

SPECTRUM

Agency Update from the Executive Director

Without spelling or math homework to oversee, I spent the last few evenings playing “The Game of Life” with my son. As we advanced our cars across the board, I began to realize the game has everything the Kansas Human Rights Commission (KHRC) addresses, absent one important aspect that thousands of Kansans contend with on a daily basis. The game has employment, housing, public accommodations, and even speeding tickets, but there is no discrimination. There are no covert glances as an applicant walks into an interview; no “jokes” about a co-workers race, age, or sex. There are no sub-prime mortgage rates or steering. There is no excessive surveillance as a shopper walks through a store, and no concerns about profiling. Unfortunately, that is not always the case in real life. Kansans, however, continue to act to improve our society on local and state levels.

In our neighborhoods, the Legislature and Governor Sebelius are calling schools to action through the passage of Senate Bill 68. This new law requires district school boards to adopt policies prohibiting bullying. The bill also requires each school district to adopt and implement a strategic plan to address bullying, including a proviso for training and educating staff and students. The harassment and diversity training we provided to over 2,000 students during the most recent school year can be an important action in addressing bullying, although bullying does not fall within our regulatory purview. After all, behavior that is not acceptable at the worksite is certainly is not acceptable in schools. Articles on pages 2 and 5 provide additional information.

The Kansas Human Rights Commission is taking action at the state level. Our Annual Employment Law Seminar is in Topeka, Kansas, on September



William V. Minner
Executive Director

10th. Like our other training programs, the employment law seminar is a proactive action to educate the public in an effort to eliminate future acts of discrimination. As detailed below and on pages 3 and 4, the seminar provides in-depth training and excellent speakers at an economical price.

Also at the state level, the Kansas Human Rights Commission continues to expand its public information program with 5,816 individuals trained in fiscal year 2007, a 16 percent increase over fiscal year 2006. The most popular program was “Sexual Harassment”, followed

by “Diversity: Food For Thought”. In addition, we recently added “Diversity Advantage” as a training option. This presentation includes a video and PowerPoint presentation, which can be used as a stand-alone program for managers and supervisors or as a follow-up to the “Diversity: Food For Thought” program. These presentations are available without charge.

“Life” is not just a game to be played on a summer evening. Actions encountered on a daily basis, including discriminatory ones, can have a life-long impact. Barbara Hall wrote, “The directive in life, the moral imperative was so uncomplicated. It could be expressed in single words, not complete sentences. It sounded like this: Look. Listen. Choose. Act.” That is exactly what the Kansas Human Rights Commission and Kansans are doing. Looking and listening, choosing a path, and acting to improve our society.

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2007 Law Seminar Registration

The Kansas Human Rights Commission is proud to announce that registration for the 2007 Employment Law Seminar has begun. The seminar will be a one day event on September 10, 2007, that focuses on employment law. There will be eight sessions that will cover such topics as electronic communications, hostile work envi-

ronment, and age discrimination.

Billie Ashton and Rich Olmstead will serve as keynote speakers with presentations covering disability discrimination and the Family Medical Leave Act.

This year’s conference will have six breakout sessions.

These sessions were organized with employment attorneys, human resource professionals, legal assistants, paralegals and others 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

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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.



LEARNING ABOUT THEIR RIGHTS: Junction City High School students listen to the "Know Your Employee Rights" presentation provided by KHRC Public Information Officer Jeremy Deckard. 385 students at Junction City attended these sessions in March 2007. (Photo courtesy of *The Blue Jay Photography Staff*)

Presentations for Students Focus on Workplace Issues

Educating the future workers of Kansas is the primary goal of the high school training offered by the Kansas Human Rights Commission. Since January of 2006, the KHRC has provided classes for over 3,000 Kansas high school students at 28 schools over the topics of employee rights, sexual harassment, and diversity.

Twenty Kansas high schools participated in this training during the 2006-2007 school year.

"We felt that the training Mr. Deckard provided was very beneficial to our business students," said Tracy Holzem, Labette County High School Business Instructor. "We also felt like this is training that the school needs to be receiving and we look forward to him coming back to train our school as a whole, including students and teachers."

Junction City High School was one of the first schools to participate in the program and has had the Kansas Human Rights Commission provide sexual harassment and diversity training to its last two freshman classes.

"I learned a lot from the presentation on discrimination and sexual harassment. It helped me realize that a joke to me could be offensive to others," said Kayla Soper, Junction City High School freshman. "I also thought discrimination was just about race, but I learned people can file complaints in many different types of discrimination such as sex, religion, and age."

