

S.D. paying out \$350K in assault case

Worker says she was mistreated by supervisor and retaliated against

By David Garrick

SAN DIEGO UNION TRIBUNE

The San Diego City Council has approved a \$350,000 payout to a city recreation worker who filed a lawsuit claiming she was sexually assaulted and repeatedly sexually harassed by a supervisor.

Jazmin Garcia says city officials retaliated against her when she reported the alleged behavior, denying her a potential promotion and encouraging her to return to the worksite she had shared with the supervisor who allegedly assaulted and harassed her.

Council members approved the settlement last week in a session closed to the public. They must approve it a second time in an open session that city officials said would likely take place next month.

Garcia, who was hired as a recreation leader in June 2014, claims in her lawsuit filed last year that a supervising recreation specialist frequently touched her without consent and repeatedly made inappropriate statements.

The statements allegedly included compliments about her hair and make-up and comments such as “who are you looking fresh for” and “you are just pretty like a swap meet model” and “when I see you, I get all excited.”

The lawsuit says the alleged behavior escalated slowly and steadily over time, culminating in a sexual assault in February 2017 that included the supervisor touching Garcia’s breasts, moving his hands under her sweater and pinning her down.

Since then, she has had difficulty eating, sleeping and swallowing, the complaint said.

Garcia also claims in the suit that the supervisor once gripped her arm so hard that he opened a surgical incision and drew blood. She also claims that he smirked at her and said he was jealous of her boyfriend.

The suit also claims that the supervisor told Garcia that if she wanted to advance her career at the city, she needed to treat him well and focus on his opinion of her.

He allegedly reminded her repeatedly that when her one-year probationary period came to an end that he would be writing a review of her performance.

Garcia said in the suit she complained multiple times to superiors about the supervisor's actions, which ultimately led to an internal investigation that found sufficient evidence of problematic behavior.

But the suit says the probe took much longer than supervisors had told Garcia it would take, and that a district manager encouraged Garcia to return to City Hall before it was over, even though the supervisor was working there.

In addition, Garcia claims that a temporary promotion she got was rescinded when she began missing multiple work days in the wake of the assault.

Garcia also claims in the suit that when she contacted City Attorney Mara Elliott's office to inquire about why the investigation and disciplinary action was taking long she didn't hear back for nearly two months.

A spokeswoman for Elliott declined to comment on the settlement or the lawsuit, which was filed last year.

david.garrick@sduniontribune.com

https://enewspaper.sandiegouniontribune.com/infinity/article_share.aspx?guid=f7c37f6b-7c08-4aec-adca-85092b21660e