



Quad A

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

Have you ever felt frustrated in trying to convince the "C Suite" that diversity initiatives need to be an integral part of your business' strategic plan? You're not alone! Join us for our October 26 member meeting and interact with a panel of experts discussing the topic "Embracing Diversity in Corporate America." (See Panel profiles on pgs 3-4.)

DOI Issues Diversity Statement

Secretary of the Interior Ken Salazar issued a diversity policy statement on August 16 and ordered Interior Department bureaus to develop inclusivity plans by a September 30 deadline. According to Salazar's *Inclusive Workplace Strategy*, DOI leaders and managers will be held accountable for implementing the strategy through action plans, which each bureau was required to develop by the September deadline.

"This Inclusive Workplace Statement is a first for us. It means establishing a department that ensures no one is shut out or left behind," Salazar said. "Our ranks should reflect the face of the American public we serve."

The new strategy seeks to recognize that employees will have differences of background, education, marital status, experience, socio-economic status, occupation, language, and geographic location, said Assistant Secretary for Policy, Management and Budget Rhea Suh. "We should be talking about using multiple cultural backgrounds as competitive tools," Suh said.

Salazar also announced that he was appointing John Burden as the department's new chief diversity officer. Burden, who helped devise the new inclusivity strategy, previously served at Interior as principal advisor to the deputy assistant secretary for human capital and diversity, and as deputy director of the Office of Civil Rights. Before that, he served as director of the equal employment opportunity division at the Department of Housing and Urban Development.

October 26, 2010

Membership Meeting

"Embracing Diversity in Corporate America"

Panel of Experts

(See Speaker Profiles, pgs 3-4)

Time: 8:30-10:00 a.m.

Location: MARC Center, 924 N. Country Club, Mesa
Please do not park in front of the building, use Main Parking lot.

NOTE: Please RSVP by Oct 22 to azquada@gmail.com



**Black Canyon Conference Center
9440 North 25th Avenue, Phoenix**

13th Annual Compliance Conference

Tuesday, November 16, 2010

7:00 **Registration**

8:00 **Welcoming Remarks**
John Garza, President, Quad A
Chair, Arizona Industry Liaison Group
JAG SPECIALTIES, LLC



9:30 **OFCCP: AAP Basics for Seasoned & New Practitioners**



Greg Smith
Sr. Compliance Officer
Phoenix Area Office



Cody Cummings
Compliance Officer
Phoenix Area Office

8:15 **OFCCP Update**
William D. Smitherman
OFCCP Director, Pacific Region



11:30 **LUNCH**

12:30 **Religious Accommodations:
Case Study & Results**
Neil Alexander, Shareholder
Littler Mendelson



8:45 **EEOC Update**
Rayford O. Irvin
EEOC Acting Director
Phoenix District Office



1:30 **BREAK**

1:45 **EEOC Legal Update**
Mary Jo O'Neill
EEOC Regional Attorney
Phoenix District Office



9:15 **BREAK**

3:45 **Closing Remarks & Adjourn**

REGISTRATION

13th Annual Compliance Conference

(One per attendee, please, Cost Includes Lunch & All Materials)

Payments received by Nov 1: \$100 Members \$150 Nonmembers
Payments received after Nov 1: \$125 Members \$175 Nonmembers

Name: _____

Email: _____

Organization: _____

Work Phone: _____

Mailing Address: _____

City, State & Zip: _____

For AMEX/Visa/MasterCard Payments, fax registration to 623/321-6016:

Card # _____ Expiration: _____

If paying by check: Please make checks payable to Arizona Affirmative Action Association and mail together with registration form to: AAAA, P. O. Box 1848, Phoenix, AZ 85001. For further information, contact us at azquada@gmail.com or call Chris Weakland, 602-377-0404 or John Garza, 602-300-2023. Please advise us if you require special dietary or physical accommodations.

October 26, 2010 Membership Meeting: “Embracing Diversity in Corporate America”

Panel of Experts



Christine French, MTI

President, Global Diversity Consulting

Christine partners with business leaders to create diversity strategies, charters and manages U.S. Diversity Councils, and supports Diversity Councils in Asia, Europe, Latin America, and Canada. Christine has managed the activities of 62 Global Employee Resource Network chapters and Diversity Teams, and pioneered gender-specific network chapters outside of the U.S. Also, she worked with team members from several countries worldwide in the areas of diversity, external education, new product marketing, and communications.

