



2015 ANNUAL REPORT

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PREPARED BY:

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LETTER FROM THE CHAIR OF THE FAIR EMPLOYMENT AND HOUSING COUNCIL

I write to report on the Fair Employment and Housing Council's activities and accomplishments in 2015 and the plans for 2016, which are underway. In 2015, the Council held four public meetings. Two of the meetings were held in Oakland and the other meetings were held in Los Angeles and Santa Clara respectively. All of the public meetings were live-streamed on the Council's webpage so that members of the public could participate remotely. In between the meetings, the Council's various rulemaking subcommittees were engrossed in drafting regulations and considering public comments submitted in connection with the various rulemaking undertakings.

The Council benefited from Governor Brown's appointments of Dara Schur and Tim Iglesias on February 12, 2015 and June 12, 2015 respectively. The additions of Ms. Schur and Mr. Iglesias helped bolster the Council's housing discrimination expertise and both Councilmembers are presently contributing to the Council's effort to draft the first ever housing regulations to the Fair Employment and Housing Act.

On July 1, 2015, the Council's updated regulations to the California Family Rights Act took effect. The Act's regulations had not been updated since 1995, shortly after the Act was passed. In the meantime, there have been numerous rounds of regulatory updates to the Act's federal counterpart, the Family and Medical Leave Act, and a statutory amendment to the Act itself. Consequently, a comprehensive update to the regulations was required in order to further clarify rights and responsibilities under the Act.

The Council completed its second significant regulatory update of the year on December 9, 2015, when the Office of Administrative Law approved updates to numerous provisions of the Fair Employment and Housing Act's employment regulations. The updated regulations included implementation of a number of recent statutory amendments to the Fair Employment and Housing Act, such as AB 2053 (abusive conduct prevention training), AB 1443 (anti-discrimination protections for unpaid interns and volunteers), and SB 292 (clarification that harassment based on sex need not be motivated by sexual desire). The updated regulations will take effect on April 1, 2016.

Plans for 2016 include the continued development of the state's first housing discrimination regulations and a new regulation covering the permissible bounds of the use of criminal history in employment decisions. The Council approved the draft regulation governing the use of criminal history in employment decisions on January 7, 2016 and held a public hearing on the regulation on April 7, 2016 in Oakland.

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

Sincerely,



Chaya M. Mandelbaum
Chair, Fair Employment and Housing Council

EXECUTIVE SUMMARY

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

The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing, and public accommodations, and from hate violence. To accomplish this mission, the Department receives, investigates, conciliates, mediates, and prosecutes complaints of alleged violations of the Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act 1.

In 2015, the DFEH received 23,770 complaints alleging violations of laws enforced by the Department. As in past years, a majority of these complaints involved allegations of discrimination in employment under the FEHA.

People contacting the Department for employment matters most commonly complained of discrimination based on retaliation and disability. For housing, they also most commonly complained about discrimination based on disability. The most commonly cited bases for complaints of hate violence under the Ralph Act were race, sex and disability. People complaining of discrimination in public accommodations under the Unruh Civil Rights Act most commonly cited disability and race as the bases for their complaints.

About half (11,768) of the complaints received by the Department in 2015 were requests for an immediate “Right to Sue.” In these cases, the complainants file a complaint, bypass the DFEH’s investigation process, and receive a Right to Sue letter from DFEH. This letter must accompany an employment discrimination complaint filed in civil court alleging violations of the FEHA.

The remaining cases were assigned to a DFEH investigator. The investigative process begins with an intake interview with the complainant to determine whether the DFEH had jurisdiction to accept and file the complaint for full investigation. A total of 6,147 complaints were ultimately filed for investigation with the Department as a result of this process in 2015.

Of the 17,915 complaints filed in 2015—11,768 complaints filed along with a request for an immediate Right to Sue letter and 6,147 complaints filed as the result of an intake interview—the majority (16,285) alleged violations of the employment provisions of the FEHA . In addition, 1,365 alleged violations of the housing provisions of the FEHA, 171 alleged violations of the Unruh Civil Rights Act (public accommodations), 71 alleged violations of the Ralph Civil Rights Act (hate violence) and 23 alleged violations of the Disabled Persons Act.

