

EEOC Charge: First 72 Hours

When to use: An EEOC charge or state-agency (FEPA) complaint just arrived.

PRESERVE & PROTECT (FIRST HOURS)

- ☐ **1 Calendar the response deadline stated in the Notice of Charge.**
Usually about 30 days; the exact date is on the notice. Request an extension in writing rather than defaulting.
- ☐ **2 Issue a written litigation hold; suspend routine deletion.**
The duty to preserve attaches on notice. Turn off auto-purge of email and records.
- ☐ **3 Preserve the relevant files.**
Charging party's personnel and payroll file, supervisor files, investigation files, and emails. Keep medical data separate.
- ☐ **4 Route all charge communication through counsel.**
Do not contact the charging party directly about the charge.

PREVENT A SECOND CLAIM

- ☐ **5 Send a no-retaliation reminder to managers who know about the charge.**
Retaliation is the most-filed charge type and is independently unlawful.
- ☐ **6 Flag any pending decision affecting the charging party for review.**
Discipline, transfer, or termination during a charge is high-risk; review with counsel first.

ASSEMBLE THE RESPONSE

- ☐ **7 Engage employment counsel and name one internal point of contact.**
- ☐ **8 Gather the facts and documents for each allegation.**
Policies, timeline, decision-makers, and comparators treated the same way.
- ☐ **9 Draft the position statement focused on the specific allegations.**
Keep it factual and tied to evidence you can produce.
- ☐ **10 Segregate confidential, medical, and third-party data into labeled attachments.**
The position statement itself can be shared with the charging party on request, so keep sensitive data out of the body.
- ☐ **11 Decide on the EEOC's mediation invitation with counsel.**
Mediation is voluntary and confidential; declining is not held against you.

SUBMIT & TRACK

- ☐ **12 Submit through the EEOC Respondent Portal by the deadline.**
- ☐ **13 Prepare for a possible Request for Information, on-site visit, or fact-finding conference.**
- ☐ **14 Log the matter, set review dates, and keep the litigation hold in force until released.**