"I believe that what Mr. Deckard taught was relevant to the student body. I'm pretty sure that I have offended someone, and now I can take the neces-

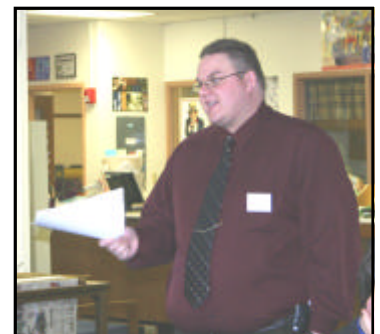
sary steps to prevent it from happening again," said Lacy L. Whitten, Junction City High School freshman.

Training can also be provided to faculty and staff. Hays High School and Peabody High School each had the KHRC provide training for their faculty members during the 2006-2007 school year.

"The presentation on diversity was outstanding. Mr. Deckard's wit and presentation kept everyone's attention on the overlooked types of prejudice," said Mary Brown, Peabody High School Principal. "We will definitely have him return for additional training. Do your staff a favor and have Jeremy speak with them."

"This training helped create an atmosphere of respect and integrity amongst our staff and students that we experienced throughout the school year," said Michael Hester, Hays High School Principal.

High school staff members interested in this training may contact Jeremy Deckard by phone at (785) 296-3206 to schedule such sessions.



EMPLOYEE HANDBOOKS:

Public Information Officer Jeremy Deckard emphasizes the importance of knowing what is in your employee handbook during a presentation to Junction City High School Students. (Photo Courtesy of *The Blue Jay Photography Staff*.)

2007 KHRC Employment Law Seminar

September 10, 2007

Holiday Inn Topeka Holidome, Topeka

| | | | |
|------------------------|------------------|--|-------------------|
| 8:00-8:30 a.m. | Registration | | |
| 8:30-8:55 a.m. | Welcome | KHRC Assistant Director | Ruth Glover |
| 9:00-10:00 a.m. | Keynote Address | “Disability Issues: Case Update” | Billie Ashton |
| 10:30-11:30 a.m. | Breakout Session | “Electronic Communications: Policies and Legal Update” | Timothy Davis |
| | Breakout Session | “Hostile Work Environment Harassment” | Wyatt Wright |
| 11:30 a.m. -12:25 p.m. | Lunch | | |
| 12:30-1:30 p.m. | Breakout Session | “Case or No Case: Employment Discrimination” | Vaughn Burkholder |
| | Breakout Session | “Preparing for ADR in Employment Cases” | Katherine Kirk |
| 1:45-2:45 p.m. | Breakout Session | “Investigations of Harassment & Discrimination” | Shelly Freeman |
| | Breakout Session | “Age Discrimination: Case Update” | Stacia Boden |
| 3:15-4:15 p.m. | Keynote Address | “Family Medical Leave Act Update” | Rich Olmstead |

KHRC Employment Law Seminar Registration

NAME: _____ EMPLOYER: _____

PHONE: _____ ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____ E-MAIL: _____

Please send the registration form and fee of \$65 to the 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 fee includes lunch, snacks, and conference materials.

The deadline for registration is August 31, 2007. Space is limited and therefore registration could end prior to August 31. There will be no “day of” registration. There will be no refunds for those unable to attend. Conference materials will be mailed to paid registrants unable to attend.

CLE credit will be available through the KCLEC. Also PHR, SPHR, and GPHR credits have been approved by HRCI. Legal assistants can submit for CLAE credit through NALA.

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

2007 KHRC Employment Law Seminar

September 10, 2007

Holiday Inn West Holidome, Topeka

**“Disability Issues:
Case Update”**
Billie Ashton

Ms. Billie Ashton is the Area Director for the Equal Employment Opportunity Commission (EEOC) for the Kansas City Area Office. Prior to becoming a Director, she was a Senior Investigator where she investigated claims of discrimination.

**“Hostile Work
Environment Harassment”**
Wyatt Wright

Wyatt Wright is a partner with Foulston Siefkin LLP, Wichita. Mr. Wright represents employers in a variety of employment law and litigation matters. His practice includes civil rights litigation under various federal, state and local employment discrimination statutes.

“Preparing for ADR in Employment Cases”
Katherine Kirk

Katherine Kirk has spent a great amount of time championing the use of ADR in Kansas. She was the first Director of Dispute Resolution in the state of Kansas and helped develop the rules and regulations for mediators as well as training hundreds of individuals in the effective use of ADR.

**“Age Discrimination:
Case Update”**
Stacia Boden

Ms. Stacia Boden is an associate with Kutak Rock LLP. She practices in the litigation and labor and employment practice groups in the Wichita, Kansas office. Her practice focuses on the representation of clients in all areas of employment disputes, including allegations of discrimination, harassment and retaliation.

**“Electronic Communications:
Policies and Legal Update”**
Timothy Davis

Timothy A. Davis serves as a Managing Member for Constangy, Brooks and Smith LLC. Davis has concentrated his practice in the area of labor and employment law in the exclusive representation or management since 1992.

