



**DEPARTMENT  
OF  
FAIR EMPLOYMENT AND HOUSING**

**ANNUAL REPORT  
1987-88**

**State of California  
STATE AND CONSUMER  
SERVICES AGENCY**

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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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:

On behalf of the Department of Fair Employment and Housing (DFEH), I am pleased to present this 1987-88 Annual Report, which covers the period from July 1, 1987 to June 30, 1988.

This year, the Department has brought about a number of positive changes in the enforcement of civil rights:

**SETTLEMENT**

The Department's settlement rate, at 28 percent, continues to demonstrate the effectiveness of our staff in bringing about relief without adversarial proceedings. Affirmative relief (i.e., discrimination prevention activities) was included in over half of these settlements, a 10 percent increase over the 1986-87 Fiscal Year.

**CASE PROCESSING**

While the number of discrimination complaints filed has increased, average case processing time has been maintained at less than 200 days.

**CONTRACT COMPLIANCE**

The number of qualified State contractors monitored by DFEH in Fiscal Year 1987-88 was 5,000, and new efforts are underway to strengthen this unit of the Department.

**LEGAL CLINIC EDUCATION**

The Department's in-house training of law students (in both research, writing, and oral presentations) involved 21 students from 6 major accredited law schools. Students' positive impressions of this program are included in this report.

#### COMMUNITY EDUCATION

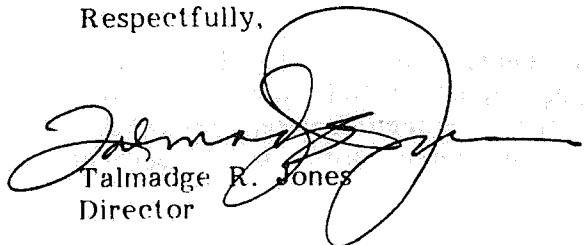
The Department has successfully encouraged and participated in many employment and housing "Round Table" events throughout the State. Over 1,200 representatives from business, labor organizations, local government, and community groups attended these events which addressed every conceivable civil rights issue. In addition, Department representatives addressed more than 200 other groups, educating them about the Fair Employment and Housing Act.

#### AUTOMATED CIVIL RIGHTS DATABASE

The Department's Legal Division completed development of an automated research system, which will provide interested parties with easier access to important principles of law announced by the Fair Employment and Housing Commission and affirmed by the California courts.

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 without litigation.

Respectfully,



Talmadge R. Jones  
Director

TRJ:wpe

# CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

**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*

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CALIFORNIA DEPARTMENT  
OF  
FAIR EMPLOYMENT AND HOUSING  
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## **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, as well as laws forbidding violence or the threat of violence based on race, ethnicity, gender, or sexual orientation.

The Department's jurisdiction covers over 220,000 businesses; 200,000 contracts between the private sector and 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

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 (including AIDS), cancer-related medical condition, marital status, age (40 or over), or sex;

Protect the rights of tenants and those who seek to rent, lease or buy housing without regard to race, color, religion, marital status, national origin/ancestry, or sex;

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, age, sexual orientation, or sex;

Assure that those contracting with the State of California comply with equal opportunity and nondiscrimination employment laws;

Assure that State agencies provide nondiscriminatory treatment and access to programs and activities to persons with disabilities;

Protect the rights of individuals to be free from violence against them or their property without regard to race, color, national origin, ancestry, age, religion, sexual orientation, political affiliation, disability, or sex.

## DEPARTMENT "MANAGEMENT BY OBJECTIVES" SYSTEM

Five years ago, DFEH began a Management By Objectives (M.B.O.) process. Although the system has been simplified, it is all-encompassing, affecting all levels of the Department.

The Department's M.B.O. process accomplishes three objectives. First, it helps the Department focus its efforts towards priority issues. Second, it ensures the necessary staff accountability by employee involvement in establishing goals and objectives as well as clear lines of responsibility. Finally, it increases communication between all levels of the DFEH organization.

During Fiscal Year 1987-88, the Department developed 82 objectives, of which 62 were fully accomplished by year end. Of the 20 not accomplished, 16 were deleted during the fiscal year and the remaining 14 will be accomplished in early Fiscal Year 1988-89. The primary reasons for nonaccomplishment of some of the 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. Although employment cases continued to rise over the previous fiscal year, case settlement rates held at an impressive 28 percent of all cases closed. Also, despite caseload increases, average case processing time was held to less than 200 days.

Appendix 1 Statistical Tables 1 through 18 numerically summarize discrimination complaints processed from July 1, 1987 through June 30, 1988. The employment tables in the Appendix show that 8,322 employment cases were filed, which is a 3.75 percent increase over the previous fiscal year when 8,022 were filed. Despite yearly fluctuations, the Department's caseload has increased steadily since its inception.

The number of sex, age, and retaliation complaints continues to increase as a percentage of the caseload, while race/color and national origin/ancestry cases have shown a decline. These trends have been steady over the previous ten-year period. In 1977, cases involving alleged sex discrimination bases constituted only 20 percent of all cases; whereas, during the past fiscal year, they represented 49 percent of all cases. In 1977, the areas of race/color constituted 41 percent of cases filed; whereas, this past year it was only 22 percent.

There has also been a vast increase in the number of harassment complaints. Ten years ago, only three percent of all cases included a harassment allegation. This past year it was 30 percent, as displayed in Table 5. The predominant alleged act of harassment continues to be "dismissal from employment," an increase of 12 percent over the last ten years.

