



Stiefel v. Bechtel Corp. 624 F. 3d 1240 (2010)

Provided by Nancy J. Tholen from the Fresno Office.

Plaintiff injured his hand at work and claimed his employer discriminated against him. Mr. Stiefel complained to the Department of Fair Employment and Housing (DFEH) and received a right-to-sue letter. This letter notified plaintiff that he would have to file a complaint with the Equal Employment Opportunity Commission (EEOC) if he wanted to sue in federal court. Mr. Stiefel sued in state court, defendant Bechtel removed the case to federal court where it was dismissed due to plaintiff's failure to notify the EEOC. The Ninth Circuit Court of Appeals held that under a worksharing agreement between the two agencies, notice to the DFEH was sufficient for the EEOC, and reversed the lower court's dismissal. However, the also court found that by failing to report to the union hall, Mr. Stiefel's own inaction in seeking to be rehired justified a summary judgment for the employer on the post-termination discrimination claim.