



MEETING NOTES

March 14, 2013

In Attendance:

Arlene Taylor, DOLIR
Bryan Howard, DESE
Carol Newgaard, SAO
Dana Muessig, DNR
Darlene Robinett, DOR
Gina Hall, Public Defender
Guy Krause, OA Personnel
James Nelp, DOR
Janice Frank, MVC
Kim Harris, MVC
Kristy Johnson, MSHP

Leda Edgar, DOC
Libbie Farrell, OA Accounting
Mari Jo Wilkes, DNR
Mona Smith, DHSS
Peggy deMeurers, MSHP
Sandy Lewis, DHSS
Stacey Rackers, DIFP-DOF
Stacy Jacobs, STC
Tom Fast, OA HR
Vicki Glenn, MGC

What is Unlawful Discrimination Training – Erik Krekel, DOLIR

Erik Krekel is an Investigator with the Missouri Commission on Human Rights (MCHR). His office has approximately 30 employees that handle 1800-2000 complaints annually. He presented information to the group, in hopes of offering assistance when faced with complaints and lawsuits. He indicated that state government is covered by the MCHR and explained that the definition of employer also included supervisors and managers, who can be held individually liable.

Individuals must file complaints of discrimination with the MCHR within 180 days from the date of alleged discrimination. Individuals have 300 days to file a complaint with the EEOC. If a complaint is filed with EEOC or MCHR, the other agency will automatically adopt the others finding. Discrimination and retaliation must be based on a protected category.

Once a complaint is filed, MCHR will forward interrogatories to the agency. Early resolution is offered to try and settle before the investigation begins. The MU Law School Center for Dispute Resolution handles their mediation cases for the mid-Missouri area and they have volunteer attorneys in the Kansas City and St. Louis areas to assist with mediation. They had \$1.5 million dollars in settlements last year.

If it doesn't settle, an investigation is opened. Eric noted that the investigator may seek to review other employee's personnel files. By statute, he said that confidential information is not released to other entities.

Federal law asks, "Was the protected category a *motivating* factor?"

State law asks, "Was the protected category a *contributing* factor?"

At the conclusion of the investigation, information is submitted to the Executive Director who makes the decision on the case.

- If no violation is given, a right to sue letter is issued. The suit must be filed within two years of the date of the discrimination AND within 90 days of the date of the right to sue letter.
- If probable cause of discrimination is found, MCHR works to settle the case. If the case cannot be settled, it is submitted to the Administrative Hearing Commission (AHC) for a public hearing. The AHC will then give remedy, such as back pay, rehire rights, actual damages, etc.
 - An individual can request that the determination be filed with the courts, instead of the AHC.

MCHR does provide a complaint assessment on their [web site](#), which can be completed prior to an individual filing a complaint, to determine if it's likely to be discrimination. If the assessment determines a qualifying act of discrimination may exist, a questionnaire is then made available to submit.

Eric supplied a presentation that includes additional information, which is available on the SHRMC [web site](#).

OA Accounting – Libbie Farrell

Libbie reminded the group that ESMTs need to be corrected or a PPER completed, prior to submitting a supplemental check request to OA. The correction actions and supplemental check request are all due by the deadline, not just the request form.

In addition, Libbie expressed concern that her staff is very busy the day SAM II goes down, so she can't guarantee that all information (e.g. direct deposit forms) received on that day will be processed. She requested that information be submitted more timely.

OA Personnel – Guy Krause

Guy reported there were a lot of fiscal notes being received.

A legislative update from OA can be found on the SHRMC [web site](#) and is updated weekly.

Round Table

Registration is open for the Missouri Issues in Workers' Compensation conference to be held June 10-11, 2013 at Tan-Tar-A Resort, Osage Beach, Missouri. State employers can attend the conference at no cost. To register visit the conference [web site](#).

Statewide Policy Committee Update

The committee's statutory change recommendations to bereavement leave are still being reviewed.

The committee continues to review FMLA, in hopes of providing guidelines for more consistent application by agencies.

Next Meeting

April 11, 2013

Room 500 HSTOB

8:30 a.m. to 10:30 a.m.