



**BEDFORD-LEXINGTON AREA BRANCH  
JANUARY 2012**

**Breaking Through Barriers for Women and Girls**

**“IDENTITY FRAUD—HOW TO PROTECT YOURSELF”  
PRESENTED BY THE BETTER BUSINESS BUREAU  
BEDFORD PUBLIC LIBRARY  
11:30 AM, JANUARY 4, 2012**

Make it a New Year’s resolution to come and learn how to protect yourself from identify fraud. We hear about it on the news and on public service announcements, some of us have received those emails that make the rounds that list what to do, and some of us may know someone who has had their identity stolen. But what exactly should we be doing? Are those email messages correct? How likely is it that my identity will be stolen?

Come to our DAYTIME January program to get good information for yourself, your family, and your friends.

EDITOR’S NOTE: I’m one who knows two people whose identity was stolen. Most recently a former co-worker of mine had his identity stolen by someone who also stole cars and broke into businesses. The police showed up at HIS door, not the thief’s! He is still working to untangle the mess—at considerable expense.



**THANK YOU!**

Thank you so much for inviting me to the AAUW Bedford-Lexington Area Branch Educational Foundation Holiday Dinner! It was truly a privilege to meet and talk to so many educated women.

Best wishes, *Keiko Petrosky*

**Inside this issue:**

January Program	1
Co-Presidents’ Message	2
AG Coakley Commends...	3
New Lawsuit Against WaLmart	4
EF Update	4
Demotion Proper...	5
Newsletter Deadline	6
Book Group	6
50 Years!	6



Dr. Petrosky talking to the group about her diverse life experiences

## CO-PRESIDENTS' MESSAGE

Wednesday, December 7, 2011 was a very rainy night for the Bedford-Lexington Area Branch's Holiday Dinner. We all congregated at the Bedford Community Center and our hostess, Harriet Hathaway, and helpers set out a wonderful feast for all to enjoy! The tables were set with lovely centerpieces which were won by the members who found lucky tags at the back of their chairs!

The NCCWSL Student, Jennifer Castano, presented her experiences at the convention that she attended in June. Jennifer is a lovely, mature, young woman who expressed her gratitude for our branch sponsorship.

Two AAUW Funds scholarship recipients attended. Our guest speaker, Dr. Keiko Petrosky, AAUW Career Development Grantee, from Tufts University Cummings School of Veterinary Medicine, spoke with warmth and knowledge about her studies for her second doctorate (D.V.M-- the first was in bio-physics) and how the grant is helping her to reach her goal of developing treatments for animals which might have implications in public health! The AAUW International Fellow was Alba Domenech Batalla, from Spain who is studying Music Therapy and Mental Health Counseling for a Master of Arts at Lesley University. Alba promises to perform with her cello at our Anniversary Dinner in May!

Robin DeMott presented Merion Ritter and Sally Hennessey (who was unable to attend) with their 50th year honorary membership recognition awards.

Janet Khattab presented a great raffle fundraiser event. Many members bought raffle tickets and received such items as gift certificates from Lexington restaurants, wine, movie tickets, and two board members donated their own handmade crafts!

Everyone was pleased. The evening was filled with laughter and warm feelings, despite the storm outside.

We wish everyone Happy Holidays and a Healthy New Year!!

*Joan Zinderman and Alice Wadden*

## **AG Coakley Commends Passage of Human Trafficking Legislation**

**November 15, 2011**

**BOSTON** - Today, the Massachusetts House of Representatives and Massachusetts Senate passed a bill that creates the crime of human trafficking in the Commonwealth. On [January 20, 2011](#), AG Coakley, lead sponsors Senator Mark Montigny and House Judiciary Chairman Eugene O’Flaherty, and a coalition of law enforcement and victim advocates, filed comprehensive human trafficking legislation.

[Human trafficking](#) is one of the most egregious human rights violations that we see in our world today. It is a heinous crime of exploitation that involves forcing people to work for others for profit, whether through labor or sexual exploitation. Experts estimate that, worldwide, 27 million people are trafficked annually, bringing in \$32 billion and making it the second-largest and fastest-growing black market in the world.

