

EEO CONNECTION

Statewide EEO Coordinator's Message

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We are in this Together

Work, as many of us are accustomed to, is different. Interacting up close and personal with our colleagues and customers is no longer the norm; rather, telework has now become the mandatory work style for many. This is a way of practicing social distancing to stop the spread of the coronavirus disease (COVID-19). It's important to understand that, while we must remain physically distant, we can continue to be connected. We are so fortunate to have technology that allows us to remain connected and continue business operations.

If you begin to feel physically isolated, however, go outside daily for a walk or just to take in a little fresh air and sunshine. Take this time to learn a new hobby, crack open that book that you've been meaning to read, or try experimenting with some new food recipes. Of course, always make sure to check in on loved ones, friends, and coworkers from time to time.

As State government workers, don't forget that the Employee Assistance Program (EAP) is available to you if you need to speak with a certified professional counselor.

If you find yourself looking to keep busy, now is the perfect time to conduct an audit of your agency EEO program. I also encourage you to take advantage of online professional development trainings. Check out page 13 for a list of trainings that are available. Pages 4-6 provide some health and safety tips on COVID-19. The Maryland General Assembly passed new legislation related to EEO during the 2020 session. See page 7 for more information.

There is so much great information in this newsletter.

Please stay safe and healthy, and remember that the OSEEOC staff is here for support.

Remember, we're in this together.

Stay well,

Glynis Watford
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

1. QUESTION

If an employee discloses that they have been in close contact with someone who tested positive for the coronavirus diseases (COVID-19), what should be done?

OSEEOC ANSWER:

According to the [Center for Disease Control guidance](#) (CDC), employees who have had close contact with a person diagnosed with COVID-19 should self-quarantine. The Office of the Statewide EEO Coordinator also recommends that essential and mission critical employees who do not telework should contact their immediate supervisor and Office of Human Resources for additional guidance.

2. QUESTION

May I ask an employee if they have COVID-19 or been exposed to someone who has COVID 19?

OSEEOC ANSWER:

Yes. According to the Equal Employment Opportunity Commission, it is reasonable for employers to ask employees who will be physically entering the workplace if they have COVID-19, or symptoms associated with COVID-19, if they have been tested for COVID-19 or have been in close contact with someone with COVID 19. Symptoms associated with COVID-19 include, for example, cough, sore throat, fever, chills, and shortness of breath. Once you have the employee's health information, however, you should maintain confidentiality of the identity of the employee and maintain all information about an employee's illness as a confidential medical record in compliance with the ADA.

3. QUESTION

Is it appropriate to share with employees that a coworker tested positive for the COVID-19?

OSEEOC ANSWER:

The ADA privacy act results restrict employers from disclosing personal health information regarding an employee. According to the CDC employers should inform employees that possible exposure has occurred in the workplace so that they can take the necessary steps to be tested and protected.

4. QUESTION

How much information may an employer request from an employees who calls out sick, in order to protect the rest of its workforce during the COVID-19 pandemic?

OSEEOC ANSWER:

According to the [Equal Employment Opportunity Commission](#), ADA covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. Employers must maintain all information about employee illnesses as a confidential medical record in compliance with the ADA.

CDC Center of Disease Control and Prevention

Coronavirus Disease 2019 (COVID-19)

Stress and Coping

The outbreak of coronavirus disease 2019 (COVID-19) may be stressful for people. Fear and anxiety about a disease can be overwhelming and cause strong emotions in adults and children. Coping with stress will make you, the people you care about, and your community stronger.

Stress during an infectious disease outbreak can include:

- Fear and worry about your own health and the health of your loved ones
- Changes in sleep or eating patterns
- Difficulty sleeping or concentrating
- Worsening of chronic health problems
- Worsening of mental health conditions
- Increased use of alcohol, tobacco, or other drugs

How you respond to the outbreak can depend on your background, the things that make you different from other people, and the community you live in.

