

Office of the Statewide EEO Coordinator

Statewide EEO Coordinator's Message

Over the last three months, the Office of the Statewide EEO Coordinator worked collaboratively with units within the Department of Budget and Management to host training sessions for the statewide EEO Community. We had presentations from Recruitment and Examination, Classification and Salary, and the Employee and Labor Relations divisions. Professionals from each division provided detailed presentations that clearly explained their roles, responsibilities and available resources. The feedback amongst the statewide EEO professionals has been favorable, with many expressing excitement and confidence in developing and managing compliant EEO programs within their designated agencies.

With that said, this served as a reminder of the importance of working collaboratively to share information and resources, while fostering professional relationships that will help us all to succeed. While this has undoubtedly been a great start, the OSEEOC will continue to identify offices and resources statewide for future collaborations.

Turn to page 4 and read about the new Pregnant Workers Fairness Act. On page 5 read about the OSEEOC's audit process. On page 6, read how gender options are changing in JobAps and WorkDay. Listen to Lee Thomas share how he helps others to understand Vitiligo.

On pages 13, 14, and 15, read about upcoming meetings and training scheduled for April, May, and June. That's not all: turn the page to read more.

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

Q: Will there be an EEO Retreat this summer at St. Mary's College of Maryland for EEO professionals statewide?

OSEEOC Answer:

There will not be an EEO Retreat this summer, however consideration is being given to hosting in the summer of 2024.

Q: How can an agency's EEO team prepare for an upcoming compliance audit?

OSEEOC Answer:

The Fair Practices Officer, EEO Officer and ADA Coordinator can work in collaboration to complete the EEO audit questionnaire. Its imperative that EEO professionals are able to accurately answer the questions and provide documentation to support their responses. Contact the OSEEOC team at 410-767-3800 or oseeoc.dbm@maryland.gov, to obtain a copy of the audit questionnaire.

Q: Will there be any professional development opportunities provided by the OSEEOC for newly appointed Fair Practice Officers and EEO Officers?

OSEEOC Answer:

Yes, the OSEEOC works diligently to provide professional development opportunities to members of the EEO community. These opportunities are announced via our quarterly EEO Newsletter and email. Please be sure to contact our office at 410-767-3800, to have your name added to our email list.

EEO SPOTLIGHT

New Law Alert!

What You Should Know About the Pregnant Workers Fairness Act

What is the Pregnant Workers Fairness Act?

The Pregnant Workers Fairness Act (PWFA) is a new law that requires covered employers to provide “reasonable accommodations” to a worker’s known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an “undue hardship.”

The PWFA applies only to accommodations. Existing laws that the EEOC enforces make it illegal to fire or otherwise discriminate against workers on the basis of pregnancy, childbirth, or related medical conditions.

The PWFA does not replace federal, state, or local laws that are **more protective** of workers affected by pregnancy, childbirth, or related medical conditions. More than 30 states and cities have laws that provide accommodations for pregnant workers.

When does the PWFA go into effect, and will the public have input on any regulations?

1. The PWFA goes into effect on June 27, 2023. The EEOC is required to issue regulations to carry out the law. The EEOC will issue a proposed version of the PWFA regulations so the public can give their input and offer comments before the regulations **become final**.

Read more at: <https://www.eeoc.gov/wysk/what-you-should-know-about-pregnant-workers-fairness-act>



EEO SPOTLIGHT

What to Expect during an EEO Compliance Audit



The Office of the Statewide EEO Coordinator (OSEEOC) has begun to facilitate EEO program compliance audits. The audit aims to determine if the agency's EEO program complies with federal and state applicable EEO laws, policies, procedures, and various reporting requirements. While an audit is a tool to ensure compliance, it can also be educational. During the audit, the OSEEOC team will help identify and correct problems to avoid increased liability. In addition, the OSEEOC is working to conduct audits as efficiently as possible with the most minor inconvenience to the agencies.

