

Can I obtain a lawyer and sue without filing a charge?

State and federal law require you to file a complaint with the Nevada Equal Rights Commission, EEOC, or the Department of Housing and Urban Development (HUD) prior to filing a lawsuit. NERC will investigate your case whether you have an attorney or not. However, you may hire an attorney at any time to assist you with your case.

This brochure cannot answer all the questions you may have about discrimination in employment, housing and public accommodations. A representative of NERC will gladly provide you with specific information about your rights and responsibilities under the anti-discrimination laws.

Mediation

One way NERC may resolve claims of discrimination is through mediation, which is a form of alternative dispute resolution. Mediation is an informal process in which a trained mediator assists the parties in reaching a negotiated resolution of a charge of discrimination. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. Instead, the mediator facilitates negotiations to resolve charges of discrimination.

Employer and Community Training

The best way to combat discrimination is to prevent it from happening in the first place. NERC'S representatives are available to provide training and to speak at seminars and meetings about discrimination laws and preventing discrimination.

NERC also provides posters and brochures to employers to display in the workplace to help employees understand discrimination laws. For more information about securing a speaker or obtaining materials, call one of NERC's offices or go online to www.nvdetr.org

**An equal opportunity employer/program
Auxiliary aids and services available upon
request for individuals with disabilities**

TTY (775) 687-5353

Relay 711 or (800) 326-6868

Nevada Equal Rights Commission

1820 E. Sahara Ave. Suite 314

Las Vegas, NV 89104

Phone (702) 486-7161

Fax (702) 486-7054

Nevada Equal Rights Commission

1325 Corporate Blvd.

Room 115

Reno, NV 89502

Phone (775) 823-6690

Fax (775) 688-1292

www.nvdetr.org

Filing a Charge of Discrimination

What You
Need to
Know



Employment Discrimination

The Nevada Equal Rights Commission (NERC) oversees the state's equal employment, equal opportunity program, investigating and resolving complaints of discrimination in the workplace. State and federal laws prohibit discrimination because of race, national origin, color, religion, sex, sexual orientation, age (over 40), pregnancy, genetic information, disability, and gender identity or expression. The anti-discrimination laws also protect employees against sexual harassment, which is a form of sex discrimination.

NERC works with the federal Equal Employment Opportunity Commission (EEOC) to investigate and resolve most complaints of discrimination in employment. In most cases, complaints filed with NERC are automatically filed with the EEOC so employees' federal rights are preserved while the investigation is conducted in Nevada.

Housing and Public Accommodations Discrimination

NERC also has authority to investigate claims of housing discrimination and public accommodations discrimination based on race, color, national origin, religion, sex, disability, familial status (housing only), sexual orientation or gender identity or expression. State and federal law prohibit discrimination in the sale, rental, and financing of housing, and related transactions based upon one or more of the aforementioned protected categories. State law prohibits discrimination in places of public accommodation including schools, hotels, stores, restaurants, theaters, casinos, clinics, and offices that provide services to the general public (with the exception of federal offices).

Who Can File a Charge of Discrimination?

Any individual who believes his/her rights have been violated, as described in this brochure, may file a charge of discrimination with NERC. Individuals who need an accommodation in order to file a charge (e.g., sign language interpreter, print materials in an accessible format) should inform NERC so appropriate arrangements can be made.

How Is a Charge of Discrimination Filed?

You will be required to complete an Intake Inquiry form online at www.nvdetr.org, or by mail, or in person at the nearest NERC office. You will be scheduled for an interview, where your complaint will be assessed and if it meets the legal requirements a formal charge of discrimination will be drafted for your review and signature.

You must file your employment or public accommodations complaint within 300 days of the last date of the alleged violation. Housing complaints must be filed within one year of the last date of the alleged violation.

What Happens After I File a Complaint?

When a formal charge is completed, the employer, business owner, or landlord is notified by receiving a copy of the charge and your request for remedy. Generally, an opportunity to resolve your complaint prior to an investigation will be provided after the notification has been sent. This process is known as an Informal Settlement Meeting (ISM), which is voluntary, but can be effective in gaining resolution.

If the meeting is unsuccessful or waived, your case will be assigned to an investigator. The length of the investigation depends on the complexity of the case. As the complaining party, you must show evidence that discrimination occurred.

