

EEO CONNECTION

Statewide EEO Coordinators Message

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We've all heard some variation of the saying, "My, how time flies." As I was considering a topic to write about, I started wondering how long this newsletter has been in existence. My jaw hit the floor when I discovered that the OSEEOC has been publishing the EEO Connection Newsletter for eight years. Eight years of providing you with the latest EEO news and updates, tips and advice, answers to FAQ's, announcements on upcoming events, resources, and contacts. If you have missed any of our past publications, go to <http://dbm.maryland.gov/eo/Pages/EEOHome.aspx> to read them.

We can all agree that respect and dignity is crucial to a peaceful and productive workplace. Read what the OSEEOC team has to say about it on page 3. We heard your EEO related questions and we provide answers on page 4. Read why The GEO Group, Inc. and Reliable Nissan had to pay out big bucks to settle discrimination lawsuits in the Noteworthy Rulings section. Basic investigative techniques never get old. Read the key points you should never forget when conducting an investigation on page 7. Learn why the EEOC sued two companies for violating the ADA on pages 9 and 10. How well do you know the OSEEOC? Take our quiz on page 11. All of this and more is here—just turn the page.

Thank you for your support and know that there is more to come.

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.



TREAT PEOPLE WITH RESPECT AND DIGNITY... *ALWAYS!*

Its often said, "Treat people the way you want to be treated"; however, this is not always clear nor easy to articulate, especially for those who may not know how they wish to be treated themselves. As a result, sometimes you have to provide individuals with detailed instructions in order that they fully understand your expectations. This is why policies and procedures are created: to set the standard of behavior that is expected of employees in the workplace.

The workplace is an environment in which employees deserve respect, along with fair and equitable treatment, at all times. This is what Equal Employment Opportunity (EEO) is all about. EEO is everyone's responsibility and can only be effective if it's adopted at every level of an organization. Employees deserve a healthy work environment that is free from biases, bullying, discrimination, and any other unwanted behavior.

It is extremely beneficial for all State of Maryland employees to complete training on Equal Employment Opportunity so they have a clear understanding of not only the subject matter, but also what's expected of them as employees. Knowledge is power when utilized efficiently and effectively. It's imperative to continuously spread the message about EEO.

- OSEEOC TEAM



Ask the OSEEOC Team

1. QUESTION

Does the OSEEOC provide EEO training to staff in different state agencies?

OSEEOC ANSWER:

It is the responsibility of the Fair Practices Office to ensure training is provided to the staff members within their agencies.

2. QUESTION

Can I file a whistleblower complaint with my agency's EEO or Fair Practices Officer?

OSEEOC ANSWER:

All whistleblower complaints should be filed with the Secretary of DBM or Office of the Statewide EEO Coordinator at 301 Preston Street, 6th Floor, Suite 607 or by calling 410-767-3800.

3. QUESTION

Can I file my workplace bullying complaint with the Office of the Statewide Equal Employment Opportunity Coordinator?

OSEEOC ANSWER:

According to the State of Maryland's Policy on Bullying in the Workplace, a bullying complaint should be filed with your agency's appointing authority or agency head/Secretary, as appropriate.

NOTEWORTHY RULINGS

Private Prison GEO Group to Pay \$60,000 To Settle EEOC Sexual Harassment And Retaliation Lawsuit

PHOENIX, Ariz. - The GEO Group, Inc., operator of the Central Arizona Correctional Facility (CACF) in Florence, Ariz., will pay \$60,000 and furnish other relief to settle a sexual harassment and retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, GEO allowed its employees and managers to sexually harass Roberta Jones since June 2007. For example, the agency alleged that certain male superior officers and coworkers would frequently stand around bragging about their sexual exploits. At least two superior officers were alleged to have put their hands on Jones in an unwanted manner. GEO failed to adequately respond to Jones's complaints of sexual harassment, the EEOC said. The lawsuit also alleged that Geo assigned Ms. Jones to less desirable posts, disciplined, and terminated her after she complained about the harassment and participated in protected activity under Title VII of the Civil Rights Act.

