

## EEOC Inquiry--Just a Click Away

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The U.S. Equal Employment Opportunity Commission (“EEOC”) is the government agency tasked with the responsibility to enforce the federal laws prohibiting discrimination in all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits. Typically, the first steps for individuals seeking to file a charge of discrimination with the EEOC are an initial inquiry and intake interview. These first steps are now made easier through the recently launched EEOC Public Portal. The EEOC Public Portal was piloted in five U.S. cities – Charlotte, Chicago, New Orleans, Phoenix, and Seattle – for six months before it was made available nationwide on November 1, 2017.

The EEOC Public Portal is a tool for individuals to submit online inquiries and requests for intake interviews. To begin the process for submitting an inquiry, an individual can access the online EEOC Public Portal by selecting “I want to file a complaint” and then answering the following series of questions –

1. The individual is asked what type of employer is believed to have discriminated against him or her;
2. The individual will be asked for the date of the alleged discrimination to help determine how much time is left to file a charge (most states have 300 days but others may have only 180 days);
3. The individual is asked the basis for the discrimination such as age, color, disability, national origin, race, religion, sex/gender (including pregnancy, gender identity, transgender, and sexual orientation), and retaliation (for filing a charge or contacting a government agency about discrimination);
  - a) Certain answers may elicit additional questions such as if age discrimination is alleged, the system asks for year of birth;
4. The individual is asked how many employees the organization has; and,
5. The individual is asked where the alleged discrimination occurred which helps to determine the location and the time for filing a charge.

After all of the questions have been answered, the individual is advised: (1) if the complaint is covered by the laws that the EEOC enforces; (2) if the complaint is not covered; or (3) if the time has run out for filing a charge. If the complaint is covered, the individual is provided the option to proceed to schedule an interview. The individual also is advised that “submitting an inquiry is not the same as filing a charge of discrimination” and that proceeding to “an interview helps individuals make more informed decisions about whether to file a charge.” If the individual decides to proceed with an interview, only then will he or she enter contact information (including name, address, phone number, and email) and create a user ID and password.

The system does not allow individuals to file charges of discrimination online that have not been prepared by the EEOC nor does it permit the filing of discrimination complaints against federal agencies. However, once an individual completes the first steps of inquiry and intake interview, the EEOC Public Portal can be utilized to digitally sign and file a charge prepared by the EEOC, to provide and update contact information, to agree to mediation, to upload documents, to receive documents and messages, and to check on the status of the charge.

The primary purpose behind the online inquiry and appointment system is to attempt to streamline the process for individuals wanting to file new discrimination charges. Previously, new complainants had to submit inquiries to the EEOC through the mail, in person, or over the phone. In fiscal year 2017, the EEOC responded to more than 550,000 calls and more than 140,600 inquiries in its field offices, some of which were likely unable to proceed past the inquiry stage. Although this new system provides individuals with direct access at any place and time to file an inquiry, it also helps to quickly “weed out” EEOC-excluded claims.

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