

MGT9: OK, Make My Day... Show Me How to Stay Out of EEO Trouble



A Manager's Guide to Avoiding EEO Liability

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Introduction

In 21st century government, equal employment opportunity, diversity, and inclusion remain some of the top challenges managers face as they lead organizations and deal with human capital challenges. Data reflects not only a government-wide increase in the filing of complaints but also continued concerns about the capacity of current leaders to address fundamental workplace issues.

This guidance serves as a compendium of information, tools, and techniques leaders can employ to sustain diversity efforts, prevent workplace conflict, address complaints of discrimination, and retain the essential focus on the operational matters essential to fulfilling their mission requirements. Some of these strategies are common sense, elementary and traditional; others are modern in their approach and require a high level of management commitment to organizational change. We trust that you will find these tools helpful as you execute your leadership roles in today's most challenging 21st government.

Assessing Possible EEO Problem Areas

- Record-keeping and retention requirements can compromise EEO cases.
- Statements in managerial performance plans, self assessments and appraisals can impact EEO cases.
- Third parties give significant weight to managers' statements as possible evidence of discriminatory or retaliatory intent.
- Managers are not always aware of where to obtain guidance for handling reasonable accommodation requests.
- The Agency Counsel attorney assigned the case should have requisite experience given the complexity of the case.
- U.S. Attorney's offices handling these cases need to be closely monitored to ensure cases in court are receiving adequate attention and identify which cases would benefit from a higher level of Agency Counsel involvement.
- Honest assessments should be provided to management on the likelihood of success in individual cases.
- Investigative Files frequently should contain information relevant to any claims of compensatory damages.
- Managers should take timely action on employee claims of hostile work environment.
- Agencies should consider the impact of competing advice by experts in EEO, HR/ER and Counsel.
- Agencies must remember that "no finding" on one claim does not insulate them from losing on a complaint of reprisal.
- Agencies should periodically review their compliance efforts with EEOC requirements.

Ten Common Mistakes Managers Make

Not effectively communicating and living up to the organization's EEO and misconduct policies

- Not publishing and posting an up-to-date EEO policy.
- Taking inappropriate action, such as rewarding EEO offenders or avoiding the situation hoping it will die down.
- Stove-piping guidance and counsel for key stakeholders such as EEO, Counsel and L/ER.

Mishandling a Complaint/Incident

- Not looking into an incident in a timely manner that has been reported to you.
- Failing to keep employee information confidential, or on a need-to-know basis.
- Failure to determine whether misconduct occurred even in the absence of a finding of discrimination.
- Declining opportunities to mediate and resolve the complaint, early, at the lowest possible level.

Minimizing a Complaint and Ignoring Inappropriate Behavior

- Making a joke about it to “lighten the mood.”
- Telling employee “it’s not that bad” or “you must have misunderstood.”
- Failing to properly document incidents (and dealing with patterns of behavior).
- Allowing offensive jokes.

Over-reacting to a Complaint/Incident

- Taking disciplinary action against an offender without obtaining all the relevant facts, and speaking to all relevant parties about the incident.
- Declaring “no discussions about non-work subjects.”

Showing Favoritism and Disparate Treatment or Treating All Employees the Same

- Having close personal friendships on the job with some employees you supervise.
- Giving key assignments only to favorite people.
- Failure to distinguish between employees based on performance.

Discouraging the Employee from Reporting Workplace Incidents

- Saying: “You don’t want to get the reputation of not being a team player.”
- Saying: “This will kill your career if you file a complaint.”
- Requiring individuals to confront their harassers directly.
- Requiring that complaints be made only through their chain-of-command.

Poor Performance Management

- Communicating unclear performance expectations which often lead to employee misperception.
- Not providing open communication about a decision that impacts the employee.
- Not providing timely, honest, specific and descriptive performance feedback.

Refusing to hire or denying a benefit/privilege based on race, gender, religion, national origin, sexual orientation, disability, family status, etc.

- Decision not directly related to one’s ability to do the job.
- Using non-job-related criteria.

Retaliating against the employee for initiating an EEO complaint, for example:

- Removing employee from high-profile assignment.
- Changing work location/tasks.

- Lowering an employee's performance evaluation at performance time.
- Denying an employee a performance bonus.

Failure to Optimize Use of Data to Diagnose and Correct Organizational Issues

- Failure to correct or update ineffective tracking systems.
- Failure to utilize surveys and other instruments to diagnose organizational wellness.
- Misreading low complaint numbers as an indicator of organizational wellness.
- Failure to collate EEO complaint, grievance data, retention data, and exit interviews to accurately assess what is occurring within the workplace.

Tips to Avoid Agency Liability in Harassment Cases

A large proportion of EEO complaints allege harassment in the workplace. As a manager or senior leader, you have a responsibility under various civil rights laws to ensure a harassment free workplace and also to inform your employees that certain behaviors will not be tolerated.

Harassment is generally a conduct offense, and discriminatory harassment is any type of harassment that is based upon a person's race, color, religion, sex, national origin, age, disability, or reprisal for participation in the EEO process. This type of harassment is unlawful because it violates a person's civil rights. Some examples of discriminatory harassment are:

- Ethnic slurs
- Racial jokes
- Offensive or derogatory comments about race, ethnicity, religion, disability, age
- Verbal or physical conduct based on any of the above factors
- Lewd comments, jokes, innuendo of a sexual nature
- Sexual graffiti, cartoons, gestures
- Sexual touching
- Coercion of employee participation or non-participation in religious activities
- Stereotypical comments about older workers

Discriminatory (i.e., unlawful) conduct can be:

- Verbal (e.g., name-calling)
- Written (e.g., pictures, or words reduced to paper or sent electronically)
- Demonstrative (e.g., gestures like placing a noose on an employee's desk)

The victim does not have to be the person harassed, but could be anyone in the workplace affected by the offensive conduct!

Agency Liability

Let's examine the concept of liability. As a manager, it is an important one for you to understand since *you* represent the agency.

With respect to conduct between fellow employees, an employer is responsible for acts of harassment in the workplace when the employer, its agents, or supervisory officials *knew or should have known* of the conduct, *unless* the employer can show that it took immediate and appropriate corrective action.

Under certain circumstances, an employer may also be responsible for the acts of *non-employees* (i.e., contractors) who enter upon government property and harass their employees at work. The reverse is also true. The agency is potentially liable if one of your employees is harassing a contractor while on the job.

As a manager, you can “stay out of EEO trouble” by using good common sense. Do not allow any form of harassment to occur in the workplace.

Management Tips to Avoid Agency Liability

As a manager, it is your responsibility to:

- Ensure that your employees understand that harassment of any kind will not be tolerated in the workplace and could result in disciplinary action up to, and including, termination.
- Ensure that your employees understand their right to raise issues, and how to raise issues, of complaints in the workplace under various civil rights laws.
- Conduct prompt and thorough investigations in response to complaints of harassment.
- Take immediate corrective action to stop further harassment from recurring.

It is also your responsibility to:

- Develop methods of sensitizing all of your employees when instances of harassment arise.

- Document discussions and actions concerning harassment which often lead to EEO complaints
- Consult with your local servicing EEO office for advice and guidance to ensure that you are taking the appropriate action.
- Set a good example by conducting yourself in such a manner that is acceptable and non-vulnerable to allegations of discriminatory harassment. Do not participate in such behavior, and make it clear that such behavior will not be tolerated.

Management Tips to Prevent Harassment

Since all forms of discriminatory harassment can occur in the workplace, and the agency faces liability if it occurs, it is advisable that you take all necessary steps to prevent the problem of harassment from arising in the first place. Here are some suggestions for you:

Training:

- All managers should be trained to recognize and react to harassment. Managers should ensure that all employees under their supervision are trained about what constitutes unlawful harassment and about their agency's non-discrimination anti-harassment policy and complaint procedure.

Anti-Discrimination Policy:

- It is critical that you distribute and post the written policy prohibiting all forms of unlawful discrimination, including unlawful harassment. A policy against harassment is worthless unless employees are aware of it. Distribute it at all training sessions, and redistribute it on an annual basis to all of your employees.

Specify Clear Procedures for Reporting Incidents:

- Encourage employees to report harassment before it becomes severe or pervasive. Make sure that your employees know where to go to report incidents of harassment.

- Be proactive. Make it clear that you will quickly respond to complaints. Assure employees that complaints of harassment will be investigated promptly, thoroughly and impartially.
- Make it clear to all your employees that appropriate disciplinary action will be taken, and that the offending employee could be disciplined for misconduct in the workplace.
- Make it clear that employees will be protected from retaliation for making complaints or assisting in investigations.
- Establish a process for investigating harassment as potential misconduct, separate and distinct from the EEO process.

Create Multiple Paths in the Complaint Process:

- Employees must be able to bypass their supervisors and complain to other officials. A complaint process that requires initial contact with the supervisor is useless if the supervisor is the harasser.
- If the supervisor is the alleged harasser, he or she should be removed from managing the inquiry process and making any decisions regarding the disposition of the matter.

Take Action to Stop the Harassment:

- It is your responsibility to take action to stop the harassment. However, do not initiate any form of disciplinary action (including a letter of counseling) against the offender without first consulting with your local Employee Relations Office and also your servicing EEO Officer.

Set a Good Example:

- Don't participate in or allow any form of harassment to occur. Set the tone and conduct yourself in a manner that reflects a high standard of behavior at all times. Convey the message to your employees that you expect the same standard of behavior from them.



What You Should Know About Disability Compliance (DC) and Reasonable Accommodations (RA)

The regulations and procedures we follow for Disability Compliance and Reasonable Accommodations (DC/RA) come from several sources:

- ***The Rehabilitation Act of 1973*** which protected federal employees, and applicants, from employment discrimination based on disability, and which required affirmative employment, accommodation and accessibility;
- ***The Americans with Disabilities Act (ADA) of 1990*** which extended these protections to the private sector;
- ***The New Freedom Initiative (2001)*** announced by President George Bush to promote the full integration of people with disabilities into all aspects of American life; and
- ***Various Executive Orders*** to increase the employment opportunities of people with disabilities.

Most leaders have general awareness that there is an obligation by employers to provide mobility access, guarantee safety, and provided reasonable accommodation with respect to those with special needs. But our collective experience in EEO and Diversity indicates that executives experience the greatest anxiety and have the least specific knowledge in this area. We believe that this lack of knowledge and experience contributes significantly to the apprehension. No one wants to make a mistake. Everyone wants to do the right thing, but few know exactly what is right for each situation. So unfortunately, some simply avoid the issues and fail to exercise proper leadership in disability compliance matters; and in doing so, fail their employees and the organization.

Busy leaders are not experts in this field, and they have little time to pore over training materials and regulations which may seem of little value when confronted with an employee who has an immediate need. The Ten Tips that follow will assist organizations in staying out of EEO trouble and legal liability if reasonable accommodation requests are handled poorly.

Top Ten Leadership Tips for Disability Compliance, and Some Examples of Reasonable Accommodations

- ***Be aware of your population.*** Inquire if necessary to determine who by name on your immediate staff has special needs and/or requires special accommodations. It is indeed OK to ask employees, or applicants for employment, with a visible disability what assistance they need. Require similar knowledge by your subordinates for their staff.
- ***Respond quickly,*** even if the answer is not “Yes.” Remember you may opt to provide assistance that is not required by law if you believe that it is reasonable. Many of the things that accommodate persons with disabilities are low to no cost and easily available in the organization. Rather than denial, Persons with Disabilities complain most about delays in responding or ambiguous referrals for clarity.
- ***Find your local expert.*** As the leader in your organization, no one expects you to have all the answers; but you are expected to know where to go for the answers. Consult with the experts in IC EEOD for advice on procedures and law. Also know that resources are available to you in addition to IC EEOD (e.g., the Job Accommodations Network provides free advice and information about many types of reasonable accommodation).
- ***Make sure safety planning considers those with special needs.*** Be certain that your emergency egress plans have provisions for identifying the location of employees with disabilities, assessing requirements, and getting them safely out of the buildings.
- ***Model considerate behavior.*** Look for opportunities to mentor persons with disabilities. When you speak in public, ask in advance if interpreters are needed, or if there are mobility impaired who need special access. When your subordinates see and hear of your consistent attention, they will imitate. Find ways to publicly praise, recognize, and reward managers who demonstrate model behavior in interacting with persons with disabilities.

