



Arizona Industry Liaison Group Affiliate

August 2011

# Quad A News

National Industry Liaison Group (NILG) 2011 National Convention  
New Orleans, Louisiana, Wednesday, July 27, 2011

Opening Keynote Address by  
**Patricia A. Shiu, Director, OFCCP**



Good morning ladies and gentlemen. Welcome to the 29th annual Industry Liaison Group conference. I know how important it is for all of us to get together like this and I want to thank each and every one of you for spending your time here this week. I always appreciate the opportunity to speak with members of the ILG and never more so than when we are in a lush, tropical paradise like this.

Oh, sorry, that line was meant for next year's speech in Maui. Actually, it is always a pleasure to come here to New Orleans. This is an extraordinary city and reflects so much of our national heritage - both the painful and the proud. I commend the ILG leadership for supporting the City of New Orleans by your presence here this week.

On behalf of President Obama and our Secretary of Labor Hilda Solis, I bring you warm greetings from Washington, DC. It's not just that they send their affection; it was literally 121 degrees in DC with the heat index.

Before I begin I'd like to thank our conference co-chairs Lynne Broussard and Valerie Vickers. And Valerie, I want to commend you for your leadership as Chair of the ILG Board this year.

I also want to recognize our program chair Jeremy Mancheski and the many individuals who have worked for months to make this conference a reality. Please join me in thanking all of them for their hard work.

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## August is our Summer Break

Join us in September for

*"Best Practices: Communicating AAPs"*

## September Membership Meeting

**DATE:** September 20, 2011

**TIME:** 8:30-10:00 a.m.

**LOCATION:** Blood Systems, Cotton Center

# Highlights from



# Opening Ceremonies





## *Some Favorite Speakers...*



**LT. General Russel Honoré**  
addressed us on individual and  
family disaster preparedness.



**Left: Christine Hall, long-time Quad A member, was a panel participant for, “Academic Institutions as Federal Contractors – Exploring the Challenges in Compliance”**



**Ellen DeGeneres’ Mom, Betty,**  
spoke from the heart  
on tolerance and  
equal rights.

## *Promoting the 2012 NILG Conference in Hawaii*





# *Our Own Mardi Gras Parade Led Us to a Night at the House of Blues*





## Patricia Shiu's NILG Address (Cont)

Our regional OFCCP hosts also did a tremendous amount of work to make this convention possible. So, I want to recognize my Regional Director here in the Southwest and Rocky Mountain Region - I'm sure it will come as news to Mayor Landrieu that New Orleans is in the Rocky Mountain region. Please join me in thanking Melissa Speer and her incredible staff.

It takes a lot of hard work to bring together the people assembled in this room and put on a conference like this, and it certainly would not be possible without the leadership of all these individuals.

Communication between OFCCP and the business community is essential:

In May, my senior staff and I had a productive meeting with the entire ILG board.

Last month, I had the pleasure of meeting with the South East Regional ILG board in Atlanta.

And I know my Regional Directors have been continuously meeting and coordinating with your leadership - all of which are keys to improving our communications.

So, I thank all of you for making this relationship a priority.

Finally, I know we have several members of the OFCCP staff here in the audience today. Could all of you please stand up?

Folks, these are some of the nearly 800 men and women who are on the front lines, fighting discrimination in our workplaces and making sure that the promise of good jobs applies to everyone. I want to recognize my colleagues for all their service to our agency and to our country. Let's give them a hand.

\* \* \* \* \*

We convene here under the theme of "embracing the rhythms of equality and harmony." Fitting, I think, given that we meet in New Orleans, the birthplace of jazz, and of Louis Armstrong.

A year ago I addressed this convention in Las Vegas

and today, I am reminded of a saying by Armstrong. He said, "Never play a thing the same way twice."

Now, I am a jazz aficionado, but nowhere near the improviser that Armstrong was. Nonetheless, I find his words appropriate today, because so much has changed since I last spoke with you.

So, my plan for today is same music, different key.

I want to begin by updating you on our achievements of this past year, then discuss my goals for the future, and finally, say a little about how I believe we can achieve those goals - together.

My aim is, as always, to give you the clearest information about what we are doing and how it will impact your work... on behalf of America's workers.

At OFCCP, we find ourselves in a moment of ascendance, a period of renaissance.

