



COBA
DELEGATE
SEMINAR

EQUAL EMPLOYMENT OPPORTUNITY (EEO) & REASONABLE ACCOMMODATION (RA)

Know the Difference. Protect the Member. Strengthen the Union.

AUGUST
24th - 27th

Presentation by
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WELCOME & ICEBREAKER

Myth vs. Fact: Quick Round

I will read 5 statements. Vote by show of hands: Myth or Fact.

- | | |
|--|------|
| 1. EEO and Reasonable Accommodation are the same process. | MYTH |
| 2. A delegate can file an EEO complaint on behalf of a member. | MYTH |
| 3. PTSD always qualifies for Reasonable Accommodation. | MYTH |
| 4. Pregnancy has its own accommodation protections separate from disability. | FACT |
| 5. If an officer is denied a promotion based on race, that is an RA issue. | MYTH |

SEMINAR AGENDA

- | | | |
|---|---|--------|
| 1 | Module 1 The Role of a COBA Delegate | 5 min |
| 2 | Module 2 Understanding Equal Employment Opportunity | 8 min |
| 3 | Module 3 Understanding Reasonable Accommodation | 8 min |
| 4 | Module 4 EEO vs. RA - A Delegate's Decision Framework | 7 min |
| 5 | Module 5 Correctional Case Studies | 10 min |
| 6 | Module 6 Delegate Leadership in Action | 7 min |

||| **LEARNING OUTCOMES**

By the end of this seminar, delegates will be able to:

- Explain the purpose of EEO
- Explain the purpose of Reasonable Accommodation
- Distinguish between EEO and RA
- Recognize when both processes may apply
- Recognize when neither process applies
- Understand the delegate's responsibilities
- Identify appropriate referrals
- Communicate effectively with members
- Protect members while remaining objective



1. THE ROLE OF A COBA ELEGATE

Knowledge. Leadership. Representation. Accountability.

WHAT A DELEGATE DOES



Represent

First point of contact for members with workplace concerns



Listen & Assess

Hear the issue and identify what type of problem it is



Guide & Refer

Direct members to the appropriate process



Document

Help members keep accurate records



Support

Accompany members to meetings and advocate for fair process



Protect

Ensure member rights are respected throughout

||| **DELEGATE BOUNDARIES**

- WHAT YOU CAN AND CANNOT DO

WHAT YOU CAN DO

- Listen to member concerns
- Explain processes in plain language
- Refer members to the right process
- Help members document incidents
- Accompany members to meetings
- Advocate for fair and timely process
- Escalate to union leadership when needed

WHAT YOU CANNOT DO

- File an EEO complaint for the member
- Provide legal advice or opinions
- Determine if discrimination occurred
- Guarantee an accommodation outcome
- Promise a specific result
- Withhold information from the member
- Act as the member's attorney

||| **KNOWLEDGE CHECK - MODULE 1**

**Q: A member wants YOU to file the EEO complaint for them.
What do you do?**

- A. File the complaint on their behalf
- B. Explain they must file themselves, but you will guide and accompany them
- C. Tell them it is probably not a real EEO issue
- D. Tell them to hire a lawyer and step back

||| **2. UNDERSTANDING EQUAL EMPLOYMENT OPPORTUNITY**

Protecting members from workplace discrimination

WHAT IS EQUAL EMPLOYMENT OPPORTUNITY (EEO)?

EEO is the principle that all employees have the right to be treated fairly, free from discrimination based on protected characteristics.

