



2016 ANNUAL REPORT

PREPARED BY:

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
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June 15, 2017

Kevin Kish, Director

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This report has been prepared pursuant to Government Code section 12930, subdivision k, which requires the Department of Fair Employment and Housing to “render annually to the Governor and the Legislature a written report of its activities and its recommendations.”

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LETTER FROM THE DIRECTOR

2016 was a year that saw civil rights – and the protections of civil rights law – placed at the center of public conversation. From threats of hate violence, to transgender rights, to renewed focus on sexual harassment, last year put into clear focus the importance of the work that the Department of Fair Employment and Housing (DFEH) does and has done to prevent and redress discrimination and hate violence in our state.

As always, the core of our work remains the investigation, mediation, and prosecution of civil rights complaints. Sexual harassment cases remain prevalent across industries and economic sectors more than a decade after California passed a law requiring sexual harassment prevention training for supervisory employees in workplaces with more than 50 employees. That is why we launched a [Sexual Harassment Prevention Task Force](#) in 2016 to evaluate the impact of the training requirement and to identify practices that can be broadly shared to prevent and combat this form of discrimination.

As we followed reports of increased incidents of hate violence throughout the year, we affirmatively reached out to various communities with updated [educational materials](#) translated into multiple languages. This targeted effort was part of a larger outreach initiative to meet a broader array of needs and to reach more audiences. DFEH staff participated in 71 outreach events throughout the state in 2016. These included a two-day convening in September, organized by DFEH and stakeholders, which brought together more than 200 representatives of government agencies and community groups to increase understanding of anti-discrimination laws.

We also made strides toward our goal of providing practical information and assistance to employers, business establishments, and housing providers about their responsibilities under the law. We issued new guidance for employers about [transgender employees](#), workplace rights for [veterans](#), and [accommodating disabilities](#) in the workplace. We launched a new website and released expanded FAQs.

As we look to 2017 and beyond, we will continue to look for ways to improve our processes and to respond to new events and issues. We will be guided in these efforts by a [strategic plan](#) we developed in 2016 with input from staff and stakeholders. As we pursue the goals and strategies outlined in the plan, we hope to move ever closer to our vision of a California free of discrimination.

Sincerely,



Kevin Kish
Director, Department of Fair Employment and Housing

LETTER FROM THE CHAIR OF THE FAIR EMPLOYMENT AND HOUSING COUNSEL

I write to report on the Fair Employment and Housing Council's activities and accomplishments in 2016 and our projects and plans thus far in 2017. In 2016, the Council held five public meetings. Two of the meetings were held in San Francisco and the other meetings were held in Los Angeles, Oakland and Sacramento. The Council received a diverse set of ideas and perspectives from stakeholder organizations and unaffiliated members of the public who attended the meetings. All of the meetings were also live-streamed on the Council's webpage so that members of the public could participate remotely. In between the meetings, the Council's various subcommittees were immersed in their work drafting regulations and considering public comments submitted in connection with the Council's rulemaking undertakings.

On January 7, 2016, the Council adopted draft regulations addressing the use of criminal history information in employment decisions. The regulations addressed an important area of disparate impact discrimination that presents difficult questions regarding rights and responsibilities under the Fair Employment and Housing Act. After a year-long public comment process wherein numerous modifications were made in response to public comments, the Council finalized the draft regulations which were approved by the Office of Administrative Law on March 27, 2017. They will take effect on July 1, 2017.

After another year-long public comment process, the Council also drafted and approved regulations addressing gender identity and expression issues in the workplace. We believe the finalized regulations provide significant clarity for employers and employees alike and affirm the gender identity and expression protections enshrined in the Fair Employment and Housing Act. These include addressing important topics such as the rights of employees to use restrooms, locker rooms, and other similar facilities corresponding to their gender identity, and to be addressed by their preferred name and gender pronoun. The finalized regulations are currently being reviewed by the Office of Administrative Law. If approved, they will take effect on July 1, 2017.

On November 15, 2016, the Council finalized for public comment the first ever draft housing regulations addressing FEHA's housing provisions. The draft regulations addressed topics relating to harassment, retaliation and select disability areas, including the topic of accommodations involving assistance animals. At the Council's next meeting, on January 10, 2017, the Council adopted additional draft housing regulations addressing discriminatory land use practices, the use of criminal history information, and practices having a discriminatory effect. Both sets of housing regulations are in the midst of public comment processes and the Council anticipates finalizing the regulations by the end of the year.

On February 28, 2017, Governor Brown reappointed Councilmembers Dale Brodsky, Tim Iglesias, Dara Schur and myself. On March 17, 2017, Mark Harris and Joseph Ortiz were appointed to the Council by Governor Brown and Lisa Cisneros joined the Council through her appointment by the Governor on May 12, 2017.

The new Councilmembers will bring a new infusion of expertise and resources as the Council continues its endeavors for 2017. These include a completion of the housing regulation rulemaking processes and an examination of various statutes, such as the Unruh Civil Rights Act, that were recently placed under the Council's rulemaking authority through SB-1442.

The Council looks forward to continuing to be an effective partner to the Legislature through its efforts to proactively implement the state's current anti-discrimination laws and any new provisions passed into law.

Sincerely,



Chaya M. Mandelbaum
Chair, Fair Employment and Housing Council

ORGANIZATIONAL OVERVIEW

The Department of Fair Employment and Housing is the largest state civil rights agency in the country with 220.8 authorized positions operating out of five offices throughout California. DFEH's mission is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence. To accomplish this mission, the Department receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act.¹

The Department's Enforcement Division consists of investigators who receive and investigate complaints. The Legal Division prosecutes cases referred by the Enforcement Division. A systemic litigation unit within the Legal Division focuses on systemic complaints, meaning complaints that allege a pattern or practice of discrimination impacting a large number of people. The Office of Compliance Programs, also within the Legal Division, monitors state contractors' compliance with nondiscrimination programs. The Dispute Resolution Division (DRD) mediates cases.