The audit process currently consists of four phases:

- I. Audit Initiation—The agency head and EEO team are notified that they are being audited via email and official letter. An audit questionnaire is also provided for completion within a two-week time frame.
- II. Audit Field Work—The OSEEOC team performs an onsite audit meeting and review with the agency head, EEO team, and human resources representative. In addition, EEO compliance posters are assessed for compliance purposes.
- III. Audit Corrections—The OSEEOC issues an official compliance letter and 90 days to make the appropriate corrections. All corrections must be reported to the OSEEOC with the proper documentation.
- IV. Final Audit review and closeout—The OSEEOC conducts a final inspection of the agency's audit to ensure compliance and identify additional recommendations that may benefit the development of the EEO program. The agency head and the EEO team are issued an official compliance closeout letter.

To assist you with preparing for an upcoming audit, it is recommended that you complete the EEO Audit Questionnaire. In the event that there is any information in the questionnaire that you are unable to answer or provide; it's recommended that you work to correct it for compliance purposes. To obtain a copy of the questionnaire, contact the OSEEOC team at oseec.dbm@maryland.gov.

EEO SPOTLIGHT

New Gender Option in JobAps and Workday

Effective April 1, 2023, JobAps and Workday will allow applicants and employees to select from the following gender options: male, female, non-binary, and not declared. Applicants and employees can make changes to their gender option at any time.

In addition, it's important to note that these changes may have an impact on any reporting for gender data that your agency may currently use. For example, the FY 2023 Annual Statewide EEO Report will reflect the new gender options.

This change is a step in the right direction to increase diversity and inclusion.



NOTEWORTHY RULINGS

Federal Court Awards More Than \$2.6 Million to EEOC Against Green JobWorks LLC

The U.S. Equal Employment Opportunity Commission (EEOC) has obtained a default judgment in U.S. District Court in its sex discrimination lawsuit against Green JobWorks LLC, the federal agency announced.

The EEOC filed the lawsuit on July 13, 2021, against Green JobWorks LLC, a staffing agency located in Hanover, Maryland, for violating federal law by subjecting female workers to a pattern-or-practice of sex discrimination in job assignments and assignment of work duties. According to the EEOC's lawsuit, Green JobWorks refused to hire female workers for demolition and laborer positions or to assign those workers to such positions because of their sex. The lawsuit also charged that Green JobWorks assigned certain work duties on the basis of sex.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, including refusing to hire or to make assignments on the basis of gender. The EEOC filed suit (U.S. EEOC v. Green Jobworks LLC, Civil Action No. 1:21-cv-01743-RDB) in U.S. District Court for the District of Maryland (Northern Division) after first attempting to reach a pre-litigation settlement through its conciliation process.

On March 16, the federal court in Baltimore entered default judgment against Green JobWorks, establishing the company's liability for its pattern or practice of sex discrimination and awarding 48 female workers a total of \$2,692,265 in monetary relief, consisting of \$665,566 in lost wages with interest and an additional \$2,026,698 in punitive damages for the company's reckless indifference to the rights of those workers.

Read the full article here: <https://www.eeoc.gov/newsroom/federal-court-awards-more-26-million-eeoc-against-green-jobworks-llc>



NOTEWORTHY RULINGS

Total Employment and Management to Pay \$276,000 to Resolve EEOC National Origin, Retaliation Charge

R & SL, which does business as Total Employment and Management (TEAM), an employment firm based in Washington and Oregon, has agreed to pay \$276,000 and take other actions to conciliate a national origin discrimination and retaliation charge filed with the U.S. Equal Employment Opportunity Commission (EEOC), the agency announced.

According to the EEOC, TEAM imposed a no-Spanish rule, without adequate business justification to support it. The agency also alleged five employees were fired from two of the company's Washington locations for opposing the rule and continuing to speak Spanish.

Such conduct violates Title VII of the Civil Rights Act of 1964, which prohibits national origin discrimination and retaliation against persons who oppose illegal discrimination. The EEOC considers blanket English-only rules that forbid employees from speaking any other language during the workday, even during breaks or away from customers, to be a form of national origin discrimination.

