



**DEPARTMENT
OF
FAIR EMPLOYMENT AND HOUSING**

ANNUAL REPORT

1986-87

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1201 I STREET, SUITE 211, SACRAMENTO, CA 95814-2919

TDD (916) 323-6980



The Honorable George Deukmejian
Governor

The Honorable David A. Roberti
President pro Tempore of the Senate

The Honorable Willie L. Brown, Jr.
Speaker of the Assembly

Gentlemen:

As the new Director of the Department of Fair Employment and Housing (DFEH), I am pleased and proud of this 1986-87 Annual Report. The report covers the period from July 1, 1986 to June 30, 1987.

Our Management by Objective Process has been very successful. What follows are several of our most significant achievements.

SETTLEMENT

The settlement rate is at its highest ever, 29.7 percent. Affirmative relief (i.e., discrimination prevention activities) was included in over 40 percent of these settlements.

CASE PROCESSING

Although the number of discrimination complaints increased by 12 percent, average case processing time has been reduced by a full 15 percent from the previous year. Cases are now processed in a record average of only 170 days.

CONTRACT COMPLIANCE

Thanks to automation and a professional staff, the number of State contractors monitored by DFEH has been increased from 1,500 (previous year) to 33,000.

LEGAL CLINIC EDUCATION

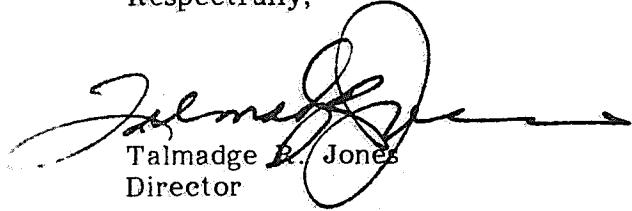
The Department's in-house training of law students (in both research, writing, and oral presentations) involved 20 students from 8 major accredited law schools.

COMMUNITY EDUCATION

The Department has successfully encouraged and participated in many employment and housing "Round Table" events throughout the State--over 850 representatives from business, labor organizations, local government, and community groups attended these events which addressed every conceivable civil rights issue.

While DFEH is proud of these achievements, the Department will continue to increase efficiency to assure that all civil rights complaints within DFEH jurisdiction are promptly addressed and hopefully resolved.

