

1 ALEXIS MCKENNA (#197120)
Deputy Chief Counsel
2 RENEE PARADIS (#243687)
Associate Chief Counsel
3 SOYEON MESINAS (#324046)
Staff Counsel
4 CALIFORNIA CIVIL RIGHTS DEPARTMENT
Legal Division
5 2218 Kausen Drive, Suite 100
6 Elk Grove, CA 95758
Telephone: (916) 964-1925
7 Facsimile: (888) 382-5293

8
9 Attorneys for Petitioner, CRD

(Fee Exempt, Gov. Code, § 6103)

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 CALIFORNIA CIVIL RIGHTS
DEPARTMENT, an agency of the State of
13 California,

14 Petitioner,

15 vs.

16 CAMBRIAN HOMECARE, INC.,

17 Respondent.

Case No. 23STCP02329

**CALIFORNIA CIVIL RIGHTS
DEPARTMENT'S PETITION FOR AN
ORDER COMPELLING COMPLIANCE
WITH GOVERNMENT CODE SECTION
12999, OBLIGATING EMPLOYERS TO
SUBMIT PAY DATA REPORTS, AND
REQUEST FOR PENALTIES & COSTS**

[Gov. Code, § 12999, subd. (f)]

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20 Petitioner, the California Civil Rights Department (CRD), alleges the following against
21 respondent Cambrian Homecare, Inc. (Cambrian Homecare):

22 1. CRD is the state agency responsible for enforcing the civil rights laws set forth in the
23 California Fair Employment and Housing Act (FEHA). (Gov. Code, § 12900, et seq.) Government
24 Code section 12999, enacted in 2020 with an effective date of January 1, 2021, initially required
25 each employer subject to the FEHA, with at least 100 employees nationwide, who were required to
26 file an Employer Information Report ("EEO-1") under federal law, to also submit a pay data report
27 to CRD on an annual basis, starting in March 2021.

28 2. The EEO-1 is a federal reporting requirement administered by the Equal Employment

1 Opportunity Commission. It applies to “every employer that is subject to title VII of the Civil Rights
2 Act of 1964” with 100 or more employees. (29 CFR § 1602.7.) Employers subject to Title VII are
3 those “engaged in an industry affecting commerce” with “fifteen or more employees” for twenty
4 weeks or more out of the year. (42 U.S.C. § 2000e.)

5 3. Section 12999 was subsequently amended in 2022 by Senate Bill 1162; for the 2022
6 reporting year, all private employers with 100 or more employees within the jurisdiction of the
7 Department, whether or not they are required to file an EEO-1 report, must submit a pay data report.
8 (Sen. Bill No. 1162 (2021-2022 Reg. Sess.).)

9 4. California’s pay data reporting law requires employers to provide the number of
10 employees they employed during the previous year by race, ethnicity, and sex, and by job category
11 and rate of pay. The Legislature imposed this affirmative reporting requirement on employers
12 because “pay discrimination is difficult to detect and address.” (Stats. 2020, ch. 363, § 1(d).)
13 Government Code section 12999 requires that employers submit a pay data report each year with
14 pay data from the prior year (“Reporting Year”). The first such report was due March 31, 2021, for
15 the 2020 reporting year. The second report was due March 31, 2022, for the 2021 reporting year.
16 The third was due May 10, 2023, for the 2022 reporting year.

