



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

**DIRECTIVE NUMBER
502**

**DISTRIBUTION DATE
November 17, 2015**

1. SUBJECT: PROCEDURES FOR RESPONDING AND TRACKING APPEALS TO CASE CLOSURE

2. PURPOSE: To set forth the procedures to be followed when complainants or their representatives appeal a case closure.

3. BACKGROUND: Pursuant to the Department of Fair Employment and Housing (Department or DFEH) Procedural Regulations (Cal. Code Regs., tit. 2, § 10033), any person who wishes to dispute the Department's rejection or closure of a case may submit an appeal. Appeals may be presented verbally or in writing.

There are four (4) levels of appeal available. The first level is with the District Administrator. Thereafter, the appeal proceeds through the chain of command. The fourth and final appeal is with the Director. The Director's decision is final and may not be appealed to any other DFEH employee, officer, or other individual delegated any function, power or duty of the Department.

4. PROCEDURES:

A. Receipt of an Appeal:

Upon receipt of an appeal notification, ensure that any correspondence is uploaded in the Case Management System in the "Appeals" folder of the case file and that the person charged with responding to the appeal is notified. If the appeal pertains to more than one case, then a copy of the appeal is to be uploaded into each file.

B. Preparation of a Response:

Regardless of whether the appeal was presented verbally or in writing, prepare a written response that addresses the relevant issues or concerns. If the appeal was verbal, document in the case file the arguments and issues raised by the complainant or representative.

C. Timeframe for Responding:

Ensure the response to the appeal is timely processed. The goal is to complete a written response within thirty (30) days from the date the appeal correspondence is received by the Department.

D. Presentation to Identified Executive Staff Member:

When the response is being prepared for the signature of an executive staff member, forward the draft response to him or her for signature.

E. Placement of Response in the Appeals Folder:

Once the response is completed, upload a copy of the final letter--in pdf format—and all other new information or evidence, into the “Appeals” folder.

F. Entering Tracking Data:

Once the response is complete, enter the relevant tracking data onto the central “Appeals” log which is maintained in the “R” shared drive. The relevant tracking data should include the following:

- 1) Complainant’s name;
- 2) Respondent’s name;
- 3) Case identification number;
- 4) Date the Department received the appeal correspondence;
- 5) Level of appeal;
- 6) Date response was sent;
- 7) Outcome of the appeal, i.e., the case remained closed or was reopened.

G. Reopening a Case:

If a case is reopened as a result of an appeal, the appropriate Regional Administrator, or his or her designee, will email support@dfeh.ca.gov and indicate the reason (“New Evidence,” “Incorrectly Closed,” “Agency Request” or “Other”).

The Regional Administrator, or his or her designee, will:

- 1) Change the case status to “Appeal;”
- 2) Notify the assigned Consultant of this change;
- 3) Instruct the Consultant to send the “Reopening Discrimination Complaint” letter to complainant with a copy of the letter to EEOC

or HUD, as appropriate, and to the respondent. This notice explains the reason the closure category is being changed.

H. **Further Investigation:**

The assigned Consultant will conduct further investigation and report the findings. Depending on the findings, the Consultant and his or her immediate supervisor will take the appropriate case processing action.

5. **APPROVAL:**



Kevin Kish, Director

November 17, 2015

Date