

EEOC Suspends Issuance of Right-to-Sue Letters

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The EEOC has announced that it has temporarily stopped issuing right-to-sue letters for the foreseeable future due to the COVID-19 pandemic unless a charging party specifically asks the agency to issue the notice.

The EEOC's announcement was in response to a request received from a coalition of over 75 civil rights advocacy groups, including the ACLU, the National Women's Law Center, the NAACP, Lambda Legal, and many plaintiff-side lawyers, that are concerned about the impact of the COVID-19 health crisis on a claimant's ability to file a lawsuit during the 90-day window following the issuance of the right-to-sue letter.

When announcing the temporary suspension, which concludes the administrative proceeding, the EEOC spokeswoman stated that "people with pending charges may have the belief that they might have to choose between jeopardizing their safety and protecting their rights" and that "during the COVID-19 pandemic the EEOC is continuing our mission of advancing equal employment... while taking steps to preserve the safety and well-being of our employees and people who believe they have experienced employment discrimination."

Although employers may see a decline in discrimination lawsuits filed in the immediate future, this temporary hiatus will eventually end. Once the moratorium is lifted, the backlog of pending discrimination charges created during the pandemic will likely lead to more suits being filed in a relatively short period of time.

Significantly, the advocacy coalition asked the EEOC to make it easier to file a charge of discrimination and extend the deadline to do so, but the EEOC has no power itself to change the statutorily created filing deadlines. Rather, the advocacy coalition will need to lobby Congress and state legislatures to relax the statutorily imposed filing deadlines for charges of discrimination.

If you have questions about this or any other employment-related issue, contact Morey Raiskin, Rachel Gebaide, or the Lowndes lawyer you regularly work with for additional assistance.

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