

**EEOC TRAINING INSTITUTE
EXCEL CONFERENCE 2004 AGENDA
(Examining Conflicts in Employment Laws)**

“Commitment to EEO: New Realities and Opportunities in the 21st Century Federal Workplace”

SUNDAY, AUGUST 29, 2004

1:00 - 5:00 PM Registration

MONDAY, AUGUST 30, 2004

8:00 - 8:30 AM Mandatory meeting of Hearing Prep attendees and trainers
(To obtain materials and instructions)

8:30 - 8:45 AM **Welcoming Remarks**
Introduction of EEOC Chair
 Olophius Perry, District Director, EEOC Los Angeles

8:45- 9:15 AM **EEOC Chair’s Presentation**
The Honorable Cari M. Dominguez, Chair, Equal Employment
Opportunity Commission

9:15 - 10:15 AM **Federal Sector Updates**
 Nicholas Inzeo, Director, EEOC Office of Field Programs
 Carlton M. Hadden, Director, EEOC Office of Federal
 Operations

10:15 - 10:30 AM **Break**

10:30 - Noon **Discussions on the Theme: “New Realities and Opportunities
in the 21st Century Federal Workplace”**
 Ventris Gibson, Assistant Administrator for Human
 Resources, Federal Aviation Administration
 Captain Robert D. Watts, U.S. Navy, Commandant, Defense
 Equal Opportunity Management Institute

Noon - 1:30 PM **Lunch with Keynote Speaker: David Chu, Department of
Defense**
“Commitment to EEO in an Era of Civil Service Reforms”

Workshop Session 1 - 1:30 - 3:00 PM - Elect One in Each Session

A. EEOC Hot Topics

New EEOC initiatives and developments.

Leonora L. Guarraia, EEOC Chief Operating Officer

Sandra Hobson, Special Assistant to the Chair, EEOC

B. The New Management Directive on Affirmative Employment, EEO MD-715 Part 1

Instructional guidance; Overview of 715 elements; Discussion of barrier analysis and strategic plans.

Carlton M. Hadden, Director, EEOC Office of Federal Operations

Jo Linda Johnson, EEOC Office of Federal Operations

C. Mediation Best Practices

What works and what doesn't; mediation pitfalls and how to avoid them.

Stanley Braverman, Deputy District Director, EEOC Philadelphia

Floyd Weatherspoon, Professor of Law and Director of Minority ADR Initiatives, Capital University Law School, Columbus, Ohio

Gerard Thompson, EEOC Office of Federal Operations

Irene Hill, Special Assistant to the Chair, EEOC

D. Workplace Violence

How should your agency prepare for and deal with crises?

Wayne Carter, Counsel, DCMA Santa Ana

E. Your Leadership Style

Be a more effective leader, enhance your communications, and foster dynamic working environments and relationships to achieve organizational and individual results.

Ventris Gibson, Assistant Administrator for Human Resources,
Federal Aviation Administration

F. Settlement Techniques

How to approach a case, how to engage in negotiations.

Charetta Harrington, Chief Administrative Judge, EEOC Cleveland

Gilah Goldsmith, Assistant General Counsel, Department of Defense

Joseph Kaplan, Esq., Passman & Kaplan

G. Providing Reasonable Accommodation

Dealing with employees with hidden disabilities.

Kendra Duckworth, Job Accommodations Network (JAN)

Dinah Cohen, Director, Computer/Electronic Accommodations Program (CAP), Department of Defense