There is also a disturbing increase in sexual harassment complaints. Over a five-year period, from 1983 to 1987, these complaints rose from 631 cases to 1,390 cases, a 120 percent increase. Presently, sexual harassment allegations constitute 17 percent of all employment cases filed.

Housing statistics have been very consistent over recent years. In Fiscal Year 1986-87, 731 cases were filed. Last year, 766 cases were filed. Bases and alleged acts in housing cases have likewise remained steady over the years. Race/color complaints still make up the largest share of cases at 41 percent, and discrimination against children is next at 31 percent. Refusal to rent is the most cited act of discrimination, at 43 percent, whereas, eviction is next at 34 percent.

## LEGAL DIVISION ACTIVITIES

### LEGAL PROGRAM

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.

A primary function of the Legal Division is to present discrimination cases before the Fair Employment and Housing Commission. After issuing an accusation, cases are brought to hearing within ninety (90) days before an Administrative Law Judge. A hearing occurs after a consultant completes the investigation of a case and determines that sufficient evidence exists substantiating the alleged discriminatory conduct. One of the principal objectives of the Legal Division is to settle the dispute without the need for a formal hearing.

One hundred and six (106) accusations were issued during the 1987-88 Fiscal Year, but 85 were resolved without the public hearing process. On the remaining 21 cases, the Legal staff participated in 66 days of hearings before the Fair Employment and Housing Commission.

Other duties of the Legal Division include the enforcement of interrogatories, the taking of depositions, the negotiation of settlement agreements, and occasionally litigation in the California Courts where the interests of the Department and the Fair Employment and Housing Commission are different.

## AUTOMATED CIVIL RIGHTS DATABASE

In September 1988, the Department's Legal Division completed development of an automated research system containing all of the printed civil rights decisions of the Fair Employment and Housing Commission (FEHC) which have been published since 1978. This automated system, unique among California adjudicatory agencies, will soon be accessible to the public, particularly employers, labor organizations, and lawfirms. The Department's new database will provide easier access to important principles of law announced by the FEHC and affirmed by the California courts.

The new system will be of particular interest to (and should be presented to) members of the State Bar, law firms specializing in labor and employment, and to equal opportunity (or human relations) offices in California.

## LEGAL CLINICAL PROGRAM

In 1986, some concerns were expressed over the Department's closure of a "Discrimination Law Clinic" at the University of California at Berkeley's Boalt Hall. In its place, the Department established an internal legal clinical program which has proven to be very effective.

In Fiscal Year 1987-88, 21 students participated in the Department's Clinical Education Program from five of California's leading schools of law: Hastings, Loyola, McGeorge, U.C. Davis and UCLA. The focus of the program is to give "hands-on" experience to students in the area of civil rights, and to expose them to important legal issues and actual cases in the system.

This program has received wide praise from both the students and law school faculties:

"Your work in the area of civil rights has been...inspirational."

"I would definitely recommend to anyone who feels the slightest bit disillusioned by the legal field to spend some time at DFEH."

"The...(legal) team at DFEH were always willing to listen to my thoughts and opinions."

"I was amazed at how much experience and responsibility DFEH gave to law students."

"The staff approaches its work with great enthusiasm and dedication."

"At DFEH, the law clerks are included as part of the team. We are encouraged to actively participate in all phases of the casework...from writing accusations and taking depositions to significant client contact and actually participating in two hearings."

"It has been this clinic that has renewed my convictions and clarified my personal goals...I am certain my commitment to civil rights will not fade again."

"Your work with our students...has meant a great deal to our law students, keeping some on track and some of them in law school."

The success of this new program has already been conveyed to our interested legislators in the Assembly and Senate.

### PRECEDENTIAL CASES

By statute, the Fair Employment and Housing Commission is vested with the authority to issue precedential decisions, which contain novel or important principles of law. These decisions are required to be followed in future cases unless expressly overruled by the courts or by the Commission itself.

Some of the leading precedential decisions issued by the Commission during the 1987-88 year are set forth below:

Dyna-Med, Inc. v. FEHC (Commission Authority, Punitive Damages) (FEHC Dec. No. 88-03 [formerly FEHC Dec. No. 82-14])

In this case, the employer challenged the Commission's authority to award punitive damages in a sex discrimination case. On November 2, 1987 the California Supreme Court held that, in the absence of specific statutory authority, an administrative agency, such as the FEHC, does not have the authority to award punitive damages. The Supreme Court, in reversing the Court of Appeals, found that Section 12970(a) of the Government Code which authorizes the Commission, in part, to "take such action, including, but not limited to hiring, reinstatement, or upgrading of employees, with or without back pay...as, in the judgment of the Commission, will effectuate the purposes of this part...", does not specifically authorize the Commission to award punitive damages; rather, the Commission is limited to awarding damages that are "exclusively corrective and equitable in kind." The Commission vacated and set aside that part of its decision awarding punitive damages to the Complainant.

DFEH v. California State University - Sacramento (conflicts with Workers' Compensation laws) (FEHC Dec. No. 88-08 [formerly FEHC Dec. No. 87-28])

On May 20, 1988, the Fair Employment and Housing Commission held that California State University - Sacramento (CSUS) violated the law when it terminated a physically handicapped janitor from a modified duty program. Since the janitor's handicap resulted from an on-the-job injury, CSUS argued that the exclusivity doctrine of the Workers' Compensation Act deprived the Commission of jurisdiction to consider and remedy this complaint. In its decision, the Commission determined that the two State laws did not conflict since the Fair Employment and Housing Act enforces the public right to a discrimination-free work place versus the Workers' Compensation Act which attempts to remedy the actual work place injuries.

