



OFFICE OF CIVIL RIGHTS ENFORCEMENT

2014 UPDATE

OCRE UPDATE TOPICS

- Policies & Priorities
- People
- Programs
- Processes
- Pertinent Stats
- Practice Pointers





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POLICIES & PRIORITIES

POLICIES & PRIORITIES

- **Promote** civil rights through
 - Proactive
 - Positive
 - Partnerships
 - Programs
- **Protect** civil rights through
 - Prosecuting enforcement actions





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PEOPLE

Who We Are

OHRC STAFFING

- 12 Employees
 - 1 Executive Director (non-lawyer)
 - 1 Supervisor (non-lawyer)
 - 1 Executive assistant
 - 2 Administrative Assistants
 - 2 Receptionists
 - 5 Investigators



OCRE STAFFING

- 7 Employees
 - 3 Full-time
 - 1 Chief of Unit (lawyer-Tulsa)
 - 1 Assistant AG (lawyer-OKC)
 - 1 Paralegal (Tulsa)
 - 4 Part-time
 - 2 investigators (OKC)
 - 2 legal interns (Tulsa)





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PROGRAMS

What We Do

PROGRAMS

- **Education**

- Expand scope of available resources to small Oklahoma employers
- Over 80% of Oklahoma employers have less than 15 employees
- Many lack access to high quality training regarding best practices



PROGRAMS

- **Enforcement**

- Oklahoma Anti-Discrimination Act,
25 O.S. 1101 et seq.

- Employment

- Housing

- Public Accommodation



PROGRAMS

- *Neutral* complaint investigation
- *Free* conciliation and mediation
- *Strategic* enforcement litigation





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PROCESSES

How We Do It

THE COMPLAINT

- Available online at ok.gov/oag



The screenshot shows the Oklahoma Office of the Attorney General website. At the top left is a portrait of E. Scott Pruitt, with the text "Oklahoma Office of the Attorney General" and "E. Scott Pruitt". To the right is a search bar with the "OK.GOV" logo and a "GO" button. Below the header is a large image of two men in suits walking down the steps of a classical building. A navigation menu below the image includes "Legal Resources", "About the Office", "Media", "Public Protection", "Public Safety", and "Contact the AG". Below the menu is a breadcrumb trail: "Home / About the Office / OCRE". The main heading of the page is "Office of Civil Rights Enforcement".

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THE COMPLAINT

- Must file within 180 days of the last alleged discriminatory act
- Copy mailed to Respondent (RP)
- A “Charge” will be prepared with more detail and mailed to RP



CONCILIATION

- Informal settlement efforts
- Involves the investigator and exchange of offers
- Can take place at any time in the process



MEDIATION

- More formal negotiations
- Free and available at any time
- Facilitated by trained, experienced litigators in the Attorney General's Litigation Unit
- 100% success rate to date



THE INVESTIGATION

- Request for Information to RP
- Witness Interviews
- Final Report—Reasonable Cause?
 - Dismissal & Notice of Right to Sue
 - Enforcement Action?
 - Attempt confidential settlement before filing an action



