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U.S. Equal Employment Opportunity Commission
Saint Louis District Office

EMPLOYMENT LAW 2021: WHERE IT STANDS AND WHY STANDING TOGETHER MATTERS

July 20, 2021

10:00 am – 4:15 pm (CDT)

AGENDA

Time	Presentation
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9:30 am	Virtual Environment Opens
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10:00 am	Opening Remarks and District Updates
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Holly Cole, Area Director, EEOC Oklahoma City Area Office

Toria Mroz, Outreach and Training Coordinator, EEOC St. Louis District Office

Lloyd J. (Jack) Vasquez, Jr., District Director, EEOC St. Louis District Office

10:15 am	The Current EEO Landscape for Advancing Workplace Equality
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Jocelyn Samuels, Vice Chair, EEOC, Washington D.C.

Vice Chair Jocelyn Samuels leads a conversation about the Commission's priorities and shares insight into the EEO landscape of 2021 and beyond. Come together for this engaging dialogue moderated by Holly Cole, Area Director, EEOC Oklahoma City Area Office.

11:15 am	EEO Compliance During an Evolving Post-Pandemic World
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Lloyd J. (Jack) Vasquez, Jr. District Director, EEOC St. Louis District Office

Employers are confronted daily with new and evolving workplace concerns due to COVID-19. This session explores recent employment issues such as, mandatory vaccines and medical screening; disability and religious accommodations; disparate treatment of people considered high risk from serious COVID-19 illnesses; and, the pandemic's impact on workers with underlying mental health impairments who are experiencing exacerbated symptoms.

12:15 pm	Lunch
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1:00 pm **The Red Zone of Retaliation: Some Things Never Change**

Holly Cole, Area Director, EEOC Oklahoma City Area Office

Amy Weinhaus, Administrative Judge, EEOC St. Louis District Office

Retaliation remains the most frequently cited claim in charges filed with the EEOC accounting for 55.8 percent of all charges filed. This session takes a close look into the elements of proof of EEO retaliation claims and why retaliation can be a high-risk area for employers. It will also examine the human-nature side of retaliatory conduct, which is often sparked by emotional reactivity provoked by a desire to “get even.” Learn best practices for how to prevent retaliation in the workplace.

2:00 pm **2021 EEO Legal Updates and the Implications of Bostock**

Carol Miaskoff, Legal Counsel, EEOC Office of Legal Counsel, Washington, D.C.

Carol Miaskoff, EEOC’s Legal Counsel, highlights federal court decisions impacting employers, employees, unions, and the changes to the workplace. Of importance are the legal developments arising from the landmark U.S. Supreme Court case decided June 2020, in *Bostock v. Clay County, Georgia*, which extends protection of sex-based discrimination to include sexual orientation and gender identity.

3:00 pm **Break**

3:15 pm **The Journey of an EEO Case and Finding Closure Along the Way: In Search of Settlement Opportunities**

Kristi Kingston, Shareholder, Employee Labor & Employment Law Group, Kansas City, MO

Kristy A. Lambert, Legal Counsel, Missouri Commission on Human Rights, Kansas City, MO

William Martucci, Partner, Shook Hardy & Bacon, Kansas City, MO

Elaine Turner, Shareholder, Hall Estill, Oklahoma City, OK

Deepen your understanding about the twists and turns an EEO case takes as it grows internally through the organization and works its way through the administrative EEOC process until it eventually evolves into full blown litigation. Learn best practices, strategies, and tips from this expert panel of plaintiff and defense employment attorneys as they share their experience, knowledge, and insights on resolving workplace disputes early in the process as well as late in the game. Discussion includes how to effectively negotiate settlement when opportunities arise, and when to bring in a third-party mediator to help resolve the conflict, settle the case, and find closure.

4:15 pm **Closing Remarks and Adjourn**



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REGISTRATION FEE: \$255.00

REGISTER HERE: [St. Louis Virtual Workshop](#)

CREDITS:

HRCI – This program has been submitted to the HR Certification Institute for review

SHRM – submitted for approval

CLE – seeking 6 CLE credit hours for KS, OK, and MO

This workshop is pending approval for Federal Counselor or Investigator Refresher credits.