The Commission consequently held that the exclusivity provision of the Workers' Compensation Act does not bar claims for physical handicap discrimination under the Fair Employment and Housing Act.

The Commission ordered a remedy of \$14,907 in back pay, a full restoration of all job benefits and awarded Complainant \$75,000 in compensatory damages for emotional distress.

DFEH v. Church's Fried Chicken, Inc. (Race Discrimination, Burden of Proof)  
(FEHC Dec. No. 87-18)

This is a race-related employment discrimination case in which the Complainant, who is Black, was discharged from his position as a Senior Manager.

In a precedential decision, the Fair Employment and Housing Commission restated and explained the standard of analysis of intentional discrimination under the Fair Employment and Housing Act. The standard used by the Commission for determining discrimination under the Act is that discrimination is established if a preponderance of all the evidence demonstrates a causal connection between complainant's race and the termination. The Commission added that race need not be the sole or dominant cause of the adverse treatment, but that intentional discrimination is established if complainant's race was at least one of the factors that caused the adverse treatment.

The Commission held that the analytical framework applied to Title VII cases as set forth in McDonnell Douglas Corp. v. Green (1973) 411 U.S. 792, is unnecessary in deciding cases brought before the Commission and inappropriate pretext requirements under the McDonnell Douglas standard may produce unfair results.

The Commission found that Respondent violated the Act and ordered reinstatement, pre-hearing back pay in the amount of \$16,373.34, post-hearing back pay (to be determined), \$30,000 in compensatory damages, and a posting order.

The case is presently pending on appeal.

DFEH v. Rockwell International Corporation (Sex Harassment, Policies, and Standards) (FEHC Dec. No. 87-34 [formerly FEHC Dec. No. 87-26])

Complainant, a female draftsperson, was sexually harassed by a male co-worker who engaged in a continuing pattern of unwelcome sexual conduct by making sexual comments to Complainant and to another female co-worker about Complainant over a 5-6 month period. Although Complainant complained to the department manager at Rockwell about the co-worker's verbal harassment, Respondent's supervisors failed to take immediate and appropriate corrective action.

The Commission held that an employer is liable for sexual harassment by a non-supervisory employee if:

1. The employer, its agents or supervisors
2. Knows or should have known of the sexually harassing conduct, and
3. Fails to take immediate and appropriate corrective action.

The minimum requirements that Respondent must comply with in order to avoid liability are that Respondent must develop an antiharassment policy, fully inform Complainant of that policy, fully and effectively investigate any sexual harassment complaint, promptly and effectively remedy any violation of the policy, and advise the Complainant of the outcome.

The Commission awarded Complainant \$20,000 in compensatory damages and agreed that punitive damages were warranted but that the lack of statutory authority precluded it from awarding punitive damages. The Commission also ordered Respondent to write and distribute an antiharassment policy and to post two notices and its policy.

This case is presently pending on appeal.

DFEH v. Aluminum Precision Products, Inc. (Criteria for Compensatory Damages)  
(FEHC Dec. No. 88-05)

The Department prevailed in a case of physical handicap discrimination and the Complainant was awarded \$8,076 back pay. Respondent was also ordered to post 90-day notices of the award and to permanently post a notice of rights to applicants and employees under the FEHA. The Commission awarded nominal compensatory damages of \$250.

This case is significant because it enunciates the Commission's new standard for establishing emotional distress damages. It is not enough that the victim of discrimination subjectively feels self-doubt, depression, cries, loses sleep and feels hesitant and fearful to apply for employment. Before the Commission will award emotional distress damages, it must be demonstrated that these subjective feelings of the complainant have serious or identifiable effects, such as failure to find other employment quickly or disruption of family relationships.

DFEH v. Insurance America Sales Agency (Marital Status, Nepotism Policies)  
(FEHC Dec. No. 88-07)

The Respondent prevailed in this marital status discrimination case and the accusation was dismissed. This case enunciated the Commission's new standard for marital status discrimination cases. The Commission found baseless the Respondent's defense of supervision, security and morale problems. Likewise, the Commission found the possibility that one marital partner might have to supervise the other partner too remote a possibility to provide a defense. The Commission did find that given the financial, emotional and legal nature of the marriage bond, couples have a greater incentive to jointly promote their interest. Based on this finding, the Commission held that Complainant and her husband might have "pooled" their insurance sales to Respondent's detriment. Thus, the Commission held the Respondent was justified in rejecting Complainant from employment while employing her husband.

Complainant, a male osteopathic physician, was denied employment for a physician position in Respondent's Child Abuse Program on the basis of his sex. The Fair Employment and Housing Commission held the physician was an independent contractor rather than an employee and thus, the Commission did not have jurisdiction. The Commission also held the case lacked jurisdiction under the Unruh Civil Rights Act.

## **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 Office of Compliance Programs.

Business Services coordinated four major moves for the San Jose, Sacramento, and Bakersfield District Offices and Sacramento Headquarters.

