

NILG

August 24, 2020

>> >IVY LATIMER: HELLO, EVERYONE. WELCOME TO THE NILG 2020 VIRTUAL CONFERENCE WEBINAR SERIES. MY NAME IS IVY LATIMER WITH CVS HEALTH, EEO AND AFFIRMATIVE ACTION AND DIVERSITY PRACTICES FOR THE ORGANIZATION. I REPRESENT THE NORTHEAST REGION ON THE NATIONAL INDUSTRY LIAISON GROUP BOARD. WE'RE SO VERY HAPPY TO HAVE YOU WITH US TODAY AND ALSO TO HAVE EEO COMMISSIONER VICTORIA LIPNIC. JUST A FEW HOUSEKEEPING ITEMS BEFORE WE GET STARTED. THIS SESSION IS BEING RECORDED. A COPY OF THE PRESENTATION IS ATTACHED TO THE WEBINAR SO YOU SHOULD SEE THAT AVAILABLE ON YOUR SCREENS FOR DOWNLOAD AND A TRANSCRIPT WILL BE AVAILABLE. YOU SHOULD HAVE RECEIVED ALSO A LINK THAT ENABLES CLOSED CAPTIONING. IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO ENTER THOSE QUESTIONS INTO THE CHAT FUNCTIONALITY. ONE OTHER THING. THERE ARE NO SHRM CREDITS OR CREDITS AVAILABLE FOR THIS PARTICULAR SESSION. BEFORE I INTRODUCE OUR SPEAKER I WANT TO TAKE A MOMENT TO THANK OUR SPONSORS. THANK YOU SO VERY MUCH. YOU SHOULD SEE THEIR NAMES COMING UP ON THE SCREEN AS WELL. OKAY. WITHOUT FURTHER ADO, IT'S MY PLEASURE TO WELCOME EEOC COMMISSIONER VICTORIA LIPNIC. AGAIN SHE IS GOING TO SHARE HER PERSPECTIVES ON THE EEOC PLAN AND ACCOMPLISHMENTS OVER THE LAST FOUR YEARS. JUST A LITTLE BIT MORE ABOUT VICKI LIPNIC. SHE SERVES AS THE COMMISSIONER OF THE U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND WAS FIRST NAMED TO THE COMMISSION BY PRESIDENT OBAMA IN 2010 WHEN SHE WAS CONFIRMED BY THE U.S. SENATE FOR A FIVE-YEAR TERM. IN 2015, SHE WAS RENOMINATED AND CONFIRMED BY THE U.S. SENATE FOR A SECOND FIVE-YEAR TERM. AND ON JANUARY 25, 2017,

SHE WAS NAMED ACTING CHAIR OF THE COMMISSION BY PRESIDENT DONALD TRUMP, A POSITION SHE'S HELD FOR NEARLY TWO AND A HALF YEARS.

DURING HER TENURE, ACTING CHAIR LIPNIC LED THE COMMISSION TO MAJOR ACCOMPLISHMENTS ON BOTH POLICY AND OPERATIONAL MATTERS, FOR EXAMPLE, HER WORK ON THE COMMISSION'S 2015, 2016 SELECT TASK FORCE ON THE STUDY OF HARASSMENT IN THE WORKPLACE. THIS IS A PANEL THAT SHE CO-CHAIRLED WITH THEN COMMISSIONER CHAI FELDBLUM. BECAUSE OF THIS WORK THE COMMISSION WAS WELL POSITIONED WHEN THE ME TOO MOVEMENT ARRIVED IN THE FALL OF 2017.

VICKI INSURED THAT THE COMMISSION DOUBLED DOWN ON THE WORK OF THIS SELECT TASK FORCE AND USED EVERY TOOL IN THE AGENCY'S RESOURCES FROM OUTREACH TO EDUCATION TO ENFORCEMENTS TO LEAD ON THE HARASSMENT ISSUE. UNDER HER LEADERSHIP YOU ALSO SAW THE MOST DRAMATIC IMPROVEMENT IN THE BACKLOG OF PRIVATE SECTOR CHARGES REDUCING IT TO ITS LOWEST LEVEL IN 13 YEARS. LASTLY CREATED THE POSITION OF CHIEF DATA OFFICER FOR THE AGENCY FIRST EVER TIME WHICH OVERSAW THE REORGANIZATION OF THE AGENCY'S NEW ENTERPRISE DATA AND ANALYTICS OFFICE WHICH IS THE MOST SIGNIFICANT OPERATIONAL CHANGE IN THE AGENCY WITHIN THAT 25-YEAR PERIOD.

MANY OF US WHO KNOW VICKI KNOWS SHE IS JUST WARM AND WELCOMING IN TERMS OF HER SUPPORT FOR THE BOARD. SHE HAS SHARED A LOT ABOUT HERSELF. ONE PERSONAL STORY GROWING UP AS THE MAYOR'S DAUGHTER. VICKI'S FATHER THE MAYOR OF HER HOME TOWN OF CARLTON, PENNSYLVANIA FOR 25 YEARS SHE SAYS TAUGHT HER FROM A VERY EARLY AGE THE IMPORTANCE OF CIVIC PARTICIPATION AND EFFECTIVE AND ACCOUNTABLE GOVERNMENT.

THROUGHOUT HER TENURE YOU CAN SEE SHE HAS PLAYED A KEY ROLE IN ADVANCING A WIDE VARIETY OF THE COMMISSION'S ACTIVITIES AND POLICIES WHICH WILL

LEAVE AN INDELIBLE MARK ON THE AGENCY. FOR ALL OF YOU ON THE PHONE HER BIO IS AVAILABLE ON THE EEOC WEBSITE WHERE YOU CAN READ MUCH MORE ABOUT HER ACCOMPLISHMENTS. DENISE KING AND I ARE HOSTING THIS EVENT FOR ALL OF YOU. WE SERVE AS PARTNERS ON BEHALF OF THE NILG BOARD. WE WANT TO TAKE THIS MOMENT TO EXPRESS OUR GRATITUDE TO YOU VICKI FOR THE TIME THAT YOU HAVE GIVEN TO US, NILG BOARD AND OVER THE YEARS TO THE NILG ORGANIZATION. THANK YOU AGAIN FOR THAT. SO WITHOUT FURTHER ADO, I WOULD LIKE TO TURN IT OVER TO VICKI LIPNIC. THANK YOU.

>>VICTORIA LIPNIC: THANKS VERY MUCH. GOOD AFTERNOON, EVERYONE, OR GOOD MORNING DEPENDING ON WHERE YOU ARE LOCATED RIGHT NOW. AND THANK YOU SO MUCH IVY FOR THAT EXTRAORDINARILY GRACIOUS INTRODUCTION. I HAVE TO SAY IT HAS BEEN QUITE A PLEASURE TO HAVE BEEN ASSOCIATED WITH THE NILG FOR MANY YEARS EVEN PREDATING MY TIME AT THE EEOC FROM WHEN I SERVED AS ASSISTANT SECRETARY OF LABOR AND DURING THE GEORGE W. BUSH PRESIDENCY AND OFCCP AS PART OF MY PORTFOLIO THEN, BUT IT HAS BEEN A LONG AND FRUITFUL COLLABORATION. I HAVE ENJOYED HAVING THE OPPORTUNITY TO SPEAK TO NILG AT YOUR MAIN CONFERENCES, TO MEET WITH THE BOARD ON MANY DIFFERENT OCCASIONS AND TO HAVE HAD THE OPPORTUNITY TO GET TO KNOW SO MANY OF YOU OVER THE YEARS. I DO APPRECIATE ALL THE GREAT WORK THAT ALL OF YOU DO TO ADVANCE SOMETHING THAT WE ALL CARE ABOUT, WHICH IS EQUAL EMPLOYMENT OPPORTUNITY.

SO I'M GOING TO SPEND MY TIME WITH YOU TODAY GOING OVER AN UPDATE JUST WHERE THINGS STAND AT THE EEOC. I WILL TRY TO LEAVE SOME TIME FOR QUESTIONS AT THE END.

I WILL SAY AND I ALSO WANT TO THANK TONY KAYLIN WHO IS GOING TO OPERATE THE POWERPOINT PRESENTATION TO KEEP ME ON TRACK. TONY, IF YOU

COULD GO TO THE SLIDE YOU HAVE HERE. IN TERMS OF THE MEMBERSHIP OF EEOC WE ARE A THREE MEMBER COMMISSION, THREE MEMBERS OUT OF FIVE. JANET D HILLON IS SERVING AS THE CHAIR OF COMMISSION APPOINTED BY PRESIDENT TRUMP. She HAS BEEN AT THE COMMISSION NOW SINCE JUST A LITTLE OVER A YEAR. MY TERM TECHNICALLY EXPIRED ON JULY 1ST, BUT OUR STATUTE HAS A HOLD-OVER PROVISION AND SO I AM IN HOLD-OVER STATUS AND I HAD AGREED THAT I WOULD STAY BEYOND MY TENURE IF THERE WAS NO ONE CONFIRMED TO REPLACE ME. AND I'M ABLE TO DO THAT UNDER OUR STATUTE UNTIL THE END OF THIS SENATE SESSION. SO WHENEVER IT IS THAT THIS SENATE GOES, SO THAT COULD BE BY JANUARY OF 2021, THEN THAT IS AT THE END OF MY TENURE FOR WHERE I HAD BEEN FOR THE PAST DECADE.

AND THEN MY OTHER FELLOW COMMISSIONER, MY VERY GOOD COLLEAGUE CHARLOTTE BURROWS COMMISSIONER BURROWS WAS RECONFIRMED FOR A SECOND TERM LAST YEAR AND HER TERM EXPIRES IN 2023. I THINK COMMISSIONER BURROWS HAS SPOKEN TO THE NILG ON VARIOUS OCCASIONS.

