

# U.S. Equal Employment Opportunity Commission

2019 Update



Victoria A. Lipnic  
Acting Chair

U.S. Equal Employment Opportunity Commission

# Status of EEOC Operations

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## Two Members:

Victoria A. Lipnic, Commissioner & Acting Chair  
(term ending July 1, 2020)

Charlotte A. Burrows, Commissioner  
(term ending July 1, 2019)

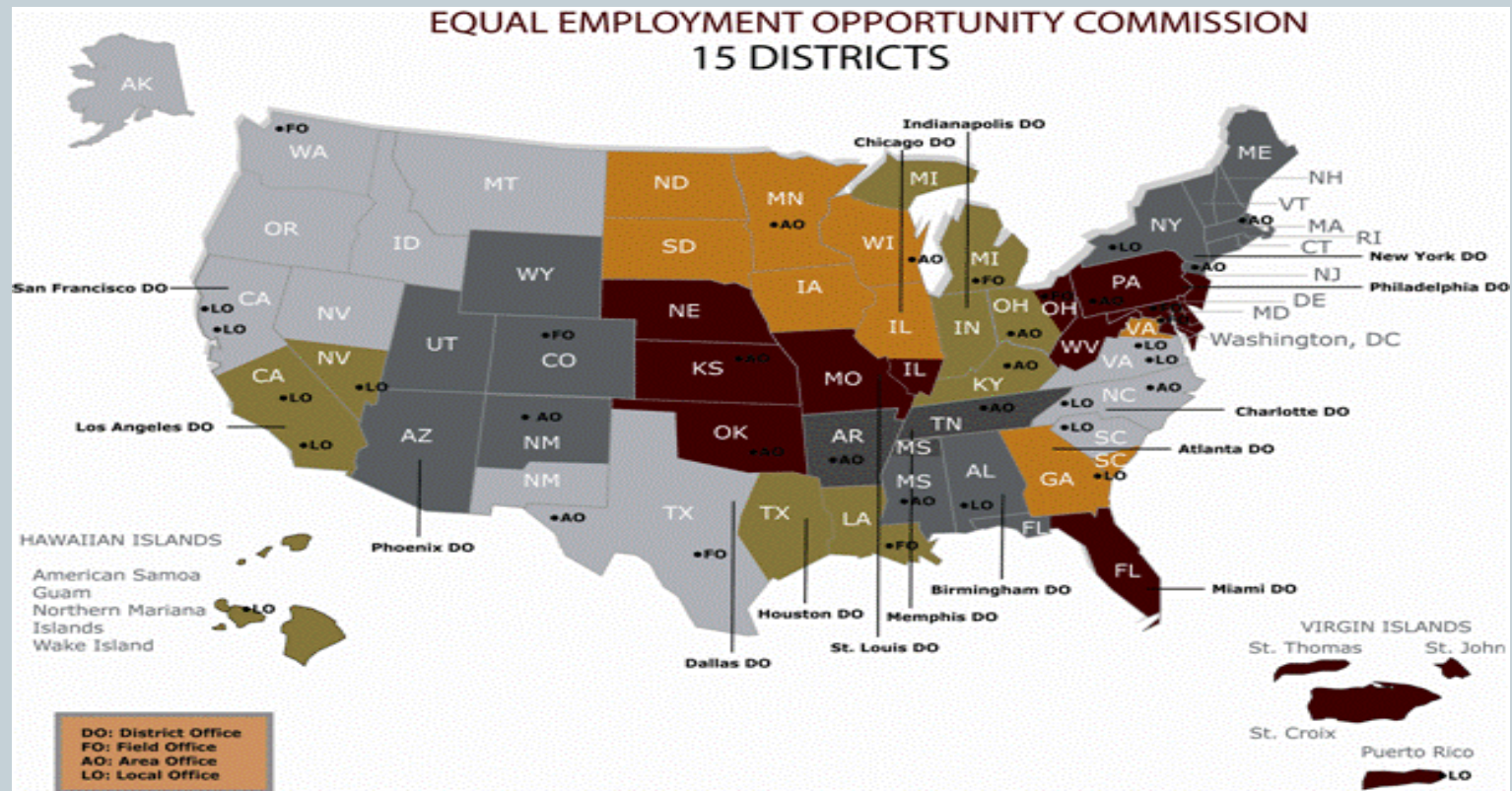
## Vacancies:

Three Commissioner seats and the General Counsel

# OPERATIONS

## Offices

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- 9 FIELD OFFICES
- 14 LOCAL OFFICES
- 15 DISTRICT OFFICES

# The EEOC Process

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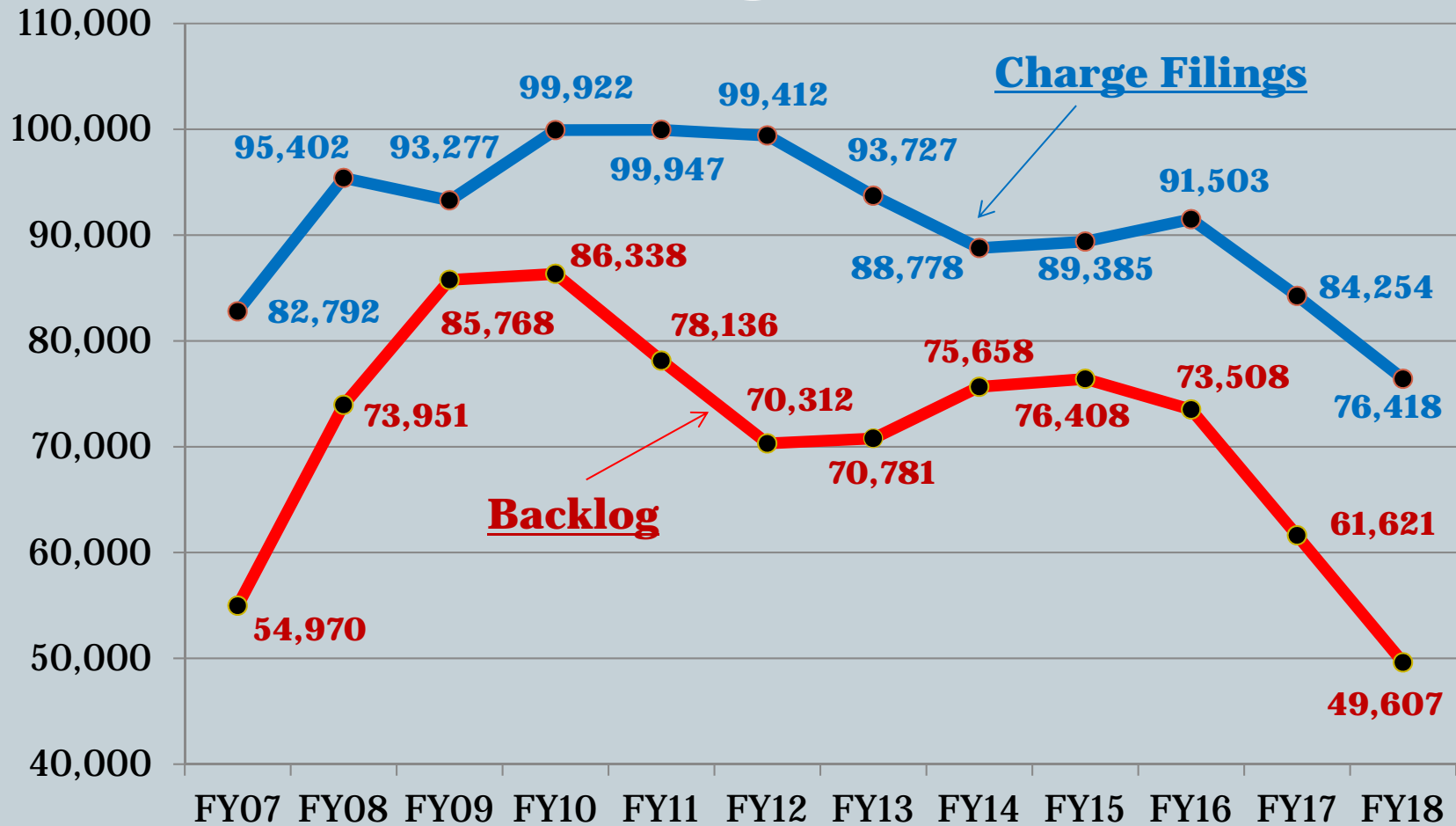
# ENFORCEMENT FY2018 CHARGE STATISTICS (PRELIM.)