In addition, Christine chartered the Diversity Leadership Alliance (DLA), a non-profit organization providing diversity education to the citizens of Arizona. DLA monthly workshops draw 150-175 attendees from corporate America to various city and state governments and municipalities, non-profit organizations, businesses, education, health care, military, and faith communities. Each year, the DLA annual conference has brought as many as 2,000 people together to dialogue, to learn, to share, to network, and to celebrate our diversity as we “build an inclusive community” together.



Victoria E. Jones, PhD

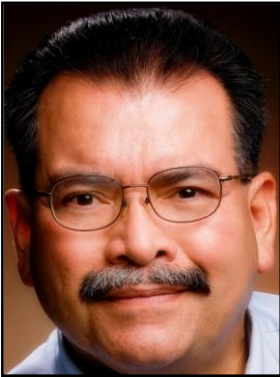
Diversity Officer Vice President, Apollo Group

Dr. Victoria E. Jones joined the Apollo Group in January, 2009 as the Diversity Officer Vice President. Her duties include setting the strategic direction for global diversity and inclusion policies that are in alignment with organizational goals and business objectives. Jones is a part of the Organization Effectiveness and Inclusion team and is responsible for partnering with HR Business Partners to embed diversity and inclusion policies and practices within the organization. Jones was previously employed General Motors where she served as the HR Director and Dean of the College of Leadership, General Motors University.

Dr. Jones earned a Bachelor of Arts degree from Marygrove College, a Master’s degree in Business Administration from Central Michigan University, and a Doctorate of Management from the University of Phoenix. Dr. Jones has also completed executive development programs in strategic planning as well as strategy formulation and implementation at the Universities of Michigan and Columbia. She completed the Massachusetts Institute of Technology Short Course in Management of Change in Complex Organizations and is a graduate of Leadership Detroit XVI. Jones also attended the Center for Creative Leadership-- Leadership Your Perspective.

She is a current member of Goodwill Industries of Central Arizona Board of Directors, Inforum (formerly Women’s Economic Club), the Conference Board Diversity and Inclusion Council, Society for Human Resource Management, HR People and Strategy, Advisory Council/Center for International Business and Education Research—Michigan State University, Center for Women’s Leadership Advisory Board, American Management Association, and American Society for Training and Development. She formerly served as a board member of the American Institute for Managing Diversity, and a board member of the Detroit Urban League. Jones is also an adjunct professor with the University of Phoenix.

**Please note change for
October’s meeting from
the 19th to the 26th.**



Armando M. Espinoza

Site Diversity Manager, Boeing

Armando (Mani) Espinoza has Boeing experience as an HR Generalist and currently as Site Diversity Manager in Mesa, Arizona with more than 25 years experience as a professional in Human Resources both in The U.S. and in Mexico. Prior professional experience includes specializations include Managing specific functions such as Training, Compensation, Labor Relations, Recruitment, Employee Relations and in depth experience in every aspect of Human Resources. Mani earned his Bachelor's

Degree from The University of Arizona (go Wildcats!) and a Master's degree from The University of Michigan.

Mani describes his relationship with Diversity, not only as an integral part of his daily job duties but as a passion. Diversity and Inclusion is essential to all of us, as People and as Professionals. His entire professional life has been about creating and implementing innovations similar to Affinity Groups and Diversity Councils, which has led to a rejuvenated sense and urgency about promoting and championing Diversity. "Developing a Diverse and Inclusive workforce today, will determine the strength of our Future" is a personal and professional motto. Aside from the day to day duties of overseeing site Affinity Groups and Diversity Council for Mesa, Mani serves on the Board of Directors of the Mesa Association of Hispanic Citizens, in Mesa and serves on various other Community Organizations as well as within the Global Diversity and Employee Rights, at Boeing.

