

Carton 11:26 29 THE BROTHERHOOD OF SLEEPING CAR PORTERS

Owyang, Steven


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PHONE CALL

FOR	RA	DATE	3/18/02	TIME	A.M.
M	STEVE DWYANG				
OF					
PHONE	415-557-0899		FAX		
MESSAGE	Re: C.L. DELLUMS				
SIGNED					

☐ TELEPHONED
☐ RETURNED YOUR CALL
☒ PLEASE CALL
☐ WILL CALL AGAIN
☐ CAME TO SEE YOU
☐ WANTS TO SEE YOU


1154

FAIR EMPLOYMENT & HOUSING COMMISSION

1390 MARKET STREET, SUITE 410
SAN FRANCISCO, CA 94102-5377
(415) 557-2325



Speech

**CIVIL RIGHTS ENFORCEMENT
UNDER THE CALIFORNIA
FAIR EMPLOYMENT AND HOUSING ACT**

Steven C. Owyang
May 11, 1998

The Fair Employment and Housing Commission (Commission) and the Department of Fair Employment and Housing (Department) comprise the largest state civil rights enforcement agency in the nation. They enforce the Fair Employment and Housing Act and its related statutes (the Unruh and Ralph Civil Rights Acts), which provide California residents broad civil rights protections regarding: discrimination in employment, housing, and public accommodations; pregnancy disability leave; family and medical leave; and hate violence. The Department and the Commission are separate entities located in the State & Consumer Services Agency.

The Department receives, investigates, conciliates, and prosecutes complaints of discrimination. With the support of Governor Wilson and Agency Secretary Joanne Kozberg, Department Director Nancy Gutierrez has worked aggressively to modernize the Department's investigative processes, and to secure the funding and staffing to meet Department's growing jurisdiction and workload. The Department's headquarters are in Sacramento, and maintains legal offices in Sacramento and Los Angeles, specialized housing discrimination offices in Oakland and Los Angeles, and district offices throughout the state.

The Commission's primary activities are administrative adjudication, regulations, legislation, and public information and education. The Commission consists of seven Commissioners appointed by the Governor and confirmed by the state Senate. The Commissioners are Lydia I. Beebe (Chairperson) (attorney and Corporate Secretary, Chevron Corporation), Phyllis W. Cheng (Vice Chair) (attorney in private practice), Euiwon Chough (small business owner), T. Warren Jackson (Sr. Labor Relations Attorney and Vice President of Workforce Diversity, Hughes Electronics), Theron E. Johnson (Pilot, United Airlines), and Ann-Marie Villicana (attorney, member of Pasadena City Council). In December 1997, Governor Wilson appointed former Commissioner Michael Johnson to the bench, leaving a vacancy on the Commission. The Commission's staff consists of Executive and Legal Affairs Secretary Steven C. Owyang, five Hearing Officers and Commission Counsel, an Administrative Assistant, and a small clerical support unit.

History

The Commission's history traces back to the World War II, and A. Phillip Randolph's March on Washington. Shortly after the war, civil rights groups, religious leaders, and labor organizations campaigned to have various state legislatures pass fair employment laws. C.L. Dellums of the Brotherhood of Sleeping Car Porters was a primary leader in California effort. After many unsuccessful attempts, the California Legislature passed the Fair Employment Practice Act (FEPA) in 1959; thus the California law was passed five years before the Civil Rights Act of 1964. The state Act created the Commission (then known as the Fair Employment Practice Commission) and Division of Fair Employment Practices. C.L. Dellums was appointed to the first Commission, and served from 1959 to 1985. In 1963, the Rumford Fair Housing Act was passed, with enforcement authority given to the FEPC and DFEP.

The FEPA was expanded in the 1970s to include discrimination based on sex, marital status, physical handicap, and age. In the late 1970s, California became one of the few states to mandate job-protected pregnancy disability leave. Organizational reform in 1978 separated the prosecutorial and adjudicatory roles between the DFEP and the FEPC. In 1980, passage of the Fair Employment and Housing Act (FEHA) resulted in DFEP receiving departmental status as the Department of Fair Employment and Housing, and the FEPC being renamed the Fair Employment and Housing Commission. The Fair Employment Practices Act and Rumford Fair Housing Act were combined into the FEHA.

