KEY THINGS TO REMEMBER ABOUT EDR RIGHTS

EDR Coordinators SPOT ISSUES, they don’t decide issues.

**DISCRIMINATION**

- Generally, an adverse employment action
  - that substantially affects the terms, conditions, or privileges of employment (e.g., hiring, firing, failing to promote, significant change in benefits), and
  - is based on or motivated by Protected Categories (race, color, sex, gender, gender identity, pregnancy, sexual orientation, religion, national origin, age, disability)
- It is also discrimination to not provide a reasonable accommodation for religious beliefs or practices or for an ADA disability.
  - As to ADA issues:
    - Disability is construed broadly under the ADA
    - Employing Office should focus on whether an accommodation is needed for the medical condition and whether it reasonable and effective

**DISCRIMINATORY HARASSMENT**
(including SEXUAL HARASSMENT)

- Generally, when a workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the employment and create an abusive working environment
  - Unwelcome physical, verbal or nonverbal conduct based on, or motivated by, a Protected Category
  - It is unlawful where tolerating the harassment is a condition of employment or is so severe or pervasive that it affects the terms, conditions, or privileges of employment.
- Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. It includes making offensive remarks about a person’s gender. The harasser can be a supervisor, a coworker, or someone who comes into the workplace.

The Judiciary encourages reporting of discriminatory harassment any time an Employee experiences or observes unwelcome conduct — BEFORE it becomes severe or pervasive. The Judiciary wants to take immediate corrective action to prevent any future occurrences.

**ABUSIVE CONDUCT**

- Generally, a pattern of demonstrably egregious and hostile conduct not based on a Protected Category that unreasonably interferes with an Employee’s work and creates an abusive working environment

- Reasonable communications and actions related to performance management is not “abusive conduct.”

**RE蒂ALITION**

- Generally, a materially adverse action for reporting or opposing wrongful conduct; assisting in the defense of EDR rights; or reporting fraud, waste, and abuse (being a whistleblower)
  - Materially adverse = would dissuade a reasonable person from engaging in the protected activity