



FCRA WAGE PROJECT
CHAPTER 12: HOW DO I FILE A CLAIM?
[ALL-IN-ONE DOCUMENT]

{Date Published: 6/18/2005}

E: TextBookDiscrimination@gmail.com
W: www.TextBookDiscrimination.com

visit TBD's [website](#) for the most up-to-date information

TABLE OF CONTENTS | CHAPTER 12 | HOW DO I FILE A CLAIM?

ID	Item	Title	Page
L00	12-0	Chapter Intro - How Do I File a Claim?	4
L01	12-A	How Do I File a State Claim with the FCHR?	5
L02	12-B	How Do I Contact the FCHR?	6
L03	12-C	Against Whom Can I File a Claim?	7
L04	12-D	If I Choose to File a Claim, What is Expected...	8
L05	12-E	How Long Will the Process Take?	9
L06	12-F	Do I Need an Attorney?	10
L07	12-G	Do I Have to Contact the FCHR?	11
L08	12-H	Can't I Sue my Employer Directly Without...	12
L09	12-I	Who Will Investigate my Complaint?	13
L10	12-J	What do I do after my Initial Contact with...	14
L11	12-K	What Happens after I Submit my Claim?	15
L12	12-L	What Happens if the Investigators Determine...	16
L13	12-M	What Happens if the Investigator Determines...	17
L14	12-N	Can I File a Federal Claim of Employment...	18
L15	12-O	What are the Advantages and Disadvantages of...	19
-	n/a	Appendix	20



FCRA WAGE PROJECT

CHAPTER: 12 HOW DO I FILE A CLAIM?

AUTHOR: *unknown*

ITEMS: A through O



12-0 | CHAPTER INTRO - HOW DO I FILE A CLAIM?

- a. How do I file a state claim with the FCHR?
- b. How do I contact the FCHR?
- c. Against whom can I file a claim?
- d. If I choose to file a claim, what is expected of me?
- e. How long will the process take?
- f. Do I need an attorney?
- g. Do I have to contact the FCHR?
- h. Can't I sue my employer directly without going through the FCHR?
- i. Who will investigate my complaint?
- j. What do I do after my initial contact with the FCHR?
- k. What happens after I submit my claim?
- l. What happens if the investigators determine that no "reasonable" or "probable" cause exists on which to base a claim?
- m. What happens if the investigator determines that "reasonable" or "probable" cause exists on which to base a claim?
- n. Can I file a federal claim of employment discrimination as well? If so, how?
- o. What are the advantages and disadvantages of filing a federal claim over a state claim?

(unknown authors)



12-A | HOW DO I FILE A STATE CLAIM WITH THE FCHR?

Any person who is working or seeking employment (with the exception of certain Federal employees), who feels he or she may have a discrimination claim, may file a claim with FCHR.⁸⁰

You may file a claim directly with FCHR and can do so in writing, by phone, or in person. You may also file a claim electronically by fax or through their website at <http://fchr.state.fl.us/>.⁸¹

(unknown authors)

Footnotes

⁸⁰ <http://fchr.state.fl.us/complaint.htm> (updated 1/24/2005).

⁸¹ Fla. Admin. Code Ann. 60Y-2.005(5) (West 2005)



12-B | HOW DO I CONTACT THE FCHR?

The FCHR (<http://fchr.state.fl.us/>) is located at 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301-4857. The telephone number for the Clerk to the Commission is (850)488-7082. Their fax number for complaints is (850)488-5291, and their fax number for petitions and appeals is (850)487-4957.^{[82](#)}

(unknown authors)

Footnotes

⁸²Id.



12-C | AGAINST WHOM CAN I FILE A CLAIM?

You may file a claim against employer, employment agency, labor organization (such as a union), or joint labor-management committee under the FCRA.⁸³

(unknown authors)

Footnotes

⁸³ Fla. Stat. Ann. §760.11(1).



12-D | IF I CHOOSE TO FILE A CLAIM, WHAT IS EXPECTED OF ME?

You must file a complaint within 365 days of the alleged violation, naming the employer, employment agency, or labor organization responsible for the violation. The complaint must contain a brief, plain statement of the facts describing the violation and the relief requested.^{[84](#)}

(unknown authors)

Footnotes

⁸⁴ Id.



12-E | HOW LONG WILL THE PROCESS TAKE?

Within 180 days, the FCHR (<http://fchr.state.fl.us/>) will determine whether or not there is reasonable cause to believe that there has been an FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm) violation and will notify you and your employer by registered mail.⁸⁵ A determination of reasonable cause simply means that the agency believes that a discriminatory practice forbidden by the FCRA has occurred.⁸⁶

(unknown authors)

Footnotes

⁸⁵ Fla. Stat. Ann. §760.11(3).

⁸⁶ Woodham, 829 So. 2d at 894.



12-F | DO I NEED AN ATTORNEY?

No, you do not need an attorney to simply file a complaint with the FCHR.⁸⁷

(unknown authors)

Footnotes

⁸⁷ <http://fchr.state.fl.us/complaint.htm> (updated 1/24/2005).

12-G | DO I HAVE TO CONTACT THE FCHR?

Yes.

