



# 2019 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 2019.

The number of complaints received, filed, and investigated by DFEH continued to grow.

- 28,739 Intake forms received
- 22,584 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)
  - 15,076 complaints filed to request an immediate Right-to-Sue notice
  - 6,636 complaints accepted for investigation by DFEH
  - 872 Unruh companion cases investigated as part of a Housing complaint

DFEH's strategic vision is a California free of discrimination. As the volume of complaints trends up, DFEH's efforts to prevent discrimination must be strategic, targeted, and forward looking. To carry out this mission-critical enforcement work at this crucial time, DFEH has moved initial screening of cases for potential merit to the beginning of the process, has implemented ongoing merit screening over the life of the investigation, and has established a strategic enforcement program with attorneys and investigators working together to investigate systemic complaints. The changes to screening processes allow DFEH to identify and track high priority cases as they move through the investigation process. These are cases with strong evidence of merit that have the potential to result in systemic remedies or other significant outcomes.

- Cases settled - cases for which DFEH facilitated resolution
  - 710 Settlements
  - Monetary value of settlements = \$14,834,753.25
- Cases litigated - cases for which DFEH filed a complaint in civil court
  - 4 Cases filed in court

We continued to make strides in 2019 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:

- Participated in 59 outreach events statewide, reaching more than 9,910 individuals with information about their rights and responsibilities under California's civil rights laws; and
- Developed and launched a multi-faceted campaign to inform employers and job applicants about California's new Fair Chance Act.

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

Sincerely,



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 undertakings in 2019. In 2019, the Council held four public meetings. Two of the meetings were held in Sacramento and the other meetings were held in Oakland and Los Angeles. All Council meetings are live streamed on the Council's webpage so that members of the public can participate remotely.

The Council's biggest accomplishment in 2019 was the completion of the first ever housing regulations interpreting the fair housing provisions of the Fair Employment and Housing Act (FEHA). The housing provisions now embodied in the FEHA date back to the 1963 passage of the Rumford Fair Housing Act. Until now, there have never been regulations that offer guidance to the public and housing providers regarding rights and responsibilities under this critical anti-discrimination law. The Council's housing regulations were approved by the Office of Administrative Law on September 16, 2019 and took effect on January 1, 2020. Since then, councilmembers have collaborated with the Department on a robust education campaign that includes a series of webinars that address each of the primary areas covered by the new regulations along with various presentations at conferences and other gatherings.

The Council worked on a number of sets of employment regulations throughout 2019 including: harassment and discrimination prevention regulations implementing SB 396 (2017); religious creed and age discrimination regulations; criminal history regulations implementing AB 1008 (2017), California's Ban-the-Box law; and New Parent Leave Act regulations implementing SB 63 (2017). The regulations addressing harassment and discrimination prevention were approved by the Office of Administrative Law on June 24, 2019 and took effect on October 1, 2019.

The legislature significantly expanded the reach of the state's sexual harassment prevention training requirements through SB 1343 (2018). The expanded training obligations, which now apply to small employers (of five or more employees) and covers all supervisory and non-supervisory employees, has yielded a variety of implementation questions from the public. To facilitate implementation, the legislature extended the compliance deadline to January 1, 2021 through SB 778 (2019). To provide clarity and assist with the implementation, the Council adopted a set of updated draft regulations that are slated for public comment. Our goal is to have the regulations finalized in advance of the new January 1, 2021 compliance deadline. The Council has also adopted an initial draft of regulations addressing anti-discrimination protections in programs or activities funded by the state and an initial draft of housing regulations addressing topics not covered in the first set of regulations. The Council anticipates undertaking the formal rulemaking processes for these draft regulations throughout 2020.

The Council remains committed to assisting 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. 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.

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 mediates cases. The Executive Programs Division conducts public outreach and education and legislative and regulatory affairs, responds to public records requests and visa certification requests, and determines administrative appeals. The Public Affairs Division executes the Department's communications strategy, including by issuing press releases and fielding requests for information from the media and stakeholders. The Administrative Division provides critical human resources, contracting, and procurement services, and the Information Technology Services Division provides necessary technological infrastructure and security.

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.

### 2019 KEY ACCOMPLISHMENTS

- Received 28,739 intake forms.
- Negotiated settlements in 710 cases for monetary recovery of \$14,834,753.25.
- Filed 4 civil cases in court and litigated numerous other pending cases.
- Finalized California's first-ever regulations implementing the fair housing provisions of the Fair Employment and Housing Act, as well as regulations aimed at preventing discrimination and harassment in employment.
- Responded to 6,809 requests for public records, including more than 130 from news reporters.
- Decided 217 administrative appeals from closures of investigations.
- Processed 31 applications for U and T Visa certifications.

## OUTREACH AND EDUCATION

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, to develop and provide trainings, and to engage in social media and other outreach. DFEH executives, managers, and staff speak at events around the state each month as part of these outreach efforts.

### 2019 OUTREACH AND EDUCATION HIGHLIGHTS

- Participated in 59 outreach events statewide, reaching more than 9,910 individuals with information about their rights and responsibilities under California's civil rights laws.
- Published 5 new guides and factsheets (available in multiple languages) and began redesigning our existing library of resources.
- Redesigned our external website to make it more informative, easier to navigate, and more accessible to people with disabilities.
- Achieved more than 208,000 impressions through social media posts.
- Developed and launched a multi-faceted campaign to inform employers and applicants about California's new Fair Chance Act.

