

MEMBERS ONLY COMPANION TOOL

CEA EEOC Charge Response Checklist

A real time action guide for Christian employers

PURPOSE

Helps Christian employers respond carefully when an EEOC charge arrives. Designed to support immediate action, preserve the record, protect employees from retaliation, and help qualified counsel evaluate any CEA legal protection that may apply.

IMPORTANT

This resource is educational. It does not provide legal advice, create an attorney-client relationship, guarantee representation, or promise payment of legal fees. Every charge is fact-specific. Consult qualified employment counsel before responding.

DOCUMENT STATUS AND USE

Design-ready revised manuscript based on CEA's counsel-approved source documents and updated for current EEOC guidance. Current as of September 2026. Use with the CEA EEOC Charge Response Playbook. Work phases in order; do not skip ahead.

Phase 1: Receipt and Triage

Complete within the first hour of receiving the charge notice.

Secure the Charge

- ☐ Date-stamp the envelope and charge notice immediately upon receipt.
- ☐ Scan or photograph the complete charge, including all attachments and envelopes.
- ☐ Note the response deadline stated on the charge (typically 30 days).
- ☐ Deliver to HR lead or designated legal contact immediately.

Do Not

- Discuss the charge with the named charging party or any witness.
- Alter, annotate, or reorganize any existing files.
- Leave the charge document in a shared or unsecured space.
- Respond to the EEOC before speaking with counsel.

Issue Litigation Hold

- ☐ Suspend all document destruction and routine deletion schedules for related records.
- ☐ Identify custodians: charging party, supervisors, HR, and anyone with relevant records.
- ☐ Send written litigation hold notices to all custodians by end of business day.
- ☐ Preserve email, text messages, performance records, disciplinary files, scheduling records, and policy documents.

OPERATING RULE

Issue the litigation hold before contacting witnesses or gathering additional documents.

Phase 2: Notification

Complete within 24 hours of receiving the charge.

Notify CEA

- ☐ Log into your CEA member portal at joinceanow.org.
- ☐ Submit the charge notice for CEA legal staff review.
- ☐ Request an evaluation of available CEA legal protection.
- ☐ Confirm receipt and next steps with CEA before proceeding.

Notify Existing Counsel

- ☐ Contact your employment counsel immediately if you have outside counsel.
- ☐ Forward a copy of the charge and any EEOC cover letter.
- ☐ Confirm counsel's availability and the response timeline.
- ☐ Advise counsel that CEA has been notified and may participate in the legal evaluation.

Internal Notification

- ☐ Notify senior leadership and general counsel or board as required by your governance structure.
- ☐ Limit internal disclosure to those with a need to know.
- ☐ Do not share the charge with the named employee's direct supervisor without counsel guidance.

Do Not

- Share the charge with non-essential personnel.
- Discuss the charge with the charging party or witnesses.
- Respond to any EEOC inquiry without counsel review.

Phase 3: Assess the Charge

Complete within 48 hours. This determines your entire response strategy.

Identify the Legal Basis

- ☐ Record the statute cited on the charge (Title VII, ADA, ADEA, PWFA, GINA, or other).
- ☐ Note the protected characteristic at issue (religion, sex, disability, age, pregnancy, genetic information).
- ☐ Identify the employment action complained of (termination, demotion, failure to accommodate, harassment, retaliation).

Evaluate Religious Liberty Defenses

- ☐ Confirm organization qualifies as a religious employer under Title VII Section 702.
- ☐ Confirm Statement of Faith and religious mission documents are current and on file.
- ☐ Evaluate whether the ministerial exception applies to the named employee's role.
- ☐ Evaluate whether a RFRA defense is available based on the nature of the mandate alleged.
- ☐ Document the religious basis for the employment decision at issue.

OPERATING RULE

Do not begin building your response before completing the legal basis and defense evaluation. The defense determines the facts you need to gather.

Do Not

- Assume the charge has merit or concede any factual point at this stage.
- Begin drafting a Position Statement before completing the assessment.
- Reach out to the EEOC investigator without counsel present.

Phase 4: Build Your Record

Gather documents before drafting. Every assertion in the Position Statement must be supported by a document.

