

EEO CONNECTION

Statewide EEO Coordinators Message

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Just last month, an iconic woman, who some of us looked up to, died at the age of 80, Mary Tyler Moore. Ms. Moore was well known in film and television, but she was mostly known for her role in the 1970's sitcom, the Mary Tyler Moore Show. The show was based on a group of people working in a newsroom. In the first episode, Mary interviewed for the job of associate producer and during the interview her boss asked her age, marital status and religion. During another episode, Mary asked for a raise when she learned that she earned less than the last male associate producer. Mary's boss tells her, "He had a family to support. You don't." Mary replied, "You would have to pay the man with three children more than the man with two children. And the married man more than the bachelor." With this argument, she gets the \$50 raise. Still, in another episode, Mary had to deal with sexual advances from a cameraman.

Mary was a symbol of strength, courage and power; attributes that most women during the 1970's only hoped for in the workplace. Those are the same qualities that most women today are brave enough to fight for. We haven't reached the pinnacle of where we should be in this women's movement, but progress is visible. We just need to keep pushing forward.

The mission of the Office of the Statewide EEO Coordinator, on page 2 of this edition, is a reminder of the work that we are doing to achieve equality and fairness for all employees in our workplaces. Read about the new Workplace Bullying Policy on page 3. You asked questions and we have answers, read more on page 4, in the Q & A section. EEOC has issued new enforcement guidance on National Origin discrimination. Read about it on page 7. On page 9 read about EEOC's new resource document that explains workplace rights for individuals with mental health conditions. Also, take the diversity quiz on page 11.

Enjoy!

Glynis Watford

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.



State of Maryland Workplace Bullying Policy

New Policy Alert

The State of Maryland released its bullying in the Workplace Policy, which became effective on January 1, 2017. This policy defines workplace bullying, outlines behavior that constitutes bullying and explains the process for reporting bullying behavior in the workplace.

According to the policy, such complaints are reported to the agency's appointing authority or the head of the agency/secretary. Training on the policy is currently being prepared on the HUB, the State's online training portal.

Read the full policy at:

http://dbm.maryland.gov/employees/Documents/Policies/Signed_bullying_policy.pdf

Please note: This policy is applicable to employees in the State personnel management system and MDOT.

- OSEEOC Team



Ask the OSEEOC Team—NEW SECTION

The OSEEOC Team has incorporated this new section of the newsletter to allow our readers to ask anonymous questions and get answers. If you have a question please be sure to email Glynis Watford at glynis.watford@maryland.gov. Your question may be featured in the next newsletter.

QUESTION

Can an on the job injury be covered by the Americans Disability Act?

OSEEOC ANSWER:

It depends! If the employee incurs a disability as result of the workplace injury, they are entitled to request an ADA Reasonable Accommodation and have one that is effectively implemented to assist them with performing their job, as long as it does not cause an undue hardship for the organization.

Each employee Reasonable Accommodation request must be reviewed on a case by case basis to determine if the individual has a legitimate disability as defined by the Americans Disability Act Amendment Act and State of Maryland Reasonable Accommodations Policy and Procedure.

QUESTION

How do I update the OSEEOC about changes in an agency's EEO Officer and or contact information? Where can I find free or affordable training for newly designated agency EEO Officers?

OSEEOC ANSWER:

Send an email to Norma Belton at norma.belton@maryland.gov informing her of the new EEO Officer's name, Agency, and contact information. The information will be updated in our records.

As for training, the OSEEOC Team hosts and coordinates trainings quarterly and the information can be found in our quarterly newsletter in the section titled, "Meetings & Trainings". There are also training tools available on the OSEEOC website which can be found using this link <http://dbm.maryland.gov/eo/Pages/EEOTraining.aspx>

NOTEWORTHY RULINGS

Justice Department Settles Pregnancy Discrimination Lawsuit Against Palm Beach County, Florida, School Board

The Justice Department today filed a proposed consent decree with the Palm Beach County, Florida, School Board to resolve a pregnancy discrimination lawsuit brought by the department under Title VII of the Civil Rights Act of 1964.

According to the department's complaint, the board discriminated on the basis of sex against Assistant Principal Anne Williams Dorsey of the Palm Beach County School District by unlawfully demoting her. The department alleges that after Dorsey became pregnant, her supervisor reassigned her to a position with less pay and benefits and filled her former position by replacing her with a male colleague she had trained. The department further alleges that Dorsey's demotion was also unlawful retaliation against her for her efforts to report sexual harassment allegations, made by a third employee, against the male colleague who replaced her in her former position.

Under the consent decree, which still must be approved by the U.S. District Court for the Southern District of Florida, the board has agreed to pay \$350,000 in back pay and compensatory damages to Dorsey. In addition, the board must review and revise its anti-discrimination policies and procedures to ensure that it protects its employees from discrimination on the basis of sex, including pregnancy, and unlawful retaliation. The board must also provide training to its employees on its anti-discrimination policies and procedures.

