



Workers' Rights In Jeopardy: EEOC's Enforcement of Equal Employment Opportunity Laws Impeded By Inadequate Funding

A Report by The
National Employment Lawyers Association
April 27, 2007

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Introduction

The National Employment Lawyers Association (NELA) advocates for employee rights and workplace fairness while promoting the highest standards of professionalism, ethics and judicial integrity. NELA was founded in 1985 to provide assistance and support to lawyers in protecting the rights of employees against the greater resources of their employers and the defense bar. NELA is the country's largest professional organization that is comprised exclusively of lawyers who represent individual employees in cases involving employment discrimination, wrongful termination, employee benefits, and other employment-related matters. NELA and its 67 state and local affiliates have more than 3,000 members nationwide.

As a group, NELA members have represented thousands of individuals seeking equal employment opportunities. NELA is one of a limited number of organizations dedicated to protecting the rights of all employees who rely on the U.S. Equal Employment Opportunity Commission (EEOC) and the courts for protection against illegal workplace discrimination. NELA's members serve the same constituency as the Commission, namely, employees who have been and are being subjected to invidious race, color, national origin, gender, religious, age, and disability discrimination prohibited

by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. NELA's members interface with the EEOC on a daily basis. They are involved with the Commission's compliance procedures, its investigation practices, and its disposition of cases. That involvement is nationwide and reaches to all of EEOC's regional and district offices.

NELA members and the staff of the EEOC share the common goal of ensuring that the nation's equal employment opportunity laws are enforced as mandated by Congress. Indeed, several current and past EEOC staff are or have been members of NELA, including former Commissioners as well as senior attorneys in the Office of General Counsel and Regional Offices. These EEOC alumnae are passionate about their years at EEOC. They remain committed to helping the EEOC to advance its mission, to establish and develop a vibrant body of employment law, to address discrimination where it has operated and is continuing to be practiced, and to secure remedies for unlawful employment practices. In short, NELA and its members are uniquely positioned to comment upon EEOC's compliance efforts and the extent to which the Commission meets its mission, exercises its responsibilities, and provides relief to individuals who are discriminated against in the workplace.

Effective, attentive and responsive enforcement procedures hold out the hope for resolution and relief for victims of workplace discrimination. By the same token, ineffective, inattentive and irresponsible administrative processing by EEOC precludes and/or directly impacts the nature and scope of the relief charging parties – *even those represented by attorneys* – can obtain during the administrative process. Furthermore, because utilization of the Commission's administrative procedures is a mandatory

gateway to private enforcement of Title VII and defines the scope of any ensuing litigation, NELA's members and their clients have a vital stake in ensuring charging party accessibility to the EEOC and effective compliance efforts.

It is essential to underscore that EEOC leaders, especially its current Chair, have recognized this commonality between EEOC's responsibilities and the interests and experiences of NELA's members. They are acutely aware that working in partnership with NELA, as well as other stakeholders, is key to fulfilling the EEOC's mission of enforcing the nation's equal employment opportunity laws. The Chair and the Commissioners have taken affirmative steps in seeking NELA's input and feedback regarding EEOC operations. Indeed, open dialogue with and encouragement from Chair Earp, Vice Chair Silverman, and Commissioners Griffin and Ishimaru were a catalyst for NELA conducting the survey which is the subject of this report. The same is true with respect to a planned project that NELA hopes to implement in the near future regarding EEOC's National Contact Center.

The Survey and Methodology

In March of this year, NELA prepared and distributed to its membership a brief on-line survey, a copy of which is attached as Appendix A. The purpose of the survey was to gain a better and more current understanding of: (1) the frequency with which charging parties and/or their attorneys encounter refusals by the EEOC to accept charges; and (2) the extent to which charging parties and/or their attorneys experience other problems with charge filing at the EEOC. NELA spearheaded the survey in response to comments it regularly receives from NELA members and local affiliate members about the EEOC's charge filing process as well as by our discussions with EEOC leadership. In

addition, both the EEOC and the Congress have recently expressed concerns about the need for charging parties to have effective access to the Commission's compliance procedures.

The survey sought to elicit information about what happens when a charge is presented to the Commission – whether charging parties encounter problems, the types of problems they experience, and the frequency and timing of such problems. The survey covers the period from January 1, 2005 to April 2, 2007; questions were categorized by calendar year.

Instructions and a link to the on-line survey were sent by electronic mail to NELA members. In addition, NELA's sixty-seven state and local affiliate leaders were encouraged to forward the survey link to *their* membership (which include members who are not members of the national organization). The survey was conducted from March 16, 2007 (the date it was first distributed) through April 2, 2007 (the date the survey was closed). NELA received 343 unique responses to the survey, for a total response rate of 14%.

The responses represent the experiences of plaintiff employment lawyers (and their clients) from 30 states, the District of Columbia and Puerto Rico. The respondents practice before EEOC offices in every region, including 15 district, 9 field, 12 area and 11 local offices. (A list of the EEOC offices referenced by respondents is contained in Appendix B.)

The Findings

The responses reveal an agency that is resistant to the filing of employment discrimination charges. Of the survey respondents, nearly one quarter (23%) indicated that they had drafted charges for clients that had not been accepted for filing by the EEOC during the twenty-seven month period covered by the survey.¹ In response to the broader question, “[H]ave you had other problems with the EEOC in the processing of charges or intake questionnaires (e.g., resistance by EEOC office identified above to accepting filing as prepared by you, substantial modification by EEOC of what you prepared, etc.)?” – the “yes” response rate was even higher.² Thirty-six percent (36%) of respondents reported that they had encountered some such problems at some time since January 1, 2005. Moreover, more than a quarter of the respondents who had experienced such problems did so more than once in calendar years 2005 (26%) and 2006 (28%).³ In 2005, 12%, and in 2006, 13%, of them had encountered such problems *three or more times* in the year.⁴

These experiences were not specific to just one or two of EEOC’s local offices, but involved, as mentioned above, 47 offices nationwide. These 47 EEOC offices are not, however, necessarily any *worse* than EEOC offices not reflected in the survey. On the other hand, the offices not on the list (Appendix B) are not necessarily any *better* than those that are on the list. Indeed, NELA has no reason to believe that these 47 EEOC offices are either better or worse than the EEOC offices that were not mentioned by survey respondents.

¹ See Question 3, Appendix A.

² See Question 11, Appendix A.

³ See Questions 12 and 13, Appendix A.

⁴ *Supra.*

The comments of those responding to the survey, which are compiled in Appendix C, illuminate the pervasiveness of the problems that charging parties and plaintiff's attorneys have with the EEOC's intake, charge filing and investigation processes. As reflected below, the comments indicate several recurrent problems with EEOC charge intake as well as with EEOC investigations *after* charges are filed. This is not to suggest, however, that all is bad at the EEOC; in fact, some respondents recognized and complimented particular offices or personnel.

Problems with Charge Intake

- **While NELA attorneys, more often than not, succeed in filing charges for their clients, they report that these same clients in many instances were previously turned away by EEOC's intake personnel based on the same alleged incidents of discrimination.** For example:

Our clients who come to [us] after going to the EEOC...have numerous horror stories about being told they couldn't file because they still had their job, didn't have a case, etc.

-- Comment 16 (Atlanta)

While I have not had problems with the EEOC accepting my charges or questionnaires, I have had many potential clients report that the EEOC would not accept their charges—at least 4 in the past two months. I cannot say how many have reported this since January 2005, but the numbers seem to be increasing of late. In addition, the EEOC does not want any information before the 180 day filing period, whether or not this information is relevant to the discrimination claims in the charge.

-- Comment 118 (Atlanta)

Because of previous problems with the EEOC I always draft the charges and have them hand delivered and stamped. I stopped sending my clients in to file on their own behalf because the EEOC ... tell[s] clients they don't have a case even though I have already determined that they do.

-- Comment 45 (Chicago)

[T]he problem seems to be mainly with people who attempt to file charges without an attorney. I get many, many calls from people who say that the EEOC told them that they do not have a case

when in fact they do have one, or would have if they had filed the charge when they contacted EEOC. EEOC gave them bad legal advice which caused them not to file when they should have, and their rights were compromised.

-- Comment 86 (Dallas)

I don't have problems....It is the unrepresented people who have problems. For instance, I have had people come to see me who have been told by the intake folks that they don't have a case and don't know they can insist on filing a charge. I draft and file the charge and there is no problem. I really worry about the folks who don't have a lawyer, not the ones who do!!

-- Comment 175 (St. Louis)

[A]ggrieved individuals go [to the EEOC and]...are often told that they have no case and no charges are accepted. How many people with legitimate claims then exit the process, demoralized? If they come to us, we have to fight to get the charges filed, including writing them ourselves (which I have not had rejected but never results in much of an investigation).

-- Comment 99 (Detroit)

- **Often, before accepting a charge (even one prepared by an attorney), EEOC intake personnel have required that the charge be narrowed (for example, to one incident or to one form of discrimination, such as gender or race discrimination but not both).** For example:

Refusal to allow charging party to check more than one box; refusal to allow charging party to name employment agency or joint employer; not allowing charging party to mention events outside 180 days on the face of the charge; telling charging party she doesn't have a charge and not letting her file.

-- Comment 173 (Atlanta); *see also* Comment 84 (Dallas)

[T]he EEOC often will not include all claims (even when client has been instructed by me as to what claims).

-- Comment 45 (Chicago)

- **The EEOC resists accepting charges, primarily due to untrained intake personnel.** For example:

Some investigators are more notorious than others. The intake investigators are not attorneys but are making legal decisions. Of course, this could be critical if the individual does not first see an attorney or delays seeing an attorney until after the charging

party's deadline has passed.