Personnel File

- ☐ Offer letter and job description at time of hire
- ☐ All performance reviews for the relevant period
- ☐ Written warnings, counseling memos, and performance improvement plans
- ☐ Attendance and leave records
- ☐ Separation documentation
- ☐ Signed handbook acknowledgment
- ☐ Signed Statement of Faith (if applicable to the role)

Policy Documents

- ☐ Employee handbook in effect at time of the decision
- ☐ Religious accommodation policy
- ☐ Anti-harassment and anti-retaliation policy
- ☐ Statement of Faith and religious purpose statement

Communications

- ☐ Email communications between HR and the charging party
- ☐ Accommodation requests and responses
- ☐ Written complaints or investigation records

Do Not

- Create new documents to explain prior decisions after the fact.
- Backdate any record.
- Produce documents to the EEOC before counsel reviews the complete record.

Phase 5: Draft the Position Statement

The Position Statement is your formal legal response. It must be accurate, complete, and prepared with counsel.

Required Elements

- ☐ Organizational overview: mission, religious character, number of employees, applicable exemptions
- ☐ Factual narrative: chronological account of events, citing specific dates and documents
- ☐ Legal argument: why the employment decision was lawful under the applicable statute
- ☐ Religious liberty basis: state the applicable exemption or defense and cite supporting documents
- ☐ Exhibit index: list every attached document by exhibit number and description

Before Submission

- ☐ Counsel has reviewed the final draft and all exhibits
- ☐ Every factual claim is supported by an attached exhibit
- ☐ No disputed facts are admitted without qualification
- ☐ No inflammatory or conclusory language about the charging party

After Submission

- ☐ Retain a complete copy of everything submitted, including submission confirmation
- ☐ Calendar all follow-up deadlines
- ☐ Notify CEA that the Position Statement has been filed

Do Not

- Submit without final counsel review.
- Volunteer information not required by the charge.
- Contradict oral statements previously made to EEOC investigators.

Phase 6: Prevent Retaliation

Active from charge receipt through final resolution.

Retaliation is the most frequently filed EEOC charge and is entirely preventable.

OPERATING RULE

Treat the charging party and all witnesses identically to any other employee in the same circumstances, from the date of receipt through final resolution.

Prohibited Actions

- Termination, demotion, or schedule reduction
- Exclusion from meetings, communications, or projects
- Changes to job duties or reporting relationships
- Negative performance reviews not supported by pre-existing documentation
- Harassment, isolation, or hostile treatment by any manager or coworker

Required Tracking

- ☐ Log all routine employment actions affecting the charging party during the pendency of the charge.
- ☐ Document the business reason for any personnel action before it is taken.
- ☐ Notify counsel before any disciplinary action or termination of the charging party.
- ☐ Record all manager contacts with the charging party during the charge period.

Supervisor Briefing

- ☐ Brief the charging party's supervisor on anti-retaliation requirements without disclosing charge details.
- ☐ Document that the briefing occurred, by whom, and on what date.
- ☐ Confirm supervisor understands they must report any planned action affecting the charging party to HR before proceeding.

Escalation Triggers: Contact CEA Immediately

The following developments require immediate notification to CEA regardless of where you are in the response process.

LITIGATION RISK

Cause determination issued by EEOC; Right to Sue letter received; EEOC files suit; charging party files in federal court.

RELIGIOUS LIBERTY ISSUE

Charge arises from the organization's faith-based hiring standard, Statement of Faith enforcement, or religious accommodation denial on religious grounds.

POTENTIAL RETALIATION

Charging party or witness reports adverse treatment after charge receipt; second EEOC charge filed naming retaliation; media or social inquiry received about the charge.

ABOUT CEA ACTION

Protecting Christian Employers in the Workplace and in Court

The Christian Employers Alliance has secured two permanent federal injunctions and one binding federal settlement protecting member employers from government mandates that violate religious freedom. CEA provides legal resources, policy advocacy, and educational tools to help Christian employers operate according to their faith.

joinceanow.org | [Member Portal Login](#)



Legal Defense

EEOC charge evaluation and litigation support for qualifying members.

Policy Advocacy

Active in Congress on religious employer legislation.

Disclaimer: This document is a members-only educational resource of the Christian Employers Alliance. It does not constitute legal advice, create an attorney-client relationship, guarantee legal representation, or promise payment of legal fees. Every EEOC charge is fact-specific. Follow the charge notice deadlines and consult qualified employment counsel before responding.