

NATIONAL EDUCATION ASSOCIATION

HARASSMENT AND DISCRIMINATION



Great Public Schools for Every Student



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1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

CONTENTS

1 Introduction	3	6.4 Consider Contacting Counsel	10
2 Protected Characteristics	4	6.5 Filing an Administrative Complaint	10
2.1 Age	4	6.5.1 Who can File a Charge with the EEOC	11
2.2 Sex	5	6.6 Determining Whether to File with the EEOC or a State Agency	11
2.3 Race/Color	5	6.7 Timing	11
2.4 National Origin	5	6.8 Filling out the EEOC Questionnaire	11
2.5 Religion	5	6.9 Organizing Evidence	12
2.6 Disability	6	6.10 Completing the Charge	12
2.7 Pregnancy	7	6.11 Updating and Amending the Charge	12
2.8 Family and Medical Leave Discrimination	7	6.12 The EEOC and/or State Agency Investigation	12
3 Discrimination	8	6.13 Filing a Lawsuit	13
4 Harassment	8	7 Retaliation	13
4.1 Quid Pro Quo Harassment	8	7.1 Retaliation for Asserting Rights is Also Prohibited	13
4.2 Hostile Work Environment	9	7.2 Prohibited Retaliatory Behavior	13
5 Employer Liability	9	7.3 Remediating Retaliation	13
5.1 Harassment and Discrimination by Managers or Supervisors	9	8 Resources	14
5.2 Harassment and Discrimination by Coworkers or Other Non-Supervisory Individuals	9	8.1 Sample EEOC Questionnaire	14
6 Combating Harassment and Discrimination in the Workplace	10	8.2 Sample EEOC Charge Form	15
6.1 Talk to the Offender	10	8.3 List of EEOC Offices (Alphabetical by City)	16
6.2 Document the Behavior	10	8.4 List of State Human Rights Agencies (Alphabetical by State)	20
6.3 Complain!	10		

1 INTRODUCTION

The National Education Association's ("NEA") 2013 Representative Assembly requested that NEA create a resource aimed at helping members identify and respond to discrimination and harassment in the workplace. In recognizing that discrimination and harassment can have a negative effect on teachers, education support professionals, administrators and students, NEA believes that educating its members on how to assert their rights when faced with potentially unlawful employment actions is an important service.

A number of laws prohibit employers from treating a person differently or badly with respect to employment decisions because of a characteristic that is beyond the person's control. Several classes of people are protected from discrimination by law, especially in the areas of employment and housing. In addition to federal laws, most states and some municipalities have enacted their own statutes dealing with discrimination and harassment.

Under federal law, protected characteristics include race, color, national origin, religion, gender (including pregnancy), disability, age (if the employee is at least 40 years old), and citizenship status. In employment law, a protected characteristic is a trait that may not be used as the basis of employment decisions. Simply, an employer may not consider a protected characteristic when making decisions that affect a term or condition of employment such as:

- * Hiring;
- * Firing;
- * Job advertisements and recruitment;
- * Compensation and Pay;
- * Job Assignments;
- * Promotions;
- * Layoff;
- * Training; and
- * Fringe Benefits.

While the law does not prohibit simple teasing, offhand comments, or isolated incidents, harassment is prohibited when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in a change to the terms and conditions of employment (such as termination or demotion). Using this resource, members will be better equipped to recognize, confront, and remedy unlawful employment actions. It is important to note that nothing in the toolkit is intended as legal advice. Members should use this resource as a guide to recognizing potential employment issues. When facing discrimination or harassment, members are encouraged to contact an attorney in their area who can guide the member based on his or her individual circumstances in conjunction with the laws and regulations specific to his or her state and federal laws. The overall purpose of this resource is to help guide members when considering whether he or she has been a target of harassment or discrimination. This toolkit will give members a guide to:

- * Who is protected by various equal employment laws;
- * Who can perpetrate harassment or discrimination;
- * What actions can constitute discrimination or harassment;
- * When your employer may be liable;
- * What to do if you suspect that you are being targeted by harassment or discrimination;
- * How to assert your rights;
- * When to file a complaint and assert your rights; and
- * Where to find help.

2 PROTECTED CHARACTERISTICS

Under federal law and the laws of most states, certain groups of employees are protected from discrimination. These groups are typically referred to as “protected classes.” A protected class is a group of people who share common characteristics and are protected from discrimination and harassment based on those characteristics. Included below is a general description of the most common characteristics protected by law.

2.1 Age

Age discrimination involves treating someone (an applicant or employee) less favorably because of his or her age. The Age Discrimination in Employment Act¹ (“ADEA”), 29 U.S.C. § 621 et. seq., only forbids discrimination or harassment against people who are age 40 or older. It does not protect workers under the age of 40.² It is not illegal for an employer or other covered entity to favor an older worker over a younger one, even if both workers are age 40 or older. The ADEA protects workers from age discrimination in every phase of the employment relationship, including job advertisements, interviewing, hiring, compensation, promotion, discipline, job evaluations, demotion, training, job assignments, and termination. Under the ADEA, employers may not:

- * Set age limits for benefits, conditions of employment, job opportunities, or training programs;
- * Mention age or say that a certain age is preferred in job ads and/or recruiting materials; or
- * Force an employee to retire at a certain age (except for a few narrow exceptions).

To prevail on a claim for discrimination under the ADEA, an employee must show that age discrimination was the “but-for” cause for the employment action taken. What that means, is that the employee must show that age discrimination was the motivating factor. This standard is incredibly high. For example, if members believe that school reform efforts that result in the layoff of mostly teachers over 40 years of age is merely a cover for age

¹ The ADEA applies to all private employers with 20 or more employees and to federal and local governments. It also applies to state governments, although their employees cannot sue them directly for age discrimination.

² Some states have enacted laws that also protect younger workers from age discrimination.

discrimination, the employees must prove that the age of the employees—not an attempt to improve schools—was the reason for the layoff.

Additional Protections Under the Law. In addition to protecting employees over 40 from discrimination and/or harassment, the Older Workers Benefit Protection Act³ (“OWBPA”), 29 U.S.C. § 623, amended the ADEA to make it illegal for employers to use an employee’s age as a basis for discrimination in benefits and retirement. Like the rest of the ADEA, the OWBPA only protects people who are at least 40 years old.

The OWBPA prohibits age discrimination in the provision of fringe benefits, such as life insurance, health insurance, disability benefits, pensions, and retirement benefits. Typically, this means that employers must provide equal benefits to older and younger workers. For some types of benefits, employers can meet this nondiscrimination requirement by spending the same amount on the benefit provided to each group, even if older workers receive “lesser” benefits. In some circumstances, employers are also allowed to provide lesser benefits to older workers if those workers receive additional benefits -- from the government or the employer -- to make up the difference.

Waiver of Age Discrimination Claims. An individual may agree to waive his/her age discrimination rights or claims under state and federal law. Federal law sets out specific minimum standards that must be met in order for a waiver to be valid. Among other requirements, a valid waiver:

1. Must be in writing and be understandable;
2. Must specifically refer to ADEA rights or claims;
3. Must not waive rights or claims that may arise in the future;
4. Must be in exchange for something of value (such as additional pay or benefits that an employee is not already entitled to);
5. Must advise the individual in writing to consult an attorney before signing the waiver; and
6. Must provide the individual at least 21 days to consider the agreement and at least 7 days to revoke the agreement after signing it.⁴

³ As part of the ADEA, the OWBPA applies to all private employers with 20 or more employees and to federal, state, and local governments.

