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HOW TO FILE A WORK DISCRIMINATION COMPLAINT WITH CALIFORNIA'S CRD

How California workers file discrimination, harassment, and retaliation complaints with the Civil Rights Department (formerly the DFEH), step by step.

This document is a PDF version of the following article:
https://www.worklawyers.com/crd-discrimination-complaint-process-california/

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He writes these guides to put the state's labor laws into plain English, in neutral terms, with a citation for every claim.

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California employees have a right to be free from unlawful discrimination, harassment, and retaliation in the workplace. Those laws, however, don't enforce themselves. When California's anti-discrimination laws are violated, many workers choose to file a complaint against their employer.

To do so, the worker files an intake form with California's Civil Rights Department (the "CRD"), the agency formerly known as the Department of Fair Employment and Housing ("DFEH").[1] The intake form can be filed online, by email, by mail, by phone, or in person, and it generally must be filed within **three years** of the last discriminatory act.[2] The CRD then interviews the worker, drafts and files a formal complaint, and investigates the case.

If the case is not resolved, the CRD will issue a right-to-sue notice, and the worker will have **one year** from the date of that notice to file a lawsuit in court.[3] Filing the complaint also pauses the clock on the worker's own civil lawsuit while the case is pending with the department.[4]

A *complaint* is the first statement or document filed with the court, or in this case with a government agency, by a person or entity claiming legal rights against another. Complaints are a type of *pleading*, which means that they serve as a formal statement of the factual and legal basis of the case.

Complaints must be drafted carefully, to make sure the worker has properly stated the factual and legal basis of the claim. This guide explains how to initiate and participate in a complaint for discrimination, harassment, or retaliation with the CRD.

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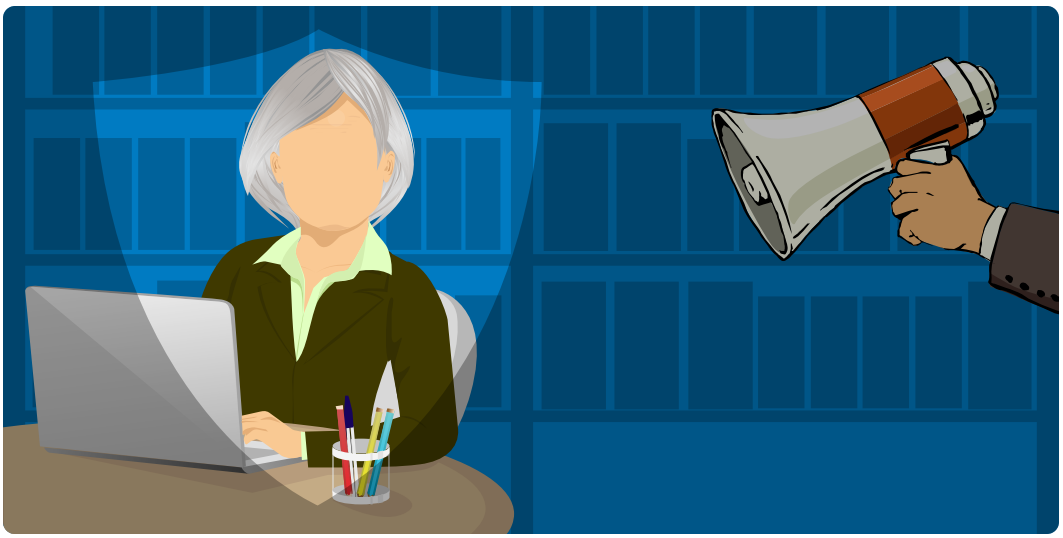
CH. 01

Determine Whether There Is a Valid Claim



Before a complaint is filed, employees should first determine whether the facts of their situation constitute a valid legal claim against their employer. This analysis requires employees to answer four main questions:

- Is the employer a covered entity under the California Fair Employment and Housing Act (called “FEHA“)?
- Is the worker a member of a class of people protected under FEHA?
- Did the employer's actions constitute *unlawful* discrimination, harassment, or retaliation in the workplace?
- Has the deadline for filing a claim (called the “statute of limitations”) passed?

Each of these questions is examined in more detail below.

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1.1 Is the Employer a Covered Entity under FEHA?

The *California Fair Employment and Housing Act of 1959* (called "FEHA") prohibits discrimination, harassment, and retaliation in the workplace against certain groups of people.[5] Its purpose is to provide remedies to employees and eliminate certain discriminatory employment practices.[6]

Under California law, an employer can be held responsible for violating FEHA if they fall into any of the following categories:

- The employer is a person or business that regularly employs five or more people,
- The employer is a person or business who acts as an agent of a covered employer, or
- The employer is the State of California or a local governmental entity (like a city or a county).[7]

Notably, FEHA covers public employers, private employers, labor organizations, employment agencies, and apprenticeship programs. Employers can be one or more individuals, partnerships, corporations or companies.[8]

But FEHA does *not* cover religious associations or religious nonprofit corporations, and it does not treat the federal government as a covered employer.[9]

Additionally, an employer can be held legally responsible for the discriminatory actions of its supervisors, managers, or agents. Likewise, an employer can be held liable when supervisors engage in harassment of protected employees.[10] The improper actions, however, must have been committed within the scope of the employment of the violating supervisor, manager, or agent.[11]

Supervisors themselves are generally not personally liable under FEHA, unless they have engaged in harassment.[12]

Finally, even very small employers can be held liable in actions involving harassment (as opposed to discrimination). Meaning, an employee can file a claim against an employer for workplace harassment as long as the employer regularly employs one or more employees.[13]

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1.2 Is the Employee a Member of a Protected Class?

