

Legal Alert: New EEOC and OCRE Rules for Oklahoma

By [Lauren Symcox Voth](#)

The Equal Employment Opportunity Commission (“EEOC”) isn’t the only game in town. The Oklahoma Office of Civil Rights Enforcement (“OCRE”), a division of the Oklahoma Attorney General’s Office has been investigating complaints of discrimination for over a year now. Formerly known as the Oklahoma Human Rights Commission (“OHRC”), the OCRE was created through the Oklahoma Anti-Discrimination Act in July 2012 to investigate and enforce state anti-discrimination laws relating to employment, housing and public accommodations. Before July 1, 2012, generally employers had to have at least 15 employees to fall under federal anti-discrimination laws; and employees claiming employment discrimination could file a charge of discrimination in employment with the EEOC or the OHRC and the charge was considered dually filed. Post July 1, Oklahoma employers with 1 or more employees are covered by the Oklahoma Anti-Discrimination Act, charges are no longer dually filed, and the agencies’ enforcement and investigations are separate.

Keys to the EEOC and OCRE in Oklahoma:

1. The OCRE enforces and investigates employment discrimination claims under the Oklahoma Anti-Discrimination Act including, race, color, religion, sex, national origin, disability, and age.
2. The EEOC investigates and enforces Federal statutes related to employment discrimination including race, color, religion, sex (including pregnancy), national origin, disability, age, and genetics.
3. The Oklahoma Anti-Discrimination Act covers all employers with one or more employees.

4. Most Federal anti-discrimination statutes cover employers with 15 or more employees, the Age Discrimination in Employment Act covers employers with 20 or more employees, and the Equal Pay Act covers virtually all employers.
5. No dual filing. An employee must file with both agencies to preserve their state and federal claims.
6. Individuals have 180 days to file a charge of discrimination with the OCRE.
7. Individuals have 300 days to file a charge of discrimination with the EEOC.
8. Employers must file separate responses to charges filed with the EEOC and OCRE – but make sure the responses are consistent! Employers are responsible for participating in the investigation process for both the EEOC and OCRE.
9. The EEOC and OCRE have agreed to share information in related investigations.

If you have questions about the EEOC, OCRE, a charge of discrimination, or if you are a covered employer, consult an attorney.