



NAACP Arlington Branch Labor and Industry Committee

Know Your Rights as a Worker: Introduction to the EEOC Claim Process

The NAACP works to secure the political, educational, social, and economic equity of rights to eliminate race-based discrimination and ensure the health and well-being of all persons. In that spirit, this document informs our community about their rights to a non-discriminatory workplace. It is not legal advice.

What is an EEOC claim?

An EEOC claim is a complaint filed with the Equal Employment Opportunity Commission when an employer or potential employer has committed a prohibited employment act or has a policy that is prohibited.

Why would I file a claim?

A person might file an EEOC claim if they believe that a hiring decision, retention decision, or disciplinary action involves a prohibited policy or practice.

What are Prohibited Policies and Acts?

There are 17 categories of prohibited employment practices over which the EEOC has jurisdiction. It is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because they complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The EEOC prohibits an employer or other covered entity from using neutral employment policies and practices that have a disproportionately negative effect on applicants or employees in the protected categories if the policies at issue are not job-related and necessary to the operation of the business.

While the EEOCs intent is for all employers to follow the same anti-discrimination policies, it should be noted that not all employers are held to EEOC standard particularly employers with a smaller. Employers must have at least 15 employees to be covered by EEOC laws (20 in age discrimination cases) There are some discriminations that are not covered by EEOC protection either

because they are covered by another law or because they have special protections. Please consult your local EEO field office for more details as to whether or not your employer, or discriminatory act is covered.

What are some examples of claims?

- Not being hired or being given a lower paying position because of your race.
 - For example of an employer only hires POC for certain positions i.e. janitorial, or support staff.
- Being held to a different or higher standard, or being evaluated more harshly, because of your race, or because you do not act or present yourself in a way that conforms to traditional ideas
 - For example, if a POC receives a negative performance evaluation that criticizes her for being too “aggressive” (while others who behave in the same way are praised for showing leadership)
- Being denied a promotion, pay raise, or training opportunity that is given to non POC employees
 - For example, certain trainings required to promote to the next level at work not being offered to all staff equally
- Being insulted, or called derogatory names or slurs or hearing remarks about people of a certain race
 - For example, hearing a coworker call POCs “monkeys” with other coworkers.
- Being rejected for a job, forced out on leave or given fewer assignments because of race
 - For example, being provided a reduced caseload because of race
- More examples available on the following sites:
 - [ACLU Race, Ethnicity, or National Origin-Based Discrimination](#)
 - [Human Resources Today discrimination examples](#)

When must I file an EEOC claim (Non Federal Employees)?

- The employee has 180 calendar days from the day of discrimination took place. Some opportunities to extend the time limit may be available.
- If more than one discriminatory act took place, the deadline applies to each individual act.
- How to file a [EEOC claim](#)

What materials do I need to file?

- any documentation that helps prove your claim
 - policies
 - emails
 - statements
 - voicemails
- Talk to any witnesses that might be willing to testify
 - Notation of people present, if any
 - If the individuals are willing to testify or write a statement

What happens when you file a complaint?

- The EEOC reaches out to the employer to notify the organization within 10 days
 - The organization may choose to resolve a charge through mediation or settlement.
- The EEOC will conduct an investigation (average investigation time is 10 months)
 - Request statement of position
 - Request for information (RFI)
 - Potential on-site visits
 - Witness interviews

Potential Remedies

- Retroactive promotions
- Offers of a position to remove individual from area of harassment
- Retroactive reinstatement to position if terminated
- Back pay
- Gross back pay
- Lump sum payment
- Liquid damages

Where do I learn more?

- [EEOC Website](#)
- Local Field Office (Director Mindy Weinstein)
(Regional Attorney Debra Lawrence)
 - 131 M Street, NE Washington, DC 20507
 - 202.921.3191