

It is obvious that the Legislature has barred, for example, the discharge³ of an employee who openly declares himself or herself to be affiliated with the Republican or Democratic Party by reason of that party association. We cannot imagine that the Legislature intended at the same time to grant permission to an employer to have a policy permitting discharge of employees on the basis of the employer's belief that an employee is a covert Republican or a secret Democrat.

It appears instead to have been the Legislature's judgment that political activities are not within the purview of an employer's legitimate interests, and that political activities or affiliations, whether private or public, should not be tolerated as the basis for employment decisions. In the context of the question we have been asked and the California Supreme Court's conclusion that homosexual identification is a political activity, we conclude that the Legislature's protection for political activity extends to those who have not made a public issue of their orientation as well as those whose stand is openly proclaimed.

This conclusion is consistent with the text of the relevant sections, which point with fair clarity in that direction. Section 1101 bars any employer from any policy "tending to control or direct the political activities or affiliations of employees." Section 1102 bars any employer from attempting to coerce or influence any employee "to adopt or follow or refrain from adopting or following any particular course of line of political action or political activity."

Returning to the analogy of employees with undisclosed affiliations with a political party, we can see that if an employer had a policy of discharging employees believed to be secretly associated with the Democratic Party, employees who were actually oriented in that direction would feel pressured to either declare themselves publicly as Democrats in order to secure the protection of Labor Code sections 1101 and 1102 for their political affiliation, or to declare themselves as Republicans in order to placate their employer. Those whose private orientation was toward the Republican Party would feel a similar compulsion to convince their employer of their orientation.

In either case, the policy of the employer would coerce all employees to make a declaration of orientation one way or the other in order to secure the protection of the Labor Code. The effect of the policy would be to force the company's employees into particular courses of political activity, irrespective of any preference to keep their orientation a private matter.

Remembering that the Supreme Court has defined open self-identification of homosexuality as a political act, we conclude that if an employer had a policy of discharging employees because the employer held a belief that the employee's personal sexual orientation was homosexual, that policy would tend to control or direct the political activities or affiliations of that employee and others as well.

We also believe that the Supreme Court has presaged the decision it would render if presented with the question we discuss here. The court noted that an important

³While we use the example here of discharge from employment, the protection of the statutes is broader. Section 1102 prohibits an employer from threatening discharge or loss of employment for political action. Any denial, deprivation or diminution of employment status of benefits would constitute a loss. See Gay Law Students Assn., *supra*, 24 Cal. 3d at 487, fn. 16.



aspect of the struggle for equal rights is to encourage homosexual individuals to acknowledge their sexual preferences. Interpreting the provisions of the Labor Code to permit employers to have a policy of discharging employees on the basis of the employer's beliefs concerning the sexual orientation of its employees would have a marked chilling effect upon the willingness of those employees to take the political action of declaring their sexual orientation. If such an employment policy impacted the political choices of a company's employees—and it seems a certainty that such a policy would have a substantial tendency to do so—it would violate the letter and the spirit of the two Labor Code sections we have been discussing.

We conclude the Supreme Court would determine that the logic of the views it expressed in *Gay Law Students Assn.* leads inexorably to the conclusion that declarations and activities surrounding an employee's sexual orientation are matters of legitimate concern to the employee only, and that the Legislature has prohibited employers from adopting policies which would impact those choices.

Since the Legislature has banned discrimination against employees on the basis of their political views, activities and affiliations, and since the Supreme Court has defined self-identification of homosexual orientation as protected political action, the Supreme Court would also rule that a policy of discrimination against employees on the basis of beliefs as to their homosexual orientation is also prohibited by that legislation.

UNLAWFUL DISCRIMINATION

Your Rights and Remedies Civil Rights Handbook



November 1990
Second Edition
California Attorney General's Office

UNLAWFUL DISCRIMINATION: YOUR RIGHTS AND REMEDIES, Second Edition,*
was prepared under the supervision of The Office of the Attorney
General, State of California, Public Rights Division, Civil Rights
Enforcement Unit.

JOHN K. VAN DE KAMP
Attorney General of the State of California

ANDREA SHERIDAN ORDIN
Chief Assistant Attorney General

CAROLE RITTS KORNBLUM
Assistant Attorney General

MARIAN M. JOHNSTON
Supervising Deputy Attorney General
Editor

KATHLEEN W. MIKKELSON
Deputy Attorney General
Writer and Editor

JEFFREY HOPS
IRENE MOY
JULIANA STONE
JOE WEBER
Legal Research and Writing

KATHLEEN CRAVEN
PATRICIA MUNSTERER
Production

For additional information about
UNLAWFUL DISCRIMINATION: YOUR RIGHTS AND REMEDIES,
please contact:

Attorney General's Public Inquiry Unit
P.O. Box 944255
Sacramento, California 94244-2550

Telephone: (916) 322-3360
Toll Free Number: (800) 952-5225 (in California)

Line for the Hearing Impaired:
(916) 324-5564
Toll Free Number: (800) 952-5548 (in California)

* Much of the material in this Second Edition is an update of the First Edition, Louis Verdugo, Jr., and Henry Torres, Jr., Deputy Attorneys General, writers and editors.

