

### Statewide EEO Coordinator’s Message

New Year, Same Mission!

Thank you for your continued support of the State’s EEO program. As many of you know, Ms. Glynis Watford retired last month after serving as the long-term leader of the program. While she will be missed, the work she has done will continue to remain a part of our foundation.

As the Acting Statewide EEO Coordinator, I am committed to using my institutional knowledge, sound judgment, and commitment to civil rights to successfully transition the OSEEOC team and community forward.

With that said, turn to page 4 and read about the EEOC and DOL’s new HIRE initiative to advance equal opportunity at work. On page 7, read why the EEOC sued Victory Automotive Group, Inc. and Cappo Management XXIX, Inc. for disability discrimination after terminating an employee who disclosed she was undergoing testing for cancer. Listen to Valerie Alexander’s TED Talk to learn how to outsmart your own unconscious bias on page 11.

On page 12, read about upcoming meetings and trainings scheduled for February and March. That’s not all; turn the page to read more.

Enjoy!

Nicole Webb  
Acting 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

I have an employee who will be facilitating the mandatory Sexual Harassment Prevention training. Will there be any sexual harassment train-the-trainer sessions early this year?

#### OSEEOC ANSWER:

Yes. A session has been scheduled for Thursday, March 10, 2022 and Friday, March 11, 2022. Participants must successfully complete both sessions to become certified trainers. If a representative from your agency is interested in attending, please send an email expressing your interest to [Nicole.webb@maryland.gov](mailto:Nicole.webb@maryland.gov).

### 2. Question

How can I obtain a copy of the 2021 Annual Statewide Equal Employment Opportunity Report?

#### OSEEOC ANSWER:

The Annual Statewide EEO report can be found on the OSEEOC webpage in the top right corner. Here is the link to the webpage <https://dbm.maryland.gov/eo/Pages/EEOHome.aspx>

### 3. Question

How can a newly appointed Fair Practices Officer and Equal Employment Opportunity Officer obtain training to become successfully acclimated to their role?

#### OSEEOC ANSWER:

The FPO/EEO Officer should consult with the OSEEOC Team, so that they can be added to the email distribution list for all upcoming meetings and events. Please send an email to [oseeoc.dbm@maryland.gov](mailto:oseeoc.dbm@maryland.gov).

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# EEO SPOTLIGHT

## EEOC and DOL Unveil HIRE Initiative to Advance Equal Opportunity at Work

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) hosted a roundtable discussion to launch the Hiring Initiative to Reimagine Equity (HIRE).

HIRE is a multi-year collaborative effort chaired by EEOC Chair Charlotte A. Burrows and OFCCP Director Jenny R. Yang that will engage a broad array of stakeholders in expanding access to good jobs for workers from underrepresented communities and help address key hiring and recruitment challenges. HIRE will identify strategies to remove hiring barriers that limit opportunity along the lines of race, color, ethnicity, gender, LGBTQ+ status, religion, disability, age and veteran status.

“The HIRE initiative aims to expand employment opportunities as our nation recovers from the pandemic,” said EEOC Chair Charlotte A. Burrows. “Working with employers and workers to prevent unfair and unnecessary obstacles to equal employment opportunity is a key component of this initiative. This collaboration between EEOC and OFCCP will help create an economy that works for everyone.”

OFCCP Director Jenny R. Yang said, “The nation’s economy continues to add jobs, but we know that many people are still struggling to find quality employment while many employers are reassessing their recruitment and hiring practices to find the talent they need. Together with the EEOC, we will engage with innovative employer and worker efforts to identify actionable strategies to remove barriers to hiring to unlock our nation’s full talent.”

The roundtable, “Building on Dr. King’s Legacy: Launch of HIRE, a Hiring Initiative to Reimagine Equity,” brought together employer, worker and civil rights organizations to explore how to promote recruitment and hiring practices that advance racial equity for underserved communities.

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-and-dol-unveil-hire-initiative-advance-equal-opportunity-work>

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# EEO SPOTLIGHT

## EEOC Announces Two Key Staff Appointments

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) has announced the appointment of two career federal employees to key Senior Executive Service (SES) managerial positions at the agency. The SES is a federal government personnel program in which civil service employees serve at various agencies at a level just below the top presidential appointees. EEOC Chair Charlotte A. Burrows has selected Nancy Sienko as the new director of the San Francisco District Office, and Sheila Clark as deputy chief human capital officer. Both actions were effective as of January 2, 2022.

