



**THE MERIT PROTECTION COMMISSION  
&  
THE UNITED STATES EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

**PRESENT:**

Employment Issues:  
Prevention, Litigation and Retaliation  
*Presented by: Honorable Lloyd J. Vasquez, Jr*

**March 6, 2008**

[Click Here to  
Register Online  
Today!!](#)

Will Rogers Theatre  
4322 N. Western  
Oklahoma City, OK  
[www.willrogerstheatre.com](http://www.willrogerstheatre.com)

*One-day training session including  
breakfast & lunch*

The Oklahoma Merit Protection Commission (MPC) has contracted with the United States Equal Employment Opportunity Commission to bring to Oklahoma City a one-day training on employment issues pertaining to disability (ADA & FMLA), Age Discrimination, Harassment/Hostile Environment, Prevention of Hostile Work Environment Claims and Best Management Practices, Retaliation, and an EEOC Update (including) Damages and Pitfalls/Trial Practice. This course is designed to further educate, update, help prevent and avoid costly litigation in the civil rights arena.

This course is approved to provide continuing education training units (.6 CEU) for Alternative Dispute Resolution Facilitators, Discrimination Complaint Investigators and Affirmative Action Officers. MPC has submitted a training package to the Oklahoma Bar Association; CLE credit is pending authorization. This training is also recommended for Agency Grievance Managers and internal grievance investigators. Training will be conducted **all day** Thursday March 6, 2008, and will be accredited six hours of Continuing Education Units (.6 CEU) for supervisors and managers.

The registration fee for this training is \$225 per person. Registration fee includes: training materials, breakfast and lunch.

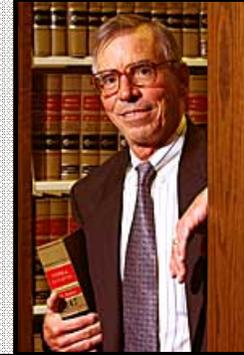
Breakfast buffet includes: fluffy scrambled eggs, smoked bacon, sausage links, breakfast potatoes, biscuits and gravy, & tomato and fruit Juice. Lunch buffet includes: pork loin, honey baby carrots, garlic cheddar mashed potatoes, Caesar salad, & assorted mini desserts.

*For questions, contact Patti Ormerod ([pormerod@mpc.ok.gov](mailto:pormerod@mpc.ok.gov)) or Jenny Chong ([jchong@mpc.ok.gov](mailto:jchong@mpc.ok.gov)) at 405-525-9144. Visit the Oklahoma Merit Protection Commission's website at [www.mpc.ok.gov](http://www.mpc.ok.gov).*

# 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@eoc.gov](mailto:lloyd.vasquez@eoc.gov).



# MERIT PROTECTION COMMISSION

Preserving the integrity of the Oklahoma Merit System



## *Employment Issues: Prevention, Litigation and Retaliation*

Presented by: The Hon. Lloyd J. Vasquez, Jr.  
Administrative Judge  
Acting Outreach/Education Manager

### AGENDA March 6, 2008

#### **8:00 am - 9:00 am**

Review/Update: Statutes, Bases and Theories of Discrimination

##### I. Statutes and Bases

- A. Title VII of the Civil Rights Act of 1964 (Title VII)
- B. The Age Discrimination in Employment Act (ADEA)
- C. Title I of the Americans with Disabilities Act (ADA)
- D. Equal Pay Act (EPA)
- E. Protected Activity
  - 1. Participation
  - 2. Opposition

##### II. Theories of Discrimination

- A. Disparate Treatment
- B. Adverse Impact
- C. Failure to Reasonably Accommodate
- D. Harassment
- E. Retaliation

##### III. Discussion and Q&A

- A. Attachment: *Overview of EEO Law*

#### **9:00 am - 10:15 am**

##### IV. Comprehensive Analysis of the Multi-Faceted ADA

- A. Attachment: *Disability & Reasonable Accommodation Issues*

#### **10:15 am - 10:30 am**

Morning Break (Yea! It's About Time!!)

#### **10:30 am - 11:15 am**

##### V. The Interface Between the ADA and Other Statutes

- A. Attachment: *EEOC Fact Sheet: The Family and Medical Leave Act, the Americans with Disabilities Act and Title VII of the Civil Rights Act of 1964*

**11:15 am - 11:45 am**

VI. Trends in Age Discrimination

A. Cases and Discussion

1. *Defrain v. DOD*, EEOC Appeal 0120061358 (4/3/07)
2. *Hagerty v. Navy*, EEOC Appeal 0720060084 (11/13/06)
3. *Seago v. UDSA*, EEOC Appeal 07A60030 (10/17/06)

B. Tips from the Bench - Part Uno

1. DON'T BE SHOCKED: Direct Evidence/Age *Animus*
2. DON'T BE FOOLED: Intersectional Discrimination

**11:45 am - 1:00 pm**

LUNCH (How Can I Eat? My Brain's Fried!!)

**1:00 pm - 1:30 pm**

VII. E-RACE (Eradicating Racism and Colorism from Employment)

A. Attachment: *Why Do We Need E-RACE?*

**1:30 pm - 2:30 pm**

VIII. Harassment from A to Z

A. Attachment: Harassment: Recognition, Prevention & Response

**2:30 pm - 2:45 pm**

Afternoon Break (Know You Don't Care Anymore, But - Come Back!!)

**2:45 pm - 3:30 pm**

IX. Retaliation

A. Attachment: Retaliation: Adversity & Beyond

1. *Prima Facie Case*
2. Application of *BNSF v. White*
3. Implications of *Jordan*

**3:30 pm - 4:15 pm**

X. Tips from the Bench - Part Dos:

A. Trial Practice: Pitfalls To Avoid

1. Facts: Know YOUR Case Better Than I Know It
2. Laws: No Games With The Law - I DO Know It Better
3. Ethics: Address Objections to ME - This Is A Trial - Not The Heavyweight Championship
4. Ethics: Don't Demean The Witness (Even If You Know They're Lying)

B. EEOC Update: Trends in the Law including Damages

1. Attachment: *EEO Case Law Update/EEOC Administrative Decisions*

**4:15 pm**

ADJOURN (Assuming Anyone's Still Here!!)