Other Prohibited Employment Discrimination

The types of employment discrimination prohibited under the FEHA are limited to the categories actually mentioned therein. However, other state statutes and constitutional guarantees may also prohibit employment discrimination.

Sexual Orientation

In *Gay Law Students Assn. v. Pacific Tel. & Tel. Co.* (1979) 24 Cal.3d 458, the California Supreme Court denied FEHA coverage to claims of employment discrimination based upon sexual orientation because that particular classification was not identified in the FEHA.

However, a victim of employment discrimination based upon sexual orientation is not without a remedy, particularly where public employment is concerned. The Supreme Court in the *Gay Law Students* case indicated that if a person is discriminated against by a public entity on the basis of sexual orientation, the equal protection clause of the California Constitution (art. I, § 7, subd. (a)) may have been violated. The Supreme Court held that employment discrimination which was based upon sexual orientation and which was allegedly practiced by a privately owned public utility enjoying a state-protected monopoly involved sufficient state action to violate the California Constitution.

Under the reasoning of the *Gay Law Students* decision, the state equal protection clause would prohibit the state, as well as any local public agency,^{23/} from arbitrarily discriminating against any class of individuals in employment decisions, including any classification based upon sexual orientation. Accordingly, all arbitrary discrimination by public employers is prohibited under the equal protection clause of the California Constitution.


23. 66 Ops. Cal. Atty. Gen. 486 (1983).

Additionally, it should be noted that an Executive Order prohibits any state entity from discriminating against an employee because of the employee's sexual orientation.^{24/} Violations of this Executive Order should be reported to the State Personnel Board in writing. The address is:

*State Personnel Board
Appeals Division - Sacramento
801 Capitol Mall
Sacramento, CA 95814
Telephone: (916) 445-5191*

If you have any questions or need further information regarding this Executive Order, contact the:

*State Personnel Board, Appeals Division
Sacramento Hearing Office: (916) 445-7398
Los Angeles Hearing Office: (213) 620-3018*

Finally, Labor Code sections 1101 and 1102, which prohibit employers from interfering with the political activities of employees, have been construed to prohibit employers from arbitrarily discriminating against homosexuals in the hiring, firing, and promotion of employees. In *Gay Law Students*, the Supreme Court held that the gay law students association had stated a separate claim under Labor Code sections 1101 and 1102 by alleging that manifest homosexuals and those who made an issue of their homosexuality had been discriminated against in the employment process. The Attorney General of California has concluded that these sections prohibit all employment discrimination based on sexual orientation.^{25/} An employer who violates either Labor Code section 1101 or 1102 is guilty of a misdemeanor and is subject to a fine and/or jail time. Violators of these statutes may be prosecuted by your local district and/or city attorney. Additionally, if an employee files a private lawsuit for damages in the appropriate court and is successful, he or she may recover damages for the personal losses caused by his or her employer's violation of Labor Code section 1101 or 1102. 

24. Exec. Order No. B-54-79 (1979).

25. 69 Ops. Cal. Atty. Gen. 80 (1986).

Law Protects Gays, Van de Kamp Says

Bars Employers From Discriminating, Formal Opinion Declares

By RICHARD C. PADDOCK, *Times Staff Writer*

SACRAMENTO—A state law that protects workers' rights to engage in political activity bars private employers from discriminating against homosexuals, Atty. Gen. John Van de Kamp said in a formal opinion Wednesday.

The opinion represented a victory for gay rights activists who lost a hard-fought battle two years ago when Gov. George Deukmejian vetoed a bill that would have prohibited employment discrimination against homosexuals.

While the opinion does not have the force of law, such a statement by the attorney general carries considerable weight as a guideline in courtrooms and law offices.

Although no one would predict in detail its precise effect on the private sector, legal experts said the opinion offered a new line of legal argument for those claiming to be victims of anti-homosexual discrimination.

"It seems to me that it breaks new ground," said UCLA law professor Kenneth Karst. "The Legislature has been asked by gay rights groups to add laws like this in the past and the laws have not been adopted. This is a way of accomplishing by interpretation of existing law something similar to what what would have been enacted."

Assemblyman Art Agnos (D-San Francisco), author of the gay rights bill vetoed by Deukmejian, hailed Van de Kamp's opinion, which came in response to a question Agnos had asked him.

Agnos said that as a result of the opinion homosexuals "now have support for filing a lawsuit and they have a basis for appealing to their local district attorney for criminal prosecution when an employer violates their rights."

Agnos said he will continue to push for enactment of anti-discrimination legislation, which he

said would better protect homosexuals by specifically writing safeguards into the law and avoiding potentially long legal battles.

A spokesman for the California Manufacturers Assn., a major employer group that had initially opposed the Agnos legislation, said the opinion may help clarify "cloudy legal waters." He said a summary of the document will be sent to members of the association.

Van de Kamp's opinion was based on a 1979 state Supreme Court ruling that the declaration of one's homosexuality was a political statement and was therefore protected under the state labor code.