Cases may be resolved through settlement at different points in the DFEH complaint process: through conciliation facilitated by the investigator; voluntary mediations conducted by the Dispute Resolution Division (DRD); mandatory mediations conducted by DRD before the Legal Division may file a civil complaint in court; and settlements negotiated by the Legal Division. In 2015, the Department settled 1,011 cases with a total dollar value of \$12.1 million. These numbers do not include the economic and societal value of “affirmative relief” in the form of injunctions, training and monitoring, and changes in policies that increase fair employment or housing opportunities. Some settlements included only affirmative relief and no economic recovery.

The Enforcement Division referred 130 cases to the Legal Division for civil litigation in 2015. The Department must conduct mandatory mediation of these cases before a complaint may be filed in court, and many settle at this stage. The Department filed 46 complaints in civil court, representing 57 total complainants. Disability was the most common basis for employment, housing and public accommodation complaints filed by DFEH in court.

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

ORGANIZATIONAL OVERVIEW

The DFEH is the largest state civil rights agency in the country with 189 authorized positions operating out of five offices throughout California.

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

A critical component of meeting the Department's mission is giving employers, housing providers, businesses and the public clear, accurate and easily accessible information and training related to their rights and responsibilities under the laws enforced by the Department. This helps both to prevent discrimination from occurring and makes it more likely that it will be reported when it does occur. To meet this need, the DFEH hosts training webinars and 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.

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

THE COMPLAINT PROCESS

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

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

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

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

Before a civil complaint can be filed, the law requires that the parties participate in mandatory mediation conducted by the Department's Dispute Resolution Division.

COMPLAINTS RECEIVED

The DFEH received 23,770 complaints of discrimination in 2015. This number includes both requests for an Immediate Right to Sue as well as PCIs.

The tables below show the total number of complaints received by basis for each of the laws enforced by the Department. Complainants may allege discrimination on more than one basis. For example, an individual might allege that she has been discriminated against based on both her sex and her race, and that she has suffered retaliation, all in the same complaint. As a result, the number of bases is significantly higher than the number of complaints received.

As shown in the tables, people contacting the Department for employment matters most commonly complained of discrimination based on disability and retaliation. For housing, they also most commonly complained about discrimination based on disability. The most commonly cited bases for complaints of hate violence under the Ralph Act were race, sex and disability. People complaining of discrimination in public accommodations under the Unruh Civil Rights Act most commonly cited disability and race as the bases for their complaints.

COMPLAINTS RECEIVED Total Employment Complaints Received by Basis in 2015 = 20,505	No.
Age - 40 or Over	4,845
Ancestry ²	1,366
Association with a Member of a Protected Class	1,894
Color ²	2,543
Disability - Mental and Physical ²	8,507
Family Care or Medical Leave (CFRA)	4,591
Genetic Information or Characteristics ^{3, 4}	548
Marital Status	473
Medical Condition – Cancer or Genetic Characteristics ^{2, 5}	3,850
Military or Veteran Status	95
National Origin ²	2,445
Other ⁶	1,646
Race ²	4,957
Religion	878
Retaliation	14,043
Sex – Gender ⁷	5,832
Sex – Gender Identity or Gender Expression	559
Sex – Pregnancy	1,359
Sexual Harassment ⁸	4,822
Sexual Orientation ⁹	1,036
Total Employment Bases	66,289

COMPLAINTS RECEIVED Total Housing Complaints Received by Basis in 2015 = 2,529	No.
Age - 40 or Over	185
Ancestry ²	75
Association with a Member of a Protected Class	157
Color ²	258
Disability - Mental and Physical ²	1,259
Familial Status (Children)	391
Genetic Information or Characteristics ^{3, 4}	46
Marital Status	141
Medical Condition – Cancer or Genetic Characteristics ^{2, 5}	
National Origin ²	191
Race ²	584
Religion	95
Retaliation	800
Sex – Gender ⁸	237
Sex – Gender Identity or Gender Expression	33
Sex – Pregnancy	30
Sexual Harassment ⁹	159
Sexual Orientation ¹⁰	129
Source of Income	326
Total Housing Bases	5,096

² In prior reporting, the categories Ancestry and National Origin were combined, Disability and Medical Condition were combined, and Race and Color were combined.