According to the terms of the four-year conciliation agreement, TEAM will provide \$276,000 in monetary relief to the affected employees. In addition, the company agrees to update policies and procedures in English and Spanish; provide an alternative, anonymous complaint process for employees; promptly respond to and investigate complaints of harassment and discrimination; and train all Washington-based employees. The company will also provide periodic updates and reports to the EEOC.

Read the full article here: <https://www.eeoc.gov/newsroom/total-employment-and-management-pay-276000-resolve-eeoc-national-origin-retaliation-charge>



How I help people understand Vitiligo



Image: leethomas.com

Lee Thomas is a seasoned News Anchor with over twenty years of experience. He has covered the Oscars, Grammy's, and Tony's. Lee was diagnosed with Vitiligo, an autoimmune disease that destroys the skin pigment. According to clevelandclinic.org, "Vitiligo causes your skin to lose color or pigmentation. Smooth white or light areas called macules or patches appear on one's skin. It generally starts on your hands, forearms, feet, and face. Globally, about 1% of the population has Vitiligo. It affects all races and sexes equally.

In this Tedtalk, Lee shares how he discovered a way to respond to others' fear of his appearance with engagement, dialogue, and a smile.

To view Ted Talk click below:

https://www.ted.com/talks/lee_thomas_how_i_help_people_understand_vitiligo

The psychology of post-traumatic stress disorder

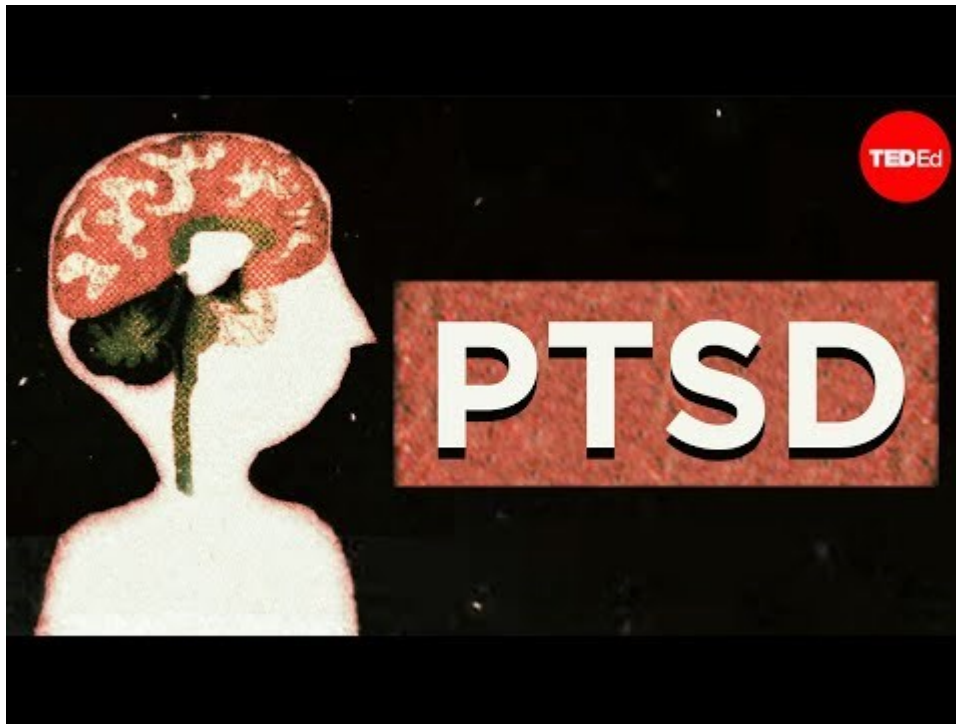


Image: ed.ted.com

Post-traumatic stress disorder is a mental illness that can develop in people who have experienced or witnessed a traumatic event. Symptoms of PTSD can have an impact on an individual's ability to perform their job. This includes but is not limited to panic attacks, anxiety, fear, lack of concentration, memory problems and more. PTSD is a recognized disability under federal and state disability law, therefore job applicants and employees who may be in need of a reasonable accommodation during either the interview process or employment. In this five minute Tedtalk, you will learn more about PTSD and signs to recognize in the workplace.

