

SPECTRUM

Agency Update From The Executive Director

Frequently time can't pass quickly enough, like when our team is just ever so slightly ahead and the game clock is ticking down. In other situations, time passes without us even noticing, as evidenced by the first crocuses of spring surprising us by peeking through a winter's snow.

All of the above came to mind as I was standing in the grocery store checkout line and observed the following scene: a woman in a motorized wheelchair in front of me, a woman using sign language to converse with her daughter behind me, and an individual with a service dog in a nearby corridor. Has time crept slowly or sped by waiting for passage of the Americans with Disabilities Act Amendments Act (ADAAA)?

Page 4 outlines the ADAAA, which President Bush signed on September 25, 2008 and became effective on January 1, 2009. The new Act

makes important changes to the definition of "disability" by overturning several Supreme Court decisions and portions of the EEOC's ADA regulations, and changes the way several statutory terms should be interpreted.

Time occasionally affords us a once in a lifetime opportunity. We had that special chance when we recognized seven inaugural James E. Butler Civil Rights Award recipients whose outstanding support and service to the Commission have contributed to the cause of civil rights and enforcement of Kansas laws prohibiting discrimination. The award honors the legacy of former KHRC Chairman James E. Butler, as well as marking the 55th anniversary of the Kansas Act Against Discrimination, which made Kansas the twelfth state with an anti-discrimination law.

Time is often used to mark achievements or as a measuring



William V. Minner
Executive Director

stick. We are proud the KHRC continues to excel in a variety of areas over the past several years and in the most current fiscal year.

First, there is an article about the success of our high school training program. With an increase in young people entering the workforce and a corresponding increase in the number of complaints filed by young workers, we initiated a high school training program in January 2006. Since that time, we have trained over 6,000 high school students about their

rights and responsibilities in the workplace. Read on page 3 about Junction City High School's beneficial experience.

Pages 1 and 4 provide information about the KHRC's most recent and upcoming employment law seminars. We are pleased the seminar in September 2008 set a record of more than 240 attendees, continuing a trend of increased participation in recent years. With changes in disability rights and FMLA regulations, you will want to reserve September 9, 2009 to attend the seminar.

Page 5 outlines a variety of KHRC accomplishments from complaints filed, to monetary recoveries, to participation in nationally recognized seminars, to an increase in overall training efforts.

The KHRC's exceptional performance through time has been documented in this issue of the *Spectrum* and will continue in the future.

INSIDE THIS ISSUE:

'08 Butler Awards	2
Glover Honored	3
School Diversity	3
ADA Amendments Act	4
FY 2008 Numbers	5
Agency Briefs	5

Date For Employment Law Seminar Set

Attorneys, human resource professionals, and others should mark their calendars as the Kansas Human Rights Commission (KHRC) has set the date for the 2009 version of the KHRC Employment Law Seminar. The one-day conference will take place on Wednesday, September 9, 2009, at the Capitol Plaza Hotel Maner Conference Center.

Last year's conference was attended by more than 240 peo-

ple. This one-day event will utilize expert presenters on a variety of topics that deal with employment law. This conference is usually attended by human resource personnel, attorneys, and others who specialize in employment law. The agency anticipates that CLE, PHR, SPHR, and GPHRA credit will be available for those in attendance.

Topics and speakers for the

seminar will be announced in the Summer 2009 edition of the *Spectrum*, which will also include registration information for the conference.

The seminar will cover topics that are timely. Topics that have been covered the last two years include intellectual disabilities, age discrimination in employment, hostile work environment and retaliation, as well as case updates on legal issues.

KHRC Commissioners

Lou Ann Thoms

Chair
Real Estate, Topeka

Terry Crowder

Labor, Topeka

David Hanson

Legal, Topeka

Clyde Howard

At-Large, Manhattan

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.

James E. Butler Awards

The Kansas Human Rights Commission recognized seven individuals by awarding each the James E. Butler Civil Rights Award on September 14, 2008. Alyce Hayes Brown, Brenda C. Jones, Anthony Lopez, and Robert Lay were all served as former commissioners.

