



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



**Agenda
For:
Thursday
June 5, 2008**



Eradicating

Racism

And

Colorism

in

Employment

Our seminar is designed to help companies identify potential EEO problems and develop proactive solutions. 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 to identify potential EEO problems and to develop proactive solutions.

On June 5th, a number of the sessions are offered which focus on race discrimination and the issues covered by the E-RACE initiative including the three-session course, “How to Investigate an Internal Complaint of Discrimination,” for advanced Human Resources Managers. Further information on this course is provided in the box below.

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. Sessions addressing E-Race issues are identified by the symbol:



E-RACE IN PRACTICAL APPLICATION:*

Course Name: How to Investigate an Internal Complaint of Discrimination

Course Description: This is a hands-on workshop in which participants will investigate a discrimination complaint. Participants will determine what witness statements and documentary evidence need to be obtained in order to determine the validity of Mr. Wrights’ complaint. Participants will discuss what steps, if any, the company could have taken to defuse the situation. Copies of the handouts describing the fact patterns will be distributed at the beginning of the workshop and participants are asked to attend for the full day.

Outline of course: Mr. Bernie Wright works for the ABC Corporation. He has alleged that he has been subjected to institutionalized racism which led to the denial of a promotion. He alleges the environment is very hostile toward African-American employees and he believes that African-American employees must blend in with the white employees in order to advance. He alleges that the ABC Corporation wants its African-American employees to be “nothing more than white clones with no race identification with regard to clothing, speech or hairstyles.” He alleges that when he complained about what he has perceived as institutionalized racism, he was retaliated against.

Course Requirement: This popular course has been designed for advanced Human Resource Managers. No instruction on the federal anti-discrimination laws will be provided during the course. Therefore, only participants with a solid understanding of EEO laws should attend. Please note: This course is designed to teach investigative skills and how evidence is gathered and assessed to determine liability.

Thursday, June 5, 2008

7:00-8:00 am **Registration**

Vail Ballroom

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

Vail Ballroom

8:00-8:15 am **Conference Opening**

Nancy Sienko, Denver Director
Equal Employment Opportunity Commission-Denver Field Office

8:15-9:45 am **HR Regulation & Judicial Update**

Nancy B. Hammer, Manager Tax and Benefits
Society for Human Resource Management

The US Congress and federal agencies are considering many legislative and policy proposals and changes to current laws that directly affect the HR profession. This workshop focuses on several of these critical public policy issues, and their impact on HR professionals and their organizations. (Slide show presentation)

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

10:00-11:30 am: **Workshop Sessions, Select One**

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 guidance on how agency-enforced laws apply to workers with caregiving responsibilities. 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. The EEOC guidance was issued as a proactive measure to address emerging discrimination issues in the 21st century workplace. Ms. Sienko will discuss examples under which discrimination against a working parent or other caregivers may constitute unlawful disparate treatment under Title VII of the Civil Rights Act and the Americans with Disabilities Act of 1990. (Slide show presentation)

Silverton Room

Anatomy of a Case: Assessing Risk—When Do You Leave it Alone and When Do You Get Involved?

David Simonton, Administrative Judge
EEOC-Denver Field Office
Dr. Richard Voyles, Ph.D.,
President, Conflicts Academy Resolutions



Government officials administering and enforcing laws are charged in the court system with determining outcomes in the best interest of the parties involved. It is incumbent upon them to make decisions that support and uphold the value system of both the agency at risk and the party claiming foul. It is always important to follow the law, but sometimes there are personal and cultural differences that impact the outcome. Join Dr. Voyles and Judge Simonton in a workshop that will take you through a real-life case and discuss when a risk assessment should have been taken based on the outcome. Additionally, included will be a distinction between illegal workplace harassment, personality conflicts and cultural differences. (Interactive course)

