

NEWS FLASH

From the EEOC to Your Inbox: Pilot Program for Digital Charge System

By Charity Felts, Esq.

The Equal Employment Opportunity Commission (“EEOC”) is taking its first step toward a digital charge system that will allow online interaction with employers. This month, the EEOC announced that it is rolling out a pilot program in 11 of its 53 offices which will allow it to digitally transmit documents between the EEOC and employers regarding charges of discrimination. The San Francisco District Office is one of the offices involved in the pilot program and has jurisdiction over the following Nevada counties: Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe, White Pine and Carson City.

The pilot program is called ACT Digital and is the agency’s first step toward an online charge system that is aimed at streamlining the process for employers to submit documents, notices, and communications to the EEOC. The program applies to private and public employers, unions, and employment agencies. ACT Digital allows an employer against whom a charge of discrimination has been filed to communicate with the EEOC through a secure portal. Employers will be able to download the charge, review the invitation to mediate, submit a position statement, and provide updated contact information. Notices of appearance can be filed through the electronic system, making hardcopy notices unnecessary.

Each charge is assigned a unique password and that information is provided to the responding employer in the initial notice from the EEOC. Each password is unique to each charge. The notice provided by the EEOC to the employer will include instructions on how to log into the secure portal. Employers should communicate this development to its employees who receive and process charges of discrimination so they are aware of the new enhancements and notices.

Employers can opt out of the electronic system and choose to continue to use the paper system to receive and submit all communications and documents. The EEOC encourages the use of the digital system and suggests that it will provide for faster access and submission of documents as well as improved communications through EEOC staff. One advantage is that the digital system is available 24/7, with some exceptions for system maintenance. Currently the system does not have a size limit for files uploaded electronically. This may prove useful for lengthy positions statements that include numerous supporting documents.

For more information about the ACT Digital pilot program, visit the FAQ section on the EEOC website, or you can contact Rebecca Bruch or Charity Felts for more information at 775-786-3930.