-- Comment 23 (Raleigh)

Unqualified people tell me what does and does not fall under Title VII.

-- Comment 170 (San Antonio)

The EEOC told one client that they had too many cases to really read his case or deal with it since his did not involve a termination.

-- Comment 30 (Boston)

Intake investigators do not seem to understand the elementary principles of discrimination cases, do not seem to understand the significance of certain facts when those facts are presented to them during the intake interview, and can hardly write an intelligent sentence in either the charge or the affidavit.

-- Comment 132 (San Antonio)

I have been told by investigators that the charge cannot be accepted without more detailed information, particularly comparative information. The detail required appears to exceed the notice pleading standard in federal court.

-- Comment 24 (El Paso)

I have seen cases of non-represented complainants in which the intake person at the EEOC drafts a charge and immediately issues a notice of right to sue, telling the complainant he/she "doesn't have a case" based on the intake person's inaccurate understanding of the law (e.g., "If you were the only person it happened to it can't be discrimination..."). I wonder how many persons with legitimate complaints rely on that "advice" and decide not to pursue their claim."

-- Comment 148 (St. Louis)

- **Timely claims are jeopardized due to delays in the EEOC's procedures.** For example:

[R]ecently I was contacted by a charging party who had submitted his questionnaire in October, but as of mid-February had heard nothing from EEOC. His 180 days to file was within a month of running. I contacted EEOC on his behalf and was told that they were "just getting to" the October questionnaires and that the fact that his time was close to running did not give it any priority over other charges. I ended up filing a charge on his behalf instead of waiting for the EEOC.

-- Comment 92 (Atlanta)

I have a case now where the EEOC told my client that he did not have a case, and that they wouldn't accept his charge. He insisted, so they accepted the charge (that they drafted). Months later (after 300 days post-incident) he got a call from the EEOC telling him that he needed to sign another (identical) charge. He did, sent it back, and it was stamped "filed" for that new date. Then, the EEOC dismissed him for filing too late. Luckily, he had a copy of the original stamped charge, and we survived a motion to dismiss on this.

-- Comment 2 (Chicago); *see also*, Comment 37 (Dallas)

The EEOC routinely attempts to re-write the charge, invariably leaves [information] out, and then sends the revised charge to the client for signature. It then tries to substitute the date of the "new" charge for the original filing date. I then have to write to the EEOC and demand that they use the original charge and original filing date. The EEOC has backed down after receiving my correspondence, but my intervention should not be necessary....In [another] case in 2006 the EEOC...told [my client] that it could not accept his charge unless he came into the EEOC personally and complete[d] an intake with an EEOC employee. The EEOC then sent a letter to the client informing him that his charge was not valid and would not be accepted until he followed through on the personal interview. I wrote to the EEOC, explained the statutory requirements for filing, and it ultimately accepted the charge with the original date. Again, this should not have been necessary, particularly since I had entered my appearance.

-- Comment 104 (Philadelphia)

- **Arbitrary and capricious actions by EEOC personnel jeopardize employees' rights.** For example:

They required a whole new charge to be filed for one typo.

-- Comment 70 (Indianapolis)

In the past 30 days...a charge [was] returned to me telling me that normally they have staff to make corrections on charges, but because they do not have enough staff currently, they were sending back my charge and giving me 33 days to correct the charge. They said that the charge was deficient because I stated the type of disability on the charge form, I described damages and my charge narrative was too lengthy (it fit on the front of the charge form).

-- Comment 168 (Philadelphia)

[O]n several occasions from 2005 to the present, [the Miami office] tried to reject charges [I'd filed] (the most recent occasion

being this month). When I challenged them and asked them to cite the provision of the EEOC regulations that authorized them to reject the charge, they backed off. The most egregious of these instances was a disability discrimination charge in which “disability” and “retaliation” were checked off and the charge alleged that my client was an individual with a disability who was being denied urgently needed accommodations and whose medical information was not being kept confidential. (My client was literally dying because of the employer’s change in his work schedule, which interrupted his regime for taking HIV medication.) Someone from the Miami EEOC office called and said the charge was being rejected because it didn’t expressly mention the Americans with Disabilities Act. I hit the roof and told them that the description of the discrimination and checking off of “disability” made it patently obvious that this was an ADA charge.

-- Comment 101 (Miami)

- **Inability to contact EEOC personnel.** For example:

Complete inability to talk to any EEOC personnel about status of charge, investigation, etc.; complete failure of EEOC to conduct any investigation of charges that clearly are meritorious.

-- Comment 185 (Baltimore)

I have had...numerous occasions where I have attempted to get in touch with investigators to convey information or inquire into case status and my calls have not been returned.

-- Comment 128 (Cincinnati)

- **Other Intake Problems Confronted by Survey Respondents and Their Clients**

Lack of Spanish-speaking personnel.

-- Comment 80 (Birmingham)

The EEOC charge form is not readily available.

-- Comment 82 (Dallas); *see also* Comment 32 (Cincinnati)

Lack of coordination among EEOC personnel (*e.g.*, different investigators assigned to charges against the same employer involving the same discriminatory practice).

-- Comment 86 (Dallas)

Lost charges and files.

-- Comments 114 (Philadelphia); Comment 65 (St. Louis);
Comment 128 (Cincinnati); Comment 62 (Baltimore)

Failure to provide right-to-sue letter.
-- Comment 116 (Charlotte)

Problems with Investigations and Post-charge Processing

The narrative comments that accompanied the survey responses also enumerate repeated concerns about what takes place *after* charges are accepted by the EEOC. These concerns include the following:

- **Cursory investigations by untrained investigators.** For example:

The problems I have encountered have occurred *after* the charge is filed. We have had several cases where the EEOC simply decided not to investigate or even [to] require a response from the Respondent because the EEOC decided the charging party could not be discriminated against on the basis of race if the decision maker was the same race. That is not the law, but it is making it hard to prosecute these cases.

-- Comment 13 (Chicago) [emphasis supplied]

My problems have been with the EEOC's lack of investigation and routine acceptance of the respondent's position.

-- Comment 116 (Charlotte)

Zero knowledge of pretext. EEOC requires direct evidence or they dismiss the claim. Also, zero knowledge of the single enterprise theory. If the employer says they don't employ 15 people or 50 people, etc., EEOC makes no further inquiry.

-- Comment 52 (New Orleans)

The EEOC routinely contacts clients who are represented by counsel and gives them advice which is often incorrect, and causes the clients unnecessary confusion.

-- Comment 104 (Philadelphia)

Pregnancy discrimination charge dismissed because client was replaced by a female. Investigator didn't understand that the female that replaced my client was not pregnant. Recently, same investigator would not allow my client to amend charge to include retaliation which occurred after the filing of the first charge. New charge had to be filed after discussion with investigator's supervisor.

-- Comment 113 (Denver)

[T]he investigators are overwhelmingly unqualified (can't even identify the *prima facie* elements to claims, and have no clue how to investigate). There is very little access and transparency, since the District Director...is more interested in closing files and denying access to position statements than he is in having his investigators do their job.

-- Comment 73 (El Paso)

Another EEOC problem: they are not investigating a lot of charges. I've had a few potential clients come in with charges that received no substantial evidence findings within 7 days of filing.

-- Comment 2 (Chicago)

- **Perfunctory acceptance of the employer's written response to the charge, and little or no assessment of the merits or follow-up to test the representations contained in the employer's response (such as contacting witnesses or obtaining relevant comparative data).** For example:

[The] most frequent and significant problem I have encountered is resistance by some investigators to conduct a meaningful investigation if they have determined that the case has no merit. Investigators will often receive the employer's position statement and reach a premature conclusion that the charge has no merit. The investigators are then resistant to conduct[ing] an investigation (e.g., contact witnesses or obtain documents) that might indicate that the employer's position statement is inaccurate or is not meritorious. In my opinion, this resistance occurs from a need to move and close files at a certain rate.

-- Comment 77 (St. Louis)

We get almost no feedback on the [investigation] process. Conciliation ends up undervaluing the claims dramatically. There are a few good investigators, but for the most part there seems to be no will to question, let alone rebut, the proffered explanation of the employers. When we FOIA the records afterward there is almost no discovery conducted. There is almost never a "for cause" finding. I think I have seen at most three or four throughout a fifteen year career. Needless to say I have settled many a case in which the EEOC found no cause. The administration at our [EEOC] office seems completely oblivious to the problems. When the issues are raised, the reaction is, "Well, that is not our policy, so, it must not be happening the way you describe it." I was on the verge of FOIAing the Detroit district office annual reports to use to request some sort of Congressional oversight from our senators.

-- Comment 99 (Detroit).

The problems I have with the EEOC occur during the supposed “investigation” of the charge. The investigators typically receive the employer’s position statement, treat it like the gospel, do nothing more, and then issue a terrible letter telling my clients that they were horrible employees and that there was no discrimination. I have repeatedly complained about this to the [EEOC] Cleveland counsel, to no avail.

-- Comment 98 (Cleveland)

They simply notify us of their intent to dismiss based on the employer’s position statement without giving the charging party an opportunity to refute what the employer has said.

-- Comment 29 (Detroit)

- **Perfunctory issuance of boilerplate right-to-sue letters at intake or after a *pro forma* investigation.** For example:

I have seen several instances of clients who file charges and receive their notice of right to sue at the same time, with no investigation.

-- Comment 83 (Dallas)

My problems arise after filing and the EEOC does nothing. I draft questions and investigators do not investigate or are just too busy to do anything. I file at least a half dozen charges each year. Inevitably we get back the punt, unable to determine if... discrimination took place.”

