

**WELCOME
TO THE EEOC
DENVER FIELD OFFICE
TECHNICAL ASSISTANCE
PROGRAM SEMINAR**



**Agenda
For:**

**Wednesday
June 4, 2008**



In 2007, EEOC launched a new national initiative called E-RACE. It is an outreach, education and enforcement campaign designed to combat an old and persistent problem, race and color discrimination, with 21st century analysis and strategies. The most frequently filed claims with the EEOC are allegations of race discrimination, racial harassment, and retaliation arising from opposition to race discrimination. In fiscal year 2007, charges alleging race-based discrimination accounted for 37% of the charges filed. A number of the workshops offered during this two-day seminar will focus on E-Race issues and will help employers identify potential EEO problems and to develop proactive solutions.

E-RACE:

Eradicating

Racism

And

Colorism

in

Employment

On June 4, the E-RACE workshop is entitled, "The More Things Change, the More They Stay the Same: The E-RACE Initiative and Why We Need It." In this session, you will learn about the recent trends and cases in race and color discrimination, covering both overt discriminatory bias and more subtle forms of discrimination.

On June 5, additional sessions are offered which focus on race discrimination and the issues covered by the E-RACE initiative including the three-session course on "How to Investigate an Internal Complaint of Discrimination," for advanced Human Resources Managers. It is designed to teach investigative skills and will not provide instruction on federal anti-discrimination laws. Participants are asked to attend all three sessions.

The other workshops which will cover E-Race issues are entitled "Anatomy of a Case: Assessing Risk-When Do You Leave it Alone and When Do You Get Involved," a close examination of a real-life federal sector case and "Looking at the Face of an Evolving Workforce," a panel discussion of changing demographics, the worker of today, and the resultant new issues faced by management.

Please see the agenda for more detailed descriptions of these workshops. Workshops which cover E-RACE issues can be identified by this symbol:



Wednesday, June 4, 2008

Rotunda

7:00–8:00 am **Registration**

Vail Ballroom

7:00-8:15 am **Breakfast Buffet**

Vail Ballroom

8:00-8:15 am **Conference Opening**
Chester V. Bailey, District Director
Equal Employment Opportunity Commission—Phoenix District Office

8:15–9:45 am **Recent Legal Developments at EEOC**
Peggy R. Mastroianni, Associate Legal Counsel
Equal Employment Opportunity Commission—Washington, D.C.

Peggy R. Mastroianni, will provide an EEOC litigation update. Ms. Mastroianni will discuss the most recent EEOC guidance and the impact of the guidance on companies. Also included in this presentation will be information on the most recent Supreme Court decisions and the effect that these decisions will have in future employment discrimination cases.

9:45-10:00 am **Break**

Steamboat & Silverton Ballroom

10:00–11:30 am **E-Verify, The I-9 and Worker Protections**
Baltazar Baca, Senior Trial Attorney
United States Department of Justice
Civil Rights Division
Office of Special Counsel for Immigration-Related Unfair
Employment Practices

Senior Trial Attorney Baca will discuss the anti-discrimination provisions of the Immigration and Nationality Act (INA). The topics will include prohibited citizenship status, discrimination pitfalls to avoid in completing the I-9, and the E-Verify process for new hires. (Slide show presentation)

Vail Ballroom

11:30 am–12:45 pm **Lunch**

Wednesday, June 4, 2008

12:45-1:00 pm Break

1:00-2:30 pm Workshop Sessions

Steamboat Room

Religious Discrimination

Peggy R. Mastroianni, Associate Legal Counsel
Equal Employment Opportunity Commission—Washington, D.C.

Ms. Mastroianni will remove the mystery and answer your most frequently asked questions concerning employer requirements for religious accommodation. How far does the employer have to go in meeting requests? What is a sincerely-held religious belief? May employees display articles relating to religious beliefs at work? Hear the answer to these and other questions facing supervisors and human resource professionals. (Slide show presentation)

Telluride Room

The More Things Change, the More They Stay The Same: The E-RACE Initiative and Why We Need it



Presenters from the Colorado Civil Rights Division

During this session, you will hear about recent trends in race and color discrimination, both those cases involving overt discriminatory bias, as well as cases involving more subtle forms of discrimination. Hear how EEOC's E-RACE Initiative is addressing the 21st century manifestations of race and color discrimination and about recent case law and EEOC settlements involving same-race discrimination, intersectional discrimination, bi-or multi-racial discrimination and other current race discrimination issues. (Slide show presentation)

Aspen Theatre

Systemic Discrimination, OFCCP and EEOC

Merrily S. Archer, Attorney
Jackson Lewis, LLP
Mickey Silberman, Managing Partner
Jackson Lewis, LLP

This workshop will focus on systemic discrimination activities of OFCCP and EEOC. Topics covered include the Uniform Guidelines on Employee Selection Procedures, "Practical Implications of the EEOC's New Focus" and "How to Tell if You're on the EEOC Radar Screen." There will also be a discussion of adverse impact statistical trends concerning minorities/females in hiring, promotions and termination as well as compensation disparities that may negatively impact minorities or females. (Slide show presentation)