People who may respond more strongly to the stress of a crisis include:

- Older people and people with chronic diseases who are at higher risk for severe illness from COVID-19
- Children and teens
- People who are helping with the response to COVID-19, like doctors, other health care providers, and first responders
- People who have mental health conditions including problems with substance use

People with preexisting mental health conditions should continue with their treatment and be aware of new or worsening symptoms. Additional information can be found at the Substance Abuse and Mental Health Services Administration website.

Access full article at: https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fmanaging-stress-anxiety.html

Safety Tips for Working Remotely

Date: March 17, 2020 Volume 11, Issue 11

SAFETY NEWS you can use

SafetyFirst 

Ergonomic Essentials for Remote Working

Ergonomics can be overlooked when working remotely. Stress, and physical strain can be influenced by your workspace.

The tips below will help you follow ergonomic best practices while working remotely.

HOME WORKSTATION CONSIDERATIONS:

LAPTOPS

- Create awkward neck postures. Raise the laptop to a better height and use an external keyboard when available.

CELL PHONES

- Use one finger to type instead of holding the device and keying with the thumb. The increased angles of reaching across the device with the thumb can create soft tissue injury.

DESK/TABLE/COUNTERTOP

- Find a desk/table that is at or slightly below elbow height, when sitting.

CHAIR

- An adjustable chair preferred, but if a hard kitchen chair is the only one available, add a cushion for a better hip angle.
- Hip and knees should be about 90 degrees when sitting.
- Sit fully supported in the chair by pushing your lower back against the back of the chair.

REMEMBER TO:

- Take frequent breaks or Ergo Breaks throughout the day.
- Apply the 20/20/20 rule to help decrease eye fatigue. Look away from your monitor at least 20 feet for 20 seconds every 20 minutes.



STAY FOCUSED

Distractions, often caused by stress and/or preoccupation with outside activities, can impact our performance in the workplace. Staying focused while working can mitigate risk and help to prevent errors that could lead to events.

HERE ARE SOME TIPS FOR STAYING FOCUSED:

- Stay organized around the task at hand. Take a few minutes to organize the workspace.
- Make time for breaks—Take regular “mini-breaks” during the day to help keep your mind on the task.
- Remember your purpose—Remind yourself about what is important on the job.
- Always remember to wear all proper PPE as your last line of defense.

Remember, in order for each of us to go home safely and injury-free every day, we must always maintain our focus on safety.

SAFETY
T H I N K S A F E

Near Miss of The Week – Questioning Attitude

[1747370](#) - An Electric Distribution OH Crew Leader reported that the placement of the steps on the back of older generation class 45 bucket trucks could create a slip, trip, fall hazard especially when climbing down. There is a ledge where the steps are bolted on to the truck. If an employee mistakenly thinks the ledge is the step and shifts their weight, their foot could slip. The placement on the newer trucks does not pose this same risk. Leadership is working with Fleet to determine what modifications can be made to the older trucks to address this potential hazard.

Safety Publications: [CE-SA-1960](#) Manhole Flash Based on a Joint Failure - No Injuries due to PPE

Working from Home? Ten Tips for Staying Productive

By: Alan Greenblatt

Remote work does take some adjustment. Here are some habits and strategies drawn from my own experience in working from home for nearly a decade now.

1. Work regular hours

Try to start your day at a set time, whether it's 8 a.m. or 9 a.m. Get into work mode during working hours.

2. Stay in touch with co-workers

There is such a thing as the "hive mind." You do miss out on internal communications by working remotely. That means you have to make an effort to stay in touch.

3. Make plans and lists

Working from home involves some self-motivation and discipline. Every Monday, I make a list of projects I'll be working on, including new story ideas I'm going to pitch and ideas that have been on the backburner that I don't want to forget about. Then, each day I make a mental list of projects I'm going to be working on — sending out interview requests for Project A, writing Project B, doing the reading for Project C, etc.