17 5. When an employer fails to submit an annual California pay data report, the
18 Department “may seek an order” compelling compliance with Government Code section 12999’s
19 requirements and recover the costs associated with such action. (Gov. Code, § 12999, subd. (f).) For
20 the 2022 reporting year, the Department is also entitled to seek penalties for employers who do not
21 timely file their pay data reports “not to exceed one hundred dollars (\$100) per employee upon any
22 employer who fails to file the required report and not to exceed two hundred dollars (\$200) per
23 employee upon any employer for a subsequent failure to file the required report.” (*Ibid.*)

24 6. A petition seeking an order to compel compliance is an appropriate vehicle for such
25 an action. (See *City of Santa Monica v. Gonzalez* (2008) 43 Cal.4th 905 [approving trial court’s
26 grant of order upon petition pursuant to Health & Saf. Code, §17980.7, providing that agency “may
27 seek” an order]; see also *CRD v. JPMorgan Chase Bank, N.A.* (Super. Ct. Alameda County, Aug. 31,
28 2022, No. 22CV012663) [stipulated judgment entered against employer that failed to file pay data

1 report after CRD proceeded by petition to compel compliance].)

2 7. Respondent Cambrian Homecare, Inc., is, according to its Web site, “a Southern
3 California privately owned company” and “trusted care partner” that provides in-home health care
4 services. (Cambrian Homecare, *Home* <<https://www.cambrianhomecare.com/>> [as of May 23,
5 2023]. Attached hereto as **Exhibit A.**)

6 8. Currently, Respondent operates in locations “across 6 Southern California Counties
7 [and] 4 Northern California Counties.” (Cambrian Homecare, “Cambrian Homecare | LinkedIn,”
8 LinkedIn (2023), <<https://www.linkedin.com/company/cambrian-homecare/about/>> [as of May. 23,
9 2023]. Attached hereto as **Exhibit B.**)

10 9. In March 2021, according to a piece of sponsored content placed in the Long Beach
11 Post by Respondent, it had at least 1,000 employees. (Long Beach Post, *Cambrian Homecare*
12 *Celebrates 25 Years of Creating Relationships* (March 18, 2021) <[https://lbpost.com/ads/cambrian-
13 homecare-celebrates-25-years-of-creating-relationships](https://lbpost.com/ads/cambrian-homecare-celebrates-25-years-of-creating-relationships/)> [as of May. 23, 2023]. Attached hereto as
14 **Exhibit C.**)

15 10. The job listings linked from Respondent’s web site reflect over thirty current
16 locations in California. (Cambrian Homecare, *Job Openings*
17 <<https://sites.hireology.com/cambrianhomecarecorporate/jobs.html>> [as of May. 23, 2023]. Attached
18 hereto as **Exhibit D.**)

19 11. Respondent was thus a private employer with at least 100 employees nationwide that
20 did business in California during Reporting Years 2020, 2021, and 2022. It was required to file an
21 EEO-1 in 2020 and 2021 as an employer subject to Title VII with more than 100 employees.

22 12. Respondent filed an EEO-1 in 2018, the most recent year for which CRD has data,
23 reflecting multiple California establishments and over 100 employees.

24 13. Respondent was therefore subject to Government Code section 12999 for reporting
25 years 2020 and 2021: (1) respondent “has 100 or more employees”; (2) respondent “is required to
26 file an annual Employer Information Report (EEO-1) pursuant to federal law”; and (3) respondent
27 has at least one California employee and is thus subject to the jurisdiction of the Department. (Gov.
28 Code, § 12999, subd. (a) (2022).)

1 14. Respondent is also subject to amended Government Code section 12999, as
2 respondent “has 100 or more employees,” at least one of whom works in California. (Gov. Code, §
3 12999, subd. (a)(1).)

4 15. CRD has created an online portal where pay data reports can be submitted, accessible
5 at <https://calcivilrights.ca.gov/paydatareporting/>.

6 16. Respondent failed to submit a pay data report for Reporting Year 2020 by March 31,
7 2021. On October 27, 2021, CRD sent by First-Class mail a Notice of Potential Non-Compliance to
8 Respondent regarding their failure to submit an annual pay data report for the Reporting Year 2020
9 and indicating they should file a report to avoid further enforcement action. That notice is attached
10 hereto as **Exhibit E**. On December 5, 2021, CRD sent by First-Class mail a Second Notice of
11 Potential Non-Compliance to Respondent reminding them of their obligation to report under
12 Government Code section 12999. The notice indicated that no pay data report had been received and
13 again requested that a pay data report for the Reporting Year 2020 be submitted. That notice is
14 attached hereto as **Exhibit F**.

