



We have the legal right of way.

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## **EMPLOYMENT DISCRIMINATION:** Frequently Asked Questions

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### **What are my rights and options if I feel I have been discriminated against, harassed or fired from my job because of my disability?**

If you have been discriminated against, harassed or fired because of your disability, you should consult with an attorney who practices employment law to see if and what legal options are available to you. Not every harm a person with a disability experiences is a violation of non-discrimination laws, so you should consult with an attorney as soon as possible about the details of your situation.

Employment laws can be complicated and there are strict timelines for filing an administrative complaint or lawsuit, so it is always a good idea to consult with an attorney for information regarding your rights and the options for your individual situation.

### **Do I have to hire an attorney to file a complaint against my employer?**

No, if you believe your employer has discriminated against you, harassed or fired you because you have a disability, you have the right to file a complaint with the federal and state agencies that enforce the federal and Ohio's employment laws. In Ohio, the agencies that enforce the laws about employment discrimination are the Equal Employment Opportunity Commission (EEOC) for federal law violations and the Ohio Civil Rights Commission (OCRC) for violations of state employment discrimination laws. There is no cost for filing complaints with these agencies.

### **Do I have to file with the EEOC or OCRC first before I can file a lawsuit?**

Usually yes. The federal and state laws that prohibit employment discrimination on the basis of disability generally require you to file a complaint (also referred to as a "charge") with the EEOC or the OCRC before you can file a discrimination lawsuit in court against your employer. This is called "exhausting administrative remedies." There are some situations where you do not have to file an administrative complaint first—for example, if you are filing a lawsuit under state law but you only ask to get your job back (typically, called "injunctive relief").

### **Does it matter which agency I file a complaint with?**

Maybe. Often, claims of discrimination will violate both state and federal laws, but not always. Although the EEOC and the OCRC will work together on claims of discrimination that violate both federal and state employment non-discrimination laws, you may want to consider filing with both agencies if your claim involves

both federal and state violations. You should also note that the timelines for filing complaints of employment discrimination are different for the EEOC and for the OCRC, as explained below.

## How do I file an employment discrimination complaint with the EEOC or the OCRC?

### EEOC complaints for federal law violations:

You can start the intake process for filing a complaint with the EEOC by calling the EEOC office that has jurisdiction over your area and asking to file a complaint or by requesting an intake interview online at <https://publicportal.eeoc.gov/>.

**By mail:** You can also send a letter to the appropriate EEOC regional office so long as you sign the letter and ask them to investigate. You should include the following information:

- Your name, address, email, and telephone number;
- The name, address, email, and telephone number of the employer;
- The number of employees employed by your employer if you know;
- A short description of the actions you believe were discriminatory (for example, you were fired, demoted, harassed because of your disability-- include details);
- Dates the discriminatory actions took place; and
- Why you believe you were discriminated against because of your disability.
- Don't forget to sign the letter or they will not investigate your complaint!

**Note:** EEOC offices usually also takes in-person intakes for filing complaints, but these are currently suspended due to the COVID-19 pandemic.

There are two regional EEOC offices in Ohio, one in Cleveland and another in Cincinnati, and which one you use depends on where in the state the legal violation took place:

Cleveland EEOC office at EEOC , Anthony J. Celebrezze Federal Building, 1240 E. 9th Street, Suite 3001, Cleveland, OH 44199, (216)-306-1120.

Cincinnati EEOC office is located in the John W. Peck Federal Office Building, 550 Main Street, Suite 10-191, Cincinnati, OH 45202, (800)-669-4000.

### OCRC complaints for state law violations:

Complaints can usually be filed in person, by mail or by completing a form online. However, due to the COVID-19 pandemic, OCRC has suspended in-person complaints and will assist with filing complaints by phone.

**By Phone:** Toll Free Number: (888)-278-7101 for all locations, or call your regional

Ohio office during regular business hours.

- Find your regional OCRC office at <https://www.crc.ohio.gov/AboutUs/RegionalOffices.aspx>
- **By mail:** You may file your complaint by U.S. Mail by downloading and printing the appropriate charge form on OCRC's website, filling it out in its entirety, signing it in the presence of a notary and mailing the form (with original signatures) to the appropriate Commission regional offices. Your complaint will not be officially filed until your signed, notarized complaint is received by the OCRC.
- **Online:** You can file a complaint with the OCRC online at <https://www.crc.ohio.gov/FilingCharge/EmploymentDiscrimination.aspx>. Once you fill in and submit the complaint online, OCRC will send you a form to be signed under oath (notarized) and returned to them.

**Note:** OCRC will not start its investigation until it receives a notarized charge form with an original signature (not a copy).

### What are the timelines for filing a complaint?

- **EEOC:** A complaint generally must be filed with EEOC within 180 days from the date of the violation. The time to file may be extended to 300 days if it also is covered by a state or local anti-discrimination law.
- **OCRC:** An employment discrimination complaint generally must be filed with OCRC within 2 years of the date of the violation.

### Can I file a discrimination lawsuit against my employer once I go through the complaint process?

Yes, once you have filed a complaint with the EEOC and they have investigated your claims, you will receive a right-to-sue letter and you have 90 days from your receipt of the right-to-sue letter to file in federal court. Also, even if the EEOC has not investigated your complaint and 180 days have passed, you can ask for a right-to-sue letter.

For violations of state anti-discrimination laws, you generally have to file with OCRC first, and have 2 years from the date of the violation to file a lawsuit, but the timeline is tolled or suspended if you have to file with the OCRC first.

As stated above, there may be some cases where you can file a lawsuit without first exhausting your administrative remedies.

### Are there different rules and processes for federal government or state employees in filing litigation for employment discrimination against their employer?

Yes.

**Federal employees:** There are special rules for federal employees. You can learn more about these rules here: <https://www.eeoc.gov/federal-sector/overview-federal->

### **sector-eeo-complaint-process.**

**State of Ohio employees:** Employees who work for the State of Ohio generally have to file complaints with the EEOC or OCRC regarding employment discrimination before they can file a lawsuit against a state employer. There are some special rules for employees in filing lawsuits if the employer is a state agency or entity. For example, if a state employee is seeking damages (money) against a state government employer, they must file a complaint with the OCRC, and then can file a lawsuit in the Ohio Court of Claims within 2 years of the date the discriminatory act took place (again, this timeline may be tolled or suspended while the OCRC process is occurring).

Please review DRO's website for more information on filing an employment discrimination complaints or litigation. <https://www.disabilityrightsohio.org/employment-discrimination-rights-remedies>.