

DEPARTMENT OF JUSTICE TEMPORARILY HALTS THE ISSUANCE OF RIGHT-TO-SUE NOTICES AMIDST COVID-19 PANDEMIC

The Department of Justice, as of March 16, 2020, has temporarily suspended issuing Right-to-Sue Notices to civil rights charging parties, unless a charging party requests such a notice, amid the COVID-19 pandemic. The Department's suspension of the issuance of Right-to-Sue Notices prevents the running of the deadline for charging parties to file claims of employment discrimination in federal court.

The Civil Rights Division of the Department of Justice enforces the nation's civil rights laws, including employment discrimination, disability, and genetic information charges brought against state and local governments under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et. seq. (Title VII), the Americans with Disabilities Act (ADA), 42 U.S.C. § 12111, et. seq., and the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff, et seq. (GINA).

Individuals who claim they have been discriminated against by a state or local government employer under Title VII, the ADA or the GINA must first file a charge with the Equal Employment Opportunity Commission (EEOC). The EEOC investigates the charge of discrimination and attempts to informally resolve it in a process called conciliation. If the EEOC determines that there is reasonable cause to believe that the charge is true, the Commission will endeavor to eliminate any alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. If the Commission is unable to secure from the respondent to the charge a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. If the Department declines to bring its own lawsuit, or if a charging party requests the Right-to-Sue Notice while a charge is pending, the Civil Rights Division promptly issues the Right-to-Sue Notice, and the charging party has a 90-day timeframe in which to sue.

The Department recognizes that because of the COVID-19 pandemic, charging parties may not be able to exercise and protect their rights during this 90-day timeframe. Thus, beginning on March 16, 2020, the Department temporarily suspended issuing all Right-to-Sue Notices without a request from a charging party. Charging parties who wish to pursue their charges through litigation during

the COVID-19 pandemic may do so, and the Department will continue to issue such notices upon request. The Department will maintain this procedure as long as appropriate in light of the COVID-19 pandemic, and will publicly announce when it resumes issuing all Right-to-Sue notices.

More information about employment-related discrimination and relevant COVID-19 information can be found at:

<https://www.justice.gov/crt/>

<https://www.ada.gov/>

<https://www.justice.gov/crt/employment-litigation-section>

<https://www.eeoc.gov/coronavirus/>

<https://www.eeoc.gov/eeoc/newsroom/release/eeoc-continues-to-serve.cfm>

https://www.eeoc.gov/coronavirus/federal_eeo_processing.cfm

Eric S. Dreiband

Assistant Attorney General

Civil Rights Division

Guidance documents are not binding and lack the force and effect of law, unless expressly authorized by statute or expressly incorporated into a contract, grant, or cooperative agreement. Consistent with Executive Order 13891 and the Office of Management and Budget implementing memoranda, the Department will not cite, use, or rely on any guidance document that is not accessible through the Department's guidance portal, or similar guidance portals for other Executive Branch departments and agencies, except to establish historical facts. To the extent any guidance document sets out voluntary standards (e.g., recommended practices), compliance with those standards is voluntary, and noncompliance will not result in enforcement action. Guidance documents may be rescinded or modified in the Department's complete discretion, consistent with applicable laws.