# THE COMPLAINT PROCESS

DFEH received 28,739 intake forms in 2019 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 or other civil rights violations (“respondent”). DFEH 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 or refer the case to the Dispute Resolution Division (DRD) for possible mediation. 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 DFEH 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 DFEH to offer the parties mandatory mediation.

## 2019 CASE PROCESSING HIGHLIGHTS

- 28,739 Intake forms received
- 22,584 complaints filed (includes complaints initiating a DFEH investigation and those initiating the possibility of a private lawsuit)
- 15,076 complaints filed to request an immediate Right-to-Sue
- 6,636 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

- 710 Settlements
- Monetary value of settlements = \$14,834,753.25

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

- 4 Cases filed in court on behalf of 4 individually named complainants

## COMPLAINTS FILED

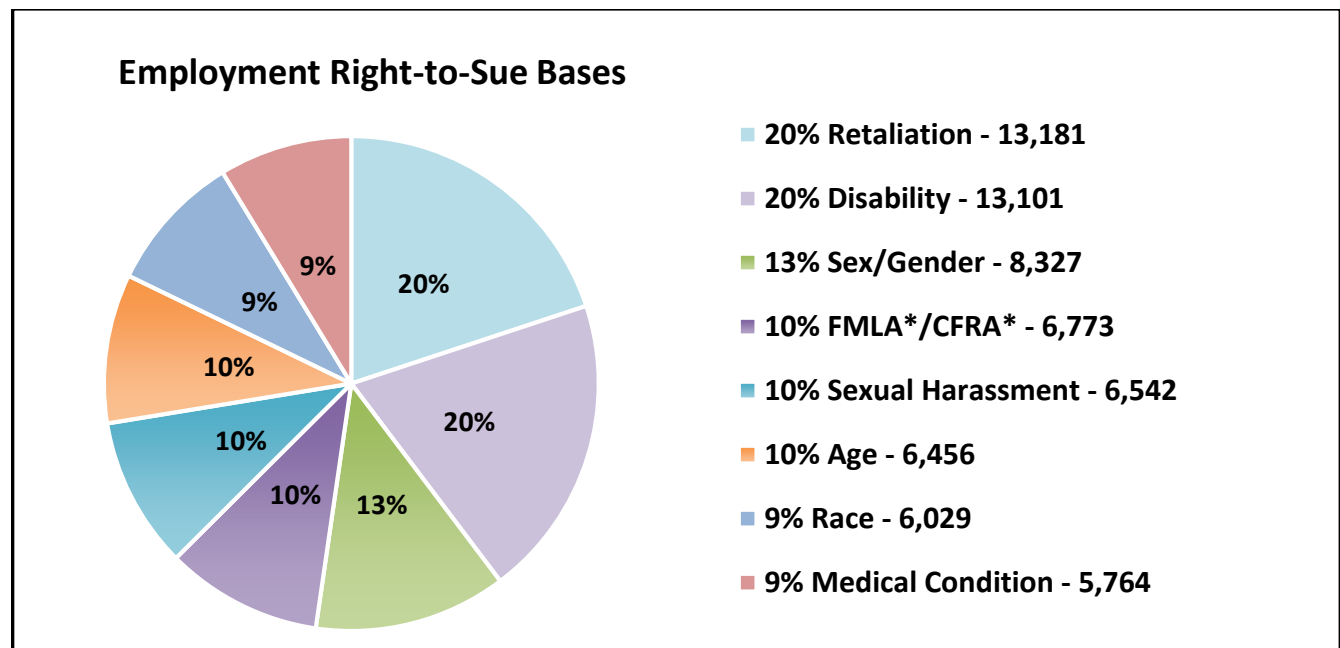
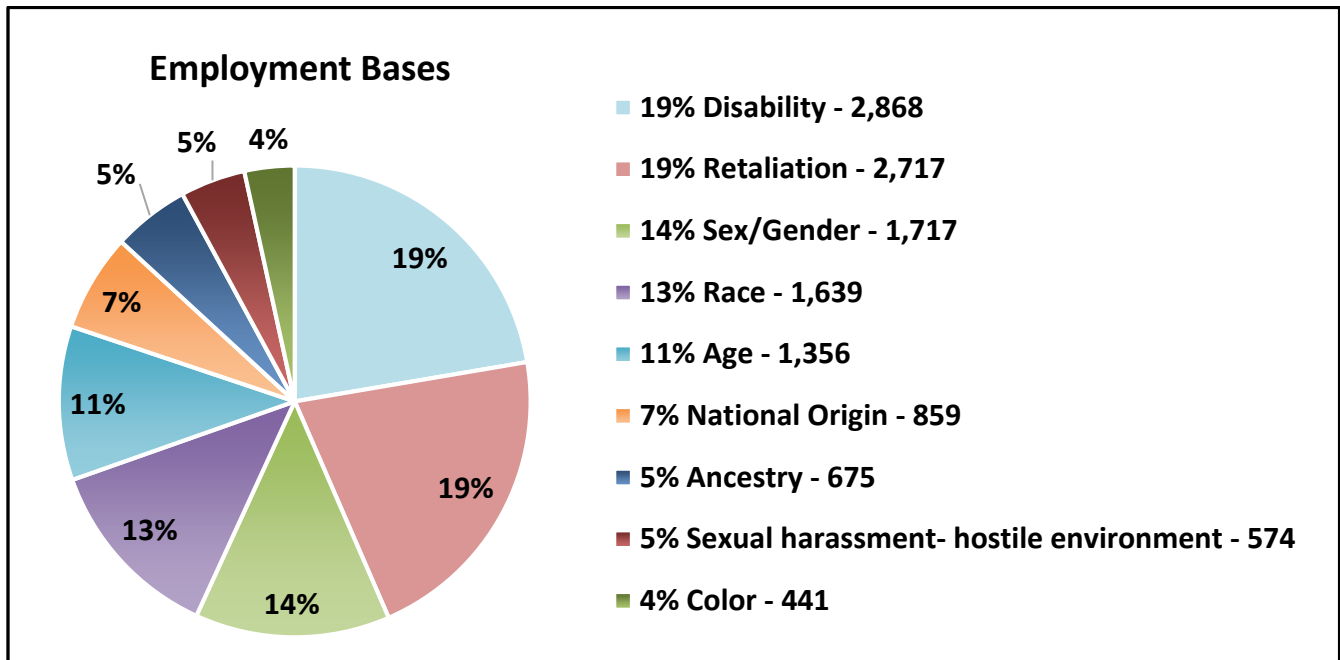
Civil Code Section 54	41
Criminal History in Employment Decisions	137
Employment Investigation	5,183
Government Code Section 11135	10
Housing	934
Human Trafficking	0
Ralph Civil Rights Act	97
Employment Right-to-Sue	15,076
Sexual Harassment Prevention Training	34
State Contractors	0
Unruh Civil Rights Act	200
Unruh as a companion to a Housing case	872*
<b>Total</b>	<b>22,584</b>

