



# Quad A News

# **Basics for Communicating Affirmative Action Plans**

Join us on September 20 for a discussion of best practices in communicating Affirmative Action Plans. See page 2 for profiles of our guest panelists.



Once you have created your company's Affirmative Action Plan, your biggest challenge will be to implement the Plan and gain internal Plan acceptance. Communication is one of the most important aspects of Plan implementation. Compliance Officers will look for AAP/EEO notices and posters through out your building and check your job ads as well. Communicating how hiring procedures are impacted by your Affirmative Action Plan to hiring managers will get everyone on board with company AAP objectives. This will

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### September Membership Meeting

**DATE:** September 20, 2011

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

**LOCATION:** Blood Systems, Cotton Center

4405 E. Cotton Center, #120, Phoenix

Please RSVP to azquada@aol.com by Sept 16.

### Speaker Profiles



Becky Rand, SPHR Global Compliance Manager American Express

Becky Rand, SPHR, has worked for American Express for nearly 14 years in various roles with increasing responsibility and scope. As a Global HR Compliance Manager, she has more than 12 years EEO/AA experience and is responsible for mitigating exposure and/or loss for American Expression of the state of

can Express through the use of audits, indepth analysis, and proactive consultative measures. In her role, she works closely with many process partners, including legal, talent acquisition, compensation, and relationship leaders.

Becky has been serving as a member of the Board of Directors for the Arizona Affirmative Action Association (Quad A) since 2007, lending professional expertise and skills to help the organization prosper and benefit other members. She was voted in to serve as the Reporting Secretary in 2009 on the Quad A Board of Directors and is still currently serving in that position. Becky has been a Quad A Member since 2002.

With a long history of service and volunteerism (both within this field and in other genres), Becky served on the Logistics Committee of the 2006 National Industry Liaison Group (NILG) Conference; was the Program Chair for the 2010 NILG Conference in Las Vegas; and is looking forward to her involvement in the 2012 NILG Conference in Hawaii.

Becky holds a Bachelor of Science degree, *cum laude*, in Hotel & Restaurant Management, from Northern Arizona University. She received her SPHR certification in 2005 and is an ardent learner with a strong thirst for knowledge, particularly in the ever-changing landscapes of human resource laws and best practices.



Lisa Barnum, MBA, SPHR
Western Region AA Manager
The Boeing Company

**Lisa Barnum** is the Western Region Action Affirmative Manager for The Boeing Company and is located in Mesa, Arizona. Lisa supports the Global Diversity and Employee Rights Strategy by ensuring Affirmative Action compliance and promoting the implemen-

tation of Affirmative Action initiatives that make a difference!! Lisa and her team engage in statistical analysis to identify areas of representation success and risk; and lead the development of quality action programs to correct identified problem areas. Lisa is a Board Member of the Arizona Association of Affirmative Action.

Lisa joined McDonnell Douglas in 1993 as a Business Analyst supporting the F/A-18 program in St. Louis, MO. Lisa then transitioned into Human Resources after receiving her Masters in Business Administration from Maryville University in St. Louis, MO. Lisa supported a variety of Military programs as an HR Generalist before becoming a specialist in the Diversity/ EEO/AA field. In this specialty role, Lisa was the A&M Affirmative Action Lead before accepting an assignment as a Research Specialist for Global Diversity, Compliance and Policy Administration in Boeing's World Headquarters located in Chicago, IL. In 2004, Lisa accepted an op-

### Speaker Profiles (Continued)

portunity to be the Lead Ethics Advisor for the Mesa, Arizona site where she was responsible for the implementation of proactive initiatives, consultation, research, investigation, metric analysis, and training.

Prior to joining McDonnell Douglas, Lisa received her Business Administration degree from the University of Missouri-Columbia with an emphasis in Operations Management. Other employment experiences for Lisa include; HR Generalist for Commerce Bank, and an assistant manager for a retail store. During her career with Boeing, Lisa has been a booster and supporter of ECF, Dress for Success, Books & Backpacks, and other charitable programs. In her spare time, Lisa enjoys outdoor adventure with her husband, three girls, and boxer dog.



**Carlo Sanchez** is the EEO/AAP Officer for Scottsdale Healthcare. Prior to his current role, Carlo was in Employee Relations and began his career with Scottsdale Healthcare in Benefits.

He currently also serves as a Diversity Ambassador and is responsible for administering the Emotional Intelligence Diversity Program company wide. His outreach activities include partnering with the City of Scottsdale to promote diversity objectives.

