

# Joint Memorandum

THE AMERICAN JEWISH COMMITTEE

165 EAST 56th STREET • NEW YORK 22, N. Y.

THE ANTI-DEFAMATION LEAGUE  
OF B'NAI B'RITH

515 MADISON AVENUE • NEW YORK 22, N. Y.

SUBJECT: Two Rulings of the Michigan FEPC

FROM: Sol Rabkin and Theodore Leskes

DATE: January 19, 1961

DIGEST: On November 9, 1960 the Michigan Fair Employment Practices Commission ordered the school board of Taylor Township to cease and desist from its unfair employment practices against two Negro complainants and to offer them teaching employment for the school year 1961-1962. The Commission also ordered the school board to pay the complainants back pay beginning September 1959 through and including the school years 1960-1961, less any earnings each complainant may have received from other employment.

On November 9, 1960 the Michigan Fair Employment Practices Commission ruled on the basis of public hearings held in two complaints against the school board of the Township of Taylor on June 30, July 1, 7, 8, 28, 29 and October 3, 1960. The school board was charged with racial discrimination in that it refused to hire two Negro complainants who had applied for jobs as teachers. The Commission also found that "a pattern of discrimination against Negro teachers" had developed; that the respondent in its total policy and pattern of employment excluded Negro teachers from the school system by the application of nebulous, elusive and subjective standards which led to arbitrary, capricious and discriminatory hiring.

The Commission rejected the contention of the school board that the state education law authorizes the superintendent to determine teacher qualifications and that therefore the Commission was without power to involve itself in the matter. It took the position that the superintendent in screening applicants "must not discriminate on the basis of race." The Commission likewise rejected the contention that its award of back pay was punitive. Rather it stated that this award was "simply to correct and compensate for a serious inequity" and pointed out that such an award was clearly authorized by specific language in the Michigan Fair Employment Practice Act.

We have been informed that the school board intends to appeal to the courts against this ruling of the Michigan Fair Employment Practices Commission.

No. 317

## MEMORANDUM

To: Ed Howden  
From: Don Henry  
Subject: PROCEDURE IN DEALING WITH RESPONDENT'S CONTACTS

Date: 3 January 1960

(1) Your memorandum to me dated 28 December, concerning Case A-231, NAVARRO/Stanislaus County Probation Department, raises once more a problem which has appeared in a number of cases in which you were contacted directly by the respondent's representative, and felt it necessary to give some immediate answer to him, rather than referring the matter to the staff member to whom the handling of the case had been assigned. In some of these cases, delay and confusion have resulted from such intervention. Your discussions with Stanislaus County Counsel Fred Reyland in the current case have made possible a recession by respondent from an oral commitment made to hold the position open for a two-week period. It was the attempt of the assigned consultant and myself to extend this period. Furthermore, a solution of the problem presented in this case appeared to require dealing with a particular individual; the conversation with Ryland resulted in another person being sent, with a consequent inconclusive meeting.

(2) In the complaint of Woods against Abar Employment Agency (A-128) the contact with the respondent resulted in a very lengthy delay in the handling not only of this complaint, but of three others made by Woods: (A-129 against the Department of Motor Vehicles; A-146 against RCA; and A-164 against Crucible Steel). Delay and confusion has also occurred because of such contact in the Booker complaint against the State Personnel Board (A-209), and in the King complaint against the University of California A-213). In the Hedrick complaint against the Robert Louis Stevenson School (A-043) the contact with you by respondent was handled by reference to the assigned consultant, and neither delay nor confusion occurred.

(3) In cases in which the respondent contacts you directly, there often appears the difficult and touchy problem of the assigned staff member's judgment, and of the propriety of his actions in dealing with the respondent. In several such cases, policy questions remained to be decided as well.

(4) It is respectfully and urgently recommended that all such contacts of respondent with the Chief henceforth be handled as the first step by reference to the staff people assigned to the case in question, with such

1-3-61

To: Ed Howden  
From: Don Henry  
Re: Procedure in Dealing with Respondent's Contacts

subsequent conferences, discussions, or other actions as then appear necessary. It appears to me to be impossible for the Chief to handle such contacts without full briefing by staff. Routine procedures in handling these contacts are needed to ensure that the Division staff may act and speak in a consistent way, with minimal misunderstanding and maximum confidence.

(5) If you are not now receiving weekly reports as to the new complaints filed during the preceding week, it is suggested that some such procedure be arranged, so that you can request further information in cases which are of special interest to you.

(6) Whatever your decision is on this matter, it would be most appreciated if you would discuss the issue at one of our weekly staff meetings in the near future, as the apprehension of staff members that they will not be supported in their processing of cases may have an adverse effect upon morale.

