

Employment Discrimination

Federal, state and local laws prohibit discrimination in the form of any adverse employment action or hostile work environment based upon race, color, creed, color, military status, religion, sex, disability, national origin, age, sexual orientation, predisposing genetic characteristics or marital status. In addition, discrimination in the form of retaliation for reporting an employer's violation or participating in an investigation pertaining to any illegal discrimination is also prohibited. An adverse employment action may be in the form of a demotion, an overlooked promotion, a wrongful termination, or simply a single or recurring act. If you believe that you may have been a victim of any discrimination, contact us to schedule a consultation.

For individuals claiming discrimination, there are a number of potential forums to bring your claim in. Bringing your claim in a certain forum has serious ramifications which may cause you to forfeit certain rights if brought in one forum rather than another:

EEOC - The United States Equal Employment Opportunity Commission (EEOC) is a federal administrative agency whose primary function is to investigate employee discrimination claims for individuals who fall within a protected class. An individual may fall under a protected class based on age, race, sex, national origin, religion, disability, retaliation for opposing unlawful discriminatory practices and pregnancy. Title VII is the federal law that protects such an individual. Title VII applies to employers who have 15 or more employees. Employees who have suffered an adverse employment action or have endured a severe or pervasive hostile work environment because they are part of a protected class should file a charge of discrimination with the EEOC. Such a charge must be filed within 300 days of the date of discrimination. The EEOC will docket the charge assigning a charge number and an investigator. The EEOC will conduct an investigation and usually ask the employer to file a responsive document called a Position Statement. Once the employer submits a Position Statement, the employee can submit a written rebuttal. The EEOC will eventually conclude their investigation finding "probable cause" for discrimination or no "probable cause." Either way, the EEOC will usually issue a right to sue letter. This right to sue letter is your ticket to Federal Court to pursue your claims of discrimination. Without that right to sue, you may not bring your claim in Federal court.

How can we help? Often, employees feeling victim to discrimination bring a charge without an attorney. The process can become confusing and overwhelming especially considering the fact that the employer will most always have legal representation. Why should you be at a disadvantage? Many times, a person may think that the EEOC investigator is their advocate but, in reality, the EEOC investigator is a neutral fact finder. You must have your own legal advocate. We can ease the process for you by drafting and filing the charge of discrimination, submitting your rebuttal and any other relevant documentation, and working closely with the investigator in gathering all the relevant facts. We will also negotiate with opposing counsel in an attempt to resolve the matter.

New York State Division of Human Rights - The New York State Division of Human Rights ("DHR") is the state version of the EEOC. The DHR is in charge of enforcing the New York State Human Rights Law, a state law similar to Title VII which prohibits discrimination on the basis of race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, disability, predisposing genetic characteristics or prior arrest or conviction record and retaliation for opposing unlawful discriminatory practices. It applies to employers with 4 or more employees. A charge brought at the DHR must be brought within 1 year of the date of discrimination. The DHR conducts an investigation much like the EEOC. However, at the conclusion of the investigation, if the DHR finds "probable cause," they will usually not issue a right to sue letter but instead will conduct an internal administrative public hearing before an administrative law judge.

How can we help? We will initiate your claim by filing the relevant documentation and working closely with the investigator in an effort to resolve your case in a favorable manner. As the DHR process is similar to an EEOC filing, we will fill many of the same duties listed above. In the event that your claim goes to hearing, we will represent you at that hearing.

New York City Commission on Human Rights - The New York City Commission on Human Rights ("CHR") is the city version of the DHR. The CHR is in charge of enforcing violations of the New York City Human Rights Law, a city law similar to Title VII and the New York State Human Rights Law which prohibits discrimination on the basis of race, color, creed, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, arrest or conviction record, marital status, partnership status, or status as a victim of domestic violence, stalking and sex offenses and retaliation for opposing unlawful discriminatory practices. The New York City Human Rights law applies to New York City employers with 4 or more employees. The CHR works in a similar manner to the DHR in that in the event the CHR finds probable cause, an internal public administrative hearing is held before an administrative law judge.

How can we help? We will initiate your claim by filing the relevant documentation and working closely with the investigator in an effort to resolve your case in a favorable manner. As the CHR process is similar to a DHR filing, we will fill many of the same duties listed above.

New York State Court - An individual claiming discrimination may file a complaint directly in New York State Court for violations of the New York State Human Rights Law within 3 years of the date of discrimination.

How can we help? We will file your claim in court and represent you to help bring a favorable resolution to your claims.

Federal Court - An individual cannot bring an action directly in Federal Court without a right to sue letter from the EEOC.

Claims against municipalities, school districts, etc. – These types of claims often have special conditions precedent which must be performed prior to filing any formal charges. These conditions precedent often have short statutes of limitations. If you have been discriminated against or harassed and are a public employee, contact our offices to discuss these conditions.

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Top New York Employment Discrimination Lawyers

Federal, state and local laws prohibit discrimination in the form of any adverse employment action or hostile work environment based upon race, color, creed, color, military status, religion, sex, disability, national origin, age, sexual orientation, predisposing genetic characteristics or marital status.

If you believe you were turned down for a job that you were well qualified for because of your race, sex, or a similar reason, look to Employment Lawyer New York to supply you with a NYC Employment Discrimination Lawyer or a NY Long Island Employment Discrimination Lawyer; our New York Employment Discrimination Lawyers are the most qualified and professional attorneys in the country.

Our New York employment discrimination lawyers are well versed in dealing with the Equal Employment Opportunity Commission, or EEOC, which is a federal agency whose mission is to end employment discrimination. The Equal Employment Opportunity Commission and our New York employment discrimination lawyers work together to protect your employee rights. You most likely did not sign a contract when you started working for your employer which may have provided you with some protection, but if you believe your employer violated your legal rights by placing you in a hostile work environment, you can do something about it by contacting Employment Lawyer New York today.

Workplace Harassment, Employee Rights, EEOC

Both employment and termination should be based on qualifications, skills, job performance and experience, but this is oftentimes not the case. Often employers lay off or fire employees for discriminatory reasons. For example, maybe you did not get a promotion you deserved because of your religious beliefs, your ethnic background, or your age. All of these employment discrimination situations lead to tension and hostility in the workplace.

Employment Lawyer New York serves Manhattan, New York City, Nassau County NY, Suffolk County NY, Carle Place NY, Brooklyn, the Bronx, Queens, and Staten Island. Retain a New York Employment Discrimination Lawyer and you will be glad that you did. Our New York Employment Discrimination Lawyers are top notch and if you can enlist the aid of a NY Long Island employment discrimination lawyer or a NYC employment discrimination lawyer, your employee rights will be tirelessly defended.