

Office of the Statewide EEO Coordinator EEO Connection Newsletter

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January 2024 – March 2024

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Statewide EEO Coordinator's Message

It's hard to believe it's 2024! Also, it's the 60th anniversary of the enactment of Title VII of the Civil Rights Act of 1964. This law is the foundation that guides the work enforced by the Office of the Statewide EEO Coordinator (OSEEOC), Fair Practices Officers, EEO Officers, and ADA Coordinators state government-wide. In honor of this historic time, Governor Wes Moore has proclaimed 2024 as Maryland's year of civil rights.

As we work toward another productive year, please take the time to read the FY 2023 Annual Statewide Equal Employment Opportunity Report. The report captures pertinent details regarding the state government workforce that should be utilized to strategically plan to ensure your EEO program is compliant and job applicants and employees have an overall positive experience. You can find the report at <https://dbm.maryland.gov/eo/Documents/Publications/AnnualEEO-ReportFY2023.pdf>.

With that said, turn to page 4 and read about Governor Moore proclaiming 2024 as Maryland's year of civil rights. On page 10, read about Scripps Clinical Medical Group paying \$6.875 million in an age and disability discrimination settlement. Watch Helena Merschorf share the surprising paradox of intercultural communication in her TED talk on page 14. On pages 17, 18, and 19, read about upcoming meetings and training scheduled for February and March. That's not all: turn the page to read more.

Nicole Webb
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.**



Ask the OSEEOC Team

Q: If my agency is comprised of a small staff, do we still have to comply with the 2 hour Sexual Harassment Prevention Training mandate outlined in SPP 2-203.1?

OSEEOC Answer: Yes, in accordance with SPP 2-203.1-Sexual Harassment Prevention Training, **all** persons employed within the Maryland State Government system is subject to completing two hours of sexual harassment prevention training within the first six months of state service and every two years thereafter. This training is to be facilitated by a Maryland State Government Employee that has successfully completed the Maryland Commission on Civil Rights (MCCR) Sexual Harassment Prevention Train-the-Trainer Course.

Q: Can an agency have more than one Fair Practices Officer?

OSEEOC Answer: No, per SPP Title 5-207, the head of each principal unit shall appoint a fair practices officer who reports directly to the head of the unit/agency; and is an assistant secretary or an employee of the unit with stature similar to that of an assistant secretary. If necessary the fair practices officer of a unit may also serve as the unit's equal employment opportunity officer.

Q: Is the OSEEOC able to provide EEO related training to my agency?

OSEEOC Answer: The Office of the Statewide EEO Coordinator does not provide training to a unit/agency's staff. It is the responsibility of the unit/agency's fair practices officer and eeo officer to design, develop and facilitate EEO related training to their staff. However, the OSEEOC is available to provide guidance and resources as needed.

Do you have a question that you would like featured in the next *Ask the OSEEOC Team*?
If so, email your question to oseeoc.dbm@maryland.gov by March 1, 2024.

EEO SPOTLIGHT

Governor Moore Proclaims 2024 as Maryland's Year of Civil Rights

Governor Wes Moore proclaimed 2024 as Maryland's Year of Civil Rights during a launch event at the Banneker-Douglass Museum, Maryland's official African American history and culture museum. Joined by First Lady Dawn Moore and the Maryland Commission on African American History and Culture, the launch celebrated the upcoming events that will honor Maryland's Year of Civil Rights and the 60th anniversary of the signing of the Civil Rights Act of 1964.

“Studying history isn't just about knowing what happened in the past. It's about knowing our power in the present. That's what Maryland's Year of Civil Rights is about,” **said Gov. Moore.** “And so my message to Marylanders is simple:—get out into our communities and take advantage of the programs being offered during Maryland's Year of Civil Rights. Let's practice our history, let's protect our history, and let's participate in our history, by making history of our own.”

Read the full article here: <https://governor.maryland.gov/news/press/pages/governor-moore-proclaims-2024-as-maryland%E2%80%99s-year-of-civil-rights.aspx>



EEO SPOTLIGHT

EEOC Releases Updated Language Access Plan

The U.S. Equal Employment Opportunity Commission (EEOC) released an update to its federal agency language access plan on November 15, 2023, in accordance with Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency.”

The EEOC’s plan provides information on availability of interpretation services in field offices for the public, access to more than 200 languages for callers to its 1-800-669-4000 number, and translation of key agency documents into several languages. It also notes recent updates to the agency’s Spanish language website and availability of critical information about the laws enforced by the EEOC in seven other languages.