2010 Calendar of Events

DATE	TOPIC	LOCATION
October 26, 8:30-10:00	<i>Diversity Month</i>	MARC Center 924 N. Country Club Dr., Mesa
November 16, 7:30-4:00 COST By Nov 1: Members \$100 Nonmembers \$150 After Nov 1: Members \$125 Nonmembers \$175	13th Annual Compliance Conf (Registration Attached) <i>Apply for 2011 membership before the conference and enjoy the 2010 member registration rate.</i>	Black Canyon Conference Center 9440 North 25 th Avenue, Phoenix
December 7, 7:30-10:00 COST: Members FREE Nonmembers \$75	Annual Members Only Holiday Roundtable <i>We highly encourage ALL Quad A members to join us for this popular annual event. Quad A's Board of Directors will plan the entire 2011 Calendar of Events around the subject matter requests that come out of this Roundtable discussion. If you are not yet a member simply sign up online at www.azquada.org.</i> <i>A reminder to all Quad A members... Membership is on a calendar basis from Jan 1 through Dec 31 (regardless of when you signed up for membership). Please renew now to continue membership for 2011.</i>	Jobing.com 4747 N. 22 nd Street, Phoenix

Statement by US Labor Secretary Hilda L. Solis on the 45th Anniversary of the OFCCP

WASHINGTON — Secretary of Labor Hilda L. Solis issued the following statement in commemoration of the 45th anniversary of the signing of Executive Order 11246, creating what eventually became the U.S. Department of Labor's Office of Federal Contract Compliance Programs:

"Six months after brave men and women crossed the Edmund Pettus Bridge in Selma, Alabama, and just six weeks after Congress passed the Voting Rights Act, the march to redeem America's promise took another important step forward. Asserting that civil rights laws alone were not enough to remedy discrimination, President Lyndon B. Johnson issued Executive Order 11246 on Sept. 24, 1965.

"This landmark order, which created the U.S. Department of Labor's Office of Federal Contract Compliance Programs, requires those who do business with the U.S. government — both contractors and subcontractors — to ensure equal opportunity for all job seekers and wage earners.

"OFCCP's legal authority has since been expanded by the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. As amended, these three laws hold federal contractors to the very reasonable standard that they must not discriminate in their employment practices on the basis of gender, race, color, religion, national origin, disability or status as a protected veteran.

"Nearly one in four American workers is employed by a company that receives taxpayer dollars for contracted work. That's more than 200,000 companies with contracts totaling over \$700 billion. And it is the duty of OFCCP to see that those tax dollars are not used to discriminate. That helps ensure a fundamental fairness and levels the playing field for America's workers.

"So, today, I congratulate the nearly 800 OFCCP staff in offices across the nation as they mark 45 years of protecting workers, promoting diversity and enforcing the law. Their work ensures good jobs are within the grasp of everyone, and it makes America a more just — and better — place to work and live."

EEOC Sues JBS Swift for Religious and National Origin Discrimination in Colorado & Nebraska

On August 31, 2010, the U.S. Equal Employment Opportunity Commission (EEOC) filed
Arizona Affirmative Action Association

two lawsuits in federal court alleging that JBS USA, LLC, which does business as meat packing company JBS Swift & Company, discriminated against a class of Somali and Muslim employees at its facilities in Greeley, Colo. (its headquarters facility), and Grand Island, Neb.

The suits allege that JBS Swift created a hostile work environment for its Somali and Muslim employees due to their race, national origin, and religion. The complaints allege that supervisors and coworkers threw blood, meat, and bones at the Muslim employees and called them offensive names.

The complaint filed in Colorado alleges that there was offensive graffiti in the restrooms at the Greeley facility. The suit filed in Nebraska alleges that supervisors and coworkers made comments to Somali employees at the Grand Island facility such as "lazy Somali" and "go back to your country."

The two complaints include allegations that JBS Swift engaged in a pattern or practice of religious discrimination when it failed to reasonably accommodate its Muslim employees by refusing to allow them to pray according to their religious tenets.

Both complaints further allege that JBS Swift retaliated against the employees by terminating their employment when they requested that their evening break be moved so that they could break their fast and pray at sundown during the month of Ramadan, an Islamic holiday requiring a daytime fast from sunup to sundown.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. This litigation originated from the filing multiple charges of discrimination with the EEOC. During 2008, the EEOC received 83 discrimination charges from employees at the Greeley facility and 85 from employees at the Grand Isle facility alleging discrimination on the basis of religion, race, color or national origin.

The charges of discrimination were jointly investigated by the EEOC, the Colorado Civil Rights Division of the Department of Regulatory Agencies, and the Nebraska Equal Opportunity Commission. "The issue of national origin and religious discrimination in the workplace has become more significant as more immigrants with different ethnic and religious backgrounds join our workforce," said EEOC General Counsel P. David Lopez. "The laws of this country prohibit harassment based on national origin, and mandate that employers accommodate employees' religious practices so long as doing so does not create an undue burden on the employer."

