Instructions for Obtaining a Right-to-Sue Notice

To file a lawsuit under the Fair Employment and Housing Act (FEHA), you must file a complaint and obtain a Right-to-Sue notice from the Department of Fair Employment and Housing (DFEH).

If you choose to file a complaint using the Right-to-Sue process you should be aware that:

1. Once DFEH has issued you a Right-to-Sue notice, DFEH will not investigate your complaint.

2. You have one year from the date of your Right-to-Sue notice to file a lawsuit.

3. You should have an attorney to file a lawsuit. If you wish to consult an attorney, you may wish to visit the California State Bar website at www.calbar.ca.gov for legal referral resources.

4. DFEH will not file your complaint with the U.S. Equal Employment Opportunity Commission (EEOC). To receive a federal Right-to-Sue notice, you must contact EEOC at www.eeoc.gov or at (800) 669-4000 or TTY (800) 669-6820.

- Rather than receiving a Right-to-Sue notice to file a lawsuit, you may ask DFEH to investigate your complaint. If you do so, you may still obtain a Right-to-Sue notice and file a lawsuit at a later time. If you would like DFEH to consider your complaint for investigation, you begin the process by completing and submitting an Intake Form. You can do this in one of the following ways:

- Use our online system at www.dfeh.ca.gov.

- Go to our website at www.dfeh.ca.gov and download a copy of a blank Intake Form. Fill it out and email it to us at contact.center@dfeh.ca.gov or mail it to: 2218 Kausen Drive, Suite 100; Elk Grove, CA 95758.

- Call our Communication Center at (800) 884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

If you would like to proceed with obtaining a Right-to-Sue notice, fill out the Right-to-Sue form that follows these instructions and either email it DFEH at contact.center@dfeh.ca.gov or mail it to: 2218 Kausen Drive, Suite 100; Elk Grove, CA 95758. You may also obtain a Right-to-Sue notice using our online system at www.dfeh.ca.gov.

After you have submitted your form, we will send you a Right-to-Sue letter with the information you provided.

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

RIGHT-TO-SUE

Your submission of this document acknowledges that you have read and agree to the DFEH's Privacy Policy. By submitting this document, you are declaring under penalty of perjury under the laws of the State of California that to the best of your knowledge all information stated is true and correct, except matters stated on information and belief, which you believe to be true.

DFEH CASE NUMBER (IF APPLICABLE):

COMPLAINANT:

NAME: TELEPHONE NUMBER:

ADDRESS: EMAIL ADDRESS:

CITY/STATE/ZIP:

RESPONDENT:

NAME: TELEPHONE NUMBER:

ADDRESS:

CITY/STATE/ZIP:

NUMBER OF EMPLOYEES: _____ TYPE OF EMPLOYER: _____

ADD CO-RESPONDENT:

NAME:_____

TITLE:_____

ADDRESS:_____

_____

TELEPHONE NUMBER:_____

ADD CO-RESPONDENT:

NAME:_____

TITLE:_____

ADDRESS:_____

_____

TELEPHONE NUMBER:_____

DATE OF HARM:

LAST DATE OF HARM (Month/Day/Year): _____

1. I ALLEGE THAT I EXPERIENCED: ☐ Discrimination ☐ Harassment

BECAUSE OF MY ACTUAL OR PERCEIVED:

☐ Age (40 and over)

☐ Ancestry

☐ Association with a member of a protected class

☐ Baby Bonding Leave (employers of 20-49 people)

☐ Color

☐ Criminal History

☐ Disability (physical or mental)

☐ Family Care or Medical Leave (CFRA) (employers of 50 or more people)

☐ Gender Identity or Expression

☐ Genetic Information or Characteristic

☐ Marital Status

☐ Medical Condition (cancer or genetic characteristic)

☐ Military and Veteran Status

☐ National Origin (includes language restrictions)

☐ Pregnancy, childbirth, breastfeeding, and/or related medical conditions

☐ Race

☐ Religious creed (includes dress and grooming practices)

☐ Sex/Gender

☐ Sexual harassment – hostile environment

☐ Sexual harassment – quid pro quo

☐ Sexual orientation

☐ Other (specify) _____

AS A RESULT, I WAS:

- ☐ Asked impermissible non-job-related questions
- ☐ Demoted
- ☐ Denied accommodation for pregnancy
- ☐ Denied accommodation for religious beliefs
- ☐ Denied any employment benefit or privilege
- ☐ Denied Baby Bonding Leave (employers of 20-49 people)
- ☐ Denied employer paid health care while on pregnancy disability leave
- ☐ Denied equal pay
- ☐ Denied Family Care or Medical Leave (CFRA) (employers of 50 or more people)
- ☐ Denied hire or promotion
- ☐ Denied or forced to transfer
- ☐ Denied reasonable accommodation for a disability
- ☐ Denied the right to wear pants
- ☐ Denied work opportunities or assignments
- ☐ Forced to quit
- ☐ Laid off
- ☐ Reprimanded
- ☐ Suspended
- ☐ Terminated
- ☐ Other (specify) _____

I ALLEGE THAT I EXPERIENCED: ☐ Retaliation

BECAUSE I:

- ☐ Participated as a witness in a discrimination or harassment complaint
- ☐ Reported or resisted any form of discrimination or harassment
- ☐ Reported patient abuse (hospital employees only)
- ☐ Requested or used a disability-related accommodation
- ☐ Requested or used a pregnancy-disability-related accommodation
- ☐ Requested or used a religious accommodation
- ☐ Requested or used baby bonding leave (employers of 20-49 people)
- ☐ Requested or used leave under the California Family Rights Act or FMLA (employers of 50 or more people)

AS A RESULT I WAS:

- ☐ Asked impermissible non-job-related questions
- ☐ Demoted
- ☐ Denied accommodation for pregnancy
- ☐ Denied accommodation for religious beliefs
- ☐ Denied any employment benefit or privilege
- ☐ Denied baby bonding leave (employers of 20-49 people)
- ☐ Denied employer paid health care while on pregnancy disability leave
- ☐ Denied equal pay
- ☐ Denied Family Care or Medical Leave (CFRA) (employers of 50 or more people)
- ☐ Denied hire or promotion
- ☐ Denied or forced to transfer
- ☐ Denied reasonable accommodation for a disability
- ☐ Denied the right to wear pants
- ☐ Denied work opportunities or assignments
- ☐ Forced to quit
- ☐ Laid off
- ☐ Reprimanded
- ☐ Suspended
- ☐ Terminated
- ☐ Other (specify) _____

2. Do you have an attorney who agreed to represent you in this matter? ◯ Yes ◯ No
   If yes, please provide the attorney's contact information.

COMPLAINANT'S REPRESENTATIVE INFORMATION

Attorney Name: _____

Attorney Firm Name: _____

Attorney Address: _____

Attorney City, State, and Zip: _____

3. Briefly describe what you believe to be the reason(s) for the discrimination, harassment, or retaliation. (Optional)

VERIFICATION PAGE – THIS PAGE MUST BE COMPLETED

Before submitting the form, you must verify who you are and whether you are submitting this information for yourself or someone else.

Verifier Name:

Verifier's Relationship to Complainant:

Verifier's City and State:

By submitting this document, you are declaring under penalty of perjury under the laws of the State of California that to the best of your knowledge all information stated is true and correct, except matters stated on information and belief, which you believe to be true.

DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

Primary Language:_____ Age: _____

GENDER / GENDER IDENTITY:

☐ Male ☐ Female ☐ Non-Binary ☐ Other

MARITAL STATUS:

☐ Single ☐ Married ☐ Cohabitation ☐ Divorced

RACE:

☐ American Indian, Native American or Alaskan Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White
☐ Other

ETHNICITY:

☐ Hispanic or Latino ☐ Non-Hispanic or Latino

NATIONAL ORIGIN:

☐ Afghani
☐ American [U.S.A]
☐ Asian Indian
☐ Bangladeshi
☐ Cambodian
☐ Canadian
☐ Chinese
☐ Cuban
☐ Dominican
☐ Egyptian
☐ English
☐ Ethiopian
☐ Fijian
☐ Filipino
☐ German
☐ Ghanaian
☐ Guamanian
☐ Haitian
☐ Hawaiian
☐ Hmong
☐ Indonesian
☐ Iranian
☐ Iraqi
☐ Irish
☐ Israeli
☐ Italian
☐ Jamaican
☐ Japanese
☐ Korean
☐ Laotian
☐ Lebanese
☐ Malaysian
☐ Mexican
☐ Nigerian
☐ Other
☐ Other African
☐ Other Asian
☐ Other Caribbean
☐ Other European
☐ Other Hispanic/Latino
☐ Other Middle Eastern
☐ Pakistani
☐ Puerto Rican
☐ Salvadoran
☐ Samoan
☐ Sri Lankan
☐ Syrian
☐ Taiwanese
☐ Thai
☐ Tongan
☐ Vietnamese

DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

DISABILITY:

- ☐ AIDS or HIV
- ☐ Blood / Circulation
- ☐ Brain / Nerves / Muscles
- ☐ Digestive / Urinary / Reproduction
- ☐ Hearing
- ☐ Heart
- ☐ Limbs [Arms / Legs]
- ☐ Mental
- ☐ Sight
- ☐ Speech / Respiration
- ☐ Spinal / Back / Respiration
- ☐ Other Disability

RELIGION:

- ☐ Agnostic
- ☐ Atheist
- ☐ Bahai
- ☐ Buddhism
- ☐ Catholicism
- ☐ Christianity
- ☐ Confucianism
- ☐ Hinduism
- ☐ Islam
- ☐ Jehovah's Witness
- ☐ Judaism
- ☐ Neo-Paganism
- ☐ Nonreligious
- ☐ Protestantism
- ☐ Primal-indigenous
- ☐ Quakers
- ☐ Rastafarianism
- ☐ Spiritism
- ☐ Shinto
- ☐ Sikhism
- ☐ Taoism
- ☐ Unitarian-Universalism
- ☐ Zoroastrianism
- ☐ Other

SEXUAL ORIENTATION:

☐ Straight or Heterosexual ☐ Gay or Lesbian ☐ Bisexual ☐ Other

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT & HOUSING PRIVACY POLICY

The California Department of Fair Employment & Housing (DFEH) has adopted this Privacy Policy, effective January 1, 2017. DFEH values the security and privacy of your personal information and is committed to protecting your privacy rights. The DFEH seeks only to collect relevant personal information that enables us to assist you in investigating and resolving complaints of discrimination as prescribed by California Government Code sections 11135 et seq., 12900 et seq., and California Civil Code sections 51, 51.7, 52.5, and 54 et seq.

All personal information we collect is governed by the State of California Information Practices Act of 1977 (Civ. Code, §§ 1798-1798.78), Government Code sections 11015.5 and 11019.9, and the California Public Records Act (Gov. Code § 6250 et seq.).

Outlined below is our online Privacy Policy and Notice:

- Legal Authority for Collection and Use of Information
- Disclosure and Sharing
- What happens to information you submit to us?
- Cookies
- Links
- Public Disclosure
- Minors
- Security
- Access and Corrections to your Personal Information
- How to contact us if you have any questions regarding this policy
- Changes to our Privacy Policy
- Effective date

Legal Authority for Collection and Use of Information

We collect information that may be directly associated with a specific person. We call this "Personal Information," and it includes, names, addresses, telephone numbers and email addresses. We collect this Personal Information through lawful means from individuals who seek to file a complaint with the DFEH, and we use this information to establish jurisdiction and to conduct an investigation of any allegations of Civil Rights violations. If you seek to file a complaint, you are required to provide us with sufficient information in accordance with California Government Code sections 11135 et seq., 12900 et seq., and California Civil Code sections 51, 51.7, 52.5, and 54 et seq.

Disclosure and Sharing

We do not sell your personal information. Government Code section 11015.5, subdivision (6), prohibits DFEH and all state agencies from distributing or selling any electronically collected personal information about users to any third party without the permission of the user. Any distribution of electronically collected personal information will be solely for the purposes for which it was provided to us, as described below.

We also may share your personal information under the following circumstances:

1. You give us permission.

2. We receive a request from a party with legal authority to obtain the information, such as a subpoena.

3. As authorized by law, it is transferred to / shared with the U.S. Equal Employment Opportunity Commission, the National Labor Relations Board, the U.S. Department of Labor, the U.S. Department of Housing and Urban Development, the U.S. Department of Health and Human Services, the U.S. Department of Education, the U.S. Department of Justice, or any branch of the California State Government, or any other local or Federal agency with similar jurisdiction.