Scottsdale Healthcare – a non-profit organization, operates three hospitals in the East Valley area and is the largest employer in Scottsdale employing over 6,600 employees.

Prior to joining Scottsdale Health-

care, Carlo has worked in various HR positions with companies in the technology sector.

His most recent accomplishments include the completion of two successful OFCCP audits. His next goal will hopefully happen this December when he sits for his PHR exam.

### From the Desk of... USDOL



US Labor Department Files
Complaint against Colorado-based
Cheese Producer for Discriminating Against Minority Job
Applicants at California Facility

Back wages and job offers sought for African-American, Asian and Hispanic applicants; debarment from future government contracts recommended

On September 1, the U.S. Department of Labor's Office of Federal Contract Compliance Programs filed a complaint with the department's Office of Administrative Law Judges against federal contractor Leprino Foods Co. for discriminating against qualified African-American, Asian and Hispanic applicants for on-call laborer positions at the company's Lemoore West facility.

The administrative complaint seeks back wages and interest for at least 270 class members, as well as job offers for at least 17 of the original applicants. OFCCP

### From the Desk of... USDOL



also is requesting that Leprino Foods' existing federal contracts be canceled and the company be debarred from entering into any future contracts until the violations are resolved and the company corrects its discriminatory employment practices.

"Leprino Foods' hiring process simply doesn't pass the sniff test," said OFCCP Director Patricia A. Shiu. "When workers are denied employment because of factors that have nothing to do with their ability to perform the job, something is not right. Our message to the company is clear: Correct your discriminatory practices and make restitution to the victims or lose your lucrative federal contracts."



Data collected from Leprino Foods showed that the company's use of a job skills assessment called the WorkKeys exam adversely impacted mi-

nority applicants. During OFCCP's review, which examined hiring practices for a 22-month period, the agency found that only 49 percent of otherwise qualified minority applicants passed the exam, compared with more than 72 percent of non-minority applicants. OFCCP could not substantiate the employer's claim that the exam measured applied math, workplace observation and information location skills related to the essential functions of on-call laborers. On-call laborers perform a variety of entry-level tasks, including inspecting products, monitoring equipment and maintaining sanitation at the facility.

Denver-based Leprino Foods is the nation's largest producer of mozzarella cheese. The company has contracts totaling \$5 million with the U.S. Department of Agriculture to provide mozzarella and whey products to the Farm Services Agency.

For general information, call OFCCP's toll-free helpline at 800-397-6251. Additional information is available at <a href="http://www.dol.gov/ofccp">http://www.dol.gov/ofccp</a>.

#### Restaurant Group to Pay Nearly \$145,000 in Back Wages to 66 Southland Workers



#### Bishamon Group Restaurants

A Los Angeles-based Japanese restaurant group has agreed to pay back wages of \$144,721 to 66 employees following an investigation by the U.S. Department of Labor's Wage and Hour Division that disclosed systemic violations of the federal Fair Labor Standards Act's overtime, minimum wage and record-keeping provisions. The violations were found at seven locations of Bishamon Group Restaurants in Monterey Park, Covina, Arcadia, Costa Mesa and downtown Los Angeles. The employer does business using the names Ebisu Japanese Tavern, Tamon, Bishamon, Bento-ya and Daikokuya.

Through interviews and a review of payroll records and time sheets, investigators found that dishwashers, prep cooks and cooks worked an average of 45 to 50 hours per week and were paid "straight time" wages for all hours, rather than time and one-half their regular rates for all overtime hours as required under the FLSA. Employees were issued payroll checks for their regular work hours and then paid in cash at the straight time rate for their overtime hours. Investigators also found that one worker was not issued a final paycheck.

The Wage and Hour Division learned

### Communicating AAPs (Continued)

make hitting your goals easier in the long run. Department staff meetings and one-onone meetings can help get the word out about your company's AAP obligations to recruit and hire minorities, women, people with disabilities, and covered veterans.

Beyond communications with hiring managers, you will need to convey to senior management the importance of the company's EEO AAP obligations. This communication usually takes the form of a focused presentation.

Finally, you must communicate your company's EEO policy to vendors and sub-contractors as per government regulations. Communicating your policies to employment resources and community groups can help with recruiting and community relations.

