

# Office of the Statewide EEO Coordinator

## Statewide EEO Coordinator's Message

It is officially Fall, and we are in the fourth quarter of the calendar year.

Time certainly flies when you focus on providing quality service, accomplishing goals, and anticipating EEO needs. The Office of the Statewide EEO Coordinator has been performing these tasks all year while rebuilding our team. With that said, I am excited to announce that we will have a new team member joining us in mid-October as our Senior EEO Compliance Officer. We will be fully staffed and planning future initiatives to enhance the statewide EEO program.

A climate survey will be sent out in the next few weeks via email to all designated members of the EEO Community (i.e., EEO Officers, Fair Practice Officers, and ADA Coordinators) to obtain honest feedback about the statewide EEO program. This feedback will help us to assess what changes, if any, are needed to improve our program moving forward.

This quarter's newsletter is filled with valuable EEO news and information. Get answers to some of your burning questions on page 3. On page 5, read about the new legislation, Senate Bill 450, which goes into effect on October 1, 2022. On pages 11 and 12, we have included two short TedTalk features that provide information on how to reduce workplace bias and increase workplace diversity. Also, we have included a list of upcoming meetings and training on page 13. Plus, so much more.

Nicole Webb, MBA, SHRM-CP  
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

### 1. Question

How should EEO Officers handle complaints filed by an applicant or employee outside the 30-day time frame defined by the Annotated Code of Maryland, State Personnel and Pensions Article, Title 5-211?

#### **OSEEOC Answer:**

The EEO Officer should clarify the details of the complaint with the applicant or employee to understand when the individual first knew of or reasonably should have known of the alleged violation. Once this information is determined, the EEO Officer can decide if the complaint is timely per the Annotated Code of Maryland, State Personnel and Pensions Article, Title 5-211, or if the individual should be directed to file externally with the Equal Employment Opportunity Commission (EEOC) or the Maryland Commission on Civil Rights (MCCR).

### 2. Question

Are there any upcoming training opportunities on how to conduct EEO investigations for newly appointed EEO officers?

#### **OSEEOC Answer:**

Unfortunately, not at this time. However, the OSEEOC will work to coordinate a session for early 2023. In the meantime, we recommend visiting the Equal Employment Opportunity Commission and Society for Human Resource Management's website to see if they have upcoming trainings specific to this topic. Additionally, see page 12 of this newsletter for other relevant training opportunities that are available.

### 3. Question:

If I completed Sexual Harassment Prevention Training with a previous employer that is a non-state government agency, does this allow me to meet the mandated 2-hour training requirement?

#### **OSEEOC Answer:**

Unfortunately, not. In compliance with the Annotated Code of Maryland, State Personnel and Pensions Article, Title 2-203.1, each state employee shall complete at least 2 hours of in-person or virtual, interactive training on sexual harassment prevention within six months after the employee's initial appointment; and every two years after that. Employees will complete training coordinated by their agency's EEO Office.

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## EEO SPOTLIGHT

### EEOC Completes Commission Meeting Series on Future Enforcement Priorities

The U.S. Equal Employment Opportunity Commission (EEOC) completed its third and final Commission listening session Sept. 22, “Shaping the EEOC’s Strategic Enforcement Priorities,” to obtain public input on future enforcement priorities.

Witnesses included representatives from civil rights and workers’ rights organizations; employer and human resource representatives; and attorneys representing plaintiffs and defendants in EEO matters.

“Unfortunately, employment discrimination remains a persistent problem in America, and the work of the U.S. Equal Employment Opportunity Commission is as important as ever,” said EEOC Chair Charlotte A. Burrows. “During these three listening sessions, we have heard about the numerous challenges facing workers --systemic discrimination, discrimination against vulnerable workers, and other emerging issues. I look forward to completing our Strategic Enforcement Plan to provide the agency with a strong roadmap for the future.”

The three listening sessions were the result of a collaborative, bipartisan process over nearly nine months to develop and obtain public input on the agency’s next [Strategic Enforcement Plan](#) (SEP). The SEP will set forth long term priorities for the federal civil rights agency.

From here, the agency will continue to refine the draft document which will be posted to EEOC’s website and published in the Federal Register for public comment before a Commission vote. The public is invited to submit comment on the plan at [SEP2022@eoc.gov](mailto:SEP2022@eoc.gov).