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530,000+	CONTACTS
200,000+	INQUIRIES
40,000+	INTAKE INTERVIEWS
<u>76,418</u>	<u>CHARGE FILINGS</u>
90,558	CHARGE RESOLUTIONS
<u>\$354(MIL)</u>	<u>IN MONETARY BENEFITS</u>
49,607	PENDING CHARGE INVENTORY

# EEOC CHARGE FILINGS TO BACKLOG (FY2007 – FY2018)

6



# ENFORCEMENT FY2018 LITIGATION STATISTICS

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199

MERITS SUITS FILED

117

INDIVIDUAL SUITS

45

NON-SYSTEMIC CLASS

37

SYSTEMIC SUITS

141

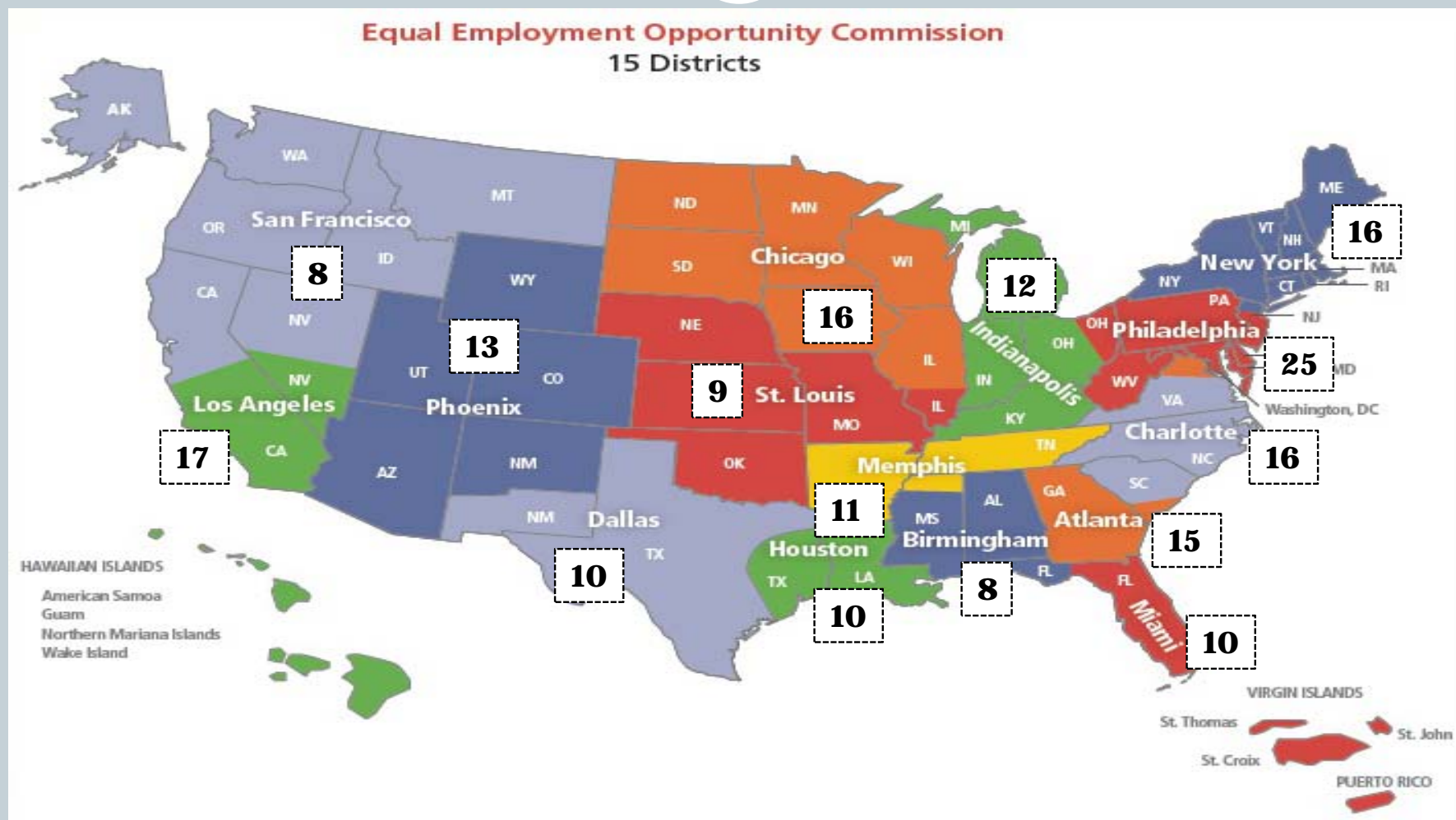
MERITS SUITS RESOLVED

\$53.6<sub>(MIL)</sub>

IN MONETARY BENEFITS

# FY18 Lawsuit Filings by District Office

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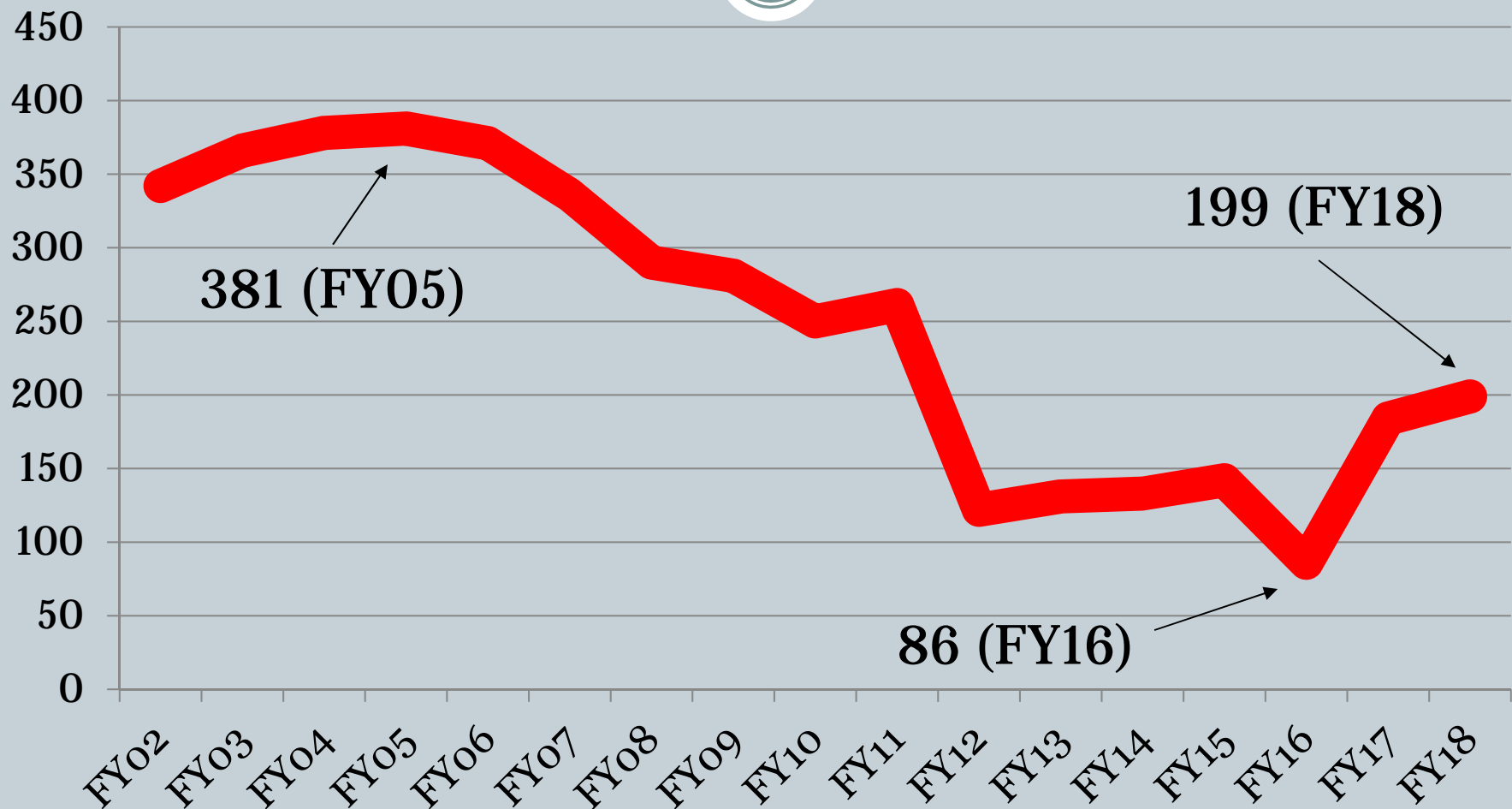