In his opinion, Van de Kamp forecast that the court would extend the protection to all homosexuals on the ground that employers cannot discriminate against workers they believe to be gay. Such discrimination would be illegal because it would force gays into making a political statement by declaring their sexual orientation.

"We conclude that if an employer had a policy of discharging employees because the employer held a belief that the employee's personal sexual orientation was homosexual, that policy would tend to control or direct the political activities or affiliations of that employee or others as well," Van de Kamp wrote.

A spokesman for Deukmejian said the governor had not reviewed the opinion and had no comment on it.

Van de Kamp said in an interview that the decision was difficult to make and that there is room for legal experts to disagree on the issue. It took the attorney general more than a year to research and write the opinion.

"It is not without doubt, but we think the labor code covers it," Van

de Kamp said.

The opinion hinged on a case brought by the Gay Law Students Assn. against Pacific Telephone Co., charging that the utility practiced discrimination against homosexuals.

In a majority decision written by then-Justice Matthew Tobriner, the court in 1979 ruled that making a declaration of homosexuality was a political statement, because doing so is part of the movement for gay equality.

Discrimination against employees who engage in political activities has been outlawed under two sections of the labor code first adopted in 1915.

"Since the Legislature has banned discrimination against employees on the basis of their political views, activities and affiliations, and since the Supreme Court has defined self-identification of homosexual orientation as protected political action, the Supreme Court would also rule that a policy of discrimination against employees on the basis of beliefs as to their political orientation is also prohibited by the legislation," Van de Kamp wrote.



Los Angeles Times

Atty. Gen. John Van de Kamp

The opinion is based on a 1979 state Supreme Court ruling that the declaration of one's homosexuality is a political statement and is therefore protected under the state labor code.

Armed with the opinion, Agnos said he will call on businesses throughout the state to end any practice of discriminating against homosexuals. He also said he will acquaint district attorneys with the opinion and encourage them to give full consideration to anyone who complains of discrimination.

Calif. Att'y Gen. Rules Labor Code Protects Gays in Private Firms

In a decision that increases job protection for gays, California Attorney General John Van de Kamp has ruled that California's Labor Code bars private firms from discriminating against homosexuals—whether they are openly gay or not.

Van de Kamp's ruling expands on a 1979 California Supreme Court decision, which held that private firms could not discriminate against people who identified themselves as homosexual. The court asserted that "coming out" was a political act that was protected under the Labor Code.

Now, Van de Kamp has declared that the state supreme court would also rule that employment discrimination on the basis of sexual orientation is itself illegal.

"In the context of the California Supreme Court's conclusion that homosexual identification is a political activity," Van de



Att'y Gen. John Van de Kamp has ruled that private companies cannot discriminate against gays.

Kamp wrote, "we conclude that the Legislature's protection for political activity extends to those who have not made a public issue of their orientation as well as those whose stand is openly proclaimed."

Van de Kamp issued his opinion at the request of state Assemblyman Art Agnos, a San Francisco Democrat who sponsored the AB 1 legislation that would have protected homosexuals against employment discrimination. The bill passed the legislature but was vetoed by Gov. George Deukmejian (R).

Thomas F. Coleman, a gay lawyer in Los Angeles who served as executive director of former Gov. Edmund G. (Jerry) Brown Jr.'s Commission on Personal Privacy, said that the "clear legislative mandate" of AB 1 would still be preferable to an interpretation like Van de Kamp's, which could be challenged in the courts.

But Coleman said the Van de Kamp opinion gave a "major protection" to gays. Under the Labor Code, he said, someone can bring a complaint of discrimination before the labor department. After evaluating the complaint, the state agency can refer it to local district attorneys for criminal prosecution. The complainant can also hire an attorney to file suit against the firm accused of discrimination.

If AB 1 became law, it would not have been necessary for the complainant to hire an attorney. Instead, the state Department of Fair Employment and Housing would have handled the complaint, seeking civil penalties against the employer if discrimination was found to exist and attempts at conciliation failed.

Under an executive order issued by former Gov. Jerry Brown, discrimination on the basis of sexual orientation is prohibited in state employment. A previous decision by Van de Kamp extended that protection to local public agencies.

While Van de Kamp's latest opinion is a further extension of protection, it is an interpretation of how the California Supreme Court would rule. That court is now under heavy attack from right-wingers, and a majority of the court's members are up for reelection. If conservatives dominate the court and Van de Kamp's ruling is challenged, the new protection could be overturned.

— Peter Freiberg

ACLU Foundation

of Southern California

RECEIVED DEC 13 1979

633 South Shatto Place · Los Angeles, Ca. 90005 · (213) 487-1720

December 11, 1979

Donald Vail
Director of Industrial Relations
P.O. Box 603
San Francisco, CA 94101

Dear Mr. Vail:


Please find enclosed a brochure which I wrote on the present state of the law relative to Gay Employment rights. You will note that (B)(3) indicates a person fired for the political act of "coming out of the closet" has redress to the State of California, Department of Industrial Relations, Labor Commissioners under Labor Code Sections 1101 and 1102. This is based upon the State Supreme Court's decision in the Pacific Telephone case.