California law prohibits employment discrimination, harassment, and retaliation against employees, but usually only if the employer was motivated by specific unlawful reasons.[14] The employee must be a member of a protected class, and the employer's adverse actions must have been motivated by the employee's membership in that protected class.[15]

A *protected class* is a group of people who share a characteristic and are legally protected from discrimination on the basis of that characteristic. Under California law, a person is a member of a protected class if they have suffered discrimination, harassment, or retaliation on the basis of their:

- Race;
- Religious creed;
- Skin color;
- National origin;
- Ancestry;
- Physical disability;
- Mental disability;
- Reproductive health decisionmaking;
- Medical condition;
- Genetic information;
- Marital status;
- Sex;
- Gender, gender identity, or gender expression;
- Age (40 or older);
- Sexual orientation; or
- Veteran or military status.[16]

These protections also extend to any combination of protected characteristics, to workers who are *perceived* to have a protected characteristic, and to workers who are

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associated with someone who has (or is perceived to have) a protected characteristic.[17]

In addition to the requirement that the worker have one of the above-listed protected characteristics, the worker must usually be a current employee, a former employee, or a person who applied for a job to receive protection under FEHA.[18]

For these purposes, an *employee* is any individual who is under the direction and control of an employer.[19] To qualify, the employee must have some sort of paid employment agreement with the employer. That can take the form of an implied agreement, an apprenticeship, or some sort of work appointment.[20]

Independent contractors are *not* employees entitled to protection from discrimination.[21] They are, however, entitled to be free from harassment based on their protected characteristic.[22]

1.3 Has the Employer Acted Unlawfully?

Employees should only file claims with the CRD if they believe their employer has violated the law. To determine whether an employer has acted unlawfully, it is important to understand the different types of discrimination and harassment.

Discrimination and harassment can take many forms. *Discrimination* is usually defined as treating individuals differently, due to their protected characteristic or membership in a protected class, with respect to:

- Their compensation,
- The terms or privileges of their employment,
- Work conditions, and
- Job assignments.[23]

Discrimination and harassment are commonly followed by retaliation. This normally occurs when an employer takes adverse actions against an employee for complaining of harassment or discrimination, or for assisting others in these complaints.

Retaliation may also exist whenever an employer takes actions against an employee for reporting illegal conduct by their employer. This is also known as *whistleblowing* and is often illegal.[24]

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1.4 Disparate Impact Cases

Most of this section focuses on actions taken by an employer directly against an employee (sometimes called *disparate **treatment** discrimination*). In those kinds of cases, the employer is generally required to have the intent to discriminate against the employee.[25]

But California law actually prohibits another type of discrimination, called *disparate **impact** discrimination*. The rule for disparate *impact* discrimination is as follows:

> THE BASIC RULE
>
> An employer commits unlawful discrimination when they adopt a policy or practice that has a disproportionate effect on employees who are members of a protected class and the policy or practice is unrelated to the job's requirements.[26]

Disparate impact claims arise when employers adopt policies that are “facially neutral” in that they don't appear to discriminate on the basis of a protected characteristic. The policy might be unlawful, however, if it nevertheless has a disproportionately adverse impact on employees who are members of a protected class.

In these kinds of cases, the employer can be held liable even if the employer had no discriminatory intent.[27] To win though, an employee must show that the practice or policy had no clear relationship to job requirements.[28]

1.5 Has the Deadline to File Passed?

In many cases, it is important to act fast because claims based on discrimination, harassment, and retaliation can expire. This expiration period is called a *statute of limitations*.

In general, a complaint must be filed within **three years** of the date that the alleged unlawful act occurred. The complaint must be filed with the CRD.[29]

If the employee has gone through the administrative process and has been issued a right-to-sue letter from the CRD, the employee will then have **one year** to file a

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lawsuit in civil court against the employer.[30] This one-year clock starts ticking on the date the right-to-sue letter is issued.

Once a complaint is filed with the CRD, the deadline to file the worker's own civil lawsuit is paused (or “tolled”) until the department either files its own lawsuit or closes the case, and the one-year window then runs from the closure or right-to-sue notice.[31] That one-year window is itself paused during any CRD mediation or dispute resolution and during any appeal of a case closure within the department.[32]

If the employee is pursuing federal relief, they must file a complaint with either the CRD or the U.S. Equal Employment Opportunity Commission (the “EEOC“) within **300 days** of the alleged discriminatory act.[33] If either agency issues a right-to-sue letter, the employee will have **90 days** to file a lawsuit in court based on federal claims.[34]

There are sometimes exceptions to this statute of limitations.[35] Even with these protections, it is usually better to bring claims earlier, if possible, so as to avoid relying on those exceptions in case they turn out to be inapplicable.

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CH. 02

Decide If a CRD Complaint Is the Best Option

Employees who want to recover money for violations of California's anti-discrimination and harassment laws have several options. The most obvious is to raise the issue with their employer and resolve it informally. Often, however, employers don't want to meet their legal obligations.

When employers refuse to fairly compensate their employees for legal violations, employees usually have three choices:

- File a lawsuit in court,
- File an administrative claim with a *federal* agency called the U.S. Equal Employment Opportunity Commission (the “EEOC“), or
- File a *state* administrative claim with California's Civil Rights Department (the “CRD“).

For many employees, a claim with the CRD is the easiest or best option. All three are explored in more detail below.

