

# SPECTRUM

## Agency Update from the Executive Director

George Santayana wrote, "Those who cannot remember the past are condemned to repeat it." I cannot tell you how often I have heard that phrase, but it came to mind immediately as the Legislature addressed discriminatory restrictive covenants recently. Fortunately, in this particular case, Kansans remembered history and did not want to repeat it. Let me clarify.

Forty-eight years ago, the United States Supreme Court ruled discriminatory restrictive covenants unenforceable in *Shelley v. Kramer*. Even though unenforceable, offensive language in some homeowners association restrictive covenants has remained to this day primarily because the covenants were crafted to make them difficult to remove. For example, some organizational documents required that notices to amend the documents be filed five years in advance of their renewal dates-usually every 20 to 25 years-and that all homeowners must agree to the changes.

Homeowners associations now have a tool in the form of House Bill 2582 to rid themselves of discriminatory language thanks to bill sponsors Rep. Terrie Huntington (R-Mission Hills), Rep. Bill Feuerborn (D-Garnett), and to others. The bill requires homeowners associations to remove discriminatory restrictive covenants from any declaration or other governing document within 60 days of July 1, 2006. The amendments shall not require the approval of members of the association. The House and the Senate unanimously approved the bill, and Governor Sebelius signed it into law on April 19th.

A topic from more recent history that continues to garner well-deserved attention is racial and other profiling. Last year, Senate Bill 77 became a law, prohibiting racial and other profiling in conjunction with traffic stops and giving individuals the right to file profiling complaints with either their local law enforcement agency



William V. Minner  
Executive Director

or the Kansas Human Rights Commission. At the time of Senate Bill 77's enactment, Kansas became the only state providing for the filing and investigation of profiling complaints with an *independent* agency, the KHRC. Continuing the emphasis on this socially significant issue this year, the Legislature and Governor Sebelius extended the Racial Profiling Task Force and further defined their duties. See page 2 for additional information on this subject.

Education is an important component to not repeating history's failings. The KHRC has two important educational initiatives to bring to your at-

ention. First, as detailed on page 5, our public information program recently expanded its training opportunities to Kansas high schools because more teens are entering the workforce. This program teaches younger workers about their rights and responsibilities in the workplace. The program has received a warm reception, training over 1,000 students in the 2006 spring semester. A second, equally important, educational opportunity is the KHRC Employment Law Seminar, scheduled for September 12<sup>th</sup>. This seminar offers in-depth training on current topics and excellent speakers at an economical price. See pages 3 and 4 for further details.

John Gardner said, "History never looks like history when you are living through it." Perhaps that is true, but given the rich civil rights history of Kansas; all of us can appreciate the continued strides Kansans are making through legislative action and educational opportunities.

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## KHRC Sets Date for Law Seminar

The Kansas Human Rights Commission is proud to announce the agency's Employment Law Seminar has been scheduled for September 12, 2006. The seminar will be a one day event that focuses on employment law. There will be seven sessions that will cover such topics as "The FLSA Goes Into Overtime," "Hostile Work

Environment and Retaliation," "Family Medical Leave Act Update," and "Best Practices in Staff Development."

Alan Rupe will serve as the keynote speaker, and his presentation will cover interviewing and hiring decisions.

This year's conference will have six breakout sessions.

These sessions were organized with both employment attorneys and human resource professionals in mind.

Please turn to pages 3 and 4 of this newsletter to find an agenda and registration form for this event. Individuals may also register by calling the KHRC at (785) 296-3206.

## KHRC Commissioners

**Errol V. Williams**

*Chairman*  
Industry, Topeka

**David A. Hanson**

*Vice-Chairman*  
Legal, Topeka

**Beth Bradrick, Ph.D**

Labor, Pittsburg

**Clyde Howard**

At-Large, Manhattan

**Lou Ann Thoms**

Real Estate, Topeka

**Anthony Villegas, Sr.**

Labor, Kansas City

**Jerome Williams**

Industry, Wichita

*By law, the Commission must represent particular areas of the workforce and community. In addition, no more than four Commissioners may belong to one particular political party. The Governor of the State of Kansas appoints all seven Commissioners to serve the Kansas Human Rights Commission.*



Executive Director William V. Minner presents Karen McDaneld with a plaque and gift certificate in honor of her retirement. McDaneld was employed by the Commission for almost 34 years. She served as Office Manager prior to her retirement on May 31, 2006. The presentation was made during a reception at the Topeka office.