“The EEOC is committed to ensuring that individuals with limited English proficiency can access our services and avail themselves of the protections of the civil rights laws,” said EEOC Chair Charlotte A. Burrows. “The updated Language Access Plan in conjunction with the agency’s Strategic Enforcement Plan reaffirm the EEOC’s priority to ensure that vulnerable and underserved communities have meaningful access to our program and activities.”

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-releases-updated-language-access-plan>



EEOC NEWS

EEO SPOTLIGHT

Senate Votes to Re-Confirm EEOC Chair Charlotte A. Burrows



On November 8, 2023, the U.S. Senate voted to confirm Chair Charlotte A. Burrows to a third term on the U.S. Equal Employment Opportunity Commission (EEOC), with the term expiring July 1, 2028.

First nominated in 2014 and unanimously confirmed for a second term in 2019, President Biden designated Burrows as EEOC Chair on Jan. 20, 2021. Her current nomination was sent to the Senate June 21, and her nomination was reported favorably out of the Senate Health, Education, Labor & Pensions Committee on Oct. 25.

“I’m honored and grateful to be able to continue to serve at the EEOC. I look forward to continuing to work with all of my colleagues on the Commission and throughout the agency to advance our mission,” Burrows said. “The EEOC’s work upholds our nation’s core values of equal opportunity, dignity, and respect for all. We must use all the tools at our disposal to enforce and realize the promise of our civil rights laws.”

Read the full article here: <https://www.eeoc.gov/newsroom/senate-votes-re-confirm-eeoc-chair-charlotte-burrows>

NOTEWORTHY RULING

Landry's Restaurant Chain Subsidiary Pays \$25,000 to Resolve Religious Discrimination Suit

Recently Shuttered Restaurant Settles Allegations that it Failed to Accommodate it's Employee's Religion and then Discharged her

Del Frisco's Grille of Atlanta, LLC—which was part of a national restaurant group operated by Landry's LLC but ceased operations in September 2023—will pay a former employee \$25,000 and provide other relief to settle a religious discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

The EEOC alleged in its suit that Del Frisco's violated federal law by failing to accommodate an employee's religious practices and then discharging her. The employee, a server at the restaurant, had an existing religious accommodation of not working on Tuesdays so she could attend worship services. In 2019, when New Year's Eve fell on a Tuesday, Del Frisco's revoked her accommodation and tried to force her to work—alleging it was mandatory for servers to work the holiday. Despite saying it was a mandatory workday, Del Frisco's gave other servers who did not need a religious accommodation the day off.

Read the full article here: <https://www.eeoc.gov/newsroom/landrys-restaurant-chain-subsidiary-pays-25000-resolve-religious-discrimination-suit>



NOTEWORTHY RULING

EEOC Sues Ecoserv, Charging a Pattern or Practice of Not Hiring Black, Female and Older Applicants

Federal Agency Charges Cleaning Company Also Retaliated Against an HR Employee Who Opposed the Discrimination

Ecoserv, LLC, an industrial cleaning company in Abbeville, Louisiana, violated federal law by engaging in a pattern or practice of refusing to hire applicants who were Black, female, or 40 years old or over, and by firing a human resources employee who opposed the discriminatory practices, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed on September 22, 2023.

According to the EEOC's lawsuit, Ecoserv instructed a former human resources employee to limit the number of African American workers she hired. The HR official also became aware of other discriminatory practices of not hiring women or older workers for non-office positions. The HR official opposed Ecoserv's practices by refusing to discriminate and informing a manager that she believed the company's hiring practices violated the law. Shortly thereafter, Ecoserv retaliated against her by firing her. The lawsuit alleges that evidence confirmed that Ecoserv routinely engaged in discrimination by denying employment to Black, female and older applicants for non-salaried, non-office positions.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-ecoserv-charging-pattern-or-practice-not-hiring-black-female-and-older>



NOTEWORTHY RULING

EEOC Sues Weis Markets for Sexual Harassment and Unlawful Use of Employment Assistance Program

Weis Markets, Inc., a chain of grocery stores throughout the Mid-Atlantic and headquartered in Sunbury, Pennsylvania, subjected an employee to sexual harassment and discharged her when she refused to comply with an unlawful directive to participate in the company's employee assistance program, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to the EEOC's lawsuit, a supervisor at Weis Markets' Mifflintown, Pennsylvania store subjected a female employee to unwelcome and offensive sexual harassment. The supervisor made frequent sexual comments in the workplace, often winked at the employee, made statements indicating his propensity to commit violent acts, and, on one occasion, kissed her face without consent, the EEOC alleged. The suit charged that Weis Markets failed to take reasonable corrective action against the supervisor after the employee reported the sexual harassment and the supervisor admitted some of his conduct.

