



NEW FAIRTIMES

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1ST & 2ND QUARTERS

2012

FAIR EMPLOYMENT & HOUSING ACT

Discrimination
Harassment
Retaliation

Employment

Age
Ancestry
Color
Disability
Family Leave
Gender
Gender Identity
Gender Expression
Genetic Information
Marital Status
Medical Condition
National Origin
Race
Religion
Sex
Sexual Orientation



GOVERNOR BROWN SIGNS SB 1038 AUTHORIZING DFEH TO BRING CIVIL ACTIONS DIRECTLY IN COURT

Signed into law by Governor Brown on June 27, 2012, [SB 1038](#) changes significantly the role of the Department of Fair Employment and Housing DFEH in civil rights enforcement in California. Effective January 1, 2013, SB 1038 eliminates the Fair Employment and Housing Commission, thereby ending administrative adjudication of Fair Employment and Housing Act (FEHA) claims. The bill replaces the Commission with a Fair Employment and Housing *Council* under the Department, to promulgate regulations interpreting the FEHA (such as housing and new California Family Rights Act regulations, as well as others) and to hold informational hearings on FEHA-related topics. Persons interested in a gubernatorial appointment to the Fair Employment and Housing *Council* can apply by: 1) e-mailing Appointments Secretary Mona Pasquil at mona.pasquil@gov.ca.gov; and 2) submitting an application online or by mail using the form on the [Governor's Web site](#). Reference Fair Employment & Housing *Council* in the narrative.

SB 1038 also authorizes the Department to bring civil actions directly in court effective January 1, 2013, and to collect attorney fees and costs when it is the prevailing party in FEHA litigation. Prior to filing a civil action, the Department must require all parties to participate in mandatory dispute resolution in the DFEH's internal Dispute Resolution Division, free of charge to the parties. Dispute resolution will be mandatory for all cause cases for which the DFEH intends to file a civil action, and will be conducted behind a firewall by the DFEH's attorney mediators. The DFEH will continue to offer voluntary pre-investigation mediation and conciliation services.

Read more in "[Transformative year for civil rights in CA](#)," Director Phyllis Cheng's guest column in the August 2, 2012 Daily Journal.

STATE BAR NAMES DFEH DIRECTOR PHYLLIS CHENG 2012 PUBLIC LAYWER OF THE YEAR

California Department of Fair Employment and Housing Director Phyllis Cheng has been named the [2012 Public Lawyer of the Year by the California State Bar's Public Law Section](#). Director Cheng will be honored October 12, 2012 at the State Bar's Annual Meeting in Monterey.

"I am extremely honored to be chosen by the State Bar as 2012 Public Lawyer of the Year," said Director Cheng. "I am optimistic that if my Department and its hardworking staff can use the State's fiscal crisis as an engine for effective innovation in civil rights enforcement, so too can others."

Housing

Ancestry
Color
Disability
Familial Status
Gender
Gender Identity
Gender Expression
Genetic Information
Marital Status
National Origin
Race
Religion
Sex
Sexual Orientation
Source of Income

UNRUH CIVIL RIGHTS ACT Public

Accommodations

Age
Ancestry
Color
Disability
Gender
Gender Identity
Gender Expression
Genetic Information
Marital Status
Medical Condition
National Origin
Race
Religion
Sex
Sexual Orientation



Through education, litigation and legislation, Director Cheng has made great strides in protecting the rights of California's consumers and has also helped the state save millions of dollars by:

- Using technology and a cost-effective, cloud-based case management system;
- Streamlining voluminous directives into succinct procedural regulations;
- Prosecuting systemic discrimination in class and group actions, including a \$6 million family leave settlement;
- Launching clinics at University of California, Irvine and Davis Schools of Law and other colleges to train a new generation of civil rights lawyers and investigators;
- Establishing an effective in-house, free attorney-staffed mediation division that is secured behind a firewall to encourage out-of-court settlements;
- Providing extensive educational outreach using social media to train the public about civil rights compliance; and
- Reducing the Department's overhead by 50 percent and returning more than \$2.5 million to the State to date.

Prior to being appointed Director, Cheng served as an associate attorney at plaintiffs' firm Hadsell & Stormer; private appellate and alternative dispute resolution practitioner; commissioner and vice chair of the Fair Employment and Housing Commission (where she ruled on nearly 80 administrative decisions and issued four sets of regulations); deputy attorney general on civil rights enforcement; research attorney at Division Seven of the Second District California Court of Appeal; and of counsel at defense firm Littler Mendelson.

The Public Lawyer of the Year Award recognizes Director Cheng as an exceptional lawyer who dedicated a significant portion of her career to public service. The award is given to those who represent the highest level of professional and ethical standards and who are inspirational advocates for the public interest.

