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Electronically
FILED
by Superior Court of California, County of San Mateo
ON 5/21/2025
By /s/ Kimberly Claussen
Deputy Clerk

Attorneys for Plaintiff ALICIA GARCIA

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN MATEO**

11 ALICIA GARCIA,

12 Plaintiff,

13 vs.

14 COUNTY OF SAN MATEO, MARK
15 CHURCH, JAMES IRIZARRY, JULIETA
16 FERNANDEZ and DOES 1-10, inclusive,

Defendants.

Case No. 25-CIV-04000

COMPLAINT FOR DAMAGES

1. RACIAL DISCRIMINATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT ("FEHA"), CAL. GOV. CODE §§12940 ET SEQ.;
2. DISABILITY DISCRIMINATION IN VIOLATION OF FEHA, CAL. GOV. CODE §§12940 ET SEQ.;
3. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF FEHA, CAL. GOV. CODE §§12940(m) ET SEQ.;
4. FAILURE TO MAKE REASONABLE ACCOMMODATION IN VIOLATION OF FEHA §§12940 ET SEQ.;
5. RETALIATION IN VIOLATION OF FEHA CAL. GOV. CODE §§12940 ET SEQ.;
6. FAILURE TO PREVENT DISCRIMINATION IN VIOLATION OF FEHA, CAL. GOV. CODE §§12940(k) ET SEQ.;
7. HOSTILE WORK ENVIRONMENT BASED ON RACE AND/OR DISABILITY IN VIOLATION OF FEHA, GOV. CODE §12940;
8. BULLYING IN VIOLATION OF FEHA GOV. CODE §12940 ET SEQ
9. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;

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- 10. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS.
- 11. WHISTLE BLOWER RETALIATION UNDER CAL. LABOR CODE §1102.5
- 12. VIOLATION OF CAL. LABOR CODE §515 ET SEQ (FAILURE TO PAY OVERTIME)

JURY TRIAL DEMANDED

Plaintiff ALICIA GARCIA files this complaint, requests a trial by jury, and alleges:

I. PARTIES/JURISDICTION

1. At all relevant times herein Plaintiff ALICIA GARCIA (hereafter “Plaintiff”) was a resident of Union City in the County of Alameda, California.

2. Defendant, COUNTY OF SAN MATEO (“County”), is a government entity existing in San Mateo County, California. Defendant MARK CHURCH is an individual residing, on information and belief, in San Mateo County. Defendant JAMES IRIZARRY is an individual residing, on information and belief, in San Mateo County. Defendant JULIETA FERNANDEZ is an individual residing, on information and belief, in San Mateo County.

3. The acts complained of in this complaint, including race and disability discrimination, retaliation, additional statutory violations, and tortious acts against the Plaintiff occurred in San Mateo County.

4. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants Does 1 through 10, inclusive, are unknown to Plaintiff at this time; therefore, Plaintiff sue said Defendants, and each of them, by such fictitious names and will ask leave of court to amend the complaint to show their true names and capacities when the same have been ascertained. Plaintiff is informed and believes, and therefore alleges, that each of the Defendants designated as a Doe is responsible in some manner for the events and happenings herein referred to and hereby proximately caused the injuries and damages to the Plaintiff as alleged herein.

5. At all relevant times Defendants Does 1 through 10, inclusive, were the agents,

1 servants and employees of their co-Defendants, individually and collectively, and in doing the
2 things hereinafter alleged were acting with the scope of their authority as such agents, servants and
3 employees and with the consent of their co-defendants.

4 6. Plaintiff has exhausted her administrative remedies. On November 23, 2024, plaintiff
5 filed her administrative complaint with the State of California Civil Rights Department ("CRD")
6 and on that same date, she received a right to sue notice and notice of case closure from the CRD
7 for each of her various statutory claims alleged herein. (See **Exhibit 1**, copy of CRD complaint
8 and right to sue notice both dated November 23, 2024, incorporated herein by this reference).
9 Plaintiff also filed an amended tort claim, which was received by the San Mateo County Board of
10 Supervisors Board on October 21, 2024. (See **Exhibit 2**, copies of initial and of amended tort
11 claims date stamped October 8, 2024 and October 21, 2024 incorporated herein by reference.) The
12 claims were rejected by the County. (See **Exhibit 3**, copy of rejection notice dated November 21,
13 2024 and postmarked November 22, 2024.)

14 **II. FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

15 - **Plaintiff's Background**

16 7. Plaintiff Alicia Garcia (DOB 10/7/1984) was born in Redwood City, CA. Both of her
17 parents are of Mexican descent who emigrated to the United States.

18 8. Plaintiff earned a bachelor's degree in communications from the University of San
19 Diego and a master's degree in public administration from Golden Gate University, where she was
20 inducted into Pi Alpha Alpha (PAA), the National Honor Society for Public Affairs and
21 Administration. She is fluent in both English and Spanish.

22 9. The experiences of her parents living in San Mateo County's unincorporated
23 community of North Fair Oaks greatly influenced plaintiff's decision to pursue a career in public
24 service. Plaintiff began her career with the County of San Mateo in June 2010, employed as a
25 Child Support Customer Service Specialist in the Department of Child Support Services. In
26 January 2012, she became the Executive Assistant to the County Manager in the County Manager's
27 Office. Subsequently, in February 2017, she began working as a Budget Analyst in the County
28 Manager's Office of Budget, Policy, and Performance. In December 2018, plaintiff joined the

1 Assessor-County Clerk-Recorder-Elections Department (“Department”) as a Management Analyst.

2 10. Throughout her employment by San Mateo County, plaintiff has consistently
3 demonstrated herself as a honest, hard working, and capable employee. Her goal has been to be
4 a forward-thinking leader, enhancing organizational efficiency and accountability in each of her
5 roles. Her career spans a range of administrative disciplines with a strong emphasis on budgetary
6 practices, financial planning, contract management, and project management.

7 11. In recognition of her commitment and performance, plaintiff was awarded the San
8 Mateo County Employee of the Month Award in 2014. In March 2018, she received an Honorary
9 Commendation from the San Mateo County Board of Supervisors for her dedication and hard work
10 in preparing the County’s two-year budget. Plaintiff loved her job.

11 12. Beginning in approximately Spring of 2023, plaintiff’s work environment began to
12 deteriorate. As described more fully below, defendants Church, Irizarry and Fernandez have
13 subjected plaintiff to a series of adverse and hostile conduct, comments, and arbitrary actions and
14 decisions without any business justification. Plaintiff’s race, Hispanic, has been a motivating
15 factor in this adverse treatment. During that time frame, plaintiff has been subjected to the
16 following adverse employment actions by the defendants, including, *inter alia*, (a) passed over for
17 promotion in favor of less qualified, non-Hispanic applicants; (b) given inferior, menial
18 assignments; (c) treated like a pariah, including routinely being excluded from work seminars;
19 (d) deliberately denied necessary departmental communications and other essential information
20 necessary to perform her job; (e) generally ignored and marginalized by her managers, notably
21 defendants Fernandez and Church; and (f) excluded from work meetings, lunches, and other work-
22 related activities.

23 13. In particular, defendant Fernandez, who is of Asian descent, went out of her way to
24 maliciously and publicly demean and humiliate plaintiff based upon her race. Examples of such
25 conduct by Fernandez are included below.

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1 **FIRST CAUSE OF ACTION**

2 **Racial Discrimination in Violation of FEHA**

3 **(Against Defendant County of San Mateo)**

4 14. Plaintiff realleges and incorporates by reference the allegations contained in the
5 preceding paragraphs as if fully set forth herein.

6 15. At all times material hereto, the Fair Employment & Housing Act, Government
7 Code §12940 et seq, (“FEHA”) was in full force and effect and was binding upon the
8 defendant County. Said statute required defendant County, and its employees and agents, to
9 refrain from discriminating against plaintiff on the basis of her race-Hispanic, within the
10 meaning of Government Code §12926(1), and the corresponding regulations contained in the
11 California Code of Regulations.

12 16. Defendant County owed plaintiff a duty not to discriminate against her in the terms
13 and conditions of her employment on the basis of her race-Hispanic, mandated by FEHA Cal.
14 Gov. Code §12040(a). In violation of this duty, defendant County subjected plaintiff to
15 disadvantageous terms and conditions of employment to which similarly situated non-Hispanic
16 employees were not exposed, including hostile working conditions, discrimination, retaliation,
17 and loss of promotional opportunities, all of which caused plaintiff to suffer severe humiliation
18 and physical and mental distress, ultimately resulting in severe and disabling emotional and
19 physical injuries.