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2.1 Civil Lawsuits

Employees who have been the victim of unlawful discrimination or harassment by a covered employer have a right to file a lawsuit in court to seek the money for the harm they've suffered.[36]

Lawsuits in California usually take place in the superior court.[37] If an employee chooses to pursue a lawsuit without the help of the CRD, they will be responsible for hiring a lawyer or litigating the case in court on their own.

Claims with the CRD, on the other hand, are designed to reduce an employee's risks and costs. In smaller cases, it often doesn't make sense to file a lawsuit in court without first fully pursuing the matter with the CRD.

But, when the legal issues are numerous, complex, or involve substantial sums of money, hiring an attorney to file a lawsuit might be the best way to fully adjudicate the dispute.

Importantly, before a lawsuit can be filed in civil court, employees must first exhaust their administrative remedies. This means that workers are not able to file a discrimination or harassment lawsuit in civil court until they have first filed their claim with an administrative agency, like the federal EEOC or the California CRD.[38]

If the employee wishes to go straight to court, exhausting an employee's remedies is easy to do. They can directly request that the CRD immediately issue a right-to-sue letter.[39] The risk in doing so, however, is that the CRD will generally not investigate or pursue the employee's complaint.[40]

The CRD recommends that employees request an immediate right-to-sue letter only when they have been advised by their attorney to do so.[41]

2.2 Federal Discrimination Claims

On the federal level, Title VII of the Civil Rights Act of 1964 (often referred to as just “Title VII“) protects certain groups of employees from discrimination.[42]

Title VII claims are, in many ways, similar to those brought under the California Fair Employment and Housing Act (“FEHA“),[43] except that the protections Title VII provides are usually narrower.

For example, employees who pursue relief under FEHA can seek unlimited damages.[44] Awards under Title VII, on the other hand, are subject to strict limitations

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on amount of damages an employee may seek.[45]

Despite those downsides, there are some cases where the employee may want to pursue a claim under Title VII. If they choose to do so, they can file their employment discrimination claim with the U.S. Equal Employment Opportunity Commission (the "EEOC").[46]

The EEOC provides a free procedure for employees to initiate claims against their employer. The EEOC will then investigate the employee's claims and determine whether to pursue an action against the employer.[47]

But, when California law benefits an employee more than federal law, it can make sense for employees to pursue their claims with the agency tasked with enforcing state law: the CRD.

2.3 State Discrimination Claims

As mentioned above, employees in California are protected against discrimination, harassment, and retaliation by the California Fair Employment and Housing Act ("FEHA") and regulations written by state administrative agencies.[48]

Like federal law, these rules provide employees with a free procedure to initiate claims against their employer. The CRD will then investigate the employee's claims and determine whether to pursue an action in court against the employer.[49]

If the CRD decides that it will not pursue an action against the employer, it will issue a right-to-sue notice to the employee.[50] The employee will then have the right to file a civil lawsuit in court on their own.

Filing a claim with the CRD can be particularly helpful to employees who cannot afford (or do not want) to hire a lawyer.[51] It is also an easy way to preview the employer's evidence and their response before going to court.

The downside of filing a claim with the CRD, without requesting an immediate right-to-sue notice, is that there may be a delay in litigating the issue.

2.4 Which Option Is Best?

Choosing how to proceed is often the first important decision in a case. In practice, the paths overlap: a discrimination complaint filed with one agency is generally

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treated as filed with the other as well.[52] Employees cannot recover twice for the same harm, however, so it is important to choose a primary path and pursue it consistently.

Employees may choose the administrative claim process with the CRD for several reasons:

- It can be cheaper and less risky than a traditional lawsuit.
- The CRD has the power to issue subpoenas and compel the employer to produce evidence or testimony.[53]
- The CRD can force employers to answer written questions.[54]
- The CRD can work with employers to eliminate unlawful employment practices.[55]
- The CRD can pursue the employer in court.[56]

Ultimately, the best course of action will depend on the specific facts of the employee's situation. It is often a good idea to speak with a qualified employment lawyer before deciding how to proceed.

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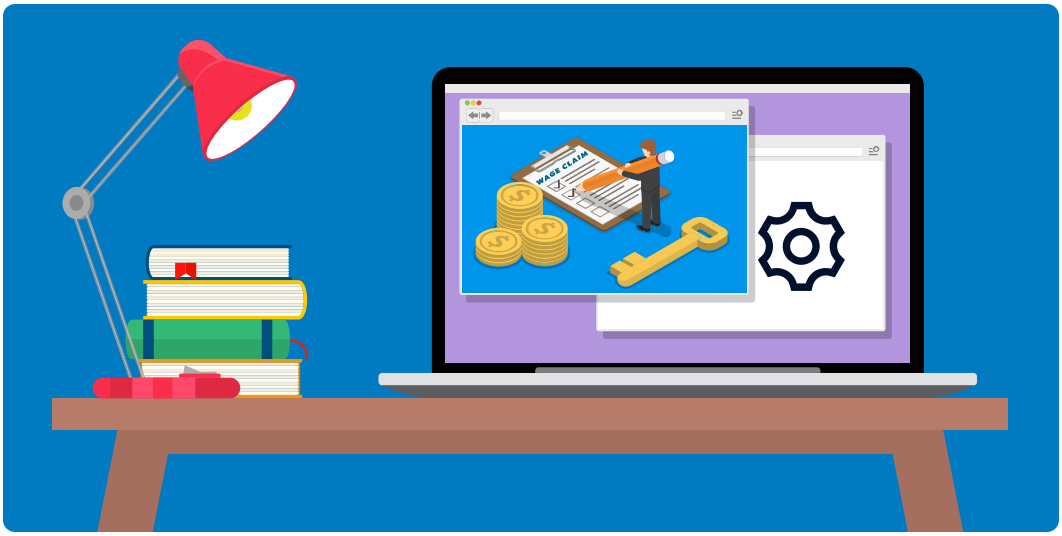
CH. 03

Prepare and File the CRD's Intake Form



3.1 Gather Supporting Documents

A complaint with California's Civil Rights Department (“CRD“) must contain sufficient facts to support the eventual claims in the lawsuit. If a lawsuit is filed, it will allege harassment, discrimination, or retaliation. To survive legal scrutiny, there usually must be some documentary support for one of those claims.

