

It is the policy of the Department of Budget and Management to comply with all applicable federal and state laws prohibiting employment discrimination and to provide equal opportunity to all employees and applicants for employment without regard to a person's age, ancestry, color, creed, gender identity and expression, genetic information, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation or any other protected status.

All personnel actions including, but not limited to, hiring, promotion, transfer, terminations, and all other terms and conditions of employment are administered without regard to any of the above listed protected status categories.

**If you believe you have cause for a complaint please contact:**

**David Romas**  
Fair Practices Officer  
(410) 260-7000

**Nicole M. Carter**  
EEO Officer  
(410) 767-8179



**T. Eloise Foster, Secretary**

**Glynis Watford**  
Statewide EEO Coordinator

DBM Publication 10/11

**Protected Groups continued...**

**Sex:** the biological identity as male or female. Discrimination on the basis of sex may involve sexual harassment, gender stereotyping underlying employment decisions, failure to conform to sexual stereotypes.

**Sexual Orientation:** pertains to the sexual preference of a person, e.g. heterosexual, homosexual, bisexual.

**Your Rights**

If you believe you have been discriminated against, you have the right to:

- Initiate an informal meeting, discussing concerns with an EEO official and seek information;
- Pursue an allegation of employment discrimination internally under either the EEO complaint procedure (pursuant to the SPP) or the appropriate grievance procedure, including the right to obtain representation by an attorney or other advisor, and the right to appeal the final decision;
- Request mediation through the Shared Neutrals Mediation Program at any stage of the complaint process;
- Be informed of other venues for pursuing a complaint—the EEOC or the MCCR.

**Information obtained during an internal EEO investigation is confidential; however, anonymity cannot be guaranteed if a formal complaint is filed.**

**Your Responsibilities**

**Your Responsibilities:**

To assist in the complaint process, you have the responsibility to:

- Identify specifically the incident(s) or action(s) that led to the complaint;
- Follow the timetable prescribed in the complaint process;
- Cooperate fully with investigating officials;
- Maintain confidentiality about witnesses who have provided statements, testimony, or documentation about the complaint.

**Your Resources**

**Statewide EEO Coordinator's Office**

301 W. Preston St. Suite 607  
Baltimore, MD 21201  
(410) 767-3800/[www.dbm.maryland.gov/eo](http://www.dbm.maryland.gov/eo)

**Equal Employment Opportunity Commission (EEOC)**

10 S. Howard Street, 3rd Floor  
Baltimore, MD 21201/  
(410) 962-3932/[www.eeoc.gov](http://www.eeoc.gov)

**Maryland Commission on Civil Rights (MCCR)**

6 St. Paul Street, Suite 900  
Baltimore, MD 21202/  
(410) 767-8600/[mchr.maryland.gov](http://mchr.maryland.gov)

**Complaint & Appeal Process**

An employee who feels s/he has been a victim of discrimination has a number of options for pursuing a complaint. Whether a complaint is filed internally with DBM or externally (through EEOC or MCCR) the employee should be aware of the filing deadlines.

**A complaint filed internally, under the SPP Article:**

- Must be filed in writing;
- Must be filed with the head of the principal unit or the EEO officer;
- Must be filed within **30 days** after the employee knew or reasonably should have known of the alleged violation.

**After the complaint has been received:**

- The EEO officer shall investigate the complaint and make a recommendation to the head of the principal unit;
- Within **30 days**, the head of the principal unit or designee shall issue a written decision to the complainant, and may grant any appropriate relief;
- The decision may be a dismissal of the complaint;
- A decision may be appealed to the Office of the Statewide EEO Coordinator in writing and filed within **10 days** of the decision;
- The Statewide EEO Coordinator shall review the complaint and the agency decision, shall conduct any necessary investigation, and shall issue a final decision within **30 days**. The decision may grant appropriate relief or dismiss the complaint.



