



Civil Rights Department

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November 30, 2022
For Immediate Release

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Pathways To Pay \$500,000 To Settle CRD “English-Only” Lawsuit

Health services provider will end unlawful policy and change its arbitration agreements

Sacramento - The California Civil Rights Department (CRD) has reached a \$500,000 settlement and negotiated consent decree with Pathways Community Services, LLC and Pathways Health and Community Support, LLC (Pathways) on behalf of a group of approximately 330 employees, resolving *DFEH v. Pathways Community Services, LLC, et al.*, Orange County Superior Court Case Nos. 30-2018-01039657-CU-CR-CJC and 30-2020-01140569-CU-CR-CJC.

CRD alleged that Pathways, a health services provider, violated the state’s civil rights laws when it adopted a policy prohibiting employees from speaking any language other than English during work hours. CRD alleged that Pathways enforced the policy with the intent to discriminate based on national origin and that the policy had an unlawful disproportionate impact on workers of particular ethnicities, particularly Latino/a workers at the Santa Ana worksite. The state Fair Employment and Housing Act (FEHA) prohibits English-only rules absent a business necessity.

“English-only rules that are not justified by legitimate business necessity violate the law,” said CRD Director Kevin Kish. “All employees are entitled to equal treatment and dignity in the workplace, regardless of their national origin, the languages they speak, or their accent.”

After CRD filed its group civil complaint, Pathways issued mandatory arbitration agreements to its California employees that CRD alleged were retaliatory and intended to chill employees’ exercise of their rights under the FEHA. Upon CRD’s motion, the Court granted CRD’s request for corrective notice to Pathways’ employees informing them of the pending case and their right to participate in the lawsuit without retaliation.

Pursuant to the consent decree resolving the case, Pathways will implement a statewide written anti-discrimination policy overriding any English-only policies. Pathways will also conduct mandatory training regarding the new policy for all employees; require supervisors and managers to attend FEHA training; and distribute a corrective addendum to their arbitration agreement. Pathways will also fund the \$500,000 settlement, which includes \$370,000 to be distributed to group members; enhancement payments to the five named Real Parties in Interest; and CRD’s attorneys fees and costs. A retired judge will monitor compliance with the consent decree for two years.

Additional information about the settlement and claims process will be available on [CRD's website](#). Rust Consulting will administer distribution of the settlement fund.

Nelson Chan, Assistant Chief Counsel, Antonio M. Lawson, Associate Chief Counsel, and Kendra Tanacea, Associate Chief Counsel represented CRD.

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The CRD is the state agency charged with enforcing California's civil rights laws. The mission of the CRD 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 CRD's web site at calcivilrights@ca.gov.

