



**DEPARTMENT  
OF  
FAIR EMPLOYMENT AND HOUSING**

**ANNUAL REPORT  
1988-89**

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

# **CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

**State of California**

**George Deukmejian**  
**Governor**

**Shirley R. Chilton**  
**Secretary**  
**State and Consumer Services Agency**

**Dorinda Henderson**  
**Director**  
**Department of Fair Employment and Housing**

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2014 T STREET, SUITE 210, SACRAMENTO, CA 95814

TDD (916) 739-4638



November 15, 1989

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 1988-89 Annual Report. The report covers the period from July 1, 1988 to June 30, 1989.

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

**SETTLEMENT**

The Department's enforcement settlement rate is at 30 percent, and the Legal Division's settlement rate is at 70 percent which 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 1987-88 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 Office of Compliance Program (OCP) monitored 6,000 regulated contractors in Fiscal Year 1988-89, a 20 percent increase over the previous year. Additionally, OCP implemented a new conciliation procedure for contractors alleged to have violated their Nondiscrimination Programs. One major conciliation agreement provides for significant hiring of Native Americans in Northern California.

**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.

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. Department representatives addressed many other groups, educating them about the Fair Employment and Housing Act. Additionally, we have implemented a contractor training program and technical assistance workshops to facilitate compliance with contract compliance laws administered by DFEH.

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.

DFEH is proud of these achievements, and will continue to increase efficiencies to assure that all civil rights complaints within DFEH jurisdiction are promptly addressed and hopefully resolved without litigation.

Respectfully,

*Dorinda V. Henderson*

Dorinda V. Henderson  
Director

DVH:lm

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## **BACKGROUND INFORMATION**

### **DEPARTMENT MISSION**

The mission of the California Department of Fair Employment and Housing (DFEH) is to protect and enforce the civil rights of the people of California under the Fair Employment Housing Act.

### **SCOPE OF RESPONSIBILITY**

The scope of responsibility consistent with our mission is to enforce State laws prohibiting discrimination in: employment, housing, public accommodations, public services and in state contractor workforces; 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 employs 250 employees 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 (including AIDS), cancer-related medical condition, marital status, age (40 or over), or sex;
- o 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;
- 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, age, sexual orientation, or sex;
- 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 physical disabilities;
- o 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. The system is all-encompassing, affecting all levels of the Department.

The Department's M.B.O. process accomplishes three objectives:

- o Helps the Department focus its efforts towards priority issues.
- o Ensures the necessary staff accountability by employee involvement in establishing goals and objectives as well as clear lines of responsibility.
- o Increases communication between all levels of the DFEH organization.

During Fiscal Year 1988-89, the Department's two major objectives were to improve the delivery of services and to improve internal and external communications in all divisions of the Department.

### **ENFORCEMENT DIVISION ACTIVITIES**

#### **COMPLAINT PROCESSING**

The Department's Enforcement Division 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.

Its Office of Compliance Programs administers the State's Contract Compliance laws by monitoring the employment practices of State contractors, performing compliance reviews, and investigating complaints of non-compliance.

In its efforts to increase efficiency while maintaining high productivity levels, the Department introduced innovative applications to task, focused training seminars and developed reference manuals to effectively utilize allocated resources. As a result, case settlement rates held at an impressive 30 percent of all cases closed.

- o Appendix I Statistical Tables 1 through 18 numerically summarize discrimination complaints processed from July 1, 1988 through June 30, 1989. The employment tables in the Appendix show that 7,573 employment cases were filed, which is a .9 percent decrease over the previous fiscal year when 8,322 were filed.
- o 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 have been steady trends 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.
- o There has been a vast increase in the number of harassment complaints. Ten years ago, harassment allegations represented three percent of all cases. This past year it was 32 percent, as displayed in Table 5. The predominant alleged act of harassment continues to be "dismissal from employment."
- o There is also a disturbing increase in sexual harassment complaints. Over a six-year period, from 1983 to 1989, these complaints rose from 631 cases to 1,390 cases, a 120 percent increase. Presently, sexual harassment allegations constitute 18.4 percent of all employment cases filed.
- o Housing statistics have been very consistent over recent years. In Fiscal Year 1987-88, 766 cases were filed. In 1988-89, 848 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 38 percent, and discrimination against children is next at 35 percent. Refusal to rent is the most cited act of discrimination at 39 percent, whereas, eviction is next at 35 percent.

## LEGAL DIVISION ACTIVITY

### LEGAL PROGRAM

The Department's Northern and Southern California legal offices investigate complaints, issue accusations and prosecute cases before the Fair Employment and Housing Commission. Investigations are conducted jointly with the Enforcement Division and the Office of Compliance Programs whenever formal discovery is requested. Legal activities include enforcing interrogatories, taking depositions, negotiating settlement agreements and responding to requests for legal opinions regarding specific cases and issues of first impression. The legal unit also conducts monthly training sessions on the law in all twelve district offices and with OCP staff.

