

# Administration & Finance Section

## e-communicqué

Autumn 2002

### From the Chair

By: Craig Combs

Hello everyone! I hope this E-newsletter finds you doing well. By the time you receive this, cool weather and football have arrived. Thank God for cooler weather and football! I was really getting sick of listening to those millionaires complain about how they don't get paid enough to play baseball.

If you're like me, since my trip to the Nation's Capitol, I've been busier than a one-legged man in a #&\* -kicking contest. It seems like all my important responsibilities (you know.... making sure we have



toilet paper, the Coke machine is filled; the really important stuff) are like pesky mosquitoes buzzing around my head and I can't get rid of them. I need a seminar on time management. Maybe that would be a good seminar subject, what do you think?

Speaking of being busy, I want to thank Trudy Levindofski and Greg Derwart for sacrificing their time to put this newsletter together. They've done a great job! I also want to thank Charlie Lorenzetti, Rick Bannister, Julie Armstrong, Kari Hartman, Linda Oligschlaeger, and Greg Derwart, for their work in putting together the Technology Show for Seattle. Seattle should be fun. If you've ever been there, you know it's a "cool" city.

Please mark your calendars for the NABE Midyear meeting and come out early Monday, February 3, 2003. Join us as we take a trip to

Redmond, a suburb of Seattle, to visit the Microsoft Museum and listen to remarks from a Microsoft Representative. In case you're wondering, I requested Bill Gates but, amazingly enough, he's not available (maybe we can get the janitor). Anyway, our plan is to have some fun Monday and Tuesday as we focus on how we can better use the latest, greatest technology. Watch your mailboxes for more information on this in the coming months.

I've just received a call that one of our fax machines is not working, my President wants to spend money that's not budgeted, our investments are sucking air and one of my staff is taking too many "breaks"! As a friend of mine once told me "when things start going bad, just take a deep breath... and leave the building!"

I'm outta here!



#### Section Leadership 2002-2003

Craig Combs, *Chair*  
Fred Parker, *Vice-Chair*  
Helen Druce, *Secretary*  
Allen Kimbrough, *Treasurer*

#### Council Members

Rick Bannister  
Dana Collier Smith  
Greg Derwart  
Kari Hartman  
Trudy Levindofske

Donna Fouste, *Immediate Past Chair*

## The Morning America's Workplace Changed

### EEOC lends a helping hand to America's workforce

By: Cari M. Dominguez

Most of the people who lost their lives during the September 11<sup>th</sup> terrorist attacks had one thing in common—they were at work. Whether these victims were unsuspecting airline passengers traveling on business, firefighters who sacrificed their lives in the line of duty, attorneys, secretaries or investment bankers, the loss of these workers struck the heart of our workplace, forever changing the way America lives and earns a living.

Today, the after-effects of 9/11 still reverberate across our country, from Wall Street to manufacturing plants in rural America. Employers continue to ratchet up workplace safety and diversity policies. Many employees are shifting work-life priorities, taking lower-paying, less stressful jobs to enjoy more family time. Employee volunteerism has also skyrocketed by an astounding eighty-nine percent, according to an American Society of Association Executives (Association Management) workplace survey.

As the nation's civil rights law enforcement employment agency, the Equal Employment Opportunity Commission (EEOC) was profoundly affected by this painful stroke of history, causing the Agency to re-evaluate and strengthen our anti-discrimination measures.

On September 10<sup>th</sup>, I was at our New York District

Office, located in Tower Seven of the World Trade Center, announcing a glass ceiling case against a major Wall Street firm. Less than twenty-four hours later, one of our largest field offices lay among the rubble of Ground Zero. Fortunately, our employees were all safely evacuated and they have united in an extraordinary front to keep our office running in the spirit of President Bush's request to "get America back to work."

While the majority of America's workers have also joined the fight against terrorism, the Commission has observed a spike in backlash discrimination, alleged by workers who are or who are perceived to be Arab Americans (i.e., Muslim, Middle-Eastern, Afghan, or Sikh). To identify trends and monitor charges of backlash discrimination in the workplace, the EEOC created a special CODE Z tracking system. Since September 11<sup>th</sup>, we

have received 577 formal complaints involving incidents specifically related to the attacks.

Of those, termination is an issue in over half of the charges; harassment was raised in over one-third of these complaints.

