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Labor & Employment Alert

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EEOC quietly halves the employer position statement deadline from 30 to 15 days

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Considering the expedited deadline, employers should update their charge-response protocols and engage outside counsel as soon as a charge arrives.



What's the impact?

- US Equal Employment Opportunity Commission (EEOC) local district offices are setting 15-day position statement deadlines (down from 30 days).
- Extension requests are being limited to one short extension, compared to the lengthy good-cause extensions previously granted.
- A missed deadline can lead to a cause finding, based solely on the charging party's account.

EEOC district offices have effectively halved the time employers have to respond to discrimination charges, from 30 days to 15 days. Since September 2026, employers nationwide have received charge notices with 15-day position statement deadlines. The EEOC has made no "official agency-wide policy change" but acknowledges that "response deadlines may vary among EEOC offices." Employers should treat the deadline in each EEOC notice as controlling.

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With half the time to investigate and respond—and less tolerance for late submissions—employers need a response process and experienced counsel to move immediately.

Why this matters

A position statement is an employer's first opportunity to present an evidence-supported defense before an investigator forms a view of the charge. Fifteen days leaves significantly less time to collect documents, interview witnesses, and draft a persuasive response. Accuracy cannot be sacrificed for speed because the statement may be shared with the charging party or used in later litigation. Employers without an established response process and counsel already in place may struggle to meet the new timeline.

The EEOC has also become less tolerant of late submissions; it has issued cause findings days after a missed deadline, including where an extension was denied shortly before the due date.

Once a cause finding is issued, parties are invited to conciliation to mediate and potentially settle the claim, which adds time and expense to resolve otherwise meritless charges. If conciliation fails, the EEOC may file a lawsuit against the employer on the charging party's behalf or issue a Notice of Right to Sue.

Charging parties and plaintiffs' firms are generally emboldened by a cause finding, increasing the likelihood that agency charges will escalate into expensive federal court litigation. Further, some courts may admit a cause finding as evidence in a later lawsuit. A well-prepared, timely position statement is the best way to avoid that outcome.

How the EEOC is implementing the change

The change is being made through individual charge notices issued by local district offices, which have broad discretion to investigate charges within their jurisdiction.

It is unclear whether the charging party's 20-day period to reply to the position statement has also changed.

How employers can prepare

Shorter deadlines make prompt coordination among HR, managers, and legal counsel essential. In-house counsel and HR professionals should take these steps now:

- / **Designate points of contact.** Assign responsibility (with backups) for receiving charges, gathering records, and coordinating with counsel.
- / **Engage outside counsel immediately.** Notify employment counsel the same day a charge is received to maximize time to investigate the claims, interview witnesses, and draft a

persuasive position statement efficiently.

- / **Request extensions early.** Ask for extensions in writing well before the deadline, with concrete reasons and, ideally, a partial submission. Do not assume an extension will be granted and confirm any new due date in writing.
- / **Keep records organized.** Make sure personnel files, discipline records, and investigation files can be retrieved quickly.

Do not wait until a charge arrives. [Nixon Peabody's Labor & Employment team](#) can help employers update their EEOC charge-response protocols now and, should a charge be filed, quickly investigate and prepare timely, well-supported position statements. For more information on the content of this alert, or to discuss how we can assist with a pending or future charge, please contact your Nixon Peabody attorney or:

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