

JUST IN

13 MIN AGO

## Oakland reaches deal to sell share of the Coliseum complex, avoiding budget cuts

POLITICS

## State Supreme Court reinstates lawsuit against S.F. DA's office over racial slur

By **Bob Egelko**, Courts Reporter

July 29, 2024





People walk through the halls of the district attorney's offices at the Hall of Justice in San Francisco on Dec. 3, 2015.  
Michael Short/Special To The Chronicle

The state Supreme Court reinstated a lawsuit Monday by a Black woman who was working at the San Francisco district attorney's office in 2015 when a coworker called her a n----- and a supervisor allegedly derided her for complaining about it.

Twanda Bailey's suit against the city had been dismissed by lower courts, who said one racial slur was not enough to support a claim of workplace harassment or discrimination. The state's high court unanimously disagreed, saying a single incident can be grounds for a lawsuit "if it is sufficiently severe in light of the totality of the circumstances."

ACT NOW

“The N-word carries with it, not just the stab of present insult, but the stinging barbs of history, which catch and tear at the psyche the way thorns tear at the skin,” Justice Kelli Evans, one of the court’s three Black members, said in the 7-0 ruling.

**ADVERTISEMENT**

Article continues below this ad

Bailey, hired by the district attorney’s office in 2001, was working as an investigative assistant under then-District Attorney George Gascón in January 2015 when Sanas Larkin, who sat next to her, told her she had seen a mouse run under

Bailey's desk. According to her lawsuit, after Bailey jumped out of her chair, Larkin walked up to her and said, "You n----- is so scary."

Bailey said she did not report the incident immediately because other Black workers had been harassed after making similar complaints. When she eventually filed a report, she said, she was referred to her department's personnel manager, Evette Taylor-Monachino, a close friend of Larkin's.

Taylor-Monachino refused to file a complaint with the office or separate Larkin from Bailey at work, saying it would create an appearance of wrongdoing, the suit said. After Bailey filed her own complaint, the office's Department of Human Resources said it would not take action because a single comment was not enough to create an abusive working environment.

Bailey said Taylor-Monachino also told her she should not have told her coworkers about the incident, and began insulting and glaring at her. In August 2015, Bailey said, the personnel manager drove alongside her in a parking lot and told her, "You are going to get it." After taking a six-week leave recommended by her psychiatrist, Bailey sued the office and the city for harassment and discrimination.

Superior Court Judge Harold Kahn dismissed the suit and was upheld by the 1st District Court of Appeal, which said a single racial epithet from a coworker is not as offensive or harassing as similar conduct by a supervisor.

**ADVERTISEMENT**

Article continues below this ad

But in Monday's ruling, the state Supreme Court said that "coworkers who share a physical space" might find that harassment "more quickly alters the conditions of their employment than harassment by a supervisor."

“Where a supervisor allows a harassing subordinate to act with impunity or appears to ratify their conduct, this may imbue the subordinate with a certain degree of authority to alter the working conditions of their coworkers,” Evans wrote.

Noting that Bailey and Larkin shared an office and work duties, Evans said, “Although it was not physically threatening, a jury could find that use of the slur was degrading and humiliating in the extreme.”

The episode caused a nervous breakdown and ended Bailey’s career, her lawyer, Daniel Bacon, said Monday. With the ruling, he said, “the California Supreme Court has protected employees from being harassed by coworkers with a single utterance of an epithet by ruling that such cases demand that the courts conduct a thorough analysis of the totality of the circumstances.”

Taylor-Monachino is also no longer a city employee, said Jen Kwart, spokesperson for City Attorney David Chiu. In response to the ruling, Kwart said San Francisco “does not condone or tolerate the use of the language at issue in this case” and “took immediate, corrective action. We are disappointed that those corrective actions were not enough for the Court. We are reviewing the decision and will take any appropriate next steps.”

*The case is Bailey v. San Francisco District Attorney’s Office, No. S265223.*

*Reach Bob Egelko: [begelko@sfchronicle.com](mailto:begelko@sfchronicle.com); Twitter: @BobEgelko*

July 29, 2024



**Bob Egelko**  
COURTS REPORTER



Bob Egelko has been a reporter since June 1970. He spent 30 years with the Associated Press, covering news, politics and occasionally sports in Los Angeles, San Diego and Sacramento, and legal affairs in San Francisco

from 1984 onward. He worked for the San Francisco Examiner for five months in 2000, then joined The Chronicle in November 2000.

His beat includes state and federal courts in California, the Supreme Court and the State Bar. He has a law degree from McGeorge School of Law in Sacramento and is a member of the bar. Coverage has included the passage of Proposition 13 in 1978, the appointment of Rose Bird to the state Supreme Court and her removal by the voters, the death penalty in California and the battles over gay rights and same-sex marriage.

---

## Top Of The News



### HEALTH

## Bird flu is spreading around the U.S. Here's what to know about H5N1 in California

The virus hasn't yet been detected in people or cows in California, but two birds with avian flu were found in May at a live poultry market in San Francisco.

### SAN FRANCISCO

## Here are all the ballot measures expected in S.F.'s November election