Good ways to ensure that everyone is clear on your EEO policy include:

#### Internal Dissemination

- Make available a copy of the Affirmative Action Plan for employee review in the Human Resources Director's office.
- Make the Plan available to all staff through your company's web site.
- Ensure Non-Discrimination and Equal Opportunity statements and posters are prominently displayed and available to employees and customers at all company locations.
- Make the Plan available via the Internet and/or in print copy or alternative formats to anyone who requests it.
- Conduct a session during New Hire Orientation (NHO) informing new employees of your company's commitment to Affirmative Action and Equal Employment Opportunity. The NHO includes information about the process to follow for requesting and/or providing a reasonable accommodation for a person with a disability, relevant policies, complaint procedures, etc.
- Include Affirmative Action and Equal

Employment Opportunity policies, procedures and practices in your company's Policy and Procedures Manual.

#### **External Dissemination**

- Post statements and posters ensuring non-discrimination and equal opportunity and ensure they are prominently displayed in areas available to employees and customers at all company locations.
- Encourage staff with recruitment responsibilities to recruit and refer qualified females, minorities and persons with disabilities for employment.
- Reiterate company policy of commitment to equal opportunity by requiring that all client forms, brochures, handouts, and advertising include wording such as: "Equal Opportunity Employment and Service Provider."
- Give to all persons and organizations receiving grants or funding from the company information about the Affirmative Action and Equal Opportunity policies and contract assurance requirements. The contract assurance requirements should contain inclusion language identifying all state and federal civil rights legislation. Have all contracts reviewed to ensure inclusion of equal opportunity language.

#### AN INVITATION

Quad A's Board of Directors is extending an invitation to law firms who are willing to provide pro bono work for the Association. The successful candidate will be appointed to a two-year seat. To be considered for the position of Legal Counsel on Quad A/Arizona ILG Board of Directors, please contact Quad A President John A. Garza at jgquada@aol.com or 602-300-2023 for more information.

## From the Desk of... USDOL



of the restaurants' practices through its participation in the Employment Education and Outreach partnership, known as EM-PLEO. Now in its seventh year, EMPLEO is an alliance of organizations and governagencies that assist ment Spanishspeaking workers and employers with work -related concerns. The EMPLEO toll-free helpline, 877-55-AYUDA (552-9832), is staffed by trained volunteers from the Diocese of San Bernardino's Catholic Charities Center and the Los Angeles Mexican Consulate, who refer callers to EMPLEO partners for assistance.

The restaurant group also has agreed to compliance with the FLSA by immediately implementing a proper time-keeping system that incorporates the correct overtime wage rate.

"The results of this investigation demonstrate the Labor Department's commitment to ensuring that all workers receive the pay to which they are legally entitled as well as EMPLEO's impact on the communities it serves," said Patricia Davidson, acting administrator for the division's Western Regional Office. "In this case, one worker's voice helped 65 other low-wage employees receive full pay for the overtime hours they worked."

The FLSA requires that covered employees be paid at least the federal minimum wage of \$7.25 for all hours worked, plus time and one-half their regular hourly rates of pay for hours worked beyond 40 per week. Additionally, the law requires employers to maintain accurate time and payroll records, and prohibits retaliation against employees who exercise their rights under the law.

For more information about the FLSA, call the Wage and Hour Division's toll-free helpline at 866-4US-WAGE (487-9243) or its Los Angeles District Office at 213-894-6375. Information is also available on the Internet at <a href="http://www.dol.gov/whd/">http://www.dol.gov/whd/</a>

### From the Desk of... EEOC



### Applebee's Owners Pay \$1 Million in EEOC Suit

Class of 17 Women to Receive Compensation in Largest EEOC Settlement in North Dakota



#### BISMARCK, N.D. -

Food Management Investors, Inc. (FMI) and Apple Core En-

terprises, Inc. (companies based in Minot, ND) have agreed to resolve a lawsuit by the U.S. EEOC relating to practices at their Bismarck, N.D. Applebee's Neighborhood Grill & Bar, the agency announced on September 1. Applebee's violated federal civil rights laws by permitting a former store general manager to create a pattern and practice of sexual harassment and retaliation against employees, the EEOC charged in a lawsuit filled in June 2010. The EEOC filed its suit after first attempting to reach out-of-court settlement voluntary. through its conciliation process.

According to the EEOC's complaint, which followed a pre-suit administrative investigation directed by John Rowe, director of the EEOC's Chicago District, between 2002 and the end of 2007, former

### From the Desk of... EEOC



Bismarck South Applebee's General Manager Mike Cordova allegedly regularly groped female employees, solicited sexual relations, and exposed himself. He also allegedly exposed employees to pornography, told sexually explicit stories and jokes and made highly personalized sexual comments designed to demean and humiliate female employees. The EEOC's investigation indicated that on at least one occasion, Cordova allegedly coerced an employee into giving him oral sex in exchange for a raise.