Although attempts to settle complaints are usually successful, a substantial number of cases are referred to legal for an accusation decision. Accusations are issued in both individual cases and in the form of class action and director's complaints where broader relief is sought. A hearing occurs within ninety (90) days before an administrative law judge, and a proposed decision is issued for Commission review and final decision. Staff attorneys submit extensive post-hearing briefs at the request of the Commission, and occasionally litigate issues in California Superior and Appellate Courts when the Department's and Commission's interests conflict. Attorneys also petition courts for injunctive relief when appropriate.

### **LEGAL CLINICAL PROGRAM**

The legal unit is committed to its legal clinical program for law students, utilizing up to fourteen law clerks at any given time. Students either volunteer or work for salary or clinical credit, while also receiving "hands-on" experience in civil rights and employment discrimination law. It has been an effective and popular program according to students from top California law schools.

### **PRECEDENTIAL CASES**

By statute, the Fair Employment and Housing Commission is vested with the authority to issue precedential decisions, which contain 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.

Three of the leading precedential decisions issued by the Commission during the 1988-89 year are set forth below:

- o DFEH v Madera County (1988) (Sexual Harassment, Individual Liability)  
(FEHC Dec. No. 88-11 [Interim Decision])

Complainant was sexually harassed and assaulted by her supervisor. The supervisor was terminated but later was reinstated as a co-worker of Complainant. As a co-worker, the harasser continued to approach Complainant. After repeated unsuccessful complaints to the County Assessor, Complainant resigned.

The Commission found that the pre-termination and post-reinstatement conduct of the harasser constituted an unwelcome and continuing pattern of workplace sexual harassment. The Commission found "immaterial" the fact that many of the harasser's later approaches for forgiveness did not mitigate the course of conduct linked to the earlier sexual advances.

The Commission held the harasser liable as both a supervisor and as a "person." The County was found liable for the harasser's conduct as a supervisor as well as a co-worker because it failed

to take prompt and vigorous action to eliminate the harassment. Respondent Assessor was not held individually liable primarily because 1) he promptly terminated the harasser on learning of his behavior while a supervisor; and 2) he felt that he lacked authority to deter the harassment after the Civil Service Commission reinstated the harasser.

- o DFEH v. Merribrook Apartments (1988) (Occupancy Standard, Housing) (FEHC Dec. No. 88-19)

The Department successfully argued that an apartment's stated policy of permitting no more than two occupants in two-bedroom apartments and no more than one occupant in one-bedroom apartments had both the purpose and effect of discriminating against families with children. The Commission considered, for the first time, statistical evidence in proving that the occupancy standard has an adverse impact on households with children. It held that apparently neutral housing practices, regardless of intent, would be unlawful if they had an adverse impact on persons protected by the Unruh and Fair Employment and Housing Act. The Department proved that Merribrook Apartment's occupancy standard disqualified nearly ninety (90) percent of the renter households with children in the vicinity. There was no compelling public purpose for such an occupancy standard and therefore it was found to be unlawful.

- o DFEH v. Huncot Properties and Charles Thomas (1988) (Sexual Harassment) (FEHC Dec. No. 88-21)

The Complainant was hired as a receptionist by Huncot Properties. She was sexually assaulted by the highest level manager when he conditioned a salary advance on agreement to have sex with him. The day after the assault, the Complainant resigned from her position. The manager denied that the assault occurred.

The Commission found for the Department and awarded backpay, compensatory damages for emotional injury (\$10,000), posting orders, and training. In finding liability the Commission found Complainant more credible than the Respondent and believed her account of the harassment. The Commission also found that the Administrative Law Judge erred in admitting Complainant's sexual and romantic activities with other men. The Commission found that Complainant was constructively discharged since a reasonable person in her circumstances would have resigned.

## **ADMINISTRATIVE SERVICES ACTIVITY**

### **ADMINISTRATIVE PROGRAM**

The Administrative Services Division provides support in Business Services, Fiscal Resources Management, Employee Relations and Personnel Management, Office of Contract Compliance Programs, Program Evaluation and Research and Data Processing. Along with individual units' accomplishments outlined in the following pages, this Division:

- o Offered an Internship Program to a local high school and to the Harvey Mudd Upward Bound students. These young people were given the unique opportunity to explore a career in Civil Rights through exposure to DFEH's programs and staff.
- o Developed an orientation program to assure that Department staff are developed to their fullest potential and mentored, if necessary, so that they make the greatest contribution to DFEH's mission.
- o Conducted formal training seminars for journey level staff to prepare them for upward mobility.
- o Formed the Manager's Quality Circle to facilitate exchange of ideas, mentoring among managers, progression planning, and continuity of the business plan when change occurs.
- o Prepared and presented the MBO program to staff to link performance planning, coaching and evaluation to task.
- o Designed and presented a seminar on generally accepted accounting principles in accordance with the American Institute of Certified Public Accountants (AICPA) auditing standards, to focus on the desired results of the Financial Integrity and State Managers Accountability Act of 1983.