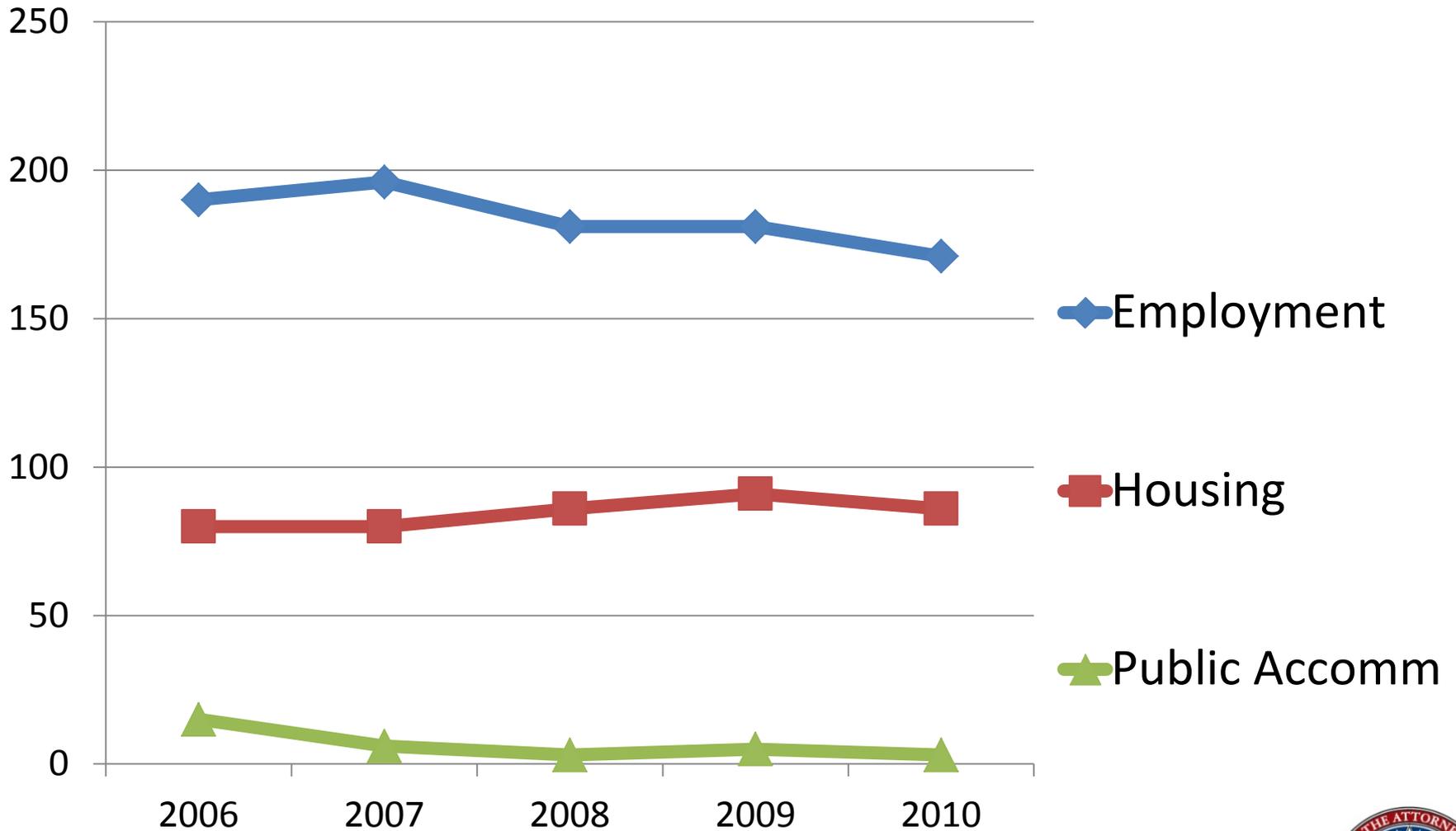


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