

Inherent in the EEOC's obligation to conciliate is the requirement that it do so in good faith. As the Eleventh Circuit in *EEOC v. Asplundh Tree Expert Co.* recently affirmed, the agency will not fulfill its conciliation obligation and thus will be precluded from pursuing public enforcement unless it clearly explains to the respondent the basis for its reasonable cause determination, provides it with an opportunity for "voluntary compliance," and responds "in a reasonable and flexible manner to the reasonable attitudes of the employer." *EEOC v. Asplundh Tree Expert Co.*, Nos. 02- 12386 & 02-13571 (11th Cir. August 7, 2003).