

California: Plaintiffs' Have Longer Period for Filing FEHA Lawsuit After EEOC Investigation

October 3, 2002

This bill, signed by Governor Davis on August 28, 2002, suspends the running of the one-year period within which an individual must file a lawsuit for violations of the Fair Housing and Employment Act in cases where the Department of Fair Employment and Housing has deferred its investigation of the individual's complaint to the United States Equal Employment Opportunity Commission. It also suspends the limitations period when, after an investigation by the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission agrees to review the Department's determination or conduct its own investigation.

California Assembly Bill 1146: Fair Employment and Housing Act. Civil Actions

Purpose: Tolls the limitations period within which the civil action must be filed, in cases where:

1. the Department of Fair Employment and Housing has deferred its investigation of the individual's complaint to the United States Equal Employment Opportunity Commission or
2. after an investigation by the Department of Fair Employment and Housing, the Equal Employment Opportunity Commission agrees to perform a substantial weight review of the determination of the department or conducts its own investigation.

Effective Date: January 1, 2003

Consequences: Provides individuals additional time to bring discrimination lawsuits against California employers under the Fair Employment and Housing Act where the EEOC is conducting an investigation into the discrimination complaint.

[View AB 1146](#)

Press release issued by the Office of Governor Davis:

GOVERNOR DAVIS EXPANDS TIME ALLOWED FOR FILING EMPLOYMENT DISCRIMINATION ACTIONS 9/2/02

Governor Gray Davis signed legislation that suspended the one year statute of limitations for filing an employment discrimination action in state court in cases where the Department of Fair Employment and Housing (DFEH) has deferred its investigation of the claim to the United States Equal Employment Opportunity Commission (EEOC).

"This bill will allow thorough review of discrimination claims," Gov. Davis said. "Everyone deserves a fair and thorough hearing. This bill ensures that."

AB 1146, by Assembly Member Wilma Chan (D - Alameda), suspends the state statute until the federal right-to-sue period commences or one year from the date of the DFEH right-to-sue notice, whichever is later.

Extending the statute of limitations while the EEOC is involved in the case would avoid the duplication of resources on the same set of facts. This bill also protects plaintiffs from losing the right to pursue their state claim at the conclusion of EEOC's investigation because the DFEH statute of limitation has expired.

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