



2018 ANNUAL REPORT

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

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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EXECUTIVE SUMMARY

The Department of Fair Employment and Housing (DFEH) is pleased to submit this report detailing the work of DFEH in calendar year 2018, which was DFEH's first full year of operation using a new case filing and case management system, Cal Civil Rights System, that we developed and launched in November 2017. This investment in technology has allowed us to better serve the public and promote more efficient use of resources.

The number of complaints received by DFEH continued to grow, with 27,840 complaints received in 2018, an increase of 3,061 complaints over calendar year 2017.

2018 CASE PROCESSING HIGHLIGHTS

- 27,840 Complaints received
- 20,822 Complaints filed (includes complaints initiating a DFEH investigation and those initiating the possibility of a private lawsuit through the Right-to-Sue process in employment claims)
 - 14,772 Complaints filed to request an immediate Right-to-Sue notice
 - 5,395 complaints accepted for investigation by DFEH

The complexity of the 5,395 cases investigated by DFEH also increased greatly in 2018. For example, in employment cases alone, complainants in 2018 alleged 13,842 bases of discrimination in the cases investigated by DFEH, an increase of 4,137 distinct allegations over the 2017 tally (9,705).

- Cases settled—cases for which DFEH facilitated resolution
 - 792 Settlements
 - Monetary value of settlements = \$13,683,921.04
- Cases litigated—cases for which DFEH filed a complaint in civil court
 - 29 Cases filed in court on behalf of 48 individually named complainants (does not include unnamed class members on whose behalf DFEH also filed)

We continued to make strides in 2018 to provide clear, comprehensive, and accessible information to Californians about their rights and responsibilities under our State civil rights laws, as well as to meet increasing demand for our services. These efforts include:

- Launched a Spanish-language version of the Cal Civil Rights System (CCRS), the online case-filing and case-management system.
- Participated in 66 outreach events statewide, reaching more than 21,992 individuals with information about their rights and responsibilities under California's civil rights laws.
- Issued a suite of fair housing materials developed in consultation with community members in the six most commonly spoken languages in the state.
- Published a new online resources page for California employers with posters, forms, FAQs, and a sexual harassment and abusive conduct prevention toolkit.
- Launched a statewide volunteer mediation program to resolve complaints filed with DFEH.

- Formed an advisory group and published a report on the feasibility of local government enforcement of the employment provisions of the Fair Employment and Housing Act.
- Published a website with sample forms and FAQs to implement and promote compliance with the Fair Chance Act (AB 1008), which limits the use of criminal history information in employment decisions.

We continue to work toward our vision of a California free of discrimination and welcome feedback from all stakeholders as we do so.

Sincerely,

A handwritten signature in black ink that reads "Kevin Kish". The signature is fluid and cursive, with the first name "Kevin" being larger and more prominent than the last name "Kish".

Kevin Kish
Director, Department of Fair Employment and Housing

LETTER FROM THE CHAIR OF THE FAIR EMPLOYMENT AND HOUSING COUNCIL

I write to report on the Fair Employment and Housing Council's activities in 2018. In 2018, the Council held six public meetings. Two of the meetings were held in Oakland, two were held in Los Angeles and the other meetings were held in Sacramento and Fresno.

Employment regulations addressing National Origin discrimination were finalized by the Council, approved by the Office of Administrative Law, and took effect on July 1, 2018. The regulations provide guidance and clarity about various potential forms of national origin discrimination, including the use of English-only policies, discrimination based on an employee's accent, and discrimination based on actual or perceived immigration status.

The Council worked on a number of additional sets of employment regulations throughout 2018. These regulations include: criminal history regulations implementing AB 1008, California's Ban-the-Box law; New Parent Leave Act regulations implementing SB 63; harassment and discrimination prevention regulations implementing SB 396; and religious creed and age discrimination regulations.

Throughout 2018, the Council continued to work on a draft of the first ever regulations interpreting FEHA's housing provisions. After numerous rounds of public comment and input from the Office of Administrative Law, the regulations have been approved and will take effect on January 1, 2020.

On October 19, 2018, the Council adopted an initial draft of regulations to Government Code 11135 et. seq., addressing anti-discrimination protections for programs or activities funded by the state. The Council anticipates undertaking the formal rulemaking process for these draft regulations throughout the remainder of 2019.

The Council is also mindful of its statutory prerogative to holding hearings and make recommendations aimed at advancing civil rights in the state. To that end, the Council held a day-long public hearing in Fresno on April 20, 2018, where experts, advocates, and members of the public testified about civil rights issues affecting residents of the Central Valley. The public testimony is available to watch or read online. The Council is currently planning a hearing to address hate crime in light of the uptick in hate related incidents both in our state and nationally. The hearing will likely take place in the Inland Empire, a heavily populated region of California that does not frequently have an opportunity to host statewide forums of this nature.

The Council remains committed to being an effective partner to the Legislature through its efforts to proactively implement the State's anti-discrimination laws.

Sincerely,



Chaya M. Mandelbaum
Chair, Fair Employment and Housing Council

ORGANIZATIONAL OVERVIEW

The Department of Fair Employment and Housing (DFEH) is the largest state civil rights agency in the country with 238.8 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 and human trafficking. To accomplish this mission, DFEH 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, Ralph Civil Rights Act, Trafficking Victims Protection Act, and statutes prohibiting discrimination in state-funded activities and programs.¹

DFEH's Enforcement Division consists of investigators who receive and investigate complaints. The Legal Division prosecutes cases referred by the Enforcement Division, including systemic complaints, meaning complaints that allege a pattern or practice of discrimination impacting a large number of people. The Dispute Resolution Division (DRD) mediates cases.

A critical component of meeting DFEH's mission is giving employers, housing providers, businesses and the public clear, accurate and easily accessible information related to their rights and responsibilities under the laws DFEH enforces. Education and outreach help both to prevent discrimination from occurring and make it more likely discrimination will be reported when it occurs. 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 2018, DFEH staff participated in 66 outreach events statewide, reaching more than 21,992 individuals.

DFEH partners with law schools and universities in California to provide students with hands-on experience investigating, mediating and prosecuting discrimination cases. Since 2013, DFEH 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 DFEH enforces.

2018 KEY ACCOMPLISHMENTS

- Launched a Spanish-language version of the Cal Civil Rights System (CCRS), the online case-filing and case-management system.
- Issued a suite of fair housing materials developed in consultation with community members in the six most commonly spoken languages in the state.
- Published a new online resources page for California employers with posters, forms, FAQs, and a sexual harassment and abusive conduct prevention toolkit.
- Launched a statewide volunteer mediation program to resolve complaints filed with DFEH.
- Formed an advisory group and published a report on the feasibility of local government enforcement of the employment provisions of the FEHA.
- Published a website with sample forms and FAQs to implement the Fair Chance Act (AB 1008), limiting the use of criminal history information in employment decisions.