To view Ted Talk click below:

https://www.ted.com/talks/joelle_rabow_maletis_the_psychology_of_post_traumatic_stress_disorder

ADA CORNER

EEOC Sues Otis Elevator Company for Disability Discrimination

Otis Worldwide Corporation, doing business as Otis Elevator Company — a global company based in Farmington, Connecticut that constructs, repairs, modernizes, and maintains elevators, escalators, and related equipment — violated federal law by failing to provide a reasonable accommodation to an employee with disabilities and retaliating against him, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed.

According to the EEOC's complaint, Otis Elevator discriminated against an assistant mechanic employed at its Canton, Massachusetts location when — from April 2021 through November 2021 — it failed to accommodate his autism spectrum disorder (ASD) and attention deficit/hyperactivity disorder (ADHD). Soon after the mechanic began his employment with Otis Elevator, it became apparent that he was unable to effectively process sounds and voices while on a crowded and noisy construction site due to his ASD and ADHD. Although the mechanic requested a reasonable accommodation, over the course of several months Otis Elevator did not provide him with one, the EEOC said.

The EEOC's complaint also charged that Otis Elevator placed the mechanic on unpaid leave shortly after he requested an accommodation, which the company claimed was due to a foot injury. The company then refused to allow him to return to work for months, despite receiving multiple doctors' notes confirming that he was cleared to return to work. Otis Elevator's refusal to permit the mechanic to return from unpaid medical leave was in retaliation for his request for an accommodation, the EEOC charged.

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-sues-otis-elevator-company-disability-discrimination>



ADA CORNER

EEOC Sues Innovative Services NW for Disability Discrimination

Innovative Services NW (ISNW), a nonprofit providing programs for people with disabilities and others to build self-reliance through educational, therapeutic, and employment services, violated federal law when it refused to accommodate an employee with a degenerative hip impairment and instead fired her, the U.S. Equal Employment Opportunity Commission (EEOC) alleged in a lawsuit filed.

According to the EEOC's suit, Carly Romero had worked as a janitor for ISNW's Janitorial Services Program in Vancouver, Wash. for seven years, earning praise as a valued employee and strong performer by high level managers. In November 2019, Romero attempted to return to work with a doctor's release allowing her to resume janitorial activities, except for wearing a backpack vacuum. As a reasonable accommodation, Romero asked to use an upright vacuum instead. The EEOC's investigation found that even though ISNW had permitted other janitors to use upright vacuums at some customer sites, the company refused Romero's repeated requests to return to work. Claiming "there would be too much risk to return [Romero] to work without a 100% release," ISNW placed Romero on unpaid leave, then fired her on January 21, 2020.

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-sues-innovative-services-nw-disability-discrimination>



MEETINGS & TRAININGS

Statewide EEO Program Overview (Virtual)

Hosted by: Office of the Statewide EEO Coordinator (OSEEOC)

Date: April 10, 2023

Time: 10:00 a.m.—12:00 p.m.

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSd_xRNugjfREOqq7421jGfkZTIeeo7kDmDrjMHpZ-GsR5Hx8g/viewform?usp=pp_url

Panel Discussion: How to Build an Effective EEO Program (Virtual)

Hosted by: Office of the Statewide EEO Coordinator

Date: April 12, 2023

Time: 10:00 a.m.—12:00 p.m.

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSeME_MNyVKEB3zpWKT2pRVH3qRuehXYA1nCrKrp2-dbx_NW2w/viewform?usp=pp_url

The Disciplinary Process: From Investigation to Imposition

Hosted by: DBM—Employee and Labor Relations Division

Date: April 13, 2023

Time: 1:00 p.m.—5:00 p.m.

