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Date: 8/12/2014 2:17:32 PM
Subject: Webinar: Responding to EEOC's Systemic Discrimination Initiative

The State Human Resources Division will host a webinar, "Responding to EEOC's Systemic Discrimination Initiative," on Wednesday, September 10, 2014 from 1:00 to 2:30 PM, in the Auditorium at the Archives and History Building located at 8301 Parklane Road, Columbia, South Carolina. Below is information about the webinar.

If you have any questions, please contact your HR Consultant at (803) 896-5300. We look forward to seeing you on the 10th.

The EEOC continues to actively focus on systemic discrimination in employment. The EEOC targets barriers to recruitment and hiring, including criminal background and credit checks, pregnancy and child care discrimination, age discrimination, and disability discrimination. And, as one EEOC official stated recently, EEOC systemic discrimination "consent decrees have teeth" and are followed up just as aggressively.

The EEOC initiates enforcement by presenting broad information requests to employers during investigations, issuing subpoenas to obtain documents not provided, and using what some courts are calling a "sue first, ask questions later" strategy to force the production of information during discovery.

Employment counsel must understand the EEOC's current enforcement approaches and how an employer's response to an individual charge impacts whether it will be targeted for a systemic discrimination lawsuit. The EEOC's dogged pursuit of enforcement after a systemic discrimination consent--decree, as evidenced by EEOC v. Supervalu (N.D. Ill. July 15, 2014), serves as a warning to all employers.

Eric S. Dreiband, Partner at Jones Day; Maritoni D. Kane, Counsel at Mayer Brown and Alison B. Marshall, Partner at Jones Day, will provide best practices for responding to and challenging overly broad EEOC information requests and subpoenas, defending employers against the EEOC's "sue first, ask questions later" litigation strategy, and proactive steps for avoiding a systemic discrimination suit

The panel will review these and other key questions:

- What specific employment actions has the EEOC targeted as areas ripe for systemic discrimination litigation?
- What are some effective strategies for employers to respond to an overly broad information request during an EEOC investigation?
- What are options for employers when served with an EEOC subpoena?
- What is a "sue first, ask questions later" strategy and how is the EEOC using this strategy as an enforcement tool?
- What steps should employers and their counsel take to avoid systemic discrimination lawsuits?

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