Respectfully,



Talmadge B. Jones
Director

TRJ:wpc

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
1986-87 ANNUAL REPORT

State of California

George Deukmejian
Governor

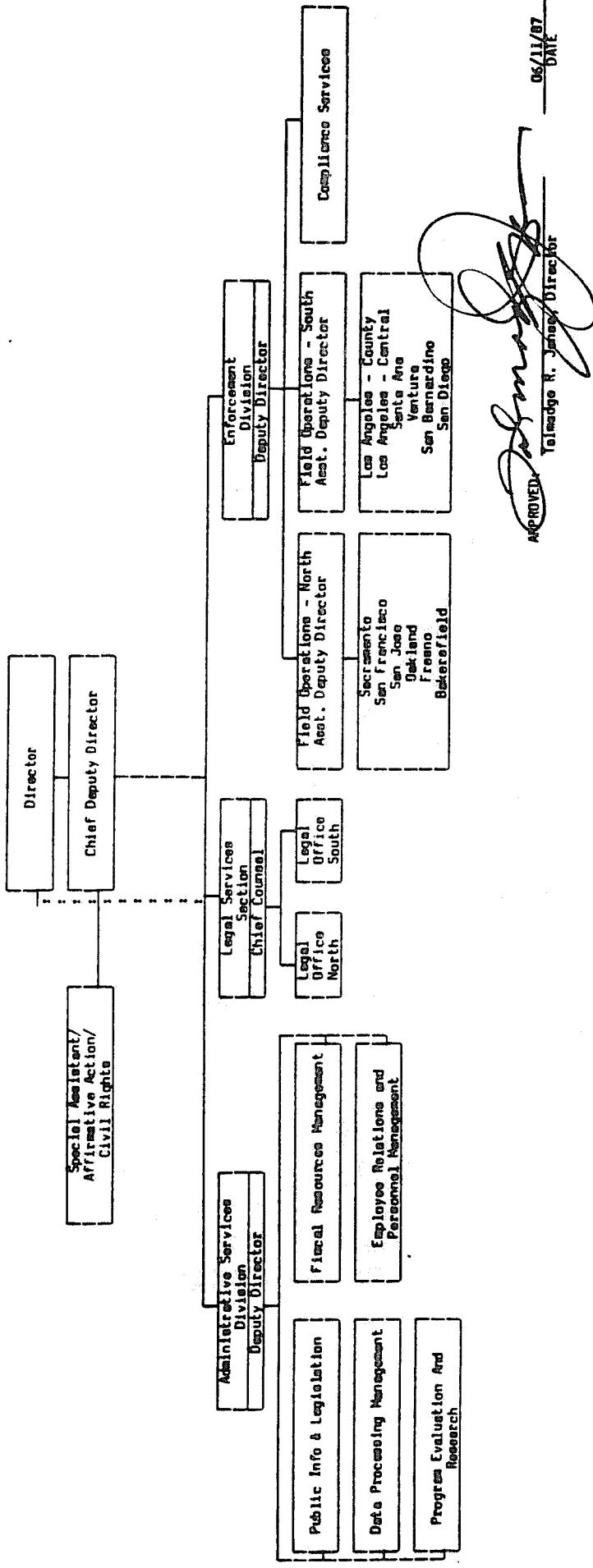
State and Consumer Services Agency

Shirley R. Chilton
Secretary of the Agency

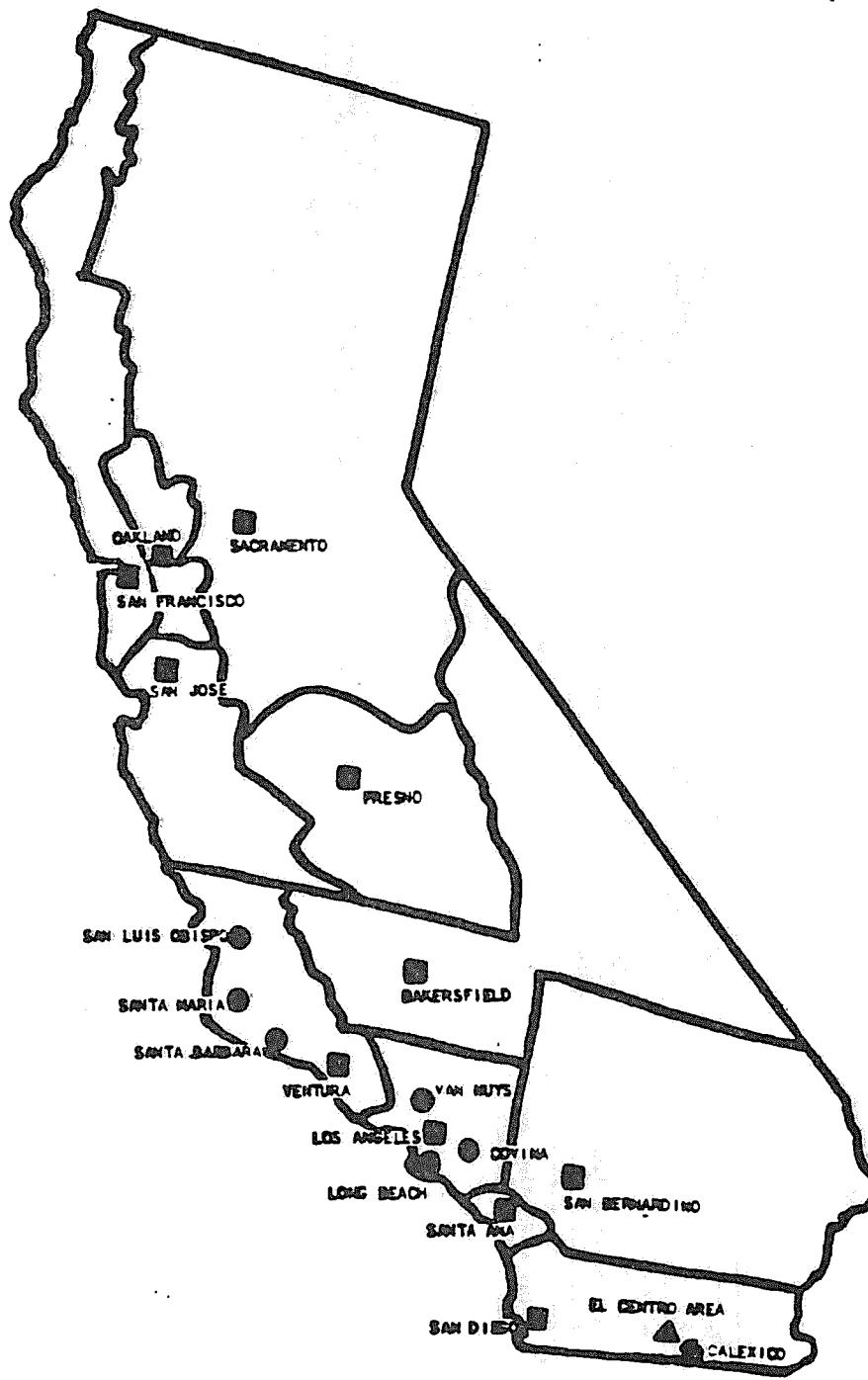
Department of Fair Employment and Housing

Talmadge R. Jones
Director

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
ORGANIZATION CHART



DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
GEOGRAPHICAL JURISDICTION



ANNUAL REPORT
CALIFORNIA DEPARTMENT
OF
FAIR EMPLOYMENT AND HOUSING
1986-87

TABLE OF CONTENTS

	<u>Page</u>
<u>BACKGROUND INFORMATION</u>	
Department Mission and Scope of Responsibility	1
Department Jurisdiction and Authority	1
Department "Management By Objectives" System	2
<u>ENFORCEMENT DIVISION ACTIVITIES</u>	
Complaint Processing	2
Office of Compliance Programs	4
<u>LEGAL DIVISION ACTIVITIES</u>	
Legal Program	4
Legal Clinic Education Program	5
Precedential Cases	6
<u>ADMINISTRATIVE SERVICES ACTIVITIES</u>	
Administrative Program	7
<u>SPECIAL ACTIVITIES</u>	
Round Tables	9
Public Presentations and Technical Assistance	11
U.S.C.E.C. Support	11
<u>STATISTICAL TABLES</u>	
Employment Tables	14
Housing Tables	19
Public Service/Accommodation Tables	23
<u>APPENDIX</u>	
Legal Education Program	

BACKGROUND INFORMATION

DEPARTMENT MISSION AND SCOPE OF RESPONSIBILITY

The California Department of Fair Employment and Housing (DFEH) enforces State laws prohibiting discrimination in employment, housing, public accommodations and public services. The Department's jurisdiction covers over 220,000 businesses; 200,000 private sector contracts granted by the State of California; 113 departments of State government; local government agencies; and thousands of individuals and organizations providing housing, accommodations, and services to the public. The Department has 250 employees located in 12 offices throughout the State.

DEPARTMENT JURISDICTION AND AUTHORITY

The Department's primary responsibility is to enforce the Fair Employment and Housing Act, the Unruh Civil Rights Act and the Ralph Civil Rights Act, which collectively,

- o Protect an individual's rights and opportunities to seek, have access to, obtain and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical handicap, cancer-related medical condition, marital status, age (40 or over), sex, and retaliation.
- o Protect the rights of tenants and those who seek to rent, lease or buy housing without discrimination based on race, color, religion, sex, marital status, national origin/ancestry, or retaliation.
- o Assure individuals equal access to accommodations, facilities, and privileges or services in business establishments within the State without discrimination based on race, color, national origin, sex, age, or sexual orientation.
- o Assure that those contracting with the State of California comply with equal opportunity and nondiscrimination employment laws.
- o Assure that State agencies provide nondiscriminatory treatment and access to programs and activities to persons with disabilities.
- o Protect the rights of individuals to be free from violence against them or their property without discrimination based on race, color, national origin, ancestry, sex, age, religion, sexual orientation, political affiliation, disability, position in a labor dispute, or retaliation.

DEPARTMENT "MANAGEMENT BY OBJECTIVES" SYSTEM

Four years ago, DFEH began a Management By Objectives (M.B.O.) process. The process has undergone a number of changes to simplify it and make it more realistic. Although the system has been simplified, it is all-encompassing, affecting all levels of the Department.

The Department's M.B.O. process is structured to accomplish three objectives. First, the process helps the Department focus its efforts toward priority issues. Second, it ensures the necessary accountability by staff involvement and the establishment of clear lines of responsibility. Finally, the process increases communication between a manager and his/her supervisor, between managers, and between a manager and his/her staff.

