

Equal Employment Opportunity (EEO) and Affirmative Action (AA) Laws

Adapted from information published by Vanderbilt University at http://www.vanderbilt.edu/ead/obligations/eoaa_laws.php

Title VI of the Civil Rights Act of 1964

Prohibits discrimination on the basis of race, color or national origin in any program or activity receiving federal financial assistance. No person can be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any university program or activity that receives federal funds because of their race, color or national origin. Title VI is enforced by the Office for Civil Rights and the U.S. Department of Education.

Title VII of the Civil Rights Act of 1964

Prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin. All institutions or agencies with 15 or more employees are covered. Most terms and conditions of employment are covered, including:

- Recruitment, selection, assignment, transfer, layoff, discharge and recall
- Opportunities for promotion, in-service training or development opportunities
- Wages and salaries
- Sick leave and pay, vacation time and pay, overtime and pay
- Medical, hospital, life and accident insurance
- Other staff benefits

Title VII is enforced by the U.S. Equal Employment Opportunity Commission (EEOC).

Title IX of the Education Amendments of 1972

Prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any education program or activity that receives federal funds because of their sex. Title IX is enforced by the Office for Civil Rights and the U.S. Department of Education.

Executive Order 11246

Prohibits employment discrimination in institutions or agencies which have contracts with the federal government for \$10,000 or more. Those institutions with federal contract of \$50,000 or more and 50 or more employees are required to develop written affirmative action plans with numerical goals and timetables. Although the contract may involve only one unit within the institution, the affirmative action plan must cover all employees throughout the institution. Prohibited discrimination involves race, sex,

color, religion or national origin. Essentially the same as Title VII with respect to the particular terms and conditions of employment covered. Executive Order 11246 is enforced by the Office of Federal Contract Compliance Programs and the U.S. Department of Labor.

Age Discrimination in Employment Act of 1967 (ADEA)

Prohibits age discrimination in employment by private or governmental employees with 20 or more employees against persons 40 years of age or older. Covers hiring, discharge and classification as well as other terms and conditions of employment. The ADEA is enforced by the U.S. Equal Employment Opportunity Commission.

Age Discrimination Act of 1975

Prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. The Age Discrimination Act is enforced by the federal department or agency with which the contract is made.

Americans with Disabilities Act of 1990 (ADA)

Guarantees equal opportunity in employment, public accommodations, transportation, state and local government services, and telecommunications for individuals with disabilities. This provision is based on the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. On July 26, 1992, the Act became applicable to businesses employing twenty-five or more persons and on July 26, 1994, it became applicable to employers of fifteen or more. The ADA is enforced by several agencies depending on the individual provision. Employment provisions are enforced by the U.S. Equal Employment Opportunity Commission.

ADA Amendments Act of 2008 (ADAAA)

The ADAAA emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the terms of the ADA and generally shall not require extensive analysis. Employment provisions are enforced by the U.S. Equal Employment Opportunity Commission.

Campus SaVE Act (Violence Against Women Reauthorization Act of 2013) This act outlines the procedures that apply to allegations of dating violence, domestic violence, sexual assault, and stalking involving faculty, staff, house staff, or postdoctoral fellows or trainees that do not also involve students. It is applicable to all members of the Cincinnati State Technical and Community College community with respect to conduct that (1) occurs on campus; (2) occurs in connection with College programs and activities; or (3) otherwise interferes with or limits the ability of a member of the Cincinnati State Technical and Community College community to participate in or to receive benefits, services, or opportunities from the College's programs or activities, regardless of whether the alleged victim is an affiliate of the College.

Sections 503 and 504 of the Rehabilitation Act of 1973

Section 503 requires any employer with a federal contract of \$2,500 or more to take affirmative action to employ and advance in employment qualified disabled persons. Section 503 is enforced by the Office of Federal Contract Compliance Programs and the U.S. Department of Labor. Section 504 prohibits discrimination against qualified disabled persons in programs or activities receiving federal financial assistance. Section 504 is enforced by the Office for Civil Rights and the U.S. Department of Education.

Pregnancy Discrimination Act of 1978 (PDA)

Prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. Women who are affected by pregnancy or related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations. The PDA is enforced by the U.S. Equal Employment Opportunity Commission.

Equal Pay Act of 1963 (EPA)

Prohibits discrimination between employees on the basis of sex by paying wages to employees at a rate less than the rate paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any factor other than sex. An employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee. The EPA is enforced by the U.S. Equal Employment Opportunity Commission.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

Protects service members' reemployment rights when returning from a period of service in the uniformed services, including those called up from the reserves or National Guard, and prohibits employer discrimination based on military service or obligation. The USERRA is enforced by the U.S. Department of Labor's Veterans' Employment and Training Service.

Vietnam Era Veterans Readjustment Assistant Act of 1974 (VEVRA)

Requires any employer with a federal contract of \$10,000 or more to take affirmative action to employ and advance in employment-qualified veterans with disabilities and veterans of the Vietnam Era. The VEVRA is enforced by the U.S. Department of Labor's Veterans' Employment and Training Service.

The Genetic Information Nondiscrimination Act of 2008 (GINA)

Prohibits discrimination in health coverage and in employment based on genetic information. The Departments of Labor, Health and Human Services and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance. The U.S. Equal Employment Opportunity Commission enforces Title II of GINA (dealing with genetic discrimination in employment).