3:00 - 3:15 PM Break

Workshop Session 2 - 3:15 - 4:45 PM

- H. **Best Practices: Reasonable Accommodation Procedures**
A review of Agencies' Reasonable Accommodation Policies.
Kerry Leibig, EEOC Office of Legal Counsel
- I. **The New Management Directive on Affirmative Employment, EEO MD-715, Part 2**
Instructional guidance; Overview of 715 elements; Discussion of barrier analysis and strategic plan.
Carlton M. Hadden, Director, EEOC Office of Federal Operations
Jo Linda Johnson, EEOC Office of Federal Operations
- J. **Drafting a Good Final Agency Decision.**
Robert Hysten, EEO Compliance & Appeals, US Postal Service Windsor
Robbie Dix, Director, Appeals Branch B, EEOC Office of Federal Operations
- K. **Supervisors' Session: Managing Diversity**
Michael B. London, Ph.D., Wharton School of Business, University of Pennsylvania
- L. **How Much Do You Know About Disability Law?**
Test your knowledge of disability law in this lively and challenging team game.
Judy Valois, Esq., Department of Veterans Affairs
- M. **Providing Reasonable Accommodation - Assistive Devices**
Discussion and demonstration of various types of assistive devices.
Dinah Cohen, Director, Computer/Electronic Accommodations Program (CAP), Department of Defense
Kendra Duckworth, Job Accommodations Network (JAN)
- N. **SPECIAL SESSION - Hearing Prep I (Part II is on Tuesday, August 31 at 3:15 PM)** - This interactive workshop will prepare you to litigate an EEO case in a mock hearing on Thursday. Each attendee will be assigned to a "lead attorney" for the mock hearing. **The maximum number of attendees is 24. Pre-registration required; you will be notified of acceptance. Limited to individuals representing agencies and claimants in EEOC hearings. You are also required to attend these workshops: "F" Settlement Techniques, "T" Motion Practice, and "GG" Examination of Witnesses.**
Kenneth Chu, Chief Administrative Judge, EEOC New York
June Kalijarvi, Esq., Kalijarvi, Chuzi & Newman
Sarah Tuck, Hearings & Appeals Branch, Employee & Management Relations, Department of Agriculture

EVENING RECEPTION SPONSORED BY THOMSON WEST

Tuesday, August 31, 2004

- 8:30 - 9:30 AM **ADA Case Updates**
Peggy Mastroianni, Associate Legal Counsel, EEOC Office
of Legal Counsel
- 9:30 - 10:30 AM **EEO Case Updates**
Dexter Brooks, EEOC Office of Federal Operations
- 10:30 - 10:45 AM Break
- 10:45 - Noon **“Coloring Outside the Lines”**
Jeff Tobe, Creative Marketing Consultant and Professional
Speaker
- Noon - 1:30 PM **Lunch with Keynote Speaker**
The Honorable Naomi Earp, Vice Chair, Equal Employment
Opportunity Commission

Workshop Session 3 - 1:30 - 3:00 PM

- O. **EEO Counseling: Effective Interviewing and Drafting Counselor’s Reports**
Dexter Brooks, EEOC Office of Federal Operations
- P. **Respect in The Workplace**
Wisdom on how one develops the skills and utilizes them to effect positive
behavior in a diverse workplace.
Carol Mitchell, “Edge Learning Institute”
- Q. **Best Practices - Tips for Conducting an Appropriate EEO Investigation**
Includes a discussion about framing claims
William Caldwell, Manager, National EEO Services, USPS
Robbie Dix, Director, Appeals Branch B, EEOC Office of Federal
Operations
- R. **Ethics for Mediators. Earn CLE credits.**
Stanley Braverman, Deputy District Director, EEOC Philadelphia

- S. **Supervisors' Session: Religious Accommodation**
What questions can you ask when an employee requests leave for religious reasons? Should holiday decorations like Christmas trees be permitted? Should prayer be permitted at agency functions? All your questions in this sensitive and volatile area will be answered.

Madeline Caliendo, Associate Administrator for Civil Rights, GSA

- T. **Motion Practice**
Learn when to file and when not to file motions, and how to make your motion practice more effective. Focus on procedural dismissals and summary judgments.

Christine Siegel, Chief Administrative Judge, EEOC Los Angeles
Lloyd Edward Tooks, Esq.
Bridgette M. Gibson, IRS San Francisco

3:00 - 3:15 PM Break

Workshop Session 4 - 3:15 - 4:45 PM

- U. **Managing the EEO Complaint Process**
Clarence Williams, EEO Director, TVA
Madeline Caliendo, Associate Administrator for Civil Rights, GSA
Tywana Halstead, Regional EEO Officer, VA Brecksville

- V. **Presenting Appeals to OFO**
Robbie Dix, Director, Appeals Branch B, EEOC Office of Federal Operations
Carolyn Perry, Counsel, DLA

- W. **I Hear What You Say, But What Are You Telling Me?**
Creative negotiating and communication that convinces
Barbara Madonik, President, Unicom Communications Consultants, Inc.

- X. **FMLA and Family Friendly Leave**
Learn when to grant and when to deny requests for FMLA leave
Jacqueline Majka, Area Labor Relations Specialist, United States Postal Service

- Y. **Supervisors' Session: How Good Managers Go Bad - Avoiding the Pitfalls of Retaliation**
Joseph Kaplan, Esq., Passman & Kaplan

- Z. **Proving and Opposing Compensatory Damages and Attorneys' Fees**
What evidence is necessary to support a claim; learn how to maximize your award or minimize your liability.

