



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

WHAT SHOULD YOU KNOW BEFORE YOU FILE A CHARGE



WHAT DOES THE EEOC DO?

The EEOC is a law enforcement agency that investigates or looks into claims that employers, employment agencies or labor organizations discriminated against employees or applicants because of their race, color, religion, sex, national origin, age (40 or older), disability, or genetic information. The EEOC often tries to settle charges with the help of a mediator. Sometimes, the EEOC takes cases to court. The EEOC does not charge a fee to investigate, mediate, or litigate charges. The EEOC also educates the public about job discrimination.

HOW TO FILE A CHARGE OF EMPLOYMENT DISCRIMINATION

If you think you have experienced job discrimination, we encourage you to use our Online Public Portal at <https://publicportal.eeoc.gov>. To use the online system, you must have Internet access and an email address. EEOC's Public Portal asks you a few questions to help determine whether EEOC is the right federal agency to handle your complaint. If so, you can then submit an inquiry online and schedule an in-person or phone interview with an EEOC representative to discuss the details of your situation. In our experience, an interview helps individuals make more informed decisions about whether to file a charge. During the interview, be sure to give us any evidence you have to show that discrimination occurred. A Charge of Discrimination can be completed through our online system after we interview you.

You may also file a charge of employment discrimination at the EEOC office closest to where you live or work, or at any one of the EEOC's 53 field offices. Offices may not always be able to interview you on the same day you walk-in. Please check <https://www.eeoc.gov/field/index.cfm> for information about the walk-in hours of the office closest to you.

WHAT IS A CHARGE?

A charge is a signed, written complaint about a job action you believe was based on race, color, religion, sex, national origin, age, disability, or genetic information that asks the EEOC or a state or local government agency with similar laws to take action to remedy the discrimination. You have the right to file a charge of job discrimination to keep your right to file a lawsuit in federal court. After your interview, EEOC will help you prepare your charge and sign it electronically.

IS THERE A TIME LIMIT TO FILE A CHARGE?

You have either 180 or 300 days from the day you knew about the job action to file a charge. It depends on whether the employer is a place where a state or local government agency has laws similar to the EEOC's laws. We can help you figure out how much time you have. Act quickly to keep your rights by signing and filing a timely charge. Your signed charge is filed when EEOC receives it.

WHAT TO DO IF YOU WOULD LIKE ASSISTANCE DURING YOUR INTERVIEW

You can bring your lawyer to your interview, although you don't have to hire a lawyer to file a charge. The EEOC is unable to provide a lawyer for you and cannot pay for the cost of your lawyer. An interview may be conducted via telephone or in-person. If you need an accommodation or assistance during the interview, like an accommodation for a disability, or assistance with a sign language interpreter or another language interpreter, let us know ahead of time so we can arrange for the accommodation or interpreter to be available during the interview.

WHAT HAPPENS WHEN YOU FILE A CHARGE?

When you file a charge, the EEOC must give the employer accused of discrimination a copy of the charge, which includes your name and your claims of discrimination. If you contact the EEOC but decide not to file a charge, we will not tell the employer that you contacted us. If you do not file a charge, you will not be able to file suit in federal court based on the laws we enforce, with one exception: individuals with Equal Pay Act (EPA) claims may go to court without filing a charge but must do so within two years of the negative job action. If the EEOC does not have jurisdiction, or if your charge is untimely, we will close the investigation of your charge quickly. We may also close your charge if we decide that we probably will not be able to determine if the law was violated. Then we will give you a letter or notice of your right to file suit in federal court within 90 days. If we do not close your charge quickly, we may send it to mediation or to investigation.

EEOC typically receives about 90,000 charges of discrimination from workers out of more than 700,000 contacts seeking information and assistance every year. Although EEOC is able to address thousands of complaints, the agency cannot remedy every potential violation of the federal discrimination laws. Recognizing this, Congress gave workers the right to file lawsuits in court after first allowing EEOC the opportunity to investigate the charge.

WHAT IS MEDIATION?

Before we look into your claims, the EEOC sometimes asks if you and the employer would like to try to settle your case with the help of a mediator. Both you and the employer must agree to mediate for mediation to occur. The mediator does not decide who is right or wrong. Instead, the mediator tries to help you and the employer settle your claims. What you talk about in mediation is private. If you and the employer agree to settle your case, the EEOC will close your case. If you and the employer do not agree to settle your case, we will send your case to investigation.