-- Comment 57 (Philadelphia)

Inadequate Funding: The Source of the Problems

These findings, as alarming as they are, do not come as a surprise. They clearly are, in substantial part, symptomatic and the consequence of an inadequate budget which has resulted in an understaffed agency burdened with a massive flow of charges and an ever growing backlog. The Commission has struggled to meet the mounting pressures of this burden and has tried to adjust to the realities of its budget through a major reorganization and reallocation of staff. Members of Congress, NELA, and other stakeholder organizations were critical of and voiced their skepticism about the

reorganization, fearing it would, if anything, further deplete enforcement and would not result in staffing that would achieve the results forecast by EEOC. Whether those criticisms were well founded or whether the Commission's blueprints for reorganization make sense are appropriate subjects of debate and scrutiny. That controversy, however, ignores an overwhelming reality.

When the chaff is separated from the wheat, the key fact that emerges is that *the EEOC has for many years only been able to budget a small amount of its funding to enforcement and virtually nothing to training personnel*. This renders the Commission ill-equipped to achieve its mission, produces never-ending delays, prevents even minimal training of staff, and breeds inordinate pressures not to add to a burgeoning backlog by junking potential and actual cases at every step of the administrative process. More specifically, it produces an inherent resistance to the filing of charges by compliance staff, shortchanges investigations (if and when they take place), and increases an administrative "washing of hands" of cases through the convenience of boilerplate Notices of Right to Sue that include nothing but a mere check-off box for "insubstantial evidence to determine" discrimination.

The inescapable conclusion is that the reductions in the EEOC's budget over the past several years have wreaked havoc upon the Commission's enforcement efforts. For all intents and purposes, these budget levels have imposed upon the EEOC a paralysis that frustrates Congressional intent in enacting equal employment opportunity laws, the Commission's efforts in achieving its mission and, moreover, the rights of American workers to be free from unlawful employment discrimination. For those who do succeed

in obtaining relief from illegal employer conduct, that relief is likely to be only after years of delay.

In enacting various anti-discrimination laws, Congress has signaled that addressing and eliminating invidious discriminatory employment practices is one of the nation's highest priorities. Thus, it is incumbent upon Congress to ensure that the Commission – the federal agency that it has mandated to enforce these laws – receives the necessary funding to rectify the untenable morass described in this report. If the EEOC is to overcome the dire consequences of past budget reductions, then *funding well beyond the current levels must be made available*.

At the same time, the EEOC also must be held accountable to Congress and the public it serves. Thus, oversight and assessment mechanisms must be put into place to assure that additional resources are directed toward viable and meaningful enforcement of the EEOC's mandates. In particular:

- Immediate attention should be given to how many investigators and attorneys are assigned to each of EEOC's offices as well as to the past and anticipated case flow at each of these offices.
- A critical examination is needed to determine what, if any, training is provided to EEOC's compliance staff.
- If EEOC intends to make good on its commitment to revitalize systemic cases, then the agency needs to assess whether it has sufficient staff attorneys and support personnel to fulfill this promise.
- Mechanisms are required to ensure that individual cases are not short-changed while the Commission pursues systemic cases.
- Factors relating to employee performance incentives and awards should be based on enforcement of the laws, vindication of civil rights and changing business practices as opposed to speeches and community outreach.

Conclusion

The findings of NELA's survey lend credence to the problems faced by the EEOC and those Americans the agency is mandated to protect from unlawful employment discrimination. For the EEOC to fulfill its mission as the federal agency most responsible for the enforcement of the nation's equal employment opportunity laws, these problems must, at a minimum, be addressed with more resources targeted at improving basic enforcement functions.

**NELA EEOC Charge Processing Survey
Numerical Data**

Total Responses: 343

1. Name:

2. EEOC Office you primarily practice before:

3. Since January 1, 2005, have you drafted a discrimination charge (or charges) for a client (or clients) that was (were) not accepted for filing by the EEOC office identified above?

Yes	77	22.60%
No	264	77.40%

Total Respondents 341

4. If yes, how many times did it occur in calendar year 2005:

0	155	74.20%
1	18	8.60%
2	19	9.10%
3-5	13	6.20%
6-10	1	0.50%
11 or more	3	1.40%

Total Respondents 209

5. How many times did it occur in calendar year 2006:

0	153	70.50%
1	37	17.10%
2	15	6.90%
3-5	10	4.60%
6-10	0	0%
11 or more	2	0.90%

Total Respondents 217

6. How many times did it occur from January 1, 2007 to present:

0	198	92.50%
1	13	6.10%
2	1	0.50%
3-5	2	0.90%
6-10	0	0%
11 or more	0	0%

Total Respondents 214

7. Since January 1, 2005, have you prepared an EEOC intake questionnaire (or questionnaires) that was (were) not accepted by the EEOC office identified above:

Yes	19	5.70%
No	316	94.30%

Total Respondents 335

8. If yes, how many times did it occur in calendar year 2005:

0	156	94.00%
1	2	1.20%
2	5	3.00%
3-5	1	0.60%
6-10	2	1.20%
11 or more	0	0%

Total Respondents 166

9. How many times did it occur in calendar year 2006:

0	155	90.60%
1	10	5.80%
2	3	1.80%
3-5	2	1.20%
6-10	1	0.60%
11 or more	0	0%

Total Respondents 171

10. How many times did it occur from January 1, 2007 to present:

0	166	96.50%
1	5	2.90%
2	0	0%
3-5	1	0.60%
6-10	0	0%
11 or more	0	0%
Total Respondents	172	

11. Since January 1, 2005, have you had other problems with the EEOC in the processing of charges or intake questionnaires (e.g., resistance by EEOC office identified above to accepting filing as prepared by you, substantial modification by EEOC of what you prepared, etc.):

Yes	117	35.70%
No	211	64.30%
Total Respondents	328	

12. If yes, how many times did it occur in calendar year 2005:

0	130	62.20%
1	24	11.50%
2	30	14.40%
3-5	21	10.00%
6-10	4	1.90%
11 or more	0	0%
Total Respondents	209	

13. How many times did it occur in calendar year 2006:

0	117	55.70%
1	34	16.20%
2	32	15.20%
3-5	23	11.00%
6-10	3	1.40%
11 or more	1	0.50%
Total Respondents	210	

14. How many times did it occur from January 1, 2007 to present:

0	164	79.20%
1	28	13.50%
2	8	3.90%
3-5	5	2.40%
6-10	2	1.00%
11 or more	0	0%
Total Respondents	207	



APPENDIX B

NELA EEOC Charge Processing Survey List of EEOC Offices Referenced by Respondents

Atlanta District Office
Birmingham District Office
Charlotte District Office
Chicago District Office
Dallas District Office
Houston District Office
Indianapolis District Office
Los Angeles District Office
Memphis District Office
Miami District Office
New York District Office
Philadelphia District Office
Phoenix District Office
San Francisco District Office
St. Louis District Office

Baltimore Field Office
Cleveland Field Office
Denver Field Office
Detroit Field Office
New Orleans Field Office
San Antonio Field Office
Tampa Field Office
Seattle Field Office
Washington Field Office

Albuquerque Area Office
Boston Area Office
Cincinnati Area Office
El Paso Area Office
Kansas City Area Office
Louisville Area Office
Milwaukee Area Office
Minneapolis Area Office
Nashville Area Office
Newark Area Office
Pittsburgh Area Office
Raleigh Area Office

Buffalo Local Office
Greenville Local Office
Honolulu Local Office
Las Vegas Local Office
Norfolk Local Office
Oakland Local Office
Richmond Local Office
San Diego Local Office
San Jose Local Office
San Juan Local Office
Savannah Local Office

**NELA EEOC Charge Processing Survey
Comments Organized by Office**

Atlanta District Office

<p>16. [No problems] in the charges we file except that when we have more than one employer the EEOC now insists upon having separate charges and they have ended up going to different investigators. Our clients who come to us after going to the EEOC, on the other hand, have numerous horror stories about being told they couldn't file because they still had their job, didn't have a case, etc.</p>
<p>34. I receive many calls from potential clients that describe being turned away from EEOC and not allowed to file a charge of discrimination.</p>
<p>41. The problems with the EEOC usually arise when the charging party is NOT represented by an attorney. That's usually when I hear about instances of the EEOC refusing charges, or advising charging parties that they don't have any claims, etc. When the charge comes from a lawyer, it's been my experience that they usually accept the charge.</p>
<p>49. Requests to interview my clients directly without informing me of the nature or specific purpose of the interview, other than saying that the charge as drafted was insufficient.</p>
<p>59. One of my clients just had his case, a strong religious discrimination case, dismissed due primarily to the EEOC's incompetence. The client went to the EEOC, pro se, complaining about religious discrimination in the workplace. The investigator said that much of the supporting evidence my client had was more than 6 months old, and discouraged my client from filing a religious [discrimination] claim. The investigator asked my client the race of client's boss, who is white. The client is black. The investigator said he'll check off the race box. My client said no, it's not a race claim, it's a religious discrimination claim. The investigator said that he can only check off one box, and since a lot of client's evidence is more than 6 months old on the religious [discrimination] claim (but his termination was within 6 months), he will go with race only. My client was pro se, at the EEOC for the first time, and wrongly trusted the investigator to get it right. My client subsequently put on the questionnaire that it is a religious discrimination as well as race matter. The Court denied Defendant's motion to dismiss for failure of notice in the early stages of the litigation. We then went through full discovery, costing the client over \$7K. Then, a new judge took over the case. He tossed the case on summary judgment due primarily to the EEOC mishandling of the charge. He also briefly went over the facts of the case and determined the underlying facts were not strong enough. That was argued very poorly and we would have had a good shot on appeal on that argument. Unfortunately though, his primary argument—the EEOC matter—has enough case law on both sides. We decided not to appeal.</p>
<p>92. The primary problems of which I am aware are related to unrepresented charging parties who try to file charges. For example, recently I was contacted by a charging party who had submitted his questionnaire in October, but as of mid-February had heard nothing from EEOC. His 180 days to file was within a month of running. I contacted EEOC on his behalf and was told that they were "just getting to" the October questionnaires and that the fact that his time was close to running did not give it any priority over other charges. I ended up filing a charge on his</p>

