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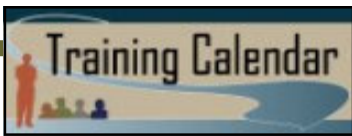
Greetings,

The Office of Diversity and Equality (ODE) has announced the date for the Governor's Annual EEO Conference as November 9th, 2010. The event will be held in the Transportation Cabinets Conference Center and more details will be released in the near future. One of the highlights of the Conference is the presentation of two prestigious awards. First, we have the Charles Anderson Laureate Award. This award is presented to a person(s) whose contributions have benefited individuals in one of the federally protected class areas which include race, color, national origin, gender, age, religion and disability. This Award is open for any Kentuckian, native or adopted, living or deceased. The full criteria for this award is listed on our website <http://personnel.ky.gov/diversity/eo/laureate.htm> Nominations can be sent to Clinton Morris at Clinton.morris@ky.gov

The next award is the Innovation, Collaboration and Education (ICE) Award which is awarded to the agency EEO coordinator whom best displays the criteria listed in the title. This is where you come in. Take the time to look at your peers in other agencies, look at your internal EEO office, does your coordinator use innovation, collaboration and encourage continuing education of employees? If so, they deserve to be recognized for their achievement and this award is the perfect way to let them know you appreciate the service they provide for the Commonwealth. Nominations can be sent to Singer Buchanan at Singer.Buchanan@ky.gov and should state why you feel the nominee deserves the Award based on Innovation, Collaboration and Education.

We are looking forward to your submissions and to seeing you all in November for a full day packed with pertinent workshops, motivational speakers and outstanding networking opportunities.

Regards,
Singer Buchanan



For the 2010 Calendar Year, the Office of Diversity & Equality will be providing the following training opportunities for Anti-Harassment and Diversity. To register contact Singer Buchanan at Singer.Buchanan@ky.gov.

— REGISTER TODAY —				
Date	Audience	Title	GSC Room	Time
09/08/10	State Employees	Anti-Harassment	539	9am - 12 pm
	State Employees	Diversity (FULL)	539	1pm - 4 pm
10/20/10	State Employees	Anti-Harassment	539	9am - 12 pm
	State Employees	Diversity	539	1pm - 4 pm
11/10/10	State Employees	Anti-Harassment	539	9am - 12 pm
	State Employees	Diversity	539	1pm - 4 pm



Bayview Nonprofit Sued For National Origin and Pregnancy Discrimination

Samoan Counselor Terminated Weeks After Giving Birth

<http://www.eeoc.gov/eeoc/newsroom/release/8-27-10.cfm>

EEOC Sues Garfield Medical Center For Sexual Harassment, Retaliation

Multiple Hospital Workers Were Targets of Obscene Comments and Touching

<http://www.eeoc.gov/eeoc/newsroom/release/8-19-10a.cfm>

Measurement, Inc. Sued By EEOC For Religious Discrimination

Employee Denied Accommodation for Her Sabbath, Federal Agency Charged

<http://www.eeoc.gov/eeoc/newsroom/release/8-12-10a.cfm>

**Elmer W. Davis To Pay \$1 Million To Settle EEOC
Race Discrimination Lawsuit**

*Roofing Company Charged with Racial Harassment, Discriminatory
Job Assignments, and Failure to Promote African-American Employees*

<http://www.eeoc.gov/eeoc/newsroom/release/8-10-10a.cfm>



Supreme Court Decision Expands Statute of Limitations for Disparate Impact Claims

From HRLaws.com, posted August 1, 2010
Richard S. Cleary, Editor

For the second time in as many years, the interpretation and calculation of the statute of limitations for an important area of employment law has changed, this time because of a unanimous ruling by the U.S. Supreme Court. The change, which expands the statute of limitations for charges of disparate impact discrimination under Title VII, could lead to more legal claims as well as larger awards against employers.

Background

Before the Lilly Ledbetter Fair Pay Act of 2009, an employee was limited to 180 days after the adoption of a pay decision to file wage discrimination charges under Title VII, a limitation that the Supreme Court actually upheld in *Ledbetter v. Goodyear Tire & Rubber Co.* However, in January 2009, the passage of the Act overruled the Court's decision and changed the scope of claims for pay discrimination.

