

# EEO CONNECTION

## Statewide EEO Coordinators Message

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### Time to Reflect

It's hard to believe that we are better than half-way through 2017 and another school year is about to begin. This is the time that I reflect on the past months of 2017 and look forward to what's ahead. In the Office of the Statewide EEO Coordinator, we are busy working on the 2017 Federal EEO-4 report, the Annual Statewide EEO Report, EEO audits and more. We're also planning another movie and discussion and other professional development opportunities for you.

I want to thank those that attended the EEO Retreat last month. The passion and the energy that I saw in the attendees displayed their commitment to their jobs and the employees that they serve. Take some time to reflect on what you learned, put that knowledge into practice and share any new skills with fellow co-workers. Remember that we have a big job with great responsibilities and our work is far from done. For those that missed the retreat, more learning opportunities are forthcoming.

The OSEEOC team has put together another great newsletter. Read more on the importance of professional development on page 2 and learn about upcoming training opportunities on page 12. Read why two well-known companies had to pay big bucks for breaking the law in the Noteworthy Ruling section. If you haven't visited the new National Museum of African American History and Culture in DC, learn about it in the EEO Spotlight section. Also in the EEO Spotlight section is an overview of the Civil Rights Division of the Department of Justice. How well do you know Maryland courts? Take our quiz on page 11. There is so much more to read.

Enjoy,

Glynis Watford  
Statewide EEO Coordinator

## Office of the Statewide EEO Coordinator Mission

- Administer and enforce state and federal equal employment opportunity laws and policies.
- Promote a work environment free of any unlawful discrimination, harassment, and retaliation.
- Assist in building a well-diversified workforce for Maryland state Government employees and applicants.



## Professional Development Is Important!



The Department of Budget and Management, Office of the Statewide Equal Employment Opportunity Coordinator and St. Mary's College of Maryland co-hosted its 2017 EEO Retreat on July 12, 2017 through July 14, 2017, on the campus of St. Mary's College. The retreat was awesome and attracted more than 100 attendees throughout state government and also, Tri-County Council for Southern Maryland, Work Source Montgomery Inc., Alexandria, VA Fire Department and Western Maryland Consortium. The training topics included, but were not limited to, Unconscious Bias, Circle of Leave, Reasonable Accommodations and Mental Illness in the workplace. There were also networking events for professionals to meet and greet their fellow colleagues to build valuable long lasting relationships. While this was an event that most state agencies paid the cost for their employees to attend, not all trainings you may be interested in attending will be in your agency's budget. However, this should not stop your professional development, especially if your personal budget can support it.

Professional development is key to growing and advancing your career. This is why you must make an assertive effort to ensure you are staying current in your profession, whether it be through reading various publications, participating in webinars, attending in person and/or computer based trainings and more.

Be sure to check out page 12 of the newsletter or details on upcoming trainings and events.

**- OSEEOC TEAM**

## Ask the OSEEOC Team

*The OSEEOC Team has incorporated this new section of the newsletter to allow our readers to ask anonymous questions and get answers.*

### **1. QUESTION**

Does your office provide a training to EEO and Fair Practice Officers on how to conduct an investigation?

### **OSEEOC ANSWER:**

Yes, an investigative techniques and discrimination law theory training for new EEO/FPO is scheduled for September 2017. (See meetings and trainings section for dates.)

### **2. QUESTION**

If an employee requests an ADA accommodation for a limitation that will last about four months, how should it be handled?

**OSEEOC ANSWER:** Review the State of Maryland, Reasonable Accommodations Policy and Procedure. Initiate the interactive process to determine whether the employee has a disability as defined by the policy. If the employee qualifies for an accommodation under the policy, you and the employee can determine effective accommodations to explore. If the employee does not have a disability as defined by the policy, management can determine whether or not they are able to accommodate the employee anyway.

### **3. QUESTION**

Can I file my workplace bullying complaint with the Office of the Statewide Equal Employment Opportunity Coordinator?

**OSEEOC ANSWER:** According to the State of Maryland Policy on Bullying in the Workplace, a complaint should be filed with the appointing authority or agency head/Secretary, as appropriate.

## NOTEWORTHY RULINGS

### Bass Pro to Pay \$10.5 Million To Settle EEOC Hiring Discrimination And Retaliation Suit

Bass Pro Outdoor World, LLC, a leading retailer of fishing, camping, and hunting equipment and apparel, has agreed to pay \$10.5 million and provide other significant relief to settle a hiring discrimination and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

The nationwide agreement seeks to strengthen and improve Bass Pro's hiring and recruiting practices of African-Americans and Hispanics, and resolves a pattern-or-practice lawsuit filed by the EEOC on Sept. 21, 2011. The EEOC's suit charged that the company discriminated in hiring at its retail stores, unlawfully retaliated against employees who opposed practices they believed to be unlawful, and failed to adhere to federal record-keeping laws and regulations.

A central focus of the agreement is strengthening Bass Pro's diversity efforts and its commitment to non-discriminatory hiring, including appointment of a director of diversity and inclusion, affirmative outreach efforts to increase diversity in its workforce, updated EEO policies and hiring practices, and annual EEO training for management and non-management employees.

"The EEOC is pleased to have reached what the agency believes to be a fair resolution," said EEOC Deputy General Counsel James Lee. "We look forward to working with Bass Pro in implementing the consent decree."

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/7-25-17b.cfm>



## NOTEWORTHY RULINGS

### Pennsylvania Office of Public Records Will Pay \$60,000 to Resolve EEOC Age Suit

The Commonwealth of Pennsylvania's Office of Public Records will pay \$60,000 and costs to settle a federal age discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, Joseph Bednarik, who was over 40 years old, had graduated from law school with honors and had about 30 years of legal experience, including about 17 years with the Pennsylvania Human Relations Commission, when he applied for an appeals officer position with the Office of Public Records. Appeals officers review citizen challenges to refusals by state government agencies to provide government records under Pennsylvania's "open records" statute.

The EEOC charged that during Bednarik's second interview for the position, the executive director of the Office of Public Records expressed concerns that Bednarik might not have a long tenure with the agency since he had already worked for the commonwealth for 17 years and might be nearing retirement. Despite Bednarik's qualifications and positive employment reference, the Office of Public Affairs selected a significantly less experienced and younger applicant because of Bednarik's age, the EEOC said.

Such alleged conduct violates the Age Discrimination in Employment Act of 1967 (ADEA), which makes it illegal to discriminate against individuals 40 or older based on age. The EEOC filed suit (EEOC v. Commonwealth of Pennsylvania, Office of Open Records, Civil Action No. 1-15-cv-01895) in U.S. District Court for the Middle District of Pennsylvania after first attempting to reach a pre-litigation settlement through its conciliation process.

"The EEOC will take vigorous action when an employer makes a hiring decision because of age," said EEOC Philadelphia District Office Regional Attorney Debra M. Lawrence.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/7-24-17a.cfm>



## EEO SPOTLIGHT

### The National Museum of African American History and Culture Should Be on Your List of Places to Visit!

On September 24, 2016, the National Museum of African American History and Culture opened its doors to the public for the first time. NMAAHC is located a few feet away from the Washington monument in Washington DC and is the only national museum devoted exclusively to the documentation of African Americans lifestyle, art, history and culture. To date, the museum has welcomed more than 1 million visitors. It's no surprise that the requests to visit the museum is back logged. Individuals must register to attend the museum at least 3 to 4 months in advance. To help you prepare for your visit, below are top 10 things to know about visiting the NMAAHC:

1. You must have a [Timed Pass](#) to enter the Museum. Entrance to the Museum begins on the Constitution Ave side of the building.
2. Same-day, timed passes are [available online](#) only, beginning at 6:30 a.m. daily. A limited number of walk-up passes are available at the Museum on weekdays, beginning at 1 p.m.
3. Please do not arrive prior to the time on your pass, it will not speed up your entry. Only current-hour Timed Passes will be allowed to enter the queue.
4. Wear comfortable shoes during your visit.
5. Use public transportation instead of driving. Go to the [WMATA.com](#) to get the most up-to-date information about metro and buses. If you must drive, see [parking options](#).
6. Expect to pass through a security screening. Avoid bringing large bags to get through security screens faster. See our [list of prohibited items](#).
7. Be aware of counterfeit passes. Only passes obtained directly through the Museum's provider, Etix, will be honored. Timed Passes may only be used once.
8. Wheelchairs are limited and distributed on a first come first served basis. Please plan to bring your own if possible. The handicap accessible entrance to the Museum is located on the Constitution Ave side of the building.
9. Download the [NMAAHC Mobile app](#) as a complement to your onsite Museum experience.
10. We have keepsakes and gifts available at our [Museum Shop](#) and a variety of food choices at our [Sweet Home Café](#). Expect long lines at both.

The information obtained for this article is directly from <https://nmaahc.si.edu/>.

To reserve museum tickets, visit <https://nmaahc.si.edu/visit/passes>.



## EEO SPOTLIGHT

### Get Familiar with the Civil Rights Division of the Department of Justice

The Department of Justice, Civil Rights Division (CRD), was created in 1957 by the enactment of the Civil Rights Act of 1957. CRD enforces federal statutes that prohibit discrimination on the basis of color, race, disability, sex, religion, familial status and national origin. The division has grown rapidly, and has played a role in many of the nation's pivotal civil rights battles. The division enforces a wide array of laws that protect the civil rights of all individuals. The division is led by Acting Assistant Attorney General Tom Wheeler. All sections of the Division are led by a Section Chief and several Deputy Chiefs and Special Legal or Litigation Counsels. The divisions leadership, Section Chiefs, attorneys and administrative staff are based in Washington, D.C.

The Employment Litigation Section enforces Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), against state and local government employers. Title VII prohibits employment practices that discriminate because of race, color, national origin, sex (including pregnancy and gender identity) and religion. The Section also enforces the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA") against state and local government and private employers. USERRA prohibits employment practices that discriminate because of an individual's past, current or future military status, service or obligation. In addition, the Section has jurisdiction to enforce Executive Order 11246, which prohibits discrimination by federal contractors and subcontractors because of race, color, national origin, sex, sexual orientation, gender identity, and religion.

**To learn more, visit <https://www.justice.gov/>.**





## ADA CORNER

### Kentucky Fried Chicken Sued By EEOC For Disability Discrimination

Hester Foods, Inc., the operator of a Kentucky Fried Chicken restaurant franchise in Dublin, Ga., violated federal law by discriminating against an employee because of her disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it recently filed.

According to the EEOC's lawsuit, Hester Foods' owner violated federal law by discharging restaurant manager Cynthia Dunson in July 2015 when he found out that she was taking medications prescribed by her doctor for bipolar disorder. The restaurant owner referred to Dunson's medications in obscene terms, the EEOC said, and made her destroy her medications by flushing them down a toilet at the restaurant. When Dunson later told the owner that she planned to continue taking the medications per her doctor's orders, the owner told her not to return to work and fired her.

Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit (*Equal Employment Opportunity Commission v. Hester Foods, Inc. d/b/a Kentucky Fried Chicken*, Civil Action No. 3:17-cv-000340-DHB-BKE) in U.S. District Court for the Southern District of Georgia after first attempting to reach a pre-litigation settlement through its conciliation process. The federal agency seeks back pay, compensatory damages and punitive damages for Dunson, as well as injunctive relief designed to prevent such discrimination in the future.

"Managers and owners cannot force employees to forego medical care or prescribed medications to keep their job," said Bernice Williams-Kimbrough, director of the EEOC's Atlanta District Office.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/6-12-17.cfm>



## ADA CORNER

### EEOC Sues Cutter Mazda of Honolulu for Disability Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) has announced the filing of a lawsuit against Cutter Mazda of Honolulu alleging discrimination against a job applicant due to his disability. EEOC contends that Cutter Mazda denied an applicant a job based on his hearing impairment.

Such alleged conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit in the U.S. District Court for the District of Hawaii (*EEOC v. MJC, Inc. and GAC Auto Group, Inc. DBA Cutter Mazda of Honolulu, et al*, Case No. 1:17-cv-00371) after first attempting to reach a pre-litigation settlement. The agency seeks back-pay, compensatory and punitive damages on behalf of the applicant, along with injunctive relief to prevent and address disability discrimination from happening in the future.

"Disability discrimination remains a persistent problem that needs more attention by employers," said Anna Park, regional attorney for the EEOC's Los Angeles District, which includes Hawaii in its jurisdiction.

Glory Gervacio Saure, director of the EEOC's Honolulu Local Office said, "Applicants should not be denied a position under the assumption that the individual cannot do the essential functions of the job."

**Read more at** <https://www.eeoc.gov/eeoc/newsroom/release/7-31-17a.cfm>



## How Well Do you Know Maryland Courts?

1. How many judges are there assigned to the Maryland Court of Appeals?
2. How many court of appeals are there in the United States?
3. What is the highest court in the State of Maryland?
4. How many judges on the Maryland Court of Appeals are women?
5. Under the State Constitution, Maryland has a court system of four levels, name them.

### Answers

1. Seven
2. Thirteen
3. Maryland Court of Appeals
4. Four
5. The District Court and the Circuit Court; and two appellate courts: the Court of Special

## Meetings & Trainings

### August 2017

#### **Executive Leadership Conference (Fee)**

Hosted by: Equal Employment Opportunity Commission (EEOC)  
Monday, August 21, 2017—Wednesday, August 23, 2017

Register at <https://www.eeoleadershipconference.com/default.asp>

#### **Reasonable Accommodations in Colleges and Universities— Webinar (Free)**

Hosted by: Mid-Atlantic ADA Center  
Wednesday, August 23, 2017

2:00 p.m.—3:30 p.m.

Register at <http://www.adainfo.org/training/RAs-colleges-universities>

### September 2017

#### **Investigative Techniques & Discrimination Law Theory Training (Free)**

Hosted by: Office of the Statewide EEO Coordinator & Maryland Commission on Civil Rights  
Wednesday, September 6, 2017 & Friday, September 8, 2017

9:00 a.m.—4:00 p.m. (This event is for **NEW EEO & FPO ONLY!!**)

#### **Mid-Atlantic ADA Update Conference (Fee)**

Hosted by: TranCenInc. And Mid-Atlantic ADA Center  
Wednesday, September 13, 2017 — Friday, September 15, 2017

Register at <http://www.adainfo.org/Content/ADA-Update>

### October 2017

#### **6th Annual Baltimore FEB EEO, Diversity & Inclusion Training (Fee)**

Hosted by: Baltimore Federal Executive Board  
Wednesday, October 18, 2017

8:00 a.m.—4:00 p.m.

Register at <https://www.eventbrite.com/e/6th-annual-baltimore-feb-eeo-diversity-inclusion-training-tickets-31292305127>

#### **2017 National Diversity Women's Business Leadership Conference (Fee)**

Hosted by: Diversitywoman.com  
Wednesday, October 18, 2017— Friday, October 20, 2017

Register at <http://www.diversitywoman.com/conference/wp-content/uploads/2017/04/2017-ConferenceAgenda-2017.pdf>

#### **Movie & Discussion (Free)**

Hosted by: OSEEOC Team

**Details coming soon!**

# DIVERSITY CALENDAR

## **August 2017**

8/26 — Women's Equality Day

## **September 2017**

*National Hispanic Heritage Month*

9/4 — Labor Day

9/10 — Grandparents Day

9/16— Mexican Independence Day

9/21 — 9/22—Rosh Hashana

9/22 — Native American Day

9/30 — Yom Kippur

## **October 2017**

*National Disability Awareness Month*

*National Breast Cancer Awareness Month*

*Domestic Violence Awareness Month*

10/9 — Columbus Day

10/16 — Boss's Day

10/31 — Halloween

## RESOURCES FOR EEO PROFESSIONALS

### **Division of Rehabilitation Services (DORS)**

<http://dors.maryland.gov/Pages/default.aspx>

### **Department of Labor**

<http://www.dol.gov/>

### **Employee Assistance Program (EAP)**

<http://www.dbm.maryland.gov/employees/Pages/EAP.aspx>

### **Equal Employment Opportunity Commission (EEOC)**

<http://www.eeoc.gov/>

### **Job Accommodation Network (JAN)**

<https://askjan.org/>

### **Maryland Commission on Civil Rights (MCCR)**

<http://mccr.maryland.gov/>

### **Society for Human Resource Management (SHRM)**

<http://www.shrm.org/pages/default.aspx>

### **Maryland Department of Disabilities**

<http://mdod.maryland.gov/Pages/Home.aspx>

### **Out & Equal Workplace Advocates— NEW**

<http://outandequal.org/>



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## **OSEEOC CONTACT INFORMATION**

**Glynis Watford**

Statewide EEO Coordinator  
Glynis.watford@maryland.gov  
410-767-4061

**Nicole Webb**

Senior EEO Compliance Officer  
Nicole.webb@maryland.gov  
410-767-4761

**Debra Mack**

EEO Compliance Officer  
Debra.mack1@maryland.gov  
410-767-1013

**Norma Belton**

EEO Compliance Coordinator  
Norma.belton@maryland.gov  
410-767-4735