### **BUSINESS SERVICES**

The Business Services Unit's primary function is to provide good and services to the Department in compliance with the State's Affirmative Action provision in the areas of procurement and space, equipment, and communications systems management. In 1988-89, in addition to the procurement of goods and services, this unit's activities included:

- o Processing 201 requests for duplication and printing of Departmental publications.
- o 41 orders of supplies

- o 367 purchase orders, service orders and contracts for a total of \$310,342.
- o Coordinating the upgrade of word processing and personal computer capabilities by having equipment installed in all district offices and legal units.
- o Installation of one desktop copier at the Headquarters office

Communications:

- o Implementation of a pilot project for an improved mailing system in the Sacramento District Office.
- o Upgrade of the Headquarters telephone system with an electronic key system.
- o Installation of a facsimile machine in the Department's Office of Contract Compliance.

Space Management:

- o In Fiscal Year 88-89, Business Services completed the headquarters relocation to 2014 T Street, in midtown Sacramento.
- o Relocations were also completed for the Sacramento and Bakersfield District Offices.

## FISCAL RESOURCES

- o Redesigned the accounting system and retrained fiscal staff to bring about the modification of manual accounting to automation through CALSTARS. We are now in the final phases of conversion and, after year-end closing, will move smoothly into the new system.

## PERSONNEL SERVICES

- o Instituted a process for sharing information between departments through an Affirmative Action Program used as a model to recruit and retain the A.A. hire.
- o Restructured the Department's Affirmative Action Program to consolidate functions and streamline reporting relationships. An A.A. Committee was established with a liaison to the Women's Advisory Council, Disabled Advisory Committee and the Human Relations Committee. Coordination will assure effective communication of the Administration's goals.

- o Completed total automation of decentralized examination processes, enhancing efficiency and timeliness of examination results. Five departmentwide exams were administered with no appeals filed as a consequence of the exams' results.
- o Established three time banks for DFEH employees who were incapacitated due to catastrophic illnesses. These time banks served to alleviate the financial hardship created by the exhaustion of leave credits as a result of extended illnesses.

### **OFFICE OF COMPLIANCE PROGRAMS**

The Office of Compliance Programs (OCP) administers the State of California's contract compliance laws. The laws require that companies doing business with the State establish procedures for ensuring equal employment opportunity for their employees and applicants for employment. Technical assistance and training is given to State contractors who need help in developing a program.

OCP also 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.

- o The Department entered into an historic Memorandum of Understanding (MOU) with the Federal Office of Contract Compliance Programs (OFCCP). The MOU will facilitate increased efficiency and lower the cost of contract compliance enforcement.
- o The department is finalizing negotiations of a new contract with the Los Angeles County Transportation Commission under which OCP will provide compliance support for the next phase of rail construction including the rail element of the century freeway project.
- o The Department has established linkages with EDD and other referral sources. These arrangements will assist contractors in meeting Nondiscrimination Program requirements while providing job opportunities for the difficult to employ.

### **PROGRAM EVALUATION & RESEARCH**

- o Established and implemented the Department's internal audit system. On a quarterly basis, audit checks were completed by unit managers and a signed verification form submitted to the Internal Auditor. This resulted in raising consciousness levels in performance, integrity and ethical management of economic resources.

- o Completed the first of three workshops for the Office of Compliance Programs. The workshop consisted of 13 hours of presentations and discussions regarding the desk review process and procedures. The objective was to develop the optimum set of procedures for the desk review process to insure both quality and consistency in application.
- o Provided technical assistance to the Office of Compliance Programs. The project's goal was to reduce the number of "delinquent" contractors. To date, 451 delinquencies have been eliminated through the direct efforts of this cut. An additional 450 contractors have been taken off the delinquent list through the computerization of contractor data.

### DATA PROCESSING MANAGEMENT

- o Redesigned its existing systems to provide better quality information at less cost. In line with this idea, the unit supported a feasibility study for Departmentwide automation. This is currently being implemented in phases.
- o Provided assistance to the Legal Division, Office of Compliance Programs, and Enforcement Divisions in the purchase and installation of data processing equipment for the Department's automation project. Data Processing also video taped installation operations at headquarters to help locations outside the Sacramento area assemble and start up their personal computer without additional cost to DFEH.
- o Cross-trained staff so that any user questions about newly-acquired personal computers could be answered by anyone within the unit.
- o Developed a customized case tracking system for the Office of Compliance Programs to facilitate the objectives of OCP in expanding its resource pooling project with the County of Los Angeles.

### SPECIAL ACTIVITIES

#### ROUND TABLES

The Department created the Employment and Housing Round Tables six years ago to educate the public about California's antidiscrimination laws. Their creation was an effort to expand its educational outreach to employers, housing providers and community groups. Although the Round Tables function independently, the Department actively participates in providing leadership to reduce discrimination and promote equal opportunity for all Californians.

The Department provides advisory and technical resources. Membership of the Round Tables is composed of volunteers from business, labor organizations, employers, local governments, the housing industry and community groups.

The specific 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 1988-89, 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

#### ANTI-DISCRIMINATION 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:

- o DFEH has revised all of its pamphlets and publications to reflect jurisdiction over AIDS-related discrimination cases. Major health agencies (Department of Health Services) have also been solicited to include the services of 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.

