CALIFORNIA

Fair Employment & Housing Act

1959 | 2009

Dept of Fair Employment & Housing

2009 Annual Report

www.dfeh.ca.gov

FAIR EMPLOYMENT & HOUSING ACT

Discrimination
Harassment
Retaliation

Employment
Age
Ancestry
Color
Disability
Family Leave
Marital Status
Medical Condition
National Origin
Race
Religion
Sex
Sexual Orientation

Housing
Ancestry
Color
Disability
Familial Status
Marital Status
National Origin
Race
Religion
Sex
Sexual Orientation
Source of Income

UNRUH CIVIL RIGHTS ACT

Public Accommodations
Age
Ancestry
Color
Disability
National Origin
Race
Religion
Sex
Sexual Orientation

RALPH CIVIL RIGHTS ACT

Hate Violence
Age
Ancestry
Color
Disability
National Origin
Political Affiliation
Position in a Labor Dispute
Race
Religion
Sex
Sexual Orientation

INTRODUCTION

Pursuant to Government Code section 12930, subdivision (k), the California Department of Fair Employment and Housing (DFEH or Department), California's civil rights agency, submits its Annual Report for calendar year 2009,the "DFEH Civil Rights Year" and 50th anniversary of the Fair Employment and Housing Act (FEHA), to the Governor and the Legislature.

The mission of the DFEH is to protect Californians from employment, housing and public accommodation discrimination, and hate violence. The Department enforces the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, and Ralph Civil Rights Act.

The DFEH's jurisdiction extends to individuals, private or public entities, housing providers, and business establishments within the State of California. The Department investigates, conciliates and prosecutes discrimination complaints.

GOALS

To *SOAR* as the nation's top state civil rights agency

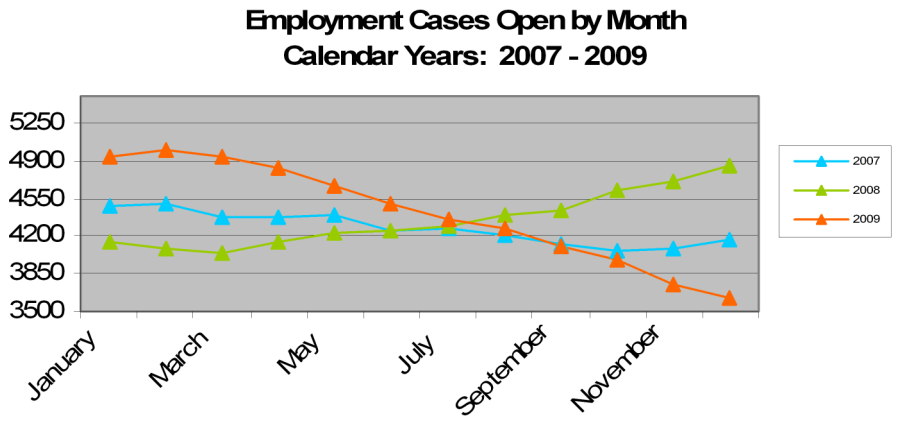
Service: Deliver effective and efficient public services.
Outreach: Provide educational outreach to prevent discrimination.
Advocacy: Enforce the law and resolve disputes where violations are found.
Resource: Develop resources to advance civil rights policy.

Service

Deliver effective and efficient public services

Case Grading System

- In 2009, the DFEH launched a Case Grading System to better match the right amount of resources to case investigations based on the merit, complexity and significance of cases. The Case Grading System also identifies systemic discrimination cases that are referred to the Department's Special Investigations Unit for in-depth investigation, settlement and prosecution. Case grading, along with other innovations instituted in 2008 (Online Appointment System, Online Right-to-Sue System, and Telephone Intake), doubled productivity in many district offices at a time when more complaints were filed.



Outreach

Provide educational outreach to prevent discrimination

FEHA 50th Anniversary Observances and Collaborations

- Governor Arnold Schwarzenegger proclaimed January 2009 Fair Employment and Housing Month.
- The DFEH co-hosted a kick-off press conference with State and Consumer Services Agency at the Capitol to honor Assembly Speaker Karen Bass, actor and Tri-Union Performers with Disabilities Committee National Chair Robert David Hall, the late gay rights activist Harvey Milk, and the late Mexican-American advocate Dionicio Morales. The Department honored civil rights heroes throughout the year with various partners statewide.
- The Department produced and hosted a FEHA 50th Anniversary Video on the DFEH Web site and YouTube page, and created PowerPoint presentations and published/collaborated on several scholarly articles on the topic. These materials were presented at conferences throughout 2009.
- On FEHA's 50th anniversary, the DFEH participated in 200 outreach events with 160 collaborators statewide on numerous collaborative programs, keynote addresses, presentations, publications, and news and media appearances. Partners included the State Bar Labor & Employment Law Section, State Bar Fair Housing & *Public Accommodations Subsection*, *various local* bar *associations*, Employment Round Tables of Southern and Central California, Society for Human Resources Management, National Fair Housing Training Academy,Time Warner Cable/CNN Headline News, and many others. A time capsule of commemorative memorabilia has been be sealed at DFEH Headquarters that will not be opened until FEHA's 60th anniversary in 2019.
- In conjunction with the DFEH Equal Rights 101 Videos and outreach to schools, the Department wrote, acted in and produced a new series of Fair Housing 101, Public Accommodations and Hate Violence Videos for training and outreach.