⁴ In addition, if an employer requests a waiver of age discrimination claims in connection with an exit incentive program or other employment termination program (such as a reduction in force), the minimum requirements for a valid waiver are more extensive. Employees should always contact an attorney when they are considering signing a waiver of rights.

2.2 Sex

Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-2 et. seq.,⁵ prohibits employment discrimination based on race, color, religion, sex, or national origin. Sex discrimination involves treating someone (an applicant or employee) unfavorably because of that person's gender. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex. For example, if a man joins the National Organization of Women and then faces harassment because of his membership, that harassment could be unlawful.

Discrimination against an individual because that person is transgender is also discrimination because of sex in violation of Title VII. This is also known as gender identity discrimination. Under certain circumstances, lesbian, gay, and bisexual individuals may bring sex discrimination claims. Those circumstances may include, allegations of sexual harassment or other kinds of sex discrimination that are based on the employee's failure to conform to stereotypes specific to his or her gender.

It is unlawful to harass a person because of that person's sex. Harassment can include sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both the victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

2.3 Race/Color

Discrimination based on race involves treating a person less favorably because he or she is a member of, or identifies as, a particular race. While similar to race discrimination, color discrimination is not the same. Discrimination based on skin color, or colorism, is a form of prejudice or discrimination in which individuals are treated differently based on the social meanings attached to skin color. This type of discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color. For example, a person of may treat another person

⁵ Title VII applies to all private employers with 15 or more employees and to federal and local governments.

of unfairly because he or she is darker in color than the discriminator, even if they are of the same race or ethnic background.

Both race and color discrimination may involve treating someone unfavorably because the person is married to and/or associated with a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color.

2.4 National Origin

National origin discrimination involves treating people (applicant or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they **appear** to be of a certain ethnic background (even if they are not).⁶ Often, national origin discrimination is based on stereotypes about what people from a certain country are like or how that person is supposed to act.

Citizenship. Title VII does not prohibit citizenship requirements for employment. A requirement that all employees be U.S. citizens may violate Title VII if it has been the purpose or effect of discriminating based on national origin. A separate federal law, the Immigration Reform and Control Act ("IRCA"), 8 U.S.C. § 1324b, prohibits employers from discriminating on the basis of citizenship status, as long as the employee or applicant is legally authorized to work in the United States.

Accent. Because accent can be associated with an employee's national origin, employers can legitimately make job decisions based on an employee's accent **only** if the accent significantly interferes with the employee's ability to do the job.

2.5 Religion

Religious discrimination involves treating a person (an applicant or employee) unfavorably because of his or her religious beliefs. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. Religious discrimination can also involve treating someone differently because that person is married to (or associated with) an individual of a particular religion or because of his or her connection with a religious organization

⁶ An "English-only rule", which requires employees to speak only English on the job, is only allowed if it is needed to ensure the safe or efficient operation of the employer's business and is put in place for nondiscriminatory reasons.

or group. In addition, an employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

Accommodation. The law requires an employer or other covered entity to reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on the operations of the employer's business. This means an employer may be required to make reasonable adjustments to the work environment that will allow an employee to practice his or her religion. Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.⁷

2.6 Disability

Disability discrimination occurs when an applicant or employee is treated less favorably because of a disability. A person can show that he or she has a disability in one of three ways:

- * A person may be disabled if he or she has a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, or learning);
- * A person may be disabled if he or she has a history of a disability (such as cancer that is in remission); or
- * A person may be disabled if he is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she has no such impairment).

Disability discrimination can also involve treating someone differently because that person is married to, associated with, or responsible for caring for an individual with a disability.

Accommodation. The Americans with Disabilities Act ("ADA")^{8,9} requires

an employer to provide *reasonable* accommodation¹⁰ to an employee or job applicant with a disability.

A reasonable accommodation is any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

An employer does not have to provide an accommodation if doing so would cause undue hardship. Undue hardship means that the accommodation would be too difficult or too expensive to provide, in light of the employer's size, financial resources, and the needs of the business. An employer may not refuse to provide an accommodation just because it involves some cost.

Medical Exams. The law places strict limits on when an employer may ask job applicants medical questions, to take a medical exam, or to identify a disability.

For example, an employer may not ask a job applicant to answer medical questions or to take a medical exam before extending a job offer. An employer also may not ask job applicants if they have a disability (or about the nature of an obvious disability). An employer may ask job applicants whether they can perform the job and how they would perform the job, with or without a reasonable accommodation.

After a job is offered to an applicant, the law allows an employer to condition the job offer on the applicant answering certain medical questions or successfully passing a medical exam,¹¹ but only if all new employees in the same type of job have to answer the questions or take the exam.

Once a person is hired and has started work, an employer generally can only ask medical questions or require a medical exam if the employer needs medical documentation to support an employee's request for an accommodation or if the employer believes that an employee is not able to perform a job successfully or safely because of a medical condition.

⁷ When an employee or applicant needs a dress or grooming accommodation for religious reasons, he or she should notify the employer of the need for an accommodation for religious reasons. If the employer reasonably needs more information, the employer and the employee should engage in an interactive process to discuss the request. If it would not pose an undue hardship, the employer must grant the accommodation.

⁸ The ADA applies to all private employers with 20 or more employees and to federal and local governments.

⁹ The ADA is different from the Family Medical Leave Act ("FMLA") and state worker's compensation laws.

¹⁰ An employer does not have to provide the exact accommodation the employee or job applicant wants. If more than one accommodation works, the employer may choose which one to provide.

¹¹ The law also requires that employers keep all medical records and information confidential and in separate medical files.

2.7 Pregnancy

The Pregnancy Discrimination Act (“PDA”) forbids discrimination based on pregnancy or *pregnancy related* conditions. If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer or other covered entity must treat her in the same manner as it treats any other temporarily disabled employee.

Under the PDA, an employer that allows temporarily disabled employees to take disability leave or leave without pay must allow an employee who is temporarily disabled due to pregnancy to do the same. An employer may not single out pregnancy-related conditions for special procedures to determine an employee’s ability to work. However, if an employer requires its employees to submit a doctor’s statement concerning their ability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

Nursing. Nursing mothers have the right to express milk in the workplace under the Fair Labor Standards Act (“FLSA”). Employers are required to provide a reasonable amount of break time as well as a space to express milk as frequently as needed by a nursing mother, for up to one year following the birth of her child. Other requirements for nursing include:

- * The space must be shielded from view and free from intrusion by coworkers or the public;
- * The use of a bathroom is not an acceptable space to provide to nursing mothers expressing milk; and
- * Nursing employees must have access to this space each time they need to express milk.

The frequency of breaks needed to express breast milk as well as the duration of each break depends on several factors and may vary.

Impairments Resulting from Pregnancy. In addition to the requirements above, impairments resulting from pregnancy (such as gestational diabetes or preeclampsia) may also be considered disabilities under the ADA. An employer may have to provide a reasonable accommodation (such as leave or modifications that enable an employee to perform her job) for a disability related to pregnancy.