Wednesday, June 4, 2008

2:30–2:45 pm **Break**

2:45–4:15 pm **Workshop Sessions**

Steamboat Room

EEOC's Enforcement Guidance on Unlawful Disparate Treatment of Worker's with Caregiving Responsibilities

Nancy Sienko, Denver Director

Equal Employment Opportunity Commission–Denver Field Office

On May 23, 2007, the EEOC issued the above guidance on how agency-enforced laws apply to workers with caregiving responsibilities. This guidance was issued as a proactive measure to address an emerging discrimination issues in the 21st century workplace. Ms. Sienko will discuss how changing workplace demographics, including women's increased participation in the labor force, have created the potential for greater discrimination against working parents and others with caregiving responsibilities, such as eldercare – all of which may vary by gender, race or ethnicity. (Slide show presentation)

(This course will repeat at 10:00 am, Thursday morning, June 5, 2008)

Telluride Room

Employees in the New Millennium

Wendell Pryor, Former Director, Colorado Civil Right Commission,
and Executive Director, Boys & Girls Club of Chaffee County

This course will address the rising problem of generational diversity in the workplace. For the first time ever, the American Workplace is not only multi-cultural, but multi-generational. How does a company handle the culture clashes which arise when Baby Boomers, Generation X and Generation Y all have to coexist in the same workforce? And, what about the cultural enhancement and difference which each generation brings to the table?

Aspen Theatre

How to Investigate an Internal Complaint of Discrimination

Patricia McMahon, Program Analyst

Equal Employment Opportunity Commission–Denver Field Office

Daniel McCormick, Diversion Investigator

Department of Justice-Drug Enforcement Administration

The ability to investigate any situation takes skill. But whether you are investigating illegal drug use or an internal complaint of discrimination, the process is still the same. You have to remain neutral, look for leads and document evidence. The workshop will also provide practical information on how to provide a prompt, thorough, and impartial investigation by teaching interviewing techniques and introducing various methods to determine credibility. (Slide show presentation)

SPEAKER BIOGRAPHIES FOR JUNE 4, 2008



PEGGY R. MASTROIANNI
ASSOCIATE LEGAL COUNSEL
EEOC- HEADQUARTERS OFFICE

Peggy Mastroianni currently serves as Associate Legal Counsel of the EEOC in Washington, D.C. and is responsible for the preparation of regulatory and subregulatory policy documents addressing complex unresolved issues under Title VII, ADEA, EPA and the ADA. Ms. Mastroianni graduated with a B.A. from Cornell University before attending the Graduate School of Education at Harvard University. Following graduation, Mastroianni taught English at Hunter College High School in New York City. She attended Fordham University School of Law. She began working for EEOC in 1979 as a trial attorney. During her tenure, she worked as an Appellate Attorney and as Attorney Advisor to the Chairman of EEOC.



A. BALTAZAR BACA
SENIOR TRIAL ATTORNEY, UNITED STATES DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION, OFFICE OF SPECIAL COUNSEL FOR IMMIGRATION
RELATED UNFAIR EMPLOYMENT PRACTICES

A. Baltazar Baca is a senior Trial Attorney for the Department of Justice, Civil Rights Division, Office of Special Counsel for immigration-related unfair employment practices. He served on a special detail in the prosecution of the U.S. v. Moussaoui. He has handled complex cases with unique issues in the Office of Special Counsel. Prior to his second tour at the Department of Justice, Mr. Baca was an employment litigator, served as counsel to the United States Department of the Interior and the EEOC. In addition, Mr. Baca has served as an adjunct professor at Georgetown University School of Law, Antioch School of Law and the U.S. Department of Agriculture Graduate School. Mr. Baca his Juris Doctorate from the University of Denver, with honors.



MICKEY SILBERMAN, Esq.
PARTNER JACKSON/LEWIS, LLP

Mickey Silberman is the Managing Partner of Jackson Lewis LLP's Denver office. He represents management exclusively in all areas of employment law and specializes in affirmative action, EEO compliance and diversity. He counsels employers from throughout the country in this area of law. In addition, he is Legal Counsel to and serves on the Executive Committee of the National Industry Liaison Group (NILG) Board, an affirmative action employers association. Mr. Silberman and the AAP practice group prepares AAPs for clients in a wide range of industries and across the country. He has directed the defense of OFCCP audits, including many Corporate Management ("glass ceiling") Reviews. Mr. Silberman received his Juris Doctor degree from St. John's University School of Law with a concentration in the study of Advanced Labor Law. He is admitted to the Bars of the States of Colorado and New York.



NANCY A. SIENKO
DIRECTOR, EEOC-DENVER FIELD OFFICE

Nancy Sienko is a 29-year veteran at the EEOC. Ms. Sienko was appointed to the position of Denver Field Director in May 2006. Ms. Sienko most recently served as Enforcement Manager at the EEOC's Milwaukee office, where she has worked since beginning her career with the EEOC as an investigator in September of 1979. Over the course of her 29- year tenure with EEOC, Ms. Sienko has been employed in a variety of positions, including Systemic Investigator, Program Analyst, and Enforcement Supervisor. She received her undergraduate degree from the University of Wisconsin, Whitewater and a graduate degree from Cardinal Stritch University.