**EEO & You**

**YOUR  
RIGHTS,  
RESPONSIBILITIES,  
&  
RESOURCES**

Department of Budget & Management  
Office of Fair Practices  
301 W. Preston Street, Room 607  
Baltimore, MD 21201

Telephone: 410-767-8179  
Fax: 410-333-5004  
[www.dbm.maryland.gov/eo](http://www.dbm.maryland.gov/eo)

# EQUAL EMPLOYMENT OPPORTUNITY & YOU

## EEO Federal & State Laws

### MD ANNOTATED CODE

#### State Personnel and Pensions (SPP) Article

- § 2-302 - prohibits discriminatory employment decisions on the basis of age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, or sex.
- § 5-208 - prohibits consideration of political affiliation, belief or opinion or any other nonmerit factor in making personnel decisions regarding skilled and professional service employees.
- Title 5 subtitle 2—establishes State EEO program, and procedures for filing complaints of unfair employment decisions.
- Title 5 subtitle 3—prohibits reprisal against whistleblowers

#### 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. Also creates the right to bring action in court and at the Office of Administrative Hearings to enforce non-discrimination laws

#### 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.

## FEDERAL LAWS

### 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.

### Civil Rights Act of 1991

Authorizes monetary damages in cases of intentional employment discrimination.

### 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.

### Age Discrimination in Employment Act (ADEA)

Prohibits employers from discrimination against employees age 40 and over.

### 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.

## What is employment discrimination?

**Discrimination** is when one distinguishes or differentiates between people on the basis of a person's membership in a protected group or association with a person who is a member of a protected group. In the context of employment, discrimination may occur in many aspects of employment decisions, such as:

- Hiring and Firing
- Compensation
- Assignment
- Classification
- Transfer
- Promotion
- Layoff/Recall
- Job Announcements
- Testing
- Recruitments
- Use of agency facilities
- Training
- Fringe Benefits
- Evaluations
- Discipline

## Theories of Discrimination

There are *two* basic theories of discrimination:

*Disparate Impact* occurs when a system, policy or practice (such as promotional process or recruitment/testing) appears and is intended to treat all persons equally but has the effect of harming or disadvantaging persons who are in a protected group. The intent of discrimination is not necessary; however, the focus is on the adverse consequences of the employment practice.

*Disparate Treatment* is when an individual is treated less favorably than others because of his or her membership in a protected group or association with a person in a protected group. This is intentional discrimination.

The following are types of disparate treatment:

*Sexual Harassment:* refers to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature (1) when submission to such conduct is made a term or condition of a person's employment; (2) when submission or rejection of the conduct is used as a basis for an employment decision, or (3) when such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile work environment.

*Hostile work environment:* a workplace where discriminatory intimidation, ridicule and/or insult are so severe or pervasive that the conditions of an individual's employment are altered to the point of creating an abusive working environment. Harassment on the basis of membership in any protected group (race, religion, etc.) can create a hostile work environment.

*Reprisal/Retaliation:* generally, an employer's adverse action against an employee or applicant because he/she has opposed an unlawful employment practice by the employer, has made a charge of discrimination or has testified, assisted or participated in an investigation, proceeding or hearing involving prohibited employment practices.

## Protected Groups

**Age:** Federal law prohibits age discrimination against persons over the age of 40; under Maryland law, the protection against age discrimination is not limited to persons over age 40.

## Protected Groups continued...

**Ancestry:** relating to one's ancestors (persons from whom one is descended); includes birthplace, ethnicity, lineage.

**Color:** refers to the actual color or shade of skin.

**Creed:** sincere and meaningful beliefs that include moral and ethical beliefs of right and wrong or about life, purpose, and death.

**Disability:** physical or mental ailment that substantially limits the ability of an individual to perform a major life activity, including a record of a disability or perceived disability.

**Gender Identity/Expression:** generally pertains to an individual's gender-related self-identity, self-image, expression and/or behavior that differs from that associated with the individual's assigned sex at birth.

**Genetic Information:** information about a person's genetic tests and those of the person's family members including family medical history, where such information may be used to determine whether an individual has an increased risk of developing a disease or disorder.

**Genetic Test:** laboratory tests of human genes and chromosomes used to identify the presence or absence of hereditary or inherited alterations in genetic material associated with disease or illness.

**Marital Status:** includes single, married, divorced, and widowed; may pertain to opposite-sex or same-sex partner.

**National Origin:** an individual's country of origin; related unfair treatment may be based on name, accent, or expression of cultural heritage.

**Race:** A group of people united by a common history, nationality, or tradition; may include personal characteristics associated with race, such as hair texture, skin color, facial features.

**Religion:** includes persons who belong to traditional organized religious groups and those with sincerely-held religious, ethical or moral beliefs.