¹ For more information on the specific protections provided by each of these laws, see Appendix A.

THE COMPLAINT PROCESS

DFEH received 27,840 complaints in 2018 from members of the public who alleged civil rights violations. Over half of the claims were requests for an immediate “Right-to-Sue” in employment cases. In these cases, individuals file a complaint with DFEH, but bypass DFEH’s investigation process, and receive a closing letter that includes a Right-to-Sue from DFEH, which a complainant needs to file a civil court case alleging violations of the FEHA’s employment provisions. The remaining claims DFEH investigates.

To initiate the investigation process, a member of the public files an initial inquiry with DFEH by calling the DFEH Communications Center, submitting a paper intake form, or submitting an intake form through the DFEH online portal. DFEH assigns the intake to a DFEH investigator, who schedules and conducts an initial interview with the complainant and determines whether DFEH has jurisdiction to accept the complaint. If DFEH has jurisdiction and accepts the claim the investigator drafts a written complaint and sends it to the complainant to sign.

Once DFEH receives the complainant’s signed complaint, 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 criteria for federal dual-filing status and, if so, assigns the complaint a federal identification number. DFEH receives funding from EEOC and HUD for investigating these dual-filed cases.

DFEH serves the complaint on the party accused of discrimination (“respondent”) by certified mail. The assigned consultant investigates the case by interviewing parties and witnesses, reviewing supporting documentation, and conducting site inspections, where appropriate. If a respondent fails to cooperate with DFEH’s investigation, DFEH has the authority to serve interrogatories, issue subpoenas and demand production of documents, and to petition the court to order a respondent to comply if the respondent refuses. The investigator also 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 resolve the case through conciliation or mediation and execute a settlement agreement— or if the investigator determines there is insufficient evidence to prove a violation of the law— DFEH closes the case. If the investigator determines the case is potentially meritorious and it has not resolved, the Enforcement Division transfers the case 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 DFEH complaint was filed. Before DFEH can file a civil complaint, FEHA requires the parties to participate in mandatory mediation conducted by DRD.

2018 CASE PROCESSING HIGHLIGHTS

- 27,840 Complaints received
- 20,822 Complaints filed (includes complaints initiating a DFEH investigation and those initiating the possibility of a private lawsuit)
- 14,772 Complaints filed to request an immediate Right-to-Sue
- 5,395 DFEH Complaint investigations opened

Bases of Discrimination—most commonly cited reasons for discrimination alleged in complaints filed

- Employment = Disability
- Housing = Disability
- Hate Violence = Sex/gender

Cases settled—cases for which DFEH facilitated resolution

- 792 Settlements
- Monetary value of settlements = \$13,683,921.04

Cases litigated—cases for which DFEH filed a complaint in civil court

- 29 Cases filed in court on behalf of 48 individually named complainants (does not include unnamed class members on whose behalf DFEH also filed)

COMPLAINTS FILED

DFEH received 27,840 complaints of discrimination in 2018. 20,822 complaints were formally filed by DFEH in 2018. This number includes 14,772 complaints filed as a request for an immediate Right-to-Sue for employment discrimination and 5,395* complaint investigations initiated as the result of intake interviews. The table below shows the number of complaints filed by law in 2018.

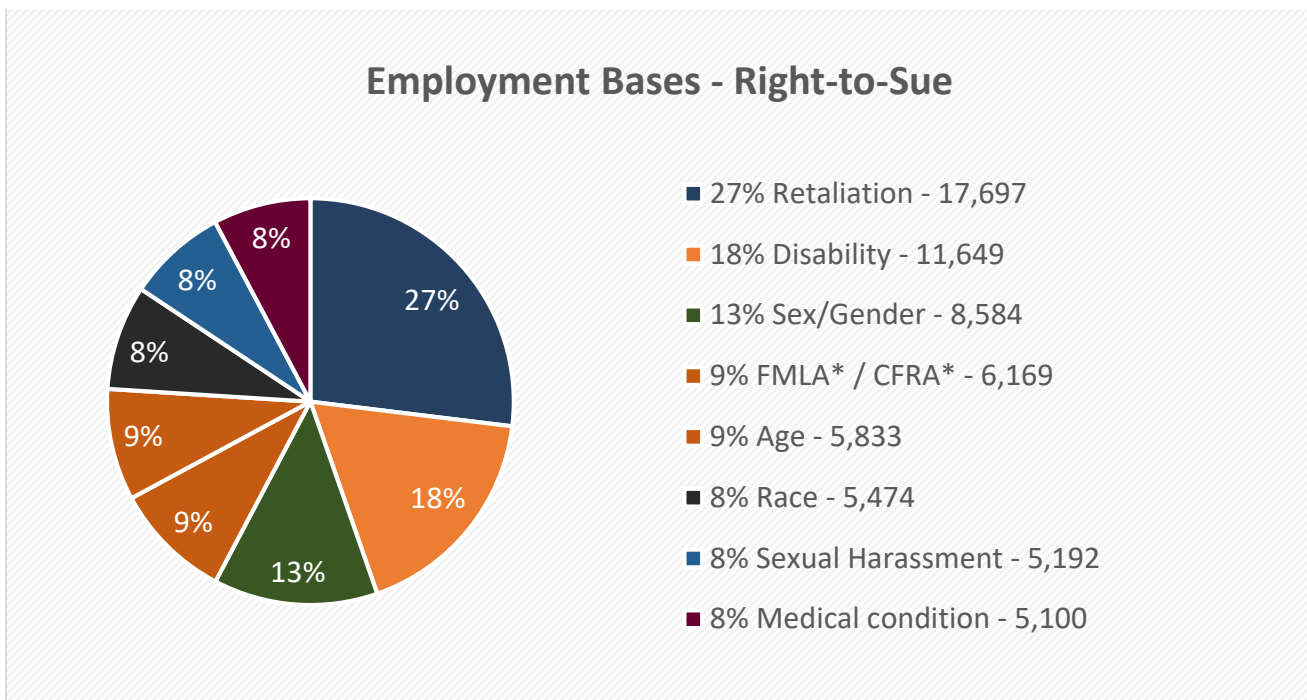
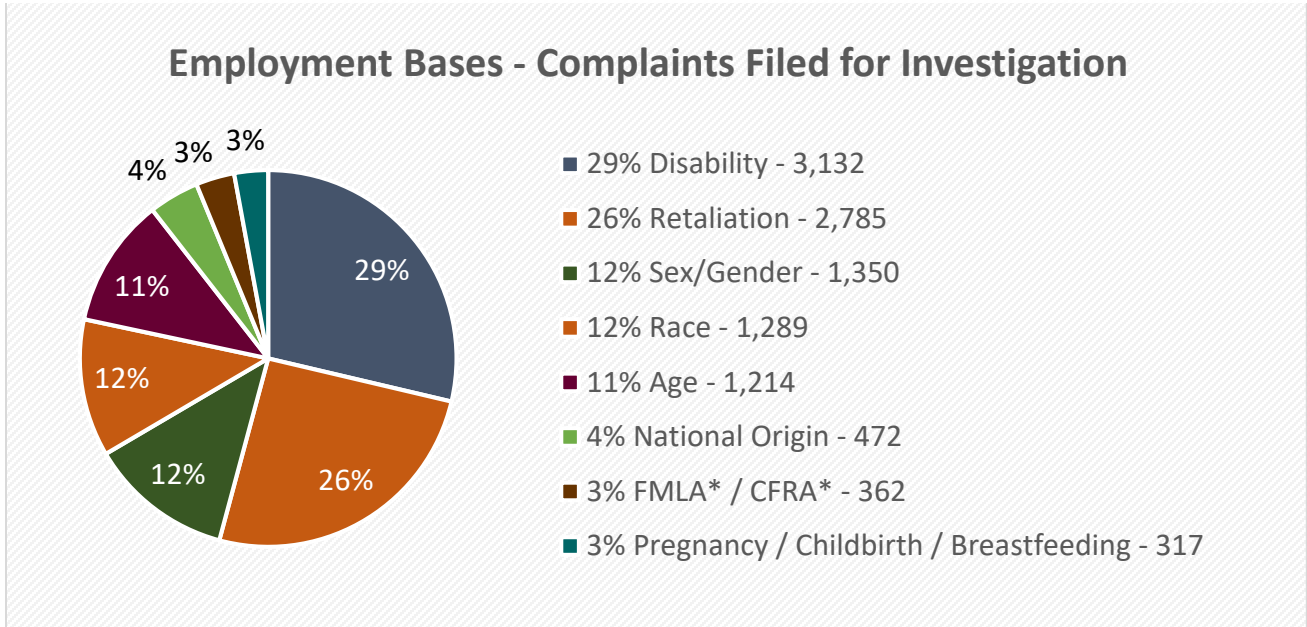
Table 1: Complaints Filed by Law in 2018