After the employee's sexual harassment complaint, the company told her that coworkers had complained about her and as a result of those complaints, she would be required to participate in its employee assistance program (EAP), the EEOC alleged. The EEOC's lawsuit charged that the mandatory EAP referral would have required her to undergo a medical examination and disability related inquiries. The referral would also require her to release medical information to the company, and a company official confirmed to her that the referral was to determine whether she would be placed on disability leave. When the female employee refused to comply with the mandatory EAP referral, Weis Markets suspended her without pay and ultimately discharged her, the EEOC charged.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-weis-markets-sexual-harassment-and-unlawful-use-employee-assistance-program>



NOTEWORTHY RULING

SCRIPPS Clinical Medical Group to Pay \$6.875 Million

Resolves Federal Charge Medical Group Discriminated Against Individuals Based on Age and Perceived Disability

Scripps Clinical Medical Group has settled an age and disability discrimination charge filed with the U.S. Equal Employment Opportunity Commission (EEOC) after it subjected a class of physicians to a mandatory retirement age, regardless of the individuals' abilities to do the job, the federal agency announced on December 19, 2023.

The EEOC investigated the allegations and found reasonable cause to believe that Scripps Clinical Medical Group violated the Age Discrimination in Employment Act (ADEA) and the Americans with Disabilities Act (ADA).

Without admitting liability, Scripps Clinical Medical Group has entered into a four-year conciliation agreement with the EEOC. According to the agreement, the company will provide \$6,875,000 to a class of individuals impacted by the company's mandatory retirement age policy. Additionally, Scripps has rescinded its mandatory retirement policy based on age and its Board of Directors will reaffirm this rescission. Scripps will inform employees of the rescission and clarify that the company does not have any policy in which age is a factor in making employment decisions, including termination, retirement, and terms and conditions of employment.

Read the full article here: <https://www.eeoc.gov/newsroom/scripps-clinical-medical-group-pay-6875-million>



PNM Reaches \$750,000 Settlement with EEOC in ADA Disability and Retaliation Case

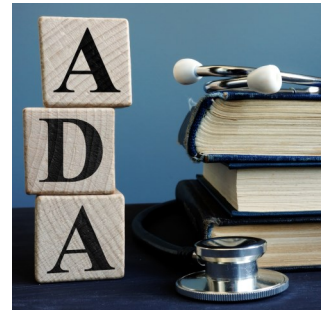
Settles Federal Charges PNM’s Policies and Practices Discriminated against its Employees with Disabilities

Public Service Company of New Mexico and PNMR Services Co. will pay \$750,000 to settle an employment discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

The lawsuit charged PNM implemented policies and practices which failed to accommodate qualified employees with disabilities and fired them because of their disabilities or in retaliation for opposing unlawful disability discrimination, including not allowing employees who were returning from medical leave to return to work unless they were released to “full duty” or “without medical restrictions”; placing employees who were unable to return to work without restrictions within 90 days on involuntary unpaid leave status and subsequently discharging them, without considering possible reasonable accommodations; and refusing to reassign or assist with reassigning qualified employees with disabilities to vacant positions as a reasonable accommodation.

Under the terms of the two-year consent decree, ten aggrieved individuals will be paid a total of \$750,000 in back pay and compensatory damages. The decree also requires PNM to refrain from engaging in disability discrimination and retaliation and requires PNM to revise its discriminatory policies and practices to ensure that PNM provides reasonable accommodations to individuals with disabilities. PNM will also provide annual training to all employees throughout New Mexico and report to the EEOC on any complaints of disability discrimination during the decree’s two-year term.

Read the full article here: <https://www.eeoc.gov/newsroom/pnm-reaches-750000-settlement-eeoc-ada-disability-and-retaliation-case>



ADA CORNER

Dollar General to Pay \$1 Million to Settle EEOC Disability and Gina Lawsuit

Retail Chain Violated the Americans with Disabilities Act and the Genetic Information Non-Discrimination Act in Hiring Process

Variety store retailer Dolgencorp, LLC, doing business as Dollar General, has agreed to pay \$1 million and provide other relief to settle a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC) alleging that its hiring process violated the Americans with Disabilities Act (ADA) and the Genetic Information Non-Discrimination Act (GINA).