Such alleged conduct violates Title VII, which prohibits sexual harassment, as well as barring employers from taking adverse action against employees because of their sex and because of their participation in activity protected by Title VII. The EEOC filed suit in U.S. District Court for the District of Arizona (*EEOC v. The GEO Group, Inc.*, Civil Action No. 2:15-cv-01909-SPL) after first attempting to reach a pre-litigation settlement through its conciliation process.

Under the consent decree settling the suit, GEO is required to pay \$60,000 to Jones; review its equal employment opportunity policies; refer all complaints of sexual harassment to its Office of Professional Responsibility for investigation; ensure that any employment decisions that affect individuals involved in a complaint of sexual harassment are not based on any retaliatory motive; conduct training for all its employees and management staff at CACF; training on investigative techniques for all individuals who may investigate complaints of sexual harassment at CACF; make a number of employees ineligible for rehire; and ensure that its management evaluation system will take into account compliance with EEO policies, laws against retaliation, and compliance with the consent decree...

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/8-25-17.cfm>



NOTEWORTHY RULINGS

Reliable Nissan Agrees to Settle EEOC Race, Religion and National Origin Harassment Case

ALBUQUERQUE, N.M. - Reliable Inc., doing business as Reliable Nissan, along with other entities involved in operating the Albuquerque car dealership, has agreed to settle charges of discrimination based on race, national origin, and religion, along with retaliation, that were filed with the U.S. Equal Employment Opportunity Commission (EEOC).

The agreement follows conciliation between the EEOC and Reliable Nissan over claims that two Reliable Nissan Managers repeatedly used the "N-word" during a sales meeting, and referred to African, African-American, Native American, Muslim and Hispanic employees in a derogatory manner. Employees alleged that managers made offensive jokes about Muslim and Native American employees' religious practices and traditions, and used racial epithets like "n---r," "drunken Indians," "red." and "redskins." Racially offensive pictures targeted against minority employees were also posted in the workplace.

The EEOC investigated the charges and found that the racial slurs and innuendos created a hostile work environment for minority employees, and that Reliable Nissan failed to take prompt and remedial action to stop the harassment. The EEOC's investigation further revealed that employees who complained were retaliated against.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against employees because of their race, national origin or religion. Title VII also protects employees who complain about discrimination from retaliation.

As part of the conciliation agreement, Reliable Nissan agreed to pay a total of \$205,000 to three employees who filed discrimination charges with the EEOC and 11 other minority employees who were subjected to the hostile work environment. The company also agreed to provide annual training for two years for its employees, including managers and human resources employees. Additionally, Reliable Nissan agreed to review its policies and procedures to ensure that employees have a mechanism for reporting discrimination and to make certain that each complaint will be appropriately investigated...

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/10-11-17.cfm>



EEO SPOTLIGHT

Basic Investigative Techniques NEVER Get Old!

The Office of the Statewide Equal Employment Opportunity Coordinator and Maryland Commission on Civil Rights hosted a two day training event in September entitled, "Investigation Techniques and Discrimination Law Theory". The training was designed to provide basic investigative information and techniques for persons with limited investigative and discrimination law experience. This training is specifically for new Equal Employment Opportunity Officers and Fair Practice Officers hired with State of Maryland agencies or those who have not taken this training and serve in an EEO role.

While this training is typically offered once a year, most State EEO professionals have already taken this course. It's recommended that all Equal Employment Opportunity Officers and Fair Practice Officers refer back to their notes as often as needed when completing an investigation. The information covered during the training is the basic foundation that allows investigators to conduct thorough, unbiased, and fair investigations. Here are some key points to remember:

- **Why conduct an investigation:** to determine whether there is a reasonable belief that discrimination occurred. In other words, to determine if there has been a violation of a job applicant or employee's rights under state and federal EEO laws.
- **What is an allegation:** an accusation, charge, or belief that a discriminatory employment action has occurred.
- **Role of an investigator:** to find the truth. Collect and uncover factual information.
- **How is the truth found:** by investigating, conducting interviews, gathering facts, and analyzing the information discovered.
- **Investigation Plan:** first key document prepared in a case and includes a summary of the complaint/allegations; legal theories, investigation strategy and sources of evidence; required personnel/witnesses; and resources and timelines.
- **Final report:** the final report outlines your investigation in detail to include: the complainant's allegations, respondents response, witnesses testimony, evidence discovered, analyses of facts, conclusion, and recommendations.

