

HELPFUL TIPS

FROM THE BOOK

FIRED!

9 TIPS

to Maximize a
Discrimination Claim



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9 Tips to Maximize a Discrimination Claim

- 1** If you believe that you have been victimized by employment discrimination, consider filing a discrimination charge with the EEOC and/or your state agency. In some states, filing a charge with either the EEOC or a state agency will be treated as filing with both. Speak to an employment lawyer for advice, because some state statutes provide greater protection and some state agencies have more powers than the EEOC.
- 2** Locate online the nearest EEOC field office and your state's human rights commission. State agencies can be located by calling your state's department of labor or an EEOC office in your area.
- 3** Typically, you must give your name if you want an investigation to proceed, but you cannot be lawfully retaliated against for filing a charge.
- 4** Although some state agencies permit a longer period (e.g., up to 300 days depending on state law), to be timely you must file a charge with the EEOC within 180 days of the date the last incident occurred.
- 5** Although you may file a private lawsuit in federal court, once you file a charge with the EEOC you cannot litigate the matter privately until the EEOC dismisses your case (finds no probable cause) or rules in your favor. In either situation, you then have 90 days to file a private lawsuit to be timely after receiving a final disposition notice (called a right-to-sue letter) from the EEOC.

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- 6 Obtaining a favorable decision does not automatically mean that you will receive big bucks. The employer may appeal a state agency or EEOC decision and force you to sue it in federal or state court.
- 7 Regularly call the EEOC officer to determine the status of the investigation and action taken in your case. Be assertive and follow the progress of your case. Whenever you receive a request for information, provide this immediately to the investigator.
- 8 If you are unhappy with the progress of the investigation or how the case is being handled, consult an attorney for guidance and advice. Consider joining a class-action lawsuit if one already exists against your employer or ex-employer. By doing so, however, you may have to withdraw from the original action.
- 9 Be patient. The EEOC often takes years to render its decision, and the employer may delay the final outcome years more by refusing to settle and appealing the case further.



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