The M.B.O. process begins with the development of the Department's mission statement and goals for the year. They are introduced to the units through their managers. Each manager meets with his/her unit to develop unit objectives and action steps that are responsive to the Department's goals. In addition to the action steps, the units develop timelines and allocate responsibilities for the activities. After agreement is reached within the units, each manager then meets with the Deputy Director of the Division on a one-to-one basis to discuss the unit's plan. When agreement is reached, the objectives are finalized.

Biweekly, monthly and quarterly meetings at the different levels increase communication regarding the status of objectives.

During Fiscal Year 1986-87, the Department's three divisions, Administrative Services, Enforcement, and Legal, developed fifty-eight objectives. Of the fifty-eight objectives, four were deleted during the fiscal year. Forty-three (or 74%) of the objectives were fully accomplished by year end. Of the eleven not accomplished, three were accomplished within the first quarter of Fiscal Year 1987-88. The primary reasons for nonaccomplishment of the eight objectives were shifts in both priorities and staff resources.

ENFORCEMENT DIVISION ACTIVITIES

COMPLAINT PROCESSING

The Department enforces antidiscrimination laws by investigating and resolving discrimination complaints affecting employers and employees, property owners and tenants, and recipients and providers of public services and accommodations.

Overall, the Department made a strong effort to increase efficiency while maintaining high productivity levels. Employment cases rose significantly over the previous fiscal year. Case settlement rates increased to a record high of 2,548 or 29.7 percent of all cases closed. More cases were deemed sufficient for a formal accusation. Average case processing time was reduced to a record low of 170 days. This mark represents a 15 percent improvement over the last fiscal year.

Complaints involving terminal illness, such as AIDS or cancer, were assigned priority status, while significant strides were also made in reducing the processing time for all cases. Housing cases and retaliation complaints also continue to be given priority, with a goal of completing all such investigations within 60 days. Such evidence is used to determine if a judicial restraining order should be sought against the respondent.

Statistical Tables 1 through 18, in the back of the report, numerically summarize discrimination complaints processed from July 1, 1986 through June 30, 1987. The employment tables beginning on page 13 show that the number of employment cases filed is 8,022. This is a significant increase over the previous fiscal year when 6,993 were filed. Despite yearly fluctuations, the Department's caseload has increased steadily since its inception. In contrast, the number of employment cases closed has fluctuated without consistency over the last five years. Over the past year, the number of cases closed has decreased by 140 cases to 7,666 cases.

Among principal bases for discrimination, sex, age, and retaliation continue to increase in percentage of total cases, while race/color and national origin/ancestry show a decline. This trend has been steady over the previous ten-year period. Sex discrimination constituted 34.9 percent of all bases. Race/color remained second with 18.7 percent.

Under alleged discriminatory acts, a continuing trend is the increase in the number of harassment complaints. By Fiscal Year 1986-87 harassment was reported in 13.1 percent of complaints when counted under the first act reported. When it is counted under each act reported, as in Table 5 attached, harassment increases twofold to 26.8 percent. This statistic shows that harassment occurs most often as a secondary alleged act. Note that the predominant alleged act remains dismissal from employment at 59.9 percent.

There is also a significant increasing trend in sexual harassment complaints. Over the four-year period, 1983-1987, these complaints rose from 631 to 1,185. Sexual harassment complaints constitute 14.7 percent of all employment complaints filed.

The housing summary statistics for Fiscal Year 1986-87 show a significant decline in total cases from the previous two years. There were 731 cases filed in 1986-87, a 13.7 percent decrease from 1985-86. The number of cases closed also dropped to 732 cases in 1986-87.

While the housing caseload is declining, cases alleging discrimination against families with children have grown to an integral part of the housing caseload. These complaints are a result of the State Supreme Court's decision in Marina Point v. Wolfson making it unlawful to discriminate against potential housing tenants because the tenants have children. The statistics for 1986-87 show these complaints to be 35.0 percent of all housing cases. This is an increase of 6.2 percent from the previous year. Although "Wolfson" complaints are increasing, they are still second to race/color complaints at 36.8 percent.

OFFICE OF COMPLIANCE PROGRAMS

The Office of Compliance Programs (O.C.P.) ensures that private businesses contracting with the State have nondiscrimination policies and procedures. Where underutilization of minorities, women and the disabled exist, O.C.P. assists the company in developing programs to correct the deficiency.

In Fiscal Year 1986-87, the O.C.P. streamlined its work by revising its electronic data processing procedures. The contract compliance system was redesigned to place emphasis on monitoring State contractors rather than following individual contracts. The result of this redirection in emphasis has been to vastly increase the number of contractors monitored, while at the same time reducing key entry time and space requirement on the computer system. Over a two-year period the number of State contractors monitored has jumped from 1,500 to 33,000.

Additionally, O.C.P., during the fiscal year, closed 342 reviews shattering the previous year's mark of 75 reviews closed (an increase of 356%) and conducted 21 field reviews.

In addition to monitoring State contractors, the O.C.P. works cooperatively with the U.S. Department of Labor, Office of Federal Contract Compliance Programs, which monitors federal contractors. Federal and State duplication is thereby avoided and voluntary compliance is encouraged.

LEGAL DIVISION ACTIVITIES

LEGAL PROGRAM

The Legal Division has offices in Los Angeles and Sacramento. Each office is managed by an Assistant Chief Counsel, who reports to the Chief Counsel in the Sacramento Headquarters office.

The Legal Division supports the Department's enforcement responsibilities. It educates the consultant staff through training programs and responds to

requests for legal opinions regarding specific cases and issues of first impression. The majority of the Division's time is spent addressing requests of the Enforcement Division for an accusation and litigating such accusations in administrative hearings.

Litigation occurs after a consultant completes the investigation of a case, determines that sufficient evidence exists substantiating that discrimination has occurred, but is unable to formally conciliate the complaint dispute. The case is then transferred to the Legal Division to consider the issuance of an accusation.

The Legal Division independently reviews the file to determine whether the evidence supports a *prima facie* violation of the Fair Employment and Housing Act (F.E.H.A.). An objective of the Legal Division is to have the parties settle the dispute without the need of a formal hearing. Of 165 cases received for the issuance of an accusation during the fiscal year, 19 were resolved prior to accusation. Ninety-two accusations were issued, but of those, 41 were resolved without the public hearing process. However, the Legal staff did participate in 79 days of hearings before the Commission. The legal staff was able to accomplish the above despite insufficient staff due to a disputed budgetary restriction.

