

Defending Against a Michigan Department of Civil Rights Complaint

The Michigan Department of Civil Rights (“MDCR”) investigates an employee’s allegation of discrimination by their employer. The MDCR’s jurisdiction applies to the Elliot-Larsen Civil Rights Act and The Persons with Disabilities Civil Rights Act. The MDCR prohibits discrimination employment, public accommodations, public service, education, and housing due to someone’s race, religion, color, national origin, sex, height and weight, marital status, familial status, physical and mental disability, arrest record, and retaliation.

If an employee believes they have been discriminated against by their employer, then they can file a complaint with the MDCR, but they must do so within 180 days after the alleged incident of discrimination. Once the employee files the complaint with the MDCR, then the MDCR you will send you a Notice of Formal Complaint with a set of interrogatories and a request for production of documents.

At this point time will be of the essence. The Civil Rights Investigator assigned to your case will request three (3) things from you: (1) To provide a proposed resolution within 14 days; (2) Agree to mediation within 14 days; or (3) Submit a detailed position statement with supporting documentation within 14 days. If you do not respond, or if one of these three options are not chosen and a resolution is not reached, then you will have to complete the interrogatories and request for production documents within 28 days.

I suggest always sending a position letter to the Civil Rights Investigator so they have your side of the story. The employer should try mediation; if only for the purpose of obtaining a better understanding of the employees allegations. These mediation sessions are private and confidential, and the information disclosed is not allowed to be used outside of mediation. If mediation fails, then the employer will need to answer the interrogatories and request for production documents within 28 days after the completion of mediation.

After the completed interrogatories and request for production documents are reviewed by the Civil Rights Investigator, the MDCR will issue an order stating whether there is enough evidence to proceed to a formal investigation of the employer’s conduct.

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