20 17. Defendant County through its agents, defendants Church, Fernandez and Irizarry,
21 made plaintiff’s work environment intolerable by, *inter alia*, the following actions:

- 22 - demotion without cause, and in violation of County’s written policies;
- 23 - menial assignments;
- 24 - forced to sit outside in the public area of the County building during an
25 important fiscal meeting of the Board of Supervisor’s chambers;
- 26 - falsely accused of poor performance on numerous occasions, both verbally and
27 in writing by defendant Fernandez;
- 28 - forced to work long hours of uncompensated overtime to meet department

1 deadlines;

- 2 - forced to perform non-exempt overtime work at least 50% of the time on a
- 3 significant number of days without additional wages;
- 4 - loss of earned vacation time when forced to work to meet department deadlines;
- 5 - assigned an inferior cubicle on the third floor of the office when defendant
- 6 Fernandez was overhead to say she did not want plaintiff near her on the first
- 7 floor;
- 8 - uniformly harsh comments by Fernandez, plus punitive actions supposedly
- 9 ordered by defendant Church, who was frequently nowhere to be seen during the
- 10 work day;
- 11 - additional hostile comments and actions as described in the Exhibit 1, Exhibit
- 12 A-F thereto;
- 13 - belated and/or inadequate investigation of plaintiff's complaints by the County
- 14 HR Department.

15 18. Prior to the events described in this complaint, plaintiff's formal and informal
16 performance reviews were uniformly positive. Plaintiff did not have any significant adverse
17 employment actions or experiences until defendant Fernandez became plaintiff's de facto
18 supervisor as Mr. Church's "alter ego." During plaintiff's tenure in the Department, many staff
19 have left or resigned, including several Hispanic employees, many with similar complaints of
20 hostile treatment by Fernandez and others whose adverse treatment went unchallenged by not
21 only co-defendants Church and Irizzary, and, as of the filing of this complaint, by the County's
22 HR Department as well.

23 19. The above adverse actions taken by managing agents of defendant County were
24 substantially motivated by plaintiff's race under the legal standards set forth in *Wallace vs.*
25 *County of Stanislaus* (2016) 245 Cal.App.4th 109 and CACI Nos. 2450 and 2507.

26 20. As a direct and proximate cause of defendants' discriminatory conduct against the
27 plaintiff based on her race, plaintiff sustained significant harm in the form of economic
28 damages, and severe emotional distress, in an amount in excess of the minimum jurisdiction of

1 this Court and according to proof. Plaintiff also is entitled to an award of attorney fees and
2 costs incurred pursuant to Government Code §12965(b).

3 21. Defendants' malicious conduct alleged above took place within the course and
4 scope of their employment, thereby resulting in vicarious liability of the defendant County.

5 22. As a result of the adverse actions alleged in this complaint by defendants and other
6 managing agents of the defendant County, plaintiff was forced to seek medical leave and
7 submit her application for workers' compensation benefits. Defendant County through its
8 supervisors and managing agents either intentionally created or knowingly permitted a
9 continual pattern of adverse working conditions that were not only intolerable, but have caused
10 plaintiff significant physical and mental injuries.

11 **SECOND CAUSE OF ACTION**

12 **Disability Discrimination - Failure to Engage in a Good Faith Interactive Process in**

13 **Violation of FEHA**

14 **(Against Defendant County of San Mateo)**

15 23. Plaintiff hereby realleges and incorporates by reference the allegations contained in
16 the preceding paragraphs as if fully set forth herein.

17 24. Defendant County owed Plaintiff the legal duty to engage in a timely, good faith,
18 and adequate interactive process with her to identify effective and reasonable accommodations
19 in response to her complaints, including creating a working environment without the above-
20 described debilitating hostile comments, false criticisms, ostracism and unequal treatment,
21 providing an assignment with modified duties and a finite leave of absence, without retribution
22 and without without causing undue hardship to the County.

23 25. Defendant County breached its legal duty to the plaintiff to engage in the interactive
24 process by failing to consider and/or arbitrarily rejecting the above alternative measures to
25 reasonably accommodate the plaintiff.

26 26. As a direct and proximate result of defendant County's breach of duty under
27 California Government Code §12940, plaintiff has sustained physical and psychological harm,
28 including but not limited to, aggravation of severe stress, anxiety, and symptoms of depression,

1 which have worsened the longer defendant County failed to engage in the interactive process in
2 good faith with the plaintiff. Plaintiff has sustained ongoing severe physical and emotional
3 distress and economic damages in an amount to be proven at trial.

4 27. Plaintiff is entitled to statutory attorney fees and costs under Government Code
5 §12965(b).

6 **THIRD CAUSE OF ACTION**

7 **Disability Discrimination - Failure to Engage in a Good Faith Interactive Process in**
8 **Violation of FEHA**
9 **(Against Defendant County of San Mateo)**

10 28. Plaintiff hereby realleges and incorporates by reference the allegations contained in
11 the preceding paragraphs as if fully set forth herein.

12 29. Defendant County owed Plaintiff the legal duty to engage in a timely, good faith,
13 and adequate interactive process with her to identify effective and reasonable accommodations
14 in response to her complaints, including creating a working environment without the above-
15 described debilitating hostile comments, false criticisms, ostracism and unequal treatment,
16 consideration of an assignment with reasonable working hours, modified duties and a finite
17 leave of absence, without retribution and without without causing undue hardship to the
18 County.

19 30. Defendant County breached its legal duty to the plaintiff by failing to engage in the
20 interactive process and by failing to consider and/or arbitrarily rejecting the above alternative
21 measures to reasonably accommodate the plaintiff.

22 31. As a direct and proximate result of defendant County's breach of duty under
23 California Government Code §12940(n), plaintiff has sustained physical and psychological
24 harm, including but not limited to, aggravation of severe stress, and anxiety, and symptoms of
25 depression, which has worsened the longer defendant failed to engage in the interactive process
26 in good faith with the plaintiff. Plaintiff has sustained ongoing severe physical and emotional
27 distress and economic damages in an amount to be proven at trial.

28 32. Plaintiff is entitled to statutory attorney fees and costs under Government Code

1 §12965(b).

2 **FOURTH CAUSE OF ACTION**

3 **Failure to Make Reasonable Accommodation in Violation of FEHA**

4 **(Against Defendant County of San Mateo)**

5 33. Plaintiff hereby realleges and incorporates by reference the allegations contained in
6 the preceding paragraphs as if fully set forth herein.

7 34. Pursuant to the FEHA, Gov. Code §12940(m), defendant County owed plaintiff the
8 legal duty to make reasonable accommodations for her known physical and mental conditions.

9 35. Defendant County breached its legal duty to plaintiff to make reasonable
10 accommodation for plaintiff's physical and mental disabilities when defendant's agents refused
11 to accommodate plaintiff's requests for a cessation of the hostile treatment by the individual
12 defendants, and a reasonable, fair opportunity to apply for promotions for which plaintiff was
13 qualified, and a reasonable opportunity to perform the essential duties of her position with
14 necessary accommodations, instead of the continual pattern of hostility by the individual
15 defendants.

16 36. As a direct and proximate cause of the defendant's breach of its duty under the
17 FEHA, plaintiff has sustained injury in the form of wage loss, damage to her reputation, loss of
18 promotional opportunities, physical and mental injuries, severe emotional distress and
19 economic damages in an amount to be established at trial.

20 37. Plaintiff is entitled to statutory attorneys fees and costs under Gov. Code
21 §12965(b).

22 **FIFTH CAUSE OF ACTION**

23 **Retaliation In Violation of FEHA Gov. Code §12940 et seq.**

24 **(Against Defendant County of San Mateo)**

25 38. Plaintiff hereby realleges and incorporates by reference the allegations contained in the
26 preceding paragraphs as if fully set forth herein.

27 39. At all relevant times, defendant owed plaintiff a duty not to retaliate against her in the
28 terms and conditions of her employment on the basis of her requests for fair treatment, equal

1 promotional opportunities, cessation of unwarranted criticisms, and her requests for reduced
2 overtime work, and fair treatment, which requests were reasonably based upon her medical
3 conditions and were protected by the FEHA, Cal.Gov. Code §12940 et seq.

4 40. In violation of the aforesaid duty, managing agents of the defendant County retaliated
5 against plaintiff because she engaged in the above protected activity. Defendant's retaliation
6 included, *inter alia*, denial of fair, good faith promotional opportunities, forced unpaid overtime,
7 loss of earned vacation, and working out of classification without pay. Plaintiff was also subjected
8 to a barrage of ongoing false, derogatory and malicious comments and actions, without cause or
9 reason.

10 41. As a direct and proximate cause of the defendant's breach of its duty under the FEHA,
11 plaintiff has sustained injury in the form of wage loss, damage to her reputation, promotional
12 opportunities, physical and mental injuries, severe emotional distress and consequential economic
13 damages in an amount to be established at trial.

14 42. Plaintiff is entitled to statutory attorneys fees and costs under Gov. Code §12965(b).

15 **SIXTH CAUSE OF ACTION**

16 **Failure to Prevent Discrimination in Violation of FEHA**

17 **Cal. Gov. Code §§12940(k) et seq**

18 **(Against County of San Mateo)**

19 43. Plaintiff hereby realleges and incorporates by reference the allegations contained in the
20 preceding paragraphs as if fully set forth herein.

21 44. Defendant County, through its agents, managers and employees, was on actual and
22 constructive notice of the illegal and discriminatory conduct of its agents, including defendant
23 Fernandez as described herein.

