

Office of the Statewide EEO Coordinator

Statewide EEO Coordinator's Message

Over the past several weeks, there has been heightened discussion in the media regarding important national events and their impact on the lives of all Americans. In addition to complicating our nation's political landscape, this increased media coverage can lead to heated conversations between employees in the workplace. These incidents serve as a reminder that, as EEO professionals, we are responsible for promoting a civil work environment in which different views are not only tolerated but welcomed. EEO professionals are encouraged to work with management to facilitate civil dialogue to reduce heated debate and conflict.

We have a responsibility to work proactively to educate our staff on fair employment practices and inform them of their commitment to upholding these practices in pursuit of a discrimination-free work environment. We must ensure that all employees are subjected to a safe and comfortable workplace.

This quarter's newsletter is filled with valuable EEO news and information. Get answers to some of your burning questions on page 3. Read about the new Equal Employment Opportunity Commission's intake process allowing complainants to select a non-binary gender marker. Did you know that July 26 is the 32nd anniversary of the ADA? Turn to page 5 for more information. We have included a list of upcoming meetings and training on page 14. Plus, so much more.

Enjoy!

Nicole Webb
Statewide EEO Coordinator

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Office of the Statewide EEO Coordinators 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.



Ask the OSEEOC Team

1. Question

Are there any professional development opportunities available for Equal Employment Officers (EEO) and Fair Practices Officers (FPO)?

OSEEOC Answer:

Yes, we have provided several professional development opportunities on pages 14-15 of this newsletter .

2. Question

How can I register for the mandatory Sexual Harassment Prevention Training?

OSEEOC Answer:

To ensure compliance with the State Personnel and Pensions Article Annotated Code of Maryland 2-203.1- Sexual Harassment Prevention Training - Required, contact your agency's FPO/EEO Officers to learn of upcoming training dates.

3. Question:

Will the Office of the Statewide EEO Coordinator be hosting any in person events in the future?

OSEEOC Answer:

The OSEEOC team is currently considering hosting in person events in the future, however we will continue to host virtual events at this time .



EEO SPOTLIGHT

EEOC Adds X Gender Marker to Voluntary Questions During Charge Intake Process

The U.S. Equal Employment Opportunity Commission (EEOC) announced full implementation of the opportunity to select a nonbinary “X” gender marker during the intake process for filing a charge of discrimination.

Consistent with the growing recognition that presenting only “male” and “female” options does not reflect the full range of gender identities, the EEOC has added an option to select a nonbinary “X” gender marker during two critical stages of the intake and charge filing process:

- The EEOC has updated the voluntary demographic questions relating to gender in the online public portal that members of the public use to submit inquiries about filing a charge of discrimination, as well as the Online Spanish Initial Consultation Form and Pre-Charge Inquiry Form that are sometimes used in lieu of the portal.
- The EEOC has also modified its charge of discrimination form to include “Mx.” in the list of prefix options.

“The EEOC embraces the diversity of the American public, including LGBTQI+ workers,” said EEOC Vice Chair Jocelyn Samuels. “The EEOC’s procedures are open to everyone, regardless of their gender identity, who believes that they have been subject to discrimination in the workplace.”

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-adds-x-gender-marker-voluntary-questions-during-charge-intake-process>



EEO SPOTLIGHT

The 32nd ADA Anniversary Celebration on July 26

On July 26, 2022, the Americans with Disabilities Act (ADA) will mark its 32nd birthday. It is appropriate to celebrate the ADA's significant impact on how persons with disabilities experience every area of daily life. The signing of the ADA into law in 1990 was a major victory for American civil rights.

The ADA is a civil rights law that forbids discrimination against people with disabilities in all spheres of public life. Ensuring individuals with disabilities have the same rights and opportunities as everyone else is its main goal. Jobs, schools, transit, and all other public and private locations that are accessible to the general public are all covered by the law.

The ADA contains five sections that address public life, which includes:

- Title I—Employment
- Title II – Public Services: State and Local Government
- Title III – Public Accommodations and Services Operated by Private Entities
- Title IV – Telecommunications
- Title V – Miscellaneous Provisions

For more information: <https://thewholeperson.org/32nd-anniversary-of-the-ada/ada-32nd-anniversary.html>



EEOC Sues Del Frisco's of Georgia for Firing Employee Because of Her Religion

According to the EEOC's suit, beginning in January 2019, the employee requested and was granted an accommodation of not working on Tuesday evenings and Sunday mornings so she could attend prayer and church services. Del Frisco's scheduled the employee to work on Tuesday, Dec. 31, 2019, in conflict with her existing religious accommodation and her need to attend prayer services that evening. The employee reminded her supervisors of her religious conflict, but she was not taken off the schedule. When the employee did not appear for work on that day, Del Frisco's fired her.

“Federal law requires that employers accommodate the sincerely held religious beliefs of their employees when it is not an undue burden for the employer,” said Marcus G. Keegan, regional attorney for the EEOC’s Atlanta District Office. “Del Frisco’s could have easily continued to accommodate its employee’s religious accommodation of not working on Tuesdays for one evening, but chose to schedule her anyway, and this harsh inflexibility caused her to lose her livelihood. The EEOC stands ready to protect the rights of such employees.”

[illegible]

NOTEWORTHY RULINGS

HVAC Contractor to Pay \$361,000 to Settle EEOC Sexual Harassment Lawsuit

Spokane Valley-based HVAC contractor Air Control Heating & Air Conditioning, Inc., which does business as Air Control Heating & Electric, Inc., has agreed to pay \$361,000 to seven current and former female employees and to be subject to federal oversight for a five-year period to resolve a sexual harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's suit, Air Control's founder, owner and president, Maxim Johnston, sexually harassed female employees on a near-daily basis since 2010 and repeatedly stated that female employees did not belong in the building trades because of their sex. His behavior included: offensive graphic comments and sexually explicit innuendoes; touching women without their consent; unwanted remarks about their bodies; requests to wear more revealing clothing; leering; and offering tickets to a nearby strip club, the EEOC charged.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit (EEOC v. Air Control Heating & Air Conditioning, Inc. d/b/a Air Control Heating & Electric, Inc. (*Case No. 2:21-cv-00347*)) in U.S. District Court for the Eastern District of Washington after first attempting to reach a pre-litigation settlement through its conciliation process.

"The EEOC's lawsuit should remind employers of the need to treat sexual harassment in the workplace as a serious issue," said EEOC Seattle Field Office Director Elizabeth Cannon. "Regardless of whether it happens to women in a male-dominated industry or anywhere else, sex discrimination and harassment in the workplace is illegal. Employers who allow sexually hostile work environments violate the law."

Read the full article here: <https://www.eeoc.gov/newsroom/hvac-contractor-pay-361000-settle-eeoc-sexual-harassment-lawsuit>



ADA CORNER

EEOC Sues NSN, LLC for Disability Discrimination and Retaliation

NSN, LLC, a Virginia Corporation which provides staffing for a licensing and vocational testing center in Raleigh, North Carolina, violated federal law by failing to accommodate an employee's disability and then retaliating against her, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to the EEOC's lawsuit, the employee worked as a part-time testing center administrator in the Raleigh testing center from 2016 until she was fired on Jan. 9, 2020. The EEOC alleges that after she was hired, NSN granted her certain reasonable accommodations for a disability. The accommodations remained in place until the fall of 2019, when there was a change in supervision. The new supervisor rescinded some of the previously granted accommodations. When the employee questioned the decision, NSN disciplined her and reduced her scheduled work hours. Then, six days after the employee complained in writing that NSN's actions were discriminatory, NSN fired the employee, the EEOC said.

"This employer arbitrarily revoked a reasonable workplace accommodation, and then failed to provide an employee with a reasonable alternative," said Melinda C. Dugas, regional attorney for the EEOC's Charlotte District. "That conduct violates the ADA. Moreover, employers who take adverse employment action against employees who exercise their rights under the ADA also violate the statute's retaliation provisions. People with disabilities have a right to work and to assert their legal rights without fear of reprisal. The EEOC will continue to aggressively enforce this important federal law."

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-nsn-llc-disability-discrimination-and-retaliation>



ADA CORNER

EEOC Sues Grady Memorial Hospital for Disability Discrimination

Grady Memorial Hospital Corporation, a public hospital in Atlanta, violated federal law by failing to accommodate its employee's disability and then firing her because of her disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a recently filed lawsuit.

According to the EEOC's suit, the employee requested approximately five weeks of leave from work due to a medical condition. The EEOC alleges that the employee attempted to return from leave as scheduled, however Grady refused to accept her doctor's release, instead requiring her to obtain another release from her physician. Grady then discharged her, allegedly for violating a work rule, before she could return. The EEOC contends that this discharge was a pretext for disability discrimination.

Such conduct violates the Americans with Disabilities Act (ADA), which requires that employers provide reasonable accommodations to employees with disabilities and prohibits discharging an employee because of a disability. The EEOC filed suit (Civil Action No. 1:22-CV-2059 TCB JSA) in U.S. District Court for the Northern District of Georgia, Atlanta Division, after first attempting to reach a prelitigation settlement via its conciliation process. The EEOC is seeking back pay, compensatory, and punitive damages for the employee, as well as injunctive relief to prevent future discrimination.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-grady-memorial-hospital-disability-discrimination>



ADA CORNER

Celebrate Disability Culture and Achievements Month



Governor Hogan signed an Executive Order last year making every July "Disability Culture and Achievements Month" (DCAM) in Maryland. DCAM promotes the efforts of Marylanders who work to change our state for the better by promoting equality of opportunity, access, and choice for individuals with disabilities. This is a fitting month to recognize DCAM as we celebrate the anniversary of the Americans with Disabilities Act (ADA), landmark civil rights legislation that ensures access, equality, and inclusion for people with disabilities.

To honor this month, the Maryland Department of Disabilities (MDOD) has announced two new awards, the first annual Governor's Award for Disability Culture and the Governor's Award for Disability Achievements. These awards will highlight how individuals with disabilities live, learn, work, and play in the community.

The Governor's Award for Disability Culture will focus on the arts, and could include painting, sculpture, music, theater, performance, etc.

The Governor's Award for Disability Achievements will be broader, and focused on nominees who have successfully promoted equal opportunity, access, and choice in their lives or the lives of others.

To learn more: Visit <https://mdod.maryland.gov/news/Pages/DCAM.aspx>

EEOC Sues Novo Nordisk for Age Discrimination

Novo Nordisk, Inc., a manufacturer and distributor of insulin and diabetes care products based in Plainsboro Township, New Jersey, violated federal law when it denied a lateral transfer to a 62-year-old employee because of her age, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to the EEOC's complaint, the employee, who had been employed by Novo Nordisk as an obesity care specialist since 2015, applied and interviewed for a vacant obesity care specialist position in another territory closer to her residence. The position was ultimately offered to a less qualified 33-year-old individual from another state. An internal investigation conducted by Novo Nordisk found that the hiring manager violated the company's anti-discrimination policy when it chose the younger candidate because he wanted someone who would be in the position "long-term." Despite its finding of age discrimination, Novo Nordisk refused to transfer the 62-year-old employee to the territory for which she had applied.

Such alleged conduct violates the Age Discrimination in Employment Act (ADEA), which protects employees from workplace discrimination based on age. The EEOC filed suit in U.S. District Court for the District of New Jersey (EEOC v. Novo Nordisk, Inc., Civil Action No. 3:22-cv-3482) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks relief designed to remedy and prevent the age discrimination in this case. The case will be litigated by EEOC Trial Attorney Edumin Corrales and EEOC Supervisory Trial Attorney Kimberly Cruz.

"The ADEA prohibits discriminating against anyone with respect to compensation, terms, conditions or privileges of employment based on his or her age," said Jeffrey Burstein, regional attorney for the EEOC's New York District Office. "The EEOC's prosecution of this case underscores that the ADEA protects employees from adverse decisions motivated by age discrimination, including those involving lateral transfers."

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-novo-nordisk-age-discrimination>



Discrimination
Discrimination is the...
prejudicial treatment act...
Discrimination against...
disallowing one from...
recognized as empl...
... discrimination

Presidente Supermarket to Pay \$75,000 to Settle EEOC Pregnancy Discrimination Lawsuit

Presidente Supermarket No. 31, Inc., a Miami supermarket, has agreed to pay \$75,000 and furnish comprehensive injunctive relief to settle a pregnancy discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, Presidente violated federal law when it fired an employee because of her pregnancy. The woman worked in the cafeteria and learned she was pregnant, sharing the news with her co-workers. Upon learning of the employee's pregnancy, Presidente's cafeteria manager called the employee and terminated her employment, telling her she was no longer needed.

Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, prohibits discrimination against employees because of pregnancy. The EEOC filed its lawsuit in U.S. District Court for the Southern District of Florida, Miami Division (EEOC v. Presidente Supermarket No. 31, Inc., Civil Action No. 21-cv-23411-JEM), after first attempting to reach a pre-litigation settlement through its conciliation process.

The five-year consent decree resolving the EEOC's lawsuit has been approved by the federal court. In addition to paying \$75,000 in monetary relief, Presidente will provide specialized training on sex and pregnancy discrimination to human resources officers and managers to ensure that they are aware of their obligations to prevent workplace discrimination and how to address complaints. The decree also requires Presidente to provide the EEOC with reports of any complaints of sex discrimination and describe its actions taken in response to the complaint.

Read the full article: <https://www.eeoc.gov/newsroom/presidente-supermarket-pay-75000-settle-eeoc-pregnancy-discrimination-lawsuit>



Governor Hogan Announces New Information Technology Workforce Development Program

Governor Hogan announced Maryland's new Information Technology Innovative Workforce Solution program, which will provide work opportunities to individuals apprenticing to become information technology (IT) professionals.

The Department of Information Technology (DoIT) will partner with Catalyte, Inc. and Digital Network Group, LLC to provide a fully developed and subsidized operational training and apprenticeship program. This program will offer individuals who do not possess an IT background and qualifications a pathway to break into the IT industry and helps individuals develop long-term career opportunities while providing economic benefits to Maryland communities.

"Through this innovative program, we are creating new economic and life-changing career opportunities for more Marylanders, in one of the most important sectors" said Governor Hogan. "As the United States continues to confront a historic and unprecedented labor shortage, we are advancing a bold workforce development agenda for Maryland."

The IT Innovative Workforce Solution is directly in alignment with Governor Hogan's workforce development initiatives, including formally eliminating the four-year college degree requirement from thousands of state jobs and working with partners to recruit and market these roles to job seekers who are "Skilled Through Alternative Routes" (STARs).

The IT Innovative Workforce Solution will identify individuals who possess the natural potential and ability to become talented information technology professionals, regardless of their background, education, and prior experience. Individuals who are selected for the program will go through an onboarding training program and there is no cost to the individual once they successfully graduate.

Read the full article here: <https://governor.maryland.gov/2022/06/27/governor-hogan-announces-new-information-technology-workforce-development-program/>



MEETINGS & TRAININGS

LGBTQI+ Discrimination: Ensuring EEO Compliance and Inclusion

Hosted by: Equal Employment Opportunity Commission (EEOC) Cost: \$150/person

Date: July 15, 2022

Time: 12:00 p.m.—3:20 p.m.. EST

SHRM CE credits approved 3.0

To register:

https://www.research.net/r/2022_EEOC-DallasMiamiWashington-FieldOffice07152022?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Sexual Harassment Prevention Training—Train the Trainer Session

Hosted by: Maryland Commission on Civil Rights (MCCR)

Dates: Thursday, July 20, 2022 and Friday, July 21, 2022

Time: 9:00 a.m. –4:00 p.m.

To register: Email Neisha Shaheed-Turner, EEO Coordinator at neisha.shaheed-turner@maryland.gov

What You Need to Know About Reasonable Suspicion Testing (Webinar)

Hosted by: HireRight

Date: July 26, 2022

Time: 2:00 p.m. EST

SHRM CE credits approved

To register: <https://event.on24.com/wcc/r/3798948/6B0F46075C838E6ECB7948B04BF37A17?partnerref=Email>

Hot Topics: What You Should Know!

Hosted by: U.S. Equal Employment Opportunity Commission

Date: August 11, 2022

Time: 9:15 a.m.—3:30 p.m. EST

To register: Visit: https://www.research.net/r/2022_EEOC-NewOrleans08112022

MEETINGS & TRAININGS

Maryland Commission on Civil Rights—Biennial Civil Rights & Fair Housing Gala

Date: Saturday, August 20, 2022

Time: 7:00 p.m.—10:00 p.m.

Location: Maryland Live! Hotel Ballroom, 7002 Arundel Mills Circle #7777

Hanover, Maryland 21076

To register: <https://mccr.maryland.gov/Pages/Gala2022.aspx>

EEOC Presents: 2022 Excel Virtual Conference

Date: Tuesday, August 23, 2022—Thursday, August 25, 2022

To register: https://www.research.net/r/2022_EXCEL-EnrollmentForm

2022 Annual Mid-Atlantic Conference on the Americans with Disabilities Act

Hosted by: Mid-Atlantic ADA

Date: Wednesday, October 12, 2022 and Thursday, October 13, 2022

Location: Hilton Mark Center , Alexandria, Virginia

To register: adatrainig@transcen.org

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

<http://outandequal.org/>

Chimes

<https://chimes.org>

Maryland LGBT Chamber of Commerce

<https://mdlgbt.org>

2022 DIVERSITY CALENDAR

July 2022

7/4—Independence Day

7/26 – 32nd Anniversary of the Americans with Disabilities Act: outlawed the discrimination against people with disabilities

7/30- 1- Hijra (Islamic): This holiday marks the start of the New Year in the Muslim faith.

August 2022

8/9 – International Day of the World's Indigenous People

8/26 – Women's Equality Day

September 2022

9/5—Labor Day

9/15-10/15 – National Hispanic Heritage Month

9/23—National Native American Day

9/25—27 Rosh Hashanah

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