The recipients of the inaugural awards were Charles S. Arthur, Jr., Alyce Hayes Brown, Brenda C. Jones, Sherman Jones (Posthumous), Robert G. Lay, Anthony Lopez, and Charles S. Scott, Sr. (Posthumous).

Charles Arthur and Sherman Jones were state senators who both showed profound support for the Commission. “Having the Commission recognize this group of distinguished individuals makes the point that we remember the events of the past and how these individuals helped to chart the Commission’s monumental achievements in addressing discrimination in this state,” said William V. Minner, Executive Director.

James E. Butler Civil Rights Award 2008 Recipients

- Charles S. Arthur, Jr.
- Alyce Hayes Brown
- Brenda C. Jones
- Sherman Jones (Posthumous)
- Robert G. Lay
- Anthony Lopez
- Charles S. Scott, Sr. (Posthumous)



Honored: Anthony Lopez was honored at the October Commission meeting.

Agency Honors James Butler’s Name

The KHRC in 2008 created the James E. Butler Civil Rights Award to recognize individuals whose outstanding support and service to the Commission had contributed to the cause of civil rights and enforcement of Kansas laws prohibiting discrimination.

Butler who resides in Manhattan served on the Commission from 1979-2008. The award was created to honor his legacy as well as to celebrate the 55th anniversary of the Kansas Act Against Discrimination, which was enacted in 1953.

“Our former Chairman James Butler is a jewel. His activities within this Commission mirrored our motto and mission,” said William V. Minner, Executive Director.



Butler Award Winners: A reception took place on September 14, 2008, to honor the 2008 James E. Butler Civil Rights Award winners. Pictured Above: (L to R) Charles Arthur, Alyce Hayes Brown, Brenda C. Jones, Amelia Jones, Robert Lay, and Charles Scott, Jr.

Glover Honored By The KHRA As 2008 Member Of The Year

The Kansas Human Relations Association (KHRA) named Ruth Glover, Kansas Human Rights Commission (KHRC) Assistant Director as their 2008 Member of the Year.

Glover was recognized for the award at the 2008 League of Kansas Municipalities Annual Conference on October 13, 2008, in Wichita. She was also recognized in the October 2008 Volume of the Kansas Government Journal.

Glover has been an active member of the KHRA since February 2005. Glover has unofficially reinvented the role of Legislative Liaison for the

group. She supplies the KHRA with information about legislative activity related to human relations subject matters, including racial profiling, restrictive covenants, landlord/tenant, sexual orientation, English only legislation, and the Americans With Disabilities Act.

The goal of the KHRA is “to collect and disseminate information for persons engaged in the improvement of equal opportunity.” Glover has collected and provided much information for the KHRA in her regular legislative updates to the group, and her data collection efforts provide a valuable

resource to member cities.

Glover has served as Assistant Director since November 2004.

“This is an award that was well deserved,” said William V. Minner, Executive Director. “Ruth Glover works very hard. She is conscientious about representing the Human Rights Commission in a professional manner and is very conscientious about forming liaisons with groups that are engaged in similar work. This agency has a good record of supporting human and civil rights in Kansas and we congratulate Ruth on a job well done.”



Ruth Glover
2008 KHRA Member of the Year

Junction City High School Student Body Learns About Diversity

The Human Rights Commission Continues To Offer Training To High School Students Across Kansas

In January 2006, the Kansas Human Rights Commission began offering training on the topics of sexual harassment and diversity for high school students across the state. Since January 2006, the KHRC has had more than 6,000 high school students participate in training.

Junction City High School (JCHS) was one of the first schools to participate, and has participated every subsequent year. JCHS has their entire communications department participate in this training. That includes all freshman students and upper class students new to the district enrolled in the required communications classes.

On November 3-6 2008, 435 students from the Class of 2012 participated in Diversity Training. With the conclusion of that training, training has now been provided for more than 1,400 students on the topic of diversity at JCHS, which includes students from the sen-

ior though freshman classes. This training takes place in November of every year and is conducted by Public Information Officer Jeremy Deckard.