THERE ARE TWO COMMISSIONER SEATS -- WELL, VACANT. THERE ARE NOMINEES FOR THOSE SEATS. ONE IS REPUBLICAN KEITH SONDERLING, WHO IS CURRENTLY SERVING AS THE DEPUTY ADMINISTRATOR OF THE WAGE AND HOUR DIVISION AT THE DEPARTMENT OF LABOR. JOCELYN SAMUELS IS NOMINATED FOR THE DEMOCRATIC SEAT. JOCELYN IS A LONG TIME VERY EXPERIENCED CIVIL RIGHTS ATTORNEY, WAS A CAREER ATTORNEY AT THE EEOC FOR MANY YEARS AND THEN HAD ALSO A LOT OF SERVICE AT THE DEPARTMENT OF JUSTICE IN THE CIVIL RIGHTS DIVISION. ALSO I THINK SHE WAS THE HEAD OF CIVIL RIGHTS OFFICE AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. VERY EXPERIENCED. AND THEN THERE IS A WOMAN WHO IS AN ATTORNEY AT GIBSON DUNN NOMINATED FOR MY SEAT. AGAIN, ALL OF THESE THINGS DEPEND ON WHEN THE SENATE GETS AROUND TO CONFIRMING PEOPLE. AND THEN WE ALSO

HAVE A GENERAL COUNSEL. PRESIDENT TRUMP APPOINTED SHARON FAST GUSTAFSON. SHE JOINED THE POSITION LAST AUGUST. HER TERM TECHNICALLY EXPIRES AUGUST 5TH, 2023. SO SHE HAS BEEN BUSY LEARNING THE ROPES IN THE GENERAL COUNSEL'S OFFICE. SHARON IS THE PERSON WHO REPRESENTED PEGGY YOUNG IN THE YOUNG VERSUS UPS CASE THAT WENT UP TO THE SUPREME COURT A FEW YEARS AGO PROBABLY 2015 AT THIS POINT MAYBE 2014, IN THAT CASE WHERE THERE WAS A CHALLENGE TO THE UPS POLICY OF NOT PROVIDING LIGHT DUTY ACCOMMODATIONS FOR PREGNANT EMPLOYEES IN THE SAME MANNER THAT THEY DID TO OTHER EMPLOYEES WHO MIGHT HAVE AN ON-THE-JOB INJURY FOR EXAMPLE.

SO SHARON HAS A REAL PASSION FOR CASES RELATED TO PREGNANCY DISCRIMINATION. MANY OF YOU HAVE HEARD ME SAY IN THE PAST THAT PREGNANCY DISCRIMINATION CASES THAT THE EEOC VERY OFTEN ARE JUST BLATANT. I'M TALKING ABOUT THINGS PEOPLE WOULD -- THEY HAVE NO IDEA THAT THERE IS SUCH A THING AS PREGNANCY DISCRIMINATION. THINGS WHERE A WOMAN TELLS HER EMPLOYER THAT SHE IS PREGNANT AND IS WITHIN A WEEK FIRED OR TOLD THAT, WELL, YOU CAN'T START THE JOB UNTIL AFTER YOUR PREGNANCY. IT'S PRETTY SHOCKING HOW BLATANT THE CASES ARE. THAT'S SOMETHING THAT SHARON REALLY CARES ABOUT. SHE HAS BEEN PRETTY BUSY IN THE GENERAL COUNSEL'S OFFICE SINCE SHE JOINED THE COMMISSION.

TONY, ON TO THE NEXT SLIDE.

OF COURSE IT IS IMPOSSIBLE TO HAVE ANY DISCUSSION WHETHER IT'S EEOC MATTERS OR I'M SURE FOR ALL OF YOUR ORGANIZATIONS WITHOUT TALKING ABOUT CORONAVIRUS IN THE CORONAVIRUS TIMES WE LIVE IN. AND I SHOULD ALSO SAY JUST IN TERMS OF OPERATIONALLY, THE EEOC HAS BEEN IN LIKE I'M SURE MANY OF ARE ORGANIZATIONS WE HAVE BEEN IN FULL-TIME TELEWORK MODE SINCE I THINK IT WAS THAT

SECOND WEEK OF MARCH, MARCH 13. THAT'S ACROSS THE COUNTRY.

AND WE CONTINUE IN THAT MODE RIGHT NOW. THERE IS NO SET DATE FOR THE COMMISSION TO RETURN TO OUR OFFICES REGARDLESS OF LOCATION AROUND THE COUNTRY AND AGAIN EVERYTHING IS SORT OF DICTATED BY THE PUBLIC HEALTH ISSUES ON THE GROUND. SO EVEN WHEN WE HAVE DONE A LOT OF PLANNING FOR PEOPLE RETURNING TO THE OFFICE IN TERMS OF MAKING SURE THAT WE'RE ABIDING BY ALL THE PUBLIC HEALTH INSTRUCTIONS, BUT OF COURSE BECAUSE OF THE INCREASING NUMBERS OF CORONAVIRUS TESTING POSITIVE CASES IN SO MANY PLACES AROUND THE COUNTRY, THERE ARE NO IMMEDIATE PLANS FOR A RETURN TO THE EEOC OFFICES.

HAVING SAID THAT, I DO LIKE TO REMIND PEOPLE THAT THAT DOES NOT MEAN THAT THE CIVIL RIGHTS LAWS HAVE BEEN SUSPENDED DURING CORONAVIRUS TIMES. AND THAT IS ON ALL OF THE LAWS THAT WE ENFORCEMENT TITLE VII OF THE CIVIL RIGHTS ACT AND AS I MENTIONED THE PREGNANCY DISCRIMINATION ACT, THE AGE DISCRIMINATION ACT.

SO WE CONTINUE TO DO OUR WORK. OF COURSE THE WORK OF THE EEOC IT'S NOT LIKE WE HAVE TO WORK IN SPECIALIZED OFFICES OR A LAB FOR EXAMPLE. AS LONG AS PEOPLE HAVE ACCESS TO OUR COMPUTER SYSTEM AND A TELEPHONE AND THE WORK GOES ON AND CONTINUES. BUT OF COURSE BECAUSE OF THE CORONAVIRUS, THE COMMISSION HAS BEEN ASKED VERY EARLY ON AND I WANT TO GIVE A REAL SHOUT OUT AND CREDIT TO OUR OFFICE OF LEGAL COUNSEL AND OUR EXPERTS THERE PARTICULARLY IN THE AMERICANS WITH DISABILITIES ACT FOR VERY QUICKLY RECOGNIZING THAT THERE WOULD HAVE TO BE RESOURCES PUT OUT BY THE COMMISSION TO ANSWER A LOT OF QUESTIONS THAT EMPLOYERS HAVE BEEN DEALING WITH RELATED TO THEIR EMPLOYEES AND MANAGING THE CORONAVIRUS SITUATION.

SO THAT INCLUDES IF YOU LOOK ON OUR WEBSITE AND I

SHOULD ALSO MENTION THAT OUR WEBSITE HAS BEEN REVAMPED. SO IT HAS A MUCH CLEANER LOOK, DIFFERENT LOOK. THERE HAVE BEEN SOME PEOPLE HAVE RAISED SOME ISSUES ABOUT TRYING TO FIND SOME HISTORICAL DOCUMENTS. AND I THINK LIKE ANY KIND OF WEBSITE CHANGE, THAT'S STILL BEING WORKED ON. BUT YOU WOULD BE ABLE TO FIND ALL THESE CORONAVIRUS RESOURCES RELATED TO LIKE I SAID THE AMERICANS WITH DISABILITIES ACT AND THE REHABILITATION ACT ON OUR WEBSITE NOW. SO WE HAVE a WHAT YOU SHOULD KNOW DOCUMENT. THAT IS UPDATED PERIODICALLY AS MORE QUESTIONS COME IN FROM EMPLOYERS ABOUT HOW TO DEAL WITH BOTH MAKING ACCOMMODATIONS CONCERNS THAT PEOPLE HAVE ABOUT MEDICAL INQUIRIES THERE IS A QUESTION ABOUT CAN AN EMPLOYER TAKE THE TEMPERATURE OF EMPLOYEES DURING THE COVID-19 PANDEMIC. THINGS ABOUT SCREENING EMPLOYEES ENTERING THE WORKPLACE. CAN YOU ASK ABOUT SYMPTOMS. THE ANSWER IS YES.

AND YES, YOU CAN TAKE THE TEMPERATURE OF EMPLOYEES. I MEAN, OF COURSE UNDER THE AMERICANS WITH DISABILITIES ACT THERE IS -- AND THERE ARE MANY DOCUMENTS THAT THE EEOC HAS PRODUCED OVER THE YEARS, ABOUT THE AMERICANS WITH DISABILITIES ACT ESPECIALLY ABOUT MEDICAL INQUIRIES I WOULD URGE PEOPLE TO TAKE A LOOK AT CERTAINLY THE WHAT YOU SHOULD KNOW DOCUMENT. THERE IS AN UPDATED DOCUMENT ABOUT PANDEMIC PREPAREDNESS IN THE WORKPLACE FIRST DEVELOPED ACTUALLY DURING THE H1N1 PANDEMIC ALTHOUGH I WOULD SUGGEST THAT MOST PEOPLE PROBABLY DON'T THINK OF THAT AS A PANDEMIC IN THE WAY THAT WE CERTAINLY HAVE LEARNED ALL ON THE CORONAVIRUS SITUATION. BUT ALL OF THESE RESOURCES ARE AVAILABLE ON OUR WEBSITE. AND I WOULD URGE PEOPLE TO TAKE A LOOK AT THEM. IT'S ALSO THE CASE -- AND LIKE I SAID, THEY ARE UPDATED ON A PERIODIC BASIS.