Under the Obama administration we have seen a restored commitment to our core values of equality, fairness and opportunity for all.

The President understands the importance of the work we do and the agency's place as a premier civil rights agency in the federal government. Under his leadership - and that of

Secretary Solis - our staff has increased by 35% in the past two years. The President is also providing us with the resources we need to be the kind of worker protection agency he envisions.

For my staff and me, that has translated into a very busy year protecting workers, promoting diversity, and enforcing the law.

And, not to overdo the musical metaphors, now that we've found our *groove*, we're doing things a little differently. I'm sure you've noticed some changes in the past two years.

Since 2010, we've hired and trained almost 200 new compliance officers and provided the first national training for them in more than a decade. We are also revising our compliance manual so our staff and our stakeholders have



## Patricia Shiu's NILG Address (Cont)

clarity on how we are handling enforcement.

Speaking of enforcement, we are making a concerted effort to shift toward more thorough and careful compliance reviews, toward higher *quality* - not just *quantity* of audits. We are conducting more focused reviews with respect to people with disabilities, protected veterans and pay discrimination.

Excellence is the standard at OFCCP and we are working harder than ever to provide consistency across regions so that you will know exactly what to expect from us - whether you're in Seattle, or St. Louis, in Savannah or Schenectady.

***The President has called on us to make sure that workplaces are fair, equitable and free from discrimination... and WE ARE.***

We are also collaborating in new ways with our sister civil rights agencies.

For the first time in more than 45 years, the Equal Employment Opportunity Commission, the Department of Justice and the Department of Labor are putting aside turf battles to build a true partnership - from our national headquarters to our field offices. This TriAgency collaboration seeks to reduce duplication and maximize efficiency across our agencies.

So, we are dusting off old protocols and updating memoranda of understanding to articulate how we will work together, share information, coordinate litigation and refer cases as appropriate.

We are piloting innovative new programs in our field offices and sharing best practices with respect to enforcement and policy.

***The President has asked us to develop a unified civil rights agenda... and WE ARE.***

We are making sure that workers know who we are and what we do. Our outreach efforts are about making sure that your employees know that we have their backs, that they can come to us and we will be their advocates.

So, we are proactively reaching out to community-based groups, veterans' service organizations, labor unions, employer associations, civil rights leaders, small business owners, first time contractors and directly to workers in your industries. In just the first half of this year, OFCCP hosted nearly 1,000 outreach events for about 26,000 people.

***The President has committed to building the most transparent government in our history... and WE ARE.***

Finally, we recognize that the key to good enforcement is good policy. As most of you know, the entire De-

partment of Labor is engaged in one of the most significant efforts at regulatory reform in years. At OFCCP we are updating and revising out of date regulations - some of which haven't been touched in almost 40 years - and we are going to put some teeth in them and strengthen affirmative action requirements for contractors.

***The President believes our laws should reflect the realities of a modern labor force and, through our regulatory reforms... THEY WILL.***

\* \* \* \* \*

We are doing all of this, because discrimination is still a very real problem in our country and it demeans all of us - as individuals, as businesses and as a nation. When any employer bases decisions about hiring, firing, pay, promotions, training and job placement on factors that have nothing to do with a person's qualifications, it lessens us all.

Just this year we closed a case involving alleged pay discrimination by one of the largest pharmaceutical companies in the world.

Imagine this:

You're a woman working in sales and trying to make ends meet. You have no idea that your company is paying you - and 123 of your female coworkers - about \$1700 less on average than your male colleagues.

Along comes an OFCCP compliance officer on a routinely scheduled audit.

## Patricia Shiu's NILG Address (Cont)

She discovers the pay disparity and tries to correct it. For almost nine years, she doggedly pursues your employer to fix the problem and to right the wrong. She does this because the company has a contractual obligation to ensure equal opportunity for all of its employees.

In the end, the company settles. You and your female colleagues get back wages, interest and a salary bump. More importantly, OFCCP gets the company to re-examine its pay policies across multiple states, promising to rectify other instances of pay disparity.

That is the power of what we do.

Today in America, women still earn an average of 81 cents for every dollar paid to men. But the real cost of the pay gap is not 19 cents. The real cost for the average full-time working woman is \$150 less per week. It's about \$8,000 less at the end of the year. And over a lifetime, that's almost \$380,000.