---

Don Henry  
Northern Area Supervisor

DKH/ge

cc: Mr. Brombacher ✓  
Mr. Dellums  
Mr. Delury  
Mr. Glover

## MEMORANDUM

To: Mr. C. L. Dellums

typed  
Date: December 6, 1960  
from draft dtd 12/1/60

From: Frank E. Clarke *FEC*

Subject: Civil Service Information requested November 30 in our conference.

I. In a conference with Berger of the Alameda County Civil Service Commission, he volunteered this info:

Members of Alameda County Civil Service Comm.

1. Leon A. Clark - Chairman  
Attorney term expires Jan. 2, 1961
2. Clifford Burnhill  
Attorney term expires Jan. 1963
3. Thad B. McCarty  
Businessman term expires Jan. 1965

II. Newman of the Oakland Civil Service Board told me that the city has 5 members on its board who serve six year terms. The members are appointed by the mayor subject to confirmation by the City Council.

Members of the Oakland Civil Service Board

1. Frank A. DeMartini<sup>(1)</sup>  
Retired - Former Secretary of Teamster's term exp. 6-30-61
2. Harvey H. Bechtel  
Attorney for Bank of America term exp. 6-30-65
3. George Jacopetti (President of Board)  
General Insurance term exp. 6-30-64
4. Raymond C. L'Heureux  
Dexter Services (Div. of Safeway Stores) term exp. 6-30-63
5. Harold Lorentzen  
Businessman (Lorentzen floor coverings) term exp. 6-30-62

Note: #1) Mr. DeMartini's term expires in six months, so we might approach the Mayor about that slot.

#2) Crew (Personnel Director) serves as secretary to the commission, without a vote, supposedly.

#3) Did you see article in 11-30-60 Oakland Tribune

FEC:ar

67167

STATE OF CALIFORNIA  
MINI-MEMO  
STD 100-B (REV 10-69)

TO: Commissioner C. L. Dellums SUBJECT: Settlement Agreements

DATE  
29 Oct 1976

M Enclosed please find a copy of a proposed settlement agreement which I feels could be used.  
E I think they would contain requirements which respondents often seek from such an agreement  
S as well as provide some protection for the complainant. Paragraph two (2) protects the  
S respondent as well as the complainant. The other paragraph reiterates what we have always  
A said for respondent to do, but formalizes it in written form. Any combination of relief  
G could be use d and would depend on the nature of the offenses and the needs of the complain  
E ant.

RETURN TO

SIGNED

▶ Ron Gee, Area Administrator

ADDRESS

ant.

R Would like your comments.

E

P

L

Y

SIGNED

▶

ADDRESS

DATE

SEND PARTS 1 AND 3 INTACT - PART 3 WILL BE RETURNED WITH REPLY

SETTLEMENT AGREEMENT

CASE TITLE: FEP

COMPLAINANT: (FULL NAME OF THE COMPLAINANT)

RESPONDENT: (FULL NAME OF THE RESPONDENT)

As a result of this complaint being filed with the California Fair Employment Practice Commission, the Respondent hereby agrees to resolve this matter under the following terms and provisions:

1. Non-Admission of Violation. It is understood that this agreement does not constitute an admission by the Respondent of any violation of the California Fair Employment Practice Act nor of Title VII of the Federal Civil Rights Act of 1964, as amended.
2. Covenant Not to Sue. The Parties hereby waive, release, and covenant not to sue with respect to the matters which are alleged as filed with the California Fair Employment Practice Commission and/or the Federal Equal Employment Opportunity Commission. In respect to the Complainant, this is subject to performance by the Respondent of the promises and representations contained herein. In the event of dispute, the Fair Employment Practice Commission shall determine whether the Parties have complied with the terms of this agreement.
3. Non-Discriminatory Employment Practices. All hiring, promotion practices, and other terms and conditions of employment shall be maintained and conducted in a manner which does not discriminate in violation of the California Fair Employment Practice Act nor in violation of Title VII of the Federal Civil Rights Act of 1964, as amended.
4. Prohibition of Retaliation. The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under the California Fair Employment Practice Act and Title VII of the Federal Civil Rights Act of 1964, as amended or because of the filing of a charge; or for giving testimony or assistance or participation in any manner in any investigation, proceeding, or hearing under the aforementioned Acts.
5. Review of Compliance With Agreement. The Respondent agrees that upon request of the Complainant to the Fair Employment Practice Commission, the Commission may review compliance with this agreement. As a part of such review the Commission may require written reports concerning compliance, may inspect the premises, examine witnesses, and examine and copy documents.
6. Relief for the Complainant. As evidence of good faith to resolve this matter, the Respondent offers and the Complainant accepts the following proposal of settlement:

CASE TITLE:

- a. Respondent agrees to immediately offer employment to the Complainant in the position of \_\_\_\_\_ at a pay rate of \_\_\_\_\_. Notification to Complainant shall be by Certified Mail-Return Receipt Requested. Complainant shall within ten (10) days after receipt notify Respondent of decision to accept or decline offer.
- b. Respondent agrees to make the payment of \$ \_\_\_\_\_ to the Complainant which would represent the lost earnings minus interim earnings.
- c. Respondent agrees to make necessary adjustments in the position of seniority and other fringe benefits that would have accrued had the Complainant been hired (not been terminated; been promoted, etc.)
- d. The Respondent agrees to pay the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) to the Complainant as satisfaction to the complaint.

Upon the execution of the terms of this agreement, this shall be a full, complete, and final settlement of any and all complaints against the above Respondent in this matter by the Complainant. The fulfillment of this agreement shall be subject to the terms as mentioned above.

FOR THE COMPLAINANT

FOR THE RESPONDENT

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

FOR THE CALIFORNIA FAIR EMPLOYMENT PRACTICE COMMISSION

\_\_\_\_\_

DATE \_\_\_\_\_

FOR THE FEDERAL EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (IF NEEDED)

\_\_\_\_\_

DATE \_\_\_\_\_

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SOUTHERN OFFICE: Room 256 • 590 N. Vermont Ave. • Los Angeles 4, Calif. • NOrmandy 2-1148

## THE CIVIL RIGHTS AGENDA

### IN THE 1961 CALIFORNIA STATE LEGISLATURE

(A summary of the California Committee for Fair Practices  
December 3rd Conference on Civil Rights Legislative Priorities)

#### GENERAL PRINCIPLES

The provision for administrative enforcement of all anti-discrimination laws (as we have in the field of employment with the FEP Commission) was considered a basic goal.

The problem of discrimination in housing was considered the problem which solution would have the most impact in improving democratic practices in the State.

#### LEGISLATION

Our NUMBER ONE OBJECTIVE is a bill which will:

1. Place the law forbidding discrimination in the sale or rental of housing under the FEP Commission for enforcement, and, in the process, change the Commission to a broader Fair Practices Commission.
2. Extend the present law which prohibits discrimination in government-assisted housing to cover all housing.

-more-

Bernard Rodin  
Mrs. Edward Roodberg  
Joseph Roos  
William Rosenthal  
William M. Roth  
Bert Rule  
Edwin A. Sanders  
Masao Satow

Fred Schreiber  
Dr. Harvey J. D. Seifert  
Milton A. Senn  
Dr. Otto Schirn  
Joseph E. Smith  
Lionel Steinberg  
William Strong  
Benj. H. Swig

Louis A. Tabak  
George L. Thomas  
Richard M. Thomas  
Clarence E. Todd  
Matthew Tobriner  
Dr. Kazue Togasaki  
Leo Vie  
Leon Washington, Sr.

Meyer Weintraub  
Dan West  
Helen Wheeler  
Franklin H. Williams  
Mrs. Josephine M. Williams  
Dr. Thomas Wu  
Joseph Wyatt, Jr.  
David Ziskind