behalf instead of waiting for the EEOC.
93. NELA-GA is in communication with the Atlanta EEOC office about joint employers. The EEOC wants separate charges filled out for each employer (meaning the charges are assigned to different mediators, different investigators...); NELA-GA wants all employers to be listed on the same charge.
110. EEOC often pigeon holes a complaint into “race” or “gender” rather than check multiple boxes to cover discrimination based on more than one factor. EEOC also often gives clients incompetent and wrong legal advice.
118. While I have not had problems with the EEOC accepting my charges or questionnaires, I have had many potential clients report that the EEOC would not accept their charges—at least 4 in the past two months. I cannot say how many have reported this since January 2005, but the numbers seem to be increasing of late. In addition, the EEOC does not want any information before the 180 day filing period, whether or not this information is relevant to the discrimination claims in the charge.
119. Individuals going to the EEOC alone and having the intake office refuse to take their charge or telling them they have no case.
142. Telling people who come in, even if they have a witness with them that they have no case. In one instance it involved touching sexual harassment and an eye witness and they were turned away. They tell the potential charging party they have no case and never inform them that there are other laws that the EEOC does not enforce that may apply to their situation. Also have had preemptory dismissals without any defect on the face of the charge.
173. Refusal to allow charging party to check more than one box; refusal to allow charging party to name employment agency or joint employer; not allowing charging party to mention events outside 180 days on the face of the charge; telling charging party she doesn’t have a charge and not letting her file.
175. One investigator threatened not to accept an amended charge. I filed it anyway.

Birmingham District Office

80. Lack of Spanish-speaking EEOC personnel in the South.
95. Years ago, in the 1990s, the Birmingham office would not take a charge by fax. I haven’t tried since then. I think charges should be accepted by fax, email, etc.
151. Most investigators are lazy and rude; one black male hated all complaints from females, asking “Who do you think you are?” to a sexual harassment victim. He was equally threatening to me. Had to go to the national director to get him removed. Turned out he was having a gay affair with an executive of the employer. With no state employment discrimination laws, we must go through EEOC.

Charlotte District Office

7. I have not really had any problems in connection with the filing of a charge. My problems have been with the EEOC’s lack of investigation and routine acceptance of the respondent’s position. Also, I have had some incidents where the EEOC has not provided the right to sue letter to the complainant.
116. My clients who go in person to file charges have been turned away and told they do not have a charge. They have also encountered some rude intake people. I have had to tell clients to go back and insist they have a right to file a charge. I have also had EEOC people discourage people from retaining an attorney.

141. I have two problems with the EEOC. One, they will not issue a right to sue letter 180 days after the charge is filed. Two, they will not keep me informed of the status of the charge.

Chicago District Office

1. Particular EEOC investigator () is pre-disposed to employer stances/defenses. has completely unreasonable demands of clients for specific dates and times of discussions from over a year prior. demands both shorter CODs and more details and facts. even accused attorney of coaching witness to change testimony and of witness of changing testimony.

2. The EEOC-Chicago now has a rule that they any charges that come in notarized automatically get sent to the Illinois Department of Human Rights. The EEOC will take only un-notarized charges. I learned of this rule from an investigator. Another EEOC problem: they are not investigating a lot of charges. I've had a few potential clients come in with charges that received no substantial evidence findings within 7 days of filing. I have a case now where the EEOC told my client that he did not have a case, and that they wouldn't accept his charge. He insisted, so they accepted the charge (that they drafted). Months later (after 300 days post-incident) he got a call from the EEOC telling him that he needed to sign another (identical) charge. He did, sent it back, and it was stamped 'filed' for that new date. Then, the EEOC dismissed him for filing too late. Luckily, he had a copy of the original stamped charge, and we survived a motion to dismiss on this. But the EEOC file had notes saying that he chose not to file the first charge—total cover-your-#\$@ language. I'm guessing they lost the first charge. Another client of mine had his Chicago charge ignored for 8 months, when he called on it, the Chicago office hadn't heard of him. He got a call a few days later from the Cleveland office; they were investigating it. He talked to the investigator and she said she'd get back to him in 30-45 days. **Four hours** later she called back, said never mind the previous call, she was issuing a right to sue now because she determined from reading the charge that he was not a qualified person with a disability. (!!!!!) In other words, she was not investigating it, period. I have another case at the EEOC that has been there for a couple of years. It has class action potential against a major retailer, so the legal department is thinking about it. I check in periodically, get told they are still thinking about it. I don't want to rock the boat because it would be GREAT for the clients if the EEOC took this on, but it's been way too long.

3. EEOC refused to accept charge of my client last September 2006. Two weeks before the 300th day, senior investigator sent a letter in mid-December saying she would not accept the charge. After I finally made a scene on the 300th day, EEOC accepted the charge and pulled the investigator off the file. Then when new investigator called to interview my client, she refused to give me the name of the attorney representing the company so I could discuss settlement with the attorney. I was told the EEOC never gives out names of lawyers and if we wanted to discuss settlement, we could only do so through EEOC (translate: so they can get credit for any settlement amounts). On other fronts, we have seen a great deal of foot dragging on issuing right to sue letters.

10. Twice my office was told by an EEOC representative that they changed a policy and now any charge that was notarized would not be accepted for filing. We had to have the client re-sign the cover sheet and filed it unnotarized. However, since mid-2006 when this occurred, we have filed several other charges where the charge was accepted notarized without incident.

13. The problems I have encountered have occurred after the charge is filed. We have had several cases where the EEOC simply decided not to investigate or even require a response from the Respondent because the EEOC decided charging party could not be discriminated against on the basis of race if the decision maker was the same race. That is not the law, but it is making it hard to prosecute these cases.

14. Re: filing charges—they don't investigate, they won't litigate good cases and choose to litigate horrid cases—they've got it all backwards here.
31. Apart from my personal experience, potential clients report EEOC turning them away when they attempt to file a charge. EEOC will opine they don't have a case. On at least two occasions they misplaced written appearance notice and contacted client directly.
40. I have never had the EEOC reject for filing a charge I have drafted, although there was a lot of confusion last year when the EEOC suddenly began to refuse to accept charges that had been notarized. In my experience, however, problems with charge filing at the EEOC's Chicago office are more likely to occur when an individual is not represented by an attorney. I have had clients first come to me after they filed a charge that they had EEOC drafted for them, and the charge often omits important allegations that the client told the EEOC about. In addition, charge intake personnel sometimes give individuals misinformation about the strengths or weaknesses of their claims.
45. Because of previous problems with the EEOC I always draft the charges and have them hand delivered and stamped. I stopped sending my clients in to file on their own behalf because the EEOC often will not include all claims (even when client has been instructed by me as to what claims, or they tell clients they don't have a case even though I have already determined that they do.
60. EEOC refused to file various charges, but I eventually talked them into it. EEOC eventually accepted all charges.
72. Chicago office refuses to release the respondent's position statement "to the claimant's counsel or to the claimant."
75. The triage system for handling charges is not well implemented. Some investigations done are haphazard. The office does not timely respond to FOIA requests for documents in investigative files, even after the right-to-sue is issued.
143. Although I primarily work with the EEOC in Chicago, the office our firm had "problems" with was either Tampa or Miami (I'm fairly certain Miami). We were forced to significantly reduce the length of a charge, which required leaving out certain factual allegations we wanted to include. I'm fairly certain this was 2006, but it could have been late 2005. It could have been very problematic, given varying judicial interpretations of the "scope of the charge" doctrine, but the matter resolved.
155. I have not encountered significant problems filing charges; however, I have been encountering increasing resistance during the investigative phase and even in mediation. Specifically, I have found an increasing desire by investigators and mediators to close their files at the expense of the charging party. Many times in recent years, the investigators have conducted themselves more like an opposing counsel would when taking my client's deposition (e.g., very adversarial and confrontational). I certainly don't believe that is the proper role of the EEOC.
156. Investigator who rolled her eyes during the intake (my client was not represented then) was assigned to the investigation during which she "no caused" the case in record breaking time based on her impressions during intake.
181. Problem I had was with Miami, Florida office. The EEOC would not accept the charge we drafted and instead re-wrote a shorter and less complete charge.
186. The time for a charge to be processed from start until we get right to sue is wildly inconsistent. We get right to sues within a few months finding no evidence or get a right to sue over 1 year later. There is no consistency that I have recognized either in terms of the type of charge, merit of the charge, or any other possible pattern.