In order to make a claim under the FCRA (http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0760/ch0760.htm), you must file a complaint through the FCHR (<http://fchr.state.fl.us/>) or EEOC (<http://www.eeoc.gov/>).⁸⁸

(unknown authors)

Footnotes

⁸⁸ Fla. Stat. Ann. §760.11(1), see also Segura v. Hunter Douglas Fabrication Co., 184 F. Supp. 2d 1227. (M.D. Fla. 2002)



12-H | CAN'T I SUE MY EMPLOYER DIRECTLY WITHOUT GOING THROUGH THE FCHR?

No.

Florida requires that you exhaust all administrative remedies before filing suit, which means that you must first file a complaint thorough the FCHR (<http://fchr.state.fl.us/>) or EEOC (<http://www.eeoc.gov/>) before bringing suit against your employer.⁸⁹

(unknown authors)

Footnotes

⁸⁹ Thompson v. Orange Lake Country Club, Inc., 224 F. Supp. 2d 1368, 1375 (M.D. Fla. 2002)



12-I | WHO WILL INVESTIGATE MY COMPLAINT?

The FCHR (<http://fchr.state.fl.us/>) will investigate the allegations you make in your complaint.⁹⁰

(unknown authors)

Footnotes

⁹⁰ Fla. Stat. Ann. §760.11(3).



12-J | WHAT DO I DO AFTER MY INITIAL CONTACT WITH THE FCHR?

The commission will advise you of your rights and responsibilities as the claim is processed.⁹¹

(unknown authors)

Footnotes

⁹¹ <http://fchr.state.fl.us/complaint.htm> (updated 1/24/2005).

12-K | WHAT HAPPENS AFTER I SUBMIT MY CLAIM?

The commission will then send a copy of the complaint to your employer, who then has 25 days in which respond to the complaint.⁹²

(unknown authors)

Footnotes

⁹² Fla. Stat. Ann. §760.11(1), see also Fla. Admin. Code Ann. r. 60y-5.0011.



12-L | WHAT HAPPENS IF THE INVESTIGATORS DETERMINE THAT NO "REASONABLE" OR "PROBABLE" CAUSE EXISTS ON WHICH TO BASE A CLAIM?

If the FCHR (<http://fchr.state.fl.us/>) determines that there is no reasonable cause to believe a violation has occurred, the claim will be dismissed, but you may still request an administrative hearing before the FCHR within 35 days of the date of the determination.⁹³

If the FCHR fails to render a determination within 180 days, you may either file suit or request an administrative hearing.⁹⁴

(unknown authors)

Footnotes

⁹³ Fla. Stat. Ann. §760.11(7).

⁹⁴ Fla. Stat. Ann. §760.11(8), see also Woodham, 829 So. 2d at 899.



12-M | WHAT HAPPENS IF THE INVESTIGATOR DETERMINES THAT "REASONABLE" OR "PROBABLE" CAUSE EXISTS ON WHICH TO BASE A CLAIM?

If the FCHR (<http://fchr.state.fl.us/>) determines that there is reasonable cause, you may either file a civil suit against the party named in the complaint in court or request an administrative hearing before the FCHR.^{[95](#)}

If you choose to resolve the violation through an administrative hearing, you must request the hearing within 35 days of the date of the determination of reasonable cause.^{[96](#)}

(unknown authors)

Footnotes

⁹⁵ Fla. Stat. Ann. §760.11(4).

⁹⁶ Fla. Stat. Ann. §760.11(6).



12-N | CAN I FILE A FEDERAL CLAIM OF EMPLOYMENT DISCRIMINATION AS WELL? IF SO, HOW?

The FCHR (<http://fchr.state.fl.us/>) has a work-sharing agreement with the EEOC (<http://www.eeoc.gov/>).⁹⁷ Thus, a filing of a complaint with the FCHR operates as a dual filing with the EEOC.⁹⁸ Filing a complaint with the FCHR automatically initiates proceedings of both agencies.⁹⁹ Alternatively, you may file a complaint with the EEOC.¹⁰⁰

(unknown authors)

Footnotes

⁹⁷ See Segura, 184 F. Supp. 2d. at 1237 (decision includes full text of the worksharing agreement).

⁹⁸ Woodham, 829 So. 2d at 893.

⁹⁹ Segura, 184 F. Supp. 2d at 1237.

¹⁰⁰ Fla. Stat. Ann. §760.11(1).



12-O | WHAT ARE THE ADVANTAGES AND DISADVANTAGES OF FILING A FEDERAL CLAIM OVER A STATE CLAIM?

Federal law is somewhat broader inasmuch as it covers discrimination due to pregnancy and disparate impact cases.

See the Federal Law page for more.

(unknown authors)



APPENDIX



COPYRIGHT NOTICE

TextBookDiscrimination.com is not the author of this handbook. Instead, TextBookDiscrimination.com merely re-printed and reformatted it for easier use.

ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	<i>unknown</i>

INTERACTIVE VERSION

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Web	TextBookDiscrimination.com/Handbooks/FCRA/WageProject/C12

CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com
W: www.TextBookDiscrimination.com

Congratulations! You're now **booked up** on Chapter 12 of the **FCRA Wage Project**!