KEY POINTS:

- Protects against discrimination in hiring, promotion, discipline, pay, and termination
- Based on protected categories defined by federal, state, and local law
- Also protects against retaliation for filing or participating in a complaint
- Formal process with specific timelines and procedures

PROTECTED CATEGORIES UNDER EEO

1

Race

Race or skin color

2

Sex/Gender

Including pregnancy
and gender identity

3

Religion

All sincerely held
beliefs

4

National Origin

Birthplace, ancestry,
ethnicity

5

Age (40+)

Workers 40 and older

6

Disability

Physical or mental
impairment

7

Genetic Info

Family medical
history

8

Sexual Orientation

Under sex
discrimination

THE EEO PROCESS

1	2	3	4	5	6
Member contacts Delegate	Refer to EEO Counselor	EEO Counseling	Formal Complaint	Investigation	Resolution
Delegate listens and documents	Within 45 days of the action	Informal resolution attempt	If unresolved, member files	Agency investigates	Finding, remedy, or appeal

CRITICAL: THE 45-DAY DEADLINE STARTS FROM THE DATE OF THE DISCRIMINATORY ACTION OR WHEN THE MEMBER BECAME AWARE OF IT.



III MYTH VS. FACT

Vote by show of hands:

MYTH EEO only covers firing and hiring decisions.

FACT EEO covers ALL employment decisions.

MYTH If a member waits more than 45 days, they lose EEO rights permanently.

FACT 45 days is for contacting a counselor.
Extensions may apply.

III **3. UNDERSTANDING REASONABLE ACCOMMODATION**

Ensuring employees can perform their job despite limitations

WHAT IS REASONABLE ACCOMMODATION (RA)?

Reasonable Accommodation is a change or adjustment to a job or work environment that enables a qualified individual to perform the essential functions of their job.

Three Categories of RA:



Disability RA

For physical or mental impairments
- PTSD, injuries, chronic conditions.
Requires medical documentation.



Religious RA

For sincerely held religious beliefs - schedule changes, dress code exceptions.
No medical docs needed.



Pregnancy RA

Under the Pregnant Workers Fairness Act - light duty, schedule changes, additional breaks.



||| TYPES OF ACCOMMODATIONS IN CORRECTIONS



Schedule Changes

Modified shifts, flexible start times, swap assignments



Job Restructuring

Reassigning non-essential functions, temporary reassignment



Light Duty

Restricted duty, desk duty, limited inmate contact



Modified Equipment

Ergonomic equipment, specialized tools, modified uniform



Leave/Time Off

Medical leave, extended breaks, prayer breaks



Policy Exceptions

grooming standard exceptions

THE REASONABLE ACCOMMODATION PROCESS

1	2	3	4	5	6
Member Requests	Delegate Supports	Interactive Process	Documentation	Decision	Follow-Up
Employee informs supervisor or HR	Delegate helps document request	Agency and employee discuss options	Medical docs for disability RA	Approve, alternative, or deny	Implement and monitor

KEY: THE INTERACTIVE PROCESS IS MANDATORY. NO STRICT 45-DAY DEADLINE, BUT REQUESTS MUST BE PROCESSED PROMPTLY.

||| 4. EEO VS. RA-A DELEGATE'S DECISION FRAMEWORK

Knowing the difference saves time and protects members

||| KEY DIFFERENCES: EEO VS. RA

Factor	EEO	Reasonable Accommodation
Purpose	Prevent and remedy discrimination	Enable an employee to perform their job despite a limitation
What triggers it	Discriminatory action or hostile environment	Employee request for a change
Timeline	45 days to contact EEO counselor	No fixed deadline - must be prompt
Process	Formal complaint with investigation	Interactive process - collaborative
Documentation	Evidence of discrimination	Medical docs or belief statement
Outcome	Remedy for discrimination	Accommodation enabling job performance

THE DELEGATE'S DECISION FRAMEWORK

Member comes to you



Listen and document the concern



Was the member treated differently based on a protected category?

YES

Likely EEO. Refer to EEO counselor within 45 days.

BOTH can apply - assess each independently

NO

Does the member need a change due to disability, religion, or pregnancy?

YES to RA question -> RA process | NO -> Grievance or other

||| WHEN BOTH APPLY - WHEN NEITHER APPLIES

When BOTH Apply

- Disabled officer denied accommodation
- EEO: disability discrimination
- RA: failure to accommodate
- Pregnant officer denied light duty + retaliated against
- EEO: pregnancy discrimination + retaliation
- RA: failure to accommodate pregnancy

Action: Refer to BOTH processes - document separately

When NEITHER Applies

- Scheduling dispute - no protected category
- Performance discipline applied consistently
- Personal conflict - no protected category
- Assignment preference - no disability/religion/pregnancy basis

Action: Grievance process, chain of command, or union leadership

||| **5. CORRECTIONAL CASE STUDIES**

Real scenarios. Real decisions. Real impact.