4. Be realistic, especially now

I try to break big projects into increments so that starting and working on them seems less daunting. If something's going to take a week or a month, I try mostly only to think about what needs to get done today.

These are bizarre circumstances. On the one hand, you're likely to have less-structured time for the foreseeable future. There's a chance to think big — maybe there is some big dream .

5. Take breaks

It's good to get up and walk around, especially in the afternoon. But don't take lots and lots of breaks throughout the day. Internet browsing is one thing, turning on the TV is something else entirely. Stay in a work rhythm and then get out of it occasionally. If you have a dog, the walk will provide a break and a chance to leave the confines of your house.

6. Skip the chores

Sorry, spouses. It's easy to throw in a load of laundry, but don't try to vacuum or multitask with housework too much. Your work and home lives are about to get hopelessly tangled, so try to keep them separate and stay on task. Errands can be a distraction, too, but for the most part those won't be happening for a while.

At the moment, disinfecting is a good idea anytime.

Read full article: https://www.governing.com/templates/gov_print_article?id=568837281

Summary of Passed Bills in the Maryland General Assembly's 2020 Session Affecting EEO

SB 225/HB 523 – Employee Accommodations – Pregnancy and Childbirth

Requires all branches of state government to provide reasonable accommodations to an employee with a limitation that is caused or contributed to by pregnancy or childbirth. This bill also 1) prohibits units of State government from requiring an employee to take leave, whether paid or unpaid and 2) prohibits a unit from requiring an employee to accept an accommodation that the employee chooses not to accept, if the employee does not have a limitation caused or contributed to by pregnancy or childbirth or the accommodation is not necessary for the employee to perform the essential functions of the employee's job.

SB 961/HB 325 - Sexual Harassment Prevention Training – Designated Coordinator – University System of Maryland

Repeals the requirement that the Title IX Coordinators in the University System of Maryland Educational Institutions are the designated coordinators for sexual harassment prevention training.

SB 531/HB 1444 – Discrimination – Definition of Race – Hair Texture and Hairstyles

Defining "race", for the purposes of certain laws prohibiting discrimination, to include certain traits associated with race, including hair texture, afro hairstyles, and protective hairstyles; defining "protective hairstyle" as one that includes braids, twists, and locks.

Review the full text of each bill at <https://legiscan.com/MD>



EEO Spotlight

Message From EEOC Chair Janet Dhillon on National Origin and Race Discrimination During the COVID-19 Outbreak

Crises like the COVID-19 pandemic can bring out the best and worst in people. We have seen many examples of people rising to the occasion, helping others in need, sometimes at great risk or sacrifice to themselves.

Sadly, there have also been reports of mistreatment and harassment of Asian Americans and other people of Asian descent. In the workplace, these actions can result in unlawful discrimination on the basis of national origin or race.

Amidst the challenges we are all facing during these uncertain times, the anti-discrimination laws the EEOC enforces are as vital as ever. The EEOC is rising to the challenges before us, continuing our mission of advancing equal employment in the workplace and enforcing our anti-discrimination laws. The EEOC urges employers and employees to be mindful of instances of harassment, intimidation, or discrimination in the workplace and to take action to prevent or correct this behavior. Our collective efforts to create respectful workplaces for all our nation's workers, even during these trying times, will enable us to emerge from this crisis stronger and more united.

Additional information about national origin and race discrimination can be found by following the links below:

[National Origin Discrimination](#)

[Race Discrimination](#)



NOTEWORTHY RULINGS

University of Kansas to Pay \$144,000 to Settle EEOC Retaliation Discrimination Lawsuit

Federal Agency Charged University's Medical Center Fired Manager for Reporting Age Discrimination

ST. LOUIS - The University of Kansas will pay \$144,000 and furnish other relief to settle a retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced.