Always remember that its never to late, to take it back to the basics.

- OSEEOC Team

EEO SPOTLIGHT

EEOC Launches New Training Program On Respectful Workplaces

The U.S. Equal Employment Opportunity Commission (EEOC) announced that it will launch two new trainings for employers: Leading for Respect (for supervisors) and Respect in the Workplace (for all employees). Instead of traditional compliance training that focuses solely on legal definitions and standards for liability, the new program provides an exciting training alternative for harassment prevention. The trainings will be conducted by [EEOC Training Institute](#) staff.

The training program focuses on respect, acceptable workplace conduct, and the types of behaviors that contribute to a respectful and inclusive—and therefore, an ultimately more profitable—workplace. The program is customizable for different types of workplaces and includes a section for reviewing employers' own harassment prevention policies and procedures.

The training program is an outgrowth of the [Report of the Co-Chairs of the EEOC's Select Task Force on the Study of Harassment in the Workplace](#).

"We always said the report was just a first step," said EEOC Acting Chair Victoria Lipnic, co-author of the report. "Implementation of the report's recommendations is key. These trainings incorporate the report's recommendations on compliance, workplace civility, and bystander intervention training. I believe the trainings can have a real impact on workplace culture, and I hope employers make use of them."

EEOC Commissioner Chai Feldblum, the report's other author, said, "A strong training program is a critical piece of a holistic harassment prevention effort. We know that workplace incivility often acts as a 'gateway drug' to workplace harassment. These trainings, therefore, provide employees with the specific skills they need to act respectfully and to intervene when they observe disrespectful or abusive behavior. In short, the program is designed to stop improper behavior before it ever rises to the level of illegal harassment"...

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/10-4-17.cfm>



ADA CORNER

EEOC Sues Home Depot For Disability Discrimination

CHICAGO - Home Depot failed to accommodate and then fired an employee who had a disability-related emergency at its Peru, Ill., store, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed on Sept. 28.

According to the EEOC's lawsuit, the large national home improvement retailer violated federal law by firing April Stevenson, an employee with irritable bowel syndrome and fibromyalgia, rather than allowing her to take a short break to care for herself.

The EEOC brought the suit under the Americans with Disabilities Act (ADA), which prohibits disability discrimination in employment, after first attempting to reach a pre-litigation settlement through its conciliation process. The case (*EEOC v. The Home Depot / Home Depot U.S.A., Inc.*, Civil Action No. 17-cv-06990) was filed in the U.S. District Court for the Northern District of Illinois, Eastern Division, and has been assigned to U.S. District Judge Robert W. Gettleman. The EEOC is seeking full make-whole relief, including back pay, compensatory and punitive damages, and non-monetary measures to correct Home Depot's practices going forward.

"Our investigation revealed that Home Depot fired Ms. Stevenson after she had a medical emergency related to her disabilities that required prompt attention," said EEOC Chicago District Director Julianne Bowman. "Home Depot failed to provide her adequate means to attend to her disability, then fired her for minor policy infractions that were caused only by Home Depot's failure to accommodate her."

EEOC Chicago District Regional Attorney Greg Gochanour said, "The ADA requires employers to provide reasonable accommodations to people with disabilities. Here, Ms. Stevenson simply needed a short break to care for herself and then return to work - an accommodation that Home Depot easily could have provided"...

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/10-3-17a.cfm>



ADA CORNER

All Star Priority Staffing Sued by EEOC For Disability Discrimination

PHOENIX - All Star Priority Staffing, LLC, a Phoenix staffing agency, violated federal law by forcing applicants seeking temporary employment to fill out an invasive medical questionnaire and answer medical questions before job offers, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed. The federal agency also charged the company with denying job opportunities to applicants based on their answers.

According to the EEOC's suit, All Star's application process required applicants to fill out a medical questionnaire that inquired into, among other things, the applicant's use of medications, history of illnesses, and whether the applicant has or had any current or previous injuries to various parts of the body. The EEOC further charged that All Star asked medical questions during the pre-offer interviews and then used the medical information obtained as the basis of denying employment opportunities.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits disability discrimination, including making pre-offer medical inquiries. The EEOC filed suit, *EEOC v. All Star Priority Staffing, LLC*, Civil Action No. 2:17-cv-03127-DLR, in U.S. District Court for the District of Arizona, after first attempting to reach a settlement through its pre-litigation conciliation process. The lawsuit seeks back pay, compensatory damages, and punitive damages, as well as appropriate injunctive relief to prevent discriminatory practices in the future.

