

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

Policy # II.3.022

Title: EQUAL OPPORTUNITY

Authority: Board Action

Original Adoption: 4/10/02

Effective Date: 4/10/02

Last Revision: Initial

The LCTCS is committed to the principle of providing the opportunity for learning and development of all qualified individuals without regard to race, sex, religion, color, national origin, age, disability, marital status, or veteran status for employment with LCTCS, admission to, or participation in the programs and activities which the LCTCS and any LCTCS college sponsors or operates.

It is the policy of the LCTCS to recruit the best individuals available in accordance with appropriate state and federal laws and acceptable human resources practices.

Employment practices shall be supervised on a continuous basis to assure that all budget unit heads take positive action in fulfilling the goals of equal employment opportunity.

The LCTCS is committed to this policy because the LCTCS believes that it is morally right and that it is in accordance with Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, Executive Order 11246, the Louisiana Rehabilitation Act of 1973 (Sections 503 and 504), the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

The LCTCS and each of the LCTCS colleges will ensure that the following will be implemented at all levels of administration:

- Recruit, hire, place, train and promote in all job classifications without regard to non-merit factors, such as race, color, age, religion, sex, national origin, disability veteran status, or any other factor protected by law, except where there is a bonafide occupational qualification.
- Identify and use existing talent and potential through upgrading and promotion of present employees. All promotions will be based only on valid equal employment promotional requirements.
- Base decisions on employment so as to further the principles of equal employment opportunity.
- Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, recall from layoffs, education, tuition assistance, and social and recreation programs be administered without regard to race, color, religion, sex, age, national origin, disability, veteran status or any other non-merit factor.

All LCTCS personnel with responsibility for recruitment, appointment, placement, evaluation, transferring or any other aspect of personnel management are charged with the responsibility of seeing that this policy is successfully implemented by giving it full

support through active cooperation and example. All such persons shall be evaluated on the basis of their equal employment efforts and results in addition to the usual standards of performance. Persons who fail to adhere to the Equal Employment Opportunity policy are subject to administrative disciplinary actions. The system office and each of the LCTCS colleges will periodically review its personnel actions to ensure compliance with this policy.

**LOUISIANA COMMUNITY & TECHNICAL COLLEGE
SYSTEM
Policy # IL.3.011**

Title: Harassment Policy

Authority: Board Action

Original Adoption:06/13/01
Effective Date: 06/13/01
Last Revision: Initial

Harassment, including sexual harassment, is prohibited by the Equal Employment Opportunity Commission, the Office for Civil Rights and state regulations (*R.S. 23:301, 312, 332*), and therefore, it is the policy of LCTCS that unlawful harassment of employees and students is prohibited.

Harassment is physical, verbal and visual conduct that creates an intimidating, offensive, or hostile environment, which interferes with work performance. This includes harassment because of race, sex, sexual orientation, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by federal, state or local law, ordinance or regulation.

Sexual Harassment is defined by the Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature... when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose and effect of unreasonably interfering with an individual's work performance *or* creating an intimidating, hostile or offensive working environment.

LCTCS applies this definition to the areas of academic advancement, academic standing or academic performance.

Workplace harassment infringes on employees' right to a comfortable work environment, and it is a form of misconduct that undermines the integrity of the employment relationship. No employee – male or female – should be subjected to unsolicited and unwelcome overtures or conduct, either verbally, visually, physically or electronically transmitted. Although this list is not all-inclusive, examples of conduct that is prohibited includes:

- *Taking any personnel action on the basis of an employee's submission to or refusal of sexual overtures*

- *Unwelcome or unwanted conversations*
- *Unwelcome or unwanted touching*
- *Continued or repeated verbal abuse of a sexual nature*
- *Explicit or degrading verbal comments, suggestions, or slurs about another individual or his/her appearance*
- *Offensive comments regarding sexual or private matters*
- *Display of sexually suggestive pictures, objects*
- *Offensive jokes*
- *Verbal abuse, comments, names or slurs that in any way relate to an individual's race, color, sex, sexual orientation, age, religion, national origin or disability*
- *Any other offensive or abusive physical, visual or verbal conduct*

This policy applies to all members of the LCTCS Board of Supervisors, unclassified employees, students, supervisors, managers, faculty, vendors, and all other individuals doing business with LCTCS. It is the policy of LCTCS that no member of the LCTCS community may harass another. This includes harassment of an employee by another employee, of a student by an employee, of an employee by a student, of a student by another student. Additionally, under appropriate circumstances, LCTCS may take action to protect its employees and students from harassment, on LCTCS property or at LCTCS sponsored events, by individuals who are not students or employees of LCTCS.

