

Seventh Circuit Condones Broad EEOC Subpoena Power

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After an African-American sales employee was fired, he filed a charge with the Equal U.S. Employment Opportunity Commission (EEOC) alleging that the employer discriminated against him based on his race and ultimately terminated him because he had filed an internal complaint of race discrimination. When the EEOC investigated the employee's charge, it requested and received information from the employer. The information revealed that few African-Americans worked for the employer and that the employer maintained two separate sales teams that were racially divided. Based on those facts, the EEOC surmised that the employer may have engaged in discriminatory hiring. This led the EEOC to issue a subpoena to the employer seeking information about its hiring practices. The employer refused to comply, arguing that the materials were irrelevant to the employee's race discrimination charge, in which he did not specifically allege discriminatory hiring. The U.S. Court of Appeals for the Seventh Circuit rejected the employer's argument and held that there is "a generous standard of relevance for purposes of EEOC subpoenas" and that the agency may obtain "virtually any material that might cast light on the allegations against the employer." In this instance, information pertaining to the employer's discriminatory hiring practices could "cast light" on the employee's discrimination complaint. Accordingly, the court enforced the EEOC's subpoena. This case underscores the EEOC's far-reaching subpoena power and serves as an alert that employers must be prepared to respond when the EEOC requests information.

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