

EXHIBIT A
Division of Labor Standards Enforcement
Calendar Year 2017 Retaliation Violations Alleged per LC 98.75 (a)

Labor Code	Description of Violations Alleged	Total Allegations
96(K)	For loss of wages as a result of engaging in lawful conduct during nonworking hours	9
98.6	For filing or threatening to file a claim with the Labor Commissioner	1,996
230(a)	For taking time off to serve on a jury or appear as a witness in court	8
230 (b)	For taking time off to appear as a witness in court	1
230(c)	For taking time off to seek medical help as a victim of domestic violence, sexual assault, or stalking	12
230(e)	Protection based on employee's status as a victim of domestic violence, sexual assault, and/or stalking	26
230(f)	Protects victims of domestic violence, sexual assault, and/or stalking who request reasonable accommodations	8
230.1	For employers with 25 or more employees, protects employee who is a victim of domestic violence, sexual assault, or stalking for taking time off from work to obtain injunctive relief	2
230,2(b)	Protects employees or family members of employees who are victims of a crime to take time off work to attend judicial proceedings	1
230.5	Protects employees who are victims of listed crimes and take time off from work	1
230.8	For employers with 25 or more employees, protects employee who participate in school activities	5
232(a) & (b)	Protects employees who discuss or disclose wages or refuse to agree not to disclose wages	12
232.5	Protects employee's right to discuss employer's working conditions	19
233	Protects employee's ability to use sick leave to attend to illness of a family member	96
244	Prohibits employer from reporting or threatening to report an employee's citizenship or immigration status to a state, federal, or local agency because the employee exercises a right under the Labor Code, the Government Code or the Civil Code. This protection also extends to former and prospective employees and their family members.	70
247	Prohibits paid sick leave retaliation	217
432.7	Prohibits employer from requiring employee or job applicant to disclose any arrest record that did not result in a conviction	4
1019	Protects employees engaging in activities protected by the Labor Code from unfair immigration-related practices	77
1019.1	Prohibits an employer from requiring applicants and employees to provide new or different documents to satisfy section 1324a(b) of Title 8 of US Code to prove eligibility for employment.	15
1024.6	Allows employees to update personal information without fear of retaliation	1
1025-1028	Protects employee's right to participate in alcohol or drug program if 25 or more employees	2
1030-1033	Protects employees who request lactation accommodations	3

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1101–1102	Protects employees who engage in political activities of the employee’s choice	7
1102.5	Protects employee’s right to report violations or noncompliance with state or federal statute	2,022
1197.5	Protects employees from retaliation based on sex-, race-, or ethnicity-based wage discrimination—Total claims under statute: 70 ¹	70
	–Claims alleging gender pay disparity: 66	
	–Claims alleging pay disparity based race: 13	
	–Claims alleging pay disparity and retaliation: 21	
1109.3	Protects employees from refusing to work hours in excess of those allowed in IWC Orders	1
1311.5	Protections for child labor complaints	5
2929(b)	Protects employees whose wages are garnished for payment of one judgment	2
6310	Protects employees who complain about or initiate proceedings relating to workplace safety or health conditions	455
	–Claims alleging retaliation after workplace injury included above (not retaliation after workplace safety complaints): 37	
6311	Protects employees who refuse to perform work in an environment hazardous to the employee or co-workers	59
6403.5	Protects employees for refusing to lift, reposition, or transfer a patient due to health care worker’s concerns about patient or worker safety or because of the lack of trained personnel or equipment.	1
Other Codes		
1596.881	Health and Safety Code, regarding licensing of childcare facilities	3
1237	Unemployment Insurance Code, protects employee’s right to seek information on unemployment insurance	10
	Total Number of Complaints (violations alleged) Received by RCI Unit	4,178
	Total Cases Accepted for Investigation²	2,526
	Total Violations Alleged for All Cases Accepted for Investigation	5,220

¹ Of the 70 cases accepted alleging violations of Labor Code section 1197.5; 42 alleged a sex-based pay disparity only, 15 alleged sex-based pay disparity and retaliation, 5 alleged both retaliation and sex- and race-based pay disparity, 1 alleged race-based disparity and retaliation, 3 alleged race-based pay disparity only, and 4 cases alleged sex- and race-based pay disparity only.

² Not all Complaints are accepted for investigation and accepted complaints may allege multiple violations. As a result the number of cases accepted is smaller than the number of complaints received, and the number of cases accepted is smaller than the violations alleged in the cases accepted for investigation.

EXHIBIT B
Calendar Year 2017 Disposition of Retaliation Cases per Labor Code 98.75 (b)

Disposition	Total	2010	2011	2012	2013	2014	2015	2016	2017
Determinations issued	333								
Cases dismissed	268		6	8	39	43	65	79	28
Cases with merit ¹	65	2		4	12	15	12	11	9
Investigative hearings held	8	2					2	3	1

Results of cases with merit	65
Awaiting determination on appeal	9
Overturned by Director's office on appeal	1
Compliance ²	2
Settlement prior to referral for enforcement	3
Unable to serve Respondent	1
Noncompliance	
Court filings for 2017 determinations	7
Awaiting referral for enforcement	15
Referred for enforcement (awaiting court filing)	26
Closure based on federal court filing	1
Legal Activity (including determinations from prior years)³	
Court Filings	18
Settlements	18
Judgments	20
Cases Closed in 2017	2,897

¹ A case with merit is one that has a cause finding.

² The data for compliance and noncompliance both refer to results for cases with a determination issued in calendar year 2017.

³ Includes legal activity on cases with determinations filed in prior years.

EXHIBIT C
Division of Labor Standards Enforcement
Seven-Year Statistics from the RCI Unit

Legislative Report Statistics	2011	2012	2013	2014	2015	2016	2017
Retaliation statutes enforced	31	33	33	39	45	46	46
Total number of complaints (violations alleged) received	2,742	2,945	3,514	3,853	3,629	4,211	4,178
Total cases accepted	1,266	1,440	1,605	1,874	1,998	2,441	2,526
Total violations alleged	1,624	1,794	1,899	3,045	3,928	4,300	5,220
Cases closed	1,018	1,206	1,270	1,508	1,520	1,627	2,897
Unassigned or backlogged cases:	342	385	408	421	1,024	1,532	4
Positive outcomes for complainants: Cause findings + settlements	205	296	404	447	504	459	498