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Why employers don't respond

By *James C. Wenzler*

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I - like my mother before me and others - have been unemployed at one time or another. When I was the job applicant, I could not understand why I did not receive a response from the prospective employer.

I hope this op-ed will help explain why we human resources personnel seem to be perceived as unengaged, unplugged and cold to the outside viewer/applicant, who does not have, as Paul Harvey once said, "the rest of the story."

As Pam Parker stated in a [Sept. 16 op-ed](#), "Given that the majority of applications are requested electronically (often also including a 30- to 45-minute electronic screening test), why is a response, any response, not possible?"

The simple answer is, in my experience and in that of professionals I know, a response is something the company can be legally held to. According to the advice of legal professionals, when an employer gives a response to an applicant, it can be used against the employer in a legal hearing.

You might think this odd, but employers are sued and/or dragged through the administrative state equal rights and federal Equal Employment Opportunity Commission process one out of every five applications, because a select few are looking for a free ride at the expense of the majority.

Keep in mind, normally the entire application process is to justify the company's hiring process, selection and employment of minority or protected-class applicants to the EEOC and/or the Office of Federal Contract Compliance Programs. Significant amounts of revenue are spent to avoid having a federal or state agency punish the employer for hiring, in most cases, the most qualified applicant.

But since that applicant may not have been the statistical number the federal or state agency believes it should be, the employer has to defend every single hire with a significant amount of data collected from the application and interview process or face crippling fines and fees and a scorned public perception.

When an employer is spending, in my experience, 60% of its human resources time cataloging data for potential legal challenges, I hope you can understand, even though you may not agree, why the employer is spinning to keep from getting sued, rather than doing the polite and good thing in responding to those who have taken the time to apply for a position.

As regulation grows, so will the time employers spend complying with that regulation and less time hiring and notifying applicants of their status.

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