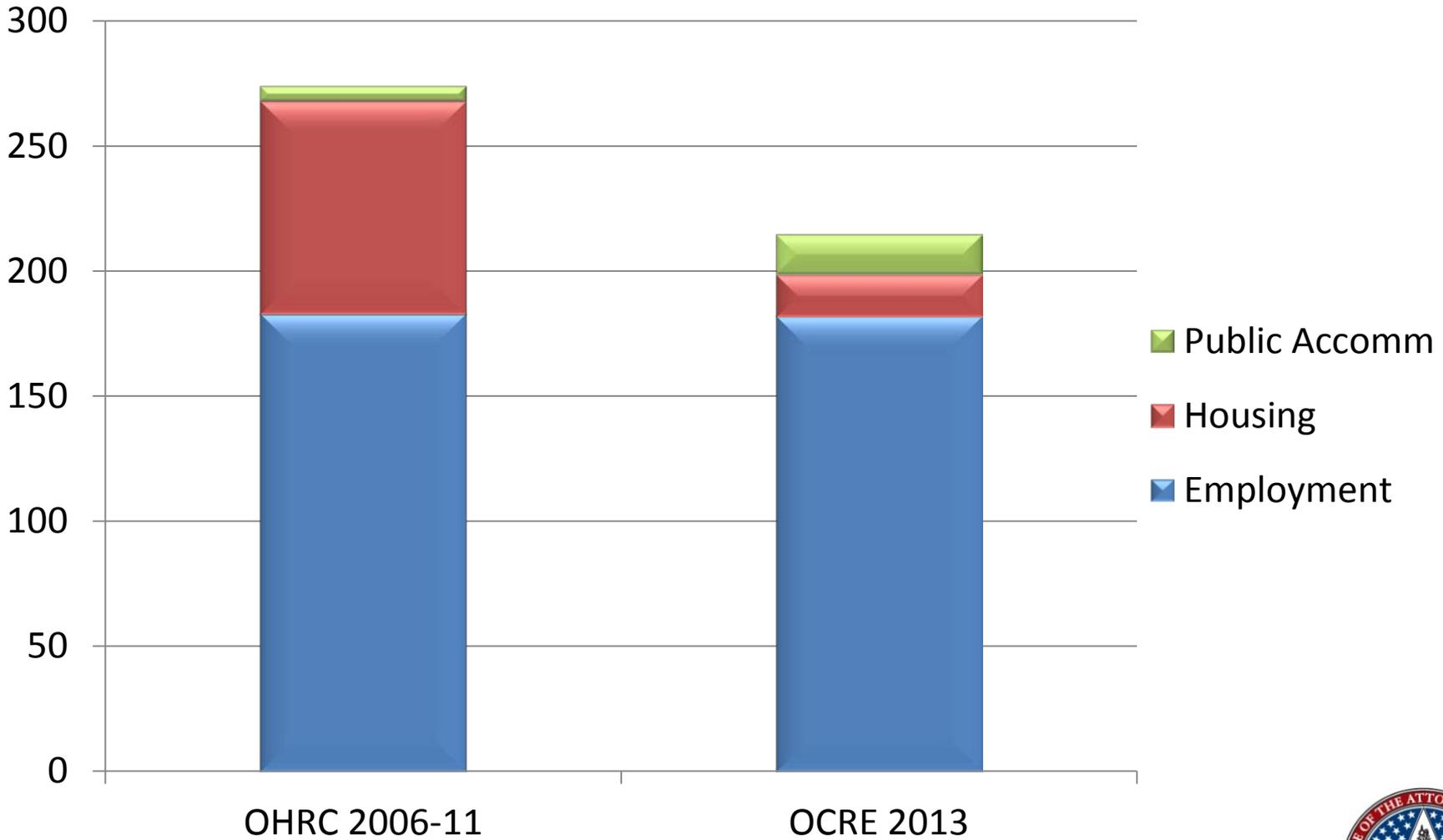
PERTINENT STATS