- **Speak to this issue in your own voice, from your own experience.** Develop your own brief “story” based on your experiences with persons with disabilities (e.g. having a family member with a chronic illness or a friend who has or developed a condition). Give this speech at least once a year.
- **Use current terms to describe DC/RA.** There is often confusion over whether or not to call someone blind or visually impaired, deaf or hard of hearing, etc. Know the current terminology and, even better, ask the employee what terms they would like you to use.
- **Respect distance.** Many in the community of person with disabilities have lived successful lives by minimizing attention to their disability and focusing instead on their abilities. Ask employees with disabilities if they want assistance and don’t take declinations personally.
- **Take advantage of available training and education.** Be mindful of your own biases and comfort level in relating to persons with disabilities. Ensure that you and your staff have EEO and diversity training each year that includes a segment on working with persons with disabilities.
- **Find out about funding.** Many special accommodations may be provided by special budget, if necessary. Also, many assistive technology devices are provided free from the Department of Defense Computer/Electronic Accommodations Program (CAP). Remember that just because someone will pay, does not ensure that a request is reasonable.

What is a Reasonable Accommodation?

A reasonable accommodation is a logical change or adjustment:

- to a job application process in order to allow an applicant with a disability to be considered for employment;
- to the work environment in order to allow an employee with a disability to perform the essential functions of that job; or

- that allows an employee with a disability to enjoy the full benefits and privileges of employment as are enjoyed by employees without disabilities

Some of the more common examples of reasonable accommodation include, but are not limited to:

- **Restructuring the Work Schedule with Flexible Hours** (e.g., for persons who require medical treatment during the day; persons whose medical condition or treatment require rest periods; or persons with mobility impairments who find it difficult to use public transportation during peak hours)
- **Restructuring the Job Content** (e.g., identifying the tasks that may be difficult for an individual to accomplish because of their disability and delegating assignments or exchanging assignments with another employee)
- **Flexible Leave Schedule** (e.g., liberal approval of leave absences for medical reasons, inclement weather, adverse building conditions)
- **Parking** (e.g., accessibility to special parking spaces)
- **Workplace Modifications** (e.g., accessibility to and around the work area to ensure mobility which includes the placement of furniture; navigating doors and doorways; moving file materials to a lower drawer, etc.)
- **Specialized Equipment and Assistive Devices** (e.g., electronic visual aids; computer screen magnifiers; speech recognition systems, TDD equipment)
- **Interpreters** for individuals who are deaf or hard of hearing,
- **Readers** for individuals who are blind.

Many of these accommodations incur low, or no, cost to the agency.

Best Management Practices in EEO and Diversity

Involve Key Leadership and Affinity Groups:

- Include EEO Director in human capital meetings, key leadership meetings with agency director, and meetings to address employment disputes.
- Meet regularly with affinity groups and employee organizations.
- Encourage high-level management participation and interaction with employees and employee groups, and ensure employee access to management.
- Promote dialogue between EEO offices and organizations within the agency to discuss current diversity statistics and ways that each organization can work to improve the diversity of staff and the organization as a whole.

Develop and Maintain Key Relationships:

- Maintain key relationships with significant organizational stakeholders such as Human Resources, Legal, etc.
- Engage management about sensitive issues proactively versus reactively.

Ensure Inclusion and Diversity:

- Include diverse representation in recruitment and outreach events.
- Form a diversity council with representatives of all interested organizations to discuss matters of equal employment opportunity.
- Facilitate diversity dialogue sessions.
- Appoint a Chief Diversity Officer with oversight authority to integrate and transform diversity principles into practices in the organization's operations.
- Develop and support educational programs and become more involved with educational institutions that can refer diverse talent pools.
- Publish materials detailing EEO rights and responsibilities as well as diversity and affirmative employment programs.
- Promote special emphasis programs and other events recognizing and highlighting the contributions of various cultural and/or social heritages.

Commit to Training:

- Organize training programs for all employees pertaining to EEO rights and responsibilities as well as training to improve communication.
- Include diversity training as an integral component for new manager training and the entire workforce to convey the importance of workplace diversity and fairness.
- Provide orientation sessions for new employees to familiarize them with requirements and organizational culture.

Utilize Organizational and Data Assessments:

- Conduct assessments and surveys of employees, asking for their views as to what is working and what needs improvement in the organization's conduct of its equal employment opportunity programs.
- Utilize federal human capital survey results and benchmark other organization best practices.
- Approach responsibilities with a "grass roots" mentality by simply asking employees how they think the organization is doing.
- Review workforce data and other indicators such as awards, promotions and separations to determine if there are any distinctions by demographic group.

Support Recruitment and Outreach:

- Ensure staffing and advancement decisions are made collaboratively rather than in a vacuum.
- Align recruitment and outreach strategies with agency mission.
- Utilize internships, work/study, co-op, and scholarship programs to attract interested persons and to develop interested and qualified candidates.
- Partner with organizations that have missions to serve targeted groups.
- Work with professional associations, civic associations, and educational institutions with attractive numbers of minorities, women, persons with disabilities and/or older persons to recruit.

- Create a network notifying interested persons of opportunities, including advertising within the organization and, where applicable, not only with the general media, but with minority, persons with disabilities, older persons, and women-focused media.

Sustain Climate of Accountability

- Ensure that managers and executives have performance standards that hold them accountable for their human capital responsibilities, including EEO.
- Ensure that appropriate personnel provide feedback to rating officials on performance indicators.
- Review findings of discrimination and harassment and reprisal cases, regardless of disposition, for a determination on misconduct.
- Reward and recognize leading EEO and diversity business practices.
- Effect discipline at all levels, as necessary.

Manage Conflict

- Take complaints seriously; do not “Blow” them off.
- Resolve complaints early, at the lowest possible level.
- Provide workforce training in communication and conflict management.
- Utilize ADR and other resolution mechanisms and tools.
- Ensure adequate number of trained practitioners in this area.
- Address workplace issues, even if the complaint results in a finding of “no discrimination.”
- Ensure that expert personnel serve as the principal contact in counseling, mediation, and EEO matters, increasing and sustaining credibility of effort.

Ten Best Practices for Employees

- Research your case; know whether you are dealing with discrimination or disappointment. Remember, unfair treatment is not necessarily synonymous with discrimination. Never jump to hasty conclusions. Examine your case, appropriate policies and procedures, and learn how others have been treated in similar situations.
- Utilize your communication skills; learn to convey the facts without getting caught up in emotion. *Don't internalize!*
- Remain flexible; be willing to conciliate; and come prepared to discuss realistic solutions. Always afford your organization the first opportunity to resolve your issue; don't assume that they are aware of it, or aware of the impact a particular decision may have had on you.
- Be willing to listen to the other party's explanation. Is there a legitimate business reason for the action taken? Be willing to accept the fact that sometimes managers make decisions that you may not agree with, or you may not have been consulted on, but that is within their purview to make.
- Take advantage of ongoing opportunities to learn and receive training, even if at your own expense. Remember that time in grade is not a determinant for the next position or promotion
- Obtain a mentor and a coach.
- Set realistic goals and expectations and work towards accomplishing them.
- Exhibit leader qualities. Do not condone disrespect, harassment and unprofessionalism. It is your responsibility to know where/how to report it if you do.
- Build alliances with leaders, peers, and employee groups.
- Work on becoming "whole" and satisfied at work and at home.

Model Agency Best Practices in Equal Employment Opportunity

The following agencies have been cited by the 2007 FEORP and other sources as those with best practices in the following areas:

- Workplace Planning
- Recruitment and Outreach
- Mentoring
- Career Development Opportunities
- Conflict Resolution

Workforce Planning

The **Department of Agriculture (USDA)** analyzed its organizational structure and restructured and streamlined it to meet changing business needs. The agency identified 20 mission-critical occupations which have remained stable with only one (Human Resources Specialists) showing a gap of three percent or higher. USDA briefed its Human Resources Leadership Council on efforts to categorize positions into Career Patterns Dimensions to enhance their recruitment efforts.

The **Department of Commerce (DOC)** bureaus have developed human capital management strategic plans to recruit, develop and retain a diverse and highly qualified workforce. The Department developed competency models for mission-critical occupations to use for training and development. The National Institute of Standards and Technology's succession planning strategy includes targeting leadership competencies for gap-analysis and closure in managerial positions.

The **Department of Homeland Security (DHS)** developed and issued a Workforce Planning Guide in support of the Department's and component's workforce planning requirements to its Human Capital Officers. This Guide is the first step to linking the critical issues and strategies associated with attracting, developing and retaining people and knowledge drawn from diverse sources in conjunction with business strategies.

The **Equal Employment Opportunity Commission (EEOC)** completed a competency assessment begun in FY 2006 to identify those

competencies possessed by high-performers in the mission-critical occupations of investigator, attorney, and mediator. EEOC asked high-performing employees and managers serving in these positions to complete survey questionnaires to identify which competencies they believed were most important, were most likely to be rewarded and those they believed would require additional training. In conjunction with the survey, high-performing employees and managers participated in focus groups to further explore the competencies necessary to perform these jobs at a high level. EEOC is using these results to focus on skill gaps and agency training needs.

The **Department of Labor (DOL)** devised succession planning strategies including the SES Candidate Development Program, the MBA Fellows Program, and the Management Development Program. These programs are integrated components of the agency's Strategic Human Capital Management Program, and serve to create a feeder resource for future leadership positions. The Government Accountability Office (GAO) favorably cited Labor in the GAO Succession Planning and Management Report #05-585 as one of four pioneering agencies that "link their succession efforts to their strategic goals."

Department of Defense (DoD), National Geospatial-Intelligence Agency published its strategic human capital plan, "Workforce Excellence at NGA", in March 2007. It outlines goals to achieve a mission-ready workforce, create a leadership corps that is engaged in and responsible for the continual development of the workforce, and institutionalizes an Employee Value Proposition that reflects a work environment committed to individual growth and mission performance.

Recruitment and Outreach

The **Department of Homeland Security (DHS)** established a corporate brand for the Department and its components, and tailored marketing language to attract talented candidates. As a result, the Department now has a Job Posting Template, DHS Component Language, and Career Patterns Targeted Language that can be adapted to meet agency-specific needs. DHS distributed these new tools to all its Human Capital and Recruitment Officers.

The **Department of the Treasury (Treasury)** utilized available hiring flexibilities such as the Federal Career Intern Program, student intern programs, seasonal hires, re-employed annuitants, recruitment bonuses, relocation reimbursement, and use of pay banding to compete with the private sector. One very successful program is Treasury's Hispanic Serving Institutions National Internship Program (HSINIP) which was developed in coordination with the Hispanic Association of Colleges and Universities (HACU). In FY 2007, Treasury placed 65 interns under this program.

The **Department of Justice (DOJ)**, Drug Enforcement Administration expanded the applicant pool in the recruitment of Special Agents, participated in career/job fairs, and visited minority and women colleges and universities as well as advertised via radio and publications. The agency also expanded the applicant pool in the recruitment of Forensic Chemists; Forensic Laboratory Recruiters conducted recruitment at various minority serving entities. In 2007, 52 Special Agents were hired, including Hispanics, Asians, Blacks, and women. Twelve forensic chemists were hired, including minorities and women.

The **Nuclear Regulatory Commission (NRC)** Minority Serving Institutions Program (MSIP) conducted six on-campus lab research and development programs, which served 27 students and 12 faculty members from approximately 14 Historically Black Colleges and Universities (HBCU). The MSIP provided direct institutional subsidies to approximately 28 HBCU's. The MSIP also coordinated efforts and co-hosted with the Department of Commerce a capacity building workshop for HBCU's, Tribal Colleges and Universities (TCU), and Hispanic Serving Institutions (HSI) in September 2007. The NRC collaborated with more than 50 participants from the Federal and private sectors. The workshop informed participants of assistance available to MSI's and their students and faculty including partnerships, internships, scholarships, fellowships, and other types of aid (stipends, travel, and housing and tuition assistance).

The **U.S. Office of Personnel Management** expanded its "*What Did You Do At Your Job Today?*" ad campaign designed to raise public awareness about career opportunities in the Federal Government.

The **Social Security Administration (SSA)** used student educational employment programs and internships to improve the pipeline of candidates for entry-level positions. SSA used the Student Temporary

Employment Program (STEP) and the Student Career Experience Program (SCEP) to broaden the pipeline. Of the SCEP students converted to permanent employment, many were minorities and women. SSA also used the Federal Career Intern Program (FCIP) to hire 1,455 employees, as well as the Presidential Management Fellows Program.

The **Department of State (State)** offered the first Foreign Service written exam since April 2006. It was also the first offering of the newly revised written examination, which will be given up to four times during the year rather than annually. The total number taking the examination was 2,254. The Department of State also utilized the Charles B. Rangel International Affairs Program which seeks to attract outstanding young people who have an interest in pursuing Foreign Service careers. In FY 2007 there were 31 fellows in the program and 15 participants in its Summer Enrichment Program. Among these, 46 participants were African Americans, including some who came from HBCU's. Howard University also works closely with this program.