\*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. We separately identify the Unruh companion cases and include them in the total number of cases filed (because they are created separately), but exclude them from the total number of investigations, since they are investigated as part of a companion housing investigation. 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

The charts below show the top bases for each law type. A full listing of bases by law type can be found in Appendix B.

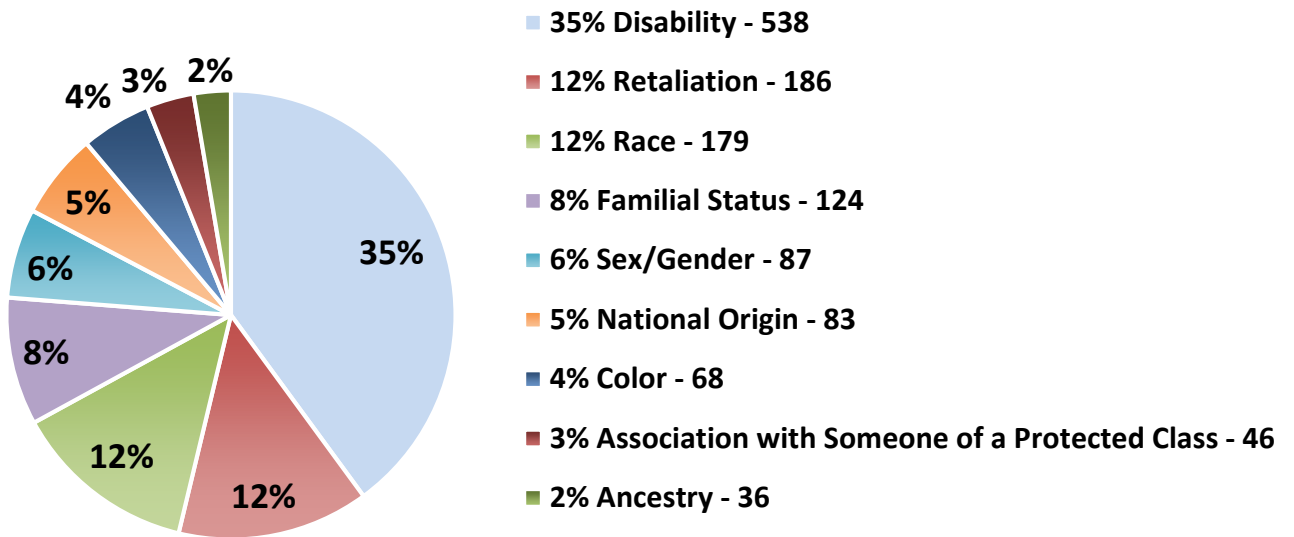
People contacting DFEH for employment investigations most commonly complained of discrimination based on disability. People most often request a right-to-sue in employment matters based on retaliation. People contacting DFEH for housing investigations most commonly complained about discrimination based on disability.