Sienko has worked at the EEOC since 1979 serving in various positions, most recently, as the deputy director of the San Francisco District Office and previously as field director of both the Seattle and Denver Field Offices. The San Francisco District includes San Francisco, Oakland, San Jose, northern Nevada, Oregon, Idaho, Montana, Washington, and Alaska. Over the years, Sienko lead complex equal employment opportunity (EEO) compliance and enforcement programs and resolved multiple systemic discrimination issues that resulted in multimillion-dollar settlements for thousands of workers. She has provided expert technical expertise on EEO laws, oversight and training to enforcement staff and investigators with an emphasis on responsive customer service. Sienko earned a Bachelor of Arts degree in English and Spanish from the University of Wisconsin, and her Master of Science degree in Management from Cardinal Stritch University.

“Nancy’s proven institutional knowledge, sound judgment, and commitment to civil rights are invaluable assets to the EEOC,” said EEOC Chair Charlotte A. Burrows. “I am gratified that she has agreed to lead our San Francisco District.” Clark has served at the EEOC since 2014, as a strategic advisor on a broad range of human resources areas associated with cultivating a strong performance culture across the agency. She has also developed and implemented effective workforce strategies for employee engagement, inclusion, performance management, employee and labor relations, and human capital accountability.

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-announces-two-key-staff-appointments>

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## NOTEWORTHY RULINGS

### Carrabba's to Pay \$690,000 to Settle EEOC Lawsuit for Sexual Harassment

*Former Managing Partner at Brandon, Florida Restaurant Sexually Harassed Female Employees, Federal Agency Charged*

TAMPA – Carrabba's Italian Grill, LLC, and OS Restaurants Services, LLC, which provides staff to restaurants across the country, will pay \$690,000 and furnish other relief to settle a sexual harassment lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, the defendants violated federal law when a former managing partner of the Brandon, Florida Carrabba's subjected female employees there to sexual harassment, the EEOC. Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on sex, including sexual harassment. The EEOC filed its lawsuit in U.S. District Court for the Middle District of Florida, Tampa Division (EEOC v. Carrabba's Italian Grill, LLC, et al, Civil Action No. 8:21-cv-02507- SDM-CPT), after first attempting to reach a pre-litigation settlement through its conciliation process.

The two-and-one-half-year consent decree resolving the EEOC's lawsuit has been approved by the federal court. In addition to paying \$690,000 in monetary relief, which will be distributed among female employee victims, Carrabba's and OS Restaurant Services will implement a new sexual harassment policy and new sexual harassment investigation procedures in its restaurants across the United States and will train certain HR and management officials on sexual harassment.

"This case makes clear that sexual harassment remains a serious problem," said EEOC Chair Charlotte A. Burrows. "It's critical that employers have effective policies and programs to prevent workplace harassment. The EEOC remains committed to helping employers understand and meet their legal responsibilities, but will continue to file impactful lawsuits when necessary to protect the rights of workers." "We commend Carrabba's for working collaboratively with the EEOC to resolve this lawsuit," said EEOC Regional Attorney Robert Weisberg.

"The company's willingness to address the EEOC's concerns and its agreement to implement measures to ensure that any sexual harassment complaints are properly addressed will benefit its thousands of workers across the country."

Read the full article here: [www.eeoc.gov](http://www.eeoc.gov)

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## NOTEWORTHY RULINGS

### **National Car Dealers to Pay \$150,000 to Settle EEOC Disability Discrimination Lawsuit**

*Worker Was Fired After Disclosing Potential Cancer Diagnosis, Federal Agency Charged*

SACRAMENTO, Calif. – Car dealers Victory Automotive Group, Inc. and Cappo Management XXIX, Inc. will pay \$150,000 and hire a consultant to facilitate changes to their policies and training practices to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's suit, the joint employers terminated a title clerk working at their Sacramento dealership over fears that she might have cancer. The employee had missed several days of work due to a sudden illness, and then informed management that she had been hospitalized and was undergoing testing for cancer. The employers promptly fired the employee a day before her anticipated return, despite a medical release allowing her to work. Her termination letter advised her to "focus on her health," and confirmed that her termination was not performance related. Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits employers from discriminating based on a disability or a perceived disability.