2016 Key Accomplishments

- *Increased education and outreach related to combating hate violence*, including meeting with local law enforcement and community groups, updating resource materials and making resource materials available in multiple languages
- *Established a Sexual Harassment Prevention Task Force* to study the problem of sexual harassment, the effects of 10 years of harassment prevention training, and best practices to prevent harassment
- *Provided additional guidance and resources to employers* with regard to transgender employees, and the process and templates needed to respond to requests for reasonable accommodation from employees
- *Revamped the DFEH website* to provide easier navigation and more user-friendly content as well as incorporate translation tools and ensure accessibility for individuals with disabilities
- *Updated and improved posters, brochures and FAQs* to ensure accuracy and make them more appealing and easier to understand
- *Introduced Proposed Regulations* regarding consideration of criminal history in employment decisions, transgender identity and expression, and the first regulations ever to interpret California's fair housing laws
- *Developed a Strategic Plan* to provide a clear roadmap for improving our services and operations over the next 3-5 years, including specific actions to be undertaken in 2016-17 as part of our first annual Action Plan
- *Successfully advocated for 28 new positions* to decrease investigator workloads, provide additional training and resources to investigators and process Public Records Act requests
- *Received approvals, funding and positions needed to implement a new Case Management System*, including an online public portal that is fully accessible and an online public portal in Spanish

¹ For more information on the specific protections provided by each of these laws, see Appendix A. Legislation passed in 2016 that also gave the DFEH authority to investigate and prosecute complaints of human trafficking and to enforce the portion of the Government Code related to discrimination by state agencies and recipients of state funding. Those responsibilities, however, did not take effect until January 1, 2017 and so are not relevant to this report.

A critical component of meeting the Department's mission is giving employers, housing providers, businesses and the public clear, accurate and easily accessible information and training related to their rights and responsibilities under the laws enforced by the Department. This helps both to prevent discrimination from occurring and makes it more likely that it will be reported when it does occur. To meet this need, DFEH continues to develop and improve a suite of educational materials and website content. DFEH executives, managers and staff speak at events around the State each month as part of these outreach efforts. In 2016, DFEH staff participated in 71 outreach events around the state, reaching more than 8,000 individuals.

The Department partners with law schools and universities in California to provide students hands-on experience in investigating, mediating and prosecuting discrimination cases. Since 2013, the Department has housed the Fair Employment and Housing Council, a seven-member body appointed by the Governor that issues regulations interpreting and implementing rights and obligations under the laws enforced by the Department.

THE COMPLAINT PROCESS

DFEH receives approximately 23,000 complaints annually from members of the public who allege that they have been the victim of civil rights violations. Over half of the claims are requests for an immediate “Right to Sue” in employment cases. In these cases, the complainants bypass DFEH’s investigation process, file a complaint with the Department and receive a Right to Sue letter from DFEH, which is required for a complainant to file a case in civil court alleging violations of the employment provisions of the FEHA. The remaining claims are investigated by DFEH.

To initiate the investigation process, a member of the public files an initial inquiry with DFEH. This can be done by calling the DFEH Communications Center, submitting a paper Pre-Complaint Inquiry (PCI), or submitting a PCI through the DFEH online portal. The PCI is assigned to a DFEH investigator, who schedules and conducts an intake interview with the complainant and determines whether DFEH has jurisdiction to accept the complaint. If the complaint is accepted, a written complaint is drafted by the Investigator and mailed to the complainant for signature.

Once a signed complaint is received by DFEH, pursuant to Work-Sharing Agreements with the United States Equal Employment Opportunity Commission (EEOC) and the United States Department of Housing and Urban Development (HUD), the investigator determines if the complaint meets the criteria for federal dual-filing status. If so, the complaint is also assigned a federal identification number. Complaints originally filed with DFEH that are dual-filed with EEOC or HUD are investigated by DFEH. DFEH receives funding from EEOC and HUD for handling these cases.

Complaints are served on the respondent by certified mail. The assigned consultant investigates the case by interviewing parties and witnesses and reviewing supporting documentation. The investigator may attempt to resolve the case with the parties, refer the case to the Dispute Resolution Division (DRD) for possible mediation, or refer the case to the Legal Division for possible prosecution. If the parties reach an agreement and execute a settlement, the case is closed. If the investigator determines there is insufficient evidence to prove a violation of the law, the case is closed. If the Investigator determines the case is potentially meritorious and it is not resolved, the case is transferred to the Legal Division. When DFEH finds a complaint has merit, the FEHA requires in most circumstances that DFEH file a civil complaint within 365 days from the date the complaint was filed. Before a civil complaint can be filed, the law requires that the parties be referred to mandatory mediation conducted by DRD.

2016 Case Processing highlights

Complaints Received—all inquiries that came into DFEH

- Complaints received = 23,510
- 86 percent alleged employment discrimination

Complaints Filed—complaints that resulted in a DFEH investigation or possibility of a private lawsuit

- Complaints filed = 17,041
- Complaints filed along with request for Right to Sue= 12,242
- Complaints investigated by DFEH = 4,799

Bases for Discrimination—most commonly cited reasons for discrimination on filed complaints

- Employment = retaliation and disability
- Housing = disability
- Hate Violence = sex
- Discrimination by Business Establishments = disability and race/color

Cases settled—cases where DFEH facilitated resolution

- Settlements = 1,036
- Monetary value of settlements = \$11,575,151

Cases litigated—cases where DFEH filed a complaint in civil court

- Cases filed in court = 31
- Complainants represented = 73
- Most common basis for cases filed in court = Disability