It is usually a good idea to gather these documents before anything is filed with the CRD, so the strength of the evidence can be evaluated. This will also help the worker tailor the language in their complaint to emphasize certain facts in the case.

Preparing these documents in advance will also help the worker later, when it is time to speak with the investigator assigned to their case. The CRD's investigator will want to see any documentation supporting the worker's claim.

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3.2 Complete the CRD's Intake Form

If the worker wishes to file a complaint with the CRD, the first step is to fill out a document called an “intake” form (the regulations call it a “pre-complaint inquiry”). An *intake form* initiates the complaint process with the CRD and begins the department's review of the case.[57] Filing the intake form is also what stops the statute-of-limitations clock: under California law, filing a complaint means filing an intake form, and the formal complaint's operative date relates back to the date the intake form was filed.[58]

The intake form is available for free on the CRD's website. There are different types of intake forms. They concern housing discrimination, hate violence, human trafficking, and more. The one relevant here is the **employment** intake form, as it involves employment discrimination, harassment, and retaliation.

There are several ways to submit the intake form:

- It can be filed online using the government's interactive service (called the California Civil Rights System, or “CCRS”),[59]
- A completed copy of the PDF form can be emailed to contact.center@calcivilrights.ca.gov,
- The worker can call the CRD's Contact Center at 800-884-1684 to begin the process by phone,
- The worker can file in person at one of the CRD's offices, or
- A completed copy of the PDF form can be sent via U.S. mail to:

> Civil Rights Department
> 651 Bannon Street, Suite 200
> Sacramento, California 95811

Note that when filing a complaint, it is very important to carefully comply with the CRD's requirements. For example, the intake form must identify the worker by name and, where available, provide the worker's address, telephone number, and email address, as well as the employer's name and address.[60]

The intake form must also include a description of the alleged acts, the date of the most recent act, and each protected basis upon which the alleged discrimination or harassment was based.[61]

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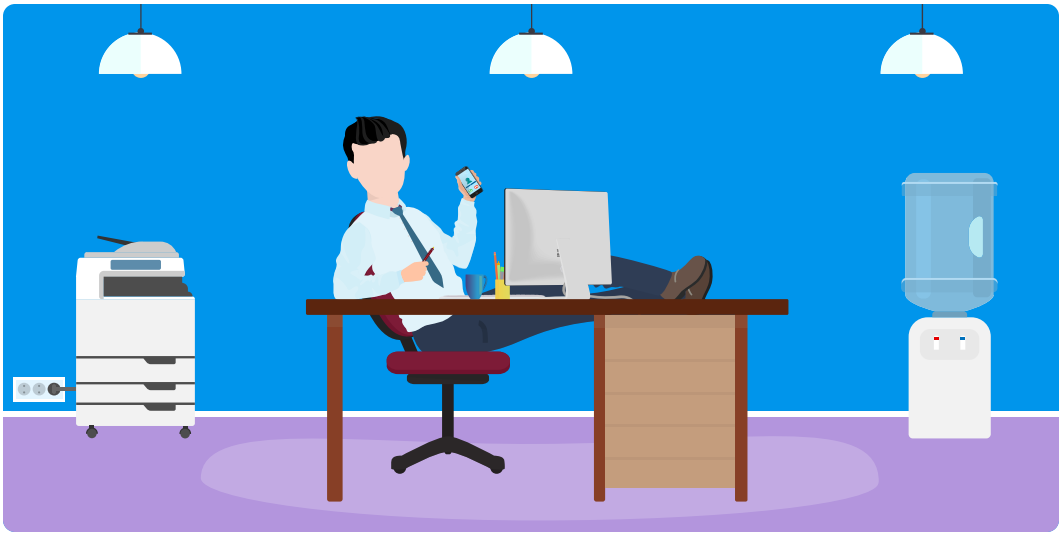
CH. 04

Complete the Intake Interview



Filling out the intake form initiates an intake interview with a department representative to determine whether a formal complaint is in order.[62] After the intake form is filed, the worker will be contacted by someone from the CRD to schedule an intake interview.[63]

The *intake interview* is a brief meeting with a CRD investigator that usually occurs by phone. During that time, the investigator will ask the worker about the facts and evidence supporting their complaint. To support the case, the worker will need to provide the investigator with facts and any records about the incident. If the worker has documentary evidence supporting their case, they will need to provide that as well.[64]

Cooperating with the investigator is very important, as they will determine whether the case has a future with the CRD. The CRD will end its investigation of the case, and not take any further action, if it determines that the allegations would not constitute a violation of the law, the deadline for filing has expired, or that it does not have jurisdiction over the case.[65] If there is doubt about timeliness or jurisdiction, however, the CRD takes the complaint and investigates those issues along with the merits.[66]

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The CRD investigator will also reject any case where the same complaint has been previously filed with the CRD or the EEOC.[67]

The CRD will evaluate the facts and evidence presented to them, and decide whether to accept the case for further investigation.[68] If the case is accepted, the CRD will prepare a complaint form for the worker to sign and send back to the CRD for filing with the department.[69]

If the worker is *not* represented by an attorney, the CRD will serve a copy of the signed complaint on the employer.[70] If the worker *is* represented by private counsel, however, California law makes the worker's attorney (not the CRD) responsible for serving the verified complaint on the employer.[71]

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CH. 05

Decide Whether to Participate in Early Mediation

After a complaint is filed for investigation, the parties may have the option of resolving the dispute through the CRD's Dispute Resolution Division before the department completes its investigation. This early process usually takes the form of a voluntary mediation.[72]

Mediation is a negotiation overseen and facilitated by a third party (the mediator). It is an effort to determine whether the parties can amicably resolve their dispute without additional litigation.