Despite repeated complaints by employees and, on occasion, customers, Applebee's allegedly failed to discipline or stop Cordova's behavior. Five women previously employed at the Bismarck South Applebee's filed charges of discrimination with the EEOC that led to the lawsuit. Sexual harassment and retaliation for complaining about it violate Title VII of the Civil Rights Act of 1964.

"This case demonstrates in a rather emphatic way that sexual harassment is still a challenge for women at some of our best known neighborhood businesses."

John Rowe, Director, EEOC Chicago District

The EEOC's lawsuit ended today when U.S. District Judge Daniel L. Hovland entered a consent decree resolving the suit. Under the terms of the decree, the ACE and FMI will pay out \$1 million in compensatory damages to 17 female former employees who experienced Cordova's sexual harassment and retaliation during their

employment at the Bismarck South Applebee's. The companies are required to implement a comprehensive training program to enable its employees to identify sexual harassment and properly investigate internal complaints.

John Hendrickson, the EEOC regional attorney in Chicago, said, "This manager's sexual harassment of his subordinates was blatant and ugly, and it permeated every aspect of life on the job for these women. Women who work in restaurants have it tough enough without having to put up with illegal sexual misconduct." Hendrickson added.

According to its website, (<a href="http://nglobe.com:78/">http://nglobe.com:78/</a>), ACE is "a franchisee of Applebee's International, which owns and operates Applebee's restaurants in North Dakota, Minnesota, Arizona and California." Also according to its website, FMI is "a restaurant management company located in Minot, North Dakota [and is] responsible for accounting management for [] Applecore Enterprises, Inc." Myron D. Thompson of Minot, N.D., has been the president, CEO and director of FMI since 1990. Thompson and Abe Sakak, also of Minot, N.D., are co-owners of ACE.

The EEOC's litigation efforts were led by trial attorneys Nick Pladson and Jessica Palmer-Denig of the EEOC's Minneapolis Area Office, Camille Monahan of EEOC's Milwaukee Area Office, and was supervised by Associate Regional Attorney Jean Kamp of the EEOC's Chicago District Office. The EEOC's Chicago District office is responsible for processing charges of discrimination, administrative enforcement, and the conduct of agency litigation in North Dakota, Minnesota, South Dakota, Wisconsin, Illinois and Iowa, with Area Offices in Milwaukee and Minneapolis.

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its website at www.eeoc.gov.

### From the Desk of... EEOC



EEOC Sues Kohl's Department Stores For Disability Discrimination

KOHLS expect great things

**PORTLAND, Maine** – Kohl's Department Stores, a nationwide, Wisconsinbased retailer, violated federal law when it refused to accommodate a diabetic employee's request for a regular schedule and forced her to quit her job at a Westbrook, Maine, Kohl's store, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed today.

The EEOC's lawsuit, Civil Action No.11-00320, filed in U.S. District Court for the District of Maine, alleges Kohl's failed to accommodate Pamela Manning, who began to suffer significant complications to her diabetes after Kohl's switched her from her long-held set schedule to an irregular schedule. The EEOC's suit states that her oral requests for a return to a set schedule were repeatedly ignored. After Manning brought in a note from her doctor that explained the need for her to work a predictable day shift to help prevent serious complications from her diabetes, Kohl's again refused to change her schedule. When Manning told Kohl's that the scheduled hours could kill her, its store manager laughed and told her that she would not accommodate her. the EEOC said. Manning then had no choice but to resign her employment to protect her health. Kohl's refused to accommodate Manning even though it had numerous employees on set schedules and had accommodated employees' scheduling requests for such reasons as day care, transportation and other personal needs.

Disability discrimination, including the failure to reasonably accommodate an employee's disability, violates the Americans With Disabilities Act (ADA). The EEOC filed suit after first attempting to reach a prelitigation settlement through its conciliation process. The agency seeks monetary relief for Manning, the adoption of strong policies and procedures to remedy and prevent disability discrimination by Kohl's, training on discrimination for its managers and employees, and more.

"Employers are obligated to reasonably accommodate employees with disabilities, and this obligation becomes even more serious when a worker has a potentially lifethreatening illness," said Markus L. Penzel, trial attorney in the EEOC's Boston Area Office, which has jurisdiction over Maine.