- o 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. Further details are contained in the Annual Report of the Department of General Services.

### **EDUCATIONAL PRESENTATIONS**

Through various efforts the DFEH has widely disseminated its antidiscrimination programs to the business, housing, and employment communities:

- o Participated in over 300 events designed to inform the public about the civil rights statutes enforced by the Department.
- o Developed a "Right to Freedom from Violence" fact sheet which advises the public on avenues available to them to enforce the Ralph and Bane Civil Rights Acts.

**APPENDIX I**  
**STATISTICAL TABLES**

TABLE 1  
 SUMMARY OF EMPLOYMENT CASES FILED/CLOSED  
 JULY 1, 1988 - JUNE 30, 1989

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1988-89	7,573	7,768

TABLE 2  
 EMPLOYMENT CASES FILED: OFFICE WHERE FILED  
 JULY 1, 1988 - JUNE 30, 1989

<u>OFFICE</u>	<u>NUMBER FILED</u>	<u>%</u>
San Francisco .....	732	9.7
Los Angeles .....	1,929	25.5
Fresno .....	564	7.4
San Diego .....	459	6.1
Sacramento .....	592	7.8
San Jose .....	472	6.2
Bakersfield .....	560	7.4
San Bernardino .....	681	9.0
Santa Ana .....	634	8.4
Ventura .....	337	4.4
Oakland .....	<u>613</u>	<u>8.1</u>
STATEWIDE TOTAL .....	7,573	100.0

TABLE 3  
 EMPLOYMENT CASES FILED: ALLEGED BASIS OF DISCRIMINATION  
 JULY 1, 1988 - JUNE 30, 1989

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
<u>TOTAL (A)</u>	<u>9,989</u>		<u>100.0</u>
1. Race/Color . . . . .	1,693	22.4	16.9
- Black . . . . .	1,318	17.4	13.2
- Asian . . . . .	132	1.8	1.3
- Caucasian . . . . .	207	2.7	2.1
- Native American . . . . .	24	.3	.3
2. Origin/Ancestry . . . . .	923	12.2	9.2
- Hispanic . . . . .	672	8.9	6.8
- Filipino . . . . .	75	.9	.7
- Caucasian . . . . .	112	1.5	1.1
3. Religion . . . . .	173	2.3	1.7
4. Physical Handicap . . . . .	1,239	16.4	12.4
- Deafness . . . . .	126	1.7	1.3
- Limbs . . . . .	216	2.8	2.2
- Spinal . . . . .	325	4.3	3.3
- AIDS . . . . .	59	.8	.6
5. Sex . . . . .	3,910	51.6	39.1
- Other Allegations . . . . .	1,453	19.2	14.5
- Harassment . . . . .	1,391	18.4	13.9
- Pregnancy . . . . .	1,062	14.0	10.6
6. Marital Status . . . . .	143	1.9	1.4
- Single . . . . .	65	.9	.7
- Married . . . . .	63	.8	.6
7. Age . . . . .	1,134	15.0	11.4
8. Medical Condition . . . . .	66	.9	.7
9. Retaliation . . . . .	659	8.7	6.6
10. Association . . . . .	49	.6	.5
<b>TOTAL OF CASES FILED . . . . .</b>	<b>7,573</b>		

(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, 1988 - JUNE 30, 1989

<u>TYPE OF RESPONDENT</u>	<u>NUMBER FILED</u>	<u>%</u>
Farms, Forestry & Fisheries .....	130	1.7
Mining .....	47	0.6
Contract Construction .....	209	2.8
Manufacturing .....	1,574	20.8
Transportation, Communication & Utilities ..	474	6.3
Wholesale & Retail Trade .....	1,488	19.6
Finance, Insurance & Real Estate .....	679	9.0
Services .....	1,937	25.6
Education .....	327	4.3
Government .....	667	8.8
Non-Classifiable Establishments (A) .....	<u>41</u>	<u>0.5</u>
 TOTAL .....	 7,573	 100.0

(A) Includes labor unions

TABLE 5  
 EMPLOYMENT CASES FILED: ALLEGED DISCRIMINATORY ACT  
 JULY 1, 1988 - JUNE 30, 1989

<u>ACT</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL ALLEGED ACTS</u>
Refusal to Hire .....	683	9.0	6.3
Unequal Pay .....	410	5.4	3.8
Dismissal from Employment .....	4,552	60.1	41.7
Harassment .....	2,460	32.5	22.5
Refusal to Upgrade .....	691	9.1	6.3
Unequal Work Conditions .....	943	12.5	8.6
Referral Withheld .....	13	.2	.1
Union Discrimination .....	25	.3	.2
Refusal to Accommodate .....	336	4.4	3.1
Other .....	<u>809</u>	<u>10.7</u>	<u>7.4</u>
 TOTAL (A) .....	 10,922	 100.0	
 TOTAL CASES .....	 7,573		