The CRD's mediation services are free of charge to the parties.[73] Early mediation, conducted before the department's investigation is complete, is voluntary, so the department will not send a case to a mediator at this stage unless both the worker and the employer agree to participate.[74]

When the parties agree to mediate, the CRD suspends other proceedings. The employer's deadline to file a response is put on hold, and the department's investigation is paused while the case is with the Dispute Resolution Division.[75] The deadlines that govern any later civil lawsuit are also tolled during this period.[76]

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If the parties reach an agreement during mediation, the settlement is put in writing and signed, and the CRD closes its case file, ending the complaint process.[77]

If mediation is declined or is unsuccessful, the CRD's proceedings resume, and the employer's response comes due within 21 days after the department notifies the employer that mediation ended.[78]

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CH. 06

Cooperate with the CRD's Investigator

After the signed complaint is filed with the CRD, the department is required to initiate prompt investigation of the case.[79] The main goal of the investigation is usually to determine whether an unlawful practice has occurred.[80]

During its investigation, the CRD has the power to:

- Issue and serve investigative subpoenas;[81]
- Issue and serve written interrogatories;[82]
- Request the production of books, records, or documents; and[83]
- Obtain the worker's complete personnel file from the employer, where relevant.[84]

If either party fails to comply with the investigation process, the CRD can file a court petition to force compliance with its investigative discovery.[85]

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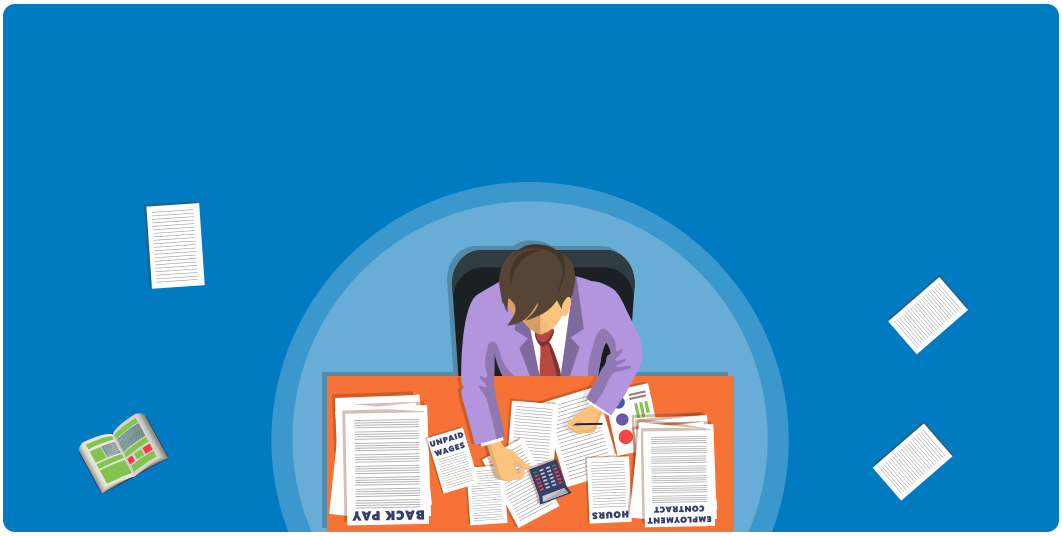
CH. 07

Review the Employer's Response



Employers are usually required to file a response with the CRD within **30 days** of the date the complaint is served on them.[86] Employers are permitted to request extensions of time, but the CRD has discretion to deny the request.[87] If the complaint went to mediation first, the employer's response instead comes due within **21 days** after the CRD notifies the employer that mediation was declined or was unsuccessful.[88]

Reviewing the employer's response is important, as it provides the CRD with the employer's side of the story. It can affect the CRD's ultimate decision in the case, as well as the worker's strategy.

After reviewing the employer's response, the worker may wish to participate in a dispute resolution program or submit additional evidence to the CRD's investigator. The employer's response can also be used as evidence in court later on, if a lawsuit is brought.