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PRESENTER BIOGRAPHIES



Holly Cole, District Director EEOC Oklahoma City Area Office, Oklahoma City, KS

Holly Cole became the Director of the U. S. Equal Employment Opportunity Commission's Oklahoma City Area Office in November 2010. Prior to this position, she was the Manager of the Training Services Support Division for the FAA Academy and the Manager of the FAA's Human Resource Management Division, both at the Mike Monroney Aeronautical Center since 2005. From 1999 to 2005, Ms. Cole was a Senior Trial Attorney for the EEOC and was in private law practice from 1992 until 1999. In addition to her work as a litigator, she also served for two years as an arbitrator presiding over labor disputes between the U.S. Postal Service and the American Postal Workers' Union. Ms. Cole received her Bachelor of Arts degree "with distinction" in Sociology from the University of Oklahoma and her Juris Doctor from the University of Oklahoma College of Law.



Kristi Kingston, Employee Labor & Employment Law Group, Kansas City, MO

Ms. Kristi Kingston owns and operates the Employee & Labor Law Group of Kansas City, LLC and is a 1997 graduate from the University of Missouri-Kansas City School of Law. She is licensed to practice law in both Missouri and Kansas. Ms. Kingston's current practice emphasizes plaintiffs' employment discrimination litigation, including sex, age, race, disability, religion, and national origin discrimination and retaliation cases. Ms. Kingston also represents clients in wrongful discharge, Equal Pay Act, Family and Medical Leave Act, wage and hour, and personal injury cases.

Ms. Kingston is a frequent speaker at legal seminars on employment law, and she has successfully litigated numerous employment cases in federal and state court, including obtaining a 2.5 million verdict in 2014 for her client in a sexual harassment case. Ms. Kingston has been recognized the past twelve years (2008-2019) as a Missouri & Kansas Super Lawyer in the field of labor and employment law, a designation given by Super Lawyers Magazine to only 5% of lawyers in Missouri and Kansas. From 2015-2019, Ms. Kingston was identified by Super Lawyers Magazine as one of the top 50 female lawyers in Missouri and Kansas. In 2016, Super Lawyers Magazine also recognized Ms. Kingston as one of the top 100 lawyers in the states of Missouri and Kansas and one of the top 50 lawyers in Kansas City, Missouri.

Ms. Kingston has also been recognized as one of the "Best of the Bar" by the Kansas City Business Journal in 2009, 2010, 2012, 2013, 2014, and 2016. Ms. Kingston is also recognized by Martindale-Hubbell as an AV Preeminent rated attorney. In addition to her employment practice, Kristi has been and continues to be involved in several civic organizations. She is a Past President of the Eighth Circuit National Employment Lawyers Association (NELA), a past President of the Kansas City Chapter of NELA, a past President of the Foundation of the Lawyers Association of Kansas City (LAKC), and a past President of LAKC's Board of Directors. Kristi served as the Eighth Circuit representative to NELA's Affiliate Relations Committee from 2012 to 2018.

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Kristy Lambert, Missouri Commission on Human Rights (MCHR), Kansas City, MO

Kristy A. Lambert is Legal Counsel to the Missouri Commission on Human Rights (MCHR), which enforces the state's anti-discrimination law in employment, housing, and public accommodations. Ms. Lambert also supervises the Kansas City office, including overseeing investigative operations for the region; manages the office's mediation program; administers its intern program; and conducts education and outreach programs. Ms. Lambert has filled key leadership roles in the planning of MCHR's Missouri Human Rights Conference, Region VII Fair Housing Assistance Program Training Conference, and in the writing and administration of multiple successful competitive federal grants from the U.S. Department of Housing and Urban Development for fair housing education and outreach.

The U.S. Commission on Civil Rights appointed Ms. Lambert to a four-year term as a member of its Kansas State Advisory Committee; the Commission is an independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters and issuing an annual federal civil rights enforcement report. Ms. Lambert also serves on the Project Equality Steering Committee that organizes an annual Diversity and Inclusion Summit in Kansas City.

William C. Martucci, Shook Hardy & Bacon, Kansas City, MO

William Martucci practices nationally in business and employment litigation, with a focus on complex class action (employment discrimination and wage-and-hour, including California) litigation, as well as high-stakes executive disputes, whistleblower matters and unfair competition.

