

## **ERIC JOHN MITCHEM**

### **Office Address**

Secretariat Economists LLC  
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### **Professional Experience**

#### **Secretariat Economists**

Managing Director (2021 – Present)

Apply economic, econometric and statistical analysis to employment litigation, EEOC investigations, OFCCP audits and pro-active self-monitoring studies. Consult with corporations, government contractors and law firms on employment discrimination matters to monitor and assess the risk of litigation or government investigation for various occupations and industries. Work closely with clients to design statistical models consistent with the employer's hiring, promotion, performance evaluation, compensation, termination and reduction-in-force decisions. Assist clients in identifying the data required to conduct thorough analyses of their workforce and excels at preparing and analyzing extremely large and complex human resources data.

Conduct quantitative data analysis designed to help attorneys assess the value and merits of Fair Labor Standards Act (FLSA) and state wage and hour claims including misclassification, missed meal/rest periods, donning/doffing, off-the-clock work, unpaid overtime and regular rate calculations. Provide opinion about the appropriateness of applying class-wide inference using representative trial witnesses in FLSA claims of misclassified employees and unpaid off-the-clock work. Assist companies with extracting, compiling and summarizing archived data from payroll and timekeeping systems, as well as unconventional systems such as computer logs, to evaluate wage and hour claims. Compute waiting time penalties and PAGA penalties in California wage claims.

Testify in court and arbitration hearings and has prepared written reports and declarations.

**Professional Experience (continued)****Economists Incorporated**

Senior Vice President (2018 – 2021)

Vice President (2014 – 2017)

**Economic Research Services (ERS) Group**

Principal (2013 – 2014)

Senior Economist (2011 – 2013)

Research Economist (2007 – 2011)

Design and manage statistical analyses of employment decisions including hiring, promotion, termination and compensation. Prepare analyses for employers in response to litigation, EEOC investigations and OFCCP audits. Design programs to analyze and monitor the employment practices of public and private organizations. Prepare computerized analyses of personnel and human resources data for litigation support in wage and hour cases. Estimate the value of economic losses. Apply academic and professional literature in economics and other fields to employment decisions made by client firms, universities, institutions and government agencies. Coordinate the daily activities of computer programmers, research associates and other labor economists and develop in-house training programs to enhance technical skills in programming and statistical software packages such as SAS, Stata and SPSS.

**Florida State University**

Adjunct Professor (2015 – Present)

Taught a SAS programming and economic data analysis course in the Master's Program in Applied Economics.

**Texas A&M University**

Graduate Instructor (2004 – 2007)

Research Assistant (2003 – 2007)

Teaching Assistant (2002 – 2007)

Taught undergraduate courses in Labor Economics, Intermediate Microeconomic Theory, Principles of Microeconomics and Introductory Econometrics (with Stata).

Performed statistical analyses of complex data at the direction of professors in

### **Professional Experience (continued)**

the Department of Economics and the Bush School of Government & Public Policy using SAS and Stata. Researched, collected and organized data on public school teachers, principals, superintendents and other staff in the state of Texas for academic research in labor economics and compensation studies for the state legislature.

#### **Law and Economics Consulting Group (LECG)**

Research Analyst (2002)

Performed data analyses of antitrust and competition policy issues at the direction of Ph.D. economists and experts.

#### **Capital Economics**

Economic Analyst (2001 – 2002)

Provided general litigation support for Ph.D. economists by preparing tables and exhibits, collecting and organizing data and analysis of data for the review and submission process for interrogatory responses requested from various federal agencies in antitrust matters.

### **Education**

Ph.D., Economics, Texas A&M University (2007)

B.A., Virginia Polytechnic Institute and State University (2000)

### **Areas of Special Interest**

Labor Economics, Econometrics, Applied Microeconomics, Data Analysis

### **Expert Reports & Testimony**

Dianne Parcell v. State Of Florida, Department Of Economic Opportunity, Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, Case No. 2013-CA-1003. [declaration, testimony]

Michael Cardenas, et al., vs. McLane Foodservice, Inc., United States District Court, Central District of California, Southern Division, Case No. 8:10-cv-00473-DOC-FFM. [report]

**Expert Reports & Testimony (continued)**

International Longshore and Warehouse Union, Local 30 v. U.S. Borax, Inc., Arbitration, Grievance No. 2009-06 (China Subcontracting). [testimony]

Eric Thompson, et al., vs. Bruister & Associates, Inc., et al., United States District Court, Middle District of Tennessee, Nashville Division, Case No. 3:07-cv-00412. [declaration and report]

Paul Willoughby, et al., vs. Youth Villages, Inc., United States District Court, Northern District of Georgia, Atlanta Division, Civil Action No. 1:13-cv-03910-SCJ. [report]

Jesse Pierce and Michael Pierce, et al., vs. Wyndham Vacation Resorts, United States District Court, Eastern District of Tennessee, Knoxville Division, No. 3:13-cv-641. [report]

Debra Monserrate, et al., vs. Hartford Fire Insurance Company, United States District Court, Middle District of Florida, Orlando Division, Civil Action No. 6:14-cv-149-Orl- 37GJK. [reports]

Stephanie Francis vs. Hartford Fire Insurance Company, American Arbitration Association, Case Number: 01-15-0003-1366. [report]

Carmen Flores vs. Hartford Fire Insurance Company, American Arbitration Association, Case Number: 01-15-0002-6570. [report]

Arnella Moore vs. Hartford Fire Insurance Company, American Arbitration Association, Case Number: 01-15-0002-6773. [report]

Susan O’Hearn vs. Hartford Fire Insurance Company, American Arbitration Association, Case Number: 01-15-0002-6774. [report]

