

Office of the Statewide EEO Coordinator EEO Connection Newsletter

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July 2023 – September 2023

Statewide EEO Coordinator’s Message

I am excited about the progress that the Office of the Statewide EEO Coordinator has made during the last three months. We successfully hosted seven trainings on various EEO/ADA topics, initiated eight State government agencies EEO Compliance audits, and redesigned our webpage to be more comprehensive and user-friendly. This is the start of many great initiatives to come.

Over the next three months, July 1 – September 29, we have scheduled ten trainings, in particular, back by popular demand, the ADA, ADAAA, State Disability Laws, and the Reasonable Accommodation Process. As a result of many requests from agencies Human Resources and other direct stakeholders, we have added two additional sessions. In addition, we will be hosting our EEO Statewide Group meeting in person on July 27, 2023. I expect that all Fair Practices Officers, EEO Officers, and ADA Coordinators will be in attendance. We will have a full agenda that will include critical information relevant to developing and enhancing your EEO programs.

Finally, turn to page 4 and read about the new legislation that goes into effect on October 1, 2023. This legislation increases the EEO complaint filing period from 30 days to 1 year. On page 5, read about the EEOC’s guidance on accepting complaints under the New Pregnant Workers Fairness Act. Listen to Frances X. Frei share the importance of building trust amongst staff in the workplace on page 14.

Read pages 16 and 17 to learn more about upcoming meetings and trainings scheduled for July, August, and September. That’s not all: turn the page to read more.

Nicole Webb
Statewide EEO Coordinator

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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: When is the next Maryland Commission on Civil Rights (MCCR) Sexual Harassment Prevention Train- the-Trainer training?

OSEEOC Answer: A date for the next MCCR Sexual Harassment Prevention Train-the-Trainer training has yet to be announced. When a date is identified, the OSEEOC will be sure to share the details with the statewide EEO community.

Q: As the Fair Practices or EEO officer for my agency, what can I do to prepare for the EEO Compliance Audit conducted by the OSEEOC?

OSEEOC Answer: To ensure compliance, you can conduct a self-audit to assess your EEO program's structure, practices, and processes by utilizing the OSEEOC audit questionnaire. If your self-audit identifies any deficiencies, work to correct them. To obtain a copy of the OSEEOC audit questionnaire, email us at oseec.dbm@maryland.gov.

Q: Are emotional support animals or comfort pets considered service animals?

OSEEOC Answer: Under the Americans with Disabilities Act (ADA) emotional support animals and comfort pets do not qualify as service animals. A service animal is an animal that is trained to perform a task directly related to a person's disability. To learn more about service animals, be sure to check out page 10.

Do you have a question that you would like featured in the next *Ask the OSEEOC Team*?
If so, email your question to oseec.dbm@maryland.gov by September 1, 2023.

EEO SPOTLIGHT

New Legislation Alert!!

State Employee Rights and Protections - Personnel Actions and Harassment - Complaints (House Bill 309)

On April 24, 2023, House Bill 309 was approved by Governor Wes Moore. House Bill 309 is an act concerning State Employee Rights and Protections – Personnel Actions and Harassment Complaints. Therefore, effective October 1, 2023, an applicant or employee subject to SPP Title 5-211. Filing of complaint, must file a complaint **within one year** (no longer 30 days) after the complainant first knew of or reasonably should have known of the alleged violation that is the basis for their complaint.

In addition, a complaint filed under SPP Title 5-211 (A) (2) alleging harassment must be filed **within two years** after the alleged violation that is the basis for the complaint.

In preparation for these changes, it is imperative to update all forms, presentations, compliance posters, etc., to ensure that the proper filing timelines are reflected.

Read more at: <https://legiscan.com/MD/text/HB309/2023>



EEO SPOTLIGHT

EEOC Starts Accepting Charges Under New Pregnant Workers Fairness Act

The [Pregnant Workers Fairness Act \(PWFA\)](#) will take effect, expanding long-overdue protections to ensure that workers experiencing pregnancy, childbirth, or related medical conditions have the right to reasonable accommodations in the workplace. The law was signed by President Joe Biden last year, and went into effect on June 27, 2023. The U.S. Equal Employment Opportunity Commission (EEOC) is now [accepting charges](#) of discrimination under this new statute for incidents that occurred on or after June 27, 2023.