Read the full article: <https://www.eoc.gov/newsroom/eoc-completes-commission-meeting-series-future-enforcement-priorities>



# EEO SPOTLIGHT

## New Legislation—Senate Bill 450

During the 2022 Maryland General Assembly, Senate Bill 450 was passed into law. Therefore, effective October 1, 2022, the laws of Maryland will alter the definitions of Harassment and Sexual Harassment in compliance with Title 20 of the State Government Article, Annotated Code of Maryland.

Consequently, it is imperative for EEO Officers and Fair Practice Officers to update their EEO material to reflect these changes. This includes but is not limited to the State of Maryland Sexual Harassment Prevention Policy and Procedure, which will be updated and provided by the Office of the Statewide EEO Coordinator (OSEEOC), Sexual Harassment Prevention Training content, and any additional material demonstrating this information. Below are the altered definitions that will soon take effect:

**Harassment** is defined as unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or disability; and (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment or an individual; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

**Sexual Harassment** is defined as conduct, which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

In conclusion, the OSEEOC will provide additional correspondence to the designated EEO community to ensure that they are aware of this new legislation.



## EEO SPOTLIGHT

### **READOUT: EEOC and US DOL's OFCCP hosted A.I. and Algorithmic Fairness and HIRE Initiatives roundtable**

On Sept. 13, 2022, the U.S. Equal Employment Opportunity Commission Chair Charlotte A. Burrows and Department of Labor's Office of Federal Contract Compliance Programs Director Jenny R. Yang hosted a virtual roundtable with external stakeholders to discuss the civil rights implications of the use of automated technology systems, including artificial intelligence, in the recruitment and hiring of workers. The convening was part of the agencies' joint [HIRE Initiative](#) and the EEOC's [AI and Algorithmic Fairness Initiative](#).

Participants identified numerous ways that employers use automated technologies to source and screen job applicants, such as machine learning algorithms that review resumes and video interviewing technology. They also explained how discrimination may occur based on protected characteristics, including race, sex, disability, and age when employers use hiring technologies. Potential barriers to equal employment opportunity include issues accessing technology due to the digital divide, job advertisements targeting specific groups, and programs analyzing incomplete datasets that under- or over-represent historically marginalized groups.

During the robust conversation participants identified how automated technologies can promote equal employment opportunity such as helping employers better understand applicant pools. Also, participants provided some promising practices to reduce the potential for discrimination. Several speakers noted the importance of ensuring that employers understand how these sophisticated tools are being used to make decisions, address upfront any potential for selection bias, and the need to offer reasonable accommodation to applicants with disabilities. Both the EEOC and OFCCP reiterated the agencies' commitment to address barriers to hiring and recruiting diverse talent.

Read the full article: <https://www.eeoc.gov/newsroom/readout-eeoc-and-us-dols-ofccp-hosted-ai-and-algorithmic-fairness-and-hire-initiatives>



## NOTEWORTHY RULINGS

### Lowe's to Pay \$700,000 to Settle EEOC Sexual Harassment Discrimination Lawsuit

Lowe's, a nationwide hardware and home improvement company, will pay \$700,000 and furnish other relief to settle a sexual harassment discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

The EEOC charged in its suit that Lowe's allowed sexual harassment to occur at its Lake Havasu City location for several years.

This alleged conduct violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit in U.S. District Court for the District of Arizona (EEOC v. Lowe's, Case No. 22-08152-PCT-SPL ) after first attempting to reach a pre-litigation settlement through its conciliation process.

In addition to providing for \$700,000 in damages for three women, the three-year consent decree settling the suit requires the Lowe's Lake Havasu City location to: revise its anti-discrimination policies; promptly and thoroughly investigate complaints of sexual harassment; train all employees on sexual harassment; provide letters of reference to the three women; and provide reports on training, complaints of discrimination and any revisions to policies and procedures to the EEOC.

"The EEOC is committed to eliminating sexual harassment in the workplace," said EEOC Phoenix District Office Trial Attorney Casey Arellano. "Employers must take action to stop all sexual harassment when they become aware of it so that workers can focus on doing their jobs and providing for their families."

The acting district director of the EEOC's Phoenix District Office, Melinda Caraballo, said, "Sexual harassment training, like the training required by this consent decree, is critical in helping all employees understand their federal rights. I am pleased we were able to reach a resolution in this matter so early in the process."