We have also seen a surge in religious-based charges. Muslims have filed 610 discrimination complaints for harassment and wrongful terminations, nearly triple the

amount received during the same nine-month period last year. Charges involve both private and public employers, mostly occurring in retail and service industries with less sophisticated human resources practices, such as restaurants and manufacturing facilities. States with the highest numbers of reported incidents include California, Texas, Michigan, Illinois, Arizona, and Florida, accounting for 150 of the post-September 11<sup>th</sup> cases.

Religious/ethnic charges generally represent about two percent of the 80,000 charges we receive annually. This percentage may seem like a watermark in this ocean of complaints, but September 11<sup>th</sup> has spurred the agency to take an unprecedented stand against this type of discrimination. From our headquarters in Washington, D.C., to our fifty-one field offices in every state, we have launched a massive grassroots outreach campaign to educate ethnic and cultural groups about their rights. We have also translated fifteen of our publications, including EEO Posters, Facts Sheets on National Origin Discrimination, and an Immigration Rights brochure, into Arabic.

The EEOC has partnered with the media (cable television, print, and radio), urging employers to enforce their anti-discrimination and harassment policies and do everything within their power to prevent the singling-out of employees. On our website, we posted the

*continued on page 3*



## EEOC lends helping hand

*Continued from page 2*

fact sheet Discrimination Based on Religion, Ethnicity, or Country of Origin, which explains that U.S. law prohibits harassment or any other employment action based on factors such as affiliation (or the perception of affiliation) with a particular religious or national origin group, or physical or cultural characteristics.

The EEOC has also coordinated with other principal civil rights agencies in the departments of Justice and Labor to issue joint press statements to ensure that the federal response to backlash discrimination is uniform and strong. As chair, my first official Commission meeting was devoted to the topic of employment discrimination in the wake of September 11<sup>th</sup>. The Commission heard testimony and recommendations from Arab, Muslim, Sikh, Middle Eastern, and South Asian panelists who relayed incidences of workplace discrimination involving job termination, discriminatory policies, hostile work environments, and ethnic slurs. This panel not only illuminated the backlash issue; it helped us humanize each case by seeing it through the eyes of its victims.

One personal account came from a Muslim man from a technology firm who was questioned by a colleague about his laptop screensaver featuring the World Trade Center. He responded that he had downloaded his screensaver shortly after the attacks as a memento of the city skyline he so admired. Shortly thereafter, he was summoned to his supervisor's office

and asked to turn in his keys, laptop, and security clearance, and told to never return. When asked what was happening, he was told he was now considered a security risk to the company and was being terminated.

The EEOC will continue to monitor charges and educate communities nationwide because we believe that the rights of every American are sacred, regardless of race or gender.

While we live in a rapidly changing, unpredictable world, one constant remains: For the EEOC, racial discrimination is no more lawful today than it was prior to September 11<sup>th</sup>. The Commission alone cannot enforce the laws as passed by Congress. We need partners who sincerely believe in the president's inaugural pledge to "build a single nation of justice and opportunity."

That single nation of justice and opportunity is in each of us. I was recently presented with the EEOC plaque that had hung in the front hall of our New York Field Office. It had been discovered by a retired fireman sifting through the Ground Zero rubble last October. He hit a large piece of burned and cracked metal, dug up the seventy-five pound bronze plaque, wiped it off, and read the partial inscription: "Equal." A security officer told him to put it in a dumpster. Later that



day, he saw the plaque in the trash and vowed to return it to its rightful owner. After a series of telephone calls, the firefighter found us. In March, we had a special ceremony where he brought the emblem back to our home office, to hang in perpetuity in a place of honor. There was not a dry eye in the room.

At the EEOC, are called to protect and preserve the American promise of equal employment opportunity. With the support of organizations like the Bar Association of San Francisco, we are keeping that promise alive for today's workers and the generations to come.

*Cari M. Dominguez is Chair of the U.S. Equal Employment Opportunity Commission (EEOC). This article was originally published in San Francisco Attorney magazine's August/September 2002 issue. Copyright: Bar Association of San Francisco 2002.*

## Filling the Employment Vacuum, Adding Workplace Value

By: Carol Harnett

With their gas-guzzling SUVs, skimpy savings accounts, and counter-culture experiences, baby boomers have already left an indelible mark on America. The boomers' most lasting legacy, however, may be the employment vacuum they will leave behind as they retire from the workforce.