The Administrative Services Division implemented a personal evaluation process based on the year's M.B.O. performance. This provides a more direct link between Department and unit goals and individual employee performance. It also established the use of matrices to identify employee skills, knowledge, and abilities. The matrices are used to evaluate staff development and prepare individual training plans so the staff can be cross-trained. This provides back-up knowledge for the Division should an employee become ill and increases the employee's ability to advance.

### **OFFICE OF COMPLIANCE PROGRAMS**

The Office of Compliance Programs (OCP) ensures that all businesses and organizations doing business with the State have an effective Nondiscrimination Program (NDP). Technical assistance is given to State contractors who need help in developing a program.

In Fiscal Year 1987-88, four compliance officers reviewed 465 NDPs; 387 received substantial review. Over 5,000 contractors with qualifying contracts were actively monitored. Twenty contractors failed to provide a Program and became ineligible to contract with the State until their Program is found in compliance. The list is published monthly in the California Notice Register.

In addition to monitoring State contractors, OCP 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.

## DATA PROCESSING MANAGEMENT

### Word Processing

A new Harris Lanier 6000 Series integrated word processing system replaced the older Lanier stand-alone machines. The system was expanded from three to six word processing machines and three printers. The changeover was accomplished as projected, and Word Processing remains as the training resource for the Department, handling major typing projects as well.

The integrated system has increased efficiency by allowing for faster turn-around time and providing backup when individuals leave for promotions or vacations. It has also benefited the clerical staff by reducing the time spent redoing drafts of letters.

### Data Processing

The Administrative Services personal computer has been upgraded with a color monitor, a color graphics card and a color option for its printer. With a new graphics package, our chart and graph displays have been excellent.

All ITT equipment under Data Processing control has been replaced by IBM equipment, as required by the master rental agreement.

The Data Processing Unit has been streamlining and enhancing existing systems, to provide better quality information for less cost. In line with this idea, our unit conducted a feasibility study towards departmentwide office automation. This will be implemented in phases.

## SPECIAL ACTIVITIES

### ROUND TABLES

The Round Tables were created five years ago to educate the public about California's antidiscrimination 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.

During 1987-88, there were ten Round Table organizations:

#### HOUSING ROUND TABLES

- o Northern California Housing Round Table
- o Southern California Housing Round Table

#### EMPLOYMENT ROUND TABLES

- o Northern California Employment Round Table
- o Southern California Employment Round Table
- o Fresno County Employment Round Table
- o Kern County Employment Round Table
- o Orange County Employment Round Table
- o San Bernardino County Employment Round Table
- o San Diego County Employment Round Table
- o Ventura County Employment Round Table

An account of the major meetings and workshops is provided below:

#### MAJOR ROUND TABLE MEETINGS

<u>Month</u>	<u>Sponsor</u>	<u>Site</u>	<u>Attendance</u>
September	NCHRT	Oakland	25
October	NCERT	Sacramento	200
October	NCHRT	Sacramento	40
March	NCERT	Berkeley	30
April	SCHRT	Los Angeles	120
May	NCHRT	Sacramento	44
May	NCERT	Union City	50
June	SCERT	Los Angeles	280

Accomplishments include a number of successful educational events, valuable input into the development of DFEH procedures and programs, and the production of a Directory of Resources available to assist in addressing employment discrimination problems (developed by SCERT in cooperation with the UCLA Institute of Industrial Relations).

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 results are 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, praising the high quality of the speakers and the information discussed.

#### ANTIDISCRIMINATION PROGRAMS FOR PERSONS WITH AIDS

AIDS is a "physical handicap" under the Fair Employment and Housing Act enforced by DFEH. The Department is constantly striving to sensitize the employment and housing communities to the special needs and concerns of persons with AIDS:

The Department has revised all of its pamphlets and publications to reflect our jurisdiction over AIDS-related discrimination cases. We have also solicited major health agencies (Department of Health Services) to include DFEH as a resource for persons who have suffered housing or employment discrimination because of AIDS. In addition, numerous presentations have been made by members of the staff to interested groups and organizations regarding the Department's AIDS antidiscrimination policy.

The Department has placed all complainants with terminal illnesses (including AIDS) on a "fast-track" handling for investigation of alleged discrimination in housing or employment.

#### SMALL BUSINESS CONTRACTS

Internally, DFEH has maintained a minimum level of 25 percent of all contracts with small and minority businesses (including women-owned businesses) in the Department's procurement program. These facts are contained in the Annual Report of the Department of General Services.

#### SOUTHERN CALIFORNIA FAIR HOUSING

In April 1988, the Fair Advertisement in Housing Task Force of Southern California and DFEH unveiled a new program and logo for fair housing advertisements in all Southern California media. The logo and program are an effort to fairly depict live models of differing diversity in all real estate advertisements.

This new program was unveiled at the Los Angeles Press Club in April 1988.

#### EDUCATIONAL PRESENTATIONS

In spite of its small size, DFEH has provided major exposure of its antidiscrimination programs to the business, housing, and employment communities:

In the 1987-88 Fiscal Year, DFEH participated in over 300 events designed to inform the public about the civil rights statutes enforced by the Department.

Recently, DFEH developed a pregnancy discrimination fact sheet which is now in use by all California employers and employees.

#### UCSEC 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 (UCSEC) (formerly "United Way" campaign). Pride in civic responsibility is evident in this fund raising event.

In calendar year 1987 the Department's staff received the Gold Award for the second year in a row. The final contribution total was \$7,671. The rate of \$134.58 per person giving far exceeds the average State employee gift of \$79.