2.8 Family and Medical Leave Discrimination

The Family and Medical Leave Act (“FMLA”) provides for eligible employees to take up to 12 weeks of unpaid, job-protected leave in a 12 month period, as set by the employer, for certain specified family and medical reasons such as:

- * the birth and care of a newborn child of the employee;
- * the placement with the employee of a son or daughter for adoption or foster care;
- * to care for an immediate family member (spouse, child or parent) with a serious medical condition; or
- * when the employee is unable to work because of a serious medical condition.

Under the FMLA, it is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA. It also prohibits provisions prohibit employers from discharging or discriminating against employees for opposing any practice made unlawful by the FMLA. For example, if a man has met the employer’s requirement for FMLA and chooses to take 12 weeks of leave to care for his newborn daughter, the FMLA prevents the employer from terminating or otherwise punishing the employee for taking leave.

3 DISCRIMINATION

Unlawful discrimination occurs when a person is treated arbitrarily or differently because of his or her membership in a protected class. In the employment context, discrimination begins when an individual is subject to an adverse employment action, which is something an employer does that hurts an employee (for example: terminating the employee or not selecting him or her for a promotion, harassing the employee, denying the employee's request for a reasonable accommodation, etc.).

Not all types of discrimination violate federal and/or state laws that prohibit discrimination. Some types of unequal treatment are perfectly legal, and cannot form the basis for a lawsuit alleging discrimination. For example, discrimination based on weight is not prohibited by federal law (although it may be prohibited by state statutes).

Discrimination is *not*:

- * Different treatment due to personality differences or conflicts;
- * General treatment not based on a protected characteristic;
- * Different treatment or rewards based on differing levels of productivity;
- * Responses or changes to employment based on poor performance;
- * Different treatment to meet the special needs of certain individuals, such as accommodations for disabled employees;
- * Bullying;¹² or
- * Different treatment based on individual merit, such as talent, skills, and other qualifications.

Not all discrimination is overt. Discrimination can take the form of seemingly innocent banter, jokes or through the use of stereotypes. It does not matter that:

- * A person did not intend to be offensive;
- * "Everyone laughed"; or
- * The comments were not directed to the person who was offended.

The only thing that matters in the context of employment laws is the impact of the behavior on the person raising the discrimination claim.

¹² Although it is abhorrent, workplace bullying is not illegal unless it also constitutes discrimination and/or harassment. The bullying should be evaluated by determining whether the behavior by the perpetrator is based on a protected characteristic under state and/or federal law (i.e. age, race, national origin, etc.).

4 HARASSMENT

Generally, unlawful harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of protected characteristics, and which:

- * Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- * Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- * Otherwise adversely affects an individual's employment opportunities.

The following kinds of behavior, or others with a similar harassing effect, are absolutely prohibited:

- * Abusing an employee through epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts which relate to a protected characteristic, even if the person undertaking claims that he or she is "only joking" or did not mean to be offensive and;
- * Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of a protected characteristic. Written or graphic material includes any material whether placed, displayed, stored or appearing on paper, electronically or otherwise. This can include material transmitted via Facebook, e-mail, text messages, social media or any other electronic media.

There are two types of prohibited harassment: Quid Pro Quo Harassment and Hostile Work Environment Harassment.

4.1 Quid Pro Quo Harassment

Quid Pro Quo harassment can be thought of as "something for something" or "this for that" and is harassment by a supervisor, owner or manager, or another representative of the employer who has the authority to take a tangible employment action against the victim. Such tangible employment actions include any significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.

Quid Pro Quo harassment can occur in two ways:

1. When an employer or supervisor makes submission to unwelcome sexual advances or other verbal or physical conduct an implicit or explicit term or condition of employment that affects job benefits, including employment, promotion, salary increases, shift or work assignments, performance expectations and other conditions of employment; and/or
2. When the submission to, or rejection of, a sexual advance or request for sexual favors results in a tangible employment detriment, or the loss of a job benefit of the kind described above.

4.2 Hostile Work Environment

Hostile Work Environment harassment occurs when unwelcome comments or conduct based on sex, race or other protected characteristics unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

Anyone in the workplace can commit this type of harassment—a manager, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed.

Hostile Work Environment harassment is conduct that is severe and pervasive and unreasonably interferes with the victim's job performance. Examples of conduct that can contribute to a hostile work environment includes jokes or remarks based on a protected characteristic, graffiti or cartoons, derogatory comments, posters, unnecessary touching, or other behavior. When determining whether conduct is sufficiently severe or pervasive so as to constitute hostile work environment harassment, courts and administrative agencies look at:

1. The frequency of the conduct;
2. Its severity;
3. Whether the conduct is physically threatening or humiliating or merely an offensive utterance; and
4. Whether the conduct unreasonably interferes with an employee's work performance.

5 EMPLOYER LIABILITY

Generally, an employer has a legal duty to take action to stop harassment and discrimination as soon as the management learns of it. In some cases, however, an employer will be held responsible for harassment committed by a manager or supervisor, even if no one else knew what was occurring.

5.1 Harassment and Discrimination by Managers or Supervisors

When a supervisor engages in harassment or discrimination that results in an adverse employment action against the victim, the employer can be held liable, even if management was unaware of the harassment. An employer is generally liable for the actions of its managers and supervisors because they are given substantial authority over subordinates and are thus considered agents of the employer. In some circumstances, an employer may be liable for the actions of a supervisor, even if that supervisor does not have direct supervisory authority over the person making the complaint.

5.2 Harassment and Discrimination by Coworkers or Other Non-Supervisory Individuals

Likewise, an employer may be liable when an individual creates a hostile work environment. An employer can limit liability, however, by showing that it took reasonable steps to prevent and promptly address the problem and that the victim unreasonably failed to take advantage of these measures. An employer may also be liable for the sexual harassment of its employees by certain non-employees, such as customers, vendors, independent contractors or other acquaintances. The primary difference between employer liability for harassment perpetrated by coworkers and harassment committed by non-employees rests on the ability of the employer to control the conduct of the non-employees. The greater the employer's ability to control the non-employee's conduct, the more likely it will be found liable for that person's unlawful harassment.

6 COMBATING HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

When dealing with harassment or discrimination at work, there are certain steps an employee should take to protect his or her rights. Each of these steps may help stop the mistreatment and improve the work environment. In addition to helping curb the offending behavior, taking these steps will help an employee prove his or her case and preserve his or her right to sue, if the employee later decides to file a harassment or discrimination lawsuit.

6.1 Talk to the Offender

One of the first steps an employee can take when attempting to stop offensive behavior is to confront the person who is being offensive. An employee is not obligated to take this step; however, this approach may be the best way to get the behavior to stop. Confronting the harasser will also help prove important legal facts if the employee decides to pursue legal action.

For example, in a harassment case, the employee complaining of harassment must prove that the behavior to which he or she was subjected was unwelcome: in other words, that the employee did not like the behavior and did not participate in it willingly. This factor is important in harassment cases, in case the offender claims that the victim laughed at his or her jokes or otherwise was not offended by the behavior. The best way an employee can prove that the behavior was unwelcome is to show that he or she told the harasser the behavior was offensive.

6.2 Document the Behavior

An employee should keep a record of what is happening that includes each incident and the time, place, and witnesses of each incident. If able, an employee should ask co-workers who witnessed the harassing or discriminatory behavior to write down what they saw. Each record should be as detailed as possible so that someone reviewing it later has a clear picture of the offensive behavior. An employee should also keep a file of any documents that he or she is given, such as written performance reviews or disciplinary notices.