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 ROY M. BROWN, National General Vice-President, International Association of Machinists  
 JACK BRUHL, Vice-President, California Labor Federation  
 JOHN BUCHANAN, Secretary-Treasurer, Local 78, Building Service Employees  
 N. J. CARMEN, Regional Director, International Union of Operating Engineers, and Vice-President, California Labor Federation  
 HAROLD E. CHANDLER, Business Representative, Local 52, Laundry Workers International Union  
 JOE W. CHAUDET, Typographical Union, Local No. 36  
 I. L. CHILDERS, Business Representative, Alameda County Building Trades Council  
 J. J. CHRISTIAN, Executive Secretary, Los Angeles Building Trades Council; Vice-President, California Labor Federation  
 ROBERT R. CLARK, Assistant Director, District 38, United Steel Workers of America; Vice-President, California Labor Federation  
 LUTHER M. DANIELS, Executive Vice-President, Service and Maintenance Employees, Local No. 399  
 JOHN DIAL, Representative, Amalgamated Clothing Workers  
 MANUEL DIAS, General Vice-President, California Labor Federation  
 ARTHUR F. DOUGHERTY, Secretary, Bartenders Local No. 41; Vice-President, California Labor Federation  
 SAM B. EUBANKS, Vice-President, California Labor Federation, San Francisco  
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 JOHN T. GARDNER, Secretary-Treasurer, Municipal Truck Drivers & Helpers No. 403  
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 JACK GOLDBERGER, Business Manager, Newspaper Drivers Union, No. 921  
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 PAUL L. JONES, Secretary-Treasurer, Construction & General Laborers, Local 304, and Vice-President, California Labor Federation, Oakland  
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 JEROME POSNER, Manager, Los Angeles Joint Board, Amalgamated Clothing Workers  
 HOWARD REED, Vice-President, California Labor Federation, Martinez  
 WOODROW REDO, Vice-Chairman, Fair Practices Committee, Greater Los Angeles CIO Council  
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 CHARLES L. SMITH, Director, District 38, United Steelworkers of America  
 JOHN SNIDER, President, District Lodge 727, International Association of Machinists  
 PAT SOMERSET, President, State Theatrical Alliance, and Vice-President, California Labor Federation  
 ISIDOR STENZOR, Manager, Los Angeles Cloak Joint Board, ILGWU  
 THELMA THOMAS, Director, AFL Voters League, Los Angeles  
 L. B. THOMPSON, Secretary-Treasurer, Los Angeles Local, Brotherhood of Sleeping Car Porters  
 EDWARD S. TURNER, National Vice-President, Seafarers International Union  
 RONALD T. WEAKLEY, Business Manager, Local 1245, IBEW  
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 REV. RICHARD W. WHITMORE, Sacramento  
 REV. GILBERT ZIMMERMAN, Los Angeles

Civil Rights Agenda  
1961 Calif. State  
Legislature (cont'd)

Page Two.

In addition, we will be supporting bills to:

- Make it possible for non-citizens, who have lived here for at least 25 years to receive old-age assistance. This will finally give equal treatment to people (mostly Mexican-Americans) who have paid taxes and sent children into the armed forces but are now unable to receive state-aid because of problems which have prevented them from completing their naturalization.
- Provide that non-discrimination shall be a condition for holding a business or professional license from the State of California, and that the licensing agency shall suspend or revoke a license if its holder persistently discriminates.
- Protect the families who are displaced by Urban Redevelopment so that these families (usually of minority people) will have adequate housing at prices they can afford, if they are forced to move.
- Provide for some recourse for the arrested citizen in cases which are commonly referred to as "police brutality". So often the people who have suffered in these cases have been members of minority groups.
- Amend the "vagrancy laws" to make clear that a person may be arrested, tried, etc., for his illegal conduct or actions, but not merely because of his status in life.

CL.

FAIR EMPLOYMENT & HOUSING COMMISSION



Memorandum

To : Steven C. Owyang  
Executive and Legal  
Affairs Secretary

Date : February 23, 1983

Subject: AGENCY MEETING

From : JOY FISHER  
Commission Counsel

As per your instructions, I attended a meeting held by Robert Vandervogen on behalf of the agency secretary, Shirley Chilton. The meeting was at 10:00 a.m. on February 23; an agenda is attached. A summary of the matters discussed follows:

Press Release Policy--For the time being, all press releases, and particularly those having anything to do with policy matters, should be submitted to agency at least three days before their intended release. That way, if necessary, they can be forwarded to the Governor's office at least two days before release.

Responding to the "Media"--Secretary Chilton would like to be informed regarding what reporters are calling, what questions they are asking and, in our estimation, what other state agencies are likely to be contacted regarding the same issue. This information should be presented in a written weekly summary unless something of immediate import occurs, in which case an immediate phone call to the agency's office would be appreciated.

Handling Interviews--The agency secretary would like to be kept informed of who is interviewing the director (in our case, I suppose that would mean the Commissioners or the Executive and Legal Affairs Secretary). The secretary wants each department to insure that a public information officer from the department is present at all such interviews, and asked that all such interviews be taped by each department so that a record is kept.

News Conference Information--Agency is requesting each department to be prepared to input information on potential issues that might come up at interviews with the agency secretary or the Governor. The agency would like that input to take the form of possible questions that might come up together with suggested answers. If the issue is under study, it should be explained who is studying it and when we anticipate a response will be forthcoming. That information can be submitted in the weekly summary, or through a telephone call, if, in our judgment, the input should be immediate. Departments should also expect to receive phone calls from agency and be prepared to respond to such calls on very short notice.

House Organs/Newsletters--The agency secretary has requested that she be put on the mailing list for any such publications.