## *Racial Profiling: Commission's Role, Law Enforcement Practices and Public Perceptions*

In earlier editions of "The Spectrum", the State's new racial profiling law and the Kansas Human Rights Commission's role in that law have been highlighted. K.S.A. 22-4606 through 22-4611 gives the Kansas Human Rights Commission the duty of investigating complaints and making decisions on whether "probable cause" has been established that racial profiling (as defined by the law) has occurred.

As of the date of this writing, 13 complaints have been received alleging law enforcement behavior meeting the definition of racial profiling. Those cases have resulted in six "no probable cause" findings, one "probable cause" finding, and one case was administratively closed due to failure of the complainant to participate in the investigation. The remaining five cases are in various stages of processing or investigation.

Commission staff have participated in training sessions at the Kansas Law Enforcement Training Center—Hutchinson and the Kansas Highway Patrol Training Academy—Salina, and have facilitated several meetings with law enforcement administrators and officers statewide. Early discussions with law enforcement centered around the policy changes, training and outreach mandated by the statute, and an overview of the Commission's internal procedure for complaints.

The investigations have raised issues concerning the procedure of law enforcement agencies/officers and, just as important, the perception of law enforcement agencies by the

public. Changes in law enforcement procedures in the area of search and seizure have historically been driven by court cases that have either limited or expanded the powers of the law enforcement officer to get the "fruits of crime" into court for prosecution. If a search finds no illegal drugs or other contraband, many agencies fail to mandate documentation of those searches. The passage of the Kansas racial profiling law has made documentation of these "unfruitful" searches more important to the investigation for a charge of racial profiling. Also, just as importantly, documentation of all searches would allow first line supervisors and agency administrators to review the reasons for requests for consent searches and searches from the officer's own probable cause of a crime being committed.

The public perception of law enforcement activities can make or break local law enforcement agencies' efforts to target crime aggressively. The racial profiling law contains requirements of "cities of the first class" to put in place citizen's advisory groups with diverse ethnic/racial composition. Public outreach on the issue of racial profiling is required of all law enforcement agencies. The public expects government processes and procedures to be transparent and reviewable. While some processes and operations must remain "secret" for public and officer safety reasons, the use of diverse citizens' groups with the priority of effective law enforcement to discuss those sensitive operations can allow for a high level of transparency and law enforcement accountability.

# 2006 KHRC Employment Law Seminar

## September 12, 2006

### Holiday Inn West Holidome, Topeka

7:00-8:00 a.m.	<b>Registration</b>	
8:00-8:15 a.m.	<b>Welcome</b>	<b>Ruth Glover, KHRC Assistant Director</b>
8:15-9:45 a.m.	<b>Keynote Address</b>	<b>“Hiring the Best: Interviewing &amp; Hiring Decisions”</b> ..... <b>Alan Rupe</b>
10:00-11:30 a.m.	<b>Breakout Session</b>	<b>“Best Practices in Staff Development”</b> ..... <b>Lisa Kaspar</b>
	<b>Breakout Session</b>	<b>“The FLSA Goes Into Overtime”</b> ..... <b>Rich Olmstead</b>
11:30 a.m. -12:30 p.m.	<b>Lunch</b>	
12:30-2:00 p.m.	<b>Breakout Session</b>	<b>“Serving English Language Learners”</b> ..... <b>Melanie Manares</b>
	<b>Breakout Session</b>	<b>“Family Medical Leave Act Update”</b> ..... <b>Trish Thelen</b>
2:15-3:45 p.m.	<b>Breakout Session</b>	<b>“Hostile Work Environment &amp; Retaliation”</b> ..... <b>Billie Ashton</b>
	<b>Breakout Session</b>	<b>“Mediation of Employment Discrimination Charges”</b> ..... <b>Mike Conley</b>
4:00-5:00 p.m.	<b>Social Reception</b> <b>Meet your fellow attendees and enjoy some appetizers.</b>	

## ***KHRC Employment Law Seminar Registration***

NAME: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

Please enclose the registration form and fee of \$65. The fee includes lunch, appetizers, and conference materials.