In addition to keeping a record of the offending behavior, an employee

should also document any meetings with the employer—including managers and human resources personnel—concerning the behavior. An employee should take note of who attended each meeting, when and where the meeting occurred, what was said, and what conclusions were reached. If possible, a copy of the notes should be sent to all participants as a follow-up. Documentation should be kept at home or in another safe place.

6.3 Complain!

An employee who has been subjected to harassment and/or discrimination should inform the employer as soon as possible. Members should also contact their union for help with their discrimination claims. Before filing a complaint, a member should first review the employee handbook, employer's equal employment opportunity and/or harassment/discrimination policy. Those policies may describe the procedure to lodge a formal complaint in the workplace. If no procedure is described in company documents, the employee should contact human resources or a manager to find out how to lodge a complaint. Members of the human resources department are responsible for knowing and applying the harassment/discrimination policies of the employer. It is preferable to tell your employer via a written complaint, a copy of which should be kept with the rest of your documentation. It is essential that the employer have the chance to address and correct the problem before an employee can make a legal complaint.

6.4 Consider Contacting Counsel

In addition to contacting the employer about offensive behavior, the employee should consider contacting legal counsel for advice. Members should reach out to their state associations when looking for an attorney because your state association may offer legal services through the Unified Legal Services Program ("ULSP"). Many lawyers specialize in workplace discrimination, and will be able to evaluate the employee's case based on the on the employee's specific circumstances. An attorney will also be able to keep the employee informed of any deadlines that have to be met in order to move forward with a lawsuit.

6.5 Filing an Administrative Complaint

If the employee plans to file a lawsuit, he or she must first file a charge with the Equal Employment Opportunity Commission ("EEOC") and/or the state fair employment agency. When investigating allegations of harassment

or discrimination, the EEOC looks at the entire record and makes a determination on a case-by-case evaluation. Before a discrimination or harassment lawsuit can be filed under federal law, the employee **must** file an administrative charge with the EEOC or a similar state agency. This is a legal requirement: **If the employee files a lawsuit without first having filed a charge, the lawsuit will be thrown out.**

6.5.1 Who can File a Charge with the EEOC

The following individuals and organizations can bring a charge of discrimination:

Individuals or Groups Subjected to Alleged Discrimination. A typical charge alleges that an individual was subjected to prohibited discrimination because of his/her protected status. For example, a woman might file a charge alleging that her employer fired her because she was 50 years old, or a man with a hearing impairment might allege that he was not provided a reasonable accommodation for his disability. Charges may also be brought by a group of individuals with shared characteristics who believe that they were discriminated against or harassed. For example, a group of men may file a group charge that alleges that they were all sexually harassed by their female supervisor.

Individuals Who Were Personally Harmed by Discrimination Against Others. A charge may also be filed under Title VII, the ADEA, the ADA, or other laws by an individual who was not directly subjected to prohibited discrimination or harassment but was harmed by prohibited discrimination against others. For instance, individuals who are under 40 would have standing to file a charge if they were laid off because a particular plant was closed as the result of discrimination against individuals 40 or over. A charge of this type must include a description of how the charging party was harmed by the respondent's discriminatory actions.

Organizations. Under limited circumstances, an organization may file a charge as an "aggrieved person." For example, a local may be file because it lost members or financial support because its members were subjected to age discrimination.

"On Behalf of" a Victim. A charge can be filed by an individual, agency, or organization "on behalf of" a victim of discrimination. An "on behalf of" charge allows the victim to remain unnamed while the charge is being processed by the EEOC.

EEOC Commissioner. An EEOC Commissioner may file a charge with the EEOC under some of the federal equal opportunity statutes.

6.6 Determining Whether to File with the EEOC or a State Agency

Victims of discrimination and/or harassment can file a charge with either the EEOC or with a state or local human rights agency. Some state human rights agency have a worksharing agreement with the EEOC, and if the allegation is initially filed with the state human rights agency and conduct is covered by a law enforced by the EEOC, the state human rights agency will file a copy of the charge with the EEOC and continue the investigation. Similarly, if the charge is initially filed with EEOC, the EEOC will file a copy of the charge with state human rights agency. In those instances, the EEOC will generally be responsible for investigating the charge. Individuals should contact an attorney in their area when determining which agency should receive the initial charge.

6.7 Timing

An employee has either 180 or 300 days to file a charge, depending on the allegations and the state in which the offensive behavior occurs.

Victims of unlawful discrimination have 180 days to file a charge.

If the employee's state has its own equal employment opportunity laws, the limitations period is extended to 300 days after the act of discrimination occurred to file a complaint. The limitation period begins to run when the discriminatory acts occur, not when the discriminatory acts are felt. In some instances, the time frames for filing may be different for different types of allegations. For example, in South Dakota, an individual has 300 days to file a charge based on race discrimination. However, because South Dakota has no state law that addresses age discrimination, a victim of age bias in South Dakota only has 180 days to file a charge.

The safest way to proceed is to assume that 180 days is the limit in your case. The employee should be careful of statutory time frames—if the wrong dates are used, that mistake can end his or her case before it even begins.

6.8 Filling out the EEOC Questionnaire

Individuals wishing to file charges of discrimination are generally screened by an EEOC representative to determine whether the employment experiences are covered by the EEOC. Individuals will be asked to fill out an

EEOC Questionnaire.¹³ The Questionnaire can become the foundation for the charge. When completing the charge, the individual should review and fill out the questionnaire completely. Information gathered on the charge includes:

- * Basic information: Name, address, and telephone number;
- * The name, address and telephone number of the employer;
- * The number of employees you employer has at all locations – there are boxes with ranges of numbers on the form
- * A short description of the events they believe were discriminatory (for example, they were fired, demoted, harassed);
- * When the events took place;
- * Why the member believes s/he was discriminated against (for example, because of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information); and
- * Sign and date the form.

6.9 Organizing Evidence

When filling out the questionnaire, the individual should make sure that evidence is presented to the EEOC in an organized way—without yielding to the temptation to vent or present matters outside the scope of the charge.

Because illegal discrimination rarely takes the form of one simple event, it is important to organize evidence of incidents of illegal discrimination before contacting the EEOC or the state agency.

Incidents that should be included in the questionnaire and charge include:

- * Direct, or “smoking gun” evidence, such as:
 - ⊙ disparaging remarks;
 - ⊙ slurs;
 - ⊙ admissions of bias (“women shouldn’t teach math”);
 - ⊙ jokes.
- * Indirect evidence, such as:
 - ⊙ Other cases of discrimination;
 - ⊙ Pretext (bogus reasons given for employment decisions to cover up the unlawful reason);
 - ⊙ Better treatment of people outside of the protected class who have equal or lesser qualifications.

6.10 Completing the Charge

Once the questionnaire is complete, an EEOC investigator or staff lawyer will fill out an EEOC Charge of Discrimination form describing the incident and send it to the victim to review and sign. Individuals should thoroughly read the statement before signing. In addition, the individual should ask for copies of the completed charge before leaving the office. If filing by mail, be sure to retain a copy of the charge.

When working with the EEOC, the individual should ensure that the EEOC has current contact information for the member on file so that s/he can receive timely updates and notices regarding the status of the charge. The individual should check with the investigator handling the case periodically to get current status updates.

