

1 JENNIFER LIU (SBN 279370)  
2 E-mail: [jliu@liulawpc.com](mailto:jliu@liulawpc.com)  
ASHLEY PELLOUCHOUD (286049)  
E-mail: [ap@liulawpc.com](mailto:ap@liulawpc.com)  
3 **THE LIU LAW FIRM, P.C.**  
1170 Market Street, Suite 700  
4 San Francisco, California 94131  
Telephone: (415) 896-4260  
5 Facsimile: (415) 231-0011

FILED  
1/31/2017 4:23:57 PM  
Clerk of the Napa Superior Court  
By: Lori Walker, Deputy

6 SHARON R. VINICK (SBN 129914)  
7 E-Mail: [sharon@levyvinick.com](mailto:sharon@levyvinick.com)  
LESLIE LEVY (SBN 104634)  
8 E-Mail: [leslie@levyvinick.com](mailto:leslie@levyvinick.com)  
**LEVY VINICK BURRELL HYAMS LLP**  
180 Grand Avenue, Suite 1300  
9 Oakland, CA 94612  
Telephone: (510) 318-7700  
10 Facsimile: (510) 318-7701

11 *Attorneys for Plaintiff*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF NAPA

14 UNLIMITED JURISDICTION

16 CARLO JUAN G. TERUEL,

17 Plaintiff,

18 v.

19 AMERICAN CANYON FIRE PROTECTION  
20 DISTRICT, CITY OF AMERICAN  
CANYON, and DOES 1 through 10, Inclusive,

21 Defendants.

Case No.: 17CV000119

**COMPLAINT FOR DAMAGES**

**(Violation of California Family Rights  
Act, California Fair Employment and  
Housing Act, California Labor Code §  
233)**

**JURY TRIAL DEMANDED**

## **NATURE OF THE ACTION**

1. This is an individual action brought by an employee against his former employers, American Canyon Fire Protection District (“ACFPD”) and the City of American Canyon (“American Canyon”) (collectively, “Defendants”), alleging violation of the California Family Rights Act (“CFRA”), the California Fair Employment and Housing Act (“FEHA”), and California Labor Code § 233. Specifically, Plaintiff Carlo Juan G. Teruel (“Firefighter Teruel” or “Plaintiff”) alleges that Defendants violated the law by terminating his employment because he used too much accrued sick leave to care for his wife and two young sons.

## THE PARTIES

2. Firefighter Teruel is a 34-year old man who resides in Vallejo, California.

12       3.     Defendant American Canyon Fire Protection District (“ACFPD”) is a  
13 subsidiary special district to the City of American Canyon and is a public entity.

14       4.     Defendant City of American Canyon (“American Canyon”) is a municipal  
15 corporation and general law city located in Napa County in the State of California. Defendant  
16 American Canyon is a public entity.

17       5.     The true names and capacities of the Defendants named herein Does 1 through  
18     10, inclusive, whether individual, corporate, associate, or otherwise, are unknown to Plaintiff,  
19     who therefore sues such defendants by fictitious names pursuant to California Code of Civil  
20     Procedure § 474. Plaintiff will amend this Complaint to show such true names and capacities  
21     of Does 1-10, inclusive, if and when they have been determined.

22       6. Plaintiff is informed and believes, and on that basis alleges, that each of the  
23 Defendants sued herein, including Does 1 through 10, inclusive, is in some manner legally  
24 responsible for the wrongful acts and/or omissions alleged herein.

25       7. Plaintiff is informed and believes, and on that basis alleges, that each of the  
26 Defendants acted in concert with each and every other Defendant, intended to and did  
27 participate in the events, acts, practices and courses of conduct alleged herein, and  
28 proximately caused damage and injury thereby to Plaintiff as alleged herein.

8. At all times herein mentioned, each Defendant, including Does 1 through 10, inclusive, were agents, employees, supervisors, employers, alter egos, and/or joint venturers of these Defendants, and were acting both individually and in the course and scope of such relationship, and/or as integrated enterprises and/or joint employers, with knowledge and/or consent of the remaining Defendants.

#### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over Plaintiff's claims pursuant to California Government Code § 12965 and California Labor Code § 233.

10. Venue is proper in this Court pursuant to California Government Code § 12965 because Firefighter Teruel worked in Napa County and, but for the unlawful conduct alleged herein, would have continued to work in Napa County.