Mentoring

The **Corporation for National and Community Service (CNCS)** graduated its first class from its formal Career Development Program, the "Leadership Institute." This program identifies high potential employees from senior leadership, middle management and support staff and provides a year-long training program that incorporates rotations and special projects. Additionally, this program establishes year-long mentoring partnerships with the developmental candidates and Corporation managers and executives. The mentors benefit from additional training as well.

The **Department of Defense (DoD)**, Washington Headquarters Service (WHS) administers the Office of the Secretary of Defense adopted school program. Through the Program in Education (PIE) partnership, DoD partnered with the John Tyler Elementary School in the District of Columbia to provide WHS and serviced components the opportunity to serve as volunteers and/or mentors to these students. This rewarding and enriching partnership not only enhances community outreach relations, but also provides a vehicle for employees to share public service experiences and knowledge with future civil service candidates.

Three components from the **Department of Homeland Security (DHS)**, including the Office of the Inspector General, have established informal and/or formal mentoring programs for their employees. In FY 2007, a total of 113 employees participated in a mentoring program, including 57.5 percent women and 30.1 percent minorities. The highest number of participants was found in the GS 5-8, or equivalent pay band, with a total of 69 participants of which 60.9 percent were women and 30.4 percent were minorities.

The **Court Services and Offender Supervision Agency (CSOS)** for the District of Columbia provided a Basic Skills for Community Officers program to newly hired Community Supervision Officers. This program is designed to provide newly-hired officers with the skills and competencies required to reduce criminal activity and recidivism while improving public safety. For a period within the program, CSOS mentored the new hires with experienced officers providing meaningful and real work experiences. During the shadowing experience, employees were required to journal daily, specifically detailing their learning opportunities and experiences. A total of 25 employees participated in the program including females and males. Within that total were Blacks, Caucasians, and Hispanics.

The **Farm Credit Administration (FCA)** developed an on-line training module for new employees. The new Employee Orientation Program will enable new employees to quickly learn the basics about the agency, the Farm Credit System, their roles and responsibilities as Federal employees, and benefits. New employees can now receive this meaningful information and much more the day they join the agency.

The **Federal Maritime Commission (FMC)** Equal Employment and Human Resources Directors provided oversight of the mentoring programs for participants of the Commission's Emerging Leaders Program and Senior Executive Service Candidate Development Program.

Career Development Opportunities

The **Department of Defense (DoD)** Leadership and Management Program (DLAMP) is DoD's premier leadership program to develop senior-level civilians. As a major component of the Department's succession management strategy, DLAMP is designed to ensure that the next generation of civilian leaders has critical transformational leadership skills

in support of strategic initiatives. To date, 509 participants have successfully completed all program requirements and a total of 165 DLAMP participants have been selected for SES or equivalent positions. The DLAMP population is 35 percent women and 19 percent minorities. Representation of DLAMP participants who have achieved SES or equivalent positions: 35 percent women and 12 percent minorities. For comparison, the current SES population is 20 percent women and 7 percent minorities.

The **Department of Homeland Security (DHS)** implemented a learning management system named DHScovery for Headquarters (HQ) staff. The goal is to provide all Homeland Security employees with full access to available training, performance support, competency management and related services. A total of 1,499 employees participated in agency career development programs during the reporting period, of those 33.6 percent were women and 32.1 percent were minorities. The highest number of participants was found in the GS 13-15, or equivalent pay band, with a total of 773 participants of which 29.4 percent were women and 32 percent were minorities.

The **Department of the Interior (DOI)**, Bureau of Reclamation utilized several developmental programs to assist employees in the advancement of their careers. Some of the programs included: the Executive Assistant Certificate Program and the Foundations in Leadership Program that are two-week certificate programs for administrative professionals; the Continuing Education Program for employees who wish to enroll in college courses; the Apprenticeship Program for employees who want to develop skills in craftwork; and the Rotation Engineer Program for entry level engineers.

The **Equal Employment Opportunity Commission (EEOC)** initiated an intercultural awareness and communication program titled "Can We Talk?" The purpose of the program is to enhance cultural competencies for all agency staff. The sessions are designed to provide all employees with the knowledge, skills and tools to be able to identify, constructively confront and modify divisive or inappropriate behavior related to race/color, ethnicity/national origin, gender, disability, religion, age and other cultural characteristics that often impact on employees' ability to work together. A core group of trainers will facilitate the program in agency offices with support from an outside vendor to promote and encourage

positive communication among staff with diverse backgrounds. Topics include cultural insight and hidden bias.

The **National Archives and Records Administration (NARA)** worked with the Office of Regional Records Services on a three year management intern program designed to create a formal management development program for Records Center Programs, retain high performing employees and develop new and different competencies in Records Center Program managers. There are a total of 6 interns in the program, with each intern entering the program as a Management and Program Analyst (GS-7). Upon completion of the program the interns will be placed in an Assistant Records Center Director position (GS-11) within one of the regional records centers. Each year's interns will participate in the program as cohorts – accomplishing developmental experiences as an intact group and creating a network for the next generation of leaders in Records Center Programs. Four interns graduated in FY 2007, and all were placed in GS-11 positions.

The **U.S. Office of Personnel Management (OPM)** established the Professional Assignments for Career Enrichment (PACE) Program, a new agency-wide professional development program for OPM permanent employees at the GS-5 through GS-14 levels. Employees may apply for developmental opportunities (e.g., rotational/detail assignments, special projects, mentoring or shadowing opportunities) intended to provide practical experience and exposure to work in various OPM occupational disciplines. The PACE program enables employees to broaden skills and competencies, and at the same time supports Agency workforce planning efforts by contributing to the goal of a diverse and flexible workforce. Interest in the program generated nearly 300 applications.

The **Veterans Administration (VA)** developed online data tools that provide an analysis of workforce change. The agency has prepared a training video on how to use these tools for on-demand viewing on their Knowledge Network.

Conflict Resolution

The **Office of the Comptroller of the Currency (OCC)** created the Fair Alternatives and Innovation Resolutions (FAIR) Program. FAIR is an alternative dispute resolution (ADR) process for issues that are

nondiscriminatory such as differences of opinion and misunderstandings. As a voluntary program, FAIR provides an avenue for workplace disputes to be addressed quickly and to remain informal. It promotes dialogue, emphasizes problem solving, stimulates negotiation, and suggests paths toward mutual understanding. FAIR offers employees a neutral perspective in finding workable solutions to disagreements that can occur in the workplace.

Sample EEO Litigation Task Force - Purpose and Methodology

Background

The EEO Litigation Task Force was asked to examine why the courts or the EEOC had entered adverse findings in some significant discrimination cases. It was also asked to look at the factors that led to large dollar settlements in other discrimination complaints. The Task Force reviewed EEO cases between a specific period of time, both administrative and judicial, in which there was either a finding of discrimination or a settlement for more than \$50,000.00. Our review was limited to cases where Counsel had involvement.

Specific Purpose

The purpose of the Task Force's analysis was as follows: (1) to gain perspective by looking at the reasons motivating the settlements; (2) to see what recommendations could be made to the client to strengthen the cases before they reached Counsel and (3) to see what improvements could be made in the roles played by Counsel and the U.S. Attorneys' offices.

Methodology

The Task Force limited the review of settled cases to those involving monetary amounts of more than \$50,000.00 to avoid being overwhelmed by large numbers of routine settlements and to focus on those cases involving significant expenditures. The Task Force looked at all losses, regardless of the monetary awards involved, to see if there were any common factors that led to the adverse findings. To obtain a representative sample, we reviewed the cases over a four year period. Each Task Force member reviewed the cases from their office that fell within the criteria for review. The Task Force members used a standard questionnaire (See Attached) in discussing the case with the Counsel attorney who originally handled the case. The questionnaire was designed to reveal in each case why the client agreed to settle or why the third party entered an adverse finding. For example, the questionnaire looked at such criteria as whether settlements were motivated by litigation specific factors (such as lost documents) or personnel concerns (such as a desire to Part Company with a problem employee). Case summaries were then prepared. The Task

Force reviewed the results of the questionnaires to see if the outcomes were all case specific or if any general similarities emerged. The results were then consolidated into a summary report which was reviewed by all the task force members. A draft of this report was then circulated among the litigating offices' managers for comment.

Sample EEO Litigation Task Force Questionnaire

1. Case Caption:
2. Judgment/Settlement Date:
3. Client (Agency Function):
4. Forum:
5. Complainant's (Plaintiff's) Position:
6. Judgment/Settlement Amount:
7. Summary of Other Significant Relief
8. Case Summary:
9. Primary Reasons for Adverse Decision/Settlement:

Lessons Learned: EEOC Cases

TAVERN ON THE GREEN TO PAY \$2.2 MILLION FOR HARASSMENT OF FEMALES, BLACKS, HISPANICS

EEOC Settles Job Discrimination Suit with Landmark NYC Restaurant - Date: June 2, 2008

NEW YORK – The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of a harassment and retaliation lawsuit under Title VII of the Civil Rights Act against Tavern on the Green, a landmark restaurant located in Central Park in New York City, for \$2.2 million and significant remedial relief.

The EEOC charged in the case that Tavern on the Green engaged in severe and pervasive sexual, racial, and national origin harassment of female, black, and Hispanic employees. The sexual harassment included graphic comments and demands for various sex acts, as well as groping of women's buttocks and breasts. The racial and national origin harassment included epithets toward black and Hispanic employees and ridiculing Hispanics for their accents. The restaurant also retaliated against employees for refusing to consent to and/or objecting to the harassment, according to the EEOC.

The consent decree resolving the suit was submitted for approval today to U.S. Magistrate Judge Andrew Peck of the U.S. District Court for the Southern District of New York. The EEOC sued Tavern on the Green on Sept. 24, 2007 (Civil Action No. 07-CV-8256) after conducting an administrative investigation and first attempting to reach a voluntary settlement out of court.

“We are pleased that this settlement will provide appropriate relief for the individuals who have been harmed,” said EEOC Senior Trial Attorney Kam S. Wong of the New York District Office. “We are likewise glad that this employer is taking proactive measures to ensure a discrimination-free workplace in the future by addressing the problems that led to the lawsuit.”

As part of the consent decree, a claim fund of \$2.2 million will be allocated to victims of the harassment and/or retaliation. Additionally, the restaurant

will establish a telephone hotline which employees may use to raise any discrimination complaints, distribute a revised policy against discrimination and retaliation, and provide training to all employees against discrimination and retaliation.

EEOC New York District Director Spencer H. Lewis said, “This case should remind employers to take seriously allegations of harassment and retaliation, especially where managers in positions of authority are involved in the misconduct.”

On Feb. 28, 2007, EEOC Chair Naomi C. Earp launched the Commission's E-RACE Initiative (Eradicating Racism and Colorism from Employment), a national outreach, education, and enforcement campaign focusing on new and emerging race and color issues in the 21st century workplace. Further information about the E-RACE Initiative is available on the EEOC's web site at <http://www.eeoc.gov/initiatives/e-race/index.html>.

According to its web site, www.tavernonthegreen.com, the restaurant is “one of New York’s most dazzling dining experiences...Built to house sheep in 1870, the building now known as Tavern on the Green became a restaurant in 1934...and is currently the highest-grossing independently-owned restaurant in the United States with annual revenues in excess of \$34 million and over half a million visitors a year.”

SILICON VALLEY MANUFACTURER NOVELLUS TO PAY \$168,000 FOR RACIAL HARASSMENT

Co-Worker Rapped Racial Slurs Despite Complaints, EEOC Charged - Date: June 24, 2008

SAN JOSE – A major Silicon Valley manufacturer of semiconductor production equipment will pay \$168,000 to settle a racial harassment and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged Novellus Systems, Inc. with subjecting an African American worker to racial harassment.

According to the EEOC's suit, Michael Cooke had to listen on a regular basis to a 27-year-old Vietnamese American co-worker playing and rapping aloud to music lyrics that included anti-black racial epithets such as the "N-word." Although Cooke complained several times to his supervisors and made it clear that the language was offensive to him, the co-worker continued to use slang involving racial slurs and to sing along to these kinds of lyrics within Cooke's earshot. The EEOC's lawsuit charged that delaying effective corrective action by more than half a year constitutes unlawful harassment, and that Cooke was fired in retaliation for his earlier complaints.

The two-year consent decree (Case No. C-07-4787-JW) signed by U.S. District Court Judge James Ware includes monetary damages of \$168,000 as well as specific injunctive relief. While Novellus denied liability and admitted no wrongdoing, it agreed to incorporate a "Statement of Zero-Tolerance Policy and Equality Objectives" in its Equal Employment Opportunity and Harassment Policy. Additionally, Novellus agreed to amend its harassment policy to refer specifically to harassment through the playing of music, and to include offensive musical lyrics in its examples of racial harassment.