According to the EEOC's lawsuit, the University of Kansas Medical Center (KUMC) fired a manager in its Information Resources Department after he complained that his boss had directed supervisors and managers to recruit and hire young people, particularly millennials. The manager noted that a highly qualified 60-year-old applicant for a computer programmer position was rejected solely because of her age.

Such alleged conduct violates the anti-retaliation provisions of the Age Discrimination in Employment Act (ADEA), which prohibits employers from taking adverse employment actions against individuals who engage in protected activity, including opposing what they believe to be unlawful age discrimination against themselves, other employees or job applicants. The EEOC filed its lawsuit in September 2019 (Equal Employment Opportunity Commission v. University of Kansas, Civil Action No. 2:19-cv-02540), in U.S. District Court for the District of Kansas, after first attempting to reach a pre-litigation settlement through its conciliation process.

The three-year consent decree settling the suit, entered by Judge Daniel D. Crabtree, requires the University of Kansas to pay lost wages and liquidated damages to the manager. In addition, the university and KUMC will take key steps to prevent discrimination or retaliation against management employees in the future. Actions include implementing and maintaining stronger non-discrimination and non-retaliation policies and procedures; providing detailed training about age discrimination and retaliation to management, human resources, and other employees; issuing clear guidance to employees prohibiting age discrimination and retaliation; and reporting complaints about age discrimination and retaliation to the EEOC.



NOTEWORTHY RULINGS

Olympia Senior Care Providers to Pay \$450,000 to Settle EEOC Sexual Harassment Lawsuit

Female Supervisor Harassed Same-Sex Employee With Unwanted Touching and Sexual Language, Federal Agency Charge

SEATTLE - Olympia, Wash.-based Koelsch Senior Communities, as well as The Hampton at Salmon Creek, one of the memory care facilities operated by Koelsch, will pay \$450,000 and adopt anti-discrimination policies and training to settle a sexual harassment lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced.

According to the EEOC's lawsuit, a female employee faced unwelcome conduct of a sexual nature from her female supervisor at The Hampton at Salmon Creek facility. This included sexually charged comments, unwanted touching, repeated requests for foot rubs and discussions about intimate details about the supervisor's marriage, dating and sexual practices. When the employee reported the unwelcome behavior to upper management, Koelsch failed to investigate properly and quickly sided with the supervisor, which emboldened the woman to continue harassing her subordinate.

Workplace sexual harassment violates Title VII of the Civil Rights Act of 1964. After first attempting to reach a pre-litigation settlement through its voluntary conciliation process, the EEOC filed its lawsuit against both Koelsch and The Hampton facility (EEOC v. Koelsch Senior Communities, LLC and The Hampton at Salmon Creek, Case No. 3:18-cv-05792-BHS) in U.S. District Court for the Western District of Washington at Tacoma. The employee, also represented by Scott Blankenship and Rick Goldsworthy of the Blankenship Law Firm, PLLC, intervened in the EEOC's lawsuit and asserted additional claims of retaliation and termination.

Under the three-year consent decree settling the suit, the defendants will pay \$450,000 in damages to the employee and train high-level managers employed by both entities, as well as employees of The Hampton facility, to prevent such misconduct in the future.

Read full article at: <https://www.eeoc.gov/eeoc/newsroom/release/3-12-20.cfm>



DIVERSITY AND INCLUSION TED TALK

I am not your inspiration, thank you very much



Born in Stawell in Western Victoria, Australia, [Stella Young](#) cut her activist teeth at the age of 14 by conducting an access audit of shops on the local main street.

She became active in the disability community in a variety of roles, including membership of the Victorian Disability Advisory Council, Ministerial Advisory Council for the Department of Victorian Communities and Women With Disabilities. Victoria hosted eight seasons of Australia's first disability culture program, *No Limits*, aired on stations across the country.

With a strong interest in issues facing women and young people with disabilities, Young worked with the Youth Disability Advocacy Service to establish the LiveAccess project, advocating for better access to live music venues.