That could be money spent toward a child's college education, toward owning a home, toward one's retirement. These are earned wages, which were never realized. That discrimination is real to us. It matters.

And so OFCCP is taking action.

Under the Obama administration, we have negotiated almost **\$25 million** in back wages and interest for more than **42,000** victims of discrimination. Our enforcement actions have protected more than **4.2 million** workers in workplaces that have been reviewed by our compliance officers.

And, perhaps the most important number is: 4,200. That's how many potential *job offers* we've negotiated for the workers who were subjected to discrimination.

Because when we speak of the effort to root out discrimination as a moral obligation, we must also speak of it as an economic imperative.



Ensuring a level playing field for workers is part of the public trust we hold, important now, more than ever, in times of economic stress.

Non-discrimination and affirmative action are economic issues.

They affect American workers, their families and their communities. At the Department of Labor we are doing all we can to ensure that people get good jobs, that there are no unfair barriers to employment.

Much of what we do, therefore, is specifically focused on getting people across the nation back to work and ensuring that the reach for good jobs is truly within the grasp of everyone.

For businesses, it's about working to make sure you have the most tal-

ented people, drawn from the widest applicant pool available.

As the President reminds us, diversity is our nation's greatest strength. It always has been. It always will be.

And it turns out that diversity is good for business.

A 2009 study by University of Illinois professor, Dr. Cedric Herring, analyzed over 1000 American businesses and confirms something that most of us know intuitively: employers who embrace diversity see the benefits in their bottom lines.

In his quantitative study, companies with greater diversity were associated with increased sales revenue, more customers, greater market share and greater relative profits.

Dr. Herring's research underscores a larger point: workplace diversity and entrepreneurial success are not mutually exclusive goals. In fact, they go hand-in-hand.

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This ethic of promoting good business by promoting diversity is reflected in OFCCP's regulatory

*Under the Obama administration, we have negotiated almost \$25 million in back wages and interest for more than 42,000 victims of discrimination.*

## *Patricia Shiu's NILG Address (Cont)*

agenda for the coming year, an agenda in which we attempt to strike a balance between improving employment opportunities for women, minorities, veterans and people with disabilities, while ensuring your ability to efficiently and effectively build a strong workforce.

It is my belief that affirmative action can no longer be defined by "good faith" efforts.

Affirmative action is our national commitment to right a wrong, to redeem the promise of America by opening doors of opportunity to all workers - even if we have to pry those doors open from time to time.

And that requires accountability.

Twenty-six years as a civil rights attorney taught me that clarity is one of the most important components of enforcement. When regulations and expectations are unclear it is a disservice to both the workers we seek to protect and the companies we are mandated to regulate.

My job as Director of OFCCP is to make sure you know what is expected of you, because that is the only way to get to voluntary compliance - our ultimate goal.

So, let me talk a little about our regulatory efforts:

### *Veterans*

*[Numerical] targets seek to provide contractors with a clear, quantitative standard by which to measure their progress, one that is less ambiguous than previous requirements of "good faith."*

We are currently in the process of reviewing the public comments we received during the extended, 74-day comment period on our proposed updates to Section 4212 of the *Vietnam Era Veterans' Readjustment Assistance Act of 1974*.

The proposed revisions would amend our regulations to require that federal contractors and subcontractors conduct more substantive analyses of recruitment and placement actions taken under Section 4212 and would require the use of numerical targets to measure the effectiveness of affirmative action efforts.

These numerical targets are neither quotas nor ceilings. The targets seek to provide contractors with a clear,

**Join us on September 20  
for a discussion on best practices in  
communicating affirmative action plans.**

***Our Panel of Presenters:***  
***Rebecca Rand, American Express***  
***Lisa Barnum, Boeing***  
***Carlo Sanchez, Scottsdale Healthcare***

**Watch for more information in the September newsletter.**



## Patricia Shiu's NILG Address (Cont)

quantitative standard by which to measure their progress, one that is less ambiguous than previous requirements of "good faith."

Ensuring opportunities for our veterans is something we can and must get right.

In his address announcing troop withdrawals from Afghanistan, the President said he spoke for all Americans when he assured our veterans that we "will keep our sacred trust with (them), and provide (them) with the care, and benefits, and opportunity that (they) deserve."

