

California's Fair Employment & Housing Act ("FEHA")
– Time Deadlines to File Your Claims

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It's important for aggrieved employees to know that there are **time deadlines** (statute of limitations) that affect their ability to enforce their legal rights under California's Fair Employment & Housing Act ("FEHA"):

- 1) If the aggrieved employee elects to bring a lawsuit to enforce his or her rights under FEHA, then he or she must file suit within 1 year after the Department of Fair Housing & Employment ("DFEH") issues the right-to-sue notice [this rule is subject to certain tolling provisions under Cal. Govt. Code § 12965(d)].
- 2) If the aggrieved employee elects to file a complaint with the DFEH, it must be filed within 1 year after the employer's alleged unlawful conduct took place. However, this 1 year rule may be extended by an additional 90 days, if the employee finds out about the employer's unlawful conduct after the 1 year period.
- 3) For *continuing acts of discrimination* in the workplace, the last day to file the DFEH complaint is 1 year after the most recent discriminatory act by the employer. If the employee files the DFEH complaint within 1 year of the most recent discriminatory act, relief may be possible for the entire course of the employer's unlawful conduct.
- 4) In 2008, the California Supreme Court held that if an employee elects to seek an internal administrative remedy with their employer, the running of the limitations period is *tolled* automatically during the time consumed by the administrative proceeding.