EARLY ON EMPLOYERS WERE CONCERNED ABOUT CAN I EXCLUDE PEOPLE FROM THE WORKPLACE. AND HOW DO I MANAGE PEOPLE COMING BACK IN. CAN YOU REQUIRE A FITNESS FOR DUTY CERTIFICATION FOR PEOPLE TO RETURN TO WORK. THE ANSWER TO THAT IS YES. BUT I WOULD EMPHASIZE THAT IN TERMS OF ANY KIND OF FOR EMPLOYERS GETTING ANY KIND OF MEDICAL INFORMATION FROM EMPLOYEES RELATED TO COVID-19 IS NO DIFFERENT THAN WHEN YOU GET MEDICAL INFORMATION FROM EMPLOYEES FOR ANY OTHER PURPOSE. SO YOU HAVE TO TREAT THAT IN A CONFIDENTIAL MANNER. YOU HAVE TO MAKE SURE THAT YOU STORE THAT MEDICAL INFORMATION IN A SEPARATE FILE. ALL OF THE GOOD PRACTICES, WHICH I KNOW CERTAINLY ALL THE NILG MEMBERS HAVE, RELATED TO MEDICAL INQUIRIES OF THEIR EMPLOYEES SHOULD BE FOLLOWED JUST AS MUCH RELATED TO QUESTIONS ABOUT CORONAVIRUS AND COVID-19.

SAME THING I'LL MENTION ALSO IN TERMS OF REASONABLE ACCOMMODATION REQUESTS. I KNOW MANY EMPLOYERS LIKE THE EEOC REALLY QUICKLY WENT INTO TELEWORK MODE FOR MANY OF THEIR EMPLOYEES, ALTHOUGH I DO LIKE TO REMIND PEOPLE THAT ONLY 25 PERCENT OF THE WORKING POPULATION IS TELEWORKING AND AS WE ALL KNOW THERE ARE LOTS AND LOTS OF PEOPLE WHO ARE STILL GOING TO THEIR REGULAR WORK SITES EVERY DAY. AND, BUT THE REQUEST FOR REASONABLE ACCOMMODATION MAY BE SOMEWHAT A LITTLE DIFFERENT OR AS EMPLOYERS TRY TO BRING PEOPLE BACK TO WORK I GUESS I QUERY HOW MANY EMPLOYERS ARE ACTUALLY BRINGING PEOPLE BACK TO WORK RIGHT NOW. AND, BUT THE REQUEST FOR REASONABLE ACCOMMODATION SHOULD BE TREATED JUST LIKE ANY OTHER REQUEST FOR A REASONABLE ACCOMMODATION. AND IF A JOB THAT ABSENT UNDUE HARDSHIP AND AN EMPLOYER WOULD HAVE TO PROVIDE AN ACCOMMODATION, NOW, THE TELEWORK SITUATION I WILL MENTION ON THAT IN PARTICULAR BECAUSE I

EXPECT AND WE HAVE BEEN GETTING A LOT OF QUESTIONS ABOUT THIS, GENERALLY THE WAY THE COURTS HAVE ANALYZED THE TELEWORK SITUATION OVER THE YEARS, THESE ARE HIGHLY FACT SPECIFIC SITUATIONS. AND IF YOU LOOK AT THE CASE LAW ON TELEWORK, VERY OFTEN WHEN THEY HAVE GOTTEN TO SAY A FEDERAL COURT OF APPEALS, THE QUESTIONS HAVE ALWAYS CENTERED AROUND WHAT IS THE NATURE OF THE TELEWORK REQUEST. IN OTHER WORDS, IS IT FOR FULL-TIME TELEWORK. THERE IS ALWAYS QUESTIONS ABOUT THE EXTRA PERFORMANCE OF THE INDIVIDUAL. AND WHAT IS THE NATURE OF THE EMPLOYEE'S PERFORMANCE. THERE IS A LOT OF DISCUSSION ABOUT THAT. SO I WOULD JUST URGE EMPLOYERS TO AS YOU ARE DEALING WITH REQUESTS FOR ACCOMMODATION AND THAT TELEWORK REQUESTS MAY BE MORE SO GIVEN THE CORONAVIRUS SITUATION, TO TAKE A LOOK AT THE CASE LAW AND I HAVE BEEN SAYING THIS FOR A DECADE NOW, BUT THE ISSUE ABOUT LEAVE AS AN ACCOMMODATION, BUT ALSO ABOUT ON SITE VERSUS OFF-SITE WORK EMPLOYERS SHOULD BE MORE SPECIFIC IN THEIR JOB DESCRIPTIONS ABOUT WHERE THEY EXPECT THE WORK TO BE DONE FROM. AND WHAT THEY EXPECT THE ESSENTIAL FUNCTIONS TO BE. BECAUSE AGAIN, THE WAY THE COURTS ANALYZE THESE CASES, THEY SORT OF LOOK TO IS IT AN UNDUE HARDSHIP AND THE EMPLOYER IS THEN IN A SITUATION OF TRYING TO EXPLAIN THE FACT THAT THEY WANT SOMEONE TO BE IN THE WORKPLACE BECAUSE OF SAY SUPERVISION ISSUES OR TEAM MEETINGS OR THINGS LIKE THAT. THAT THE EMPLOYER IS TRYING TO SAY IT'S AN UNDUE HARDSHIP ON THE EMPLOYER IF THEY DON'T GRANT THAT TELEWORK REQUEST FOR ACCOMMODATION. I THINK THAT ISSUES RELATED TO TELL WORK ARE PROBABLY JUST MORE FOCUSED AND INTENSE NOW GIVEN AS I SAID, 25 PERCENT OF THE WORKING POPULATION HAS BEEN TELEWORKING. BUT ALL THE QUESTIONS, AGAIN, SHOUT OUT TO OUR OFFICE OF LEGAL COUNSEL FOR ALL THE WORK THAT THEY HAVE

PUT INTO KEEPING UP ON THESE MANY, MANY QUESTIONS THAT WE HAVE BEEN GETTING RELATED TO COVID-19.

TONY, ON TO THE NEXT SLIDE

ALSO SINCE SO MANY OF YOU HAVE TO DEAL WITH THE EEO CHARGES IN YOUR COMPANY, I THINK MOST PEOPLE ARE PROBABLY AWARE OF THIS, BUT IT'S WORTH NOTING THAT WE DID ISSUE THE -- SUSPEND THE ISSUING NOTICES OF RIGHT TO SUE OR THE DISMISSAL AT THE BEGINNING OF WHEN ALL THIS STARTED BACK IN MARCH. THERE WAS A LOT OF CONCERN OF COURSE IN THE INITIAL DAYS ABOUT WHAT WERE THE COURTS DOING AND IF WE ISSUED NOTICES OF RIGHT TO SUE WOULD CHARGING PARTIES BE ABLE TO RETAIN A LAWYER. SO WE HAD SUSPENDED THE NOTICES OF RIGHT TO SUE AND THE CHARGE CLOSING DOCUMENTS. WE RESUMED THAT AGAIN ON AUGUST 3RD. AND SO OUR OFFICES NOW ARE BUSY DEALING WITH THOSE NOTICES THAT HAD BEEN SUSPENDED DURING THAT PERIOD OF TIME AND WE'LL BE DEALING WITH THE OLDEST ONES FIRST. NOW WHETHER THAT MEANS MORE INDIVIDUALS, IF THEY ARE GETTING A NOTICE OF RIGHT TO SUE, END UP PURSUING THEIR CHARGES WITH AN ATTORNEY, THAT ALL REMAINS TO BE SEEN. THIS IS ALL HAPPENING IN REALTIME. BUT IT'S CERTAINLY SOMETHING THAT ALL OF YOU SHOULD BE WATCHING FOR BECAUSE THESE THINGS HAD BEEN SUSPENDED FOR A PERIOD OF TIME. I ALSO NOTE HERE THAT ALL THE NOTICES ARE BEING ISSUED BY MAIL. SO OF COURSE EVERYONE'S PROBABLY WELL FAMILIAR WITH WHAT HAS BEEN - HOW THE MAIL DELIVERY HAS BEEN GOING AND IN YOUR AREA. THAT'S SOMETHING TO BE MINDFUL OF AS WELL. BUT YOU CERTAINLY SHOULD BE ON THE WATCH FOR CHARGING BEING DISMISSED AND PEOPLE RECEIVING THEIR RIGHT TO SUE LETTERS.

TONY, ONTO THE NEXT. JUST TO GIVE YOU SOME IDEA. IN TERMS OF OUR CHARGES, AS YOU CAN SEE, LAST YEAR, AT THE -- THE CLOSE OF OUR FISCAL YEAR, WHICH OUR FISCAL YEAR CLOSES AT THE END OF SEPTEMBER, WE HAD A DECLINE IN CHARGE FILINGS THERE WAS ALSO

A DECLINE IN CHARGE RESOLUTIONS, AN INCREASE IN MONETARY BENEFITS TO VICTIMS OF DISCRIMINATION AND ALSO AGAIN AS IVY MENTIONED AT THE BEGINNING LOWER CHARGE INVENTORY, WHICH THAT'S SOMETHING THAT I PUT A LOT OF ATTENTION ON AND CREDIT TO OUR OFFICES FOR TAKING THE ACTIONS TO MAKE DECISIONS, WHICH IS REALLY WHAT MY CHARGE TO FOLKS IN THE FIELD WAS.

YOU COULD GO TO THE NEXT SLIDE.

