

What are the EEOC and the DCR?

The EEOC is the Equal Employment Opportunity Commission. The DCR is the Division on Civil Rights. Both are government agencies designed to address discrimination in the workplace and in public accommodations. The EEOC is a Federally run civil rights agency. The DCR is funded and sponsored by the State of New Jersey. The EEOC is equipped to handle discrimination complaints involving Federal law. If you are a Federal employee, for instance, you are required to pursue a discrimination complaint with the EEOC, not the DCR. The DCR handles and processes violations of the State civil rights laws, such as the New Jersey Law Against Discrimination.

In the event that you are considering filing a lawsuit in the Federal court, an EEOC complaint must be filed first as a prerequisite to the filing of a lawsuit. You must file a complaint with the EEOC within 180 days of the last date of the discrimination, otherwise, you may never pursue your claim of discrimination in either the EEOC or in Federal Court. You may remove your matter from the EEOC after 180 days after which time, the EEOC will issue a Right To Sue Letter which permits you to file your claim in Federal Court.

The DCR may be pursued to help with your discrimination complaint but you are not required to file a complaint in the DCR before filing a lawsuit in State Court. The DCR may be useful for purposes of gathering information from your employer before you file a lawsuit. The DCR will require the employer to set forth all of their reasons for taking any adverse action against you and to provide proofs in support of their defense. This may enable you to be better prepared before you file a lawsuit in State Court. You are not required to keep your matter within the DCR for any length of time before you file a State lawsuit.

Note, that you may opt to have the DCR or the EEOC handle your matter to conclusion without ever removing the matters to Federal or State Courts. Should the matter continue within the EEOC until the conclusion within that forum, the EEOC will reach a decision of either "probable Cause" or "No Probable Cause." In either event you will be permitted to pursue your claim thereafter in Federal Court. The DCR works differently. Should the DCR reach a final decision of "No Probable Cause" you are forever prevented from pursuing your claims by way of a lawsuit in Court.

Both agencies, while seriously understaffed, have proved to be valuable resources from the employee's perspective. Oftentimes, the EEOC and DCR are instrumental in achieving early settlements without the need of participating in costly and time consuming litigation. And, as previously stated, both agencies require the employer to provide information in advance of the filing of a lawsuit that may prove helpful to your assessment of the strengths or weaknesses of your case. There are distinct advantages to the filing complaints within the EEOC and DCR.