

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Charge of Discrimination

1. If you are fired for something you did wrong or for a reason you really can't fight, you should not waste your time filing an EEOC charge.
2. If you have no proof of a discrimination motive, don't file with the EEOC.
3. However, if you can prove that the reason you were fired was false AND you have evidence of discrimination based on age, disability, race, religion or gender, you should consider a charge.
4. If you worked for a small company (under 15 employees) you can't file.
5. You have to file on time – no later than 300 days from when the discrimination happened.
6. File your charge in person at the EEOC office.
7. Winning your unemployment case helps but it does NOT mean you have a discrimination case.

Mediation

1. If you are offered a chance to mediate your case, take it.
2. A mediator is a neutral party who will try to help you and your former employer settle your claim without a lawsuit.
3. If you settle your case at mediation a written agreement will be signed and your case will end at that point.
4. You can hire me to represent you at mediation.
5. If mediation does not settle your case, your EEOC charge moves on to the investigation stage.

Investigation

1. You will be assigned an EEOC investigator.

2. Cooperate fully with your investigator.
3. Provide your investigator with the names, addresses and phone numbers of any favorable witnesses. Also, write down what you expect each witness to say. This will help your EEOC investigator focus on the important facts and evidence in your case.
4. Federal law protects witnesses who talk to the EEOC investigator against retaliation.
5. List for the EEOC investigator the documents the company has which may help prove your discrimination case.
6. Bring the investigator documents that prove your case.
7. Focus your witness list and document requests on proving discrimination or proving that you were fired for a false reason.
8. Do not ask for the “right to sue” notice (letter from the EEOC) until you are sure that your EEOC file has all of the key evidence (documents from the company, witness interview notes, etc.) in it that you need. Once you ask for your “right to sue” letter. The EEOC investigation is over and you will only have 90 days to file a federal lawsuit.
9. Getting a “right to sue” notice does NOT mean you have a case.

Evaluation

1. After the investigation is over and you are issued your right to sue (RTS) notice you only have 90 days to file a lawsuit in court or forget about the claim. If the EEOC did your case, you can get copies of your file. (If Human Affairs did your case you CAN'T get your file)
2. In order for me to properly evaluate your case for a potential lawsuit, I need what the employer sent to the EEOC especially the employer's Position Statement and exhibits. Ask for these.
3. I am NOT looking for copies of the documents you took to the EEOC. You should already have those.
4. The Position Statement outlines why the employer says you do NOT have a case. The employer never admits responsibility.

5. For example, I need to know why the employer says you were fired so you can tell me if the employer's reason is false. That's crucial.

Lawsuit

1. Discrimination lawsuits can be expensive. That is another good reason to settle your case at mediation if you can as long as the settlement is fair.
2. You must either file a lawsuit or forget about your case 90 days from the date you receive your right to sue notice.
3. After you get your right to sue notice, immediately ask for a copy of your EEOC file. You can hire me to review your file and give you an opinion about your chances in a lawsuit.

Agency contact information

Equal Employment Opportunity Commission

301 North Main St., Suite 1402

Landmark Building (formerly the Daniel Building)

Greenville, SC 29601

(864) 214-4400 OR 1-800-669-4000

Call the EEOC office before you go there to find out when they are taking intakes for new discrimination cases.