

Arizona Interagency Farmworkers Conference
Tubac, AZ
September 7th and 8th



Krista Watson
Outreach and Education Coordinator
krista.watson@eeoc.gov
602-661-0022



Who is the EEOC?

- ▶ A neutral fact-finding agency
- ▶ EEOC's vision:
 - Respectful and inclusive workplaces with equal employment opportunity for all
- ▶ EEOC's mission:
 - Prevent and remedy unlawful employment discrimination and advance equal opportunity for all in the workplace.



What does the EEOC do?

- ▶ EEOC is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee
- ▶ Accept charges of employment discrimination
- ▶ Investigate
- ▶ Mediate
- ▶ Conciliate
- ▶ Litigate
- ▶ Educate
- ▶ And more



Some Farmworker Cases Filed by EEOC

- ▶ *Rape in the Fields* is a PBS documentary which covers several EEOC Cases. *Rape on the Night Shift* was a follow up.
- ▶ A look at some recent cases



Where is the EEOC located?

- ▶ District offices = 15
 - Atlanta, Birmingham, Charlotte, Chicago
 - Dallas, Houston, Indianapolis, Los Angeles
 - Memphis, Miami, New York, Philadelphia
 - Phoenix, San Francisco, St. Louis
 - Washington, D.C. Field Office
- ▶ Field and Local Offices in each District



Who is the EEOC Phoenix District Office?

- ▶ **Phoenix District Office**
 - Elizabeth Cadle, District Director
 - Melinda Caraballo, Deputy Director
 - Mary Jo O’Neill, Regional Attorney
- ▶ **Denver Field Office**
 - Amy Burkholder, Field Office Director
- ▶ **Albuquerque Area Office**
 - Christopher Green, Area Office Director

Phone

[1-800-669-4000](tel:1-800-669-4000)

Fax

[602-640-5071](tel:602-640-5071)

TTY

[1-800-669-6820](tel:1-800-669-6820)

ASL Video Phone

[844-234-5122](tel:844-234-5122)



Important contacts in the Phoenix District

▶ Outreach and Education Coordinators

- Patricia McMahon – Colorado and Wyoming
 - 720-779-3636
 - patricia.mcmahon@eeoc.gov
- Krista Watson – Arizona, New Mexico (most) and Utah
 - 602-661-0022
 - krista.watson@eeoc.gov



Important contacts in the Phoenix District

- ▶ **Enedina Cruz, ADR Coordinator**
 - 602-661-0054
 - enedina.cruz@eeoc.gov

- ▶ **Christina Vigil Frazier, Supervisory Administrative Judge**
 - 602-661-0054
 - christina.vigil@eeoc.gov



Who are covered employers?

- ▶ Private sector companies with 15 or more employees
- ▶ Private sector companies with 20 or more employees (ADEA)
- ▶ State and local governments
- ▶ Employment agencies
- ▶ Unions
- ▶ And more



What laws are enforced by the EEOC?

▶ Equal Pay Act (EPA)

- Compensation discrimination based on sex
- Protects both men and women

▶ Fun facts

- Signed President John F. Kennedy on June 10, 1963
- 1979 President Jimmy Carter transferred both the Equal Pay Act and the Age Discrimination in Employment Act to EEOC from the U.S. DOL.



What laws are enforced by the EEOC?

- ▶ **Lilly Ledbetter Fair Pay Act of 2009**
 - Fun facts
 - Signed by President Barack Obama on January 29, 2009
 - Retroactive to May 28, 2007
 - Senate vote 61-36
 - House vote 250-177



What laws are enforced by the EEOC?

- ▶ Title VII of the Civil Rights Act (Title VII)
 - Race
 - Color
 - National Origin
 - Religion
 - Reasonable Accommodation
 - Sex
 - Pregnancy, LGBT+
 - Retaliation – Opposition or Participation



What laws are enforced by the EEOC?

