AMERICAN BAR ASSOCIATION

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CENTER FOR DIVERSITY, EQUITY AND INCLUSION
COMMISSION ON DISABILITY RIGHTS
TORT TRIAL AND INSURANCE PRACTICE SECTION
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

RESOLVED, That the American Bar Association urges Congress to amend 42 U.S.C. § 2000e-5(e)(1) to establish a uniform filing deadline of 300 calendar days for all charges of employment discrimination filed with the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act, regardless of whether the charging party resides in a state or locality that has enacted its own anti-discrimination law or established a Fair Employment Practices Agency, thereby eliminating the current disparity under which employees in non-deferral jurisdictions have only 180 days to file a charge;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Age Discrimination in Employment Act, 29 U.S.C. § 626(d), to establish a uniform filing deadline of 300 calendar days for all charges of age discrimination, regardless of whether the charging party resides in a state that has enacted a law prohibiting age discrimination in employment and established a state agency to enforce that law, thereby eliminating the additional disparity under which the 300-day deadline for age discrimination charges is extended only by state laws and not by local laws; and

FURTHER RESOLVED, That the American Bar Association urges state, local, territorial, and tribal legislative bodies that have not yet enacted comprehensive employment anti-discrimination laws and established enforcement agencies to do so, to provide their residents with the dual protections of both federal and state or local law and to ensure that workers in every jurisdiction have access to robust administrative remedies for employment discrimination.

REPORT

I. Introduction and Summary of the Resolution

This Resolution urges Congress to amend the charge-filing deadlines in Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act to establish a uniform 300-day filing period for all charges of employment discrimination filed with the Equal Employment Opportunity Commission. Under current law, the amount of time an employee has to file a charge of discrimination with the EEOC depends on whether the employee lives or works in a state or locality that has its own anti-discrimination law and an agency to enforce it.[1] In jurisdictions that have such an agency—known as a Fair Employment Practices Agency, or FEPA—the filing deadline is 300 calendar days. In jurisdictions that do not, the deadline is only 180 calendar days.[2] This 120-day difference means that the practical availability of federal anti-discrimination protection varies dramatically depending on geography—a result that is both arbitrary and inequitable.

At present, only five states lack a qualifying FEPA for most private-sector employees: Alabama, Arkansas, Georgia, Mississippi, and North Carolina.[3] These are all Southern states with among the highest proportions of Black and African American residents in the nation, the highest per-capita rates of workplace discrimination charges, and some of the most limited access to employment attorneys. The current statutory framework thus imposes the shortest filing deadline on the workers who face the greatest discrimination and who have the fewest resources to navigate the complaint process. This Resolution proposes to eliminate that disparity by establishing a uniform 300-day deadline applicable to all employees in all jurisdictions.

II. The Current Statutory Framework and Its Geographic Disparities

Section 706(e)(1) of Title VII, codified at 42 U.S.C. § 2000e-5(e)(1), provides that a charge of discrimination "shall be filed" with the EEOC within 180 days of the alleged unlawful employment practice. However, in jurisdictions where a "State or local law prohibits the unlawful employment practice alleged and [a state or local agency has been] authorized to grant or seek relief," the deadline is extended to 300 days.[4] The Supreme Court has described even the longer filing period as "quite short."[5] More recently, in *Fort Bend County v. Davis*, the Court unanimously held that Title VII's charge-filing requirement is a mandatory claim-processing rule rather than a jurisdictional prerequisite to suit,

---

[1] 42 U.S.C. § 2000e-5(e)(1).
[2] *Id.*
[3] *See* 29 C.F.R. § 1601.80 (2023) (listing Fair Employment Practices Agencies). Currently, five states are non-deferral jurisdictions for most private-sector employees: Alabama, Arkansas, Georgia, Mississippi, and North Carolina. *See also* Brandon Johnson, *Reclaiming Our Time: Ending the Use of Employment Contracts that Shorten the Statute of Limitations for Title VII Discrimination Claims*, 31 Geo. Mason L. Rev. 725 (2024).
[4] 42 U.S.C. § 2000e-5(e)(1).
[5] *Mohasco Corp. v. Silver*, 447 U.S. 807, 825 (1980).

underscoring that these procedural deadlines should be interpreted with an awareness of their potential to foreclose the vindication of substantive rights.[6]

The 120-day differential was originally designed to allow the EEOC to defer to state and local agencies for an initial investigation period before assuming jurisdiction over a charge. The sixty-day deferral period codified at 42 U.S.C. § 2000e-5(c) reflects Congress's judgment that, where a state or local agency exists, it should have the first opportunity to address the complaint. In non-deferral jurisdictions—that is, states without a qualifying FEPA—there is no state agency to defer to, and therefore no practical reason for an extended deadline. This reasoning, however logical it may have been when Title VII was enacted in 1964, produces deeply inequitable results in practice because it penalizes workers for a legislative choice made by their state government over which they have no control.