DFEH is justly proud of the generosity, and the personal commitment of its staff to improving life in this State, both on and off the job.

#### U.S. SAVINGS BONDS

The Department coordinated the U.S. Savings Bonds 1988 Campaign for State employees. This is an annual effort conducted on behalf of the federal government, with the direct involvement of the U.S. Department of the Treasury.

This program, which now pays market rates for bonds held at least five (5) years, is a very effective, safe, and convenient means of starting an investment portfolio for the small saver. Through our efforts, the total number of employees participating in the State sponsored U.S. Savings Bonds program has reached an all time high of 19,677 or 14.5 percent of the State workforce.

The campaign resulted in 4,317 new savers, a 56 percent increase over 1987. The number of current savers who bought additional bonds also increased by over 50 percent. For the first time, the State Controller will be deducting over \$1 million monthly for the purchase of over \$2 million in bonds.

#### DISABILITY AND DISEASE

DFEH has been a leader in the fight against AIDS. The Department's AIDS Task Force, established in 1985, has been instrumental in the development of the State's AIDS program. The Task Force has been instrumental in the development of the State's AIDS program.

DFEH has also been a leader in the fight against breast cancer. The Department's Breast Cancer Task Force, established in 1986, has been instrumental in the development of the State's breast cancer program.

#### DISABILITY AND DISEASE

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## **APPENDIX I**

### **STATISTICAL TABLES**

TABLE 1  
 SUMMARY OF EMPLOYMENT CASES FILED/CLOSED  
 JULY 1, 1987 - JUNE 30, 1988

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1987-88	8,322	8,032

TABLE 2  
 EMPLOYMENT CASES FILED: OFFICE WHERE FILED  
 JULY 1, 1987 - JUNE 30, 1988

<u>OFFICE</u>	<u>NUMBER FILED</u>	<u>%</u>
San Francisco .....	677	8.1
Los Angeles .....	2,096	25.2
Fresno .....	616	7.4
San Diego .....	482	5.8
Sacramento .....	828	10.0
San Jose .....	515	6.2
Bakersfield .....	543	6.5
San Bernardino .....	750	9.0
Santa Ana .....	638	7.7
Ventura .....	470	5.6
Oakland .....	<u>707</u>	<u>8.5</u>
STATEWIDE TOTAL .....	8,322	100.0

TABLE 3  
 EMPLOYMENT CASES FILED: ALLEGED BASIS OF DISCRIMINATION  
 JULY 1, 1987 - JUNE 30, 1988

<u>BASIS (A)</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL .....	10,612		100.0
1. Race/Color .....	1,799	21.6	16.9
- Black .....	1,469	17.6	13.8
- Asian .....	131	1.6	1.2
- Caucasian .....	174	2.1	1.7
- Native American .....	21	.3	.2
2. Origin/Ancestry .....	1,060	12.7	10.0
- Hispanic .....	801	9.6	7.6
- Filipino .....	84	1.0	.8
- Caucasian .....	97	1.2	.9
3. Religion .....	158	1.9	1.5
4. Physical Handicap .....	1,270	15.3	12.0
- Deafness .....	110	1.4	1.0
- Limbs .....	178	2.1	1.7
- Spinal .....	283	3.4	2.7
- AIDS .....	59	.7	.6
5. Sex .....	4,062	48.8	38.2
- General .....	1,542	18.6	14.5
- Harassment .....	1,390	16.7	13.1
- Pregnancy .....	1,123	13.5	10.6
6. Marital Status .....	147	1.8	1.4
- Single .....	61	.7	.6
- Married .....	75	.9	.7
7. Age .....	1,301	15.6	12.3
8. Medical Condition .....	62	.7	.6
9. Retaliation .....	659	7.9	6.2
10. Association .....	85	1.0	.8
11. Other .....	9	.1	.1
TOTAL OF CASES FILED .....	8,322		

(A) Only major subcategories included. 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, 1987 - JUNE 30, 1988

TYPE_OF_RESPONDENT	NUMBER_FILED	%
Farms, Forestry & Fisheries.....	125	1.5
Mining .....	63	0.8
Contract Construction .....	205	2.4
Manufacturing .....	1,728	20.8
Transportation, Communication & Utilities .....	640	7.7
Wholesale & Retail Trade .....	1,695	20.4
Finance, Insurance & Real Estate .....	691	8.3
Services .....	2,056	24.7
Education .....	339	4.1
Government .....	694	8.3
Non-Classifiable Establishments (A) .....	<u>86</u>	<u>1.0</u>
 TOTAL .....	 8,322	 100.0

(A) Includes labor unions

TABLE 5

EMPLOYMENT CASES FILED: ALLEGED DISCRIMINATORY ACT

JULY 1, 1987 - JUNE 30, 1988

ACT	COUNT	% OF TOTAL CASES (B)	% OF TOTAL ALLEGED ACTS
Refusal to Hire .....	707	8.5	6.0
Unequal Pay .....	412	5.0	3.5
Dismissal from Employment .....	5,036	60.0	42.5
Harassment .....	2,506	30.0	21.1
Refusal to Upgrade .....	731	8.8	6.2
Unequal Work Conditions .....	953	11.5	8.0
Referral Withheld .....	15	.2	.1
Union Discrimination .....	34	.4	.3
Refusal to Accommodate .....	418	5.0	3.6
Other .....	<u>1,048</u>	<u>12.5</u>	<u>8.7</u>
 TOTAL (A).....	 11,860	 100.0	