COMPLAINTS FILED

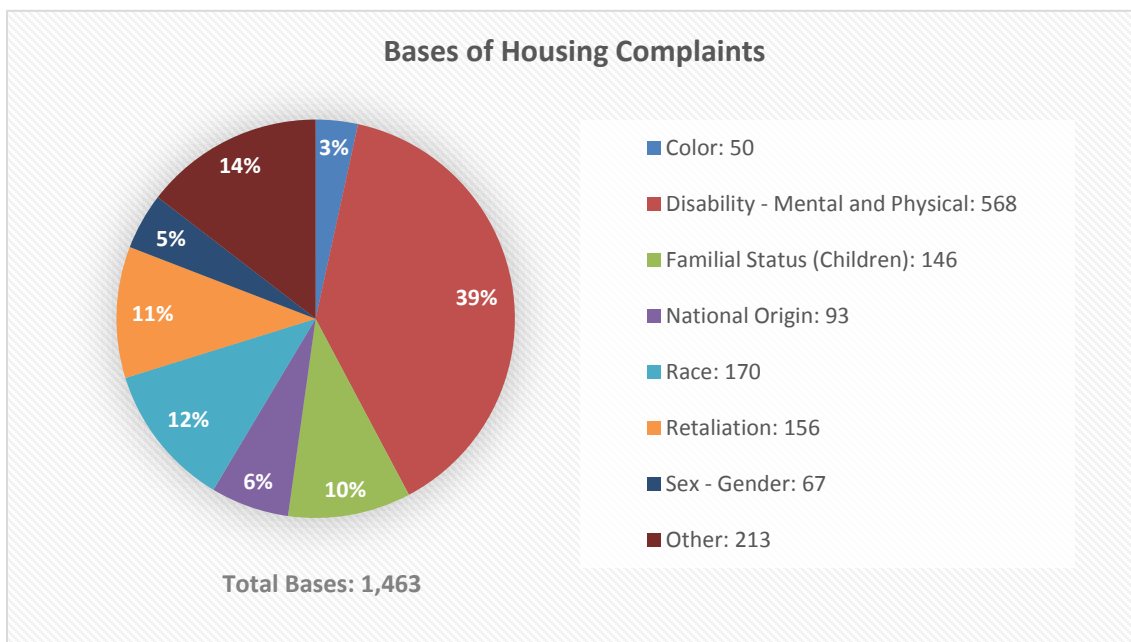
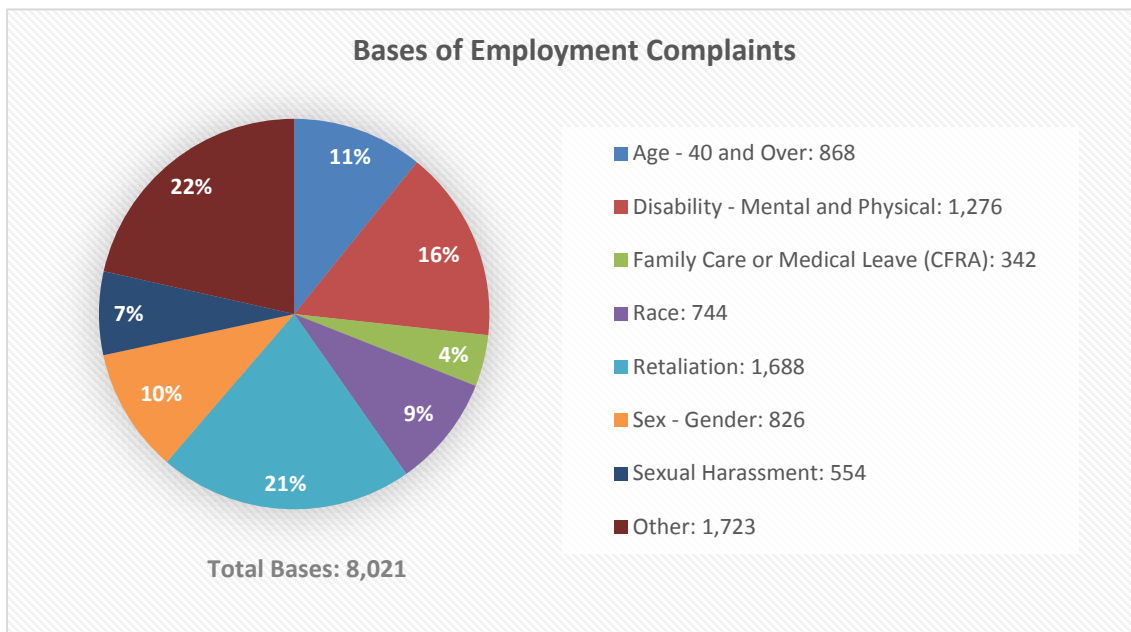
DFEH received 23,510 complaints of discrimination in 2016. This number includes both 12,242 requests for an Immediate Right to Sue as well as 11,268 PCIs.

Of the total complaints received by the Department, 17,041 complaints were formally filed by DFEH in 2016. This number includes 12,242 employment complaints filed along with a request for an immediate Right to Sue letter and 4,799 complaints filed as the result of an intake interview conducted by a DFEH investigator. The table below shows the number of complaints filed by law in 2016.

Complaints Filed by Law in 2016	
FEHA Employment	15,832
FEHA Housing	1,006
Ralph Civil Rights Act	58
Unruh Civil Rights Act	133
Disabled Persons Act	12
Totals	17,041