Please send payment to: Kansas Human Rights Commission, 900 SW Jackson, 568-South, Topeka KS 66612-1258. To register by phone or to ask for special requests, please contact Beth Montgomery at (785) 296-3206 or (888) 793-6874.

The deadline for registration is August 29, 2006. Registration will be closed after August 29, 2006. There will be no “day of” registration.

There will no refunds for those unable to attend. Conference materials will be mailed to anyone registered that is unable to attend.

Five hours of CLE credit will be available through the KCLEC. Also PHR, SPHR, and GPHR credits have been approved by HRCI.

Please notify the KHRC at time of registration for any accommodations.

# 2006 KHRC Employment Law Seminar

## September 12, 2006

### Holiday Inn West Holidome, Topeka

#### “Hiring the Best: Interviewing & Hiring Decisions”

**Alan Rupe**

Alan L. Rupe, a litigation partner, is a trial lawyer certified by the National Board of Trial Advocacy. Recognized for his distinctive courtroom style, skilled advocacy and personal involvement in his clients' cases, he was recently described by an attorney rating publication as “the best and most effective labor and employment trial lawyer in the state (of Kansas).” He speaks frequently to lawyers on trial tactics and techniques and provides continuing legal education to attorneys and human resource professionals across the United States. He is a regular contributor to *Workforce Management* magazine.

#### “Best Practices in Staff Development”

**Lisa Kaspar**

Lisa Kaspar is the Learning Center Manager for the Kansas Department of Revenue. As Manager of the Learning Center, she directs the design, development, implementation and evaluation of training programs in the areas of software, business applications, and human resources.

#### “Serving English Language Learners”

**Melanie Manares**

Melanie Manares is currently the Limited English Proficiency Access Coordinator for the Kansas Department of Social and Rehabilitation Services and an English as a Second Language Instructor in the Adult Basic Education program in Lawrence.

#### “Hostile Work Environment & Retaliation”

**Billie Ashton**

Billie Ashton is the Enforcement Supervisory Investigator for the Equal Employment Opportunity Commission (EEOC) from the Kansas City Area Office. Ms. Ashton provides training, work shops, and presentations regarding the laws that the EEOC enforces.

#### “The FLSA Goes into Overtime”

**Richard A. Olmstead**

Richard A. Olmstead concentrates his practice in the area of employment and labor law, including the defense of discrimination, sexual harassment and retaliation in violation of Title VII, ADA, ADEA, and comparable state anti-discrimination statutes.

#### “Family Medical Leave Act Update”

**Trisha A. Thelen**

Trisha A. Thelen's practice involves complex litigation, including employment matters, product liability, and other business litigation. Her current focus is in the area of employment litigation representing employers on discrimination.

#### “Mediation of Employment Discrimination Charges”

**Mike Conley**

Mr. Conley is employed as a mediator with the Kansas City Area Office (KCAO) of the Equal Employment Opportunity Commission (EEOC). He has been with EEOC's Alternative Dispute Resolution Program since it was implemented by KCAO in January, 1999.

## Lunch Menu

### A Buffet Style Lunch

**Entrees:** Smoked Beef Brisket  
Roasted Breast of Turkey

**Starches:** Scalloped Potatoes  
Parsley Buttered Red New Potatoes

**Vegetables:** Corn O'Brien  
Homestyle Green Beans

**Dessert:** Apple Cobbler

Garden Salad, Rolls & Butter, Coffee & Iced Tea

Please contact the Kansas Human Rights Commission at the time of registration for any special or dietary accommodations.