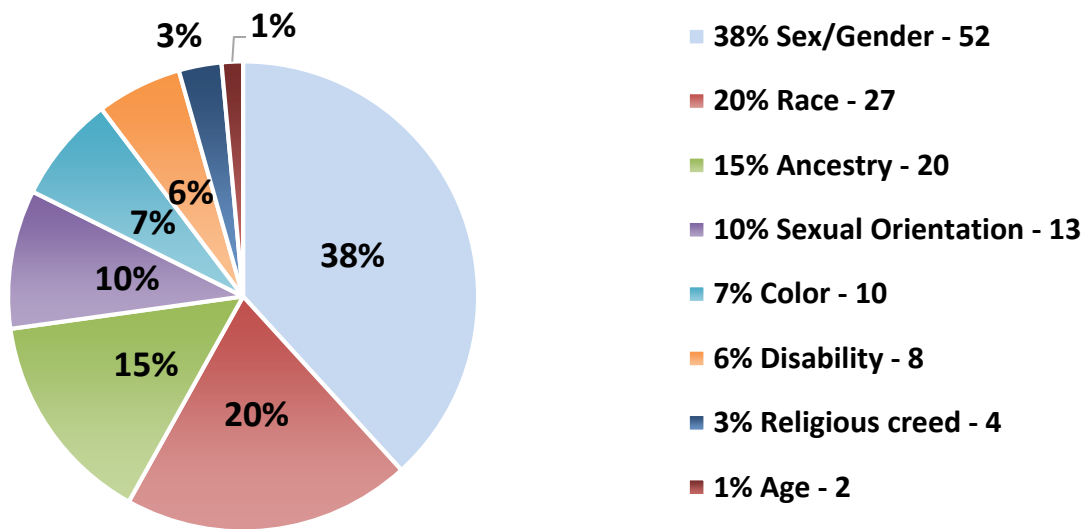
\*FMLA = Family and Medical Leave Act

\*CFRA = California Family Rights Act

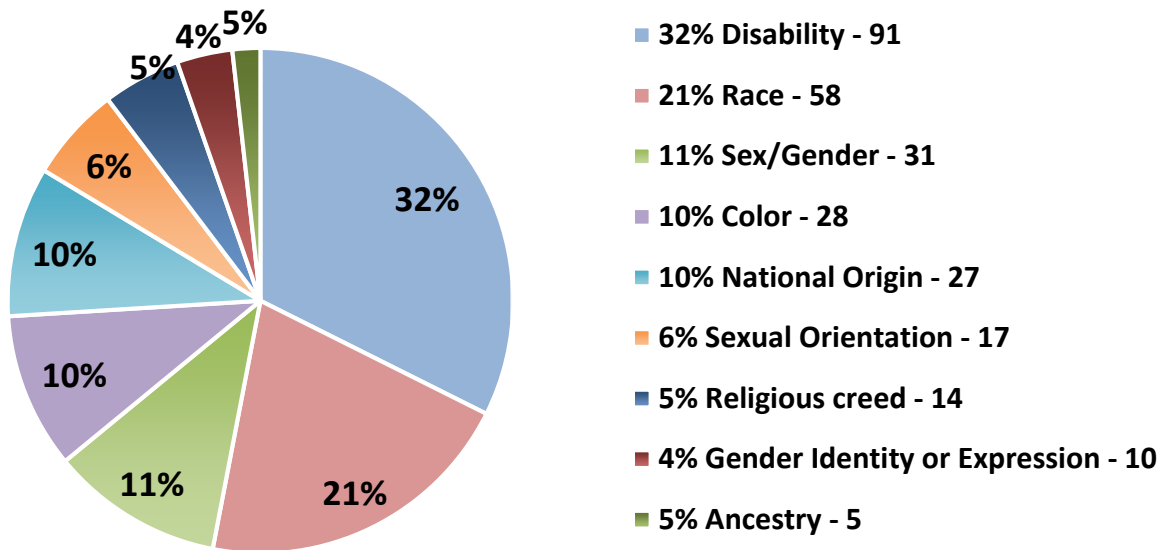
### Housing Bases



### Ralph Civil Rights Act Bases



### Unruh Civil Rights Act Bases



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.

#### ***Case Highlight: Religious discrimination in San Diego County HOA***

A homeowner filed a complaint for housing discrimination and violation of the Unruh Civil Rights Act alleging that her homeowners association (HOA) and its management company refused to allow her to post a mezuzah on her front doorpost, stating it violated the HOA’s governing documents known as Covenants, Conditions and Restrictions (CC&Rs). A mezuzah is a small object placed on the doorpost of many Jewish homes in fulfillment of religious obligations. Respondents continued to deny complainant the opportunity to keep the mezuzah on her front doorpost despite her attempts to explain that her religious beliefs required it. At one point, someone forcibly removed the mezuzah from complainant’s doorpost.

The parties engaged in voluntary mediation through the DFEH’s Volunteer Mediator Program, resulting in a settlement in which the HOA paid \$40,000.00 in damages, attorney’s fees and costs. In addition to a monetary settlement, the HOA amended its CC&Rs applicable to all 326 units in the complex, allowing members and residents to display or affix one or more religious items on the entry door or door frame of their condominium. This is also required by a new law signed by Governor Newsom on July 30, 2019 (SB 652).

## 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, San Bernardino, 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.