The EEOC filed suit on Nov. 10, 2020 in U.S. District Court for the Eastern District of California, Case No. 2:20-cv-02245-MCE-KJN, after first attempting to reach a pre-litigation settlement through its pre-litigation conciliation process. The consent decree settling the lawsuit provides \$150,000 in lost wages and emotional distress damages to the worker. The companies will also implement policies and procedures to provide reasonable accommodations for employees with disabilities, including the retention of an ADA consultant. Leave-based terminations will require secondary reviews, as well. The company will also provide annual training to certain managers and human resource personnel and submit reports to the EEOC during the decree's three-year term.

"Federal law prohibits employers from terminating individuals purely out of fear that those individuals may have a disability," said EEOC San Francisco District Director Nancy Sienko. "We commend these employers' willingness to promptly resolve this lawsuit, and to implement robust ADA policies and procedures." EEOC Senior Trial Attorney James H. Baker added, "This employee should never have been terminated. Her hospitalization and potential cancer diagnosis, not her performance, sealed her fate with this company. But this settlement will provide for training to help ensure that such terminations do not occur again in this workplace."

Read the full article here: [www.eeoc.gov](http://www.eeoc.gov)

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## ADA CORNER

### EEOC Sues Ranew's Management Company for Disability Discrimination

*Fabrication, Coating, and Assembly Company Terminated Employee Because of His Depression,  
Federal Agency Charges*

Headquartered in Milner, Georgia, Ranew's Management Company, Inc., local, state, and national provider of fabrication, coating, and assembly products, terminated an employee because of his disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it recently filed.

According to the EEOC's suit, a Ranew's Company employee informed his employer of his diagnosis of severe depression and requested to take three weeks off work, per his doctor's recommendation. Ranew's Company CEO told the employee to take as much time as he needed to get well. However, six weeks later, when the employee tried to return to work, presenting a release to return to work from his doctor, the CEO said he couldn't trust the employee to perform his job duties and terminated his employment effective immediately.

Such conduct violates the Americans with Disabilities Act (ADA). The EEOC filed suit (Civil Action No. 5:21-cv-00443-MTT) in U.S. District Court for the Middle District of Georgia, Macon Division, after first attempting to reach a pre-litigation settlement via its conciliation process. The EEOC is seeking back pay, front pay, compensatory damages, and punitive damages for the employee, as well as injunctive relief to prevent future discrimination. "It is inexcusable and unlawful for an employer to base decisions about employees with disabilities on stereotypes and fears," said Marcus G. Keegan, regional attorney for the EEOC Atlanta District Office. "The EEOC is seeking non-monetary relief, including training high-level executives and policy adjustments, to prevent this from happening in the future."

For more information, read the statement here: <https://www.eeoc.gov/newsroom/eeoc-sues-ranews-management-company-disability-discrimination>

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## ADA CORNER

### PROCESSING VACCINATION ACCOMMODATION REQUESTS UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

The following is a sample process for determining whether a vaccination exception or delay must be granted as a reasonable accommodation under the ADA when employees are subject to a federal or state-imposed vaccination mandate or an employer policy. When an employee requests an accommodation and the disability and need for the accommodation are not obvious or already documented, the employer can require reasonable medical documentation. There is no required ADA medical documentation request form, but the Safer Federal Workforce provides a template for federal employers that can be modified by other employers as needed.

Is the employee unable to be vaccinated for COVID-19 because of a disability?

**No:** Deny the request under the ADA, apply other laws if appropriate, or follow usual policies.

**Yes:** Can the employee safely<sup>[1]</sup> work while unvaccinated in the current job and work environment?

**Yes:** Allow the vaccination exception or delay.

**No:** Can accommodations<sup>[2]</sup> be provided to eliminate or reduce exposure risk to an acceptable level, absent undue hardship<sup>[3]</sup>?

**Yes:** Grant the vaccination exception or delay and provide the accommodations.

**No:** Deny the request under the ADA, apply other laws if appropriate, or follow usual policies.

For more information, see [FAQ: COVID-19 Vaccination and the Americans with Disabilities Act](#).

