

Office of the Statewide EEO Coordinator

Statewide EEO Coordinator's Message

Progress is a Process!

I was recently reminded of something with the confirmation of Judge Ketanji Brown Jackson to the supreme court as the 116th justice in U.S. history and the first black woman to serve on the nation's highest court. In addition, on April 12, 2022, Governor Larry Hogan swore in Judge Angela M. Eaves to serve on the Maryland Court of Appeals, the first Hispanic ever to serve on our States highest court. These appointments are reminders that qualified, diverse candidates exist. Furthermore, Maryland State government employs individuals from various racial and ethnic groups. It is documented in our Annual Statewide Equal Employment Opportunity Report for fiscal year 2021 that minorities make up half of the State's workforce. The Office of the Statewide EEO Coordinator is committed to continuing to further our mission of assisting in building a well-diversified workforce for Maryland State government employees and job applicants.

With that said, turn to page 4 and read about the signing of the "Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act". On page 5, read how the Equal Employment Opportunity Commission (EEOC) will be adding a non-gender option to the discrimination charge intake process. Next, on page 6, read why the EEOC sued Activism Blizzard for sexual harassment, pregnancy discrimination, and retaliation resulting in an 18 million dollar settlement. That's not all; turn the page to read more.

Enjoy!

Nicole Webb
Acting 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

Will the Maryland Commission on Civil Rights Sexual Harassment Training Train the Trainer sessions be available again this year?

OSEEOC Answer:

Yes, we are working to identify additional training dates and will be sure to announce them to the EEO Community. Please contact Neisha Shaheed-Turner, OSEEOC Administrative Officer, to have your name added to the list. She can be reached at 410-767-3800 or neisha.shaheed-turner@maryland.gov.

2. Question

How can I obtain a copy of the 2021 Annual Statewide Equal Employment Opportunity Report?

OSEEOC Answer:

The Annual Statewide EEO report can be found on the Office of the Statewide EEO Coordinator's webpage in the top right corner. Here is the link to the webpage <https://dbm.maryland.gov/eo/Pages/EEOHome.aspx>

3. Question

What are some recommended resources for a newly appointed Fair Practices Officer (FPO) and Equal Employment Opportunity Officer (EEO) to assist them with their role?

OSEEOC Answer:

The FPO/EEO Officer should consult with the OSEEOC Team to be added to the email distribution list for all upcoming meetings, trainings, and events. In addition, sign up for the OSEEOC quarterly newsletter, which provides additional helpful resources. The OSEEOC team can be reached via email at oseeoc.dbm@maryland.gov or 410-767-3800.

EEO SPOTLIGHT

EEOC CHAIR APPLAUDS PASSAGE OF ENDING FORCED ARBITRATION ACT

Law Allows Employees to Make Informed Choice on Venue to Seek Justice After Sexual Assault or Harassment

WASHINGTON – The Chair of the U.S. Equal Employment Opportunity Commission (EEOC) welcomed the President’s signing of the Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act, H.R. 4445, into law.

The new law amends the Federal Arbitration Act and allows employees subject to pre-dispute mandatory arbitration agreements to pursue in court their claims related to sexual assault or sexual harassment. The law allows workers to choose how to pursue their cases after sexual assault or harassment has occurred.

EEOC Vice Chair Jocelyn Samuels said, “Access to justice is critical for robust protection of civil rights. The Ending Forced Arbitration Act offers essential protection for workers who are subject to sexual assault or harassment and will significantly advance the promise of our nation’s anti-discrimination laws.”

Burrows said, “The EEOC cannot be forced into arbitration, nor are we bound by class action waivers in employment discrimination claims – including workplace sexual harassment disputes. As a result, the EEOC has been on the front lines of preserving access to the legal system for individuals subjected to mandatory arbitration agreements for workplace sexual harassment disputes. But the EEOC only has sufficient resources to file suit in a small fraction of all charges of discrimination it receives, while pre-dispute arbitration agreements govern millions of workers in the United States. This legislation would increase the ability of private citizens, along with the EEOC, to fully vindicate their rights to be free from sexual harassment. The EEOC will continue to use all of the tools at our disposal to serve the public interest in this area.”

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-chair-applauds-passage-ending-forced-arbitration-act>



EEO SPOTLIGHT

EEOC to Add Non-Binary Gender Option to Discrimination Charge Intake Process

WASHINGTON -- The U.S. Equal Employment Opportunity Commission (EEOC) announced that it will promote greater equity and inclusion for members of the LGBTQI+ community by giving individuals the option to select a nonbinary “X” gender marker during the voluntary self-identification questions that are part of the intake process for filing a charge of discrimination.

The announcement was made on Transgender Day of Visibility, which recognizes the resilience and accomplishments of the transgender community.