**Read the full article:** <https://www.eeoc.gov/newsroom/lowes-pay-700000-settle-eeoc-sexual-harassment-discrimination-lawsuit>



## NOTEWORTHY RULINGS

### Eagle Services to Pay \$100,000 to Resolve EEOC National Origin and Race Discrimination Charge

Eagle Services, an industrial and environmental cleaning service with locations in Illinois and Indiana, will pay \$100,000 in monetary relief to a class of affected employees to voluntarily resolve an employment discrimination charge filed with the U.S. Equal Employment Opportunity Commission (EEOC).

The agreement announced resolves a charge filed with the EEOC alleging that Eagle Services discriminated against employees because of their race and national origin by subjecting them to harassment. Additionally, a supervisor repeatedly called minority laborers and service technicians racist names, made other offensive comments based on race and national origin, and texted a violent racist meme to an employee. Despite complaints to upper-level management, EEOC found the harassment continued over several years.

EEOC found this alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race and national origin.

“This case shows national origin and race-based harassment continue to be a problem, and employers are responsible for immediately stopping and preventing such behavior,” said EEOC Chicago District Director Julianne Bowman. “By resolving this matter through the conciliation process, Eagle Services has avoided protracted litigation. We encourage Eagle Services to continue to make its workplaces more inclusive environments for its employees of color.”

Aside from the monetary relief, Eagle Services has also agreed to reporting to the EEOC and training for all employees and managers. Eagle Services denies the allegations contained in the EEOC’s determination.

**Read the full article here:** <https://www.eeoc.gov/newsroom/eagle-services-pay-100000-resolve-eeoc-national-origin-and-race-discrimination-charge>





## ADA CORNER

### EEOC Sues Sinclair Broadcast Group, Inc. for Disability

#### Discrimination

Sinclair Broadcast Group, Inc. violated federal law when it discriminated against an employee because of disability, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to EEOC's lawsuit, the helpdesk technician, who was diagnosed with a schizoaffective disorder, worked for Sinclair at an office located in Cockeysville, Maryland. After Sinclair learned of the technician's disability, the company suspended and fired her.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits disability discrimination and requires employers to provide reasonable accommodations to individuals with disabilities unless it would cause undue hardship. The EEOC filed suit (EEOC v. Sinclair Broadcast Group, Inc., Case No. 1:22-cv-02406) in the U.S. District Court for the District of Maryland after first attempting to reach a pre-litigation settlement through its administrative conciliation process. The EEOC is seeking permanent injunctive relief prohibiting Sinclair from discriminating against employees because of disability in the future, lost wages, compensatory and punitive damages, and other relief.

"The EEOC is committed to enforcing the rights of people with disabilities under the ADA," said EEOC District Director Jamie R. Williamson of the agency's Philadelphia District. Philadelphia District Office Regional Attorney Debra Lawrence said, "The ADA protects disabled workers from discrimination and employment decisions based on myth, fear, or stereotypes associated with disability."

**Read the full article here:** <https://www.eeoc.gov/newsroom/eeoc-sues-sinclair-broadcast-group-inc-disability-discrimination>



## ADA CORNER

### Gas Field Specialists to Pay \$184,000 to Settle EEOC Disability Discrimination Case

Gas Field Specialists, Inc. (GFS), a Potter County, Pennsylvania-based natural gas well service company, will pay \$184,000 and provide significant injunctive and other non-monetary relief to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, an employee who had been with the company for 15 years was laid off and then terminated based on a disability or record of disability. The EEOC contended that GFS fired the employee because he had a history of cancer. The suit further alleges that an owner of the company told the employee that the company didn't want him to get sick with COVID-19 and have to lay off anyone with health issues during the COVID pandemic.

Such alleged conduct violates the American with Disabilities Act (ADA), which prohibits employers from making employment decisions based on disability, or subjecting employees to disparate terms and conditions of employment and/or a hostile work environment, layoff, termination or forcing an employee to quit, based on a real or perceived disability or history of disability.

