

EEO CONNECTION

Statewide EEO Coordinator's Message

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The Maryland General Assembly's 2018 legislative session ended on April 9, 2018. One topic of significant focus during the session was sexual harassment — and with good reason, given the media attention brought to this issue over the past year. Several legislators expressed interest in ensuring that State government employees are aware of their rights and protections around this topic. As a result, two major bills were passed that will greatly affect all Executive Branch agencies: HB 1228 (Equal Employment Opportunity Program—Sexual Harassment Reporting) and HB 1423 (Sexual Harassment Prevention Training—Required). Governor Hogan signed these bills into law on May 15, 2018. The effective date of the bills is October 1, 2018.

HB 1228 requires each Executive Branch agency to submit to the Statewide EEO Coordinator by October 15 an annual report to include: information about agencies' sexual harassment policies and prevention training, along with a summary of sexual harassment complaints filed, investigated, resolved, and pending. Such information will be collected and included in the Annual Statewide Equal Employment Opportunity report.

HB 1423 requires all State employees to complete a cumulative two hours of in-person or virtual, interactive training on sexual harassment prevention within six months of hiring and every two years thereafter. Each agency shall designate a representative to coordinate with the Maryland Commission on Civil Rights (MCCR) to implement training. MCCR shall train the trainers and it is encouraged that sexual harassment prevention materials are to be those developed by MCCR. The Statewide EEO Coordinator shall enforce the requirements and may recommend to the Office of Legislative Audits that a performance audit or review of an agency that the EEO Coordinator determines is noncompliant. As a proactive effort, MCCR has already begun its training sessions. The Office of the Statewide EEO Coordinator (OSEEOC) is coordinating with MCCR to ensure that each agency is notified of the training sessions and are strongly encouraged to participate. As a result of the increased monitoring of this process, agencies must establish an effective tracking mechanism.

I am encouraging all agency EEO/Fair Practices Offices to make sure that the State's Sexual Harassment Policy and Procedure is posted in conspicuous locations throughout your agencies. The policy is posted on Department of Budget and Management's website at <http://www.dbm.maryland.gov/eoo/Documents/SexHarrassPolicy.pdf>

This newsletter is full of informative case law updates, and other valuable information and resources, so turn the page and keep reading...

Enjoy,

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.



Beware of Your Own Bias Behavior

Most people have exhibited or will exhibit bias behavior at some point in their lives. Also, many have experienced being on the receiving end of such behavior. Whether the bias behavior is conscious or unconscious, the reality is that it interferes with individuals' ability to be fair and make objective decisions, especially in cases of discrimination.

Conscious bias, known as explicit bias, refers to the attitudes and beliefs we have about a person or group on a conscious level. Unconscious bias, known as implicit bias, is defined as social stereotypes about certain groups of people that individuals form outside their own conscious awareness. It has been shown that unconscious bias is far more prevalent than conscious bias. Regardless of the type of bias exhibited, they both have a detrimental impact on individuals and can result in unfair decisions that can lead to unfavorable outcomes; e.g., discrimination, retaliation, and even termination of employment.

Nonetheless, the biggest challenge that exists when it comes to addressing biases is whether individuals are willing to admit that they exhibit bias behavior. Admitting it leads to awareness, which leads to the power to change your thinking. Being mindful of your biases is critical when taking actions and making important decisions that affect others; being mindful of your biases is important to fostering healthy and productive relationships in the workplace.

In an article titled [9 Types of Unconscious Bias and the Shocking Ways They Affect Your Recruiting Efforts](#), author Siofra Pratt explains several ways that biases can affect your decision making process. For instance, our biases can affect:

- **Our Perception** – How we see people and perceive reality.
- **Our Attitude** – How we react towards certain people.
- **Our Behaviors** – How receptive/friendly we are towards certain people.
- **Our Attention** – Which aspects of a person we pay most attention to.
- **Our Listening Skills** – How much we actively listen to what certain people say.
- **Our Micro-affirmations** – How much or how little we comfort certain people in certain situations.

As you can see, from the first time that we meet someone, we form an opinion of that person—whether consciously or unconsciously. Let this article serve to remind us to recognize our biases and to be intentional about our actions so that we can make fair and equitable decisions in our workplaces.