Employment Investigation	4216
Housing	784
Unruh Civil Rights Act	207
Unruh as a companion to a Housing case	655*
Ralph Civil Rights Act	88
Criminal History	62
Civil Code Section 54	22
Government Code Section 11135	16
Employment Right-to-Sue	14,772
Total	20,822

*Note: Fair housing cases alleging a violation of FEHA often also involve an alleged Unruh violation, as the same unlawful activity can violate both laws. DFEH creates companion cases that are investigated as part of the same investigation. In previous years, the Unruh complaint DFEH filed as a companion to a housing case was included in the total Unruh complaint volume. This year, we are separately identifying the Unruh companion cases and excluding them from the total number of complaint investigations initiated. Doing this allows the public to see the number of independent Unruh cases that are not a companion to a fair housing case.

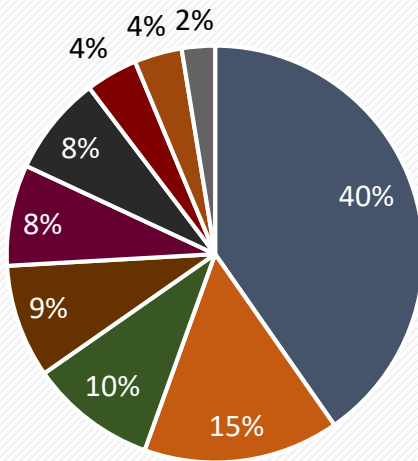
BASES OF COMPLAINTS FILED

As shown in the charts below, people contacting DFEH for employment investigations most commonly complained of discrimination based on disability. People most often request a right-to-sue in employment matters based on retaliation. People contacting DFEH for housing investigations most commonly complained about discrimination based on disability.



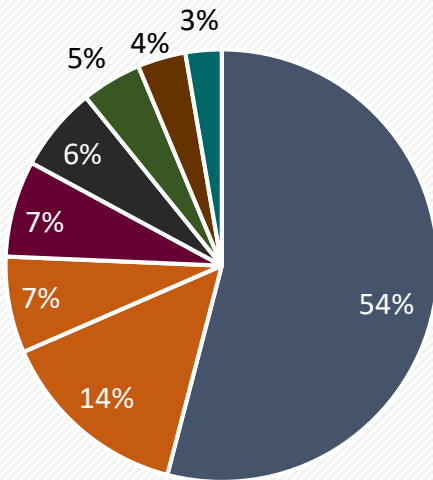
*FMLA = Family and Medical Leave Act
CFRA = California Family Rights Act

Housing Bases



- 40% Disability - 719
- 15% Race - 271
- 10% Familial Status - 175
- 9% Retaliation - 157
- 8% National Origin - 140
- 8% Sex/Gender - 138
- 4% Color - 72
- 4% Associated with Someone of a Protected Class - 66
- 2% Marital Status - 46

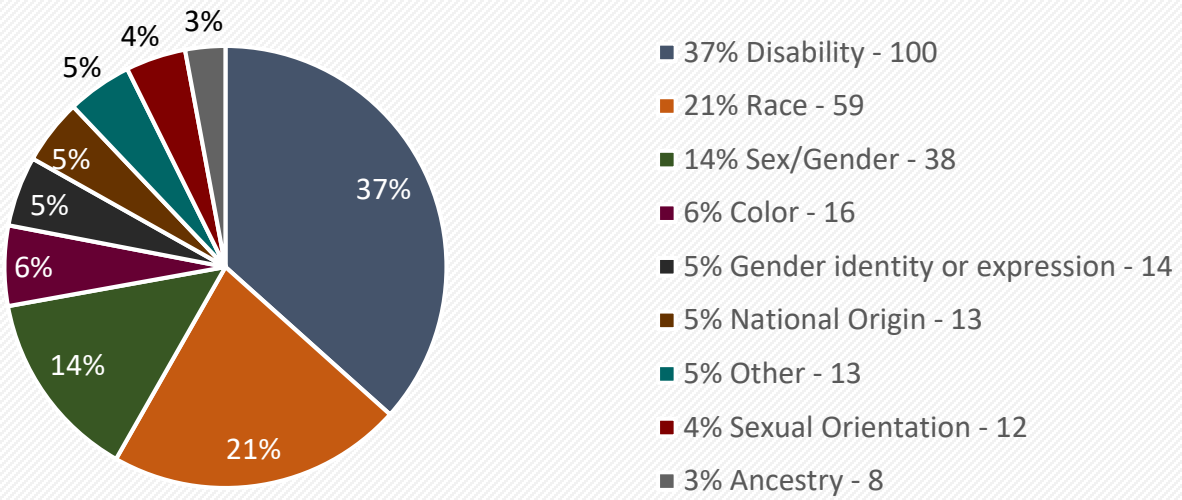
Ralph Civil Rights Act Bases



- 54% Sex/Gender - 60
- 14% Race - 16
- 7% Disability - 8
- 7% National Origin - 8
- 6% Sexual Orientation - 7
- 5% Age - 5
- 3% Ancestry - 4
- 2% Color - 3

Unruh Civil Rights Act Bases

*Does not include housing companion case volume



A complainant 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 has suffered retaliation, all in the same complaint. As a result, the number of bases is much 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 filed complaints came from people living in Los Angeles County followed by Orange County, San Diego County, Sacramento County, and Alameda 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.

