

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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July 11, 2019  
For Immediate Release

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**DFEH and KajSong Corporation Reach Settlement in Disability Discrimination Case**

*Retail employer to pay \$20,000 and revise "fully healed" policy*

**Sacramento** – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in an employment disability discrimination case with KajSong Corporation (KajSong) involving a retail store clerk who alleged she was subjected to discrimination, denied a good-faith interactive process and reasonable accommodation, and retaliated against after she informed her employer about her disability and need for accommodation.

The employee filed a complaint with DFEH in February 2018 alleging that KajSong, which operates women's retail clothing stores, stopped scheduling her for a month after she submitted a doctor's note requiring a change to her work schedule. For disability-related reasons, the employee couldn't both open the store in the morning and close it at night. KajSong ultimately provided a new work schedule, but significantly reduced the employee's work hours and demoted her. The company also had an unlawful "fully healed" policy that required employees who were out sick to bring in a doctor's note indicating they could "resume full duty" before they could return to work.

DFEH found cause to believe a violation of the Fair Employment and Housing Act had occurred. The parties engaged in mediation resulting in a settlement in which KajSong will pay \$20,000, which includes the employee's lost wages, emotional distress and the DFEH's attorney fees.

"Blanket 'fully healed' policies violate California law, which requires a good faith interactive process when an employee requests a reasonable accommodation, including a schedule change," said DFEH Director Kevin Kish. "Employers cannot ignore requests for accommodations, or unilaterally remove employees from the schedule when they request an accommodation."

As part of the settlement, KajSong will hire an outside consultant to revise its current policies; provide training for staff on the interactive process and the prohibition of retaliation; and report compliance to DFEH.

Staff Counsel Joni Carrasco, Civil Rights Fellow Jacqueline Gil, and Summer Law Clerk Gabriela Correa represented DFEH in this matter.

*The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).*