6.11 Updating and Amending the Charge

As long as the individual is still within the statute of limitations for filing a complaint (either 180 or 300 days) he or she can file a new complaint (or amend the old one) to add any charges that were forgotten or misstated. Employees should check with the EEOC or state agency as the investigation moves forward and provide any updates or changes in status.

6.12 The EEOC and/or State Agency Investigation

During the investigation, the EEOC or State Agency will contact the employer and give it an opportunity to respond to the allegations through documents and a position statement. After all of the evidence is presented, the EEOC or state agency will make a determination.

- * If “reasonable cause” is found, the EEOC will send both parties a Letter of Determination stating its finding and inviting the parties to resolve the charge informally through conciliation. Although, the EEOC has the right to file a lawsuit on the employee’s behalf, that is *not* the typical outcome. Because of limited resources, the EEOC tend only to file on behalf of employees in high profile cases that will serve to send a message to employers generally.
- * If the EEOC finds no “reasonable cause” to believe that discrimination occurred, it will dismiss the complaint and send a Dismissal and Notice of Rights letter to the charging employee and a copy to the employer. This is most common.

¹³ The EEOC questionnaire can be completed at an EEOC office, at home or online at <https://egov.eeoc.gov/eas/>.

The Dismissal and Notice of Rights letter explains that the employee may still file suit on his or her own in court within **90 days** from receipt of the letter. The statutory time frame is vitally important! If you do not file a lawsuit with 90 days, your case will be dismissed.

6.13 Filing a Lawsuit

If the employee wishes to file a lawsuit, he or she should contact an attorney in his or her area that specializes in workplace harassment/discrimination cases. The law surrounding discrimination and harassment is very complicated, and an attorney will be able to explain both the obligations of the employee and the employer obligations under federal and state law, while keeping the employee apprised of statutory deadlines. Your local or state affiliate may also be able to help you find an attorney and file a lawsuit.

7 RETALIATION

7.1 Retaliation for Asserting Rights is Also Prohibited

The law also prohibits retaliation against an individual for exercising his or her rights. Retaliation occurs when an employee is punished for engaging in legally protected activity such as reporting discrimination.

An individual may not be subject to changes to the terms and conditions of his or her employment for:

- * Inquiring about legal rights under various employment laws or the employer's harassment or discrimination policy;
- * Reporting or complaining about possible discrimination and/or harassment; or
- * Assisting in a complaint investigation, including providing truthful information about discrimination and/or harassment.

7.2 Prohibited Retaliatory Behavior

Retaliation can include any negative job action, such as demotion, discipline, firing, salary reduction, or job or shift reassignment. For example, it is illegal for an employer to refuse to allow an employee to receive job training because he or she filed a charge of discrimination with the EEOC, even if the EEOC later determines that no discrimination occurred. Retaliation can also be subtle, such as excluding an employee from work meetings that are essential to his or her employment or changes to the work environment designed to punish an employee because he or she filed a complaint.

7.3 Remediating Retaliation

If the individual is subject to retaliation after s/he filed an EEOC complaint, the individual should to file a new EEOC complaint regarding the retaliation. The member should first notify the EEOC investigator who is handling the complaint that resulted in the retaliation.

8 RESOURCES

8.1 Sample EEOC Questionnaire



**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
INTAKE QUESTIONNAIRE**

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "n/a." Please Print.**

1. Personal Information

Last Name: _____ First Name: _____ MI: _____

Street or Mailing Address: _____ Apt Or Unit #: _____

City: _____ County: _____ State: _____ ZIP: _____

Phone Numbers: Home: (____) _____ Work: (____) _____

Cell: (____) _____ Email Address: _____

Date of Birth: _____ Sex: Male Female Do You Have a Disability? Yes No

Please answer each of the next three questions. i. Are you Hispanic or Latino? Yes No

ii. What is your Race? Please choose all that apply. American Indian or Alaska Native Asian White
 Black or African American Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? _____

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: _____ Relationship: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: (____) _____ Other Phone: (____) _____

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

Employer Union Employment Agency Other (Please Specify) _____

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here and provide the address of the office to which you reported.) **If more than one employer is involved, attach additional sheets.**

Organization Name: _____

Address: _____ County: _____

City: _____ State: _____ Zip: _____ Phone: (____) _____

Type of Business: _____ Job Location if different from Org. Address: _____

Human Resources Director or Owner Name: _____ Phone: _____

Number of Employees in the Organization at All Locations: Please Check (✓) One

Fewer Than 15 15 - 100 101 - 200 201 - 500 More than 500

3. Your Employment Data (Complete as many items as you can) Are you a Federal Employee? Yes No

Date Hired: _____ Job Title At Hire: _____

Pay Rate When Hired: _____ Last or Current Pay Rate: _____

Job Title at Time of Alleged Discrimination: _____ Date Quit/Discharged: _____

Name and Title of Immediate Supervisor: _____

8.2 Sample EEOC Charge Form

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
_____ and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr. Ms. Mrs.)		Home Phone (Incl. Area Code)	Date of Birth
Street Address		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name	No. Employees, Members	Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code	
Name	No. Employees, Members	Phone No. (Include Area Code)	
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
_____ <small>Date</small>	_____ <small>Charging Party Signature</small>	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

8.3 List of EEOC Offices (Alphabetical by City)

Headquarters

U.S. Equal Employment Opportunity Commission
 1801 L Street, N.W.
 Washington, D.C. 20507
 Phone: 202-663-4900
 TTY: 202-663-4494

Field Offices

To be automatically connected with the nearest EEOC field office, call:
 Phone: 1-800-669-4000
 TTY: 1-800-669-6820

Albuquerque District Office

505 Marquette Street, N.W.
 Suite 900
 Albuquerque, NM 87102
 Phone: 505-248-5201
 TTY: 505-248-5240

Atlanta District Office

100 Alabama Street
 Suite 4R30
 Atlanta, GA 30303
 Phone: 404-562-6800
 TTY: 404-562-6801

Baltimore District Office

City Crescent Building
 10 South Howard Street
 3rd Floor
 Baltimore, MD 21201
 Phone: 410-962-3932
 TTY: 410-962-6065

Birmingham District Office

Ridge Park Place
 1130 22nd Street
 Suite 2000
 Birmingham, AL 32205
 Phone: 205-731-0082/3
 TTY: 205-731-0095

Boston Area Office

John F. Kennedy Federal Building
 Government Center
 4th Floor, Room 475
 Boston, MA 02203
 Phone: 617-565-3200
 TTY: 617-565-3204