Thursday, June 5, 2008

10:00-11:30 am: Workshop Sessions, Continued

Telluride Room

Hands-On Workshop - How to Investigate an Internal EEO Complaint—Part 

Patricia McMahon, Program Analyst
EEOC-Denver Field Office

Part one of a three part workshop: *Bernie Wright v. The ABC Corporation*. This all-day workshop is designed to take students through the investigation of a case alleging institutionalized racism. In this workshop, students will review Mr. Wright's statement and determine who should be interviewed and what evidence should be gathered based on his allegations. (Interactive course)

Vail Ballroom

11:30 am-1:00 pm Lunch

1:00-2:30 pm Workshop Sessions, Select One

Steamboat Room

Writing a Drug and Alcohol Policy That Does Not Violate the ADA

Merrily S. Archer, Esq., M.S.W.
Jackson Lewis, LLP

Believe it or not, there are companies that have been able to write effective drug and alcohol policies that do not violate the ADA. This workshop will provide guidance on how to implement a drug and alcohol policy which will be effective and non-discriminatory. (Slide show presentation)

Silverton Room

Ten Common EEO Mistakes That Employers Make

Holly Romero, Supervisory Investigator
EEOC-Denver Field Office

This workshop will focus on some of the most common mistakes employers make when dealing with EEO issues. From the chronic complainer to retaliation, the presenter will discuss methods that employers can use to minimize complaints. (Slide show presentation)

Telluride Room

Hands-On Workshop - How to Investigate an Internal EEO Complaint 

Patricia McMahon, Program Analyst
EEOC-Denver Field Office

Part two of a three part workshop: *Bernie Wright v. The ABC Corporation*. This all-day workshop is designed to take students through the investigation of a case alleging institutionalized racism. In this workshop, students will pick up from where the investigation left off before lunch. The discussion will focus on what witnesses should be interviewed and what key pieces of evidence should be gathered. (Interactive course)

Thursday, June 5, 2008

2:30-2:45 pm **Break**

2:45-4:15 pm **Workshop Sessions, Select One**

Steamboat Room

Mediation-An Effective Process for Resolving EEOC Charges

Yvonne Gloria-Johnson, ADR Coordinator

EEOC-Phoenix District Office

Karen DeWaldt, Human Resources

Qwest Communications

Kevin Stocker, Director of Human Resources

Frontier Airlines

The EEOC has offered you the opportunity to mediate a charge of discrimination but you wonder, "If we haven't done anything wrong, why should we mediate?" Hear from a panel of employers and mediators why more employers choose to solve the problem using mediation. Learn what to expect when you participate in mediation and how to maximize your mediation experience. (Panel discussion)

Silverton Room

Looking at the Face of an Evolving Workforce

Moderator: **Andrew Williams**, Supervisory Investigator

EEOC-Denver Field Office

Steven Chavez, Director

Colorado Civil Rights Commission

Charles F. DeSaussure, Civil Rights Investigator

Colorado Department. of Human Services



In this workshop which will cover E-Race issues, a panel of experts will discuss the evolving workforce. The workers of today are more computer savvy, more accessible, and have a whole different attitude than they did twenty years ago. How does an employer handle the ever changing workplace? Should the bilingual employee be paid more? What do credit and background checks really tell us? How does an employer eliminate hidden bias in the hiring process? Listen to experts, who have seen everything from age discrimination to hate crimes, give their opinions of where they see the workplace evolving. (Panel discussion)

Telluride Room

Hands-On Workshop - How to Investigate an Internal EEO Complaint

Patricia McMahon, Program Analyst

EEOC-Denver Field Office



This session concludes the all-day investigative workshop, *Bernie Wright v. The ABC Corporation*. Students will assess the credibility of the witnesses and analyze the evidence. Finally, students will discuss the strengths and weaknesses of the case from an investigator's point of view. (Interactive course)