He does speak for all Americans. He also speaks for the Department of Labor, for OFCCP, and for me.

I take that promise seriously.

Understanding the unique challenges our country faces with regard to service men and women returning home, we remain resolved in assisting those who have served our country with their transition back into civilian life.

### *People with Disabilities*

***Our proposed rule is . . . going to put some real accountability behind the law and improve employment opportunities for millions of Americans with disabilities.***

We meet just one day after marking the 21st anniversary of the *Americas with Disabilities Act*. That landmark law fundamentally changed our country and brought millions of Americans out of the shadows.

The ADA was the legislative embodiment of **potential**. It's up to us to make sure that potential is never squandered.

President Obama has added his commitment to the legacy of the ADA by issuing Executive Order 13548, which calls on the federal government to hire 100,000 people with disabilities in the next five years. The President believes we have a legal and moral obligation to model the very best employment practices.

And I believe those who do business with taxpayer dollars ought to live up to a similar standard.

In the coming weeks, we will publish a series of pro-

posed revisions to Section 503 of the *Rehabilitation Act of 1973* for public comment. These revisions are shaped by what we heard from employers and advocates when we initially solicited feedback last summer on how to strengthen the rules.

At OFCCP, we are serious about integrating all Americans into the workforce. About 80% of working age people with disabilities were out of the labor force in 2010, and even those within the workforce suffer an unemployment rate of nearly 17% - almost twice the national average.

The regulations outlining a contractor's responsibilities with respect to affirmative action, recruitment and placement of individuals with disabilities have been on the books since the 1970s.

And the old regulations simply weren't cutting it anymore.

Our proposed rule is going to be a game-changer. It's going to put some real accountability behind the law and improve employment opportunities for millions of Americans with disabilities.

As I said, we will be publishing our proposed rules very soon, and I expect to hear from you with constructive feedback on how we can work together to make sure that all workers, regardless of disability, can live and work to their full potentials.

### *Construction*

***In the area of construction, data show that disparities in the representation of women and racial minorities continue to exist in on-site occupations in the construction industry.***

The impetus for change is strong: the regulations implementing affirmative action obligations for construction contractors and subcontractors were last revised in 1980. And many of the goals set back then have still not been met.

Our agenda includes proposed revisions that would remove outdated regulatory provisions, propose a new method for establishing affirmative action goals and reflect the realities of the labor market and employment practices in the modern construction industry.

## Patricia Shiu's NILG Address (Cont)

### ***Equal Pay***

***Eliminating gender and race-based discrimination in compensation is a critical priority for this administration and for OFCCP.***

As many of you know, we are working on developing a new compensation data collection tool. Eliminating gender and race-based discrimination in compensation is a critical priority for this administration and for OFCCP.

We will soon be seeking input from the public on issues relating to the scope, content and format of this tool. We want to ensure that it is an effective and efficient means of data collection.

Data are the linchpin for civil rights enforcement and the ground on which we build good public policy. At the Department of Labor, we are committed to improving the way we collect, analyze and share our data so that we can close the pay gap once and for all.

### ***Sex Discrimination***

***The last time OFCCP revised its Sex Discrimination Guidelines was over 33 years ago, in 1978.***

***Our proposed revisions to OFCCP's sex discrimination guidelines will reflect those changes and bring our regulations into the 21st century.***

Finally, we've added a new item to our regulatory agenda on sex discrimination.

Times have changed. Workplaces have changed. Regulations must change, as well.

The last time OFCCP revised its Sex Discrimination Guidelines was over 33 years ago, in 1978.

Since then, women have greatly increased their participation in the labor force - especially women with young children, whose labor-force participation rates skyrocketed from 39% to 63% between 1980 and 2010.

There have been enormous changes in women's opportunities, in employment practices and in the applicable

law. Our proposed revisions to OFCCP's sex discrimination guidelines will reflect those changes and bring our regulations into the 21st century.

\* \* \* \* \*

Of course, at OFCCP we are aware that good policy does not exist in a vacuum. It comes from listening to stakeholders, sounding out ideas and standing true to our values.

Good public policy requires public input - from all sectors.

That's the whole reason the Industry Liaison Group was formed back in 1982, to encourage open communication between contractors and OFCCP.