A complaint of harassment should be presented as promptly as possible after the alleged harassment occurs. Any employee who believes he/she is the subject of harassment or who has knowledge of harassing behavior must report such conduct to their direct supervisor, and the institution's human resource department. All institutions are required to develop a system of recording all formal written complaints to be submitted and kept on file in the institution Chancellor's office and in the office of the system president for the LCTCS system office staff. Any student who believes he/she is the subject of harassment or who has knowledge of harassing behavior must report such conduct to student affairs personnel. He/she also may submit a complaint to the institution's Chancellor. No student or employee is required to report or make a complaint of harassment to the person who is allegedly engaging in the problematic conduct. In the event that an individual feels uncomfortable making a complaint at the institution level, such complaint may be made at the system level with the LCTCS Director of Human Resources (225-219-8700), Louisiana Community and Technical College System, 822 Neosho Avenue, Baton Rouge, Louisiana 70802. Each campus is required to provide to employees and students a copy of this policy and post a poster with contact list identifying individual names, titles, physical location and telephone number where complaints may be filed.

Complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. A member of human resources will conduct investigations, unless otherwise deemed necessary, in order to assure an impartial and confidential investigation. LCTCS will not tolerate any type of discipline or retaliation, direct or indirect, against any employee or other person who, in good faith, files a complaint of or responds to questions in regard to having witnessed prohibited

harassment. False charges are treated as serious offenses and may result in disciplinary and/or civil action.

Any employee or member of management who is found, after appropriate investigation, to have engaged in harassing conduct is subject to appropriate disciplinary action up to and including termination of employment and/or student standing per the institution's policies in place governing students.

Poster

Louisiana Community and Technical College System

HUMAN RESOURCES POLICY REGARDING HARASSMENT

Harassment, including sexual harassment, is prohibited by the Equal Employment Opportunity Commission, the Office for Civil Rights and state regulations. Therefore, it is the policy of LCTCS that unlawful harassment of employees and students is prohibited.

Harassment is physical, verbal and visual conduct that creates an intimidating, offensive, or hostile environment, which interferes with work performance. This includes harassment because of race, sex, sexual orientation, religious creed, color, national origin, ancestry, disability or medical condition, age, or any other basis protected by federal, state or local law, ordinance or regulation.

Sexual Harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature...when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose and effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

LCTCS applies this definition to the areas of academic advancement, academic standing or academic performance.

No student or employee is required to report or make a complaint of harassment to the person who is allegedly engaging in the problematic conduct. Complaints should be presented as promptly as possible after the alleged harassment occurs through the following avenues for this institution.

Employee: Your direct supervisor and Human Resources contact at: _____

Student: Student affairs personnel at: _____

Chancellor _____

LCTCS Director of Human Resources (225-219-8700), Louisiana Community & Technical College System, 822 Neosho Avenue, Baton Rouge, LA 70802

PROCEDURES FOR RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS

BPCC has developed a two-step procedure for handling sexual harassment complaints:

1. *A mechanism to resolve complaints informally;*
2. *A procedure to handle formal charges if the first procedure is unsuccessful or if further action is deemed appropriate.*

INFORMAL COMPLAINT PROCEDURES

The objective of this process will be to provide appropriate relief to the aggrieved party, sensitize the alleged harasser to the effects of such behavior and resolve the complaint to the mutual satisfaction of both parties.

