

Office of the Statewide EEO Coordinator EEO Connection Newsletter

Volume 1—Issue 3
July 2024 – September 2024

Inside this issue:

Ask the OSEEOC Team	3
EEO Spotlight	4-8
Noteworthy Rulings	9-11
ADA Corner	12-13
Diversity Corner	14-15
Diversity Calendar	16
Meetings & Trainings	17-18
Resources	19-20

Statewide EEO Coordinator's Message

Recently, I read an article published by the Society for Human Resources Management (SHRM) titled, "SHRM Research Delves into State of the Workplace," which discussed the myriad of challenges workplaces nationwide are experiencing. Specifically, a top concern noted in the article was that more than half of HR professionals confirmed that their organization faced its greatest hiring challenge last year. The article made it clear that it has been a challenge to recruit and retain talent across various industries. The State of Maryland government has also had this challenge, specifically the Office of the Statewide EEO Coordinator (OSEEOC).

The OSEEOC has experienced its share of staffing challenges within the last year. Fortunately, former staff members have gone on to promotional opportunities and retirement after several years of service. While it is bittersweet to see staff move on, it makes me proud to know that the OSEEOC had an opportunity to be a part of their career path. While the OSEEOC has been short staffed, we have continued to move forward with servicing the Maryland State government workforce, while recruiting for additional team members. With that said, I am proud to announce our new team members. Christian McNeill is the new EEO Compliance Coordinator and began on June 12, 2024; Kia Webb is the new Senior EEO Compliance Officer and began on June 26, 2024. Finally, Carla Loving currently serves as the contractual EEO Compliance Officer until we recruit a full-time hire.

The OSEEOC remains steadfast in its commitment to providing efficient and effective service. Having said that, turn to page 4 and read about the June 2024 EEO Group meeting hosted for statewide EEO professionals. On pages 6-8, read about the upcoming legislative changes taking effect July 1, 2024, and October 1, 2024. That's not all: turn the page to read more.

Nicole Webb, MBA, SHRM-CP
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



MISSION

Ask the OSEEOC Team

Q: Does all agencywide EEO related training have to be facilitated in-person?

OSEEOC Answer: No, Statute does not require all EEO related training to be facilitated in-person. The only EEO training that must be facilitated by a live instructor is [§SPP 2-203.1](#) Sexual Harassment Prevention training (SHPT). SHPT can be facilitated in-person or virtually as long as the presentation is interactive.

Q: Senate Bill 0133 goes into effect on October 1, 2024. Are there any provisions to permit EEO Complaints accepted for investigation prior to October 1, 2024 to be adjudicated within 60 days or does the 30 day timeframe still apply to those EEO complaints?

OSEEOC Answer: Senate Bill 0133 goes into effect on October 1, 2024 and only permits EEO complaints that are filed on or after October 1, 2024 to be adjudicated within 60 days. EEO complaints filed prior to October 1, 2024 are subject to the 30 days adjudication timeframe.

Q: My agency has multiple locations. What is an effective way to ensure that the required EEO Postings for Maryland State Government are displayed at every location?

OSEEOC Answer: It is the responsibility of every state agency's EEO office to ensure that the required EEO Postings are displayed in a conspicuous location accessible to all employees to include digital platforms. Best practices for all agencies, but an agency with multiple locations to ensure compliance at all times is as follows : **(1)** ensure that a copy of the postings is available in digital format and is placed on the agency's webpage/ agency's EEO page/intranet/ document management systems **(2.)** ensure that all employees receive a copy of the postings at new hire orientation **(3.)** conduct semi -annual/ annual site visits to all locations to inspect the EEO postings and in between visits assign someone at every location the responsibility of checking its EEO postings and report back to you the status of the postings **(4.)** During all training ensure to educate employees on the required EEO postings for Maryland State Government and where to access the information. A copy of the [Required EEO Postings for Maryland State Government](#) can be found on our [webpage](#) within the [Statutes, Regulations, and Policies](#) tab.

Do you have a question that you would like featured in the next *Ask the OSEEOC Team*?
If so, email your question to oseeoc.dbm@maryland.gov by September 1, 2024.

EEO Spotlight

2024 EEO Group Meeting Highlights



Yvette Dickens, Fair Practices Officer and Robert Goodman, EEO Officer for the Maryland Department of Labor

The Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC) hosted an EEO Group Meeting on June 14, 2024. Fair Practices Officers, EEO Officers, ADA Coordinators, and Human Resource Professionals from across state government agencies were in attendance. This particular meeting occurs twice each year. The purpose of the meeting was for the OSEEOC to provide updates regarding the statewide EEO program, upcoming legislative changes, and other information pertinent to enhancing state government agencies' EEO programs. The meeting began with a warm welcome from Raquel Coombs, Chief of Staff, Department of Budget and Management. Nicole Webb, Statewide EEO Coordinator, Department of Budget and Management (DBM), provided important EEO staffing updates, followed by Danielle Miller, Assistant Attorney General, Department of Budget and Management who discussed the passing of legislation this year that will impact the Statewide EEO program and take effect either July 1, 2024, or October 1, 2024.

Finally, Nicole Webb recognized EEO Staff for going above and beyond the call of duty to enforce the statewide EEO programs' mission. Congratulations to Delinda Johnson Blake, Fair Practices Officer, Maryland Department of Education; Yvette Dickens, Fair Practices Officer; Robert Goodman, EEO Officer; and Aaron Jacobs, Human Resources Director with the Department of Labor.

EEO Spotlight

Retirement Announcement



Denise Bean, Senior EEO Compliance Officer, Office of the Statewide EEO Coordinator, Maryland Department of Budget and Management

The Office of the Statewide Equal Employment Opportunity Coordinator congratulates Denise Bean, Senior EEO Compliance Officer, on her retirement from the State of Maryland government. Denise will retire as Senior EEO Compliance Officer effective Monday, July 1, 2024. While the OSEEOC had an opportunity to publicly acknowledge Denise at the EEO Group Meeting on Friday, July 14, 2024, where she was presented with a Governor's Citation for her retirement, we want to take this opportunity to wish Denise well again. We appreciate all her contributions since being a part of the Statewide EEO community.

For any work-related projects specific to the Senior EEO Compliance Officer position, please contact Kia Webb, our newly hired Senior EEO Compliance Officer, at kia.webb1@maryland.gov.

EEO Spotlight

New Legislation Alert!!

State Employee Rights and Protections - Personnel Actions and Harassment– Investigation of Complaints (Senate Bill 0133)

On May 9, 2024, Senate Bill 0133 was approved by Governor Wes Moore. Senate Bill 0133 increases, from 30 days to 60 days, the time period during which an investigation must be conducted and a written decision must be issued regarding a complaint filed by an applicant or employee alleging discrimination or harassment by an employer; and authorizing an extension of the time period by up to an additional 30 days if the applicant or employee who filed the complaint provides written authorization to the equal employment officer investigating the complaint.

This legislation takes effect October 1, 2024.

Read more at: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/SB0133>



EEO Spotlight

New Legislation Alert!!

Employment Discrimination– Sexual Orientation (House Bill 0602)

On April 25, 2024, House Bill 0602 was approved by Governor Wes Moore. House Bill 0602 alters certain provisions of law prohibiting employment discrimination on the basis of sex and gender identity to prohibit employment discrimination on the basis of sexual orientation; and generally relating to employment discrimination based on sexual orientation and gender identity.

This legislation takes effect October 1, 2024.

Read more at: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0602>



EEO Spotlight

New Legislation Alert!!

Discrimination– Military Status- Protection (Senate Bill 0413)

On April 25, 2024, Senate Bill 0413 was approved by Governor Wes Moore. Senate Bill 0413 prohibits discrimination based on military status with regard to housing and employment and generally relating to discrimination based on military status.

This legislation takes effect October 1, 2024.

Read more at: <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0413?ys=2024RS>



Noteworthy Ruling

Pacific Culinary and CB Foods to Pay \$245,000 in EEOC Sexual Harassment and Retaliation Lawsuit

California-based Asian food companies Pacific Culinary Group, Inc. and CB Foods, Inc. will pay \$245,000 and furnish injunctive relief to settle a U.S. Equal Employment Opportunity Commission (EEOC) sexual harassment, retaliation, and constructive discharge lawsuit. The EEOC brought the lawsuit against two Asian food companies on behalf of a class of female and male food production workers, some of whom have limited English proficiency.

According to the lawsuit, Pacific Culinary and CB Foods subjected workers at its Monterey Park location to ongoing verbal and physical harassment. The lawsuit alleged that the companies' chief operating officer sexually harassed male and female employees. The harassment included, but was not limited to, frequent and offensive groping and touching; unwelcome sexual advances and comments about their appearances; and inappropriate questions about employees' sexual preferences and sexual activities. Despite having received multiple complaints of sexual harassment, the companies failed to take prompt and effective action, thereby allowing the harassment to continue unabated, the EEOC charged.

Read more at: <https://www.eeoc.gov/newsroom/pacific-culinary-and-cb-foods-pay-245000-eeoc-sexual-harassment-and-retaliation-lawsuit>



Noteworthy Ruling

EEOC Sues Smithfield Foods for Age Discrimination

Smithfield Foods, Inc. and Smithfield Fresh Meats Sales Corporation (together, “Smithfield Foods”), which operate a food processing business that specializes in pork production, violated federal law when they fired a senior sales employee because of her age.

According to the lawsuit, the employee worked for Smithfield Foods for over 10 years before she was fired at the age of 59. Smithfield Foods claims it terminated the employee as part of a reduction-in-force of its sales staff. As part of the reduction, five out of six terminated employees were 55 years or older, while 14 out of 18 employees who were considered for, but ultimately spared from termination, were under the age of 55.

Despite initially telling the employee that her termination was pursuant to the reduction-in-force, Smithfield Foods later claimed to have discharged her because of her alleged refusal to relocate to the company’s Smithfield, Virginia headquarters. However, the employee previously agreed to such a relocation request, which had been withdrawn by Smithfield Foods. The employee then continued to work for Smithfield Foods from her home in the Atlanta area for approximately 15 months before her sudden firing.

Read more at: <https://www.eeoc.gov/newsroom/eeoc-sues-smithfield-foods-age-discrimination>



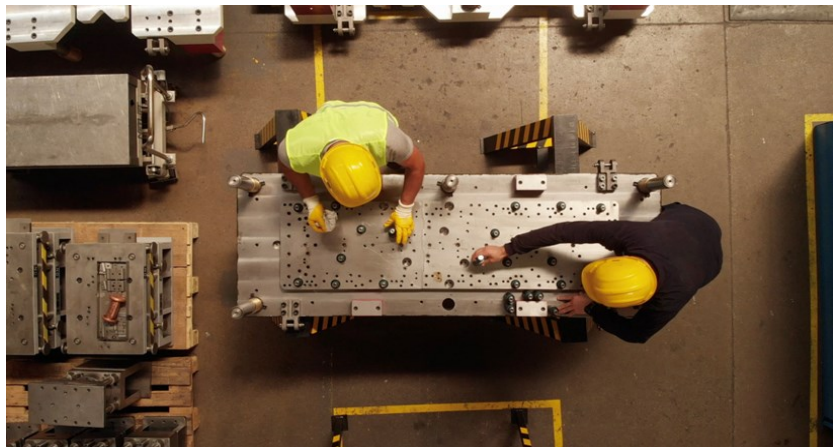
Noteworthy Ruling

TA Dedicated to Pay \$460,000 in EEOC Sexual Orientation and Retaliation Suit

TA Dedicated (formerly known as Transport America) and Transportation Enterprise Services, trucking companies that operate under the parent TFI International, Inc., will pay \$460,000 and furnish significant equitable relief to settle a sexual orientation and retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC said the companies violated federal law by subjecting two gay mechanics to harassment and termination because of their sexual orientation and retaliated against them for complaining about the harassment.

According to the EEOC's lawsuit, beginning in late 2018, workers and supervisors at the TA Dedicated facility in North Jackson, Ohio harassed two mechanics because they are gay. The harassment included frequent use of gay slurs and other derogatory comments, physical violence and other inappropriate contact, defacement of uniforms, and other hostile behavior. Although human resources and management officials were aware of the harassment, they failed to take effective action to stop it. Instead, after reporting the harassment, the mechanics suffered further harassment and retaliation, including being fired or forced to quit.

Read more at: <https://www.eeoc.gov/newsroom/ta-dedicated-pay-460000-eeoc-sexual-orientation-and-retaliation-suit>



ADA Corner

Factor One Source Pharmacy to Pay \$515,000 to Settle EEOC Disability and Genetic Information Discrimination Suit

Factor One Source Pharmacy, LLC, a pharmacy providing specialized pharmacy services to patients requiring complex medications, will pay \$515,000 and provide other equitable relief to settle a disability and genetic information discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the lawsuit, Factor One violated the Americans with Disabilities Act (ADA) and the Genetic Information Nondiscrimination Act (GINA) when it inquired about employee disabilities and genetic information and pressured employees to use its pharmacy services. Factor One unlawfully asked applicants about their hemophilia, their children's hemophilia, and the medications they or their children took so it could recruit individuals who had hemophilia or had family members with hemophilia. To increase its profits, Factor One would unlawfully pressure employees to use its pharmacy services for the expensive medications needed to treat hemophilia, the EEOC alleged. Employees who refused were fired or laid off, while employees who used Factor One's pharmacy for hemophilia medications kept their jobs, even if they had worse performance reviews than employees who were let go. Such alleged conduct violated the ADA and GINA, which prohibit discrimination based on disability and genetic information, as well as certain inquiries into disabilities and genetic information.

Read more at: <https://www.eeoc.gov/newsroom/factor-one-source-pharmacy-pay-515000-settle-eeoc-disability-and-genetic-information>



ADA Corner

Res-Care / Equus to Pay \$125,000 in EEOC High-Risk Pregnancy and Disability Discrimination Case

Res-Care and Equus Workforce Solutions (jointly referred to as Res-Care/Equus), nationwide job assistance companies doing business in New Mexico, will pay \$125,000 and furnish other relief to settle a disability and pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

The EEOC charged Res-Care/Equus at its facility in Socorro, New Mexico with violating federal law when they discriminated against an employee with a high-risk pregnancy due to her underlying disabilities, and then retaliated against her by firing her for requesting a reasonable accommodation.

According to the EEOC lawsuit, Res-Care knew about Cheyenne Benavidez's high-risk pregnancy and associated disabilities, failed to provide disability accommodations, and later fired her for attending a pregnancy and disability-related appointment with a medical specialist. Instead of engaging in an interactive process to determine whether it could accommodate Benavidez with additional medical leave, Res-Care used a rigid planned-time-off attendance practice that violated the law by prohibiting employees from requesting leave from work as a reasonable accommodation for a disability or a pregnancy-related condition.

Read more at: <https://www.eeoc.gov/newsroom/res-care-equus-pay-125000-eeoc-high-risk-pregnancy-and-disability-discrimination-case>



Diversity Corner

How to Help Employees with Disabilities Thrive, The Way We Work, A TED series



Photo credit: Ted.com

In this Ted Talk, Tiffany Yu discusses the disability employment gap and ways companies can make the workplace more inclusive. Tiffany shared three tips that every workplace can incorporate to welcome people with disabilities:

1. Stop making assumptions.
2. Rethink accessibility and accommodations.
3. Embrace flexibility.

To view the video click: <https://www.youtube.com/watch?v=RoyHvfJowZI>

Diversity Corner

A disability—inclusive future of work



Photo credit: Ted.com

In this Ted Talk, Ryan Gersava discusses his bipolar disorder and how he experienced employment discrimination when no one decided to employ him. Instead of getting discouraged, Ryan started his own company, Virtualahan, an online vocational school providing inclusive training to people with disabilities, recovering people with an addiction, and others who too often struggle to find employment.

To view the video click: https://www.ted.com/talks/ryan_gersava_a_disability_inclusive_future_of_work?delay=2m&subtitle=en

2024 Diversity Calendar

July 2024

*Disability Pride Month * French-American Heritage Month*

July 4	Independence Day (State Offices Closed)
July 7-8	Hijri New Year
July 14	International Non-Binary People's Day
July 26	American's with Disabilities Act Day
July 28	National Parents' Day

August 2024

National Civility Month

August 1-7	World Breastfeeding Week
August 7	Purple Heart Day
August 9	International Day of the World's Indigenous People
August 12	International Youth Day
August 13	Left-Handers Day
August 19	World Humanitarian Day
August 21	Senior Citizens Day
August 26	Women's Equality Day

September 2024

*Hispanic Heritage Month (begins September 15) * National Guide Dog Month * Suicide Prevention Month*

September 2	Labor Day (State Offices Closed)
September 5	International Day of Charity
September 11	Patriot Day
September 15	International Day of Democracy
September 16	Mexican Independence Day
September 17	Citizenship Day
September 21	International Day of Peace
September 21	World Gratitude Day
September 22	American Business Women's Day
September 27	National Native American Day

Meetings and Trainings

July 2024

Statewide EEO Program Overview– Webinar

Presented by: Office of the Statewide EEO Coordinator

Date: Tuesday, July 9, 2024

Time: 10:00am– 11:30am

Link to register: <https://forms.gle/nG1YZk3Nx1zPo4tF8>

Maryland Whistleblower Law Information Session– Webinar

Presented by: Office of the Statewide EEO Coordinator

Date: Thursday, July 11, 2024

Time: 10:00am-11:30am

Link to register: <https://forms.gle/WU2Sfh4jNFDvbre46>

Investigative Techniques and Legal Theories Training

Presented by: Glendora Hughes, General Counsel, Maryland Commission on Civil Rights

Date: Wednesday, July 17, 2024 and Thursday, July 18, 2024

Time: 9:00 a.m. – 3:00 p.m.

Location: TBA

Link to register: <https://forms.gle/jqXwfxQyEABURwSU8>

Meetings and Trainings

August 2024

The Fundamentals of the Americans with Disabilities Act (ADA), Americans with Disabilities Amendment Act (ADAAA), State Disability Laws and Policies, and the Reasonable Accommodations Process– Webinar

Presented by: Office of the Statewide EEO Coordinator

Date: Thursday, August 1, 2024

Time: 10:00am– 12:30pm

Link to register: <https://forms.gle/stCtH39tMq2ufTnW7>

***This prerequisite training is part 1 of a 2-part training curriculum**

Reasonable Accommodation Requests and the Interactive Process– A Hands on Approach (In-Person)

Presented by: Office of the Statewide EEO Coordinator

Date: Friday, August 9, 2024

Time: 10:00am– 12:30pm

Location: provided upon registration

Link to register: <https://forms.gle/XuQFyzVLkVFML166>

*** This training is part 2 of a 2-part training curriculum. Prior attendance to the Fundamentals of the ADA, ADAAA, State Laws and Policies, and the RA Process is required before attending this training session.**

Resources for EEO Professionals

Division of Rehabilitation Services (DORS)

<https://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

<http://outandequal.org/>

Chimes

<https://chimes.org>

Maryland LGBT Chamber of Commerce

<https://mdlgbt.org>

OSEEOC Team

Nicole Webb

Statewide EEO Coordinator

nicole.webb@maryland.gov

410-767-4061

Kia Webb

Senior EEO Compliance Officer

Kia.webb1@maryland.gov

410-767-4761

Carla Loving

EEO Compliance Officer—Contractual

Carla.loving@maryland.gov

Christian McNeill

EEO Compliance Coordinator

Christian.mcneill@maryland.gov

410-767-4735