The five non-deferral states illustrate the problem starkly. Alabama has no comprehensive state anti-discrimination law and no enforcement agency; its only state employment discrimination statute addresses age discrimination and mirrors the federal ADEA.[7] Arkansas permits private lawsuits for employment discrimination but has no state enforcement agency.[8] Mississippi's employment discrimination protections are generally limited to public employees, and the state has no private-sector enforcement agency.[9] Georgia provides discrimination protections for state employees but offers only limited protections—principally for disability and equal pay—to private-sector workers, and has no general enforcement agency for private-sector claims.[10] North Carolina declares discrimination contrary to state policy but does not provide an administrative enforcement mechanism for private-sector employees.[11]

III. The Disparity Disproportionately Affects Communities of Color

The geographic concentration of non-deferral jurisdictions in the Deep South means that the shorter filing deadline disproportionately burdens African American workers and other communities of color. According to the most recent American Community Survey data, Mississippi has the highest proportion of Black residents of any state in the nation at 37.8%, followed by Georgia at 33.2%, Alabama at 26.6%, and North Carolina at 22.1%.[12] Arkansas, while having a smaller Black population in percentage terms, nonetheless has significant communities of color, particularly in the eastern and southern portions of the

[6] *Fort Bend Cnty. v. Davis*, 587 U.S. 541, 551 (2019).
[7] Code of Ala. § 25-1-21 (prohibiting only age discrimination; no general anti-discrimination enforcement agency).
[8] Ark. Code Ann. § 16-123-107 (providing a private right of action but no state enforcement agency).
[9] Miss. Code Ann. § 25-9-149 (employment discrimination protections generally limited to state employees; no private-sector enforcement agency).
[10] Ga. Code Ann. § 45-19-29 (discrimination protections for state employees only, with limited exceptions for disability and equal pay in the private sector; no general private-sector enforcement agency).
[11] *See* N.C. Gen. Stat. § 143-422.2 (declaring discrimination contrary to state policy but providing no administrative enforcement mechanism for private-sector employees).
[12] U.S. Dep't of Health & Human Servs., Office of Minority Health, *Black/African American Health*, https://minorityhealth.hhs.gov/black-african-american-health (last visited April 1, 2026) (citing U.S. Census Bureau, American Community Survey population estimates).

state.[13] All five non-deferral states are among the ten states with the largest proportions of Black Americans in the country.

These same states consistently rank among the highest in the nation for per-capita rates of employment discrimination charges filed with the EEOC. A comprehensive analysis of EEOC charge data spanning sixteen fiscal years found that Alabama ranks first among all fifty states in discrimination charges per capita, followed by Arkansas, Georgia, and Mississippi, with seven of the top ten states located in the South.[14] Race discrimination is the single most common category of EEOC charge nationwide, and this is especially true in the non-deferral states.[15] The data thus demonstrate that the 180-day deadline applies most restrictively in the very communities where the need for robust anti-discrimination enforcement is greatest.

The historical context is equally significant. The five non-deferral states are located in the region of the country most closely associated with the legacy of slavery, Jim Crow segregation, and institutionalized racial discrimination in employment. The absence of comprehensive state anti-discrimination laws in these states is not coincidental; it reflects a long pattern of resistance to civil rights protections at the state level. The practical consequence of conditioning the federal filing deadline on the existence of state anti-discrimination agencies is to perpetuate, through the mechanism of procedural disadvantage, the effects of that historical resistance. Workers in Mississippi, Alabama, and Georgia are penalized today for their states' failures to enact the very laws that most other states adopted decades ago.