Specifically, the Act states that each application of a discriminatory pay decision (*e.g.*, issuance of further paychecks based on an initially discriminatory pay decision) constitutes a new act of discrimination. Each new paycheck resets the clock on the limited time during which employees may file suit, potentially allowing an employee to sue for pay discrimination that arose years ago.

New Decision

On May 24, 2010, the Supreme Court issued a new decision that applied a similar theory to claims of disparate impact discrimination filed under Title VII. Disparate impact discrimination occurs when an employment policy or practice that may appear to be neutral on its face nonetheless adversely affects a particular protected group of employees or applicants.

The case unfolded when a group of black firefighters filed race discrimination charges with the Equal Employment Opportunity Commission. They argued that the city's decision to limit job consideration to applicants with the highest scores on a written application test rather than all of those with passing scores unfairly eliminated a significant number of black applicants. Though the test was found to have resulted in disparate impact on the applicants, the city argued and the Seventh Circuit agreed that the charges should be dismissed because they were filed more than 300 days after the test results were announced - outside the statute of limitations for disparate impact claims. The Supreme Court overruled the Seventh Circuit's decision unanimously, a somewhat surprising move given its prior stance in the comparable *Ledbetter* case.

In the opinion, Justice Antonin Scalia wrote that the city reset the statute of limitations at each application of the discriminatory practice, specifically each time it used the test results to make a hiring decision. He noted that under the city's interpretation of the law, "if an employer adopts an unlawful practice and no timely charge is [filed, it] can continue using the practice indefinitely, with impunity, despite ongoing disparate impact." Justice Scalia also distinguished between the Court's differing decisions in the two cases by differentiating between the stricter standard of "disparate treatment," which was at issue in the *Ledbetter* case, and "disparate impact." *Lewis v. City of Chicago*.

Bottom Line

The statute of limitations is generally seen as a cutoff point that protects employers from defending lawsuits for employment actions that were made years in the past, perhaps even under different supervision and ownership. However, decisions such as this one and the Fair Pay Act are placing more power in the hands of employees, preventing "that decision was made years ago" reasoning from allowing discriminatory practices to persist unchecked in the workplace.

As a result, you now must be even more mindful of the present-day impact of policies and practices that may have been developed years ago. The continued use of potentially discriminatory practices not only opens up liability to each new employee or applicant who comes under the decision but also repeatedly extends the statute of limitations for past applicants and employees already affected by the practice or policy.



African American Studies and Research Program, Human Development Institute, Graduate Program in Rehabilitation Counseling and Chi Sigma Iota

Present

Pramila Balasundaram

(Founder-Director of SAMADHAN, an organization for children with intellectual disabilities and their families in New Delhi, India)

Towards Inclusive Communities: Experiences in Urban & Rural Settings



Award for Innovation from the World Bank & The Hague, The Netherlands; Vice President of the Asian Federation for the Intellectually Disabled

Friday, September 10, 2010

1:00 pm—3:00 pm

Taylor Education Auditorium

First Floor, Room 158

Pramila Balasundaram's motivation to develop a service delivery system utilizing local rural resources and manpower came from having a niece born with Down syndrome. She founded SAMADHAN in December 1981 with the aim of developing an intervention for children with intellectual disabilities in New Delhi, India. She underwent specialized "hands-on" training sponsored by the Lebenshilfe in Germany. This training helped her to prioritize her focus on families living in poverty in the resettlement areas. She focused her services using women in the community who provide intervention to families in need and technical support originates from SAMADHAN Centers in South and West Delhi, India. Other services include inclusive pre-school education, vocational training, and a mothers' self-help group to promote empowerment in the community. She has collaborated with international organizations such as the International Association for the Scientific Study of Intellectual Disabilities and World Vision. Pramila has presented papers at more than a dozen international and regional conferences and her articles have been published internationally.

