

13-1019 MACH MINING, LLC V. EEOC

DECISION BELOW: 738 F.3d 171

LOWER COURT CASE NUMBER: 13-2456

QUESTION PRESENTED:

In Title VII of the Civil Rights Act of 1964, "Congress established an integrated, multistep enforcement procedure culminating in the EEOC's authority to bring a civil action in federal court." *Occidental Life Ins. Co. v. EEOC*, 432 U.S. 355, 359 (1977). At the outset of that process, if the EEOC finds that there is reasonable cause to believe a charge of discrimination against a private party it "shall endeavor to eliminate any ... alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion." 42 U.S.C. § 2000e-5(b). The Commission is forbidden from filing suit unless within a specified period it "has been unable to secure from the respondent a conciliation agreement acceptable to the Commission." *Id.* § 2000e-5(f)(1). Congress imposed similar requirements in the Age Discrimination in Employment Act, 29 U.S.C. § 626(b), the Fair Housing Act, 42 U.S.C. § 3610(b)(1), and federal election law, 2 U.S.C. §§ 437g(a)(4), (a)(6)(A).

The Question Presented, on which the Seventh Circuit in this case avowedly rejected the precedent of numerous other courts of appeals, is:

Whether and to what extent may a court enforce the EEOC's mandatory duty to conciliate discrimination claims before filing suit?

CERT. GRANTED 6/30/2014