Dallas District Office

9. I file many charges with the EEOC. I prepare my clients' charges. I have never had a problem with the EEOC in accepting the charges.
26. Failure to investigate, failure to interview witnesses, failure to request documents, difficulty in getting in touch with EEOC investigators.
37. I had one disturbing situation with a client who met with me after first going to the Dallas EEOC. What he told me about his treatment there concerned me, as it may signal a more widespread problem in terms of acceptance of charges. In his situation, he was told that he did not have a case and that if he insisted on filing a charge they would give him a right to sue notice that day and he would have only 90 days to file suit. Since he didn't have an attorney at the time, he did not file the charge that day. Luckily, he met with me in sufficient time to still file a charge, which we did without trouble, and the case later resolved during litigation. The fact that he was turned away initially, however, bothers me a great deal. How many others are told they don't have a case and are turned away?
58. Telling me what the law is even if they are wrong and therefore wanting to dictate dates of discrimination and whether I can mark continuing action. Not wanting to accept more explanation, such as a letter detailing the charge, as opposed to just limiting the information to the small space on the form. I got my way in the end each time, but was a hassle. For clients—not processing the intake questionnaire in a timely manner, such that questionnaire pre-dates by weeks actual charge while deadlines tick.
82. The EEOC Charge form is not readily available.
83. I have seen several instances of clients who file charges and receive their notice of right to sue at the same time, with no investigation. I have also had clients tell me that they were told that they did not have a case and were not allowed to file a charge.
84. A client who filed her charge with the San Antonio, TX office in 2005 (prior to my representation of her) was forced to substantially modify her claims and description of events supporting her charge. The EEOC staff member said that the EEOC would not accept her charge unless she made the changes. These changes substantially and negatively impacted the client's case.
85. Client filed initial race discrimination charge. After reporting some possible retaliation to me, I instructed her to write a letter to EEOC to amend charge to add retaliation. EEOC did not amend charge, and her charge received no attention for several months.
86. Multiple clients filing charges against a single employer for the same reason. Charges are assigned out to different investigators. If one investigator were to take the charge, then they would have a more complete picture of what is going on at the employer. Also, the problem seems to be mainly with people who attempt to file charges without an attorney. I get many, many calls from people who say that the EEOC told them that they do not have a case when in fact they do have one, or would have if they had filed the charge when they contacted EEOC. EEOC gave them bad legal advice which caused them not to file when they should have, and their rights were compromised.
96. I have had potential clients who tell me the EEOC told them there is “no discrimination” and refuse to take a charge.
134. Other than the fact that for at least the last 25 years, the EEOC intake staff has demonstrated hostility to working people in general and a great capacity for leisure, nothing out of the ordinary—but then I have come to expect nothing from the EEOC of a positive nature, either.
136. Local offices have been resistant to providing a qualified sign language interpreter for interviews so that a person who is deaf can fully understand the questions they are being asked. At times, I have had to bring my own sign language interpreters to the EEOC office in order to

ensure that my clients can understand what is going on in the interview.
187. Sometimes I have to submit a legal brief to support the charge, but the EEOC office has always accepted the briefing.
192. I have had clients go to the EEOC to try to file a charge before they have retained counsel. They were told by the EEOC that they did not have a case and were not allowed to file a charge. Once I was hired, I would send the client back to the EEOC, but there were times when the claim would be time barred if the EEOC did not use the initial date of the client visit. I have run into problems where the EEOC would not go back and use that initial first visit date as the date for filing the charge even though the EEOC told the client he/she could not file a charge because he/she did not have a case.

Houston District Office

47. EEOC officials routinely tell individuals they cannot file charges or their grounds do not constitute violations. They are NOT in a position to know and have done no investigation. Usually they are wrong anyway for a plethora of reasons, including philosophic reasons. All charges should be allowed to be filed. Also, charges filed are incomplete and strictly boiler plate and missing essential facts and claims, usually discrimination and national origin claims as it relates to race and color claims. Also, the EEOC officials fail to identify 42 USC 1981 claims which have no punitive damages limits as well and advise.
87. I am now having trouble with multiple employers in two areas: 1) where we are not sure if the underlying employer is a separate company of the parent so we name both and both need to be noticed...am not sure they are; and, 2) where there are co-employers, I heard by the grapevine that they should be two separate charges on the same facts, but have not had anything rejected yet.
103. They do not always confirm they have received a charge and return it with a charge number. Also, they often do not send a copy of the right to sue or other correspondence to the attorney.
149. Not precisely relevant, but a couple years ago I represented a woman who went to the EEOC and met with an intake person. She was scared to death to file a charge and wasn't committed to doing so. She went just to get information and discuss her options. The intake person prepared a charge and mailed it to her. She wasn't prepared to file a charge. The next thing she knew, she received a notice of right to sue, copied to the employer, dismissing the charge she never filed on the grounds that she'd failed to cooperate. No investigation was done of course, and nor had she ever actually filed a charge. This was during the time that Houston was headed by [REDACTED], an incompetent management tool who remains in charge of the Dallas and San Antonio offices. I contacted him to seek some redress of the situation. He agreed to withdraw the notice of right to sue only if my client agreed to immediately file a charge with the understanding that it would be promptly dismissed without an investigation, thereby giving her an untainted right to sue. It was truly an appalling abuse of the Commission's authority, all around.
158. People who file (or try to file) before obtaining our assistance have problems—they are refused, or the wrong claims are asserted, or joint employers are not named.
183. Numerous clients over the years, including 2005-2007 have reported to me that the Houston District Office of the EEOC refused their attempt to file a charge. I also have had some reports of intake personnel at the office strongly discouraging individuals from contacting an attorney regarding their claims.

Indianapolis District Office

70. They required a whole new charge to be filed for one typo.
109. The Indianapolis EEOC office asked plaintiff's attorneys to cooperate with them by NOT preparing written filings to them for our clients. They want the intake questionnaires and charges to be drafted by their trained personnel. Given this request, we have provided our clients with contact information and sent them to file directly with the EEOC. Many, many of them have called me to complain that the EEOC intake officer told them they do not have a case and refuse to file a charge for them. Only after my client has become belligerent—because I warn them this may happen and they need to insist—then a charge is finally prepared and it is usually pretty sloppy. I then rewrite the charge for the client to sign and file. At the investigation stage, there is no such thing as an investigation anymore. I have not had the EEOC actually do an on-site investigation and take witness interviews in a case since they started the A,B,C classification system. Instead, I get a letter summarizing the respondent's legitimate non-discriminatory action and a demand that I submit proof to rebut it—which is ignored if I submit it—followed by issuance of a dismissal and notice of rights. I treat the EEOC process as just a time waster that allows my client to save up the filing fee so we can file a complaint as soon as the right to sue notice is issued. It is a real waste of taxpayer dollars.

Los Angeles District Office

6. Inability of intake officers to distinguish important from unimportant information provided by claimant.
8. The EEOC process is a complete mystery to me. I rarely file with the EEOC, so the numbers above represent 100% of my filings with the EEOC. In one case, there was such a substantial delay in communicating with me, I sent a letter asking for a right to sue letter. Despite follow-up calls and letters, to date, my client has never received a right to sue letter. Over six months has elapsed. I really do not understand the procedures.
23. Most of our charges are initiated by the Nevada Equal Rights Commission (NERC) as the deferral agency to the EEOC. The NERC frequently to my understanding refuses to take charges from individuals acting in proper person.
78. I personally have not had any situations where the EEOC has refused to accept a charge drafted by me. However, it should be noted that many years ago I worked at the EEOC as an attorney (and prior thereto as a Paralegal and Investigator) and still know some of the individuals at the agency. I do know that the Los Angeles office is VERY short staffed. The number of investigators is dismal in comparison to the number of investigators that were at the agency when I was there in the 1980s.

Memphis District Office

42. Intake person did not want to accept charge which I prepared and filed on behalf of a client. After that resistance, I began to file the charges by mail and did not meet with any further resistance.
137. They have tried to rewrite the charge to be very vague and non-specific, which leads to all kinds of trouble later. When I protested, the EEOC intake worker said that they had been instructed to take out specifics and leave vague, bare-bones allegations.

Miami District Office

<p>4. The EEOC office in Florida is overwhelmed and conducts little or no investigation. They do not forward any documents to us and actually read the position over the phone as opposed to sending it to the firm. Often the investigator is uninformed on the law and has an out-dated definition of the law. Honestly, I see little benefit to the process and wonder if the budget could not be used in other ways.</p>
<p>15. We are concerned that the EEOC rarely, if ever, contacts the witnesses that we provide before it makes a final determination/decision. Needless to say, clients are upset if the EEOC does not contact the witnesses provided when making decisions. In fact, many clients feel that it is the firm's fault that the EEOC doesn't contact witnesses.</p>
<p>17. My charges are frequently rewritten.</p>
<p>21. Most recent problem was charging party worked at home and employer had no Florida address. I file charges with EEOC and FCHR, requesting EEOC mediate and investigate. Eliminates problems.</p>
<p>44. None, but I am utilizing a local OEO office, which acts as an intake office for the Miami EEOC.</p>
<p>53. The biggest issue is getting the investigator to actually do an investigation beyond reading the charge, position statement and reply. I have rarely seen that they contact witnesses, for example, or demand documents relevant to the charge.</p>
<p>69. I have never experienced a problem with the Tampa office in nearly nine years of dealing with them. [REDACTED] and [REDACTED] are especially helpful.</p>
<p>101. The Miami office has accepted all the charges that I've drafted but on several occasions from 2005 to the present, they tried to reject charges (the most recent occasion being this month). When I challenged them and asked them to cite the provision of the EEOC regulations that authorized them to reject the charge, they backed off. The most egregious of these instances was a disability discrimination charge in which "disability" and "retaliation" were checked off and the charge alleged that my client was an individual with a disability who was being denied urgently needed accommodations and whose medical information was not being kept confidential. (My client was literally dying because of the employer's change in his work schedule, which interrupted his regime for taking HIV medication.) Someone from the Miami EEOC office called and said the charge was being rejected because it didn't expressly mention the Americans with Disabilities Act. I hit the roof and told them that the description of the discrimination and checking off of "disability" made it patently obvious that this was an ADA charge. The most recent instance concerned a sexual harassment and retaliation charge that generally alleged that my client had been subjected to sexual and retaliatory harassment by managers. I received a phone call from an investigator at the Miami office in which he indicated that the charge would not be accepted for filing unless we provided specific facts on the face of the charge. In a not-very-friendly tone, he asked how could I expect the employer to respond to the charge without putting it on notice of the instances of harassment.</p>
<p>111. Would not let me file a single charge against two respondents that I was alleging constituted a joint employer.</p>
<p>145. What I find is that unrepresented individuals are still being told "you don't have a case" and are turned away. Sometimes their time has passed before they decide to hire counsel. Otherwise, I have to say that I've had better luck the past couple of years with the EEOC process. More "cause" findings, although they are still unusual (I tell people they are more likely to be struck by lightning). And I had the first conciliation that actually resulted in a settlement in 20 years of practice. Most still result in nothing but additional delay. I would definitely like to see more pressure put on parties to resolve in conciliation, such as mandatory participation in mediation.</p>

