



### Mitigation of Damages

In an employment discrimination case, any employee or job applicant seeking lost wages as a remedy is required to “mitigate” or minimize his or her lost earnings. If an employment discrimination case goes to a hearing or settlement negotiations, the employee or applicant is generally required to present evidence that he or she sought another job or business venture, and did not reject any offer of a comparable job, or any job offer that was reasonable under the circumstances.

To support a claim for lost wages, an employee should keep a record of his or her job search for as long as he or she remains unemployed, or as long as he or she is earning less than would have been earned if there had been no discrimination.

I acknowledge that I have read and understand this statement regarding Mitigation of Damages.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

Here is a form that you can use to help you keep track of your job search efforts. If you find it helpful, you can make additional copies of this form, or you can retain information regarding your job search in another manner. This may include keeping a job search diary or a list with the relevant information in a notebook or on your computer. It is important that you also keep copies of documents and emails related to your job search, including job postings and advertisements you respond to, your application letters and emails, your resume, and any acknowledgment, rejection, or job offer letters and emails you receive in response, including the name and contact information of the person that corresponds with you. If you reject a job offer, you should keep a note of the reasons you rejected the offer.

	Employer or Agency (Include physical address, name of contact, and email address)	Position Sought (including details of the position such as salary, job duties, etc.)	What You Did (e.g., applied, interviewed, including who you interviewed with, and the date of each event)	Employer or Agency's Response and the date of the response.

