

Office of the Statewide EEO Coordinator EEO Connection Newsletter

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October 2023 – December 2023

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Statewide EEO Coordinator's Message

During the last several months, the OSEEOC has prioritized offering training to enhance professionals' EEO technical expertise. While this has proven beneficial, we also identified the need to provide soft skills training. Soft skills are non-technical skills that describe how you work and interact with others. To successfully serve as a Fair Practices Officer, EEO Officer, or ADA Coordinator, one must have the right balance of technical and soft skills and business acumen. Combining these skills will allow EEO professionals to successfully serve as strategic partners that contribute to the agency in which they work and the employees they serve. Therefore, you can expect to see training offerings in the future about time management, improving oral and written communication, problem-solving, organizational skills, and more.

Next, as the OSEEOC closes out the last quarter of the year, we are working to complete the FY 2023 Annual Statewide EEO Report. I want to remind professionals that submitting your agency's EEO data to our office is critical for completing the report. We look forward to receiving your data on or before October 15, 2023.

Finally, turn to page 5 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 6, read about the EEOC's new strategic plan. Read page 16 to learn more about upcoming trainings scheduled for October, November, and December. 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: Can a complainant appeal directly to the OSEEOC if an ADA reasonable accommodation request is denied?

OSEEOC Answer: No, the complainant should be advised of their right to file an internal EEO complaint with their agency's designated EEO Officer. Once the EEO investigation is concluded, appeal rights to the OSEEOC will be provided in addition to the two external regulatory agencies, Maryland Commission on Civil Rights (MCCR) and Equal Employment Opportunity Commission (EEOC).

Q: Are religious accommodation request administered under federal and state ADA law?

OSEEOC Answer: No, an employee requesting a reasonable accommodation due to religion would make such a request under Title VII of the Civil Rights Act of 1964. Therefore, an employee making such a request should contact their agency's designated EEO Officer for assistance.

Q: If I have successfully completed the Sexual Harassment Prevention (SHPT) Train-the-Trainer course offered by the Maryland Commission on Civil Rights (MCCR), do I have to recertify by taking the course again?

OSEEOC Answer: No, once you have successfully completed MCCR's 2 day SHPT Train-the-Trainer course, you are certified indefinitely to facilitate at the agency level within Maryland State government. The OSEEOC will also ensure that the Statewide EEO Community stays abreast of any legislative updates via the newsletter, training opportunities, group meetings, and email correspondence.

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 December 1, 2023.

EEO SPOTLIGHT

2023 EEO Group Meeting Highlights

The Office of the Statewide Equal Employment Opportunity Coordinator (OSEEOC) hosted an EEO Group Meeting on July 27, 2023. Fair Practices Officers, EEO Officers, ADA Coordinators, and Human Resource Professionals from across state government agencies were in attendance. This particular meeting occurs twice each year, and the purpose is for the OSEEOC to provide updates about the statewide EEO program, upcoming legislative changes, and any other information pertinent to the enhancement of state government agencies' EEO program.

The meeting began with a warm welcome from Helene Grady, Secretary of the Department of Budget and Management (DBM), and Nicole Webb, Statewide EEO Coordinator, provided important EEO updates, followed by Mark Townend, Director, Recruitment and Examination Division, DBM provided a recruitment and examination overview and updates as the State works to fill vacancies. Also, Glendora Hughes, General Counsel, Maryland Commission on Civil Rights (MCCR), provided attendees with 2023 legislative updates and workplace trends.

Last, the Statewide EEO Coordinator recognized six deserving EEO professionals and stakeholders with certificates of appreciation for their continuous support and willingness to go above and beyond the call of duty, serving as Employee Complaint Assistance Program (ECAP) investigators and/or facilitating training in addition to performing their regular duties and responsibilities at their respective agencies.

Again, a big thank you to Glendora Hughes, Keneithia Taylor, Elaine McNeil, Carla Loving, Keith Merkey and Jessica Binstock for advancing the OSEEOC's mission and supporting the Statewide EEO Community.



left to right: Glendora Hughes, Keneithia Taylor, Elaine McNeil, Carla Loving, Keith Merkey (not pictured), and Jessica Binstock.

EEO SPOTLIGHT

REMINDER

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 in violation of §20–606(a)(5) of the State Government Article must be filed **within two years** after the alleged violation that is the basis for the complaint. This includes but is not limited to sexual harassment complaints and bullying/harassment complaints that include a protected status basis.