“The addition of a nonbinary gender marker to the EEOC’s charge intake process will be an important step to promote greater inclusion for members of the LGBTQI+ community,” said EEOC Chair Charlotte A. Burrows. “To advance our mission to prevent and remedy employment discrimination, we must serve all workers, including those who do not identify as male or female. Our public-facing forms should make clear that we respect that diversity.”

Recognizing that the binary construction of gender as either “male” or “female” does not reflect the full range of gender identities, the EEOC will add an option to mark “X” during two critical stages of the intake and charge filing process:

- The EEOC will update the voluntary demographic questions relating to gender in the [online public portal](#) that members of the public use to submit inquiries about filing a charge of discrimination, as well as the Online Spanish Initial Consultation Form and Pre-Charge Inquiry Form that are sometimes used in lieu of the portal.

Read the full article: <https://www.eeoc.gov/newsroom/eeoc-add-non-binary-gender-option-discrimination-charge-intake-process>



NOTEWORTHY RULINGS

Court Approves EEOC's \$18 Million Settlement with Activision Blizzard

LOS ANGELES – U.S. District Court for the Central District of California has approved and entered the consent decree between Activision Blizzard, Inc. and the U.S. Equal Employment Opportunity Commission (EEOC), which includes \$18 million in monetary relief and significant injunctive relief.

Judge Dale Fischer found the consent decree was “fair, reasonable and adequate and advance[s] the public interest.”

By signing the three-year consent decree, the court has resolved the lawsuit alleging the companies violated federal law by subjecting female employees to sexual harassment, pregnancy discrimination, and related retaliation. This ruling includes not only Activision Blizzard, Inc., a Southern California-based video game development and publishing company, but also Blizzard Entertainment, Inc., Activision Publishing, Inc. and King.com, Inc. (collectively referred to as Activision Blizzard) and the entities' subsidiaries.

“Combating sexual harassment remains a top priority for the EEOC, and we will vigorously enforce federal laws against it,” said EEOC Chair Charlotte A. Burrows. “Every employee deserves to be treated with dignity and to work free from unlawful harassment and retaliation. I’m encouraged when employers agree to work with the EEOC to address discrimination in their workplaces.”

On Sept. 27, 2021, the EEOC filed a lawsuit alleging that Activision Blizzard violated Title VII of the Civil Rights Act of 1964, which prohibits sexual harassment, pregnancy discrimination, and retaliation for complaining about discrimination. The EEOC filed suit in U.S. District Court for the Central District of California (EEOC v. Activision Blizzard, Inc., et al., Case No. 2:21-cv-07682) along with a consent decree following conciliation discussions with Activision Blizzard.

Read the full article here: <https://www.eeoc.gov/newsroom/court-approves-eeocs-18-million-settlement-activision-blizzard>



NOTEWORTHY RULINGS

Software People, Inc. Settles EEOC Retaliation Lawsuit

NEW YORK – Software People, Inc., an IT support staffing agency based on Long Island, New York that contracts with local and state governmental agencies throughout the country, will institute anti-discrimination policies and provide significant training to settle a retaliation lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC).

According to the EEOC's complaint, Software People refused to refer an applicant for a desktop support position after the applicant declined a recruiter's request that he provide the date he completed his education. The applicant objected to the question, noting his belief that questions designed to determine an applicant's age are illegal under federal law. The recruiter did not respond to the objection and the applicant was ultimately not referred for the position, despite an earlier assurance that he would be referred.

Such conduct violates the retaliation provision of the Age Discrimination in Employment Act (ADEA), which prohibits employers and staffing agencies from retaliating against employees who oppose or object to discriminatory employment practices. The EEOC filed suit in U.S. District Court for the Eastern District of New York (EEOC v. Software People LLC, Civil Action No. 2:21-cv-5380) after first attempting to reach a pre-litigation settlement through its conciliation process. This case was litigated by EEOC Trial Attorney Edumin Corrales and EEOC Supervisory Trial Attorney Kimberly Cruz.

The consent decree settling the suit includes significant non-monetary relief to prevent future discrimination, including prohibiting Software People from discriminating and retaliating against employees and applicants based on age and for opposing discriminatory practices; the creation of a robust anti-discrimination policy providing employees and applicants with mechanisms to complain about discrimination; and mandatory training for Software People employees and recruiters about federal anti-discrimination law. The company must also report to the EEOC on any internal complaints of discrimination or retaliation it receives for the next two years. In lieu of damages for the applicant, the EEOC sought and Software People agreed to make a \$15,000 charitable contribution to enhance job opportunities for people in the protected age group.