### ***Listening.***

***It's a simple task which I have made a priority during my tenure as Director.***

I believe that we at OFCCP have a responsibility to listen and to hear your perspectives.

In Las Vegas, you explained to me how important Functional Affirmative Action Programs were to easing the audit process, especially for larger corporations. I'll admit that I had my reservations. But I listened. I heard what you said. And I came to agree with your point of view.

A month ago, I issued a new directive to outline the process by which federal supply and service contractors can apply for FAAP agreements.

The FAAP is back and better than before.

In Las Vegas, I told you that we planned to rescind the 2006 compensation discrimination guidelines because they severely limited our ability to fight pay discrimination. I listened to many of you who wanted us to replace the rescinded guideline with new ones that offer clarity to how we will measure compliance going forward.

Again, I heard your points of view, and I agree. So, we will be issuing new guidance on compensation discrimination.

We listened in Las Vegas and we heard what you had to say.

My team and I stand before you again, here in New Orleans, ready to listen.

Twenty-nine years ago, the OFCCP and ILG started a



## Patricia Shiu's NILG Address (Cont)

conversation. And from administration to administration, one Congress after another, we are still talking.

Let that dialogue serve as an example to the rest of the country that the regulators and the regulated can cooperate and work together with common purpose.

So, I ask you now: what else?



- *How can we be more effective as a worker protection agency?*
- *How can we be more efficient in our compliance reviews, making full use of technology and electronic recordkeeping to reduce paperwork and ease some of the burdens that come with compliance?*
- *How can we help you ensure that the places where you work - and the people for whom you work - are meeting the fair and reasonable obligations required by equal employment opportunity laws?*

I believe in conversations like this, because when I come to the ILG, I know who I am talking to:

You are the HR professionals, the EEO specialists and the diversity officers who do the hard work every day to make your workplaces reflect the changing realities of our nation.

You are the men and women who are pushing your CEOs and presidents to understand the value of diversity and the consequences of non-compliance.

You are here this week because you are committed to building a workforce that embodies the very best of Amer-

ica.

I have enormous respect for the work you do.

So talk to me.

My staff and I are going to be here all week.

Talk to us.

Take advantage of the workshops and panel sessions at this conference. Meet with my regional directors and senior staff who are here this week.

We want to empower you in whatever ways we can. We want your input and we need your voices. Together, we can all do better.

\* \* \* \* \*

And together is the only way we will succeed and get our country back on track.

These are tough times - each new job that has been created these past few months is good news for the people who return to work, for the families they take care of, and for the communities of which they are a part.

But our economy as a whole just isn't producing nearly enough jobs for everybody who's looking. And when the going gets tough, when the path is steep and the obstacles seemingly insurmountable, that is when the American worker needs us most.

There are moments in history - once-in-a-generation, defining moments - when we must ask ourselves, "What will our legacy to future generations be?" We have arrived at one of those moments - a fork in the road of history - and we have to decide which way to go next.

*. . . our economy as a whole just isn't producing nearly enough jobs for everybody who's looking.*

When America emerges anew, will its workforce *look* like 21st century America? Will it *sound* like 21st century America? Will it *think* like and truly *reflect* the nation we've become?

We can never go back to a pre-recession world. We shouldn't want to.

If the definition of insanity is doing the same thing over and over again and expecting a different result, then in this moment we must find our sanity.

## Patricia Shiu's NILG Address (Cont)

We need a new ethic of responsibility, particularly in the workplace.

It is not enough for America to be home to the fittest companies. They must also be the finest - valuing their workers rather than exploiting them, partnering with their unions rather than fighting them to the death, respecting the environment rather than despoiling it, investing for the long term rather than gambling to get short-term profits.

We need a new ethic of opportunity.

Good jobs for a few are not enough. A robust economy is one in which the reach for good jobs is truly within the grasp of everyone.

We achieve this in partnership, through collaboration.

As the President reminded us in his State of the Union address, "What comes of this moment will be determined not by whether we can sit together today, but whether we can work together tomorrow."

For the sake of the American worker, who, now more than ever, cannot afford to face another closed door; for the benefit of every family, every child; for the proprietorship of something greater; for the breakdown of the last, artificial barriers to employment, so that we might finally fulfill the promise of equal opportunity for all - the storied dream that still drives this great nation forward - for all of this, we must strive to do better - together.



