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DFEH Settles Employment Disability Discrimination Case against The Permanente Medical Group, Inc.

Employee placed on involuntary leave receives \$30,000 for employer's failure to engage in the interactive process.

Sacramento – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in a disability discrimination case with The Permanente Medical Group, Inc. (TPMG) on behalf of an employee working in Sacramento County.

The complainant, an employee of 20 years, filed a discrimination complaint with the DFEH in December 2016 alleging that she was placed on involuntary leave after an injury that limited her keyboard use and ability to lift weights over three pounds. The complainant alleged that TPMG did not engage in any interactive process to determine whether she could continue working with reasonable accommodations before placing her on leave.

DFEH found cause to believe a violation of the Fair Employment and Housing Act had occurred and filed a civil complaint in 2017 in Sacramento Superior Court. During a second attempt at mediation, TPMG agreed to pay \$30,000 to the complainant, and attorneys' fees and costs to the DFEH to settle the case.

"The point of California's reasonable accommodation requirements is to allow people with disabilities to continue doing their jobs," said DFEH Director Kevin Kish. "This requires engaging employees in a meaningful, good-faith interactive process to identify potential accommodations, and the failure to do so is itself a violation of the law."

In addition to a monetary settlement, TPMG Disability Case Managers will undergo training on the interactive process and their obligation to provide reasonable accommodations for employees with disabilities. TPMG will also provide the DFEH a written report of its compliance.

Grace Shim and Nelson Chan represented DFEH in this matter.

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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.