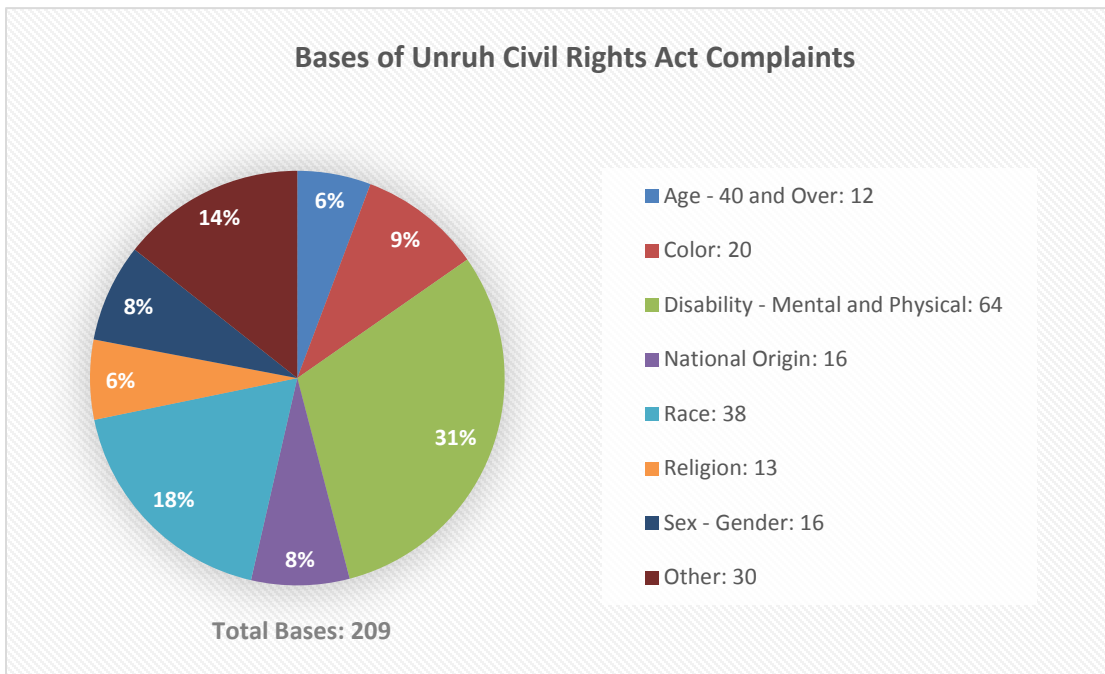
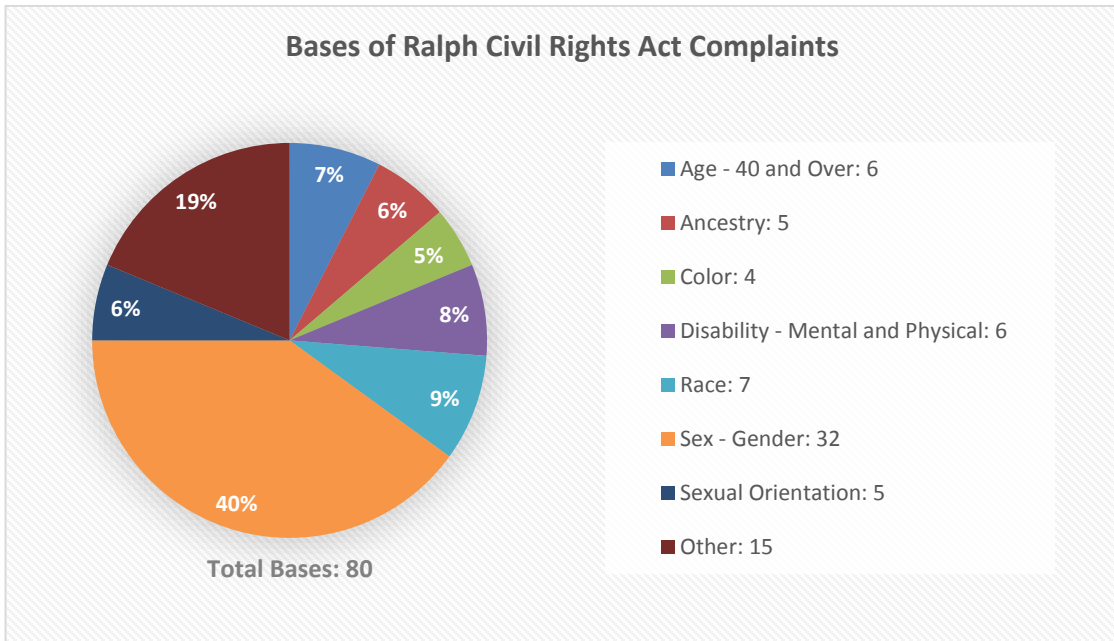
BASES OF COMPLAINTS FILED

As shown in the pie charts below, people contacting the Department for employment matters most commonly complained of discrimination based on disability and retaliation. People contacting the Department for housing matters most commonly complained about discrimination based on disability.



The pie charts below provide information on the bases of other types of complaints filed with DFEH. As shown in the charts, the most commonly cited basis for complaints of hate violence under the Ralph Civil Rights Act was sex. People complaining of discrimination in public accommodations under the Unruh Civil Rights Act most commonly cited disability and race/color as the bases for their complaints.

Complainants may allege discrimination on more than one basis. For example, an individual might allege that she has been discriminated against based on both her sex and her race, and that she has suffered retaliation, all in the same complaint. As a result, the number of bases is significantly higher than the number of complaints filed. Please see Appendix B for tables presenting these statistics, and definitions for some of the terms used in these charts.



COUNTY OF RESIDENCE OF COMPLAINANTS

As shown in the table below, the highest number of complaints came from people living in Los Angeles County followed by Orange County, San Diego County, San Bernardino County and Sacramento County. The numbers in the table are broadly consistent with the state’s population demographics, with the largest number of complaints originating in the most populous counties.

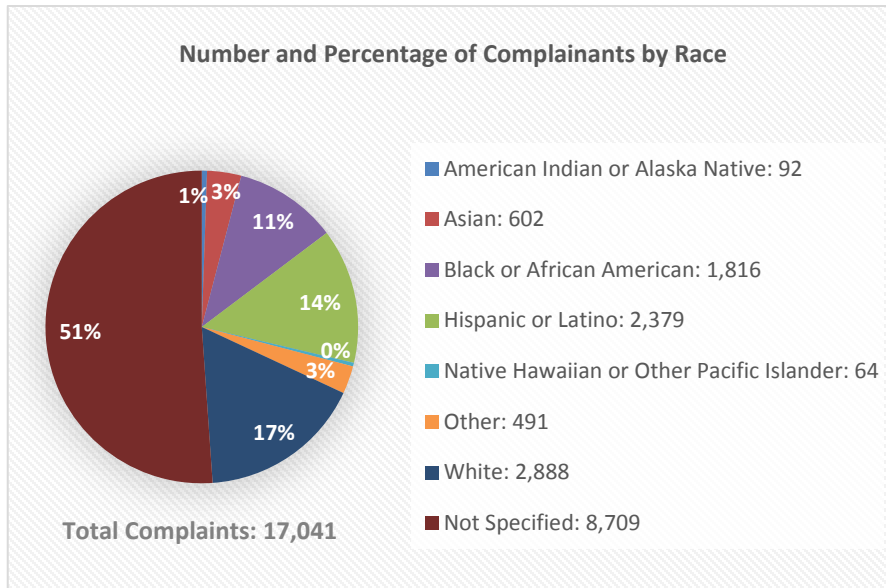
County	Right to Sue	Investigated	Totals
Los Angeles	5569	1045	6614
Orange	1043	252	1295
San Diego	720	273	993
San Bernardino	593	226	819
Sacramento	453	364	817
Riverside	533	244	777
Alameda	358	276	634
San Francisco	351	118	469
Santa Clara	222	214	436
Contra Costa	222	163	385
Ventura	259	93	352
Fresno	175	150	325
San Joaquin	140	135	275
San Mateo	156	100	256
Kern	114	141	255
Santa Barbara	131	48	179
Solano	85	85	170
Stanislaus	84	75	159
Sonoma	87	53	140
Placer	62	58	120
Tulare	57	54	111
Marin	70	35	105
All Others	758	597	1355
Grand Total²	12,242	4799	17041

The tables in Appendix C provide detailed information on the number of complaints filed under each of the laws enforced by the Department based on the county of the complainant.