In preparation for these changes, it is imperative to update all unit webpages/intranet sites, forms, training presentations, compliance posters and EEO bulletin boards, etc., to ensure that the updated complaint filing timelines are reflected and that all personnel within your agency are aware of these changes.

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



EEO SPOTLIGHT

EEOC Adopts New Strategic Plan Plan effective through Fiscal Year 2026

The U.S. Equal Employment Opportunity Commission (EEOC) announced it has approved its Strategic Plan for Fiscal Years 2022-2026 <https://www.eeoc.gov/eeoc-strategic-plan-2022-2026> and immediately began implementation.

The Strategic Plan serves as a framework for achieving the EEOC's mission to prevent and remedy unlawful employment discrimination and advance equal employment opportunity for all. The Plan also sets forth its vision of fair and inclusive workplaces with equal opportunity for all.

To accomplish this mission and advance the agency's vision, the Strategic Plan outlines the EEOC's strategic goals and objectives to: combat and prevent employment discrimination through the strategic application of the EEOC's law enforcement authorities; prevent employment discrimination and advance equal employment opportunities through education and outreach; and strive for organizational excellence through its people, practices, and technology.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-adopts-new-strategic-plan>



NOTEWORTHY RULING

Corning to Pay \$120,000 to Settle EEOC Sex Discrimination Case

**Agreement settles charges company groomed male employees for advancement,
repeatedly passing over women**

Corning Incorporated will pay \$120,000 and furnish other relief to settle a sex discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's lawsuit, Corning violated federal law by failing to promote female "process assistants" (machine operators) at its Sullivan Park and Big Flats locations in southern central New York.

The EEOC alleged that, at its Sullivan Park and Big Flats locations, Corning groomed male process assistants for advancement, provided them with greater training opportunities, and bent its own eligibility rules to place them in line lead positions instead of similarly or more qualified women.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits employers from discriminating based on sex. The EEOC filed suit (EEOC v. Corning Incorporated, Civil Action No. 6:21-cv-06745) in U.S. District Court for the Western District of New York in December 2021 after first trying to reach a pre-litigation settlement through its concili-ation process.

Read the full article here: <https://www.eeoc.gov/newsroom/corning-pay-120000-settle-eeoc-sex-discrimination-case>



NOTEWORTHY RULING

EEOC sues Mariscos El Puerto and La Catrina for Sexual Harassment, Discrimination, and Harassment Against Gay and Lesbian Workers


Las Vegas restaurant and bar also retaliated against employees, Federal Agency charges

Mariscos El Puerto, Inc. and La Catrina, LLC, a restaurant and bar based in Las Vegas, violated federal law when its owners, managers, supervisors, co-workers, and customers subjected female workers to sexual harassment and subjected gay and lesbian workers to discrimination and harassment, the U.S. Equal Employment Opportunity Commission (EEOC) charged in two separate lawsuits.

According to the first lawsuit, since 2015, male managers, supervisors, co-workers, and/or customers of Mariscos and La Catrina subjected female workers at the restaurant and bar to sexual harassment. Male managers and/or supervisors required female employees to engage in sexual activities to maintain their employment and terminated employees who refused. The harassment also included sexual assaults, sexual solicitations, inappropriate touching of the buttocks and breasts, males rubbing up against the female workers, and frequent explicit sexual comments.

The second lawsuit alleges Mariscos' and La Catrina's owners, managers, and/or supervisors discriminated against gay and lesbian workers and subjected them to harassment based on their sexual orientation, which included physical assault and offensive slurs. The two lawsuits further allege that for some workers, the working conditions were so intolerable they felt they had no choice but to quit. Such alleged conduct violates Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment, harassment and retaliation for opposing such behavior.

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-mariscos-el-puerto-and-la-catrina-sexual-harassment-discrimination-and>



SEXUAL
HARASSMENT
NEVER OK

NOTEWORTHY RULING

Lady Luck Steakhouse Agrees to Resolve Allegations of Pregnancy Discrimination

EEOC investigation found restaurant fired worker after revealing pregnancy

Hoyle Enterprises LLC, doing business as Lady Luck Steakhouse (“Lady Luck”), a local restaurant in Tacoma, Washington, has agreed to the terms of a conciliation agreement following the investigation of a charge of discrimination filed with the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC, Lady Luck fired a newly-hired pregnant worker after completing a single shift. Lady Luck’s management team also had a practice of excluding pregnant workers from working certain “club night” shifts. Such conduct and policies violate Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on sex, including pregnancy and pregnancy-related conditions.