³ Genetic Information or Characteristics was previously reported under the title Sex-Genetic Information.

⁴ California Government Code § 12926(g) defines "genetic information" as information about any of the following: (A) An individual's genetic tests; (B) The genetic tests of family members of the individual; (C) The manifestation of a disease or disorder in family members of the individual. Genetic information includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual. Genetic information does not include information about the sex or age of any individual. Pursuant to Government Code §12926 (i)(2), "Genetic characteristics" means either of the following: (A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or (B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

⁵ Government Code § 12926 (i) defines "Medical condition" as (1) any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or (2) Genetic characteristics.

⁶ Complaints filed with a request for an immediate Right to Sue may include bases not covered in the FEHA. For this reporting period, "other" may also include some cases filed on the basis of Military or Veteran Status.

⁷ Sex-Gender was previously reported under the title Sex-Other Allegations

⁸ The number of sexual harassment complaints received is calculated based on the number of complaints filed with a request for an immediate Right to Sue and PCIs where someone complains of "harassment" as one of the harms they've suffered and indicates "sex" as one of the bases for the alleged harm(s). This number may overcount the number of sexual harassment complaints, since it includes any case where a person alleges discrimination on the basis of sex and harassment on a different basis.

⁹ Sexual Orientation was previously reported under Sex – Orientation.

Total Ralph Complaints received by Basis in 2015 = 267	No.
Age – 40 or Over	47
Ancestry ²	24
Association with a Member of a Protected Class	
Color ²	52
Disability – Mental and Physical ²	61
Genetic Information or Characteristics ^{3,4}	10
Marital Status	
Medical Condition – Cancer or Genetic Characteristics ^{2,5}	28
National Origin ²	32
Other	
Political Affiliation	15
Position in a Labor Dispute	51
Race ²	81
Religion	23
Sex - Gender ⁸	81
Sex – Gender Identity or Gender Expression	14
Sex – Pregnancy	4
Sexual Orientation ¹⁰	35
Total	558

Total Unruh Complaints received by Basis in 2015 = 425	No.
Age – 40 or Over	53
Ancestry ²	19
Color ²	85
Disability – Mental and Physical ²	167
Genetic Information or Characteristics ^{3,4}	10
Marital Status	6
Medical Condition – Cancer or Genetic Characteristics ^{2,5}	44
National Origin ²	36
Other	64
Race ²	151
Religion	40
Sex – Gender ⁸	52
Sex – Gender Identity or Gender Expression	16
Sex – Pregnancy	6
Sexual Orientation ¹⁰	33
Total	782

Total Disabled Persons Act Complaints received by Basis in 2015 = 44	No.
Disability – Mental and Physical ²	42
Medical Condition – Cancer or Genetic Characteristics ^{2,5}	5
Total	47

COMPLAINTS FILED AND INVESTIGATED

Of the total complaints received (reflected in the charts above), 17,915 complaints were filed in 2015. This number includes 11,768 complaints filed along with a request for an immediate Right to Sue letter and 6,147 complaints filed as the result of an intake interview conducted by a DFEH investigator. The table below shows the number of complaints filed by law in 2015.

Complaints Filed by Law in 2015	
FEHA Employment	16,285
FEHA Housing	1,365
Ralph Civil Rights Act	71
Unruh Civil Rights Act	171
Disabled Persons Act	23
Totals	17,915

COUNTY OF RESIDENCE OF COMPLAINANTS

The following tables show the total number of complaints filed under each of the laws enforced by the Department based on the county of the complainant. The data is broadly consistent with the state's population demographics, with the largest number of complaints originating in the most populous counties.