² This includes all other counties, out of state jurisdictions, and those cases where location was not specified.

DEMOGRAPHICS

Individuals may voluntarily provide demographic information to DFEH when they submit a complaint. Of the 17,041 complaints filed with DFEH in 2016, 8,332 complainants provided information on their race and 5,996 provided information on their national origin.



The pie chart to the left shows the number and percentage of people who filed complaints with DFEH by their self-identified race. As shown in the chart, of those individuals who identified their race, the most complaints were filed by individuals identifying themselves as white, followed by those identifying themselves as Hispanic or Latino and Black or African American. But most individuals did not identify their race.

The table below summarizes information related to the self-identified national origin of complainants. Full details on the race and national origin of complainants for each of the laws enforced by DFEH is shown in Appendix D.

National Origin of Complainants by Law							
National Origin	Employment	Employment Right to Sue	Housing	Ralph Civil Rights Act	Unruh Civil Rights Act	Disabled Persons Act	Totals
American [U.S.]	1,193	1,742	150	14	35	4	3,138
English	110	77	13	1	3	1	205
Filipino	51	79	1	1			132
Iranian	18	76	3		4		101
Mexican	369	614	26	3	6	1	1,019
Other		222					
Hispanic/Latino	101		6	1	3		334
All Other	376	643	34	3	10	1	1,067
Not Identified	1,372	8,789	773	34	72	5	11,045
Totals	3,590	12,242	1,006	54	133	12	17,041

CASES SETTLED

Cases may be resolved through settlement at different points in the DFEH complaint process. Investigators within the Enforcement Division may conciliate (that is, attempt to bring the parties together to negotiate) a settlement at any point in their investigations. They also refer some cases to the Dispute Resolution Division (DRD) to determine if the parties are interested in participating in voluntary mediation conducted by DRD. Once the Department’s Legal Division takes a case, the law requires that the case be referred to DRD for mandatory mediation before the case can be filed in civil court. However, the Legal Division may also settle the case on its own before or after mandatory mediation occurs.

The amounts listed below reflect what respondents or defendants agreed to pay, and complainants or real parties agreed to accept, in order to resolve their discrimination cases. As shown in the table, the Department settled a total of 1,036 cases in 2016 for a total of \$11,575,151 in monetary recovery.

Number of Cases Settled by Division in 2016		
	Number of Settlements	Total Settlement Amount
Enforcement Division	573	\$2,635,979
Dispute Resolution Division	417	\$7,385,372
Legal Division	46	\$1,553,800
Totals	1,036	\$11,575,151

The reported settlement amounts reflect monetary recovery only. Most Department settlements also include “affirmative relief” in the form of injunctions, training and monitoring, and changes in policies that increase fair employment or housing opportunities, or that decrease the likelihood of future discrimination or hate violence. Some settlements include only affirmative relief and no economic recovery. Although the amount of monetary recovery might seem comparatively low to civil rights settlements reported in the news or elsewhere, many complaints filed for investigation are coming to the Department precisely because they have low economic damages and are therefore unattractive to the private bar.

Case Highlight: DFEH v. John Yo Wong

Irene Reynoso, a 66-year-old woman, had lived in the same apartment in San Francisco for decades. She had been seriously injured as a young woman and her condition had deteriorated over time, requiring her to ask her landlord to accept rent checks signed by her sister, to allow another sister (her caregiver) to stay with her, and to provide her with a key to a more accessible entrance to the garbage room. Despite numerous attempts by Ms. Reynoso, her sisters, and the nonprofit Housing Equality Law Project (HELP) to obtain these reasonable accommodations, the landlord refused all requests and served Ms. Reynoso with multiple eviction notices. After Ms. Reynoso brought her case to DFEH, the Department investigated her claims, found merit and filed a lawsuit against the landlord.

In November 2016, Ms. Reynoso’s landlord agreed to pay \$575,000 to Ms. Reynoso, her sisters, and HELP to resolve the discrimination allegations and various landlord-tenant claims. The settlement also requires the landlord to attend fair housing training, develop a reasonable accommodations policy, and post informational DFEH posters at all of his rental properties.

Case Highlight: DFEH v. Sandhu Brothers Poultry and Farming et al.

A female farmworker working for a sweet potato farming operation in Stanislaus County was sexually harassed by a supervisor, who exposed his genitals and engaged in other sexually explicit behavior in front of members of the crew, and made unwanted sexual advances to several female crew members. The worker in question was also groped by the supervisor and was fired after complaining to the company.

After the allegations were investigated and substantiated by the DFEH, the Department filed a lawsuit in Superior Court. The case was settled for \$75,000 in January 2016. As part of the settlement, the company also agreed to undergo sexual harassment training and implement sexual harassment prevention policies.

CASES REFERRED TO DISPUTE RESOLUTION DIVISION

The tables below provide additional information regarding the cases referred to and settled by the DRD for each of the last three years. As shown in the tables, the number of cases referred to DRD, as well as the number of cases mediated, has grown during that time period.

The number of complaints referred exceeds the number of mediations conducted because complaints referred for voluntary mediation are not prescreened for agreement to mediate and cannot proceed to mediation unless all parties agree. Similarly, the number of SB 1038 mandatory mediations and post-civil complaint mediations referred to DRD differs from the number of mediations conducted, because some matters are settled or withdrawn before formal mediation or may not be mediated until the subsequent year when they are referred to DRD close to a year's end.