The average age of girls forced into the sex trade is between 11 and 13 years old. They are lured into “the life” then forced to stay there by their pimps, many of whom employ extreme violence and threats.

The growth of the Internet has only made this kind of exploitation more extensive by putting it out of sight. Pimps can easily recruit child victims online, and then use websites to sell them to johns.

Massachusetts is one of three remaining states in the country that does not have a human trafficking law. The bill now goes to the desk of Governor Deval Patrick.

### **The following is a statement of Attorney General Martha Coakley:**

“Today the Legislature has taken a major step toward ending the exploitation of children and other victims in our Commonwealth. The passage of this bill recognizes that these crimes aren’t only occurring in other countries and other states, but right in our own communities. I look forward to Governor Patrick signing this bill into law to give us the tools to combat these egregious crimes and offer critical services to victims.

“I want to particularly thank the leadership of Senate President Therese Murray and House Speaker Robert DeLeo, as well as Senator Mark Montigny and House Judiciary Chairman Eugene O’Flaherty for sponsoring this important legislation. I also want to commend Suffolk District Attorney Dan Conley for his efforts in passing the ‘safe harbor’ component of this legislation. I want to recognize and thank the many victim advocates who work every day to support victims of these crimes and for their unwavering commitment to passing this legislation. Finally, I want to thank the many survivors of human trafficking who shared their personal stories to help other victims—their voices helped make the passage of this bill a reality.”

## NEW LAWSUIT FILED AGAINST WALMART

After the U.S. Supreme Court ruled in June that the *Wal-Mart v. Dukes* sex discrimination class-action lawsuit was too big to move forward, the lawyers representing the women vowed to create smaller class actions by region. Yesterday, the lawyers filed the first of these amended lawsuits in the U.S. District Court for Northern California. The lawsuit alleges that Wal-Mart's discriminatory practices affected more than 90,000 women currently or formerly employed at Wal-Mart and Sam's Club stores in four regions in California and nearby states. Betty Dukes, a California resident, is the lead plaintiff, just as she was for the larger lawsuit.

AAUW first provided support to the lead plaintiffs in *Wal-Mart v. Dukes* last spring through the AAUW Legal Advocacy Fund. In September, the AAUW board voted to disburse more funds to defray costs involved in creating smaller class-action lawsuits. AAUW will continue supporting the lawyers and plaintiffs as they seek justice for all women workers at Wal-Mart stores.

## EF UPDATE

Thank you to all who braved the elements to attend the Holiday dinner in support of AAUW FUNDS (FELLOWSHIPS AND GRANTS) and for giving such a warm welcome to Dr. Keiko Petrosky, recipient of a career development grant, and Alba Domenech Batalla, an International Fellow from Barcelona, Spain.

As a guest speaker, Dr. Petrosky gave us an updated picture of veterinary medicine today with its continued role in the development of new drugs for humans.

With Irene Shea and Liz Blumenthal managing the raffle, we made \$215.00. Items were donated by Catherine Boyd, Mary Brzezinski, Pat Costello, Sue Giurleo, Janet Khattab and Joan Zinderman. I have to give special mention to the lovely silk scarf designed by Joan and the bead necklaces fashioned by Catherine. The gift certificates were donated by the restaurants Nourish and Buca di Beppo. So, think of them when planning to dine in Lexington.

Check donations came to \$425.00. If you have yet to give, please make check payable to "AAUW FUNDS" and put in the memo line "fund #4336" and mail to Janet Khattab, 11 Pierce Rd., Belmont, MA 02478.

*Janet Khattab*

EF Chair



## **DEMOTION PROPER WHERE FEDERAL MANAGER MADE INAPPROPRIATE COMMENTS ABOUT RACE AND SEX**

(FEDmanager) - Demotion of a federal manager to a non-managerial position was proper where the manager repeatedly made inappropriate comments about race and sex in the workplace, the Federal Circuit ruled in October.