4. Non personal information, including the allegations in the complaint document itself, may be disclosed to the public under the California Public Records Act.

What happens to information you submit to us?

The Personal Information we obtain from you will be used for the purposes for which it was provided: to further the DFEH's efforts to investigate and attempt to resolve the allegations of unlawful discrimination, harassment and/or retaliation that you filed. Electronically collected Personal Information we gather about visits to our website is used to help us improve the user experience and for basic web metrics of our website.

Links

Our website may contain links to other websites on the Internet that are owned and operated by third parties. DFEH does not control the privacy policies or practices of these websites. You are advised to review the privacy policies of the third party offering the website before providing any personal information to these websites. DFEH is not responsible for the content or practices of any linked third party website and such third party websites are provided solely for the convenience and information to our visitors.

Cookies

We do not collect information such as names, addresses, and emails from individuals browsing DFEH's website. However, when you visit our website, a "cookie" may be saved on your computer. A cookie is a tiny piece of data stored by your browser that helps us recognize your unique computer and your preferences when using our website. The information DFEH automatically collects may include the type of browser used, date and time you visited the site, and web pages you visited. This information is collected to improve the user experience and for basic web metrics. The information is deleted after 30 days. This type of electronic information collection is permitted by law and is exempt from requests made under the Public Records Act.

You can refuse the cookie or delete the cookie file from your computer after you visit our website. You can find instructions for managing cookie controls on websites for particular browsers. For example:

- Microsoft Internet Explorer browsers
- Macintosh Safari browsers
- Mozilla Firefox browsers

Public Disclosure

In the State of California, laws exist to ensure that government is open and that the public has a right to access appropriate records and information possessed by state government. At the same time, there are exceptions to the public's right to access public records.

These exceptions serve various needs including maintaining the privacy of individuals. Both state and federal laws provide exceptions. All information collected at this site becomes a public record that may be subject to inspection and copying by the public, unless an exemption in law exists. In the event of a conflict between this Privacy Notice and the Public Records Act, the Information Practices Act and/or other law governing the disclosure of records, the Public Records Act, the Information Practices Act and/or other applicable law will control.

Minors

We recognize the importance of protecting privacy where minors (a person under 18 years of age) are involved. We are committed to protecting the privacy of minors and do not knowingly collect personal information from minors or create profiles of minors through our website. Users are cautioned, however, that the collection of personal information submitted online or in an e-mail will be treated as though it was submitted by an adult. DFEH strongly encourages parents, guardians and adults to be involved in the internet activities of their children or other minors they are responsible for and to provide guidance whenever minors are asked to provide personal information online. If you believe a minor has provided us with personal information, we ask that a parent or guardian contact us at 1-800-884-1684.

Security

DFEH has put security measures in place to safeguard and protect your information from unauthorized access, disclosure, and loss. Our policy limits access to personal information to employees who have an established business need for the Personal Information including those directly involved in the filing, investigation, resolution and/or litigation of your complaint. Information that is physically located within the DFEH is protected by various security measures, which may include the use of encryption software to protect the security of an individuals' personal information during transmission and storage. Personal Information is destroyed according to the DFEH's records retention policy, and we only retain these records for as long as necessary to fulfill our business need. We train our employees on procedures and management of personal information we collect as well as on taking precautions and complying with limitations on the release of personal information.

Access and Corrections to your Personal Information

You have the right to review any Personal Information we collect about you. If you request all or a portion of the Personal Information collected about you by the DFEH, we will provide you with the Personal Information requested and explain how we use the information. You may request changes to your Personal Information you believe is incorrect by submitting a written request that credibly shows the error. If you believe that your Personal Information is being used for a purpose other than what you intended when you submitted it, you may contact us so we can rectify the misuse. In all cases, we will take reasonable steps to verify your identity before granting access or making corrections.

How to contact us if you have any questions regarding this policy

If you have any questions or concerns about the information presented in this Privacy Notice, you may contact:

DFEH Privacy Officer
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
1-800-884-1684

Changes to our Privacy Policy

We may update and revise our Privacy Policy. We will post any privacy policy changes on this page and, if the changes are significant, we will provide a more prominent notice.

Effective date

January 1, 2017