



## EEOC Claims Are Once Again on the Rise/by Jennifer A. Shoemaker, Esq., Underberg & Kessler LLP

Last week, the Equal Employment Opportunity Commission (EEOC) issued its Fiscal Year 2015 Enforcement and Litigation Data. In 2015, individuals filed over 89,000 employment discrimination charges with the Commission. This is an astonishing number and should cause employers to take note. Indeed, for the first time since 2011, the number of charges filed with the EEOC is on the rise. Since the all-time high of 99,947 charges filed in 2011 until last year, the number had been steadily declining.

The agency was able to secure more than \$356 million through voluntary resolutions (mediation, conciliation and settlements), another \$65.3 million through litigation and \$105.7 million for federal employees and applicants.

We can glean a great deal of information from the statistics included in the report, including the type of claims being filed, as well as where the EEOC is expending its resources. Disability discrimination claims reached a record high, representing a 6% increase over the year prior, and the third largest category of charges filed. Not surprising, 44.5% of all claims filed involved allegations of employer retaliation. Moreover, the agency filed 142 merit lawsuits in 2015, 42 of which involved "multiple victims of discriminatory policies, of which 16 were systemic."

With the issuance of the Enforcement and Litigation data, it's a good time to review best practices. Always start with a tight job description. That will help employers focus on the candidates best suited to meet the position requirements. Many employers wait until after they have hired a candidate to tighten up a job description, and that rarely works well. Know what you want ahead of time and make it clear when screening candidates. That way everyone is on the same page as far as what the expectations of the position are, and there are no surprises down the road.

Once you've hired the candidate, document, document, document. Document performance, discipline, complaints of discrimination and harassment, promotions and demotions, events that could lead to an adverse employment action (attendance, customer complaints, insubordination, co-worker issues), harassment training provided to employees, and interactive processes engaged in for ADA accommodation requests.

Another important best practice is to maintain open lines of communication to improve your organization's culture. Culture is an integral part of attracting and retaining good employees. It should come as no sur-

prise that organizations with greater employee satisfaction have greater customer satisfaction.

Finally, if an employee isn't performing to satisfaction, don't delay in addressing the issues. Often, employee performance can be improved with early intervention and the right training. One of the most common things I hear is that an employer hoped the employee's performance would get better so they did not address performance issues when they arose. This mistake can be a costly one, especially if the employee files a complaint of harassment or discrimination in the interim. Too often employers wait until they are at their breaking point, only to be disappointed when told they need to document all performance issues before terminating the employee.

### 2016 Upcoming Programs

*3/16-Recruitment 101-First in a Three Part Series*

*4/20-What's New in the World of Workers' Compensation*

*5/18-The HR Legislative Update*

**Please log onto our website at [www.gvcshrm.org](http://www.gvcshrm.org) to register for these upcoming programs.**

**Our Certification Chair has submitted these programs for SHRM and HRCI credits.**

## Workforce Analysis & Succession Planning/by Luis Martinez, SPHR, SHRM-SCP

In order to help your enterprise, continue to be relevant and grow, the CHRO must assist in the assessment of leadership competencies to facilitate and to enable change management. Talent assessment and leadership development are a critical strategic initiative necessary to keep the organization 'green', vibrant, prosperous and relevant. The CHRO should propose the essential structures, processes, tools and perspectives to optimize selection and development of future leaders for the organization.

Is your company facing inexorable demographic shifts in the next five to 10 years? Baby boomers will continue to retire at an accelerating rate. Meanwhile, millennials will rise to constitute 75% of all employees in less than 10 years.

The institutional memory now held by baby boomers has to be communicated to their understudies to facilitate successful change management. A host of newly minted supervisors will soon aspire to positions of senior leadership where they will need to learn how to

engage and motivate their staff.

Workforce Analysis and Succession Planning are the processes for forecasting a firm's future demand for and supply of the right people in the right number at the right time for the organization's current and anticipated needs. The most important aspect of Workforce Analysis is the estimation of how many qualified people will be necessary to carry out the assigned activities, how many people will be available and what, if anything, must be done to ensure that talent supply equals talent demand at the appropriate point in the future. The CHRO should consider:

**Assisting the Senior Leadership Team to clarify and communicate the company's goals and priorities for the next 3 – 5 years;** **Making an assessment of current internal competencies comparing talent inventory to requirements and conducting a gap analysis;** **Taking inventory of current talent development opportunities using these to address the talent gap with professional development, retooling and external talent acquisition.**

Having completed an assessment via a Workforce Analysis of your organization's current state, a leadership development program constitutes a strategic investment in a structured process that provides aspiring leaders with opportunity to become effective leaders. The CHRO should consider the following aspects for an effective Succession Planning program:

**Design and deploy a supervisory development program for newly promoted supervisors or those new to the company;** **Introduce professional development at various employee levels to hone competencies and align to organization's core values;** **Review and develop a new model for leadership competencies based on the specific requirements of the enterprise.**

Employee assessment, recruitment, selection and development are actually part of a well-integrated Succession Planning program. Therefore, a CHRO's strategic role is to combine elements of Succession Planning into the enterprise's recruitment and

## Diversity & Inclusion/by Olga Mendez, Director of the Diversity Advisory Council

As I reflect on my past couple of years as the Director of the Diversity Advisory Council for GVC SHRM, I am thrilled with all the accomplishments and experiences this role has provided me. As a member of this council for the past five years, I will share that I have found so much purpose in the work associated with this journey.

Having the opportunity to be instrumental in the development and growth in others on how to unite as one is certainly fulfilling to me. Through our life learning experiences, coupled with our vision for what tomorrow can offer, we come together in partnership to interlock our beliefs and share insight and knowledge that allows us to discover and embrace the uniqueness

each of us brings. Which in turn enables us to gather together to accomplish greatness.

The **purpose** of the diversity advisory council is to guide HR Professionals and be viewed as a trusted advisor to their organizations with the objective of enhancing diversity and inclusion initiatives.

The **vision** of the diversity advisory council is to be both a resource and an advocate by becoming the subject matter experts that add value to local community organizations.

The **mission** of the diversity advisory council is to be ambassadors of diversity by being a valued partner in the local community.

### Quote from one committee member:

"I am passionate about being a part of GVC SHRM Diversity Advisory Council because Diversity and Inclusion has always been a passion for me, I firmly believe the more of a person's self that they can bring to the table the more productive the world will be." *Kimberly Braithwaite, Human Resources Manager at Barilla.*

*If you have questions or are interested in joining the DAC, please contact Olga Mendez at [OlgaMendez@gvcshrm.org](mailto:OlgaMendez@gvcshrm.org).*