

## **EEOC Collects Record Amount For Employees Under 2013 Enforcement Actions**

The EEOC is newly focused on identifying and stopping “systemic” discrimination of all categories. These include race, sex, national origin, religion, color, age, disability and genetic information. The EEOC is using a variety of approaches, including challenging various types of employer policies that have been effective in controlling claims in the past few years (see item on 100 percent healed policy, below). The EEOC is not required to conciliate such claims prior to using the courts to make their points, according to a recent 7th Circuit holding that does not apply in all parts of the country. Just as private marketing is now using the internet to identify interested persons, the EEOC is using targeted email lists to locate and communicate with interested employees. Another successful effort has been protecting employees with disabilities whose conditions also fall under the Genetic Nondiscrimination Act protections. It is expected that challenges by private employers to the EEOC enforcement efforts will be pursued on legal grounds but the outcome could take years to be resolved as it will likely go through several federal

circuits (with differing results) before being taken up by the Supreme Court.

### **What This Means to Counties**

For more information see <http://www.eeoc.gov/eeoc/newsroom/release/12-16-13.cfm> which gives the agency’s full report and plans for 2014 and ongoing. Another source is, more generally, the OMB’s plans and reports at <http://www.whitehouse.gov/omb/budget> and at <http://www.whitehouse.gov/sites/default/files/omb/assets/paygo/2013reportcomplete.pdf>, both of which present plans and uses of the 2015 budget allotments and often highlight enforcement plans, especially those which may have generated operational funds for various agencies.

For more information, contact CTSI at 303-861-0507.