



# **ANNUAL REPORT TO THE LEGISLATURE**

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## **DISCRIMINATION COMPLAINT ACTIVITY IN THE STATE CIVIL SERVICE FOR CALENDAR YEAR 2006**

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Prepared by the

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## PURPOSE OF REPORT

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This report has been prepared pursuant to Government Code section 19702.5(c), which requires the State Personnel Board (SPB) to report annually to the Legislature on discrimination complaint activity in the state civil service. The Discrimination Complaint System (DCS) – SPB’s internet-based, on-line reporting system – is the source of the data included in this report. Since 2003, the DCS has enabled the SPB to collect information on departmental discrimination complaint activities, including formal complaints filed by employees directly with their departments, and complaints filed with California’s Department of Fair Employment and Housing (DFEH), and the United States Equal Employment Opportunity Commission (EEOC). The DCS also provides information to the Legislature on management inquiries initiated by departments concerning suspected discrimination activities, discrimination grievances, and discrimination lawsuits filed against Departments with the California courts. Unfortunately, attempts to obtain cost information on discrimination complaint activities were only partially successful. Many departments either could not or were unwilling to provide discrimination cost information, either because they had not developed a system for capturing and calculating such costs, and/or because Section 19702.5(c) does not specifically require that such information be provided to the SPB. All information submitted by departments covers the reporting period of January 1, 2006, through December 31, 2006.

The following departments did not comply with reporting requirements and failed to submit data for three of the four Quarters of 2006: the California State Library; the California Student Aid Commission; and the California Horse Racing Board.

### **I. STATE CIVIL SERVICE ANTI-DISCRIMINATION LAWS**

Government Code section 19700 prohibits discrimination in the state civil service on the basis of age, except as permitted by Section 18932, which permits the SPB to set reasonable age limits for the employment of peace officers.

Government Code section 19701 prohibits discrimination in the state civil service on the basis of total or partial blindness, and color blindness or color weakness.

Government Code section 19702 prohibits discrimination in the state civil service on any basis listed in Section 12940 of the Fair Employment and Housing Act (FEHA), which prohibits discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy), age, or sexual orientation.

Government Code section 19702.3 prohibits discrimination in the state civil service on the basis of an employee having exercised his or her rights under Section 12945.2 (the Moore-Brown-Roberti Family Rights Act).

Government Code section 19703 prohibits discrimination in the state civil service on the basis of political or religious opinions or affiliations.

Government Code section 19702, subdivision (h), also prohibits state entities from retaliating against any state civil service employee or applicant for state civil service employment who complains about discrimination or harassment on any basis listed above.

## **II. THE DISCRIMINATION COMPLAINT PROCESS**

Prior to filing a discrimination complaint with the SPB, state civil service employees and applicants for state civil service employment are first required to file a complaint with the employing department, in an effort to resolve the complaint at the lowest formal level. (See Title 2, Cal. Code Regs., §§ 53.2, 547.1.) Informal complaints and grievances are also filed directly with the employing department. The SPB will not, however, require an employee or applicant for employment to first file a complaint with the employing department in those situations where the complaint alleges discrimination by the department director or other department executive officers, or where the employee or applicant can demonstrate that it would have been futile to first file the complaint with the employing department.<sup>1</sup> In addition, any employee or applicant for employment who alleges that he or she has been retaliated against for having complained about discrimination or harassment may file a retaliation complaint directly with the SPB. (See Gov. Code § 19702(h).)

The department's Equal Employment Opportunity (EEO) Officer generally has the overall responsibility for managing the department's internal discrimination complaint process, though the process must conform to certain minimum requirements established by the SPB. (See Title 2, Cal. Code Regs., § 54.2.) This process may involve both a formal and an informal component. It is important to note that prior to filing a formal discrimination complaint with the department, individuals are encouraged to seek informal resolution of their complaints through the use of EEO counselors. Counselors should attempt to quickly gather information about the complaint and to resolve the problem in an expeditious manner. This informal resolution process should not exceed the time frame in the department's discrimination complaint review process. The SPB recommends that this informal process, as well as mediation, be used to attempt to quickly resolve complaints at the lowest organizational level possible.

The SPB's State Employee Mediation Program (SEMP) is a voluntary, no-cost, alternative informal intervention tool available to state employees who seek assistance in resolving work place conflicts, including discrimination complaints. The SEMP offers a confidential, collaborative mediation process where disputing parties have an opportunity to discuss their issues with a neutral mediator in an effort to generate mutually satisfying agreements, and has proven successful in resolving discrimination complaints. On average, cases referred to the program are mediated within 19 calendar days of intake, with approximately 97 percent of cases resulting in mutually agreeable written settlement agreements.

<sup>1</sup> In addition, state employees and applicants for state employment have the right to file a discrimination complaint directly with the DFEH and/or the EEOC, and are not required to first file their complaint either with the SPB, or with their employing department. The process described in this section pertains only to those discrimination complaints filed with the SPB.