In this case, the manager worked for the U.S. Postal Service supervising 130 employees, including six subordinate supervisors. In June 2010, the agency demoted him to a Part-Time Flex Mail Handler position based on a finding of unacceptable conduct, prompting the manager to appeal to the U.S. Merit Systems Protection Board ("the Board"). The Board's Administrative Judge ("AJ") found that the manager's comments about race and sex, and the intentional dropping of his pants, supported the unacceptable conduct charge. The AJ also found that the demotion to a non-managerial position was reasonable and within the agency's discretion. The manager subsequently appealed the Board's decision to the Federal Circuit.

To take an adverse action against a federal employee, an agency must establish that: (1) the charged conduct occurred; (2) there is a nexus between the conduct and the efficiency of the service; and (3) the penalty imposed by the agency is reasonable. Although the AJ found that the Postal Service met all three elements, the manager contended on appeal that the sex- and race-based comments were acceptable because he was simply explaining his dating preferences, and a former Plant Manager had approved of such comments. The manager further challenged the AJ's fact finding and credibility determinations and argued that even if his conduct was unacceptable, the penalty of demotion was unreasonable.

The Federal Circuit, however, stated that the parties in this case previously stipulated that the manager had made ongoing comments about race and sex since 2009. The agency's deciding official also testified at the administrative hearing that the manager's prior Equal Employment Opportunity ("EEO") training provided him with notice that such conduct was inappropriate at work. In his de-

fense, the manager cited a letter from a former Plant Manager as evidence that the agency previously approved of similar comments. The Federal Circuit determined, though, that while this letter referenced a comment the manager had made about dating members of a specific race, it did not condone sex- or race-based comments at work. The letter simply explained the appropriate response when a subordinate employee asked the manager on a date. Finally, the appeals court noted that a witness testified that the manager had made inappropriate sex-based comments to her, other than merely stating his dating preference, over a six month period. Accordingly, the Federal Circuit concluded that there was substantial evidence in the record to support the AJ's finding on the unacceptable conduct charge.

The manager further claimed that the AJ erred by finding that he intentionally dropped his pants. Regarding this incident, the Federal Circuit explained that the AJ specifically credited the testimony of four witnesses and did not believe the manager's testimony that his pants "accidentally" slipped. Thus, the appeals court found that there was "ample reason" to conclude that the AJ's findings of fact and credibility determinations were adequately supported by the record.

The appeals court agreed that the nature of the manager's employment (a supervisor tasked with implementing EEO laws) aggravated the nature and seriousness of the offense (sex- and race-based remarks and conduct). In addition, when these aggravating factors were balanced against the relevant mitigating factors, such as the manager's prior disciplinary record, his lengthy service and circumstances in his personal life, the agency's determination that the manager's conduct precluded his continued employment as a supervisor was reasonable, the appeals court concluded.

*Case: Natty v. U.S. Postal Service, U.S. Court of Appeals for the Federal Circuit, No. 2011-3138, Oct. 11, 2011*

Bedford-Lexington Area Branch  
Ruth Ladd, Editor  
15 Pine Knoll Road  
Lexington, MA 02420-1206

**AAUW's Value Promise**

By joining AAUW, you belong to a community that breaks through educational and economic barriers so that all women have a fair chance.

**FEBRUARY NEWSLETTER DEADLINE: January 15, 2012**

## BOOK GROUP

The next meeting is on Wednesday, January 18th at 1:00pm. We will be reading *The Calligrapher's Daughter* by Eugenia Kim.

The discussion will be at the Visitor's Center at Helene Rosenthal's apartment complex. She lives at Avalon at Bedford. If you are coming from Lexington on Concord Road, go through Bedford Center toward Concord, go past the small auto garage, turn right immediately after the flashing arrow, go over a small bridge and immediately on the right is the center where we will have our meeting. If you go by the Catholic Church, you have gone too far. If you are coming from Concord, continue on Concord Rd. (Rte.62) and just after the flashing light is an entrance to Avalon at Bedford where you turn left and go over the small bridge and to the Visitor's Center. Parking is available all around the center.

Call Helene if you have questions.



## 50 YEARS!

President Joan Zinderman and Treasurer Robin DeMott with Merion Ritter who was presented with her honorary life membership for 50 years continuous membership. No more local, state, or national dues! Sally Hennessey also received the honorary life membership but she was unable to attend the dinner.