The PWFA 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. This law builds upon existing protections against pregnancy discrimination under Title VII of the Civil Rights Act.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-starts-accepting-charges-under-new-pregnant-workers-fairness-act>



EEO SPOTLIGHT

EEOC Launches “Level the Paying Field” Equal Pay Video Campaign

The U.S. Equal Employment Opportunity Commission (EEOC) kicked off a social media video campaign called “[Level The Paying Field](#)” to commemorate the anniversary of the Equal Pay Act of 1963 on June 10.

#LevelThePayingField starts June 9 and will last through Aug. 20 to coincide with the FIFA Women’s World Cup 2023, which starts July 20 in Australia and New Zealand.

In many cases, women across the country are still paid less than men,” said EEOC Chair Charlotte A. Burrows. “Whether you are a security guard, an IT analyst, a teacher, or even a professional athlete, we often still have an uneven playing field when it comes to equal pay.”

The [Equal Pay Act of 1963](#) prohibits sex-based wage discrimination and requires that men and women in the same work establishment receive equal pay for equal work in jobs that are substantially equal and performed under similar working conditions.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-launches-level-paying-field-equal-pay-video-campaign>



NOTEWORTHY RULING

Verona Area School District Settles EEOC Equal Pay Lawsuit

School District to Pay \$450,000 to Wage Discrimination Victims and Raise Salaries of Teachers Paid Less Than Male Colleagues

Verona Area School District will pay \$450,000, raise salaries, and furnish other relief to settle a pay discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, the school district violated civil rights law by paying nine female special education teachers and one female school psychologist lower wages than more recently hired male employees doing the same work. All nine special education teachers have experience comparable to (or greater than) their male colleague, but the district paid them \$3,000 to \$17,000 less than it paid him.

The EEOC also charged that the school district paid a female school psychologist less than a male school psychologist, paying her at least \$16,000 less per year than it paid her male colleague. The district outright rejected the special education teachers' and school psychologist's requests to raise their salaries to match those of their recently hired, more highly paid male co-workers. However, the district repeatedly negotiated and agreed to salary increases sought by male teachers whose salaries were lower than those of newly hired, less-experienced teachers.

Such alleged conduct violates the Equal Pay Act of 1963, which prohibits discrimination in pay based on sex. The EEOC filed its suit (Civil Action 3:22-cv-00039) in U.S. District Court for the Western District of Wisconsin after first attempting to reach a pre-litigation settlement through its conciliation process.

Read the full article here: <https://www.eeoc.gov/newsroom/verona-area-school-district-settles-eeoc-equal-pay-lawsuit>



NOTEWORTHY RULING

Casse Community Health Institute Sued by EEOC for Race Harassment and Retaliation

Health Care Provider Fired Black Employee Who Spoke Out Against Race Harassment in the Wake of Racial Justice Protests, Federal Agency Charges

The Council for the Advancement of Social Services and Education, doing business as CASSE Community Health Institute, violated federal law when it subjected a Black employee to a hostile work environment on the basis of her race and fired her after she complained about racially offensive workplace conduct, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed on June 15, 2023.

According to the EEOC's lawsuit, in June 2020, a Black employee working at CASSE's clinic in Shreveport, Louisiana complained to CASSE that its dental director made racially offensive comments about racial justice protests associated with the Black Lives Matter movement. The employee alleged that the dental director proposed putting on blackface and going rioting and looting. The employee further complained that the dental director singled her out as the only Black employee in a room full of white coworkers and questioned her whether she attended the protests. After CASSE's chief executive officer learned about the employee's internal complaint, she immediately placed the employee on unpaid administrative leave and terminated her.

Read the full article here: <https://www.eeoc.gov/newsroom/casse-community-health-institute-sued-eeoc-race-harassment-and-retaliation>.



NOTEWORTHY RULING

Pero Family Farms Food Company, LLC. Sued by EEOC for Sexual Harassment

Farming and Produce Supplier Allowed Employee to Harass Coworker for Months Without Taking Action, Federal Agency Charges

Pero Family Farms Food Company, LLC, a Delray Beach, Florida-based farming and produce supplier, violated federal law at its Benton Harbor, Michigan location by subjecting a female employee to a hostile work environment because of her sex, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to the EEOC's lawsuit, a female employee was harassed by a male forklift driver with whom she had a prior romantic relationship. The forklift driver made numerous remarks to the female employee that were lewd and sexual, insulting, and threatening. The female employee complained to her supervisor about the harassment. The supervisor attempted to counsel the forklift driver and moved him to a different shift. The harassment continued, and the female employee continued to complain, to no avail. Months later, when she reported an incident to the company's national human resources manager, she was told she would need a restraining order before the company could act. The next day, the employee obtained a personal protection order and submitted it to the company. Afterward, the forklift driver was fired. However, the company deemed the driver eligible for rehire.

