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NEWS

AFFECTING EMPLOYMENT LAW TODAY

**EEOC Reports Job Bias
Charges Hit Record High**

Commission Obtains \$376 Million for Victims of Discrimination Workplace discrimination charges soared to unprecedented levels, increasing by 15% last year. According to the data compiled for fiscal year 2008, EEOC charge filings were most frequently race, sex, and retaliation claims. The largest annual increases were age discrimination claims and retaliation allegations. On its website, the EEOC reasons that "the surge in charge filings may be due to multiple factors, including economic conditions, increased diversity and demographic shifts in the labor force, employees' greater awareness of the law, EEOC's focus on systemic litigation, and changes to EEOC's intake practices." [Read EEOC Press Release](#)

Those familiar with labor law trends predict EEOC filings of in 2009 will eclipse the already record-setting activity in the Commission. Over the last 5 months, more than 2.4 million American jobs have been shed. With weakened job prospects in the current economy, former employees who are unable to find new employment are more likely to pursue litigation, spurred on by their economic and emotional circumstances. Because workers have up to 300 days to file a claim with the EEOC, many of the potential claims from the recent layoffs haven't even been filed yet.

Despite the recession being more than a year old, the pace of job losses has accelerated while the prospective openings have significantly decreased, down more than 50% from when the recession began in December 2007. MSNBC.com reports, "That means nearly five people are competing for each opening, up sharply from a ratio of less than 2-to-1" of a year ago. In particular, the Baby Boomer generation may be hardest

**EMPLOYMENT
NEWSLETTER**

MAY 2009

In This Issue

- EEOC: Millions and Millions Served
- The Professionals Who Become Presidents
- Supreme Court Speculation
- Mandatory Arbitration of ADEA Claims
- USERRA Claims on the Rise

**Supreme Court
Allows Mandatory
Arbitration of
ADEA Claims**

From AAJ NewsBrief for April 27, 2009

"The US Supreme Court held today (5-4) that a provision in a collective bargaining agreement that clearly and unmistakably requires union members to arbitrate ADEA claims is enforceable as a matter of federal law. The relevant collective bargaining agreement requires union members to submit all claims of employment discrimination to binding arbitration under the CBA's grievance and dispute resolution procedures."

"But wait, there's more: The employees argued that the CBA allows the union to block arbitration of these claims altogether, thus operating as an unlawful substantive waiver of federal civil rights claims. The Court specifically avoided reaching this issue because it was not fully briefed and was not fairly within the question presented to the Court. Read more at [Law.com ADEA article](#)

hit with the difficult realities of today's labor market: prolonged years in the workforce, raided retirement accounts to cover living expenses, and the collapse of Wall Street investments meant to fund their Twilight Years. [MSNBC.MSN article](#)

The Professionals Who Become Presidents From The Economist Print Edition



We thought this article was fascinating and wanted to share it with our readers. Follow this link to read about the selection bias in politics around the world. [The Economist April 16, 2009](#)

On Filling Souter's Shoes - What Comes Next?

WSJ Law Blog, written by Ashby Jones

"With nearly a filibuster-resistant Senate, President Obama is largely free to fill Justice Souter's vacated seat with whomever he wants: a moderate liberal, a full-throated liberal in the Brennan or Marshall vein, or anything in between. President Obama hasn't thrown out any specific names, so at this point, presumably only his inner sanctum knows what he's really thinking. But already a couple of threads are emerging, at least among the punditocracy: The nominee is likely to be a woman, possibly one of Hispanic descent; and, ideologically, the nominee is more likely to live in the center-left than in the far left-left.

"Among those subscribing to this latter point are Drexel University law professor and Supreme Court expert Lisa McElroy, who told Legal Times's Tony Mauro that she thinks Obama will be cautious, especially since he may have more vacancies to fill next year or later. 'He can name someone much more in line with his party's views, but not someone who will send conservatives screaming to the hills.'"

[Wall Street Journal Law Blog](#)

DOJ to Employers: About Face Your Soldier Discrimination

From The National Law
Journal (5/6/09 Baldas)

"The U.S. Department of Justice is cracking down on employers that discriminate against returning injured soldiers, who are having a hard time getting their old jobs back, either being demoted, or denied work altogether. The DOJ is suing nationwide - almost on a weekly basis - for failing to promptly re-employ returning service men and women, in violation of the Uniformed Services Employment and Reemployment Rights Act (USERRA)."

To read this article in full, follow [The National Law Journal](#)

Notable Quotable

We cannot always build the
future for our youth, but
we can build our youth for
the future.

~Franklin Delano
Roosevelt

Dear julie,

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