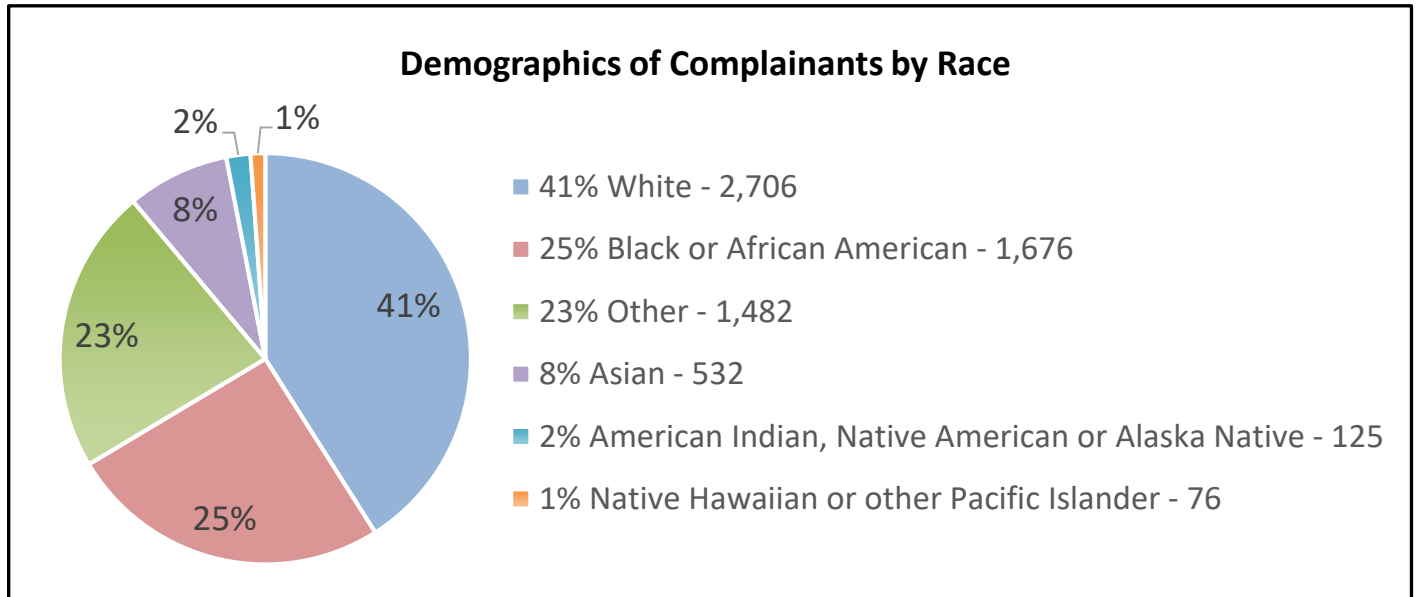
County	Right-to-Sue	Investigated	Totals
Los Angeles	4701	1418	6119
Orange	1479	394	1873
San Diego	787	423	1210
San Bernardino	653	280	933
Sacramento	410	477	887
Alameda	508	355	863
Riverside	605	230	835
San Francisco	405	309	714
Santa Clara	402	277	679
Fresno	149	223	372
Kern	172	199	371
Contra Costa	176	179	355
Ventura	248	87	335
San Mateo	168	129	297
San Joaquin	102	135	237
Santa Barbara	104	74	178
Sonoma	82	74	156
Solano	72	82	154
Placer	67	87	154
Stanislaus	68	76	144
Monterey	72	59	131
Tulare	67	54	121
Marin	81	35	116
All Other CA Counties	532	527	1059
Out of State / Unknown	2966	453	3419
	15,076	6,636*	21,712*

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.

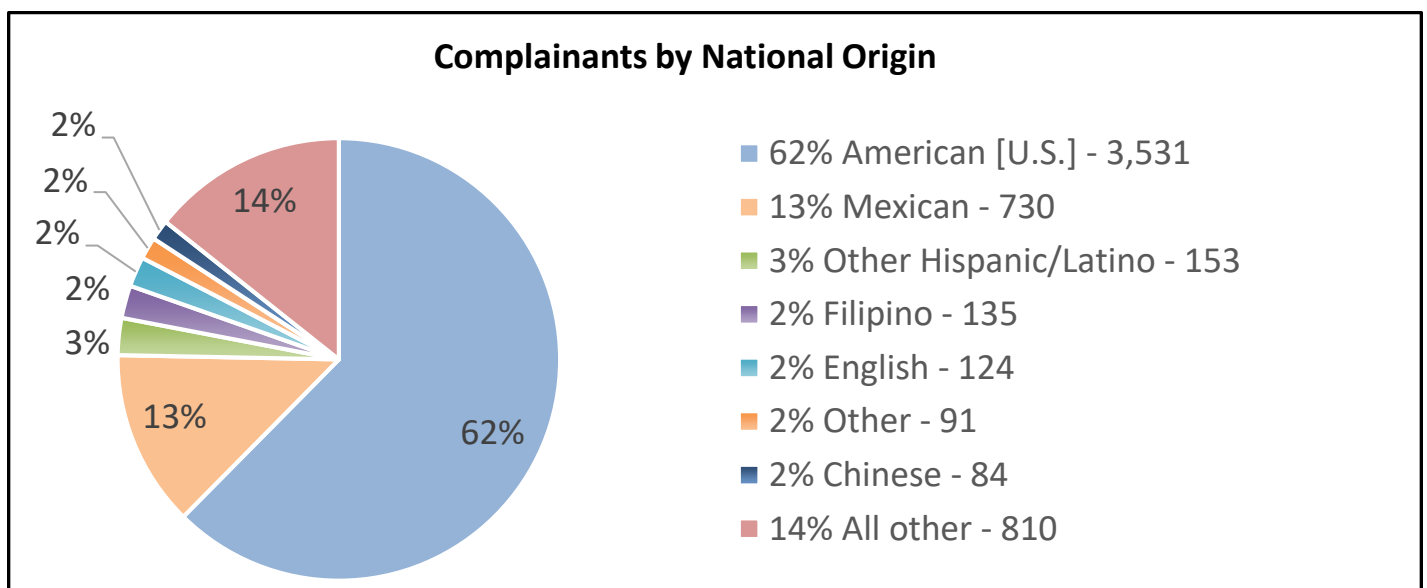
\*Note: the totals here do not include companion Unruh Act cases investigated with housing cases.

## DEMOGRAPHICS

Individuals may voluntarily provide demographic information to DFEH when they submit a complaint. Of the 22,584 complaints filed by law in 2019, 6,597 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 Black.