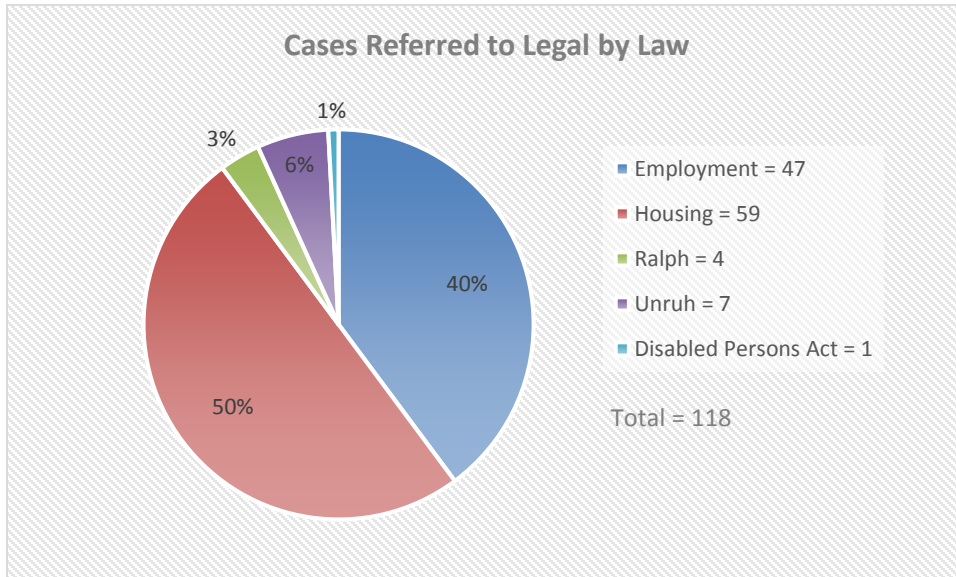
Number of Cases referred to Dispute Resolution Division by year and referral type ³	2014	2015	2016
Voluntary	1,208	1,157	1,400
SB 1038 (Mandatory)	94	122	87
Post-Civil	2	11	14
Totals	1,222	1,304	1,501

Number of Mediations Conducted	2014	2015	2016
Voluntary	500	524	695
SB1038	86	96	82
Post-Civil	4	12	6
Totals	590	632	783

³ The DRD controls the number of complaints it will accept for voluntary mediation based on the number of mediators available to mediate cases and the percentage of referrals that result in an agreement to mediate.

CIVIL COMPLAINTS FILED

The Enforcement Division refers cases to the Legal Division for prosecution after the Enforcement Division makes a determination of cause (finding that the case has merit) and if the case is not resolved by settlement in the Enforcement Division. The Legal Division makes the final determination regarding cause, and refers cases it intends to prosecute to the DRD for SB 1038 mandatory mediation prior to filing a civil complaint. As shown in the chart and table below, the Enforcement Division referred 118 cases to the Legal Division in 2016, and the Legal Division filed 31 civil complaints.



The table below shows the number of civil complaints filed by the Legal Division in 2016. The number of underlying complaints is larger than the number of civil complaints filed, because a complainant may have more than one complaint for the same set of facts. For example, a case might have a FEHA housing claim and an Unruh Civil Rights claim, which are filed as separate complaints with DFEH. For purposes of filing a civil complaint in court, however, the two complaints would be contained within the same civil complaint, as two separate causes of action. The number of complaints filed is different from the number of total complainants, because civil complaints often are filed on behalf of multiple complainants.

Civil Complaints Filed in 2016							
<i>Underlying Complaints</i>						Total Civil Complaints Filed	Total Complainants
Employment	Housing	Ralph Civil Rights Act	Unruh Civil Rights Act	Disabled Persons Act	Total		
14	37	1	2	0	54	31	73

CIVIL COMPLAINTS FILED BY BASES

The table below shows the most common bases of the civil complaints filed by DFEH in 2016. As shown in the table, the most common basis for civil complaints filed by the Department is disability, across all law types enforced by DFEH.

Most Common Bases of Civil Complaints Filed		
Law	Basis	No.
Employment	Disability - Mental and Physical	7
	Retaliation	7
Housing	Disability - Mental and Physical	11
	Familial Status (Children)	5
	Retaliation	5
Ralph	Disability – Mental and Physical	1
	Race	1
	Sex – Gender	1
Unruh	Disability - Mental and Physical	11
	Race	5

Appendix E contains detailed information on the bases of civil complaints filed. The number of bases exceeds the number of civil complaints filed because complaints may allege harm on more than one basis. For example, the Department may file a civil complaint that alleges that an employer discriminated against an employee because of her race as well as her sexual orientation.

Case Highlight: DFEH v. M & N Financing Corporation

Los Angeles based M & N Financing used a spreadsheet that automatically added a point to a loan when the gender of the borrower or co-borrower was entered as “female.” When a point was added to a loan pursuant to this formula, M & N would pay a used car dealership 1% less for the car but would collect payments and interest on the full amount from the consumer. This allowed M & N to keep more of the money for cars purchased by female borrowers or co-borrowers. When “male” was entered on the spreadsheet no points were added. This discriminatory practice violates the Unruh Civil Rights Act.

During a year-long investigation, the DFEH reviewed thousands of documents, interviewed employees, managers, former employees and auto dealers, and obtained a court order permitting it to make a mirror image of one of the company’s computers. As a result of the investigation, the DFEH filed suit against M & N Financing in Los Angeles County Superior Court.

The Court determined that the DFEH was entitled to monetary relief and a court order halting the discriminatory practice, but deferred a ruling on the amount of monetary relief to subsequent proceedings. In filings with the Court, the DFEH had earlier estimated that there are approximately 2,747 victims of this loan discrimination throughout Southern California.

U VISAS

The federal Victims of Trafficking and Violence Protection Act of 2000 created the U Visa, which is available to immigrant victims of serious crimes. To obtain a U Visa, victims of qualifying crimes must demonstrate to United States Citizenship and Immigration Services their willingness to cooperate in the investigation or prosecution of the crime, among other requirements (please see <https://goo.gl/S59lj5> for a fuller explanation). A U Visa application must be supported by a certification from a law enforcement agency, prosecutor's office, judge, family protective services office, the EEOC, a department of labor, or another similar investigative agency.

