

EEOC'S ONLINE FILING TOOL FOR THE PUBLIC IS NOW FULLY OPERATIONAL

Insights

Nov 6, 2017

The latest tool that can be used against employers is now fully operational. The Equal Employment Opportunity Commission's (EEOC's) online filing portal, or Public Portal, which was tested in five cities over the past six months, was **just rolled out** across the entire country. As of November 1, individuals will be able to initiate discrimination charges against employers using the EEOC's digital platform. What do employers need to know about this 21st-century development?

TEST PROCESS HELPED FORM FINAL VERSION

Back in **March of this year**, the EEOC announced the Online Inquiry and Appointment System (OIAS), as another step forward in its cyber-presence, and another avenue for individuals to initiate employment discrimination claims against their employers. The system was intended to serve as an additional way for individuals to request and schedule intake interviews for the purpose of filing or perfecting a charge of discrimination, helping to process nearly 200,000 annual inquiries by creating a more streamlined and paperless process.

The system was introduced in a pilot-version format in five cities: Charlotte, NC; Chicago, IL; New Orleans, LA; Phoenix, AZ; and Seattle, WA. Only those living or working within 100 miles of these cities were eligible to participate in the program, which expired on September 30, 2017.

Importantly, OIAS was not intended to be a carte blanche system allowing individuals to directly file charges against employers. Rather, it was simply an additional way an

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individual could take the first step in the charge-filing process. In fact, the EEOC explained that the use of OIAS did not even guarantee the agency would file a charge.

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THE EEOC STRIKES BACK: ONLINE PUBLIC PORTAL EXPANDED

After evaluating the public's experience with the new system, the agency decided to roll out the online Public Portal on a nationwide basis. Starting immediately, workers can use the EEOC's [Public Portal](#) website to ask about potential bias claims, and to electronically sign and file discrimination charges against employers. According to the agency, the portal enables workers to carry out the first steps necessary to filing a charge of discrimination in a digital format: asking questions of EEOC representatives about whether their employment rights have been violated, and going through the standard complaint intake process.

Taking it one step further, the online portal allows individuals to sign and file a formal charge of discrimination using an electronic signature. However, individuals still cannot draft and file a charge by themselves or through an attorney. Instead, the digital intake system will only allow users to file charges that have been prepared with the help of an EEOC representative.

The new digital system also allows users to perform various administrative tasks associated with their charge of discrimination, such as updating their personal information, uploading documents that could be used to support their charge, track the status of their charge, or agree to a conciliation process.

"This secure online system makes the EEOC and an individual's charge information available wherever and whenever it is most convenient for that individual," said EEOC Acting Chair Victoria A. Lipnic. "It's a giant leap forward for the EEOC in providing online services."

WHAT'S NEXT?

Over the course of the next several weeks, the EEOC has announced it will provide online access to charging parties who have provided email addresses and who have pending charges in investigation or mediation. Of course, employers still have access to the EEOC's [Respondent Portal](#) allowing

them electronic access to the agency for certain functions associated with the discrimination charge process.

If you have any questions about this new program, or how it may affect your business, please contact your Fisher Phillips attorney.

This Legal Alert provides an overview of a specific new EEOC program. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.