The problem is that in the past months I have been involved in what has become almost a series of shouting matches with your commissioners in the state to get them to take complaints of this nature.

Basically, the problem appears to be one of administration. Your agency has yet to inform its commissioners that it has jurisdiction over Gay Employment Discrimination cases under these sections of the Labor Code. This is making it difficult for Gays to be treated equitably under the law.

We would greatly appreciate if it your office could prepare an administrative directive for the commissioners informing them that they do have jurisdiction.

Your sincerely,


Susan McGrievy
Staff Attorney
National ACLU
Gay Rights Project

SM/cc'
cc: Tom Coleman
Anthony Klein

Enclosure


Chairman
Stanley K. Sheinbaum *

President
Norman Lear *

Vice-Presidents
Jerry Godell *

Madeline Goodwin *
Sol Marcus *

Recording Secretary
Laurie Ostrow *

Assistant Secretary
Lloyd Smith *

Corresponding Secretary
Irma Colen *

Treasurer
Lou Colen *

BOARD OF DIRECTORS

Aris Anagnos *
David Begelman *
Alan Bergman *
Marilyn Bergman *
Bayard Berman *
Janice Best *
LaRee Caughey *
John Caughey *
Robert Cohn *
Barry Diller *
Gary Familian *
Liz Familian *
David Geffen *
Gloria Godell *
Antoinette Z. Haber *
Mildred Harris *
Eileen Heim *
Fred Heim *
Christie Hefner *
Hugh Hefner *
Allan K. Jonas *
Dorothy Jones *
Charles E. Jones *
Jimi Kaufer *
Burt Lancaster *
Jennings Lang *
Frances Lear *
Irving Lichtenstein, M.D. *
Charles E. Lloyd, Esq. *
Shirley Magidson *
Faye Nuell *
Max Palevsky *
Judy Balaban Quine *
Henry C. Rogers *
Roz Rogers *
Miriam Rosenstein *
Pat Roth *
Marvin Schachter *
George Staff *
Barbara Tannenbaum *
Florence Temkin *
Malinda Trugman *
Richard Trugman *
June Tyre *
Edward G. Victor *
Philip Wain *
Chic Wolk *
Leo Wyler *

* Executive Committee

Executive Director
Ramona Ripston

Associate Director
Carol Sobel

Legal Director
Fred Okrand

Counsel
Mark Rosenbaum
Terry Smerling

NATIONAL COMMITTEE
FOR
SEXUAL CIVIL LIBERTIES

Thomas F. Coleman, Esq.
Co-Chairman

Dr. Arthur C. Warner
Co-Chairman

1800 North Highland Avenue, Suite 106
Los Angeles, California 90028
(213) 464-6666

December 31, 1979

Donald Vail
Director of Industrial Relations
P.O. Box 603
San Francisco, California 94101

Dear Mr. Vail:

I received a copy of a letter sent to you by Susan McGrievy of the A.C.L.U. dated December 11, 1979. In that letter Ms. McGrievy expressed concern that the Labor Commissioners are not aware of their obligations with respect to the employment rights of gay people.


I would like to offer the assistance of this committee to you and your staff, in this regard. The National Committee has been working cooperatively and effectively with the Governor's office, the State Personnel Board, and the Division of Fair Employment and Housing Practices. We have worked with Mr. J. Anthony Kline, the Governor's Legal Affairs Secretary, with respect to the wording and implementation of the Governor's Executive Order on Sexual Orientation, and the State Personnel Board and its Executive Officer, Mr. Ron Kurtz, with respect to interpretation and implementation of the Governor's Executive Order on Employment Rights and the Supreme Court mandates in Gay Law Students Association v. Pacific Telephone and Telegraph Company. We have assisted Ms. Joanne Lewis of the Division of Fair Employment and Housing Practices with respect to revising policies on the enforcement of gay housing rights. Currently, we have started a project with the State Alcoholic Beverage Control Board and Mr. Baxter Rice, with respect to necessary policy changes in view of the recent Supreme Court decision of Pryor v. Municipal Court (the state's lewd conduct statute was declared unconstitutional in this case).

If we can be of any assistance to you or your Labor Commissioners with respect to the interpretation of the Pacific Telephone case and in

Donald Vail
Director of Industrial Relations
December 31, 1979
Page 2

establishing policy guidelines with respect to your jurisdiction in this regard, we would be happy to do so. If you are interested in drawing upon our resources and expertise, please let us know and we will extend our assistance to you.

Very truly yours,



Thomas F. Coleman

/psp

cc: J. Anthony Kline
Susan McGrievy

AD 104

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS ENFORCEMENT

455 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

(415) 557-3827



January 10, 1980

ADDRESS REPLY TO:
P.O. Box 603
San Francisco, CA 94101

IN REPLY REFER TO:

RECEIVED JAN 15 1980

Mr. Thomas F. Coleman
National Committee for
Sexual Civil Liberties
1800 North Highland Avenue, Suite 106
Los Angeles, Ca. 90028

Dear Mr. Coleman:

Director Vial has forwarded your letter of
December 31, 1979, to me for reply.