Table 2: County of Residence of Complainants

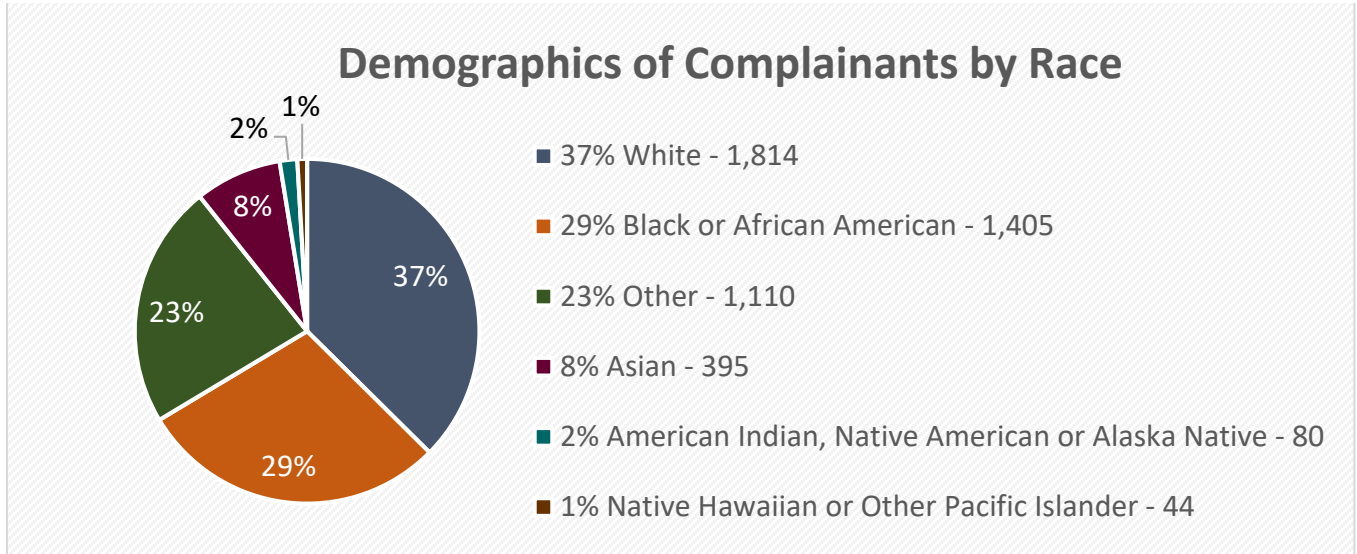
County	Right-to-Sue	Investigated	Totals
Los Angeles	4,593	1,401	5,994
Orange	1,381	352	1,733
San Diego	829	393	1,222
Sacramento	463	508	971
Alameda	507	351	858
San Bernardino	581	216	797
Riverside	511	259	770
San Francisco	416	264	680
Santa Clara	340	274	614
Contra Costa	186	149	335
Kern	159	144	303
Ventura	221	76	297
Fresno	141	148	289
San Mateo	167	116	283
San Joaquin	99	105	204
Monterey	73	78	151
Stanislaus	73	74	147
Sonoma	72	69	141
Santa Barbara	87	52	139
Placer	76	59	135
Solano	58	71	129
Napa	98	27	125
Marin	68	54	122
Tulare	65	54	119
All Other CA Counties	424	423	847
Out of State / Unknown	3,084	333	3,417
Total	14,772	6050*	20822

- Includes the 655 companion Unruh cases.

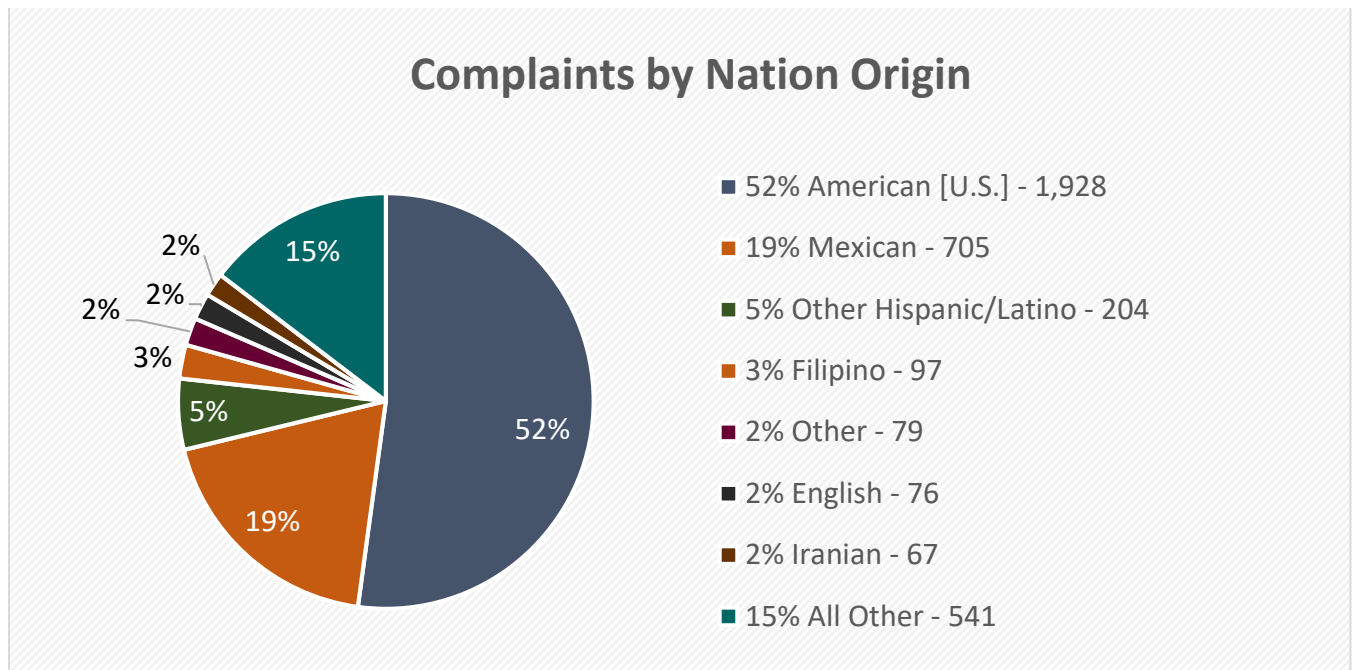
The table in Appendix C provides detailed information on the number of complaints filed under each of the laws DFEH enforces based on the complainant’s county of residence.