Further information is available at www.eeoc.gov.

EEOC Files Trio of New Cases Under Amended Americans with Disabilities Act

WASHINGTON — Taking another step in its commitment to end disability discrimination in employment, the U.S. Equal Employment Opportunity Commission (EEOC) announced the filing of three new disability discrimination cases today, charging employers in Georgia, Maryland and Michigan with violations of the recently amended Americans With Disabilities Act (ADA).

The cases — all filed under the broader and simplified definition of disability set forth in the ADA Amendments Act (ADAAA) — allege discrimination against qualified individuals with diabetes, cancer and severe arthritis.

“The contributions of people with disabilities to the workplace ought to be valued, not rejected based on myths, fears and stereotypes,” said EEOC Chair Jacqueline A. Berrien. “The ADAAA made clear what the EEOC had always asserted: people with a range of disabilities are protected from unlawful discrimination. We hope that these cases send a clear message that the Commission will vigorously enforce the ADA.”

In Atlanta, the agency charged [Eckerd Corporation](#), a nationwide drug store chain doing business as Rite Aid (*EEOC v. Eckerd Corporation d/b/a Rite Aid*), Civil Action No. 1:10-cv-2816-JEC, filed in U.S. District Court for the Northern District of Georgia) with refusing to provide a reasonable accommodation -- a stool to sit on -- to a long-time employee who experienced severe arthritic symptoms in her knees. Fern Strickland, who had worked as a cashier for Rite Aid with this reasonable accommodation for seven years without incident, lost the use of her stool in January 2009 when a new district manager decided that the company would no longer accommodate her disability. According to the EEOC’s pre-suit investigation, the district manager “did not like the idea” that Strickland used a stool. The suit claims that she was terminated several weeks later because of the manager’s failure to accommodate her disability.

In a case filed in Baltimore, the agency alleges that surveying company [Fisher, Collins & Carter](#) fired two employees because they had diabetes and hypertension. According to the suit (*EEOC v. Fisher, Collins & Carter*, Case No. 10-cv-2453, filed in the U.S. District Court for the District of Maryland), the company asked Robert Gray and Wayne Seifert and other employees to complete a questionnaire regarding their health conditions and medications. Gray had worked for the company for 15 years starting as a rodman, and had been promoted to the position of party chief by the time of his termination. Seifert had been employed since 2000 as a rodman. The suit asserts that, despite their many years of successful performance, the

company unlawfully selected Gray and Seifert for a reduction-in-force on January 21, 2009, on the basis of their disabilities, while retaining less qualified, non-disabled employees.

In the third case announced today, filed in Lansing, Mich., the agency charged that IPC Print Services fired one of its employees rather than allowing him to work part time while being treated for cancer. According to the agency's pre-suit investigation, Derek Nelson, who had been employed by IPC as a machinist for over ten years, went on medical leave in 2008 in order to undergo chemotherapy. The EEOC's suit (*EEOC v. IPC Print Services, Inc.*, Case No. 10-cv-886 in U.S. District Court for the Western District of Michigan), alleges that in January 2009, when Nelson sought to continue working part-time while he completed his treatment, IPC discharged Nelson for exceeding the maximum hours of leave allowed under company policy. That decision, the agency contends, violated IPC's obligation to reasonably accommodate Nelson's disability.

In each case, the EEOC conducted an administrative investigation and attempted to reach a voluntary settlement prior to filing suit.

Originally enacted in 1990, the ADA prohibits discrimination in employment on the basis of disability. During the ensuing years, federal courts took a narrow view of what conditions counted as “disabilities” under the law. Some courts had found that individuals with serious conditions — such as diabetes and cancer — were not covered by the ADA’s protections against discrimination. In 2008, Congress responded to these interpretations by adopting the ADA Amendments Act, which made clear that the definition of “disability” is both broad and straightforward.

“These cases, among the first filed by the EEOC under the ADA Amendments Act, illustrate the continuing need for rigorous enforcement of the law in this area, as well as further education about the ADA’s requirements,” said General Counsel David Lopez. “Congress has made the scope of the ADA clear and broad: Individuals with disabilities — including serious medical conditions such as cancer, diabetes, and severe arthritis — must be evaluated according to their qualifications, and not their disabilities. Where a reasonable accommodation will enable a person with a disability to perform the essential functions of her job, an employer must provide it. Through cases like those announced today, the EEOC’s litigation program will focus on deterring willful violations of this important civil rights law.”

