

WHERE TO GO FOR HELP

OFFICE OF EQUAL OPPORTUNITY

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MARYLAND COMMISSION ON CIVIL RIGHTS

6 St. Paul Street, Baltimore, Maryland 21202
410-767-8600, TTY 410-333-1737 www.mccr.maryland.gov

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

10 South Howard Street, 3rd Floor, Baltimore, Maryland 21201
410.962.3932, TTY 410.962.6065 www.eeoc.gov

AUTHORITIES

State Personnel and Pensions (SPP) Article - § 2-302 prohibits discriminatory employment decisions on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, political affiliation, age, religious affiliation, belief or opinion, disability, genetic information, gender identity and expression, or any other basis that would be a violation of Federal or State law.

Title 5-Subtitle 208 - prohibits consideration of political affiliation, belief or opinion or any other non-merit factor in making personnel decisions regarding skilled and professional service employees.

State Government Article Title 20 - Commission on Civil Rights guarantees equal employment opportunities regardless of race, color, religion, ancestry, national origin, sex, age marital status, sexual orientation, physical or mental disability, or refusal to submit to or share genetic test results.

Governor's Executive Order 01.01.2007.16 - Code of Fair Employment Practices recognizes State's commitment to fair employment practices and establishes zero-tolerance for discrimination, retaliation and harassment, which includes sexual orientation, genetic information, and gender identity and expression.

Civil Rights Act of 1964 (Title VII) - Prohibits employment discrimination on the basis of race, color, religion, sex, national origin and genetic information, including retaliation and sexual harassment. Title VII also protects individuals from discrimination in compensation, prohibits discrimination based on pregnancy, and may require an employer to accommodate an individual's religious observations, practices.

Americans with Disabilities Act (ADA) - Prohibits discrimination in employment on the basis of disability. Employers must provide workplace accommodations to employees and applicants who meet the requirements for coverage under the Act, unless doing so would impose an undue hardship on operations.

Equal Pay Act of 1963 - Prohibits discrimination in pay on the basis of gender, and prohibits retaliating against a person who complains of discrimination, files a charge, or participates in an investigation of a complaint.

EO/AFFIRMATIVE ACTION POLICY

It is the policy of the DPSCS to maintain a strong Equal Opportunity/Affirmative Action Program. DPSCS is committed to uphold the Governor's policy for zero tolerance for any unfair employment practice. This commitment extends to all DPSCS programs and employment actions.

No person will be discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, political affiliation, age, religious affiliation, belief or opinion, disability, genetic information, gender identity and expression, or any other basis that would be a violation of Federal or State laws.

Every DPSCS employee has the right to work in an environment that is free of discrimination. It is DPSCS' commitment to ensure strict compliance with Federal and State laws, any form of harassment, including sexual harassment.

Our goal is to promote employee involvement, teamwork, recognition, and inclusion. As our workforce becomes more diverse, DPSCS will continue to promote policies and practices that enhance the diversity of our workforce, and provide equal opportunity training to include sexual harassment training, that will educate and enrich managers, supervisors, and employees.

Responsibility for implementation of the Equal Opportunity/Affirmative Action Program has been assigned to various key officials and managers. However, all employees in DPSCS should work cooperatively in order to achieve the objectives of the Program.

As with other complaints of alleged discrimination, retaliation against or interference with individuals filing a complaint or participating in an investigation is also strictly prohibited. Complaints of discrimination and retaliation for participation in or protesting an act of discrimination are taken very seriously. They will be investigated immediately and handled as confidentially as possible. Specific provisions for processing and investigating complaints of discrimination and procedures for investigating complaints alleging sexual harassment may be found in the State Personnel and Pensions (SPP) Article 5, Subtitle 2, on the Safety Net and DPSCS' website.

DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES

OFFICE OF EQUAL OPPORTUNITY



Equal Employment Opportunity & Affirmative Action Awareness

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor

Stephen T. Moyer
Secretary

Karen K. Shipley
Executive Director
Office of Equal Opportunity

WHAT IS EQUAL OPPORTUNITY?

The Office of Equal Opportunity (OEO) is a full service center with three (3) Regional EO Officers and Equal Opportunity (EO) Designees in most facilities. OEO has the responsibility for planning, developing, implementing, monitoring, and evaluation of all Equal Opportunity Programs, within the DPSCS. These programs include Equal Employment Opportunity and Affirmative Action (Title VII of the Civil Rights Act of 1964), Minority Business Enterprise, Limited English Proficiency, and the Americans with Disabilities Act.