24 45. Defendant County, through its agents, managers and employees, violated Government
25 Code Section 12940 by failing to adequately supervise, control, discipline and/or otherwise remedy
26 the conduct, acts, and failure to act by the individual defendants as described herein.

27 46. Defendant County failed to conduct a fair, adequate, good faith investigation of
28 plaintiff's complaints regarding the hostile treatment alleged above. Plaintiff is informed and

1 believes, and on that basis alleges, that defendant County has failed to take any effective steps
2 reasonably necessary to prevent the above alleged discrimination from occurring.

3 47. Such omissions, delays and failure to investigate violates Government Code Section
4 12940(k) and caused plaintiff to be discriminated against as set forth above.

5 48. As a proximate and legal result of defendant's wrongful conduct as alleged herein,
6 plaintiff has sustained damages from the loss of her wages, both past and future earnings and other
7 employment benefits, from loss of all other rights and benefits which normally exist with
8 employment, but which were denied to her by defendant County, all in an amount in excess of the
9 minimum jurisdiction of this court and according to proof.

10 49. As a proximate and legal result of defendant's wrongful conduct as alleged herein,
11 plaintiff suffered severe emotional distress damages in an amount in excess of the minimum
12 jurisdiction of this court and according to proof.

13 50. Plaintiff claims prejudgment interest on all said amounts, at the rate set by law, in an
14 amount to be proven at trial.

15 51. Plaintiff also seeks attorney fees and costs incurred pursuant to Government Code
16 §12965(b).

17 **SEVENTH CAUSE OF ACTION**

18 **Hostile Work Environment in violation of FEHA**

19 **(Against all Defendants)**

20 52. Plaintiff hereby realleges and incorporates by reference the allegations contained in the
21 preceding paragraphs as if fully set forth herein.

22 53. Defendant County and the individual defendants created a hostile work environment
23 based on Plaintiff's race (Hispanic) and/or disability in violation of FEHA. The hostile acts and
24 comments and continuing conduct by the defendants were pervasive, severe and frequent as
25 alleged herein.

26 54. Defendants breached their legal duty to the plaintiff by engaging in the actions which,
27 when viewed collectively, created a hostile work environment based on the plaintiff's race and/or
28 disability.

- 1 55. These acts of harassment, discrimination and retaliation against plaintiff include:
- 2 - demotion without cause, and in violation of County's written policies;
- 3 - menial assignments;
- 4 - forced to sit outside in the public area of the County building during an important
- 5 fiscal meeting of the Board of Supervisors;
- 6 - falsely accused of poor performance on numerous occasions, both verbally and in
- 7 writing by defendant Fernandez;
- 8 - forced to work long hours of uncompensated overtime to meet department
- 9 deadlines;
- 10 - forced to perform non-exempt overtime work at least 50% of the time on a
- 11 significant number of days without additional wages;
- 12 - loss of earned vacation time when forced to work to meet department deadlines;
- 13 - assigned an inferior cubicle on the third floor of the office because defendant
- 14 Fernandez did not want near her on the first floor;
- 15 - uniformly harsh comments by Fernandez, plus punitive actions supposedly ordered
- 16 by defendant Church, who was frequently nowhere to be seen during the work day;
- 17 - additional hostile comments and actions are described in the Attachment 1, Exhibit
- 18 A-F thereto;
- 19 - belated and/or non-existent investigation of plaintiff's complaints by the County's
- 20 HR Department.
- 21 - defendant Irizzary's failure to take necessary or meaningful steps to avoid harm to
- 22 the plaintiff.

23 56. The foregoing conduct by the defendants was taken with the objective or the

24 consequence of making it more difficult and less desirable for plaintiff to perform her work duties.

25 The above described actions taken by defendants substantially and adversely affected plaintiff's

26 work environment.

27 57. Plaintiff is informed and believes, and based thereon alleges, that in addition to the

28 practices enumerated above, defendants, and each of them, have engaged in other acts, conduct and

1 practices against her which are not yet fully known. At such time as said conduct becomes known
2 to her, plaintiff will seek leave of court to amend this complaint.

3 58. As a proximate and legal result of defendant's wrongful conduct as alleged herein,
4 plaintiff has sustained damages from the loss of her promotional opportunity, the loss of past and
5 future earnings and other employment benefits, the loss of all other rights and benefits which
6 normally exist with such promotions, but which were denied to her by defendants, and each of
7 them, all in an amount in excess of the minimum jurisdiction of this court and according to proof.

8 59. As a proximate and legal result of defendants' wrongful conduct as alleged above-
9 plaintiff suffered emotional distress damages in an amount in excess of the minimum jurisdiction
10 of this court and according to proof.

11 60. Plaintiff claims prejudgment interest on all said amounts, at the rate set by law, in an
12 amount to be proven at the time of trial.

13 61. Plaintiff also claims attorney fees and costs incurred pursuant to Government Code
14 §12965(b).

15 62. The individual defendants' conduct towards the plaintiff were malicious, willful, and
16 intentional and/or taken with reckless disregard for the rights and sensibilities of the plaintiff,
17 thereby entitling plaintiff to punitive damages.

18 **EIGHTH CAUSE OF ACTION**

19 **Bullying in Violation of FEHA, Gov't Code §12940 et seq**

20 **(Against Defendants Fernandez, Church and Irizzary)**

21 63. Plaintiff hereby realleges and incorporates by reference the allegations contained in
22 the preceding paragraphs as if fully set forth herein.

23 64. At all relevant times, defendant County owed plaintiff a statutory duty to investigate
24 her complaints of workplace bullying conduct by the individual defendants and her co-workers in
25 the terms and conditions of plaintiff's employment. Instead, plaintiff's complaints were ignored
26 and defendant Fernandez continued to bully plaintiff, and defendant Irizzary ignored plaintiff's
27 complaints, claiming there was nothing he could do, thus allowing humiliating and harmful
28 behavior to continue with impunity to bully plaintiff because of her race (Hispanic). Defendant

1 Fernandez's misconduct included:

- 2 - Plaintiff was told by a co-worker that defendant Fernandez was out to get her and
- 3 that her job was in danger;
- 4 - Plaintiff was told by a co-worker that defendant Fernandez wanted to "annihilate"
- 5 plaintiff because she was not Filipino;
- 6 - had plaintiff moved from her private office on the first floor to an isolated cubicle
- 7 on the third floor;
- 8 - engaging in disruptive, abusive, and loud yelling near plaintiff's workstation;
- 9 - frequently criticizing plaintiff without cause;
- 10 - shunning the plaintiff;
- 11 - assigning plaintiff menial tasks interfering with plaintiff's work;
- 12 - spreading false rumors about non-existent discipline being given to plaintiff for
- 13 poor performance;
- 14 - belittling comments and actions aimed at making it harder for plaintiff to perform
- 15 her job

16 65. Defendant Fernandez's conduct towards the plaintiff was malicious, willful, and
17 intentional and/or taken with reckless disregard for the rights and sensibilities of the plaintiff,
18 thereby entitling plaintiff to punitive damages.

19 **NINTH CAUSE OF ACTION**

20 **Intentional Infliction of Emotional Distress**

21 **(Against All Defendants)**

22 66. Plaintiff realleges and incorporates by reference the preceding paragraphs of this
23 complaint, as if fully set forth herein.

24 67. Additional examples of Defendants Fernandez's intentional misconduct included, *inter*
25 *alia*, humiliating plaintiff in front of her peers, lying to co-workers about plaintiff, e.g., asking an
26 outside consultant to falsely claim plaintiff was performing poorly, ordering plaintiff to clear the
27 hallway of boxes, and continual acts of malicious comments, conduct and cruelty towards the
28 plaintiff.

1 68. The conduct set forth above did in fact cause plaintiff to suffer severe emotional
2 distress. As a proximate result of this conduct, plaintiff has suffered and continues to suffer
3 anxiety, humiliation and emotional distress and has thereby been damaged in an amount to be
4 shown at trial.

5 69. The individual defendants undertook this conduct maliciously, fraudulently and
6 oppressively, from an improper and evil motive amounting to malice, and in conscious disregard
7 of Plaintiff's rights, and therefore is entitled to punitive damages as to these individual defendants.

8 **TENTH CAUSE OF ACTION**

9 **Negligent Infliction of Emotional Distress**

10 **(Against All Defendants)**

11 70. Plaintiff realleges and incorporates by reference the preceding paragraphs of this
12 complaint, except those alleging intentional conduct.

13 71. When the individual defendants engaged in the outrageous and reckless conduct set
14 forth above, it was foreseeable that their actions would cause severe emotional distress to Plaintiff.
15 Notwithstanding their knowledge of same, or the fact that the individual defendants should have
16 known that such harm would probably occur, defendants continued in such conduct. Defendant
17 County is vicariously liable for such conduct which was within the course and scope of their
18 duties.