What's Happening

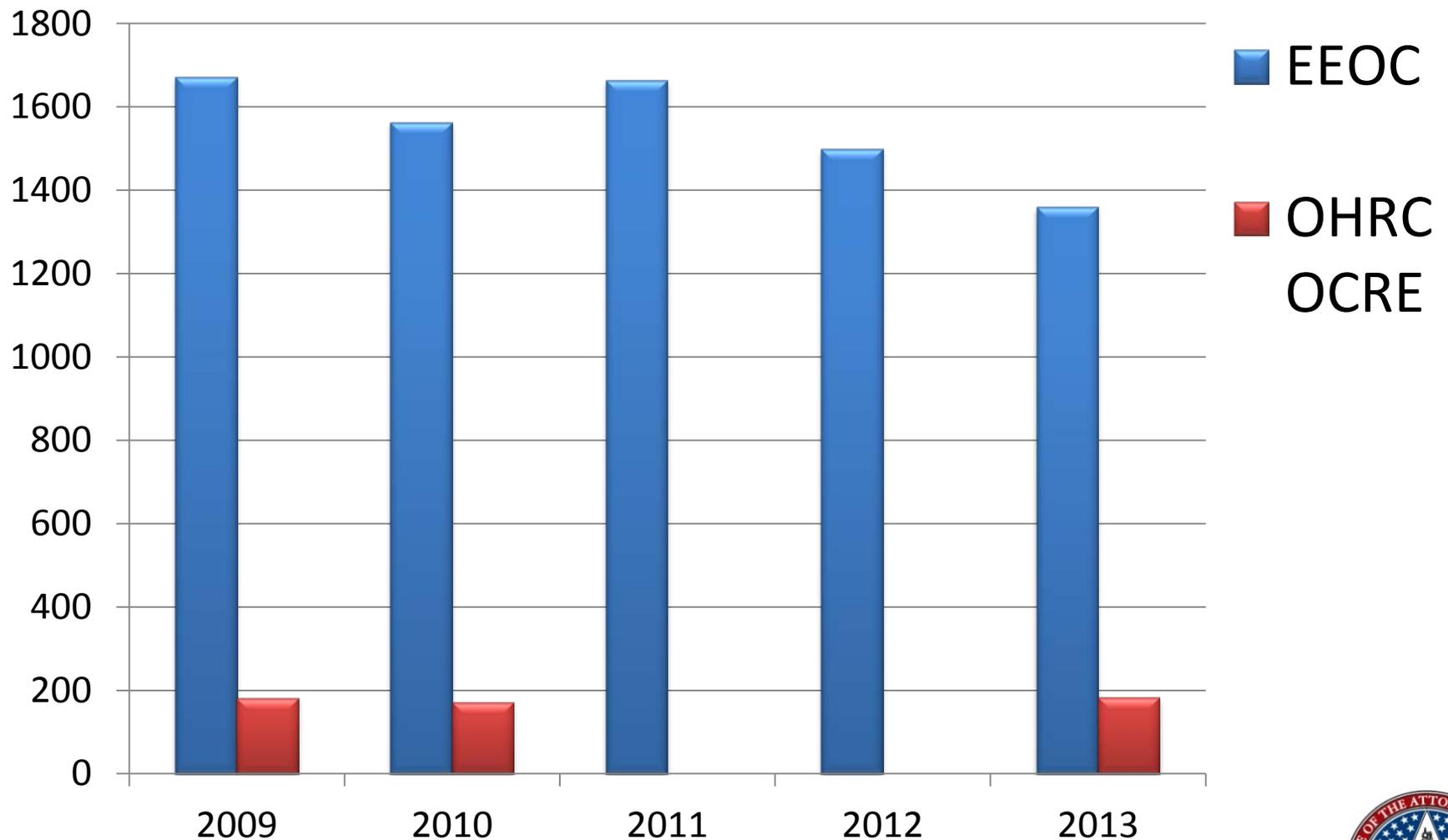
OHRC COMPLAINTS



DISCRIMINATION COMPLAINTS



EMPLOYMENT COMPLAINTS