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 Hispanic/Latino, and Filipino.



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 during their investigations. DFEH refers 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 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 civil rights cases. As shown in the table, DFEH settled a total of 710 cases for a monetary value of \$14,834,753.25 in 2019.

	Number of Settlements	Total Settlement Amount
Enforcement Division	210	\$1,281,920.23
Dispute Resolution Division – Voluntary	455	\$9,026,661.45
Dispute Resolution Division/Legal (SB 1038 & Post Civil)	22	\$2,625,921.80
Legal Division	23	\$1,450,250.00
Total 2019	710	\$14,834,753.25

The reported settlement amounts reflect monetary recovery only. Most DFEH 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: Sexual Harassment at 99 Cents Store in Redding***

Two former employees at 99 Cents in Redding, California, filed complaints with DFEH alleging that their supervisor sexually assaulted them in the walk-in freezer located at the back of the store and subjected them to other forms of sexual harassment.

The women also alleged that managers at 99 Cents subjected them to retaliation after they reported the sexual harassment, including additional scrutiny at work and reduced hours.

After mandatory mediation, 99 Cents agreed to pay the complainants and DFEH \$1,225,000 to resolve the claims. In addition to a monetary settlement, 99 Cents agreed to hire an independent third-party monitor to track compliance with the settlement agreement for three years. Managers will undergo trainings, and 99 Cents will provide annual compliance reports to the DFEH for three 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.

Referral Type	2017	2018	2019
Voluntary	1,762	1,422	1,350
SB 1038 (Mandatory)	123	87	35
Post-Civil	3	11	1
Appeals		7	5
Totals	1,888	1,527	1,391

### ***Case Highlight: Familial Status Housing Discrimination in Castro Valley***

A family of four alleged a property management company refused to allow them to rent an apartment in a multi-unit complex because the property manager did not consider children to be appropriate tenants for the complex. The property manager allegedly made statements that the unit might be overcrowded, that neighbors might not be happy with noise, and that the building was for “business people.”

DFEH filed suit in Alameda County Superior Court. The case settled before trial, with the defendant agreeing to pay \$12,500 to the family and \$3,500 to the DFEH for fees and costs incurred in litigating the case. In addition to a monetary settlement, Defendant agreed to enroll its property managers in fair housing training and to draft a non-discrimination policy to be included in future brochures and advertisements. Defendant will also post DFEH posters regarding the prohibition of discrimination at each property it manages.



## MEDIATIONS CONDUCTED

Referral Type	2017	2018	2019
Voluntary	779	781	777
SB 1038 (Mandatory)	117	80	34
Post-Civil	1	11	6
Appeals		1	
Right to Sue			1
<b>Totals</b>	<b>897</b>	<b>873</b>	<b>818</b>

## LEGAL HIGHLIGHTS

The DFEH Legal Division was active in 2019 on several fronts including the filing of civil actions in state and federal court to enforce the state’s civil rights laws, pursuing systemic investigations through Director’s Complaints and designating other matters for Group/Class investigations, contributing to amicus briefs to support civil rights enforcement, and working with the Department of Justice to assert DFEH’s interests in appellate litigation regarding the DFEH’s authority.

- DFEH filed 4 Civil Complaints in 2019 on behalf of 4 individual 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.

### BASES OF CIVIL COMPLAINTS FILED BY THE LEGAL DIVISION

Complaint Type	Basis	#
Employment	Disability - Mental and Physical	2
Employment	Age – (40 and over)	1
Employment	Sex/Gender	5
Ralph	Sex/Gender	2
Employment	Sexual Harassment	5
Employment	Retaliation	2
		17

- Contributed to amicus briefs involving issues of national concern, including:
  - *National Women’s Law Center v. Office of Management and Budget*. Litigation to compel the federal government to continue to collect W-2 pay data, a critical tool to enforce pay equity on the basis of sex, race and ethnicity.
  - *Oracle v. Department of Labor*. Litigation to invalidate the authority of the Office of Contract Compliance Programs (OFCCP) to restrict OFCCP’s role as a key federal enforcement agency and undermine workers’ protections against hiring and pay discrimination.
- Provided substantive commentary on proposed regulatory changes under consideration by the Equal Employment Opportunity Commission and Department of Housing and Urban Development.
- Filed six petitions to compel to ensure timely and complete responses to the DFEH’s investigation authority.
- Filed four Director’s Complaints and continued investigations of 10 ongoing matters.

- Designated five systemic matters as group/class investigations, extending the investigative period to allow for thorough assessment of claims.
- Negotiated several high impact sexual harassment settlements including:
  - 99 Cents Store. Pre-litigation settlement of \$1.2 million on behalf of two women who alleged that they were sexually harassed and assaulted by the store manager in Redding.
  - Ramco Enterprises/Taylor Farms. \$600,000 settlement to minor worker who alleged that he was sexually assaulted by his supervisor. Ramco agreed to pay damages and retain an independent monitor; Taylor Farms denied liability but agreed to an independent monitor as well.

***Case Highlight: Sexual Harassment at a Staffing Company in Salinas***

Ramco Enterprises, LP, a staffing company based in Salinas specializing in the food processing and agricultural industries, paid \$600,000 and furnished other relief to settle a sexual harassment complaint involving an employee who alleged he was sexually harassed and assaulted by a supervisor when he was 17 years old.