New York District Office

5. Often inadequate investigation, extremely slow but sometimes the investigator is very good.
18. Investigations seem half hearted, with the outcome pre-determined. I especially object to the New York office transferring matters to Boston, where the investigators seem to almost object to having to handle the file.
36. Filing is usually no problem. It's the lack of meaningful action after that's the problem.
39. I have never had a problem filing a charge with the NYDO. I have never had an intake officer refuse a charge or otherwise practice law without a license. I don't know if this happens to pro se charging parties but I have never had a client make such a complaint to me. I do make sure to file the charge in quintuplicate by certified mail return receipt requested.
105. Investigation stage is very slow.
122. The Boston Area Office waits 180 days and then dismisses the charge. The investigators are often deceived by a lengthy and organized position statement, regardless of substance.
131. I sent a charge to the NYDO for filing in November 2006 and it was not processed until January 2007. Fortunately the statute of limitations had not run, but it caused significant anxiety for my client.
178. Several years ago, maybe before 2005, I had to write letters to senior attorneys in Washington, D.C., to get someone to pay attention to the fact that I had to make an urgent filing. In general, I have found that the phone numbers listed on the EEOC website prior to the phone center were simply not answered at all in some cities. Most of my practice is outside of NY.

Philadelphia District Office

11. The Philadelphia office sent one of my cases to the Baltimore office. The Baltimore office excluded my involvement even though I, the attorney for the charging party, filed the charges and had my name on record. The Baltimore office then made a determination solely on the employer's position statement that was filled with misrepresentations. The charging party was denied opportunity for a rebuttal because I never was notified after the case went to Baltimore for investigation. I learned of the Baltimore office's involvement only after a right to sue was issued. I was not sent a copy of the right to sue. Now the case is pending in USDC, Eastern District PA.
22. Mailed charge. Intake called me and said the EEOC does not handle "Black on Black" discrimination. Claim was that an African American supervisor subjected employees to disparate treatment. A call to the office intake supervisor [REDACTED] took care of it.
28. The only problem I have had is filing a charge and then receiving a stack of questionnaires in the mail which I have to fill out with my client before EEOC will docket the charge. All of the information in the questionnaires had been included in the charge and affidavit. Since then, I attended their intake training and even though I think the intake questionnaires are burdensome, I followed their instructions to the letter and have had no further problems with intake. My charges have tended to settle early so I have no further info re: handling subsequent to intake.
46. Charges never get processed at all. I filed a charge two months ago and have not received any correspondence from any investigator on it.
56. The only problem I have is that it takes weeks for the intake personnel to time stamp the charges making them appear to be filed later than they actually are. I have never had a problem with filing.
57. I have never had a problem with filing charges. My problems arise after filing that the EEOC does nothing. I draft questions and investigators do not investigate or are just too busy to

do anything. I file at least a half dozen charges each year. Inevitably we get back the punt, unable to determine if or if not discrimination took place.

74. This was before 2005, but I had a client who was told by an investigator that he didn't have a claim because he lied on his employment application. The lie was that he said that he resigned from his prior job when he actually was fired and had a prior lawsuit claiming discrimination there. I had to go to Philadelphia with a letter that was a mini-brief before they overturned Newark and reopened the case. The Newark investigator never heard of the after-acquired evidence rule.

88. More recently our problems with the EEOC have included misplacement of files and failure to notify our office of dismissals of charges and the issuances of notices of right sue letters. This has occurred twice thus far in 2007 from Philadelphia and once from Newark in 2006.

104. I ordinarily file my own EEOC charges for my clients with an entry of appearance. The EEOC routinely attempts to re-write the charge, invariably leaves out, and then sends the revised charge to the client for signature. It then tries to substitute the date of the "new" charge for the original filing date. I then have to write to the EEOC and demand that they use the original charge and original filing date. The EEOC has backed down after receiving my correspondence, but my intervention should not be necessary. For unrepresented clients or people represented by attorneys unfamiliar with the statute this could present some really difficult problems. In one case in 2006 the EEOC called my client, on whose behalf I had entered an appearance, and told him that it could not accept his charge unless he came into the EEOC personally and complete an intake with an EEOC employee. The EEOC then sent a letter to the client informing him that his charge was not valid and would not be accepted until he followed through on the personal interview. I wrote to the EEOC, explained the statutory requirements for filing, and it ultimately accepted the charge with the original date. Again, this should not have been necessary, particularly since I had entered my appearance. The EEOC routinely contacts clients who are represented by counsel and gives them advice which is often incorrect, and causes the clients unnecessary confusion.

114. Charges have been lost. I believe charges from counsel should be accepted before questionnaires or other confirming information is provided.

121. Intake workers and investigators who do not understand the law and, more importantly, decline to let you educate them about it.

138. EEOC normally will not accept a charge unless it is accompanied by numerous other forms (which could be provided during the course of the investigation). These include: Allegations of discrimination; Witness Questionnaire; Remedy form; Discharge (or other) form; etc.

139. I have filed a charge of discrimination on behalf of a client over 2 months ago and have yet to receive any correspondence even saying it has been received.

140. The EEOC is consistently resistant to accepting charges drafted by my office as drafted and does not accept charges that require investigation on a systemic basis. After the charge is filed, it is often difficult to secure the cooperation of the investigators in seeking appropriate information and documents.

146. Unfortunately most of the charges I file are with the Delaware Department of Labor that has a reciprocal working relationship with the EEOC. The EEOC can then do a substantial weight review, which means in most cases they adopt the DDOL findings.

152. I handle many federal employee cases, so the procedure is different. When I have private sector cases I refer and file them at the PHRC because I do not like the EEOC procedures. Since I also take many small cases that have potential settlement value, I find that the "triage" procedure at the EEOC is not conducive to getting such a case settled.

157. Delays in docketing, not returning time-stamped copies.

168. In the past 30 days I received a charge returned to me telling me that normally they have

staff to make corrections on charges, but because they do not have enough staff currently, they were sending back my charge and giving me 33 days to correct the charge. They said that the charge was deficient because I stated the type of disability on the charge form, I described damages and my charge narrative was too lengthy (it fit on the front of the charge form).

174. They are quite hostile to any charge that's actually carefully drafted by counsel. In Philadelphia anyway, they like to have one big, fat, run-on paragraph that throws in (supposedly) everything. It's the kind of drafting that any advocate would be ashamed of, has no persuasive value, and has no utility later in the case. They really resent a lawyer's effort to represent the client.

177. My partner had a problem in the past year with an investigator trying to rewrite a Charge of Discrimination in an ADA case claiming that they were not allowed to accept charges that describe the disability in detail.

188. Supposedly required information was missing from our charge. The charge was initially rejected but through discussions with the Buffalo office, those problems were resolved and the charge was accepted.

Phoenix District Office

162. The time to get a Notice of Right to Sue once a request for dismissal of the case has been submitted.

163. The EEOC doesn't seem to follow-up or even investigate some of the worst charges.

San Francisco District Office

19. I generally discourage clients from filing with the EEOC because California's FEHA gives greater protection. But, I intervened in an EEOC case in 2005. I was appalled at how the EEOC investigator allowed the employer to limit the scope of his investigation to an interview with the general manager only. The EEOC investigator interviewed some of the witnesses and reviewed a few of the documents that my client had identified only after I complained. However, I found working with EEOC Deputy Attorney [REDACTED] both a privilege and a pleasure.

33. Offices in our area follow different procedures and constantly demand more information or different formats to accept charges. We have not experienced refusals because we do not accept refusals and are persistent about filing charges. I would not send a client to file a charge himself/herself.

43. None with the EEOC but lots with the California Department of Fair Employment and Housing.

94. Sent a non-African-American client to EEOC to complain that he had been fired because employer thought he was African-American. EEOC told him he could not file a complaint.

129. Several years ago I participated in a mediation conducted by a very biased mediator. It was obvious the mediator had a strong bias in favor of the University of Nevada (the defendant). I walked out of the mediation (I settled the case the next day (no thanks to the mediator)). I wrote to the EEOC and described the inappropriate and biased conduct of the mediator. This mediation occurred approximately in 2001. I have also experienced a couple of incidents whereby the EEOC basically attempted to hijack cases. I resisted these efforts successfully. The EEOC targeted my best cases, i.e., cases involving multiple sexual harassment victims, egregious conduct, blatant failure by management to redress the conduct, and strong corroborating evidence. I resisted the attempt to wrest control of the cases because I have had experience with the EEOC at mediation, i.e., I've witnessed an attempt by the EEOC to effect a

nominal damage settlement in an extremely strong case involving seven plaintiffs. I effected a settlement for approximately 700% of what the EEOC mediator proposed the case be resolved for. It was obvious the EEOC mediator was intent on improving the EEOC's statistics—as opposed to achieving an acceptable resolution for the plaintiffs. Therefore, when the EEOC attempted to cherry pick my best cases, I resisted this effort. In my opinion, the EEOC tends to devalue good cases, i.e., they explain to plaintiffs (with extremely strong cases) the average settlement is something like \$17,000 (I can't recall the exact figure used, but it is in this range). This is an appropriate settlement for a relatively weak case. The EEOC attempted to foist off this figure in one of my cases which involved seven women, who had been subjected to protracted, crystalline abuse (fucking c---, etc.). The response of management consisted of, "if you don't like it, there's the door." I easily obtained six, devastating corroborating affidavits. The defendant employed approximately 20,000 persons.