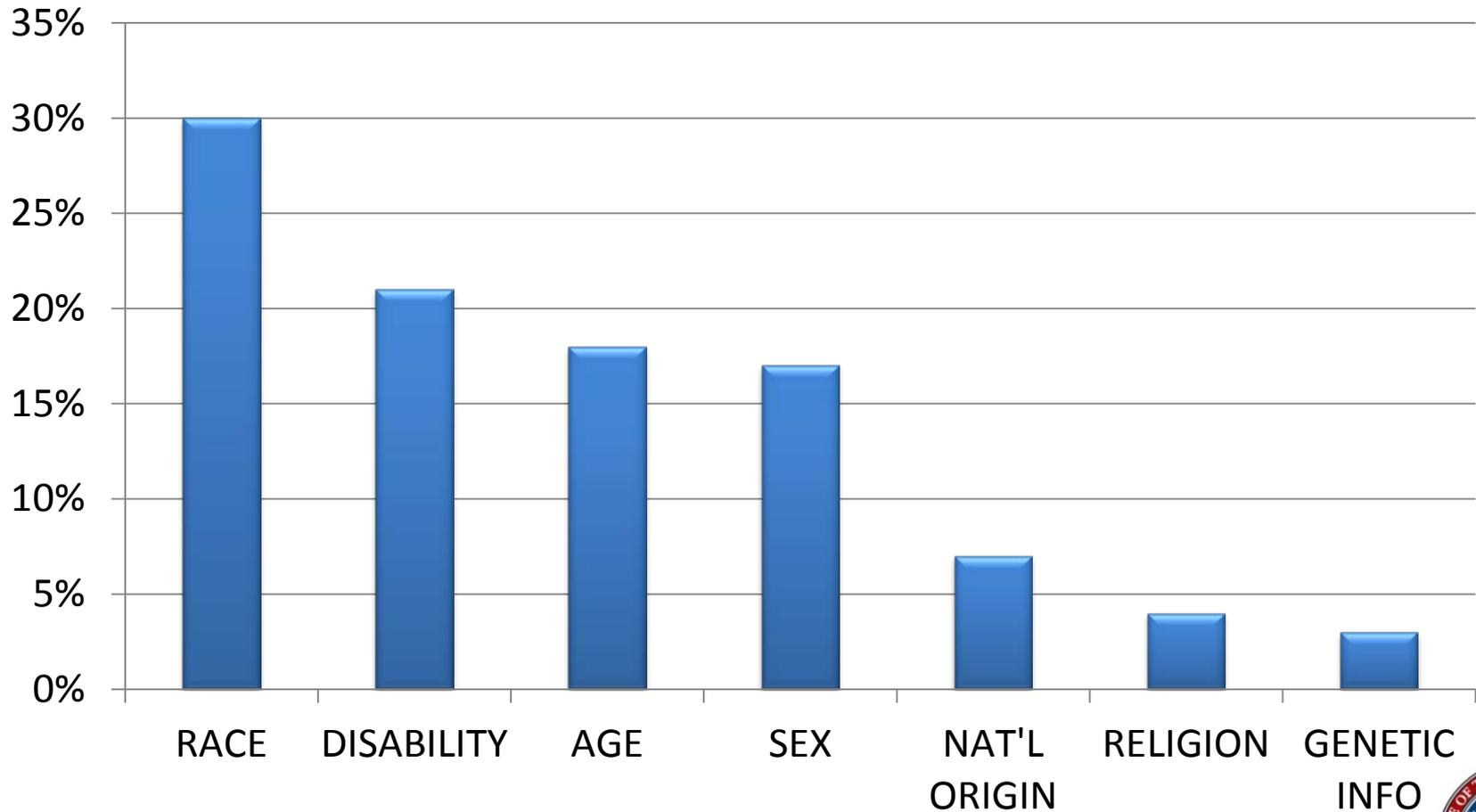


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2013 OCRE COMPLAINTS