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

11. On or about January 31, 2017, Firefighter Teruel filed a timely charge of discrimination with the Department of Fair Employment and Housing (“DFEH”). The DFEH issued a right-to-sue letter on this charge on January 31, 2017. A copy of the charge of discrimination and the notice of right-to-sue is attached hereto as **Exhibit A**.

## **FACTUAL ALLEGATIONS**

12. Firefighter Teruel is a 34-year old, married man with two young sons.

13. Firefighter Teruel's wife is a 30-year old medical student.

14. Firefighter Teruel's older son was born on January 11, 2013 and is now 4 years old; his younger son was born on September 15, 2015 and is now 16 months old.

15. Firefighter Teruel received his Bachelor of Science in Atmospheric Science from the University of California, Davis in 2005. In his last year of college, Firefighter Teruel applied to join an on-campus student volunteer firefighter program. Although the program did not have room for him to join, the opportunity sparked his interest in becoming a firefighter-paramedic. For Firefighter Teruel, who had been searching for a meaningful career path, becoming a firefighter-paramedic seemed like an ideal way to turn his desire to serve others into a full-time career.

1       16. In 2006, Firefighter Teruel enrolled in the paramedic training program at the  
2 Santa Rosa Junior College (“SRJC”) Paramedic Academy. SRJC’s Paramedic Academy  
3 training program is widely known as one of the best and most competitive paramedic training  
4 programs in California.

5       17. After graduating from SRJC, Firefighter Teruel worked for Contra Costa  
6 American Medical Response as an Ambulance Paramedic starting in December 2007.

7       18. In September 2008, Firefighter Teruel joined the City of Berkeley Fire  
8 Department, where he worked as a Firefighter-Paramedic until 2014. During his time at the  
9 City of Berkeley, Firefighter Teruel consistently received good performance reviews.

10      19. After the birth of his first son, in 2013, Firefighter Teruel realized that the  
11 demands of working as a firefighter-paramedic in a large city like Berkeley would make it  
12 challenging for him to be the kind of father and husband that he wanted to be for his family.  
13 In addition to being a very high volume community, Berkeley had also switched from a  
14 “Kelly schedule” (a nine-day rotation with three 24 hour shifts with 24 hours off after the first  
15 two shifts and 96 hours off after the third shift) to a 48/96 schedule, which requires  
16 firefighters to work two consecutive 24 hour shifts, followed by four consecutive 24 hour  
17 shifts off duty. Firefighter Teruel found that the constant high volume and grueling 48/96  
18 schedule did not leave him much time or energy to devote to his family. He loved his work,  
19 however, and wanted to continue to be a firefighter-paramedic. He therefore started looking  
20 for other firefighter-paramedic jobs in smaller communities.

21      20. In late summer 2014, Firefighter Teruel applied for a position as Firefighter-  
22 Paramedic with ACFPD. Like most fire departments, ACFPD had a policy of requiring all  
23 newly-hired firefighters to start as probationary employees for 18 months, even if they had  
24 previously worked as firefighters before. Thus, Firefighter Teruel understood that if he joined  
25 the ACFPD, he would be starting as a probationary employee.

26      21. In October 2014, Firefighter Teruel was offered a probationary position as a  
27 Firefighter-Paramedic with ACFPD.

28      22. Firefighter Teruel decided to leave the City of Berkeley to take the job with

1       ACFPD, even though ACFPD would pay Firefighter Teruel substantially less than what he  
2       had been making at the City of Berkeley, because he believed that the job would enable him  
3       to continue working as a firefighter-paramedic, while still being able to be a supportive  
4       husband and father to his wife and two kids.

5           23.      On November 17, 2014, Firefighter Teruel began working for ACFPD as a  
6       firefighter-paramedic. His probationary period was set to end on May 17, 2016.

7           24.      Prior to September 2015, Firefighter Teruel took sick leave on approximately  
8       three occasions. On two of those occasions, he became sick while on duty and had to go  
9       home. On the third occasion, he called in sick.

10          25.     On September 15, 2015, Firefighter Teruel's younger son was born. Prior to  
11       his younger son's birth, Firefighter Teruel was told that he was not eligible for paternity leave  
12       because he had not yet worked at ACFPD for a full year.

