

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

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Contact: Holly Thomas (213) 337-4484
Holly.Thomas@dfeh.ca.gov

DFEH Settles Disability Discrimination Claims Against Berkeley Honda Autocenter

Employee terminated after emergency hospitalization to receive \$45,000

Sacramento – The Department of Fair Employment and Housing (DFEH) has reached a settlement with Berkeley Honda Autocenter (Berkeley Honda), a car dealership based in Berkeley, on behalf of a former employee who filed a complaint alleging employment discrimination based on his disability.

The complainant, Eric Freihofner, was hospitalized for three days because of his disability and notified his employer that he would not be able to work after the emergency hospitalization. When Freihofner notified Berkeley Honda two days later that he could return to work, he was told that he had been terminated from his job. Freihofner, in his complaint, alleged that Berkeley Honda denied him a reasonable accommodation and failed to engage in an interactive process prior to terminating him in violation of the California Fair Employment and Housing Act (FEHA). Berkeley Honda has not admitted to any wrongdoing.

“Employees should not fear termination from their jobs during an emergency hospitalization,” said DFEH Director Kevin Kish. “California law is clear that employers have a duty to engage in the interactive process once an employee provides notice of a disability.”

Under the terms of the settlement, Berkeley Honda will pay Freihofner \$45,000 in lost wages and emotional distress damages. It will also provide disability sensitivity and reasonable accommodation training to its managers and supervisors, and distribute the DFEH brochure “Employment Discrimination Based on Disability” ([DFEH-E01B-ENG](#)) to its employees. Additionally, Berkeley Honda will develop and implement a written policy that outlines how it will engage in a meaningful, good-faith interactive process with all current and future employees who request a reasonable accommodation.

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The DFEH is the state agency charged with enforcing California’s civil rights laws. The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence and human trafficking. For more information, visit the DFEH’s web site at www.dfeh.ca.gov.