Read more at: <https://www.eeoc.gov/newsroom/pero-family-farms-food-company-llc-sued-eeoc-sexual-harassment>



Service Animals in the Workplace



The Job Accommodation Network (JAN) has a video entitled *Just-in-Time Training Module: Service Animals and Emotional Support Animals in the Workplace* that provides useful tips for engaging in the interactive process when coordinating a reasonable accommodation request for a service animal in the workplace.

To view the video, click this link: https://www.youtube.com/watch?v=_2K0gLxfyeE

Other Useful Resources:

<https://www.ada.gov/topics/service-animals/>

<https://www.nolo.com/legal-encyclopedia/maryland-laws-on-service-dogs-and-emotional-support-animals.html>

<https://www.akc.org/expert-advice/training/service-working-therapy-emotional-support-dogs/>

<https://adata.org/service-animal-resource-hub/work>

<https://adata.org/guide/service-animals-and-emotional-support-animals>

<https://adata.org/service-animal-resource-hub/differences>

<https://adata.org/service-animal-resource-hub/basics>

<https://www.ada.gov/resources/service-animals-faqs/>

NSN, LLC Will Pay \$42,000 to Settle EEOC Disability Discrimination and Retaliation Suit

Testing Company Settles Federal Charges It Revoked Employee's Disability-Related Accommodations and Fired Her When She Questioned the Decision

NSN, LLC, a Virginia Corporation which provides staffing for a licensing and vocational testing center in Raleigh, North Carolina, has agreed to pay \$42,000 and provide other relief to settle a disability discrimination and retaliation lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's complaint, the employee for whom the EEOC sought relief worked as a part-time testing center administrator in the Raleigh testing center from 2016 until she was fired on Jan. 9, 2020. The EEOC said that after she was hired, NSN granted the employee certain reasonable accommodations for a disability.

The accommodations remained in place until the fall of 2019, when a new supervisor rescinded some of the previously granted accommodations. When the employee questioned the decision, NSN disciplined her and reduced her scheduled work hours. Then, six days after the employee complained in writing that NSN's actions were discriminatory, NSN fired the employee, the EEOC said.

To read the full article here: <https://www.eeoc.gov/newsroom/nsn-llc-will-pay-42000-settle-eeoc-disability-discrimination-and-retaliation-suit>

**The Interactive Process
and Reasonable
Accommodation**

ADA CORNER

Sanderson Farms to Pay \$62,384 to Settle EEOC Lawsuit for Disability Discrimination

Settles Federal Charges Employer Refused to Provide Accommodation to Employee With Cluster Headache and Migraine Condition and Instead Fired Him

Sanderson Farms, LLC and Sanderson Farms, LLC (Processing Division), divisions of the nation's third-largest producer of chicken products, have agreed to pay \$62,384 and furnish significant equitable relief to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

In its suit, the EEOC charged that the companies fired a long-term disabled employee at their processing plant in Summit, Mississippi after he sought a reasonable accommodation necessitated by his severe cluster headache and migraine condition. The agency charged that the companies refused to discuss the employee's request for accommodation, sent him home to await further discipline, and ultimately fired him because of his disability and in retaliation for seeking the accommodation.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination against individuals with a disability, requires employers to provide a reasonable accommodation for a disability, so long as it does not cause an undue hardship, and prohibits retaliation against an employee who seeks a reasonable accommodation.

Read the full article here: <https://www.eeoc.gov/newsroom/sanderson-farms-pay-62384-settle-eeoc-lawsuit-disability-discrimination>

The Interactive Process and Reasonable Accommodation

10 Easy Ways to Work and Interact with Different Cultures



Research studies show that many workplaces employ individuals from diverse backgrounds. However, having a diverse workforce and not providing them with the knowledge and understanding of interacting with different cultures may not result in a positive workplace culture. Therefore, educating on how to identify and address cultural differences teaches individuals how to respectfully communicate, interact and engage with colleagues while fostering an inclusive environment. In this YouTube video, *We Grow People* shares with us 10 basic tips to work and interact with different cultures in the workplace.

To view the video, click: https://www.youtube.com/watch?v=ifuladsLi_0

YouTube. (2021a). *10 Easy Ways to Work and Interact with Different Cultures*. YouTube. Retrieved June 22, 2023, from https://www.youtube.com/watch?v=ifuladsLi_0.