Buffalo Local Office

6 Fountain Plaza
 Suite 350
 Buffalo, NY 14202
 Phone: 716-551-4441
 TTY: 716-551-5923

Charlotte District Office

129 West Trade Street
 Suite 400
 Charlotte, NC 28202
 Phone: 704-344-6682
 TTY: 704-344-6684

Chicago District Office

500 West Madison Street
 Suite 2800
 Chicago, IL 60661
 Phone: 312-353-2713
 TTY: 312-353-2421

Cincinnati Area Office

550 Main Street
 Suite 10019
 Cincinnati, OH 45202
 Phone: 513-684-2851
 TTY: 513-684-2074

Cleveland District Office

1660 West Second Street
 Suite 850
 Cleveland, OH 44113-1454
 Phone: 216-522-2001
 TTY: 216-522-8441

Dallas District Office

207 S. Houston Street
 3rd Floor
 Dallas, TX 75202-4726
 Phone: 214-655-3355
 TTY: 214-655-3363

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

Denver District Office

303 E. 17th Avenue
Suite 510
Denver, CO 80203
Phone: 303-866-1300
TTY: 303-866-1950

Detroit District Office

477 Michigan Avenue
Room 865
Detroit, MI 48226-9704
Phone: 313-226-7636
TTY: 313-226-7599

El Paso Area Office

The Commons, Building C, Suite 100
4171 N. Mesa Street
El Paso, TX 79902
Phone: 915-832-6550
TTY: 915-832-6545

Fresno Local Office

1265 West Shaw Avenue, Suite 103
Fresno, CA 93711
Phone: 559-487-5793
TTY: 559-487-5837

Greensboro Local Office

801 Summit Avenue
Greensboro, NC 27405-7813
Phone: 336-333-5174
TTY: 336-333-5542

Greenville Local Office

Wachovia Building, Suite 530
15 South Main Street
Greenville, SC 29601
Phone: 864-241-4400
TTY: 864-241-4403

Honolulu Local Office

300 Ala Moana Boulevard,
Room 7123-A
P.O. Box 50082
Honolulu, HI 96850-0051
Phone: 808-541-3120
TTY: 808-541-3131

Houston District Office

1919 Smith Street, 7th Floor
Houston, TX 77002
Phone: 713-209-3320
TTY: 713-209-3367

Indianapolis District Office

101 W. Ohio Street
Suite 1900
Indianapolis, IN 46204-4203
Phone: 317-226-7212
TTY: 317-226-5162

Jackson Area Office

Dr. A.H. McCoy Federal Building
100 West Capitol Street, Suite 207
Jackson, MS 39269
Phone: 601-965-4537
TTY: 601-965-4915

Kansas City Area Office

400 State Avenue
Suite 905
Kansas City, KS 66101
Phone: 913-551-5655
TTY: 913-551-5657

Little Rock Area Office

425 West Capitol Avenue
Suite 625
Little Rock, AR 72201
Phone: 501-324-5060
TTY: 501-324-5481



1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

Los Angeles District Office

255 E. Temple
4th Floor
Los Angeles, CA 90012
Phone: 213-894-1000
TTY: 213-894-1121

Louisville Area Office

600 Dr. Martin Luther King Jr. Place
Suite 268
Louisville, KY 40202
Phone: 502-582-6082
TTY: 502-582-6285

Memphis District Office

1407 Union Avenue
Suite 521
Memphis, TN 38104
Phone: 901-544-0115
TTY: 901-544-0112

Miami District Office

One Biscayne Tower
2 South Biscayne Boulevard
Suite 2700
Miami, FL 33131
Phone: 305-536-4491
TTY: 305-536-5721

Milwaukee District Office

310 West Wisconsin Avenue
Suite 800
Milwaukee, WI 53203-2292
Phone: 414-297-1111
TTY: 414-297-1115

Minneapolis Area Office

330 South Second Avenue
Suite 430
Minneapolis, MN 55401-2224
Phone: 612-335-4040
TTY: 612-335-4045

Nashville Area Office

50 Vantage Way
Suite 202
Nashville, TN 37228
Phone: 615-736-5820
TTY: 615-736-5870

Newark Area Office

1 Newark Center, 21st Floor
Newark, NJ 07102-5233
Phone: 973-645-6383
TTY: 973-645-3004

New Orleans District Office

701 Loyola Avenue
Suite 600
New Orleans, LA 70113-9936
Phone: 504-589-2329
TTY: 504-589-2958

New York District Office

For information, please contact:
Newark Area Office; Attn: New York District Office
1 Newark Center, 21st Floor
Newark, NJ 07102-5233
Phone: 973-645-5974, 973-645-3727
TTY: 973-645-3004

Norfolk Area Office

Federal Building, Suite 739
200 Granby Street
Norfolk, VA 23510
Phone: 757-441-3470
TTY: 757-441-3578

Oakland Local Office

1301 Clay Street
Suite 1170-N
Oakland, CA 94612-5217
Phone: 510-637-3230
TTY: 510-637-3234

Oklahoma Area Office

210 Park Avenue
Oklahoma City, OK 73102
Phone: 405-231-4911
TTY: 405-231-5745

Philadelphia District Office

21 South 5th Street
4th Floor
Philadelphia, PA 19106
Phone: 215-440-2600
TTY: 215-440-2610



1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

Phoenix District Office

3300 N. Central Avenue
Suite 690
Phoenix, AZ 85012-1848
Phone: 602-640-5000
TTY: 602-640-5072

Pittsburgh Area Office

1001 Liberty Avenue
Suite 300
Pittsburgh, PA 15222-4187
Phone: 412-644-3444
TTY: 412-644-2720

Raleigh Area Office

1309 Annapolis Drive
Raleigh, NC 27608-2129
Phone: 919-856-4064
TTY: 919-856-4296

Richmond Area Office

3600 West Broad Street
Room 229
Richmond, VA 23230
Phone: 804-278-4651
TTY: 804-278-4654

San Antonio District Office

5410 Fredericksburg Road
Suite 200
San Antonio, TX 78229-3555
Phone: 210-281-7600
TTY: 210-281-7610

San Diego Area Office

401 B Street
Suite 1550
San Diego, CA 92101
Phone: 619-557-7235
TTY: 619-557-7232

San Francisco District Office

901 Market Street
Suite 500
San Francisco, CA 94103
Phone: 415-356-5100
TTY: 415-356-5098

San Jose Local Office

96 North 3rd Street
Suite 200
San Jose, CA 95112
Phone: 408-291-7352
TTY: 408-291-7374

San Juan Area Office

525 F.D. Roosevelt Avenue
Plaza Las Americas
Suite 1202
San Juan, Puerto Rico 00918-8001
Phone: 787-771-1464
TTY: 787-771-1484

Savannah Local Office

410 Mall Boulevard
Suite G
Savannah, GA 31406-4821
Phone: 912-652-4234
TTY: 912-652-4439

Seattle District Office

Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
Phone: 206-220-6883
TTY: 206-220-6882

St. Louis District Office

Robert A. Young Building
1222 Spruce Street
Room 8.100
St. Louis, MO 63103
Phone: 314-539-7800
TTY: 314-539-7803

Tampa Area Office

501 East Polk Street, 10th Floor
Tampa, FL 33602
Phone: 813-228-2310
TTY: 813-228-2003

Washington Field Office

1400 L Street, N.W. Suite 200
Washington, D.C. 20005
Phone: 202-275-7377
TTY: 202-275-7518

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

8.4 List of State Human Rights Agencies *(Alphabetical by State)*

ALABAMA

*Alabama Department of Human Resources
 Civil Rights/EEO*
 50 Ripley Street
 Montgomery, AL 36130
 Direct: (334)242-1550
 TTY: (334)242-0196
 Fax: (334)353-1491
www.usccr.gov/pubs/crd/stateloc/al.htm

ALASKA

Alaska State Commission for Human Rights
 800 A Street, Suite 204
 Anchorage, AK 99501-3669
 Toll Free: (800)478-4692
 Direct: (907)274-4692
 TTY: (800)478-3177
www.gov.state.ak.us/aschr