Click here to register: <https://stateofmaryland.csod.com/client/doi-maryland/default.aspx?ReturnUrl=https%3a%2f%2fstateofmaryland.csod.com%2fui%2flms-learning-details%2fapp%2fevent%2f6dc629e5-2ef1-41c4-af4d-3de23e807340>

Investigative Techniques and Legal Theories Training (In person) (Newly appointed Fair Practices Officers and EEO Officers Only)

Facilitated by: Glendora Hughes, General Counsel

Date: April 25, 2023 and April 26, 2023

Time: 9:00 a.m.—1:00 p.m.

Location: To be announced!

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLScHpRLySGmZ8dRqiAk_f9TxKtQwvUIB4TDT2jm-GPEn2aCcZA/viewform?usp=pp_url

MEETINGS & TRAININGS

Maryland Whistleblower Law– Information Session (Virtual)

Hosted by: Office of the Statewide EEO Coordinator

Date: May 12, 2023

Time: 10:00 a.m.—11:00 a.m.

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSfftOgYemCoMijzceIJW8RNIH4AgN8IQFlk-1ffMGE6Dc8mSQ/viewform?usp=pp_url

Mindfulness and Other Techniques for Stress and Anxiety—Webinar

Hosted by: BHA/MedChi Behavioral Health Webinar Series

Click here to participate: <https://www.youtube.com/watch?v=gPUSMltqOAO>

The Power of Positivity in the Workplace—Webinar

Hosted by: BHA/MedChi Behavioral Health Webinar Series

Click here to participate: <https://www.youtube.com/watch?v=8FOYB-Q4S-k>

Maryland Commission on LGBTQ Affairs Overview (Virtual)

Facilitated by: Jeremy Browning, Administrative Director

Date: June 7, 2023

Time: 10:00 a.m.—12:00 p.m.

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLScOpjUgRehuxxN-bS4BPj_eXmB8Iy4GZTx7Mmm3dzUnsuJeHg/viewform?usp=pp_url

MEETINGS & TRAININGS

Maryland Department of Disabilities IT Access Overview (Virtual)

Facilitated by: MDOD IT Access Team

Date: June 13, 2023

Time: 10:00 a.m.—12:00 p.m.

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSdvAWjkmy4qRs3v_hxbNadXXMLXCn11WI25Gkr880bcc-k-JDQ/viewform?usp=pp_url

The Fundamentals of the Americans with Disabilities Act (ADA), Americans with Disabilities Act Amendment Act (ADAAA) & Reasonable Accommodations (Virtual)

Facilitated by: Office of the Statewide EEO Coordinator

Date: June 15, 2023

Time: 10:00 a.m.—12:00 p.m.

Click here to register:

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSc26hHpMC3s-5ZtQsPp-FC87-8-KkWa6evfFaMlmTfEXJwYnQ/viewform?usp=pp_url

LGBTQIA +: The Law and the Person (In person)

Facilitated by: Keith Merkey, EEO Training Coordinator, Maryland Department of Labor

Date: June 27, 2023

Time: 10:00 a.m.—12:00 p.m.

Location: To be announced!

Click here to register:

https://docs.google.com/forms/d/e/1FAIpQLSeO3LYB35TThXutZZF5x4AuM2kk-IkfKGr68-kkvv-ct-Gc7w/viewform?usp=pp_url

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>

2023 DIVERSITY CALENDAR

April 2023

Administrative Professionals Day—April 26

May 2023

Asian Pacific American Heritage Month

Jewish American Heritage Month

Mental Health Awareness Month

National Teacher Appreciation Day—May 2

Cinco de Mayo—May 5

National Nurses Day—May 6

Mothers Day—May 14

Armed Forces Day—May 20

Memorial Day—May 29th (State Holiday—Office Closed)

June 2023

Caribbean-American Heritage Month

Pride Month

Flag Day—June 14

Fathers Day—June 18

Juneteenth—June 19 (State Holiday—Office Closed)

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