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



Wall Street Reform to Boost Equal-Hiring Opportunities

(Source: Gail Zoppo, DiversityInc, Jul 22, 2010)

Besides establishing new investment regulations and other oversight requirements, the passage of the Wall Street Reform and Consumer Protection Act will help increase recruiting and contracting opportunities for women, Blacks, Latinos and other underrepresented groups.

Section 342, a provision sponsored by California Rep. Maxine Waters that has drawn opposition, will establish an Office of Minority and Women Inclusion at each of the 20 federal financial agencies, including the U.S. Department of the Treasury, the 12 Federal Reserve regional banks, the Federal Depository Insurance Co. and the new Consumer Financial Protection Bureau.

The goals: to provide equal employment opportunities within the federal government and the financial-services industry and to expand the participation of minority- and women-owned business enterprises (MWBES) in agency contracts, "instead of continuing to rely on the same 'old boy' network," writes Waters. This dual-pronged approach is designed to economically stimulate the Black, Latino and female households impacted by the financial meltdown and most underrepresented in financial services.

Blacks, Latinos and other racial/ethnic groups account for 17.2 percent of employees at senior pay levels within the Treasury Department, reports Waters. And a recently published report from the Government Accountability Office confirms the lack of diversity within the financial-services industry, with virtually

(Continued on Page 2)

September 21, 2010 Membership Meeting

Expert Panel Discussion on Testing

Time: 8:30-10:00

Location: Sundt, 2620 S. 55th Street, Tempe

Please RSVP to azquada@aol.com

no improvement at the management level from 1993 to 2008. Two years ago, for instance, white men held 64 percent of senior-level positions in the finance profession, versus 3.5 percent for Asians, 3 percent for Latinos and 2.8 percent for Blacks.

Despite these statistics, the amendment has been criticized by some for permitting racial preferences. Still, most leaders say the provision is "a step forward" to leveling the hiring playing field and bringing greater perspective to the industry. The new regulation will apply to financial institutions, investment-banking firms, mortgage-banking firms, asset-management firms, brokers, dealers, financial-services entities, underwriters, accountants, investment consultants and providers of legal services. Moreover, these companies are to be held accountable for their workforce representation. Under section 342, the federal government would have the authority to terminate contracts with financial institutions they determine have "failed to make a good-faith effort to include minorities and women in their workforce."

Not only will these sweeping reforms help prevent another financial crisis, "it's a reform of how Wall Street and the nation's major financial institutions operate," states Waters, who chairs the House Subcommittee on Housing and Community Opportunity.

An Office to Eliminate Barriers, Expand Outreach

The Office of Minority and Women Inclusion would be charged with "[ensuring], to the maximum extent possible, the fair inclusion and utilization of minorities, women, and minority-owned and women-owned businesses in all business and activities of the agency at all levels, including in procurement, insurance and all types of contracts," states the legislation.

Opponents have argued that establishing an Office of Minority and Women Inclusion in each of the federal financial agencies would be redundant of other government offices, but the provision states that each new office will take over any existing diversity or civil-rights office already working at the agencies.

Each diversity office will also be responsible for gathering the racial/ethnic and gender demographics of the agency's workforce, including upper management. "Each Director shall develop standards for- (A) equal employment opportunity and the racial, ethnic, and gender diversity of the work-force and senior management of the

agency," the legislation states. The ruling will also mandate that federal financial regulators:

- Recruit at historically Black colleges and universities, Hispanic-serving institutions, women's colleges and "colleges that typically serve majority minority populations."
- Seek candidates at job fairs in urban communities.
- Place job openings in diversity-related media.
- Collaborate with organizations that are "focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions."
- Partner with inner-city high schools, girls' high schools and high schools with traditionally underrepresented populations to establish or enhance financial-literacy programs and provide mentoring.

"Many industries lack the inclusion and participation of people of color and women," stated Waters, but "perhaps none more egregiously than the financial-services sector."

