

ELAINE N. HERSKOWITZ, ESQ.

7760 Heatherton Lane • Potomac, MD 20854

Phone: 301-299-0234 • Fax: 301-299-1196

Email: herskowitz@eeotrainer.com • Website: www.eeotrainer.com

PROFESSIONAL EXPERIENCE

PRINCIPAL, EEO TRAINING AND CONSULTING SERVICES, LLC

Potomac, MD

2000-Present

- Lead interactive training on prevention of workplace harassment, discrimination, and retaliation.
- Conduct counseling related to federal sector EEO complaints.
- Investigate employee allegations of workplace harassment or discrimination.
- Write final agency decisions resolving federal sector EEO complaints.
- Provide EEO expert witness and case consultation services.
- Draft employee manuals on job discrimination issues.

ATTORNEY, U.S. EQUAL EMPLOYMENT OPPORUNITY COMMISSION

Washington, D.C.

1985-2000

- Drafted policy documents setting forth the EEOC's positions on new and complex job discrimination issues.
- Briefed Commissioners on policy issues.
- Advised EEOC senior personnel, lawyers, and investigators on EEO law issues.
- Trained public and private sector personnel on workplace harassment and other EEO issues.
- Created EEOC training videos and manuals on sexual harassment, retaliation, and evidence analysis.
- Appeared on television and radio news broadcasts to discuss job discrimination issues. Quoted in publications including *Washington Post*, *USA Today*, and *National Law Journal*.
- Received three Chairman's Organizational Performance Awards; four Special Act or Service Awards; and seven Performance Awards.

EDUCATION

Georgetown University Law Center, Washington, D.C

Juris Doctor

- Served on *American Criminal Law Review*.
- Graduated with honors.

University of Pennsylvania, Philadelphia, Pennsylvania

Bachelor of Arts

- Majored in psychology.
- Graduated with honors.

SELECTED TRAINING AND SPEAKING ENGAGEMENTS

- Conducted training on prevention of workplace harassment and other EEO issues for the following components of the **U.S. Department of Justice**:
 - **Antitrust Division**
 - **Civil Rights Division**
 - **Interpol**
 - **National Drug Intelligence Center**
 - **Office of Community Oriented Policing Services**
 - **Office of Professional Responsibility**
 - **Parole Commission**
 - **Tax Division**
- Trained **Federal Trade Commission** workforce on rights, remedies, and responsibilities under EEO and whistleblower protection laws.
- Trained **Surface Transportation Board** workforce on rights, remedies, and responsibilities under EEO and whistleblower protection laws.
- Addressed **Florida Conference of Circuit Judges** on current workplace harassment issues.
- Addressed **District of Columbia Bar Labor and Employment Section** on harassment issues.
- Participated in panel discussion on new workplace harassment issues at **American Bar Association** Midwinter EEO Conference.
- Trained **Internal Revenue Service** personnel on recent EEO developments.
- Conducted one-on-one anti-harassment training for **The Washington Post**.
- Trained faculty at **George Washington University** on harassment in the classroom and in the workplace.
- Trained **Society for Human Resource Management** managers on EEO responsibilities.

PUBLICATIONS

- **Monthly newsletter:** "*Disability Law Compliance Report*," published by West Group (ongoing since January 2002).
- **Article:** "*Not Funny: Remove the Welcome Mat for Inappropriate Jokes*," HR Magazine (published by Society for Human Resource Management) (September 2008).
- **Article:** "*The Perils of Office Romance*," Human Resource Executive Online (February 2007).
- **Textbook Chapter:** Chapter on Roles of the EEOC and Office of Civil Rights, *Academic and Workplace Sexual Harassment*, edited by Michele Paludi and Carmen Paludi, Jr., published by Greenwood Press (June 2003).
- **White Paper:** "*The Rising Tide of Retaliation Claims*," Society for Human Resource Management website, www.shrm.org (November 2000). This White Paper is included in the Society for Human Resource Management's "Toolkit on Employee Relations."
- **White Paper:** "*The Perils of Subjective Hiring Criteria*," Society for Human Resource Management website, www.shrm.org (October 2000).

POLICY DOCUMENTS

Served as key drafter of various EEOC policy documents including the following:

- *Enforcement Guidance on Vicarious Employer Liability for Unlawful Harassment by Supervisors* (1999).
- *Compliance Manual Chapter on Retaliation* (1998).
- *Enforcement Guidance on Application of EEO Laws to Contingent Workers Placed by Temporary Employment Agencies and Other Staffing Firms* (1997).
- *Enforcement Guidance on EEOC & Walters v. Metropolitan Educational Enterprises* (1997).
- *Enforcement Guidance on After-Acquired Evidence and McKennon v. Nashville Banner Publishing Co.* (1995).
- *Policy Statement on Harris v. Forklift Systems* (1994).
- *Policy Statement on Recent Developments in Disparate Treatment Theory* (1992).
- *Policy Statement on UAW v. Johnson Controls* (1991).
- *Policy Statement on Sexual Favoritism* (1990).
- *Policy Statement on Current Issues of Sexual Harassment* (1990).

ADDITIONAL QUALIFICATIONS

- Awarded contract by EEOC for 2009-2010 to write EEOC policy manual chapter on pregnancy discrimination.
- Updated EEO manual and created "Managers' Quick Guide" for Coast Guard in 2009-2010.
- Retained by City of Bridgeport, Connecticut in 2008 as its expert witness in sexual harassment litigation.
- Retained by EEOC in 2006 as its expert witness in sexual harassment litigation.
- Conducted EEO counseling, investigated EEO complaints, conducted special inquiries of internal discrimination complaints, and wrote final agency decisions for more than fifty federal agencies.
- Certified to conduct federal sector EEO investigations and EEO counseling.
- Member of District of Columbia Bar.