Junction City High School also has the KHRC provide “Know Your Employee Rights” training each spring. This class deals with the legal consequences of an employee’s behavior in the work place, including issues of sexual harassment.

“These topics perfectly align with the state mandate concerning bullying,” said Linda Powers, Communications Teacher. “Though there is no empirical data to support my opinion, I believe that Mr. Deckard’s training has had a positive effect on our student body, because the students now know the rights of others and the consequences of their own behavior, at least on the work force level. Since we are a career academy structure, this seems so appropriate while

students move out into the work world.”

Students’ reactions to the training would suggest that they have an overall better understanding of diversity.

“I think the diversity training helped a lot of us realize that it is good to be different and it makes us more unique, and that’s okay. If we get to know other people who are different from us, we can learn things about their culture which can benefit us later in life,” said Chandler Custer, JCHS Freshman.

Al Kirtley, a Communication Teacher at Junction City High School, summarized why the training was provided to the freshman class and communications students.

“Jeremy’s presentation is valuable for our students. It starts the freshmen thinking about what it may be like when they get a job. They start to realize there is more to a job than just going to work and

putting in their time,” said Kirtley. “When you combine this presentation with the one in the spring, our students begin their work careers with information that many of their older co-workers do not know.”

Junction City High School is a 6A High School and has on average 1,500 students a year.

“During Mr. Deckard’s presentation on diversity, I learned the true value diversity. Learning that we in Junction City are lucky to live in the diverse, but welcoming city that is JC. He made me appreciate it,” said Rachel Malone, JCHS Freshman.



ADA Amendments Act

On January 1, 2009, the American With Disabilities Amendments Act took effect, after being signed into law in September 2008.

This Act expands the interpretation of the Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against disabled employees or job applicants. The Amendments expands the interpretation of the ADA's coverage and the definition of what disabilities are covered under the Act.

The ADA covers all private employers, state and local governments, and educational institutions that employ 15 or more individuals.

The ADA Amendments Act expanded the definition of a

“major life activity.” An extensive list of tasks that constitute “major life activities” is provided by the ADA Amendments Act. Activities listed, but not limited to, include walking, standing, lifting, reading, learning, thinking, and also includes the operation of major bodily functions.

The Amendments Acts states that mitigating measures other than ordinary eyeglasses or contact lenses shall not be considered in assessing whether the individual has a disability.

The Amendments Act also directs the Equal Employment Opportunity Commission to revise regulations defining “substantially limits”. Visit the web site www.eeoc.gov for more information.

Legal Reference Guide

A list of Employment Laws and each law's Enforcement Agency

- Kansas Act Against Discrimination: **KHRC**
 - Kansas Age Discrimination in Employment Act: **KHRC**
 - Kansas Wage Payment Law: **KDOL**
 - Kansas Minimum Wage & Overtime Law: **KDOL**
 - Kansas Child Labor Law: **KDOL**
 - Civil Rights Act of 1964 (Title VII): **EEOC**
 - Americans With Disabilities Act Amendments Act: **EEOC**
 - Equal Pay Act of 1963: **EEOC**
 - Family Medical Leave Act: **DOL**
 - Fair Labor Standards Act: **DOL**
- Kansas Human Rights Commission (KHRC)**
Equal Employment Opportunity Commission (EEOC)
U.S. Department of Labor (DOL)
Kansas Department of Labor (KDOL)

Record Numbers Participate In '08 Law Seminar

More than 240 people participated in the 2008 KHRC Employment Law Seminar, which took place on September 3, 2008, at the Capital Plaza Hotel's Maner Conference Center in Topeka.

“We had another successful conference and we continue to attract large audiences. It has become the seminar to attend for Human Resource staffs from various businesses,” said William V. Minner, Executive Director. “It's a seminar where attendees can come and refresh their knowledge of practices in compliance with

state and federal requirements. Of course we could not have such a successful conference without Jeremy Deckard who each year takes it to another level.”