"The EEOC is not in the business of judging anyone's musical tastes, but we are concerned when we find that an employer failed to respond promptly after being put on notice of racially offensive language or conduct in the workplace," said EEOC Regional Attorney William R. Tamayo. "We commend the company for resolving this action and for agreeing to modify its anti-discrimination policies to include a specific prohibition of the playing of music lyrics that contain racially derogatory terms."

Acting EEOC District Director Michael Baldonado commented, “This is the kind of situation that many Bay Area workplaces, as well as the rest of the country face: How do you manage the culture clash – across generations, race and ethnicity, you name it – in a workplace that gets more diverse every day? I think it’s critical to try to put yourself into the shoes of the other person and take all complaints of discrimination seriously. Together we can try to defuse tensions and prevent situations from developing into discrimination and harassment.”

Baldonado added that the EEOC welcomes employers and advocates to take part in its E-RACE Initiative (Eradicating Racism and Colorism from Employment). Launched early last year by EEOC Chair Naomi C. Earp, E-RACE, a national outreach, education, and enforcement campaign focuses on new and emerging race and color issues in the 21st century workplace. Further information about the E-RACE Initiative is available on the EEOC’s website at <http://www.eeoc.gov/initiatives/e-race/index.html>.

According to its website, San Jose, Calif.- headquartered Novellus (NASDAQ: NVLS) maintains engineering facilities in San Jose and Tualatin, Ore., with sales and service operations in 16 countries around the world. Novellus has approximately 3,300 employees worldwide and annual revenues of \$1.6 billion.

WAL-MART TO PAY \$250,000 FOR DISABILITY BIAS

EEOC Said Long-Time Pharmacy Technician Fired Because of Gunshot Disability – Date: June 9, 2008

BALTIMORE – Retail giant Wal-Mart will pay \$250,000 and furnish significant injunctive relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged that Wal-Mart failed to accommodate and then fired a long-time pharmacy technician who suffered a disability resulting from a gunshot wound.

In its suit (1:06-cv-2514), filed in U.S. District Court for the District of Maryland, the EEOC said that Glenda D. Allen had been employed with the Arkansas-based company as a pharmacy technician since July 1993, most recently at its store in Abingdon, Md. As a result of a gunshot wound sustained during the course of a robbery at a different employer in 1994, Allen suffered permanent damage to her spinal cord and other medical issues, including an abnormal gait requiring the use of a cane as an assistive device.

The agency charged that despite Allen's successful job performance throughout her employment, Wal-Mart declared her incapable of performing her position with or without a reasonable accommodation, denied her a reasonable accommodation, and then unlawfully fired her because of her disability. The lawsuit settled shortly after the court denied Wal-Mart's motion for summary judgment on March 10, and partially granted the EEOC's cross-motion for summary judgment finding that Wal-Mart had no undue hardship defense.

Disability discrimination violates the Americans with Disabilities Act (ADA). The EEOC filed suit after first attempting to reach a voluntary settlement.

Commenting on her case, Allen said, "After beating all the odds -- surviving my injury when not expected to survive, walking again when told that I would never walk again, and returning to work where I received excellent performance evaluations and consistent merit increases -- I was devastated to have the rug pulled out from underneath me simply because Wal-Mart could 'no longer accommodate my handicap needs.' I am hopeful that this settlement will make Wal-Mart take a closer look at its policies and

practices with respect to the employment of individuals with disabilities so that what happened to me will not happen to someone else.”

Along with the monetary payment, the consent decree settling the suit requires Wal-Mart to:

Observe the ADA and post a notice to employees on the ADA;
Have all salaried supervisors and managers of its Abingdon stores and in pharmacies in the district that includes Abingdon complete training on the ADA with annual refresher training for the next three years; and
Submit a list of all employees at the Abingdon store and the pharmacies in the Abingdon district who have been denied reasonable accommodation and/or complained that they have been unlawfully denied reasonable accommodation or terminated because of their disabilities.

The EEOC will monitor the company’s compliance with the decree for the next three years.

“When an employer is faced with an employee who has difficulty performing certain tasks because of his or her disability, it cannot sit back passively and then turn around and fire the employee because of its own failure to accommodate,” said EEOC Regional Attorney Jacqueline McNair. “Federal law mandates that employers engage in a good-faith interactive dialogue with the qualified disabled employee to identify potential reasonable accommodations.”

This is the EEOC’s second settlement this year with Wal-Mart concerning the ADA. In April 2008, the EEOC settled a lawsuit concerning Wal-Mart’s failure to hire an individual with cerebral palsy in Richmond, Mo., (EEOC v. Wal-Mart Stores, Inc., No. 04-cv-0076 (W.D. Mo. April 18, 2008) for \$300,000 and injunctive relief. According to its web site (www.walmart.com), “Today, 7,357 Wal-Mart stores and Sam’s Club locations in 14 mar

kets employ more than 2 million associates, serving more than 179 million customers a year.”

During Fiscal Year 2007, disability discrimination charges filed with the EEOC under the ADA increased 14% to 17,734 -- the highest level in a

decade. Approximately one out of every five private sector charge filings with the EEOC contains an allegation of disability discrimination.

EEOC SETTLES SEX BIAS CASE WITH STATE CORRECTIONS DEPARTMENT FOR ALMOST \$1 MILLION

Corrections Department Provided Lesser Benefits to Female Corrections Officers Who Gave Birth While on Workers' Compensation Leave – Date: May 21, 2008

NEW YORK – The New York State Department of Correctional Services will pay nearly \$1 million to settle a sex discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Attorney for the Southern District of New York, the two offices announced today. The EEOC and the United States had charged the Corrections Department with violating federal law by providing inferior benefits to female employees on maternity leave.

The EEOC suit, filed under the Equal Pay Act of 1963 (Case No. 07-CV-2587 in U.S. District Court for the Southern District of New York), charged that the Corrections Department gave male employees with work-related injuries up to six months of paid workers' compensation leave. Female employees could be granted the same leave, but pregnant employees on such leave were involuntarily switched to maternity leave at or around the time they gave birth. The Corrections Department's maternity leave policy requires that women first use their accrued sick or vacation leave with pay; then, if approved, sick leave with half pay and then sick leave without pay.

The EEOC charged that switching women from workers' compensation leave to maternity leave resulted in lesser benefits for those women due to their sex and thus violated the Equal Pay Act (EPA). The EPA is a federal law requiring that employers pay men and women equally for equal work.

The U.S. Attorney for the Southern District of New York joined the lawsuit by adding claims under Title VII of the Civil Rights Act of 1964. The U.S. Attorney's Office alleged that the Corrections Department engaged in a pattern and practice of employment discrimination on the basis of sex as a result of its categorical determination that a female employee who gives birth to a child should be transferred from workers' compensation leave and benefits without making a determination whether, on an individual basis, an employee continues to be eligible for workers' compensation leave and benefits.

Late yesterday, the court granted final approval of an Order and Stipulation Providing for Injunction and Affirmative Relief, which provides \$972,000 in compensatory damages, liquidated damages, back pay and interest to 23 female Corrections employees. The back pay, which includes the value of leave some women were forced to take, has already been paid. The order also contains a modification provision whereby the court may order additional monetary relief to additional victims who are identified following the settlement.

Also in the order, which is subject to monitoring by the EEOC, the United States and the court for up to five years, the Corrections Department agreed to several elements of injunctive relief as to all its facilities statewide. It has amended its workers' compensation directive to provide that no female Corrections officer shall be removed from workers' compensation benefits due to pregnancy or the birth of a child, and it will provide anti-discrimination training to employees across the state, along with training in the administration of workers' compensation benefits to its personnel employees. The Corrections Department will also give to each female employee preparing to take a maternity leave a packet of all applicable policies, procedures and benefits.

"I am confident that this case has shown the Corrections Department that what might seem like a slight difference in benefits between a man and a pregnant woman can really take a toll on an employee's life," said Raechel Adams, the EEOC trial attorney handling the case. "Mostly, I am pleased that with the injunctive relief in place, the Corrections Department will now treat men and women equally for equal work when it comes to workers' compensation benefits."

The Department of Corrections is the New York state government entity responsible for the confinement and habilitation of approximately 63,000 inmates held at 69 state correctional facilities across New York State, including approximately 1,700 at the Sing Sing Correctional Facility in Ossining, New York, where this action originated.

EEOC New York District Director Spencer H. Lewis, Jr. commented, "The EEOC is very grateful to have had the opportunity to collaborate with the U.S. Attorney's Office on this very important case. It was our working hand in hand, under the Equal Pay Act and Title VII together, that allowed us to achieve such a fine result."

RAZZOO'S TO PAY \$1 MILLION FOR SEX BIAS AGAINST MEN

EEOC Said Cajun Eateries Refused to Hire or Promote Males to Bartender Jobs – Date: May 7, 2008

DALLAS — Razzoo's, a Dallas/Fort Worth-based Cajun food restaurant chain, will pay \$1 million and furnish significant remedial relief to settle a sex discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged Razzoo's with discriminating against a class of male applicants and employees.

The EEOC said that Razzoo's refused to hire or promote men to the position of bartender in its restaurants. Razzoo's management set up and communicated to managers by e-mail a plan for an 80-20 ratio of women to men behind the bar, the EEOC said. Male applicants and servers were expected to testify at trial -- which will now be unnecessary because of this pre-trial settlement -- that managers told them Razzoo's wanted mostly "girls" behind the bar. Men who worked as servers at the restaurants were generally denied promotion to bartender because of their gender. The few men who were promoted to bartender were not allowed to work lucrative "girls-only" bartending events.

Sex discrimination violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit after first attempting to reach a voluntary settlement.

"Some may think that sex sells drinks, but gender ratios are illegal," said Suzanne M. Anderson, EEOC supervisory trial attorney and lead counsel on the lawsuit (*EEOC v. Razzoo's*, Civil Action No. 3:05-CV-0562-P, Northern District of Texas, Dallas Division). "Razzoo's decision to hire and promote by gender is a clear violation of federal law. A hiring ratio is illegal whether it is 80-20 whites to blacks or 80-20 women to men."

As provided in the consent decree settling the suit, Razzoo's agreed to pay \$775,000 to be divided among a class of male applicants, male servers, and male bartenders who were discriminated against.

Razzoo's also agreed to retain the services of a human resources consultant or to develop an in-house human resources department. The decree required that Razzoo's would spend no less than \$225,000 for these human resources services. Also under the decree, Razzoo's agreed to injunctive

relief requiring training on equal employment opportunity for all Razzoo's employees, the posting of an anti-discrimination notice, and EEOC monitoring of employee complaints of discrimination.

“We are pleased by the breadth of this settlement, which will provide significant monetary relief to the class of male applicants and employees, as well as strong injunctive relief to help Razzoo's develop workplace policies in compliance with the Civil Rights Act,” said Regional Attorney Robert A. Canino of the EEOC's Dallas District Office. "Everyone deserves the freedom to compete and advance in the workplace without regard to artificial barriers.”

Razzoo's operates 11 Cajun food restaurants throughout the Dallas/Fort Worth Metropolis and also has locations in Houston and Concord, N.C.

SPECIALTY RESTAURANTS TO PAY \$625,000 FOR SEXUAL HARASSMENT, RETALIATION

EEOC Says Restaurant Chain Punished Female Employees Who Complained – May 7, 2008

LOS ANGELES – The U.S. Equal Employment Opportunity Commission (EEOC) today announced the resolution of its class action employment discrimination lawsuit against Specialty Restaurants Corporation, an Anaheim, Calif.-based owner and operator of restaurants and banquet facilities nationwide, including Monterey Hill Banquets in Monterey Park, Calif. Under the EEOC settlement, the company has agreed to pay \$625,000 to claimants and will adopt remedial measures to ensure that its employees are not sexually harassed.

In its suit, the EEOC alleged that female workers were subjected to inappropriate touching, indecent and offensive comments, and other forms of sexually harassing conduct by co-workers and supervisors. In addition, at least one female employee was harassed based on her national origin. The federal agency further alleged that Specialty retaliated against both male and female employees who reported the harassment or cooperated with investigations.

“We commend the victims in this case for reporting the harassment,” said Regional Attorney Anna Y. Park of the EEOC's Los Angeles District Office. “We also applaud the witnesses who, although not the direct targets of harassment, stepped forward to defend their co-workers.”

EEOC Los Angeles District Director Olophius Perry added, “Harassment and retaliation affect far too many workers in the service industries. Every employer has a duty to protect its workforce from harassment. Specialty's willingness to change its policies and practices should serve as an example to the entire industry.”

In Fiscal Year 2007, sexual harassment charge filings with the EEOC and state/local agencies increased for the first time since FY 2000, numbering 12,510 – up 4% from the prior fiscal year's total of 12,025. Retaliation charges increased 18% in FY 2007 to a record high level of 26,663, up from 22,555 in FY 2006. Retaliation is now the second most frequent charge filing with the EEOC.