In this 9 minute TED Talk, Young breaks down society's habit of turning disabled people into "inspiration porn". She recounts her first experience of inspiration porn when she was 15 years old, a member of her local community wanted to nominate her for an achievement award. Her mother asked "what did she achieve?". Young lived a normal teenage life, and has not done anything inspirational. She was being recognized for living a life with a disability. Young describes why recognizing disabled people for living normal lives translate as having low expectations for disabled people. Click the link below to view the full video.

<https://www.youtube.com/watch?v=8K9Gg164Bsw&feature=youtu.be>

Workplace Class Action Video Blog

Jerry Maatman Discusses Top Title VII Supreme Court Cases In 2020



Mr. Maatman co-chairs Seyfarth Shaw's class action defense group. He is also the editor of the Firm's annual class action survey of workplace litigation, and editor of the firm's workplace class action blog.

In this video blog, Jerry discusses the differing views of the EEOC and the Department of Justice on interpretation of the reach of Title VII, the impact of Justice Kavanaugh and Justice Gorsuch in relation to the outcome of these cases, and what this all means for employers. Click the link below to view the video.

<https://www.workplaceclassaction.com/2020/03/video-blog-seyfarths-jerry-maatman-discusses-top-title-vii-supreme-court-cases-in-2020/>

Meetings & Trainings

EEOC on COVID-19

Hosted by: EEOC

Location: Virtual (Recorded)

Access: <https://www.youtube.com/watch?reload=9&v=i8bH0tOfJjU>

Simply the ADA Workshop Series

Hosted by: The ARC Northern Virginia

Location: Webinar (recorded)

Access: <https://thearcofnova.org/programs/info-referral/ada-workshop-series/>

ADA and workplace considerations for COVID-19!

Hosted by: EARN

Location: Webinar (Recorded)

<https://askearn.org/training-center/webinars/the-ada-at-work-considerations-for-covid-19/>

Essential and Functional: The Importance of Essential Job Functions for Disability Law Compliance and Inclusion

Hosted by: Federal Law Employment Training Group

Location: Webinar (recording)

<https://www.adainfo.org/training/essential-functional>

Managing Multiple Generations in the Workforce

Hosted by: Paychex

Date: May 12, 2020

Time: 2pm EDT

Location: Webinar

Registration: https://www.hr.com/en/webcasts_events/webcasts/upcoming_webcasts/managing-multiple-generations-in-the-workforce_k8ogvy00.html

Safe Space Workshops

Hosted by: Salisbury State University

Click link to schedule training

<https://www.salisbury.edu/administration/diversity-and-inclusion/initiatives-and-programs.aspx>

2020 DIVERSITY CALENDAR

April 2020

- Celebrate Diversity Month
 - National Autism Awareness Month
- 4/8-4/16 Passover
4/10 Good Friday
4/12 Easter

May 2020

- Asian Pacific Heritage Month
- 5/5 Cinco de Mayo
5/7 National Day of Prayer
5/17 International Day Against Homophobia, Transphobia, and Biphobia
5/21 World Day for Cultural Diversity for Dialogue and Development
5/25 Memorial Day

June 2020

- Lesbian, Gay, Bisexual and Transgender Pride Month
- 6/14 Flag Day
6/15 Native American Citizenship Day



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/>

National Service Animal Registry

<https://www.nsarco.com/>

Maryland LGBT Chamber of Commerce

<https://mdlgbt.org>

OSEEOC CONTACT INFORMATION

Glynis Watford

Statewide EEO Coordinator
Glynis.watford@maryland.gov
410-767-4061

Nicole Webb

Senior EEO Compliance Officer
Nicole.webb@maryland.gov
410-767-4761

Denise Green

EEO Compliance Officer
Denise.green@maryland.gov
410-767-1013

Norma Belton

EEO Compliance Coordinator
Norma.belton@maryland.gov
410-767-4735