HOW DO WE INVESTIGATE?

If your charge is not otherwise resolved, the EEOC will assign an investigator as soon as we can to look into your claims. The investigator is neutral and does not take sides. The investigator may ask you for the names of people who have information about your claims of discrimination and may talk to some or all of them. You should give the investigator anything you have in writing that helps to prove your claims. The investigator will usually ask the employer to tell their side of the story as well and ask for your response. We may also request a written position statement from the employer. If so, you may request to have a copy of the employer's position statement. You will have an opportunity to respond to the position statement.

We will review the information you give us, and the information provided by the employer to make a decision in your case. If the information we have does not support your claims, the EEOC may stop investigating and close your case. The time it takes to resolve a charge can vary greatly, depending on the facts of the case and the size of our workload. It may take six to nine months or even longer to process your charge.

CAN YOU FILE A LAWSUIT BEFORE WE FINISH OUR INVESTIGATION?

If you want to file a lawsuit in federal court before we finish our investigation, you may ask us in writing for a letter or a notice of your right to sue. If you ask more than 180 days after filing a charge, the law requires us to give it to you. If you ask before 180 days have passed, we can give you the notice only if we cannot finish our investigation within 180 days. In most cases, once we give you a notice of your right to sue, we close the case. If you file an age discrimination charge, however, you can file a suit in court after 60 days without such a notice. An individual with an EPA claim may go to court directly without filing a charge.

WHAT HAPPENS AFTER THE INVESTIGATION?

After we finish looking into your claims, we let you and the employer know what we decide. Sometimes, the information is not enough to show that the employer violated the law. In that case, we will dismiss your charge and give you a letter or notice of your right to file suit in federal court within 90 days. If you do not file a suit within 90 days, you will lose your right to sue in court. When the information shows that the employer violated the law, we try to settle the case in conciliation.

WHAT IS CONCILIATION?

When the EEOC determines that the employer violated the law, we invite you and the employer to try to settle the case. If the EEOC, you, and the employer agree on how to settle your case, we will close the case. If the EEOC, you, and the employer do not agree, we will decide whether to file a lawsuit in federal court or whether to provide you with a letter or a notice of your right to sue so that you can file your own lawsuit. You then have 90 days to file suit in federal court.

WHEN DOES THE EEOC LITIGATE?

In some cases, when the EEOC determines that the employer violated the law and we have been unable to reach a voluntary settlement, we file a lawsuit in federal court. When the EEOC decides whether to file a lawsuit, we look at how serious the violation is, what the legal issues are, and whether other people would benefit from the lawsuit. If we decide not to sue in your case, we will give you a right to sue letter so that you can file your own lawsuit in court. You then have 90 days to file suit.

IS RETALIATION AGAINST THE LAW?

It is against the law for an employer to retaliate against you because you complained about job discrimination, because you gave evidence in a job discrimination matter, or because you filed a charge of job discrimination with the EEOC. If this happens to you, you should contact us as soon as possible to talk about whether you should file a retaliation charge.

Once you file a charge with the EEOC, you must tell us if you move or get a new phone number or e-mail address. We may need to talk to you to get more information. If the EEOC cannot reach you to get necessary information, your charge may be dismissed.

KEEP YOUR DOCUMENTS — BOTH PAPER AND ELECTRONIC

If you file a charge, you must keep anything that might be evidence related to your charge. This includes all documents, communications, and electronic information that are potentially related to your EEOC charge, including the harm caused by the discrimination, and all records of your communications with the EEOC. Please see the EEOC Handout, "What You Should Do After You Have Filed a Charge," at www.eeoc.gov for additional information.

DO YOU HAVE MORE QUESTIONS?

You can find the answers to many of your questions on our website, www.eeoc.gov, including whether the EEOC is the right agency to assist you. For more information about filing a charge, see <https://www.eeoc.gov/employees/howtofile.cfm>. For more information about wage claims, see <https://www.eeoc.gov/laws/types/equalcompensation.cfm>.

DON'T MISS THE FILING DEADLINE!!!

Go to our Online Public Portal at
<https://publicportal.eeoc.gov>
or call 1-800-669-4000 (Voice), or use our sign language
access line 1-844-234-5122 (ASL Video Phone)
www.eeoc.gov