

EXHIBIT A
Division of Labor Standards Enforcement
Calendar Year 2016 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	1,871
230(a)	For taking time off to serve on a jury or appear as a witness in court	5
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	8
230(e)	Protection based on employee's status as a victim of domestic violence, sexual assault, and/or stalking	15
230(f)	Protects victims of domestic violence, sexual assault, and/or stalking who request reasonable accommodations	9
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	3
230.3	Protects employees who take time off to perform duties as a volunteer firefighter, police, or rescue worker	2
230.5	Protects employees who are victims of listed crimes and take time off from work	1
230.7	Protects employees who take time off to attend a child's school at request of child's teacher	3
230.8	For employers with 25 or more employees, protects employee who participate in school activities	2
232(a) & (b)	Protects employees who discuss or disclose wages or refuse to agree not to disclose wages	16
232.5	Protects employee's right to discuss employer's working conditions	22
233	Protects employee's ability to use sick leave to attend to illness of a family member	21
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.	6
245–249	Prohibits retaliation against employees who take paid sick leave	163
432.7	Prohibits employer from requiring employee or job applicant to disclose any arrest record that did not result in a conviction	6
1019	Protects employees engaging in activities protected by the Labor Code from unfair immigration-related practices	13

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1024.6	Allows employees to update personal information without fear of retaliation	5
1030–1033	Protects employees who request lactation accommodations	3
1101–1102	Protects employees who engage in political activities of the employee’s choice	2
1102.5	Protects employee’s right to report violations or noncompliance with state or federal statute	1,489
1197.5	Protects employees from retaliation based on gender-based wage discrimination—Total claims under statute: 34	34
	–Claims alleging retaliation only under this statute: 5	
	–Claims alleging pay disparity only: 19	
	–Claims alleging pay disparity and retaliation: 10	
2814	Protects employees from employer’s unlawful use of e-verify system to check an employee’s immigration status	6
2930	For employer’s failure to show employee a shopping investigator report before discipline or discharge	2
6310	Protects employees who complain about or initiate proceedings relating to workplace safety or health conditions	523
	–Claims alleging retaliation after workplace injury included above (not retaliation after workplace safety complaints): 136	
6311	Protects employees who refuse to perform work in an environment hazardous to the employee or co-workers	35
Other Codes		
1596.881	Health and Safety Code, regarding licensing of childcare facilities	7
1237	Unemployment Insurance Code, protects employee’s right to seek information on unemployment insurance	18
	Total Cases Accepted for Investigation¹	2,441
	Total Violations Alleged for All Cases Accepted for Investigation	4,300

¹ As each case may contain more than one alleged violation, the total number of violations alleged is greater than the total number of cases accepted for investigation.

EXHIBIT B

Calendar Year 2016 Disposition of Retaliation Cases per Labor Code 98.75 (b)

Disposition	Total	2011	2012	2013	2014	2015	2016
Determinations issued	141						
Cases dismissed	114	4	15	21	40	32	2
Cases with merit ¹	27	2	2	4	10	7	2
Investigative hearings held	16	0	0	1	8	5	2

Results of cases with merit	27
Awaiting determination on appeal	9
Compliance ²	1
Settlement prior to court	4
Closure requested by complainant	0
Noncompliance	13
Noncompliance	13
Awaiting referral for enforcement	1
Referred for enforcement (awaiting court filing)	12
Legal Activity	12
Court Filings	12
Settlements	0
Judgments	0
Cases Closed in 2016	1,627

¹ A case with merit is one that has cause findings.

² The data for compliance and noncompliance both refer to results for cases with a determination issued in calendar year 2016.

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

Legislative Report Statistics	2010	2011	2012	2013	2014	2015	2016
Retaliation statues enforced	31	31	33	33	39	45	46
New claims submitted	2,678	2,742	2,945	3,514	3,853	3,629	4,211
Total cases accepted	996	1,266	1,440	1,605	1,874	1,998	2,441
Total violations alleged	1,254	1,624	1,794	1,899	3,045	3,928	4,300
Cases closed	1,175	1,018	1,206	1,270	1,508	1,520	1,627
Unassigned or backlogged cases:	N/A	342	385	408	421	1024	1,532
Positive outcomes for complainants: Cause findings + settlements	224	205	296	404	447	504	459