

“ADMINISTRATIVE CHARGE OF DISCRIMINATION - LAWYERING UP”

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I. SERVED WITH CHARGE OF DISCRIMINATION

- A. EEOC and MDCR jurisdiction.
- B. Requests for information related to investigation.

II. THE WRONG RESPONSE

- A. We didn't do anything wrong.
- B. Seems straightforward.
- C. The investigator was friendly.
- D. Don't want to spend any money.
- E. We'll handle it ourselves.

III. WHAT YOU DIDN'T KNOW

- A. Terms of art.
- B. Complainant is probably represented by counsel.
- C. EEOC/MDCR investigation can be used against you in subsequent suit.

IV. THE RIGHT RESPONSE

- A. Discuss the complaint with an attorney.
 - 1. EPL insurance will assign one.
 - 2. Make sure your general counsel knows employment law.

- B. The attorney will:
1. Investigate what is alleged and what could be alleged.
 2. Add objectivity to process and response.
 3. Assess risk.
 4. Recommend changes in employment practices.