Read the full article here: <https://www.eeoc.gov/newsroom/software-people-inc-settles-eeoc-retaliation-lawsuit>



ADA CORNER

EEOC Sues North Memorial Health for Disability Discrimination Against Deaf Applicant

MINNEAPOLIS – North Memorial Health violated civil rights law when it failed to hire an applicant who is deaf because of her disability and failed to provide her a reasonable accommodation, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed in Minnesota.

According to the EEOC’s lawsuit, the individual applied for a greeter position in July 2020 at North Memorial Health, which is a health care provider that operates two hospitals and 26 specialty and primary care clinics, urgent and emergency care facilities and medical transportation services throughout the Twin Cities metropolitan area. The applicant was qualified for the greeter position and could perform the essential functions of the job which included greeting visitors, communicating COVID-19 masking standards and policies, giving directions and keeping the area tidy and welcoming. The EEOC’s lawsuit alleges that North Memorial Health failed to accommodate and hire the applicant because of her disability.

This alleged conduct violates the Americans with Disabilities Act of 1990 (ADA), as amended by the Americans with Disabilities Amendments Act of 2008 (ADAA), which makes it unlawful to discriminate against, fail to hire, and fail to accommodate qualified individuals with disabilities. The EEOC filed suit in U.S. District Court for the District of Minnesota (Equal Employment Opportunity Commission v. North Memorial Health, Civil Action No. 22-cv-777 NEB/TNL) after first attempting to reach a pre-litigation settlement through its conciliation process. The EEOC seeks back pay, compensatory and punitive damages as well as injunctive relief.

“It is illegal under the ADA to refuse to hire an applicant because she is deaf or hearing-impaired,” said Julianne Bowman, district director of the EEOC’s Chicago District. “Discrimination against applicants with disabilities is a problem that the EEOC will continue to vigorously address.”

Gregory Gochanour, regional attorney for the EEOC’s Chicago District, said, “Unfortunately, when deaf people apply for jobs, some still encounter discrimination. Some employers erroneously believe that they cannot perform the job because of their disability or discriminate against them based on myths, fears and stereotypes. The EEOC will prosecute such violations of the ADA to ensure that deaf and hearing-impaired workers are not subjected to discrimination.”

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-sues-north-memorial-health-disability-discrimination-against-deaf-applicant>

ADA CORNER

EEOC Sues International Paper for Disability Discrimination

DALLAS – Memphis-based International Paper, Co., one of the world’s largest producers of fiber-based products such as packaging materials and fiber pulp, violated federal law by discriminating against an applicant based on his disability, ADHD (attention-deficit/hyperactivity disorder), the federal agency announced. The EEOC said that International Paper discriminated by rescinding the applicant’s conditional job offer, and by failing or refusing to provide the applicant a reasonable accommodation as part of the hiring process.

According to the EEOC’s lawsuit, the applicant received an offer of employment at the company’s Grand Prairie, Texas location conditioned upon a medical examination and negative drug test. As part of the medical examination, the applicant disclosed that he was diagnosed with ADHD and the medication he was prescribed for it (Adderall). The applicant’s drug test showed a positive result for amphetamines. The defendant revoked the applicant’s conditional offer, informing him that it was because he did not pass the drug test.

The EEOC said that the applicant contacted the defendant twice to provide the phone number for his treating physician and explain that he believed the company had violated the Americans with Disabilities Act. But International Paper did not change its decision to rescind the applicant’s job offer, the EEOC said. Such alleged conduct violates the Americans with Disabilities Act (ADA), which protects employees from discrimination based on their disabilities and requires employers to provide reasonable accommodations of disabilities absent undue hardship. The EEOC filed suit, Civil Action No. 3:22-cv-00810, in U.S. District Court for the Northern District of Texas, Dallas Division, after first attempting to reach a pre-litigation settlement through its conciliation process. In this case, the EEOC seeks back pay and compensatory and punitive damages, as well as injunctive relief, including an order prohibiting International Paper from engaging in discriminatory treatment in the future.

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



EMPLOYMENT DISCRIMINATION

EEOC Releases Information about Employment Discrimination Against Caregivers

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) released a technical assistance document, “[The COVID-19 Pandemic and Caregiver Discrimination Under Federal Employment Discrimination Law](#),” and an update to its COVID-19 “[What You Should Know](#)” explaining discrimination against employees and job seekers with family caregiving responsibilities.

Based on existing EEOC policy guidance, these documents outline how discrimination against applicants or employees with caregiving responsibilities can violate federal equal employment laws when based on a protected characteristic such sex (including pregnancy, sexual orientation, or gender identity), race, color, religion, national origin, age (40 or older), disability or genetic information. For example, an employer’s assumptions or stereotypes about caregivers may result in illegal discrimination when those assumptions lead the employer to make employment decisions based on a protected characteristic, even if the employer’s decisions are well-intentioned.

During the pandemic, employees who are caregivers have adjusted to quarantine requirements or abrupt closures or schedule changes at schools, care facilities, childcare centers or businesses.

