

APPENDIX A-11: INFORMATION RELATED TO FILING SUIT UNDER TITLE VII OF THE CIVIL RIGHTS ACT, TITLE I OF THE ADA AND THE EQUAL PAY ACT

This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.

PRIVATE SUIT RIGHTS – Title VII of the Civil Rights Act of 1964, as amended (Title VII) or the Americans with Disabilities Act of 1990, as amended (ADA)

In order to pursue this matter further, you must file a lawsuit against the contractor(s) named in the complaint you submitted to the Office of Federal Contract Compliance Programs (OFCCP) **within 90 days of the date you receive the Notice of Right to Sue**. Once this 90-day period is over, your right to sue based on the complaint covered by this Notice of Right to Sue will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice of Right to Sue.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing the Notice of Right to Sue is not enough. You must file a “complaint” that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in your complaint to OFCCP or, to the extent permitted by court decisions, matters like or related to the matters alleged in your complaint to OFCCP. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the contractor has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS – Equal Pay Act (EPA)

EPA suits must be filed in court within two years (three years for willful violations) of the alleged EPA underpayment; back pay due for violations that occurred **more than two years (three years for willful violations) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from July 1, 2016 to December 1, 2016, you should file suit before July 1, 2018 (not December 1, 2018) in order to recover unpaid wages due for July 2016. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII or the ADA referred to above. Therefore, if you also plan to sue under Title VII or the ADA, in addition to suing on the EPA claim, your suit must be filed within 90 days of the Notice of Right to Sue and within the two or three year EPA back pay recovery period.

ATTORNEY REPRESENTATION – Title VII and the ADA

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do *not* relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND ASSISTANCE – All Statutes

If you have any questions about your legal rights, including advice on which U.S. District Court can hear your case, you may contact an OFCCP representative at [*insert the name and phone number of OFCCP district or area office that investigated complaint*], who will coordinate with the Equal Employment Opportunity Commission (EEOC) to promptly obtain that information for you. If you need help in finding a lawyer, we recommend contacting the bar association in your state and an OFCCP representative can also assist you with that in coordination with EEOC. If you need to inspect or obtain a copy of information in OFCCP's file on your complaint, please request it promptly in writing and provide the OFCCP complaint number (as shown on your Notice of Right to Sue). If you file suit and want to review the OFCCP complaint file, **please make your review request within six months of the Notice of Right to Sue.** (Before filing suit, any request should be made within the next 90 days.)

If you file suit, please send a copy of your Court complaint to [*insert the name and address of EEOC office to which a copy of the dually filed complaint was sent, and which was notified of issuance of Notice of Right-to-Sue*].