"In today's economic climate, a sizable percentage of the workforce relies on staffing agencies such as All Star to find employment," said EEOC Phoenix District Office Regional Attorney Mary Jo O'Neill. "This reality led the EEOC to place an emphasis on protecting the civil rights of temporary workers and applicants. This case demonstrates the EEOC's commitment to protecting those workers."

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/9-19-17.cfm>



How Well Do you Know the Office of the Statewide EEO Coordinator?

1. How many employees work within the Office of the Statewide EEO Coordinator (OSEEOC)?
2. Where is the OSEEOC office located?
3. What state agency is the OSEEOC apart of?
4. What does the acronym ECAP stand for in the OSEEOC?
5. What types of complaints is the OSEEOC staff responsible for investigating from start to finish?

1. Four (Statewide EEO Coordinator, Sr. EEO Compliance Officer, Compliance Officer, Administrative Coordinator)
2. 301 W. Preston Street, 6th Floor, Baltimore, Maryland 21201
3. Department of Budget and Management
4. Employee Complaint Assistance Program, go to our website at <http://dbm.maryland.gov/eo/Pages/EOHome.aspx> to learn more about ECAP.
5. Whistleblower complaints and appeal complaints. (Initial investigations only under extenuating circumstances).

Answers

Meetings & Trainings

November 2017

Give Us Your Challenging, Your Bewildering, Your Unusual ADA Issues—Webcast

Hosted by: Job Accommodation Network

Date: November 14, 2017

Register at: <https://askjan.org/webcast/index.htm>

Create a Successful Workplace by Hiring Veterans & Reservists—Webcast

Hosted by: Society for Human Resource Management (SHRM)

Date: November 1, 2017

Register at: <https://www.shrm.org/learningandcareer/learning/webcasts/pages/default.aspx>

Understanding Incivility (Costs, Causes and Cures) - Webcast

Hosted by: Society for Human Resource Management (SHRM)

Date: November 14, 2017

Register at: <https://www.shrm.org/LearningAndCareer/learning/webcasts/Pages/1117lindquistreed.aspx>

How to Cultivate Employee Engagement and Well-being During the Holidays—Webcast

Hosted by: Society for Human Resource Management (SHRM)

Date: November 16, 2017

Register at: <https://www.shrm.org/LearningAndCareer/learning/webcasts/Pages/1117seedenburgparker.aspx>

Movie: Marshall (2017)

About a young Thurgood Marshall, the first African-American Supreme Court Justice, as he battles through one of his career-defining cases.

In theatres everywhere October 15, 2017

December 2017

Ask the JAN Motor Team—Webcast

Hosted by: Job Accommodation Network

Date: December 12, 2017

Register at: <https://askjan.org/webcast/index.htm>

ADA Coordinators Meeting

Hosted by: Office of the Statewide EEO Coordinator

Date: Friday, December 1, 2017

Time: 9:30 a.m.—12:00 p.m.

Location: 201 W. Preston Street, Lower Level, Room L1

HR Legal Issues Training

Hosted by: HR Bones

Topics: Discrimination, Equal Pay Act, Sexual Harassment, State HR Laws, etc.

Date: December 22, 2017

Downtown Baltimore, Maryland

Register at: <https://www.eventbrite.com/e/hr-legal-issues-an-advanced-session-baltimore-md-tickets-36903816308?aff=es2>



DIVERSITY CALENDAR

November 2017

National Native American Heritage Month

11/10 — Veterans Day

11/16-11/20 — American Education Week

11/20 — Transgender Day of Remembrance

11/23 — Thanksgiving

11/24 — American Indian Heritage Day

December 2017

12/6-12/14 — Hanukkah

12/25 — Christmas Day

12/26-01/01 — Kwanzaa

12/31 — New Year's Eve

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— NEW

<http://outandequal.org/>

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