167. None. My problems in the last six years have been with the Oakland DFEH.

191. Many, many problems pre-2005 with various offices, including San Jose and Miami. Much better experience recently.

St. Louis District Office

77. Most frequent and significant problem I have encountered is resistance by some investigators to conduct a meaningful investigation if they have determined that the case has no merit. Investigators will often receive the employer's position statement and reach a premature conclusion that the charge has no merit. The investigators are then resistant to conduct an investigation (i.e. contact witnesses or obtain documents) that might indicate that the employer's position statement is inaccurate or is not meritorious. In my opinion, this resistance occurs from a need to move and close files at a certain rate.

108. I haven't experienced any charge filing problems with the St. Louis District Office since 1/31/2006 when I started private practice. It is difficult to get a blank charge, so once you get one, the best thing to do is keep it on your computer for future use.

135. I've had them "lose" an entire charge in 2005 that I had hand-delivered to the office. The internal "mediators," [REDACTED] and [REDACTED], are wholly worthless and investigator [REDACTED] REFUSED to find a Title VII violation where active KKK recruitment was ongoing at the jobsite! He classed that as a Title VIII (and, yes HUD is involved and a Title VIII retaliation charge has been filed and is being litigated in KS USDC) case—but was overruled by the Regional Director and a Cause Finding issued leading to Conciliation (which failed).

148. I have seen cases of non-represented complainants in which the intake person at the EEOC drafts a charge and immediately issues a notice of right to sue, telling the complainant he/she "doesn't have a case" based on the intake person's inaccurate understanding of the law; e.g. "if you were the only person it happened to it can't be discrimination..." I wonder how many persons with legitimate complaints rely on that "advice" and decide not to pursue their claim.

176. I don't have problems—we have schooled over the years so that now they just take the charges we draft, give them a number and docket them. However, we hand deliver them and get them stamped received just to be safe. It is the unrepresented people who have problems. For instance, I have had people come to see me who have been told by the intake folks that they don't have a case and don't know they can insist on filing a charge. I draft and file the charge and there is no problem. I really worry about the folks who don't have a lawyer, not the ones who do!!

Baltimore Field Office

55. The personnel don't seem to be very well trained and don't provide the follow-up or keep their commitments. The Baltimore office seems to be a low performer.
62. Lost charges; when clients go to the EEOC on their own, EEOC representatives inadequately write up the complaint on the charging form or fail to allege all types of discrimination, thereby limiting the client's recovery.
64. I have not filed any charges in the specified time frames, so have not had any problems.
65. Charge not assigned to investigator for months, charge then transferred without reason to Baltimore.
79. The Baltimore, MD EEOC initially would not accept a charge alleging discrimination against an employment agency. At first they didn't realize they had jurisdiction over employment agencies. Then they erroneously stated that in the 4 th Circuit, the employment agency had to meet the definition of employer (i.e. at least 15 employees). The representative I spoke with finally agreed they should investigate, and then referred it to an investigator who didn't understand the notes that were supposedly in the file and dismissed it for lack of jurisdiction.
127. Long periods of time without communication; erratic investigations—some investigators send the Respondents' position paper for us to rebut and others just dismiss the charge; mediation coordinator supervisor in Baltimore is terrible. (Keep this anonymous please.)
165. I have not experienced any problems regarding the filing of charges. The main problem that I have experienced is being able to speak with an actual person when I call an office.
185. Complete inability to talk to any EEOC personnel about status of charge, investigation, etc.; complete failure of EEOC to conduct any investigation of charges that clearly are meritorious.

Cleveland Field Office

91. They make the clients wait to talk.
98. The problems I have with the EEOC occur during the supposed "investigation" of the charge. The investigators typically receive the employer's position statement, treat it like the gospel, do nothing more, and then issue a terrible letter telling my clients that they were horrible employees and that there was no discrimination. I have repeatedly complained about this to the Cleveland counsel, to no avail.
133. EEOC is resistant to lawyers being involved in the process. And they require too much bureaucratic involvement at the front end, causing cases to be untimely. For this reason, I almost always refer clients to the state agency, where you can file a charge on-line, without the micromanaging that EEOC uses. They are useless, as far as investigation and providing any information regarding the employer's position, and I only recommend them when the charge is an age discrimination charge, based on our state's idiosyncratic way of dealing with them.
144. No problems with filing (although I know that charging parties have contacted me after they've filed because of problems they've had). Always a problem getting EEOC to investigate!
150. Investigators contacting the charging party directly despite my request to be involved with the intake and circumventing my attempts to set up a conference call.

Denver Field Office

90. 1. Refusing to provide a copy of Position Statement or even a Summary of a Position

Statement makes preparing a meaningful rebuttal nearly impossible. 2. Asking that rebuttals—even in complicated cases—be prepared within 5 days although the EEOC has had the Position Statement for more than a year. 3. Being asked by investigators to draft charges in a rigid manner when the facts are more wide-ranging and some context is necessary. As lawyers, we have to anticipate ways our charges may be attacked—which might require something other than what the investigator wants. 4. Disputes as to what is an amended charge or a new charge.

113. Pregnancy discrimination charge dismissed because client was replaced by a female. Investigator didn't understand that the female that replaced my client was not pregnant. Recently same investigator would not allow my client to amend charge to include retaliation which occurred after the filing of the first charge. New charge had to be filed after discussion with investigator's supervisor.

169. The EEOC makes it very difficult to file class charges or to file multi-charges for a number of class members who need a joint investigation. Our problems are not so much with the EEOC process in accepting charges, but in their failure to investigate cases and their biases against charging parties and their attorneys.

180. The Denver office has turned individuals away who were NOT represented. In one case during 2006, they advised the client to get an attorney, but they still turned the client away. Thanks!

Detroit Field Office

29. They simply notify us of intent to dismiss based on the employer's position statement without giving the charging party an opportunity to refute what the employer has said.

76. My client went to file an EEOC charge against Cintas, a company that the EEOC has had multiple claims against. I wrote out the charge for the client and she went down. She called me in tears because the EEOC refused to take the claim. Told her she did not have a claim. Our office wrote a letter to the EEOC and I then accompanied her back to the EEOC. After the charge was taken, nothing was done in terms of investigation. After several inquiries I was told the case was being sent to Washington to be handled along with other claims against Cintas. A few months later the case was dismissed, citing the defendant's claims verbatim. I do not believe any real investigation was done into my client's case.

99. We have many problems. In the Detroit area the EEOC office acts as a palliative: aggrieved individuals go there, uncounseled as a first step in the process. They are often told that they have no case and no charges are accepted. How many people with legitimate claims then exit the process, demoralized? If they come to us, we have to fight to get the charges filed, including writing them ourselves (which I have not had rejected but never results in much of an investigation). We get almost no feedback on the process. Conciliation ends up undervaluing the claims dramatically. There are a few good investigators, but for the most part there seems to be no will to question, let alone rebut, the proffered explanation of the employers. When we FOIA the records afterward there is almost no discovery conducted. There is almost never a "for cause" finding. I think I have seen at most three or four throughout a fifteen year career. Needless to say I have settled many a case in which the EEOC found no cause. The administration at our office seems completely oblivious to the problems. When the issues are raised, the reaction is, "Well, that is not our policy, so, it must not be happening the way you describe it." I was on the verge of FOIAing the Detroit district office annual reports to use to request some sort of Congressional oversight from our senators. My understanding is their entire litigation office only brought three cases to litigation in 2006. This is outrageous.

120. People who we speak to and send to EEOC on their own have reported that they are turned away from the EEOC and their charge is rejected.

New Orleans Field Office

20. Very negative in general. Usually don't understand retaliation claims.
52. Zero knowledge of pretext. EEOC requires direct evidence or they dismiss the claim. Also, zero knowledge of the single enterprise theory. If the employer says they don't employ 15 people or 50 people, etc, EEOC makes no further enquiry. Finally, EEOC requires the complainant to sign the questionnaire and charge under penalty of perjury, but the employer can respond via unsworn letter or even from the company attorney, without being bound by the response.
124. The whole process is just very slow. It usually takes anywhere from 30-60 days to get a response back from the EEOC.

San Antonio Field Office

50. I've had numerous situations where the client has been told it's your word against theirs and it would be a waste of time. Employees of the EEOC would try to dissuade the client from filing.
51. The times that the EEOC has rejected a charge or redrafted it were for purely stylistic reasons that in my opinion were unwarranted, such as rejecting a 1 ½ page charge that supposedly included "too much information." This has not happened frequently but it is annoying and seems non-sensical when it does happen.
67. I have a problem with the new process at the San Antonio branch. They will not give me a copy of the employer's response but will only read it to me over the telephone. Also, I am not notified if and when the employer files a response, so I usually just get a letter from the investigator regurgitating the employer's position and ignoring the witness affidavits that I submitted.
71. Primary problem is EEOC turning away those who wish to file charges when NOT accompanied by a lawyer. They often do not make it to a private lawyer until many months later and sometimes miss the state 180-day deadline or even the federal 300-day deadline because they were discouraged from filing what was, in my opinion, a perfectly viable claim.
106. Back in perhaps 2002, the local office refused to accept a charge I had prepared. But, it was during the lunch hour, when a back-up person was working the front desk. When I went later that week myself, they accepted my charge with no problems.
112. I frequently counsel my clients that they WILL meet resistance to filing their complaints at the EEOC and they must INSIST that they be filed.
132. Intake investigators do not seem to understand the elementary principles of discrimination cases, do not seem to understand the significance of certain facts when those facts are presented to them during the intake interview, and can hardly write an intelligent sentence in either the charge or the affidavit.
147. Timeliness—even though charge was faxed in timely, but received by mail after deadline. Summary conclusion—the charge does not apply to any laws we enforce.
164. Rejecting the charge we prepared, rewriting it and leaving things out, refusing to accept a Form 5 from a private attorney.
170. Unqualified people telling me what does and does not fall under Title VII.