If a complaint cannot be resolved through the informal process, or if the complainant chooses to bypass the informal process, he or she has the right to file a formal discrimination complaint with the employing department. Upon the filing of a formal complaint, the EEO officer may assign the complaint to an EEO investigator for formal investigation and provide supervision and assistance throughout the investigation process. The EEO Officer should provide the complainant with a report, or with a summary of the investigative findings. The department must render a timely final decision regarding the complaint, usually within 180 days of the complaint having been filed. Complainants must be advised of their rights in the complaint process, including their right to file an appeal of the department's decision with the SPB. If a complainant is dissatisfied with the department's response, or if the department fails to provide a timely response to the complaint, the complainant may file a formal written discrimination appeal with the SPB within 30 calendar days of the department's decision, or failure to issue a decision.

### **III. STATE PERSONNEL BOARD APPEALS PROCESS**

Discrimination appeals filed with the SPB are reviewed at intake to determine if all prerequisites for filing an appeal with the SPB have been satisfied, including whether the appellant first filed a complaint with the department. If the appeal is accepted, it is scheduled for a formal evidentiary hearing before an Administrative Law Judge (ALJ). The SPB utilizes the same legal standards employed by state and federal courts when reviewing discrimination appeals. The first day of formal hearing is usually scheduled approximately 60 calendar days after the SPB accepts the complaint. After the completion of the formal hearing, the ALJ issues a proposed decision for review by the five-member State Personnel Board (Board). The ALJ is required to issue the proposed decision within 90 calendar days of final arguments being submitted by the parties.

The Board may adopt the proposed decision, modify it in part, or revoke the proposed decision and schedule the matter for oral argument before the Board. If the Board adopts the proposed decision, the ALJ's findings of fact and conclusions of law become the Board's decision. If the Board modifies the proposed decision, only specified provisions of the ALJ's findings of fact and conclusions of law become the Board's decision. If the Board rejects the proposed decision, the parties are ordinarily permitted an opportunity to submit written briefs and to appear for a 30-minute oral argument before the Board. The Board will thereafter issue its decision in the case based on the entire administrative record. The Board is required to issue its decision within 90 calendar days of the hearing before the Board. (See Gov. Code § 18671.1.)

Any party to the Board's decision may file a petition for rehearing with the Board within 30 days of receipt of the decision. (See Gov. Code § 19586; Title 2, Cal. Code Regs., § 51.7.) Any party to the Board's decision may also file a petition for writ of mandate in the superior court. (See Code Civ. Proc. § 1094.5.)

#### IV. SUMMARY OF FINDINGS

##### Discrimination Complaints Received

During Calendar Year 2006, the number of employees in the state civil service increased by about 2.6%, from 206,440 to 211,773 as of December 31, 2006. Information from all major departments (accounting for over 95% of the state workforce) is included in this report. Complaints were filed in 65.9% of all state departments, agencies, boards and commissions (Table 1). This is a 0.8% decrease in departments receiving complaints compared to 2005. A total of 1,538 discrimination complaints were filed in 2006 by state employees; this represents an increase of 6.7% from 2005.

The most significant changes in types of complaints filed in 2006:

Type of Complaint	# change	% change
Informal	134 fewer	33.7% decrease
Court Case	5 fewer	50.0% decrease
Grievance	2 fewer	25.0% decrease
Management Inquiry	61 more	47.3% increase

In 2006, 1,916 bases of discrimination were alleged in the 1,538 complaints. The most frequent charges in 2006 remain the same five categories as cited in the 2005 report: Sexual Harassment, 21.4%; Retaliation, 19.8%; Race 15.8%; Sex 11.9%; and Disability 11.1% [See Table 2].

##### Discrimination Findings and Actions Taken

In 2006, 1,103 discrimination complaints were closed statewide. Of these, investigations were completed in 39.5% (436) of the cases. Discrimination was found in 9.1% (100) of the complaints closed [Table 3]. Adverse or other corrective action was taken in 88.0% (88) of these cases. In addition, corrective action, such as counseling or training, was taken in 26 other complaints where no discrimination was found [Table 4].

In 2005, 1,075 complaints were closed with investigations completed in 38.0% of the cases. Of the complaints investigated, discrimination was found in 6.7% of the complaints closed. Adverse or other corrective action was taken in 93.2% of these cases. Corrective action was also taken in 13 complaints where no discrimination was found.

##### Timeliness of Discrimination Complaint Decisions

It should be noted that all SPB-approved internal department discrimination complaint and that complaints open longer than 180 days are ordinarily not considered timely, unless the complainant agrees to a longer investigation period.

In 2006, the average length of time for departments to close a formal discrimination complaint was 104 days [Table 5], which is a 28.0% decrease from 2005. Of the 1,103 complaints closed, 111 (10%) of them exceeded the 180-days timeframe for processing. In 2005, 202 (18%) of the total 1,075 complaints exceeded the 180-days timeframe.

### Time and Cost Expenditures

Although 56 departments reported receiving discrimination complaints, only 29 departments (51.8%) provided some information concerning the time and cost they expended on discrimination complaints during 2006. Moreover, the time and cost information provided by many of these departments remains incomplete, particularly with respect to legal costs. Only seven out of the 56 departments reported any legal costs associated with discrimination complaints, and only five departments reported legal settlement costs. The reported settlement costs amounted to \$86,000.00. Total reported adjudicative costs amounted to \$340,362.00 [Table 7].