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CH. 08

Review the CRD's Decision

When parties can't resolve a complaint, the CRD continues its investigation.[89] If, at the conclusion of that investigation, the CRD finds that no violation of California law occurred, they will close the case. The worker will be notified in writing of the case closure and be issued a right-to-sue notice.[90]

Similarly, if the CRD fails to take action within 150 days of the filing of a complaint, the CRD will notify the employee that they can request a right-to-sue notice and pursue the case in civil court on their own.[91] If the worker does not request a right-to-sue notice, one will automatically issue at the earlier of one year from the date the complaint is filed or the date the CRD completes its investigation.[92]

If the CRD agrees with the worker and finds that the case *does* have merit, the CRD will try to eliminate the unlawful employment practice through conference, conciliation, and persuasion.[93] Conciliation is an informal, investigator-facilitated effort to settle the case, and it is one of several dispute resolution tools the department uses.[94]

If the case still has not resolved and the CRD intends to file a lawsuit on the worker's behalf, the department must first put the parties through mandatory dispute resolution (typically a mediation) in its internal Dispute Resolution Division, free of charge.[95] The department may, however, file suit in advance of dispute resolution if

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circumstances warrant.[96] If that dispute resolution does not resolve the case, the CRD can either close the worker's case file or file a civil action on the worker's behalf.[97]

Importantly, the CRD has discretion to reject a case even if the case has merit. There are several factors the CRD will consider when deciding whether to pursue a case further:

- The strength and sufficiency of the evidence of unlawful conduct;
- The likelihood of prevailing on the merits at hearing or trial;
- The availability and allocation of the CRD's resources;
- Whether the alleged violation addresses an important legal issue in an area where the department seeks to establish case law;
- Whether filing the civil action and subsequent litigation thereof are likely to impact civil rights in a manner consistent with the department's mission; and
- Whether the employer has offered the worker an equitable remedy that the worker has refused.[98]

If the CRD decides not to prosecute the case on the worker's behalf, it is important for the worker to review the CRD's decision and decide whether to file a lawsuit independently. A worker who disagrees with a rejection or closure may also appeal to the director within 10 days of being notified.[99]

It is also important for the worker to understand that the CRD can only investigate violations of the laws it enforces, chiefly the Fair Employment and Housing Act ("FEHA") in employment cases. This means that although the worker may have been treated unfairly, a clear violation of the law may not have been evident to the CRD.

Finally, the worker should understand that the CRD's rejection of their case does *not* mean that their case lacks merit. There are a variety of reasons why the CRD might reject a case, even when they think the worker has a strong case.

Employees whose CRD claim has been rejected will be issued a right-to-sue notice, and they will then have the right to file a civil lawsuit in court on their own.[100] It can be a good idea to speak with an attorney about how to proceed (if at all).

If the CRD determines that there is sufficient evidence to prove a violation of the Fair Employment and Housing Act ("FEHA"), it might file a civil lawsuit on the employee's behalf.[101] The case will be heard in one of California's superior courts.[102]

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The employee will then be required to cooperate as necessary in the litigation until the matter is resolved in court.

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1	Gov. Code, § 12901; Stats. 2022, ch. 48 (SB 189) [renaming the department effective July 1, 2022].
2	Gov. Code, § 12960, subds. (b), (e)(5); CRD, How to File a Complaint.
3	Gov. Code, § 12965, subds. (c)(1)(A), (c)(1)(D).
4	Gov. Code, § 12960, subd. (f) [tolling the deadline to file a civil action from the date the department complaint is filed until the department files suit or one year after it issues a closure notice]; Gov. Code, § 12965, subd. (c)(1)(F).
5	Gov. Code, § 12900, et seq.
6	Gov. Code, § 12920.
7	Gov. Code, § 12926, subd. (d).
8	Gov. Code, § 12926, subd. (d).
9	Gov. Code, § 12926, subd. (d).
10	*Roby v. McKesson Corp.* (2009) 47 Cal.4th 686, 707 [“When the harasser is a supervisor, the employer is strictly liable for the supervisor’s actions.”].
11	Cal. Code of Regs., tit. 2, § 11009, subd. (b).
12	Gov. Code, § 12940, subd. (j)(3); *Reno v. Baird* (1998) 18 Cal.4th 640.
13	Gov. Code, § 12940, subd. (j)(4)(A).
14	Gov. Code, § 12940, subd. (a).
15	*Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 195 [“In order to prevail under the disparate treatment theory, an employee must show that the employer harbored a discriminatory intent.”].

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16 Gov. Code, § 12940, subd. (a). Reproductive health decisionmaking was added to the list effective January 1, 2023. (Stats. 2022, ch. 630 (SB 523).)

17 Gov. Code, § 12926, subd. (o).

18 Gov. Code, § 12940, subd. (a).

19 Cal. Code of Regs., tit. 2, § 11008, subd. (e).

20 Cal. Code of Regs., tit. 2, § 11008, subd. (e).

21 Cal. Code of Regs., tit. 2, § 11008, subd. (e)(1).

22 Gov. Code, § 12940, subd. (j)(1) ["It is an unlawful employment practice . . . [f]or an employer . . . to harass an employee, an applicant, an unpaid intern or volunteer, or *a person providing services pursuant to a contract*."], emphasis added.

23 Gov. Code, § 12940, subd. (a).

24 See Gov. Code, § 12940, subd. (h); Labor Code, § 98.6, subd. (a) ["A person shall not discharge an employee or in any manner discriminate, retaliate, or take any adverse action against any employee or applicant for employment because . . . of the exercise by the employee or applicant for employment on behalf of themselves or others of any rights afforded them."].

25 *Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 195 ["In order to prevail under the disparate treatment theory, an employee must show that the employer harbored a discriminatory intent."].

26 *Scotch v. Art Inst. of California* (2009) 173 Cal.App.4th 986, 1002.

27 *Int'l Bhd. of Teamsters v. United States* (1977) 431 U.S. 324, 335, fn. 15 [97 S.Ct. 1843, 1854] ["Claims of disparate treatment may be distinguished from claims that stress 'disparate impact.' The latter involve employment practices that are facially neutral in their treatment of different groups but that in fact fall more harshly on one group than another and cannot be justified by business necessity. [Citations.] Proof of discriminatory motive, we have held, is not required under a disparate-impact theory."].