15 17. Respondent again failed to submit a pay data report for Reporting Year 2021 by
16 March 31, 2022. On September 26, 2022, CRD sent by first class mail a notice to Respondent
17 reminding them of their obligation to report under Government Code section 12999. The notice
18 indicated that no pay data report had been received for either Reporting Year 2020 or 2021 and
19 requested that those pay data reports be submitted within 60 days (i.e., no later than November 25,
20 2022). The notice also informed Respondent that the CRD was prepared to pursue legal action if
21 they failed to submit their pay data reports in a timely fashion. That notice is attached hereto as
22 **Exhibit G**. To date, CRD has received no pay data report from the respondent for the Reporting
23 Years 2020 or 2021.

24 18. Respondent once again failed to submit a pay data report for Reporting Year 2022 by
25 the deadline of May 10, 2023. On May 11, 2023, CRD sent by first class mail a Notice of Non-
26 Compliance to Respondent regarding its failure to submit an annual pay data report for the Reporting
27 Years 2021 and 2022 and requested that those pay data reports be submitted within 30 days (i.e., no
28 later than June 12, 2023). That notice is attached hereto as **Exhibit H**. On May 25, 2023, CRD sent

1 by first class mail a second Notice of Non-Compliance to Respondent regarding its failure to submit
2 an annual pay data report for the Reporting Years 2021 and 2022 and requested that those pay data
3 reports be submitted within 30 days (i.e., no later than June 26, 2023). That second notice is attached
4 hereto as **Exhibit I**. Cambrian Homecare, Inc., has never responded to any of the Department’s
5 notices for any of the three reporting years for which it has failed to file a pay data report.

6 19. Respondent owns and operates at least two establishments in Los Angeles County,
7 California: in Long Beach and Los Angeles. Respondent’s Web site lists a Long Beach address
8 within Los Angeles County as its headquarters, 5199 E. Pacific Coast Highway, Suite 100, Long
9 Beach, CA 90804. (**Exhibit A** at 4.) Because Respondent employs workers at this location in Los
10 Angeles County, the “obligation” to report pay data “arises” at least in part in Los Angeles County
11 within the meaning of Code of Civil Procedure, section 395.5. Los Angeles County Superior Court is
12 thus a proper venue for this action.

13 **PRAYER FOR RELIEF**

14 **Wherefore**, it is prayed that the Court:

15 1. Find the petition sets forth good cause for relief, and issue an order to show cause to
16 respondent, pursuant to Government Code section 12999, subdivision (f);

17 2. Impose a civil penalty of one hundred dollars (\$100) per each employee employed by
18 Cambrian Homecare for its failure to file the required report for the 2022 Reporting Year, payable to
19 the Civil Rights Enforcement and Litigation Fund, pursuant to Government Code section 12999,
20 subdivision (f);

21 3. Set a hearing on the order to show cause no earlier than 30 days after the filing of the
22 petition and no later than 60 days after the filing of the petition;

23 4. Grant the petition and order respondent to submit its pay data report, within 30 days
24 after the effective date of the order granting this petition, order respondent to file future reports on or
25 before the annual deadline, pursuant to Government Code section 12999, subdivision (a)(1), and
26 retain jurisdiction to enforce the terms of this order;

27 5. Award CRD its costs in pursuing this action. (Gov. Code, § 12999, subd. (f).)

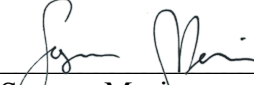
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6. For such other relief as the Court deems just and proper.

DATED: July 5, 2023

CALIFORNIA CIVIL RIGHTS
DEPARTMENT



Soyeon Mesinas
Attorney for Petitioner