Five hours of CLE credit through the Kansas Continuing Legal Education Commission will also be available to interested conference attendees.

## Catherine Walter Hired To Fill Staff Attorney Position

On April 10, 2006, Catherine Walter began her employment with the Kansas Human Rights Commission. Walter, Topeka, was hired to serve as the agency's staff attorney.

Walter, originally from Kingman, served as an Assistant U.S. Attorney for the District of Kansas on a temporary civil assignment prior to her employment with the KHRC.

"We're very fortunate to hire an attorney of the caliber of Catherine," KHRC Executive Director William V. Minner said. "She has a solid back-

ground in dealing with complex legal issues, and with the types of cases that are being filed with the Commission. Her legal expertise will help us immensely in the judicature of these cases."

Walter received her J.D. from the University of Kansas School of Law in 1981. She mediated close to 100 federal cases while in private practice and during her tenure as a part-time U.S. Magistrate Judge and ADR Administrator for the United States District Court for the District of Kansas.



Catherine Walter, Topeka, began serving as Staff Attorney for the Kansas Human Rights Commission on April 10, 2006.

## New Training Initiative Impacts Future Workforce

### KHRC trains more than 1,000 Kansas High School Students on Employment and Diversity Issues

Students across the state of Kansas became a new audience for training by the Kansas Human Rights Commission as a part of a new training initiative.

Many high school students work part-time jobs during their high school years, and then make the transition to full-time employment. The KHRC feels it is important for those individuals to understand their rights as employees and the laws that govern the state's work force.

"This program of training is something that is very important and it's the first time in the history of the Commission that this type of program was initiated," Executive Director William V. Minner said. "It is a very timely program, as the

number of our working youth continues to grow. It's important for our youth to know how to conduct themselves in a work situation and to know their employee rights."

Public Information Officer Jeremy Deckard conducted classes for 13 high schools and 1,060 students during the 2006 spring high school semester.

The classes covered the issues of employee rights, sexual harassment, and diversity. The classes were offered to a variety of student audiences ranging from freshman life skills classes, career exploration classes, and general sessions to seniors and upperclassmen.

The 13 Kansas high schools that participated in the training

were Olathe East, Sacred Heart (Salina), Sabetha, Burr Oak, Dighton, KC Sumner Academy, Kickapoo Nation, Hope, Hill City, Palco, Clearwater, Seaman (Topeka), and Junction City.

"Mr. Deckard has provided our freshman class with a real life lesson in his diversity presentation," Linda Powers, Junction City Life Skills Teacher said. "Not only does it fit our very diverse student population, the material as Mr. Deckard presented it, enhances our career exploration as well."

All of the presentations were offered in power point format and were adapted to the time frame of each session and for the needs and numbers of students attending.

"Our students made comments to me about how it was an interesting presentation and a worthwhile topic," Dave Holloway, Hill City High School Principal said. "It was new information for them and something that I don't think they had been exposed to."

School districts are already beginning to schedule training for the fall semester and the Kansas Human Rights Commission hopes to see an increase in participation.

"We will continue our outreach to achieve a high level of participation, and we have been pleased with the response from the school districts that have engaged in our agency's services," Minner said.

**The Spectrum is a publication of the Kansas Human Rights Commission. Free Subscriptions are available. If you would like to be placed on our mailing list, please contact the Topeka Office. All comments and suggestions are appreciated, and should be addressed to the editor, Jeremy Deckard: (785) 296-3206 or [jeremy.deckard@khrc.state.ks.us](mailto:jeremy.deckard@khrc.state.ks.us). Copies of the Spectrum can be taken from our web site in PDF format. The Spectrum can also be distributed via email in PDF format. If you would like to receive a copy of the Spectrum via e-mail please contact Jeremy Deckard. Visit us on the web at [www.khrc.net](http://www.khrc.net).**

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:Eternal Vigilance is the  
:Price of Freedom  
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