Tampa Field Office

25. Transferring a charge from Tampa to Miami and then not keeping me informed of the

progress, including after dismissing the charge for alleged lack of jurisdiction. Tampa had me on their referral list, but I recently found out they had my wrong area code.

172. I filed a charge where the 300th day was a Sunday. The charge was sent by Fed Ex on Friday and delivered on Monday. It was returned as untimely. I call the Director and left messages about this but he never returned my call. Additionally, within the last year or so I have had extreme difficulty getting through to a live person when I call the EEOC—I get put into the “circular voice mail” thing and end up hanging up in frustration.

Seattle Field Office

35. No meaningful investigation—witnesses not contacted, no employer records requested, etc.

48. I had them “lose track” of my client’s charge for 9 months.

171. I think the Seattle EEOC office does a great job and they have always been responsive to my clients’ need. I live in Anchorage, Alaska, and practice statewide in Alaska. We do not have our own EEOC office, but the Seattle office makes a big effort to outreach to Alaska.

182. EEOC is now so overworked that I am hesitant to use them for anything but getting a NRTS.

Washington Field Office

63. We have a strong local law and need not exhaust administrative remedies first before going to court. Therefore the EEOC is not usually involved in most of our cases as we spend most of our time in the private sector.

66. Charges are not promptly prepared after questionnaire is completed and submitted. There are long delays in getting the final, typed up charge. Often, the language in the final charge is not accurate and needs to be corrected; this results in more delay. Telephone calls to make appointments, ask questions, inquire about status, etc. are not returned. Waiting periods in the lobby are long, even if no one else is sitting there.

97. I practice federal-sector law before the EEOC, and that process is slightly different than the private-sector cases. The biggest problem in the federal-sector is the inordinate delays in the assignment of an EEOC Administrative Judge.

154. We tend to file charges we prepare ourselves with supporting declarations of 5 to 15 pages. In several cases, EEOC has substantially delayed processing the charges while they rewrite our charges. As far as I can tell, the rewrites are pointless because they don’t change the substance of the charge.

Boston Area Office

30. The EEOC told one client that they had too many cases to really read his case or deal with it with his since his did not involve a termination.

68. Connecticut is a deferral state, so we have little contact with EEOC, other than filing the initial charge. I have had only one case that was processed solely by EEOC, since it was filed more than 180 days after the discriminatory act. EEOC sent the case to mediation which was successful. They used a great mediator and I was very happy with the outcome.

89. Basically, I have a problem in their lack of investigation. I almost never file directly with the EEOC, but with our State agency. I do that even if it is going to get bumped to the EEOC.

115. In Maine, we file with the Maine Human Rights Commission and they forward our charges to the EEOC. I have not known of any charges returned to the MHRC during that process but am not sure that I would be told about it. I dislike dealing with the EEOC so much that I virtually never file directly with them.

Cincinnati Area Office

32. Two problems: 1) no charge form available online (which is ridiculous); and 2) inconsistency between local practice and general charge form (which our office had to create from a hard copy “EEOC form.”

128. I have had several times where the office has been overly technical with the content of the charges. I have had charges get lost there and have had numerous occasions where I have attempted to get in touch with investigators to convey information or inquire into case status and my calls have not been returned.

El Paso Area Office

24. I have been told by investigators that the charge cannot be accepted without more detailed information, particularly comparative information. The detail required appears to exceed the notice pleading standard in federal court.

73. This survey is not very useful. The multitude of problems which charging parties face occur almost exclusively when they are proceeding pro se, not when they are represented by counsel. In El Paso, the investigators are overwhelmingly unqualified (can’t even identify the prima facie elements to claims, and have no clue how to investigate). There is very little access and transparency, since the District Director (out of Dallas), is more interested in closing files and denying access to position statements, than he is in having his investigators do their job.

190. Southern New Mexico is now assigned to El Paso, which has caused many problems. We used to file in Albuquerque and they did a great job. El Paso is slow and also frequently applies 5th Circuit law in its analysis—but we’re in the 10th. Also they have no discernable relationship with New Mexico’s state administrative agency. I hear many complaints and wish they would change it back!

Kansas City Area Office

179. I file 90% of my client complaints with my state agency. The Kansas Human Rights Commission investigative staff makes a more thorough and timely investigation of complaints. I receive a letter determination for each case with a case investigation report. Then we seek review and/or a notice of suit rights from EEOC. I only file with EEOC when my client is outside the 180 day period for filing a state complaint.

Milwaukee Area Office

100. EEOC here very much resists letting attorneys draft their own charges. They insist on intake interviews and will draft their own charges or redraft a charge to suit themselves. We have seen some turning away of attempts to file charges but whenever our state affiliate hears of it, we get active. It comes in spurts.

159. Very, very slow investigation of a charge filed in October 2005. Lack of communication from investigator.

161. Iowa is a deferral state—so all processing is through the Iowa State Civil Rights Commission. My problems with the EEOC all stem at the end of the process—getting rights to sue.

Minneapolis Area Office

27. The only real problem we have with the EEOC is time. We have had charges sit for over two years. Most of the time we will pull it out and sue, but on class cases where the EEOC hinted we would get PC we did not want to do that. Otherwise it has been mostly okay. We have more problems with the state human rights department.

38. I have never had a charge not accepted. A few times in the past two years I have had charges merely dismissed because the employer denied the charges—a reason I find pretty outlandish to support a dismissal of charge.

107. I have not had any problems with filing—I had a problem with a no probable cause finding based on my client's refusal to accept an unconditional offer of reinstatement—which goes to damages, not liability.

160. I have received numerous reports from clients who came to me after first visiting the EEOC where those clients were told they did not have a claim or the intake person at the EEOC refused to prepare and file a charge. Consequently, we have begun preparing the entire charge, including the text, and filing that—which the EEOC has always accepted without change. It's just when a charging party is unrepresented and visits the EEOC first that resistance by the EEOC occurs. Some investigators are more notorious than others. The intake investigators are not attorneys but are making legal decisions. Of course, this could be critical if the individual does not first see an attorney or delays seeing an attorney until after the charging party's deadline has passed.

Nashville Area Office

153. It takes about 9 months to a year for the EEOC to complete its investigation. I don't know how that compares to other offices.

166. I have never had a problem but individuals have expressed to me about 6 to 10 times over last 2 or 3 years that the EEOC intake person said that they did not have claim and did not take a charge. I do not know if it is true but I believe they must be discouraging employees from filing charges.

Newark Area Office

54. Very slow follow-up on the part of the investigators. Lack of good training or knowledge of the law by investigators, who routinely reject cases that are then won in court or settled.

Pittsburgh Area Office

102. In my experience, the Pittsburgh office does an excellent job processing charges no matter what is alleged. It will take the charge, evaluate it as required and then make a decision. While

I don't agree with the decisions made, my experience is that they do not dismiss a charge out of hand.

117. When charges are transferred from Pittsburgh to Cleveland, I am not notified and at times when there is more than one Respondent, not all the charges are transferred together.

Raleigh Area Office

12. I have not personally had any problems with the EEOC. However, I am aware of several clients who have experienced problems with having the EEOC accept their charges of discrimination and/or omit claims from the charge that the EEOC prepared (which were clearly covered in the intake questionnaire).

Buffalo Local Office

61. EEOC investigator objected to describing specific health condition in ADA charge.

123. My comment is neither profound nor new. The EEOC has very limited resources. The quality of a decent percentage of the investigators is not terribly high. They do not require a college degree and are being asked to evaluate issues that many lawyers outside the employment field would not immediately get. If private counsel is involved, my view is that they should either partner with them if the agency is interested in the case or willing to help, or otherwise simply stay out of the case so as not to mess stuff up. They should concentrate their resources on good cases brought by those without an attorney.

189. Office failed to respond to status inquiries for an extended period of time and then refused to perform investigation.

Norfolk Local Office

126. The Norfolk EEOC office is WOEFULLY understaffed. Just over a year ago the office had 12 investigators—it now has 5. EEOC personnel are working valiantly, but there are simply not enough of them. My clients are best protected from “frivolous” lawsuit claims by a cause finding. Obtaining one, however, can take over a year.

Richmond Local Office

81. EEOC has done almost no meaningful investigation: no follow-up after receipt of employer's position paper; no interest in contacting witnesses, etc.

125. Once charges are filed, it is often months or even years before anything is done or the charge is even assigned to an investigator.

San Juan Local Office

184. Very high rate of “no cause” rulings without any investigation.

Savannah Local Office

130. During reorganization last year, we were reassigned from the Greenville, South Carolina office to the Savannah, Georgia office, and have encountered some problems with filing, and some problems with one particular investigator who did not conduct much of an investigation, and sent the right to sue letter after several months directly to our client's mother, despite the fact that I left a number of messages over the course of 3 months, to which he never responded. It was clear on our paperwork that we were her attorneys from the start. The Savannah office does not seem to have been able to hire additional personnel, despite having a significant portion of South Carolina added to their region.