County of Residence of Complainants For Complaints Filed in 2015					
	Employment	Housing	Ralph	Unruh	Disabled Persons Act
Alameda	600	66	4	7	1
Alpine	1				
Amador	10		1	2	
Butte	39	5	1	1	
Calaveras	9	1			1
Colusa	6				
Contra Costa	354	30	4	5	
Del Norte	9	1			
El Dorado	51	1			1
Fresno	341	22		1	
Glenn	7				
Humboldt	25	9			
Imperial	22	3	1	1	
Inyo	18				
Kern	305	25	6	4	1
Kings	37	3	1		
Lake	18	3	1		1
Lassen	5	2			
Los Angeles	6,157	374	10	40	9
Madera	30	1	1	1	
Marin	107	13	1	1	
Mariposa	4				
Mendocino	18	3			
Merced	47	5		1	
Modoc	2				
Mono	3			1	
Monterey	114	16	2	1	
Napa	37	2			
Nevada	17	2			2
Orange	1,237	72	5	9	1
Placer	120	6	1	3	
Plumas	3	1			
Riverside	706	71	4	13	2
Sacramento	754	92	9	17	1
San Benito	12				
San Bernardino	746	64	6	6	
San Diego	995	115	2	16	
San Francisco	454	36	2	9	
San Joaquin	257	13	1	2	
San Luis Obispo	72	8			
San Mateo	249	37		1	
Santa Barbara	164	13			
Santa Clara	423	73	1	8	1

Santa Cruz	51	16		1	
Shasta	42	11	1		
Sierra	2				
Siskiyou	9	3			
Solano	166	17		3	1
Sonoma	122	15	2		
Stanislaus	191	18		1	
Sutter	18	3			
Tehama	6	3			
Trinity	3	1			
Tulare	111	9		2	
Tuolumne	12				
Ventura	296	29	3	4	1
Yolo	62	12			
Yuba	17	5	1		
Not Identified ¹⁰	273	8		1	
Out of State ¹¹	319	27		9	
Totals	16,285	1,365	71	171	23

¹⁰ The count for Not Identified and Out of State are significantly different than in the 2014 annual report. Data was verified and adjusted.

DEMOGRAPHIC INFORMATION

The following tables provide information on the race and national origin of those requesting an immediate Right to Sue and the race and national origin of those filing complaints investigated by the DFEH by law. Information about major Asian and Pacific Islander groups is provided pursuant to California Government Code sections 8310.5 and 8310.7. It is important to note that demographic information such as race, sex, age, primary language, etc. is voluntarily provided by complainants. Of the 17,915 complaints filed, 7,666 complainants self-reported this demographic information on race and 6,866 self-reported on national origin.

Race	Employment	Housing	Ralph	Unruh	Disabled Persons Act	Totals
American Indian or Alaska Native	146	11	1	6	2	166
Asian	607	34	2	5		648
Black or African American	1,574	175	5	31	3	1,788
Hispanic or Latino	195	6	1	1		203
Native Hawaiian or Other Pacific Islander	100	3		2		105
Other	55	1		4	1	61
White	4,364	263	20	39	9	4,695
Not Identified	9,244	872	42	83	8	10,249
Grand Total	16,285	1,365	71	171	23	17,915

National Origin	Employment	Housing	Ralph	Unruh	Disabled Persons Act	Totals
Afghani	7					7
American [U.S.]	3,317	247	14	46	12	3,636
Asian Indian ¹¹	55	2		2		59
Bangladeshi	5					5
Cambodian	6	1				7
Canadian	7	2		1		10
Chinese	112	9	1			122
Cuban	15					15
Dominican	3					3
Egyptian	27	1	1			29
English	216	27	2	3	2	250
Ethiopian	10					10
Fijian	7					7
Filipino	127	5				132
German	25	2		2		29
Ghanaian	5					5
Haitian	3	1				4
Hawaiian	2	1				3
Hmong	5					5
Indonesian	1					1
Iranian	108	3		2		113
Iraqi	6					6
Irish	23	4				27

¹¹ This option was not available for people to select on the online PCI form during 2015, so numbers reported are likely to be low.