The actual total cost of discrimination complaint activity for departments is in all likelihood much greater. Section 19702.5(c) only mandates that departments provide the SPB with information related to, "...the number and types of formal discrimination complaints and appeals ... including the length of time required for resolution, and the complaint and appeal outcome." Consequently, departments have been extremely reluctant to provide the SPB with discrimination complaint cost information. Such cost information is essential for the SPB and the Legislature to effectively evaluate the impact of costs associated with compliance with, and/or violation of, state and federal anti-discrimination and equal employment opportunities, as well as to efficiently direct resources to those areas where additional guidance and monitoring is necessary.

### Complaints Appealed to the SPB

In 2006, discrimination complaints appealed to the SPB decreased to 209 from 344 in 2005. Of the 209 appeals, 59.8% were closed. Of the 125 appeals closed by the SPB, 20.6% were settled by negotiation or stipulation, 5.8% were granted by the board, and 1.5% were denied by the board. Of these closures, 32% were the result of a withdrawn appeal, untimely filing, insufficient grounds, lack of SPB jurisdiction, or the appellant failed to pursue the appeal. [Table 8].

## **V. DATA COLLECTION**

The SPB requires each department to report all discrimination complaint activity on a quarterly basis for the calendar year. This includes: the type of discrimination complaint; the complainant's class code, work location, sex, ethnicity, and age; disposition of complaint; types of discrimination, issues involved; remedies granted; actions taken against the responsible party; and dates of filing and closing of each complaint.

Departments were also asked to develop a tracking system for reporting total administrative time, total administrative costs, legal costs, and, if applicable, damages awarded or settlement amounts. Many departments did not complete their tracking system information during 2006; therefore, cost information is incomplete and limited.

The tables that follow in this report contain information reported to the SPB by state departments and the SPB Appeals Division for calendar year 2006.



**Table 1**  
**Total Discrimination**  
**Complaints by Department**

(Includes all pending & closed cases received in 2006)

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Department	F	DFEH	EEOC	MI	G	IF	C	Total
Afro-American Museum General Fund	0	0	0	0	0	0	0	0
Agricultural Labor Relations Board	0	0	1	0	0	0	0	1
Air Resources Board, State	0	0	0	0	0	0	0	0
Alcohol and Drug Programs, Department of	2	1	0	1	0	3	0	7
Alcoholic Beverage Control, Department of	3	0	0	0	0	1	0	4
Boating and Waterways, Department of	0	1	0	0	0	0	0	1
Bureau of State Audits	0	0	0	0	0	0	0	0
California Coastal Commission	0	0	0	0	0	0	0	0
California Community Colleges	0	0	0	0	0	0	0	0
California Conservation Corps	14	2	2	2	0	7	0	27
California Department of Aging	0	1	0	0	0	0	0	1
California Exposition and State Fair	0	0	1	0	0	1	0	2
California Highway Patrol, Department of	2	16	4	0	0	12	0	34
California Housing Finance Agency	0	0	0	0	0	0	0	0
California Integrated Waste Management Board	0	0	0	0	0	0	0	0
California Postsecondary Education Commission	0	0	0	0	0	0	0	0
California Science Center	0	0	0	0	0	1	0	1
California State Library	0	0	0	0	0	0	0	0
California State Lottery	2	0	0	1	0	0	0	3
California Student Aid Commission	0	0	0	0	0	0	0	0
Child Support Services, Department of	2	1	1	1	0	1	0	6
Commission on Teacher Credentialing	0	0	0	0	0	0	0	0
Community Services and Development, Dept of	0	0	0	0	0	3	0	3
Compensation Insurance Fund, State	44	7	6	3	1	1	0	62
Conservation, Department of	2	0	0	0	0	0	0	2
Consumer Affairs Department of	10	2	3	5	0	2	0	22
Controller, Office of the State	2	0	0	0	0	6	0	8
Corporations, Department of	0	0	0	0	0	0	0	0
Corrections, Department of	369	5	8	1	2	0	0	385
Developmental Services, Department of	41	7	5	26	0	17	2	98
Education, Department of	0	0	0	0	0	13	0	13
Employment Development Department	10	2	1	0	0	0	0	13
Equalization, Board of	4	1	2	0	0	1	1	9
Fair Employment and Housing Commission	0	0	0	0	0	0	0	0
Fair Employment and Housing, Department of	5	0	3	0	0	6	0	14
Fair Political Practices Commission	0	0	0	0	0	0	0	0
Finance, Department of	0	1	1	0	0	2	0	4
Financial Institutions, Department of	0	0	0	0	0	0	0	0



**Table 1 - Continued**  
**Total Discrimination**  
**Complaints by Department**

(Includes all pending & closed cases received in 2006)