Chambers USA: America's Leading Lawyers for Business notes, "Bill Martucci is worth having on any dream team for litigation and policy issues." Mr. Martucci is widely regarded as an exceptional trial lawyer and innovative policy strategist. Mr. Martucci is listed in *The Best Lawyers in America* in both Business Litigation and Employment Litigation, *Euromoney Guide to the World's Leading Labour & Employment Lawyers*, *Lawdragon Guide to World Class (Most Powerful) Employment Lawyers*, and *Who's Who Legal: The International Who's Who of Business Lawyers*. Mr. Martucci's jury work has been featured in *The National Law Journal*. In addition, he teaches Multinational Business Policy and the Global Workplace at Georgetown.

Working as part of a trial team, presenting and winning cases on behalf of companies before juries and advising corporate clients concerning effective business and human resources practices are the primary activities in which Bill engages. Mr. Martucci has successfully tried a number of jury cases and has effectively resolved a variety of class action cases and his litigation docket is national in scope with cases throughout the United States. Mr. Martucci's primary practice areas focus on complex class action (employment discrimination and wage & hour) litigation, Equal Employment Opportunity Commission litigation, unfair competition litigation and business litigation.

Mr. Martucci is known for his ability to humanize a company and to create crisp, winning trial themes. Although most of his cases are resolved by summary judgment, he enjoys presenting high-stakes employment and business cases before juries.



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Carol R. Miaskoff, EEOC Legal Counsel, Washington, D.C.

Carol R. Miaskoff was appointed Legal Counsel of the Equal Employment Opportunity Commission (Commission or EEOC) on June 24, 2021, having served in an Acting and Associate capacity. She manages development of the Commission regulations and guidance under the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Equal Pay Act, and the Genetic Information Nondiscrimination Act. Ms. Miaskoff also provides legal advice to the Commission and works with the Department of Justice to defend the Chair and the Commission in litigation.

During her career at the EEOC, Ms. Miaskoff supervised the development of proposed Commission policy on workplace harassment and final Commission guidance on retaliation, criminal background checks, and national origin discrimination. Ms. Miaskoff served on the EEOC's equal pay task force and speaks frequently to labor and employment groups about issues ranging from COVID-19 in the workplace, to the use of big data in employment selection.

Ms. Miaskoff graduated from Harvard University and from the George Washington University Law School, with high honors. In the community, Ms. Miaskoff has been active in the Montgomery County, MD, Mental Health Advisory Committee, and guest lectures at a Georgetown University undergraduate class on Women and the Law.



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Jocelyn Samuels, Vice Chair, Equal Employment Opportunity Commission, Washington, D.C.

Jocelyn Samuels was designated by President Biden as Vice Chair of the Equal Employment Opportunity Commission (EEOC) on January 20, 2021. Vice Chair Samuels joined the EEOC as a Commissioner on October 14, 2020.

Immediately prior to joining the Commission, Vice Chair Samuels served as the Executive Director and Roberta A. Conroy Scholar of Law at the Williams Institute at the UCLA School of Law, focusing on legal and social science research on issues related to sexual and gender minorities. From July 2014 through January 2017, she was the Director of the Office for Civil Rights at the U.S. Department of Health & Human Services, where she oversaw civil rights enforcement with respect to hospitals, healthcare providers, insurers, and human services agencies. In that role, she spearheaded development of regulations implementing Section 1557 of the Affordable Care Act—the first broad-based federal law to prohibit sex discrimination in healthcare. Among other advances, those groundbreaking regulations protected LGBTQ persons from discrimination based on sex stereotyping and gender identity.

Earlier in the Obama Administration, Vice Chair Samuels served as Acting Assistant Attorney General for Civil Rights at the U.S. Department of Justice and held other positions as a political appointee within the DOJ Civil Rights Division. There, she directly supervised litigation combating discrimination in employment and education and oversaw work across a range of civil rights issues, including voting rights, systemic reform of police departments, housing discrimination, prosecution of hate crimes, and protections for individuals with disabilities.

Prior to joining the Obama Administration, Vice Chair Samuels was the Vice President for Education & Employment at the National Women's Law Center, where she led efforts to promote gender equality. Among other accomplishments there, she spearheaded the campaign that led to enactment of the Lilly Ledbetter Fair Pay Act, the first bill signed into law by President Obama. She had previously served as Labor Counsel to Senator Ted Kennedy and spent ten years as a senior policy attorney in the Office of Legal Counsel at the EEOC.

Vice Chair Samuels earned her bachelor's degree *magna cum laude* with Phi Beta Kappa honors from Middlebury College. She is a graduate of Columbia University Law School where she was a Note Editor for *The Columbia Law Review* and a Harlan Fiske Stone Scholar.