Gary Gilbert, Esq., Passman & Kaplan
Judy Valois, Esq., Department of Veterans Affairs
Susan Flynn, Chief Administrative Judge, EEOC Philadelphia

- AA. **Special Session - Hearing Prep II**

Continuation of the workshop which will prepare you to litigate an EEO case for a mock hearing on Thursday. **Limited attendance session; preregistration required**

6:00 PM - Evening Reception Sponsored by Curtis Lewis & Associates, P.C.

Wednesday, September 1, 2004

- 8:30 - 9:00 AM **Trends and Policies at the MSPB**
The Honorable Neil A.G. McPhie, Acting Chair, United States Merit Systems Protection Board
- 9:00 - 9:30 AM **Trends in Civil Service**
The Honorable Tony Armendariz, Member, Federal Labor Relations Authority
- 9:30 - 10:30 AM **OPM Initiatives: Recruiting, Retaining and Promoting Minorities in the Federal Government**
Dr. Jacob Lozada, Office of Personnel Management, Special Advisor to the Director
- 10:30 - 10:45 AM Break
- 10:45 - Noon **Update on the Rights of Federal Employees' Collective Bargaining and Appeal Rights**
Ron James, Chief Human Capital Officer, Department of Homeland Security
Cathy Mitrano, Department of Defense
Joseph Henderson, AFGE
- Noon - 1:30 PM Lunch (on your own)

Workshop Session 5 - 1:30 - 3:00 PM

- BB. Basic, Basic (and we MEAN Basic) Theories of Discrimination**
Introduction to the civil rights statutes enforced by the EEOC and applicable case law, for new practitioners, EEO Counselors, investigators and human resource personnel in the federal sector complaint adjudication process
Christine Siegel, Chief Administrative Judge, EEOC Los Angeles
Robert Hylan, EEO Compliance & Appeals, US Postal Service Windsor
- CC. Roundtable Discussion: Changes to Federal Employees' Rights**
Collective bargaining and appeal rights.
Ron James, Chief Human Capital Officer, DHS
Cathy Mitrano, Department of Defense
Joseph Henderson, AFGE
- DD. The No Fear Act**
Discussion of regulations and posting/reporting requirements.
Gary Hozempa, EEOC
Julie Ferguson Queen, OPM Office of General Counsel
- EE. MSPB Hot Topics**
William Boulden, Regional Director, MSPB Northeast Region
Amy Dunning, Regional Director, MSPB Western Region
- FF. Get in the Right Frame of Mind**
How to prepare for mediation. For managers, supervisors, representatives.
Curtis Lewis, Curtis Lewis & Associates
Michael Bertty, ADR Coordinator, EEOC New York
- GG. Examination of Witnesses**
Learn how to present your case effectively through the examination of witnesses.
Gilah Goldsmith, Assistant General Counsel, Department of Defense
Gary Gilbert, Esq., Passman & Kaplan

3:00 - 3:15 PM Break

Workshop Session 6 - 3:15 - 4:45 PM

- HH. EEO Accountability**
Learn about the IRS process that determines whether a responsible management official should be terminated for intentional discriminatory actions.
Roslyn Brown, Director, Discrimination Complaint Review Unit, IRS
- II. The No Fear Act**
Discussion about the Act and its impact. What counsel should consider.
Joan K. Garner, Deputy Chief, Defensive Litigation, US Attorneys Office, EDPA

- JJ. **Effective Representation in Mediation**
Tips on being more effective at mediation. Perhaps zealous advocacy is not the most effective way to represent your client's interests.
Floyd Weatherspoon, Professor of Law and Director of Minority ADR Initiatives, Capital University Law School, Columbus, Ohio
Michael Bertty, ADR Coordinator, EEOC New York
- KK. **MSPB Hot Topics**
William Boulden, Regional Director, MSPB Northeast Region
Amy Dunning, Regional Director, MSPB Western Region
- LL. **Supervisors Session: Harassment**
Charetta Harrington, Chief Administrative Judge, EEOC Cleveland
- MM. **Ethics - Session for Lawyers Who Practice in the EEO Forum. EARN CLE CREDITS**
What is the role of agency counsel? Should government lawyers be held to a higher standard? Should you avoid liability or "do the right thing"?
John Moroney, Esq., Associate Counsel for Ethics and Personnel, Defense Contract Management Agency

THURSDAY, SEPTEMBER 2, 2004

8:30 AM Workshop Sessions

- NN. **Mock Hearing**
Observe a mock hearing on a case prepared by the participants in the Hearing Prep class.
- OO. **Census EEO Data Tool Presentation**
Joseph Donovan, Office of General Counsel, Research Division, EEOC