Israeli	12	1				13
Italian	31	5			1	37
Jamaican	13	4				17
Japanese	22	2				24
Korean	38	1				39
Laotian	5					5
Lebanese	10					10
Mexican	1,091	32	3	4		1,130
Nigerian	30	2				32
Other	144	8				152
Other African	52	6		1	1	60
Other Asian	26					26
Other Caribbean	7	2				9
Other European	84	11				95
Other Hispanic/Latino	485	21	4	4		514
Other Middle Eastern	35	7	1	4		47
Pakistani	6	3		1		10
Puerto Rican	23	2				25
Salvadoran	67	2				69
Samoan	5					5
Sri Lankan	2					2
Syrian	5					5
Taiwanese	9					9
Thai	5					5
Tongan	3					3
Vietnamese	38					38
Not Identified	9,945	951	45	101	7	11,049
Totals	16,285	1,365	71	171	23	17,915

PERCENTAGE OF HOUSING COMPLAINTS CLOSED WITHIN 100 AND 365 DAYS

One of the performance measures used by the federal Department of Housing and Urban Development (HUD) in assessing the Department's performance in handling dual-filed¹² housing cases is whether DFEH is completing 50% of its investigations of those complaints within 100 days of the filing of the complaints. As shown in the chart below, the Department did not meet this target in 2015.

The chart also provides information on the number and percentage of investigations closed within 365 days of the filing of the complaints. The FEHA requires, in most cases, that DFEH file a civil complaint within 365 days from the date the complaint was filed.

Housing and Employment Complaints Closed within Specified Timeframes in 2015					
Type	Total Closed	Closed Within 100 Days	Percentage Closed Within 100 Days	Additional Number Closed Within 365 Days	Additional Percentage Closed Within 365 Days
Employment	4,648	642	13.8	3,773	81.2
Housing	807	233	28.9	529	65.6

CASES SETTLED

As described above, cases may settle at different points in the investigative process. Consultants within the Enforcement Division may conciliate a settlement at any point in their investigations. They also refer some cases to the Dispute Resolution Division (DRD) to determine if the parties are interested in participating in voluntary mediation conducted by DRD. Once the Department's Legal Division takes a case, the law requires that the case be referred to DRD for mandatory mediation before the case can be filed in civil court. However, the Legal Division may also settle the case on its own before or after mandatory mediation occurs.

The reported settlement amounts reflect monetary recovery only. Many complaints filed for investigation with the Department have low economic damages and are unattractive to the private bar. However, most Department settlements include "affirmative relief" in the form of injunctions, training and monitoring, and changes in policies that increase fair employment or housing opportunities. Some settlements include only affirmative relief and no economic recovery. The economic and societal value of affirmative relief is not reflected in this data.

The amounts listed below reflect what respondents or defendants agreed to pay, and complainants or real parties agreed to accept, in order to resolve their discrimination cases. As shown in the table, the Department settled a total of 1,011 cases in 2015 for a total of \$12,143,133 in monetary recovery.

Number of Cases Settled by Division in 2015		
	Number of Settlements	Total Settlement Amount
Enforcement Division	599	\$3,187,292
Dispute Resolution Division	369	\$7,714,141
Legal Division	43	\$1,241,700
Totals	1,011	\$12,143,133

¹²A complaint over which both the Department and HUD have jurisdiction is filed with both entities and is called "dual-filed." In California, the DFEH investigates the complaints that are dual-filed with the DFEH and HUD.

The tables below provide additional information regarding the cases referred to and settled by the Department's Dispute Resolution Division (DRD) for each of the last three years. As shown in the tables, the number of cases referred to DRD has remained fairly consistent over that time period while the number of mediations conducted by DRD has grown from 453 in 2013 to 632 in 2015. The number of complaints referred exceeds the number of mediations conducted because complaints referred for voluntary mediation cannot proceed to mediation unless all parties agree to mediate.

Number of Cases referred to Dispute Resolution Division by year and referral type¹³	2013	2014	2015
Voluntary	1,100	1,208	1,157
SB 1038 (Mandatory)	113	94	122
Post-Civil	9	2	11
Totals	1,222	1,304¹⁴	1,290

Number of Mediations Conducted	2013	2014	2015
Voluntary	347	500	524
SB1038 ¹⁵	96	86	96
Post-Civil	10	4	12
Totals	453	590¹⁶	632

CIVIL COMPLAINTS FILED

The table below shows the number of complaints the Enforcement Division referred to the Legal Division in 2015. The Enforcement Division refers cases to the Legal Division for prosecution after the Enforcement Division makes a determination of cause (finding that the case has merit) and if the case is not resolved by settlement in the Enforcement Division. The Legal Division makes the final determination regarding cause, and refers cases it intends to prosecute to the Dispute Resolution Division for SB 1038 mediation prior to filing a civil complaint.

