

# “Administrative Charge of Discrimination – Lawyering Up”

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# Filing a Charge of Discrimination

- Questionnaire designed to weed out untimely claims does not weed out frivolous claims
- EEOC will provide assistance in choosing the “basis” for the discrimination
- Does not have to but will investigate all claims

*“We’ll take care of this  
ourselves.”*

## Time to Lawyer Up

“An employer that represents itself  
has a fool for an attorney.”

## What you don't know will hurt you

- Employee has an attorney who is using the EEOC to learn about the case.
- Everything said in the investigation can be used against you.
- “Discrimination” is an evolving term. EEOC now seeks sexual orientation discrimination as “gender discrimination.”

## Value Added

- Risk assessment.
- What to produce and what does not have to be produced.
- Terms of art.
- Witness preparation and interviews.

## Resolution

- If the case has traction, EEOC will facilitate a settlement
- Containment may be the best strategy
- If EEOC ends its investigation, there may be litigation.
- EEOC's "no cause" or "cause" not admissible but records are