BY PROTECTED CLASS



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OCRE COMPLAINTS

2013

EAST

WEST

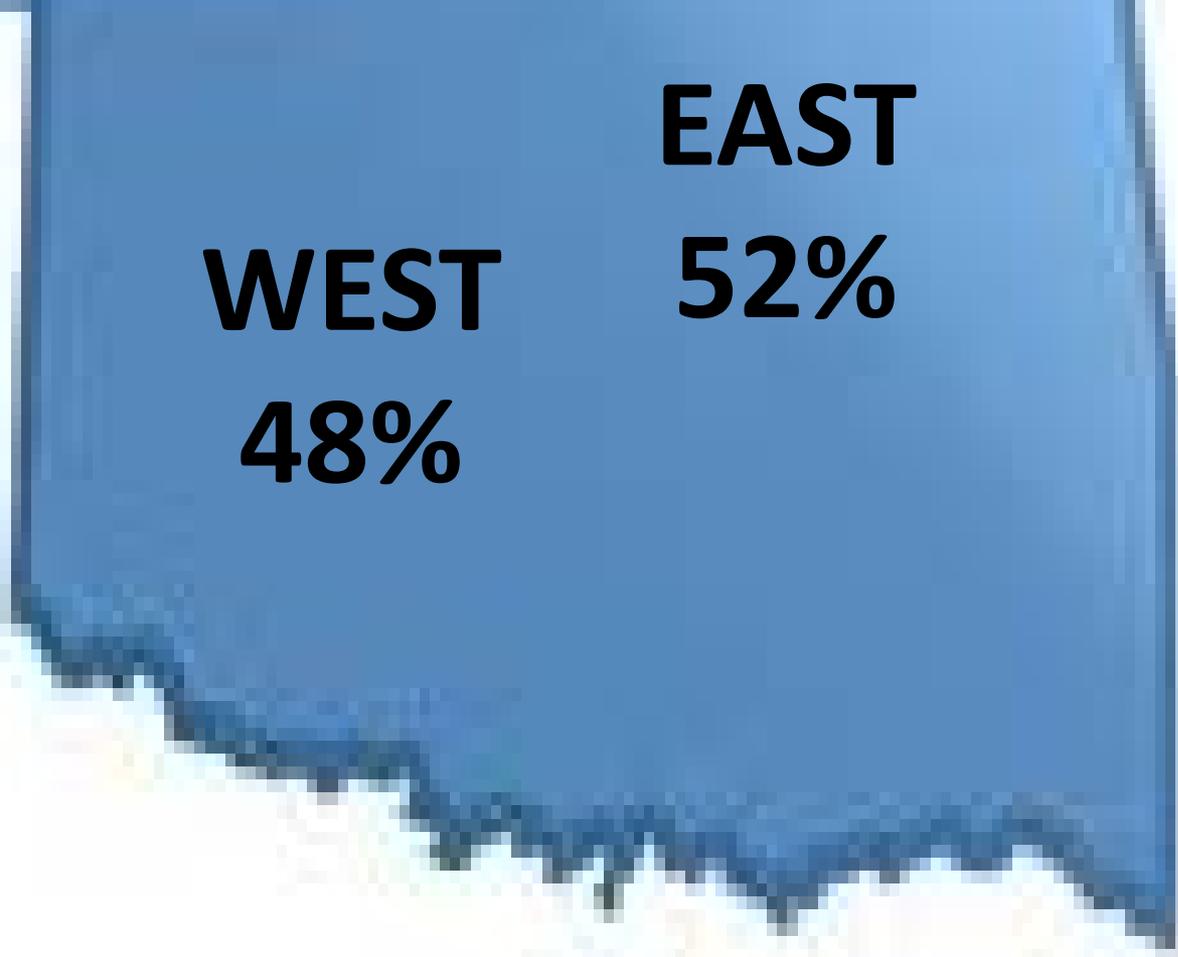
