

PUBLICATION

Businesses Should Prepare for EEOC's Decision to Resume Issuance of Charges

September 29, 2020

COVID-19 interrupted business operations around the country. Furloughs, terminations and other cost-driven measures resulted in the separation of employees from businesses under unfavorable circumstances, which in turn created disgruntled employees.

To help alleviate some of the ongoing complications of COVID-19, on March 21, 2020, the EEOC suspended issuance of claim dismissals or right-to-sue letters, unless a Charging Party requested a dismissal.

Since May 2020, the EEOC worked through its newly enacted pilot programs to provide informal mediation of claims. The EEOC is hopeful such programs will provide employers and employees with constructive methods needed to resolve ongoing claims.

On August 3, 2020, the EEOC announced that it would begin issuing Charge closure documents, thereby revoking the suspension of issuance of right-to-sue letters and dismissals. The EEOC began with Charges that have been in the EEOC's system the longest, and the EEOC aspires to have all backlogged documents issued by September 30, 2020. However, the EEOC stated that the issuance of Charges does not affect filing deadlines required under federal statute. Once the right-to-sue letter has been issued, employees have 90 days from receipt of the right-to-sue letter during which to file a lawsuit.

Key Takeaway

Employers should take note of any claims that were initiated prior to August 3, 2020. By taking note of such claims, employers can best prepare themselves for the allocation of resources necessary to deal with expensive and protracted litigation.

If you have any questions about this topic, please contact [Stuart Goldberg](#) or any member of Baker Donelson's Labor & Employment Team.