



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

**DIRECTIVE NUMBER
300
DISTRIBUTION DATE
November 3, 2006**

1. **SUBJECT: QUALITY CONTROL OF INVESTIGATIONS**
2. **PURPOSE:** To set forth the procedures for assessing the quality of Department of Fair Employment and Housing (DFEH) service to the public as it relates to intake and the processing of investigated cases.
3. **BACKGROUND:** DFEH strives to provide the highest level of service to the public by conducting quality investigations. In addition to monitoring efforts currently utilized by DFEH, internal audits of the intake and investigative process are essential to ensuring the quality and appropriateness of DFEH case processing. Such audits will be conducted each calendar year. This Directive provides the procedures for such audits.
4. **PROCEDURES:**
 - A. **Closed Cases:**
 - 1) All cases closed during a selected month will be audited once each year at the time of closure. Cases identified for audit will include those closed with the following closing categories:
 - 01 - No Jurisdiction;
 - 02 - Complaint Withdrawn;
 - 05 - Insufficient Evidence to Prove a Violation of the Statute;
 - 06 - Complainant Elected Court Action;
 - 15 - No Remedy Available;
 - 16 - Negotiated Settlement/Field Resolution;
 - 17 - Remedy Refused by Complainant;
 - 19 - Successful Conciliation;
 - 20 - No Probable Cause to Prove a Violation of the Statute;
 - 21 - Specific Complaint Not Sustained – Other Inequities Remedied; and
 - 43 - Withdrawal Without Resolution (Housing Only).
 - 2) By January 1st of each year, the Regional Administrators will determine the month between January 1 and June 30 in which the audit of open cases will take place and so inform the Chief Deputy Director/Deputy Director Enforcement Division. By the first working

day of the month in which the audit will occur, the Regional Administrators will advise the District Administrators of the audit.

- 3) Cases where the District Administrator has had prior contact with the complainant or respondent **will not** be selected for audit.
- 4) For each closed case which meets the criteria for audit, the District Administrator will identify on the Closing Letter Extracted list which cases will be audited. A copy of this list will be provided to support staff.
- 5) For each case identified above, the support staff member responsible for sending out case closure letters will include with the closing letter to the complainant a Closed Case Audit Letter and Questionnaire (DFEH-200-60) which will solicit the following information:
 - a) Whether the assigned Consultant responded to inquiries from the complainant in a timely manner;
 - b) Whether the complainant felt that he/she was kept informed of the progress of the investigation;
 - c) Whether the complainant was given an opportunity to respond to the issues raised by the respondent and/or any adverse witnesses;
 - d) Whether the complainant was treated in a professional manner by the DFEH staff member; and
 - e) Whether he/she believes a thorough investigation was conducted.
- 6) For each case on which a questionnaire is returned, the District Administrator will note on the Closed Case Audit Log (DFEH-ENF-23) the case number, case name, filing date, closing date and closing category. The District Administrator will also tally the complainant's response to each of the questions and will summarize the comments.
- 7) In instances where dissatisfaction is expressed in any questionnaire returned, the District Administrator will review the case file to determine whether it was processed in accordance with Department standards and respond to the complainant's concerns, as appropriate. Such reviews and responses will be detailed on the Closed Case Audit Log, including an explanation of steps taken to address the issue(s), and will be retained in the audit file.

- 8) The Closed Case Audit Log will be submitted to the appropriate Regional Administrator no later than the end of the month following the audit.

B. Intake:

- 1) All cases accepted for investigation or accepted as Complaint Taken For Filing Purposes Only ("b" complaints) for a selected month will be audited once each year at the time they are registered.
- 2) By July 1st of each year, the Regional Administrators will determine the month between July 1 and December 31 in which the audit of intake will take place and so inform the Chief Deputy Director/Deputy Director Enforcement Division. By the first working day of the month in which the audit will occur, the Regional Administrators will advise the District Administrators of the audit.
- 3) Cases in which the District Administrator has had prior contact with the complainant or respondent **will not** be selected for audit.
- 4) For each intake-related case which meets the criteria for audit, the District Administrator will identify on the Opening Letters Extracted list which cases will be audited. A copy of this list will be provided to support staff.
- 5) For each case identified above, the support staff member responsible for assembling the case file will include with the copy of the registered complaint to the complainant an Intake Audit Letter and Questionnaire (DFEH-200-62) which will solicit the following information:
 - a) Whether the complainant was given an immediate decision as to whether the complaint would be accepted for investigation. If not, whether the Consultant explained why additional time was needed to assess the matter.
 - b) Whether the interview addressed all the bases/harms that were identified in the complainant's PCQ. If not, whether the Consultant explained why the bases/harms were not addressed.
 - c) Whether the complainant was advised of his/her responsibility to report any changes in address/telephone numbers to DFEH.
 - d) Whether the complainant was advised of DFEH's case processing procedures.

- e) Where a Complaint Taken For Filing Purposes Only, ("b" complaint) is taken, whether the complainant was advised of the statutory timeframe for providing further information.
 - f) Whether the Complainant was treated in a professional manner by DFEH staff.
- 6) For all cases other than "b" complaints, the support staff member responsible for assembling the case file will record on the Automated Case Diary that the letter and questionnaire were sent.
 - 7) For each case on which a questionnaire is returned, the District Administrator will note on the Intake Audit Log (DFEH-ENF-24) the case number, case name, interview date and filing date. The District Administrator will also tally the complainant's response to each of the questions and will summarize the comments.
 - 8) In instances where dissatisfaction is expressed in any questionnaire returned, the District Administrator will review the case file to determine whether it was processed in accordance with Department standards and respond to the complainant's concerns, as appropriate. Such reviews and responses will be detailed on the Intake Audit Log, including an explanation of the steps taken to address the issue(s), and will be retained in the audit file.
 - 9) The Intake Audit Log will be submitted to the appropriate Regional Administrator no later than the end of the month following the audit.

C. Retention of Audit Records:

All audit records, including questionnaires and logs, shall be maintained in a separate file marked "CONFIDENTIAL" and retained in the District Administrator's office for a period of three (3) years from creation.

D. Reviews by Regional Administrators:

In the quarter following submission of the audit report, the Regional Administrator, as part of the cases submitted for their normal quarterly review, will review one (1) case from the audit report of each District Office. The Regional Administrator will assess the quality of the audit and also review any case on which concerns were raised by the complainant. The review of the files will be included in the Regional Administrator's report on the office review submitted to the Chief Deputy Director/Deputy Director Enforcement Division.

5. **APPROVAL**

Suzanne M. Ambrose, Director

Date