13          26.     An ACFPD Captain who was Teruel's supervisor at the time told Firefighter  
14       Teruel that he thought it was "ridiculous" that Firefighter Teruel could not take off any time at  
15       all for the birth of his son. The Captain asked Firefighter Teruel if he could approach the  
16       Chiefs (Fire Chief Glen Weeks and Assistant Chief Blake Lawson) to see if Firefighter Teruel  
17       could take a couple of days off when Firefighter Teruel's younger son was born. Firefighter  
18       Teruel agreed to have the Captain speak with Chief Weeks and Assistant Chief Lawson.

19          27.     After speaking with the Chiefs, the Captain informed Firefighter Teruel that he  
20       would be permitted to take four shifts off following the birth of his son. Accordingly,  
21       Firefighter Teruel took the following days off: September 15, 16, 21, and 27, 2015.

22          28.     On November 14, 2015, Firefighter Teruel took another day of sick leave when  
23       he became ill.

24          29.     On or around November 18, 2015, Firefighter Teruel's wife had to be  
25       hospitalized after a severe anxiety attack, who had been continuing to attend medical school  
26       with a toddler and newborn baby. Despite wanting to be there to care for his wife and two  
27       young sons, Firefighter Teruel did not take sick leave or any other leave on this occasion  
28       because he was very conscious of not wanting to take off too many sick days. He therefore

1 reported to work. Several weeks later, he confided in one of his supervisors that his wife had  
2 been diagnosed with a serious medical condition, specifically, an anxiety disorder.

3       30. In late January 2016, Firefighter Teruel's older son came down with croup. On  
4 January 21, 2016, at around 3 a.m., his older son woke up coughing and crying hysterically.  
5 Firefighter Teruel immediately saw that he was having trouble breathing. As a trained  
6 paramedic, Firefighter Teruel knew it was a serious condition and promptly called 911. The  
7 Vallejo Fire Department arrived and transported his older son to the hospital. Even after  
8 being discharged from the hospital, his older son's symptoms persisted for several days.  
9 Because the croup was serious and the symptoms persisted, Firefighter Teruel had to stay  
10 home along with his wife because two caregivers were necessary to keep his older son  
11 separated from his younger son (who was only four months old at the time), to make sure that  
12 their younger son did not catch the croup virus. On this occasion, Firefighter Teruel took 48  
13 hours of sick leave, which he used to care for both of his sons.

14       31. On February 8, 2016, Firefighter Teruel took another 24 hours of sick leave to  
15 care for his sons. His older son had had a fever of 102-103 degrees for three days, and  
16 Firefighter Teruel again had to stay home to ensure that their sons could be separated so that  
17 the younger son would not catch the same illness.

18       32. In early March 2016, Firefighter Teruel's wife came down with a severe case  
19 of Hand-Foot-Mouth disease and was incapacitated and in bed for approximately four days.  
20 On March 9 and 10, 2015, Firefighter Teruel requested to take 48 hours of sick leave off to  
21 care for his wife and young sons while she was incapacitated. ACFPD approved the request  
22 and informed Firefighter Teruel that they would deduct some of the hours from his vacation  
23 hours. When he took this leave, he informed one of his supervisors and the firefighter on duty  
24 that his wife was suffering from a serious medical condition and that he needed to take leave  
25 to care for his wife and two sons. After his wife's Hand-Foot-Mouth symptoms subsided, she  
26 continued to experience debilitating vertigo (dizziness).

27       33. Throughout his employment with ACFPD, Firefighter Teruel regularly  
28 received positive feedback from his supervisors on his work performance. At no point during

Firefighter Teruel's employment with ACFPD did any of his supervisors inform him that he needed significant improvement in his work performance. During Firefighter Teruel's employment with ACFPD, he passed all tests he had taken. By April 2016, he was nearly done completing all of the requirements necessary to pass probation.

34. On April 14, 2016, approximately one month before Firefighter Teruel was due to finish his probationary period, and without any prior warning, Chief Weeks and Assistant Chief Lawson brought Firefighter Teruel into a conference room and fired him. Despite pleading with Chief Weeks and Assistant Chief Lawson to tell him why they were terminating his employment, they refused to give him a reason.

35. Apart from the instances when Firefighter Teruel used his accrued sick leave to care for his wife and sons, there were numerous instances when his wife and/or sons came down with non-serious medical conditions. During these occasions, Firefighter Teruel did not take any leave to care for his wife and sons because, as a trained paramedic, he was able to distinguish serious from non-serious medical conditions.