(A) Where more than one discriminatory act is alleged, the complaint is 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, 1987 - JUNE 30, 1988

<u>TYPE OF OCCUPATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Clerical .....	1,449	17.4
Craft .....	298	3.6
Laborers .....	1,226	14.7
Managers .....	875	10.5
Equipment Operators .....	309	3.7
Professional .....	1,171	14.1
Sales .....	758	9.1
Services .....	1,109	13.3
Supervisor .....	299	3.6
Technician .....	486	5.9
Paraprofessional .....	182	2.2
Other (A) .....	160	1.9
 TOTAL .....	 8,322	 100.0

(A) Includes combination occupations

TABLE 7

EMPLOYMENT CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1987 - JUNE 30, 1988

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement .....	2,001	24.9
Insufficient Evidence .....	2,259	28.1
Closed Through Public Hearing .....	17	.2
Administrative Closures .....	1,712	21.3
Elected Court Action .....	2,043	25.5
 TOTAL .....	 8,032	 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 issue is not jurisdictional; and (2) the complainant failed to cooperate.

TABLE 8

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

JULY 1, 1987 - JUNE 30, 1988

	<u>FILED</u>	<u>CLOSED</u>
FEHA UNRUH (Service/Accommodation)	766	694 76
TOTAL	766	770

(A) Beginning in Fiscal Year 1987-88, all housing-related cases filed under the Unruh Act are reported under the Fair Employment and Housing Act.

TABLE 9

HOUSING CASES FILED: OFFICE WHERE FILED

JULY 1, 1987 - JUNE 30, 1988

OFFICE	<u>NUMBER FILED</u>	<u>%</u>
San Francisco .....	20	2.6
Los Angeles .....	231	30.2
Fresno .....	62	8.1
San Diego .....	78	10.2
Sacramento .....	88	11.5
San Jose .....	35	4.6
Bakersfield .....	37	4.8
San Bernardino .....	65	8.5
Santa Ana .....	69	9.0
Ventura .....	44	5.7
Oakland .....	37	4.8
STATEWIDE TOTAL .....	766	100.0

TABLE 10  
**HOUSING CASES FILED: ALLEGED BASIS OF DISCRIMINATION**  
**JULY 1, 1987 - JUNE 30, 1988**

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL (A) .....	976		100.0
1. Race/Color .....	315	41.1	32.3
- Black .....	236	30.8	24.2
- Asian .....	8	1.0	.8
- Caucasian .....	42	5.5	4.3
- Native American .....	3	.4	.3
- Other Race/Color .....	1	.1	.1
- Multiple Complainants .....	25	3.3	2.6
2. Origin/Ancestry .....	84	11.0	8.6
- Mexican-American .....	22	2.9	2.3
- Other Hispanic .....	38	5.0	3.9
- Filipino .....	4	.5	.4
- Caucasian .....	18	2.3	1.8
- Other Origin/Ancestry .....	2	.3	.2
3. Religion .....	11	1.4	1.1
4. Sex .....	84	11.0	8.6
- General .....	40	5.2	5.2
- Harassment .....	20	2.6	2.0
- Orientation .....	24	3.1	2.5
5. Marital Status .....	119	15.5	12.2
6. Age .....	23	3.0	2.3
7. Retaliation .....	22	2.9	2.3
8. Association .....	54	7.0	5.5
9. Children .....	234	30.5	24.0
10. Other .....	30	3.9	3.1
TOTAL OF CASES FILED .....	766		

(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, 1987 - JUNE 30, 1988

<u>TYPE_OF_RESPONDENT</u>	<u>NUMBER FILED</u>	<u>%</u>
Apartment/Home-Owner/Manager .....	660	86.2
New Tract Developer .....	4	.5
Trailer Park Owner .....	21	2.7
Mortgage Company .....	3	.4
Real Estate Broker .....	32	4.2
Individual Home-Owner .....	21	2.7
Public Housing Authority .....	7	.9
Other (A) .....	18	2.4
 TOTAL .....	 766	 100.0

(A) Includes condominium developments, etc.

TABLE 12  
 HOUSING CASES FILED: ALLEGED DISCRIMINATORY ACT  
 JULY 1, 1987 - JUNE 30, 1988

<u>ACT</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL ALLEGED ACTS</u>
Refusal to Show .....	38	5.0	4.0
Refusal to Rent .....	328	42.8	35.8
Refusal to Sell .....	21	2.7	2.3
Refusal to Grant Equal Terms .....	65	8.5	7.1
Eviction .....	260	33.9	28.4
Rent Increase .....	18	2.3	2.0
Loan Withheld .....	1	.1	.1
Harassment .....	110	14.4	12.0
Other Type .....	76	9.9	8.3
 TOTAL (A) .....	 917	 100.0	
 TOTAL CASES .....	 766		

(A) Where more than one discriminatory act is alleged, the complaint is 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, 1987 - JUNE 30, 1988

<u>TYPE OF ACCOMMODATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Home .....	115	15.0
Apartment .....	579	75.6
Trailer Space/Mobile Home .....	27	3.5
Condominium .....	28	3.7
Public Housing .....	6	.8
Other .....	11	1.4
<b>TOTAL .....</b>	<b>766</b>	<b>100.0</b>

TABLE 14  
**HOUSING CASES CLOSED: TYPE OF DISPOSITION**

JULY 1, 1987 - JUNE 30, 1988

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement .....	437	56.7
Insufficient Evidence .....	245	31.8
Closed Through Public Hearing .....	2	.3
Administrative Closures .....	67	8.7
Elected Court Action .....	19	2.5
<b>TOTAL .....</b>	<b>770</b>	<b>100.0</b>

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 issue is not jurisdictional; and (2) the complainant failed to cooperate.