(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, 1988 - JUNE 30, 1989

<u>TYPE OF OCCUPATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Clerical .....	1,357	17.9
Craft .....	279	3.7
Laborers .....	1,134	15.0
Managers .....	784	10.3
Equipment Operators .....	284	3.7
Professional .....	1,165	15.4
Sales .....	681	9.0
Services .....	1,087	14.4
Supervisor .....	277	3.7
Technician .....	393	5.2
Paraprofessional .....	<u>132</u>	<u>1.7</u>
 TOTAL .....	 7,573	 100.0

TABLE 7  
 EMPLOYMENT CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1988 - JUNE 30, 1989

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement .....	2,133	27.5
Insufficient Evidence .....	2,536	32.6
Closed Through Public Hearing .....	12	.2
Administrative Closures .....	1,483	19.1
Elected Court Action .....	<u>1,604</u>	<u>20.6</u>
 TOTAL .....	 7,768	 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, 1988 - JUNE 30, 1989

	<u>FILED</u>	<u>CLOSED</u>
FEHA	848	831
UNRUH (Service/Accommodation)	--	15
TOTAL	<u>848</u>	<u>846</u>

(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, 1988 - JUNE 30, 1989

<u>OFFICE</u>	<u>NUMBER FILED</u>	<u>%</u>
San Francisco .....	52	6.1
Los Angeles .....	230	27.1
Fresno .....	89	10.5
San Diego .....	79	9.3
Sacramento .....	55	6.5
San Jose .....	52	6.1
Bakersfield .....	20	2.4
San Bernardino .....	109	12.9
Santa Ana .....	69	8.1
Ventura .....	54	6.4
Oakland .....	<u>39</u>	<u>4.6</u>
STATEWIDE TOTAL .....	848	100.0

**TABLE 10**  
**HOUSING CASES FILED: ALLEGED BASIS OF DISCRIMINATION**  
**JULY 1, 1988 - JUNE 30, 1989**

<u>BASIS</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL (A) .....	1,100		100.0
1. Race/Color .....	328	38.7	29.8
- Black .....	239	28.2	21.7
- Asian .....	14	1.7	1.3
- Caucasian .....	42	5.0	3.8
- Native American .....	4	.5	.4
- Other Race/Color .....	1	.1	.1
- Multiple Complainants .....	28	3.3	2.5
2. Origin/Ancestry .....	97	11.4	8.8
- Mexican-American .....	27	3.2	2.5
- Other Hispanic .....	50	5.9	4.5
- Filipino .....	2	.2	.2
- Caucasian .....	11	1.3	1.0
- Other Origin/Ancestry .....	7	.8	.6
3. Religion .....	12	1.4	1.1
4. Physical Handicap .....	61	7.2	5.5
5. Sex .....	96	11.3	8.8
- Other Allegations .....	46	5.4	4.2
- Harassment .....	31	3.7	2.8
- Pregnancy .....	5	.6	.5
- Orientation .....	14	1.7	1.3
6. Marital Status .....	83	9.8	7.5
7. Age .....	22	2.6	2.0
8. Retaliation .....	23	2.7	2.1
9. Association .....	63	7.4	5.7
10. Children .....	298	35.1	27.1
11. Other .....	17	2.0	1.5
TOTAL OF CASES FILED .....	848		

(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, 1988 - JUNE 30, 1989

<u>TYPE OF RESPONDENT</u>	<u>NUMBER FILED</u>	<u>%</u>
Apartment/Home-Owner/Manager .....	727	85.7
New Tract Developer .....	15	1.8
Trailer Park Owner .....	42	5.0
Mortgage Company .....	7	.8
Real Estate Broker .....	37	4.4
Individual Home-Owner .....	14	1.7
Public Housing Authority .....	<u>6</u>	<u>.7</u>
<b>TOTAL</b> .....	<b>848</b>	<b>100.0</b>

TABLE 12  
 HOUSING CASES FILED: ALLEGED DISCRIMINATORY ACT  
 JULY 1, 1988 - JUNE 30, 1989

<u>ACT</u>	<u>COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL ALLEGED ACTS</u>
Refusal to Show .....	38	4.5	3.8
Refusal to Rent .....	333	39.3	33.2
Refusal to Sell .....	33	3.9	3.3
Refusal to Grant Equal Terms .....	68	8.0	6.8
Eviction .....	298	35.1	29.7
Rent Increase .....	28	3.3	2.8
Loan Withheld .....	6	.7	.6
Harassment .....	129	15.2	12.8
Other Type .....	<u>71</u>	<u>8.4</u>	<u>7.1</u>
<b>TOTAL (A)</b> .....	<b>1,004</b>		<b>100.0</b>
<b>TOTAL CASES</b> .....	<b>848</b>		

(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, 1988 - JUNE 30, 1989

<u>TYPE OF ACCOMMODATION</u>	<u>NUMBER FILED</u>	<u>%</u>
Home .....	119	14.0
Apartment .....	631	74.4
Trailer Space/Mobile Home .....	47	5.5
Condominium .....	46	5.4
Public Housing .....	<u>5</u>	<u>.6</u>
<b>TOTAL .....</b>	<b>848</b>	<b>100.0</b>