Office of Equal Opportunity's Mission:

The Office of Equal Opportunity provides support services and technical assistance by implementing fair and equitable practices, in accordance with Federal and State Laws, Regulations, Policies and Procedures.



The OEO provides direction and guidance for the fair and consistent treatment of **ALL** employees regarding all aspects of employment decisions which include, but is not limited to, the following:

- Recruitment
- Promotions
- Reclassifications
- Disciplinary Actions
- Compensation
- Career Development/Advancement
- Performance appraisals
- Tuition Aid/Education
- Employment Privileges
- Training

Employees are encouraged to resolve complaints of discrimination at the lowest possible level by contacting the facility's EO Designee, the OEO, or a Regional EEO Officer. Investigations of complaints of discrimination will be conducted promptly and thoroughly and appropriate disciplinary action will be taken against any employee violating State EEO policies.

Employees will not be subjected to any form of retaliation for filing a complaint of discrimination, participating in an investigation of a complaint of discrimination, or for objecting to a discriminatory or other illegal or inappropriate action or practice.

THE COMPLAINT PROCESS

If you become involved in a complaint of discrimination, either as a Complainant (victim) or Respondent (accused), contact the facility's Equal Opportunity (EO) Designee, the Office of Equal Opportunity (OEO), or a Regional EO Officer. The departmental policy requires full cooperation of all involved parties to resolve any complaint in a timely fashion and further concludes that any form of interference, intimidation, or harassment of the Complainant or any witness will not be tolerated.

DPSCS first seeks to resolve the problem informally. Should this fail, a formal complaint should be filed with the DPSCS's OEO, or the Maryland Commission on Civil Rights or the U.S. Equal Employment Opportunity Commission. Any employee or applicant for employment may file a complaint of discrimination if he/she feels that he/she has been discriminated against. A complaint may be filed with any of the following:

1. The facility's EO Designee or the Office of Equal Opportunity (30 days)
2. The Maryland Commission on Civil Rights (6 months)
3. The U.S. Equal Employment Opportunity Commission (6 months) or
4. Any U.S. court of competent jurisdiction.

WHAT SHOULD I DO? VICTIM OR SUPERVISOR

Here are some steps you can take to ensure that you, as well as your fellow employees, are following the Department's discrimination policies and procedures and maintaining a work environment free from any form of harassment.

As a victim, DO NOT IGNORE THE BEHAVIOR!

- Confront the offender promptly and directly and indicate specifically what bothers you about the behavior.
- Document the offensive behavior (*in extreme cases, an employee need not inform the offending person*).
- If the behavior persists, advise your supervisor, the facility's EO designee, or the OEO.
- If necessary, file a formal complaint of discrimination in accordance with the State Personnel and Pensions (SPP) Article Title 5, Subtitle 2.

As a supervisor, DON'T IGNORE ANY COMPLAINTS! As a supervisor, you will be held accountable for your working environment and are expected to support the Department's policies in this area in both words and deed.

- Obtain guidance from the OEO.
- Disseminate all policies and training as instructed.
- Investigate allegations promptly and confidentially and take immediate appropriate action.

GUIDELINES TO REMEMBER

Below are some steps you can follow when an employee brings a complaint to your attention:

STEP 1: Put the employee at ease. It's important to be sympathetic concerning the employee's state of mind and to do everything in your power to put her or him at ease.

- Make sure the meeting is held in private so that the employee has your undivided attention.
- Encourage the employee to tell you what happened at her or his own speed and words.

STEP 2: Take every complaint seriously, do not treat the employee's complaint as frivolous.

- Listen without passing judgment or jumping to conclusions.
- If the employee wishes to file a complaint, provide him or her with the necessary form(s) and whatever help or instruction might be needed.

STEP 3: Write the facts down and assure the employee that their allegations will be investigated by DPSCS's Office of Equal Opportunity. Take written notes on the following:

- The specifics-dates, times, and places where the alleged incidents occurred and exactly what happened.
- Whether there were any witnesses to the events.

STEP 4: Investigate. The Office of Equal Opportunity has the responsibility to fully investigate complaints. Upon completion of the investigation, in conjunction with DPSCS's Employer Relations Unit, will take appropriate and immediate corrective action.

- They will speak with the alleged harasser and any witnesses to the incident(s) in question.
- If at all possible, keep the identities of everyone involved confidential.

STEP 5: Follow-up to make sure that whatever action you have taken has had the desired effect.

Guidelines to remember, to ensure that you are practicing fair and equitable treatment of your fellow employees:

- Choose Your Words Carefully
- Apply Standards Equally
- Be Consistent in Your Treatment of Employees
- Keep Fair and Accurate Records
- Never Retaliate