How to build (and rebuild) trust



Image: Frances X. Frei, retrieved from <https://www.hbs.edu>

To build effective EEO programs, professionals serving as Fair Practices Officers, EEO Officers, and ADA Coordinators must demonstrate integrity and honesty to earn the trust of colleagues and employees. In this Ted Talk Frances Frei gives a talk on how to build, maintain, and rebuild trust. Frances Frei is a professor of technology and operations management at the Harvard Business School.

To view this Ted Talk, click below:

https://www.ted.com/talks/frances_frei_how_to_build_and_rebuild_trust?language=en

2023 DIVERSITY CALENDAR

July 2023

◆ *French-American Heritage Month*

July 4	Independence Day (State offices closed)
July 11	World Populace Day
July 14	Bastille Day
July 18	International Nelson Mandela Day
July 26	National Disability Independence Day (commemorates the signing of the Americans with Disabilities Act)
July 30	International Day of Friendship

August 2023

◆ *National Civility Month*

August 7	Purple Heart Day
August 9	International Day of the World's Indigenous People
August 13	Left-Handers Day
August 19	World Humanitarian Day
August 21	Senior Citizens Day
August 22	American Business Women's Day
August 26	Women's Equality Day

September 2023

- ◆ *Hispanic Heritage Month*
- ◆ *National Guide Dog Month*
- ◆ *Suicide Prevention Month*

September 4	Labor Day (State offices closed)
September 5	International Day of Charity
September 11	Patriot Day
September 15	International Day of Democracy
September 15	Rosh Hashanah begins (Jewish)
September 16	Mexican Independence Day
September 17	Citizenship Day
September 21	International Day of Peace
September 21	World Gratitude Day
September 22	National Native American Day
September 24	Yom Kippur (Jewish)
September 24-30	Gender Equality Week
September 29	Sukkot (Jewish)

Meetings and Trainings

Maryland Department of Disabilities IT Access Overview (Virtual Session)

Friday, July 7, 2023

1:00pm-3:00pm

Link to register: <https://forms.gle/3gE4EeNo6y1TccjN9>

Statewide EEO Program Overview (Virtual Session)

Tuesday, July 11, 2023

10:00am-12:00pm

Link to register: <https://forms.gle/6N2oVpetDGi5Q7Wn7>

REPEAT SESSION The Fundamentals of the Americans with Disabilities Act (ADA), Americans with Disabilities Amendment Act (ADAAA), and Reasonable Accommodations (Virtual Session)

Wednesday, July 12, 2023

10:00am-12:00pm

Link to register: <https://forms.gle/tThLAByxADR9KTKJ6>

Maryland Whistleblower Law Overview (Virtual Session)

Thursday, July 13, 2023

10:00am- 12:00pm

Link to register: <https://forms.gle/oBvLYWak8sHVSiPy9>

Statewide EEO Program Group Meeting (In-Person)

Thursday, July 27, 2023

10:00am-12:30pm

Location: provided upon registration

Link to register: <https://forms.gle/vj5xELhs7cy6dfWU6>

REPEAT SESSION The Fundamentals of the Americans with Disabilities Act (ADA), Americans with Disabilities Amendment Act (ADAAA), and Reasonable Accommodations (Virtual Session)

Thursday, August 10, 2023

10:00am-12:00pm

Link to register: <https://forms.gle/7wBSRSRmxuw11Uep7>

Meetings and Trainings

Reasonable Accommodation Request and the Interactive Process— A Hands on Approach (In-Person)

(In order to attend this session, you must attend the Fundamentals of the ADA, ADAAA and RA training session first)

Thursday, August 31, 2023

10:00am-1:00pm

Location: provided upon registration

Link to register: <https://forms.gle/CVqECzpFfVaPQYvq8>

Understanding the Annual Statewide EEO Report—Information Session (Virtual)

Thursday, September 7, 2023

10:00-11:30am

Link to register: <https://forms.gle/QbaXhEgsuVtdDWA9>

***REPEAT SESSION* Reasonable Accommodation Request and the Interactive Process— A Hands on Approach (In-Person)**

(In order to attend this session, you must attend the Fundamentals of the ADA, ADAAA and RA training session first)

Thursday, September 14, 2023

10:00am-1:00pm

Location: provided upon registration

Link to register: <https://forms.gle/gUeU4SAi1kHRjqBB8>

***REPEAT SESSION* Understanding the Annual Statewide EEO Report—Information Session (Virtual)**

Tuesday, September 19, 2023

10:00-11:30am

Link to register: <https://forms.gle/EpsqhcuwqXFFChBh8>

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>

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