Key Points to Consider

- ✓ "Each Director shall develop standards for equal employment opportunity and the racial, ethnic, and gender diversity of the workforce and senior management of the agency." These diversity offices will also be responsible for "assessing the diversity policies and practices of entities regulated by the agency."
- ✓ Diversity offices will also be charged with enforcing the newly written diversity guidelines for each private sector company the regulator contracts with, meaning that they will be checking to ensure that each of the agency's private contractors is following the agency's diversity guidelines.
- ✓ Section 342 of the bill would create an "Office of Minority and Women Inclusion" in the each of the 20 or so financial-services agencies; those offices would be responsible for all matters "relating to diversity in management, employment and business activities". However, these new offices would not be responsible for enforcement of various civil rights laws.
- ✓ Many of the law's provisions won't take effect for at least a year as regulators write new rules and implement them

2010 Calendar of Events

DATE	TOPIC	LOCATION
August 3-6	<i>28th Annual ILG National Conference</i>	Red Rock Resort Las Vegas, NV
September 21, 8:30-10:00	<i>Expert Panel Discussion on Testing</i>	Sundt 2620 S. 55 th Street, Tempe
October 19, 8:30-10:00	<i>Diversity Month</i>	MARC Center 924 N. Country Club Dr., Mesa
November 16, 7:30-4:00 COST: Members \$100/\$125 Nonmembers \$150/\$175	<i>13th Annual Compliance Conf</i>	Black Canyon Conf Center 9440 N. 25 th Ave., Phoenix
December 7, 7:30-10:00 COST: Members FREE Nonmembers \$75	<i>Annual Members Only Holiday Roundtable</i>	Jobing.com 4747 N. 22 nd Street, Phoenix



Release Date July 28, 2010:
**Terminix and Servicemaster Sued
 by EEOC for Failing to Act on Sex
 Harassment of Women**

*Female Employees Subjected to Sexual
 Harassment by Supervisor; Management
 Refused to Address the Misconduct, Federal
 Agency Charges*

PHOENIX — The Terminix International Company and The ServiceMaster Company violated federal law by subjecting a class of female employees to a sexually hostile work environment at its Salt Lake City, Utah facility, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it has filed.

The EEOC’s lawsuit, (*EEOC v. The ServiceMaster Company and The Terminix International Company, L.P.*, Civil Action No. 2:10-CV-00705 DAK), filed in U.S. District Court for the District of Utah (Northern Division), alleged that Terminix and ServiceMaster permitted a class of female employees to be repeatedly sexually harassed by a supervisor. The abuse included repeated sexual comments by a supervisor directed at a class of female employees.

The EEOC alleges that, on at least one occasion, a supervisor suggested to the female employees that they come to work not wearing a top. On another occasion, this same supervisor suggested that the women should wear nothing but vasoline. This supervisor also made repeated comments to female employees telling them that they could be strippers and could give him lap dances, the EEOC said. According to the complaint, managers knew about the comments and failed to address the harassment.

This alleged conduct violates Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, which prohibit employment discrimination based on sex, race, color, religion, or national origin, as well as retaliation. The EEOC filed suit after first attempting to reach a voluntary settlement. The lawsuit seeks compensatory and punitive damages for the victim who filed a charge with the EEOC and for the other females affected, as well as appropriate injunctive relief to prevent discriminatory practices.

“Employers who subject individuals to harassment based on sex are violating federal law,” said

Mary Jo O’Neill, regional attorney for the EEOC’s Phoenix District Office, whose jurisdiction includes the state of Utah. “Employers must recognize their responsibility to assure that workers are not harassed by supervisors or co-workers. Where managers or other high level officials observe the harassment and do nothing, they are putting the company at risk.”

EEOC's Acting District Director Rayford O. Irvin, added, "Employers must take complaints of discrimination seriously and address them appropriately. The EEOC will continue to aggressively pursue employers who fail to prevent or promptly correct sexual harassment at their workplaces."

Release Date July 20, 2010: Clayton Store Settles EEOC Disability Discrimination Lawsuit

Store Refused to Hire Disabled Applicant, Federal Agency Charges

ALBUQUERQUE, N.M. – Clayton Ranch Market, a grocery store in Clayton, N.M., will pay \$30,000 and furnish other relief to settle a disability discrimination case filed by the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced today. In its suit, the EEOC charged that since at least April 2008, Clayton Ranch Market violated the Americans with Disabilities Act (ADA) when it refused to hire Robert Harris because of a disability. The EEOC's investigation revealed that Clayton Ranch Market hired individuals with the same or similar qualifications as Harris, yet Harris was neither hired nor contacted about a job after his inquiries to the store.