\*preliminary



# EEOC MERITS SUITS FILED (FY2002 – FY2018)

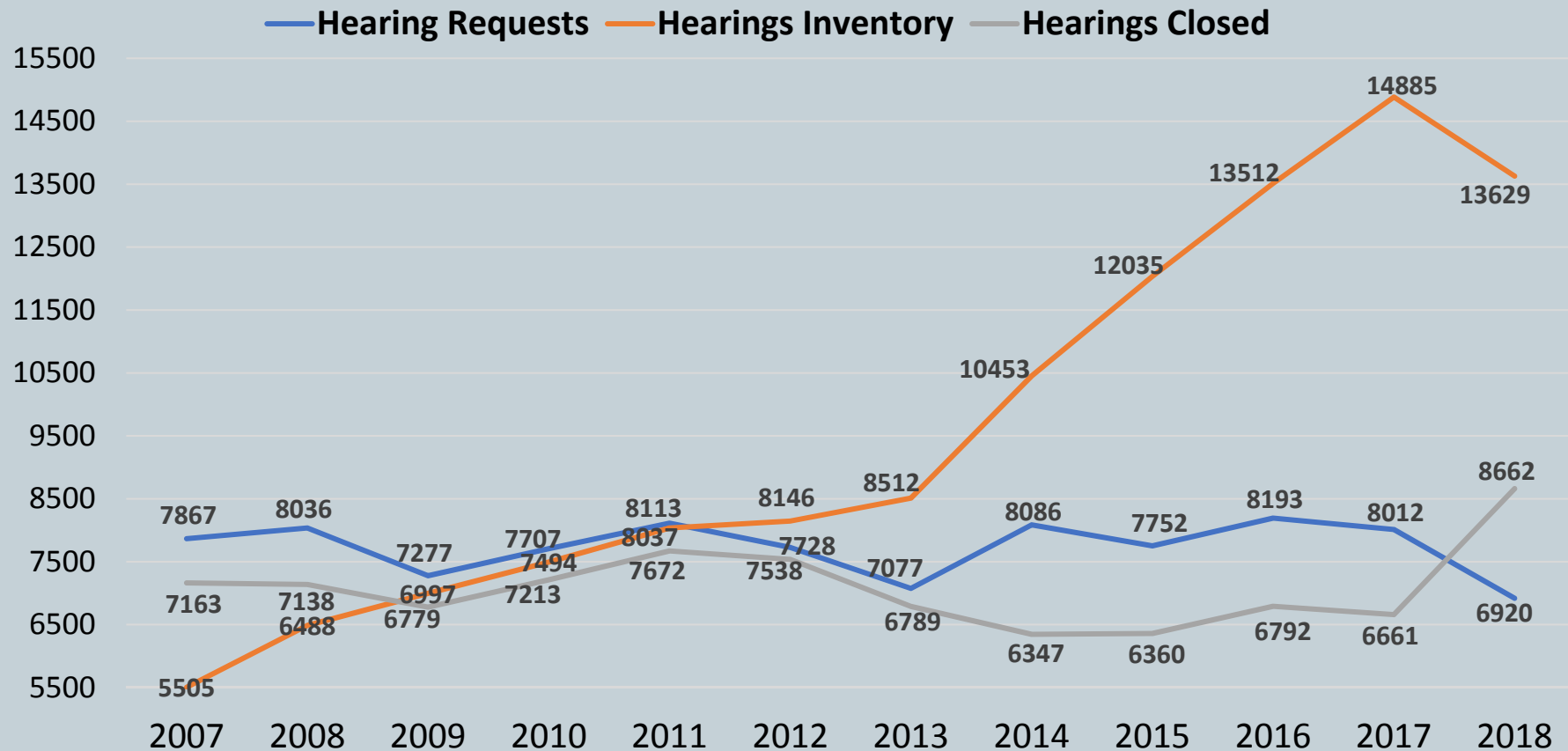
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# Federal Sector Enforcement