SO THIS CHARGE GIVES YOU A SENSE OF WHAT OUR CHARGE ALLEGATIONS, WHAT THE BASES HAVE BEEN OVER THE LAST YEAR. AS YOU CAN SEE RETALIATION LEADS THE PACK. THAT'S BEEN THE CASE FOR A DECADE NOW. AND I SAID THIS MANY TIMES. BUT RETALIATION IS A REALLY TOUGH SITUATION FOR EMPLOYERS TO DEFEND AGAINST. I WILL TALK ABOUT THIS A LITTLE BIT MORE IN THE HARASSMENT CONTEXT. BUT AS YOU CAN SEE, THOSE CHARGES HAVE CLIMBED PRETTY STEADILY. DISABILITY HAS BEEN THE SECOND HIGHEST BASIS OF CHARGE FILED WITH THE EEOC OVER THE LAST COUPLE YEARS AND RACE. I'LL TALK A LITTLE BIT MORE ABOUT RACE TOO. THIS GIVES YOU A SENSE OF ALL THE -- THE TYPES OF CHARGES. THE EQUAL PAY OUT, I WILL MENTION THIS, THIS IS TRADITIONALLY, AND THIS IS REALLY SINCE THE EEOC TOOK OVER JURISDICTION OF THE EQUAL PAY ACT BACK IN THE 1970S WHEN IT WAS TRANSFERRED FROM THE WAGE AND HOUR DIVISION AT THE DEPARTMENT OF LABOR, THERE HAVE HISTORICALLY NOT BEEN A LOT OF EQUAL PAY ACT CHARGES FILED WITH THE EEOC.

WE'VE ALL WONDERED ABOUT THAT. PARTICULARLY GIVEN SO MUCH ATTENTION ON EQUAL PAY. CERTAINLY OVER THE LAST DECADE OR 15 YEARS. I'LL ATTRIBUTE ALL OF THAT TO ALL THE GREAT WORK YOU DO IN DOING YOUR INTERNAL COMP ANALYSES AND MAKING SURE THERE IS EQUAL PAY FOR EQUAL WORK WHEN IN FACT WE'RE TALKING ABOUT THE SAME JOBS AND THE SAME WORK.

ON TO THE NEXT SLIDE.

SO AGAIN, JUST -- GIVE YOU A BETTER VISUAL. YOU CAN SEE PARTICULARLY THE RED LINE, WHICH IS THE RETALIATION LINE AND JUST HOW BAD OVER THE LAST DECADE HAS REALLY BECOME THE TYPE OF CHARGE THAT IS MOST OFTEN FILED BY AN INDIVIDUAL WHEN HE OR SHE COMES TO THE EEOC.

THE OTHERS AS YOU CAN SEE HAVE BEEN PRETTY STEADY, BUT RETALIATION HAS CLIMBED PRETTY SIGNIFICANTLY OVER THE LAST DECADE.

TONY, ONTO THE NEXT.

IN TERMS OF THE ACTUAL LITIGATION, WHERE ARE YOU GOING. THERE WE GO. SO THE NUMBER OF LAWSUITS FILED LAST YEAR AT THE CONCLUSION OF THE YEAR THERE WERE 144 ME SUITS FILED. AGAIN THAT'S CLOSE OF FISCAL YEAR END OF SEPTEMBER THAT WAS DOWN FROM THE PRIOR YEAR. YOU CAN SEE THAT 100 OF THOSE INVOLVED AN INDIVIDUAL CHARGING PARTY. THERE WERE 27 CLASS LAWSUITS AND 17 SYSTEMIC SUITS. THE SYSTEMIC SUITS HAVE BEEN PRETTY MUCH IN THE SAME NUMBER FOR THE PAST DECADE. JUST TO GIVE YOU AN IDEA. AROUND THE COUNTRY YOU CAN SEE THE DISTRIBUTION OF -- THESE ARE ALL BY REGIONAL OFFICES AND IN TERMS OF LAST YEAR'S STATISTICS WHERE CASES WERE FILED.

IN THE NORTHEAST YOU SEE THE PHILADELPHIA DISTRICT OFFICE HAD A FAIR NUMBER OF SUITS FILED. THE NEW YORK REGIONAL OFFICE AS WELL.

ANYWAY, BUT THAT GIVES YOU SOME SENSE OF THE LITIGATION ACTIVITY AROUND THE COUNTRY. ONTO THE NEXT.

GO BACK ONE.

THERE YOU GO. ONE MORE. GO TO THE NEXT. RIGHT THERE. AS YOU CAN SEE, THE NUMBER OF LAWSUITS FILED BY THE COMMISSION HAS REALLY BEEN -- WAS ON A REALLY STEADY DECLINE OVER THE LAST 15 YEARS. THE HIGH WATERMARK BEING THE CLOSE TO 400 LAWSUITS PER YEAR BACK IN FISCAL YEAR 2005. SO THAT WOULD HAVE BEEN 2004 INTO 2005. I PUT A LOT OF EMPHASIS ON -- I DO BELIEVE IN STRONG

ENFORCEMENT OF THE LAW. AND SO THOSE NUMBERS CAME UP AGAIN IN MY TENURE AS THE ACTING CHAIR. I SHOW YOU THIS ALSO BECAUSE, AND I'M SURE LIKE MANY OF YOUR ORGANIZATIONS, IN TERMS OF THE PERFORMANCE METRICS, I COULDN'T TELL YOU RIGHT NOW WHERE THINGS WILL END UP AT THE CLOSE OF THIS FISCAL YEAR BECAUSE OF COURSE EVERYTHING ABOUT THIS YEAR HAS A BIG ASTERISK BESIDE IT. AND AS I MENTIONED EARLIER, WE SUSPENDED THE CHARGE CLOSURES BACK IN MARCH. SO HOW THAT WILL IMPACT THE LITIGATION DOCKET AND CERTAINLY IT WILL IMPACT IT, BUT SORT OF WHERE THINGS END UP I DON'T KNOW AT THIS POINT. THAT ALSO HAS A REAL IMPACT EVEN ON AS MANY OFFICES NOW ARE TRYING TO CLOSE CASES FOR THE YEAR OR THEY MAY BE INVOLVED IN CONCILIATIONS HERE AT THE END OF THE YEAR: AGAIN WHERE THINGS END UP PRELITIGATION IN TERMS OF RESOLUTION OF MATTERS BEFORE THE COMMISSION, THAT I DON'T KNOW RIGHT NOW. I THINK IT'S -- THIS ENTIRE YEAR WILL HAVE A BIG ASTERISK BESIDE IT CERTAINLY. TONY, ONTO THE NEXT. JUST A COUPLE RECENT LAWSUITS I WANTED TO MENTION BRING TO YOUR ATTENTION. THESE ARE SOME PRETTY BIG ONES.

AS YOU CAN SEE, THERE WAS THIS SUIT WITH WALMART. A \$20 MILLION CONSENT DECREE THAT WAS ENTERED INTO JUST RECENTLY RELATED TO A PHYSICAL ABILITIES TEST FOR THE GROCERY ORDER FILLERS AT THEIR DISTRIBUTION CENTERS.

THE EEOC HAD ALLEGED THAT THE TEST DISCRIMINATED AGAINST FEMALE APPLICANTS BASED ON SEX.

AND, YOU KNOW, I DO WANT TO REMIND PEOPLE AND CERTAINLY MANY ORGANIZATIONS USE TESTING STILL. WE DON'T SEEM TO TALK ABOUT TESTING A WHOLE LOT ANYMORE, BUT CERTAINLY BOTH PHYSICAL TESTS AND OTHER TYPES OF JOB SUITABILITY TESTS ARE STILL USED FAIRLY REGULARLY BY EMPLOYERS AND THOSE ARE SOME THINGS THAT THOSE OF YOU IN THE EEO BUSINESS SHOULD BE MINDFUL OF AND HAS THAT TEST BEEN PROPERLY VALIDATED. SO THAT'S ALWAYS SOMETHING

TO WATCH FOR.

THIS OTHER CASE SETTLED EARLIER THIS YEAR THAT INVOLVED AN AGE DISCRIMINATION RIF CASE. AND THE CONSENT DECREE IN THAT ONE REQUIRES THE RETENTION OF AN EEO MONITOR, A DIVERSITY DIRECTOR, A LAYOFF COORDINATOR TO MAKE SURE THERE IS COMPLIANCE WITH THE AGE DISCRIMINATION ACT. I KNOW GIVEN THE ECONOMIC UNCERTAINTY RIGHT NOW CERTAINLY MANY EMPLOYERS MAY BE CONTEMPLATING RIFS OR HAVING TO TAKE RIF ACTIONS. I URGE YOU TO MAKE SURE YOU ARE FOLLOWING THE RULES AND PARTICULARLY AS THEY RELATE TO THE AGE DISCRIMINATION IN EMPLOYMENT ACT. THAT'S SOMETHING TO BE VERY MINDFUL OF. THIS FED EX CASE THIS IS A SYSTEMIC DISABILITY CASE. TWO AND A HALF MILLION TO 37 APPLICANTS AND EMPLOYEES. THIS WAS THE ALLEGATION THAT THEY HAD DISCRIMINATED AGAINST DEAF AND HARD OF HEARING APPLICANTS IN THE PACKAGE HANDLER POSITION.

AND WHETHER OR NOT THERE COULD HAVE BEEN REASONABLE ACCOMMODATIONS MADE FOR THOSE INDIVIDUALS.

AND THE OTHER CASE, THIS JACKSON NATIONAL LIFE INSURANCE CASE, \$20.5 MILLION. AND THERE IS A FOUR-YEAR CONSENT DECREE HERE. THIS WAS A RACE AND NATIONAL ORIGIN AND SEX DISCRIMINATION SUIT THAT ALLEGED HARASSMENT UNEQUAL PAY DENIALS OF PROMOTION AND RETALIATION. BUT IN PARTICULAR, I KNOW HAVING TALKED WITH THE ATTORNEYS IN THIS CASE, THE RACE DISCRIMINATION IN TERMS OF OPPORTUNITIES FOR PROMOTION AND RETALIATION WERE CERTAINLY PROMINENT IN THAT CASE.