As a state investigative agency, DFEH is able to provide U Visa certifications and is required to report data about those certifications to the Legislature pursuant to California Penal Code section 679.10. In 2016, DFEH received seven requests for Form I-918 Supplement B certifications, of which seven were signed and none denied.

APPENDIX A: LAWS ENFORCED BY DFEH

The Department of Fair Employment and Housing's statutory mandate is to protect the people of California from employment, housing and public accommodations discrimination, and hate violence and human trafficking, pursuant to the California Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act.

The FEHA (Gov. Code, § 12900 *et seq.*) prohibits workplace discrimination and harassment on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, and military and veteran status, or because another person perceives the employee to have one or more of these characteristics.

Included in the FEHA is the California Family Rights Act (CFRA), which requires employers of 50 or more employees to provide protected leave of up to 12 work weeks in a 12-month period to eligible employees to care for their own serious health condition or that of an eligible family member. Included as well is California's Pregnancy Disability Leave Act (PDLA), which requires an employer to provide employees disabled by pregnancy, childbirth, or a related medical condition leave of up to four months and the right to return to work.

With regard to housing, the FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, and genetic information, or because another person perceives the tenant or applicant to have one or more of these characteristics.

The FEHA also mandates reasonable accommodation of religious beliefs or observances in the workplace, including religious dress and grooming practices, requires employers and housing providers to reasonably accommodate persons with disabilities, and prohibits covered entities from retaliating against any person because he or she has opposed practices forbidden by the FEHA or filed a complaint, testified, or assisted in any DFEH or court proceeding related to a FEHA claim.

The Unruh Civil Rights Act (Civ. Code, § 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, primary language, citizenship or immigration status (the last three bases were added as of 1/1/2016). Similarly, the Disabled Persons Act (Civ. Code, § 54 *et seq.*) provides that individuals with disabilities or medical conditions have the same right as the general public to the full and free use of streets, highways, sidewalks, walkways, public buildings, medical facilities (including hospitals, clinics, and physicians' offices), and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation (whether private, public, franchised, licensed, contracted, or otherwise provided), telephone facilities, adoption agencies, private schools, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.

The Ralph Civil Rights Act (Civ. Code, § 51.7) guarantees the right of all persons within California to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation, or position in a labor dispute, or because another person perceives them to have one or more of these characteristics.

APPENDIX B: COMPLAINTS FILED BY BASIS

Employment Complaints Filed by Basis ⁴	No.
Age - 40 or Over	868
Ancestry	140
Association with a Member of a Protected Class	110
Color	291
Disability - Mental and Physical	1,276
Family Care or Medical Leave (CFRA)	342
Genetic Information ⁵	15
Marital Status	63
Medical Condition -Cancer or Genetic Characteristics ⁶	229
Military or Veteran Status	33
National Origin	292
Race	744
Religion	141
Retaliation	1,688
Sex – Gender	826
Sex – Gender Identity or Gender Expression	55
Sex – Pregnancy	218
Sexual Harassment ⁷	554
Sexual Orientation	136
Total Employment Bases	8,021

Housing Complaints Filed by Basis ⁵	No.
Age - 40 or Over	21
Ancestry	19
Association with a Member of a Protected Class	38
Color	50
Disability - Mental and Physical	568
Familial Status (Children)	146
Genetic Information ⁶	0
Marital Status	25
National Origin	93
Race	170
Religion	25
Retaliation	156
Sex – Gender	67
Sex – Gender Identity or Gender Expression	8
Sex – Pregnancy	2
Sexual Harassment	22
Sexual Orientation	18
Source of Income	35
Total Housing Bases	1,463

⁴ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Employment Complaints filed = 3,590; total number of Housing Complaints filed = 1,006.

⁵ California Government Code section 12926(g) defines "genetic information" as information about any of the following: (A) An individual's genetic tests; (B) The genetic tests of family members of the individual; (C) The manifestation of a disease or disorder in family members of the individual. Genetic information includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual. Genetic information does not include information about the sex or age of any individual. Pursuant to Government Code section 12926 (i)(2), "Genetic characteristics" means either of the following: (A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or (B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

⁶ Government Code section 12926 (i) defines "Medical condition" as (1) any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or (2) Genetic characteristics.

⁷ The number of sexual harassment complaints received is calculated based on the number of complaints filed with a request for an immediate Right to Sue and PCIs where someone complains of "harassment" as one of the harms they've suffered and indicates "sex" as one of the bases for the alleged harm(s). This number may overcount the number of sexual harassment complaints, since it includes any case where a person alleges discrimination on the basis of sex and harassment on a different basis.

Ralph Complaints Filed by Basis ⁸	No.	Unruh Complaints Filed by Basis ⁹	No.
Age – 40 or Over	6	Age – 40 or Over	12
Ancestry	5	Ancestry	7
Association with a Member of a Protected Class	0	Citizenship	0
Color	4	Color	20
Disability – Mental and Physical	6	Disability – Mental and Physical	64
Genetic Information ⁵	2	Genetic Information ⁵	1
Marital Status	0	Immigration Status	0
Medical Condition (Cancer or Genetic Characteristics) ⁶	1	Marital Status	1
National Origin	3	Medical Condition (Cancer or Genetic Characteristics) ⁶	5
Other	3	National Origin	16
Political Affiliation	0	Other	7
Position in a Labor Dispute	1	Primary Language	0
Race	7	Race	38
Religion	2	Religion	13
Sex - Gender	32	Sex – Gender	16
Sex – Gender Identity or Gender Expression	3	Sex – Gender Identity or Gender Expression	2
Sex – Pregnancy	0	Sex – Pregnancy	1
Sexual Orientation	5	Sexual Orientation	6
Total	80	Total	209

Total Disabled Persons Act Complaints Filed by Basis ⁹	No.
Disability – Mental and Physical	12
Medical Condition – Cancer or Genetic Characteristics ⁶	1
Total	13

⁸ Total number of bases exceeds the total number of complaints filed, because a complaint may be filed on more than one basis. Total number of Unruh Complaints filed = 133; total number of Ralph Complaints filed = 58; total Disabled Persons Act Complaints filed = 12