36. At no time did Firefighter Teruel take any leave to which he was not entitled, nor did he take any unpaid leave. On the contrary, each time that Firefighter Teruel took leave, he used either sick leave or vacation time.

37. At the time of Firefighter Teruel's termination, he still had remaining 254.50 of accrued, but unused, vacation time.

38. To date, Defendants have repeatedly refused to provide Firefighter Teruel with a reason for why his employment was terminated, other than telling him that he did not pass probation.

## **FIRST CAUSE OF ACTION**

**California Family Rights Act—Retaliation | California Government Code § 12945.2**

39. Plaintiff realleges and incorporates by reference the foregoing, as though fully set forth herein.

40. At all times relevant to this action, Plaintiff was an employee of Defendants within the meaning of the California Family Rights Act (“CFRA”).

1           41. At all times relevant to this action, Defendants were employers within the  
2 meaning of California Government Code § 12945.2(c)(2).

3           42. Beginning on November 17, 2015, Plaintiff had completed more than 1,250  
4 hours of service for Defendants and was eligible for leave under the CFRA.

5           43. On January 21 and 22, 2016, February 8, 2016, and March 9 and 10, 2016,  
6 Plaintiff requested and took leaves from work. These leaves would have qualified as  
7 protected leaves under CFRA, because he took the leaves to care for family members  
8 suffering from serious medical conditions, and also because he used the leave in order to care  
9 for and bond with his newborn son.

10          44. Defendants terminated Plaintiff's employment following Plaintiff taking leave  
11 which was protected under the CFRA.

12          45. Plaintiff's use of CFRA-qualifying leaves was a substantial motivating factor  
13 in ACFPD's decision to terminate his employment.

14          46. As a direct and proximate result of the above violations of his rights under the  
15 CFRA, Plaintiff has suffered damages in the form of past and future wage losses, lost benefits,  
16 other pecuniary losses, and emotional distress in an amount to be proven at trial.

17          47. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory  
18 damages, equitable relief, attorneys' fees, and costs.

19           Wherefore, Plaintiff requests relief as set forth below.

20           **SECOND CAUSE OF ACTION**

21           **FEHA—Gender Discrimination [California Government Code § 12940, *et seq.*]**

22          48. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged  
23 above as if fully set forth herein.

24          49. At all times relevant to this action, Plaintiff was an employee of Defendants  
25 within the meaning of the California Fair Employment and Housing Act ("FEHA").

26          50. At all times relevant to this action, Plaintiff was a male caregiver and therefore  
27 a member of a protected class within the meaning of California Goverment Code §§ 12926(r),  
28 12940(a), *et seq.*

1        51. At all times relevant to this action, Defendants were employers within the  
2 meaning of California Goverment Code § 12926(d).

3        52. As alleged herein, Defendants engaged in illegal sex stereotyping and  
4 unlawfully discriminated against Plaintiff based on his gender by terminating him for taking  
5 sick leave to care for his wife and young sons, in violation of California Government Code  
6 §12940 *et seq.*, with emphasis on California Government Code §12940(a), and the rights  
7 guaranteed by the California Constitution, Article I, Section 7 & 8.

8        53. As a direct and proximate result of the above violations of his rights under the  
9 FEHA, Plaintiff has suffered damages in the form of past and future wage losses, lost benefits,  
10 other pecuniary losses, and emotional distress in an amount to be proven at trial.

11        54. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory  
12 damages, equitable relief, attorneys' fees, and costs.

13        Wherefore, Plaintiff requests relief as set forth below.

14                          **THIRD CAUSE OF ACTION**

15                          **FEHA—Disability Discrimination [California Government Code § 12940, *et seq.*]**

16        55. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged  
17 above as if fully set forth herein.

18        56. At all times relevant to this action, Plaintiff was an employee of Defendants.

19        57. Plaintiff's wife was disabled in that she suffered from an anxiety disorder  
20 beginning on or around November 18, 2015, and from vertigo beginning on or around March  
21 9, 2016.

22        58. At all times relevant to this action, Plaintiff was a member of a protected class  
23 within the meaning of California Goverment Code §§ 12926(n), 12940(a), *et seq.*, because he  
24 associated with his disabled wife, as previously pled herein.