The teen, who worked the night shift as a sanitation crew member, filed a complaint with DFEH claiming that he was sexually harassed by his supervisor while he was working for Ramco at a food processing facility owned by Taylor Fresh Vegetables, Inc. in Gonzales, California. Taylor Fresh Vegetables, Inc. also reached settlement with the DFEH.

The complainant alleged that his supervisor verbally and physically harassed him at work by making unwelcome sexual comments that escalated to unwanted touching. Ultimately, the supervisor allegedly told the employee to go with him to do a task off-site. When they arrived at the remote site, the supervisor sexually assaulted the complainant. After the complainant reported the sexual assault to the police, Ramco terminated his employment, allegedly due to his age.

Ramco agreed to pay \$600,000, including payment to the complainant for emotional distress damages, and attorney’s fees to the DFEH and complainant’s representative, California Rural Legal Assistance, Inc. The settlement also requires Ramco to hire a third-party monitor for three years to review its policies and procedures, make regular visits to the worksite, review complaints of harassment filed by employees, attend human resources meetings at the company’s headquarters, and submit compliance reports to DFEH. Taylor Fresh Vegetables, Inc. also hired a monitor for a two-year period.

- Used new litigation authority to enforce Civil Code section 51.9 – sexual harassment claims arising out of professional relationships.
- Issued five joint enforcement matters with other enforcement agencies.

## U AND T VISA CERTIFICATION APPLICATIONS

The federal Victims of Trafficking and Violence Protection Act of 2000 created the U Visa and the T Visa, which are available to certain immigrant victims of serious crimes. Immigrants who are victims of various qualifying crimes, such as rape, felonious assault, and kidnapping, may be eligible for a U Visa; immigrants who are victims of human trafficking may be eligible for a T Visa. To obtain a U or T Visa, victims must demonstrate to United States Citizenship and Immigration Services (USCIS) their willingness to cooperate in the investigation or prosecution of the crime, among other requirements (please see USCIS webpage: [Victims of Human Trafficking and Other Crimes](#)). A U or T 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 authorized to provide U and T Visa certifications and is required to report data about those certifications to the Legislature pursuant to California Penal Code section 679.10. In 2019, DFEH received 24 requests for U Visa certifications (Form I-918 Supplement B). Of these, 17 requests were signed and 7 requests were not signed. DFEH received 7 requests for T Visa certifications (Form I-914 Supplement B). Of these, 4 requests were signed and 3 requests were not signed.

### ***Case Highlight: Race-Based Hairstyle Discrimination in Hawthorne***

A former employee who worked at Business Resource Group in Hawthorne, California, filed a complaint with DFEH alleging that the company's CEO on three separate occasions harassed her based on her race (Black or African American).

The complainant alleged that when she wore her hair naturally curly or in braids the CEO called her "unprofessional," said her appearance was "unacceptable," and asked, "What did you girls do? Did you have a braid meeting over the weekend?" "What are you doing to your hair?" The CEO allegedly told the complainant, "Oh, that looks better," when she wore her hair straight.

The parties engaged in voluntary pre-investigation mediation through the DFEH's Dispute Resolution Division, resulting in a settlement in which the CEO agreed to compensate the complainant and to receive a minimum of two hours of harassment prevention training.

On July 3, 2019, Governor Newsom signed the CROWN (Creating a Respectful and Open Workplace for Natural Hair) Act (SB 188), making California the first state in the nation to ban racial discrimination based on natural hair. The CROWN Act extends California's prohibition against race discrimination under the Fair Employment and Housing Act (FEHA) and the Education Code to expressly prohibit discrimination and harassment based on hair texture and style, including braids, locks, and twists.

## 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, Ralph Civil Rights Act, and Trafficking Victims Protection 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. 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.

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.

DFEH also 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 1: Employment Complaints Filed by Bases**

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

Age	1,356
Ancestry	675
Association with a member of a protected class	134
Color	441
Disability	2,868
Family Care (FMLA/CFRA)	230
Gender identity or expression	107
Genetic Information	34
Marital Status	137
Medical Condition	152
Military and veteran status	50
National Origin	859
Other	388
Participated as a witness in a discrimination or harassment	110
Patient abuse (Hospital employees only)	17
Pregnancy, childbirth, breast feeding, and/or related medical conditions	282
Race	1,639
Religious creed (includes dress and grooming practices)	239
Reported or resisted any form of discrimination or harassment	2,325
Requested or used a disability-related accommodation	1,221
Requested or used leave under the California Family Rights Act or FMLA	476
Requested or used pregnancy disability related accommodation	116
Sex/Gender	1,717
Sexual harassment- hostile environment	574
Sexual harassment- Quid Pro Quo	70
Sexual Orientation	311
<b>Total</b>	<b>16,528*</b>

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\* 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 = 5,183.

**Table 2: Employment Right-to-Sue Complaints Filed by Bases**

Age	6,456
Ancestry	2,518
Association with a member of a protected class	4,035
Baby Bonding Leave (employers of 20 - 49 people)	689
Color	3,413
Criminal History	254
Disability (physical or mental)	13,101
Family Care or Medical Leave (CFRA) (employers of 50 or more people)	6,773
Gender identity or expression	1,418
Genetic information or characteristic	1,132
Marital status	962
Medical condition (cancer or genetic characteristic)	5,764
Military and veteran status	219
National Origin	3,738
Pregnancy, childbirth, breast feeding, and/or related medical conditions	1,592
Race	6,029
Religious Creed - Includes dress and grooming practices	1,025
Sex/Gender	8,327
Sexual harassment- hostile environment	6,549
Sexual harassment- Quid Pro Quo	2,718
Sexual orientation	1,725
Other	6,863
<b>Total</b>	<b>85,293*</b>

\*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 = 15,076.