IV. Access-to-Justice Concerns

The shorter filing deadline compounds existing access-to-justice barriers faced by workers in non-deferral states. Workers who experience discrimination in non-deferral states face compounding access-to-justice barriers. Low-income Americans do not receive any or enough legal help for the vast majority of civil legal problems that substantially impact their lives, and legal aid organizations must turn away approximately half of all requests for assistance due to limited resources. These shortfalls are especially acute in rural communities with fewer attorneys and fewer legal aid offices.[16] Workers who experience discrimination may need substantial time to recognize that the conduct they have experienced is unlawful, to locate an attorney willing to take their case, to gather

---

[13] U.S. Census Bureau, *2020 Census Redistricting Data*, Table P1; *see also* Guy Lancaster, *African Americans*, Encyclopedia of Arkansas (last updated 2024), https://encyclopediaofarkansas.net/entries/african-americans-407/ (noting that African Americans constitute 15.1 percent of Arkansas's population as of the 2020 Census, with significant concentrations in the eastern Mississippi River Delta and southern Gulf Coastal Plain regions of the state).

[14] Fairchild Employment Law, *U.S. Workplace Discrimination Trends and Stats* (2026), https://fairchildemploymentlaw.com/workplace-discrimination-trends-in-the-united-states/.

[15] *Id.* (noting that seven of the top ten states by per-capita discrimination charge rate are in the South, including Alabama, Arkansas, Georgia, Mississippi, Tennessee, North Carolina, and Louisiana).

[16] *See* Legal Servs. Corp., *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans* (2022), https://justicegap.lsc.gov/ (finding that 92% of civil legal problems reported by low-income Americans received no or insufficient legal help, and that LSC-funded organizations turned away an estimated 49% of requests due to limited resources).

documentation, and to decide whether to proceed with a formal complaint. 180 days—approximately six months—may seem like a long time in the abstract, but for a worker in rural Mississippi or eastern Arkansas who must travel hours to reach an EEOC office or an employment attorney, it can be wholly inadequate.

The additional 120 days afforded to employees in deferral jurisdictions is not a trivial difference. It represents four additional months in which the employee can assess the situation, consult counsel, attempt internal resolution, and make an informed decision about whether to file a charge. Workers in non-deferral states who miss the 180-day deadline do not merely lose the opportunity for an informal resolution through a state agency; they lose the ability to pursue their federal claim entirely. The EEOC will typically dismiss an untimely charge, and without a timely charge, the employee cannot obtain a right-to-sue letter and cannot file suit in federal court. The 180-day deadline thus operates as a complete forfeiture of federal anti-discrimination rights for workers who miss it by even a single day.

V. Congressional Precedent Supports Equalizing Filing Deadlines

Congress has repeatedly acted to strengthen employment discrimination protections and to eliminate procedural barriers that impede the vindication of substantive rights. The No FEAR Act of 2002 and the Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020 addressed deficiencies in the federal sector EEO process.[17] The Lilly Ledbetter Fair Pay Act of 2009 amended Title VII's accrual rules to ensure that discriminatory compensation practices could be challenged each time a new paycheck reflecting the discriminatory decision was issued.[18] Each of these enactments reflects Congress's judgment that procedural rules should facilitate, not frustrate, the enforcement of anti-discrimination law. Establishing a uniform 300-day filing deadline is consistent with this legislative trajectory.

Notably, when Congress has considered the appropriate filing deadline for private-sector employees, it has consistently chosen 300 days as the operative period in the vast majority of jurisdictions. The 180-day default was not intended as a permanent feature of the law for a significant segment of the workforce; it was a fallback for the transitional period before states established their own enforcement agencies. More than 60 years after Title VII's enactment, the handful of states that have not established such agencies have made clear that they do not intend to do so. Congress should not continue to condition federal filing rights on a contingency that has not materialized and shows no prospect of materializing.

[17] *See* Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Pub. L. No. 107-174, 116 Stat. 566 (2002); Elijah E. Cummings Federal Employee Anti-Discrimination Act of 2020, Pub. L. No. 116-283, §§ 1131–1137, 134 Stat. 3388, 3900–05 (2020).

[18] *See* Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2, 123 Stat. 5 (amending 42 U.S.C. § 2000e-5(e)(3) to address the accrual of discriminatory compensation claims).