TABLE 15

SUMMARY OF NON-HOUSING PUBLIC SERVICE/ACCOMMODATION CASES FILED/CLOSED  
JULY 1, 1987 - JUNE 30, 1988

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1987-88	87	89

TABLE 16

PUBLIC SERVICE/ACCOMMODATION CASES FILED: ALLEGED BASIS OF DISCRIMINATION

JULY 1, 1987 - JUNE 30, 1988

<u>BASIS</u>	<u>NON-HOUSING UNRUH COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
Race/Color .....	37	42.5	36.6
Origin/Ancestry .....	21	24.1	20.8
Physical Handicap .....	13	14.9	12.8
Sex .....	15	17.2	14.8
Marital Status .....	4	4.6	4.0
Age .....	5	5.7	5.0
Retaliation .....	3	3.4	3.0
Association .....	2	2.3	2.0
Other .....	1	1.1	1.0
TOTAL BASES (A) .....	101		100.0

(A) If more than one basis for complaint is 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, 1987 - JUNE 30, 1988

TYPE OF RESPONDENT	NON-HOUSING		%
	UNRUH	COUNT	
Farms, Forestry & Fisheries .....	8	9.2	
Contract Construction .....	1	1.2	
Wholesale & Retail Trade .....	23	26.4	
Finance, Insurance & Real Estate .....	7	8.0	
Services .....	40	46.0	
Education .....	3	3.4	
Government .....	1	1.2	
Non-Classifiable Business Establishments (A)....	4	4.6	
OTHER UNRUH SUBTOTAL .....	87	100.0	

(A) Includes Labor Unions

TABLE 18

PUBLIC SERVICE/ACCOMMODATION CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1987 - JUNE 30, 1988

TYPE OF DISPOSITION	NON-HOUSING		%
	UNRUH	NUMBER CLOSED	
Settlement .....	31	34.8	
Insufficient Evidence .....	32	36.0	
Administrative Closures .....	15	16.8	
Elected Court Action .....	11	12.4	
TOTAL .....	89	100.0	

ADMINISTRATIVE CLOSURE

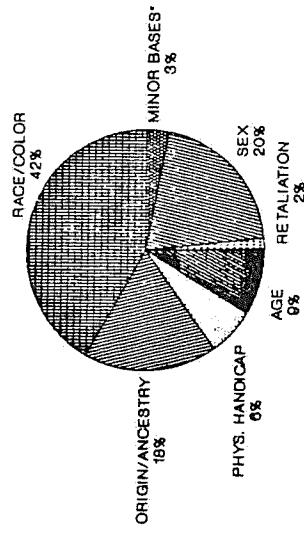
Cases are closed administratively when the Department is unable to proceed with case processing due to legal or technical circumstances. Some examples include: (1) the issue is not jurisdictional; and (2) the complainant failed to cooperate.

## **APPENDIX II**

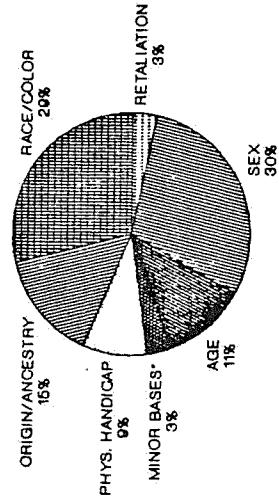
### **CHARTS AND GRAPHS**

# 10-YEAR TRENDS AMONG MAJOR BASES OF DISCRIMINATION IN EMPLOYMENT

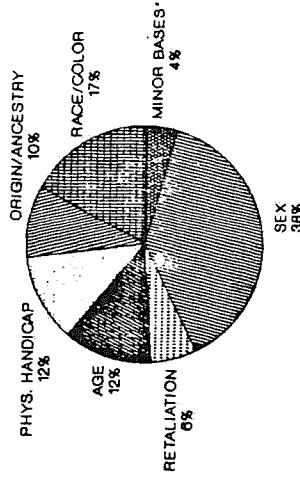
1977-78



1982-83



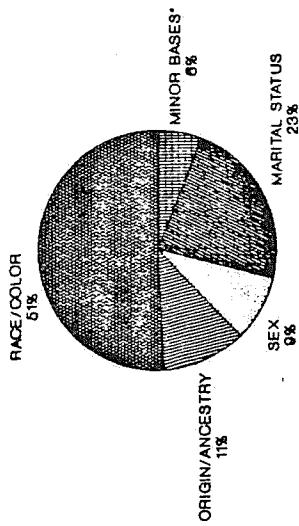
1987-88



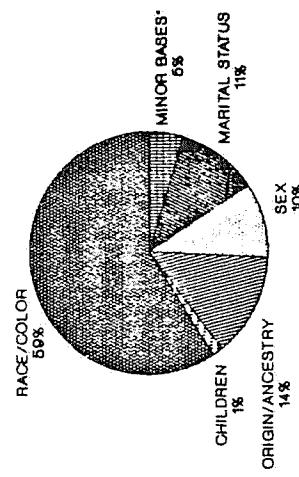
- \* COMBINATION OF ALL BASES THAT INDIVIDUALLY CONSTITUTE LESS THAN 6% OF ALLEGED BASES OF DISCRIMINATION IN FY 87-88