Further information is available at www.eeoc.gov.

EEOC Sues FedEx Freight for Sex Discrimination on Behalf of Women

September 14, 2010, PHOENIX – The U.S. Equal Employment Opportunity Commission (EEOC) today announced it has filed a sex discrimination lawsuit against FedEx Freight, Inc. on behalf of three women who maintained that they were not hired for human resources positions because of their sex.

The EEOC's lawsuit alleged that FedEx Freight selected a man, who was a dock worker, over three women for the human resources field representative position at the company's Phoenix facility. According to the EEOC, the duties of the job included recruiting and providing human resource support. All three women had prior human resources experience and were recommended for the position. Two of the women had earned bachelor's degrees, one of which was a degree in human resource management. The EEOC alleges that the man who was hired in place of the women was a dock worker who had no human resources experience and lacked a bachelor's degree.

"Employers must base their hiring decisions on the qualifications of the applicants, not based upon stereotypes about whether a particular sex can do the job," said EEOC Regional Attorney Mary Jo O'Neill of the Phoenix District Office, which originated the suit. "The freight and shipping industry must ensure equal access to all applicants regardless of gender." EEOC Acting Phoenix District Director Rayford O. Irvin said, "Sex-based charges continue to be a sizeable portion of our docket, comprising about 30 percent of all discrimination charges filed in fiscal year 2009. We will continue to devote substantial resources to prosecuting violations of laws that prohibit sex discrimination."

Further information is available at www.eeoc.gov.

If we cannot now end our differences,
at least we can help make the world
safe for diversity.

John Fitzgerald Kennedy

Civilizations should be measured by the
degree of diversity attained and the
degree of unity retained

W. H. Auden

Diversity: the art of thinking
independently together

Malcolm Stevenson Forbes

Age Discrimination & Retaliation

55 Year Old District Manager Terminated After He Complained of Age Discrimination

September 28, 2010, DENVER – The U.S. Equal Employment Opportunity Commission (EEOC) filed a lawsuit yesterday in federal court alleging that RadioShack intentionally discriminated against one of its employees in violation of Age Discrimination in Employment Act (ADEA).

The lawsuit alleges that in the fall of 2007, David Nelson, then 55, had been employed for over twenty-five years when RadioShack assigned a new, 43-year-old regional manager to supervise him.

Within four months of the new supervisor's arrival, Nelson, who had a 25-year spotless performance record, was placed on two performance improvement plans. Nelson, believing that he was being discriminated against by his new supervisor because of his age, complained to the human resources department. According to the complaint, within five days, before the allotted time for improvement was over, RadioShack terminated Nelson in retaliation for his complaint of discrimination.

"It is particularly important for the Commission to vigorously enforce the anti-retaliation provisions in the employment discrimination laws," said Mary Jo O'Neill, regional attorney for the EEOC's Phoenix District Office whose jurisdiction includes the EEOC's Denver Field Office. "Moreover, with the graying of the workforce, employers may not base employment decisions on age-based stereotypes."

The lawsuit, *EEOC v. RadioShack*, Civil Action #10-cv-02365, filed in the U.S. District Court for the District of Colorado, seeks back pay, lost benefits, liquidated damages and reinstatement for Mr. Nelson, as well as injunctive relief, including policies and programs to stop future violations of the ADEA. The EEOC filed suit after first attempting to resolve the case informally through its conciliation process.

"If employees do not feel comfortable coming forward when they feel they are being discriminated against, the very purpose of the anti-discrimination statutes is eviscerated," Phoenix Acting District Director Rayford Irvin said. "The EEOC is seeing an increase in the number of charges filed alleging retaliation. In 2009, the EEOC received 33,613 charges of discrimination alleging retaliation. This constituted 36% of the total number of charges."

Further information is available at www.eeoc.gov.

2011 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 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 fee in Quad A is a qualified tax deduction.**

Membership applications/renewals can be made online at www.azquada.org or e-faxed to (623) 321-6016. 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: _____

Phone: _____ Fax: _____

E-mail (for member communications only): _____

___ Visa ___ MC ___ Am Ex Name on card: _____

Card # _____ Expires: _____