SEXUAL HARASSMENT VERDICT UPHELD IN FAVOR OF EEOC AGAINST AG INDUSTRY GIANT HARRIS FARMS

Ninth Circuit Court Affirms Latina Farm Worker's Jury Award of Over \$1 Million – Date: April 25, 2008

SAN FRANCISCO – The United States Court of Appeals for the Ninth Circuit has affirmed the judgment on a jury verdict in favor of the U.S. Equal Employment Opportunity Commission (EEOC) and farm worker Olivia Tamayo in a sexual harassment and retaliation lawsuit against Coalinga, Calif.-based Harris Farms, one of the largest integrated farming operations in the Central San Joaquin Valley.

The appeal followed a trial where the jury found Harris Farms liable for sexual harassment, retaliation and constructive termination. Tamayo was awarded over \$1,000,000, including attorney's fees for her private lawyer, on her federal and state law discrimination claims.

In its appeal, Harris Farms argued that the presiding judge (District Court Judge Anthony Ishii) admitted evidence at trial that should not have been presented to the jury and that the award of punitive damages was unsupported. Rejecting these arguments, the Ninth Circuit specifically noted that punitive damages were appropriate because of Harris Farms' retaliatory tactics – including suspending Tamayo after she reported the harassment – to deter her from pursuing her complaint.

During a six-week trial in the U.S. District Court for the Eastern District of California in Fresno, Tamayo, a Mexican immigrant who began picking crops for Harris Farms in the early 1980s, testified that her supervisor raped her on several occasions and threatened her with a gun or a knife to ensure her compliance. He also subjected her to repeated verbal sexual harassment and intimidation. In addition, she described sexually offensive and threatening gossip from co-workers, as well as retaliation; conditions finally became so intolerable that she was forced to resign.

On January 21, 2005, the jury reached their verdict against Harris Farms and awarded Tamayo \$53,000 in back pay, \$91,000 for front pay (what she would have earned if she had continued working at her job) and \$350,000 in compensatory damages for emotional pain and distress. The jury also awarded \$500,000 in punitive damages against Harris Farms to Tamayo.

(The amount of the punitive damages was later reduced to \$300,000 because of limits set by federal discrimination law.)

Since the jury's verdict in 2005, Tamayo has been recognized by farm workers and advocacy organizations nationwide for her courage in standing up to her employer and reporting the sexual harassment and retaliation she suffered. Upon being informed of the Ninth Circuit's decision, she said, "In the past years, I have talked to many farm worker women who did not know that they were protected from being abused in the fields. This decision is for everyone who thinks that it is useless to step forward."

EEOC's Regional Attorney William Tamayo (no relation to Olivia Tamayo) stated, "The Ninth Circuit agreed with the jury's verdict: punitive damages were justified in light of the retaliation Mrs. Tamayo suffered. As an immigrant with limited education and limited English, she faced significant financial risks and social obstacles to speak out against harassment. In fact, her harasser threatened to kill her husband and otherwise harm her family. To come forward under these circumstances only to be met with further retaliation by Harris Farms is unjust and illegal."

Michael Baldonado, acting director of the EEOC's San Francisco district, noted, "The EEOC is pleased that we are one step closer to providing Mrs. Tamayo with the relief that the jury awarded her. This is a major victory for farm workers nationwide and for the EEOC."

Private counsel William Smith of Fresno, who joined with EEOC to represent Tamayo, said, "No matter how much an employee earns, what her duties are or how big the company is, that employee has a right to work without fear of harassment and retaliation. Harris Farms learned this lesson the hard way."

McDONALD'S FRANCHISE TO PAY \$505,000 FOR SEXUAL HARASSMENT OF YOUNG WOMEN, INCLUDING TEENS

EEOC Says Male Supervisor Requested Sexual Favors, Groped Female Workers – Date: April 7, 2008

DENVER – A Durango, Colo.-based McDonald's restaurant franchise will pay \$505,000 and provide significant remedial relief to settle a sexual harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC) on behalf of a class of young female employees, including teens, the agency announced today.

The EEOC's suit, Civil Action No. 06-cv-01871-MSK-CBS, was filed in U.S. District Court for the District of Colorado against JOBEC, Inc., a management company, and the interrelated corporations Colorado Hamburger Company, Inc. and Farmington Hamburger Company, Inc., who operate McDonald's franchises in Durango and Cortez, Colo., and Farmington and Aztec, N.M.

The Commission's suit alleged that Tiawna Shenefield, now known as Tiawna Jacobson, Brandi Michal and a class of females, many of whom were 15 to 17 years old, were subjected to egregious sexual harassment in the workplace by their male supervisor. The harassment allegedly included the supervisor biting the breasts and grabbing the buttocks of the class members, making numerous sexual comments, as well as offers of favors in exchange for sex. Such alleged conduct violates Title VII of the Civil Rights Act of 1964.

"The EEOC will vigorously prosecute claims of harassment, especially cases involving teenagers, many of whom are in the workplace for the first time," said Mary Jo O'Neill, regional attorney for the EEOC's Phoenix, Denver and Albuquerque offices.

Under the terms of the consent decree resolving the case, the defendants will pay the two named victims and their attorney, Lynne Sholler, of Durango a total of \$450,000 for compensatory damages and attorney fees. An additional \$55,000 will be distributed to two other class members represented by the EEOC.

The decree also provides for significant non-monetary relief, including letters of apology to the victims; training on sex discrimination in the

defendants' Colorado and New Mexico facilities; posting notices of non-discrimination in all of the defendants' workplaces; and an injunction prohibiting discrimination and retaliation.

Chester V. Bailey, district director of the EEOC's Phoenix office, added, "Employers must recognize their responsibility to assure that young workers -- one of the most vulnerable segments of the labor force -- are not harassed at work. That's why the Commission has a national initiative to address this important issue."

Attorney Lynne Sholler, who represented two of the alleged victims, said, "My clients and I are glad to have this case finally resolved. I am particularly pleased that this employer will be required to put in place training and procedures to prevent and address workplace harassment."

DILLARD'S TO PAY HALF MILLION TO SETTLE EEOC CLASS SEXUAL HARASSMENT SUIT

Assistant Manager Harassed 12 Women, Including Teen, in Two States, Agency Charged – Date: April 1, 2008

DENVER – The U.S. Equal Employment Opportunity Commission (EEOC) today announced it has settled its class sexual harassment lawsuit against the Dillard's department store chain for \$500,000 and substantial remedial relief on behalf of a class of 12 female former employees who were sexually harassed by an assistant store manager in two states.

The EEOC maintained in its suit that assistant store manager Scot McGinness sexually harassed women at two Dillard's stores. The EEOC said that Dillard's knew that McGinness was sexually harassing young female subordinates at the Palmdale, Calif., store, but failed to take appropriate action to stop the misconduct. Instead, Dillard's transferred him to a managerial position in its Westminster, Colo., store, and failed to notify the new store about McGinness's history of sexual harassment.

Moreover, after a Colorado female associate complained to her store manager that McGinness inappropriately touched her, McGinness was given only a verbal warning regarding his conduct. Only 10 months later, when McGinness physically and verbally sexually harassed an 18-year-old high school senior and the Westminster police were contacted, did Dillard's finally fire McGinness.

Sandra Padegimas, the EEOC trial attorney who prosecuted this case, said, "Cloaked with his mantle of authority, Mr. McGinness used his power over his female subordinate employees as a way to reward or punish his victims. By failing to notify the Colorado store about this man's sexual harassment in California at the time of his transfer to Colorado, Dillard's permitted its Westminster employees to go in harm's way."

Chester V. Bailey, director of the EEOC's Phoenix district, which oversees Colorado, said "Sexual harassment violates Title VII of the Civil Rights Act of 1964. The EEOC filed the suit in U.S. District Court for the District of Colorado after investigating multiple charges of discrimination and first attempting to reach a voluntary settlement."

In addition to paying \$500,000 to the 12 women, the consent decree settling the suit (*EEOC v. Joslin Dry Goods, d/b/a Dillard's*, Civil Action No. 05-CV-00177-WDM-KLM) provides an injunction prohibiting the company from discriminating based on sex or retaliation. The company will provide significant sexual harassment training to employees and management officials, including training for managers on how to properly investigate sexual harassment allegations. Dillard's further agreed that, henceforth, if it transfers an employee from one store to another after it receives a sexual harassment complaint about the employee, the new store will be advised of the complaint. The company also agreed that, unless its investigation of such complaints demonstrates that the complaint has "no merit," the alleged harasser will receive two hours of additional anti-harassment training. During the decree's three-year term, Dillard's will provide reports to the EEOC about any sexual harassment complaints it receives.

Ybarra Lloyd, who worked at the Palmdale store, said, "The EEOC helped us ladies stand up to Dillard's. In order to settle this lawsuit, Dillard's had to agree to make changes in its workplace that, hopefully, will prevent others from being victimized. I think employers should be required to tell their employees about the EEOC because most of us don't know that there is an agency that can help victims fight workplace discrimination. The EEOC gave us a voice!"

Another class member, Ketty Lopez, who worked at the Palmdale store, said, "Our complaints about sexual harassment were ignored because no one seemed to care – but the EEOC made them care. Now Dillard's will have to follow up on any complaints about sexual harassment it receives."

According to company information, Little Rock, Ark.-based Dillard's ranks among the nation's largest fashion apparel and home furnishings retailers, with annual revenues exceeding \$7.7 billion. The company operates 330 Dillard's locations spanning 29 states, all under the Dillard's name.

EEOC Regional Attorney Mary Jo O'Neill, said, "Employers have a legal duty to take appropriate corrective and preventative action the first time they learn of discriminatory conduct in the workplace. We can't stress enough the importance of employers taking adequate steps to protect the rights of all employees."

FINAL DECREE ENTERED WITH WALGREENS FOR \$24 MILLION IN LANDMARK RACE DISCRIMINATION SUIT BY EEOC

Class of More Than 10,000 to Receive Monetary Relief; Significant Injunctive Remedies Included – Date: March 25, 2008

EAST ST. LOUIS, Ill. – A federal judge here has granted final approval of a sweeping consent decree resolving a class race discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) against Walgreen Co., the Deerfield, Ill.-based national drug store chain. The decree, one of the largest monetary settlements in a race case by the EEOC, provides for the payment of over \$24 million to a class of thousands of African American workers and orders comprehensive injunctive relief designed to improve the company's promotion and store assignment practices.

The EEOC filed its suit in March 2007 alleging that Walgreens discriminated against African American retail management and pharmacy employees in promotion, compensation, and assignment. The decree, entered by U.S. District Judge G. Patrick Murphy of the Southern District of Illinois, resolves the EEOC's litigation and a private class suit filed in June 2005 on behalf of 14 African American current and former Walgreens' employees (*EEOC v. Walgreen Co.*, S.D. Il. 07-CV-172-GPM and *Tucker v. Walgreen Co.*, S.D. Il. 05-CV-440-GPM). The two cases were consolidated in April 2007. Following a fairness hearing, the court ruled that the consent decree is fair, reasonable, and adequate.

"The EEOC's case is a good example of the Commission's renewed emphasis on class and systemic litigation and furthers the agency's E-RACE Initiative, which is designed to address major issues of race and color discrimination," said EEOC General Counsel Ronald S. Cooper. "I commend the work of our outstanding trial team, which included lawyers from Kansas City, St. Louis, Miami and Chicago, as was appropriate in a case which will provide benefits to a nationwide class."

The monetary payments will be shared by approximately 10,000 African American current and former store-level management employees across the country. The decree also requires Walgreens to retain outside consultants to review and make recommendations regarding their employment practices,

including standardized, non-discriminatory promotion and store assignment standards, procedures and promotional benchmarks. Compliance with the decree will be monitored by the EEOC and the Goldstein, Demchak firm of Oakland, California. The Court will retain jurisdiction over the decree for five years.

Jean P. Kamp, acting regional attorney for the EEOC's St. Louis District, said, "The combination of very substantial monetary relief and far-reaching injunctive provisions make this decree a model for relief in similar cases. The court complimented the settlement during the final fairness hearing, and we agree that this is an outstanding result for African American managers at Walgreens."

According to its web site, www.walgreens.com, "Walgreens is the nation's largest drugstore chain with fiscal 2007 sales of \$53.8 billion. The company operates 6,237 stores in 49 states and Puerto Rico."

Johnny Tucker, a Walgreens store manager from Independence, Mo., who helped initiate the suit and was present at the fairness hearing, said, "I look forward to all of the positive changes this settlement will bring to the company."