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Fish and Game, Department of	5	2	1	0	0	2	0	10
Food and Agriculture, Department of	1	1	0	0	0	0	0	2
Forestry and Fire Protection, Department of	16	6	2	0	0	1	0	25
Franchise Tax Board	0	1	0	4	0	23	0	28
General Services, Department of	15	8	8	1	0	2	0	34
Health Services, Department of	12	5	0	0	0	6	0	23
Horse Racing Board, California	0	0	0	0	0	0	0	0
Housing & Community Development, Department of	0	1	1	0	0	0	0	2
Industrial Relations, Department of	9	1	1	0	0	0	0	11
Insurance, Department of	2	2	0	4	0	1	0	9
Justice, Department of	12	11	8	0	0	15	0	46
Legislative Counsel Bureau	4	0	0	0	1	1	0	6
Managed Health Care, Department of	0	0	0	0	0	1	0	1
Managed Risk Medical Insurance Board	0	0	0	0	0	0	0	0
Mental Health, Department of	41	7	5	26	0	17	2	98
Military Department	0	0	0	0	0	0	0	0
Motor Vehicles, Department of	42	19	6	17	0	39	0	123
Office of Administrative Law	0	0	0	0	0	0	0	0
Office of Environmental Health Hazard Assessment	1	0	0	0	0	0	0	1
Office of Real Estate Appraisers	0	0	0	0	0	0	0	0
Office of Statewide Health Planning & Development	0	0	0	2	0	0	0	2
Parks and Recreation, Department of	6	1	1	0	0	0	0	8
Personnel Administration, Department of	0	1	0	0	0	0	0	1
Personnel Board, State	0	0	0	0	0	0	0	0
Pesticide Regulation, Department of	1	0	0	0	0	0	0	1
Prison Industry Authority	3	0	2	0	0	2	0	7
Public Employees Retirement System	1	1	0	1	0	2	0	5
Public Employment Relations Board	0	0	0	0	0	0	0	0
Public Utilities Commission	0	0	0	0	0	0	0	0
Real Estate, Department of	1	0	4	2	0	1	0	8
Rehabilitation, Department of	4	3	2	0	0	2	0	11
Secretary of State	2	0	0	0	0	2	0	4
Social Services, Department of	15	6	9	5	0	1	0	36
State Coastal Conservancy	0	0	0	0	0	0	0	0
State Energy Resources Consvrtn and Comm Devp	0	0	0	0	0	0	0	0
State Lands Commission	0	0	0	0	0	0	0	0
State Public Defender	0	0	0	0	0	0	0	0
Teachers Retirement System, State	0	0	0	0	0	0	0	0
Technology Services, Department of	3	0	0	3	0	0	0	6
Toxic Substances Control, Department of	3	0	1	10	0	1	0	15

**Table 1 - Continued**  
**Total Discrimination**  
**Complaints by Department**

(Includes all pending & closed cases received in 2006)

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Transportation, Department of	101	29	11	94	2	0	0	237
Treasurer, State	0	0	0	0	0	0	0	0
Unemployment Insurance Appeals Board	1	1	1	0	0	4	0	7
Veterans Affairs, Department of	2	0	2	0	0	2	0	6
Water Resources Control Board, State	6	0	0	0	0	2	0	8
Water Resources, Department of	9	2	0	0	0	29	1	41
Youth Authority, Department of the	1	0	0	0	0	0	0	1
<b>Total</b>	818	155	101	190	6	263	5	1538

**Table 2**

**Type of Discrimination Charged  
1/1/2006 – 12/31/2006**

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Discrimination Type	Formal		DFEH		EEOC		MI		Grievance		Informal		Court		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Age	67	5.92%	16	7.44%	16	10.19%	7	3.24%	0	0.00%	4	2.17%	0	0.00%	110	5.74%
Ancestry	22	1.95%	3	1.40%	0	0.00%	0	0.00%	0	0.00%	4	2.17%	0	0.00%	29	1.51%
Color	35	3.09%	5	2.33%	2	1.27%	2	0.93%	0	0.00%	3	1.63%	0	0.00%	47	2.45%
Disability	99	8.75%	52	24.19%	29	18.47%	13	6.02%	1	16.67%	16	8.70%	2	28.57%	212	11.06%
Marital Status	16	1.41%	5	2.33%	0	0.00%	0	0.00%	0	0.00%	2	1.09%	0	0.00%	23	1.20%
National Origin	37	3.27%	14	6.51%	8	5.10%	8	3.70%	0	0.00%	11	5.98%	1	14.29%	79	4.12%
Political Affiliation	9	0.80%	1	0.47%	0	0.00%	0	0.00%	0	0.00%	1	0.54%	0	0.00%	11	0.57%
Race	171	15.12%	38	17.67%	29	18.47%	24	11.11%	1	16.67%	38	20.65%	2	28.57%	303	15.81%
Religion	20	1.77%	2	0.93%	4	2.55%	1	0.46%	0	0.00%	10	5.43%	0	0.00%	37	1.93%
Sex	120	10.61%	35	16.28%	21	13.38%	32	14.81%	2	33.33%	17	9.24%	0	0.00%	227	11.85%
Sexual Harassment	245	21.66%	8	3.72%	7	4.46%	94	43.52%	1	16.67%	55	29.89%	0	0.00%	410	21.40%
Sexual Orientation	32	2.83%	2	0.93%	0	0.00%	4	1.85%	0	0.00%	6	3.26%	0	0.00%	44	2.30%
Retaliation	253	22.37%	34	15.81%	41	26.11%	31	14.35%	1	16.67%	17	9.24%	2	28.57%	379	19.78%
Veterans Status	5	0.44%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	0.26%
<b>Total</b>	1131	100.00%	215	100.00%	157	100.00%	216	100.00%	6	100.00%	184	100.00%	7	100.00%	1916	100.00%