According to the lawsuit, after making job offers to work at its Bessemer, Alabama Distribution Center, Dollar General required applicants to pass a pre-employment medical exam during which they were required to divulge past and present medical conditions of family members such as cancer, diabetes, and heart disease. The EEOC also alleged that Dollar General used qualification criteria that screened out qualified individuals with disabilities. For example, Dollar General rescinded job offers to applicants whose blood pressure exceeded 160/100 or who had less than 20/50 vision in one eye, even when those impairments did not prevent the applicants from safely performing the job.

“Requiring individuals during the hiring process to answer invasive questions about medical conditions of their grandparents, parents or children violates GINA,” said EEOC Birmingham District Director Bradley Anderson”.

Read the full article here: <https://www.eeoc.gov/newsroom/dollar-general-pay-1-million-settle-eeoc-disability-and-gina-lawsuit>

ADA
Americans with
Disabilities Act



ADA CORNER

Title Loan Companies to Pay \$60,000 to Settle EEOC Racial Harassment and Disability Discrimination Suit

Georgia-based Community Loans of America, Inc. and its subsidiary, Carolina Title Loans, Inc., have agreed to pay \$60,000 and provide statewide equitable and injunctive relief to settle a racial harassment and disability discharge lawsuit filed by the Equal Employment Opportunity Commission (EEOC).

According to the EEOC's complaint, from approximately August 2019 through September 2019, a branch manager at the defendants' Greenville location subjected an African American employee to a hostile work environment based on race. The manager made derogatory comments about Blacks and used racial slurs, including the N-word, in the employee's presence. The employee reported these comments to managers and to a company hotline, but no action was taken. In addition, the defendants refused to allow the employee to return to work on crutches after a disability-related surgery, forcing her to remain on unpaid leave until they fired her, the EEOC said.

Read the full article here: <https://www.eeoc.gov/newsroom/title-loan-companies-pay-60000-settle-eeoc-racial-harassment-and-disability-discrimination>

Requesting a Reasonable
ACCOMMODATION



The Surprising Paradox of Intercultural Communication



Maryland State Government has a diverse workforce, and it is a priority that it is inclusive for all. Thus, understanding the importance of intercultural communication is imperative to fostering an inclusive work environment. According to the Intercultural Development Research Institute, intercultural communication is the study and practice of communication across cultural contexts. It also applies equally to domestic cultural differences, such as ethnicity and gender, and international differences, such as those associated with nationality or world religion. With this knowledge and understanding, it can increase effective communication in the workplace amongst individuals from diverse backgrounds.

In this Ted Talk, Helena Merschorf shares the “invisible misunderstanding” of intercultural communication and ways to avoid such misunderstandings. Helena is a social scientist, GIS analyst, translator, and writer working at the interface of linguistics and technology.

To view this Ted Talk, click: <https://www.youtube.com/watch?v=JzJNA-3b6NA>

Diversity Corner

Creating Inclusive Workplaces for All



In Maryland State Government, agencies have designated ADA Coordinators who work proactively to enforce federal and state disability laws and policies to prevent disability discrimination. In addition, they work to identify workplace barriers that may create obstacles that prevent an inclusive work environment.

In this Tedtalk, Catarina Rivera discusses why employers and leaders have many disabled employees they don't know about and shares how to improve the workplace by prioritizing disability inclusion. Catarina is a Latina woman with a disability passionate about sharing her story to help increase inclusion initiatives.

To view this Ted Talk, click: <https://www.youtube.com/watch?v=wbXxhuraJsE>

2024 DIVERSITY CALENDAR

January 2024

- ◆ *National Slavery and Human Trafficking Prevention Month*
- ◆ *Poverty in America Awareness Month*

January 1	New Year's Day (State Offices Closed)
January 1	Last day of Kwanzaa
January 4	World Braille Day
January 15	Martin Luther King, Jr. Day (State Offices Closed)
January 27	International Holocaust Remembrance Day

February 2024

- ◆ *Black History Month*

February 1	National Freedom Day
February 10	Lunar New Year
February 14	Ash Wednesday
February 15	Susan B. Anthony Day
February 19	President's Day (State Offices Closed)
February 19	Day of Remembrance of Japanese American Incarceration During World War II

March 2024

- ◆ *Women's History Month*
- ◆ *Developmental Disabilities Awareness Month*
- ◆ *Greek-American Heritage Month*
- ◆ *Irish-American Heritage Month*

March 8	International Women's Day
March 11-April 9	Ramadan
March 13-19	Multiple Sclerosis Awareness Week
March 17	St Patrick's Day
March 29	Good Friday
March 31	Easter
March 31	Transgender Day of Visibility

Meetings and Trainings

January 2024

Sexual Harassment Prevention Training Train-the-Trainer (Virtual two-day Course)

Presented by: Maryland Commission on Civil Rights (MCCR)

Tuesday, January 23, 2024-Wednesday, January 24, 2023

9:00am-3:00pm

Link to register: [Registration has closed due to reaching capacity](#)

*Registration limited to 40 people

Note: This two-day course is mandatory for any State of MD Government employee that is responsible for facilitating Sexual harassment prevention training at their respective State agency.

