

EEOC Has Begun Denying Employers' Requests For Extensions Of Time To Respond To Discrimination Charges

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What used to be a routine request – asking the Equal Employment Opportunity Commission (EEOC) for an extension of time when responding to a charge of discrimination or harassment and assuming extra time would be granted – apparently is no longer such an automatic thing. In what may signal a broader shift in policy, the EEOC in Los Angeles recently denied an employer's request for a brief extension of time to provide a position statement. When asked for an explanation as to why the extension had been denied, the EEOC responded that while in the past they have granted extensions, there is a mandate from the administration to move cases along quickly and extensions will be granted now only in extraordinary circumstances.

It remains unclear whether this is just a new policy in the Los Angeles office of the EEOC or a nationwide change. On its website, the EEOC notes that an extension of time will only be granted “when it is clear that the Respondent is working with due diligence to supply all of the necessary information.”

What does this all mean?

- Employers should no longer assume that the EEOC will grant extensions of time as a matter of course.
- Once a charge is received from the EEOC (if not before), an employer should immediately commence a prompt, thorough and effective investigation and be prepared to complete a timely written position statement for the EEOC.
- Before conducting a timely and effective internal investigation, employers should consult counsel as well as the website of the California Department of Fair Employment and Housing [here](#).

The elements of what constitutes an “effective EEOC position statement” can be found on the [EEOC’s website](#).

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