# 10-YEAR TRENDS AMONG MAJOR BASES OF DISCRIMINATION IN HOUSING

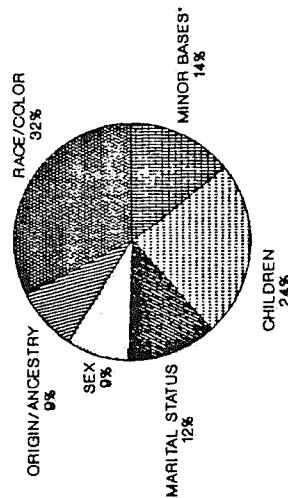
1977-78



1982-83

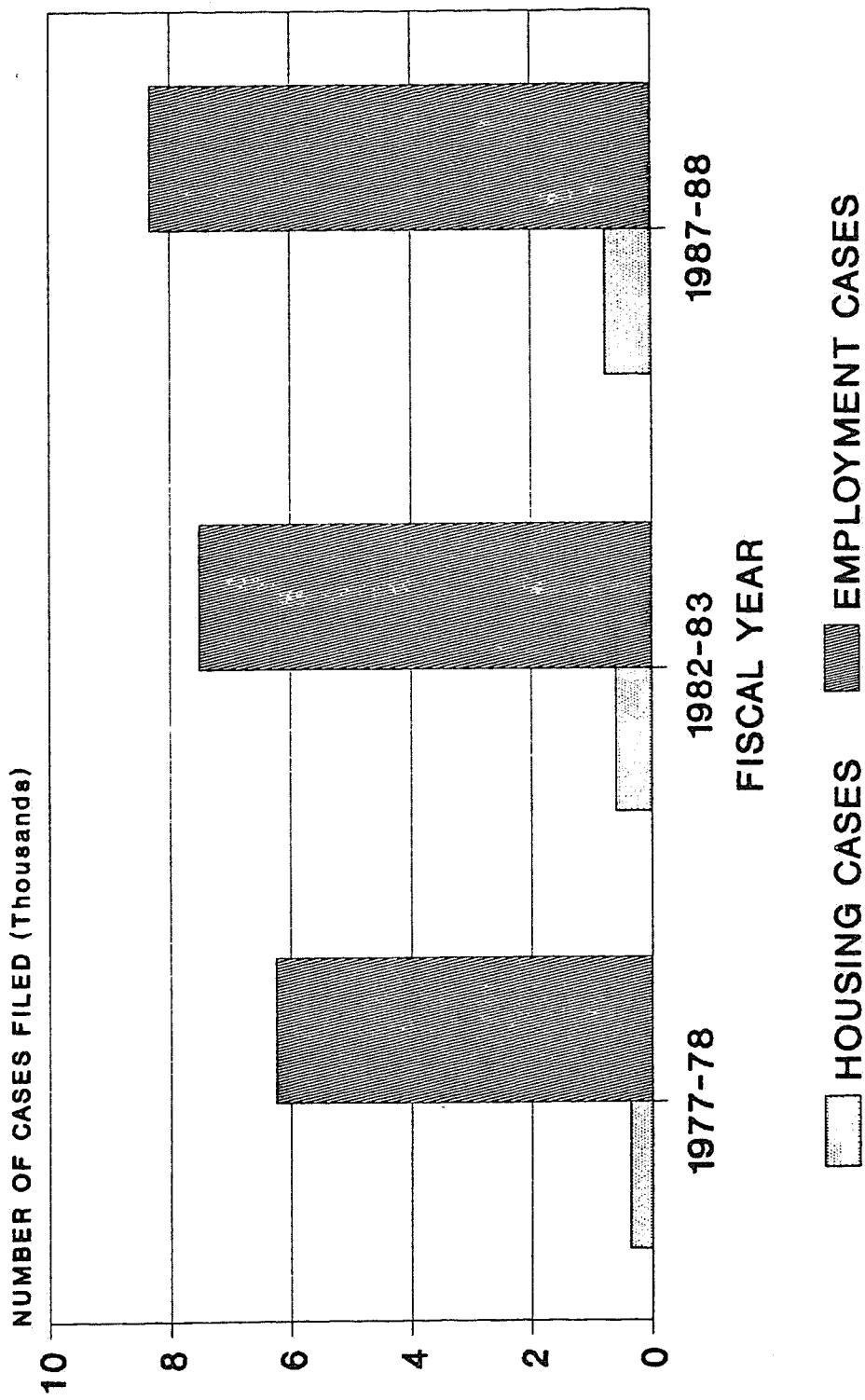


1987-88



\* COMBINATION OF ALL BASES THAT INDIVIDUALLY CONSTITUTE LESS THAN 5% OF ALLEGED BASES OF DISCRIMINATION IN FY 87-88

# 10-YEAR TRENDS IN NUMBER OF EMPLOYMENT AND HOUSING CASES FILED



**APPENDIX III**  
**ORGANIZATIONAL CHART OF DFEH**

# DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING ORGANIZATION CHART

