

COURT DECIDES IF EEOC DISCRIMINATION CHARGES FILED IN TIMELY MANNER



A woman in Missouri was fired from her job and sued her former employers, claiming race, sex and age discrimination, as well as retaliation. The district court dismissed the case, believing the charge was not filed with the Equal Employment Opportunity Commission (EEOC) in a timely manner, but an appeals court reversed the decision on two of the four claims. The employee, a 42-year-old African American woman, was working as a cardiac sonographer at the Midwest Heart Group. Her employment was terminated in April of 2007. She filed a lawsuit in May of 2010, citing a complaint with the EEOC on May 10, 2007. She did not include a Right-to-Sue notice from the EEOC but did submit such a notice from the Missouri Commission of Human Rights from March of 2010. Midwest provided a Charge of Discrimination Information Form that the employee had filed with the EEOC, and though it was dated by the woman on May 10, 2007, the official EEOC date-stamp showed the date as January 28, 2010. Additionally, a Right-to-Sue notice from the EEOC had been issued in February of 2010 and stated that "less than 180 days have passed since the filing of this charge." As such, Midwest hoped to dismiss the complaint, as it had not been filed within 300 days of the employee's termination. The woman stated that she had no legal representation when she completed the EEOC form. Upon obtaining counsel, she and her attorney were unsuccessful in securing documents from the EEOC for two years. When the EEOC responded, a representative initially claimed that the EEOC had not received the form. A Missouri district director at the EEOC did finally state that the employee had completed a questionnaire, but the EEOC had been unable to schedule an interview with the woman and consequently closed the inquiry. The district court reviewed the case and granted Midwest's motion to dismiss. It alluded to the EEOC form's date-stamp and the wording specifying a filing date no older than 180 days. The court further denied the employee's request for "equitable tolling," which, if approved, would have disregarded the 300-day time limit for her case. A U.S. Court of Appeals reversed the ruling on the claims of sex and race discrimination, the only two claims acknowledged in the EEOC form. It stated that the district court should have "converted" the motion to dismiss to summary judgment since the decision was dependent upon "materials outside the pleadings." This, along with proper notice of conversion, would have allotted the woman time to further investigate and argue her case by verifying the questionnaire she completed in 2007, particularly as no one disputed the form as a valid charge of discrimination. The appeals court affirmed the original ruling on the charges of age discrimination and retaliation but reversed the decision for the sex and race discrimination claims, which were remanded for further proceedings.