Eight speakers from across the state covered a variety of employment law topics which included: “Religious Accommodations In The Workplace: A Case Update,” “Protecting Confidential Employment Information,” and “Best Hiring Practices And Discrimination In Hiring.”

“This seminar is a great value,” said Diane Collins, HR

Director, Leavenworth County. “It was difficult to decide which breakout sessions to attend; they were all excellent topics.”

Attendance at the KHRC Employment Law Seminar has increased every year since 2005. The number of individuals who attend on a yearly basis have also increased.

“Our HR staff, administrative support included, has attended the conference for three years. It is becoming an office tradition,” said Dee Lowe, Human Resource Director, (State) Adjutant General's Department.

“The most striking differences that set this conference apart from other training is that it brings in a variety of attorneys who specialize in specific aspects of employment law, showcases the most current hot topics, and provides numerous examples of actual cases.”

The 2009 KHRC Employment Law Seminar is scheduled for September 9, 2009.

“I haven't found another seminar that provides the value for my city's training dollars that this one does,” said Melissa Fairbanks, HR Director, City of Ottawa.

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 are available in PDF Format at our website of www.khrc.net. 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.

Agency Briefs

KHRC/KBA "Super Phone CLE Seminars"

For the second consecutive year, the KHRC partnered with the Kansas Bar Association to conduct four "Super CLE Phone Seminars" in the month of October. These four seminars had a total of 46 participants. All four seminars took place over the lunch hour and the presenters were attorneys who had presented at the KHRC Employment Law Seminar in September.

Fischli Serves As Panelist At NACOLE

Profiling Administrator, Rick Fischli, served as a panelist at the National Association on Civilian Oversight of Law Enforcement Conference. Fischli discussed Kansas' Racial and Other Profiling Law and the KHRC's investigation role during the concurrent session "Successful Strategies for Combating Racial Profiling." The conference took place in Cincinnati, Ohio, in October.

Disability Training

On October 28, 2008, the Kansas Human Rights Commission Investigative and Intake Staff participated in Disability Training conducted by the agency's supervisory staff. Topics that were covered included "Resolving ADA Workplace Questions" and "ADA Performance Standards and Conduct."

Comparing The Numbers....

Total Complaints Increase In FY 2008; Recoveries Over \$600,000

The Kansas Human Rights Commission is constantly striving to provide the public with information concerning the agency's progress.

In fiscal year 2008, the total number of complaints filed with the agency increased while recoveries that were made for complainants

exceeded \$600,000. Over the last three fiscal years 2,815 total complaints have been filed with the agency, while monetary recoveries have totaled \$2,193,903.

The monetary recoveries total does not include the value of positions or jobs that may have been obtained by

the Commission for complainants, nor does it include other non-monetary remedies.

If an individual feels that they have been discriminated against in the areas of employment, public accommodations, housing, or racial and other profiling, they should contact the KHRC and speak with an intake specialist.

TOTAL COMPLAINTS FILED FY 2006- FY 2008

FISCAL YEAR	COMPLAINTS
2008	918
2007	821
2006	1,076
THREE YEAR TOTAL	2,815

MONETARY RECOVERIES MADE FY 2006- FY 2008

FISCAL YEAR	RECOVERIES
2008	\$685,601.00
2007	\$581,018.00
2006	\$927,285.00
THREE YEAR TOTAL	\$2,193,904.00

KHRC Training Efforts Increase

The Kansas Human Rights Commission set a new training record for the number of participants trained during a state fiscal year. The KHRC Public Information Program conducted 279 hours of training for 7,423 participants in FY 2008.

The chart on the right breaks down the Commission's training efforts over the last three fiscal years.

FISCAL YEAR	2006	2007	2008
High School Students	1,060	2,228	1,765
State Employees	1,417	464	879
Other Employees	2,528	3,124	4,779
Total	5,005	5,816	7,423

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Eternal Vigilance is the
Price of Freedom

"Leadership and learning
are indispensable to
each other."
—John F. Kennedy

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