**Table 3**

**Disposition of Discrimination  
Complaints Reported Closed Between  
1/1/2006 – 12/31/2006\***

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Investigation Completed																
Disposition Type	Formal		DFEH		EEOC		MI		Grievance		Informal		Court		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Court found no discrimination	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	5	55.56%	5	0.45%
Discrimination Found	59	9.70%	0	0.00%	0	0.00%	32	31.07%	0	0.00%	9	3.90%	0	0.00%	100	9.07%
Discrimination Not Found	170	27.96%	43	43.00%	24	42.11%	44	42.72%	1	50.00%	49	21.21%	0	0.00%	331	30.00%
<b>Subtotal</b>	<b>229</b>	<b>37.66%</b>	<b>43</b>	<b>43.00%</b>	<b>24</b>	<b>42.11%</b>	<b>76</b>	<b>73.79%</b>	<b>1</b>	<b>50.00%</b>	<b>58</b>	<b>25.11%</b>	<b>5</b>	<b>55.56%</b>	<b>436</b>	<b>39.53%</b>

\*Cases could have been initiated before 1/1/2006

**Table 3 - Continued**

**Disposition of Discrimination  
Complaints Reported Closed Between  
1/1/2006 – 12/31/2006\***

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

<b>Investigation Not Completed</b>																
<b>Disposition Type</b>	<b>Formal</b>		<b>DFEH</b>		<b>EEOC</b>		<b>MI</b>		<b>Grievance</b>		<b>Informal</b>		<b>Court</b>		<b>Total</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
No prima facie case established	156	25.87%	2	2.00%	1	1.75%	7	6.80%	0	0.00%	19	8.23%	0	0.00%	185	16.77%
Complainant Did Not Pursue	12	1.99%	0	0.00%	1	1.75%	5	4.85%	0	0.00%	15	6.49%	0	0.00%	33	2.99%
Allegations Not based on Protected Group Status	159	26.37%	0	0.00%	0	0.00%	9	8.74%	1	50.00%	23	9.96%	0	0.00%	192	17.41%
Complaint Withdrawn	22	3.65%	5	5.00%	3	5.26%	3	2.91%	0	0.00%	4	1.73%	0	0.00%	37	3.35%
Resolved by Mutual Agreement	10	1.66%	6	6.00%	3	5.26%	2	1.94%	0	0.00%	0	0.00%	0	0.00%	21	1.90%
Right to Sue Letter Issued	4	0.66%	44	44.00%	24	42.11%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	72	6.53%
Resolved through Mediation	0	0.00%	0	0.00%	1	1.75%	0	0.00%	0	0.00%	3	1.30%	0	0.00%	4	0.36%

\*Cases could have been initiated before 1/1/2006

**Table 3 - Continued**

**Disposition of Discrimination  
Complaints Reported Closed Between  
1/1/2006 – 12/31/2006\***

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

No Remedy Possible	10	1.66%	0	0.00%	0	0.00%	1	0.97%	0	0.00%	0	0.00%	0	0.00%	11	1.00%
Informal Resolved	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	88	38.10%	0	0.00%	88	7.98%
Informal Not Resolved - Complainant Did Not Pursue	1	0.17%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	15	6.49%	0	0.00%	16	1.45%
Informal Not Resolved - Complainant Filed Formal Complaint	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	6	2.60%	0	0.00%	6	0.54%
Court Case withdrawn, settlement	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	28.57%	2	0.18%
<b>Subtotal</b>	<b>374</b>	<b>62.02%</b>	<b>57</b>	<b>57.00%</b>	<b>33</b>	<b>57.89%</b>	<b>27</b>	<b>26.21%</b>	<b>1</b>	<b>50.00%</b>	<b>173</b>	<b>74.89%</b>	<b>2</b>	<b>28.57%</b>	<b>667</b>	<b>60.47%</b>
<b>Total Cases Closed</b>	<b>603</b>	<b>100.00%</b>	<b>100</b>	<b>100.00%</b>	<b>57</b>	<b>100.00%</b>	<b>103</b>	<b>100.00%</b>	<b>2</b>	<b>100.00%</b>	<b>231</b>	<b>100.00%</b>	<b>7</b>	<b>100.00%</b>	<b>1103</b>	<b>100.00%</b>
<b>Court Case Pending</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>30</b>		<b>30</b>	
<b>Case Pending</b>	<b>939</b>		<b>162</b>		<b>112</b>		<b>199</b>		<b>4</b>		<b>124</b>		<b>0</b>		<b>1540</b>	

