MERIT PROTECTION COMMISSION

Preserving the integrity of the Oklahoma Merit System

May 21, 2009

Investigative Report Writing (with Review of Legal Elements)
Presented by: The Hon. Lloyd J. Vasquez, Jr.
Administrative Judge

8:30a.m. *McDonnell-Douglas*: Shifting Burdens & Three Part Analysis

The *Prima Facie* Case: Disciplinary Action(s)

9:00a.m. Scenario I

9:10am Writing Exercise I
- Outline of the Shifting Burdens
- Plaintiff's/Complainant's *Prima Facie* Case

10:00a.m. BREAK

10:15a.m. Critique: Exercise I

10:45a.m. Scenario I (A)

10:30a.m. Writing Exercise I (A)
- Defendant's/Respondent's Legitimate Non-Discriminatory Reason

11:00a.m. Post-Script: Plaintiff's/Complainant's Rebuttal
- Burden of Proof
- Evidence of Pretext

11:15a.m. Critique Exercise I (A)

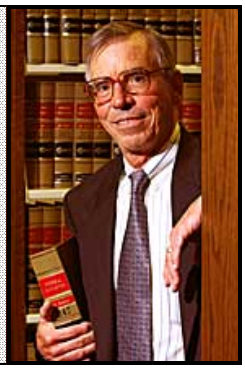
11:45a.m. Lunch

1:00p.m.	Retaliation: The *Prima Facie* Case Elements of a Harassment Claim - Where *McDonnell-Douglas* "Fits In"
1:30p.m.	Scenario II
2:00p.m.	Writing Exercise II
2:30p.m.	BREAK
2:45p.m.	Critique Exercise II
3:00p.m.	"HR Tools for Responding to State Agency Budget Shortfalls" by Tom Patt, Director of Compensation, Oklahoma Office of Personnel Management

LLOYD J. VASQUEZ, JR.

Acting Chief Administrative Judge
Acting Educational Manager

Biographical Statement



Judge Vasquez received his B.A. *magna cum laude* from the University of Missouri-St. Louis in 1974 and M.H.A. *with honors in 1978 from Washington University in St. Louis. He received his Juris Doctor degree magna cum laude* from St. Louis University School of Law in 1983, ranking third in a class of 205, and was elected by the faculty to the Order of the Coif. Judge Vasquez was a member of the Saint Louis University Law Journal, serving as Editor during 1982-1983, and was the recipient of American Jurisprudence Awards in Constitution Law, Employment Relations and Evidence.

Prior to joining the Commission, Judge Vasquez practiced extensively as a trial attorney in the area of employment discrimination law litigating multiple complex civil rights matters including a qualified immunity/First Amendment case of first impression before the Supreme Court of the United States. He served as Senior Trial Attorney in the Commission's St. Louis District Office immediately prior to his appointment as an Administrative Judge.

Judge Vasquez is presently the Acting Chief Administrative Judge for the Commission's St. Louis District Office, which encompasses Missouri, Kansas, Nebraska, Oklahoma and a portion of Illinois as well as also serving as the District's Outreach/Education Coordinator. He is a frequent Lecturer on the subject of employment discrimination including instructing nationwide at the Commission's EEO Counselor and Investigator Training Programs (Introductory and Advanced), Drafting Final Agency Actions Programs, private and public sector Technical Assistance Program Seminars (TAPS) and National Judicial Conferences.

Judge Vasquez may be contacted at (314) 539-7944 or lloyd.vasquez@eeoc.gov.

Tom Patt

Compensation Division Director
Office of Personnel Management

Biographical Statement

Tom Patt has 36 years of professional human resources experience with both the state and federal government. Tom's service in the Federal sector includes several Federal agencies: the Treasury Department, the Environmental Protection Agency, the Federal Aviation Administration, and the Department of Energy. His experience has been varied, to include working as a human resources generalist, labor relations officer, staffing specialist, and HR Manager.

His last assignment in the Federal sector was as Chief of the Contractor Human Resources Branch at the Department of Energy's Albuquerque Operations Office. In that role, he had oversight responsibility for the human resource programs (including the compensation and benefit programs) of 5 major management and operating contractors in the Department's nuclear weapons complex, including two major weapons laboratories, two weapons manufacturing plants, and the Waste Isolation Pilot Plant.

Tom retired from Federal service in December of 2000 and moved to Oklahoma City. He has been the Director of Compensation with the State since October of 2001. Tom has his Certified Compensation Professional and Certified Benefits Professional certifications from WorldatWork, the professional association for compensation, benefits, and total rewards; and his IPMA-CP designation from IPMA-HR.

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