DEMOGRAPHICS

Individuals may voluntarily provide demographic information to DFEH when they submit a complaint. Of the 20,807 complaints filed by law in 2018, 4,848 complainants provided information on their race. As shown in the charts, below, of those individuals who identified their race, the most complaints were filed by individuals identifying themselves as white, followed by those identifying themselves as African American.



Of those individuals who identified their national origin, the most complaints were filed by individuals identifying themselves as American [U.S.], followed by those identifying themselves as Mexican, Other and Filipino. Sixteen percent of complainants did not identify their national origin.



Full details on the race and national origin of complainants for each of the law types DFEH enforces are shown in Appendices D (race) and E (national origin).

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, which DRD conducts. Once DFEH’s Legal Division takes a case, the law requires DFEH and the parties to participate in mandatory mediation in DRD before DFEH can file the case in civil court. However, the Legal Division may also settle a case on its own before or after mandatory mediation occurs.

The amounts listed below reflect the monetary value of settlements respondents or defendants agreed to pay or perform, and complainants or real parties agreed to accept, to resolve their discrimination cases. As shown in the table, DFEH settled a total of 792 cases for a monetary value of \$13,683,921.04 in 2018.

Table 3: Number of Cases Settled by Division in 2018

	Number of Settlements	Total Settlement Amount
Enforcement Division	251	\$2,304,077.67
Dispute Resolution Division - Voluntary	441	\$7,590,560.74
Dispute Resolution Division/Legal (SB1038 & Post-Civil)	62	\$1,419,932.63
Legal Division	38	\$2,369,350.00
Total	792	\$13,683,921.04

The reported settlement amounts reflect monetary recovery only. Most Department settlements also include “affirmative relief” in the form of injunctions, training and monitoring, or 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.

Case Highlight: National Origin Discrimination in Housing in San Rafael

A family alleged that a property management company discriminated against them on the basis of national origin when the company demanded a U.S.-based form of identification such as a U.S. driver’s license, passport, or employment authorization card to process a rental application. DFEH has issued guidance that California housing providers may not require U.S.-issued identification from prospective tenants and must accept foreign-issued identification such as Consular ID cards and passports. Routine credit and background checks may be conducted with a name and previous address.

The parties engaged in voluntary pre-investigation mediation in the DFEH’s Dispute Resolution Division, resulting in a settlement in which the property owner agreed to pay \$18,000, change the language of a notice given to rental applicants, attend fair housing trainings, post fair housing posters, and send residents fair housing brochures in English and Spanish.

Case Highlight: Religious Discrimination in Employment at Herb Farm in Riverside County

A farmworker alleged that an herb farm refused to accommodate her request to observe the Sabbath on Saturday, as required by her Seventh-day Adventist faith, and that she was fired when she observed the Sabbath. The law requires employers to make reasonable accommodations for an employee's sincerely held religious belief or observance so long as doing so does not pose an undue hardship on the employer.

After unsuccessfully mediating the claim, DFEH filed a lawsuit to vindicate the worker's right to reasonable religious accommodations, including the right to observe the Sabbath or other religious holy days. To settle the lawsuit, the farm agreed to pay \$40,000, develop written anti-discrimination policies, and undergo training annually for four years.

CASES REFERRED TO DISPUTE RESOLUTION DIVISION

The tables below provide additional information regarding the cases referred to and settled by the Dispute Resolution Division (DRD) for each of the last three years.

The number of complaints referred (table 4) exceeds the number of mediations conducted (table 5) because complaints referred for voluntary mediation are not all 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 differs from the number of mediations conducted, because some matters settle or are withdrawn before formal mediation or may not be mediated until the subsequent year when referral occurs close to a year's end.

Table 4: Number of Cases Referred to Dispute Resolution Division by Year and Law Type

Referral Type ²	2016	2017	2018
Voluntary	1,400	1,762	1422
SB 1038 (Mandatory)	87	123	87
Post-Civil	14	3	11
Appeals			7
Totals	1,501	1,888	1,527

² 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.

Table 5: Number of Mediations Conducted

Referral Type	2016	2017	2018
Voluntary	695	779	781
SB 1038 (Mandatory)	82	117	80
Post-Civil	6	1	11
Appeals			1
Totals	783	897	873

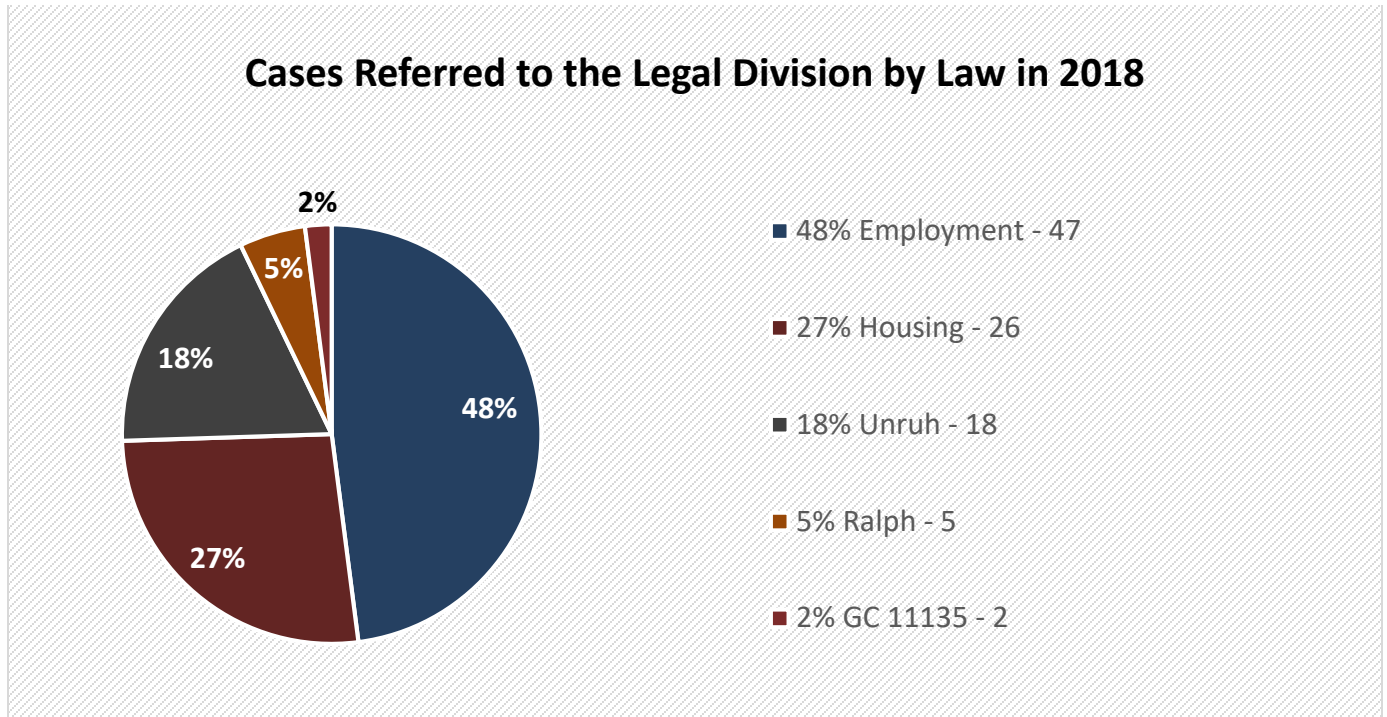
Case Highlight: Sexual Harassment by Marin County landlord