SCENARIO 1: HARASSMENT & RETALIATION

THE FACTS

Officer J reports that her sergeant has been making inappropriate comments about her appearance for three months. She complained informally to her captain.

The following week, she was reassigned from day shift to overnight shift. She comes to you upset.

What processes apply, and what should the delegate do?

ANSWER KEY

Answer:

EEO applies - sexual harassment and retaliation for complaining.

Why:

The comments constitute potential harassment. The schedule change after her complaint is retaliation. Both are EEO violations.

Delegate Response:

Document the timeline. Refer to EEO counselor immediately - 45-day clock from reassignment.

Preserve texts, emails, witnesses.

Referral:

EEO Counselor

Key Learning:

Retaliation is a separate EEO violation - punishing someone for complaining is independently illegal.



SCENARIO 2: PTSD & DISABILITY ACCOMMODATION

THE FACTS

Officer M, a 12-year veteran, was diagnosed with PTSD after a critical incident. His therapist recommends temporary reassignment away from direct inmate contact during treatment. He is embarrassed and asks about his options.

What process applies, and what is the delegate's role?

ANSWER KEY

Answer:

RA applies - disability accommodation. EEO may apply if treated differently.

Why:

PTSD is a recognized disability. The request for reassignment is reasonable. The agency must engage in the interactive process.

Delegate Response:

Help him submit a written RA request with medical documentation. Monitor agency's good-faith engagement.

Referral:

RA Process (HR/ADA Coordinator)

Key Learning:

PTSD is a covered disability. Delegate supports the member in making the request.

SCENARIO 3: PREGNANCY ACCOMMODATION

THE FACTS

Officer T is six months pregnant. Her doctor recommends light duty. Her supervisor says she must use sick leave because no light duty positions are available. She asks if this is correct.

What process applies, and is the supervisor's response appropriate?

ANSWER KEY

Answer:

RA applies (PWFA). Supervisor response may also trigger EEO.

Why:

Under PWFA, pregnant employees are entitled to reasonable accommodations. Forcing sick leave instead may be a violation.

Delegate Response:

Help submit formal RA request with medical docs. If denied, becomes EEO claim. Document everything.

Referral:

RA Process first. If denied > EEO Counselor.

Key Learning:

Pregnancy has separate protections. Forcing sick leave when light duty is available is not appropriate.

SCENARIO 4: RELIGIOUS ACCOMMODATION

THE FACTS

Officer R requests Friday evening schedule adjustments for religious services. The scheduling officer denies the request citing staffing needs. He asks about recourse.

What process applies, and what should the delegate advise?

ANSWER KEY

Answer:

RA applies - religious accommodation. No medical docs needed.

Why:

The agency must provide reasonable accommodation unless it creates undue hardship. General 'staffing needs' is insufficient.

Delegate Response:

Help document the request and denial. Submit formal RA request. Agency must show undue hardship.

Referral:

RA Process (HR/Religious Accommodation)

Key Learning:

Religious accommodation needs no medical documentation. Agency must demonstrate undue hardship.

SCENARIO 5: WORK-RELATED INJURY & LIGHT DUTY

THE FACTS

Officer K injured his back during a cell extraction. After surgery, his doctor clears him for light duty with a 20-pound lifting restriction. His supervisor says no light duty positions are available and sends him home.

What process applies, and what is the delegate's role?

ANSWER KEY

Answer:

RA applies - disability accommodation. Workers' comp is separate.

Why:

A work injury resulting in lifting restriction is a disability. Agency must engage in interactive process.

Delegate Response:

Help submit RA request with medical docs. Workers' comp and RA are separate. If agency refuses to engage, document failure.