Other duties of the Legal Division included the enforcement of interrogatories, depositions, settlement agreements, and litigation in the Courts of Appeal.

LEGAL CLINIC EDUCATION PROGRAM

In 1986-87, students from several California law schools participated in the Department's Clinical Education Program. This program is designed to provide second and third year law students an opportunity to increase their knowledge and experience in civil rights by researching discrimination law issues and litigating in administrative hearings. They are assigned to Department attorneys to assist in the preparation and litigation of cases.

The goals of the Department's clinical education program are to: (1) provide students with "hands on" litigation experience while in law school; (2) sensitize students to civil rights issues; (3) provide students with an opportunity to work for the government and to understand the institutional dynamics of legal/policy decision making; (4) provide students with an opportunity to work with an attorney on a one-to-one basis; (5) develop an institutional relationship with participating law schools; (6) establish a pool of potential lawyers for future Department recruitment; and (7) increase Department efficiency in the prosecution of cases.

During the year, the following schools participated in the Department's Clinical Education and Work-Study Programs: Hastings School of Law (San Francisco), Loyola University Law School (Los Angeles), McGeorge Law School (Sacramento), Pepperdine University Law School (Los Angeles), Southwestern

School of Law (Los Angeles), Boalt Hall Law School (U.C. Berkeley), U.C. Davis Law School, and U.C.L.A. Law School. Twenty students were involved in the Department's programs. A description of the Department's Legal Education Program is included in the Addendum.

PRECEDENTIAL CASES

California Federal Savings and Loan, et al. v. Mark Guerra

On January 13, 1987, the F.E.H.A. law guaranteeing women the right to go on pregnancy disability leave and return to their jobs was upheld by the United States Supreme Court. In a landmark decision, the Department prevailed in a case brought against it by California Federal Savings. Cal-Fed argued that the State pregnancy law was preempted because it was inconsistent with Title VII; that the State law guaranteed women the right to a leave without providing a similar right to men. The Supreme Court held the State law, by providing preferential treatment to women, was not inconsistent with federal law. The Court held that a pregnancy leave for women did not discriminate against men since men do not get pregnant.

DFEH v. Raytheon Company

On May 28, 1987, the Fair Employment and Housing Commission held that AIDS is a physical handicap within the meaning of the Fair Employment and Housing Act. The Commission held that Raytheon Company violated the law when it failed to reinstate an employee because of his physical handicap, AIDS. The Commission ordered Raytheon to hold a training session for its employees on the nature of AIDS and post an order for its employees that the company will not discriminate against persons with AIDS. Attorneys for the complainant's estate were awarded attorney's fees. The Commission also held that the Department could seek compensatory and punitive damages despite the death of the complainant. The Commission suggested that the Department should obtain preliminary injunctive relief in AIDS cases in the future. Raytheon has expressed an intention to appeal the case.

Robinson v. DFEH

In this case, the employer challenged the Department's jurisdiction to proceed with the accusation filed against him by raising his jurisdictional challenge in court rather than at the administrative hearing. In May, 1987, the Fourth Appellate District of the California Court of Appeals ruled that the employer had to exhaust administrative remedies with the D.F.E.H. before seeking judicial review on the issue of whether the Department had jurisdiction. The employer challenged the Department's jurisdiction to proceed with the accusation filed against him by raising his jurisdictional challenge in court rather than at the administrative hearing.

DFEH v. Walnut Creek Manor

In July, 1987, the Fair Employment and Housing Commission found both racial and marital status discrimination against the rental manager of a 418-unit apartment complex. The manager, over a five-year period, repeatedly denied a rental to an unmarried Black person.

Although the F.E.H.A. provides a maximum of \$1,000 in punitive damages, the Commission awarded Cannon in excess of \$40,000. It characterized as a separate violation each incident in which an apartment was rented to someone other than the complainant during the five-year period, and gave Cannon \$1,000 for each incident.

The Commission further awarded Cannon \$50,000 for emotional distress and the humiliation he suffered. This brought the total award to over \$90,000. A cease and desist order was also issued prohibiting Walnut Creek Manor from refusing to rent apartments on the basis of the applicant's race or marital status. The case has been appealed.

DFEH v. Community Hospital of San Gabriel

On July 30, 1986, the Fair Employment and Housing Commission held that employers were absolutely liable for the acts of their supervisors, whether or not the employer had actual notice of the discriminatory actions. The Commission held that the Community Hospital of San Gabriel was liable for the harassment (based on ancestry) of its employee by a supervisor in a different unit of the same department.

The complainant was awarded damages for emotional distress as well as punitive damages. The Commission ordered the hospital to hold a training session for its employees to educate them about their right to be free of harassment and the remedies should it occur. The hospital was also required to post a copy of its policy prohibiting harassment.

ADMINISTRATIVE SERVICES ACTIVITIES

ADMINISTRATIVE PROGRAM

The Administrative Services Division provides support for the Department in fiscal resources management, accounting, business services, employee relations and personnel management, program evaluation and research, and information and legislation.

The most obvious single thread of activity occurring throughout this Division during Fiscal Year 1986-87 is the increase in efficiency of support activities through automation. This process involved both the streamlining of existing capabilities and the introduction of new systems. The changes not only brought about quicker turnaround with no new resources, but it also effected a significant cost savings in support delivery.

For the Headquarters office, the E.D.P. unit conducted a needs analysis of the Department's word processing capability. Due primarily to the relocation of the Department's Northern Legal Office to Headquarters, there was concern whether the small word processing unit could adequately support the broader responsibility. The needs analysis produced three options: 1) complete office automation; 2) selective automation; and 3) upgrade of the two word processors in the word processing unit. The second option was selected because of its greater cost efficiency. It was felt that after the implementation of this option, if additional need was established, the system could be expanded.

The system consists of five terminals, two printers and one laser printer. Two terminals are located in word processing, one at the desk of the legal secretary, and two are strategically located for the greatest accessibility to all Headquarters staff. The system includes both terminal independence and a central memory or "server." This server capability permits easy accessibility and transfer of files.