- OSEEOC TEAM

Ask the OSEEOC Team

1. QUESTION

How can new EEO Officers and FPO Officers learn about upcoming events hosted by the Office of the Statewide EEO Coordinator?

OSEEOC ANSWER:

Email your name and contact information to Norma Belton at norma.belton@maryland.gov so that your name can be added to our email list. Also, the quarterly "EEO Connection" newsletter lists upcoming events.

2. QUESTION

If an employee is not satisfied with the findings for a NON-EEO related bullying complaint/investigation, how do they proceed with appealing the decision?

OSEEOC ANSWER:

Employees should contact their agency's Human Resources Office or the Department of Budget and Management for guidance at 410-767-4721.

3. QUESTION

How long does the OSEEOC have to investigate a whistleblower complaint?

OSEEOC ANSWER:

Within 60 days after a complaint is received, the OSEEOC shall investigate the complaint to determine whether a violation of the Maryland Whistleblower Law has occurred.

NOTEWORTHY RULING

DDZ To Pay \$625,400 To Settle EEOC Sex Discrimination Lawsuit

LOUISVILLE, Ky. — DDZ, Inc., doing business as DDZ CA, Inc., formerly known as Zoo Printing, Inc., will pay \$625,400 to settle a sex discrimination lawsuit by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced.

According to the EEOC's lawsuit, Zoo Printing failed to hire female applicants for the position of boxer/packer at its Louisville facility between January 2013 and December 2015. The EEOC also alleged that female employees were subjected to a hostile work environment because of their sex.

Failing to hire applicants because of their sex and subjecting employees to a hostile work environment because of their sex violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit against DDZ, Inc., dba DDZ CA, Inc. in U.S. District Court for the Western District of Kentucky, Louisville Division (*EEOC v. DDZ, Inc., dba DDZ CA, Inc.*, formerly known as Zoo Printing, Inc., Case No. 3:18-cv-199 (JHM-CHL)) on March 30, 2018. The parties reached agreement and filed a joint motion to approve a consent decree that same day. The motion was approved by the court and the consent decree was entered on April 13, 2018.

Under the consent decree settling the suit, DDZ is required to pay \$625,400 to women who unsuccessfully sought employment as boxer/packers at the Louisville, facility between January 2013 and December 2015, and to women who were employed at the facility and determined by the EEOC as having been subjected to gender harassment.

The assets of Zoo Printing, Inc., including its name and Kentucky operations, were purchased by PrintBuyer, LLC in an asset purchase transaction in November 2016. PrintBuyer, LLC subsequently closed the Kentucky operations of Zoo Printing, Inc. in 2017. PrintBuyer, LLC is not a party to the consent decree.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/4-16-18.cfm>

NOTEWORTHY RULING

Dollar Tree Stores Sued by EEOC For Pregnancy Discrimination

A Martinez, Ga., location of a discount retail chain store headquartered in Chesapeake, Va., violated federal law by discriminating against one of its employees because of her pregnancy, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it filed.

According to the EEOC's lawsuit, Dollar Tree assigned her tasks in violation of her pregnancy-related restrictions, denied her breaks, and scheduled her to work on days she had doctors' appointments.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964. The EEOC filed suit (*Equal Employment Opportunity Commission v. Dollar Tree Stores, Inc.*, Civil Action No. 1:18-cv-00049-JRH-BKE) in U.S. District Court for the Southern District of Georgia, Augusta Division after first attempting to reach a pre-litigation settlement through its conciliation process. The federal agency seeks back pay, compensatory damages and punitive damages for the discrimination victim, as well as injunctive relief designed to prevent such discrimination in the future.

"The EEOC takes pregnancy discrimination seriously and the agency will continue to protect the rights of pregnant employees," said Bernice Williams-Kimbrough, director of the EEOC's Atlanta District Office.

Antonette Sewell, regional attorney for the Atlanta District Office, added, "What was supposed to be a joyful time in this woman's life turned into a harrowing ordeal that ultimately resulted in her losing her job at a time when she needed it the most."

The EEOC advances opportunity in the workplace by enforcing federal laws prohibiting employment discrimination. More information is available at www.eeoc.gov.