Enclosed is a copy of my reply to Susan McGrievy
of the ACLU, and if you or your organization
experience any difficulty, please contact the
listed Area Administrators or myself.

Thank you for your offer of assistance with respect
to the interpretation of the Pacific Telephone case.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Albert J. Reiff".

Albert J. Reiff
Assistant State Labor Commissioner

AJR:ba

Enc.

(AIR) 257-3227

January 10, 1950

RECEIVED JAN 12 1950

Mr. Thomas E. Coleman
National Committee for
General Civil Liberties
1000 North Highland Avenue, Suite 102
Los Angeles, Ca. 90028

Dear Mr. Coleman:

Director Vital has forwarded your letter of
December 31, 1949, to me for reply.

Inclosed is a copy of my reply to Bureau Director
of the ACIU, and in you or your organization
experience any difficulty, please contact the
listed Area Administrators or myself.

Thank you for your offer of assistance with respect
to the interpretation of the Pacific Relations Act.

Sincerely yours,

Albert J. Ryan
Assistant State Labor Commissioner

ALJ:pa

enc.

(415) 557-3827

January 9, 1980

Ms. Susan McGrievy
Staff Attorney
National ACLU, Gay Rights Project
633 South Shatto Place
Los Angeles, Ca. 90005

Dear Ms. McGrievy:

Director Vial has asked me to reply to your letter of December 11, 1979, concerning possible complaints under Labor Code Sections 1101 and 1102 by gay persons.

On June 13, 1979, shortly after the Supreme Court decision involving Pacific Telephone and Telegraph Company, State Labor Commissioner James L. Quillin issued the attached memo to our staff which indicates that our jurisdiction is limited to investigating the criminal aspects of the violations.

If you encounter a situation where one of our offices has refused to take a complaint under these sections, you may contact either of the following or bring the matter directly to my attention:

Colleen Logan, Area Administrator
107 South Broadway, Room 5015, Los Angeles 90012
Telephone: (213) 620-5130

Max Turchen, Area Administrator
8155 Van Nuys Blvd., Suite 950, Panorama City 91402
Telephone: (213) 782-3733

Thank you for writing, and we hope to work with you to clarify any possible misunderstandings with our district offices.

Sincerely yours,

Albert J. Reyff
Assistant State Labor Commissioner

AJR:ba

Enc.

cc: D. Vial, A. Klein, Area Administrators

The State Labor Commissioner enforces Labor Code Sections 1101 and 1102. Employees who are victims of sexual orientation discrimination may file a complaint with the local office of the labor commissioner. The complaint is investigated by those offices. If the labor commissioner finds "probable cause" to believe that such discrimination has occurred, the case is referred to a district attorney or a city attorney for criminal prosecution.

**INDUSTRIAL RELATIONS, DEPARTMENT OF-
Sacramento, 1121 L St., Suite 307 (95814)**

General Information 597-3356 557-3356 7-3356

**LABOR STANDARDS ENFORCEMENT, DIVISION
OF- San Francisco, 525 Golden Gate Ave., P.O.
Box 603 (94101)**

Headquarters Office- 5th Flr.

State Labor Commissioner and Chief-
Acting Commissioner-James Curry 597-3827 557-3827 7-3827
Deputy Chief 597-3827 557-3827 7-3827
Assistant Chief-Simon Rojas 597-3827 557-3827 7-3827
General Information 597-0860 557-0860 7-0860
Staff Support Services
Staff Services Manager-Mike Giles 597-8155 557-8155 7-8155
Associate Governmental Program Analyst-
Leslie Clements 597-8154 557-8154 7-8154
Staff Support Analyst-Lucia Ceja 597-8258 557-8258 7-8258
Special Assistant-Joan Teigo 597-3827 557-3827 7-3827
Management Services Technician-Eliza Jimenez 597-0477 557-0477 7-0477

Legal Section

Los Angeles-107 S. Broadway, Rm. 5015 (90012) 640-2500 620-2500 2500
San Francisco-
525 Golden Gate Ave., 6th Flr. (94102)
Chief Counsel-H. Thomas Cadell 597-2516 557-2516 7-2516
San Jose-
100 Paseo de San Antonio, Rm. 120 (95113) 522-9656 277-9656 7-9656
Fresno-668 W. Shaw Ave., Suite C-130 (93704) .. 209-221-8195 221-8195
Long Beach-245 W. Boardway, Rm. 450 (90802) .. 635-5461 590-5461 5461
Santa Ana-28 Civic Center Plaza (92701) 657-4942 558-4942 4942
Sacramento-2422 Arden Way, Suite 50 (95825) 430-2331 924-2331 2331
San Diego-8765 Aero Dr., Suite 125 (92123) 631-7028 237-7028 7028
Van Nuys-6150 Van Nuys Blvd., Rm 200 (91401) .. 733-5482 901-5482 5482
Ventura-5720 Ralston St., Suite 103 (93003) 723-4647 654-4647 4647