SO THAT'S ONE YOU MIGHT WANT TO TAKE A LOOK AT. I MENTIONED THESE CONSENT DECREES IN PARTICULAR BECAUSE THEY PLAY SUCH AN IMPORTANT ROLE IN THE EEOC'S RESOLUTION OF LITIGATION, BUT FOR YOUR COMPANIES, THEY OFTEN TIMES WILL RESULT IN A MONITOR OR SOME ONGOING SUPERVISION OF WHETHER IT'S THE HIRING PRACTICE OR THE TESTING PRACTICE OR

THE PROMOTION PRACTICE, WHATEVER IT IS THAT WE HAVE BEEN CHALLENGING. AND SO YOU KNOW THESE ONGOING MONITORING SITUATIONS ARE SOMETHING THAT THE COMPANIES HAVE TO BE MINDFUL OF. AND PROBABLY MANY OF YOU GET INVOLVED IN THOSE ISSUES WITH YOUR COMPANIES.

I DO WANT TO POINT OUT IN PARTICULAR GIVEN THE RACIAL RECKONING GOING ON IN THE COUNTRY AND THE SITUATION I HAVE BEEN SAYING THIS FOR A COUPLE YEARS NOW, REALLY RETHINKING OF OUR -- WHERE WE ARE IN TERMS OF OUR CIVIL RIGHTS GOALS AND ASPIRATIONS AND WHERE WE ARE ON THE GROUND REALITY.

THIS IS JUST TO GIVE YOU SOME SENSE. THE RACE DISCRIMINATION LAWSUITS FROM LAST YEAR.

AS YOU CAN SEE, IN THOSE LAWSUITS, THERE WERE 13 RACE DISCRIMINATION SUITS THAT INVOLVED HARASSMENT. RACIAL HARASSMENT.

FIVE INVOLVING DISCHARGE, THREE HIRING AND ONE IN TERMS OF TERMS AND CONDITIONS. BUT I WANTED TO POINT THIS OUT IN PARTICULAR BECAUSE OF THE HARASSMENT ISSUE. AND THIS IS SOMETHING I HAVE CERTAINLY SEEN IN MY TENURE AT THE EEOC AND IN THE VARIOUS CASES THAT I HAVE SEEN COME TO THE COMMISSION'S ATTENTION OR MATTERS THAT THE COMMISSION DEALS WITH. THE RACIAL HARASSMENT SITUATIONS ARE REALLY PRETTY NASTY AND SHOCKING AT TIMES AND MAYBE NOW WOULDN'T BE AS SHOCKED BY THEM GIVEN THE AWAKENING ON RACIAL CONDITIONS ON MANY SITUATIONS IN THE COUNTRY. BUT IT HAS BEEN PRETTY -- SOME OF THE SITUATIONS HAVE JUST BEEN LIKE I SAID PRETTY NASTY AND UGLY SITUATIONS. AND THE HARASSMENT ISSUE PARTICULARLY BASED ON RACE, BUT IN THE WORKPLACE WAS SOMETHING THAT WHEN MYSELF AND COMMISSIONER FELDBLUM FORMER COMMISSIONER FELDBLUM TASK FORCE ON HARASSMENT, SO MUCH OF WHAT WE WERE ABLE TO STUDY AND LOOK AT AND PUT TOGETHER RELATED TO HARASSMENT WAS ABOUT SEXUAL HARASSMENT

BECAUSE THAT IS BY AND LARGE WHERE MOST OF THE STUDIES HAD BEEN. BUT OUR FOCUS WAS ALWAYS BROADER THAN JUST SEXUAL HARASSMENT CERTAINLY BECAUSE OF THE ME TOO MOVEMENT AS WE WOULD TALK TO PEOPLE ABOUT THE RECOMMENDATIONS FROM THE HARASSMENT TASK FORCE AND CONCLUSIONS FROM IT, IT WAS A LITTLE HARD TO GET PEOPLE TO FOCUS ON THE RACE ASPECTS OF IT. BUT IT IS THE CASE CERTAINLY IN TERMS OF WHAT THE EEOC HAS DEALT WITH THROUGHOUT ITS HISTORY, BUT EVEN SAY OVER THE LAST I USE THE WORD DECADE AS MY STARTING POINT BECAUSE THAT'S WHEN I STARTED at THE EEOC, THE RACIAL HARASSMENT SITUATIONS IN MANY WORKPLACES HAVE NOT GONE AWAY. THE TOOLS TO DEAL WITH IT ARE SIMILAR TO WHAT YOU CAN DO IN TERMS OF SEXUAL HARASSMENT, BUT THERE IS A DIFFERENT ASPECT TO THEM. I URGE PEOPLE TO DO THE KINDS OF CULTURAL ASSESSMENTS THAT WE URGED AS ONE OF THE RECOMMENDATIONS ON THE TASK FORCE ON HARASSMENT AND MAKE SURE YOU HAVE A GOOD UNDERSTANDING WHAT PEOPLE ARE DEALING WITH IN THE WORKPLACES IN YOUR COMPANY.

TONY, ONTO THE NEXT.

AND JUST TO TIE THIS IN HERE AS I MENTIONED OUR TASK FORCE ON HARASSMENT PEOPLE HAVE HEARD ME TALK ABOUT THAT MANY TIMES. THAT INFORMATION OUR TASK FORCE REPORT IS STILL AVAILABLE ON OUR WEBSITE. THIS IS IN ADDITION TO THE RACIAL HARASSMENT ASPECT THAT THE SEXUAL HARASSMENT IS SOMETHING I FEEL VERY STRONGLY ABOUT AND I PUT A LOT OF TIME INTO IN MY TIME AT THE EEOC. AND THERE IS STILL A LOT MORE TO BE DONE. IN THE TELEWORKING CORONAVIRUS WORLD WE'RE WORKING IN, MANY PEOPLE HAVE ASKED ME FS THE HARASSMENT SITUATION ANY BETTER. THAT'S INCREDIBLY HARD TO ASSESS RIGHT NOW, BUT I WOULD POINT OUT THAT CERTAINLY PEOPLE CAN BE HARASSED ONLINE AND YOU KNOW TO THE EXTENT THAT EMPLOYERS HAVE SET UP VIRTUAL WORKING ARRANGEMENTS, THE EMPLOYERS HAVE TO BE

AS SENSITIVE TO AND PAYING AS MUCH ATTENTION TO THE POTENTIAL FOR HARASSMENT VIRTUALLY AS THEY WOULD IF PEOPLE WERE IN THE WORKPLACE. AND THAT IS SOMETHING THAT PEOPLE SHOULD CONTINUE TO BE MINDFUL OF.

TONY, ONTO THE NEXT.

WELL AGAIN, THIS IS JUST INFORMATION THAT'S AVAILABLE ON OUR WEBSITE. EVERYTHING FROM WHEN WE RECONVENE THE TASK FORCE TO THE PROMISING PRACTICES DOCUMENT WHICH I KNOW MANY PEOPLE HAVE USED OVER THE LAST COUPLE YEARS AND IT'S KIND OF A SHORT HAND FOR THE INFORMATION IN THE FULL TASK FORCE REPORT.

TONY, ONTO THE NEXT.

THE RESPECTFUL WORKPLACES TRAINING, THIS WAS ONE OF OUR RECOMMENDATIONS OUT OF OUR TASK FORCE THAT ORGANIZATIONS FOLK DO SOME INTERVENTION IN THE TRAINING IN TERMS OF WHAT THEY HAVE DONE HARASSMENT ISSUES AND FOCUS ON WORKPLACE. THIS TRAINING IS SOMETHING WE PUT INTO DEVELOPING CONTENT WISE AT THE EEOC. IT'S SOMETHING IF YOUR ORGANIZATIONS ARE INTERESTED IN, YOU COULD CONTACT ANY ONE OF OUR FIELD OFFICES AND THEY MIGHT BE ABLE TO HELP YOU MAKE THAT TRAINING AVAILABLE TO YOUR WORKPLACE.

I DID JUST CHECK AND I KNOW THAT FOR A WHILE WE WERE NOT DOING THIS VIRTUALLY ONCE WE HAD SUSPENDED A LOT OF THINGS IN MARCH, BUT I THINK THAT THAT'S PROBABLY ABOUT TO CHANGE. AND PEOPLE WOULD BE ABLE TO -- MIGHT BE ABLE TO ACCESS THIS TRAINING ONLINE. BUT YOU SHOULD CONTACT OUR FIELD OFFICES IF YOU ARE INTERESTED.

ONTO THE NEXT, TONY.

WE HAVE DONE A LOT OF THESE TRAININGS SINCE OCTOBER 2017. SO AGAIN ENCOURAGE YOU IF YOU ARE INTERESTED IN THE CONTENT THERE SOMETHING TO TAKE A LOOK AT.

ONTO THE NEXT.

