

# Employment Law Checklist

## UPON RECEIPT OF EEOC CHARGE

- Notify Stakeholders and Carriers:** Immediately notify internal leadership, outside employment counsel, and Employment Practices Liability Insurance (EPLI) carrier. Delaying insurance notification could impact the coverage for the claim.
- Issue a “Litigation Hold”:** Issue a written litigation hold to all relevant custodians. Suspend auto-delete protocols for emails, Slack/Teams messages, HRIS logs, and text messages related to the charging party and key decision-makers.
- Verify Timeliness and Jurisdictional Thresholds:** Check the deadlines. Confirm that the charge was filed within the 180/300-day statutory window. Verify that the organization’s headcount meets the specific statutory minimums for the law being invoked.
- Gather Records and Build a Chronology:** Collect personnel files, relevant performance evaluations, signed handbook acknowledgments, payroll records, and specific emails regarding the employment decision. Construct a definitive, objective timeline of events leading up to the alleged adverse action.
- Assess Retaliation Exposure:** Review whether the employee engaged in any “protected activity” (e.g., filing an internal HR complaint, asking for a religious or disability accommodation) shortly before the adverse employment action. Look specifically at “temporal proximity”—actions taken within a 60 to 90-day window of a complaint may face heightened scrutiny.
- Draft the Position Statement:** Before the EEOC deadline, work with counsel to draft a factual, measured Position Statement. Treat this document as if it will be read by a federal judge. Avoid shifting explanations. The reasons provided to the EEOC for the disciplinary action must match the available documentation.