

Please Let Employers Know the Charge

After Holowecki, the EEOC should appreciate the need to give early and full notice. On Feb. 27, the Supreme Court issued its opinion in *Federal Express Corp. v. Holowecki*, in which it decided that an employer, not the worker, should bear the burden of the Equal Employment Opportunity Commission's failure to fulfill its obligation to process discrimination claims.

In doing so, the Court showed compassion toward employees in disputes with their employers, a trait that many plaintiffs attorneys would argue they rarely see. The Court was not so kind to the EEOC, the agency arguably at the center of the dispute (and which participated as *amicus curiae*). The Court called upon it to establish a clearer, more consistent charge-filing process.

As the EEOC responds to the Court's decision, greater clarity in the charge filing process would be welcome, both for employment counsel and especially for employers that need fair notice about the allegations against them.

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