I WANTED TO MENTION HERE A CASE THAT WAS

RECENTLY DECIDED BY THE NATIONAL LABOR RELATIONS BOARD. NOT THAT THE NLRB IS -- NOT TO GET INTO THEIR LANE AT ALL, BUT THIS WRIGHT -- I'M SORRY THIS GENERAL MOTORS CASE THAT WAS JUST DECIDED BY THE NLRB AT THE END OF JULY AND THERE WAS -- THE EEOC FILED A BRIEF IN THIS CASE WITH THE BOARD. SO FOR THOSE OF YOU WHO ARE NOT FAMILIAR WITH THE BOARD PRACTICES, THEY DECIDE THEIR OWN CASES. AND THEY INVITED OUTSIDE BRIEFS. WE FILED AS AMICUS. AND THEY WERE LOOKING AT IN PARTICULAR A LOT OF THEIR JURISPRUDENCE ABOUT DISCIPLINARY ACTIONS THAT EMPLOYERS CAN TAKE WHEN EMPLOYEES MAY BE ENGAGING IN WHAT THE EEOC WOULD OTHERWISE, CONSIDER HARASSING BEHAVIOR. WHETHER IT'S RACIAL EPITHETS IN THE WORKPLACE OR -- WELL, THAT WOULD BE IN PARTICULAR OTHER KINDS OF RACIAL HARASSMENT. AND THERE HAD INCREASINGLY BEEN A LINE OF CASES BY THE NLRB THAT SAID, WELL, WHEN EMPLOYERS TRY TO DISCIPLINE EMPLOYEES FOR THOSE ISSUES, THAT THE EMPLOYEES WERE ENGAGING IN PROTECTED UNION ACTIVITY. SO THIS HAD BEEN SORT OF A REAL POINT OF TENSION BETWEEN THE EEOC AND THE CASE LAW UNDER TITLE VII AND TRYING TO PROTECT AGAINST DISCRIMINATION AND HOSTILE ENVIRONMENT WORKPLACES AND THE NATIONAL LABOR RELATIONS ACT AND WHAT CONSTITUTES PROTECTED UNION ACTIVITY. SO WHEN THE OPPORTUNITY AROSE, AND THIS WAS AN ISSUE THAT OUR TASK FORCE ON HARASSMENT HAD DEALT WITH AND ACTUALLY HAD MADE A RECOMMENDATION THAT WE TRY TO COORDINATE SOME JOINT GUIDANCE BETWEEN THE NLRB AND THE EEOC. JOINT GUIDANCE WAS PRETTY IMPOSSIBLE TO DO BECAUSE OF HOW THE BOARD DOES ITS WORK, WHICH IS IT DECIDES CASES AND THEY DEVELOP THEIR GUIDANCE AND PROCEDURES THROUGH THEIR CASE LAW. BUT THIS CASE REINSTATED THIS STANDARD, WHICH ESSENTIALLY THAT IF AN EMPLOYER IS GOING TO DISCIPLINE SOMEONE FOR SOME DISCRIMINATORY ACTIVITY OR HOSTILE -- CREATING A

HOSTILE WORK ENVIRONMENT, THAT THAT -- IF THEY ARE, OTHERWISE, GOING TO DISCIPLINE THEM, THEN THAT WOULD BE ACCEPTABLE. AND IT WOULD REQUIRE PROOF THAT THE WORKERS PROTECTED UNION ACTIVITY WAS A MOTIVATING FACTOR IN THEIR DISCIPLINE. IN OTHER WORDS, THEY CAN'T DISCIPLINE THEM FOR THAT. THIS IS A PRETTY SEMINAL CASE IN TERMS OF THE BOARD, BUT IT WAS ALSO LIKE I SAID AND THEY CITED IT PRETTY EXTENSIVELY TO THE BRIEF THAT WAS FILED BY THE EEOC IN THIS MATTER.

HOPEFULLY SOME BETTER CONGRUENCE I THINK BETWEEN THE BOARD'S CASE HERE AND THE PRETTY WELL DEVELOPED CASE LAW UNDER TITLE VII ABOUT NOT JUST RACIAL, BUT HARASSMENT IN THE WORKPLACE. TONY ONTO NEXT.

OF COURSE I WOULD BE REMISS IF I DID NOT MENTION THIS LANDMARK CASE DECIDED BY THE SUPREME COURT IN JUNE. THE BOSTOCK VERSUS CLAYTON COUNTY. AND THAT OF COURSE INCLUDED THE CASES THAT THE EEOC HAD BROUGHT, THE HARRIS FUNERAL HOMES CASE AND THE VARD A CASE AND THE QUESTION OF COURSE BEING IS SEXUAL ORIENTATION COVERED UNDER THE BECAUSE OF SEX LANGUAGE IN TITLE VII AND ALSO GENDER IDENTITY. AND OF COURSE -- AND THE COURT SAID YES. AND IN AN OPINION BY JUSTICE GORSUCH. AND BASED ON JUST AS THEY SAID THE PLAIN LANGUAGE OF TITLE VII. I OF COURSE HAVE TO GIVE A SHOUT OUT TO MY FORMER COLLEAGUE COMMISSIONER FELDBLUM AND REALLY SO MANY PEOPLE AT THE EEOC WHO OVER THE LAST DECADE REALLY HAD THE ROAD MAP FOR GETTING TO THE SUPREME COURT ON THIS ISSUE INCLUDING MY FRIEND THE LATE JACKIE BAR ION WHO SERVED AS CHAIR OF THE COMMISSION AND BACK IN 2010 I THINK IT WAS, OR 2,011 FIRST TOLD OUR FIELD OFFICES THAT WE WOULD NO LONGER TURN AWAY CHARGES THAT PEOPLE FILED WITH THE EEOC WHEN THEY CAME TO US SAYING THAT THEY HAD BEEN DISCRIMINATED AGAINST BASED ON THEIR SEXUAL ORIENTATION OR THEIR GENDER IDENTITY. THAT WAS REALLY THE FIRST

BUILDING BLOCK TO PUT IN PLACE AND THEN OF COURSE DECISIONS BY THE COMMISSION IN FEDERAL SECTOR CASES, BUT ALL OF WHICH LEADING TO THIS LAND MARK DECISION BY THE SUPREME COURT. AND MAKES EMPLOYMENT OPPORTUNITY AVAILABLE CERTAINLY TO EQUAL EMPLOYMENT OPPORTUNITY AVAILABLE TO MORE PEOPLE. SO THIS IS CERTAINLY A REALLY SIGNIFICANT ACHIEVEMENT OVER THE PAST -- OVER THIS SUMMER IN TERMS OF EMPLOYMENT LAW, IN TERMS OF CIVIL RIGHTS AND LIKE I SAID SHOUT OUT TO LOTS OF PEOPLE AT THE EEOC, OUR APPELLATE LAWYERS, OUR LITIGATORS IN THE FIELD WHO PICKED MANY OF THESE CASES, PRIOR GENERAL COUNSEL DAVID LOPEZ WHO WAS INSTRUMENTAL HELPING FINDING CASES AND HERE WE ARE. IT'S A NEW DAY UNDER TITLE VII.

TONY, NEXT SLIDE.

A COUPLE OTHER SIGNIFICANT CASES FROM THE SUPREME COURT. JUST IN THIS PAST TERM. OUR LADY OF GUADALUPE SCHOOL AND THE SAINT JAMES SCHOOL VERSUS BIEL. THIS WAS A CASE THAT WAS REVISITING THE HOSANNA - TABOR CASE. AND REVISITED THAT CASE IN TERMS OF THE RELIGIOUS EXEMPTION OR I SHOULD SAY THE MINISTERIAL EXEMPTION. AND THE COURT I GUESS CLARIFIED MINISTERIAL EXEMPTION FOR THESE TWO RELIGIOUS SCHOOLS. THE BABB VERSUS WILKIE CASE. FOR THOSE OF YOU WHO MAY WORK FOR WHETHER YOU WORK FOR A FEDERAL CONTRACTOR OR A FEDERAL ARE A FEDERAL EMPLOYEE YOURSELF. THIS WAS VERY SIGNIFICANT CASE ABOUT THE AGE DISCRIMINATION ACT AND ITS APPLICATION FOR FEDERAL EMPLOYEES. ACTIONS BY FEDERAL AGENCIES HAVE TO BE FREE FROM DISCRIMINATION AND UNTAINTED BY ANY CONSIDERATION OF AGE.

PRIVATE SECTOR PROVISIONS UNDER THE AGE DISCRIMINATION EMPLOYMENT ACT ARE WRITTEN IN THE STATUTE VERY DIFFERENTLY THAN THE PUBLIC SECTOR PROVISIONS. AND SO HAVING -- AND THAT HAD BEEN -- THERE HAD BEEN A FAIR AMOUNT OF DEBATE ABOUT WHAT THOSE DIFFERENCES MEANT FOR SITE

SOME TIME, BUT THIS CERTAINLY EXPANDS THE PROTECTION FOR FEDERAL EMPLOYEES IN TERMS OF BEING ABLE TO PURSUE AGE DISCRIMINATION CASES. I THINK ALSO A PRETTY SIGNIFICANT CASE. TONY ONTO THE NEXT ISSUES TO WATCH. OH, MY GOODNESS OF COURSE WE COULD CONTINUE TO TALK ABOUT THE COMPONENT AND EQUAL -- I WOULD SAY KUDOS TO ALL OF YOU FOR UNDER VERY CRAMPED AND DIFFICULT SITUATIONS OVER THE PAST YEAR COMPLETING THE COMPONENT TWO INFORMATION AND SENDING IT TO EEOC IN THE FACE OF THE COURT ORDER THAT REQUIRED US TO DO SO. I THINK WHEN I SPOKE TO YOU ALL A YEAR AGO IN MILWAUKEE AND SAID AT THAT TIME WE ARE UNDER A COURT ORDER, AND SO THEREFORE SUBMITTING THE COMP INFORMATION IS GOING TO HAPPEN, WHICH I DID. AND TO THE CREDIT OF ALL OF YOU, BECAUSE I KNOW IT WASN'T EASY, BUT MANAGED TO HAVE A VERY HIGH COMPLIANCE RATE AND SO THE EEOC OF COURSE WE'RE NOW IN POSSESSION OF THAT INFORMATION. WE HAVE SAID WE'RE NOT PLANNING ON DOING ANOTHER COMPONENT TWO COMP COLLECTION. WE HAVE PUT IN PLACE CONTRACTED WITH THE NATIONAL ACADEMIES OF SCIENCE AND THEY ARE GOING TO REVIEW THE INFORMATION THAT WAS COLLECTED, THE COMP INFORMATION. AND LOOK AT THE INFORMATION FOR PURPOSES OF BOTH QUALITY OF THE DATA QUALITY AND ALSO FOR PURPOSES OF THE UTILITY OF THE DATA.