Referral:

RA Process + Workers' Compensation

Key Learning:

Work injuries trigger both workers' comp and RA.
Agency cannot just send someone home.

SCENARIO 6: DOCUMENTATION & SUPERVISOR ISSUES

THE FACTS

Officer L believes she was passed over for promotion because of race. She has strong reviews but was told informally that the supervisor said she 'wouldn't be a good fit.' She has no formal documentation.

What process applies, and how to handle the lack of documentation?

ANSWER KEY

Answer:

EEO applies - potential race discrimination in promotion.

Why:

Being passed over based on race is EEO. The 'fit' comment could be evidence. Lack of formal docs doesn't prevent a complaint.

Delegate Response:

Document everything she remembers - dates, conversations, witnesses. Refer to EEO counselor within 45 days.

Referral:

EEO Counselor

Key Learning:

Lack of documentation doesn't prevent an EEO claim.

Help reconstruct the timeline. Agency must produce records.

III ACTIVITY

THINK-PAIR-SHARE

Discuss at your table:

An officer comes to you with two issues: (1) He was denied a schedule change for medical treatment, and (2) He believes his supervisor gives him unfavorable assignments because of his disability. Which processes apply? What do you do first?

2 min individual | 3 min partner | 2 min share out

||| 6. DELEGATE LEADERSHIP IN ACTION

Knowledge applied is leadership demonstrated

COMMUNICATING WITH MEMBERS



Listen First

Let the member tell their full story before assessing



Document Everything

Your notes may be the member's best evidence



Maintain Confidentiality

Never share concerns without permission



Be Objective

Present options, not verdicts



Leave/Time Off

Guide to the right process



Follow Up

Confirm the member followed through

DELEGATE REFERRAL QUICK GUIDE

If the concern is...	Process	Delegate Action
Treated differently based on protected category	EEO	Refer to EEO counselor (45-day deadline)
Needs job change due to disability	RA	Help submit RA request with medical docs
Needs schedule change for religion	RA	Help submit RA request (no medical docs)
Pregnant - needs light duty or schedule change	RA (PWFA)	RA request; if denied also EEO
Denied accommodation AND discriminated against	BOTH	Refer to both - document separately
Retaliated against for filing complaint	EEO	Refer to EEO - separate retaliation claim
Workplace dispute - no protected category	Grievance	Grievance procedure or union leadership



III ACTIVITY

TEAM DISCUSSION

At your table, develop a delegate action plan:

An officer with a back injury requests light duty. The agency says no and requires sick leave. She files an EEO complaint. Two weeks later, her supervisor removes her from the overtime list.

Outline: (1) What processes apply? (2) Step-by-step action plan?
(3) Documentation needed?

5 min at tables | 3 min share out

III KEY TAKEAWAYS

- 1 EEO addresses discrimination - being treated differently based on a protected category.
- 2 RA addresses accommodation - needing a change to perform your job.
- 3 Both can apply simultaneously - assess each independently.
- 4 The delegate's role is to guide and refer - not file, decide, or give legal advice.
- 5 The 45-day EEO deadline is critical. Act quickly.
- 6 Document everything. Your notes may be the member's best evidence.
- 7 Retaliation is a separate violation - always flag it.
- 8 When in doubt, refer up. Escalating is protecting the member.

||| DELEGATE QUICK REFERENCE CARD

EEO

- Purpose: Protect against discrimination
- Trigger: Treated differently based on protected category
- Timeline: 45 days to contact EEO counselor
- Process: Formal complaint + investigation
- Who files: The member
- Retaliation: Separate violation - always flag

REASONABLE ACCOMMODATION

- Purpose: Enable job performance despite limitation
- Trigger: Member needs a change
- Timeline: No fixed deadline - must be prompt
- Process: Interactive process - collaborative
- Who requests: The member
- Types: Disability, Religious, Pregnancy (PWFA)

DELEGATE ACTION STEPS

1. Listen
2. Document
3. Assess: EEO? RA? Both? Neither?
4. Escalate
5. Follow up
6. When in doubt - Refer