



Responding to Claims

You have received an Equal Employment Opportunity Commission (EEOC) claim. A candidate, Emilio Garcia, you interviewed for a clerical position, is claiming race and gender discrimination. You need to prepare a position statement regarding the issue.

Equal Employment Opportunity Commission (EEOC) Claim

EEOC FORM 131 (11/09)	U.S. Equal Employment Opportunity Commission	
Compliance Officer, HR Department BETA TECHNOLOGY	PERSON FILING CHARGE	
	Emilio Garcia	
		THIS PERSON (check one or both)
		☒ Claims To Be Aggrieved
		☐ Is Filing on Behalf of Other(s)
NOTICE OF CHARGE OF DISCRIMINATION (see the enclosed for additional information) This is a notice that a charge of employment discrimination has been filed against your organization under: ☒ Title VII of the Civil Rights Act (Title VII) ☐ The Equal Pay Act (EPA) ☐ The Americans with Disabilities Act (ADA) ☐ The Age Discrimination in Employment Act (ADEA) ☐ The Genetic Information Nondiscrimination Act (GINA) The boxes checked below apply to our handling of this charge: 1. ☐ No action is required by you at this time. 2. ☐ Please call the EEOC Representative listed below concerning the further handling of this charge. 3. ☒ Please provide a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation. 4. ☐ Please respond fully to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation. 5. ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please respond within 30 days of receipt of this notice. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the dates specified there. For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to: Norma Christiansen, Investigator Centervale District Office		
EEOC Representative Enclosure(s): ☒ Copy of Charge		
CIRCUMSTANCES OF ALLEGED DISCRIMINATION		
☒ Race ☐ Color ☒ Sex ☐ Religion ☐ National Origin ☐ Age ☐ Disability ☐ Retaliation ☐ Genetic Information ☐ Other		

See enclosed copy of charge of discrimination.	
Name/Title of Authorized Official M.R. Rodriguez, District Director	Signature

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: ☐ FEPA ☒ EEOC	Agency(ies) Charge No(s): 551-2010-*0249
EEOC			
Name (Indicate Mr., Ms., Mrs.) Emilio Garcia	Home Phone (Incl. Area Code) (999) 555-2584	Date of Birth 9/25/1983	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below).			
Name Beta Technology	No. Employees, Members 15 - 100	Phone No. (Include Area Code) (999) 555-9856	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☒ Race ☐ Color ☒ Sex ☐ Religion ☐ National Origin ☐ Age ☐ Disability ☐ Retaliation ☐ Genetic Information ☐ Other			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			

I was interviewed for a clerical position. I was told by an employee of Beta Technology that I was the most qualified applicant and that my resume looked like a good match to the position. I was later notified that I would not be offered a position. I believe that I was not hired due to my race and gender. I did not see any Hispanic employees in the office and the interviewer mentioned that I would be working in a department where I would be the only male.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Charging Party Signature

Memo Regarding the Interview with Emilio Garcia**Beta Technology**

To: Human Resources

From: A. Hinkmann & T. Phillips

Subject: Interview with Emilio Garcia

In reference to your request for more information on the interview with Emilio Garcia, he appeared to be a strong candidate based on his resume. Many of his answers in the interview were also relevant. However, we did not recommend him for hire because he lacks strong computer skills. In addition, the hourly rate he is looking for is significantly higher than what we are able to pay. Computer skills are essential to this position, and having to train a new employee would pose a significant challenge. We therefore hired a candidate who had very strong computer skills, even though he had less experience than Mr. Garcia. I would like to mention that Mr. Garcia did make comments about his gender during the interview, and the fact that he believed he had been out of work for the past two years because employers do not like to hire men to work in clerical positions.

We assured him that is not the case and that we base our hiring practices on finding the best candidate for the job. We then moved forward to focus on the interview. We understand his frustration, but we feel that he was not the best fit for the administrative assistant position given his goals, skills, and requirements.

Please contact us if you require additional information.

Clerical Interview Transcript

Candidate Name: Emilio Garcia

Interviewed By: A. Hinkmann, T. Phillips

Administrative Assistant**Interview Transcript**

1) What do you know about Beta Technology?

I have read the company Web site and am aware of the basic product lines. It is a young company, known for innovation.

2) What are you looking for in an employer?

Stability, somewhere to grow, a strong focus on teamwork, and an opportunity for training.

3) Tell us about your training and experience.

I have three years of experience—industries include healthcare and hospitality. I have some training in MS Office products.

4) How did you prepare for this interview?

I read through the job description and looked at the Web site. I thought about my strengths and weaknesses as well as experience.

5) What motivates you? What types of activities give you a feeling of accomplishment? What types of activities do you tend to put off?

Doing a good job is motivating. I enjoy special projects and tasks that involve communicating with others but dislike monotonous tasks such as filing.

6) How do you organize your work to meet deadlines and time constraints, especially in a situation where you might report to more than one manager?

I ask questions about the project to determine importance. I work on quick projects first to get smaller tasks out of the way, or work on projects due earlier.

7) Tell us what you think quality customer service means.

Giving the customer what they want.

8) What have you been criticized for in the past?

Working too many hours, not taking time for personal benefit.

9) What is the extent of your phone experience and how have you used it in previous positions?

All past positions included work on the phone with multi-line systems.

10) If selected for this position, when would you be available to start?

As soon as possible.

11) What hourly rate would you like us to consider for you?

\$22–\$25 per hour.