A woman filed complaints for housing discrimination and violations of the Unruh Civil Rights Act, alleging that the owner of a residential house in which she rented a downstairs room sexually harassed her over the course of a year and a half, including by kissing her, grabbing her buttocks, and exposing himself to her. The complainant alleged the owner became increasingly hostile after she rejected his advances. No longer feeling safe in her home, the complainant filed a police report and sought a restraining order against the landlord, which the court granted. Immediately following service of the restraining order, the homeowner served the complainant with a 30-day eviction notice.

The parties engaged in voluntary pre-investigation mediation in the DFEH's Dispute Resolution Division, resulting in a settlement in which the landlord agreed to pay the complainant \$75,000. In addition to the monetary settlement, the homeowners were required to undergo fair housing training that addresses sexual harassment prevention and retaliation.

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. The Legal Division makes the final determination regarding cause and refers cases it intends to prosecute to the Dispute Resolution Division for SB 1038 mandatory mediation prior to filing a civil complaint. As shown in the chart below, the Enforcement Division referred 98 cases to the Legal Division in 2018.



The 98 cases referred to the Legal Division in 2018 resulted in 29 civil complaints, filed on behalf of 48 individual complainants. The number of complaints filed is smaller than the number of complainants, because civil complaints often are filed on behalf of multiple complainants. The table below shows the bases of discrimination alleged in these complaints. The number of bases exceeds the number of civil complaints filed because complaints may allege harm on more than one basis. For example, DFEH may file a civil complaint that alleges that an employer discriminated against an employee because of her race as well as her sexual orientation.

Table 6: Bases of Civil Complaints Filed by the Legal Division

Complaint Type	Basis	#
Employment	Disability - Mental and Physical	4
Employment	National Origin	1
Employment	Religion	1
Employment	Retaliation	7
Employment	Sex - Gender	5
Employment	Sex - Pregnancy	1
Employment	Sexual Harassment	4
Employment	Sexual Orientation	1
Gov. Code, § 11135	Disability - Mental and Physical	1
Gov. Code, § 11135	Gender Identity	1
Gov. Code, § 11135	Sexual Harassment	1
Housing	Ancestry	1
Housing	Disability - Mental and Physical	9
Housing	Familial Status (Children)	2
Housing	Marital Status	1
Housing	National Origin	3
Housing	Retaliation	5
Housing	Sex - Gender	1
Housing	Sexual Harassment	1
Housing	Sexual Orientation	1
Housing	Source of Income	1
Ralph	National Origin	1
Ralph	Sex - Gender	2
Unruh	Disability - Mental and Physical	10
Unruh	Marital Status	1
Unruh	National Origin	3
Unruh	Other	1
Unruh	Sex (Gender Identity/Expression)	2
Unruh	Sex Orientation	1
Unruh	Sex	1
TOTAL		74

Case Highlight: Disability Discrimination in Riverside County Jails

A Deaf man alleged that he was discriminated against when Riverside County Sheriff's deputies denied him the assistance of an American Sign Language (ASL) interpreter, which he needs to communicate effectively with law enforcement officers. He alleged that he requested sign language interpretation twice during two criminal interrogations in a Riverside County jail. In one incident, deputies used handwritten notes to question the complainant instead of providing an interpreter. In a second incident, when the complainant declined to participate in an interrogation until an ASL interpreter was provided, deputies charged him with an offense without providing an interpreter or completing an interrogation.

DFEH filed a lawsuit in Riverside County Superior Court. To resolve the suit, the County agreed to pay \$50,000, to enter into a contract with interpreter services to accommodate the needs of Deaf and hard of hearing individuals both in custody and in the field, to maintain telecommunications devices to accommodate their communication needs, and to advise inmates of the availability of interpreters and other disability accommodations through posted signs and an internal broadcast system in jails.

Case Highlight: DFEH Challenges "English Only" Policy at Forever 21

Three Latinx employees at Forever 21's flagship San Francisco store filed complaints alleging that the company prohibited them from speaking Spanish at work, including during work breaks and morning greetings, and including with Spanish-speaking customers.

After investigation, DFEH filed a lawsuit in San Francisco Superior Court. The suit challenged the unlawful "English-only" policy. The suit also alleged Forever 21 retaliated against the three employees after they complained about the policy by reducing their work hours and subjecting them to harassment and hostility.

To resolve the suit, Forever 21 agreed to pay \$90,000, to end the alleged English-only policy, to hire an outside consultant to review its internal complaint procedure, to educate its California employees about English-only restrictions, and to hire a monitor and report its compliance activities to DFEH.

U VISA CERTIFICATION APPLICATIONS

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 [U.S. Citizenship and Immigration Services, Victims of Criminal Activity: U Nonimmigrant Status](#) website). 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 2018, DFEH received 23 requests for Form I-918 Supplement B certifications. Of these, 19 requests were signed and four requests were not signed.

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.

As of January 1, 2018, the FEHA also includes the New Parent Leave Act, which requires employers of at least 20 employees to allow their employees to take up to 12 weeks of parental leave to bond with a new child within one year of the child's birth, adoption, or foster care placement.