▶ Title VII fun facts

- Signed by President Lyndon B. Johnson on July 2, 1964
- House: 290-130
- Senate 71-29
- President Jimmy Carter signed the Pregnancy Discrimination Act which amended Title VII on October 31, 1978
- July 2, 1965, EEOC opens with a budget of \$2.25 million and approximately 190 employees. EEOC has no litigation authority



Important Supreme Court Case

- *Bostock v. Clayton County, Georgia, et al.*
- On June 15, 2020, the U.S. Supreme Court held in 6-3 decision that firing someone because he or she is homosexual or transgender violates the Title VII prohibition against taking adverse action against a job applicant or employee “because of such individual’s....sex.”



What laws are enforced by the EEOC?

- ▶ Age Discrimination in Employment Act (ADEA)
- ▶ 40 and over
- ▶ Fun facts
 - President Lyndon B. Johnson signed the ADEA
 - Senate passed by unanimous consent on November 6, 1967
 - House approved by a vote of 344 in favor – 13 not in favor and 75 abstentions



What laws are enforced by the EEOC?

▶ Americans with Disabilities Act (ADA)

- Prohibits employment discrimination against a qualified individual with a disability
- Disability
 - Physical or mental impairment that substantially limits one or more major life activities
 - Record of such an impairment
 - Being regarded as having such an impairment
- Qualified
 - Has the requisite skills, education, experience for job
 - Can perform the essential functions of the job with or without reasonable accommodation



What laws are enforced by the EEOC?

- ▶ Americans with Disabilities Act (ADA)
 - Reasonable Accommodation
 - Disability-related examinations and inquiries
 - Confidentiality
 - Association
 - Retaliation



What laws are enforced by the EEOC?

▶ ADA fun facts

- Signed by President George H.W. Bush July 26, 1990
- Senate 76-8
- House unanimous voice vote

▶ ADA Amendments Act

- Signed by President George W. Bush on September 25, 2008
- House 402-17
- Senate unanimous consent



What about the Rehabilitation Act of 1973?

- ▶ Rehabilitation Act of 1973 (Sections 501 and 504)
 - Programs conducted by Federal agencies
 - Programs receiving Federal financial assistance
 - Federal employment
 - Federal Contractors
 - Appeals to EEOC are received under the Rehab Act of 1973
- ▶ Fun facts
 - Signed by President Richard M. Nixon
 - House 384-13 Senate?



What laws are enforced by the EEOC?

- ▶ **Genetic Information Nondiscrimination Act (GINA)**
 - What is genetic information?
 - When can I obtain genetic information? Never – 6 Exceptions
 - When can I use genetic information? Never
- ▶ **Fun facts**
 - Signed by President George W. Bush on May 21, 2008
 - House 420-3 Senate 95-0



Covered Issues

- ▶ Job decisions
- ▶ Harassment based on protected basis
- ▶ Reasonable accommodation*
- ▶ Advertising and recruitment
- ▶ Medical inquiries and examinations*
- ▶ Maintenance and confidentiality of medical records*
- ▶ Limiting, segregating and classifying
- ▶ Retaliation: Actions likely to deter protected activity
- ▶ And more
- ▶ * = *Only applies to certain laws*



Covered job decisions

- ▶ Failure to hire – Termination – Denial of promotion
- ▶ Undesirable reassignment
- ▶ Awards
- ▶ Leave
- ▶ Pay/Benefits
- ▶ Training
- ▶ Harassment
- ▶ Reasonable accommodation – Religion and Disability
- ▶ And more



Covered individuals

- ▶ Employees and applicants for employment
- ▶ Former employees
- ▶ Applicants and participants training and apprenticeship programs

- ▶ Who is an employee?
 - Independent contractors?
 - Undocumented workers?
 - EEOC Threshold guidance addresses many questions about who is an employee <https://www.eeoc.gov/laws/guidance/section-2-threshold-issues>



