

KD Alert: EEOC TOUTS 2013 PERFORMANCE

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The United States Equal Employment Opportunity Commission ("EEOC") just released its annual Performance and Accountability Report (PAR), trumpeting its enforcement successes during Fiscal Year 2013 (which ended Sept. 30) and warning companies that its mission to eradicate systemic discrimination will be a primary goal in 2014, backed by aggressive enforcement. Among the EEOC's proudest accomplishments was its ability to obtain a record \$372.1 million in monetary relief for victims of private sector workplace discrimination in 2013. This is \$6.7 million more than was recovered last year, and the highest level obtained in the Commission's history. Overall, the EEOC secured both monetary and non-monetary benefits in 2013 for more than 70,522 people through administrative enforcement activities including mediation, settlements and conciliations.

In addition, the EEOC reports that its outreach programs – e.g., Youth at Work, reached more than 280,000 individuals during the year through participation in more than 3,800 no-cost educational, training and outreach events. The EEOC Training Institute, alone, trained more than 17,000 individuals by staging 370 events. "The EEOC's accomplishments are especially noteworthy in light of the extraordinary fiscal constraints and operational challenges in FY 2013," said EEOC Chair Jacqueline A. Berrien, referring to sequestration and reduced staffing.

Interestingly, the EEOC reported that the average time for the enforcement staff to investigate and bring Charges to resolution was 267 days. This provides a partial glimpse into why the agency is continually backlogged with Charges. At the time of the report, the pending inventory stood at 70,781.

What does this portend for the business community? With the significant success of the EEOC's outreach programs as support, record numbers of Charges will continue to be filed as "vulnerable employees" are educated and encouraged to exercise their right to be free of discrimination in the workplace. Companies can beat the EEOC to the punch by conducting their own educational and training programs for managers and employees alike. It is incumbent upon employers who wish to avoid EEOC Charges to make it unnecessary for any employee to participate in an agency outreach program. In addition to training, no complaint should be taken lightly. Internal investigations must include interviews, obtaining written statements, and communicating the findings to the complainant(s).