U.S. Equal Employment Opportunity Commission

Questions and Answers
EEOC's Digital Charge System and Phase I - Respondent Portal

- What is EEOC's Digital Charge System?

  EEOC's Digital Charge System is a secure online portal to transmit and receive documents between the parties to a charge and the EEOC.

- What does it do?

  The first phase of the Digital Charge System allows an employer against whom a charge has been filed to communicate with the EEOC thru a secure portal to download the charge, review an invitation to mediate, submit a position statement, and provide and verify their contact information.

- Why is the EEOC moving to a digital charge system?

  The Digital Charge System will improve customer service, ease the administrative burden on staff, and reduce the use of paper submissions and files. As a federal agency, the EEOC has a responsibility to streamline and make more efficient its service delivery to better serve the public. Executive Order 13571, "Streaming Service Delivery and Improving Customer Service," requires that Federal Agencies improve the customer experience by expanding online services, increasing access from mobile devices, and creating innovative business solutions.

- When does this change take effect?

  All of EEOC's 53 offices implemented Phase I of the Digital Charge System by January 1, 2016, after eleven offices began a pilot program in May 2015. The pilot offices were Charlotte, Denver, Detroit, Greensboro, Greenville, Indianapolis, Norfolk, Phoenix, Raleigh, Richmond, and San Francisco.

- How secure is this system?

  Each charge is assigned a unique password in the notice that the respondent receives. It is imperative that your organization keeps this information secure. The EEOC will provide the organization the capability to request a new, unique password. However, each password will only allow access to a specific charge. Information that you submit through the system is secure.

- What functions are included in this system?

  - *View and download the charge.*
  - *Review an invitation to mediate and respond to it.*
  - *Submit a Position Statement and attachments to EEOC.*
  - *Submit a response to a Request for Information to EEOC.*
  - *Provide/verify Respondent contact information, including the designation of a Legal Representative.*
  - *Enable online communication between EEOC & respondents.*

- How can I access the system / sign-up for access?

  At this time, the primary contact for a Respondent should contact their local EEOC office to provide an email address for future charges. If the EEOC has an email address for a designated contact to receive charges for the respondent employer, an electronic notice of charge will be sent to that email address on file with the EEOC. If the EEOC does not have an email address for the respondent employer, a paper notice will be mailed to the address of record for the respondent employer. The notice of the charge instructs the respondent to log into the secure portal with the specific charge number and a system generated password. These items are required to access the system.

- Can my company opt-out of the Digital Charge System?

  The Digital Charge System is how EEOC will handle almost all charges of discrimination, as it will provide for faster access and submission of documents, as well as notifications to the EEOC staff to improve communication with the EEOC. If an employer does not have the technological capability to receive or submit information online or via email, however, it may request that EEOC provide paper documents and alternative

forms of communications.

- What documents will be available in Phase I of the Digital Charge System?

  Phase I of the Digital Charge System provides online access to the notice of charge, the charge of discrimination, the invitation to mediate, the request for a position statement and the request for information. The system also provides information about the EEOC's mediation program and its benefits to employers, as well as information about how to draft effective position statements.

- How will my company receive notice that mediation is/is not an option?

  If mediation is an option, a message will appear in the system along with a prompt for the company to agree to, decline, or request additional information concerning mediation. If mediation is not an option, the message offering mediation will not appear.

- Will the Charging Party be able to review documents that my company submits?

  Only authorized EEOC staff have access to documents, information, and evidence in the digital charge file that are submitted by a respondent employer as part of the investigation or mediation. However, the EEOC may share position statements and non-confidential attachments with Charging Parties or their counsel.

- Can we review information submitted by the Charging Party online?

  Only the charge of discrimination is available to Respondents to view online.

- If my company received a notice of charge (EEOC Form 131) prior to the launch of the Digital Charge System, will my company be able to utilize the online system?

  You should contact the EEOC staff assigned to the charge to inform them that you would prefer to use the Digital Charge System rather than paper notices and mail.

- Is there support available if we have difficulty accessing or using the system?

  Contact the email address of your local EEOC office provided on the notice with any questions.

- Are there specific times that the system is available?

  The system is available 24/7. The only exceptions will be for system maintenance.

- Can we request extensions to submit documentation via the system?

