

Facing an EEOC Charge? What to Expect

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Receiving a complaint letter from the Equal Employment Opportunity Commission (EEOC) is often stressful for an employer, no matter how frivolous the employee's claims. As employment law attorneys, we have found that understanding the [EEOC complaint process](#) before you find itself on the receiving end of an EEOC complaint letter helps to lessen the blow. Therefore, this post provides a brief outline of the process.

Even if an employer has an understanding of the process, it is always advisable to have an employment attorney involved once the charge of discrimination is received.

When a charge is filed against you, you will be notified within 10 days that a charge of discrimination has been filed and you will be provided with the name and contact information for the investigator assigned to your case. A charge does not constitute a finding that your company engaged in discrimination. Rather, the EEOC is obligated to investigate and determine whether there is a reasonable cause to believe discrimination occurred.

During the investigation, you and the employee (Charging Party) will be asked to provide information. Your investigator will evaluate the information submitted to determine whether unlawful discrimination has taken place. You may be asked to:

- Submit a statement of position. This is your opportunity to tell your side of the story and you should take advantage of it.
- Respond to a Request for Information (RFI). The RFI may ask you to submit copies of personnel policies, Charging Party's personnel files, the personnel files of other individuals and other relevant information.
- Permit an on-site visit. While you such a visit as being disruptive to your operations, they often expedite the fact-finding process and may help achieve quicker resolutions. In some cases, an on-site visit may be an alternative to a RFI if requested documents are made available for viewing or photocopying.
- Provide contact information for or have employees available for witness interviews. You may be present during interviews with management personnel, but an investigator is allowed to conduct interviews of non-management level employees without your presence or permission.

Once the investigator has completed the investigation, EEOC will make a determination on the merits of the charge.

- If EEOC determines that there is no reasonable cause to believe that discrimination occurred, the charging party will be issued a letter called a Dismissal and Notice of Rights that tells the Charging Party s/he has the right to file a lawsuit in federal court

within 90 days from the date of receipt of the letter. The employer will also receive a copy of this document.

- If EEOC determines there is reasonable cause to believe discrimination has occurred, both parties will be issued a Letter of Determination stating that there is reason to believe that discrimination occurred and inviting the parties to join the agency in seeking to resolve the charge, through an informal process known as conciliation.
- Where conciliation fails, EEOC has the authority to enforce violations of its statutes by filing a lawsuit in federal court. If the EEOC decides not to litigate, the Charging Party will receive a Notice of Right to Sue and may file a lawsuit in federal court within 90 days.

About Beth Lincow Cole

The Law Office of Beth Lincow Cole is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits.

If your company needs employee or management training or assistance in drafting, reviewing, or revising its EEOC/discrimination policies, [contact](#) employment law attorney [Beth Lincow Cole](#).