1. Any employee or student who believes he/she has been the subject of sexual harassment or sexual intimidation is encouraged to consult with a Department Head and/or the Director of Human Resources to gain an understanding of both BPCC Sexual Harassment Policy and of possible options and resources.
2. Students have the option of consulting with the Director of Human Resources, the Vice President of Student Affairs and/or the Counseling Center. Faculty members and staff should report (consult) to the Director of Human Resources.
3. Upon receiving the initial complaint, the Director of Human Resources or his designee will schedule a preliminary meeting to discuss the charges, to explain proper procedures and to determine whether further information is needed. Based upon the outcome of this meeting, the administrator will take one of the following actions.
 - a. If the complainant wants to proceed with the complaint, the Director of Human Resources or his delegate will explain the process and the procedures.
 - b. If the complainant decides not to proceed, there will be no further action and the matter will be closed.
 - c. Every effort should be made to resolve a complaint within thirty (30) days using the informal process. During this preliminary stage, the complainant will be required to complete a Sexual Harassment Complaint Report. If the Director of Human Resources decides that the described situation fits the definition of sexual harassment, he/she will request the names of the involved parties and an agreement to conduct an informal investigation, which will minimally include contacting the College officer responsible for the accused. Other steps that may take place in the investigative process are the following: (1) additional fact finding; (2) a meeting with the administrative officer of the accused to discuss the grievance; and (3) a meeting with the complainant and accused separately or together.

Where a resolution is reached, a dated copy of the terms of the resolution indicating the nature of the complaint and the names of the parties shall be recorded and kept in a separate case file to be located in the appropriate College office.

- d. If the informal proceedings are deemed inappropriate by either party, or if the matter is not resolved the aggrieved party may initiate the formal grievance procedure.

NOTES

BPCC will make every reasonable effort to protect the privacy of the individuals involved in informal complaints, in so far as it is feasible, considering BPCC's duty to investigate the complaint and take appropriate action.

The person filing the complaint will be protected against retaliation in any form. Words or behavior that punish a person for filing a complaint of sexual harassment are illegal.

False accusations have a damaging effect on innocent people. False accusations are not condoned and may lead to disciplinary action.

In extraordinary circumstances, when the continued working or academic relationship between the aggrieved party and the accused creates an impossible working/academic environment, a temporary transfer or reassignment of duties will be considered.

FORMAL COMPLAINT PROCEDURES

If the aggrieved party decides to proceed with a formal grievance, the following actions will take place:

1. A written and signed complaint of sexual harassment must be submitted to the Director of Human Resources by the aggrieved party within ten (10) working days after the informal resolution has failed or within sixty (60) calendar days of the incident cited as sexual harassment. The complaint shall state, clearly and concisely, the facts, which are the grounds for the proceeding, and the relief sought. The Director of Human Resources will schedule a hearing within 10 days. In special circumstances, where the incident warrants it, the stated time limits may be waived or modified by the Director of Human Resources.
2. Upon receipt of the written complaint, the Director of Human Resources will, within five (5) days, contact the person who allegedly engaged in the sexual harassment and inform him/her of the basis of the complaint and provide the opportunity to respond. That person will have five (5) days to respond to the complaint. The response shall contain full, direct, and specific responses to each claim in the complaint. A copy of the response shall be provided to the aggrieved party.

3. Within fifteen (15) days of the aforementioned deadline, Director of Human Resources will convene an Advisory Committee to establish hearing procedures concerning the complaint. This committee could be the Sexual Harassment working committee for Faculty and Staff.
4. The function of this committee will be to hear and consider testimony and other relevant evidence, to make findings of fact, to determine whether the College's policy on sexual harassment has been violated, and, if so, to recommend appropriate relief and disciplinary action(s). A copy of the Committee's findings will be made and retained by the appropriate Director of Human Resources.
5. If the Advisory Committee determines that sexual harassment has occurred, it will recommend appropriate corrective action. The corrective action will reflect the severity of the incident and any past sexual harassment offenses. Appropriate corrective action can include but is limited to the following:
 - a. Oral reprimand
 - b. Written reprimand
 - c. Suspension
 - d. Reassignment of duties
 - e. Termination
 - f. Counseling
 - g. Any Combination of the above
6. Within five (5) days following the conclusion of its investigation and hearing, Advisory Committee will forward its findings and recommendation for action to the Director of Human Resources. The report of the Advisory Committee shall be considered a non-binding recommendation to the President. Within fifteen (15) working days, the President will review the Committee's recommendation and determine appropriate course of action. The decision will be co-communicated in writing to the accuser, accused and the accuser's appropriate administrative supervisors.
7. Either party may appeal the Committee's recommendation by submitting a written request to the President within fifteen (15) days after the appealing party receives a copy of the Committee's findings. The written ruling of the President should constitute the final decision. Beyond that point, both parties may seek remedies outside the College.