28 *Knight v. Hayward Unified School Dist.* (2005) 132 Cal.App.4th 121, 129.

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29 Gov. Code, § 12960, subd. (e)(5).

30 Gov. Code, § 12965, subd. (c)(1)(D).

31 Gov. Code, § 12960, subd. (f).

32 Gov. Code, § 12965, subds. (c)(1)(F), (e), (f).

33 42 U.S.C. §§ 2000e-5(e)(1), 12117.

34 42 U.S.C. §§ 2000e-5(f)(1), 12117.

35 See, e.g., Gov. Code, § 12960, subds. (e)(6), (f); Gov. Code, § 12965, subds. (c)(1)(F), (e), (f) [extending or tolling the filing deadlines in specified circumstances, including where a claim is dual-filed with the EEOC].

36 Gov. Code, § 12965, subd. (c)(1)(D).

37 Gov. Code, § 12965, subd. (c)(3).

38 See Gov. Code, § 12960; *Downs v. Department of Water & Power* (1997) 58 Cal.App.4th 1093, 1097; Gov. Code, § 12965, subd. (e)(3) [codifying *Downs*].

39 Cal. Code of Regs., tit. 2, § 10005, subd. (a) [“Any person claiming to be aggrieved by an employment practice made unlawful by the FEHA may forgo having the department investigate a complaint and instead obtain an immediate right-to-sue notice. A right-to-sue notice issued by the department shall state that the aggrieved party may bring a civil action against the person or entity named in the complaint within one year from the date of the notice.”].

40 Cal. Code of Regs., tit. 2, § 10005, subd. (b) [“Once the department issues a right-to-sue notice for a particular complaint, the department shall not investigate that complaint.”].

41 Cal. Code of Regs., tit. 2, § 10005, subd. (b) [“Obtaining an immediate right-to-sue notice and waiving the department's investigation is advisable only if a complainant has been instructed by the complainant's attorney to obtain a right-to-sue notice.”].

42 42 U.S.C. § 2000e, et seq.

43 Gov. Code, § 12900, et seq.

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44 *Commodore Home Systems, Inc. v. Superior Court* (1982) 32 Cal.3d 211, 215 [“the FEHA does not limit the relief a court may grant in a statutory suit charging employment discrimination.”].

45 See 42 U.S.C. § 1981a(b)(3).

46 See 42 U.S.C. § 2000e-5.

47 See 42 U.S.C. § 2000e-5.

48 Gov. Code, § 12900, et seq.; Cal. Code of Regs., tit. 2, § 10000 et seq.

49 Gov. Code, §§ 12930, 12965, subd. (a)(1); Cal. Code of Regs., tit. 2, § 10026.

50 Gov. Code, § 12965, subd. (c)(1)(A) [“[I]f a civil action is not brought by the department pursuant to subdivision (a) within 150 days after the filing of a complaint, or if the department earlier determines that no civil action will be brought pursuant to subdivision (a), the department shall promptly notify, in writing, the person claiming to be aggrieved that the department shall issue, on request, the right-to-sue notice.”].

51 *Ellis v. U.S. Security Associates* (2014) 224 Cal.App.4th 1213, 1226.

52 See *Downs v. Department of Water & Power* (1997) 58 Cal.App.4th 1093, 1097; Gov. Code, § 12965, subds. (e), (f) [tolling rules for charges filed concurrently with the EEOC].

53 Gov. Code, §§ 12963.1, 12963.3.

54 Gov. Code, § 12963.2.

55 Gov. Code, § 12963.7.

56 Gov. Code, §§ 12930, 12963.5, 12965, subd. (a)(1); Cal. Code of Regs., tit. 2, § 10026.

57 Cal. Code of Regs., tit. 2, § 10002, subd. (b).

58 Gov. Code, § 12960, subd. (b) [“For purposes of this section, filing a complaint means filing an intake form with the department and the operative date of the verified complaint relates back to the filing of the intake form.”].

59 Available here.

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60 Gov. Code, § 12960, subd. (c); Cal. Code of Regs., tit. 2, § 10002, subd. (a).

61 Gov. Code, § 12960, subd. (c); Cal. Code of Regs., tit. 2, § 10002, subd. (a).

62 Cal. Code of Regs., tit. 2, § 10007, subd. (a) [“To determine whether the department has jurisdiction over the conduct about which a person seeks to complain, or the respondent against whom the person seeks to file a complaint, the department shall screen pre-complaint inquiries requesting investigation by conducting an intake interview.”].

63 Gov. Code, § 12963 [“After the filing of any complaint alleging facts sufficient to constitute a violation of any of the provisions of this part, the department shall make prompt investigation in connection therewith.”]; Cal. Code of Regs., tit. 2, § 10007, subd. (b) [“The department will contact persons who have filed a pre-complaint inquiry to conduct or schedule an intake interview.”].

64 Cal. Code of Regs., tit. 2, § 10007, subd. (c).

65 Cal. Code of Regs., tit. 2, §§ 10004, subd. (a), 10007, subd. (e).

66 Cal. Code of Regs., tit. 2, § 10007, subds. (e)(2), (e)(3).

67 Cal. Code of Regs., tit. 2, § 10007, subd. (g) [“The department shall not accept complaints where the same protected bases, discriminatory acts, and allegations are or have been included in a complaint the complainant previously filed with the department or the EEOC against the same respondent(s).”].

68 Cal. Code of Regs., tit. 2, § 10007, subd. (d) [“The department shall liberally construe the facts alleged by a potential complainant when evaluating whether to accept a complaint.”].

