and return to the office where Cardenas worked, the lawsuit said, adding that she then had a panic attack at work and had to be taken to urgent care.

Garcia had to take medical leave to address her physical and emotional health, the lawsuit said, adding that when she returned to work, Cardenas was no longer there. The lawsuit said Garcia tried and failed to get information about his whereabouts so she could avoid him.

Unsure if he was still working for the city, Garcia lived in constant fear that she would run into him at work, the lawsuit said.

The lawsuit asked the court to award Garcia damages as it deems appropriate to compensate Garcia for losses including wages and opportunities at work, emotional distress, and the legal costs to bring the lawsuit.