SENATOR ELLEN CORBETT WELCOMES DFEH BAY AREA REGIONAL OFFICE TO FREMONT

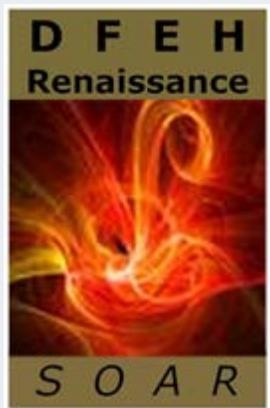
Senate Majority Leader Ellen M. Corbett welcomed news that the Department of Fair Employment and Housing planned to locate its consolidated [Bay Area Regional Office](#) in Fremont, the heart of the 10th Senate District. The Department combined employees from its two regional offices in San Jose and Oakland into one location in Fremont to reduce costs, preserve jobs and maximize effectiveness and efficiency. The transfer, involving 44 employees, took place on March 1, 2012.

"DFEH's relocation to Fremont is good for the community, and good for the state," Corbett said. "I am glad the Department is looking for smart and creative ways to improve its efficiency and better serve taxpayers."

The new Fremont office is located 15 miles from the former San Jose office and 28 miles from the former Oakland office. It is a modern facility within a business park that is accessible by BART, and a short walk from the Fremont BART station. The facility offers free parking for employees and visitors, surrounding amenities such as shops and restaurants, and access to Fremont's culturally diverse community.

**RALPH CIVIL
RIGHTS ACT
Hate Violence**

Age
Ancestry
Color
Disability
Gender
Gender Identity
Gender Expression
Genetic Information
Marital Status
Medical Condition
National Origin
Political Affiliation
Position in a Labor Dispute
Race
Religion
Sex
Sexual Orientation



With the consolidation, the Department now operates in three regional offices (Fremont, Elk Grove, and Los Angeles) and two district offices (Fresno and Bakersfield), and continues to serve all California communities, regardless where DFEH offices are located. Hate crimes victims and victims of employment, housing and public accommodation discrimination need only visit www.dfeh.ca.gov or call 800-884-1684 to access the DFEH's services any time of day.

**FAIR HOUSING MONTH 2012 KICKOFF - DFEH Awarded \$475,000
HUD Grant to Launch Premier Fair Housing Clinic
with Rio Hondo College**

The Department of Fair Employment and Housing launched a Fair Housing Clinic with Rio Hondo College in Whittier and the National Fair Housing Training Academy during Fair Housing Month, April 2012. The new clinic—the Department's first ever with a community college—educates students about fair housing laws and equips them with skills necessary for public service and civil rights careers. To fund the project, the Department secured a \$475,000 grant from the U.S. Department of Housing and Urban Development (HUD), the largest grant HUD awarded this year to any of its state fair housing partners.

"The Department of Fair Employment and Housing is delighted to partner with HUD to encourage students at Rio Hondo College to pursue careers that would ensure equal housing opportunities for people in our state. These students will be the fair housing leaders of the future," said Department Director Phyllis Cheng.

The HUD grant allowed the Department to host the Washington D.C. based National Fair Housing Training Academy (NFHTA) on campus at Rio Hondo College and Los Angeles' Southwestern Law School. The Department also offered local agencies and housing organizations scholarships to attend portions of the training at no cost. In addition to webcasting, short segments of NFHTA's presentations have been posted on the [DFEH's Web site](#) as well as the Department's [YouTube](#), [Facebook](#), and [LinkedIn](#) pages.

The Department, HUD, and Rio Hondo College also hosted an on-campus "Fair Housing Week" April 17 - 20. The week-long celebration included fair housing events and lectures presented by state and national dignitaries to educate, inspire and promote fair housing throughout California.

**DFEH AUTOMATES COMPLAINT FILING—LAUNCHES CLOUD-
BASED CASE MANAGEMENT SYSTEM**

On time and within budget, the Department has fully deployed its cloud-based case management system—a customized version of HoudiniEsq.— to maximize efficiency and effectiveness in its operations. Requesting public records, obtaining or amending an immediate right-to-sue, and filing a complaint for investigation all can be achieved online any day, any time on the [DFEH's Web site](#).

DFEH WEBINARS - The DFEH offers [monthly MCLE/HRCI legal webinars](#) on a variety of FEHA-related topics free of charge to State employees, and for a nominal fee of \$40 for members of the public. On September 6, 2012 the Department will provide workplace retaliation training and on September 19, 2012 sexual harassment prevention training. To register visit <http://www.dfeh.ca.gov/>.