BUREAU OF FIELD ENFORCEMENT OFFICES

**Northern Bureau- Sacramento, 1023 J St.,
Rm. 205 (95814)**

Manager-Nance Milberger 454-7707 324-7707 4-7707
Bakersfield-
5555 California Ave., Suite 200 (93309) 681-2582 395-2582 2582
Fresno-666 W. Shaw Ave., Suite C-132 (93704) .. 209-221-1877 221-1877
Napa-3273 Claremont Way, Rm. 206 (94558) 707-257-7804 257-7804
Oakland-360 22nd St., Rm. 501 (94621) 415-464-4276 464-1233 4-1233
Redding-2115 Akard Ave., Rm. 17 (96001) 442-2654 225-2654 2654
San Francisco-
525 Golden Gate Ave., 1st Flr. (94102) 597-0904 557-0904 7-0904
San Jose-
100 Paseo de San Antonio, Rm. 126 (95113) 522-1907 277-1907 7-1907
Santa Rosa-50 D St., Suite 360 (92701) 590-2413 576-2413 2413
Stockton-31 East Channel St., Rm. 318 (95202) 423-3616 948-3616 3616

**Southern Bureau- Los Angeles, 107 S. Broadway,
Suite 5027 (90012)**

Manager-Roger Miller 897-2905 277-1907 7-1907
Indio-81-730 Highway 111, Suite 4 (92201) 619-347-4211 347-4211
Long Beach-245 W. Broadway, Rm. 450 (90802) .. 635-5466 590-5466 5466
Pomona-300 S. Park Ave., Rm. 830A (91769) 714-967-8068 967-8068
San Bernardino-
303 W. Third St., Rm. 140 (92401) 670-4333 383-4333 4333
San Diego-8765 Aero Dr., Suite 120 (92123) 631-7030 237-7030 7030
Santa Ana-
28 Civic Center Plaza, Rm. 433 (92701) 657-4113 558-4113 4113
Santa Barbara-
411 E. Canon Perdido St., Rm. 3 (93101) 805-963-1438 963-1438
Santa Monica-2701 Ocean Park Blvd. (90405) 213-312-0014 312-0014

District Offices

Bakersfield- 5555 California Ave., Suite
200 (93309)
Senior Deputy Labor Commissioner 681-2710 395-2710 2710
El Centro- 1699 W. Maine St., Suite E (92243) .. 619-353-0585 353-0585
Eureka- 619 Second St., Rm. 109 (95501) 538-6612 445-6612 6612
Fresno- 668 W. Shaw Ave., Suite C-
131 (93704) 209-221-5005 221-5005

**Inglewood- One Manchester Blvd., Suite
604 (90301)**

Regional Manager-Carol Cole 697-6380 412-6380 6380
Senior Deputy Labor Commissioner 697-6380 412-6380

**Long Beach- 245 W. Broadway,
Rm. 450 (90802)**

Senior Deputy Labor Commissioner 635-5044 590-5044 5044

**Los Angeles- 107 S. Broadway,
Rm. 5015 (90012)**

Senior Deputy Labor Commissioner 640-2497 620-2497 2497
General Information 897-4037 620-5130 5130

Marysville- 922 G St. (95901)

Deputy-In-Charge 457-4061 741-4061 4061

ATSS No. Public No. Ext.

Napa- 3273 Claremont Way, 2nd Flr. (94558)

Senior Deputy Labor Commissioner 707-257-0660 257-0660

Oakland-360 22nd St., Rm. 500 (94621)

Senior Deputy Labor Commissioner 415-464-0600 464-1353 4-1353

Pomona- 300 S. Park Ave., Rm. 830 (91769)

Senior Deputy Labor Commissioner 714-622-4236 622-4236

Redding- 2115 Akard Ave., Rm. 17 (96001)

Senior Deputy Labor Commissioner 442-2654 225-2654 2654

Sacramento- 2422 Arden Way, Suite 50 (95825)

Regional Manager-Robert Caligiuri 430-6116 920-6116 6116
Senior Deputy Labor Commissioner 430-6116 920-6116 6116

Salinas- 21 W. Laurel Dr., Suite 69 (93906)

..... 588-3040 443-3040 3040

**San Bernardino- 303 W. Third St.,
Rm. 140 (92401)**

Senior Deputy Labor Commissioner 670-4333 383-4333 4333

San Diego- 8765 Aero Dr., Suite 120 (92123)

Senior Deputy Labor Commissioner 631-7310 237-7310 7310

**San Francisco- 525 Golden Gate Ave., Rm
102 (95102)**

Senior Deputy Labor Commissioner 597-0860 557-0860 7-0860

**San Jose- 100 Paseo de San Antonio,
Rm. 120 (95113)**

Senior Deputy Labor Commissioner 522-9647 277-9647 7-9647

**San Mateo- 1900 S. Norfolk Blvd., Suite
219 (94403)**

Senior Deputy Labor Commissioner 415-572-9451 572-9451

San Rafael- 45 Mitchell Blvd., Rm. 11 (94903)

