

**ELAINE N. HERSKOWITZ, ESQ.**

7760 Heatherton Lane • Potomac, MD 20854

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

Email: [herskowitz@eeotrainer.com](mailto:herskowitz@eeotrainer.com) • Website: [www.eeotrainer.com](http://www.eeotrainer.com)

---

**PROFESSIONAL EXPERIENCE**

**EEO INVESTIGATOR, TRAINER, & CONSULTANT**

**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.

## 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](http://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](http://www.shrm.org) (October 2000).

## POLICY DOCUMENTS

Served as key drafter of the following EEOC policy documents:

- *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).
- *Policy Statement on Retroactive Relief for Sex Discrimination in Employee Retirement Plans* (1989).
- *Policy Statement on Application of Title VII to Plant Relocation* (1988).
- *Policy Statement on Control by Third Parties Over the Employment Relationship Between an Individual and His/Her Direct Employer* (1987).
- *Policy Statement on Applicability of § 703(H) of Title VII to Unilaterally Created Seniority Systems* (1987).

## 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, pursuant to No Fear Act, on rights, remedies, and responsibilities under EEO and whistleblower protection laws.
- Addressed **Federal Bar Association** symposium on harassment issues.
- 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 **Prevention of Sexual Harassment Coordinators, U.S. Department of Justice**, on new harassment issues.
- Trained faculty at **George Washington University** on harassment in the classroom and in the workplace.
- Conducted one-on-one anti-harassment training for **McGuireWoods LLP**.
- Trained **Surface Transportation Board** workforce, pursuant to No Fear Act, on rights, remedies, and responsibilities under EEO and whistleblower protection laws.
- Led workshops on current workplace harassment issues at the **EEOC Technical Assistance Program**.
- Trained staff of **Coordination and Review Section, U.S. Department of Justice**, on how to conduct effective training.
- Trained **Society for Human Resource Management** managers on EEO responsibilities. Conducted harassment prevention training for workforce of the
- Conducted one-on-one anti-harassment training for **John J. Kirlin, LLC**.
- Trained staff of **Cherry Hill Camp City** on rights and responsibilities regarding workplace harassment.
- Conducted harassment prevention training for workforce of the **Jewish Federation of Greater Washington**.

## **INVESTIGATIONS, COUNSELING, & FINAL AGENCY DECISIONS**

Conducted EEO counseling, investigated discrimination complaints, and wrote final agency decisions for the following federal agencies:

- Census Bureau
- Center for Disease Control
- Corp. for Nat'l & Community Service
- Defense Intelligence Agency
- Dept. of Agriculture
- Dept. of Commerce
- Dept. of Energy
- Dept. of Health & Human Services
- Dept. of Homeland Security
- Dept. of Housing & Urban Development
- Department of Interior
- Dept. of the Treasury
- Department of Transportation
- Employees' Compensation Appeals Board
- Employment Standards Administration
- Federal Aviation Administration
- Federal Deposit Insurance Corp.
- Federal Election Commission
- Food & Drug Administration
- General Services Administration
- Health Resources & Serv. Admin.
- Indian Health Service
- Library of Congress
- Mine Safety & Health Administration
- National Aeronautics & Space Administration (NASA) (2005, 2009)
- National Cancer Institute
- National Center for Research Resources
- National Gallery of Art
- National Institute of Allergy & Infectious Diseases
- National Institute of Child Health & Human Development
- National Institute of Nursing Research
- National Institutes of Health
- National Institute of Standards and Technology
- National Oceanic and Atmospheric Administration
- Occupational Safety & Health Administration
- Office of Job Corps
- Oversea Private Investment Corp.
- Securities & Exchange Commission
- Small Business Administration
- Social Security Administration
- Transportation Security Administration
- U.S. African Development Foundation

## **ADDITIONAL QUALIFICATIONS**

- Awarded contract by EEOC for 2009-2010 to develop EEOC policy documents.
- Retained by EEOC in 2006 as its expert witness in sexual harassment litigation.
- Retained by the City of Bridgeport, Connecticut in 2008 as its expert witness in sexual harassment litigation.
- Updated EEO manual and created "Managers' Quick Guide" for Coast Guard in 2009-2010.
- Wrote script for computerized anti-harassment training program for Curtis Lewis & Associates.
- Certified to conduct EEO investigations and EEO counseling.
- Member of District of Columbia Bar.