

EEOC/DFEH CLAIMS CLIMBING

2009 started off with a significant number of EEOC and DFEH claims filed against our clients. In fact, the number of claims we've been handling has been unprecedented. Companies are typically at great risk with these types of claims and they require a strong and experienced human resources team to address them. One EEOC claim alone can easily end up costing \$50,000 to \$75,000 in penalties. If you hire an attorney to defend you, fees can run as high as \$500.00 an hour, and it could cost \$20,000 at a minimum.

An EEOC claim is one that has been filed with the Federal Government and is focused on protected classes. In today's environment very few people are not protected. In fact, the only people who are not included in a protected class are white, unmarried, heterosexual males under the age of 40. As you can imagine, in this current economy, people get desperate, filing claims in the hope of a quick windfall. Filing a claim doesn't cost employees a penny, and the burden of proof is on the employer, as well as all costs associated with the defense.

Claims filed with the DFEH (Department of Fair Employment and Housing) are even uglier for employers. They also provide protection to the employees on discrimination basis, but their complaints place an even higher burden on the employer. In fact, you can be assured that it will take HRI about 20-30% longer to prepare a full response for a DFEH claim.

EEOC and DFEH claims need to be responded to in detail with as much evidence available to defend an employer's actions and positions. A compelling argument has to be developed and addressed throughout the responses. These claims need to be handled in the same way as a harassment claim, which includes interviews of witnesses. Below are estimates of the time it will take:

INITIAL INVESTIGATIVE STEPS	ON-SITE OR OFF-SITE	ESTIMATED TOTAL HOURS
Initial Case Review	Off-Site	2 – 4
Meet with Management	On-Site	2 – 4
Initial Case Write-Up	Off-Site	2 – 4
Collect Documentation	Off-Site	2 – 4
Interview# 1	On-Site	.5 – 1.5
Interview# 2	On-Site	.5 – 1.5
Interview# 3	On-Site	.5 – 1.5
Travel Time, To and From	On-Site	Depends on Location
Write-Up Interviews, File Preparation	Off-Site	6 – 8
HRI Staff Review	Off-Site	1 – 3
Final Case Write-Up	Off-Site	2 – 4
Present Final Case to Management	Off-Site	2 – 4

*These are only estimates. The actual hours required may vary, depending on the details of the complaint.

Proper preparation and a completely unbiased and professional review are the two most effective factors in mitigating the potential cost and damage of EEOC and DFEH claims. And the sooner HRI is involved in that process, the more money we can save you.



For more information about this and other available protective services, see us online at HRIdeas.com, or call us at 925.556.4404.