

# FOCUS

## Stowe Associates Insurance and Compliance Tips Newsletter



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**During the economic downturn and resulting budget cuts, many employers are having difficulty funding all of their Risk Management and Human Resources functions and services. In this era of ever increasing employer liability it is more important than ever to comply with government regulations. Stowe Associates offers many complimentary compliance assistance services.**

**For more information or to request a no obligation demonstration contact your Stowe Associates representative or Alison Smith at [asmith@stoweassociates.com](mailto:asmith@stoweassociates.com) or 770-451-6222.**

## Private Sector Bias Charges Hit All-Time High

The U.S. Equal Employment Opportunity Commission (EEOC) received a record 99,947 charges of employment discrimination and obtained \$455.6 million in relief through its administrative program and litigation in Fiscal Year 2011, the agency announced today. For the second year in a row, despite a record number of receipts, the Commission resolved more charges than it took in with 112,499 resolutions (7,500 more resolutions than FY 2010—an increase of 7%)—leaving 78,136 pending charges, a ten percent decrease in its inventory, the first year the agency has seen a reduction since 2002.

The FY 2011 data also show:

- ◆ Due to EEOC's enforcement programs in both the private and federal sectors, 5.4 million individuals benefitted from changes in employment policies or practices in their workplace during the past fiscal year.
- ◆ Through its combined enforcement, mediation and litigation programs, the EEOC was able to obtain a record \$455.6 million in relief for private sector, state, and local employees and applicants, a more than \$51 million increase from the past fiscal year and continuing the upward trend of the past three fiscal years.
- ◆ The mediation program reached record levels, both in the number of resolutions – 9,831 – which is 5% more than in FY 2010 (9,362), and benefits - \$170,053,021 - \$28 million more than FY 2010.
- ◆ The Commission filed 300 lawsuits and its litigation efforts resulted in \$91 million of relief, representing the third year in a row that the relief obtained was greater than in the preceding year. Continuing to build on its commitment to systemic litigation, 23 of the lawsuits filed involved systemic allegations involving large numbers of people and an additional 67 had multiple victims.

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The Commission also filed 261 “merits” (merits suits include direct suits and interventions alleging violations of the substantive provisions of the statutes enforced by the Commission and suits to enforce administrative settlements) lawsuits.

- ◆ EEOC’s public outreach and education programs reached approximately 540,000 persons.
- ◆ In the federal sector, where the EEOC has different enforcement obligations, the Commission resolved a total of 7,672 requests for hearings, securing more than \$58 million in relief for parties who requested hearings. It also resolved 4,510 appeals from final agency determinations.

The total number of charges received was up slightly from last fiscal year’s record total. Once again, charges alleging retaliation under all the statutes the EEOC enforces were the most numerous at 37,334 charges received, or 37.4 percent of all charges, closely followed by charges involving claims of race discrimination at 35,395 charges or 35.4 percent. While the numbers of charges with race and sex discrimination allegations declined from the previous year, charges with the two other most frequently-cited allegations increased:

- ◆ Disability discrimination -25,742
- ◆ Age discrimination - 23,465

The agency’s enforcement of Americans with Disabilities Act (ADA) produced the highest increase in monetary relief among all of the statutes: the administrative relief obtained for disability discrimination charges increased by almost 35.9 percent to \$103.4 million compared to \$76.1 million in the previous fiscal year. Back impairments were the most frequently cited impairment under the ADA, followed by other orthopedic impairments, depression, anxiety disorder and diabetes.

For the first full fiscal year of enforcement, the EEOC received 245 charges under the Genetic Information Nondiscrimination Act, which prohibits discrimination on the basis of genetic information, including family medical history. So far, none of these charges has proceeded to litigation.

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