VI. The Additional ADEA Disparity

The second Resolved clause addresses an additional filing-deadline disparity specific to the Age Discrimination in Employment Act. Under the ADEA, the 300-day extended deadline applies only where a state law—not a local law—prohibits age discrimination in employment and a state agency enforces that law.[19] This means that even in states with local ordinances prohibiting age discrimination, the 300-day deadline is not triggered unless the state itself has enacted a qualifying law. This creates an additional layer of geographic inequity for older workers, who may reside in a city or county with robust anti-discrimination protections but still be limited to the 180-day federal deadline because their state has not enacted a qualifying state-level statute. A uniform 300-day deadline for ADEA charges would eliminate this anomaly and bring the ADEA into alignment with the uniform treatment proposed for Title VII, the ADA, and GINA.

VII. The Continuing Need for State Anti-Discrimination Legislation

The third Resolved clause urges those state, local, territorial, and tribal legislative bodies that have not yet enacted comprehensive employment anti-discrimination laws to do so. While the first two Resolved clauses would eliminate the federal filing-deadline disparity, a uniform federal deadline does not obviate the need for state and local anti-discrimination laws and entities to enforce them. State and local agencies serve important complementary functions: they often cover smaller employers not subject to federal law, they may protect additional categories of workers, and they provide an alternative administrative forum that may be geographically closer and more accessible to the complainant. The absence of a state enforcement agency in Alabama, Arkansas, Georgia, Mississippi, and North Carolina leaves workers in those states without the dual layer of protection that workers in forty-five other states enjoy.

VIII. Relationship to Existing ABA Policy

This Resolution is consistent with and builds upon longstanding ABA policy in support of equal employment opportunity, effective enforcement of anti-discrimination laws, and equal access to justice. The ABA, through its Section of Civil Rights and Social Justice, has a longstanding history of advocating for strengthened employment discrimination protections for all workers, including federal employees.[20] The ABA has also long advocated for strengthened employment discrimination remedies and protections, including through its support for equal pay legislation and its comprehensive anti-discrimination policies.[21] This Resolution does not reverse or conflict with any existing

---

[19] *Compare* 42 U.S.C. § 2000e-5(e)(1) (extending the filing deadline to 300 days where a state or local law prohibits the alleged unlawful employment practice and a state or local agency is authorized to grant or seek relief), *with* 29 U.S.C. § 626(d) (extending the deadline only where a state law prohibits age discrimination and a state agency enforces it).

[20] *See* ABA Section of Civil Rights and Social Justice, *Policy*, https://www.americanbar.org/groups/crsj/resources/policy/ (describing over sixty years of ABA resolutions advancing civil rights and workplace protections),

[21] *See* ABA, *Elimination of Discrimination*, https://www.americanbar.org/advocacy/governmental_legislative_work/priorities_policy/discrimination/.

ABA policy. Rather, it fills a gap by addressing a specific procedural disparity—the geographic variation in charge-filing deadlines—that existing resolutions have not directly confronted.

This Resolution advances at least three of the ABA's four stated goals.[22] It advances the goal of eliminating bias and enhancing diversity by removing a procedural barrier that disproportionately affects workers of color in the Deep South. It advances the goal of improving the profession by promoting uniform procedural standards that allow attorneys and their clients to operate under consistent rules nationwide. And it advances the goal of advancing the rule of law by ensuring that the same federal statute provides the same practical protection to all workers, regardless of the state in which they reside.

IX. Anticipated Objections

Opponents may argue that the 180-day deadline in non-deferral states serves the government's interest in prompt dispute resolution and evidence preservation. This argument, however, fails to account for the fact that Congress itself has determined that 300 days is an appropriate balance between these interests and the employee's interest in having adequate time to file in the forty-five states that are deferral jurisdictions. If 300 days does not impair evidence preservation or prompt resolution in New York, California, and Texas, there is no reason to believe it would do so in Alabama, Mississippi, or Arkansas.

Others may contend that the differential deadline incentivizes states to enact their own anti-discrimination laws, and that eliminating it would remove this incentive. The historical record refutes this argument. The five non-deferral states have had more than 60 years to enact comprehensive anti-discrimination legislation and have consistently declined to do so. The differential has not operated as an incentive; it has operated as a penalty on workers. Federal policy should not use the curtailment of federal rights as a lever to coerce state legislative action, particularly when the consequence falls on the very workers that the federal law was designed to protect.

Finally, some may argue that extending the deadline could increase the EEOC's caseload. This concern is speculative. The five non-deferral states represent a small fraction of the national workforce, and the primary effect of the extension would be to preserve claims that would otherwise be lost to procedural default, not to generate entirely new claims. Moreover, even if a modest increase in filings were to result, the proper response to an increase in meritorious discrimination claims is to ensure that the enforcement agency has adequate resources, not to deny workers the time needed to file.