Informational Literature/Pamphlets--A moratorium has been declared on the issuance of any new informational literature or pamphlets. Existing literature or pamphlets may be reprinted provided they are not affected by the freeze on budget expenditures. The moratorium is primarily a result of fiscal concerns, but is also for the purpose of evaluating whether conflicting information is being or is about to be made available to the public.

Discussion

Robert Vandervogen stressed that the imposition of these rules is not for the purpose of limiting freedom of response to the media. Rather, the agency secretary is desirous of being kept informed so that she does not "read about it in the Union." In addition, if there is a conflict of opinion on a particular issue between departments in her purview, she wants to be the first one to know about such conflict.

JF:clu

Attachment

AGENDA

Public Information Officer Meeting

1. Introductions and overview
2. Press Release policy
3. Responding to the "Media"
4. Handling Interviews
5. News conference information
6. House Organs/Newsletters
7. Informational literature/pamphlets
8. Discussion and close

C.L.



STATE AND CONSUMER SERVICES AGENCY  
Department of Fair  
Employment and Housing

## Memorandum

To: General Counsel  
Legal Section South  
Legal Section North  
Regional Administrators  
District Administrators  
Unit Managers  
Commission Counsel  
Technical Specialist

Date: September 11, 1984

Due Date:

From: Don Henry *DH*  
Legislative Coordinator

Subject: Possible Changes in Statutes

Attached please find a summary of some suggestions for possible changes in the statutes affecting the operation of our Department. This summary is being circulated with the request for comments and any additional suggestions you may have.

A final update of measures of interest considered by the Legislature during its 1983-84 session will be sent to you as soon as the Governor has taken final action on them.

DH:wpc

Attachment





## Memorandum

To: Betty Reader  
Ed Gipson  
Jan Huttula  
Linda Orozco-Miller

Date: July 25, 1984

Due Date:

From: Don Henry *UWH*  
Legislative Coordinator

Subject: Possible Changes  
in Statutes

Review of possible changes in the statutes administered by the Department has resulted in the following suggestions. Some District Administrators and other officers may be making further suggestions in the near future.

1. Provide in the Act for a non-disability parental leave of up to six months for all employees, male and female, during the pregnancy of the wife or after the birth of the child.
2. Clarify the Department's authority with respect to equal pay for work of comparable worth. (Comment: This might be accomplished through administrative directive or Commission regulation.)
3. Extend provisions forbidding age discrimination to persons of all ages, to deal with the problem of rejection of applicants because they are "too young", although they are otherwise qualified.
4. Extend protection to persons discriminated against because of felony convictions for which they have served prison sentences.
5. Extend protection against discrimination in housing against families with children through amendment of the Fair Employment and Housing Act proper. The inclusion of such protection only under the Unruh Act is less visible and potentially ambiguous, particularly as to remedy (see below).
6. Clarify Commission enforcement authority with respect to Unruh through amendment of the FEHA, including removal of the inconsistent cross-reference language to Unruh in the housing and employment portions of the main Act.
7. Add departmental authority to seek and obtain a court order for on-site investigations. (Note: This authority was challenged in a recent case, and Legal has confirmed that the Department does not now have this power.)
8. Remove the exemptions as employers of religious non-profit organizations.



9. Remove the exemptions from the housing provisions for non-profit religious, fraternal or charitable associations or corporations.
10. Broaden third-party filing rights, with the idea of encouraging those observing violations of the Act to seek remedy for those suffering from the violations. (Comment: This might also be accomplished through administrative direction or Commission regulation.)
11. Allow for direct employment of hearing officers by the Commission, rather than requiring it to use officers supplied by the Office of Administrative Hearings as at present.
12. Remove or raise the \$1,000 limit on punitive damages in housing cases, and clarify the Commission's authority to assess actual and compensatory damages in such cases; clarify its authority to assess punitive and compensatory damages in employment cases. Clarify the provision concerning the provision for adjustment of the \$1,000 punitive damage limit in housing case in accordance with the Consumer Price Index to specify the determining baseline date, the dates upon which the annual adjustments are to be made, and the like. (Comment: This last change might be accomplished through administrative directive.)
13. Remove, clarify, or extend the Department's anti-violence responsibilities under the Ralph Act. DFEH representatives are not sworn law enforcement officers carrying weapons and trained to act in this area; therefore, it is argued, they should not be asked to perform as peace officers. On the other hand, it is urged that there is great public concern about civil violence visited upon persons because of their ethnic identity, political affiliation, sex, or position in a labor dispute. (Note: It was suggested that cases of sexual harassment involving physical assault could be filed under the Ralph Act.)

Further suggestions are solicited and will be reported as they are received.

DKH:wpc