Developments under the Wilson Administration

The 1990s have seen greatly increased enforcement activity and significant expansions of the FEHA's jurisdiction and substantive protections. Governor Wilson has signed bills which:

- authorized the Commission to use its own Hearing Officers to conduct administrative adjudication. This has enabled the Commission to hear and decide cases more quickly and efficiently;
- authorized the Commission to award compensatory damages for emotional distress and administrative fines in employment cases.
- provided job-protected family and medical leave to employees under the California Family Rights Act for their own serious health conditions, and for the serious health conditions of their parents, spouses, and children. In conjunction with California's pregnancy disability leave law, the Family Rights Act provides California workers with among the strongest job-protected family leave rights in the nation;
- amended the FEHA's disability discrimination protections to conform with the federal

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Americans with Disabilities Act, and expanded the Commission's jurisdiction to include mental disabilities in employment;

- expanded employee protections against sexual harassment, and required employers to provide specific information on sexual harassment;
- conformed the FEHA's housing discrimination provisions to the federal fair housing law, expanded the FEHA to cover housing discrimination based on familial status, and authorized the Commission to award civil penalties and compensatory damages for emotional distress;
- required employers to reasonably accommodate pregnant employees;
- made it unlawful for employers to refuse, on account of sex, to allow an employee to wear pants to work;
- extended the Commission's jurisdiction to Civil Code sections protecting disabled individuals' access to public places and highways, and their use of service animals;

In addition to these expansions of the FEHA, Governor Wilson has supported major budget augmentations which have enabled the Department and Commission to increase their staff, modernize equipment, and step-up enforcement activities:

- The Department and Commission form the largest state civil rights enforcement agency in the nation. Unlike most other state and federal civil rights enforcement agencies, California provides a "one stop" comprehensive enforcement process -- i.e., the Department receives, investigates, conciliates and prosecutes complaints, and the Commission adjudicates cases with comprehensive remedial powers. Individuals filing complaints need not hire their own attorneys or resort to the court system, although they have that option.
- The Department now receives 18,000+ complaints annually, more than twice the number of a decade ago;
- The Department maintains work-sharing agreements with the Equal Employment Opportunity Commission (employment discrimination cases) and the Department of Housing and Urban Development (housing discrimination cases);
- In the past five years, the Department has doubled the number of accusations (the initiation of formal administrative adjudication) filed with the Commission:

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93/94 107

94/95 105

95/96 159

96/97 161

97/98 YTD 200+

- Department attorneys now also prosecute discrimination cases in the state courts, as well as before the Commission;
 - The Department and Commission have diverse and well-trained staffs. The Commission's staff, though numbering fewer than one dozen, speaks English, Spanish, Tagalog, Cantonese, and Mandarin (and Australian!);
 - The use of Commission Hearing Officers has enabled the Commission to: resolve discovery disputes without requiring the parties to go to court; implement a highly successful settlement conference procedure; and issue decisions on a more timely basis;
 - The Commission has filed amicus curiae briefs in the appellate courts in important civil rights cases. Recent examples have been: Lai and Viernes v. Prudential Life Insurance, holding an employer liable for sexual harassment committed by supervisor; Marques v. Wells Fargo Bank, holding that the National Bank Act does not preempt the Fair Employment and Housing Act in a discrimination case filed by an officer of a national bank;
 - The Commission and Department work with the Attorney General's Civil Rights Enforcement Unit, and with their counterparts at the EEOC, HUD, and Department of Labor;
- Realizing that enforcement activities alone are insufficient to promote civil rights, the Department and Commission engage in various outreach and education efforts:
- The Department provides a toll-free telephone number (800-884-1684) with information on the Act, the regulations, and the complaint process;
 - The Department and Commission frequently provide speakers for conferences and seminars; former Commissioner (now Judge) Michael Johnson was also the Chair of the State Bar Labor and Employment Law Section. Commissioner Warren Jackson is also a member of the California Employment Law Council;
 - The Department and Commission participate in the Employment Roundtables, which bring the enforcement agencies, industry representatives and employee organizations together for discussion of recent developments and issues;
 - The Commission's precedential decisions are published by California Continuing Education of the Bar, and are available online from Westlaw. The Commission is currently negotiating

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with two other online legal research providers to make its decisions available online;

- The Commission and Department are exploring creation of a website;
- A Commission staff person is assigned as a liaison on hate violence issues, and works with civil rights groups, the Attorney General's office, and local law enforcement agencies on hate violence prevention and response;
- The Commission co-produced a comprehensive attorneys' manual for litigating hate violence cases under the Ralph and Bane Civil Rights Acts.