Farrell Prudent vs. Hartford Fire Insurance Company, American Arbitration Association, Case Number: 01-15-0002-6775. [report]

Shakima Randall vs. BellSouth Telecommunications, LLC, d/b/a AT&T Florida, and AT&T Corp d/b/a AT&T, Inc., United States District Court, Southern District of Florida, Case No. 1:16-cv-22148. [report]

### **Expert Reports & Testimony (continued)**

Marietta Couret vs. BellSouth Telecommunications, LLC, d/b/a AT&T Florida, and AT&T Corp d/b/a AT&T, Inc., United States District Court, Southern District of Florida, Case No. 1:16-cv-22702. [report]

Jose Calderon, et al., vs. Nabors Drilling Technologies USA, Inc., et al., United States District Court, Southern District of Texas, Houston Division, Civil Action No. 17-cv-710. [report]

### **Presentations/Professional Meetings**

“Measuring Pay Equity: A Proactive Approach to Identifying and Addressing Differences in Compensation,” presented to Consumer Companies Forum in Cincinnati, OH (May 2017)

“Seeing Through Statistics: The Role of a Labor Economist in Litigation,” presented to the Worklaw Network in Beverly Hills, CA (April 2015)

“Economists in Employment Litigation,” Hendrix College, Conway, AR (April 2009, February 2013)

“Do Certification Requirements Discourage Quality Entrants? The Market for Public School Administrators,” Midwest Economics Association, Annual Conference, Chicago, IL (March 2006)

“Gender and Promotion in Texas Public Schools,” Private Enterprise Research Center (PERC) Applied Microeconomics Seminar Series, College Station, TX (March 2006)

“School Choice and the Compensation of School Administrators,” Dissertation Development Workshop, Texas A&M University, College Station, TX (October 2006)

### **Description of Selected Casework**

Expert Witness, Wage and Hours: Provided opinion about the appropriateness of applying inference class-wide using plaintiffs’ proposed sample of representative trial witnesses in FLSA claim of unpaid off-the-clock work performed by satellite installation technicians.

### **Description of Selected Casework (Continued)**

Expert Witness, FLSA Unpaid Overtime: Designed and implemented a statistically representative sample of class member timesheets in an independent contractor misclassification claim. Estimated class-wide unpaid overtime using sample data.

Consultant, Gender Discrimination: Performed analyses of compensation for a leader in the consumer electronics industry in response to litigation and EEOC investigation into claims of gender discrimination. Assisted the client in identifying the data required to conduct thorough analyses of their pay-setting practices.

Consultant, Gender and Race Discrimination: Performed regular audits for a large federal government contractor in the aerospace industry to monitor and assess possible differences in pay by gender or race/ethnicity. Developed a measure of risk of litigation or government investigation that summarizes the statistical evidence available from multiple and varied regression models. Assisted with responding to the OFCCP during compensation audits.

Consultant, OFCCP Compensation Audits: Assisted a global firm in the information management and electronic commerce systems industry with defining similarly situated employee groups, conducting statistical analyses and preparing data responsive to OFCCP requests during multiple audits.

Consultant, FLSA Misclassification: Compiled, combined and organized complex payroll and work schedule data for a national retailer involved in two class action cases (FLSA and California) claiming store managers were misclassified as exempt from overtime earnings

Expert Witness, Union Grievance: Prepared analyses of a Reduction-In-Force for a global metal and minerals mining company during a dispute with union represented shipping department employees. Testified during arbitration about how the timing of declining company sales corresponded with economic conditions in the U.S. and how the RIF affected union and non-union members equally.

Consultant, Racial Discrimination: Compiled, combined and analyzed extremely large and complex data for a national retailer involved in an EEOC investigation into racial discrimination in hiring stemming from disparate impact of criminal background checks and pre-employment testing.

### Description of Selected Casework (Continued)

Consultant, Gender Discrimination: Designed and prepared statistical analyses of compensation for an investment banking firm involved in class action litigation and EEOC investigation.

Consultant, Employment Discrimination: Designed and conducted statistical analyses of voluntary and involuntary terminations for evidence of gender, age or racial disparities for a large national consumer products manufacturer and distributor. Compiled and organized the companies SAP HRIS data for analysis.

Consultant, FLSA Misclassification: Compiled timekeeping data for a national inspection services firm involved in class action litigation regarding the fluctuating workweek payment method used to compensate inspectors. Computed the value of alleged unpaid overtime.

Summary Data Witness, California Wage & Hours: Identified, combined and summarized on-board, GPS-based computer logs of long-haul and short-haul tractor trailer drivers to demonstrate the amount of time spent dawning/doffing and during meal/rest breaks for a national transportation company. Prepared a written report describing the amount of time each individual plaintiff spent performing the contested activities.

Consultant, Gender Discrimination: Assisted a large national retailer in preparation of data during the class certification stage of a nation-wide Equal Pay Act case.

Consultant, Employment Discrimination: Designed and prepared analyses of pay, promotions and performance ratings for a leading automobile manufacturer.

Consultant, Gender Discrimination: Prepared statistical analyses of gender discrimination in pay for faculty members for several public universities.

Consultant, Systemic Discrimination: Collected, organized and analyzed data for one of the country's largest interstate trucking companies involved in class-action litigation filed by the EEOC alleging a pattern-and-practice of sexual harassment in its new driver training program.

**Description of Selected Casework (Continued)**

Consultant, Racial Discrimination: Analyzed data, prepared summary graphics and provided support to testifying expert at hearings before an Administrative Law Judge in a class-action hiring discrimination case filed by the EEOC against a bank. The claim alleged African-Americans were denied employment opportunities.