

THE ROLE OF THE EQUAL OPPORTUNITY EMPLOYMENT COMMISSION (EEOC) IN DISCRIMINATION CASES

*The EEOC Is Often a Mandatory Step for a Victim
Who Wishes to Pursue an Employment Discrimination Case;
However, It Is Often Not Sufficient for a Victim Seeking
Compensation and/or Specific Concessions from an
Employer to Rely on the EEOC*



Richard Celler

Even if you have never faced discrimination in the workplace the odds are good that you have heard of the Equal Opportunity Employment Commission, or EEOC. Despite extensive and ongoing efforts to completely eradicate discrimination in the workplace it continues to occur. If you do one day find yourself the victim of employment discrimination you may be uncertain where to turn or how to proceed. The EEOC is often a mandatory step for a victim who wishes to pursue an employment discrimination case; however, it is often not sufficient for a victim seeking compensation and/or specific concessions from an employer to rely on the EEOC. Understanding the role of the EEOC in discrimination claims should help you understand why you may wish to consult with private counsel as well.

EEOC HISTORY

The EEOC was born out of the Civil Rights Era in the United States. In 1961, President Kennedy signed into law the first Executive Order aimed at employment discrimination. The order required all government contractors to “take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin.” The order also established the President's



Committee on Equal Employment Opportunity which would later form the basis of today's EEOC. When the Civil Rights Act of 1964 was passed, the modern day EEOC was officially created to enforce Title VII of the Civil Rights Act, or CRA.

EEOC TODAY

Since the passage of the CRA a number of other important anti-employment discrimination laws have been enacted in the United States, including, but not limited to:

- The Equal Pay Act of 1963 (EPA)
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title I of the Americans with Disabilities Act of 1990 (ADA)
- The Pregnancy Discrimination Act
- Civil Rights Act of 1991
- The Genetic Information Nondiscrimination Act of 2008 (GINA)

Each one of these laws protects different classes of workers from specific types of discrimination in the workplace. The EEOC is charged with enforcing all of these laws. As a general rule, an employer with 15 or more employees is covered by the various anti-discrimination laws. A worker who believes his or her employer has violated one of the various employment discrimination laws may file a complaint with the EEOC and request an investigation.

IS FILING WITH THE EEOC MANDATORY?

Most claims of employment discrimination require a victim to file a claim with the EEOC before the victim can pursue legal action through the appropriate court of law. This does not mean you are barred from pursuing a traditional lawsuit. Instead, it typically means that prior to filing a civil lawsuit you must file a claim with the EEOC first and allow the EEOC to begin an investigation if they feel one is warranted.

WHAT HAPPENS AFTER YOU FILE A CLAIM WITH THE EEOC?

Although each complaint filed with the EEOC is unique, the agency follows the same general procedures in almost all cases. After you file an initial complaint an EEOC investigator will usually contact you to discuss the complaint. The agency has up to 180 days to act on your complaint. Sometimes, a victim hears back from the EEOC in a timely manner; however, it is not uncommon for a complaint to sit for weeks, even months, before action is taken by the EEOC.



Ultimately, if the investigator feels the claim has merit, a Charge of Discrimination will be completed and filed with the EEOC at which time the investigator will usually make an attempt to discuss the complaint with the employer. Whether or not the employer is cooperative will have a significant impact on

what happens next. If your employer is cooperative the EEOC investigator will

act as a mediator to try and resolve the situation. If your employer is not cooperative your complaint could go nowhere unless the EEOC decides to pursue a lawsuit. Unfortunately, that rarely happens.

WHY FILING WITH THE EEOC IS OFTEN NOT ENOUGH

The EEOC can take months just to begin an investigation once a complaint is filed. Months, sometimes even years, may then pass before a resolution is reached or before the EEOC decides to pursue the matter further. For a wronged employee, this amounts to wasted time. Even the EEOC advises victims to consider retaining the services of a private attorney.

Depending on the type of discrimination involved, you may be required to file a complaint with the EEOC before pursuing a civil lawsuit. When that is the case, you must wait out the required time period (either 60 or 180 days) before filing a lawsuit; however, once the EEOC clock has run you may request a “Right to Sue” from the EEOC which allows a victim to pursue civil remedies in a court of law even if the EEOC has yet to complete its investigation.

Moreover, waiting on the EEOC is frequently in vain as there is no guarantee the agency will pursue the matter even if they conclude that discriminatory practices *did* occur. Only about one percent of all claims filed with the EEOC ever make it to a court of law. The reality is that the EEOC is



constrained by insufficient manpower and funds, meaning that even when the evidence of discrimination is clear an employer will likely not face a lawsuit unless the victim retains private counsel.

If you believe you are the victim of employment discrimination in Florida, contact an experienced Florida employment law attorney as soon as possible.

U.S. Equal Employment Opportunity Commission, [Overview](#)

NOLO, [Filing an EEOC Claim of Discrimination](#)

WAGE, [What is the role of the EEOC and who else can be a Plaintiff in a Consent Decree?](#)

About the Author



Richard Celler

Richard Celler is the Managing Partner of Richard Celler Legal, P.A., a/k/a the Florida Overtime Lawyer. He created this firm after having served as the Founding Member and Managing Partner of one of the largest employee/plaintiff side employment law divisions in the United States.

In November 2013, Mr. Celler left big firm life with the idea of reopening his own litigation firm with an emphasis on something most big firms cannot provide – a lower volume of cases, and more focus on the needs and attention of every single client.

Mr. Celler's practice focuses on all areas of the employment context from discrimination, harassment, and retaliation under the Florida Civil Rights Act, Title VII, the Family Medical Leave Act, and other employment related statutes. Additionally, Mr. Celler represents individuals in whistleblower and wage and hour litigation (overtime, minimum wage, commissions, final paychecks).

Many firms charge clients for an initial consultation to discuss their claims. Mr. Celler does not. You can call him or email him to discuss your case for free. If he elects to represent you, your case will be handled on a contingency basis, which means that he only gets paid, if you get paid. We encourage you to look at the remainder of our website for information on your rights and benefits in the workplace – www.floridaovertimelawyer.com.

Richard Celler Legal, P.A.

7450 Griffin Road, Suite 230

Davie, FL 33314

Phone: 866-344-9243

Email: richard@floridaovertimelawyer.com

Website: floridaovertimelawyer.com