19 72. The foregoing conduct did in fact cause plaintiff to suffer severe emotional distress.
20 As a proximate result of this conduct, plaintiff has suffered and continues to suffer anxiety,
21 humiliation and severe emotional distress and has thereby been damaged in an amount to be shown
22 at trial.

23 **ELEVENTH CAUSE OF ACTION**

24 **Whistle blower Retaliation under Labor Code §1102.5**

25 **(Against Defendant County of San Mateo)**

26 73. Plaintiff hereby realleges and incorporates by reference the allegations contained in the
27 preceding paragraphs as if fully set forth herein.

28 74. At all times material herein. Labor Code §1102.5 protects employees who disclose

1 reasonably based suspicions to their employer of illegal activity or non-compliance with mandatory
2 rules or regulations. This statute prohibits retaliation against an employee who discloses
3 information about or refuses to participate in such illegal activity. (Labor Code §1102.5(b)(c)).

4 75. Plaintiff suffered adverse employment actions based upon her complaints of illegal
5 behavior by her superiors. Plaintiff complained to her supervisors, the HR Department and others
6 to no avail about being forced to work long hours, frequently performing non-exempt work and
7 losing earned vacation. Thereafter, defendants ignored her complaints, and retaliated against by
8 denying her promotional opportunities and exposing her to a hostile work environment, which
9 eventually caused her to suffer serious physical and mental injuries. The complaints by plaintiff
10 were a substantial motivating reason for her adverse treatment.

11 76. The illegal conduct by agents of the defendant County as alleged above was a substantial
12 factor in causing harm to the plaintiff.

13 77. Plaintiff has suffered both economic and non-economic harm, damage to her reputation and
14 impairment of her future employment opportunities.

15 **TWELFTH CAUSE OF ACTION**

16 **Unpaid Overtime for Non-Exempt Work-Violation of Labor Code §515 et seq; 29 CFR**

17 **§§115, 541 et seq.**

18 **(Against Defendant County of San Mateo)**

19 78. Plaintiff hereby realleges and incorporates by reference the allegations contained in the
20 preceding paragraphs as if fully set forth herein.

21 79. During the past four years, plaintiff has been required on numerous occasions to work
22 overtime on non-exempt duties at the direction of her supervisors, including defendant Irizarry.
23 Plaintiff performed such non-exempt duties well beyond an 8-hour day. On such occasions, more
24 than 50% of her workday was spent on non-exempt tasks.

25 80. Plaintiff requested time off to compensate for such work, which defendants frequently
26 denied.

27 81. Plaintiff additionally lost wages, in the form of earned but unpaid vacation time beyond her
28 County's maximum accrual limit, by being forced to work these long overtime hours to meet

1 departmental deadlines. Her requests to take vacation time, or credit was also denied.

2 82. Plaintiff seeks damages according to proof, and restoration of lost vacation hours and
3 attorney's fees authorised by statute.

4 **PRAYER**

5 WHEREFORE, plaintiff prays for judgment against defendants as follows:

- 6 1. Past and future wage loss, loss of benefits, vacation time, past and future promotional
7 opportunities, loss or diminution of retirement benefits, all according to proof;
- 8 2. Compensatory damages according to proof;
- 9 3. Punitive damages against the individual defendants;
- 10 4. Attorneys' fees and costs as provided by statute;
- 11 5. For prejudgment and post-judgment interest at the maximum legal rate; and
- 12 6. For such other relief as the court deems just and proper.

13
14 DATED: May 21, 2025

LAW OFFICE OF GEORGE F. CAMERLENGO

15
16 By: George F. Camerlengo

17 GEORGE F. CAMERLENGO
18 Attorney for Plaintiff ALICIA GARCIA

EXHIBIT 1



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 23, 2024

George Camerlengo
142 Crestview Drive
San Carlos, CA 94070

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202411-27185423
Right to Sue: Garcia / County of San Mateo et al.

Dear George Camerlengo:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 23, 2024

Alicia Garcia

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202411-27185423
Right to Sue: Garcia / County of San Mateo et al.

Dear Alicia Garcia:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective November 23, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Alicia Garcia

CRD No. 202411-27185423

8 Complainant,

9 vs.

10 County of San Mateo
11 500 County Center
12 Redwood City, CA 94063

13 Mark Church
14 500 County Center
15 Redwood City, CA 94063

16 James Irizarry
17 500 County Center
18 Redwood City, CA 94063

19 Juliet Fernandez
20 500 County Center
21 Redwood City, CA 94063

22 Respondents

23 1. Respondent **County of San Mateo** is an **employer** subject to suit under the California Fair
24 Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

25 2. Complainant is naming **Mark Church** individual as Co-Respondent(s).
26 Complainant is naming **James Irizarry** individual as Co-Respondent(s).
27 Complainant is naming **Juliet Fernandez** individual as Co-Respondent(s).

28 3. Complainant **Alicia Garcia**, resides in the City of , State of .

4. Complainant alleges that on or about **March 28, 2024**, respondent took the
following adverse actions:

1 **Complainant was harassed** because of complainant's sex/gender, sexual harassment-
2 hostile environment, race (includes hairstyle and hair texture).

3 **Complainant was discriminated against** because of complainant's sex/gender, sexual
4 harassment- hostile environment, race (includes hairstyle and hair texture) and as a result of
5 the discrimination was denied hire or promotion, reprimanded, denied equal pay, demoted,
6 denied any employment benefit or privilege, other, denied work opportunities or
7 assignments.

8 **Complainant experienced retaliation** because complainant reported or resisted any form
9 of discrimination or harassment and as a result was denied hire or promotion, reprimanded,
10 denied equal pay, demoted, denied any employment benefit or privilege, other, denied work
11 opportunities or assignments.

12 **Additional Complaint Details:** Claimant was retaliated for her complaints; denied use of
13 earned vacation benefits; denied sick leave/forced to miss medical doctor appointments;
14 publicly humiliated by her supervisors without cause, and was exposed to a hostile working
15 environment, demoted without cause at the hands of Ms. Fernandez, whose misconduct
16 was both ignored and/or approved by co-respondents Mr. Church and Mr. Irizarry.

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EXHIBIT 2

OCT 8 2024

CLERK OF THE
BOARD OF SUPERVISORS

Claim of ALICIA GARCIA)	
)	
Claimant,)	CLAIM FOR PERSONAL INJURY
)	(GOVERNMENT CODE §910 et seq)
vs.)	
)	
BOARD OF SUPERVISORS OF)	
THE COUNTY OF SAN MATEO,)	
MARK CHURCH, JIM IRIZARRY,))	
JULIET FERNANDEZ)	
)	
Respondents.)	
_____)	

TO: MEMBERS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO,
MARK CHURCH, JIM IRIZARRY, JULIET FERNANDEZ

YOU ARE HEREBY NOTIFIED that ALICIA GARCIA ("CLAIMANT" or "Ms. Garcia")
claims damages from the BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO
("Board"), MARK CHURCH, JIM IRIZARRY and JULIET FERNANDEZ (collectively,
"RESPONDENTS") as follows:

1. Claimant's address is c/o George F. Camerlengo, Law Office of George F. Camerlengo, 142 Crestview Drive, San Carlos, CA 94070
2. The amount of damages exceeds \$10,000 and jurisdiction over this claim rests in Superior Court, Unlimited Jurisdiction, of the County of San Mateo.
3. The facts giving rise to this claim are set forth in the Statement of Claim attached hereto and are incorporated herein by this reference.
4. As of the date of this claim, Claimant has incurred the following injuries: past, present and future wage and benefit loss, physical and mental disability, severe emotional distress, physical and psychological injuries, medical expenses, harm to her employment, promotional opportunities and professional reputation.
5. Respondents MARK CHURCH, JIM IRIZARRY and JULIET FERNANDEZ are currently known public employees causing Claimant's injuries through the conduct as alleged in the Statement of Claim attached hereto.
6. All notices and communication regarding this claim should be sent to George F. Camerlengo, Law Office of George F. Camerlengo, 142 Crestview Drive, San Carlos, CA 94070

Dated: October 4, 2024

George F. Camerlengo

 GEORGE F. CAMERLENGO
 Attorney for Claimant, ALICIA GARCIA

STATEMENT OF CLAIM OF ALICIA GARCIA

The facts giving rise to this claim can be summarized as follows:

- (1) Discrimination based upon Claimant's race. Respondents' illegal actions towards Claimant include: demotion without cause, failure to promote without cause; inferior assignments; denial of higher level job assignments; subjecting Claimant to harsh, unwarranted and demeaning criticisms in front of her department peers and counterparts; bullying, singled out for retaliation, including being excluded from work meetings and department communications and being denied information necessary for her job.
- (2) Hostile work environment/harassment/ based on Claimant's race. Respondents' illegal and arbitrary actions toward Claimant include: demotion without cause, frequent unwarranted criticisms, derogatory and hostile remarks, retaliation based on Claimant's race and complaints, bullying, publicly humiliating and preventing Claimant from performing her job duties.
- (3) Retaliation based on Claimant's race. Respondents' illegal actions included: demotion without cause, failure to promote, frequent, unwarranted criticisms, bullying, derogatory and false remarks, and subjecting Claimant to hostile, intolerable working conditions.
- (4) Denial of a fair, adequate and impartial investigation. Respondents violated Claimant's due process and statutory rights to a timely, adequate, fair and impartial investigation ignoring Complainant's complaints, all of which exacerbated the Claimant's intolerable working conditions.
- (5) Violation of Plaintiff's statutory rights under the California Labor Code, including

repeated refusal and failure to permit Claimant to use earned sick and vacation leave.