SO SOME OF YOU MAY REMEMBER THE NATIONAL ACADEMIES OF SCIENCE DID A STUDY BEFORE BOTH OFCCP DURING THE PAST SIX YEARS I GUESS AND THEN BEFORE THE EEOC WENT DOWN THE ROAD OF THE COMPONENT TWO ON THE EEO ONE, BUT THE NAS HAD BEEN CONTRACTED WITH BY THE EEOC TO DO A STUDY ABOUT THE POTENTIAL FOR COLLECTING PAY INFORMATION AND WHAT COULD THAT LOOK LIKE AND WHAT WOULD THE INFORMATION COLLECTED, WHAT COULD IT BE USEFUL. YOU KNOW THE EEOC WHEN WE PUT THE COMPONENT TWO IN PLACE AND THINK MOST

PEOPLE KNOW I VOTED AGAINST IT DID NOT FOLLOW ALL THE RECOMMENDATIONS OF THE NAS AT THAT TIME, BUT THE PAY COLLECTION HAS NOW HAND. AS I SAID, WE'RE IN POSSESSION OF THE DATA NOW WE'RE ENGAGING WITH NAS TO GIVE US SOME IDEA OF LIKE I SAID BOTH DATA QUALITY, WHICH IS SOMETHING THAT OUR NEW CHIEF DATA OFFICER CHRIS HAFER OF COURSE IS VERY FOCUSED ON AS IVY MENTIONED IN THE INTRODUCTION CREATING A POSITION OF CHIEF DATA OFFICER WAS SOMETHING THAT I DID AT THE EEOC AS ACTING CHAIR AND HE IS GOT A REALLY GREAT TEAM TOGETHER IN TERMS OF OTHER DATA SCIENTISTS AND STATISTICIANS. AND SO AND REALLY THEY ARE THE PEOPLE WHO ALONG WITH ALL OF YOU IN YOUR HEROIC EFFORTS AND COMPLIANCE PULLED OFF THE COMPONENT TO REPORTING AND COLLECTION, BUT NOW IS THE OPPORTUNITY TO LOOK AT WHAT THAT INFORMATION HAS YIELDED.

THE NAS WILL PUT TOGETHER AN EXPERT PANEL. ALL THE COMMISSIONERS, WE HAVE GIVEN THEM RECOMMENDATIONS OF NAMES OF EXPERT WHETHER EXPERT STATISTICIANS OR PH.D. ECONOMISTS OR LAWYERS WHO HAVE LITIGATED PAY CASES AND I DO HOPE CERTAINLY THE NAS HAS A REPUTATION FOR REAL OBJECTIVITY AND FAIRNESS AND I DO HOPE THAT THEY WILL -- THAT WILL BE THE END RESULT OF THEIR STUDY, WHICH WILL TAKE QUITE SOME TIME. THIS IS AT LEAST A YEAR AND A HALF AWAY IN TERMS OF WHAT THEIR FINAL -- THEY ARE JUST GETTING -- WE JUST GAVE THEM THE NAMES OF SUGGESTED PEOPLE. SO THEY WILL JUST BE GETTING STARTED ON THAT. BUT YOU KNOW I THINK THE BOTTOM LINE IS -- WE'LL HAVE TO SEE WHAT COMES OF THEIR RECOMMENDATIONS AND WHAT THEIR ASSESSMENT IS OF THE UTILITY OF THE DATA THAT WAS COLLECTED.

CERTAINLY ONE THING TO EVALUATE THE UTILITY FOR ENFORCEMENT PURPOSES, WHICH HAS BEEN BOTH THE CRUX OF OFCCP'S DESIRES FOR MANY YEARS NOW AND THE EEOC'S DESIRES AS WELL.

I THINK MOST OF YOU KNOW THAT I LIKE I SAID I HAD VOTED AGAINST THIS.

I THINK THAT POLITICALLY -- WELL WE'LL HAVE TO SEE WHAT HAPPENS IN TERMS OF ANY FUTURE PAY DATA COLLECTIONS OR WHETHER IT'S FROM THE EEOC OR SOME OTHER ENTITY, WHETHER IT'S EXPANDED, WHETHER CATEGORIES ARE CHANGED, WHETHER THE INFORMATION IS REPORTED, SUGGESTED TO BE REPORTED IN THE SAME MANNER, AND OF COURSE YOU KNOW THE CONSENT HAVING TO BALANCE THE UTILITY WITH THE BURDEN.

I HAVING STUDIED A LOT OF THE TYPES OF PAY REPORTING THINGS AROUND THE WORLD AND IN OTHER COUNTRIES, I AM KIND OF A PROPONENT OF WHAT THEY DID IN THE UK, WHICH IS THE PUBLIC REPORTING OF THE WAGE GAP, BUT ACTUALLY GIVES EMPLOYERS AN OPPORTUNITY TO EXPLAIN WHY THEY MAY HAVE A WAGE GAP AND WHAT THEIR ACTIONS THAT THEY ARE TAKING TO DEAL WITH IT.

THAT'S NOT SOMETHING THAT COULD BE DONE BY REGULATION. THAT'S SOMETHING THAT WOULD HAVE TO BE DONE BY STAFF. BUT THAT'S SOMETHING THEY THINK MAY HAVE SOME -- I QUITE FRANKLY, THINK GREATER UTILITY. BUT THAT'S WHERE THINGS STAND IN TERMS OF THE EEO ONE ON THE COMPONENT TWO. I WILL SAY THE WAY THE LAWSUIT ULTIMATELY ENDED UP WHICH I THINK MOST OF YOU ARE FAMILIAR WITH WHEN WE THE EEOC AND OMB WERE SUED BY A NUMBER OF INTEREST GROUPS INCLUDING THE NATIONAL WOMEN'S LAW CENTER AND BY THE TIME THE ISSUE GOT TO THE COURT OF APPEALS HERE IN THE DC CIRCUIT COURT OF APPEALS, OF COURSE THE PAY DATA COLLECTION HAD ALREADY TAKEN PLACE.

AND THERE WAS A JOINT STIPULATION THAT -- THE NEED FOR THE DC CIRCUIT COURT OF APPEALS TO DECIDE THE MATTER OF JUST THE LEGAL MATTER WAS MOOT. IT WASN'T EXACTLY HOW I WOULD HAVE WANTED THAT TO COME OUT, BUT THAT WAS -- THAT'S WHERE THAT HAS LEFT OFF.

TONY NEXT SLIDE.

I MENTIONED THE AGE DISCRIMINATION I MENTIONED THE BABB VERSUS WILKIE CASE. JUST BE CAUTIOUS OF THIS PARTICULARLY IF AGAIN IN THE UNCERTAIN ECONOMIC TIMES IF COMPANIES ARE CONTEMPLATING REDUCTIONS IN FORCE.

ONTO THE NEXT.

IT WAS ON OUR SPRING REGULATORY AGENDA. WE TALKED ABOUT THE PAY SURVEY. THE JOINT EMPLOYER, THERE IS INTEREST IN THE EEOC UPDATING SOME GUIDANCE OR INTERPRETATIVE GUIDANCE ABOUT JOINT EMPLOYER. BECAUSE THIS WOULD FALL UNDER TITLE VII WE DON'T HAVE SUBSTANTIVE RULE MAKING AUTHORITY UNDER SEVEN. IT WOULD BE INTERPRETATIVE GUIDANCE. WE HAD PROPOSED A RULE ON OFFICIAL TIME THIS IS RELATED TO THE FEDERAL SECTOR AND ALSO UPDATING PROCEDURAL REGULATIONS FOR OUR DIGITAL TO HAVE OUR REGULATIONS COMPORT MORE WITH THE ACTIONS THE EEOC FOLLOWS FROM AN OPERATIONAL PERSPECTIVE IN TERMS OF WHEN WE SEND THINGS OUT DIGITALLY, RATHER THAN SENDING EVERYTHING THROUGH THE MAIL. THIS IS SOMETHING THAT WE'RE IN THE PROCESS OF FINALIZING. I WOULD URGE ALL OF YOU TO TAKE A LOOK AT IT ONCE IT GETS FINAL.

NEXT.

TONY, ONTO THE NEXT.

THE ONE THING I WILL MENTION HERE AT THE BOTTOM HERE THE WELLNESS REGULATIONS, THAT'S SOMETHING THAT OF COURSE THE WELLNESS REGULATIONS THAT HAD BEEN FINALIZED BY THE EEOC IN 2016. WE WERE SUED BY AARP. AARP PREVAILED IN THAT LAWSUIT AND THE INCENTIVE PROVISIONS THAT HAD BEEN PUT INTO OUR WELLNESS REGULATIONS FOR PURPOSES OF THE ADA AND JINA WERE STRUCK DOWN BY THE DC COURT. WE HAVE BEEN WORKING ON A NEW WELLNESS PACKAGE AND THAT'S SOMETHING YOU SHOULD BE WATCHING FOR AS WELL.

ONTO THE NEXT.

