



## **WHAT YOU SHOULD KNOW BEFORE YOU FILE A CHARGE WITH EEOC**

### **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), or disability. 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.

### **WHAT IS THE FIRST STEP?**

If you believe you have experienced job discrimination, you should contact us. We will ask you why you believe the employer discriminated against you. We may ask you to fill out an intake questionnaire. Be sure to give us any evidence you have to show that discrimination occurred. Based on your answers and the information you give us, we will tell you if your claim fits within the laws we enforce. In any case, you have the right to file a charge of job discrimination to keep your right to file in federal court.

### **WHAT IS A CHARGE?**

A charge is a signed, written complaint about a negative job action based on race, color, religion, sex, national origin, age or disability that requests that the EEOC or a state or local government agency with similar laws take action to remedy the discrimination. EEOC has a charge form to use to make sure you give us the specific information needed in a charge. EEOC staff will assist you in drafting your charge. We will ask you to read and sign it. You will receive a copy of the charge with a charge number.

### **IS THERE A TIME LIMIT TO FILE A CHARGE?**

You have either 180 or 300 days from the day you knew about the negative job action to file a charge. It depends on whether the employer is located in 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.

### **DO YOU HAVE THE RIGHT TO A LAWYER?**

You have the right to bring a lawyer with you when you talk to the EEOC but you do not have to have one. If you would like to have a lawyer speak for you with the EEOC, your lawyer must give us a letter that tells us he or she represents you. The EEOC cannot provide a lawyer for you and cannot pay for the cost of your lawyer.

### **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. 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. If the EEOC does not have jurisdiction, or if your charge is untimely, we will close your charge quickly. We may also close your charge quickly if we decide that we probably will not be able to find discrimination. 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.

### **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 on how to settle your case, the EEOC will close your case. If you and the employer do not agree on how 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 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. If the information we have does not support your claims, the EEOC may stop investigating and close your case quickly. But 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.

### **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 probably violated the law, we try to settle the case in conciliation.

### **WHAT IS CONCILIATION?**

When the EEOC finds that the employer probably 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 finds that the employer probably violated the law, we file a lawsuit in federal court. We get about 80,000 charges of discrimination each year but we only file about 325 lawsuits each year. 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.

### **KEEP US INFORMED**

Once you file a charge with the EEOC, you must tell us if you move or get a new phone number. 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.

### **DO YOU HAVE MORE QUESTIONS?**

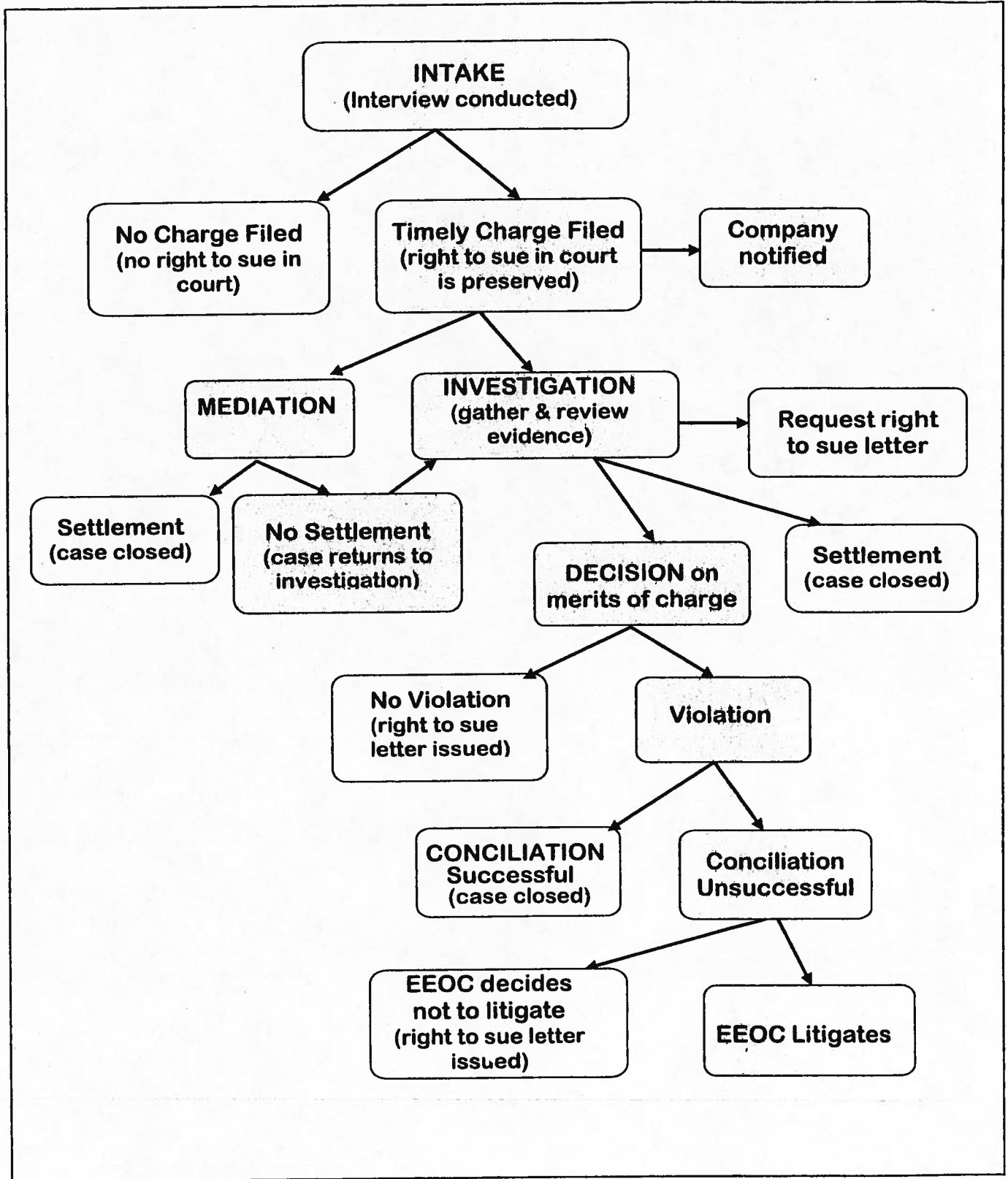
You can find the answers to many of your questions on our website, [www.eeoc.gov](http://www.eeoc.gov). You can access an interactive questionnaire at <https://apps.eeoc.gov/eas> to help you decide if the EEOC is the most appropriate agency to assist you. You can also find information on where to file an employment discrimination charge.

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**This flyer is available in accessible formats on request by calling  
1-800-669-3362 (voice), 1-800-800-3302 (TTY) or 1-301-206-9789 (fax).**



# EEOC CHARGE PROCESSING



**Yellow = Charge process ends**

**Blue = Charge process continues**