“As the pandemic evolves, and the country moves to a new normal, we cannot assume caregiving obligations have ended,” said EEOC Chair Charlotte A. Burrows. “The work that caregivers do – whether as employees or as unpaid workers in the family– is in all of our interests. By ensuring that caregivers know their rights and employers understand their responsibilities, the EEOC will help ensure that America’s recovery from the pandemic is an equitable one.

The technical assistance provides pandemic-related examples of discrimination against caregivers. **For example, it would be illegal if an employer refused to hire an applicant who is the primary caregiver of an individual with a disability who is at higher risk of complications from COVID-19 out of fear that the employer’s healthcare costs would increase. It also would be unlawful for an employer to refuse to promote a woman based on assumptions that, because she was female, she would focus primarily on caring for her children while they quarantined or attended school remotely.**

Read the full article here: <https://www.eeoc.gov/newsroom/eeoc-releases-information-about-employment-discrimination-against-caregivers>



Governor Hogan Announces Elimination of Four-Year Degree Requirement for Thousands of State Jobs

Maryland Launches First-in-the-Nation initiative to Recruit Experienced, Non-Degree Candidates

Governor Hogan announced the launch of a multi-pronged, first-in-the-nation workforce development initiative to formally eliminate the four-year college degree requirement from thousands of state jobs. Spearheaded by the Maryland Department of Labor and the Maryland Department of Budget and Management (DBM), the state will work with partners to recruit and market these roles to job seekers who are “Skilled Through Alternative Routes: (STARS).

The governor was joined by Secretary Tiffany Robinson of the Maryland Department of Labor and Byron Auguste, the CEO and co-founder of Opportunity@Work a nonprofit workforce development organization that will work with DBM to specifically identify Maryland “STARS” in the IT, administrative, and customer service sectors.

Through these efforts being launched; we are ensuring that qualified, non-degree candidates are regularly being considered for these career-changing opportunities,” said Governor Hogan. “This is exactly the kind of bold, bipartisan solution we need to continue leading the nation by giving even more Marylanders the opportunities they need to be successful.”

The State of Maryland employs more than 38,000 individuals and DBM estimates that more than half of those jobs can substitute relevant experience, training, and/or community college education for a four-year degree. There are more than 300 currently open state government jobs that no longer require a four-year degree, all of which are now listed on “[Stellarworx](#),” Opportunity@work’s innovative STARS talent marketplace.

STARS are age 25 years or older, active in the labor force, have a high school diploma or equivalent, and have developed their skills through alternative routes such as community college, apprenticeships, military service, boot camps, and most commonly on-the-job. Opportunity@Work estimates that there are currently more than 70 million STARS in the United States.

Read the full article: <https://governor.maryland.gov/2022/03/15/governor-hogan-announces-elimination-of-four-year-degree-requirement-for-thousands-of-state-jobs/>



MEETINGS & TRAININGS

Untapped Potential: Reimagining Equity for Workers With Gaps in Employment History

Hosted by: Equal Employment Opportunity Commission (EEOC)

Date: April 28, 2022

Time: 1:30 p.m.—3:00 p.m.

To register: Visit

https://eeoc.zoomgov.com/webinar/register/WN_hwUhHWDuSO2yLfV4NSCn5w

SHRM Annual Conference & Expo 2022

Hosted by: Society for Human Resource Management (SHRM)

Date: June 12, 2022—June 15, 2022

To register: Visit https://annual.shrm.org/?_ga=2.248937799.1716938009.1650298209-547295178.1576588168

Maryland Commission on Civil Rights Biennial Civil Rights & Fair Housing Gala Celebration

Hosted by: Maryland Commission on Civil Rights

Date: August 20, 2022

To register: Visit <https://mccr.maryland.gov/Pages/default.aspx>

ADA Title I: Employment Requirements Webinar

Hosted by: Mid-Atlantic ADA Center

To register: Visit <https://www.adainfo.org/trainings>

Free online courses on diversity, equity and inclusion

Hosted by: LinkedIn Learning

Information: <https://about.linkedin.com/coronavirus-resource-hub/online-courses>

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>

2022 DIVERSITY CALENDAR

April 2022

Sexual Assault Awareness Month

April 2— Ramadan begins at sundown

April 15—Passover begins at sundown

April 17—Easter

April 22—Earth Day

April 27—Administrative Professionals Day

April 28—Holocaust Remembrance Day

May 2022

Mental Health Awareness Month

Asian American and Pacific Islander Heritage Month

Jewish American Heritage Month

May 21st—Armed Forces Day

May 30th—Memorial Day

June 2022

Lesbian, Gay, Bisexual, and Transgender Pride Month

Caribbean American Heritage Month

June 20th—Juneteenth

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