According to the terms of the two-year conciliation agreement, Lady Luck will provide compensatory damages and backpay to the former employee. In addition, the restaurant owners agree to revise its nondiscrimination policy, stop preventing pregnant employees from working certain shifts and performing certain duties, and conduct a training for management and human resources personnel. They will also provide periodic updates and reports to the EEOC.

Pregnant workers must be afforded the same rights and benefits as non-pregnant workers. Well-intended as some employers may be, placing special conditions or limits on a worker simply because they are pregnant is against the law,” said Elizabeth M. Cannon, director of EEOC’s Seattle Field Office. “Not only that, but under the Pregnant Workers Fairness Act (PWFA), which went into effect on June 27, 2023, employers are also required to provide reasonable accommodations to workers who are pregnant, trying to become pregnant, experiencing pregnancy-related medical conditions, or recovering from childbirth, unless it causes an undue hardship.”

Read more at: <https://www.eeoc.gov/newsroom/lady-luck-steakhouse-agrees-resolve-allegations-pregnancy-discrimination>



ADA CORNER

US Department of Labor Announces 2023 Themes to Promote Importance of Advancing Disability Employment, Honor Landmark Legislation's Anniversary



To mark two significant events in 2023 for people with disabilities, the U.S. Department of Labor announced its Office of Disability Employment Policy has selected themes to promote National Disability Employment Awareness Month and honor the 50th anniversary of the passage of the Rehabilitation Act of 1973.

ODEP has chosen “Advancing Access and Equity” as its theme for [National Disability Employment Awareness Month](#) in 2023. Observed each October, NDEAM celebrates the contributions of America’s workers with disabilities past and present and showcases supportive, inclusive policies and practices that benefit employees and employers alike. Each year, the agency chooses an NDAM theme for use by organizations around the nation to recognize the importance of ensuring people with disabilities have equal opportunity to prepare for and succeed in employment. Similarly, ODEP will use “Advancing Access and Equity: Then, Now and Next” to celebrate the passage of the Rehabilitation Act a half-century ago and its importance in prohibiting discrimination based on disability in employment.

To read the full article here: <https://www.dol.gov/newsroom/releases/odep/odep20230511>

Additional informative link: <https://www.whatcanyoudocampaign.org/>

EEOC Sues Cloudbeds for Discriminating Against Deaf Applicant

Remote-First Technology Company refused to accommodate deaf applicant and refused to hire the applicant based on his deafness

Digital Arbitrage, Inc., doing business as Cloudbeds—an international, remote-first technology company that employs individuals around the world—violated federal law by denying an applicant’s request for an accommodation in the interview process and by refusing to hire the applicant based on his disability, the U.S. Equal Opportunity Commission (EEOC) charged in a lawsuit filed.

According to the EEOC’s lawsuit, in January 2022, Peter St. John applied to work as a remote IT administrator at Cloudbeds, a position that involves providing internal IT assistance and support to Cloudbeds employees, and one for which St. John was well-qualified. Upon review of St. John’s application, Cloudbeds advanced his candidacy to the interview stage, at which time he requested an accommodation based on his deafness and use of American Sign Language (ASL) to communicate. In response, Cloudbeds simply denied his accommodation request and terminated his candidacy on the basis that verbal communication and hearing were job requirements for the position in a remote setting. Cloudbeds’ Chief Executive Officer (CEO) made the decision to deny St. John’s accommodation request based on his belief that due to the remote-first nature of the company, it would not extend an offer of employment for the position to a deaf candidate in any event.

Such alleged conduct violates the American with Disabilities Act (ADA), which requires employers engage with applicants to identify and provide reasonable accommodations and prohibits employers from discriminating against qualified applicants based on their disability.

To read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-cloudbeds-discriminating-against-deaf-applicant>



EEOC Sues Gmri, Inc. for Disability Discrimination

Federal Agency charges that Restaurant subjected job applicant with a disability to discriminatory hiring practices

GMRI, Inc., doing business as Olive Garden, violated federal law by subjecting a job applicant for a busser position to discriminatory hiring practices because of his disability in its Tarentum, Pennsylvania location, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit.

According to the EEOC's lawsuit, the general manager of one of GMRI, Inc.'s Olive Garden restaurants interviewed an applicant with a disability for a busser position, and during the interview he asked the applicant various illegal questions related to the applicant's disability, including questions about his use of a cane to walk, what was "wrong with" the applicant, and how "bad" his disability was. The general manager then ended the interview, and the restaurant declined to hire the applicant because of his disability and because of the information it learned from the general manager's illegal questions, the EEOC charged.

