

Employment Discrimination & L.A.'s Civil and Human Rights Ordinance

September 2018

LOCAL ENFORCEMENT NOW CAMPAIGN OBJECTIVES

- As the Immigrant Affairs, Civil Rights, and Equity Committee establishes a commission and finalizes the language of the Civil and Human Rights Ordinance on Thursday September 6, 2018, the Local Enforcement Now Campaign seeks to ensure the strongest worker protection through the following recommendations:
- **The Legislative Intent for Lifting State Preemption Should Support the City Being a Champion and Advocate for Employment Discrimination Protections:** The city is committed to rooting out all forms of discrimination and advancing civil rights. The city recognizes that employment discrimination is the most common basis of all civil rights complaints filed in the state of California. Further, the city stands as a ready and willing partner to help the State of California guarantee that all people who experience discrimination have an opportunity to redress that injustice.
 - **The Bureau of Contract Administration and the Civil Rights Commission Co-Enforce the Employment Discrimination Ordinance:** To be effective, there should be a formal interdepartmental collaboration between the Civil Rights Commission and the Bureau of Contract Administration (BCA) to enforce employment discrimination on a local level. The local enforcement body should have sufficient investigative powers, including the right to issue subpoenas, access workplaces, and expand the scope of charges based on an investigation. Other cities such as San Francisco, Seattle, New York, and Chicago have followed similar models of co-enforcement between civil rights commissions and office of labor and/or wage standards.
 - **The Civil and Human Rights Ordinance is Prepared to Act Before State Preemption is Lifted:** Before state preemption is lifted, the City can engage in activities that educate the community, prevent, discourage, and respond to employment discrimination. These activities include culturally appropriate outreach, education about FEHA rights and statutory time limits for complaints, referrals to the Department, investigation, fact gathering, including gathering through subpoenas, workplace site visits, collection of data, mediation, intake assistance and outreach, referral to the Department and partnerships with community based organizations.
 - **Enforcement of the Civil and Human Rights Ordinance Requires Adequate Funding and Resources to Meet Our City's Needs:** San Francisco's local workplace enforcement budget is around \$482,125 per year. Seattle's local enforcement budget is around \$500,000 per year. The City of Los Angeles' estimated workforce is four times that of San Francisco and five times that of Seattle.
 - **Local Agencies Should Partner with DFEH:** Local agencies shall be statutorily required to report to DFEH any FEHA complaints filed with them in order to avoid complainants having the same complaint investigated by more than one administrative body. This report shall be made public. Local agencies reports to DFEH will assist in identifying trends of discrimination and protect workers.

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Submitted in IACRE Committee

Council File No: 18-0086

Mem No. 6

Deputy: Comm. from Public

- **The City's Remedies Should Not Impede on State Rights and Remedies:** Discrimination complaints generally should be filed within 6 months of the last date of harm to preserve the complainant's right to state and federal remedies.

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