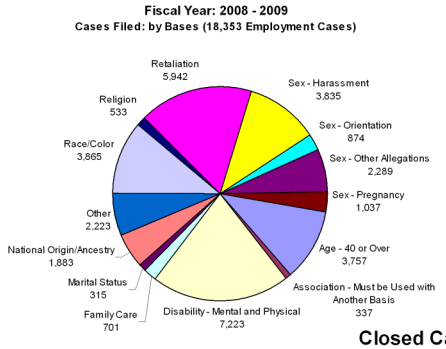
Advocacy

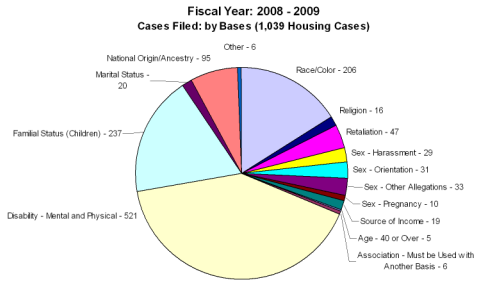
Enforce the law and resolve disputes where violations are found

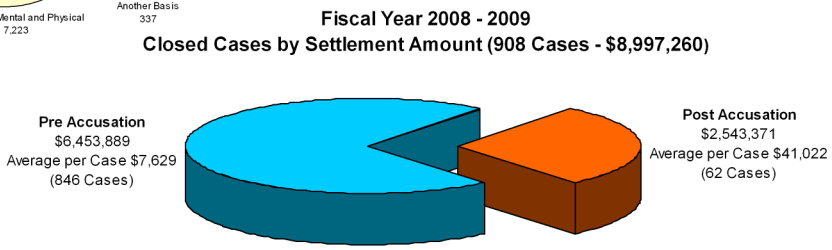
DFEH Settlement & Litigation Results

- In 2008-09, the DFEH took in 19,392 complaints, of which 18,353 were employment and 1039 were housing discrimination complaints. The Department settled 908 cases for more than $8.9 million. The pre-accusation settlement amount was over $6.4 million for 846 cases, averaging $7,629 per case. The post-accusation settlement amount was over $2.6 million for 62 cases, averaging $41,022 per case. The settlements included affirmative relief, such as training, posting, policy changes and other relief.

- In addition, the Department's prosecutions resulted in precedential decisions. *SASCO Electric v. Cal. Fair Employ. & Hous.* (Scherl) (2009) 176 Cal.App.4th 532, upheld the decision of the Fair Employment and Housing Commission on a DFEH pregnancy discrimination case, which ordered more than $150,000 in damages plus front wages and administrative fine. *Dept. Fair Employ. & Hous. v. Acosta Tacos*(Chavez) (June 19, 2009) No. 09-03-P, FEHC Precedential Decs. 2009 [2009 WL 2595487 (Cal.F.E.H.C.)] held for the first time that a termination because of breast feeding is deemed sex discrimination under the FEHA.*Dept. Fair Employ. & Hous. v. Hudson*(Ford) (Sept. 30, 2009) No. 09-06-P, FEHC Precedential Decs. 2009 [2009 WL 6305854 (Cal.F.E.H.C.)] held in a sexual harassment in housing case involving a 16-year-old that minors may bring an action until their 18th birthday no matter when the harm occurred.







Resource

Develop resources to advance civil rights policies

State Bar Contributions

- The DFEH co-founded and Associate Chief Counsel Susan Saylor co-chaired the Fair Housing & Public Accommodations Subsection, State Bar Real Property Law Section. The Subsection sponsored a well attended symposium at Golden Gate University School of Law, a webinar on disability, published an article in the Daily Journal and two articles on fair housing and public accommodations in a special issue of the California Real Property Law Journal., and established the State Bar's most active e-Circle on the topic. In addition, the Department is represented on the State Bar Labor & Employment Law Section's Executive Committee, Associate Chief Deputy Director | Special Projects Annmarie Billotti co-edits the California Labor & Employment Law Review, and Director Phyllis Cheng prepares the California Labor & Employment Case Alerts.