Covered entities

- ▶ Employers
- ▶ Employment agencies
- ▶ Labor organizations
- ▶ Third-Party Interference/Successor Liability/Foreign Employers/Private Clubs – See the EEOC Threshold Guidance

- ▶ Title VII and ADA – 15 or more employees for each working day in each of 20 or more calendar weeks in the same calendar year, as or in the calendar year prior to when the alleged discrimination occurred
- ▶ ADEA – 20 – State and Local Government covered



Timeliness

▶ Title VII, ADEA, ADA, GINA

- 300 days for jurisdictions with a fair employment practices agency (FEPA)
- 180 days for jurisdictions without a FEPA
- EEOC charge is prerequisite to a federal civil action

▶ EPA

- Two years. Three years if the violation was willful
- Can go directly to court without first filing EEOC Charge



Standing

- ▶ Aggrieved persons
- ▶ Persons bringing a charge on behalf of
- ▶ EEOC Commissioners
- ▶ District Directors



How do you file a discrimination charge?

- ▶ Follow the strict time limits for filing: **180/300 days**
- ▶ Go to the EEOC Public Portal – www.eeoc.gov
- ▶ Set up an email account
- ▶ Log into the portal to:
 - Submit an inquiry online
 - Schedule an intake interview
 - Upload documents to the portal or contact your investigator



The EEOC Public Portal



U.S. Equal Employment Opportunity Commission



Sign In | Register

Portal Home

U.S. Equal Employment Opportunity Commission Public Portal



Filing with EEOC



My Cases



Guidance



Find an EEOC Office





U.S. Equal Employment Opportunity Commission

Sign in

Sign in

The authorized use of this system is for official EEOC case management and reporting. Access by unauthorized users or for purposes not authorized by the Commission, is subject to civil and criminal penalties or administrative action for computer fraud and abuse. EEOC takes measures to maintain the security, confidentiality, and integrity of the information we collect at this site, such as access controls designed to limit access to the information, as necessary to accomplish its mission. EEOC also employs various security technologies to protect the information stored on its systems. All uses of this system and portal are subject to monitoring and inspection according to public law.

Email

Password

[Forgot Password?](#)

[Register](#)

Next

Home

The EEOC Public Portal: Sign in



U.S. Equal Employment Opportunity Commission

The EEOC Public Portal: Appointment Confirmation



Your Appointment is Scheduled

Your appointment has been scheduled

Your Name: Ahab Pequod

Your E-Mail: ahab.pequod@mailinator.com

Your Phone Number: (000) 000-0000

Interpreter/Language: No interpreter needed

Additional Information:

Appointment Code: 440-2018-00003

Appointment Date/Time: Tuesday, 10/31/2017, 10:45 AM (Time Zone: Central)

Appointment Office: Chicago

Office Address: 500 West Madison Street, Suite 2000, Chicago, Illinois 60661

What type of interview : In-Person

A Confirmation Notice has been emailed to **ahab.pequod@mailinator.com**. At the time of your interview, please have the password for your EEOC Public Portal user account with you.

Now that you have scheduled an appointment for an interview, please return to the [EEOC Public Portal](#) as soon as possible to provide additional information about your inquiry. Providing additional information is optional, but can help make the interview more productive and efficient. The information you provide is confidential and will not be disclosed to your employer during an investigation.



What happens after a charge is filed?

- ▶ Sign the charge
- ▶ Mediation
- ▶ Investigation
- ▶ Notice of Right to Sue
- ▶ Conciliation (if a violation is found)
- ▶ Possible litigation