## Federal Employees and Agencies' Hearings with EEOC AJs

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# Workplace Harassment

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- EEOC Select Task Force on the Study of Harassment in the Workplace – 2016 Report of Co-Chairs
- Hits on EEOC's sexual harassment page doubled in wake of Weinstein allegations – NYT Oct 5., 2017
- Charges alleging sexual harassment up by 13.6% in FY18
- Reasonable cause findings on harassment charges increased by 24% from FY17
- 66 lawsuits filed alleging harassment in FY18
  - 41 lawsuits alleged sexual harassment – 50% increase from FY17
- \$70 million recovered overall in FY18 for victims of sexual harassment – 47% increase from FY17

# Issues to Watch

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- Workplace Harassment
  - Arbitration
  - Retaliation
- Pregnancy Discrimination
  - Accommodation

# Cases to Watch

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- Age/Disparate Impact/Applicants

*Kleber* (7th Cir.) (en banc decision Jan. 23, 2019)

- Title VII administrative-exhaustion requirement – cert granted  
Jurisdictional prereq. or waivable claim-processing rule?

*Fort Bend County, Texas v. Davis* (5th Cir.)

- Equal Pay Act/use of prior salary – ruling on cert petition

*Yovino v. Rizo* (9th Cir.) (judgment of 9th Cir. granted, vacated, and remanded; author of the en banc decision and member of the majority, J. Reinhardt, was deceased when the decision was filed and should not have been counted)

# EEOC on Defense - Litigation

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- *AARP v. EEOC* (D.D.C.) (challenging EEOC's 2016 ADA and GINA final rules on employer wellness programs; court issued order vacating the incentive sections of the rules, effective Jan. 1, 2019; EEOC published conforming rule Dec. 20, 2018)
- *Texas v. EEOC et al.* (5th Cir.) (challenging EEOC's 2012 revised enforcement guidance on employer use of arrest and conviction records)
- *BNSF v. EEOC* (N.D. Tex.) (challenging EEOC administrative enforcement action pursuant to a 2012 Commissioner Charge)
- *Nat'l Women's Law Center et al. v. OMB & EEOC* (D.D.C.) (challenging OMB's "Review and Stay" of EEOC's 2016 revisions to the EEO-1 form to collect pay data)

# EEOC Office of Enterprise Data & Analytics

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- EEOC's first Chief Data Officer, position created in November 2017
- Office of Enterprise Data & Analytics created in May 2018