\* \* \* \* \*

In closing, let me thank you again for inviting me to speak here in New Orleans.

There's something about this city... the confluence of jazz and voodoo, French and Creole, the city's rhythms

and its perpetual efforts to embrace cultural harmony and racial diversity.

This is a city that has known pain and pride - where outcasts were born to overcome.

The triple impact of Hurricane Katrina in 2005, the Great Recession which began in 2008 and last year's oil spill would have brought almost any city to its knees.

But not New Orleans.

Here you see a people rebuilding their great city.



Here you see workers fighting to recover lost jobs.

Here you see communities working to regain their economic independence.

And here, each and every day, we are reminded that the American dream can be redeemed over and over again - as long as you're willing to fight for it.

I am willing to fight for it and I hope that you are, too.

Thank you very much.



## ***From the Desk of... USDOL***



### **US Labor Department Considers Development of Data Tool to Combat Pay Discrimination**



#### ***Public invited to comment during early stage of development***

**WASHINGTON** — The U.S. Department of Labor's Office of Federal Contract Compliance Programs is considering the development of a new data tool to collect information on salaries, wages and other benefits paid to employees of federal contractors and subcontractors. The tool would improve OFCCP's ability to gather data that could be analyzed for indicators of discrimination, such as disparities faced by female and minority workers. To provide an opportunity for the public to submit feedback, the department published an advance notice of proposed rulemaking in the Aug. 10 edition of the Federal Register.

Last year, the OFCCP announced plans to create a compensation data tool in the department's fall 2010 regulatory agenda. In addition to providing OFCCP investigators with insight into potential pay discrimination warranting further review, the proposed tool would provide a self-assessment element to help employers

evaluate the effects of their compensation practices.

"Today, almost 50 years after the Equal Pay Act became law, the wage gap has narrowed, but not nearly enough," said Secretary of Labor Hilda L. Solis. "The president and I are committed to ending pay discrimination once and for all."

The Labor Department's Bureau of Labor Statistics reports that in 2010 women were paid an average of 77 cents for every dollar paid to men. In addition to the gender gap, research has shown that race- and ethnicity-based pay gaps put workers of color, including men, at a disadvantage. Eliminating compensation-based discrimination is a top priority for OFCCP.

"Pay discrimination continues to plague women and people of color in the workforce," said OFCCP Director Patricia A. Shiu, a member of the president's National Equal Pay Enforcement Task Force. "This proposal is about gathering better data, which will allow us to focus our enforcement resources where they are most needed. We can't truly solve this problem until we can see it, measure it and put dollar figures on it."

The notice poses 15 questions for public response on the types of data that should be requested, the scope of information OFCCP should seek, how the data should be collected, how the data should be used, what the tool should look like, which contractors should be required to submit compensation data and how the tool might create potential burdens for small businesses.

***The proposal will be open to  
public response for 60 days, and  
the deadline for receiving  
comments is Oct. 11.***

To read the proposal or submit a comment, visit the federal e-rulemaking portal at

<http://www.regulations.gov>.

## ***From the Desk of... USDOL***



### **Small Businesses "Adding In" Individuals with Disabilities**



In remarks earlier this month at the National Diversity Forum, Secretary Solis announced the availability of

approximately \$1.6 million in funding for the *Add Us In* initiative. This second round of grants is designed to identify and develop strategies to increase employment opportunities for individuals with disabilities.

"The Labor Department is committed to ensuring that every American who wants a job can find one, including people with disabilities. The *Add Us In* initiative will help businesses develop strategies to provide a broader range of employment opportunities for this underutilized group of workers," Solis said.

Also at the forum, Assistant Secretary of the Office of Disability Employment Policy Kathy Martinez participated in an "Oprah-style" conversation to discuss strategies for small and minority-owned businesses to better include people with disabilities in their hiring. The lunch-time discussion with Alexa Posny, assistant secretary for special education and rehabilitative services at the Department of Education and Deputy Assistant Secretary Roberta Gassman from the department's Employment



and Training Administration explored how underserved communities can work together to equip disabled youth with the skills that small businesses need.