Conclusion

California's civil rights laws are among the strongest in the nation. The Fair Employment and Housing Act covers a broader range of employers, employees, and housing accommodations, protect against more bases of discrimination, and than their federal analogs. Those laws are enforced by well-trained and motivated enforcement agencies, and supported by active and well-informed industry groups, civil rights, labor and community organizations, and the legal community.

Don Stern + Susan

Thank you so much
for pushing me on unknown
last week. I really
enjoyed talking with both
of you, and your
comments were informative
and deepened my
understanding of C.L.
Please let me know if
you come across any
documents that might help
my research.
My Many Thanks,

MA

Cont 7/6/02

John Martin, Jr.
822 Masonic Avenue
Albany CA 94706

510 - 525 - 7848

served on FEHC w/ CL Dellums

operated by Jerry ^{R. [unclear]}
1976 - 83

former social wkr
at rhts Hall

Bill Harvie

Call Marie Dullon
and tell FOLA Regent

Offered org and meet
Call in May 6/28

557-0899 10:30 am

1 - 11 1 - 11

Questions re FERC mtg

What was it like working with C.L.?

What was most interesting thing
he said or did?

What was his routine in working
with the FERC?

What were the major issues he
was concerned with? most notable cases?

What would you say were his
major accomplishments?

The FERC in general?

What positions did CC hold & when?

His philosophy of handling cases?

to interview
Louis Gochon, former Commissioner

John Martin, former

Get laws on FERC
Steven will get me copies

the interview

Steven Dwyer

/ Cynthia?

455 Golden Gate / Polk
Suite 14500

10:30

SF Labor Archives

SVB on Shorewood
Lynne Rinkoff

564-4010

480 Winston Ave

Friends of C.L. Dellums Presents:

"A SALUTE TO C.L."

June 13, 1985



Friends of C.L. Dellums Committee

Chairperson Commissioner Lois Graham, Fair Employment and
Housing Commission (FEHC)
Co-Chairperson Director Mark Guerra, Department of Fair
Employment and Housing (DFEH)
Treasurer Hattie Mae Block

Steven C. Owyang, Executive Secretary and Leg
Affairs Officer FEHC
Rudolph C. Portis, District Administrator
Oakland DFEH
Karl Greene, Public Information Officer DFEH
Martin Anaya, Statewide Monitor DFEH
Angela Wills-Burford, Assistant to the FEHC

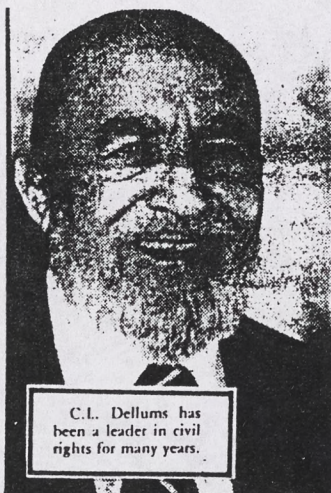
PROGRAM

Welcome	Lois Graham
Introductions	Rudolph C. Portis
Musical Selection	Voices of Faith - Precious Craft, Director
Poetry Selection	Frank Withrow
Musical Selection	Voices of Faith
"Salute to C.L."	Friends of C.L. Dellums

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Onieda Cheung	Dale Minami
Ronald V. Dellums, Congressman, 7th District	Steven C. Owyang
Cassandra Flipper	Nicholas C. Petris, Senator
David A. Garcia and Louise Rosen Garcia	Era J. Paterson
Lois Graham	William E. and Josephine Pollard
William B. Gingrich and Karl Greene	Cruz F. and Stella C. Sandoval
Osias G. Goren	Roger A. Taylor
Elihu M. Harris, Assembly Member	Charles E. Wilson

See program
6/13/88



C.L. Dellums has been a leader in civil rights for many years.

C.L. Dellums Honored At Reception

One of the nation's foremost civil rights leaders was honored at a reception last week, by prominent Sacramentans. The man C.L. Dellums.

Dellums, 85, led the struggle for Fair employment legislation in

California for nearly 15 years. He is now serving in his 26th year as a member of the state Fair Employment and Housing Commission.

During the 1920's, Dellums worked with A. Philip Randolph to organize the Brotherhood of Sleeping Car Porters, the international union founded and led by Blacks. For many years he worked with organized labor to remove racial barriers from the constitutions and practices of unions in the American Federation of Labor.