Both Business Services and Accounting acquired IBM personal computers to assist in retrieving and tabulating data. Business Services has computerized subscription listings, rent schedules, small and minority business listings, property inventory, and CENPAC. They are presently awaiting user training. When the training is completed, additional computerization is planned. The Accounting unit only recently obtained a personal computer and is awaiting training. There are plans to computerize a Claims File Register, Warrants, Cash Receipts, Payroll, Controller Transfers and Journal Entries. Automation will also permit more efficient access to vendors lists.

Due to a number of changes in the State Personnel Board's duties, the Department has acquired two terminals from the State Controller. In the previous fiscal year, the Personnel Office converted to the Decentralized Personnel and Payroll automation project in conjunction with the State Controller's Office. This system provides direct access to the data base and has improved the overall efficiency of the personnel transactions process. Recently the State Personnel Board decentralized the certification process for all open and promotional testing. Previously, lists required a ten-day turnaround, but can now be acquired in one day. Updating information also involves a similar time savings.

Regarding our case processing effort, automation has significantly improved the Department's efficiency in accessing data and its accuracy. For example,

- o A Case Management Information System in the Enforcement Division has been merged with the Legal Case Tracking System. Conflicting data between the two systems, has been eliminated. During this process the Legal format has been changed to more accurately respond to the data needs of the Legal Division. The requirement for three records has been reduced to one.
- o During the past year, the Electronic Data Processing unit started using SAS (Statistical Analysis System) as the fourth generation language rather than TPL (Table Producing Language) and Mark IV for data manipulation and report generation. This conversion reflected a 25 percent to 200 percent cost savings, depending on the complexity of the job.
- o Within the Office of Compliance Programs all files were converted from Contract-based to Contractor-based. This change brought about a 35 percent savings in time for key entry work, a 30 percent savings in computer memory space needed, a 15 percent monetary savings in batch runs against the files, and a 40 percent monetary savings in job runs.

SPECIAL ACTIVITIES

ROUND TABLES

The Round Tables were created four years ago to educate the public about California's discrimination laws. Their creation was an effort by the Department to expand its educational outreach to employers, housing providers and community groups. Although the Round Tables are functioning entities independent of the Department, the Department actively participates in the activities in order to reduce discrimination and promote equal opportunity for all Californians.

The Department's role in this relationship is acting in an advisory capacity and as a technical resource. Actual membership of the Round Tables is composed of volunteers from business, labor organizations, employers, local governments, the housing industry and community groups.

The purpose of the Round Table program is: 1) to enhance communication between the Department and the community; 2) to provide a forum which encourages education, advocacy and understanding; and 3) to initiate cooperative programs which preserve civil rights and expand equal opportunity in employment and housing. To these ends, the Round Tables provide seminars and conferences on employment and housing discrimination; information on Department activities; counseling and other assistance to small employers and housing providers; special projects in response to public educational needs; and technical advice and community input to the Department on its procedures.

In 1986, there were four Round Table organizations: a Northern California Employment Round Table and a Northern California Housing Round Table serving the San Francisco-Sacramento area, and a Southern California Employment Round Table and a Southern California Housing Round Table to cover primarily the Los Angeles area.

During the past fiscal year, the Round Tables expanded their educational activities to encompass new geographical areas. The San Diego, Santa Ana, and Ventura (including Santa Barbara County, San Luis Obispo County, and Ventura County) areas all established Round Table groups and held instructive seminars and workshops. Other Round Tables are presently organizing in Fresno, Bakersfield and San Bernardino. They plan to conduct activities beginning in Fiscal Year 1987-88. Several Department District Offices have been instrumental in promoting these new regional Round Tables.

Round Table activities were very successful this past fiscal year. An account of the major meetings and workshops is provided below:

MAJOR MEETINGS AND WORKSHOPS

<u>Month</u>	<u>Sponsor</u>	<u>Site</u>	<u>Attendance</u>
August	SCERT	Los Angeles	35
January	NCERT	Oakland	65
March	Ventura Round Table	Santa Barbara	90-100
April	Santa Ana Round Table	Santa Ana	20
May	NCERT	Dublin	65
May	San Diego Round Table	San Diego	70
May	SCERT	Inglewood	220
June	SCHRT	Los Angeles	200
June	NCERT	Oakland	75

The August, Los Angeles meeting involved Employee Testing; the January, Oakland meeting was on AIDS; the March, Santa Barbara meeting involved Wrongful Termination, Substance Abuse, and Sexual Harassment; the April, Santa Ana meeting was an Update on Pregnancy Discrimination - Garland v. Cal. Fed.

and reasonable Accommodations for the Physically Handicapped; the May, Dublin meeting dealt with a Review of Immigration and Naturalization Service (INS) Ruling and the Immigration Reform Control Act (IRCA); the May, San Diego meeting dealt with the Impact of Garland v. Cal. Fed., Substance Abuse, INS Ruling; the May, Inglewood meeting was an Update on Discrimination Laws, Testing in the Workplace and IRCA; the June, Los Angeles meeting was a Symposium on Occupancy Standards; and the June, Oakland meeting was a Seminar on New Pregnancy Regulations.

These and other Round Table meetings have served as educational forums for both the Department and the various groups attending. Interaction between these different groups allows for the needs and concerns of both sides to be expressed. The result is a better understanding of the problems of each side, and a discussion of possible changes that can be made to reduce misunderstanding. For example, input from the Round Tables led the Department to produce clearer and more efficient complaint forms. Also, the meetings are receiving positive evaluations by those in attendance. They have praised the high quality information pamphlets and the excellent guest speakers.

PUBLIC PRESENTATIONS AND TECHNICAL ASSISTANCE

During the fiscal year the D.F.E.H. participated in over 260 public events designed to communicate information regarding the statutes enforced by the Department to employers, housing providers, and the public.

Many of the speaking engagements occurred in April, which is National Fair Housing Month. Every April, the State, federal, and local governments cooperate with community groups and private businesses to sponsor educational activities promoting fair housing. The Department traditionally devotes considerable effort during April to increase public acceptance of California's fair housing statutes. This past April, Department staff attended 16 distinct speaking engagements and appeared on a total of 24 television and radio programs to explain housing discrimination law.

In 10 instances, the D.F.E.H. either received or delivered government proclamations recognizing the State's commitment to fair housing. Further, the Department trained the staff of the Local Human Rights Commission on California's fair housing laws.

U.S.C.E.C. SUPPORT

The sensitivity of the Department's staff to the many needs of California communities is reflected in the level of staff commitment to the United California State Employees Campaign (USCEC).