X. Conclusion

The current geographic disparity in Title VII charge-filing deadlines is an artifact of a statutory design that assumed all states would eventually establish their own anti-

[22] *See* ABA, *ABA Mission and Goals*, https://www.americanbar.org/about_the_aba/aba-mission-goals/.

discrimination enforcement agencies. That assumption has not been borne out. The consequence is a two-tiered system in which workers in five Southern states receive 120 fewer days to file a federal charge than workers in virtually every other state. This disparity is neither justified by sound policy nor consistent with the principle that federal civil rights protections should be available to all Americans on equal terms. The American Bar Association should urge Congress to establish a uniform 300-day filing deadline for all charges of employment discrimination, to make conforming amendments to the ADEA, and to encourage states that have not yet done so to enact comprehensive anti-discrimination legislation and establish enforcement agencies.

Respectfully submitted,

Mario A. Sullivan, Chair
Section of Civil Rights and Social Justice

August 2026

GENERAL INFORMATION FORM

Submitting Entity: Section of Civil Rights and Social Justice

Submitted By: Mario A. Sullivan, Chair

1. Summary of the Resolution(s).

   This Resolution urges Congress to amend 42 U.S.C. § 2000e-5(e)(1) to establish a uniform 300-day filing deadline for all charges of employment discrimination filed with the Equal Employment Opportunity Commission under Title VII, the ADA, and GINA, regardless of whether the charging party resides in a state or locality with a Fair Employment Practices Agency. The Resolution further urges Congress to amend the ADEA to establish a uniform 300-day deadline for age discrimination charges, eliminating the current requirement that only state laws (not local laws) trigger the extended deadline. Finally, the Resolution urges state, local, territorial, and tribal legislative bodies that have not enacted comprehensive employment anti-discrimination laws to do so, to provide their residents with dual federal and state protections.

2. Indicate which of the ABA's Four goals the resolution seeks to advance (1-Serve our Members; 2-Improve our Profession; 3-Eliminate Bias and Enhance Diversity; 4-Advance the Rule of Law) and provide an explanation on how it accomplishes this.

   (II) Improve our Profession: The Resolution promotes uniform procedural standards for employment discrimination claims, enabling attorneys and their clients to operate under consistent rules nationwide.

   (III) Eliminate Bias and Enhance Diversity: The Resolution removes a procedural barrier that disproportionately affects workers of color in five Deep South states that have the nation's highest proportions of African American residents and highest rates of workplace discrimination charges.

   (IV) Advance the Rule of Law: The Resolution ensures that the same federal anti-discrimination statutes provide the same practical protection to all workers, regardless of the state in which they reside, thereby vindicating the principle that federal rights should not vary based on geography.

3. Approval by Submitting Entity.

   The Section of Civil Rights and Social Justice approved sponsorship of this Resolution on April 6, 2026.

4. Has this or a similar resolution been submitted to the House or Board previously?

   No.

5. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

   The Association has a longstanding record of advocacy in the area of employment discrimination remedies and civil rights enforcement. Relevant existing policies include the Association's support for the Paycheck Fairness Act and strengthened remedies under the Equal Pay Act (10A107), its adoption of amended Model Rule 8.4 prohibiting harassment and discrimination in conduct related to the practice of law (16A109), and its support for legislation prohibiting employment discrimination on the basis of sexual orientation and gender identity. This Resolution is consistent with and builds upon the Association's existing commitment to ensuring meaningful access to anti-discrimination remedies for all workers. Adoption of this Resolution would not reverse, supersede, or conflict with any existing Association policy. Rather, it would fill a gap in existing policy by specifically addressing the geographic disparity in charge-filing deadlines under Title VII, the ADA, GINA, and the ADEA—a procedural inequity that existing resolutions have not directly confronted.

6. If this is a late report, what urgency exists which requires action at this meeting of the House? No.

7. Status of Legislation. None.

8. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

   If adopted, the Section of Civil Rights and Social Justice will work with the ABA Governmental Affairs Office to transmit the policy to the appropriate congressional committees. The Section will also seek opportunities to present the policy in congressional testimony, to include the policy in amicus briefs as appropriate, and to coordinate with civil rights organizations and other stakeholders in support of legislation consistent with the Resolution.