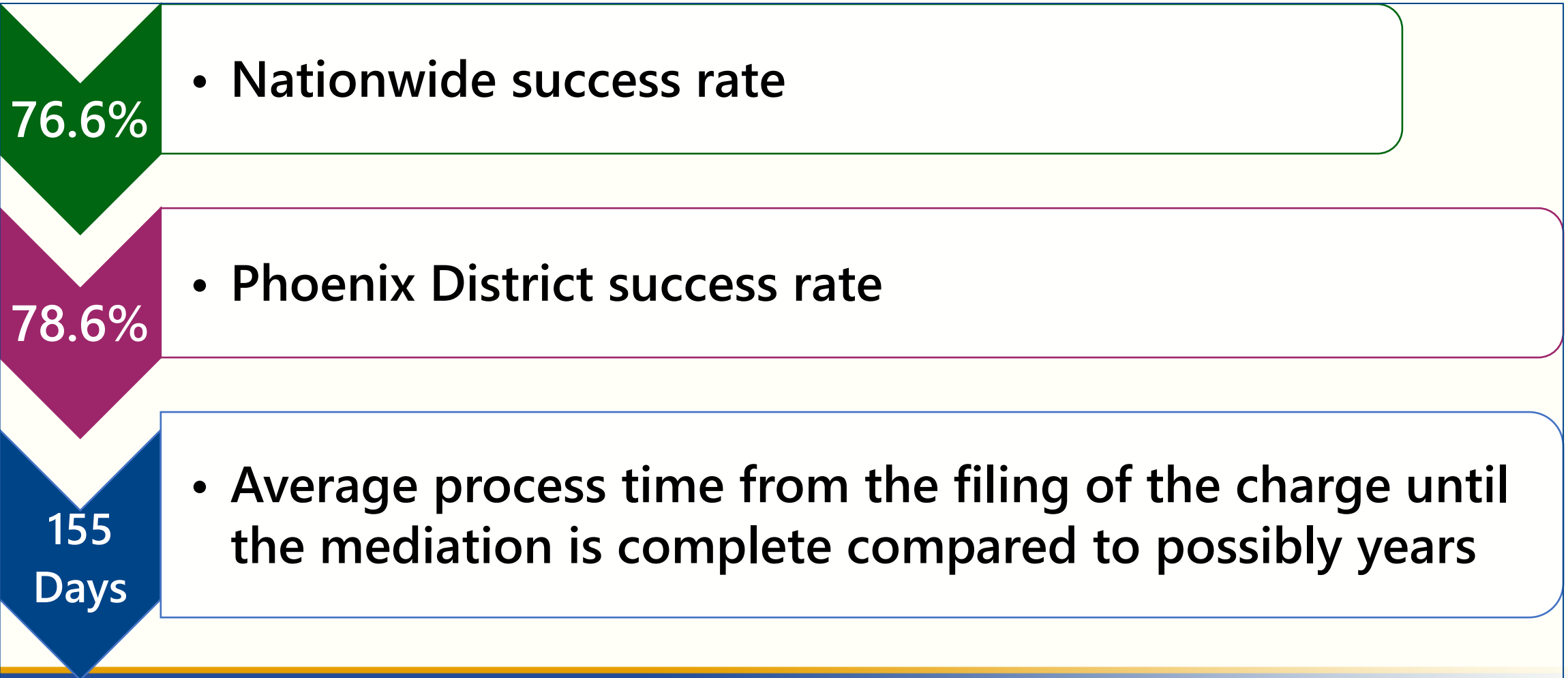


What are the benefits of mediation?

- ▶ Free
- ▶ Fair and neutral
- ▶ Saves time and money
- ▶ Private and confidential
- ▶ Avoids litigation
- ▶ Fosters greater cooperation
- ▶ Improves communication
- ▶ Helps discover the real problems and resolve **all** issues
- ▶ Parties control the outcome



Is mediation successful? **Yes.**



Where can I find more information?

- ▶ www.eeoc.gov
- ▶ Click on the tab – **EEOC Coronavirus Resources**
 - How EEOC is Serving the Public
 - Coronavirus and Employment Discrimination Laws
- ▶ Click on the tab – **Employees & Job Applicants**
- ▶ Click on the tab – **Employers/Small Business**
- ▶ Click on the tab – **Contact Us to find your nearest EEOC office**



Questions?





Thank You!

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