

EEOC to Resume Dismissing Charges of Discrimination Following Suspension due to COVID-19 Pandemic

August 3, 2020

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The Equal Employment Opportunity Commission (EEOC) announced on August 3, 2020, that it will begin dismissing charges that were suspended because of the COVID-19 pandemic.

On March 21, 2020, the EEOC temporarily suspended issuing dismissals of discrimination, harassment, and retaliation charges filed by aggrieved workers, unless a charging party requested a dismissal.

In its August 3 announcement, the EEOC acknowledged that a continued delay in issuing dismissals could negatively affect both parties' ability to protect and exercise their rights. The notices of rights to sue that have been held will be issued over the next six-to-eight weeks, beginning with those that have been in suspense the longest. The timing for completing work on issuing suspended notices of rights to sue corresponds with the EEOC's fiscal year, which ends on September 30, 2020. These notices of rights to sue will be sent by U.S. Mail.

Here are some implications from this announcement:

- Over the years, the EEOC has worked hard to reduce its inventory of open charges of discrimination. Based on the EEOC's commitment to issue almost five months of suspended right-to-sue notices in six-to-eight weeks, the EEOC may be stretched thin administratively while it focuses on issuing the suspended notices.
- Inevitably, some charging parties receiving dismissals and notices of rights to sue will follow through and file lawsuits, potentially creating a small increase in cases for courts and companies.

If you have any questions about the EEOC resuming dismissals, please contact the Jackson Lewis attorney with whom you usually work.

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