\*Cases could have been initiated before 1/1/2006

**Table 4****Actions Taken Against Responsible Parties  
1/1/2006 – 12/31/2006**

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Discrimination Found	Formal		DFEH		EEOC		MI		Grievance		Informal		Court		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Verbal Counseling	12	1.99%	0	0.00%	0	0.00%	6	5.83%	0	0.00%	2	0.87%	0	0.00%	20	1.81%
Informal Reprimand	6	1.00%	0	0.00%	0	0.00%	3	2.91%	0	0.00%	1	0.43%	0	0.00%	10	0.91%
Formal Reprimand	19	3.15%	0	0.00%	0	0.00%	9	8.74%	0	0.00%	0	0.00%	0	0.00%	28	2.54%
Reassignment	3	0.50%	0	0.00%	0	0.00%	4	3.88%	0	0.00%	0	0.00%	0	0.00%	7	0.63%
Suspension	2	0.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	0.18%
Reduction in Salary	2	0.33%	0	0.00%	0	0.00%	3	2.91%	0	0.00%	0	0.00%	0	0.00%	5	0.45%
Demotion	2	0.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	0.18%
Dismissal	5	0.83%	0	0.00%	0	0.00%	2	1.94%	0	0.00%	0	0.00%	0	0.00%	7	0.63%
Required Training	2	0.33%	0	0.00%	0	0.00%	1	0.97%	0	0.00%	4	1.73%	0	0.00%	7	0.63%
No Action Taken	6	1.00%	0	0.00%	0	0.00%	4	3.88%	0	0.00%	2	0.87%	0	0.00%	12	1.09%
<b>Total Discrimination Found</b>	<b>59</b>	<b>9.78%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>	<b>32</b>	<b>31.07%</b>	<b>0</b>	<b>0%</b>	<b>9</b>	<b>3.90%</b>	<b>0</b>	<b>0%</b>	<b>100</b>	<b>9.07%</b>



**Table 4 - Continued**

**Actions Taken Against Responsible Parties  
1/1/2006 – 12/31/2006**

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Discrimination Not Found	Formal		DFEH		EEOC		MI		Grievance		Informal		Court		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Verbal Counseling	5	0.83%	0	0.00%	0	0.00%	2	1.94%	0	0.00%	2	0.87%	0	0.00%	9	0.82%
Informal Reprimand	4	0.66%	0	0.00%	0	0.00%	1	0.97%	0	0.00%	0	0.00%	0	0.00%	5	0.45%
Reassignment	3	0.50%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	3	0.27%
Dismissal	2	0.33%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	0.18%
Required Training	5	0.83%	0	0.00%	0	0.00%	0	0.00%	1	50.00%	1	0.43%	0	0.00%	7	0.63%
No Action Taken	151	25.04%	43	43.00%	24	42.11%	41	39.81%	0	0.00%	46	19.91%	5	71.43%	310	28.11%
<b>Total Discrimination Not Found</b>	170	28.19%	43	43.00%	24	42.11%	44	42.72%	1	50.00%	49	21.21%	5	71.43%	336	30.46%

**Table 4 - Continued**

**Actions Taken Against Responsible Parties  
1/1/2006 – 12/31/2006**

F – Formal Departmental Discrimination Complaints  
 DFEH – Department of Fair Employment & Housing Complaints  
 EEOC – Equal Employment Opportunity Commission Complaints  
 MI – Management Discrimination Inquiries  
 G – Discrimination Grievances  
 IF – Informal Departmental Discrimination Complaints  
 C – Court Cases [Discrimination Lawsuits]

Investigation Not Completed	Formal		DFEH		EEOC		MI		Grievance		Informal		Court		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Verbal Counseling	4	0.66%	0	0.00%	0	0.00%	3	2.91%	0	0.00%	26	11.26%	0	0.00%	33	2.99%
Informal Reprimand	2	0.33%	0	0.00%	0	0.00%	1	0.97%	0	0.00%	10	4.33%	0	0.00%	13	1.18%
Formal Reprimand	0	0.00%	0	0.00%	0	0.00%	1	0.97%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
Reassignment	0	0.00%	1	1.00%	0	0.00%	0	0.00%	0	0.00%	3	1.30%	0	0.00%	4	0.36%
Reduction in Salary	0	0.00%	0	0.00%	1	1.75%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
Demotion	0	0.00%	1	1.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
Dismissal	1	0.17%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	1	0.09%
Required Training	1	0.17%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	2	0.87%	0	0.00%	3	0.27%
No Action Taken	366	60.70%	55	55.00%	32	56.14%	22	21.36%	1	50.00%	132	57.14%	2	28.57%	610	55.30%
<b>Total Investigation Not Completed</b>	374	62.02%	57	57.00%	33	57.89%	27	26.21%	1	50.00%	173	74.89%	2	28.57%	667	60.47%
<b>Total</b>	603	100.00%	100	100.00%	57	100.00%	103	100.00%	2	100.00%	231	100.00%	7	100.00%	1103	100.00%

**Table 5****Time to Close Formal Discrimination Complaints  
1/1/2006 – 12/31/2006**

Department Name	Investigation Time				Average Time (Days)
	Total Closed	0-89 Days	90-179 Days	180+ Days	
Alcohol and Drug Programs, Department of	2	2	0	0	19
California Conservation Corps	15	11	3	1	59
California Highway Patrol, Department of	1	0	1	0	177
California State Lottery	1	1	0	0	33
Child Support Services, Department of	1	0	0	1	223
Compensation Insurance Fund, State	41	14	21	6	133
Consumer Affairs, Department of	4	1	2	1	122
Controller, Office of the State	0	0	0	0	0
Corrections, Department of	305	227	26	52	89
Developmental Services, Department of	24	6	12	6	142
Employment Development Department	1	0	1	0	136
Equalization, Board of	2	0	1	1	191
Fair Employment and Housing, Department of	1	1	0	0	49
Finance, Department of	0	0	0	0	0
Fish and Game, Department of	0	0	0	0	0
Food and Agriculture, Department of	0	0	0	0	0
Forestry and Fire Protection, Department of	7	1	3	3	187
General Services, Department of	13	10	2	1	72
Health Services, Department of	15	9	2	4	97
Industrial Relations, Department of	2	0	0	2	393