DFEH LEGAL VICTORIES AND SETTLEMENTS

- ✓ **Dept. Fair Empl. & Hous. v. Penske Logistics, LLC (Walter)**, Fresno County Superior Court Case No. 10CEG03017; Employment-Disability: \$450,000 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Auburn Max Enterprises dba Garabees (Navarro)**, DFEH Case No. E200910-H-0770-00-pe; Employment- Disability: \$136,809 plus front pay and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. House of Shalom, et al. (Miles, Housing Rights Center)**, DFEH Case No. H-201011-W-0106-00/-01/-02/-03; Housing-Religion: \$122,881 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Steinberg (Cooney, Marriott)**, DFEH Case Nos. H-201011-W-0057-00r, H-201011-W-0058-00r; Housing-Familial Status: \$96,520 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. AT&T (Pacific Bell) (Graves)**, Contra Costa County Superior Court Case No. CIVMSC11-02149; Employment-Disability: \$80,000 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Valley Christian Schools, et al. (O'Connell)**, DFEH Case No. E-201011-G-0374-00-sev; Employment-Pregnancy & Marital Status: \$51,730 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Fresh Meat Market and Kenneth Siu (Lee)**, San Francisco County Superior Court Case No. CGC-11-512631; Employment-Sex Harassment: \$40,000 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Cypress Meadows Assisted Living (Chavez)**, DFEH Case No. E-2009-10-E-758-00e; Employment-Retaliation: \$40,000 and affirmative relief.
- ✓ **Dept. Fair Empl. & Hous. v. Pacific West Loan, Inc. (Valencia)**, Santa Clara County Superior Court Case No. 110CV175515; Employment-Disability: \$35,000 and affirmative relief.

DFEH OUTREACH ACTIVITIES

In the first and second quarters of 2012, DFEH Director Phyllis Cheng outreached to the following groups: California Employment Lawyers Association (CELA), Employment Round Table of Southern California (ERTSC), DFEH-UC Irvine School of Law Civil Rights Clinic, Sacramento County Bar Association Labor and Employment Law Section, Northstate Society for Human Resource Management (Northstate SHRM), Office of Federal Contract Compliance Programs (OFCCP), State Bar Fair Housing and Public Accommodations Subsection, DFEH-Rio Hondo College Fair Housing Clinic, L.A. County Bar Association Labor and Employment Law Section, Fair Housing Council of Central California, National Fair Housing Training Academy (NFHTA), Southwestern Law School, DFEH-UC Davis School of Law Employment Discrimination Clinic, College of the Canyons, Scripps Memorial Hospital, and California Society for Human Resource Management (CalSHRM).



EMPLOYMENT ROUNDTABLE UPDATE

The Employment Roundtables, begun in 1983 in partnership with the DFEH, are composed of volunteers from businesses, public and private employers, and from labor organizations. Their purpose is to reduce discrimination and promote equal opportunity in employment.

June 13, 2012 - The Northern California Employment Round Table (NCERT) presented a webinar on "[Workplace Retaliation.](#)"

March 2, 2012 – The Employment Round Table of Southern California (ERTSC) hosted a Breakfast Seminar featuring, "[Advanced Issues in Employment Investigations.](#)" RAND Corporation, 1776 Main St., Santa Monica, CA 90407.

May 4, 2012 – ERTSC held a breakfast seminar on "[Recent Developments/Emerging Trends in California Wage & Hour Laws.](#)" RAND Corporation, 1776 Main St., Santa Monica, CA 90407.

For more information about the Employment Round Tables or to participate in their activities, contact:

Northern California Employment Round Table (NCERT)

Selena Wong, Regional Administrator
Department of Fair Employment and Housing
selena.wong@dfeh.ca.gov

Central California Employment Round Table (CCERT)

Geraldine Reyes, District Administrator
Department of Fair Employment and Housing
geraldine.reyes@dfeh.ca.gov

Employment Round Table of Southern California (ERTSC)

Mary Bonilla, Regional Administrator
Department of Fair Employment and Housing
mary.bonilla@dfeh.ca.gov

DFEH SUMMER INTERNS 2012

DFEH-UC Irvine School of Law Civil Rights Clinic

*Katherine Pierucci
Samir Gupta
Theodore Nguyen
Hye Seong Lee
Sirena Wu
Corey Lovato
Chuong Nguyen*

DFEH-UC Davis School of Law Employment Discrimination Program

*Joseph Blanco
Huy Le
Claire Jacobson
Amika Carlson
Brandon Howard
Kaila Sergent
Allison Callaghan*

UCLA Law School Law Clerk

Ainsley Breault

McGeorge Law School Law Clerk

Alex Fischl

DFEH-Rio Hondo College Fair Housing Clinic

*Vanessa Cazares
Gabriella Fernandez
Chi Lao
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Employment & Housing

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DFEH INTERNSHIPS - The Department has established innovative clinical programs to train a new generation of civil rights lawyers and investigators with the law schools at the University of California, Irvine and Davis, the graduate school at California State University, [Bakersfield](#), College of the Canyons and Rio Hondo College. Even if a university or college does not have a partnership with the DFEH, students can apply for an internship independently in the DFEH's Legal Division or Enforcement Division. For more information contact Chief Counsel Nelson Chan at nelson.chan@dfeh.ca.gov or Chief of Enforcement Tim Muscat at tim.muscat@dfeh.ca.gov.



OPPORTUNITY

If you already practice employment law under the FEHA, why not also expand your practice to housing law under the same Act? The State Bar Real Property Law Section has launched a Fair Housing and Public Accommodations Subsection to train attorneys on the FEHA housing practice and the Unruh Civil Rights Act reasonable accommodations practice. If you are interested, please e-mail Phyllis Cheng at phyllis.cheng@dfeh.ca.gov to receive an invitation to join the Fair Housing and Public Accommodations Subsection's free E-Circle.