ARIZONA

Arizona Attorney General Civil Rights Division
 Ofc. of the AZ Attny General
 1275 W. Washington St.
 Phoenix, AZ 85007-2926
 Toll Free: (877)491-5742
 Direct: (602)542-5025
 TTY: (877)624-8090
 Fax: (602)542-4085
civilrightsinfo@azag.gov
www.azag.gov/civil-rights

CALIFORNIA

California Department of Fair Employment and Housing
 2218 Kausen Drive, Suite 100
 Elk Grove, CA 95758
 Toll Free: (800)884-1684
 Direct: (916)478-7251
 TTY: (800)700-2320
 Fax: (415)703-4179
contact.center@dfeh.ca.gov
www.dfeh.ca.gov/

COLORADO

Colorado Department of Regulatory Agencies, Civil Rights Division
 1560 Broadway, Ste. 1650
 Denver, CO 80202
 Toll Free: (800)886-7675
 Direct: (303)894-7855
 Fax: (303)894-7885
ccrd@dora.state.co.us
www.dora.state.co.us/civil-rights/

CONNECTICUT

Connecticut Commission on Human Rights and Opportunities
 25 Sigourney Street
 Hartford, CT 06106
 Toll Free: (800)477-5737
 Direct: (860)541-3400
 TTY: (860)541-3459
 Fax: (860)241-4875
CHRO.webmaster@ct.gov
www.state.ct.us/chro/index.html

DELAWARE

Delaware Division on Human Relations
 820 N. French Street, 8th Floor
 Wilmington, DE 19801
 Toll Free: (877)544-8626
 Direct: (302)577-5287
 Fax: (302)577-3486
www.state.de.us/sos/hr/

DISTRICT OF COLUMBIA

Office of Human Rights
 441 4th Street, NW, Suite 570 North
 Washington, DC 20001
 Direct: (202)727-4559
 Fax: (202)727-9589
ohr@dc.gov
ohr.dc.gov/

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

FLORIDA

Florida Commission On Human Relations

2009 Apalachee Parkway
 Suite 100
 Tallahassee, FL 32301
 Toll Free: (800)342-8170
 Direct: (850)488-7082
 TTY: (800)955-1339
 Fax: (850)488-5291
fchrinfo@fchr.myflorida.com
fchr.state.fl.us

GEORGIA

Georgia Commission on Equal Opportunity

2 Martin Luther King, Jr. Dr.
 SE Suite 1002 - West Tower
 Atlanta, GA 30334
 Toll Free: (800)473-6736
 Direct: (404)656-1736
 Fax: (404)656-4399
www.gceo.state.ga.us/

HAWAII

Hawaii Civil Rights Commission

830 Punchbowl Street, Room 411
 Honolulu, HI 96813
 Direct: (808)586-8636
 TTY: (808)586-8692
 Fax: (808)586-8655
DLIR.HCRC.INFOR@hawaii.gov
labor.hawaii.gov/hcrr/

IDAHO

Idaho Commission on Human Rights

317 West Main Street
 Boise, ID 83735-0660
 Toll Free: (888)249-7025
 Direct: (208)334-2873
 TTY: (208)334-4751
 Fax: (208)334-2664
inquiry@ihrc.idaho.gov
humanrights.idaho.gov

ILLINOIS

Illinois Department of Human Rights

100 W. Randolph Street, Suite 10-100
 Chicago, IL 60601
 Direct: (312)814-6200
 TTY: (866)740-3953
www.state.il.us/dhr/

INDIANA

Indiana Civil Rights Commission
 100 North Senate Ave
 Indiana Government Center North, Room N103
 Indianapolis, IN 46204
 Toll Free: (800)628-2909
 Direct: (317)232-2600
 TTY: (800)743-3333
 Fax: (317)232-6580
www.state.in.us/icrc/

IOWA

Iowa Civil Rights Commission

Grimes State Office Building
 400 E. 14th Street, Room 201
 Des Moines, IA 50319-0201
 Toll Free: (800)457-4416
 Direct: (515)281-4121
 Fax: (515)242-5840
www.state.ia.us/government/crc/

KANSAS

Kansas Human Rights Commission
 900 SW Jackson Street, Suite 568-S
 Topeka, KS 66612-1258
 Direct: (785)296-3206
 TTY: (785)296-0245
 Fax: (785)296-0589
www.khrc.net/

KENTUCKY

Kentucky Commission on Human Rights

332 West Broadway, 7th Floor
 Louisville, KY 40202
 Toll Free: (800)292-5566
 Direct: (502)595-4024
 TTY: (502)595-4084
 Fax: (502)595-4801
kchr.mail@ky.gov
kchr.ky.gov/



1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

LOUISIANA

Louisiana Commission on Human Rights

Governor's Office Louisiana Commission of Human Rights
P.O. Box 94094
Baton Rouge, LA 70804
Direct: (225)342-6969
TTY: (888)248-0859
Fax: (225)342-2063
www.gov.state.la.us/HumanRights/humanrightshome.htm

MAINE

Maine Human Rights Commission

#51 State House Station
Augusta, ME 04333-0051
Direct: (207)624-6050
TTY: (888)577-6690
Fax: (207)624-8729
www.state.me.us/mhrc/index.shtml

Maryland

Maryland Civil Rights

Maryland Commission on Civil Rights
6 St. Paul Street
Baltimore, MD 21202-2274
Toll Free: (800)637-6247
Direct: (410)767-8600
TTY: (410)333-1737
Fax: (410)333-1841
mccr.maryland.gov/

MASSACHUSETTS

Massachusetts Commission Against Discrimination

One Ashburton Place
6th Floor, Room 601
Boston, MA 02108
Direct: (617)994-6000
TTY: (617)994-6196
Fax: (617)994-6024
www.mass.gov/mcad/

MICHIGAN

Michigan Department of Civil Rights

Capital Tower Building
110 W. Michigan Avenue, Suite 800
Lansing, MI 48933
Direct: (517)335-3165
TTY: (517)241-1965
Fax: (517)241-0546

MDCR-INFO@michigan.gov
www.michigan.gov/mdcr

MINNESOTA

Minnesota Department of Human Rights

190 E. 5th Street, Suite 700
St. Paul, MN 55101
Toll Free: (800)657-3704
Direct: (651)296-5663
TTY: (651)296-1283
www.humanrights.state.mn.us/

MISSOURI

Missouri Commission on Human Rights

3315 W. Truman Blvd.
Room 212
P.O. Box 1129
Jefferson City, MO 65102-1129
Toll Free: (877)781-4236
Direct: (573)751-3325
TTY: (800)735-2966
Fax: (573)526-5090
mchr@labor.mo.gov
labor.mo.gov/mohumanrights/

MONTANA

Montana Human Rights Bureau

PO Box 1728
1625 11th Avenue
Helena, MT 59624-1728
Toll Free: (800)542-0807
Direct: (406)444-2884
TTY: (406)444-9696
Fax: (406)444-2798
erd.dli.mt.gov/human-rights-bureau.html

NEBRASKA

Nebraska Equal Opportunity Commission

Nebraska State Office Building
301 Centennial Mall South, 5th Floor
P.O. Box 94934
Lincoln, NE 68509-4934
Toll Free: (800)642-6112
Direct: (402)471-2024
Fax: (402)471-4059
www.neoc.ne.gov/