For the 1986 calendar year, Sacramento area staff members received the inaugural Governor's Trophy and a United Way Gold Certificate. Both honors represent excellence in community fund raising efforts.

The first award, the Governor's Trophy, is awarded by the United Way to the State agency which collects the highest percentage of its potential dollar contribution. This figure is calculated separately for each agency and is based on staff size and the mean salary for State employees. The second award, a Gold Certificate, is given to organizations exceeding a certain fund raising standard set by the United Way. The recipient is required to raise 60 percent of its dollar potential with 85 percent participation of its employee potential rate.

In 1986 the Sacramento area staff contributed \$7,684, which represents 61.6 percent of its dollar potential. The amount raised was the highest per capita in State competition. Sacramento's participation rate was an astounding 99.1 percent of its employee potential. Sacramento competes for the Governor's Trophy with all State agencies in a five-county area that includes Amador, El Dorado, Placer, Sacramento, Yolo. All funds raised stay within the five-county area unless otherwise designated by the contributor.

DFEH is extremely proud of this personal commitment of staff to share some of its own fiscal resources with worthy programs which in turn serve vital community problems.

**STATISTICAL TABLES ON EMPLOYMENT,
HOUSING, AND SERVICE/ACCOMMODATION**

TABLE 1
SUMMARY OF EMPLOYMENT CASES FILED/CLOSED
JULY 1, 1986 - JUNE 30, 1987

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1986-87	8,022	7,666

TABLE 2
EMPLOYMENT CASES FILED: OFFICE WHERE FILED
JULY 1, 1986 - JUNE 30, 1987

<u>OFFICE</u>	<u>NUMBER FILED</u>	<u>%</u>
San Francisco	625	7.8
Los Angeles	1,806	22.5
Fresno	605	7.5
San Diego	516	6.4
Sacramento	775	9.7
San Jose	507	6.3
Bakersfield	551	6.9
San Bernardino	683	8.5
Santa Ana	590	7.4
Ventura	475	5.9
Oakland	<u>889</u>	<u>11.1</u>
STATEWIDE TOTAL	8,022	100.0

TABLE 3
 EMPLOYMENT CASES FILED: ALLEGED BASIS OF DISCRIMINATION
 JULY 1, 1986 - JUNE 30, 1987

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL (A)	9,971		100.0
1. Race/Color	1,864	23.2	18.7
- Black	1,524	19.0	15.3
- Asian	136	1.7	1.4
- Caucasian	173	2.2	1.7
- Native American	16	.2	.2
- Other Race/Color	11	.1	.1
- Multiple Complainants	4	.0	.0
2. Origin/Ancestry	940	11.7	9.4
- Mexican-American	382	4.8	3.8
- Other Hispanic	295	3.7	3.0
- Filipino	99	1.2	1.0
- Caucasian	87	1.1	.9
- Other Origin/Ancestry	77	1.0	.8
3. Religion	146	1.8	1.5
- Jewish	37	.5	.4
- Protestant	5	.1	.1
- Catholic	16	.2	.2
- Seventh Day Adventist	13	.2	.1
- Other Religion	75	.9	.8
4. Physical Handicap	1,210	15.1	12.1
- Deafness	77	1.0	.8
- Blindness	50	.6	.5
- Limbs	183	2.3	1.8
- Diabetes	54	.7	.5
- Spinal	261	3.3	2.6
- Epilepsy	54	.7	.5
- Heart Condition	90	1.1	.9
- Muteness (Speech)	2	.0	.0
- AIDS	45	.6	.5
- Other Handicap	394	4.9	4.0
5. Sex	3,479	43.4	34.9
- General	1,372	17.1	13.8
- Harassment	1,179	14.7	11.8
- Pregnancy	911	11.4	9.1
- Other	16	.2	.2

TABLE 3 (Continued)
EMPLOYMENT CASES FILED: ALLEGED BASIS OF DISCRIMINATION
 JULY 1, 1986 - JUNE 30, 1987

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
6. Marital Status	159	2.0	1.6
- Single	75	.9	.8
- Married	74	.9	.7
- Divorced	4	.0	.0
- Cohabitation	6	.1	.1
7. Age	1,440	18.0	14.4
8. Medical Condition	53	.7	.5
9. Retaliation	601	7.5	6.0
- Filing	224	2.8	2.2
- Protesting	357	4.5	3.6
- Assisting DFEH	20	.2	.2
10. Association	60	.7	.6
11. Other	19	.2	.2
TOTAL OF CASES FILED	8,022		

(A) Complaints with more than one basis have been counted under each basis reported.

(B) Percentages will not total to 100.0% since multiple bases may be reported per case.

TABLE 4
 EMPLOYMENT CASES FILED: TYPE OF RESPONDENT
 JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF RESPONDENT</u>	<u>NUMBER FILED</u>	<u>%</u>
Farms	122	1.5
Agriculture Services, Hunting & Trapping	23	0.3
Forestry	2	0.0
Mining	49	0.6
Contract Construction	214	2.7
Manufacturing	1,658	20.7
Transportation, Communication & Utilities	501	6.2
Wholesale & Retail Trade	1,617	20.2
Finance, Insurance & Real Estate	711	8.9
Services	2,053	25.6
Government (A)	918	11.4
Non-Classifiable Establishments (B)	154	1.9
 TOTAL	 8,022	 100.0

(A) Includes public schools

(B) Includes labor unions

TABLE 5
 EMPLOYMENT CASES FILED: ALLEGED DISCRIMINATORY ACT
 JULY 1, 1986 - JUNE 30, 1987

<u>ACT</u>	<u>COUNT</u>	<u>% OF TOTAL COMPLAINTS (B)</u>	<u>% OF TOTAL ALLEGED ACTS</u>
Refusal to Hire	772	9.6	6.8
Unequal Pay	336	4.2	3.0
Dismissal from Employment	4,802	59.9	42.6
Harassment	2,152	26.8	19.1
Refusal to Upgrade	710	8.9	6.3
Unequal Work Conditions	671	8.4	6.0
Referral Withheld	15	.2	.1
Union Discrimination	56	.7	.5
Refusal to Accommodate	259	3.2	2.3
Other	1,501	18.7	13.3
 TOTAL (A)	 11,274	 100.0	
 TOTAL CASES	 8,022		

(A) Where more than one discriminatory act was alleged, the complaint was counted under each act reported.

(B) Percentages will not total to 100% since multiple alleged acts may occur per case.