The above described conduct by Respondents violated state statutory protections against racial discrimination, retaliation, failure to investigate, failure to prevent workplace harassment and hostile work environment, and Claimant's statutory and due process rights. The above violations and other illegal acts were done by Respondents Church and Fernandez with malice, and condoned by Respondent Irizarry, all of whom were acting under color of law as agents of the Respondent County. Despite Claimant's complaints, Respondent County ratified and approved the above misconduct and illegal actions by abdicating its responsibility to take all reasonable steps to adequately investigate Claimant's complaints and insure its management employees comply with their statutory duties. As a result of the Respondents' illegal course of conduct described above, Claimant has developed ongoing serious symptoms of stress, anxiety, and depression.

Claimant has already suffered, and will continue to suffer, significant economic and noneconomic harm due to Respondents' continuous course of discriminatory and abusive conduct. Such economic harm includes past and future wage and benefits, including loss of earned vacation, promotional opportunities, and potentially irreversible damage to Claimant's career and reputation in public sector employment, medical expenses and attorney fees. Noneconomic harm includes past, present and future physical and psychological injuries, ongoing and severe emotional distress, pain and suffering, and harm to Ms. Garcia's reputation and good name among her peers, coworkers and other members of the San Mateo County public employment community.

END OF DOCUMENT

 **COPY**

RECEIVED
IN THE OFFICE OF

OCT 21 2024

CLERK OF THE
BOARD OF SUPERVISORS

LAW OFFICE OF GEORGE F. CAMERLENGO

142 Crestview Drive
San Carlos, California 94070
(650) 504-1511
gcamerlengo@gfclaw.net

October 17, 2024

SENT VIA CERTIFIED MAIL (RETURN RECEIPT)

Clerk of the Board of Supervisors
Hall of Justice and Records
500 County Center
Redwood City, CA 94063

Re: Amendment to Claim of Alicia Garcia

Dear Clerk of the Board of Supervisors:

This firm has been retained by Ms. Alicia Garcia to represent her in her claim for damages against the County of San Mateo, Mark Church, Jim Irizarry, and Juliet Fernandez ("Respondent"). Enclosed are two (2) copies of Ms. Garcia's Amendment to Claim and a stamped return envelope. This is to request you return a stamped copy of the Amendment to Claim confirming receipt.

All notices and communications regarding this matter should be sent to George F. Camerlengo at 142 Crestview Dr., San Carlos, CA 94070.

Very truly yours,

LAW OFFICE OF GEORGE F. CAMERLENGO

By: George F. Camerlengo
GEORGE F. CAMERLENGO

Enclosures

AMENDMENT TO STATEMENT OF CLAIM OF ALICIA GARCIA

As set forth below, since at least March 2024, Claimant has been subjected to a series of continuing violations of her statutory employment rights. Also, the Respondents have inflicted severe emotional distress during the same period on a continuing basis. The facts giving rise to this claim can be summarized as follows:

- (1) Discrimination based upon Claimant's race. Respondents' illegal actions towards Claimant include: demotion without cause, failure to promote without cause; inferior assignments; denial of higher level job assignments; subjecting Claimant to harsh, unwarranted and demeaning criticisms in front of her department peers and counterparts; bullying, singled out for retaliation, including being excluded from work meetings and department communications and being denied information necessary for her job. These events, and dates thereof are further described in Attachment 1 attached hereto and Exhibits A-F thereto.
- (2) Hostile work environment/harassment/ based on Claimant's race. Respondents' illegal and arbitrary actions toward Claimant include: demotion without cause, frequent unwarranted criticisms, derogatory and hostile remarks, retaliation based on Claimant's race and complaints, bullying, publicly humiliating and preventing Claimant from performing her job duties. These events, and dates thereof are further described in Attachment 1 attached hereto and Exhibits A-F thereto.
- (3) Retaliation based on Claimant's race. Respondents' illegal actions included: demotion without cause, failure to promote, frequent, unwarranted criticisms, bullying, derogatory and false remarks, and subjecting Claimant to hostile, intolerable working conditions. These events, and dates thereof are further described

in Attachment 1 attached hereto and Exhibits A-F thereto.

- (4) Denial of a fair, adequate and impartial investigation. Respondents violated Claimant's due process and statutory rights to a timely, adequate, fair and impartial investigation ignoring Complainant's complaints, all of which exacerbated the Claimant's intolerable working conditions. These events, and dates thereof are further described in Attachment 1 attached hereto and Exhibits A-F thereto.
- (5) Violation of Plaintiff's statutory rights under the California Labor Code. This claim includes repeated refusal and failure to permit Claimant to use earned sick and vacation leave and other violations of the Labor Code. These events, and dates thereof are further described in Attachment 1 attached hereto and Exhibits A-F thereto.

The above described conduct by Respondents violated state statutory protections against racial discrimination, retaliation, failure to investigate, failure to prevent workplace harassment and hostile work environment, and Claimant's statutory and due process rights. The above violations and other illegal acts were done by Respondents Church and Fernandez with malice, and condoned by Respondent Irizarry, all of whom were acting under color of law as agents of the Respondent County. Despite Claimant's complaints, Respondent County ratified and approved the above misconduct and illegal actions by abdicating its responsibility to take all reasonable steps to adequately investigate Claimant's complaints and insure its management employees comply with their statutory duties. As a result of the Respondents' illegal continuing course of conduct described above, Claimant has developed ongoing serious symptoms of stress, anxiety, and depression.

Claimant has already suffered, and will continue to suffer, significant economic and noneconomic harm due to Respondents' continuous course of discriminatory and abusive conduct.

Such economic harm includes past and future wage and benefits, including loss of earned vacation, promotional opportunities, and potentially irreversible damage to Claimant's career and reputation in public sector employment, medical expenses and attorney fees. Noneconomic harm includes past, present and future physical and psychological injuries, ongoing and severe emotional distress, pain and suffering, and harm to Ms. Garcia's reputation and good name among her peers, coworkers and other members of the San Mateo County public employment community.

END OF DOCUMENT

ATTACHMENT 1

Alicia Garcia
Assessor-County Clerk-Recorder and Elections Department
555 County Center, 3rd Floor
Redwood City, CA 94063

May 28, 2024

Ann Marie Silvestri, Chairperson
San Mateo County Civil Service Commission
455 County Center, 5th Floor
Redwood City, CA 94063

Re: Request for an Appeal Hearing on a Probationary Rejection

Dear Chairperson Silvestri,

As discussed during the May 2, 2024 Civil Service Commission meeting, I have been subjected to discrimination based on race. Below you will find my updated appeal hearing request, in accordance with Civil Service Rule XIV. If called to testify, I could and would competently attest to the following facts.

The following are significant events which demonstrate racial discrimination and a hostile work environment for my probationary rejection:

1. On June 14, 2023, I was instructed by Juliet Fernandez to meet her and Mr. Church in Conference Room 316. As I entered the conference room, I proceeded to sit at the conference table at my normal place. However, Juliet told me in a very aggressive voice, "No. You need to sit over there, on the chair in front of the TV." I had to sit directly in front of the large TV screen as Juliet and Mr. Church asked me questions regarding a PowerPoint presentation. The screen was very bright, merely blinding, and I could barely focus or read the data. At one point, the glare on my glasses from the screen gave me double vision. No other employees have been subject to this behavior. (See **Exhibit A**, accurate photos of the conference room and screen).
2. On June 28, 2023, the department had a budget presentation at the Board of Supervisors meeting. My Assistant Department Head, Jim Irizarry, asked me to sit near him during the presentation to help him if any questions arose about the budget. However, Juliet Fernandez informed me that Mr. Church did not want me to sit inside the board chambers with the other department staff. Instead, I had to listen to the budget presentation outside in the foyer. As I sat in the foyer, I received Teams Chat messages from the Chief Appraiser, stating: "Jim is asking you to come. At the BOS." I later apologized to Mr. Irizarry for not sitting inside the board chambers during the presentation. I explained that I had been instructed by Juliet that I was not allowed to enter board chambers with the team. This embarrassing, disruptive exclusion was just one of dozens of similar arbitrary and demeaning

actions and comments by Ms. Fernandez, supposedly at the direction of Mr. Church, all of which interfered with my ability to perform my job duties.

