

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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## **DFEH Settles Employment Disability Discrimination Case Against Fresno Manufacturer**

*Employee to receive \$112,500 in lost wages and emotional distress after she was denied an extension of her disability leave of absence and terminated*

**Fresno** – The California Department of Fair Employment and Housing (DFEH) has reached a settlement in disability discrimination case with Pelco, Inc. involving a former employee—now returned to work through Pelco's offer of reinstatement—who alleged she was denied an extension of her leave of absence due to disability, and then terminated.

In her September 2017 complaint filed with DFEH, the woman says Pelco initially granted her a leave of absence because of her disability. However, when her doctor ordered an extension of her leave of absence, the company's third-party leave administrator failed to approve her request for an extension, which resulted in her termination when she was unable to return to work.

After DFEH found cause to believe a violation of the Fair Employment and Housing Act (FEHA) had occurred as a result of the third party leave administrator's refusal to extend complainant's leave despite her doctor's orders, the parties participated in mediation and reached a settlement. Pelco will pay complainant \$112,500 in lost wages and emotional distress damages as well as \$7,500 to DFEH for its attorney fees.

"Employers cannot shield themselves from liability for disability discrimination by outsourcing decisions concerning employees' requests for reasonable accommodation," said DFEH Director Kevin Kish. "Third party leave administrators are agents of employers; thus, employers are ultimately responsible for decisions on employee requests for reasonable accommodation."

In addition to a monetary settlement and offer of reinstatement, Pelco has agreed to update its policies to comply with FEHA, involve Pelco employees or counsel in reasonable accommodation decisions, and report to DFEH for three years concerning its compliance with the terms of the settlement agreement.

Gregory J. Mann, Senior Staff Counsel, represented DFEH in this proceeding.

*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](http://www.dfeh.ca.gov).*

