

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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DFEH Settles Disability Discrimination Case Against County of Los Angeles

The County will amend its civil service rules, overhaul its pre-employment medical examination process, and undergo monitoring for three years

Sacramento – The California Department of Fair Employment and Housing (DFEH) reached a settlement in an employment discrimination case with the County of Los Angeles involving two complainants who were denied or delayed positions with the County due to the County's overbroad pre-employment medical examination requirements.

One of the complainants was denied a position with the Los Angeles County Sheriff's Department for more than 4 years because it was revealed during her pre-employment medical exam that she had a thyroid condition, although she did not have any restrictions on her ability to perform the job. The other complainant was denied a position with the County when he revealed during his pre-employment medical exam that he had a prior knee injury although he too did not have any work restrictions.

DFEH found cause to believe violations of the Fair Employment and Housing Act had occurred and filed civil complaints in Los Angeles County Superior Court in April and June 2017 (case numbers BC663789 and BC658050). In settling the case, the County agreed to amend its civil service rules about pre-employment medical examinations and will overhaul its medical examination process to only consider medical information that is directly relevant to the job being applied for. In addition, the County will provide regular disability discrimination training and has agreed to be subject to three years of monitoring by a neutral third party and DFEH to ensure compliance with the agreement.

The County will also pay a total of \$560,000. Of that, \$410,000 will be paid directly to a complainant and \$150,000 to the DFEH for fees and costs. (The second complainant previously resolved the financial aspect of his case.)

"California employers are only permitted to seek medical information from applicants that is directly related to the job for which they are applying," said DFEH Director Kevin Kish. "Overbroad requests for medical information or denying an applicant a job because of future risk of injury is unlawful."

Alexandra Seldin, Senior Staff Counsel, Olivia Tran, Senior Staff Counsel, and Paula Pearlman, Assistant Chief Counsel represented DFEH in this proceeding.

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The DFEH is the state agency charged with enforcing California's civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and

public accommodations and from hate violence and human trafficking. For more information, visit the DFEH's web site at www.dfeh.ca.gov.