..... 415-492-0289 492-0289

**Santa Ana- 28 Civic Center Plaza,
Rm. 625 (92701)**

..... 657-4115 558-4115 4115
Senior Deputy Labor Commissioner 657-4115 558-4115 4115

**Santa Barbara- 411 E. Canon Perdido,
Rm. 3 (93101)**

Senior Deputy Labor Commissioner 805-963-1438 963-1438

Santa Rosa- 50 D St., Suite 360 (95404)

Senior Deputy Labor Commissioner 590-2390 576-2390 2390

Stockton- 31 E. Channel St., Rm. 328 (95202)

Senior Deputy Labor Commissioner 423-7770 948-7770 7770

**Van Nuys- 6150 Van Nuys Blvd., Rm
200 (91402)**

Senior Deputy Labor Commissioner 733-5312 901-5312 5312

Ventura- 5720 Ralston St., # 103 (93003)

Senior Deputy Labor Commissioner 723-4538 654-4538 4538

Whittier- 13215 E. Penn, Suite 300 (90602)

Regional Manager-Denos Carras 213-698-2278 698-2278

Senior Deputy Labor Commissioner 213-698-2278 698-2278

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

MEDIA ADVISORY

FOR IMMEDIATE RELEASE
CONTACT: ARLO SMITH 415/553-1741

OCTOBER 28, 1991

NEWS CONFERENCE: 1:45 P.M., TUESDAY, OCTOBER 29

DISTRICT ATTORNEY'S OFFICE
HALL OF JUSTICE
850 BRYANT STREET
3RD FLOOR CONFERENCE ROOM
SAN FRANCISCO

D.A. SMITH TO ANNOUNCE STATEWIDE PROGRAM TO
PROTECT GAYS, LESBIANS IN EMPLOYMENT

Says Wilson's AB 101 veto has left D.A.s no choice
but to prosecute employers.

SAN FRANCISCO--District Attorney Arlo Smith will hold a news conference tomorrow afternoon to announce the launch of a statewide model program to protect gays and lesbians from employment discrimination in the wake of Gov. Wilson's veto of Assembly Bill 101. The model program will be a joint endeavor by Smith and Los Angeles City Attorney Jim Hahn.

In consultation with Los Angeles attorney Thomas F. Coleman, a nationally recognized expert in the field of public policy and law affecting sexual orientation and marital status discrimination, the program will use existing state legal protections in which criminal remedies may be sought against employers who discriminate on the basis of sexual orientation.

Coleman will be on hand at the news conference to discuss the specifics of the statewide model program.

In his September 30 veto of AB 101, Governor Wilson cited existing state legal protections for gays and lesbians in employment, including Labor Code sections 1101 and 1102 and "the express right of privacy contained in the California Constitution."



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

EXECUTIVE OFFICE
1800 CITY HALL EAST
LOS ANGELES 90012
(213) 488-8608

CRIMINAL BRANCH
(213) 488-8470

CIVIL BRANCH
(213) 488-8870

TELECOPIER:
(213) 680-8684

FOR IMMEDIATE RELEASE
OCTOBER 28, 1991

MIKE QUALLS (213) 485-6493
TED GOLDSTEIN (213) 485-2065

News Advisory

Responding to the veto of Assembly Bill 101, Los Angeles City Attorney Jim Hahn will hold a news conference at 9:30 a.m. tomorrow (Oct. 29) to announce the launch of an enforcement campaign using existing state and city laws to protect gays and lesbians from employment discrimination in Los Angeles.

The news conference will be held in the 18th Floor conference room in City Hall East, 200 N. Main St., Los Angeles Civic Center.

Also participating in the news conference will be Los Angeles attorney Thomas F. Coleman, one of the nation's leading experts on public policy and the law governing sexual orientation and marital status discrimination.

(Assembly Bill 101, which would have specifically prohibited employment discrimination on the basis of sexual orientation, was vetoed Sept. 30 by Gov. Pete Wilson after being approved by the state Legislature.)

DISTRICT ATTORNEY

ARLO SMITH
DISTRICT ATTORNEY



ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

October 28, 1991

Victoria L. Bradshaw
State Labor Commissioner
Department of Industrial Relations
Division of Labor Standards Enforcement
455 Golden Gate Ave., Suite 3194
San Francisco, CA 94102

Dear Commissioner Bradshaw:

In the message accompanying his veto of Assembly Bill 101 last month, Governor Wilson stressed that remedies are currently available to redress complaints of employment discrimination against gays and lesbians. The Governor cited Gay Law Students Association v. Pacific Telephone & Telegraph (1979) 24 Cal. 3d 458 for the proposition that the California Labor Code protects from discrimination those workers involved in gay issues or those who identify themselves openly as homosexual.

The Governor has pointed out that the California Attorney General has concluded that Secs. 1101 and 1102 prohibit an employer from discrimination on the basis of homosexual orientation or affiliation. (69 Ops. Cal. Attorney General 80 1986)

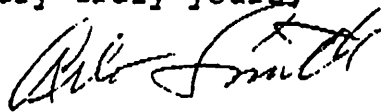
Both the Governor and Attorney General have concluded that complaints of employment discrimination involving gays and lesbians are within your jurisdiction.

