



We have the legal right of way.

NAVIGATING AN EMPLOYMENT COMPLAINT:

What Happens When You File a Charge of Discrimination with the OCRC or EEOC?

If you feel an employer has discriminated against you because of your disability, there are two agencies you can contact to file a complaint. A complaint with either agency is called a charge. You do not have to file a charge with both agencies because they work together. However, they have very different deadlines for filing. When you file with either agency, your employer will receive a copy of the charge and will be asked for their response.

OHIO CIVIL RIGHTS COMMISSION (OCRC)

Phone: 888-278-7101

Website: crc.ohio.gov

Timeframe to file: Within 180 days

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Phone: 800-669-4000

Website: eEOC.gov

Timeframe to file: Within 300 days

Investigation Process

After you have filed the charge, you and your employer will be asked if you agree to mediation (see DRO's resource, "Navigating an Employment Complaint: What is the Option for Mediation When I File a Complaint with the OCRC or EEOC?"). If you and your employer do not agree to mediation, the charge will be assigned to an investigator. The investigator is a neutral party and will not take sides. The investigator's job is to find out if there is enough evidence to support a charge of employment discrimination. You should provide as much evidence as possible to support your charge and to respond to the employer's position statement.



For examples of the kind of evidence to submit, see DRO's resource, "Navigating an Employment Complaint: What Kind of Evidence Should I Include with My Charge?"

Employer's Position Statement

The investigator will get a statement from your employer responding to your charge. This is called a position statement. The investigator will contact you to talk about it. In an EEOC investigation, you are allowed to ask for a copy of the position statement and any non-confidential attachments. In an OCRC investigation, you can ask to see the position statement but will not be able to view any attachments.

You can submit evidence in response to the position statement. For example, if your employer claims they did not know you have a disability, you could tell the investigator how the employer was aware of your disability. For examples of the kind of evidence to submit, see DRO's resource, "Navigating an Employment Complaint: What Kind of Evidence Should I Include with My Charge?"

It is important to be patient in the investigation process. OCRC tries to finish its investigation and issue a decision within a year from when you file a charge. Depending on how the investigation process goes, the EEOC may take anywhere from one to three years to issue a decision.

Agency Decision and What Happens Next

If OCRC or EEOC finds that there is probable cause that your employer discriminated against you, your employer will be offered a chance to try to resolve the charge. The agency may explain what they think your employer should do (also called "conciliation") or they may suggest mediation.

In the OCRC process, your employer may ask the Commission to reconsider the charge. You will be able to give testimony at an OCRC Commission meeting to tell them why you feel the employer discriminated against you. You will speak to the Commission for approximately five minutes about your charge. Your employer will also have the same amount of time to speak. The Commissioners will then decide if they find probable cause of discrimination.

If the Commission still finds probable cause of discrimination, there will be an official hearing in which OCRC is represented by the Ohio Attorney General's office. If there is a hearing, you may be given a chance to tell your story.

In the EEOC process, if the Commission finds probable cause of discrimination, they may pursue the matter against your employer with a federal attorney.

In both such cases, the agency will keep you updated throughout the process.

If OCRC or EEOC finds no probable cause that your employer discriminated against you, you have the right to ask the Commission to reconsider your charge. You will be able to give testimony at an OCRC Commission meeting to tell them why you feel the employer discriminated against you, as explained above. If they do not agree that there was discrimination, your charge will be dismissed.

You can ask the EEOC to review OCRC's decision. If you want the EEOC's review, you should request it as soon as possible. OCRC decisions have strict deadlines that cannot be extended. If the EEOC finds no probable cause that your employer discriminated against you, you will be issued a Notice of Right to Sue (often called a "right to sue letter"). This letter will allow you to file a lawsuit in court. The EEOC will dismiss your charge at this point, though you can ask the EEOC to reconsider.

Filing in Court

Under Title I of the ADA, you must have a Notice of Right to Sue from the EEOC in order to file a lawsuit in federal court. You must file the lawsuit within 90 days of receiving the letter, so be sure to keep a record of the date you received it.

Under Ohio law, you have at least a year after the discrimination happened to file a lawsuit in state court, though it may be longer, depending on the facts of your case.

You should consult an attorney if you wish to file a lawsuit or have questions about the process. To find an attorney, contact one of these organizations:

OHIO EMPLOYMENT LAWYERS ASSOCIATION

Website: oelasmart.net

OHIO STATE BAR ASSOCIATION

Phone: 614-487-2050

Website: ohiobar.org

Disability Rights Ohio can help if you feel like someone has discriminated against you because of your disability and want more information about your employment rights. Call 800-292-9181, and select option 2 for the intake department. You can also fill out an online intake form at disabilityrightsohio.org/intake-form.