  Yes. The system allows you to submit a request for an extension of time in which to respond.

- What if my company does not receive the notice of charge due to bad address or a SPAM filter by our system server?

  The system will generate a notice to EEOC staff after 10 days if a Respondent has not taken any action, meaning the Respondent has not logged into the system. A representative from the local EEOC office will attempt to re-serve the notice of the charge in the event no action has been taken.

- Is there a limit on the type of file or file size that can be uploaded electronically?

  There currently is no limit on the type of file (e.g., doc., pdf., xls.) or the size of files that can be uploaded electronically.

- What if my company wants to submit additional information or exhibits after the response to the charge is submitted?

  Additional information can be submitted at any time and uploaded to the system. The system provides a drop-down menu of document types for you to designate, such as Position Statement.

- Can we use the system to respond to or view more than one charge at a time?

  No. For security purposes, each charge is assigned unique login information and must be accessed and viewed separately.

- The charge was sent to the wrong individual. How do we update this information with the EEOC?

  Respondents can update their organization contact information via the system to ensure the contact details are current and accurate.

- How would my company file a notice of appearance or notify the EEOC of legal representation?

  You can quickly and easily update legal representation information right in the system. There is no longer a need to send a hardcopy letter of representation.

- What if my company has a letter of representation for all charges on file? Do we need to update the legal representative information each time a charge is filed?

  No, if you have a designated representative for all charges filed with the EEOC, the notice will be sent to that contact. Once you provide an email for your designated representative, the notice will be sent to that email address.

- Will my company still receive a hard copy of the charge and notice of charge?

  No, but you can view, download, save, or print the notice and charge from the system, for filing and future reference.

- How will my company receive notice that the investigation is closed?

  The closure notice is not available in Phase I. However, we expect to make this feature available in Phase II in 2016.

- How long after the charge is resolved will my company have access to the system?

  At this time, we have not established a date for when access to the system would be disabled.

- I filed a charge, why can't I access this system?

  System access and communication with the Charging Party is planned for development and implementation in Phase II in 2016.

- How do I provide feedback to the EEOC on this pilot program?

  We welcome your feedback about the Digital Charge System and request that you email the EEOC office handling the charge with your suggestions.

- Whom do we contact for more information?

  Contact the email address of your local EEOC office provided in the notice for additional information.

- How is the data I submit to the Respondent Portal encrypted?

  From the moment you connect to the Respondent Portal, all information, including logins, responses and other information, are encrypted from the moment they leave your computer to the point at which it is received by the EEOC. EEOC uses a number of mechanisms and practices to ensure the integrity of this encryption. Older encryption standards are blocked, and those that are permitted are configured following industry best practices. Further, EEOC is responsive to identified weaknesses in encryption standards and make take immediate action pursuant to the National Institute of Standards and Technology (NIST), National Vulnerability Database (NVD) and vendor recommendations. EEOC recommends all users of the Respondent Portal use current, supported versions of their web browser to ensure confidentiality as well as compatibility with our encryption standards.

- Is my data secure once it has been uploaded to the Respondent Portal?

  Absolutely. EEOC takes security very seriously and has a comprehensive defense-in-depth security program based on NIST publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations. There are many layers of security utilizing different physical and software components in order to provide the highest level of protection. These security controls and measures are audited frequently and monitored continuously with state of the art automated vulnerability and compliance software suites..

- Who can access my data in the Respondent Portal?

  Only EEOC authorized users of the Respondent Portal can see data in the system. Furthermore, there are authorization groups so that EEOC users can only see the particular data that pertains to their job and not all the data in the system.

- Is the Respondent Portal monitored all the time?

  Yes. Our firewalls use an advanced intrusion detection system (IDS) that defends against today's blended security threats 24 hours a day, 7 days a week and 365 days a year. In addition, there are many layers or security monitoring from both inside and outside the network to ensure the immediate detection and rejection of unauthorized use.

- Is the Personally Identifiable Information (PII) in Respond safe in Respondent Portal?

  Yes. The Respondent Portal and underlying network use guidance from NIST Publication 800-122 Guide to Protecting the Confidentiality of Personally Identifiable Information (PII) to ensure that PII is only accessed by authorized users with the need to see it.

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