

The EEOC Can Spoil Your Trial Years Later

An EEOC investigation can't force a company to pay a complaining employee, but can hurt your defense at trial. The EEOC can end its investigation by writing a nasty determination letter which says your company is probably guilty of discrimination. And juries eat it up.

An ex-employee who had an EEOC determination letter recently struck gold at trial. In *Texas Department of Public Safety v. Williams*, the jury awarded the ex-employee \$619,801. Ouch! On appeal, the DPS tried to overturn the award because the trial judge let the EEOC determination letter into evidence. Texas courts first presume that a jury should see a determination letter. To exclude a letter, an employer must show that it contains only bald conclusions. No such luck for the DPS here. The letter had enough details about the EEOC's investigation and evidence to satisfy the court of appeals.

Think carefully about how you handle EEOC investigations. You can feel the consequences years later in front of a jury.



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