25        59. At all times relevant to this action, Defendants were employers within the  
26 meaning of California Goverment Code § 12926(d).

27        60. At all times relevant to this action, Defendants unlawfully discriminated  
28 against Plaintiff on the basis of his association with his disabled wife by terminating him for

1 taking leave to care for her and their two sons when she was incapacitated.

2       61. Defendants were substantially motivated, in part, to terminate Plaintiff's  
3 employment because of his association with his disabled wife, as previously pled herein.

4       62. As a direct and proximate result of the above violations of his rights under the  
5 FEHA, Plaintiff has suffered damages in the form of past and future wage losses, lost benefits,  
6 other pecuniary losses, and emotional distress in an amount to be proven at trial.

7       63. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory  
8 damages, equitable relief, attorneys' fees, and costs.

9              Wherefore, Plaintiff requests relief as set forth below.

10              **FOURTH CAUSE OF ACTION**

11              **Sick Leave To Care For Kin—Retaliation [California Labor Code § 233]**

12       64. Plaintiff hereby incorporates by reference all preceding paragraphs as alleged  
13 above as if fully set forth herein.

14       65. At all times relevant to this action, Plaintiff was an employee of Defendants.

15       66. At all times relevant to this action, Defendants were employers within the  
16 meaning of California Labor Code § 233(b)(1).

17       67. Plaintiff was eligible for and accrued paid sick leave under Defendants' sick  
18 leave policy.

19       68. On or around January 21 and 22, 2016, February 8, 2016, and March 9 and 10,  
20 2016, Plaintiff requested and took sick leave to care for his wife and young sons.

21       69. During calendar year 2015, Plaintiff did not use more sick leave than he had  
22 accrued during six months of his then current rate of entitlement for the purpose of caring for  
23 sick family members.

24       70. During calendar year 2016, Plaintiff did not use more sick leave than he had  
25 accrued during six months of his then current rate of entitlement for the purpose of caring for  
26 sick family members.

27       71. Defendants terminated Plaintiff's employment following Plaintiff taking  
28 accrued sick leave to care for his wife and young sons.

1           72. Plaintiff's taking sick leave to care for his wife and young songs was a  
2 substantial motivating factor for terminating his employment.

3           73. As a direct and proximate result of the above violations of his rights under  
4 California Labor Code § 233, Plaintiff has suffered damages in the form of past and future  
5 wage losses, lost benefits, other pecuniary losses, and emotional distress in an amount to be  
6 proven at trial.

7           74. As a result of Defendants' unlawful acts, Plaintiff is entitled to compensatory  
8 damages and other equitable relief.

9           Wherefore, Plaintiff requests relief as set forth below.

10           **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for relief as follows:

12           A. For compensatory damages on all causes of action, including but not limited to,  
13 lost back pay, plus interest, lost benefits and future lost earnings and benefits, and damages  
14 for emotional distress and pain and suffering, according to proof allowed by law;

15           B. Attorneys' fees and costs pursuant to California Government Code § 12965,  
16 California Labor Code § 233(e), and any other applicable statute;

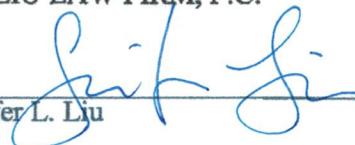
17           C. Costs of suit; and

18           D. For such other and further relief as the Court deems just and proper.

19 DATED: January 31, 2017

Respectfully submitted,

20           THE LIU LAW FIRM, P.C.

21           By:   
22 Jennifer L. Liu

23           LEVY VINICK BURRELL HYAMS LLP

24           By:   
25 Sharon R. Vinick

26           *Attorneys for Plaintiff*

**DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a jury trial on all causes of action and claims with respect to  
3 which he has a right to jury trial.

4 | DATED: January 31, 2017

Respectfully submitted,

THE LIU LAW FIRM, P.C.