The EEOC filed suit in September of 2009 in U.S. District Court for the District of New Mexico (*EEOC v. Moore and Moore, Inc. and Clayton Ranch Market Inc., d/b/a Clayton Ranch Market*, 09cv000951-BB/ACT). The lawsuit asked the court to order Clayton Ranch Market to provide Harris with appropriate relief, including back wages, compensatory and punitive damages, and to grant a permanent injunction enjoining the company from engaging in any further disability discrimination.

The consent decree entered today by the court orders the company to institute and carry out policies and practices which eradicate and prevent disability discrimination in the workplace. "This man approached the market in good faith about employment opportunities, but apparently the employer had no intention of giving him a fair chance," said EEOC Phoenix Acting District

Director Rayford Irvin. "Employers cannot deny employment to qualified applicants because of disability."

Regional Attorney Mary Jo O'Neill of the EEOC's Phoenix District Office, which has jurisdiction over Arizona, Colorado, Wyoming, New Mexico and Utah, added, "Employment decisions made solely on a person's disability are illegal. The same opportunities should be made available to anyone who wants to work and who is capable of doing the job, regardless of disabilities."

Release Date July 20, 2010: EEOC Settles Retaliation Lawsuit Against Staffing Firm for \$62,500

Adecco USA Inc. Fired Office Manager Who Supported Sexual Harassment Complaint of his Supervisor, Federal Agency Alleged

ALBUQUERQUE, N.M. -- The U.S. Equal Employment Opportunity Commission (EEOC) today announced the settlement of a retaliation lawsuit against Adecco USA Inc. for \$62,500. The EEOC's lawsuit (Civil Action No. 106CV124 BSJ) filed in U.S. District Court for the District of Utah, Northern Division, charged that Adecco disciplined and fired Jeffrey A. Byard, a former office supervisor for Adecco's Clearfield, Utah, office, because he spoke out in support of his supervisor when she complained of sexual harassment by her boss. Title VII of the Civil Rights Act of 1964 makes it unlawful to retaliate against an employee because he testified, assisted, or participated in a proceeding protected that law. This settlement comes after several years of litigation. Mr. Byard was fired in March of 2003.

In addition to the monetary relief for Mr. Byard, Adecco agreed to other relief, including training on the law against retaliation.

Rayford Irvin, the Acting District Director for EEOC's Phoenix District, said, "Unfortunately, the EEOC has seen an increase in retaliation charges over the last ten years. They represent 36% of our charges. It is our goal that through education and training, employers know it is illegal to fire someone because he has provided testimony in a discrimination investigation. We commend Adecco for agreeing to provide employees with education

and training on this very important area of employment discrimination.”

“Claims of retaliation are taken very seriously by the EEOC,” said Mary Jo O’Neill, Regional Attorney for the EEOC’s Phoenix District Office and Albuquerque Area Office. “Employers cannot EEOC News Release take action against employees because of their participation in employment discrimination claims,

either as a witness or because the employee gave a statement, as Mr. Byard did.”

The EEOC is responsible for enforcing the nation’s laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.



It's not too late to join us!

The **Arizona, Las Vegas and Hawaii ILG's**
are privileged to host the
28th Annual Industry Liaison Group National Conference

United in Equality... Believe It, Achieve It



August 3 - 6, 2010
REGISTER NOW @
<http://www.ilgnvegas2010.com/>

2010 Quad A 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 25 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.

Membership fee in Quad A is a qualified tax deduction. To renew your annual membership, or to apply as a new member, please complete the following information and return it along with a check for \$75 made payable to the *Arizona Affirmative Action Association* to our office at P.O. Box 1824, Phoenix, AZ 85001.

NOTE: Please provide us with an e-mail address to which we can send your monthly newsletter. Quad A is a nonprofit 501(c)3 organization (TIN 86-0966437), and e-mailing saves the Association a considerable amount on printing and postage each month. THANK YOU!

MEMBERSHIP APPLICATION/RENEWAL

Member Name: _____

Company Name: _____

Title: _____

Mailing Address: _____

Phone: _____ Fax: _____

E-mail: _____

Visa MC Am Ex Name on card: _____

Card # _____ Expires: _____

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 or eFAX to (623) 321-6016.