Tucker and the private class were represented by Foland, Wickens, Eisfelder, Roper & Hofer, of Kansas City, Mo.; Spriggs Law Firm, of Tallahassee, Fla.; and Goldstein, Demchak, Baller, Borgen & Dardarian, of Oakland, California. The initial charges of discrimination filed with the EEOC were investigated by Harold Emde in the agency's St. Louis District Office and Samuel James in the Kansas City Area Office.

**JUDGE GRANTS FINAL APPROVAL FOR \$6.2 MILLION
PARTIAL SETTLEMENT OF HISTORIC UNION
DISCRIMINATION CASE**

***Sheet Metal Workers' Local 28 Discriminated Against Blacks
and Hispanics for Years, Suit Says – Date: January 15, 2008***

NEW YORK – A federal court has granted final approval for a \$6.2 million partial settlement for black and Hispanic sheet metal workers who suffered discrimination by their union, the U.S. Equal Employment Opportunity Commission (EEOC) announced today.

The EEOC and the State and City of New York, along with the Lawyers' Committee for Civil Rights Under Law in Washington, DC and the New York law firm of Debevoise & Plimpton LLP representing the minority members, had sued Local 28 of the Sheet Metal Workers' International Association in New York City (Local 28) for providing fewer job opportunities to the workers because of their race or national origin for many years. Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits race and national origin discrimination by labor organizations. The partial settlement was reached through intense negotiations between the plaintiffs and Local 28.

Judge Robert L. Carter of U.S. District Court for the Southern District of New York granted final approval of the settlement, which would compensate minority members of Local 28 for lost wages for the years 1984 to 1991. The parties have also agreed to significant changes in the union's job referral system as well as monitoring systems aimed at equalizing members' access to job opportunities. Litigation of the remaining claims of union members who suffered discrimination after 1991 continues, as do settlement negotiations, in an effort to obtain a prompt and fair resolution of those remaining claims.

"We hope that these developments are an indication that, with the recent change in leadership, the union has decided, after many years of costly litigation, to work with the court and the plaintiffs in obeying the court orders and to begin to resolve the outstanding claims against it," said Spencer Lewis, the District Director of the EEOC's New York office.

"We are thrilled that our clients are finally on the path to receive compensation for some of the discrimination they suffered," said Michael L.

Foreman, Director of the Employment Discrimination Project of the Lawyers' Committee. "Without the tireless commitment of our co-counsel at Debevoise & Plimpton, who have devoted significant time and resources to this pro bono case, this outcome would not have been possible."

"We are extremely pleased that such a substantial settlement has been preliminarily approved for this set of claims, and we are eager to continue working toward resolution of remaining claims and issues," said Jyotin Hamid, a partner with Debevoise & Plimpton.

"This is a significant step forward in what has been a decades-long process to end discrimination against black and Hispanic members of Local 28 and restore their lost wages," said Joshua Rubin, Senior Counsel at the New York City Law Department. "We will continue working to ensure good practices at the union going forward and to help others reclaim their compensation."

The Lawyers' Committee is a nonpartisan, nonprofit civil rights legal organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar and the pro bono services of law firms, such as Debevoise & Plimpton, in the enforcement of civil rights. Since its inception, the Lawyers' Committee has worked as a "private attorney general" by vigorously enforcing civil rights laws in the areas of employment, housing, education, voting rights, environmental justice, and community development. The Lawyers' Committee represents private parties in federal and state courts throughout the United States in lawsuits against private and governmental entities on behalf of those seeking redress for racial, ethnic, or gender discrimination. More information is available at www.lawyerscommittee.org.

The New York City Law Department is one of the oldest, largest and most dynamic law offices in the world, ranking among the top three largest law offices in New York City and the top three largest public law offices in the country. Tracing its roots back to the 1600's, the Department has an active caseload of 90,000 matters and transactions in 17 legal divisions. The Corporation Counsel heads the Law Department and acts as legal counsel for the Mayor, elected officials, the City and all its agencies. The Department's 690 attorneys represent the City on a vast array of civil litigation, legislative and legal issues and in the criminal prosecution of juveniles. For more information, please visit www.nyc.gov/law.

FORD MOTOR CO., AFFILIATES, UAW AGREE TO PAY \$1.6 MILLION TO SETTLE CLASS RACIAL BIAS LAWSUIT

EEOC Said Apprenticeship Test Discriminated Against Hundreds of Black Workers – Date: December 20, 2007

CINCINNATI – Ford Motor Co., along with two related companies and a national union, will pay \$1.6 million and provide other remedial relief to a class of nearly 700 African Americans to settle a major race discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC had charged in the litigation that a written test used by Ford, Visteon and Automotive Components Holdings (ACH) to determine the eligibility of hourly employees for a skilled trades apprenticeship program had a disproportionately negative impact on African Americans. The National United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) was also a defendant in the case because the test was used to select apprentices in the Ford-UAW Joint Apprenticeship Program and the lawsuit settlement affects people covered by the union agreement.

The comprehensive relief obtained by the EEOC includes about \$1.6 million for the class of nearly 700 African Americans nationwide who have taken the test since January 1, 1997, and were not placed on the Ford apprentice list at the former Visteon facilities. Non-monetary relief includes placing 55 African American test takers on the apprentice lists and the development, by a jointly selected expert, of a new selection method for the apprenticeship program together with detailed reporting and monitoring provisions.

“We are pleased this settlement will address the serious problem of selection criteria that result in racial minorities receiving fewer job opportunities,” said EEOC Chair Naomi C. Earp. “Apprenticeship programs are a ladder to skilled, high-paying jobs and every group should be able to climb that ladder based on genuine abilities.”

The settlement, which was preliminarily approved by the court on September 9, 2007, is pending final approval by U.S. District Court Senior Judge Spiegel of the Southern District of Ohio. Upon approval by the court, the settlement will resolve the EEOC’s suit against Ford, Visteon and ACH

and will also resolve the class members' suit against Ford, Visteon, ACH and the UAW.

This suit is a successor case to the EEOC's earlier suit against Ford and UAW which was settled for \$8.5 million in 2005 and covers additional people disadvantaged by the test in question who were not covered in that settlement. On December 3, 2007, the EEOC issued a new Employment Testing Fact Sheet which cites the Ford case. The fact sheet is available on the EEOC's web site at

www.eeoc.gov/policy/docs/factemployment_procedures.html.

“The EEOC is pleased to have been able to work cooperatively with Ford and the UAW in reaching a mutually satisfactory resolution to this matter,” said EEOC Regional Attorney Jacqueline McNair. “Employers must consider how all aspects of selection processes including written tests may adversely impact members of a particular demographic group.”

AT&T TO PAY \$756,000 FOR RELIGIOUS BIAS AGAINST JEHOVAH'S WITNESSES

EEOC Wins Jury Verdict for Two Fired Customer Service Technicians – Date: October 23, 2007

JONESBORO, Ark. – The U.S. Equal Employment Opportunity Commission (EEOC) today announced a favorable jury verdict of \$756,000 in a religious discrimination lawsuit brought against AT&T Inc. on behalf of two male customer service technicians who were suspended and fired for attending a Jehovah's Witnesses Convention.

The jury of nine women and three men awarded the two former employees, Jose Gonzalez and Glenn Owen (brothers-in-law), \$296,000 in back pay and \$460,000 in compensatory damages under Title VII of the 1964 Civil Rights Act. During the four-day trial, the jury heard evidence that both men had submitted written requests to their manager in January 2005 for one day of leave to attend a religious observance that was scheduled for Friday, July 15, to Sunday, July 17, 2005. Both men testified that they had sincerely held religious beliefs that required them to attend the convention each year. Both men had attended the convention every year throughout their employment with AT&T -- Gonzalez worked at the company for more than eight years and Owen was employed there for nearly six years.

Commenting on the case, in U.S. District Court for the Eastern District of Arkansas, Jonesboro Division (Case No. 3:06-cv-00176), before Judge Leon Holmes, former employee Joe Gonzalez said, "I am very pleased with the jury's verdict." Glenn Owen added, "I'm glad that the justice system works and that the jury saw what was going on and corrected it."

Title VII of the Civil Rights Act of 1964 prohibits religious discrimination and requires employers to make reasonable accommodations to employees' and applicants' sincerely held religious beliefs as long as this does not pose an undue hardship.

"In this case, AT&T forced Mr. Gonzalez and Mr. Owen to choose between their religion and their job," said Faye A. Williams, regional attorney for the EEOC Memphis District Office. "Title VII does not require that an employee make that choice in order to maintain gainful employment."

EEOC supervisory Trial Attorney William Cash, Jr., who tried the case with agency attorney Darin Tuggle, said, “Protecting the rights of employees to be free from religious discrimination is an important part of the EEOC’s mission.”

Religious discrimination charge filings (allegations) reported to EEOC offices nationwide have substantially increased from 1,388 in Fiscal Year 1992 to 2,541 in FY 2006. The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

EEOC AND B & H REACH \$4.3 MILLION SETTLEMENT IN NATIONAL ORIGIN DISCRIMINATION CASE

Hispanic Employees Paid Less Than Non-Hispanics, Denied Promotion and Health Benefits, Federal Agency Says – Date: October 16, 2007

NEW YORK – The U.S. Equal Employment Opportunity Commission (EEOC) today filed a complaint and entered into a consent decree in federal district court with B & H Foto and Electronics Corp., resolving a national origin discrimination case on behalf of Hispanic workers at one of the largest retail sellers of photographic, computer and electronic equipment in the metropolitan area.

The EEOC's lawsuit, filed under Title VII of the Civil Rights Act of 1964 alleged that B & H paid Hispanics in its warehouses less than non-Hispanic workers and failed to promote them or provide them health benefits based on their national origin (*EEOC v. B & H Foto and Electronics Corp.*, No. 07- CV-9241). The court filed complaint is resolved simultaneously through the voluntary settlement of this matter by consent decree under which B & H agrees to comply with the requirements of Title VII; equalize the wages of Hispanic employees to their non-Hispanic coworkers; and to work with the EEOC in a claims process to distribute \$4.3 million in monetary relief to individuals who were paid less, not promoted, or denied benefits because they are Hispanic.

“We commend B & H for working cooperatively with us to resolve this matter without protracted litigation,” said EEOC New York Trial Attorney Louis Graziano. “We encourage other employers to follow B & H's example of resolving this case expeditiously and in good faith.”

The lawsuit and consent decree are filed in the United States District Court for the Southern District of New York. The decree, in addition to proving for distribution of the multi-million dollar settlement fund, also requires employer training, notice posting, adoption of an anti-discrimination policy, reporting to the EEOC, and monitoring by the EEOC for the following five years.

EEOC New York District Director Spencer H. Lewis, said: “Employees are entitled to work in an environment free of pay disparity and discrimination

due to a person's national origin. Every individual deserves the freedom to compete in the workplace on a fair and level playing field.”

\$27.5 MILLION CONSENT DECREE RESOLVES EEOC AGE BIAS SUIT AGAINST SIDLEY AUSTIN

Law Firm Partners Brought Within Protection of Federal Law Against Employment Discrimination – Date: October 5, 2007

CHICAGO – The international law firm of Sidley Austin LLP will pay \$27.5 million to 32 former partners who the U.S. Equal Employment Opportunity Commission alleged were forced out of the partnership because of their age, under a consent decree approved by a federal judge. (EEOC v. Sidley Austin LLP, N.D. Illinois No. 05 C 0208.)

The EEOC brought the suit in 2005 under the federal Age Discrimination in Employment Act (ADEA). A major issue in the case was whether partners in the law firm were protected as employees under the ADEA. The decree was signed by Federal District Judge James B. Zagel of the Northern District of Illinois yesterday afternoon, October 4, 2007, and entered on the court's docket this morning. The decree provides that "Sidley agrees that each person for whom EEOC has sought relief in this matter was an employee with the meaning of the ADEA."

The consent decree also includes an injunction that bars the law firm from "terminating, expelling, retiring, reducing the compensation of or otherwise adversely changing the partnership status of a partner because of age" or "maintaining any formal or informal policy or practice requiring retirement as a partner or requiring permission to continue as a partner once the partner has reached a certain age."

Ronald S. Cooper, General Counsel of the EEOC, said, "This case has been closely followed by the legal community as well as by professional services providers generally. It shows that EEOC will not shrink from pursuing meritorious claims of employment discrimination wherever they are found. Neither the relative status of the protected group members nor the resources and sophistication of the employer were dispositive here."

Cooper added, "The demographic changes in America assure that we will see more opportunities for age discrimination to occur. Therefore, it is increasingly important that all employers understand the impact of the Age Discrimination in Employment Act on their operations and that we re-emphasize its important protections for older workers."

The \$27.5 million will be paid by Sidley Austin to 32 former partners of the firm for whom the EEOC sought relief because they either were expelled from the partnership in connection with an October 1999 reorganization or retired under the firm's age-based retirement policy.

