



**DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING
ENFORCEMENT DIVISION
DIRECTIVE**

**DIRECTIVE
NUMBER
314**

**DISTRIBUTION
DATE
October 1, 1998**

1. **SUBJECT: THIRTY-DAY INQUIRY LETTERS**
2. **PURPOSE:** To set forth the procedures for using thirty-day inquiry letters.
3. **BACKGROUND:** Thirty-day inquiry letters are often used as an effective investigative tool. They help expedite case processing and allow complainants an opportunity to rebut or comment on the response received from the respondent early in the investigative process. Certain procedures must be followed in the preparation of these letters.

4. **PROCEDURES:**

A. **When a Thirty-Day Inquiry Letter is Appropriate:**

After a response has been received from the respondent, it is necessary to review the response with the complainant to obtain any rebuttal to the response and allow the complainant an opportunity to provide further information and/or the names of possible witnesses. A thirty-day inquiry letter is particularly useful in instances where there is difficulty in reaching the complainant.

In instances where a reply is not received, the letter can also provide a basis for closing the case with Closing Category 03, "Complainant Unavailable," or Closing Category 04, "Complainant Failed to Cooperate." Where a reply is received, the Consultant's reply and a detailed 14-day letter, *may* provide the basis for closing the case with Closing Category 05, "Insufficient Evidence to Prove a Violation of the Statute," if such is appropriate.

B. **Preparation of a Thirty-Day Inquiry Letter:**

- 1) In preparing a thirty-day inquiry letter, a DFEH-200-45 (for dual filed cases) or DFEH-200-46 (for non-dual filed cases) should be used. A DFEH-200-25 (N or S) should accompany the letter on dual filed cases.

- 2) The letter should **summarize** the relevant portions of the response. Copies of the respondent's response will **not** be provided on an open case.
- 3) The complainant should be asked **specific** questions about the summary of the response and not merely requested to "respond to this statement."

Examples: Are you aware of any non-Hispanic employees who were absent without calling in and were not terminated? or

Can you provide the names and telephone numbers of any persons you know of who have heard the supervisor make derogatory comments about women?

- 4) The complainant **should not be required** to produce evidence which he/she could not be reasonably expected to have access.
- 5) The letters should be sent by both **regular mail** and **certified mail** (return receipt requested).
- 6) The complainant will be given a minimum of thirty (30) days from the date of the letter in which to respond.

C. Closing Cases With a Thirty-Day Inquiry Letter:

- 1) A case may be closed on Closing Category 03, "Complainant Unavailable," in instances where:
 - a) the consultant has made documented attempts to reach the complainant and the complainant's contact person by telephone during business and non-business hours, **and**
 - b) both the certified and regular mail copies of the thirty-day letter are returned by the post office, or
 - c) the certified letter has been returned and the regular mail copy has not.
- 2) A case may be closed on Closing Category 04, "Complainant Failed to Cooperate," in instances where:

- a) the Consultant has made documented attempts to reach the complainant and the complainant's contact person by telephone during business and non-business hours, **and**
 - b) a signed certified receipt is returned by the post office or the regular mail letter is not returned, and
 - c) the complainant has not responded to either the certified or regular mail copy of the letter.
- 3) If the complainant's response to the thirty-day inquiry letter demonstrates that the case is appropriate for Closing Category 05, "Insufficient Evidence to Prove a Violation of the Statute" (refer to Directive 500, "Case Closing Categories and Procedures"), with the concurrence of the District Administrator, a detailed 14-day letter, explaining why the investigation is not proceeding will be drafted and sent to the complainant.

5. **APPROVAL:**

Nancy C. Gutierrez, Director

Date