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LAWYER MONTHLY

Filing A Charge In The Equal Employment Opportunity Commission: What You Need To Know

In this article, Brittany Stevens details what you need to know about filing a charge with the EEOC.



If you have been discriminated against by your employer and you are alleging certain federal law claims, you must file a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) prior to filing a lawsuit.

The EEOC handles discrimination cases based on particular protected classes such as: race, color, sex, religion, national origin, age, disability, and pregnancy. In general terms, employment discrimination occurs when you suffer a hostile work environment or suffer an adverse employment action because of your protected class. Adverse employment actions can include a termination, failure to hire, or demotion. The EEOC also handles retaliation cases. Retaliation occurs when you suffer an adverse employment action because you complained of discrimination. Discrimination is unlawful and the EEOC assists in enforcing the federal anti-discrimination and anti-retaliation laws.

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After your case is filed in the EEOC, your case may be assigned to mediation.

When filing a complaint with the EEOC it is important to fill out the charge form correctly to ensure that the correct Defendant(s) are named and the appropriate causes of discrimination are checked off. You should also add a narrative detailing all of the allegations for your discrimination matter. Most importantly, there are specific deadlines for when EEOC charges need to be filed. You must file the charge within a specific time frame *after* the discrimination occurred and you should consult with an attorney as to what the time frame is for your specific case.

The Mediation Process

After your case is filed in the EEOC, your case may be assigned to mediation. Mediation is a confidential process by which a neutral mediator assists the parties with resolution of the claim. Mediation is a useful tool because it allows the parties to exchange information in a private and confidential setting. All sides would have to agree to mediate the case as the mediation process is completely voluntary. Mediation at the EEOC is free and typically occurs at the EEOC's office. If both sides agree to mediate, the mediation occurs with the hope that the mediator can resolve your claim. If mediation is successful, then litigation will be avoided and you will sign a term sheet detailing the terms of your agreement.

The Investigation Process

If mediation is not successful or the parties decide that the case should not go through the mediation process, then the case will be assigned to an investigator and the investigation process will begin. The EEOC may conduct an investigation by interviewing witnesses, gathering documents, and possibly even visiting the employer. At the end of the investigation, the EEOC may make a determination as to whether violations did occur. If the EEOC believes there is reasonable cause to believe that violations did occur, the parties will be issued a "Letter of Determination" and the parties may be asked to resolve the matter through a conciliation process. Parties may also request a Notice of Right to Sue ("NRTS") if they wish to file their claims in court despite the fact that the EEOC has not yet fully investigated their claims.

File Your Case!

At some time after you file your case, you will receive a Notice of Right to Sue from the EEOC. This is your golden ticket to file your case in court. You must file your case within the time frame specified on the NRTS or else you may waive particular federal claims you have alleged.

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Ms. Stevens is a passionate litigator who believes strongly in civil rights and fairness throughout the work environment. In 2018 and 2019, Ms. Stevens was recognized as a “Rising Star” by New York Super Lawyers for her contributions in employment discrimination. Ms. Stevens has also been recognized as a “Best Attorney” by both the Best Attorneys of America Association and by the American Institute of Legal Counsel. Most notably, Ms. Stevens has been added as a member of the “Million Dollar Advocates Forum” where she is recognized as a top trial lawyer in America. The Million Dollar Advocates Forum is recognized as one of the most prestigious groups of trial lawyers across America.

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By **Brittany Stevens**

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