**“Case or No Case:
Employment Discrimination”**
Vaughn Burkholder

Vaughn Burkholder is a partner with Foulston Siefkin LLP, Overland Park. Mr. Burkholder represents employers in court and administrative proceedings involving ADA, FMLA, harassment, discrimination, wrongful termination, and workers compensation.

“Investigations of Harassment & Discrimination”
Shelly Freeman

Shelly L. Freeman is the President of HROI, a wholly-owned subsidiary of the law firm of Lathrop & Gage, L.C. HROI provides HR legal advice, management consulting and training on a full range of HR issues.

“FMLA Update”
Rich 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.

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.



Six hours of CLE credit through the Kansas Continuing Legal Education Commission will also be available to interested conference attendees. Legal Assistants can submit for CLAE credit through NALA.

Legislation Requires School Boards to Address Bullying

Recent legislation passed in Kansas is shining a spotlight on bullying in schools.

Senate Bill 68, passed during the 2007 legislative session, requires district school boards to adopt policies prohibiting bullying on school property, in a school vehicle or at a school-sponsored activity.

This bill also requires school districts to adopt and implement a strategic plan to address bullying.

Senate Bill 68 also requires the State Board of Education to assist any school district deciding to offer grade-appropriate curriculum for character development programs.

"It's unfortunate that we have people who want to bully others, regardless of age," said Dale Dennis, Kansas Department of Education Interim Commissioner. "We are provid-

ing an extensive amount of information on bullying on our web site that can be used to assist schools in creating anti-bullying policies."

The Kansas Association of School Boards, a private organization which offers legal assistance and programs to its member districts, also plans to assist in the implementation of this new law.

"The bill is an excellent way to wake people up and help them to recognize the impact of bullying," said Pat Baker, Deputy Executive Director and General Counsel, Kansas Association of School Boards. "We think schools are already having success in addressing the issue of bullying. However, our organization is working to put together programs to further assist students and staff in how to recognize bullying. Currently we are de-

veloping policies which we will distribute to all school districts in the state, which if adopted would bring them in compliance with the law," said Baker.

Membership in the Kansas Association of School Boards is voluntary, and the organization is planning on hosting a workshop to address programs that focus on behavior that could be considered bullying.

"We will hold at least one seminar on September 27, 2007. We are encouraging schools to send teams of individuals who will assist in implementing programs throughout the state," said Baker.

The Kansas Human Rights Commission began its current high school training program as a result of an inquiry based on possible teasing and bullying in December of 2005.

"I initially called the KHRC

because I felt that our students needed to be prepared for the workplace and that harassment and bullying issues needed to be discussed," said Sherri Kelly, Sacred Heart High School Counselor.

While the KHRC can not investigate allegations of student-to-student harassment, or bullying, the presentation provided correlates current behavior and how it can impact future behavior in the workplace.

"The training has been well received by our students. The presentation is clear and concise. It meets our needs. I feel our students are well-informed after this presentation. Our students continue to talk about these issues and how they relate to their jobs and our school atmosphere," said Kelly. "It has been so successful that we plan to continue this training every year."

Legal Update: Recent Cases of Interest

Time for Filing Charges of Discriminatory Pay Tightened

In Ledbetter v. Goodyear Tire & Rubber Co. (2007), the U.S. Supreme Court addressed the time limits for filing an administrative EEOC charge in a Title VII action for discriminatory pay. The five-Justice majority rejected the argument that each paycheck which fosters a discriminatory pay decision is a separate act of

discrimination. Rather, it is the precise date the discriminatory pay-setting decision is made which starts the countdown for filing the EEOC charge.

The dissenting opinion would include "paychecks perpetuating past discrimination" as additional dates triggering the administrative filing deadline "because they discriminate anew each time they issue." The dissent characterized the majority decision as "a

cramped interpretation of Title VII (and) incompatible with the statute's broad remedial purpose." Congressional debate was invited and is expected.

Age Discrimination Focus of Settlement

Mass layoffs by Sprint beginning in 2001 precipitated a number of lawsuits. One of these, Williams v. Sprint/United Management Co., D.Kan. Case No. 03-2200-JWL, reached a tentative settle-

ment on behalf of 11 named plaintiffs and over 1,500 other employees joining the age discrimination action. The \$57 million settlement, preliminarily approved by the court, has been reported as the second largest age discrimination settlement in recent years. The key allegations of the lawsuit are that Sprint selected employees for reduction-in-force terminations based on their age by manipulating evaluations and transfer decisions.

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. 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.

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Eternal Vigilance is the
Price of Freedom

**"Education makes a people
easy to lead, but difficult to
drive; easy to govern, but
impossible to enslave."**

—William Blake

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