**Table 5 - Continued****Time to Close Formal Discrimination Complaints  
1/1/2006 – 12/31/2006**

Insurance, Department of	3	2	0	1	149
Justice, Department of	8	5	0	3	204
Legislative Counsel Bureau	1	1	0	0	81
Mental Health, Department of	14	7	6	1	106
Motor Vehicles, Department of	38	29	7	2	51
Office of Statewide Health Planning & Development	0	0	0	0	0
Parks and Recreation, Department of	2	1	0	1	118
Pesticide Regulation, Department of	2	2	0	0	72
Public Employees Retirement System	1	1	0	0	25
Real Estate, Department of	4	0	4	0	95
Rehabilitation, Department of	1	1	0	0	83
Secretary of State	0	0	0	0	0
Social Services, Department of	8	1	5	2	169
Toxic Substances Control, Department of	2	0	2	0	169
Transportation, Department of	33	10	1	22	262
Veterans Affairs, Department of	3	1	1	1	146
Water Resources Control Board, State	1	1	0	0	86
Water Resources, Department of	4	1	3	0	116
<b>Totals</b>	<b>560</b>	<b>346</b>	<b>103</b>	<b>111</b>	<b>104</b>

## **Table 6**

### **Active Formal Complaints Exceeding 180 Days As of May 2007**

<b>Department</b>	<b># Complaints</b>
Alcohol and Drug Programs, Department of	2
Board of Prison Terms	2
Boating and Waterways, Department of	1
California Exposition and State Fair	1
California Highway Patrol, Department of	3
California Science Center	2
California State Lottery	1
Compensation Insurance Fund, State	41
Consumer Affairs, Department of	18
Controller, Office of the State	2
Corrections, Department of	545
Developmental Services, Department of	14
Education, Department of	2
Employment Development Department	11
Equalization, Board of	1
Finance, Department of	1
Fish and Game, Department of	7
Food and Agriculture, Department of	6
Forestry and Fire Protection, Department of	1
General Services, Department of	3
Health Services, Department of	4
Industrial Relations, Department of	14
Justice, Department of	7
Legislative Counsel Bureau	1
Managed Health Care, Department of	2
Mental Health, Department of	15
Motor Vehicles, Department of	10
Office of Emergency Services	15
Office of Environmental Health Hazard Assessment	1
Parks and Recreation, Department of	21
Prison Industry Authority	10
Public Employees Retirement System	1
Rehabilitation, Department of	10
Secretary of State	3
Social Services, Department of	24

**Table 6 - Continued**

**Active Formal Complaints Exceeding 180 Days  
As of May 2007**

Technology Services, Department of	4
Toxic Substances Control, Department of	2
Transportation, Department of	88
Veterans Affairs, Department of	2
Water Resources Control Board, State	3
Water Resources, Department of	24
Youth Authority, Department of	59

**Total Number of Active Complaints Exceeding 180 Days: 984**

**Number of Departments with Complaints Exceeding 180 Days: 42**

Departments that received discrimination complaints but did not report any information about time and cost are annotated with "DNR" for, Did Not Report

**Table 7**

**Partial Time and Costs Expended on Discrimination Complaints As Reported by Some Departments  
1/1/2006 – 12/31/2006**

Department Name	Time and Cost				
	Admin Time	Admin Costs	Legal Costs	Damages/ Settlement	Total Cost
Agricultural Labor Relations Board	2.5	\$0.00	\$365.00	\$0.00	\$365.00
Alcohol and Drug Programs, Department of					DNR
Alcoholic Beverage Control, Department of					DNR
Boating and Waterways, Department of					DNR
California Conservation Corps	280.9	\$11,224.50	\$2,236.48	\$29,000.00	\$42,460.98
California Department of Aging					DNR
California Exposition and State Fair	12	\$411.00	\$0.00	\$0.00	\$411.00
California Highway Patrol, Department of	1,321.00	\$66,121.92	\$0.00	\$0.00	\$66,121.92
California Science Center	2	\$150.00	\$0.00	\$0.00	\$150.00
California State Lottery	79	\$3,059.00	\$5,250.00	\$0.00	\$8,309.00
Child Support Services, Department of	168	\$5,535.00	\$0.00	\$0.00	\$5,535.00
Community Services & Devp, Dept. of	1	\$0.00	\$0.00	\$0.00	\$0.00
Compensation Insurance Fund, State					DNR
Conservation, Department Of	3	\$0.00	\$0.00	\$0.00	\$0.00
Consumer Affairs, Department of	1,287.00	\$25,500.00	\$12,000.00	\$3,000.00	\$40,500.00
Controller, Office of State					DNR
Corrections, Department of	3,138.06	\$0.00	\$0.00	\$0.00	\$0.00
Developmental Services, Department of	23	\$815.00	\$0.00	\$27,000.00	\$27,815.00
Education, Department of					DNR
Employment Development Department	3,308.46	\$57,221.98	\$1,066.51	\$0.00	\$58,288.49
Equalization, Board of	29.55	\$0.00	\$0.00	\$0.00	\$0.00
Fair Employment and Housing, Dept. of	0	\$0.00	\$0.00	\$15,000.00	\$15,000.00