"No woman should face discrimination for her decision to have a family," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. "Women like Anne Williams Dorsey deserve the full enforcement of this nation's employment discrimination laws, which ensure that they do not lose valuable positions, pay or benefits because of their pregnancies."

Read more at <https://www.justice.gov/opa/pr/justice-department-settles-pregnancy-discrimination-lawsuit-against-palm-beach-county-florida>



NOTEWORTHY RULINGS

Gonnella Baking Co. to Pay \$30,000 to Settle EEOC Race Harassment Lawsuit

CHICAGO -- Gonnella Baking Co. of Chicago will pay \$30,000 to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) charging race harassment at the company's Aurora, Ill., facility, EEOC announced.

EEOC's lawsuit charged that Gonnella violated federal law by failing to respond adequately to a black employee's complaints that he endured a pervasive pattern of disparaging racial comments made by his co-workers. Examples of the harassing conduct included persistent references to black employees as "you people," as well as offensive statements such as, "Black people are lazy," and "I better watch my wallet around you."

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, a federal law which prohibits workplace discrimination, including harassment, on the basis of race.

"Employers are responsible for putting an end to co-worker harassment when they become aware of it," explained Gregory Gochanour, EEOC's regional attorney in Chicago. "That includes the responsibility to take seriously every allegation of race harassment, and then to investigate thoroughly and take appropriate actions to eliminate the misconduct."

EEOC's Chicago District director, Julianne Bowman, added, "Racial harassment is not limited to explicit racial slurs, and can include any offensive conduct directed toward an employee because of his race. Requiring an employee to endure persistent references to offensive racial stereotypes or jokes in the workplace is a violation of the law." **Read more at**

<https://www.eeoc.gov/eeoc/newsroom/release/1-10-17b.cfm>.



EEO SPOTLIGHT

EEOC Issues Enforcement Guidance on National Origin Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) has issued its updated [enforcement guidance on national origin discrimination](#) to replace its 2002 compliance manual section on that subject, the federal agency announced.

The Commission has also issued two short user-friendly resource documents to accompany the guidance: a [question-and-answer publication](#) on the guidance document and a [small business fact sheet](#) that highlights the major points in the guidance in plain language.

"EEOC is dedicated to advancing opportunity for all workers and ensuring freedom from discrimination based on ethnicity or country of origin," said EEOC Chair Jenny R. Yang. "This guidance addresses important legal developments over the past 14 years on issues ranging from human trafficking to workplace harassment. The examples and promising practices included in the guidance will promote compliance with federal anti-discrimination laws and help employers and employees better understand their legal rights and responsibilities."

On June 2, EEOC published a proposed guidance for public input on www.regulations.gov. The guidance issued today reflects the Commission's consideration of feedback received on the proposal from approximately 20 organizations and individuals.



EEO SPOTLIGHT

“5th & Wine” Bar Sued By EEOC For Sex-Based Harassment and Retaliation

PHOENIX - Scottsdale Wine Café, LLC (5th & Wine), a Scottsdale wine bar and restaurant, violated federal law by subjecting two of its male employees to a hostile work environment based on sexual orientation and by retaliating against one employee, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed.

EEOC said that 5th & Wine allowed its management and line staff to harass two male servers based on their actual and perceived sexual orientation. The alleged harassment included egregious name calling, comments, innuendos and touching. Although the two employees complained to their supervisors, the supervisors did nothing about the conduct, and, in some instances, actually participated in the harassment, according to the federal agency. When one of the employees mentioned that he planned on taking legal action against 5th & Wine, the company fired him.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, as well as retaliation for complaining about it. EEOC filed suit, *EEOC v. Scottsdale Wine Café, LLC d/b/a 5th and Wine*, Civil Action No. 2:17-cv-00182-BSB, 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 for the two former employees, as well as appropriate injunctive relief to prevent discriminatory practices in the future.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/1-23-17.cfm>



ADA CORNER

EEOC Issues Publication on the Rights of Job Applicants and Employees with Mental Health Conditions

The U.S. Equal Employment Opportunity Commission (EEOC) issued a resource document that explains workplace rights for individuals with mental health conditions under the Americans With Disabilities Act of 1990 (ADA).

[Depression, PTSD, & Other Mental Health Conditions in the Workplace: Your Legal Rights](#) explains that job applicants and employees with mental health conditions are protected from employment discrimination and harassment based on their conditions. They may also have a right to reasonable accommodations at work. Reasonable accommodations are work adjustments that can help individuals to perform their jobs and remain employed. The resource document also answers questions about how to get an accommodation, describes some types of accommodations, and addresses restrictions on employer access to medical information, confidentiality, and the role of the EEOC in enforcing the rights of people with disabilities. EEOC charge data shows that charges of discrimination based on mental health conditions are on the rise. During fiscal year 2016, preliminary data shows that EEOC resolved almost 5,000 charges of discrimination based on mental health conditions, obtaining approximately \$20 million for individuals with mental health conditions who were unlawfully denied employment and reasonable accommodations.