TABLE 14

HOUSING CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1988 - JUNE 30, 1989

<u>TYPE OF DISPOSITION</u>	<u>NUMBER CLOSED</u>	<u>%</u>
Settlement .....	457	54.0
Insufficient Evidence .....	292	34.5
Closed Through Public Hearing .....	5	.6
Administrative Closures .....	74	8.7
Elected Court Action .....	<u>18</u>	<u>2.1</u>
<b>TOTAL .....</b>	<b>846</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, 1988 - JUNE 30, 1989

<u>FISCAL YEAR</u>	<u>FILED</u>	<u>CLOSED</u>
1988-89	101	102

TABLE 16

PUBLIC SERVICE/ACCOMMODATION CASES FILED: ALLEGED BASIS OF DISCRIMINATION

JULY 1, 1988 - JUNE 30, 1989

<u>BASIS</u>	<u>NON-HOUSING UNRUH COUNT</u>	<u>% OF TOTAL CASES (B)</u>	<u>% OF TOTAL BASES</u>
TOTAL (A) . . . . .	115		100.0
Race/Color . . . . .	42	41.6	36.5
Origin/Ancestry . . . . .	21	20.8	18.3
Physical Handicap . . . . .	14	13.9	12.2
Sex . . . . .	19	18.8	16.5
Marital Status . . . . .	3	3.0	2.6
Age . . . . .	4	4.0	3.5
Retaliation . . . . .	2	2.0	1.7
Association . . . . .	1	1.0	.9
Other . . . . .	9	9.0	7.8

TOTAL OF CASES FILED . . . . . 101

(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, 1988 - JUNE 30, 1989

<u>TYPE OF RESPONDENT</u>	<u>NON-HOUSING UNRUH COUNT</u>	<u>%</u>
Farms, Forestry & Fisheries . . . . .	7	6.9
Transportation, Communications and Utilities . . . . .	5	5.0
Contract Construction . . . . .	1	1.0
Wholesale & Retail Trade . . . . .	32	31.7
Finance, Insurance & Real Estate . . . . .	5	5.0
Services . . . . .	42	41.6
Education . . . . .	7	6.9
Government . . . . .	2	2.0
TOTAL . . . . .	101	100.0

TABLE 18

PUBLIC SERVICE/ACCOMMODATION CASES CLOSED: TYPE OF DISPOSITION

JULY 1, 1988 - JUNE 30, 1989

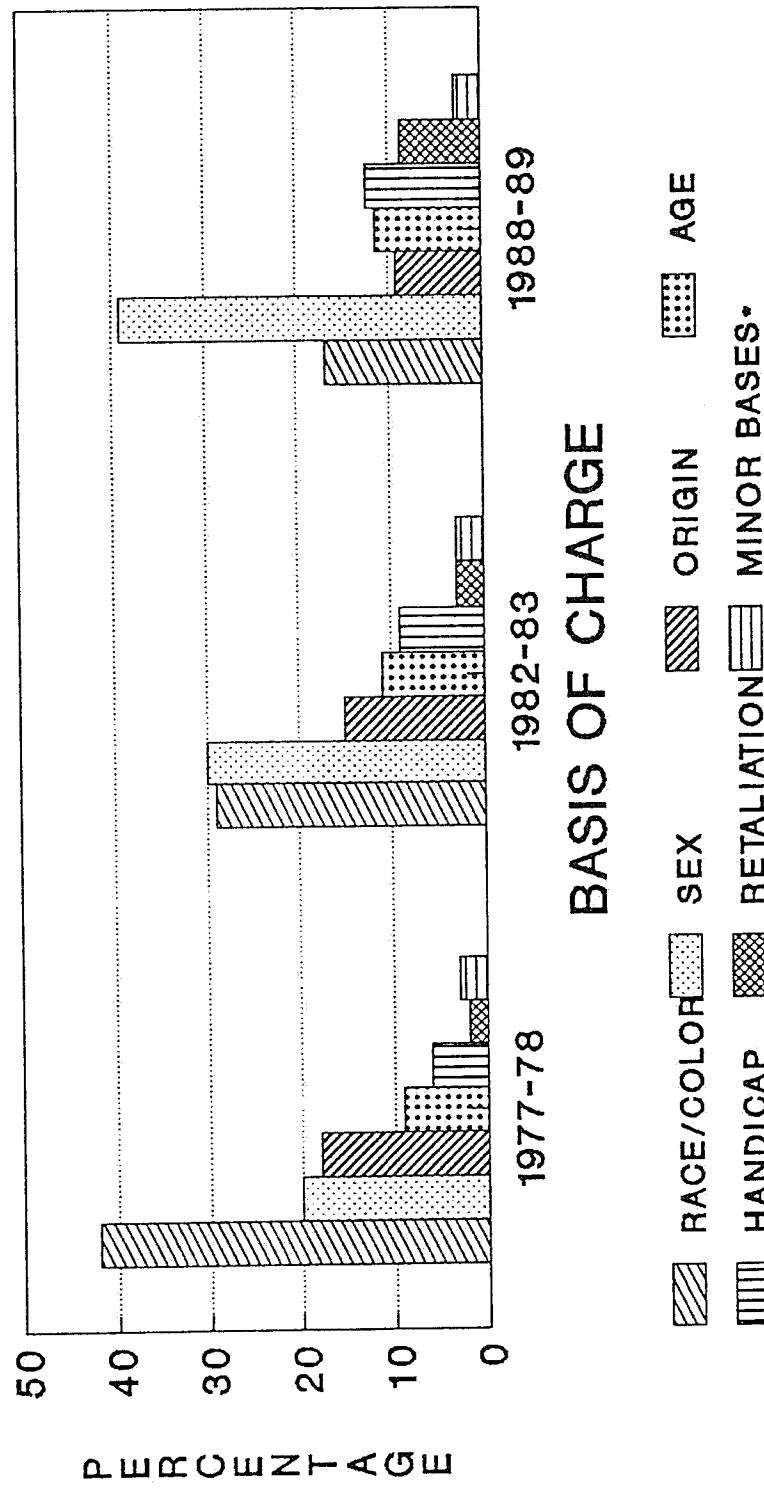
<u>TYPE OF DISPOSITION</u>	<u>NON-HOUSING UNRUH NUMBER CLOSED</u>	<u>%</u>
Settlement . . . . .	58	56.9
Insufficient Evidence . . . . .	27	26.5
Administrative Closures . . . . .	9	8.8
Elected Court Action . . . . .	8	7.8
TOTAL . . . . .	102	100.0

