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The Equal Employment Opportunity Commission (EEOC) is tasked with enforcing Federal workplace anti-discrimination laws such as the Americans with Disabilities Act. Thanks to the Arthur J. Liman Fellowship in Public Interest Law, I had the privilege of interning at the Commission's New York City Enforcement office for nine weeks. The internship exposed me to the nuances of workplace discrimination law, as well as the broader importance and history of addressing workplace discrimination. My work also introduced me to the challenges the EEOC faces and underscored the value of using of conciliation and mediation to limit the number of discrimination cases that end up in court.

The EEOC has enforced workplace equality laws since its establishment in 1965. The agency is tasked with preventing workplace discrimination on the basis of race, color, religion, sex (including pregnancy), national origin, age, genetic information, or disability. These criteria were established by multiple laws passed over the last half-century. The legislation includes Title I of the American with Disabilities Act, which prohibits discrimination against qualified workers on the basis of their disability, and the Genetic Information Discrimination Act, which prohibits discrimination on the basis of one's genetic information, such as a familial history of breast cancer. The Equal Employment Opportunity Commission enforces these laws by investigating discrimination charges and mediating between employees claiming discrimination and their employers. When discrimination is found, the EEOC will either push the parties to agree upon a conciliation agreement, litigate the case in court, or support the person's right to sue their employer.

Daily assignments exposed me to the challenges the EEOC faces. On a given day, I might review existing case files and author memos regarding whether a case should or could be closed, conduct witness interviews, or draft formal charges of discrimination. I also helped complete the paperwork necessary to formally dismiss or “find” discrimination in a given case on a nearly daily basis. Handling these tasks made me realize that each EEOC investigator must juggle simultaneously over 60 cases, and their related volumes of paperwork. Investigators repeatedly stressed that reversing a government imposed hiring freeze, which had been in place since 2009, would still leave employees with an overwhelming case load. As an intern, I began to appreciate the challenge that the backlog poses to the agency’s efficiency and ability to investigate charges.

Analyzing a wide range of cases enabled me to understand who is protected under various forms of federal workplace anti-discrimination laws and gain a better understanding of the pieces of evidence and facts that are necessary to enforce such laws. It forced me to research legislation, such as the Lilly Ledbetter Act, which enables women to receive increased amounts of back pay for instances of discrimination on the basis of gender. For instance, I needed to familiarize myself with how the Equal Pay Act understood “equal pay” in order to determine if an employer did not comply with the Equal Pay Act and paid a woman, or group of women, less than their male counterparts. Further, I needed to understand the broader theories of proof that the EEOC utilizes in order to examine cases and actually prove that discrimination occurred. These theories include concepts such as “adverse action,” which establishes whether an employee was subjected to a harmful employment decision related to their firing or work assignment, and “protected classes,” which considers whether the person alleging that discrimination occurred is actually protected by a particular federal law. A person needs to prove that they fall into both categories in order to have a legitimate claim.

My most memorable moment at the EEOC involved determining how a company's settlement offer should be divided among multiple people claiming that they were subjected to age-based discrimination. The employees' claims were similar, but not identical. Moreover, each employee had failed to provide sufficient proof to determine that discrimination, rather than abusive management, had occurred. Further investigation might have clarified whether discrimination had occurred. However, the EEOC's interest in efficiently reviewing cases pushed my investigator to offer the charging parties a settlement and close the case. It was then that I truly appreciated what work at the EEOC was all about: applying the law to cases in which there is not always a "perfect" answer, in an environment that is taxed for time and resources.

After reviewing the case file and proposed settlement, I ultimately decided to apportion the settlement money on the basis of: (i) which charging parties provided the strongest evidence; and (ii) which charging parties were able to pinpoint particular instances of discrimination on the basis of the Age Discrimination in Employment Act of 1967, which prohibits age based discrimination. I also supported the EEOC's interest in conserving resources by ending any further investigation and was left with a deep appreciation for the challenges associated with applying the law to situations in which the evidence was unclear.

The Arthur J. Liman Foundation provided me with an opportunity to get an inside look at law enforcement and the challenges of working at a federal agency. Working at the EEOC has solidified my interest in supporting and or working for the federal government. It has also pushed me to continue considering a legal degree. I am incredibly thankful for begin able to have had such an eye-opening experience.

