



U.S. DEPARTMENT OF JUSTICE

IMMIGRANT & EMPLOYEE RIGHTS SECTION

CIVIL RIGHTS DIVISION

EMPLOYMENT DISCRIMINATION JURISDICTION

A COMPARISON BETWEEN THE IMMIGRANT AND EMPLOYEE RIGHTS SECTION (IER) AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

	EEOC	IER
TYPES OF DISCRIMINATION WITHIN THE AGENCY'S JURISDICTION	Race, color, religion, national origin, sex, disability, age (40 and over), genetic information, and retaliation	National origin, citizenship status, unfair documentary practices, and retaliation
NECESSARY EMPLOYER SIZE Number of employees that work at the company overall	For Title VII (race, color, religion, national origin, sex), genetic information (GINA), and disability (ADA) claims: 15+ employees For age (ADEA) claims against States or their political subdivisions and EPA claims: 1+ employees For ADEA claims against private employers: 20+ employees There are rules for how the number of employees is calculated. ¹	For national origin claims: 4-14 employees For citizenship status claims: 4+ employees For unfair documentary practices and retaliation claims: 1+ employees
PROTECTED PERSONS Those who can sue or obtain relief because of discrimination	Applicants, former employees, and current employees, regardless of authorization to work in the United States	Applicants, former employees, and current employees with legal authorization to work in the United States (except that citizenship status discrimination covers only U.S. citizens, U.S. nationals, asylees, refugees, and recent lawful permanent residents)
PROHIBITED ACTS	Discrimination in any aspect of employment, including hiring, firing, pay, recruitment/referral, promotions, discipline, work assignments, and any other term or condition of employment; harassment; and retaliation	Discrimination in hiring, firing, recruitment/referral for a fee, employment eligibility verification; and retaliation
AVAILABLE RELIEF Depending on the claims and circumstances	Back pay, front pay, reinstatement, compensatory damages, punitive damages, injunctive relief, and attorney's fees	Back pay, front pay, reinstatement, civil penalties, injunctive relief, and, in limited circumstances, attorney's fees

¹ More information on counting the number of employees for determining employer coverage under EEOC-enforced laws is available on EEOC's website at <http://www.eeoc.gov/employers/count.cfm>.

	EEOC	IER
<p>CHARGE-FILING DEADLINE</p> <p>Number of days to file a charge after discrimination occurs</p>	<p>180 days in non-deferral states² 300 days in deferral states</p> <p>For EPA claims: 2 years to go to the EEOC or directly to the court (without filing a charge)</p>	<p>180 days in all states</p>
<p>HOW TO FILE A CHARGE WITH THE AGENCY</p>	<p>Call the EEOC’s toll-free number, use the EEOC’s online portal to initiate the charge process, or file a charge with your state fair employment agency.</p> <p>To submit an online inquiry and schedule an interview, visit the portal at https://publicportal.eeoc.gov. A charge of discrimination can then be completed through this online portal. To submit, a pre-charge inquiry online in Spanish, visit https://go.usa.gov/xmX8C.</p>	<p>Online, mail, email, or fax a completed charge form</p> <p>The charge form is available in several languages at www.justice.gov/crt/filing-charge and can be submitted electronically through the online portal.</p>
<p>AGENCY CONTACT INFORMATION</p>	<p>1-800-669-4000 1-800-669-6820 (TTY) www.eeoc.gov</p>	<p>1-800-255-7688 1-800-237-2515 (TTY) www.justice.gov/ier</p>

IER enforces the anti-discrimination provision of the Immigration and Nationality Act, 8 U.S.C. § 1324b. The regulations for this law are found at 28 C.F.R. Part 44. For more information on IER and the law it enforces, visit www.justice.gov/ier.

The EEOC enforces several federal laws prohibiting employment discrimination. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, prohibits discrimination based on race, color, religion, sex, or national origin. The Equal Pay Act (EPA), 29 U.S.C. § 206(d), prohibits pay discrimination based on sex. The Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, prohibits disability discrimination. The Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621, prohibits discrimination against individuals 40 or older. The Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. § 2000ff, prohibits discrimination because of genetic information. The regulations for the equal employment opportunity laws enforced by the EEOC are at 29 C.F.R. Chapter XIV, including the regulations discussing EEOC procedures at 29 C.F.R. § 1601 (Title VII, ADA, & GINA procedures), 29 C.F.R. § 1621 (EPA procedures), and 29 C.F.R. § 1626 (ADEA procedures). For more information on the EEOC and the laws it enforces, visit www.eeoc.gov/laws/.

² 42 U.S.C. § 2000e-5; 29 C.F.R. § 1061.13. For more information on deferral, visit www.eeoc.gov/employees/timeliness.cfs.

This guidance document is not intended to be a final agency action, has no legally binding effect, and has no force or effect of law. The document may be rescinded or modified at the Department’s discretion, in accordance with applicable laws. The Department’s guidance documents, including this guidance, do not establish legally enforceable responsibilities beyond what is required by the terms of the applicable statutes, regulations, or binding judicial precedent. For more information, see “Memorandum for All Components: Prohibition of Improper Guidance Documents,” from Attorney General Jefferson B. Sessions III, November 16, 2017.