TABLE 6
 EMPLOYMENT CASES FILED: TYPE OF OCCUPATION
 JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF OCCUPATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Clerical	1,299	16.2
Craft	311	3.9
Laborers	1,161	14.5
Managers	859	10.7
Equipment Operators	334	4.2
Professional	1,158	14.4
Sales	638	8.0
Services	996	12.4
Supervisor	307	3.8
Technician	423	5.3
Paraprofessional	195	2.4
Other (A)	341	4.3
 TOTAL	8,022	100.0

(A) Includes combination occupations

TABLE 7
 EMPLOYMENT CASES CLOSED: TYPE OF DISPOSITION
 JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement	2,062	26.9
Insufficient Evidence	2,260	29.5
Closed Through Public Hearing	5	.1
Administrative Closures	3,339	43.6
o Elected Court Action (Number Closed = 1,887 = 24.6%)		
 TOTAL	7,666	100.00

ADMINISTRATIVE CLOSURE

Cases are closed administratively when the Department is unable to proceed with case processing due to legal or technical circumstances. Some examples include: (1) the complainant elected court action; (2) the issue is not jurisdictional; and (3) the complainant failed to cooperate.

TABLE 8

SUMMARY OF HOUSING CASES FILED/CLOSED
UNDER FEHA/UNRUH ACT (A)

JULY 1, 1986 - JUNE 30, 1987

	<u>FILED</u>	<u>CLOSED</u>
FEHA	430	427
UNRUH (Service/Accommodation)	<u>301</u>	<u>305</u>
TOTAL	731	732

(A) Unlike the years prior to 1985-86, we have combined Housing cases filed under the Fair Employment and Housing Act and the Unruh Act.

TABLE 9

HOUSING CASES FILED: OFFICE WHERE FILED

JULY 1, 1986 - JUNE 30, 1987

<u>OFFICE</u>	<u>NUMBER FILED</u>	<u>%</u>
San Francisco	36	4.9
Los Angeles	234	32.0
Fresno	60	8.2
San Diego	88	12.0
Sacramento	50	6.8
San Jose	37	5.1
Bakersfield	22	3.0
San Bernardino	78	10.7
Santa Ana	39	5.3
Ventura	43	5.9
Oakland	<u>44</u>	<u>6.0</u>
STATEWIDE TOTAL	731	100.0

TABLE 10
HOUSING CASES FILED: ALLEGED BASIS OF DISCRIMINATION
JULY 1, 1986 - JUNE 30, 1987

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL (A)	882		100.0
1. Race/Color	269	36.8	30.5
- Black	207	28.3	23.5
- Asian	9	1.2	1.0
- Caucasian	35	4.8	4.0
- Multiple Complainants	18	2.5	2.0
2. Origin/Ancestry	77	10.5	8.7
- Mexican-American	27	3.7	3.1
- Other Hispanic	27	3.7	3.1
- Filipino	1	.1	.1
- Caucasian	8	1.1	.9
- Other Origin/Ancestry	7	1.0	.8
- Multiple Complainants	7	1.0	.8
3. Religion	6	.8	.7
4. Sex	67	9.2	7.6
- General	34	4.7	3.9
- Harassment	21	2.9	2.4
- Pregnancy	1	.1	.1
- Orientation	6	.8	.7
- Other	5	.7	.6
6. Marital Status	113	15.5	12.8
7. Age	22	3.0	2.5
8. Retaliation	13	1.8	1.5
9. Association	42	5.7	4.8
10. Children	256	35.0	29.0
11. Other	17	2.3	1.9
TOTAL OF CASES FILED	731		

(A) Complaints with more than one basis have been counted under each basis reported.

(B) Percentages will not total to 100.0% since multiple bases may be reported per case.

TABLE 11
HOUSING CASES FILED: TYPE OF RESPONDENT
JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF RESPONDENT</u>	<u>NUMBER FILED</u>	<u>%</u>
Apartment/Home-Owner/Manager	601	82.2
New Tract Developer	4	.5
Trailer Park Owner	29	4.0
Mortgage Company	2	.3
Real Estate Broker	40	5.5
Individual Home-Owner	28	3.8
Public Housing Authority	2	.3
Other (A)	<u>25</u>	<u>3.4</u>
TOTAL	731	100.0

(A) Includes condominium developments, etc.

TABLE 12
HOUSING CASES FILED: ALLEGED DISCRIMINATORY ACT
JULY 1, 1986 - JUNE 30, 1987

<u>ACT</u>	<u>COUNT</u>	<u>% OF TOTAL COMPLAINTS (B)</u>	<u>% OF TOTAL ALLEGED ACTS</u>
Refusal to Show	39	5.3	4.5
Refusal to Rent	311	42.5	35.7
Refusal to Sell	15	2.1	1.7
Refusal to Grant Equal Terms	62	8.5	7.1
Eviction	244	33.4	28.0
Rent Increase	25	3.4	2.9
Loan Withheld	2	.3	.2
Harassment	84	11.5	9.7
Other Type	<u>88</u>	<u>12.0</u>	<u>10.1</u>
TOTAL (A)	870		100.0
TOTAL CASES	731		

(A) Where more than one discriminatory act was alleged, the complaint was counted under each act reported.

(B) Percentages will not total to 100% since multiple alleged acts may occur per case.

TABLE 13
 HOUSING CASES FILED: TYPE OF ACCOMMODATION
 JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF ACCOMMODATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Home	113	15.5
Apartment	531	72.6
Trailer Space/Mobile Home	33	4.5
Condominium	38	5.2
Public Housing	1	.1
Other	<u>15</u>	<u>2.1</u>
TOTAL	731	100.0

TABLE 14
 HOUSING CASES CLOSED: TYPE OF DISPOSITION
 JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement	386	52.7
Insufficient Evidence	241	32.9
Closed Through Public Hearing	5	.7
Administrative Closures	<u>100</u>	<u>13.7</u>
TOTAL	732	100.0

ADMINISTRATIVE CLOSURE

Cases are closed administratively when the Department is unable to proceed with case processing due to legal or technical circumstances. Some examples include: (1) the complainant elected court action; (2) the issue is not jurisdictional; and (3) the complainant failed to cooperate.

