

The U.S. Equal Employment Opportunity Commission

February 21, 2002

MEMORANDUM

TO: All District, Area, and Local Office Directors
Washington Field Office Director

FROM: Elizabeth M. Thornton, Director /s/
Office of Field Programs

SUBJECT: NOTIFYING RESPONDENTS OF RECEIPT OF MAIL CHARGES

In helping the Solicitor General's Office prepare for a Supreme Court argument, we learned that some field offices may not be consistently giving timely notice of charges received by mail. This memorandum re-emphasizes the importance of giving notice within 10 days of receipt of a document that clearly constitutes a charge, even if we do not send a copy of the document itself.

In the case that was heard, the charging party, who lived some distance from our field office, sent us a charge letter 160 days after the date of alleged discrimination. His multi-page letter set out specific allegations, stated that it was a charge of discrimination, and asked us to investigate. Our office treated the letter as a charge and began its intake process, but overlooked notifying the employer until after receiving a signed verified charge form on the 313th day.

The office's failure to send a timely notice was a mistake. When correspondence contains all the information necessary to begin investigating, constitutes a clear and timely request for EEOC to act, and does not express concerns about confidentiality or retaliation, we should docket it as a charge; acknowledge it by Letter 2-B; and serve a copy on the respondent by Form 131. EEOC Comp. Man., Vol.I, §§ 2.2(b) and 2.7.

Please also remember that the respondent may be notified without a copy of a charge when staff determines that sending a copy of the charge "would impede the law enforcement functions of the Commission." 29 C.F.R. § 1601.14(a). Section 3.6 of Vol.I lists situations that justify not sending a copy of the initial charge document along with Form 131. However, just to be clear, if the charge document is not sent, Form 131 must still be sent (complete the "Circumstances" block with all the relevant bases, issues, and, if the alleged matters took place at location(s) other than where the form is addressed, all the relevant location(s).)

In short, Title VII, the ADA and EEOC policy require that when you receive charge correspondence meeting the requirements of Compliance Manual § 2.2(b), it should be docketed and the respondent **must** be notified within 10 days - either by Form 131 with a copy of the correspondence or by Form 131 alone. Please ensure that this reminder is sent to all staff.

cc: Jacqueline R. Bradley, Director FMP
Nicholas M. Inzeo, Acting Deputy General Counsel

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