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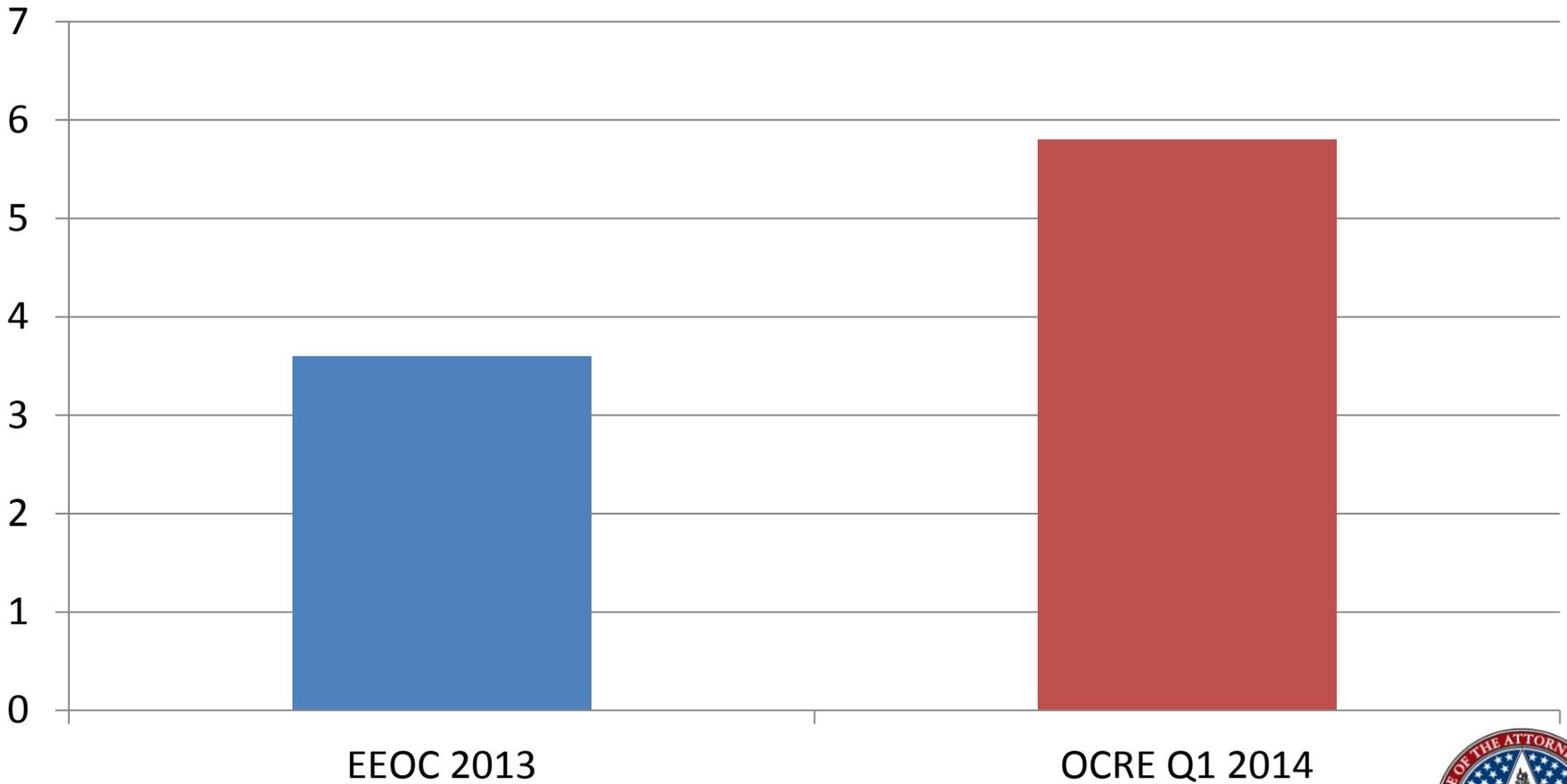
OCRE COMPLAINTS