Such conduct violates Title I of the Americans with Disabilities Act (ADA), which prohibits discrimination on the basis of a disability or because an employer regards a worker to be disabled. The ADA also prohibits making pre-job offer inquiries of job applicants that are likely to reveal the existence of a disability or the nature and extent of such disability.

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



Diversity Corner

Belonging, A Critical Piece of Diversity, Equity & Inclusion



Image retrieved from <https://www.workday.com/en-us/company/about-workday/leadership/carin-taylor.html>

In this Ted Talk, Carin Taylor shares with us the importance of belonging and why it is the essential component of Diversity, Equity & Inclusion in the workplace. She provides 5 Conditions that are necessary to belong and shares ways to exercise them. “Carin Taylor is the chief diversity officer at Workday, a leader in enterprise cloud applications for finance and human resources. Within her role, Carin has global responsibility for the development and execution of the company’s DEI&B (Diversity, Equity, Inclusion & Belonging) strategy.” (TEDx Talks, March 24, 2022)

To view this Ted Talk, click: <https://www.youtube.com/watch?v=2jK0gyQCoTs>

Source: Taylor, Carin. “Belonging, A Critical Piece of Diversity, Equity and Inclusion.” *YouTube*, uploaded by TEDx Talks, 24 Mar. 2022, <https://www.youtube.com/watch?v=2jK0gyQCoTs>

How to Become an Inclusive Leader



Image retrieved from: Meagan Pollock, PhD, retrieved from <https://engineerinclusion.com/meagan-pollock/>

To build effective EEO programs, professionals serving as Fair Practices Officers, EEO Officers, and ADA Coordinators must demonstrate the characteristics of an inclusive leader. In this Ted Talk Dr. Meagan Pollock examines a four-part model for developing an inclusive leadership style in the workplace. Dr. Meagan Pollock is an international speaker, teacher, engineer, equity leader, and owner of Engineer Inclusion.

To view this Ted Talk, click below: <https://www.youtube.com/watch?v=1MaFOGEPpOo>

2023 DIVERSITY CALENDAR

October 2023

- ◆ *Global Diversity Awareness Month*
- ◆ *National Disability Employment Awareness Month*
- ◆ *Breast Cancer Awareness Month*
- ◆ *National Polish American Heritage Month*

October 9	Columbus Day (State Offices Closed)
October 9	Indigenous People's Day
October 10	World Mental Health Day
October 14	Defender of Ukraine Day
October 17	Spirit Day

November 2023

- ◆ *National Native American Heritage Month*

November 10	Veteran's Day (State Offices Closed)
November 12	Diwali
November 16	Dutch American Heritage Day
November 20	Transgender Day of Remembrance
November 23	Thanksgiving Day (State Offices Closed)
November 24	American Indian Heritage Day (State Offices Closed)

December 2023

- ◆ *Seasonal Affective Disorder Awareness Month*
- ◆ *HIV/AIDS Awareness Month*
- ◆ *Universal Human Rights Month*

December 1	World AIDS Day
December 3	International Day of Persons with Disabilities
December 7-15	Hanukkah
December 10	International Human Rights Day
December 25	Christmas (State Offices Closed)
December 26– January 1	Kwanzaa
December 31	New Year's Eve

Meetings and Trainings

October 2023

Statewide EEO Program Overview (Virtual Session)

Wednesday, October 11, 2023

10:00am-11:30am

Link to register: <https://forms.gle/fbMdZAFKjtUbSH497>

Maryland Whistleblower Law Overview (Virtual Session)

Wednesday, October 25, 2023

10:00am– 11:30am

Link to register: <https://forms.gle/NEskmpnBFXp6tJB28>

November 2023

Pro Tips for Navigating the Accommodation Process (Virtual Session)

presented by: Job Accommodation Network (JAN)

Thursday, November 9, 2023

10:00am– 11:30am

Link to register: <https://forms.gle/bQ76Nn593yLGkXQk6>

December 2023

Moving Forward : A Q&A with Nicole Webb, Statewide EEO Coordinator
(Virtual Session) - 60 Minutes

Thursday, December 14, 2023

10:00am-11:00am

Link to register: <https://forms.gle/hTUZPTNjamF3wGoE7>

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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