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 the person 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. 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.

As of January 1, 2017, DFEH has jurisdiction to investigate and prosecute violations of the California Trafficking Victims Protection Act (Civ. Code, § 52.5). The law provides a civil cause of action for victims of human trafficking, defined by California law as the deprivation or violation of the personal liberty of another person with the intent to obtain forced labor or services, including sex.

As of January 1, 2017, DFEH has jurisdiction to investigate and prosecute violations of statutes (Gov. Code, § 11135 *et seq.*) prohibiting discrimination against recipients of state funding in their activities or programs because of sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), race, color, gender identity, gender expression, religion, creed, ancestry, national origin, ethnic group identification, age, physical disability, mental disability, medical condition, genetic information, marital status, or sexual orientation.

APPENDIX B: COMPLAINTS FILED BY BASES

Table 7: Employment Complaints Filed by Bases³

(Requests for Immediate Right-to-Sue Not Included)

Age	1,604
Ancestry	274
Association with a member of a protected class	158
Color	312
Disability	3,132
Family Care	362
Gender identity or expression	58
Genetic Information	31
Marital Status	103
Medical Condition	498
Military and veteran status	19
National Origin	472
Other	303
Participated as a witness in a discrimination or harassment	1
Patient abuse (Hospital employees only)	10
Pregnancy, childbirth, breast feeding, and/or related medical conditions	317
Race	1,289
Religious creed (includes dress and grooming practices)	185
Reported discrimination/harassment	2
Reported or resisted any form of discrimination or harassment	1,694
Reported patient abuse (hospital employees only)	10
Requested or used a disability-related accommodation	668
Requested or used leave under the California Family Rights Act or FMLA	307
Requested or used pregnancy disability related accommodation	106
Sex/Gender	1,350
Sexual harassment- hostile environment	300
Sexual harassment- Quid Pro Quo	45
Sexual Orientation	232
Total	13,842

³ 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 = 4,216.

Table 8: Employment Right-to-Sue Complaints Filed by Bases ⁴

Age	7,031
Ancestry	2,303
Association with a member of a protected class	3,581
Baby Bonding Leave (employers of 20 - 49 people)	613
Color	3,132
Criminal History	8
Disability (physical or mental)	11,649
Family Care or Medical Leave (CFRA) (employers of 50 or more people)	6,169
Gender identity or expression	1,392
Genetic information or characteristic	757
Marital status	918
Medical condition (cancer or genetic characteristic)	5,100
Military and veteran status	300
National Origin	3,373
Pregnancy, childbirth, breast feeding, and/or related medical conditions	1,622
Race	5,474
Religious Creed - Includes dress and grooming practices	951
Sex	5,057
Sex/Gender	8,584
Sexual harassment- hostile environment	3,764
Sexual harassment- Quid Pro Quo	1,428
Sexual orientation	1,585
Other	2,930
Total	77,721

⁴ Total number of bases exceeds the total number of complaints filed, because a complaint may contain more than one basis. Total number of immediate Rights-to-Sue issued = 14,772.

Table 9: Housing Complaints Filed by Bases⁵

Age	185
Ancestry	32
Association with a Member of a Protected Class	66
Color	72
Disability	719
Familial status (Children)	175
Gender identity or expression	8
Genetic Information	1
Marital Status	46
Medical Condition	18
National Origin	140
Other	37
Pregnancy, childbirth, breast feeding, and/or related medical conditions	8
Race	271
Religious creed (includes dress and grooming practices)	45
Reported or resisted any form of discrimination or harassment	82
Requested or used a disability-related accommodation	75
Requested or used pregnancy disability related accommodation	2
Sex/Gender	138
Sexual harassment- hostile environment	25
Sexual harassment- Quid Pro Quo	7
Sexual Orientation	27
Source of income	35
Total	2,214

⁵ Total number of bases exceeds the total number of complaints filed, because a complaint may contain more than one basis. Total number of Housing Complaints filed = 784.

Table 10: Ralph Civil Rights Act Complaints Filed by Bases⁶

Age	12
Ancestry	4
Association with someone of a protected class	1
Color	3
Disability	8
Gender identity or expression	2
Marital Status	1
Medical Condition	2
National Origin	8
Race	16
Religious creed (includes dress and grooming practices)	2
Sex/Gender	60
Sexual harassment- Quid Pro Quo	1
Sexual Orientation	7
Total Bases	127

⁶ Total number of bases exceeds the total number of complaints filed, because a complaint may contain more than one basis. Total number of Ralph Complaints filed = 88.

Table 11: Unruh Civil Rights Act Complaints Filed by Bases⁷

Age	21
Ancestry	8
Color	16
Disability	100
Familial status (Children)	2
Gender identity or expression	14
Genetic Information	1
Immigration Status	1
Marital Status	1
Medical Condition	3
National Origin	13
Race	59
Religious creed (includes dress and grooming practices)	5
Sex/Gender	38
Sexual Orientation	12
Other	13
Total	307

⁷ Total number of Unruh Complaints filed = 207 (and 655 companions to Housing cases).

Table 12: Disabled Persons Act Complaints Filed by Bases ⁸

Disability	22
Medical Condition	2
Total	24

⁸ Total number of bases exceeds the total number of complaints filed, because a complaint may contain more than one bases. Total number of Disabled Persons Act Complaints filed = 22.

Table 13: Government Code 11135 Complaints Filed by Bases⁹

Age	1
Association with someone of a protected class	1
Color	1
Disability	11
Race	2
Sex/Gender	5
Sexual Orientation	1
Total	22

⁹ Total number of bases exceeds the total number of complaints filed, because a complaint may contain more than one basis. Total number of Government Code 11135 Complaints filed = 16.