Elizabeth Grossman, regional attorney for the EEOC's New York District, added, "Keeping Ms. Manning on a regular, set schedule would have posed no undue hardship on this company. When one considers the possible dire consequences of ignoring her needs, refusing her request out of hand was unconscionable."

Next month's meeting will be held on October 11. Our regularly scheduled member meetings are the 3rd Tuesday of each month. Next month's topic: Best Practices:

NOTE: Calendar Change

Diversity - Not Why But How Please plan to join us!

### From the Desk of... EEOC





# 3M to Pay \$3 Million to Settle EEOC Age Discrimination Suit

**MINNEAPOLIS** - Global technology giant 3M (NYSE: MMM) has agreed to pay \$3 million to a class of former employees and implement preventive measures to resolve a nationwide age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today.

The EEOC's suit charged that 3M unlawfully laid off hundreds of employees over the age of 45 during a series of reductions in force (RIFs) from July 1, 2003 through Dec. 31, 2006. 3M laid off many highly paid older employees, among others, apparently to save money and cut workers in salaried positions up to the level of director, the agency said. The EEOC also asserted that older employees were denied leadership training and laid off to make way for younger leaders. The agency's investigation found an employee e-mail describing then-CEO Jim McNerney's "vision for leadership development" as "we should be developing 30 year olds with General Manager potential" and "He wants us to tap into the youth as participants in the leadership development."

Age discrimination violates the Age Discrimination in Employment Act (ADEA), which protects people aged 40 and older from employment discrimination. The EEOC filed both the lawsuit and proposed consent decree resolving the suit simultaneously in U.S. District Court for Minne-

sota. The investigation, led by EEOC Investigator Scott Doughtie, involved coordinated efforts by EEOC's San Francisco, Chicago and New York offices.

Pending judicial approval, the consent decree provides that 3M will pay \$3 million in monetary relief to approximately 290 former employees. In addition, 3M has agreed to implement a review process for termination decisions and training on how to prevent age bias. The company will also post openings for positions it had not advertised previously, to enable older employees to apply. 3M will report on its compliance, provide RIF information to the EEOC over the next three years, and post a notice about the settlement.

"The law requires employers to base employment decisions upon each person's strengths and talents instead of relying upon generalized assumptions calculated around an employee's age"

Michael Baldonado, District Director.

Michael Baldonado, District Director, EEOC San Francisco Office

EEOC San Francisco Regional Attorney William R. Tamayo said, "This consent decree is the result of productive and thoughtful negotiations with 3M. In addition to providing meaningful monetary relief for hundreds of former 3M employees, the settlement contains important preventive measures, including company policy changes and training designed to provide older people equal opportunities in the workplace."

According to its website, 3M is a \$27 billion diversified global technology company headquartered in St. Paul, Minn., and one of 30 companies that make up the Dow Jones Industrial Average.

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### **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.

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"

P. O. Box 1848
Phoenix, AZ 85001
Phone: 555-555-5555
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#### **Board Members & Officers**

John Garza, President

*JAG Specialties, LLC* (602) 300-2023

Maria Sandoval, PHR, Vice President

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Lida Daniel

Blood Systems (602) 414-3517

VACANT

**Quad A Legal Counsel** 

Flossie Christensen, Chair 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 &	Blood Systems
- Call 10, 0100	Trends in Employment	4405 E. Cotton Center Suite 120
		Phoenix
Feb 15, 8:30-10:00	Compliant & Effective Job	Sundt Construction
	Descriptions & Postings	2641 S. 40th St.
		Phoenix
Mar 15, 8:30-10:00	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	American Express
•	in the Workforce	18850 N. 56 <sup>th</sup> Street, Phoenix
June 21, 8:30-10:00	Disabled/Vets Outreach	Sundt (Los Alamos Rm)
	Good Faith is Not Enough	2620 S. 55th Street
		Tempe
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 NOTE:	Best Practices: Diversity – Not Why	Sundt (Los Alamos Rm)
Change of Date	But How	2620 S. 55th Street
		Tempe
Nov 15, 8:30-10:00	14th Annual	Desert Willow Conference Center
COST: Members \$100	Compliance Conference	4340 E Cotton Center
Nonmembers \$150		#100
		Phoenix
Dec 6, 8:30-11:30	Annual Members Only	To Be Announced
COST: Members FREE	Holiday Roundtable	
Nonmembers \$75		