Vice Chair Samuels has been married for 37 years and has two grown daughters and two dogs.

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Elaine Turner, Shareholder, Hall Estill, Oklahoma City, OK

Elaine Turner began her legal career with Hall Estill in 1989 and has focused her practice in Labor & Employment – Management. Throughout her career, Ms. Turner has successfully defended numerous employers in employment litigation and administrative proceedings. Ms. Turner was most recently named 2018 Best Lawyers Lawyer of the Year - Litigation-Labor & Employment in Oklahoma City and prior to that, 2016 Best Lawyers Lawyer of the Year - Employment Law -Management in Oklahoma City.

Ms. Turner serves on the firm’s Board of Directors and has an AV rating through Martindale-Hubbell. Ms. Turner has also been recognized as a labor and employment star by Benchmark Litigation. Elaine is a frequent guest speaker on all aspects of Employment Law and conducts employment-related seminars, speeches and programs for employees, managers, supervisors and staff. Ms. Turner has also presented on the Fair Housing Act regarding discrimination issues. She has been honored to be a presenter at the U.S. Equal Employment Opportunity Commission (EEOC) Oklahoma City Area Technical Assistance Program Seminars (TAPS) for the last several years.

Ms. Turner has been recognized as an Oklahoma Super Lawyer in Employment Litigation Defense and named a top 50 Attorney in Oklahoma and top 25 Female Attorney in Oklahoma. In addition, she has been named a Best Lawyer in America in Employment Law-Management and is frequently interviewed by local media to provide her legal opinion on various employment law topics.



Lloyd J. (Jack) Vasquez, Jr., District Director, EEOC St. Louis District Office

Jack Vasquez is the District Director for the Commission’s St. Louis District Office, which has jurisdiction in the states of Missouri, Kansas, Oklahoma, Nebraska and the southern portion of Illinois. Mr. Vasquez began his federal career as Senior Trial Attorney, representing the Commission in multiple high-profile cases until his appointment as an Administrative Judge. Mr. Vasquez served the Commission in multiple senior management positions prior to being appointed Director. Mr. Vasquez also served as the Management Chair of the Commission’s National Joint Labor Management Council and two terms as Chair of the Greater St. Louis Federal Executive Board.

Mr. Vasquez holds a graduate business degree from Washington University in St. Louis and received his J.D. magna cum laude from St. Louis University School of Law where he was elected by the faculty to the Order of the Coif and served as Note and Comment Editor of the Saint Louis University Law Journal. Mr. Vasquez is admitted to practice law in the State of Missouri and practiced extensively as a trial attorney in the area of civil rights and employment discrimination law prior to joining the Commission, inclusive of litigating a case before the Supreme Court of the United States. Mr. Vasquez is a nationally recognized expert in the area of federal employment discrimination law and a frequently requested speaker.



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Amy L. Weinhaus, Administrative Judge, EEOC St. Louis District Office

Judge Amy L. Weinhaus has been an Administrative Judge for over 25 years, presiding over 3,000 federal sector cases. Judge Weinhaus graduated summa cum laude and Phi Beta Kappa from Emory University in 1990 earning a B.S. degree in both Psychology and Chemistry, and a B.A. degree in Political Science. Judge Weinhaus graduated Order of the Coif in 1993 from Washington University School of Law where she served as Assistant Editor of the Washington University Law Quarterly Law Review. Thereafter, Judge Weinhaus served as a law clerk on the United States Court of Appeals for the Eighth Circuit for the Honorable Theodore McMillian. Following her Eighth Circuit clerkship, Judge Weinhaus joined the law firm of Armstrong Teasdale serving in their labor and employment litigation department.

Judge Weinhaus currently holds the position of Administrative Judge for the Saint Louis District Office of the EEOC where she presides over claims of employment discrimination filed by current employees of the federal government and applicants for federal employment. In her tenure with EEOC, Judge Weinhaus has issued written decisions on over 800 cases. Judge Weinhaus has given numerous training sessions on a variety of topics including Sexual Harassment, the Americans with Disabilities Act, and Compensatory Damages and Other Remedies in the federal sector. In addition, she has published articles on the topics of Gender Bias in the Courts and the Establishment Clause. Judge Weinhaus previously served as an Officer for the St. Louis Women Lawyers' Association and a Board member of the Anti-Defamation League. Judge Weinhaus is currently a member of the National Association of Women Judges.