Read the article here: <https://askjan.org/articles/Processing-Vaccination-Accommodation-Requests-Under-the-Americans-with-Disabilities-Act-ADA.cfm>

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## RELIGIOUS DISCRIMINATION

### TAMPA BAY DELIVERY SERVICE TO PAY \$50,000 TO SETTLE EEOC RELIGIOUS DISCRIMINATION LAWSUIT

Amazon Delivery Service Provider Fired Christian Employee After He Refused to Work Sundays Due to His Religious Beliefs, Federal Agency Charged

TAMPA – Tampa Bay Delivery Service, LLC, an Amazon delivery service provider in the Tampa Bay area, will pay \$50,000 and furnish other relief to settle a religious discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, the employee requested to take off Sundays to attend church services. When Tampa Bay Delivery Service scheduled the employee for a Sunday shift, the employee reminded the dispatcher that he could not work on Sundays due to his religion. He was terminated when he failed to show up for the Sunday shift.

Title VII of the Civil Rights Act of 1964 prohibits discrimination based on religion and requires employers to reasonably accommodate an applicant's or employee's sincerely held religious beliefs unless it would pose an undue hardship. The EEOC filed its lawsuit in U.S. District Court for the Middle District of Florida, Tampa Division (EEOC v. Tampa Bay Delivery Service, LLC, Civil Action No. 8:21-cv-02302), after first attempting to reach a pre-litigation settlement through its conciliation process.

The two-and-one-half-year consent decree resolving the EEOC's lawsuit has been approved by the federal court. In addition to paying \$50,000 in monetary relief, Tampa Bay Delivery Service will provide training on religious discrimination to ensure that managers and dispatchers are aware of their obligations to prevent workplace discrimination and how to address accommodation requests. The decree also requires Tampa Bay Delivery Service to designate a religious accommodation coordinator and post a notice.

Read the full article here: <https://www.eeoc.gov/newsroom/tampa-bay-delivery-service-pay-50000-settle-eeoc-religious-discrimination-lawsuit>

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## How to Outsmart Your Own Unconscious Bias



Image: Valerie Alexander

In this TedTalk, Valerie Alexander discusses how the human brain responds when encountering the unexpected and proposes that if individuals intentionally examine their own behavior when faced with unfamiliar experiences, they can control the outcomes, which may lead to more positive experiences and changes in the world.

[https://www.ted.com/talks/  
valerie\\_alexander\\_how\\_to\\_outsmart\\_your\\_own\\_unconscious\\_bias](https://www.ted.com/talks/valerie_alexander_how_to_outsmart_your_own_unconscious_bias)

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## MEETINGS & TRAININGS

### **Racial Justice at Work: Combatting Anti Blackness and Racism in the Workplace**

Hosted by: Maryland Commission on Civil Rights

Date: February 16, 2022

Time: 12:00 p.m.—2:00 p.m.

To register: Visit <https://www.eventbrite.com/e/racial-justice-at-work-combatting-antiblackness-and-racism-in-the-workplace-tickets-260348939687>

### **Black History Month Events**

Hosted by: Banneker Douglass Museum

To learn more visit <https://bdmuseum.maryland.gov/events/>

### **Annual Fair Practices & EEO Officers Meeting (Virtual)**

Hosted by: The Office of the Statewide EEO Coordinator

Date: February 28, 2022

Time: 10:00 a.m.—11:30 a.m.

The OSEEOC Team will be sending out meeting invitations.

### **Sexual Harassment Train the Trainer Sessions**

Hosted by: Maryland Commission on Civil Rights

Date: March 10, 2022 and March 11, 2022

To register: Email [oseeoc.dbm@maryland.gov](mailto:oseeoc.dbm@maryland.gov) to express your interest in attending.

### **ADA Coordinators Meeting (Virtual)**

Hosted by: The Office of the Statewide EEO Coordinator

Date: March 2022 (Additional details coming soon)

### **Free online courses on diversity, equity and inclusion**

Hosted by: LinkedIn Learning

Information: <https://about.linkedin.com/coronavirus-resource-hub/online-courses>

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# 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/>

**National Service Animal Registry**

<https://www.nsarco.com/>

**Maryland LGBT Chamber of Commerce**

<https://mdlgbt.org>

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## 2022 DIVERSITY CALENDAR

### JANUARY 2022

1/17 – Martin Luther King Jr. Day

1/27 – International Day of Commemoration in Memory of Victims of the Holocaust

### FEBRUARY 2022

Black History Month

2/1 – Chinese New Year

2/15 – Nirvana Day (Buddhist)

2/21— Presidents Day

### MARCH 2022

Women’s History Month

3/2 – Ash Wednesday

3/8 – International Women’s Day

3/17—St. Patrick's Day

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## **OSEEOC CONTACT INFORMATION**

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