



EEO CONNECTION

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Coordinator's Message

“Happy New Year”

It is my hope that this New Year brings you peace and well-being. An American author, Hal Borland said, “Years end is neither an end nor a beginning but a going on, with all the wisdom that experience can instill in us.” As time passes, let’s not look to an end but continue to receive the teachings that life brings.

Every year, I am inspired to create or cite a motivational theme, something we can focus on and work towards. Well, this year the message is simply to “WorkSmart.” State agencies have been faced with some big challenges in light of the national and local economic conditions. Agencies dealing with budget cuts, decreased staff, and low morale. Now is the time, more than ever, to draw on the knowledge that our past experiences has afforded us; to make the necessary adjustments to accomplish the goals set before us in

the Constitution of the United States, the Civil Rights Act, and all other human rights statutes.

As Equal Employment Opportunity professionals, we need to draw on the wisdom that we have acquired over the years to help us maintain the level of workmanship that we have achieved thus far. We need to use the many resources that we have within our own agencies. For example, utilizing the skills and talents of our colleagues, taking advantage of the free and low cost training opportunities offered through various training institutions and development programs, as well as opportunities offered by the Office of the Statewide EEO Coordinator (OSEEOC).

It is important that we stay positive, focused on the mission and remember to “WorkSmart” to maintain that level of professionalism that we are accustomed to.

To support your efforts to “WorkSmart” this New Year, this issue of the *EEO Connection*, spot-

lights the relevant employment laws that became effective in 2009. Read how you can get the new “Equal Employment Opportunity is the Law” poster. We’ve also included Noteworthy Rulings you’ll want to read.

Did you know that ADA will be celebrating its 20th Anniversary this year? Learn how you can be a part of the celebration. To commemorate Black History Month, we’ve showcased Dr. Carter G. Woodson in The Diversity Corner. The Community Awareness section is a great place to learn important events in and around our community, and finally read the steps to “Peaceful Conflict Resolution” for tips to resolve any type of conflict.

Enjoy,

Glynis Watford
Statewide EEO
Coordinator

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Federal Workplace Poster Update

On October 23, 2009, the EEOC released the revised “Equal Employment Opportunity is the Law” poster, updated with the new Genetic Information Nondiscrimination Act (GINA). The new law became effective November 21, 2009.

How to Post Notices in a Format accessible to Individuals with Disabilities:

Federal law requires employers to post a notice describing the Federal laws prohibiting job discrimination based on race, color, sex, national origin, religion, age, equal pay, and disability.

The poster summa-

rizes the laws and explains how an employee or applicant can file a complaint if s/he believes that s/he has been the victim of discrimination.

The posters should be placed in a conspicuous location in the workplace where notices to applicants and employees are customarily posted.

The Americans with Disabilities Act (ADA) requires that notices of Federal laws prohibiting job discrimination be made available in a location that is accessible to applicants and employees with disabilities that limit mobility.

Printed notices should be made available in an accessible format, as needed, to a per-

son with disabilities which limit the ability to see or read. Notices can be recorded on an audio cassette or read to applicant or employees with disabilities which limit seeing or reading ability.

The EEOC has an audio cassette recording of the “Equal Employment Opportunity is the Law” poster. Employers may order a limited number for free by contacting the EEOC at: EEOC Publication Clearinghouse, P.O. Box 541, Annapolis Junction, MD 20701, or call 1-800-669-3362, 1-800-800-3302 (TTY), <http://www.eeoc.gov>

Courtesy: EEOC

The American people do not want people thumbing their nose at the law. It undercuts the very fabric of our society and the system of civil justice and of criminal justice as well.

Ernest Istook

SPOTLIGHTS

“It’s the Law Now”

Here are a few laws and regulations to take note of. Signed into law or became effective in 2009 were the following:

- The Genetic Information Nondiscrimination Act, which protects employees from discrimination by employers, employment agencies, labor unions and insurers based on genetic information, took effect November 21, 2009.
- Signed into law on January 29, 2009, the Lily Ledbetter Fair Pay Restoration Act effectively eviscerated the statute of limitations for wage discrimination claims because employees are arguably affected by a discriminatory wage decision each time they receive a paycheck.
- The EEOC has issued proposed regulations to implement the ADA Amendments Act of 2008 (ADAAA) that would make several significant changes to the definition of the term “disability” and greatly expand who is covered by the statute’s provisions.

Some hot topics and issues to keep up with that MAY become law soon are:

 - The Employment Non-Discrimination Act (EDNA) would prohibit covered employers from discriminating against individuals—including both employees and job applicants—on the basis of their actual or perceived sexual orientation or gender identity.
 - Civil Rights Act of 2008. This proposal would make sweeping changes to several federal laws in favor of employees such as: (1) eliminating the damages caps under the 1991 Civil Rights Act (2) add compensation and punitive damages to the Fair Labor Standards Act (3) prohibit arbitration of most constitutional or statutory claims, (4) make it easier for employees to recover expenses even if they aren’t the prevailing party in a lawsuit in all respects, and (5) give the National Labor Relations Board authority to award back pay to undocumented aliens.

Read more: HRhero.com

Rosa Parks was a shy, soft spoken woman who was uncomfortable being revered as a symbol of the civil rights movement. She only hoped to inspire young people to achieve great things.

Jim Costa

SPOT LIGHTS cont.

Proclamation of Recommitment to the Mission of the ADA by the 20th Anniversary of the ADA

July 26, 2010 will mark the 20th Anniversary of the Americans with Disabilities Act! Across the United States communities are already planning events to celebrate the progress made through the implementation of the ADA.

The National ADA Symposium is sponsoring a unique project that recognizes the progress made toward the mission of the ADA--inclusion of people with disabilities into all aspects of American life, while addressing that there is still much work to be done: the 2010 by 2010 Campaign!

Their goal is to have 2,010 public entities submit a "Proclamation of Recommitment to the Mission of the ADA" by the 20th anniversary of the ADA. They have a dedicated website that will showcase and celebrate the public entities joining in the reaffirmation of the ADA.

Please join in making the 2010 Campaign a reality! People with disabilities, family members, and disability advocates are asked to approach your community leaders and encourage them to participate in this historic, national event -- the 20th anniversary of the Americans with Disabilities Act -- by reaffirming their commitment to accessibility and inclusion.

Along with this proclamation, The National ADA Symposium asks that participating public entities commit to activities that increase disability awareness and/or accessibility.

In January, Governor Martin O'Malley proclaimed the 2010 - 20th anniversary stating that the ADA was "landmark legislation that protected the civil rights of individuals with disabilities and ensured that more than 54 million Americans received the same basic free-

doms - independence, equal access, freedom of choice and inclusion - afforded to every citizen in our country."

A variety of events and activities will be held across the State during the year 2010. These include a free seven-part webinar series that began in January entitled "Essential Workplace Skills" that focuses on a variety of work issues for people with disabilities including: accommodations, strategies for overcoming barriers, job retention and advancement and resolving conflict. Other events include the Jacobus ten Broeck Legal Symposium sponsored by the National Federation of the Blind in April, Disability History and Awareness Month in October and the State's annual Americans with Disabilities Act celebration on July 26, 2010.

Find out more: www.adainfo.org

Maryland Teens Recover \$620,000 on Sexual Harassment Claim

On December 11, 2009, following a five-day trial in federal court in Baltimore, two teens recovered \$620,000 from their Eastern Shore employer, on their claims of assault and battery and sexual harassment. According to the testimony at trial, the president allegedly harassed the teens at work by making numerous inappropriate oral and physical advances. The two teens were hired to offload crabs from boats, clean and sort the catches, and stack inventory in cold-storage loading trucks.

The jury awarded them \$120,000 in compensatory damages and \$500,000 in punitive damages, to be split evenly. The court has yet to rule on the employer's post-trial requests to set aside the jury's findings.



Maryland Law Letter

NOTEWORTHY RULINGS

Religious harassment case settles for \$64,000

In May 2008, a Fourth Circuit decision revived a Muslim American's claim that he was subjected to a religiously hostile environment in violation of Title VII.

The trial court dismissed the case in favor of the employer, Sunbelt Rentals, Inc. However, upon closer review, the Fourth Circuit found that the employee, Charles Ingram, presented enough evidence to show that he suffered severe and pervasive religious harassment and that a jury should hear his case.

Ingram, the only Muslim employee at Sunbelt's Gaithersburg office, complained that he was subjected to a hostile work environment based on his religion. According to him, the abusive environment was marked by a steady stream of demeaning comments such as "Taliban" and "towel head" that went unaddressed and unpunished by Sunbelt supervisors. In addition, his fellow employees frequently made fun of his appearance, chal-

lenged his allegiance to the United States, suggested he was a terrorist, and made comments associating all Muslims with senseless violence. Sometimes his supervisors participated in the harassment.

According to the Fourth Circuit, to succeed on a hostile work environment claim, the employee must show that (1) he subjectively perceived the environment to be abusive and (2) the conduct was so bad that a reasonable person in the employee's position would have found the environment objectively hostile and abusive. In determining the issue, the court looks at all of the circumstances, including the frequency of the discriminatory conduct, its severity, whether it was physically threatening or humiliating, and whether it unreasonably interfered with the employee's work performance. The Fourth Circuit found that Ingram's allegations satisfied those tests and sent the case back to trial.

One week before the trial was scheduled to begin, the parties reached an amicable settlement. Under the terms approved by the U.S. district court, Sunbelt agreed to pay Ingram \$64,641 in economic damages and enter into a consent decree. Under the terms of the decree, Sunbelt must provide antidiscrimination training for its Gaithersburg employees, post a notice at the workplace about the settlement, and report future complaints to the EEOC for further monitoring. *Equal Employment Opportunity Commission v. Sunbelt Rentals, Inc.*, USDC MD No. 04-2798, settlement approved October 8, 2009.

Courtesy of: HRhero

'Sexting' Presents New Challenges for Employers

What is sexting, and what threat does it pose to your agency? In short, it's the practice of sending sexually explicit text messages to others. Although the term originated in reference to teenagers sending sexually oriented text messages to each other on their cell phones, electronic exhibitionism has quickly expanded into a new method of harassment in the workplace.

With the introduction of sexting in the workplace, employers must address issues arising from "textual harassment." The use of text messaging in this manner is simply another form of sexual harassment. Legally, it's no different from harassment via e-mail, which was dubbed "e-harassment" by one court.

However, it may present different issues and obstacles for employers.

Individuals, including employees, can post sexually explicit messages, photos, videos, and audio in the blink of an eye. And if media reports are accurate, employees — at least for now — are doing so without thinking about what they're actually doing. They post messages without considering how the posts may affect other employees or their own jobs.

In one case, a former waitress sued a Hooters restaurant, claiming a manager sexually harassed her with text messages. In another case, a municipal employee in Illinois alleged that the

town president sexually harassed for years. Part of the harassment included sending so-called "lewd and sexually explicit text messages."

In another recent case, a manager overheard a female employee talking to a coworker about buying a new dress. He then sent her a late-night e-mail from his personal account telling her he couldn't wait to see her in it. In England, a teenage employee who claimed she quit her job after being bombarded with suggestive text messages for her 50-year-old boss won her sex discrimination case.

Courtesy of: Maryland Law Letter

Community Awareness

Voices of Civil Rights

In the summer of 2004, journalists, photographers, and videographers toured the country for 70 days collecting thousands of stories from individuals who lived during the civil rights era of the 1940's-60's. The project, Voices of Civil Rights, was a collaborative effort by the AARP, the Leadership Council on Civil Rights (LCCR), and the Library of Congress.

It promises to be the world's largest archive of civil rights oral history. This Save Our History™ documentary presents a sample of these stories and weaves them together into a poignant portrait of living in the United States during this tumultuous period of American history.

Please visit the website

to find out more information at :
<http://www.history.com/classroom/voices/>

Composed by OSEEOC Staff

Americans with Disabilities

The DBTAC: MidAtlantic ADA Center and Eastlake, Derry & Associates announce the Access to ADAAG training series for 2010! These workshops, presented by Mark Derry, will focus on the "new" Americans with Disabilities Act accessibility Guidelines (ADAAG).

Yes, the new ADAAG is coming! The U.S. Department of Transportation has adopted it, and the U.S. Department of Justice is not far behind!

Level I training starts on February 23-25, 2010 and will cover:

- Fundamentals of accessibility and usability
- Basics of ADA, ABA, and other laws
- The Federal rulemaking process
- Guidelines, standards, and codes
- Resources to find out what you don't know

Level II training starts on April 6-8, 2010 and will cover:

- Advanced level of accessibility and usability
- New ADAAG in depth
- Special spaces (medical facilities, courtrooms, etc.)
- Hands on exercises with facility survey tools

To learn more information about this training, please visit www.adainfo.org

Composed by OSEEOC Staff

OSEEOC 3rd Annual Meet and Greet

I would like to thank the Governor's Office of Community Initiative (GOCI) for presenting at the OSEEOC's 3rd Annual Meet and Greet Event held on December 9, 2009. I would also like to thank Raymond Skinner, Secretary of the Maryland Department of Housing and Community Development and Brien Boone, the agency's Director of the Office of Fair Practices for hosting this memorable event.

More than forty Equal Employment Opportunity profes-

sionals from around the State attended this event. This annual event serves as an opportunity to advance our EEO knowledge, as well as develop and improve the effectiveness of each agency's program.

The GOCI presenter spoke about the myths and challenges faced by various minority groups in this State. We were educated on how we can improve the communication and relationships in our workplaces and provided information on the cultural

differences amongst the many diverse groups.

Thanks to all that attended this event.

Glynis Watford
 Statewide EEO Coordinator

We've all at one time or another been faced with conflict whether it results from a disagreement, miscommunication or a misunderstanding. Here is a way to amicably resolve that conflict:

PEACEFUL CONFLICT RESOLUTION

Respect the right to disagree.

Express your real concerns.

Share common goals and interests.

Open yourself to different points of view.

Listen carefully to all proposals.

Understand the major issues involved.

Think about probable consequences.

Imagine several possible alternative solutions.

Offer some reasonable compromises.

Negotiate mutually fair cooperative agreements

Title VII Pop Quiz (Test Your Knowledge)

The Civil Rights Era (1865–1970)

1. What did the Civil Rights Act of 1964 do?

- (A) Outlawed racial discrimination in most public places
- (B) Sent federal election officials to the South to register more black voters
- (C) Banned poll tax requirements for voting in federal elections
- (D) Was more a symbolic act of Congress than a significant piece of civil rights legislation

2. The Civil Rights Act of 1964 differed from all previous pieces of civil rights legislation and Supreme Court decisions in that it:

- (A) Specifically protected blacks' right to vote in federal elections
- (B) Banned segregation in federal offices
- (C) Outlawed gender discrimination
- (D) Said that there was no scientific justification for racial discrimination

3. Who was the first African American to serve on the Supreme Court?

- (A) Clarence Thomas

- (B) Earl Warren
- (C) Thurgood Marshall
- (D) James Meredith

4. Which earlier decision did the Supreme Court's 1954 *Brown v. Board of Education of Topeka, Kansas*, decision reverse?

- (A) *Milliken v. Bradley*
- (B) *Roe v. Wade*
- (C) *Plessy v. Ferguson*
- (D) *Dred Scott v. Sanford*

5. The Supreme Court ruled in *Brown v. Board of Education of Topeka, Kansas*, that:

- (A) Affirmative action constituted reverse discrimination
- (B) Poll tax requirements for voting in federal elections were illegal
- (C) Segregated public facilities were unconstitutional
- (D) Companies could not use intelligence tests to screen potential employees

6. Booker T. Washington and W. E. B. Du Bois disagreed on the issue of racial equality in that:

- (A) Washington fought for social and economic equality, whereas Du Bois fought primarily for social equality
- (B) Du Bois fought for both social and economic equality, but

Washington fought for only economic equality
 (C) Washington strove for economic equality, whereas Du Bois fought only for social equality
 (D) Du Bois fought for political equality in the South, whereas Washington fought for political equality in the North

7. Most modern historians regard the civil rights movement of the mid-twentieth century as a continuation of the longer struggle for racial equality that began during:

- (A) Reconstruction
- (B) The Great Depression
- (C) The Revolutionary War
- (D) The Roaring Twenties

Answers:

- 1. A
- 2. C
- 3. C
- 4. C
- 5. C
- 6. B
- 7. A

Courtesy: Sparknotes.com

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HISTORY FACT
**DIVERSITY
CORNER**
Who was Dr. Carter G. Woodson?

- Launched Negro History Week in 1926, chosen in the second week of February between the birthdays of Frederick Douglass and Abraham Lincoln, which evolved into Black History Month in 1976
- Known for writing the contributions of black Americans into the national spotlight, received a Ph.D at Harvard University
- Founded the Association for the Study of Afro-American Life and History in 1915, founded the Journal of Negro History in 1916
- Author of the book, "*The Miseducation of the Negro*", published in 1933



Carter G. Woodson's purpose and intention of Negro History Week, then later, African American History Month, is to bring to the public's attention the important developments and contributions of African American people that deserve recognition.

Read more: www.freemaninstitute.com

Recommended Reading
Books

*William N., Jr. Eskridge,
Nan D. Hunter
Sexuality, Gender and the
Law
2003*

*Neil Addison
Religious Discrimination
and Hatred Law
2006*

*Juan Williams'
My Soul Looks Back in
Wonder: Voices of the
Civil Rights Experience
(Sterling, 2004).*

*Eskew, Glenn T.
But for Birmingham: The
Local and National Move-
ments in the Civil Rights
Struggle.
University of North Carolina
Press, 1996*

*Lewis, John with Michael
D'Orso.
Walking With the Wind:
A Memoir of the Movement.
Simon & Schuster,
1998*

*Gregory Raymond,
Unwelcome and Unlaw-
ful:
Sexual Harassment in
American Workplace
Cornell University
Press 2002*

*Robert Samuel Smith,
Race, Labor & Civil
Rights:
Duke Power and the
Struggle for Equal Em-
ployment Opportunity
Press 2008*