

PUBLICATION

EEOC Implements Digital Charge Pilot Program

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The Equal Employment Opportunity Commission (EEOC) recently announced the launch of its ACT Digital pilot program that allows the EEOC to communicate directly with employers through an online portal. Phase I of ACT Digital allows an employer against whom a charge has been filed to view and download the charge, review and respond to an invitation to mediate, submit a position statement, and provide and verify contact information. The program applies to private and public employers, unions, and employment agencies.

Presently, the EEOC receives about 90,000 charges per year. The EEOC expects the digital program to improve customer service, ease the administrative burden on staff, and reduce the number of paper submissions and files.

Under the new program, users will not be able to create and maintain individual user accounts. Instead, if the EEOC has an email address for the respondent employer's designated contact for receiving charges, an electronic notice of charge will be sent to that email address. Otherwise, if the EEOC does not have an email address for the respondent employer on file, the EEOC will mail a paper notice to the address of record for the employer. The notice will provide a charge number and password and will instruct the employer to log into the secure online portal. Although an employer may choose to opt out of the electronic system and continue to receive and submit all communications and documents by mail, the EEOC advises that the digital system will allow faster access and submission of documents as well as faster communication with the EEOC.

The pilot program began on May 6, 2015 for the EEOC offices in Charlotte, Greensboro, Greenville, Norfolk, Raleigh, Richmond, and San Francisco. The EEOC offices in Denver, Detroit, Indianapolis, and Phoenix will begin their pilot programs by the end of May 2015, and the EEOC expects the system to gradually become available in all offices by October 1, 2015. Currently, the digital program will only apply to notices transmitted after the pilot has begun and not to notices received before the launch of the pilot.

"The EEOC's pilot of a digital charge system is an important step forward that will benefit the public and our staff," stated EEOC Chair Jenny R. Yang. "This will improve our responsiveness to the public, efficiently utilize our resources, and protect the security of documents in our online system. We encourage employers to provide candid feedback and suggestions during the pilots so we can make adjustments to strengthen the system."

As ACT Digital progresses, the EEOC expects to "expand the capabilities of the EEOC Respondent Portal (including the electronic submission of responses to Requests for Information), add a secure portal for individuals who file a charge of employment discrimination, and enhance its legacy systems."

Employers should take note of the new online program and train their employees who will be receiving the notices of charges so that the redesigned notices will not mistakenly be disregarded as phishing or some kind of scam. The EEOC's user's guide for the new portal is available [here](#).