Labor Code section 1103 makes it a misdemeanor to violate either Labor Code section 1101 or 1102. This office is prepared to prosecute any employer who violates those sections and requests that your Commission investigate (pursuant to Labor Code section 98.7) all proper complaints and refer them to us.

Victoria L. Bradshaw
State Labor Commissioner
October 28, 1991
Page 2

I look forward to establishing an effective means by which we can deal with the problem of employment discrimination in all forms. I would be pleased to meet with you to discuss this further and to work up a mutually acceptable protocol.

Very truly yours,



ARLO SMITH
District Attorney

AS:jb



1800 CITY HALL EAST
LOS ANGELES 90012
(213) 485-5408

Office of the City Attorney

Los Angeles, California

JAMES K. HAHN
CITY ATTORNEY

October 28, 1991

Honorable Victoria L. Bradshaw
State Labor Commissioner
Department of Industrial Relations
Division of Labor Standards Enforcement
455 Golden Gate Avenue, Suite 3194
San Francisco, California 94102

Dear Commissioner Bradshaw:

Governor Wilson noted in his September 30 veto message regarding Assembly Bill 101 that gays and lesbians are protected from discrimination by California Labor Code Sections 1101 and 1102 and that complaints made under these statutes are within your jurisdiction.

Labor Code Section 1103 makes it a misdemeanor to violate Labor Code Sections 1101 or 1102, and as the prosecutor of misdemeanor offenses within the City of Los Angeles, I am prepared to file criminal complaints in cases in which employers violate these laws. Therefore, I request that you forward to my office any cases that you deem appropriate for my review.

I look forward to establishing a working relationship between our two offices to combat employment discrimination. Please do not hesitate to contact me if you have any questions.

Very truly yours,

JAMES K. HAHN
City Attorney

JKH:vei

MUNICIPAL SEXUAL ORIENTATION ORDINANCES IN CALIFORNIA

CITIES

Berkeley	public emp, private emp, ed, R.E./housing, credit, unions
Concord	(<i>REPEAL ATTEMPT IS ON NOVEMBER 1991 BALLOT</i>) public emp, accom, private emp, R.E./housing, unions (there are no procedures--they refer to the appropriate state or federal agency)
Cupertino	public emp
Davis	public emp, accom, private emp, R.E./housing, credit, unions
Hayward	public emp, accom, private emp, education, housing (not real estate and not owner occupied), unions, city facilities and services, advertising
Irvine	<i>REPEALED</i> (had been public emp, accom, private emp, ed, R.E./housing, unions)
Laguna Beach	public emp, accom, private emp, ed, R.E./housing, credit, unions
Long Beach	public emp, private emp
Los Angeles	public emp, accom, private emp, ed, R.E./housing, credit, unions
Mountain View	public emp
Oakland	public emp, accom, private emp, R.E./housing, credit, unions
Palo Alto	education
Riverside	contractors with city
Sacramento	public emp, accom, private emp, ed, R.E./housing, credit, unions
San Diego	public emp, accom, private emp, advertising, R.E./housing
San Francisco	public emp, accom, private emp, ed, R.E./housing, credit, unions
Santa Barbara	public emp, education
Santa Cruz	public emp
Santa Monica	public emp, accom, private emp, ed, R.E./housing, credit, unions, employment benefits, city facilities and services
West Hollywood	public emp, accom, private emp, ed, R.E./housing, credit, unions

COUNTIES

Alameda	public emp
San Mateo	public emp, private emp, R.E./housing
Santa Barbara	public emp
Santa Cruz	public emp

LOCAL GOVERNMENT IDENTIFICATION ORDINANCES IN CALIFORNIA

City/County	Ordinance Description
Alameda	public emp.
San Mateo	public emp. private emp. R.E. housing
Santa Barbara	public emp.
Santa Cruz	public emp.
San Francisco	public emp. account private emp. R.E. housing credit unions
San Diego	public emp. account private emp. R.E. housing
Sacramento	public emp. account private emp. R.E. housing credit unions
Riverside	contractors with city
Folsom	education
Oakland	public emp. account private emp. R.E. housing credit unions
Mountain View	public emp.
Los Angeles	public emp. account private emp. R.E. housing credit unions
Long Beach	public emp. private emp.
Laguna Beach	public emp. account private emp. R.E. housing credit unions
Travis	REPORT ED (had been public emp. account private emp. R.E. housing credit unions)
Hayward	public emp. account private emp. housing food rent water and not owned (public), unions, CP, teachers and services, advertising
Paris	public emp. account private emp. R.E. housing credit unions
Capitola	public emp.
Concord	(SEE ALL ATTEMPT IS ON NOVEMBER 1987 BALLOT) public emp. private emp. R.E. housing unions (there are no procedures that refer to the private state or local agency)
Other	public emp. private emp. R.E. housing credit unions