The amounts of the individual payments to the former partners were submitted under seal and approved by the court. The average of all the payments to partners under the decree will be \$859,375. The highest payment to any former partner will be \$1,835,510, and the lowest payment \$122,169. The median payment (the value in the middle of all payments) is \$875,572.

During the term of the decree, which expires Dec. 31, 2009, Abner Mikva, retired Federal Court of Appeals Judge and former Member of Congress and White House Counsel, will deal with any complaints received from Sidley partners and report to the EEOC.

The EEOC litigation team has been headed by John Hendrickson, Regional Attorney for the Chicago District, and includes Supervisory Trial Attorney Gregory Gochanour and Trial Attorneys Deborah Hamilton, Laurie Elkin, and Justin Mulaire. Proceedings in the U.S. Court of Appeals for the Seventh Circuit were handled by Carolyn Wheeler and Jennifer Goldstein of the EEOC Office of General Counsel's Appellate Services.

Hendrickson said, "The EEOC v. Sidley Austin litigation has always been a high priority for both our agency and the law firm, and the litigation has reflected that—tough, determined, professional. The litigation has yielded a number of important legal decisions, ensuring the protection of professionals from discriminatory employment actions and ratifying the authority of EEOC to investigate and obtain relief for victims of age discrimination on its own initiative."

Hendrickson added, "The public has benefited because the EEOC and Sidley were able to sit down and talk with each other and craft a workable resolution in a complex lawsuit. That doesn't always happen. Not all employers are resolved to deal with tough issues and to get on with business. Sidley was so resolved, and today's decree reflects its determination to get this case behind it and to address a situation which the EEOC believed required its attention."

George Galland, Jr. of the Chicago law firm of Miner Barnhill & Galland acted as a mediator in the case and facilitated the parties' negotiations.

CAESARS PALACE TO PAY \$850,000 FOR SEXUAL HARASSMENT AND RETALIATION

Supervisors Forced Sex on Hispanic Female Workers, EEOC Charged – Date: August 20, 2007

LAS VEGAS – Caesars Palace will pay \$850,000 to settle a sexual harassment and retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. The EEOC had charged that the Las Vegas resort/casino's Latina kitchen workers were subjected to repeated and sometimes severe sexual harassment.

In its 2005 lawsuit against Desert Palace, Inc., doing business as Caesars Palace, the EEOC asserted that male supervisors would demand and/or force female workers to perform sex with them under threat of being fired. Women, predominantly monolingual Spanish speakers, were forced to have sex in makeshift sex rooms. In addition, EEOC claimed that supervisors performed other lewd acts on or in front of women, including unwanted sexual touching.

The EEOC also charged that management failed to address and correct the unlawful conduct, even though women complained about it. Further, the EEOC said, when workers complained about the unlawful conduct, they were retaliated against in the form of demotions, loss of wages, further harassment, discipline or discharge.

Sexual harassment and retaliation for complaining about it violate Title VII of the Civil Rights Act of 1964. The EEOC filed suit after first attempting to reach a voluntary settlement.

“In a case like this where many of the workers were monolingual Spanish speakers, victims of sexual harassment often feel further isolated, marginalized and unable to vindicate their rights,” said Anna Park, Regional Attorney for the EEOC's Los Angeles District. “This case also illustrates that employers need to ensure their policies and procedures provide adequate avenues for complaint and redress to non-English speakers.”

Under the three-year consent decree resolving the case, Caesars Palace agreed to pay \$850,000 to the employees identified by the EEOC to have been sexually harassed or retaliated against. As part of the injunctive relief,

Caesars Palace further agreed: (1) to provide training to all employees in English or Spanish; (2) to provide semi-annual reports to the EEOC regarding its employment practices for a period of three years; and (3) to revise its employment policies and procedures to conform to its obligations under Title VII. The EEOC filed the suit and consent decree in U.S. District Court for the District of Nevada (*EEOC v. Caesars Entertainment, Inc., et al.*, 2:05-CV-0427-LRH-PAL).

Olophius Perry, District Director for the Los Angeles District Office, said, “Nevada employers need to be vigilant in protecting workers who have the courage to speak out against egregious discriminatory acts such as those alleged in this suit. The EEOC is determined to protect the civil rights of all workers, and that includes protecting their right to protest illegal mistreatment.”

Caesars Palace is owned and operated by Las Vegas-based Harrah’s Entertainment, which has more than 80,000 employees.

EEOC AND WALGREENS RESOLVE LAWSUIT

Date: July 12, 2007

WASHINGTON -- Naomi C. Earp, Chair of the U.S. Equal Employment Opportunity Commission (EEOC), today announced a \$20 million proposed consent decree resolving a systemic race discrimination lawsuit against Walgreens, the Illinois-based national drug store chain.

The proposed settlement was filed with U.S. District Judge G. Patrick Murphy of the Southern District of Illinois, with a request for his preliminary approval (EEOC v. Walgreen Co., S.D. Il. 07-CV-172-GPM and Tucker v. Walgreen Co., S.D. Il. 05-CV-440-GPM). The EEOC's suit alleged that Walgreens discriminated against African American retail management and pharmacy employees in promotion, compensation and assignment. In addition to the monetary relief for an estimated 10,000 class members, the consent decree prohibits store assignments based on race. The decree is subject to final approval by Judge Murphy following a fairness hearing.

"We commend Walgreens for working cooperatively with us to reach an amicable settlement of this case without protracted litigation," EEOC Chair Earp said. "We believe this is a satisfactory resolution for all parties."

A lawsuit alleging similar claims was filed in the U.S. District Court for the Southern District of Illinois in June 2005 on behalf of 14 African American current and former Walgreens' employees by Foland, Wickens, Eisfelder, Roper & Hofer, Kansas City, Mo.; Spriggs Law Firm, Tallahassee, Fla.; and Goldstein, Demchak, Baller, Borgen & Dardarian, Oakland, Calif. Walgreens denied each of the allegations made by the private plaintiffs and the EEOC. The two cases were consolidated in April 2007.

Walgreens' CEO, Jeffrey A. Rein, said, "We are pleased to reach a resolution that is consistent with our past and future diversity and equal opportunity objectives. Our company was built on principles of fairness and equality, and we do not tolerate discrimination in any aspect of employment including store assignment, compensation and promotion opportunities. In fact, we're a drugstore industry leader when it comes to the employment and promotion of African American managers and pharmacists."

Private plaintiffs' counsel, Tiffany B. Klosener of Foland, Wickens, Eisfelder, Roper & Hofer, said, "Walgreens is a rapidly growing company

with lots of opportunity for its employees. We look forward to working with Walgreens to promote fair and equal employment opportunities for all employees.”

EEOC AND CHASE REACH \$2.2 MILLION SETTLEMENT IN DISABILITY DISCRIMINATION CLAIM

Date: November 22, 2006

CHICAGO – The U.S. Equal Employment Opportunity Commission (EEOC) and JPMorgan Chase & Co. (Chase) today announced the \$2.2 million settlement of a claim brought under the Americans with Disabilities Act (ADA) against Bank One Corporation.

The EEOC issued an administrative determination on March 11, 2004, finding that there was reasonable cause to believe that Bank One violated the ADA by failing to properly accommodate a group of employees who were medically released to return to work after leaves of absence exceeding six months. Bank One automatically protected employees' jobs when employees went on a leave of absence for less than six months. However, for employees who went on longer leaves of absence, the EEOC found that Bank One violated the ADA by terminating some employees without first attempting to determine on an individual basis whether they required additional job protection or other accommodations because of a disability. In 2004, after the EEOC's finding was issued, Bank One merged with Chase. Chase assumed negotiations with the EEOC following the merger of the two companies.

As a result of the settlement, the merged company will distribute \$2.2 million among 222 individuals who went on a long-term disability (LTD) leave of absence from Bank One and whose employment was ultimately terminated. Chase will also reinforce its policies to individually assess whether a disabled employee on a disability leave of absence should receive additional job protection or other accommodations. Chase will provide training on the ADA and its revised policy to all managers, human resources professionals, and employees of its Disability Management Services department.

“Chase is settling this case to resolve this matter expeditiously, and also because this agreement reaffirms its commitment to providing reasonable accommodations to its employees,” according to a statement by JPMorgan Chase. The settlement also provides for Chase to make a monetary contribution to Open Doors, a Chicago-based, non-profit organization, to support the agency's education and advocacy work on behalf of the employees with disabilities.

During its investigation, the EEOC found that Bank One's policy permitted employees who returned from short-term disability within six months to return to their jobs. Employees who required more than six months of disability leave, however, were not guaranteed to return to their previous position. If their position had been filled, employees who were released to return to work after more than six months of disability leave had thirty days to find other positions within Bank One or were terminated. The ADA requires that employers individually assess whether or not additional leave will assist employees with disabilities in returning to work without placing an undue hardship on the company.

EEOC Chair Naomi C. Earp stated, "We commend Chase for working cooperatively with us to resolve this matter and for its commitment to providing equal opportunities for persons with disabilities."

John P. Rowe, district director of the Chicago District Office, said, "Through the conciliation process, we were able to ensure that disabled employees will receive the individualized attention they need in the future and provide remedies to those affected by Bank One's practice. We are particularly pleased that Chase was willing to work with us to achieve this result without having to resort to protracted litigation."

Konrad Batog, EEOC's lead investigator of the charge filed against Bank One, said, "Everyone knows that employees on leave may be able to return to work at some point. Being open to the possibility that individuals with disabilities may need a little extra time is a win-win for employers. Employees will appreciate the individualized consideration, and employers will be able to retain seasoned, trained employees."

FORD MOTOR CO., AFFILIATES, UAW AGREE TO PAY \$1.6 MILLION TO SETTLE CLASS RACIAL BIAS LAWSUIT

EEOC Said Apprenticeship Test Discriminated Against Hundreds of Black Workers – Date: December 20, 2007

CINCINNATI – Ford Motor Co., along with two related companies and a national union, will pay \$1.6 million and provide other remedial relief to a class of nearly 700 African Americans to settle a major race discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC had charged in the litigation that a written test used by Ford, Visteon and Automotive Components Holdings (ACH) to determine the eligibility of hourly employees for a skilled trades apprenticeship program had a disproportionately negative impact on African Americans. The National United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) was also a defendant in the case because the test was used to select apprentices in the Ford-UAW Joint Apprenticeship Program and the lawsuit settlement affects people covered by the union agreement.

The comprehensive relief obtained by the EEOC includes about \$1.6 million for the class of nearly 700 African Americans nationwide who have taken the test since January 1, 1997, and were not placed on the Ford apprentice list at the former Visteon facilities. Non-monetary relief includes placing 55 African American test takers on the apprentice lists and the development, by a jointly selected expert, of a new selection method for the apprenticeship program together with detailed reporting and monitoring provisions.

“We are pleased this settlement will address the serious problem of selection criteria that result in racial minorities receiving fewer job opportunities,” said EEOC Chair Naomi C. Earp. “Apprenticeship programs are a ladder to skilled, high-paying jobs and every group should be able to climb that ladder based on genuine abilities.”

The settlement, which was preliminarily approved by the court on September 9, 2007, is pending final approval by U.S. District Court Senior Judge Spiegel of the Southern District of Ohio. Upon approval by the court, the settlement will resolve the EEOC’s suit against Ford, Visteon and ACH

and will also resolve the class members' suit against Ford, Visteon, ACH and the UAW.

This suit is a successor case to the EEOC's earlier suit against Ford and UAW which was settled for \$8.5 million in 2005 and covers additional people disadvantaged by the test in question who were not covered in that settlement. On December 3, 2007, the EEOC issued a new Employment Testing Fact Sheet which cites the Ford case. The fact sheet is available on the EEOC's web site at

www.eeoc.gov/policy/docs/factemployment_procedures.html.

“The EEOC is pleased to have been able to work cooperatively with Ford and the UAW in reaching a mutually satisfactory resolution to this matter,” said EEOC Regional Attorney Jacqueline McNair. “Employers must consider how all aspects of selection processes including written tests may adversely impact members of a particular demographic group.”

LOCKHEED MARTIN TO PAY \$2.5 MILLION TO SETTLE RACIAL HARASSMENT LAWSUIT

EEOC Says African American Electrician Subjected to ‘N-Word’ and Threats of Lynching at Worksites Across the Country – Date: January 2, 2008

HONOLULU -- The U.S Equal Employment Opportunity Commission (EEOC) today announced a major settlement of a race discrimination and retaliation lawsuit against Lockheed Martin, the world’s largest military contractor, for \$2,500,000 and other relief on behalf of an African American electrician who was subjected to a racially hostile work environment at several job sites nationwide – including threats of lynching and the “N-word.”