## ***From the Desk of... EEOC***



### **President Signs Order to Promote Diversity and Inclusion in the Federal Workforce *EEOC Chair Berrien to Help Establish Government-Wide Initiative***

On August 18, 2011, President Obama signed an executive order to promote equal employment opportunity, diversity and inclusion in the federal workforce, making federal workplaces models that tap talents from all segments of society.

The order directs U.S. Office of Personnel Management (OPM) Director John Berry and Deputy Director for Management of the Office of Management and Budget (OMB) Jeff Zients, in coordination with Equal Employment Opportunity Commission (EEOC) Chair Jacqueline A. Berrien and the President's Management Council (PMC), to establish a government-wide initiative to promote diversity and inclusion in the federal workforce; develop a government-wide strategic plan and guidance for agency-specific plans within 90 days; identify best practices to improve agency efforts; and establish a system for reporting on agency progress.

The plans should identify strategies to remove barriers to equal opportunity in federal government recruitment, hiring, promotion, retention, professional development and training. Within 120 days after the government-wide plan is released, each agency must to issue its own agency-specific Diversity and Inclusion Strategic Plan.

"President Obama's Executive Order reinforces the leadership that federal agencies can play in ensuring that every qualified worker



## ***From the Desk of... EEOC***



has an equal opportunity to succeed and advance in the workplace,” Chair Berrien said. “The Executive Order will help the nation fulfill the promise of equal employment opportunity, in every workplace, beginning with the federal government.”

### **Starbucks to Pay \$75,000 to Settle EEOC Disability Discrimination Suit**



***El Paso Café Refused Reasonable Accommodation and Fired Barista Due to Dwarfism, Federal Agency Charged***

Starbucks Coffee Company has agreed to pay \$75,000 and provide other significant relief to settle a disability discrimination lawsuit brought by the EEOC. The EEOC had charged Starbucks Coffee Company with unlawfully denying a reasonable accommodation to a barista with dwarfism at one of its El Paso stores and firing her because of her disability.

According to the EEOC’s suit, Elsa Sallard, whose stature is small due to dwarfism, was denied an opportunity to work for the world’s largest coffeehouse chain. The job description for the barista position stated that no prior experience was required. During the orientation training, Sallard suggested that she could use a stool or small stepladder to more easily perform some of the tasks of preparing orders and serving customers. The manager at the El Paso Starbucks location disregarded Sallard’s request, the EEOC said. On the same day that Sallard requested the accommodation, Starbucks terminated her employment, claiming that she would pose a “danger” to customers and employees.

Such conduct violates Title I of the Americans With Disabilities Act (ADA), which pro-

hibits employers from discriminating against qualified individuals with disabilities in hiring, firing, job application procedures, advancement, compensation, job training and other terms and conditions of employment. The ADA requires employers to make reasonable accommodations to employees’ and applicants’ disabilities as long as it would not pose an undue hardship to the business. The EEOC filed suit (Case No. 3:11-cv-00195) in U.S. District Court for the Western District of Texas after first attempting to reach a pre-litigation settlement through its conciliation process.

“Starbucks swift action to work constructively with the EEOC in this case, not only by compensating the applicant who was turned away, but by committing to additional training for other stores in the El Paso area, sends the right signal from the corporate office,” said Robert A. Canino, regional attorney for the EEOC’s Dallas District Office. “The Starbucks customer environment is one that is often considered comfortable and progressive. By fostering that same environment for people behind the counter, Starbucks reinforces a positive public image.”

Under the terms of the two-year consent decree settling the case, Starbucks will pay \$75,000 in relief to compensate Sallard. In addition, Starbucks has agreed to provide training on the ADA for all managers and supervisory employees at all of Starbucks’ El Paso locations. The ADA training will specifically focus on the reasonable accommodation of individuals with disabilities. Sample scenarios used in the training will include a discussion of the reasonable accommodation of applicants and employees who are small in stature as a result of medical conditions or disabilities such as dwarfism. The training will also include a specific discussion or instruction relating to definitions of disability under the ADA, as amended by the ADA Amendments Act, and the interactive reasonable accommodation process.

EEOC Trial Attorney Joel Clark added, “The ADA prohibits managers from ignoring reasonable accommodation requests made by qualified persons with disabilities. In-house education can be effective toward eliminating assumptions and promoting an interactive process for a more inclusive work force.”