February 2024

Statewide EEO Professionals Group Meeting (In-Person)

Presented by: Office of the Statewide EEO Coordinator

Thursday, February 1, 2024

10:00am– 12:30pm

Location: provided upon registration

Link to register: <https://forms.gle/wKyTLa8gFjfk14t68>

*a minimum of one person from each EEO office within MD State Government is encouraged to attend

Statewide EEO Program Overview – Webinar

Presented by: Office of the Statewide EEO Coordinator

Thursday, February 8, 2024

10:00am– 11:00am

Link to register: <https://forms.gle/j1bKrn5T2R5BhYwV7>

Maryland Whistleblower Law Information Session – Webinar

Presented by: Office of the Statewide EEO Coordinator

Thursday, February 15, 2024

10:00am– 11:00am

Link to register: <https://forms.gle/vHq1RaeMGj1Zf2oo7>

Meetings and Trainings

The Fundamentals of the Americans with Disabilities Act (ADA), Americans with Disabilities Amendment Act (ADAAA), State Disability Laws and Policies, and the Reasonable Accommodations Process – Webinar

Presented by: Office of the Statewide EEO Coordinator

Thursday, February 22, 2024

10:00am – 12:30pm

Link to register: <https://forms.gle/xx3K19VbTxY3b6cD7>

(*this prerequisite training is part 1 of a 2 part training curriculum)

FY 2023 Annual Statewide EEO Report: What You Need to Know (Webinar)

Presented by: Office of the Statewide EEO Coordinator

Friday, February 23, 2024

10:00am – 12:00pm

Link to register: <https://forms.gle/rBoKc4L3Y36WfDQ66>

Reasonable Accommodation Requests and the Interactive Process– A Hands on Approach (In-Person)

Presented by: Office of the Statewide EEO Coordinator

Thursday, February 29, 2024

10:00am– 12:30pm

Location: provided upon registration

Link to register: <https://forms.gle/dJdX3M5XR5iccfXx8>

*this training is part 2 of a 2 part training curriculum. Prior attendance to the Fundamentals of the ADA, ADAAA, State Laws and Policies, and the RA Process is required before attending this training session.

March 2024

Recruitment and Examination Division Overview – Webinar

Presented by: DBM Office of Personnel Services and Benefits, Recruitment and Examination Division

Thursday, March 7, 2024

10:00am– 12:00pm

Link to register: <https://forms.gle/ZgXqsqXojW3YJAFMA>

Meetings and Trainings

State Disability Plan Presentation with ADA Coordinators – Webinar

Presented by: Maryland Department of Disabilities

Thursday, March 14, 2024

10:00am– 12:30pm

Link to register: <https://forms.gle/L9HvJHeAaNnoyH9DA>

Panel Discussion – How to Build an Effective EEO Program

Presented by: Office of the Statewide EEO Coordinator

Thursday, March 21, 2024

10:00am– 12:00pm

Link to register: <https://forms.gle/MZbhSXdHjXTfKmBX9>

Sexual Harassment Prevention Training Train-the-Trainer (Virtual two-day Course)

Presented by: Maryland Commission on Civil Rights (MCCR)

Tuesday, March 26, 2024 - Wednesday, March 27, 2024

9:00am-3:00pm

Link to register: **Registration has closed due to reaching capacity**

*Registration limited to 40 people

Note: This two-day course is mandatory for any State of MD Government employee that is responsible for facilitating Sexual harassment prevention training at their respective State agency.

***REPEAT SESSION* FY 2023 Annual Statewide EEO Report: What You Need to Know (Webinar)**

Presented by: Office of the Statewide EEO Coordinator

Thursday, March 28, 2024

10:00am – 12:00pm

Link to register: <https://forms.gle/AGMNq7KjQFXxkmKb7>

RESOURCES FOR EEO PROFESSIONALS

Division of Rehabilitation Services (DORS)

<https://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>

OSEEOC TEAM

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