3. On August 8, 2023, I was instructed by my Assistant Department Head, Jim Irizarry, to attend a meeting with the Budget Office to review the department's fund balance (See **Exhibit B**, email dated August 8, 2023). I went to the third floor to participate in the meeting. However, when I arrived, Mr. Irizarry told me that Mr. Church decided he did not want me to participate in the budget meeting and wanted the Financial Services Manager (Asian employee) who had little budget experience to attend the meeting.¹
4. During the past several years, Juliet Fernandez has frequently attempted to undermine my work performance. As but two examples, on December 9, 2021, Juliet told other employees in the Clerk-Recorder's Office to ignore my management assignment of reviewing employee leave of absence requests (See **Exhibit C**, email dated December 9, 2021). On another occasion, on August 14, 2023, Juliet falsely accused me of improperly changing budget numbers (See **Exhibit D**, email dated August 14, 2023).
5. On April 1, 2024, I asked my Assistant Department Head, Jim Irizarry, who's going to finish the budget and do the Administrative Services Manager I work, given the budget deadline on April 8, 2024. Mr. Irizarry informed me that I must continue doing the work because there's no one else on the team to get the job done. At present, five of the six positions in the Fiscal Unit for the entire ACRE Department under Mr. Church are vacant, and the incumbent in the sixth position has given his resignation notice effective June 7, 2024.²
6. As noted above, after being demoted to Management Analyst on April 1, 2024, I have continued to perform the higher-level management duties and responsibilities of the Administrative Services Manager I job classification but without any differential pay. Some examples of Administrative Services Manager I duties include: facility requests, ergonomic evaluations with the county vendor EK Health, equipment orders via Office Depot Workspace Interiors, employee ADA accommodations (i.e. installation of a new ADA button on the women's restroom door), department contracts administration, monitoring, and evaluation, review and approve elections cost estimates, review and approve elections purchase request logs, review and approve OFAS fiscal transactions (i.e., accounts payables, journal entries, contract requests, purchase requests, contract encumbrance change requests, etc.), gather and compile budget program data, develop and monitor

¹ That Financial Services Manager resigned not long after this incident. It was apparent to me and other managers she did not have the experience or knowledge to perform the duties of her position.

² The increased workload and looming budgetary deadlines have created a high stress working environment at the Assessor-County Clerk-Recorder and Elections Department. As one of many examples, I have been informed by Mr. Irizarry that I must currently continue to perform the Administrative Services Manager I duties, despite being rejected for the permanent position as of April 1, 2024.

department performance goals, work with the Budget Office in the timely submittal of budget deliverables, and maintain budgetary and fiscal controls.

7. Mr. Church was out of the office April 1, 2024 through April 5, 2024. When he returned on April 8, 2024, he stopped by to greet all employees in the Fiscal Unit, except me. As of this date, Mr. Church has not spoken to me since he sent the probationary rejection letter on March 28, 2024, a period of 40 workdays. My work directives come from Jim Irizarry and Juliet Fernandez.
8. On March 29, 2024, I was informed by my Assistant Department Head, Jim Irizarry, that Mr. Church had ordered that my workstation be moved from the first floor to the third floor.³ On April 17, 2024, I informed Bo Hammil, the IT Manager, that my new workstation PC did not have the necessary programs to do my job. Bo said "I know. I was planning to upgrade your PC to the newest windows software so that you have all the programs, but they (pointing towards the adjoining offices of Mr. Church and Juliet Fernandez) told me not to upgrade your computer." Bo also said he was instructed to only work on computers for the new hires Wendy Ma and Zoey Lu (both Asian employees). My computer was finally upgraded on April 23, 2024, and my phone extension was finally connected on April 29, 2024.
9. On May 3, 2024, Juliet Fernandez called me and instructed me to immediately clean a hallway where boxes and equipment were located. She claimed that I had to do this work because I was in charge of department facilities, and she also claimed it was a directive from Mr. Church. I had never done this before and I was no longer in charge of facilities, but nevertheless I made an effort to do this menial task.
10. During the past four years, I have had to frequently "max out" on my earned but unused vacation time because of unavoidable multiple deadlines and short staffing in the department. Plus, it's very difficult obtaining approval to take time off work. As one example, on September 25, 2023, I informed Employee Labor Relations that in my last pay period I coded a few hours of 041 Vacation to reduce my time balances, even though I had to remain onsite working to meet a deadline. I further explained to Employee Labor Relations that I had lost a few vacation hours on my December 15, 2023 paycheck. I was supposed to take time off the next Friday (December 8, 2023) before the pay period ended, but Mr. Irizarry had called me at the last-minute and asked me to cancel my time off request which I did. This has been an ongoing issue (See **Exhibit E**, email dated December 22, 2023).
11. The San Mateo County Employee Relations Handbook states that managers are responsible for communicating performance and conduct standards and expectations to the employee, monitoring their performance and conduct against those standards, and providing timely feedback to him/her. When conduct and/or performance issues arise, the manager needs to address any concerns with the

³ At the time, I was told by several staff members that Juliet Fernandez informed Mr. Church that she did not want me working on the first floor.

employee in private and promptly. Furthermore, the probationary employee is expected to receive a performance evaluation every three months (See **Exhibit F**, relevant provisions of handbook). In my situation, none of these actions took place. Nor did I receive any written performance evaluations during my probationary period.

To summarize, my work record speaks for itself – I have tried my best to be an honest, loyal, and productive employee for ACRE, during my tenure there over the past five and a half years. I have been subjected to an ongoing and personally humiliating hostile work environment, and inferior treatment based in substantial part on my race, Hispanic. As a result, I was also denied a fair, equal, and non-discriminatory promotional opportunity for the Administrative Services Manager I position in the Assessor-County Clerk-Recorder and Elections Department.

Sincerely,

Alicia Garcia

Alicia Garcia

Enclosures

cc: Commissioner Patricia Tomlinson, First District
Commissioner Charles Hansen, Second District
Commissioner Monica Colondres, Fourth District
Commissioner Karen Cunningham, Fifth District
Rocio Kiryczun, Director of Human Resources
George Camerlengo, Attorney

EXHIBIT LIST

- Exhibit A Conference Room
- Exhibit B Email dated August 8, 2023
- Exhibit C Email dated December 9, 2021
- Exhibit D Email dated August 14, 2023
- Exhibit E Email dated December 22, 2023
- Exhibit F Employee Relations Handbook: Probationary Periods

EXHIBIT A

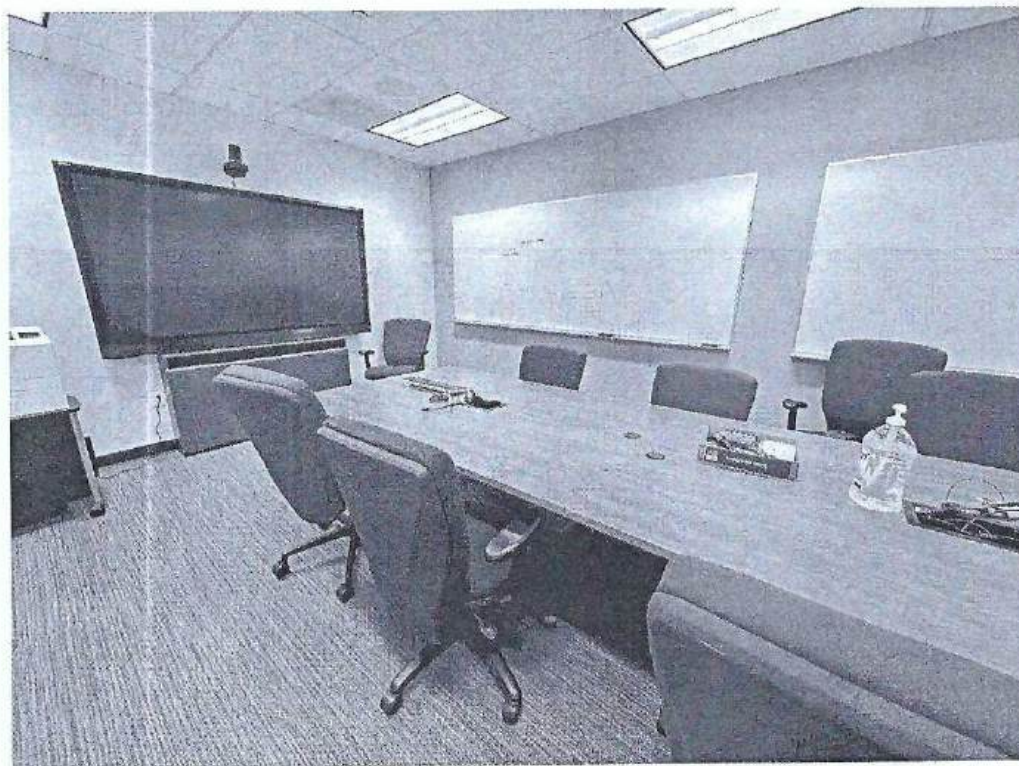
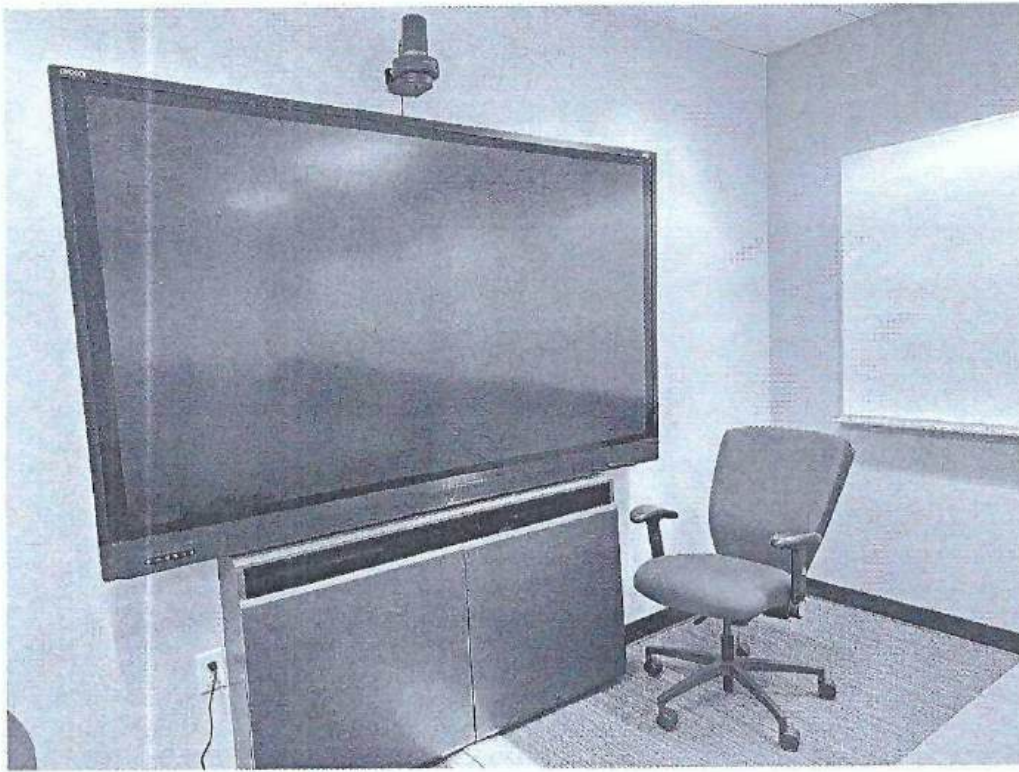