Registration will be at the door and there is no charge

ODE Now Accepting Nominations for the 2010 Charles W. Anderson Laureate Award



Charles W. Anderson, Jr. joined the Kentucky General Assembly in January 1936 and served five consecutive terms. He became the first African-American Legislator in Kentucky, and the South, sworn into office since the Reconstruction Era. Throughout his tenure, Anderson was the catalyst for legislation guaranteeing opportunities for African-American students and the prohibition of racial discrimination in hiring on public building projects. He dedicated his career to equal treatment, and spearheaded a movement to allow female teachers to keep their positions after marriage. Charles Anderson, Jr. also served as an Assistant Commonwealth's Attorney for Jefferson County in 1946 and culminated his public service in 1960 when he was named as an Alternate United States Delegate to the United Nations General Assembly by the President of the United States. Because of his dedication and commitment to

racial and social issues, the Department of Personnel (now the Personnel Cabinet) created this award in his honor. The Department of Personnel first presented the Charles W. Anderson Award in 1989. Since that time, there have been 55 recipients. Charles W. Anderson, Jr. was a true pioneer and in his honor the Personnel Cabinet is proud to present the Charles Anderson Award for achievements in promoting equal employment opportunities.

AWARD CRITERIA:

- Nominee must be a Kentuckian, either native or adopted.
- Nominee may be either living or deceased.
- Nominee's contribution(s) must directly address socioeconomic issue(s) affecting members of at least one of the seven federally protected classes (race, color, national origin, disability, religion, gender and age). The nominee will be judged based on their achievements over an extended period of time.
- Nomination must specify the level of impact the nominee has made to their community, state or nation.

DEADLINE: October 22, 2010

NOMINATION FORM: <http://personnel.ky.gov/diversity/eo/laureate.htm>

FOR MORE INFORMATION:

Clinton Morris
Office of Diversity & Equality
Commonwealth of Kentucky
Personnel Cabinet
(502) 564-8000
(502) 564-0182 (Fax)
Clinton.Morris@ky.gov

GMMTP Spotlight

Throughout 2010, ODE will be spotlighting current members of the Governor's Minority Management Trainee Program. We appreciate your continued support of these individuals during their journey to become the "leaders they were meant to be."



Darnell Owens

Position: Administrative Section Supervisor

Cabinet/ Agency: Finance and Administration Cabinet

Length of Service: 5.5 years

Educational Background: KSU, Public Admin major, Junior Classification

Community Involvement: South Frankfort Community Board Member, Member of Prince Hall Masons of KY, Member of Phi Beta Sigma Fraternity Inc.

Professional Strengths: MS Access Developer, Cost Accounting (7 + years of exp), Database Application Administration, Policy/Procedure writing

Motto: A Goal Without a Plan is Just a Wish! (Herm Edwards)



Durga Patil

Position: Environmental Engineer Assistant II

Cabinet/Agency: Energy and Environment Cabinet / Department for Environment Protection/ Division for Air Quality

Length of Service: 2.25 years

Education: Masters in Chemical Engineering, Australia; Bachelor in Metallurgical Engineering, India

Community Involvement: Volunteer at Elementary and Middle Schools - coaching with reading and mathematics, volunteer with Sunday school in

local community temple providing cultural education to children, volunteered with group aiding senior citizens to live independently in their own place, volunteered with Girl Scout Troop at camps.

Professional Strengths: Organized, Motivated to take on new challenges, mathematically oriented, strong background and experience in a broad spectrum of chemical and environmental issues.

Motto: "Do not go where the path may lead, go instead where there is no path and leave a trail." ~ Ralph Waldo Emerson

24TH ANNUAL GOVERNOR'S EEO CONFERENCE

SAVE THE DATE

NOVEMBER 9, 2010

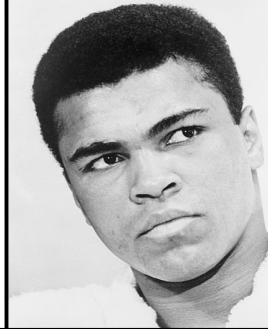
KY TRANSPORTATION CABINET
CONFERENCE CENTER



For More Information:
Office of Diversity & Equality
(502) 564-8000

Quotes

*"Service to others is
the rent we pay for our
room on earth."
- Muhammad Ali*



Contact Information

Office of Diversity and Equality
501 High Street, 1st Floor
Frankfort, KY 40601

Arthur Lucas, Executive Director
Singer Buchanan, State EEO Coordinator
Colene Elridge, HR Specialist III
Clinton Morris, Executive Assistant

502-564-8000

<http://personnel.ky.gov/diversity>