**Table 3: Housing Complaints Filed by Bases**

Ancestry	36
Association with a Member of a Protected Class	46
Color	68
Disability	538
Familial status (Children)	124
Gender identity or expression	16
Marital Status	32
Medical Condition	1
National Origin	83
Other	9
Pregnancy, childbirth, breast feeding, and/or related medical conditions	1
Race	179
Religious creed (includes dress and grooming practices)	30
Reported or resisted any form of discrimination or harassment	87
Requested or used a disability-related accommodation	128
Sex/Gender	87
Sexual harassment- hostile environment	11
Sexual harassment- Quid Pro Quo	14
Sexual Orientation	32
Source of income	34
<b>Total</b>	<b>1,556*</b>

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\*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 = 934.

**Table 4: Ralph Civil Rights Act Complaints Filed by Bases**

Age	2
Ancestry	20
Association with someone of a protected class	2
Color	10
Disability	8
Marital Status	1
National Origin	2
Political Affiliation	1
Position in a Labor Dispute	1
Race	27
Religious creed (includes dress and grooming practices)	4
Sex/Gender	52
Sexual Orientation	13
<b>Total Bases</b>	<b>143*</b>

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\* 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 = 97.

**Table 5: Unruh Civil Rights Act Complaints Filed by Bases**

Citizenship	1
Color	28
Disability	91
Gender Identity or Expression	10
Immigration Status	1
Medical Condition	3
National Origin	27
Primary Language	1
Race	58
Religious Creed	14
Sex/Gender	31
Sexual Orientation	17
Other	8
<b>Total Bases</b>	<b>290*</b>

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\*Total number of Unruh Complaints filed = 200 (and 872 additional cases investigated as companions to housing cases).

**Table 7: Government Code 11135 Complaints Filed by Bases**

Age	1
Disability	4
National Origin	2
Race	2
Religious Creed	1
Sex/Gender	6
Other	7
<b>Total</b>	<b>23*</b>

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\*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 = 10.

## APPENDIX C: 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

## APPENDIX D: 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

## APPENDIX E: DEMOGRAPHIC INFORMATION – NATIONAL ORIGIN

	Disabled Persons Act	Criminal History in Emp Decisions	Emp	GC11135	Housing	Ralph	Right to Sue	Unruh	Total
Afghani	0	0	2	0	1	0	5	0	8
American [U.S.]	3	64	1,706	5	193	29	1,469	62	3,531
Asian Indian	0	1	30	0	0	0	25	1	57
Bangladeshi	0	0	1	0	0	0	3	0	4
Cambodian	0	0	0	0	1	0	1	0	2
Canadian	0	0	7	0	2	0	8	1	18
Chinese	0	1	32	0	5	1	41	4	84
Cuban	0	0	3	0	0	0	8	0	11
Dominican	0	0	3	0	0	0	2	0	5
Egyptian	0	0	6	0	1	0	16	1	24
English	0	0	69	0	4	0	46	5	124
Ethiopian	0	0	3	0	2	0	5	0	10
Fijian	0	0	5	0	0	0	1	0	6
Filipino	1	1	68	0	6	0	58	1	135
German	0	0	22	0	4	0	3	0	29
Guamanian	0	0	2	0	0	0	4	0	6
Haitian	0	0	2	0	0	0	3	0	5
Hawaiian	0	0	2	0	0	0	0	0	2
Hmong	0	0	3	0	0	0	3	0	6
Indonesian	0	0	0	0	0	0	2	0	2
Iranian	0	2	19	0	4	0	29	2	56
Iraqi	0	0	14	0	1	0	2	3	20
Irish	0	0	16	0	2	1	5	2	26
Israeli	0	0	2	1	0	0	4	1	8
Italian	0	1	32	0	4	1	13	0	51
Jamaican	0	0	5	0	1	0	2	0	8
Japanese	0	0	5	0	1	0	4	1	11
Korean	0	0	14	0	1	0	17	1	33
Laotian	0	0	1	0	0	0	3	0	4
Lebanese	0	0	5	0	0	0	3	0	8
Malaysian	0	0	1	0	0	0	2	1	4
Mexican	0	5	303	0	16	9	393	4	730
Nigerian	0	0	15	0	0	0	8	0	23
Other	1	3	27	0	2	0	56	2	91
Other African	0	1	14	0	3	1	22	1	42



Other Asian	0	0	18	0	0	0	12	0	30
Other Caribbean	0	0	4	0	2	0	9	0	15
Other European	0	4	28	0	5	1	23	0	61
Other Hispanic/Latino	0	1	77	0	6	0	68	1	153
Other Middle Eastern	0	0	8	0	0	0	11	1	20
Pakistani	0	0	11	0	0	0	6	1	18
Puerto Rican	0	0	16	0	1	0	7	0	24
Salvadoran	0	0	32	0	4	1	40	2	79
Samoan	0	1	2	0	1	0	0	0	4
Sri Lankan	0	0	1	0	0	0	1	0	2
Syrian	0	0	0	0	0	0	3	1	4
Taiwanese	0	0	6	0	0	0	7	2	15
Thai	0	0	0	0	1	0	0	0	1
Tongan	0	0	1	0	0	0	0	0	1
Vietnamese	0	1	25	0	0	0	21	0	47