*Departments that received discrimination complaints but did not report any information about time and cost are annotated with "DNR" for, Did Not Report*

**Table 7 - Continued**

**Partial Time and Costs Expended on Discrimination Complaints As Reported by Some Departments  
1/1/2006 – 12/31/2006**

Finance, Department Of	39	\$300.00	\$0.00	\$0.00	\$300.00
Fish and Game, Department of	275	\$13,070.00	\$5,000.00	\$12,000.00	\$30,070.00
Food and Agriculture, Department of					DNR
Forestry and Fire Protection, Dept. of					DNR
Franchise Tax Board	449	\$0.00	\$0.00	\$0.00	\$0.00
General Services, Department of					DNR
Health Services, Department of					DNR
Housing & Community Devp, Dept. of	100	\$2,500.00	\$0.00	\$0.00	\$2,500.00
Industrial Relations, Department of					DNR
Insurance, Department of					DNR
Justice, Department of	83.5	\$0.00	\$0.00	\$0.00	\$0.00
Legislative Counsel Bureau	379.25	\$16,481.04	\$0.00	\$0.00	\$16,481.04
Managed Health Care, Department of					DNR
Mental Health, Department of	364	\$1,900.00	\$0.00	\$0.00	\$1,900.00
Motor Vehicles, Department of					DNR
Office of EnvironHealth Planning & Devp					DNR
Office of Statewide Health Planning & Devp	12	\$800.00	\$0.00	\$0.00	\$800.00
Parks and Recreation, Department of	20	\$687.00	\$0.00	\$0.00	\$687.00
Personnel Administration, Department of					DNR
Pesticide Regulation, Department of	160	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Prison Industry Authority	9	\$311.00	\$0.00	\$0.00	\$311.00
Public Employees Retirement System					DNR
Real Estate, Department of	0	\$0.00	\$18,500.00	\$0.00	\$18,500.00
Rehabilitation, Department of					DNR
Secretary of State					DNR

Departments that received discrimination complaints but did not report any information about time and cost are annotated with "DNR" for, Did Not Report

**Table 7 - Continued**

**Partial Time and Costs Expended on Discrimination Complaints As Reported by Some Departments  
1/1/2006 – 12/31/2006**

Social Services, Department of					DNR
Technology Services, Department of	62	\$1,963.60	\$0.00	\$0.00	\$1,963.60
Toxic Substances Control, Department of					DNR
Transportation, Department of					DNR
Unemployment Insurance Appeals Board	3	\$75.00	\$0.00	\$0.00	\$75.00
Veterans Affairs, Department of					DNR
Water Resources Control Board, State					DNR
Water Resources, Department of					DNR
Youth Authority, Department of					DNR
<b>Totals</b>	<b>11,626.00</b>	<b>\$210,127.00</b>	<b>\$44,235.00</b>	<b>\$86,000.00</b>	<b>\$340,362.00</b>

*\*Administrative Costs include time spent by all EEO staff (manager/officer, investigators, counselors, and support staff), and any other staff involved, except for legal staff.*

**Table 8****Outcome of Discrimination Appeals Closed  
by the State Personnel Board in 2006**

DISPOSITION	#	<u>2006</u>		#	<u>2005</u>	
			%			%
<i>Appeals Decided or Settled</i>						
Stipulation Approved by the Executive Officer	43	20.57%		50	14.53%	
ALJ Granted/Board Adopted	12	5.75%		3	0.87%	
ALJ Denied/Board Adopted	1	0.49%		20	5.81%	
PD Rejected/ Board Granted	0	0.00%		7	2.03%	
PD Rejected/ Board Denied	2	0.96%		3	0.87%	
<b>Subtotal:</b>	<b>58</b>	<b>27.75%</b>		<b>83</b>	<b>24.13%</b>	
<i>Other Appeals Closed</i>						
Appeal Not Accepted – No Jurisdiction, No Grounds, or Not Timely	15	7.18%		51	14.83%	
Appeal Withdrawn	49	23.44%		67	19.48%	
Appellant Did Not Appear For Hearing	3	1.44%		7	2.03%	
<b>Subtotal:</b>	<b>67</b>	<b>32.06%</b>		<b>125</b>	<b>36.34%</b>	
<b>SUMMARY</b>						
			<u>2006</u>			<u>2005</u>
<b>Total Appeals Filed &amp; Closed:</b>	<b>125</b>	<b>59.81%</b>		<b>208</b>	<b>60.47%</b>	
<b>Total Appeals Filed &amp; Pending:</b>	<b>84</b>	<b>40.19%</b>		<b>136</b>	<b>39.53%</b>	
<b>TOTAL APPEALS:</b>	<b>209</b>	<b>100.00%</b>		<b>344</b>	<b>100.00%</b>	