SO I DID WANT TO END WITH SINCE MANY OF YOU PROBABLY KNOW AND HAVE FOLLOWED AND BOTH LAST WEEK WAS THE 100th ANNIVERSARY OF RATIFICATION OF THE 19TH AMENDMENT TO THE CONSTITUTION GIVING THE WOMEN THE RIGHT TO VOTE. BUT THIS WEEK IS ALSO CONSIDERED PART OF THE ANNIVERSARY BECAUSE ON AUGUST 26 WAS THE DATE THAT THE 19TH AMENDMENT WAS FINALLY RATIFIED. THE LAST STATE BY TENNESSEE. THEN IT WAS CERTIFIED TO BE ADDED TO THE CONSTITUTION ON AUGUST 26. SO THIS WEEK IS WEEK FOR CELEBRATION. THIS IS SOMETHING THAT I HAVE BEEN INVOLVED WITH AND PAYING ATTENTION TO FOR QUITE A FEW YEARS NOW AND SO IN MANY CITIES AROUND THE COUNTRY MANY LANDMARKS AROUND THE COUNTRY ON WEDNESDAY WILL BE LIT UP IN PURPLE AND WHITE AND GOLD, WHICH WERE THE COLORS OF THE SUFFRAGE MOVEMENT IN THE UNITED STATES. SO I HOPE THAT'S SOMETHING THAT YOU WATCH FOR. BUT I ALSO WANTED TO MENTION IT BECAUSE, TONY, ON TO THE NEXT SLIDE, SO OF COURSE WITHOUT THE 19TH AMENDMENT WE WOULD NEVER HAVE HAD THE CIVIL RIGHTS ACT OF 1965. AND THE MOST IMPORTANT LANGUAGE IN THE CIVIL RIGHTS ACT AT LEAST TO THOSE OF US IN THE EMPLOYMENT BUSINESS ARE THE FACT THAT IT'S AN UNLAWFUL EMPLOYMENT PRACTICE TO DISCRIMINATE BASED ON RACE COLOR RELIGION SEX OR NATIONAL ORIGIN. AND MANY OF YOU PROBABLY KNOW THAT SEX WAS ADDED IN TO THE CIVIL RIGHTS ACT AT THE LAST MINUTE AND INCLUDING FROM AT THE URGING OF ALICE PAUL WHO WAS ONE OF THE VERY FAMOUS SUFFRAGISTS SHE WAS THE ONE WHO IN THE PICTURE THAT YOU JUST SAW THE PRIOR SLIDE HAD ACTUALLY THOUGHT OF THE IDEA OF PICKETING IN FRONT OF THE WHITE HOUSE AS A MATTER OF CIVIL DISOBEDIENCE. SHE WAS THE ONE WHO HAD FIRST URGED CONGRESSMAN FROM VIRGINIA TO ADD IN SEX TO TITLE VII. THERE IS A LONG TIME STORY THAT SEX WAS ADDED IN AS A POISON PILL TO BRING DOWN THE CIVIL RIGHTS ACT OF 1964. THAT'S BEEN LARGELY DEBUNKED NOW BY

MOST HISTORIANS INCLUDING THE FACT THAT HOWARD SMITH WHO WAS THE CONGRESSMAN FROM VIRGINIA WHO WAS SUPPORTIVE OF ADDING SEX INTO TITLE VII EVEN THOUGH HE DID NOT WANT THE CIVIL RIGHTS ACT TO PASS, BUT HE WAS A FRIEND OF ALICE PAUL. SO THERE IS STILL SOME DEBATE ABOUT THAT I GUESS WHETHER HE WAS TRYING TO ADDING SEX AS TO BRING DOWN THE CIVIL RIGHTS ACT. LIKE I SAID MOST HISTORIANS HAVE LARGELY DEBUNKED THAT, BUT THERE IS A SUPREME COURT CASE WHERE THIS SORT OF LIVES ON IN INFAMY. NEVERTHELESS I JUST WANT TO POINT OUT THE IMPORTANCE OF TITLE VII AND THE DIRECT CONNECTION OF THAT THIS WEEK TO THE 100TH ANNIVERSARY OF WOMEN GETTING THE RIGHT TO VOTE. TONY ONTO NEXT.

SO BECAUSE OF THAT SO THE LAST COUPLE YEARS WHEN I HAVE BEEN WITH YOU I HAVE ENDED WITH A QUOTE FROM USUALLY FROM A PRESIDENT. ONE OF OUR PRESIDENTS AND I THINK I HAVE TOLD PEOPLE THAT I'M ON THIS MISSION TO READ A BIOGRAPHY CHRONOLOGICALLY OF EVERY US PRESIDENT. LAST YEAR WAS GEORGE WASHINGTON. THIS YEAR JOHN ADAMS, BUT MOST IMPORTANTLY NOT SO MUCH JOHN ADAMS, BUT HIS WIFE THE FIRST LADY ABIGAIL ADAMS WHO PROBABLY COUNTS AS ONE OF THE VERY FIRST AMERICAN FEMINISTS AND WHILE HER HUSBAND WAS OFF AT THE FIRST CONTINENTAL CONGRESS, THIS IS WHEN THEY WENT OFF TO DRAFT THE DECLARATION OF INDEPENDENCE, SHE QUITE FAMOUS LY IN A LETTER WROTE TO HER HUSBAND JOHN ADAMS AND SAID, REMEMBER THE LADIES. AND SHE WAS REALLY URGING HIM TO NOT FOLLOW THE KINDS OF TREATMENT OF WOMEN THAT WERE CERTAINLY BY AND LARGE BASED ON WHAT WAS HAPPENING IN GREAT BRITAIN AND SHE WAS URGING HIM TO HAVE SOME REGARD FOR THAT AND CHANGE THAT AS THEY WERE DRAFTING THE DECLARATION OF INDEPENDENCE. BUT EVEN MORE THAN THAT, I CAME ACROSS THIS QUOTE FROM Abigail ADAMS IN STUDYING ABOUT JOHN ADAMS. THIS HAS

NOW BECOME MY NEW FAVORITE QUOTE. SOME YEARS LATER WHEN JOHN ADAMS WAS ACTUALLY IN FRANCE, THE REVOLUTIONARY WAR IS STILL GOING ON, AND JOHN ADAMS IS HAVING A TOUGH TIME. DEALING WITH BENJAMIN FRANKLIN WHILE HE IS IN FRANCE I AND BENJAMIN FRANKLIN HAVE DIFFERENT VIEWS ABOUT HOW THEY SHOULD BE DEALING BOTH WITH THE FRENCH AND WITH GREAT BRITAIN AT THAT TIME. SO THERE IS A LOT OF TRASH TALK ABOUT JOHN ADAMS THAT ABIGAIL ADAMS GETS WIND OF WHILE SHE IS BACK IN MASSACHUSETTS. OF COURSE SHE HAS BEEN LEFT BEHIND BACK IN MASSACHUSETTS NUMEROUS TIMES WHEN HER HUSBAND IS OVER IN EUROPE. AND SHE SENDS A LETTER TO A FAMILY FRIEND TO DEFEND HER HUSBAND AND IN DOING SO, THIS IS WHAT SHE WROTE, WHICH IS LIKE I SAID HAS BECOME I THINK MY NEW FAVORITE QUOTE. IT NEEDS GREAT COURAGE, SIR, TO ENGAGE IN THE CAUSE OF AMERICA.

IT NEEDS GREAT COURAGE, SIR, TO ENGAGE IN THE CAUSE OF AMERICA.

SO IN THIS SUMMER OF 2020 IN THE WORST PANDEMIC IN 100 YEARS, BUT MOST IMPORTANTLY IN OUR REALLY IMPORTANT REASSESSMENT OF RACE IN THIS COUNTRY AND WHAT WE CAN DO TO MOVE FORWARD, I THINK THAT SO MUCH OF THE WORK OF EVERYONE WITH YOUR COMPANIES AND THE WORK THAT YOU DO IN THE NILG I THINK IS TO BE ENGAGED IN THE CAUSE OF AMERICA. AND SO MY LAST WORD TO YOU AND THIS IS MY LAST WORD TO YOU AS THE COMMISSIONER OF THE EEOC. TONY NEXT SLIDE.

COURAGE.

SO WITH THAT, I WILL -- A LITTLE OVER TIME HERE. I MAYBE CAN TAKE A COUPLE QUESTIONS. AND THEN THAT WILL BE IT. LET ME SEE IF I CAN PULL UP SOME OF THE QUESTIONS HERE.

>> DENISE KING: I CAN READ SOME OF THE QUESTIONS. THIS IS DENISE. ONE OF THE QUESTIONS IS REGARDING THE BREAKDOWN OF THE TYPES OF CHARGES. ARE THE CHARGES RELATED TO THE LGBTQ COMPLAINTS

INCLUDED IN THE STATISTICS FOR SEX AND GENDER AND IF SO, ARE THERE PLANS TO SEPARATE THEM OUT LIKE THEY WERE A FEW YEARS AGO.

>>VICTORIA LIPNIC: THE SHORT ANSWER WOULD BE YES. AND YES. WE CAN BREAK THOSE OUT AND SHOULD BE ABLE TO DO SO. THOSE STATISTICS ABOUT HOW MANY CHARGES THAT WE HAVE THAT ARE ON AN LGBT BASIS SHOULD BE AVAILABLE. BUT WHEN THEY GET RECORDED BY ANY OF OUR FOLKS IN ANY OF OUR OFFICES, THEY WOULD ACTUALLY BREAK IT UP THAT WAY.

I HAVE TO LAUGH RIGHT NOW BECAUSE LIKE MANY OF YOU I'M DOING THIS FROM HOME AND THE GOOD HUMOR TRUCK HAS JUST SHOWN UP OUTSIDE.

I'M TEMPTED TO RUN OUT AND GET AN ICE CREAM.

>> DENISE KING: WELL THEN WITH THAT SAID I WANT TO THANK YOU COMMISSIONER LIPNIC FOR SPENDING TIME WITH US TODAY. IVY AND I BOTH AGREE IT HAS BEEN AN ABSOLUTE PRIVILEGE TO ENGAGE WITH SUCH AN AUTHENTIC PRAGMATIC AND COURAGEOUS PROTECTOR OF WORKER'S RIGHTS. WHAT YOU HAVE DONE IS VERY MUCH APPRECIATED SO THANK YOU. I WANT TO REMIND THE ATTENDEES TO SAVE THE DATE. WE HOPE TO SEE YOU IN NASHVILLE NEXT YEAR AUGUST 1ST THROUGH THE FOURTH AT THE ILG 2021 CONFERENCE AND REGISTRATION WILL BE AVAILABLE ONLINE NEXT WEEK. THANKS AGAIN TO OUR SPONSORS AND STAY SAFE AND STAY SOUND. THANK YOU EVERYBODY.

>>VICTORIA LIPNIC: THANK YOU SO MUCH.

>> THANK YOU. GOOD-BYE.