By: Jennifer L. Liu

LEVY VINICK BURRELL HYAMS LLP

By: Sharon R. Vinick  
Sharon R. Vinick

*Attorneys for Plaintiff*

# **EXHIBIT A**

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEV N KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

January 31, 2017

Jennifer Liu  
1390 Market St., Suite 200  
San Francisco California 94102

**RE: Notice to Complainant or Complainant's Attorney**

DFEH Matter Number: 525683-272431

Right to Sue: Teruel / American Canyon Fire Protection District

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

DIRECTOR KEV N KISH

January 31, 2017

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 525683-272431

Right to Sue: Teruel / American Canyon Fire Protection District

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEV N KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

January 31, 2017

Carlo Teruel

[REDACTED]

**RE: Notice of Case Closure and Right to Sue**

DFEH Matter Number: 525683-272431

Right to Sue: Teruel / American Canyon Fire Protection District

Dear Carlo Teruel,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 31, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

DIRECTOR KEV N KISH

Enclosures

cc: City Of American Canyon

## **COMPLAINT OF EMPLOYMENT DISCRIMINATION**

## **BEFORE THE STATE OF CALIFORNIA**

**DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
**Under the California Fair Employment and Housing Act**  
**(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of  
Carlo Teruel, Complainant.**

DFEH No. 525683-272431

vs.

American Canyon Fire Protection District,  
Respondent.  
911 Donaldson Way E  
American Canyon, California 94503

**Complainant alleges:**

1. Respondent American Canyon Fire Protection District is a Public Employment Agency subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

2. On or around **April 14, 2016**, complainant alleges that respondent took the following adverse actions against complainant: **Discrimination, Retaliation Denied a work environment free of discrimination and/or retaliation, Terminated, . Complainant believes respondent committed these actions because of their: Association with a member of a protected class, Family Care or Medical Leave, Sex - Gender .**

3. Complainant **Carlo Teruel** resides in the City of **Vallejo**, State of **California**. If complaint includes co-respondents please see below.

1

2 **Co-Respondents:**

3 City Of American Canyon

4 4381 Broadway Street, Suite 201  
American Canyon California 94503

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1

2 **Additional Complaint Details:**

3

4 I am a 34-year old, married man with two young sons. My wife is a 30-year old medical  
5 student. My older son was born on January 11, 2013 and is now 4 years old, my  
6 younger son was born on September 15, 2015 and is now 16 months old.

7

8 On November 17, 2014, I began working for American Canyon Fire Protection District  
9 (ACFPD) and the City of American Canyon (together with ACFPD, Respondents) as a  
10 firefighter-paramedic. Although I had six years of experience working as a firefighter-  
11 paramedic at Berkeley Fire Department, like most fire departments, Respondents had a  
12 policy of requiring all newly-hired firefighters to start as probationary employees for 18  
13 months, even if they had previously worked as firefighters before. My probationary  
14 period was set to end on May 17, 2016.

15 During my employment with Respondents, I took several days of sick leave due to my  
16 own illness. During my employment, I also requested to take several sick days to care  
17 for my wife and two sons when they were ill and/or suffering from serious medical  
18 conditions, and these requests were granted. During this time period, my wife was  
19 diagnosed with a serious medical condition, specifically, an anxiety disorder, which I  
20 disclosed to one of my supervisors.

21 Throughout my employment with Respondents, I regularly received positive feedback  
22 from my supervisors on my work performance. At no point during my employment with  
23 Respondents did any of my supervisors inform me that I needed significant  
24 improvement in my work performance. During my employment with Respondents, I had  
25 passed all tests I had taken. By April 2016, I was nearly done completing all of the  
26 requirements necessary to pass probation.

27 On April 14, 2016, approximately one month before I was due to finish my probationary  
28 period, and without any prior warning, the Fire Chief and Assistant Fire Chief brought  
29 me into a conference room and fired me. Despite pleading with them to tell me why  
30 they were terminating my employment, they refused to give me a reason.

31 Apart from the instances when I used my accrued sick leave to care for my wife and  
32 sons, there were numerous instances when my wife and/or sons came down with non-  
33 serious medical conditions. During these occasions, I did not take any leave to care for  
34 my wife and sons because, as a trained paramedic, I was able to distinguish serious  
35 from non-serious medical conditions. At no time did I take any leave to which I was not  
36 entitled, nor did I take any unpaid leave. On the contrary, each time that I took leave, I  
37 used either accrued sick leave or vacation time. At the time of my termination, I still had  
38 remaining 254.50 of accrued, but unused, vacation time.

To date, Respondents have repeatedly refused to provide me with a reason for why my employment was terminated, other than telling me that I did not pass probation.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

VERIFICATION

I, **Jennifer Liu**, am the Attorney for Complainant in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On January 31, 2017, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

San Francisco, CA  
Jennifer Liu