SEXUAL PREFERENCE OR ORIENTATION POLICY

It is College policy that an individual's sexual preference or orientation is not a criterion either for becoming an employee or remaining an employee of BPCC. Job retention and promotability are based upon employees' qualifications and demonstrable job performance. An individual's sexual orientation is strictly personal, and College personnel should not seek information about this matter.

COMPLAINT PROCEDURE

If you believe you have been discriminated against because of race, color, creed, religion, national origin, citizenship, sex, marital status, sexual preference or orientation, age, physical or mental disability and/or veteran status, you may:

- Discuss your concerns with your supervisor
- Contact the Director of Human Resources

Human Resources Representatives accept internal employee complaints, investigate and attempt to resolve them. No employee will be harassed or intimidated in any way for filing a discrimination complaint. The matter is handled confidentially to the extent possible.

Employees have the right to utilize both internal complaint procedures and any external procedures, which may be available under federal or state law. When BPCC receives an internal complaint on a matter which is, or which becomes, the subject of an external complaint, BPCC will continue processing the internal complaint promptly and completely.

Contact the Human Resources organization for any additional information.

Equal Employment Policy Statement for Disabled, Disabled Veterans, and Vietnam Era Veterans

It is the goal of the College to hire applicants and admit students regardless of race, color, religion, sex, national origin, age, disability, or status as a disabled veteran or as veterans of the Vietnam era.

The executive of such a policy requires vigorous efforts to identify and attract protected class applicants who meet our qualification standards, and to have on file their applications in order to consider them along with other qualified applicants as openings occur.

The College's employment policy fully embraces quality of opportunity for all employees with respect to all employment matters. This includes matters such as transfers, promotions, benefits, and social and recreation programs.

The Director of Human Resources has been designated to coordinate with supervisors the day-to-day implementation of our EEO/Affirmative Action Plan. It will be his/her responsibility to ensure that the program is working in all areas.

Any employee having questions regarding the College's EEO policy or its implementation should discuss the matter with the Director of Human Resources.

EQUAL OPPORTUNITY POLICY OBJECTIVES

BPCC is firmly committed to a policy of equal opportunity for all its employees and all applicants for employment. It is the policy of the College to comply with all laws related to equal opportunity in all personnel actions that affect employees or persons seeking employment.

We therefore administer:

- Recruiting
- Hiring
- Working conditions
- Benefits
- Compensation
- Company-sponsored training educational assistance upgrades and promotions
- Downgrades and demotions transfers
- Termination of employment layoffs and recalls
- Discipline
- Social and recreational programs and family programs

Without unlawful discrimination on the basis of:

- Race
- Color
- Creed
- Religion
- National Origin
- Citizenship
- Sex
- Marital Status
- Sexual Preference of orientation
- Age
- Physical or Mental disability

It is each Division Administrative Head's responsibility to monitor the progress of their organization's efforts to achieve a bias free environment within their workplace.

As a State Employer, BPCC is required by federal law and executive orders to develop written Equal Opportunity Policy Statements for minorities and women and for individuals with disabilities, disabled veterans, and veterans of the Vietnam era.

REASONABLE ACCOMMODATION REQUEST

BPCC will provide reasonable accommodations (see glossary) for the physical and/or mental impairments of applicants and employees with disabilities when necessary and appropriate. If you require some type of accommodation, you should:

- Discuss the situation with your supervisor and/or
- Contact the Department of Human Resources

SELF-IDENTIFICATION PROGRAM

Employees are encouraged to self-identify and make BPCC aware of their status as an individual with a disability, a special disabled veteran, or a veteran of the Vietnam era by completing a voluntary self-identification form. The form can be obtained through the Human Resources office.

Submission of the self-identification form is voluntary and refusal to provide it will not subject you to any adverse treatment. Information you submit about your disability or covered veteran status will be kept confidential, except that (I) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities, and regarding necessary reasonable accommodations, (II) first aid and safety personnel may be informed when and to the extent appropriate, if the condition might require emergency treatment, and (III) Government official engaged in enforcing laws administered by the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) or the Americans with Disabilities Act, may be informed. The information provided will be used only in ways that are consistent with Section 503 of the Rehabilitation Act or Section 402 of the Vietnam Era Veteran's Readjustment Assistant Act.

EO IS EVERYONE’S RESPONSIBILITY

EMPLOYEES have responsibilities to:

- