

EEO CONNECTION

Statewide EEO Coordinator's Message

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The “#MeToo” Movement

In October 2017 the social media hashtag “#MeToo” movement began and quickly spread like wildflowers over the world. This movement demonstrates the widespread prevalence of sexual harassment and assaults against women (and men), especially in the workplace. People are coming forward in the most personal way with their own stories of assault and harassment and sharing them with the world. They are no longer afraid, but empowered.

This isn't a topic that we can ignore. Making sure that employees understand the State's position is what we, as EEO professionals, must do. We must exhibit a State government culture that aligns with our purpose - to provide employees and applicants a fair opportunity to pursue their careers in an environment free of any unlawful discrimination or harassment.

To read more on this topic, turn to page 3. Also in this issue, learn why an Indianapolis restaurant paid \$340,000 to settle a sexual harassment lawsuit on page 5. EEOC has launched an online service for inquiries, appointments and discrimination charges. Read more about this new system on page 7. American Airlines and Envoy Air have to pay \$9.8 million to settle a discrimination suit. Learn more on page 8. How well do you know Maryland's legislative process? Take the quiz on page 10. Looking for some free or low-cost professional development? Turn to page 11 and see what may interest you.

As always, we thank you for your support and past readership.

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.



Sexual Harassment Prevention is a Priority!

Sexual harassment has been the topic of discussion in the media over the last several months as a result of various celebrities being accused of sexual misconduct by both current and former colleagues. It is a serious offense that must be addressed immediately by employers once they are notified of a potential violation. It is important to note that, while accusations are not automatic admissions of guilt, it is most certainly concerning and should be taken seriously. Conducting prompt, thorough, and objective investigations to conclude the facts is the road map we follow in State government.

Sexual harassment is a form of sex-based discrimination that is prohibited by federal law through Title VII of the Civil Rights Act of 1964. Maryland also has a state law that prohibits sexual harassment in the workplace: State Government Article Title 20, Annotated Code of Maryland, as well as the State of Maryland's Sexual Harassment Policy and Procedure, which is applicable to State government employees and applicants. This policy was recently revised and can be found at <http://dbm.maryland.gov/eo/Pages/EEOHome.aspx>

Just last month, the EEOC released its enforcement and litigation statistics for Fiscal Year 2017, which ended June 30, 2017. EEOC reported that in Maryland, there were 129 sexual harassment complaints filed or 1.9% of the total filed among all states (6,718). Sexual harassment complaints filed with State agencies' Fair Practices Offices that were reported to the Office of the Statewide EEO Coordinator for Fiscal Year 2017 totaled 61 complaints. Let's take measures now to reduce these numbers by being proactive rather than reactive.

Make certain that all State employees are familiar with the Statewide sexual harassment policy and that agency Fair Practices Offices are ensuring that all employees receive sexual harassment training. Employees may contact their Fair Practices Officer or EEO Officer in their agency to answer any questions or to file a complaint.



Ask the OSEEOC Team

1. QUESTION

How often should an agency conduct sexual harassment prevention training?

OSEEOC ANSWER:

Although there is no law stipulating a definitive timeframe, the OSEEOC recommends that employees receive sexual harassment prevention training every 1-2 years. This will ensure that employees are refreshed on the topic regularly and are aware of any updates to the law and their rights.

2. QUESTION

If a newly hired employee has a disability, must that employee request a reasonable accommodation before officially starting work?

OSEEOC ANSWER:

No. An employee does not have to disclose their need for an accommodation prior to starting work. An employee may request an accommodation when they have a need for an accommodation to assist in performing the essential functions of their job.

NOTEWORTHY RULINGS

Indi's Fast Food Restaurant to Pay \$340,000 to Settle EEOC Sexual Harassment Lawsuit

INDIANAPOLIS -- Louisville, Ky. based restaurant chain Indi's Fast Food Restaurant, Inc.. (Indi's) will pay \$340,000 to 15 former female employees, some of whom were teenagers while employed by Indi's, and implement other relief to settle a federal lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's suit, managers at the Indi's Broadway, Cane Run Road, Fern Valley Road, and Poplar Level Road locations in Louisville subjected female employees to long-standing sexual harassment, including requests for sexual favors, sexually offensive comments and unwanted sexual touching.

Sexual harassment violates Title VII of Civil Rights Act of 1964. The EEOC filed the lawsuit in U.S. District Court for the Western District of Kentucky, Louisville Division (*EEOC v. Indi's Fast Food Restaurant, Inc., and Evanczyk Brothers, LLC*, Civil Action No. 3:15-cv-00590-JHM), after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the consent decree resolving this case, Indi's must provide letters of apology to the women, implement new policies, conduct extensive training for employees and management, post an anti-discrimination notice at all workplaces, and report compliance to the EEOC for a five-year period.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/1-8-18.cfm>



NOTEWORTHY RULINGS

Montrose Memorial Hospital to Pay \$400,000 to Settle EEOC Age Discrimination Lawsuit

MONTROSE, Colo. -- Montrose Memorial Hospital will pay \$400,000 and furnish other relief to settle an age discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

Montrose violated federal law when 29 employees, aged 40 and older, were fired or forced to resign, the EEOC said. The longtime employees, many with 10 to 20 or more years of work history at the hospital, were fired for supposed performance deficiencies for which younger employees were treated more leniently.

The EEOC suit also alleged that hospital managers made ageist comments, including that younger nurses could "dance around the older nurses" and that they preferred younger and "fresher" nurses.

The Age Discrimination in Employment Act (ADEA) protects individuals 40 years of age or older from employment discrimination based on age. The EEOC filed its lawsuit in U.S. District Court for the District of Colorado (*EEOC v. Montrose Memorial Hospital, Inc.*, Case No. 1:16-cv-02277-WYD-GPG (D. Colo.)) after first attempting to reach a pre-litigation settlement through its conciliation process.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/1-4-18.cfm>



EEO SPOTLIGHT

EEOC Launches Online Services for Inquiries, Appointments and Discrimination Charges

The U.S. Equal Employment Opportunity Commission (EEOC) launched an EEOC Public Portal to provide online access to individuals inquiring about discrimination.

"This secure online system makes the EEOC and an individual's charge information available wherever and whenever it is most convenient for that individual," said EEOC Acting Chair Victoria A. Lipnic. "It's a giant leap forward for the EEOC in providing online services."

The EEOC Public Portal allows individuals to submit online initial inquiries and requests for intake interviews with the agency. Initial inquiries and intake interviews are typically the first steps for individuals seeking to file a charge of discrimination with EEOC. In fiscal year 2017, the EEOC responded to over 550,000 calls to the toll-free number and more than 140,600 inquiries in field offices, reflecting the significant public demand for EEOC's services. Handling this volume of contacts through an online system is more efficient for the public and the agency as it reduces the time and expense of paper submissions.

The new system enables individuals to digitally sign and file a charge prepared by the EEOC for them. Once an individual files a charge, he or she can use the EEOC Public Portal to provide and update contact information, agree to mediate the charge, upload documents to his or her charge file, receive documents and messages related to the charge from the agency and check on the status of his or her charge. These features are available for newly filed charges and charges that were filed on or after Jan. 1, 2016 that are in investigation or mediation.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/11-1-17.cfm>



ADA CORNER

American Airlines and Envoy Air to Pay \$9.8 Million to Settle EEOC Disability Suit

PHOENIX - American Airlines and Envoy Air will pay \$9.8 million in stock, which is worth over \$14 million if cashed in today, and provide other significant relief to settle a nationwide class disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC). The EEOC's suit said the airlines unlawfully denied reasonable accommodations to hundreds of employees.

"This matter highlights the critical role of the Americans with Disabilities Act in getting people back to work as quickly as possible," said EEOC Acting Chair Victoria A. Lipnic. "The parties deserve credit for working diligently to bring this matter to resolution."

According to the EEOC's suit, American and Envoy violated federal law by requiring their employees to have no restrictions before they could return to work following a medical leave. Under this policy, if an employee had restrictions, American and Envoy refused to allow them to return to work and failed to determine if there were reasonable accommodations that would allow the employee to return to work with restrictions.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability and also requires an employer to provide reasonable accommodation to employees with disabilities unless doing so would cause significant difficulty or expense for the employer. If employees with disabilities are not able to do their current job, even with a reasonable accommodation, employers are obligated to look for a reassignment to another position for those employees.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/11-20-17.cfm>

disability

noun | dis·abil·i·ty | \,dis-ə-'bi-lə-tē\

ADA CORNER

TV Including More Characters With Disabilities

The number of characters with disabilities on prime-time television is at a record high, a new report finds, though the representations remain far short of reflecting real life.

Scripted prime-time shows this season on ABC, CBS, The CW, Fox and NBC include 16 regularly-appearing characters with disabilities, an increase from 15 last year.

That's according to an annual report out Thursday from GLAAD, a media advocacy organization for the gay and lesbian community. The analysis looks at the representation of minority groups — including people with disabilities — on television.

Characters with disabilities account for 1.8 percent of series regulars appearing on network shows for the 2017-2018 season, the highest figure since GLAAD started keeping track of such portrayals in 2010. “While these numbers are the best ever, they are still shameful overall,” Jennifer Laszlo Mizrahi, president of the nonprofit Respect Ability, said in the report. “The percentage of characters with disabilities is literally less than one-sixth of what they are in real life.”

For the analysis, GLAAD looked at 901 regular characters expected to appear on broadcast shows this season and considered whether they would be covered under the Americans with Disabilities Act.

Read more at <https://www.disabilityscoop.com/2017/11/09/tv-including-disabilities/24410/>



How much do you know about Maryland's Legislative Process? QUIZ

Please answer true or false.

1. The Legislature enacts laws necessary for the welfare of the State's citizens and certain laws dealing with counties and special taxing districts. _____
2. Citizens of Maryland must approach their legislators to introduce a bill. _____
3. The Legislature meets in regular session for 90 calendar days each year beginning the second Wednesday in January . _____
4. This year marks the 438th session of the General Assembly. _____
5. The state of Maryland has 47 districts represented by 47 Senators and 141 Delegates. _____

Answers

1. True
2. True
3. True
4. True
5. True

Meetings & Trainings

February 2018

Top Things to Know About Braille Signage—Webinar

Presented by: TransCEN, Inc. and the Mid-Atlantic ADA Center

February 15, 2018, 12:30 p.m.—1:00 p.m.

Register here <http://www.adainfo.org/training/Accessible-Signage>

Cancer as a Disability: Your Rights In the Workplace—Webinar

Presented by: TransCEN, Inc. and the Mid-Atlantic ADA Center

February 20, 2018, 2:00 p.m.—3:30 p.m.

Register here <http://www.adainfo.org/training/Cancer-Workplace>

Chesapeake Human Resources Association

Monthly Education Program

February 21, 2018, 8:30 a.m.—11:00 a.m.

Register here <http://www.chra.com/events/EventDetails.aspx?id=1055787&group=>

OSEEOC Presents: Movie & Discussion (Marshall)

February 22, 2018, 12:30 p.m.—4:00 p.m.

Owings Mills Public Library

10302 Grand Central Ave, Owings Mills, MD 21117

Register here <https://goo.gl/forms/jq9B2k4VhKleyyo62>

March 2018

Accessibility Online Webinar Series: Open Q & A

Presented by: the United States Access Board in collaboration with the ADA National Network

March 1, 2018, 2:30 p.m.—4:00 p.m.

Register here <http://www.adainfo.org/training/accessibility-online-webinar-series-open-q>

Chesapeake Human Resources Association

Monthly Education Program

March 21, 2018, 5:30 p.m.—8:00 p.m.

Register here <http://www.chra.com/events/EventDetails.aspx?id=1031039&group=>

Sexual Harassment Training

Presented by: Maryland Commission on Civil Rights

Details coming soon!

ADA Coordinators Meeting

Presented by: Office of the Statewide EEO Coordinator

Details coming soon!

April 2018

Chesapeake Human Resources Association Spring Conference

April 12, 2018, 8:00 a.m.

Martin's West

6817 Dogwood Road

Baltimore, Maryland 21244

Register here <http://www.chra.com/events/EventDetails.aspx?id=995280&group=>

2018 CALENDAR

February 2018

Black History Month

2/2—Ground Hog Day
2/4—National Cancer Day
2/14—Valentines Day
2/16—Chinese New Year
2/17—Random Acts of Kindness Day
2/19—Presidents Day

March 2018

Women's History Month

3/2—Employee Appreciation Day
3/8—International Women's Day
3/17—St. Patrick's Day
3/30—Good Friday

April 2018

Diversity Month

Autism Awareness Month

3/30-4/7—Passover
4/1—Easter
4/2—World Autism Awareness Day
4/8—Easter (Eastern Orthodox)
4/20—Global Youth Service Day
4/26—Take Our Daughters & Sons to Work Day

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/>



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