2014



CAUSE FINDINGS

Percentage of Cases



ENFORCEMENT

ACTIONS:

MIAMI

Sex Discrimination

Harassment

Retaliation

OKC

Retaliation





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PRACTICE POINTERS

PRACTICE POINTERS

- Training, Training, Training
- Consider Early Mediation
 - Success rate | Mitigate losses
- *MacDonald v. Corporate Integris Health*, 2014 OK 10 (Feb. 25)
 - Liquidated damages mandatory?
 - 29 U.S.C. 216(b)





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2014 UPDATE



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Chris S. Thrutchley, JD, SPHR

Director, Office of Civil Rights Enforcement

Chris joined the Attorney General's Office in February 2014. Prior to that time, Chris advised and defended employers in labor, employment, and business matters since 1993. He served as lead counsel in labor, employment, and business litigation before all federal and state courts and agencies. He provided daily labor, employment and HR counsel to executives, managers, and HR professionals on all labor and employment law subjects. Chris helped employers to develop, implement, and audit best practices. He has been a frequent author and speaker on employment law and HR subjects. He regularly provides training on all EEO topics.

Chris is a certified Senior Professional in Human Resources. Chris is also a former HR Director who was responsible for over 3,250 union and non-union employees. Chris has served as the Chairman of the OBA Labor and Employment Law Section, VP of Legal and Legislative Affairs for the Tulsa Area HR Association and VP of Programs for the Tulsa EEO Coordinators' Association. Other lawyers have rated Chris "**AV® Preeminent**," the highest rating for legal ability and ethics.

Employment Discrimination Complaint Form

	Oklahoma Office of the Attorney General Office of Civil Rights Enforcement EMPLOYMENT DISCRIMINATION COMPLAINT FORM
If returning by mail: Office of Civil Rights Enforcement Oklahoma Office of the Attorney General 907 S. Detroit, Suite 750 Tulsa, Oklahoma 74120-4200 Tulsa Office: (918) 581-2885	

GENERAL INFORMATION					
YOUR INFORMATION:			EMPLOYER INFORMATION:		
Name:			Employer Name:		
Address:			Street Address (<u>where you actually worked</u>):		
City:	State:	Zip:	City:	State:	Zip:
Home Phone #:	Date of Birth:		Phone #:		
Work Phone #:	Cellular Phone #:		Number of Employees:		
NAME OF EMPLOYER'S PRESIDENT, CEO OR MANAGER:					
Address:					
City:		State:		Zip:	
Phone #:					

DISCRIMINATION BASIS	
For each type of employment discrimination you believe you have experienced, please check all that apply.	
Race <input type="checkbox"/>	Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/>
Age <input type="checkbox"/>	Genetic Information <input type="checkbox"/> Disability <input type="checkbox"/> Retaliation <input type="checkbox"/>
A. Date(s) (<i>month, day, & year</i>) of alleged act(s) of discrimination: _____	
B. Your last job title: _____	
C. Your supervisor's name: _____	

I swear and affirm that the foregoing information is true to the best of my knowledge, information, and belief.

Complainant's Signature _____

Date _____

OCRE Workplace Poster



OKLAHOMA LAW PROHIBITS

DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY, AGE, SEX OR GENETIC INFORMATION¹

If you are an employee, or an applicant for employment, and feel that because of race, color, religion, national origin, disability, age, sex or genetic information you have been discriminated against with respect to:

qualifications, hire, discharge, recall, layoff, promotion, transfer, compensation, conditions, terms, privileges or responsibilities of employment, or sexual harassment, and wish to file or discuss the filing of a complaint contact the

Office of the Attorney General
Office of Civil Rights Enforcement
907 S Detroit, Suite 750
Tulsa, Oklahoma 74120-4200
(918) 581-2885
<http://www.oag.ok.gov/>

Contacting the Office of Civil Rights Enforcement, whether or not you file a complaint, does not conflict with or affect any other rights you may have including appeal to the Oklahoma Merit Protection, the State Affirmative Action Officer or internal grievance procedure.

However, regardless of any other action you may take, the filing of a complaint with the Office of Civil Rights Enforcement must be done within 180 days after the alleged discriminatory act(s) took place.

¹Title 25, Oklahoma Statutes, Section 1302