SPEAKER BIOGRAPHIES FOR JUNE 5, 2008



NANCY B. HAMMER

MANAGER, TAX and BENEFITS, SOCIETY FOR HUMAN RESOURCE MANAGEMENT

Ms. Hammer joined SHRM in January 2006 and is responsible for tracking agency rulemaking and advocating SHRM membership views on regulatory proposals affecting the HR profession. In addition, she tracks court cases that raise critical issues for the HR profession and evaluates whether SHRM should intervene as amicus to ensure the HR viewpoint is considered by the court. Prior to joining SHRM, she served as Director of the International Division and Policy Counsel for the National Center for Missing & Exploited Children and as Legislative Counsel for a U.S. Senator. Ms. Hammer received her law degree from Washington University School of Law and her Bachelor of Science degree in Political Science from Nebraska Wesleyan University.



DR. RICHARD VOYLES

PRESIDENT, CONFLICT ACADEMY RESOLUTIONS

Dr. Richard Voyles, published author and President of Conflict Resolution Academy, is a Registered Neutral with the State of Georgia. He works with the court system to mediate disputes from general cases to special education and divorce issues. With a background in peace-keeping and diversity, he has served on the Board of Directors for the Interfaith Coalition of Atlanta and as Commissioner for the Georgia Commission on the Holocaust. His credits include program design for certification for Resolution Specialists who focus on advanced communication skills in order to promote leadership, team building and conflict management for both corporate and federal organizations.



MERRILY S. ARCHER, ESQ., M.S.W.

ATTORNEY, JACKSON LEWIS LLP

Merrily Archer is a senior attorney with Jackson Lewis, LLP, a national labor and employment firm, specializing in representing management in the full spectrum of workplace law. In 1997, she earned a law degree and a MSW from Washington University in St. Louis. She began her legal career as a Trial Attorney for the EEOC-Denver Field Office. She has published several articles on employment topics and is a regular presenter for CHRA, CO-SHRM, the Council on Education in Management, the National Business Institute, and the Colorado Bar Association. For her dedication to *pro bono* employer training, the Denver Business Journal recognized her as one of Denver's outstanding "Forty Under 40" for 2005.



DAVID P. SIMONTON

ADMINISTRATIVE JUDGE, EEOC-DENVER FIELD OFFICE

David Simonton has been an Administrative Judge in the Denver Field Office of the EEOC since August of 2001. Prior to becoming a judge, he served as the Denver Office's Alternative Dispute Resolution (ADR) Coordinator, Program Analyst, Supervisory Investigator and State and Local Coordinator. Judge Simonton joined the EEOC in 1992, after serving as the Director of the Wyoming Fair Employment Commission. He received his Bachelor of Arts degree in Political Science from Colorado College and a Juris Doctorate from the University of Wyoming.



STEVE CHAVEZ, Esq.

DIRECTOR, COLORADO CIVIL RIGHTS COMMISSION

Steve Chavez is a west Denver native. He received his Bachelor of Science degree from Colorado State University and a Juris Doctor degree from the University of Colorado. He is licensed to practice law in the state of Colorado. Mr. Chavez began his legal career as an environmental enforcement attorney with the United States Environmental Protection Agency where he helped enforce environmental laws. He worked at the Colorado Attorney General's Office for 17 years handling a wide variety of legal matters, specializing in personnel and employment law. He has appeared in administrative, state and federal courts. Mr. Chavez works closely with civic leaders on civil rights issues and firmly believes in fair treatment for all people in Colorado.



KEVIN STOCKER

DIRECTOR OF HUMAN RESOURCES, FRONTIER AIRLINES

Kevin Stocker has served as the Director of Human Resources for Frontier Airlines since 1999. He is a senior manager with over 20 years of experience in all areas of human resources. Specific areas of experience include: employee/leadership development including the integration of a company's values into the culture, policies and procedures as they relate to employee relations, total compensation including benefit design and administration as well as compensation design and delivery, recruiting in a high-volume environment, employment compliance including all mandated federal (EEOC, OFCCP, DOT) and airline regulatory requirements (FAA), Human Resource Management Systems and labor relations.