TAKING QUICK ACTION TO RESOLVE COMPLAINTS OF DISCRIMINATION
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How did we get here?

Protections for Justified Terminations
- Be Consistent
- Set Expectations Early
- Proper Training and Established Policy
- Maintain all Personnel, Employment & Payroll Records
- Write IT ALL Down
- Do Employee Evaluations

Terminated? Find out if the law was broken and seek help. Don't let your employer get away with breaking the law...
The Law

- Title VII of the Civil Rights Act of 1964
  - It is illegal to discriminate against someone on the basis of race, color, religion, nation origin, or sex.
  - The law also makes it illegal to retaliate against a person because the person complained about discrimination.
- Other Important Statutes:
  - The Pregnancy Discrimination Act
  - The Equal Pay Act of 1963
  - The Age Discrimination in Employment Act of 1967
  - Title 1 of the Americans with Disabilities Act of 1990
  - The Rehabilitation Act of 1973
  - The Genetic Information Non-Discrimination Act of 2008

Types of Discrimination

- Age
- Disability
- Equal Pay / Compensation
- Harassment
- Pregnancy
- Race/Color
- Religion
- Retaliation
- Sex
- Sexual Harassment
- Also - National Origin and Genetic Information

Early Warning Signs

- What did you see?
- What did you hear?
Now you Know

- What are your responsibilities as the employer?
- Listen to the accuser with respect and compassion
- Notify Human Resources
- Encourage Employee to Contact Human Resources
- Follow all established procedures within the County
- KEEP IT CONFIDENTIAL
- Consider getting help:
  - Attorney
  - Third Party Investigator

STEPS TO RESOLVE COMPLAINT

- Listener to the accuser
  - Keep an open mind
  - Do not make assumption about the truthfulness of the complaint
  - Do not reach unfounded conclusions
  - Do not decide not to investigate
  - Impact on quality of their work
  - Treat seriously - less likely to escalate the issue to TWC/EEOC and/or Court

STEPS TO RESOLVE COMPLAINT

- Conduct a thorough Investigation
  - Don’t delay
    - Taking it serious, less likely for further harassment; loss of evidence
  - Write IT ALL Down
    - Distinguish fact from opinion
    - Get the Details
    - Recognize whether complaint involves Discrimination
    - Gather Supporting Evidence (emails, time cards, schedules, notes, etc.)
    - Look for Corroboration and/or Contradiction
    - Interview the people involved
STEPS TO RESOLVE COMPLAINT

- Don’t Shoot the Messenger - DON’T RETALIATE
  - Obvious Forms of Retaliation
  - Subtle Forms
    - Changing Work Hours
    - Changing Job Responsibilities
    - Changing Work Area
    - Isolation - left out of meetings or other office functions

- Take appropriate action
  - Counseling/further trainings
  - Warning/Reprimand
  - Suspension
  - Termination
- Take it Quickly
- Document it
- Notify the Complainant

What’s the Harm?

- Depending on type and severity of the case:
  - Job Placement
  - Back Pay and Benefits
  - Attorneys Fees, Experts Witness Fees & Court Costs
  - Out-of-Pocket Expenses
    - Costs Associated with a job search
    - Medical Expenses
    - Emotional Harm (mental anguish, loss of enjoyment of life)
  - Punitive Damages
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