Cases Referred to Litigation in 2015					
Employment	Housing	Ralph	Unruh	Disabled Persons Act	Total Cases Referred
73	50	1	6	0	130

¹³ The DRD controls the number of complaints it will accept for voluntary mediation based on the number of mediators available to mediate cases.

¹⁴ This figure is different than what was reported in March 2015 because we subsequently discovered six cases that should have been included.

¹⁵ The number of SB 1038 mediations referred to DRD (first chart) is higher than the number conducted, because some matters are settled or withdrawn before formal mediation. In addition, for 2015, some of the most recent matters referred may not have been mediated before the year end.

¹⁶ This number is different than what was previously reported due to issues with our tracking system, which have since been corrected.

The table below shows the number of civil complaints filed by the Legal Division in 2015. The number of complaints filed (36) is different from the number of total complainants (57), because civil complaints often are filed on behalf of multiple complainants.

Civil Complaints Filed in 2015							
Underlying Employment Complaints	Underlying Housing Complaints	Underlying Ralph Complaints	Underlying Unruh Complaints	Total Underlying Complaints	Total Civil Complaints Filed	Class Action/Systemic Complaints	Total Complainants
27	17	1	1	46	36	2	57

The table below shows the bases of the civil complaints filed in 2015. The number of bases (99) exceeds the number of civil complaints filed (36), because complaints may allege harm on more than one basis. For example, the Department may file a civil complaint that alleges that an employer discriminated against an employee because of her race as well as her sexual orientation.

Bases of Civil Complaints Filed in 2015		
Type	Basis	No.
Employment	Age - 40 and Over	1
Employment	Association with a Member of a Protected Class	4
Employment	Disability - Mental and Physical	11
Employment	Family Care or Medical Leave (CFRA)	1
Employment	Medical Condition - Cancer or Genetic Characteristics	2
Employment	National Origin	5
Employment	Race	5
Employment	Religion	2
Employment	Retaliation	7
Employment	Sex – Gender	6
Employment	Sex – Pregnancy	5
Employment	Sexual Harassment	4
Employment	Sexual Orientation	1
Housing	Ancestry	1
Housing	Association with a Member of a Protected Class	2
Housing	Disability - Mental and Physical	7
Housing	Familial Status (Children)	5
Housing	National Origin	1
Housing	Race	1
Housing	Retaliation	1
Housing	Sex – Gender	1
Housing	Sex – Pregnancy	1
Ralph	National Origin	1
Ralph	Race	1
Ralph	Sex – Gender	3
Unruh	Ancestry	1
Unruh	Disability - Mental and Physical	7
Unruh	National Origin	1
Unruh	Other	3
Unruh	Race	1
Unruh	Sex – Gender	2
Unruh	Sex – Pregnancy	1
Disabled Persons Act	Disability	4
TOTAL		99

Appendix A: Laws Enforced by DFEH

The DFEH's statutory mandate is to protect the people of California from employment, housing and public accommodations discrimination and hate violence pursuant to the California Fair Employment and Housing Act (FEHA), Unruh Civil Rights Act, Disabled Persons Act, and Ralph Civil Rights Act. The FEHA (Government Code section 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, 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 female employees disabled by pregnancy, childbirth, or a related medical condition protected leave of up to four months and the right to return to work.

With regard to housing, the FEHA prohibits discrimination and harassment on the basis of race, color, religion, sex, 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 practice, requires employers and housing providers to reasonably accommodate persons with disabilities, and prohibits covered entities from retaliating against any person because he or she has opposed practices forbidden by the FEHA or filed a complaint, testified, or assisted in any DFEH or court proceeding related to a FEHA claim.

The Unruh Civil Rights Act (Civil Code section 51) prohibits business establishments in California from discriminating in the provision of services, accommodations, advantages, facilities and privileges to clients, patrons and customers because of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, primary language, citizenship or immigration status (the last three bases were added as of 1/1/2016). Similarly, the Disabled Persons Act (Civil Code section 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 (Civil Code section 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.