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

NEVADA

Nevada Equal Rights Commission

1820 East Sahara Avenue
 Suite 314
 Las Vegas, NV 89104
 Direct: (702)486-7161
 TTY: (800)326-6868
 Fax: (702)486-7054
detnrc@nvdetr.org
www.nvdetr.org/nerc.htm

NEW HAMPSHIRE

New Hampshire Commission for Human Rights

2 Chenell Drive, Unit 2
 Concord, NH 03301-8501
 Direct: (603)271-2767
 Fax: (603)271-6339
humanrights@nhsa.state.nh.us
www.nh.gov/hrc/

NEW JERSEY

***New Jersey Department of Law & Public Safety,
 Division on Civil Rights***

Newark Regional Office
 31 Clinton Street, 3rd Floor
 PO Box 46001
 Newark, NJ 07102
 Toll Free: (609)292-6000
 Direct: (973)648-2700
 TTY: (973)648-4678
 Fax: (973)648-4405
www.nj.gov/oag/dcr/index.html

NEW MEXICO

New Mexico Human Rights Bureau

1596 Pacheco Street, Suite 103
 Santa Fe, NM 87505
 Toll Free: (800)566-9471
 Direct: (505)827-6838
 Fax: (505)827-6878
www.dws.state.nm.us

NEW YORK

New York State Division of Human Rights

One Fordham Plaza, 4th Floor
 Bronx, NY 10458
 Toll Free: (888)392-3644
 Direct: (718)741-8400
 TTY: (718)741-8300
InfoBronx@dhr.ny.gov
www.dhr.ny.gov

NORTH CAROLINA

North Carolina Human Relations Commission

1318 Mail Service Center
 Raleigh, NC 27699-1318
 Toll Free: (866)324-7474
 Direct: (919)807-4420
 Fax: (919)807-4435
www.doa.state.nc.us/hrc

NORTH DAKOTA

North Dakota Department of Labor, Human Rights Division

600 E. Boulevard Avenue
 Dept. 406
 Bismarck, ND 58505-0340
 Toll Free: (800)582-8032
 Direct: (701)328-2660
 TTY: (800)366-6889
 Fax: (701)328-2031
humanrights@nd.us
www.nd.gov/labor/human-rights

OHIO

Ohio Civil Rights Commission

30 E. Broad Street
 5th Floor
 Columbus, OH 43215
 Toll Free: (888)278-7101
 Direct: (614)466-2785
 Fax: (614)466-7742
crc.ohio.gov

OKLAHOMA

Oklahoma Office of the Attorney General

313 NE 21st Street
 Oklahoma City, OK 73105
 Toll Free: (405)521-3921
 Direct: (918)581-2885
www.oag.ok.gov/

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

OREGON

Oregon Bureau of Labor & Industries, Civil Rights Division

800 N.E. Oregon St.
 Suite 1045
 Portland, OR 97232
 Direct: (971)673-0764
 TTY: (971)673-0762
 Fax: (971)673-0765
crdemail@boli.state.or.us
www.oregon.gov/BOLI/CRD/Pages/index.aspx

PENNSYLVANIA

Pennsylvania Human Relations Commission

301 Chestnut Street, Suite 300
 Harrisburg, PA 17101-1702
 Direct: (717)787-4410
 TTY: (717)787-4087
phrc@pa.gov
www.phrc.state.pa.us/portal/server.pt/community/phrc_home/18970

RHODE ISLAND

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor
 Providence, RI 02903
 Direct: (401)222-2661
 TTY: (401)222-2664
 Fax: (401)222-2616
www.richr.state.ri.us/frames.html

SOUTH CAROLINA

South Carolina Human Affairs Commission

2611 Forest Drive, Suite 200
 PO Box 4490
 Columbia, SC 29204
 Toll Free: (800)521-0725
 Direct: (803)737-7800
 TTY: (803)253-4125
information@schac.state.sc.us
www.state.sc.us/schac/

SOUTH DAKOTA

South Dakota Department of Labor & Regulation, Division of Human Rights

700 Governors Drive
 Pierre, SD 57501-2291
 Direct: (605)773-3101
 Fax: (605)773-6184
dlr.sd.gov/humanrights/default.aspx

TENNESSEE

Tennessee Human Rights Commission

710 James Robertson Parkway
 Suite 100
 Corner of Rosa Parks Blvd.
 Nashville, TN 37243-1219
 Toll Free: (800)251-3589
 Direct: (615)741-5825
 Fax: (615)253-1886
www.state.tn.us/humanrights/

TEXAS

Texas Workforce Commission, Civil Rights Division

1117 Trinity St., Room 144T
 Austin, TX 78778
 Toll Free: (888)452-4778
 Direct: (512)463-2642
 TTY: (512)371-7473
 Fax: (512)463-2643
www.twc.state.tx.us/customers/cwp/civil-rights-discrimination.html

UTAH

State of Utah Labor Commission

160 East 300 South, 3rd Floor
 PO Box 146600
 Salt Lake City, UT 84111
 Toll Free: (800)530-5090
 Direct: (801)530-6800
 Fax: (801)530-6390
laborcom@utah.gov
laborcommission.utah.gov/index.html

VERMONT

Vermont Human Rights Commission

14-16 Baldwin Street
 Montpelier, VT 05633--630
 Toll Free: (800)416-2010
 Direct: (802)828-2480
 TTY: (877)294-9200
 Fax: (802)828-2481
human.rights@hrc.state.vt.us
www.hrc.state.vt.us/

1. Introduction
2. Protected Characteristics
3. Discrimination
4. Harassment
5. Employer Liability
6. Combating Harassment and Discrimination
7. Retaliation
8. Resources

VIRGINIA

Virginia Office of Attorney General, Division of Human Rights

900 East Main Street
Richmond, VA 23219
Direct: (804)786-2071
human_rights@oag.state.va.us
www.ag.virginia.gov/Programs%20and%20Resources/Human_Rights/index.html

Cheyenne, WY 82001

Direct: (307)777-7261

Fax: (307)777-5633

www.wyomingworkforce.org/job-seekers-and-workers/labor-standards/Pages/your-labor-rights.aspx

WASHINGTON

Washington State Human Rights Commission

711 Capitol Way, Suite 402
PO Box 42490
Olympia, WA 98504-2490
Toll Free: (800)233-3247
Direct: (360)753-6770
TTY: (800)300-7525
Fax: (360)586-2282
www.hum.wa.gov/

WEST VIRGINIA

West Virginia Human Rights Commission

1321 Plaza East, Room 108A
Charleston, WV 25301-1400
Toll Free: (888)676-5546
Direct: (304)558-2616
Fax: (304)558-0085
www.hrc.wv.gov/Pages/default.aspx

WISCONSIN

Wisconsin Department of Workforce Development, Equal Rights Division

201 East Washington Ave., Room A300
PO Box 8928
Madison, WI 53708-8928
Direct: (608)266-6860
TTY: (608)264-8752
Fax: (608)267-4592
erinfo@dwd.wisconsin.gov
dwd.wisconsin.gov/er

WYOMING

Wyoming Civil Rights Wyoming Department of Workforce Services, Fair Employment Program Labor Standards (Main Office)

1510 E. Pershing Blvd.
West Wing, Number 150