



FILING A CLAIM OF DISABILITY DISCRIMINATION IN EMPLOYMENT

PURSUING A CLAIM FOR EMPLOYMENT DISCRIMINATION WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC):

- To pursue a claim for employment discrimination under federal law (specifically the Americans with Disabilities Act (ADA)), you must first file a charge with the EEOC within 300 days of the discriminatory act or, in most cases, you will forever lose your right to file a lawsuit in court regarding the matter.
- To file a charge, contact your local EEOC field office. For the appropriate EEOC office in your area, call 800-669-4000.
- You may file a lawsuit in federal court only after receiving a Notice of Right to Sue letter from the EEOC.
- Once you receive a right to sue letter, you have 90 days to file a lawsuit in federal court. You can also find more information at the EEOC's website: <http://www.eeoc.gov>.

PURSUING A CLAIM FOR EMPLOYMENT DISCRIMINATION WITH THE NEW YORK STATE DIVISION OF HUMAN RIGHTS:

- To pursue a claim for employment discrimination under New York State Law (specifically the New York State Human Rights Law (NYSHRL), you may either file an administrative complaint with the New York State Division of Human Rights (DHR) or file a lawsuit in court.
- You have one year from the discriminatory action within which to file a complaint with DHR.

- If you want to file a complaint in court under the NYSHRL, you must file it within three years of the discriminatory action or you will forever lose your right to do so.
- To find the appropriate DHR office in your area, call 888-392-3644.
- You can also find more information at the DHR website: <http://www.dhr.ny.gov>.

COMBINING EEOC AND DHR COMPLAINTS

- You may combine your ADA and NYSHRL claims into one administrative complaint with DHR, but your ADA claims must still be filed within 300 days of the discrimination.
- If you file a claim of employment discrimination with DHR, DHR will dual file your complaint with the EEOC if your complaint is covered by both the NYSHRL and the ADA.
- If your DHR and EEOC complaints are dismissed before formal adjudication by DHR by an Administrative Law Judge, you may file a lawsuit in federal court under the ADA within 90 days of receiving a Notice of Right to Sue letter from the EEOC.

PURSUING A CLAIM FOR EMPLOYMENT DISCRIMINATION UNDER THE NEW YORK CITY HUMAN RIGHTS LAW:

- To pursue a claim for employment discrimination under the New York City Human Rights Law, you may either file an administrative complaint with the NYC Commission on Human Rights (CHR) or file a lawsuit in court.
- Filing a complaint with CHR will prevent you from suing in court, unless your complaint to CHR has been “dismissed for administrative convenience.”
- If you file a complaint with CHR, and later wish to go to court, you may request such a dismissal for the purpose of going to court at any time prior to a CHR hearing.
- If you want to file a complaint in court, you must file it within three years of the discriminatory action or you will forever lose your right to do so.
- You can file a complaint with CHR by calling 311 or (212) 639-9675.

CLAIMS AGAINST FEDERALLY FUNDED EMPLOYERS

If your employer receives federal funds, you may file an administrative complaint or a lawsuit under Section 504 of the Rehabilitation Act, or both. An administrative complaint should be filed with the federal agency that provides funds to your employer within 180 days of the discriminatory action. Filing an administrative complaint is not a prerequisite to filing a lawsuit and will not extend the time limit for filing a complaint in court. If you want to file a complaint in court, you must file it within three years of the discriminatory action, or in most cases, you will forever lose your right to do so.

You are not required to have an attorney to file administrative complaints with any state or federal agency, although you are allowed to be represented by an attorney if you choose. You also may file a complaint in court without an attorney.

For a referral to a private attorney who handles employment discrimination cases, contact your county bar association or the New York State Bar Association at 800-342-3661.

Depending on the facts of your situation, Disability Rights New York may be able to assist you with your employment discrimination issue. Please call Toll free: 1-800-993-8982, Voice: 518-432-7861, or TTY: 518-512-3448 if you think you need our assistance.

DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

Albany:

*725 Broadway, Suite 450
Albany, New York 12207
Fax: 518-427-6561*

Brooklyn:

*25 Chapel Street, Suite 1005
Brooklyn, New York 11201
Fax: 718-797-1161*

Rochester:

*44 Exchange Blvd., Suite 110
Rochester, New York 14614
Fax: 585-348-9823*

*Mail@DRNY.org • www.DRNY.org
Toll free: 1-800-993-8982 • Voice: 518-432-7861 • TTY: 518-512-3448*

DISCLAIMER:

THIS INFORMATION SHEET IS INTENDED TO GIVE BASIC INFORMATION ABOUT EMPLOYMENT DISCRIMINATION. DISABILITY RIGHTS NEW YORK ACCEPTS NO LIABILITY FOR THE CONTENT OF THIS DOCUMENT OR FOR THE CONSEQUENCES OF ANY ACTIONS TAKEN ON THE BASIS OF THE INFORMATION PROVIDED. FOR MORE INFORMATION, PLEASE SEE THE EEOC WEBSITE AT EEOC.GOV AND THE NYS DIVISION OF HUMAN RIGHTS WEBSITE AT DHR.NY.GOV.

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