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.

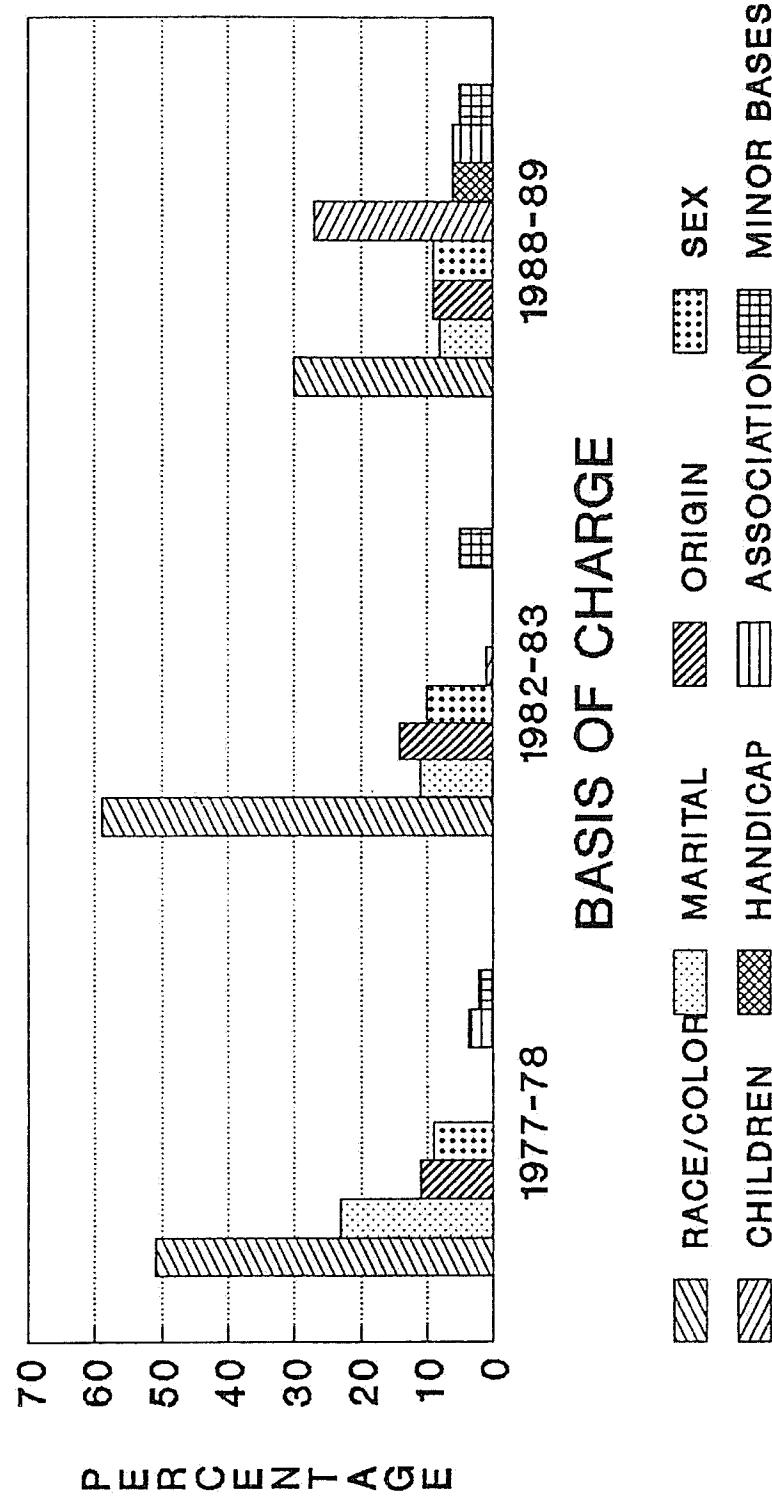
**APPENDIX II**  
**CHARTS AND GRAPHS**

# TRENDS AMONG MAJOR BASES OF DISCRIMINATION IN EMPLOYMENT



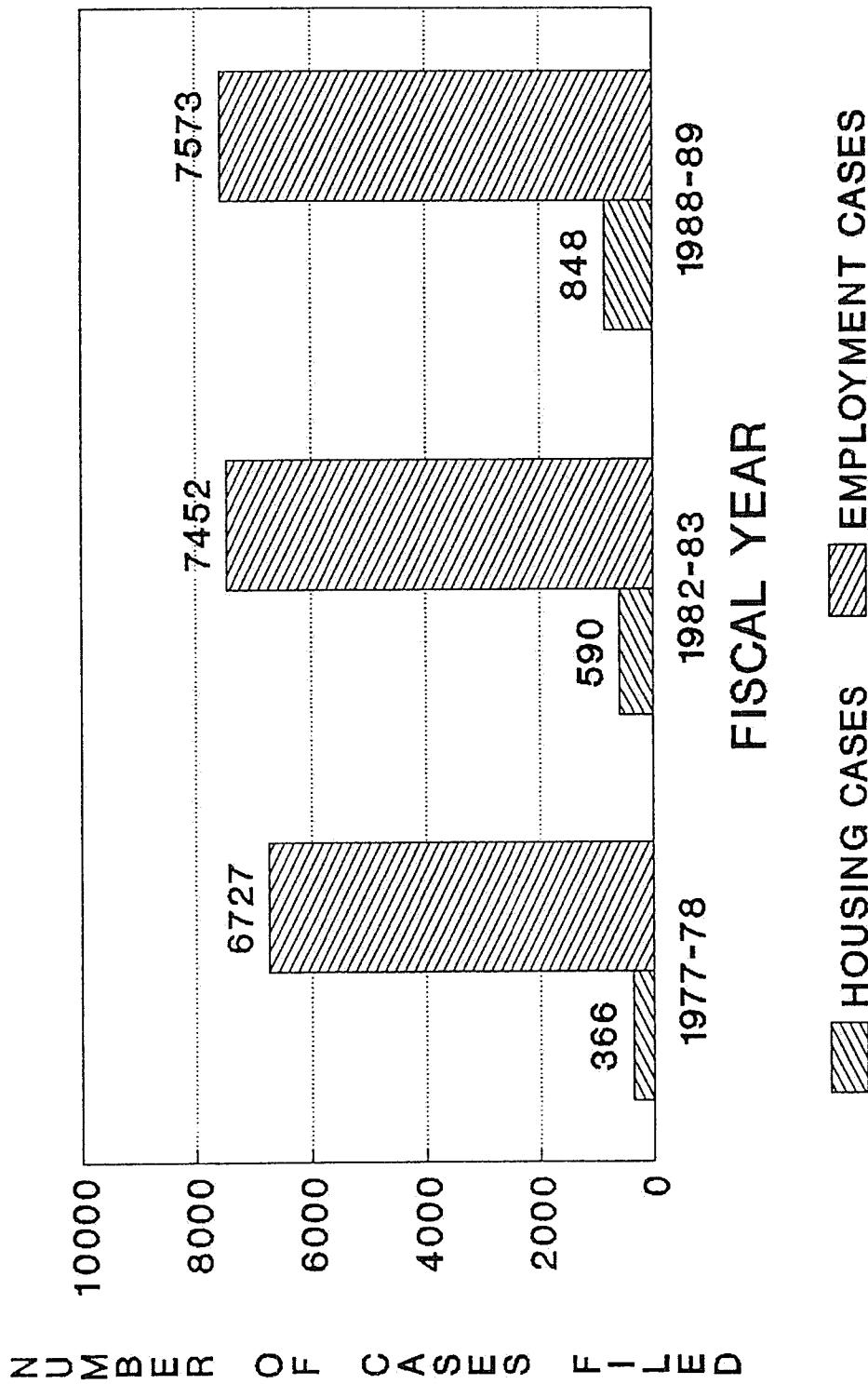
\*COMBINATION OF ALL BASES THAT  
INDIVIDUALLY CONSTITUTE LESS THAN  
5% OF ALLEGED BASES IN FY 88-89

# TRENDS AMONG MAJOR BASES OF DISCRIMINATION IN HOUSING



\*COMBINATION OF ALL BASES THAT INDIVIDUALLY CONSTITUTE LESS THAN 5% OF ALLEGED BASES IN FY 88-89

# TRENDS IN NUMBER OF EMPLOYMENT AND HOUSING CASES FILED



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

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
ORGANIZATION CHART**