"Many people with common mental health conditions have important protections under the ADA," said EEOC Chair Jenny R. Yang. "Employers, job applicants, and employees should know that mental health conditions are no different than physical health conditions under the law. In our recent outreach to veterans who have returned home with service-connected disabilities, we have seen the need to raise awareness about these issues. This resource document aims to clarify the protections that the ADA affords employees." **Read more at** <https://www.eeoc.gov/eeoc/newsroom/release/12-12-16a.cfm>



ADA CORNER

Diallo's Of Houston to Pay \$139,366 to Resolve EEOC Disability Discrimination Lawsuit

HOUSTON - The U.S. Equal Employment Opportunity Commission (EEOC) announced that Diallo's of Houston, a Houston-area nightclub and party venue, will pay \$139,366 and furnish other relief as a result of an EEOC disability discrimination lawsuit.

In its lawsuit, EEOC charged that Diallo's violated federal law when it forced employee Felicia M. Parks to provide medical documentation to prove she was not HIV-positive, and then fired her when she failed to provide such documentation. EEOC charged that Diallo's owner/manager approached Parks and informed her that she had "heard" from an unidentified third party that Parks was HIV-positive. The owner/manager twice demanded that Parks provide documentation to show she was not HIV-positive, based only on the owner/manager's assumption that Parks' HIV status was hazardous to the company's business. The owner/manager then fired Parks when she did not provide the required documentation.

Such alleged conduct violates the Americans with Disabilities Act (ADA). EEOC filed its lawsuit in U.S. District Court for the Southern District of Texas, Houston Division against Diallo's Entertainment, Inc. dba Diallo's of Houston (Civil Action No. 4:16-cv-02909) after first attempting to reach a pre-litigation settlement through its conciliation process.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/1-9-17.cfm>.



DIVERSITY QUIZ

1. John Morton—Finney was an African American Kentucky-born “lover of learning” who earned 11 academic degrees.

True _____ False _____

2. John Morton-Finney practiced law until he was 106 years of age.

True _____ False _____

3. The United States observed Women’s History Month as a celebration beginning March 1987.

True _____ or False _____

4. Elizabeth Blackwell was the first female doctor in the United States.

True _____ or False _____

5. Sandra Day O’ Connor became the first woman to serve as a justice on the United States Supreme Court in 1981.

True _____ or False _____

Answers: 1. True, 2. True, 3. True, 4. True, 5. True

MEETINGS & TRAININGS

February 2017

Current Events in Job Accommodation—Webcasts

Job Accommodation Network (JAN)

Tuesday, February 14, 2017

2:00 p.m.

Register at <http://prod.askjan.org/webcast/registration.cfm>

Conducting Workplace Investigations

Chesapeake Human Resources Association (CHRA)

Wednesday, February 15, 2017

8:30 a.m.—11:00 a.m.

Register at <http://chra.site-ym.com/events/EventDetails.aspx?id=789750&group=>

State Equal Employment Opportunity Professionals Meeting

Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC)

Location: 1800 Washington Blvd, Baltimore, MD 21230

(MD Department of the Environment)

Thursday, February 23, 2017

12:00 p.m. to 3:00 p.m.

RSVP to Norma. Belton@ Maryland.gov

Introduction to Inclusive Talent Acquisition— (This is a free, online, self paced training, that is available until March 7, 2017.)

Register at <https://www.edx.org/course/introduction-inclusive-talent-perkinsx-inc1-1-0>

March 2017

ADA Coordinators Meeting

Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC)

Tuesday, March 14, 2017

9:30 a.m.—11:30 p.m.

Registration Information — Coming Soon

Accommodating Depression and Anxiety—Webcasts

Job Accommodation Network (JAN)

Tuesday, March 14, 2017

2:00 p.m.

Register at <http://prod.askjan.org/webcast/registration.cfm>

Civil Rights Investigator Certification Course Level One Training

The Association of Title IX Administrators (ATIXA)

March 22, 2017—March 23, 2017

Register at <https://atixa.org/events/training-and-certification/civil-rights-investigator-level-one-certification-course-at-morgan-state-university/>

Movie & Discussion

Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC)

Location— 201 W. Preston Street, Room L1

Thursday, March 23, 2017

12:30 p.m.—3:00 p.m.

Registration Information—Coming Soon

DIVERSITY CALENDAR

January 2017 (National Mentoring Month)

January 1—Emancipation Proclamation Anniversary

January 1-3—Japanese New Year Celebration

January 5—George Washington Carver Recognition Day

January 18— World Religion Day

January 19—Martin Luther King Jr. Day—Day of Service

February 2017 (Black History Month)

February 12—Abraham Lincoln's Birthday

February 16—Presidents Day

February 17—Mardi Gras

February 19—Chinese New Year

February 22—George Washington's Birthday

February 23— April 3—Orthodox Lent

February 18—April 4—Western Christianity Lent

March 2017 (Women's History Month)

March 8—International Women's Day

RESOURCES FOR EEO PROFESSIONALS

Division of Rehabilitation Services (DORS)

<http://dors.maryland.gov/Pages/default.aspx>

Department of Labor

[http://www.dol.gov/](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/](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>



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