APPENDIX C: COUNTY OF RESIDENCE OF COMPLAINANTS

County	Disabled Persons Act	Employment	Employment Right to Sue	Housing	Ralph	Unruh	Grand Total
Alameda		217	358	48	6	5	634
Amador		2	2	2	1		7
Butte		20	37	3		1	61
Calaveras		4	10				14
Colusa		4	5	1			10
Contra Costa		129	222	32		2	385
Del Norte		7	3	1	2		13
El Dorado		16	26	4			46
Fresno		123	175	22	1	4	325
Glenn		4	3				7
Humboldt		12	16	4			32
IMPERIAL		18	20	2			40
Inyo		1	3				4
Kern		121	114	16	2	2	255
Kings		21	26	1	1		49
Lake		5	7	1		1	14
Lassen		4	3	1			8
Los Angeles	5	709	5,569	281	15	35	6,614
Madera		17	13	1	1		32
Marin		24	70	10		1	105
Mariposa		1	4	2			7
Mendocino		8	5	2		1	16
Merced		24	38	3			65
Modoc			1				1
Mono		2	1				3
Monterey		37	50	9	1		97
Napa		10	27	4			41
Nevada	1	7	8	2			18
Not Specified		1	162				163
Orange	2	170	1,043	66	5	9	1,295
Out of State	1	90	119	15	1	5	231
Placer		50	62	8			120
Plumas		1	3				4
Riverside	1	187	533	41	2	13	777
Sacramento		283	453	56	8	17	817
San Benito		8	8				16
San Bernardino	1	176	593	44	1	4	819
San Diego	1	189	720	72	1	10	993
San Francisco		89	351	23	2	4	469
San Joaquin		117	140	17		1	275

San Luis Obispo		28	36	15			79
San Mateo		56	156	43	1		256
Santa Barbara		40	131	6	1	1	179
Santa Clara		154	222	52	1	7	436
Santa Cruz		22	29	12	1	1	65
Shasta		27	23	5	2	1	58
Siskiyou		3	8	2			13
Solano		65	85	16		4	170
Sonoma		43	87	10			140
Stanislaus		62	84	10	1	2	159
Sutter		16	12				28
Tehama		3	4	3			10
Trinity		2					2
Tulare		49	57	3	1	1	111
Tuolumne		4	5				9
Ventura		74	259	18		1	352
Yolo		28	35	13			76
Yuba		6	6	4			16
Grand Total	12	3,590	12,242	1,006	58	133	17,041

APPENDIX D: DEMOGRAPHIC INFORMATION

Race	Employment					Disabled Persons Act	Totals
	Employment	Right to Sue	Housing	Ralph	Unruh		
American Indian or Alaska Native	50	27	12	1	2		92
Asian	200	373	21	2	6		602
Black or African American	595	1,098	88	7	28		1,816
Hispanic or Latino	485	1,850	32	4	7	1	2,379
Native Hawaiian or Other Pacific Islander	22	40	2				64
Other	103	361	15	1	9	2	491
White	1,045	1,684	113	14	27	5	2,888
Not Identified	1,090	6,809	723	29	54	4	8,709
Grand Total	3,590	12,242	1,006	58	133	12	17,041

National Origin	Employment					Disabled Persons Act	Grand Total
	Employment	Right to Sue	Housing	Ralph	Unruh		
Afghani	3	12	2				17
American [U.S.]	1,193	1,742	150	14	35	4	3,138
Asian Indian	21	34	2	1	2		60
Bangladeshi	1	4					5
Cambodian	2	4	2				8
Canadian	5	11		1			17
Chinese	30	54	2				86
Cuban	2	10					12
Dominican	2	2					4
Egyptian	6	7	1				14
English	110	77	13	1	3	1	205
Ethiopian	3	4					7
Fijian	3	1					4
Filipino	51	79	1	1			132
German	18	9	1				28
Ghanian	1	1					2
Guamanian	1	5					6
Haitian		5					5
Hawaiian			1				1
Hmong	5						5
Indonesian		1					1
Iranian	18	76	3		4		101

Iraqi	3	5		1			9
Irish	11	12	1				24
Israeli	4	6					10
Italian	19	20	1			1	41
Jamaican	7	4					11
Japanese	8	14	2				24
Korean	8	44	3				55
Laotian	3	1					4
Lebanese	3	7					10
Mexican	369	614	26	3	6	1	1,019
Nigerian	11	8	2		1		22
Other	24	121	2		4		151
Other African	19	36					55
Other Asian	15	17	1				33
Other Caribbean	5	6	1				12
Other European	48	42	2		1		93
Other Hispanic/Latino	101	222	6	2	3		334
Other Middle Eastern	15	32	3				50
Pakistani	4	10	2		2		18
Puerto Rican	13	7	1				21
Salvadoran	23	47					70
Samoan		1					1
Sri Lankan	1	2					3
Syrian		2					2
Taiwanese	17	6					23
Thai	2	1					3
Vietnamese	10	28	2				40
Not Identified	1,372	8,789	773	34	72	5	11,045
Grand Total	3,590	12,242	1,006	58	133	12	17,041

APPENDIX E: BASES OF CIVIL COMPLAINTS FILED

Type	Basis	No.
Employment	Disability - Mental and Physical	7
Employment	National Origin	3
Employment	Race	1
Employment	Retaliation	7
Employment	Sex – Gender	2
Employment	Sex – Pregnancy	2
Employment	Sexual Harassment	4
Employment	Sexual Orientation	2
Housing	Ancestry	1
Housing	Association with a Member of a Protected Class	2
Housing	Disability - Mental and Physical	11
Housing	Familial Status (Children)	5
Housing	National Origin	3
Housing	Race	4
Housing	Retaliation	5
Housing	Sex – Gender	2
Ralph	Disability – Mental and Physical	1
Ralph	Race	1
Ralph	Sex – Gender	1
Unruh	Ancestry	1
Unruh	Disability - Mental and Physical	11
Unruh	National Origin	3
Unruh	Other	5
Unruh	Race	5
Unruh	Sex – Gender	2
Unruh	Sex – Pregnancy	1
Disabled Persons Act	Disability	0
TOTAL		92