TABLE 15

SUMMARY OF NON-HOUSING PUBLIC SERVICE/ACCOMMODATION CASES FILED/CLOSED
JULY 1, 1986 - JUNE 30, 1987

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1986-87	148	181

TABLE 16

PUBLIC SERVICE/ACCOMMODATION CASES FILED: ALLEGED BASIS OF DISCRIMINATION
JULY 1, 1986 - JUNE 30, 1987

<u>BASIS</u>	<u>NON-HOUSING UNRUH COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
Race/Color	63	42.6	38.9
Origin/Ancestry	50	33.8	30.9
Religion	3	2.0	1.9
Sex	22	14.9	13.6
Marital Status	3	2.0	1.9
Age	4	2.7	2.5
Retaliation	1	.7	.6
Children	3	2.0	1.9
Other	12	8.1	7.4
Association	1	.7	.6
TOTAL BASES (A)	162		100.0
TOTAL CASES	148		

(A) If more than one basis for complaint was reported, the case is counted under each basis reported.

(B) Percentages will not total to 100% since multiple bases may be reported per case.

TABLE 17

PUBLIC SERVICE/ACCOMMODATION CASES FILED: TYPE OF RESPONDENT

JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF RESPONDENT</u>	<u>NON-HOUSING UNRUH COUNT</u>	<u>%</u>
Farms	2	1.4
Manufacturing	1	.7
Wholesale & Retail Trade	80	54.1
Finance, Insurance & Real Estate	13	8.8
Services	35	23.6
Government (A)	3	2.0
Non-Classifiable Business Establishments (B)....	<u>14</u>	<u>9.5</u>
OTHER UNRUH SUBTOTAL	148	100.0

(A) Includes Public Schools

(B) Includes Labor Unions

TABLE 18

PUBLIC SERVICE/ACCOMMODATION CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1986 - JUNE 30, 1987

<u>TYPE OF DISPOSITION</u>	<u>NON-HOUSING UNRUH NUMBER CLOSED</u>	<u>%</u>
Settlement	100	55.2
Insufficient Evidence	28	15.5
Administrative Closures	<u>53</u>	<u>29.3</u>
TOTAL	181	100.0

ADMINISTRATIVE CLOSURE

Cases are closed administratively when the Department is unable to proceed with case processing due to legal or technical circumstances. Some examples include: (1) the complainant elected court action; (2) the issue is not jurisdictional; and (3) the complainant failed to cooperate.

APPENDIX

LEGAL EDUCATION PROGRAM
OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

Purpose: To establish a legal education program between the California Department of Fair Employment and Housing and accredited California law schools. The program will provide second and third year law students with an opportunity to increase their knowledge of and experience in various civil rights issues. Students will research discrimination law issues and participate in administrative hearings under the supervision of Department counsel.

Goals: The goals of the program are to: (1) provide students with "hands on" litigation experience; (2) sensitize students to a broad range of civil rights issues; (3) provide students with an opportunity to work for State government and to understand the institutional dynamics of legal/policy decision-making; (4) provide students with an opportunity to work with departmental attorneys under close supervision; (5) develop an ongoing, cooperative relationship with participating law schools; (6) establish a known pool of qualified students who may later desire full-time employment as departmental counsel; and (7) increase Department efficiency in the prosecution of cases.

Method of Instruction: The students will be assigned to Department attorneys to assist in the preparation and litigation of cases in administrative hearings. Typical responsibilities will include research, organizing a case for prosecution, interviewing witnesses, preparing motions, making opening and closing statements, participating in both direct and cross-examination of witnesses, negotiating settlements, summarizing transcripts, drafting post-hearing briefs, and other responsibilities relating to an actual Department case assigned to the Legal Division.

1. Substance of the Program

Law - The Department enforces the Unruh Civil Rights Act (Civil Code 51, 51.2 and 51.3), Ralph Civil Rights Act (Civil Code 51.7), former Rumford Fair Housing Law and the former Fair Employment Practices Act codified in Section 12900 et. seq. of the California Government Code. In addition, the Department enforces the Fair Employment and Housing Commission regulations codified in the California Administrative Code, Title 2, Division 4, Section 7285, et. seq. The Department also reviews and enforces court precedents established under Title VII of the 1964 Civil Rights Act.

Research - Students will be required to do legal research on important civil rights issues, many of which are first impression. Examples of substantive issues include research on disparate and adverse impact theories in employment and housing discrimination; procedural issues involving collateral estoppel, statute of limitations, exhaustion of

administrative remedies, pecuniary remedies, and, a host of constitutional issues as they impact various areas of Department jurisdiction. Students will also have the opportunity to research federal antidiscrimination laws that protect persons on the basis of race, religious beliefs, creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.

Skills - Students will acquire firsthand experience in the practice of administrative law, written and oral.

Procedure - The program will aid the student's understanding of the appeals process regarding administrative decisions, and forms of judicial remedies from final decisions.

Practical - The student will develop knowledge and technical skills in discrimination law litigation. The program will offer the type of experience useful to work in an entry level position in a private firm or government agency.

II. Supervision of Program

The Department has two legal units and 12 field offices. The legal units are in Los Angeles and Sacramento. The legal units have twelve attorneys, seven in Los Angeles and five in Sacramento who will directly supervise the students. All attorneys are members of the Bar. Both units are supervised by an Assistant Chief Counsel who has at least five years experience as an attorney. The entire legal staff is supervised by a Chief Legal Counsel headquartered in Sacramento.

Control - The program will be structured to assure that the law schools maintain an effective line of communication with the Department and meet the educational goals of the participating law schools. The Department recognizes that the primary objective of the program is to initiate an opportunity that will provide a scholarly work-product, as well as substantive experience for the student.

Communication - The program supervisor will be the Assistant Chief Counsel in the Sacramento and Los Angeles offices, respectively. The supervisors will keep close communication with the law schools and will evaluate the students as part of their responsibilities.

III. Expanded Learning

The degree of knowledge and training in the basic technique of administrative law will, in the Department's view, enhance the quality of the clinical programs provided by the schools. Not only will the students practice administrative law, but their interest in the area of employment and housing discrimination law will be enhanced. The program

will provide the students with an opportunity to observe the dynamics involved in legal decision-making in the preparation and litigation of government cases. This kind of firsthand experience is not available in a classroom setting.

The Department frequently litigates important housing and civil rights issues of first impression in administrative hearings and the State and federal courts. Exposure to such litigation, and the commensurate Department training the student receives, enhances the ability of the student to later find entry level legal positions with government, industry, and public interest law firms dealing with civil rights law.

The experience will also provide the students with an opportunity to see firsthand how the State government functions in making major legal and policy decisions.

TRJ:wpc