EEO SPOTLIGHT

EEOC And the Philippines Renew Historic National Partnership And Outreach Agreement To Fight Job Discrimination

The U.S. Equal Employment Opportunity Commission (EEOC) and the Embassy of the Republic of the Philippines have officially committed to continuing to work together to combat employment discrimination. In a ceremony at the Philippine Embassy, EEOC Acting Chair Victoria A. Lipnic and Philippine Ambassador to the United States José Manuel G. Romualdez signed the renewal of the national memorandum of understanding (MOU), first signed on Feb. 12, 2015, continuing the partnership between local consulates and EEOC field offices nationwide. Under its terms, the EEOC and the Philippine Embassy will work together to regularly provide information on workplace discrimination through joint educational sessions to Philippine nationals.

"Filipinos and Americans share the crucial core values of freedom and fairness," said EEOC Acting Chair Lipnic. "That's why the EEOC and the Philippine government are renewing this agreement to cooperate to fight employment discrimination and advance justice and opportunity for Filipinos in this country."

Ambassador Romualdez remarked, "We value this partnership as a vital component of our efforts to assist the over 3.9 million Filipinos and Filipino-Americans in the United States in protecting their rights and facilitating the creation of safer and fairer work environments. The Embassy looks forward to furthering our cooperation with the EEOC in ensuring that Filipino workers in the United States are treated fairly and accorded the rights due them under U.S. law."

The agreement will carry forward the ongoing collaborative relationship between these two entities to provide Philippine nationals with information, guidance and access to education and training resources to help them exercise their workplace rights.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/3-28-18.cfm>

EEO SPOTLIGHT

Cooper Machine Company Sued by EEOC for Disability Discrimination

Cooper Machine Company, Inc., a Wadley, Ga., company that sells and manufactures equipment used in the sawmill industry, violated federal law by firing an employee because of her disability, anxiety disorder, the U.S. Equal Employment Opportunity Commission (EEOC) charged in a lawsuit it recently filed.

According to the EEOC's lawsuit, the employee, who worked for the company as a purchasing agent, was terminated by the company's chief financial officer after informing the company that she was required to take medication because of her disability.

Such alleged conduct violates the Americans with Disabilities Act. The EEOC filed suit (Equal Employment Opportunity Commission v. Cooper Machine Company, Inc., Civil Action No. 1:18-cv-00085-JRH-BKE) in U.S. District Court for the Southern District of Georgia after first attempting to reach a pre-litigation settlement through its conciliation process. The federal agency seeks back pay, compensatory damages, and punitive damages for the employee, as well as injunctive relief designed to prevent such discrimination in the future.

"Federal law does not allow employers to terminate an employee merely because the employer believes there are 'medical issues,'" said Bernice Williams-Kimbrough, director of the EEOC's Atlanta District Office.

Antonette Sewell, regional attorney for the Atlanta District Office, added, "The company directly told the employee why it was terminating her and gave her a written document stating their reason. Such a termination is illegal and has been illegal since the ADA was passed."

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/5-17-18a.cfm>

ADA CORNER

Salvation Army to Pay \$55,000 to Settle EEOC Disability Discrimination Lawsuit

ANCHORAGE, Alaska — Global humanitarian organization The Salvation Army will pay \$55,000 and provide other relief to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced.

According to the EEOC's suit, The Salvation Army refused to hire Eric Yanusz as a donation attendant, an entry-level position, at its Wasilla, Alaska thrift store. The position required no prior experience and involved accepting and sorting donated clothing, furniture and household goods. Yanusz, who has an intellectual disability, had completed high school and a follow-up job readiness program, finished three internships at medical centers, and held a part-time job at a local church by the time he applied for the attendant position in spring 2014. After a successful first interview, the EEOC found that Salvation Army imposed a highly unusual second interview on Yanusz and ultimately rejected him due to unfounded concerns about his ability to interact with the public.

"I wanted to have a job and make money like everyone else," said Yanusz. "I felt really good after my interview and thought I got the job."

His mother, LuAnn Yanusz, added, "Eric was embarking on a new chapter in his life where the focus was on what he could do, rather than on his limitations. It was a big blow for him when he was rejected due to unfounded fears about his disability."