The monetary relief for former Lockheed employee Charles Daniels is the largest amount ever obtained by the EEOC for a single person in a race discrimination case, and one of the largest amounts recovered for an individual in any litigation settlement by the agency. Additionally, the Bethesda, Md.-based company agreed to terminate the harassers and make significant policy changes to address any future discrimination, the EEOC said at a press conference in Hawaii.

The EEOC’s suit, filed in August 2005, alleged that Daniels was subjected to severe racial harassment while working on military aircrafts as part of a field service team in Jacksonville, Fla., Whidbey Island, Wash., and Oah’u, Hawaii. The EEOC charged that Daniels was the target of persistent verbal abuse by coworkers and a supervisor whose racial slurs and offensive language included calling him the “N-word” and saying “we should do to blacks what Hitler did to the Jews” and “if the South had won then this would be a better country.” Daniels was also subjected to multiple physical threats, such as lynching and other death threats after he reported the harassment. Despite its legal obligations, Lockheed failed to discipline the harassers and instead allowed the discrimination against Daniels to continue unabated – even though the company was aware of the unlawful conduct.

Commenting on the settlement, Daniels said: “As an armed forces veteran who swore to defend the rights and interest of Americans around the globe, I find it sad that the U.S. government had to sue its largest defense

contractor Lockheed Martin -- whose slogan is 'We never forget who we're working for' -- to protect my rights here at home!"

Daniels added, "I am pleased that we stood up for justice, because it should help all hard-working Americans of every race and gender to know that we have rights and protections guaranteed under the laws of this nation."

EEOC Regional Attorney William Tamayo said, "This is a very good resolution because Lockheed Martin agreed to terminate and permanently bar Daniel's harassers from employment. It sends a powerful message that racism cannot and must not be tolerated."

Raymond Cheung, the EEOC attorney who led the government's litigation effort, added, "To combat the harassment and threats faced by Mr. Daniels is at the heart of why the EEOC was created. Despite concerns of retaliation, this man had the courage to stand up and make public what happened to him, in an effort to ensure that it would not happen to anyone else. It has been a once-in-a-lifetime honor to work on this case."

The litigation and consent decree were filed by the EEOC under Title VII of the Civil Rights Act in the U.S. Court for the District of Hawaii (*U.S. Equal Employment Opportunity Commission v. Lockheed Martin*, CV-05-00479).

EEOC Honolulu Local Office Director Timothy Riera praised the agency's lead investigator in the case, Gloria Gervacio, and said: "The overt harassment to which Mr. Daniels was subjected in Hawaii represents some of the most severe misconduct this office has come across. It is imperative that employers here take proactive measures to ensure that discrimination complaints are taken seriously and that all employees work in an environment free of harassment."

Racial harassment charge filings with EEOC offices nationwide have more than doubled since the early 1990s from 3,075 in Fiscal Year 1991 to approximately 7,000 in FY 2007 (based on preliminary year-end data). Additionally, race remains the most frequently alleged basis of discrimination in charges brought to the EEOC, accounting for about 36% of the agency's private sector caseload.

CONECTIV AND SUBCONTRACTORS TO PAY \$1.65 MILLION TO BLACK WORKERS WHO WERE RACIALLY HARASSED

EEOC Settles Suit Involving Hangman's Nooses, KKK Graffiti and Slurs at Construction Site – Date: May 5, 2008

PHILADELPHIA — The U.S. Equal Employment Opportunity Commission (EEOC) today announced a major settlement of a racial harassment lawsuit for \$1,650,000 and significant remedial relief against Conectiv, A.C. Delovade, Inc., Steel Suppliers Erectors, Inc. and Matrix Services Industrial Contractors (doing business as Bogan, Inc. /Hake Group) on behalf of African American employees who were subjected to egregious racial harassment at a construction site in Bethlehem, Pa.

Conectiv was the general contractor and property owner on a project to build a new energy power plant on the site of a defunct steel plant. Construction on the project began in January 2002 and the plant was operating by the end of October 2003. The EEOC charged in the lawsuit that the defendants, acting as joint employers, subjected a class of African American employees to racial slurs and graffiti as well as threats by hangman's nooses.

The EEOC said that harassment included a life size noose made of heavy rope hung from a beam in a class member's work area for at least 10 days before it was removed; the regular use of the "N-word"; racially offensive comments made to black individuals, including "I think everybody should own one"; "Black people are no good and you can't trust them"; and "Black people can't read or write." Additionally, racist graffiti was present written in portable toilets, with terms such as "coon"; "If u not white u not right"; "White power"; "KKK"; and "I love the Ku Klux Klan."

"It should be obvious to construction companies that employees in this industry have the same legal protections against discrimination as those who work in an office setting," said EEOC Philadelphia District Director Marie M. Tomasso, who oversaw the agency's administrative investigation which preceded the litigation. "Employers risk intervention by the EEOC when supervisors ignore racially offensive working conditions and fail to take prompt and effective remedial action to stop it."

As part of the settlement by consent decrees, Conectiv will pay \$750,000 to the four class members, Matrix Services Industrial Contractors (doing

business as Bogan, Inc./Hake Group) will pay \$450,000 to two class members, Steel Suppliers Erectors, Inc. will pay \$250,000 to one class member, and A.C. Dellovade, Inc. will pay \$200,000 to one class member. In addition to the monetary relief, the four-year decrees (*EEOC v. Conectiv, et al*, Civil Action No. 2:05-cv-03389), filed in U.S. District Court for the Eastern District of Pennsylvania, includes: injunctive relief enjoining each defendant from engaging in racial harassment or retaliation; anti-discrimination training; the posting of a notice about the settlement; and reporting complaints of racial harassment to the EEOC for monitoring. Defendants did not admit liability in the consent decrees, which are pending judicial approval.

EEOC Regional Attorney Jacqueline McNair said, “The harassment in this case is shocking and unconscionable. The display of hangman’s nooses, which represent a threat to life and limb, is abhorrent and will not be tolerated by the EEOC. Employers must realize there will be a high price to pay for such egregious and unlawful conduct, regardless of the industry in which it occurs.”

Terrence R. Cook, the supervisory trial attorney responsible for handling the litigation, added, “The class members had the courage to come forward and complain, first to supervisors, who did not take action, and then to the EEOC, which did. We are pleased that the companies worked with us to resolve the case and that they are all taking the positive steps needed to ensure future work sites are free from racial harassment.”

Karen McDonough investigated the charges of discrimination filed with the agency.

Racial harassment cases at the EEOC have surged since the early 1990s from 3,075 in Fiscal Year 1991 to nearly 7,000 in FY 2007. In addition to investigating and voluntarily resolving tens of thousands of race discrimination cases out of court, the EEOC has sued more than three dozen employers this decade in racial harassment cases involving nooses.

LOCKHEED MARTIN GLOBAL TELECOMMUNICATIONS TO PAY \$773,000 FOR FIRING EIGHT EMPLOYEES BECAUSE OF THEIR AGE

Date: April 7, 2008

BALTIMORE – The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of its age discrimination lawsuit against Lockheed Martin Global Telecommunications for \$773,000 for a class of eight older employees.

In its suit (05-cv-00287-RWT), filed in the U.S. District Court for the District of Maryland, Southern Division, the EEOC charged that the Bethesda, Md.-based employer violated the Age Discrimination in Employment Act (ADEA) when it discriminated against the employees, ages 65, 62, 61 (three), 53 and 47. The eight workers were fired during a reduction in force implemented in the COMSAT Mobile Communications Division in October 2000. The back pay remedies received by the claimants are in addition to severance pay already received.

Through a separate consent decree filed last year to settle retaliation claims brought in this lawsuit, Lockheed Martin has paid \$131,000 in damages to two former employees whose severance was withheld because they had pursued administrative complaints with the EEOC. The EEOC had earlier obtained summary judgment on this issue. The age discrimination claims had been scheduled to go to trial in June. With the settlement of these claims, the lawsuit is now resolved in its entirety.

The Age Discrimination in Employment Act of 1967 prohibits employment discrimination based on age, older than 40 years. It is also unlawful to retaliate against individuals who oppose unlawful employment discrimination. The EEOC filed suit after first attempting to reach a voluntary resolution.

EEOC Regional Attorney Jacqueline McNair said, “Older workers represent a growing segment of the population and employers should not judge them according to age-based myths and stereotypes. This settlement achieves the EEOC’s objectives by providing relief to the victims while implementing measures to prevent any further age discrimination.”

In Fiscal Year 2007, the EEOC received 19,103 age discrimination charge filings, a 15% increase from the prior year and the biggest annual increase in five years. Allegations of age bias account for 23% of the agency's private sector caseload.

Biographies of Presenters

Linda Lynn Batts is the Director of Workplace Fairness and Equal Opportunity in the Office of the Comptroller of the Currency, the federal agency responsible for the licensing, regulation and supervision of the nation's chartered banks.

Prior to this position, Ms. Batts served as the Special Assistant to the Commissioner of U.S. Customs and Border Protection (CBP), the U.S. Department of Homeland Security's principal anti-terrorist enforcement agency. Her effective leadership resulted in her receipt of the Vice-President's Hammer Award for innovative reforms within the former U.S. Customs Service, her organization's receipt of the "Commissioner's Award for Excellence in Management" in 2003, and a feature article in the "Federal Times."

Ms. Batts possesses expertise in domestic and international EEO programs as a result of her rich and diverse background in managing EEO programs at Customs and Border Protection, State Department, Department of Interior, Department of Veterans Affairs, Department of the Army, Defense Mapping Agency, and the U.S. Equal Employment Opportunity Commission. A much sought after public speaker, in 2005, Ms. Batts joined the motivational speaking circuit along with Kwame Jackson of the Apprentice, Dr. Benjamin Carson of Johns Hopkins University, and Professor Lani Guinier of Harvard University. One year later, in 2006, Steward and Associates named her one of the fifty most powerful African American women in business.

Ms. Batts is a member of the distinguished Board of Visitors for Alabama A & M University. A graduate of Morgan State University, Ms. Batts possesses a Masters Degrees in Criminal Justice and Human Resources Administration. She is a graduate of the Federal Executive Institute, the J.F.K. Executive Program at Harvard, and the Executive Coaching Program at Georgetown University. Ms. Batts is a resident of Baltimore, Maryland.

Roslyn D. Brown was selected as the Director Intelligence Community EEO and Diversity Outreach for the Office of the Director of National Intelligence (ODNI) in May 2007. This new agency and the concept of “national intelligence” was codified by the Intelligence Reform and Terrorism Prevention Act of 2004 which unifies the 16 intelligence organizations to protect the security of this nation, and prevent global threats to our national security.

Roslyn began her federal civil rights career at the EEOC in April 1974 as an investigator of individual and class-wide complaints. In July 1994, she became the Deputy Director of EEO at Treasury/U.S. Customs Service. She joined the IRS in June 1999 where she was the Director of Discrimination Complaint Review Unit until November 2006 when she became Director Affirmative Employment Programs at the Department of Housing and Urban Development (HUD). She has been at ODNI since May 2007.

Roslyn has an MPA Degree from George Washington University, and is a certified Mediator for the District of Columbia (1992) where she continues to mediate community-based disputes for the U. S. Attorneys Office for the District of Columbia on a volunteer basis. While employed by the IRS she developed a “*Guide to Well Written Settlement Agreements*” that was circulated throughout Treasury and presented at other federal agency conferences. Over the years, she has had three (3) articles published: “Affirmative Action and Diversity” in The Public Manager magazine in 1995, “Think Win/Win” in The New Millennium Treasury Reinvention Magazine in 1999, and “Meeting Change Head On” in the IRS Leader’s Digest magazine in 2001.

Though no longer an IRS employee, she currently publishes career development advice in the quarterly AIM Elevation Newsletter, under the advice column, “*Ask Roz!*” (AIM is the IRS Association for the Improvement of Minorities.) Roslyn has made presentations at several national forums including: Federal Dispute Resolution Conferences (2001-2007), EEOC’s EXCEL Conference (2004, 2006), Guest Speaker on “*Fed Talk*” Radio broadcast, www.federalnewsradio.com (2001-2004), The Center for Disease Control and Prevention’s National ADR Conference (2004), and The Public Administration Forum at Georgetown University Conference Center, Wash., DC (2001).

E. Lee Patton is a native of Frankfort, Kentucky. He received his undergraduate degree from Kentucky State University, a post-graduate degree from the University of Wisconsin - Madison and his law degree from Washington University in St. Louis, Missouri. He has been employed by the Office of Chief Counsel, Internal Revenue Service since 1979. He is presently the Deputy Associate Chief Counsel (Labor & Personnel) General Legal Services (GLS). GLS coordinates the legal work of the Office of Chief Counsel with respect to a broad range of matters not directly relating to Federal tax issues, including labor, personnel, EEO issues. Mr. Patton is the Deputy Associate Chief Council (GLS) with the Internal Revenue Service.