9. Cost to the Association.

   None. Implementation of this policy would involve advocacy efforts within the existing budget and resources of the Section of Civil Rights and Social Justice and the ABA Governmental Affairs Office.

10. Disclosure of Interest. N/A.

11. Referrals.
    Business Law Section
    Center for Professional Responsibility
    Coalition on Racial and Ethnic Justice
    Commission on Domestic and Sexual Violence

Commission on Hispanic Legal Rights & Responsibilities
Commission on Racial and Ethnic Diversity in the Profession
Commission on Sexual Orientation and Gender Identity
Commission on Women in the Profession
Criminal Justice Section
Cybersecurity Legal Task Force
Diversity, Equity, and Inclusion Advisory Council
Division for Public Education
Government and Public Lawyers Sector Lawyers Division
Hispanic National Bar Association
International Law Section
Judicial Division
Law Student Division
Real Property, Probate and Trust Law Section
Science and Technology Law Section
Section of Litigation
Section of Administrative Law and Regulatory Practice
Section of Environment, Energy, and Resources
Section of State, Local and Tribal Government Law
Section of Labor and Employment Law
Senior Lawyers Division
Solo, Small Firm and General Practice Law Division
Tort Trial and Insurance Practice Section
Young Lawyers Division
National Asian Pacific American Bar Association
National LGBTQ+ Bar Association
National Native American Bar Association
National Bar Association

12. Certification of Compliance. All resolutions and reports submitted for consideration by the House of Delegates must be original work, with proper cites and the ability to use the content contained therein. All cites in the resolution and report must be checked by the submitting person or entity for accuracy prior to submission. Finally, if material from another source is cited in a resolution or report, there must be both proper attribution and the legal ability to use the information. Please name the person who verifies that these requirements have been met for the resolution and report submitted.

    Jordan D. Howlette

13. Name and Contact Information (Prior to the Meeting)

    Paula Shapiro, Chief Counsel & Section Director
    Section of Civil Rights and Social Justice
    860-508-5550
    paula.shapiro@americanbar.org

Wendy K. Mariner, CRSJ Section Delegate
616-460-2284
wmariner@bu.edu

Jordan D. Howlette
202-921-6005
jordan@justlyprudent.com

14. Name and Contact Information.

Wendy K. Mariner, CRSJ Section Delegate
616-460-2284
wmariner@bu.edu

Paul R.Q. Wolfson, CRSJ Section Delegate
202-288-7008
prqwolfson@gmail.com

EXECUTIVE SUMMARY

1. Summary of the Resolution.

This Resolution urges Congress to amend 42 U.S.C. § 2000e-5(e)(1) to establish a uniform 300-day filing deadline for all charges of employment discrimination filed with the Equal Employment Opportunity Commission under Title VII, the ADA, and GINA, regardless of whether the charging party resides in a state or locality with a Fair Employment Practices Agency. The Resolution further urges Congress to amend the ADEA to establish a uniform 300-day deadline for age discrimination charges, eliminating the current requirement that only state laws (not local laws) trigger the extended deadline. Finally, the Resolution urges state, local, territorial, and tribal legislative bodies that have not enacted comprehensive employment anti-discrimination laws to do so, to provide their residents with dual federal and state protections.

2. Summary of the issue that the resolution addresses.

Under current law, the time an employee has to file a charge of discrimination with the EEOC depends on whether the employee's state has a Fair Employment Practices Agency. In the forty-five states with such agencies, the deadline is 300 calendar days. In the five states without them—all in the Deep South—the deadline is only 180 days. This 120-day difference is especially significant because the affected states have the highest proportions of African American residents in the nation and the highest per-capita rates of workplace discrimination charges. The disparity effectively penalizes workers for a state legislative choice over which they have no control, and it falls most heavily on the communities that anti-discrimination law was designed to protect.

3. Please explain how the proposed policy position will address the issue.

Adopting a uniform 300-day filing deadline for all EEOC charges would eliminate the geographic disparity and ensure that all workers have the same amount of time to file a charge regardless of where they live. It would provide workers in the five non-deferral states with the additional four months needed to assess their situation, consult counsel, gather documentation, and make an informed decision about whether to file. The Resolution also encourages the five affected states to enact their own anti-discrimination laws and enforcement agencies, which would provide their residents with an additional layer of protection beyond federal law.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None.