EXHIBIT B

Budget Office Meeting 8/9/23 at 3 PM

Jim Irizarry <JIrizarry@smcacre.org>

Tue 8/8/2023 5:23 PM

To: Julieta Fernandez <JFernandez@smcacre.org>

Cc: Mark Church <MChurch@smcacre.org>; Nguyen La <nla@smcacre.org>; Alicia Garcia <APGarcia@smcacre.org>; Grace Cardona <GCardona@smcacre.org>

Juliet,

Mark has authorized Nguyen and Alicia to attend tomorrow's meeting with Andrew and Robert regarding the End of Year Fund Balance.

Please schedule the Teams meeting for 3 PM.

Prior to the meeting with Andrew and Robert, please also reserve Room 316 at 2 PM so I can meet with Nguyen and Alicia to review the Fund Balance Forms and backup materials submitted to the Budget Office.

Thanks.

Jim

EXHIBIT C

Alicia Garcia

From: Jim Irizarry
Sent: Thursday, December 9, 2021 6:52 PM
To: Alicia Garcia
Cc: Mark Church
Subject: Re: FMLA/Leave of Absence requests

Alicia,

As a Department Management Analyst, your responsibilities include in part, reviewing all medical leave requests, workers compensation claims, ADA accommodations, COVID-19 procedures, and classification and compensation matters. An essential component of your responsibilities is to process these claims through HR.

This is to clarify that these assignments and responsibilities have not changed.

The Leave of Absence Forms require the signature of the Employee, Supervisor/Manager and the Division/Department Head. Since you are also responsible for monitoring schedules, time off and procedures for the division, you and the Supervisor should sign and initial these forms in the area provided on the leave forms.

As for the HR Liaison role in our Department, Mark has assigned my office as the primary HR Liaison for ACRE. You, Travis, and Jeff are assigned HR Liaison responsibilities as necessary to carry out these functions.

Finally, Juliet does not have supervisory responsibilities in the Clerk-Recorder Division to supervise or direct the activities of Diana and Besz. I will discuss this with the Fiscal Unit and Juliet to avoid any confusion or misunderstandings regarding Juliet's role.

Feel free to contact me to discuss this matter further should you have any questions.

Thanks.

Jim

Jim Irizarry
Assistant Assessor-County Clerk-Recorder
& Assistant Chief Elections Officer

Office of MARK CHURCH
Assessor-County Clerk-Recorder
& Chief Elections Officer



2021-12-09 10:52 AM

555 County Center | Redwood City, CA 94063
Tel. (650) 363-1808 | Fax. (650) 780-9952 | jirizarry@smcacre.org

From: Alicia Garcia <APGarcia@smcacre.org>
Sent: Thursday, December 9, 2021 4:53 PM
To: Mark Church <MChurch@smcacre.org>; Jim Irizarry <Jirizarry@smcacre.org>
Subject: FMLA/Leave of Absence requests

Hi Mark and Jim,

As you know I've been meeting with Risk Management on a frequent basis to review medical leave requests, workers comp matters and ADA accommodations for ACRE employees. This morning Fiscal informed me that Juliet advised Clerk-Recorder staff, specifically Diana Siron and Besz De La Vega, to bypass me in the review process of all FMLA/Leave of Absence requests.

Could you please clarify if you still want me to be the HR Liaison for ACRE? If I shouldn't be involved in these matters, please advise who will assume the work going forward. I am happy to comply with whatever is in the best interest of the department.

Thank you in advance for your time.
Alicia

EXHIBIT D

RE: Data for Form 102.2 FC for Sherpa

Randy Mellin <RMellin@smcacre.org>

Mon 8/14/2023 5:22 PM

To: Julieta Fernandez <JFernandez@smcacre.org>

Cc: Mark Church <MChurch@smcacre.org>; Jim Irizarry <JIrizarry@smcacre.org>; Nguyen La <nla@smcacre.org>; Alicia Garcia <APGarcia@smcacre.org>

Hello Juliet,

Just a clarification, I didn't tell you this afternoon there were changes made to the budget numbers being entered by Alicia into the Sherpa system from the spreadsheet Ngyuen sent her. In fact, all I said is that Alicia on Friday night was entering budget data into Sherpa from a spreadsheet that Ngyuen provided her. I also stated that Nguyen had not provided me with her spreadsheet to review that she sent to Alicia to enter into Sherpa. As of now, I have not seen any spreadsheet created by Nguyen nor have I seen a copy of the budget numbers Alicia entered in the Sherpa system.

Best,
Randy

From: Julieta Fernandez <JFernandez@smcacre.org>

Sent: Monday, August 14, 2023 5:03 PM

To: Alicia Garcia <APGarcia@smcacre.org>

Cc: Mark Church <MChurch@smcacre.org>; Jim Irizarry <JIrizarry@smcacre.org>; Randy Mellin <RMellin@smcacre.org>; Nguyen La <nla@smcacre.org>

Subject: RE: Data for Form 102.2 FC for Sherpa

Thank you for explaining that it is not a copy and paste format. However, the data provided must be entered as is in the system. As long as the numbers entered in Sherpa are the same as what was provided, that's all that matters. If there were changes made as Randy stated in this afternoon's conversation, Mark would like to know what they were to allow for review and appropriate editing as needed.

Best,

Juliet

From: Alicia Garcia <APGarcia@smcacre.org>

Sent: Monday, August 14, 2023 4:58 PM

To: Julieta Fernandez <JFernandez@smcacre.org>

Cc: Mark Church <MChurch@smcacre.org>; Jim Irizarry <JIrizarry@smcacre.org>; Randy Mellin <RMellin@smcacre.org>; Nguyen La <nla@smcacre.org>

Subject: RE: Data for Form 102.2 FC for Sherpa

Hi Juliet,

Thank you for the update.

As previously mentioned, the information was entered as instructed. Please note that budget changes are not entered in a "copy and paste" format. The budget system calculates funding adjustments for each line item, such as position changes.

Best,
Alicia

From: Julieta Fernandez <jfernandez@sherpa.com>
Sent: Monday, August 14, 2023 4:11 PM
To: Alicia Garcia <Alicia.Garcia@sherpa.com>
Cc: Mark Church <markchurch@sherpa.com>; Jim Irizarry <jirizarry@sherpa.com>; Randy Mellin <rmellin@sherpa.com>; Nguyen La <nguyen.la@sherpa.com>
Subject: RE: Data for Form 102.2 FC for Sherpa

Hi Alicia,

Per our conversation this afternoon, I am relaying what Randy stated in my conversation with him this afternoon at 12:55 pm. He stated that you informed him that there are several mistakes in the data provided by Nguyen and that changes were made to the Sherpa data.

Yes, that would be good to contact Randy. He's been in my office and Nguyen's office this afternoon talking about this.