69 Cal. Code of Regs., tit. 2, § 10009, subds. (a) [“The department shall draft the language of each complaint filed for investigation on a complaint form prescribed by the department.”], (c) [“Once drafted, a complaint may be verified by a complainant in person or sent to the complainant for verification via U.S. mail, private carrier mail, facsimile transmission, e-mail, or other electronic means.”].

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70 Cal. Code of Regs., tit. 2, § 10021, subd. (a) [“Only verified complaints filed for investigation with the department by complainants not represented by counsel shall be served by the department.”].

71 Gov. Code, § 12962, subd. (b) [“[I]f a person claiming to be aggrieved . . . hires or retains private counsel . . . the private counsel, and not the department, shall cause the verified complaint . . . to be served.”]; Cal. Code of Regs., tit. 2, § 10021, subd. (a).

72 Effective April 1, 2026, the CRD's Conciliation Procedures Regulations repealed the former mediation and conciliation regulations (Cal. Code of Regs., tit. 2, former §§ 10024, 10025) and relocated those procedures to Cal. Code of Regs., tit. 2, §§ 10280 (conciliation) and 10281 (mediation). See Gov. Code, § 12965, subd. (a)(1) [listing “conference, conciliation, mediation, or persuasion”].

73 Gov. Code, § 12965, subd. (a)(2); CRD, Complaint Process.

74 Cal. Code of Regs., tit. 2, § 10281.

75 Cal. Code of Regs., tit. 2, § 10023, subd. (a); Cal. Code of Regs., tit. 2, § 10281.

76 Gov. Code, § 12965, subd. (c)(1)(F)(i) [tolling the right-to-sue and civil-action deadlines “during a mandatory or voluntary dispute resolution proceeding”].

77 Gov. Code, § 12964 [conciliation and dispute-resolution agreements reduced to writing and signed]; Cal. Code of Regs., tit. 2, § 10281.

78 Cal. Code of Regs., tit. 2, § 10023, subd. (b).

79 Cal. Code of Regs., tit. 2, § 10026, subd. (a) [“After any employment discrimination complaint alleging facts sufficient to constitute a violation of the FEHA is filed for investigation with the department, the department shall initiate prompt investigation thereof.”]; Gov. Code, § 12963.

80 Cal. Code of Regs., tit. 2, § 10026, subd. (d) [“The department shall gather during the course of an investigation all relevant evidence necessary to determine whether an unlawful practice has occurred.”].

81 Gov. Code, § 12963.1.

82 Gov. Code, § 12963.2.

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83 Gov. Code, § 12963.4.

84 Cal. Code of Regs., tit. 2, § 10026, subds. (c), (e).

85 Gov. Code, § 12963.5; Cal. Code of Regs., tit. 2, § 10026, subd. (c).

86 Cal. Code of Regs., tit. 2, § 10023, subd. (a) [“Unless granted an extension by the department, a written response to a complaint filed for investigation with the department shall be provided to the department within thirty (30) days of service of the complaint . . . .”].

87 Cal. Code of Regs., tit. 2, § 10023, subd. (a).

88 Cal. Code of Regs., tit. 2, § 10023, subd. (b).

89 Gov. Code, § 12963.

90 Cal. Code of Regs., tit. 2, § 10032, subds. (a) [“Whenever a complaint filed for investigation with the department is withdrawn by the complainant or dismissed by the department, or an investigation is closed or terminated by the department for any reason, the department shall promptly notify the complainant and respondent of the case closure, and the reason for closure, in writing.”], (b); Gov. Code, § 12971.

91 Gov. Code, § 12965, subd. (c)(1)(A).

92 Gov. Code, § 12965, subd. (c)(1)(A) [“If the person claiming to be aggrieved does not request a right-to-sue notice, the department shall issue the notice upon completion of its investigation, and not later than one year after the filing of the complaint.”].

93 Gov. Code, § 12963.7, subd. (a) [“If the department determines after investigation that the complaint is valid, the department shall immediately endeavor to eliminate the unlawful employment practice complained of by conference, conciliation, and persuasion.”].

94 Cal. Code of Regs., tit. 2, § 10280 [conciliation]; see Cal. Code of Regs., tit. 2, § 10281 [mediation as a form of dispute resolution].

95 Gov. Code, § 12965, subd. (a)(2); Cal. Code of Regs., tit. 2, § 10031, subd. (b) [civil action may be filed “only after the department has required mandatory post-determination mediation”].

96 Gov. Code, § 12965, subd. (a)(1) [“In the case of failure to eliminate an unlawful practice . . . through conference, conciliation, mediation, or

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persuasion, or in advance thereof if circumstances warrant, the director in the director's discretion may bring a civil action . . . .”].

97 Cal. Code of Regs., tit. 2, § 10032, subd. (a); Gov. Code, § 12965, subds. (a)(1), (a)(2).

98 Cal. Code of Regs., tit. 2, § 10031, subd. (c).

99 Cal. Code of Regs., tit. 2, § 10033, subd. (a). A timely departmental appeal also tolls the one-year deadline to file a civil lawsuit. (Gov. Code, § 12965, subd. (c)(1)(F)(iv).)

100 See Gov. Code, § 12965, subds. (c)(1)(A), (c)(1)(D); Cal. Code of Regs., tit. 2, § 10032, subd. (b) [“For complaints alleging unlawful employment practices in violation of the FEHA for which a right-to-sue notice has not already been issued, a notice of case closure shall also constitute a right-to-sue notice.”].

101 Gov. Code, § 12965, subd. (a)(1).

102 Gov. Code, § 12965, subd. (c)(3).

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