# 2011 Membership Application

Thank you for your continuing interest in and support of the Arizona Affirmative Action Association (Quad A). Our members include professionals in the fields of human resource management, equal employment opportunity, affirmative action, workplace diversity and other related fields. For over 35 years, Quad A has been providing its members with quality, up-to-date information through workshops, seminars and conferences. Your membership entitles you to a monthly newsletter, quarterly meetings/workshops, seminars, the Annual Conference (in April) and Compliance Conference (in the fall). Most activities are included in your membership; others are offered at a substantial discount. At only \$75 per year (Jan-Dec), membership in Quad A is a true value for the money. *(Individual memberships only; no organizational memberships at this time.)*

Goals of the Arizona Affirmative Action Association are to:

- Promote equal employment opportunity, diversity and affirmative action in the workplace.
- Promote awareness and recognition in the workplace and the community of the benefits of taking affirmative action to provide equal employment opportunities
- Share and disseminate up-to-date information on EEO, AA and diversity issues, legislation, judicial decisions, best practices and trends.
- Provide an opportunity for professionals interested in EEO, AA and diversity issues to network and communicate.

*Quad A is a nonprofit 501(c)3 organization (TIN 86-0966437).*

***Membership applications/renewals can be made online at [www.azquada.org](http://www.azquada.org).***

*If paying by check, please return this renewal form along with a check or credit card for \$75 made payable to Arizona Affirmative Action Association to our office at P.O. Box 1848, Phoenix, AZ 85001.*

## MEMBERSHIP APPLICATION/RENEWAL

Member Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail (for member communications only): \_\_\_\_\_



**Arizona Affirmative  
Action Association  
(aka) "Quad A"**

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E-fax: 602-321-6016  
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**We're on the Web!**  
**azquada.org**

**Board Members & Officers**

**John Garza, President**  
*JAG Specialties, LLC*  
(602) 300-2023

**Maria Sandoval, PHR, Vice President**  
*MAS Specialists, LLC*  
623-451-6389

**Rebecca Rand, SPHR, Recording Secretary**  
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*Las Vegas SNILG Chapter*  
*Bank of Nevada*  
(702) 248-4200

**Quad A Administrator**  
**Chris Weakland, SPHR**

*Legacy Partners Consulting & Coaching, LLC*  
(602) 377-0404

**Membership meetings are the 3<sup>rd</sup> Tuesday  
of every month from 8:30-10:00 a.m.**

# 2011 Calendar of Events

DATE	TOPIC	HOST & LOCATION
Jan 18, 8:30-10:00	2011 Forecast & Trends in Employment	Blood Systems 4405 E. Cotton Center Suite 120 Phoenix
Feb 15, 8:30-10:00	Compliant & Effective Job Descriptions & Postings	Sundt Construction 2641 S. 40th St. Phoenix
Mar 15, 8:30-10:00	Can Your Organization Make the Grade? Passing the OFCCP/EEOC Tests	Blood Systems 4405 E. Cotton Center Suite 120 Phoenix
Apr 19, 8:00-4:00 Cost: Members \$100 Nonmembers \$150	36th Annual Conference	Desert Willow Conference Center 4340 E Cotton Center #100 Phoenix
May 17, 8:30-10:00	Medical Marijuana in the Workforce	American Express 18850 N. 56th Street, Phoenix
June 21, 8:30-10:00	Disabled/Vets Outreach -- Good Faith is Not Enough	Sundt (Los Alamos Rm) 2620 S. 55th Street
July 25-29	Annual National ILG Conference	New Orleans
AUGUST	MID-SUMMER BREAK	MID-SUMMER BREAK
Sept 20, 8:30-10:00	Best Practices: Communicating AAPs	Blood Systems 4405 E. Cotton Center Suite 120 Phoenix
Oct 11, 8:30-10:00 <b>NOTE: Change of Date</b>	Best Practices: Diversity – Not Why But How	Sundt (Los Alamos Rm) 2620 S. 55th Street Tempe
Nov 15, 8:30-10:00 COST: Members \$100 Nonmembers \$150	14th Annual Compliance Conference	Desert Willow Conference Center 4340 E Cotton Center #100 Phoenix
Dec 6, 8:30-11:30 COST: Members FREE Nonmembers \$75	Annual Members Only Holiday Roundtable	To Be Announced