Dellums has also been a leader of the NAACP since 1927, having recruited hundreds of members serving in numerous offices.

Dellums, who is the uncle of East Bay Congressman Ronald V. Dellums, feels the fight for equality needs to be looked at again.

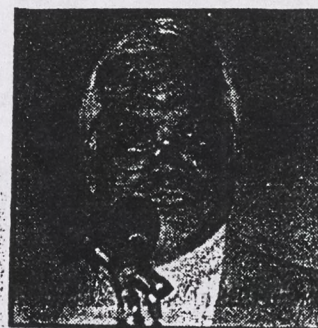
"Even where you see progress, you also find prejudices and discrimination," said Dellums. "The pendulum is swinging in the other way."

Dellums was presented with a resolution by Assemblyman Elihu Harris, D-Oakland, from the state assembly commending him "for his extraordinary efforts to make equal opportunity a reality in this state."

Dellums reception was held at the California State Railroad Museum in Old Sacramento.



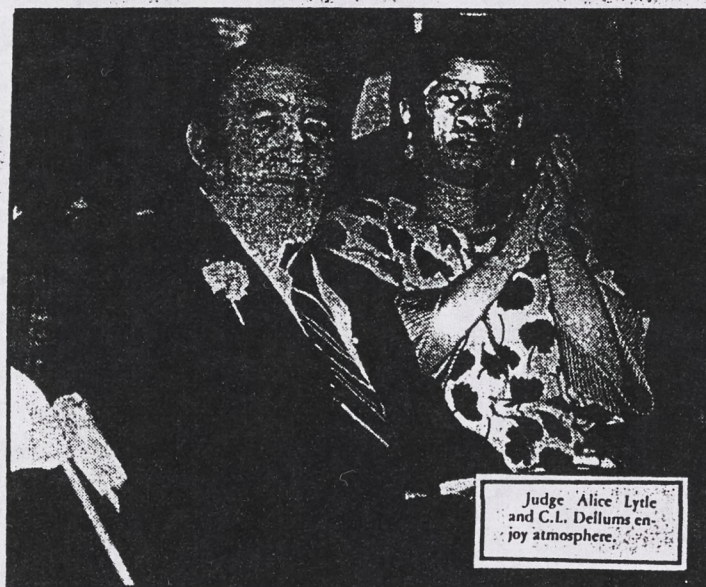
WITHROW



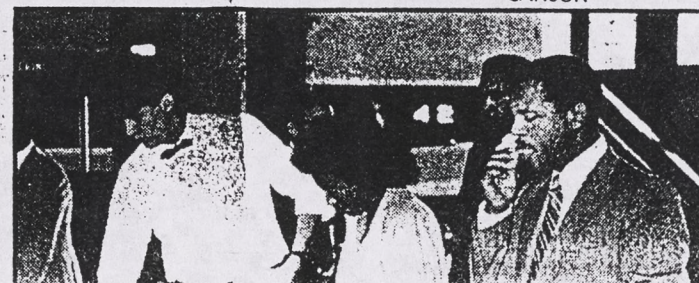
INOUE



CANSON



Judge Alice Lytle and C.L. Dellums enjoy atmosphere.



p/d pullman car
at State Railroad

John Martin

Wrong phone #
6/2/02

I: John Martin. John Martin. Also a former [inaudible].

S: This is the latest contact information I have for John.

C: He was serving as the chair, right?

S: John was chair, yeah.

C: When C. L. was the [inaudible].

I: OK, so this is John Martin, here at 822 Masonic Avenue,
Albany. ^{Wrong number} 510-525-7848. So he served - in what period? That would
be the earlier period.

S: He was appointed by Jerry Brown, probably in the late '70s.
So I did work with him. So that would have been roughly in the
period '76 till maybe '82 or '83. '83 maybe.

I: '83?

S: Yeah. So late '70s, early '80s.

I: Right. What was - he had a special relationship with C. L.?
How would you describe their relationship?

S: Very close.

I: Very close?

S: John is a social worker. He worked at Stiles Hall in
Berkeley. In fact, that may be another way to track him down. I
think the folks at Stiles Hall might be able to tell you where he is
now.

I: OK.

C: He retired from there.

S: Right. I think they had a good relationship, and I think
John certainly also considered C. L. the elder statesman of the
Commission. That's exactly what C. L. was.