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CENSUS BUREAU PUBLISHES QUESTIONS FOR 2010 CENSUS

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Earlier this year, the U.S. Bureau of the Census sent a report to Congress showing the questions that will be asked of everyone during the 2010 U.S. Census. Core issues involved with Census data are race and ethnicity information. There has been some minor updating since the 2000 Census in an attempt to reduce confusion for people responding. The Bureau says it expects each response to take less than 10 minutes. It will be the shortest and easiest Census questionnaire since the nation's first Census in 1790.

RACE asked since 1790

9. What is Person 1's race? Mark one or more boxes.

White
 Black, African Am., or Negro
 American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↴

Asian Indian Japanese Native Hawaiian
 Chinese Korean Guamanian or Chamorro
 Filipino Vietnamese Samoan
 Other Asian — *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.* ↴ Other Pacific Islander — *Print race, for example, Fijian, Tongan, and so on.* ↴

Some other race — *Print race.* ↴

The race question is shown above with the variety of possible responses. As far as we know, there are no plans to use the smaller designations of Asian or Hawaiian categories in affirmative action or Standard Form 100 (EEO-1, EEO-4, etc.) reporting. The demographics of those communities are used for other political purposes designated by Congress.

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EEOC CHAIR CREATES SYSTEMIC INVESTIGATION GROUP WITHIN AGENCY

Naomi C. Earp, Chair of the U.S. Equal Employment Opportunity Commission (EEOC) has appointed Dana Huter as the agency's new Systemic Investigation Program Manager. Huter has been with the agency for many years, and spent the most recent five years as the Washington Field Office Director. She will be coordinating systemic investigations through collaboration among field offices across the country.

Under the systemic program, the EEOC will oversee the following operational enhancements:

- **National Law Firm Model** – Needs of each case, not the office where the case arose, will drive how lawsuits are staffed.
- **Technology** – Using technology to help identify systemic cases will include integrating EEO-1 reports with charge data to more readily identify potential systemic issues.
- **Early Identification** – Closer involvement between attorneys and investigators will help identify systemic cases earlier.
- **Education** – Specialized systemic case identification training for attorneys and investigators.
- **Partnering** – Expanded partnering among District offices. Outreach to plaintiff's bar, advocacy groups, other state and federal agencies and employer groups.

This is just one more action to reinforce the agency's commitment to finding and resolving systemic discrimination issues.

<http://www.eeoc.gov/press/9-9-08.html>

New position at EEOC will strengthen the agency's efforts to find and remedy systemic discrimination.

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HISPANIC ORIGIN *asked since 1970*

8. Is Person 1 of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↕

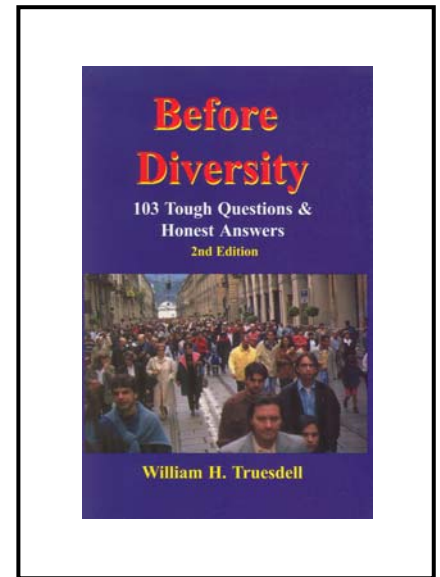
For more information:
www.census.gov/2010census/recent_news/011812.html

Hispanic ethnicity will still "trump" race in the designation process. If Hispanic, no race will be recorded. If not Hispanic, the respondent will be asked to ID a race.

Before Diversity: 103 Tough Questions & Honest Answers

Employers continue to find confusion in thinking about equal employment opportunity, affirmative action for federal contractors and diversity management programs. Not surprising. They are often misunderstood. This book will make things clear and give your managers the opportunity to honestly and intelligently discuss those issues with employees. It will help explain how affirmative action programs that provide preference based on race are illegal, and that equal employment opportunity is the foundation of all three programs and efforts. You need your personal copy as a reference for those questions that are eventually going to reach you. Available in both hard copy and e-book versions.

<http://www.management-advantage.com/products/beforediv.htm>



NEW ADA AMENDMENTS GREATLY BROADEN LAW'S APPLICATION

We told you recently about the new requirements for handling disabled issues that Congress passed last month. The President has signed the law and come January 1, 2009, it will become effective.

Some key provisions of the new ADA requirements include:

- **Mitigating Measures May No Longer Be Considered** – Employers may not consider any mitigating measures such as hearing aids, eye glasses, prosthetics, or other aids in determining whether or not an applicant or employee is disabled.
- **“Regarded As” Gets a Broader Definition** – No negative treatment may be afforded someone who is “regarded as” disabled. While accommodation is not required, avoiding negative treatment is.
- **Major Life Activities List Has Grown** – Now the list includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. Operation of major bodily functions have been added to the list including, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.
- **Courts Are Directed to Follow Congress’ Intent**
- **EEOC & Justice Department Told to Issue New Regulations**

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*EEOC must issue new
ADA regulations*

EMPLOYERS WHO CONDUCT BACKGROUND CHECKS HAVE NEW REQUIREMENTS COMING

If you are an employer conducting background checks as a condition of employment offers, starting November 1, 2008, you must be in compliance with the Federal Trade Commission final rule concerning address discrepancies under the *Fair and Accurate Credit Transaction Act of 2003* (FACT Act). The requirement is designed to help reduce and control the amount of identity theft that has become such a great problem for law enforcement and credit card companies.

Known as the "Red Flag Rules," there are substantial changes necessary for credit-issuing companies. Yet, Congress made provisions that any employer involved with background checks must also abide by these rules if they receive feedback known as an "address discrepancy."

If you conduct background checks as part of your employment process, have a talk with your management attorney to be sure you have the proper procedures ready for this quickly-approaching implementation date.

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