Baby boomers, who currently make up the majority of the workforce, will begin punching out en masse for the final time in the coming decade. Making matters worse, the U.S. Census Bureau's Population Division predicts a 19 percent drop in 35- to 44-year-olds and an additional 5 percent decrease in 25- to 34-year-olds by 2010. As a result, many employers may be left scrambling to find skilled workers to keep their operations humming. Fortunately, the ready-made solution to the problem is available. Replenishing the skilled

labor pool will require tapping perhaps the most underemployed segment of our population: people with disabilities.

According to the 2000 U.S. Census Bureau survey, approximately 40 million non-institutionalized working-age people with disabilities live in the United States, yet less than half between the ages of 21 and 64 are employed, compared with 78.8 percent of their non-disabled counterparts. These individuals are and will be a tremendous resource for employers seeking to fill the employment void they will inherit from retiring baby boomers, as well as for employers seeking to maximize the productivity of their current workforce.

### Increased productivity

Phil Kosak, a small-business owner who has been hiring disabled workers for a number of years, was

featured in the July 1997 issue of *American Demographics*. Half of the 20 employees at his manufacturing company, Carolina Fine Snacks, Greensboro, North Carolina, have impairments. Before the disabled workers came on board in 1988, the company was averaging an 80 percent turnover rate every six months. On any given day, about one in five employees never made it to work. Productivity was at 50 percent to 60 percent of capacity. Once he began hiring workers with disabilities, however, things changed dramatically. The workers were very interested in the company, its productivity, and their job responsibilities. Their positive attitude rubbed off on coworkers as well, he says. Productivity is now more than 90 percent of capacity, and turnover is no longer a problem.

The Job Accommodation Network found that, like Kosak, 54 percent of employers reported increased worker productivity when making accommodations for disabled individuals. On average, employers who accommodated employees with disabilities received almost \$35 in benefits for every dollar spent, including savings in workers' compensation and other insurance, the training costs for replacement workers, and increased productivity from the accommodated employee. Twenty percent of accommodations cost nothing to make, and the median accommodation cost since October 1992



*continued on page 5*

## Adding workplace value

Continued from page 4

remains unchanged at \$250.

Some insurers provide incentives and assistance for employers to return disabled employees to work. For instance, some carriers help pay for accommodations and assist employers in making them. Counseling and job placement assistance is often available to employees who have become disabled. And employees who return to work may receive return-to-work incentives.

In addition, there are a variety of business tax incentives available to bring people with disabilities into the workplace.

- All businesses may deduct up to \$15,000 a year for expenses related to removing barriers to the disabled and elderly.

- Small businesses with less than \$1 million in revenue or 30 full-time employees may take an annual tax credit for making their businesses accessible.

- Businesses that hire people who live and work in an empowerment zone, such as certain areas of New York City, Chicago, Atlanta, Los Angeles, Philadelphia, and Washington, D.C., may take a tax credit up to \$3,000 per qualified employee each year.

### Narrowed scope

In January, the U.S. Supreme Court narrowed the scope of the Americans With Disabilities Act after it ruled in *Toyota Motor Manu-*



*facturing, Kentucky, Inc. v. Williams* that impairments covered by ADA also must affect an individual's daily life.

Toyota successfully accommodated employee Ella Williams for two years after her initial diagnosis of carpal tunnel syndrome. The company expanded her job requirements and Williams developed a new set of upper extremity symptoms. She requested to return to her previous job structure but Toyota denied her. Although disability insurers constantly ask employers to incorporate similar accommodations, the Supreme Court opinion no longer requires employers to consider these requests unless the employee's disability also limits other major life activities such as household chores and bathing.

*Toyota v. Williams* didn't examine, however, that employees with disabilities have the same productivity levels as the general working population. A 30-year study of employees at DuPont indicates that

employees with disabilities have above-average records in job performance, dependability, attendance, and safety. In addition, employers enjoy intangible benefits when they return employees to work following a disability, including improved morale and employee loyalty. Yet this untapped pool of skilled labor, one of the largest minorities, remains among the most stereotyped groups in America.

But by learning more about what can be done to return disabled individuals to work, you can maximize your organization's productivity while providing opportunities to a waiting and willing workforce.

*Carol Harnett is director of wellness and ability management, Hartford Life, Hartford, Connecticut. Reprinted with permission from Dollars & Cents, copyright 2002, American Society of Association Executives; [www.asaenet.org](http://www.asaenet.org)*