Failing to hire a person based on disability violates the Americans with Disabilities Act (ADA). The EEOC filed suit in U.S. District Court for the District of Alaska at Anchorage (Case No. 3:16-cv-00240-SLG) after first attempting to reach a pre-litigation settlement through its conciliation process. Yanusz was also represented by private counsel, Joanna Cahoon, from Disability Law Center of Alaska in Anchorage.

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/4-3-18a.cfm>



ADA CORNER

Macy's To Pay \$75,000 To Settle EEOC Disability Discrimination

CHICAGO - Macy's will pay a former long-term employee \$75,000 to settle a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today. The EEOC's lawsuit charged Macy's with firing an asthmatic employee, rather than excuse a one-day absence the employee needed to address emergency complications arising from her disability. This alleged conduct violated the Americans with Disabilities Act (ADA).

The EEOC filed suit in the U.S. District Court for the Northern District of Illinois, Eastern Division (*Equal Employment Opportunity Commission v. Macy's, Inc./Macy's Retail Holdings, Inc.*; Civil Action No. 17-cv-05959) on Aug. 16, 2017 after first attempting to reach a pre-litigation settlement through the EEOC's conciliation process.

According to the EEOC's lawsuit, the asthmatic employee worked for Macy's for nearly eight years, but she was fired after a one-day absence due to needing immediate medical attention for her asthma. Macy's policy permits absences for disability-related reasons. However, in this case, Macy's denied the employee's request to excuse the absence, even though she had to be seen in a hospital emergency room, and fired her three weeks later.

Macy's will pay \$75,000 in monetary relief to the employee as part of a consent decree settling the suit and will provide additional relief intended to improve Macy's workplace for employees with disabilities. Under the decree, Macy's will train certain employees on disability law and accommodation requirements under the ADA. Macy's will also monitor requests for accommodation and complaints of disability discrimination at its two Chicago stores and report those to the EEOC.

"The ADA requires employers to reasonably accommodate disability-related absences that enable their employees to perform their job," said Julianne Bowman, EEOC's district director in Chicago. "Here, a one-day absence would have enabled the employee to return to the job she held for almost eight years. We are pleased with today's settlement which will compensate the victim and monitor Macy's accommodation practices with respect to the ADA."

Read more at <https://www.eeoc.gov/eeoc/newsroom/release/4-18-18a.cfm>

Sexual Harassment QUIZ

Please answer true or false.

1. The State of Maryland has a policy on Sexual Harassment .

True _____ False _____

2. There are two types of Sexual Harassment, Quid pro Quo and Hostile Work Environment.

True _____ False _____

3. A victim, as well as an accuser of Sexual Harassment may be a female or male.

True _____ False _____

4. Sex-based offensive behavior in the workplace is prohibited by law.

True _____ False _____

5. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature.

True _____ False _____

6. Sexual harassment may be verbal (threats, jokes, suggestive comments) or non-verbal (making suggestive or insulting noises, leering, obscene gestures etc.).

True _____ False _____

Answers: 1. True, 2. True, 3. True, 4. True, 5. True, 6. True

Meetings & Trainings

June 2018

Lessons Learned for Increasing Hiring of People with Disabilities—Webinar

Hosted by: Job Accommodation Network (JAN)

June 12, 2018

Register at <https://askjan.org/webcast/index.htm>

ADA Coordinators Meeting

Hosted by: Office of the Statewide EEO Coordinator (OSEEOC)

Date: June 18, 2018

Time: 9:30 a.m.-12:00 p.m.

Location: 201 W. Preston Street

Room: L1

July 2018

ADA Update—Webinar

Hosted by: Job Accommodation Network (JAN)

Date: July 17, 2018

Register at <https://askjan.org/webcast/index.htm>

EEOC's 21st Annual Excel Training Conference

Hosted by: EEOC

Date: July 10th-12th

Register at

<https://eeotraining.eeoc.gov/profile/form/index.cfm?PKformID=562CBCEC-11AA-44EA-A98F-ACE29928A962&&varPage=register>

2018 DIVERSITY CALENDAR

June 2018

Lesbian, Gay, Bi-Sexual and Transgender Pride Month

June 14—Flag Day

June 15—Native American Citizens Day

June 19—Juneteenth

June 24—LGBT Pride Day

July 2018

July 4—Independence Day

July 26—Disability Independence 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/>

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