The consent decree settling the suit requires that GFS pay the employee \$174,000 in lost wages and \$10,000 in compensatory damages. It also enjoins GFS from violating the ADA in the future, including from taking adverse actions against employees on the basis that they have health conditions that could expose them to a higher risk of health complications were they to contract COVID-19. The decree also requires GFS to document its reasons whenever employees are not recalled from seasonal layoff. The company will also provide training on the ADA to its managers and human resources staff.

Read the full article here: <https://www.eeoc.gov/newsroom/gas-field-specialists-pay-184000-settle-eeoc-disability-discrimination-case>



## How to Reduce Bias in Your Workplace

### TED TALK



(Photo credit: ted.com)

Trier Bryant and Kim Scott are the cofounders of Just Work, an organization that helps leaders and organizations build more equitable, productive, and thriving workplaces. This 6-minute TED Talk discusses how unconscious bias prevents individuals from doing their best work. They also provide three key ways to reduce bias at work.

**Click this link to view:**

[https://www.ted.com/talks/kim\\_scott\\_and\\_trier\\_bryant\\_how\\_to\\_reduce\\_bias\\_in\\_your\\_workplace](https://www.ted.com/talks/kim_scott_and_trier_bryant_how_to_reduce_bias_in_your_workplace)

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## How Diversity makes Teams more Innovative **TED TALK**



(Photo credit: ted.com)

Over the last several years, companies have focused on developing diverse workforces with hopes to foster an innovative work environment. In this TED Talk, Rocio Lorenzo discusses how she and her team surveyed 171 companies to discover whether diverse companies are more innovative. She further explains how companies can begin to produce new and creative ideas when they prioritize diversity as a competitive advantage.

**Click this link to view:**

[https://www.ted.com/talks/rocio\\_lorenzo\\_how\\_diversity\\_makes\\_teams\\_more\\_innovative](https://www.ted.com/talks/rocio_lorenzo_how_diversity_makes_teams_more_innovative)

## MEETINGS & TRAININGS

### **Managing Microaggressions in the Workplace—Live & On Demand**

**Hosted by:** Progressive Women's Leadership

October 12, 2022

To register contact: <https://www.progressivewomensleadership.com/product/managing-microaggressions-in-the-workplace/>

### **EEOC Counselor and Investigator Refresher Training—Virtual Training Event**

**Hosted by:** Federal Employment Law Training Group

October 12—13 from 12:30 p.m.—4:30 p.m.

To register contact: [info@feltg.com](mailto:info@feltg.com)

### **Writing Final Agency Decisions—Virtual Training Event**

**Hosted by:** Federal Employment Law Training Group

October 18—19 (all day event)

To register contact: [info@feltg.com](mailto:info@feltg.com)

### **The Power of an Inclusive Mentality—Virtual Training Event**

**Hosted by:** Federal Employment Law Training Group

November 8, 2022 from 1:00 p.m.—3:00 p.m.

Click below to register:

<https://feltg.com/wp-content/uploads/2016/01/FELTG-Virtual-Training-Institute-Inclusive-Mentality-November-8-2022.pdf>

### **ADA Coordinators Meeting—Virtual Session**

**Hosted by:** The Office of the Statewide EEO Coordinator

November 17, 2022 from 10:00 a.m.—11:30 a.m.

A registration link will be sent to all designated ADA Coordinators.

## 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>

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## 2022 DIVERSITY CALENDAR

### October 2022

Breast Cancer Awareness Month  
9/15-10/15 Hispanic Heritage Month  
10/2—International Day of Non-Violence  
10/4—Yom Kippur begins at sundown  
10/10- Columbus Day  
10/10—World Mental Health Day  
10/10—Indigenous People’s Day  
10/16—National Boss’s Day  
10/20—Spirit Day (LGBTQ & Anti-Bully)

### November 2022

Lung Cancer Awareness Month  
National Native American, American Indian, and Alaskan Native Heritage Month  
11/2—National Stress Awareness Day  
11/8-Gubernatorial Election Day  
11/9—World Freedom Day  
11/11—Veterans Day  
11/24—Thanksgiving  
11/25-American Indian Heritage Day

### December 2022

HIV/AIDS Awareness Month  
Universal Human Rights Month  
12/1—World’s AIDS Day  
12/3—International Day for People with Disabilities  
12/10—International Human Rights Day  
12/18—Hanukkah Begins  
12/25—Christmas  
12/26—Kwanza Begins  
12/31—New Year’s Eve

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