



## SHARE ACT (Stopping Harassment & Reporting Extension)

**AB 1870**  
*Asm. Reyes,  
Friedman,  
Waldron*

### SUMMARY OF THE BILL

AB 1870 would extend the time for filing harassment and discrimination claims under California's Fair Employment and Housing Act (FEHA). Currently, a harassment victim must file a pre-litigation claim with the Department of Fair Employment and Housing (DFEH) within one year of the unlawful act, or she will face an absolute time bar and will be unable to seek administrative or civil redress in court. This bill would extend this pre-filing requirement from one year to three years, allowing victims additional time to seek redress, making it more consistent with the filing time limits for other actions.

### BACKGROUND

FEHA prohibits discrimination, harassment and retaliation. The Department of Fair Employment and Housing (DFEH) is the state agency that enforces the law. Generally, FEHA prohibits harassment and discrimination in employment and housing because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy leave (Cal. Government Code section 12940 et seq. and 12955 et seq.). Harassment based on sex violates FEHA. Retaliation is unlawful for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding or litigation involving harassment.

All FEHA claims, including for sex harassment, are time barred after one year. In order to file a suit for sexual harassment, the victim must first file an administrative claim with the DFEH and/or the federal Equal Employment Opportunity Commission. The time limit for filing a claim with the DFEH is one year from the date of the most recent incident. When filing a claim with the DFEH, the victim may request an investigation of the claim or an immediate "right to sue letter." They then one year to file a lawsuit in Superior



Court against the alleged perpetrator of the sexual harassment and/or their employer.

### PROBLEM

Low wage earners are particularly harmed by the short filing time. Most low wage workers who suffered harassment or discrimination are not aware of their legal rights and do not know that they are time barred if they do not file with the DFEH within a year. By the time they realize harassment is against the law, they are usually past the time to file or close to having their statute expire. Extending the time to file a claim with the DFEH will allow parties additional time to resolve grievances outside of court, without feeling compelled to file a claim in order to meet the short filing deadline. Most other types of harm have longer filing deadlines. For example, the time for filing an action for personal injury in California is two years; actions for fraud are three years; and contract disputes have a four-year time window. Victims of harassment and discrimination should have additional time to file their claims with the Department given common barriers including trauma and a lack of awareness of their rights.

### SOLUTION

AB 1870 will give victims additional time to seek civil and administrative remedies for FEHA claims. It will amend the FEHA to extend the current one-year time limit for filing a claim with the DFEH to three years.

### SPONSORS

Consumer Attorneys of California; California Employment Lawyers Assoc.; Equal Rights Advocates

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