APPENDIX C: COUNTY OF RESIDENCE OF COMPLAINANTS FOR COMPLAINTS FILED BY DFEH

Table 14: County of Residence of Complainants for Complaints Filed by DFEH

County	CC54	Criminal History in Employment Decisions	Employment	GC11135	Housing	Ralph Civil Rights Act	Right-to-Sue	Unruh	Total
Los Angeles	5	15	894	3	222	20	4597	51	5807
Orange	1	5	238	0	46	5	1381	20	1696
San Diego	3	3	244	0	72	7	829	7	1165
Sacramento	0	4	347	7	66	7	464	23	918
Alameda	1	2	256	2	44	3	509	10	827
San Bernardino	0	3	168	0	21	2	581	3	778
Riverside	2	3	175	0	36	5	511	9	741
San Francisco	3	4	189	1	33	1	408	11	650
Santa Clara	1	4	206	0	28	4	340	14	597
Contra Costa	0	3	103	0	22	1	189	2	320
Kern	1	0	122	0	8	1	159	3	294
Ventura	0	0	50	0	14	1	221	0	286
Fresno	1	4	121	0	9	1	141	3	280
San Mateo	0	3	84	0	15	0	174	2	278
San Joaquin	0	1	87	0	6	3	99	2	198
Monterey	0	0	57	0	8	5	73	1	144
Stanislaus	0	2	53	0	8	1	73	3	140
Sonoma	0	1	49	0	11	0	72	2	135
Santa Barbara	1	1	27	0	11	2	87	0	129
Placer	0	0	39	0	8	1	76	3	127
Solano	0	0	52	0	7	0	58	7	124
Napa	0	0	18	0	5	0	98	0	121
Marin	0	0	29	0	11	0	68	5	113
Tulare	0	0	39	0	7	2	65	0	113
Yolo	2	0	33	1	13	1	47	2	99
San Luis Obispo	0	0	28	0	4	0	50	0	82
Butte	0	0	22	0	3	0	33	0	58
Santa Cruz	1	0	16	0	6	0	34	0	57
Kings	0	0	24	0	4	0	21	1	50

Shasta	0	0	20	0	6	2	19	1	48
Merced	0	0	16	0	4	0	22	0	42
Humboldt	0	1	17	0	4	1	17	0	40
Imperial	0	0	18	0	0	2	20	0	40
El Dorado	0	0	9	0	3	0	26	0	38
Madera	0	0	6	0	2	0	19	0	27
Nevada	0	0	9	0	0	0	16	0	25
Sutter	0	0	6	0	0	1	17	0	24
Mendocino	0	0	8	0	3	0	7	1	19
Yuba	0	0	8	0	1	1	8	0	18
Lake	0	0	3	0	1	0	12	0	16
Tuolumne	0	0	2	0	2	0	12	0	16
Amador	0	0	6	0	1	0	8	0	15
Tehama	0	0	3	0	0	0	7	0	10
Glenn	0	0	4	0	0	2	3	0	9
Lassen	0	0	2	1	1	0	3	1	8
Siskiyou	0	0	3	0	1	0	4	0	8
Calaveras	0	0	1	0	1	0	4	0	6
Del Norte	0	0	3	0	1	0	2	0	6
Inyo	0	0	1	0	0	0	4	0	5
Mono	0	0	3	0	0	0	2	0	5
Plumas	0	0	1	0	0	0	3	1	5
Colusa	0	0	2	0	0	0	2	0	4
Mariposa	0	0	3	0	0	0	0	0	3
San Benito	0	0	2	0	0	0	1	0	3
Trinity	0	0	1	0	0	0	1	1	3
Alpine	0	0	1	0	0	0	0	0	1
Total	22	59	3,928	15	779	82	11,697	189	16,771

APPENDIX D: DEMOGRAPHIC INFORMATION - RACE

Table 15: Demographic Information - Race

Race	Disabled Persons Act	Criminal History in Employment Decisions	Employment	Housing	Ralph	Unruh	GC11135	Right-to-Sue	Total
American Indian, Native American or Alaskan Native	0	0	1	0	0	0	0	4	5
Native Hawaiian or other Pacific Islander	0	0	13	1	0	0	0	30	44
Asian	0	0	114	12	3	9	0	257	395
White	2	17	576	111	18	43	2	1045	1814
Black or African American	1	6	427	111	5	24	0	831	1405
Other	1	2	228	39	3	5	1	831	1110
Total	4	25	1,359	274	29	81	3	2,998	4,773

APPENDIX E: DEMOGRAPHIC INFORMATION – NATIONAL ORIGIN

Table 16: Demographic Information – National Origin

	Disabled Persons Act	Criminal History in Emp Decisions	Emp	Housing	Ralph	Unruh	GC11135	Right to Sue	Total
Afghani	0	0	3	1	1	0	0	11	16
American [U.S.]	6	16	712	146	9	49	1	989	1928
Asian Indian	0	0	10	0	0	0	0	21	31
Bangladeshi	0	0	2	0	0	0	0	3	5
Cambodian	0	0	1	0	0	0	0	7	8
Canadian	0	0	4	2	1	0	0	5	12
Chinese	0	0	19	2	0	0	0	41	62
Cuban	0	0	4	0	0	0	0	2	6
Dominican	0	0	1	0	0	0	0	0	1
Egyptian	0	0	1	4	0	0	0	22	27
English	0	0	41	11	2	1	0	21	76
Ethiopian	0	0	2	1	0	0	0	4	7
Fijian	0	0	1	0	0	0	0	2	3
Filipino	0	0	30	1	0	1	0	65	97
German	0	0	20	0	1	0	0	11	32
Ghanaian	0	0	0	0	0	0	0	1	1
Guamanian	0	0	1	0	0	0	0	1	2
Haitian	0	0	0	0	0	0	0	1	1
Hawaiian	0	0	0	0	0	0	0	2	2
Indonesian	0	0	1	0	0	0	0	1	2
Iranian	0	0	22	4	0	1	0	40	67
Iraqi	0	0	1	0	0	0	0	3	4
Irish	0	0	7	0	0	0	0	3	10
Israeli	0	0	2	0	0	0	0	2	4
Italian	0	0	11	1	0	1	0	9	22
Jamaican	0	0	1	0	0	0	0	4	5
Japanese	0	0	2	0	0	0	0	8	10
Korean	0	0	7	1	1	0	0	17	26
Laotian	0	0	1	0	0	0	0	2	3
Lebanese	0	0	2	0	0	0	0	5	7
Mexican	1	4	248	25	7	6	1	413	705
Nigerian	0	0	8	0	0	0	0	8	16
Other	0	0	15	3	0	2	0	59	79
Other African	0	0	14	4	1	1	0	17	37
Other Asian	0	0	6	0	0	0	0	18	24

Other Caribbean	0	0	2	0	0	0	0	1	3
Other European	0	0	19	4	0	3	1	36	63
Other Hispanic/Latino	0	1	69	10	2	4	0	118	204
Other Middle Eastern	0	0	16	0	0	0	0	30	46
Pakistani	0	0	5	1	0	5	0	10	21
Puerto Rican	0	0	10	3	0	0	0	3	16
Salvadoran	0	1	17	1	0	0	0	22	41
Sri Lankan	0	0	0	0	0	0	0	1	1
Syrian	0	0	0	4	0	0	0	2	6
Taiwanese	0	0	3	0	0	0	0	2	5
Thai	0	0	1	0	0	0	0	2	3
Tongan	0	0	0	0	0	0	0	1	1
Vietnamese	0	0	10	1	0	1	0	17	29
Ghanaian	0	0	1	0	0	0	0	0	1
Total	7	22	1,353	230	25	75	3	2,063	3,778