



Technical Update

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EEOC Claims On The Rise

Equal Employment Opportunity Commission (EEOC) claims have been on the rise both nationally and in the state of Colorado according to recent figures. Nationally, the biggest increases were in retaliation claims (following an original EEO-type employee complaint to an employer), disability claims, and age claims.

Percentage range of total claims, nationally, by range from 1997-2009 (rounded to nearest whole numbers)

Race discrimination	35-37%
Gender discrimination	30-31%
National Origin discrimination	8-12%
Religious discrimination	2-4%
Retaliation (all federal laws)	22-36%
Title VII retaliation only	20-31%
Age	18-26%
Disability	9-23%
Equal Pay Act	1-2%

In the State of Colorado, Claims by Category were reported as follows:

Retaliation	305
Sex	299
Disability	267
Race	205
Age (40-69)	177
National Origin/Ancestry	168
Color	122
National Origin/Ancestry	168
Creed/Religion	57
Sexual Orientation	42

Family Status (housing)	16
Marriage to Co-worker (worker)	6
Other	6
Marital Status (housing, PA)	4

What This Means For Counties

The reasons for the increase in the number of charges in Colorado, and the dramatic increase in “probable cause” findings on charges in Colorado, are undoubtedly complex and varied. Regardless of the reasons, counties need to carefully consider the equal protection rights of all employees before making difficult staff reduction decisions, since there are fewer economic alternatives (fewer jobs available, diminished financial resources for most employees) to filing claims.

Remember that equal protection statutes cover race (all), national origin (all), color (all), gender (both biological genders and a person’s gender identity), religion and creeds or religious beliefs (all), persons over age 40, and persons with ADA defined disabilities (you must evaluate each situation carefully with medical evidence). If any single member of a protected class is to be impacted by a decision, it’s best to seek an outside neutral source to review the personnel and budget materials prior to a final decision. Careful assessment can prevent a short term cost-cutting measure from resulting in a long term liability cost for your county.

While not all claims are preventable, the potential for claims, if carefully managed, can reduce county liability costs now and in the future.