Thanks.

Best,

Juliet

From: Alicia Garcia <Alicia.Garcia@sherpa.com>
Sent: Monday, August 14, 2023 4:08 PM
To: Julieta Fernandez <jfernandez@sherpa.com>
Cc: Mark Church <markchurch@sherpa.com>; Jim Irizarry <jirizarry@sherpa.com>; Randy Mellin <rmellin@sherpa.com>; Nguyen La <nguyen.la@sherpa.com>
Subject: RE: Data for Form 102.2 FC for Sherpa

Hi Juliet,

As discussed, attached please find the spreadsheet that was sent to me last Friday evening. I called Randy to ask him about your comments below and we don't know what changes you're referring to.

Thank you,
Alicia

From: Julieta Fernandez <jfernandez@sherpa.com>
Sent: Monday, August 14, 2023 3:02 PM
To: Alicia Garcia <Alicia.Garcia@sherpa.com>
Cc: Mark Church <markchurch@sherpa.com>; Jim Irizarry <jirizarry@sherpa.com>; Randy Mellin <rmellin@sherpa.com>; Nguyen La <nguyen.la@sherpa.com>
Subject: Data for Form 102.2 FC for Sherpa
Importance: High

Hi Alicia,

Last Friday, Nguyen forwarded a spreadsheet to you to copy and paste the data to Form 102.2 FC and to be entered into Sherpa. However, Randy informed us that changes were made to the data. Per Mark, please provide the changes you made that were entered in Sherpa. He needs this information asap.

Thanks.

Best,

Juliet

EXHIBIT E

Alicia Garcia

From: Kimberly Ferrario
Sent: Friday, December 22, 2023 6:17 PM
To: Alicia Garcia
Subject: RE: vacation accrual limits

Hi Alicia,

I had an opportunity to talk to Jim about the issue of vacation time. He said he would support you taking a week or two of vacation to help manage your balance. This may work better than trying to take 4 hours here or there.

Take care,
Kim

From: Alicia Garcia <APGarcia@smcacre.gov>
Sent: Friday, December 15, 2023 12:12 PM
To: Kimberly Ferrario <kferrario@smcgov.org>
Subject: RE: vacation accrual limits

Hi Kim,

I lost a few vacation hours on my 12/15/23 paycheck.

I was supposed to take time off last Friday (12/8/23) before the pay period closed, but Jim called me last-minute and asked me to cancel my time off request. He said we have several important deadlines so I must report to work. It's unclear if I'm still allowed to take time off during Winter Recess. I'll keep you posted.

Thank you,
Alicia

From: Kimberly Ferrario <kferrario@smcgov.org>
Sent: Tuesday, September 26, 2023 7:46 AM
To: Alicia Garcia <APGarcia@smcacre.org>
Subject: RE: vacation accrual limits

Hi Alicia,

I'm sorry to hear that you have been unable to take time off. Can you clarify if you have requested time off and that has been denied? If so, can you please send me the dates of the requests and the amount of time you requested to take off?

Thank you!
Kim

From: Alicia Garcia <APGarcia@smcacre.org>
Sent: Monday, September 25, 2023 6:48 PM
To: Kimberly Ferrario <kferrario@smcgov.org>
Subject: RE: vacation accrual limits

Hi Kim,

I haven't been able to improve the situation regarding my vacation accrual limits. Last pay period I coded a few hours of 041 Vacation to reduce my time balances, even though I was onsite working. I keep maxing out on vacation hours because it's difficult getting approval to take time off work. We're extremely short staffed at the Clerk-Recorder's Office. I'm hoping that we hire staff soon.

Attached are my time balances from the 9/22/23 pay date. Please let me know your thoughts on how I can fix this issue.

Thank you,
Alicia

From: Kimberly Ferrario <kferrario@smcgov.org>
Sent: Sunday, January 8, 2023 5:43 PM
To: Alicia Garcia <APGarcia@smcacre.org>
Subject: RE: vacation accrual limits

Hi Alicia,

You are never a bother! Sorry it took me so long to get back to you on this. The lifting of the vacation accrual cap actually expired 12/31/21. Those who did have approval for this prior to 12/31/21 are still allowed to use those hours, but no one can apply for this now. So your department should make every effort to allow you time off so that you do not lose your vacation. Let me know if I can assist in any way.

Take care,
Kim

From: Alicia Garcia <APGarcia@smcacre.org>
Sent: Thursday, January 5, 2023 1:37 PM
To: Kimberly Ferrario <kferrario@smcgov.org>
Subject: vacation accrual limits

Hi Kim,

Happy New Year!

Sorry to bother you, but I was wondering if there's any way to lift my vacation accrual limits. It's been extremely difficult for me to take time off work due to the staffing issues at the Clerk-Recorder's Office and lack of onsite management coverage. I'm afraid management coverage will get worse now that Jeff Bokura and Jacqueline Chen-Lee have both decided to retire. Please advise if there's anything that I can do about my vacation hours.

Thank you,
Alicia

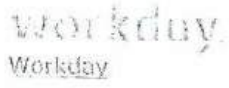
From: DoNotReplyWorkday@smcgov.org <smcgov@myworkday.com>
Sent: Friday, December 30, 2022 3:08 AM
To: Alicia Garcia <APGarcia@smcacre.org>
Subject: Vacation Accrual near Limit

You are near your vacation accrual limit. Once you reach your limit, you will **stop accruing vacation hours** until your balance is below the limit.

To see your current balance and your limit, log into Workday and open the "My Time and Leave" worklet.

If you have any questions, please speak to your department's Payroll Specialist.

[Click here to view the notification details.](#)



APGarcia@smcactc.org | 505.474.1234

EXHIBIT F

2. What are your supervisory responsibilities during a probationary period?

You are responsible for communicating performance and conduct standards and expectations to the employee, monitoring their performance and conduct against those standards, and providing timely feedback to him/her. You are expected to meet with all employees you supervise. The frequency of these supervision meetings will depend upon each employee and your training program. When conduct and/or performance issues arise, you need to address any concerns with the employee in private and promptly. If corrective action (verbal counseling) does not result in an immediate and sustained improvement by the employee, you should consult with your manager and contact your Employee & Labor Relations representative for further guidance.

In addition to ongoing verbal (and perhaps written) feedback, the probationary employee is expected to receive a performance evaluation every three months. This is a formal, written performance evaluation based on the duties as described in the employee's classification description, and other instructions provided to the employee (i.e. departmental procedures, quantity/quality standards, etc.) An employee who is serving a six-month probationary period would receive one evaluation at three months of service and one as he/she approaches six months.

3. Can a probationary period be extended?

Yes, a probationary period can be extended to a total maximum length of 2,080 hours (one year of full-time service). Probationary periods that are already established at 2,080 or 3,120 hours (18 months of full-time service) for the classification cannot be extended.

If a probationary employee is exhibiting conduct problems (e.g., discourtesy, has numerous unscheduled absences including tardies, misuses the Internet,) the recommendation is usually probationary rejection rather than extending the probationary period. Extending a probationary employee's probationary period is more appropriate when there are performance-related concerns that may be overcome with a longer period of training and observation by the supervisor to assess the employee's performance.

In order to extend a probationary period, the department head or designee requests concurrence for such an extension from the Human Resources Director. The request should contain a basis for the extension.

Usually, the Human Resources Director should receive the request for extension at least two (2) weeks prior to the end of the probationary period. Please be aware that once an employee's probationary period expires, the employee has worked the requisite hours for his/her classification.

The requests may be sent via fax to (650) 363-4822, sent as a scanned e-mail, or mailed to Pony HRD-121, depending on time urgency.

[See Sample Probationary Extension Request Letter #1](#)

[See Sample Probationary Extension Request Letter #2](#)

EXHIBIT 3

COUNTY OF SAN MATEO
COUNTY EXECUTIVE'S OFFICE

Michael P. Callagy
County Executive Officer /
Clerk of the Board

County Government Center
500 County Center, 5th Floor
Redwood City, CA 94063
650-363-4121 T
650-363-1916 F
www.smcgov.org

November 21, 2024

Law Office of George F. Camerlengo
142 Crestview Drive
San Carlos, CA 94070

Notice is hereby given that the claim filed on behalf of Alicia Garcia, which was originally received in the office of the Board of Supervisors on October 8, 2024, and an amended claim received on October 21, 2024, was presented to the Board of Supervisors on November 19, 2024, and rejected in its entirety by said Board.

WARNING: Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a state court action on this claim. (See Government Code Section 945.6)

You may seek the advice of an attorney of your choice in connection with this matter. If you do desire to consult an attorney, you should do so immediately.

Very truly yours,



Michael P. Callagy, County Executive Officer/
Clerk of the Board of Supervisors

MPC:sp

cc: John D. Nibbelin, County Attorney
Jelena Barbarotto, Program Coordinator, County Attorney's Office
Claimant: Alicia Garcia



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11/21/2024
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Law Office of George F Camerlengo
142 Crenview Dr
San Carlos, CA 94070

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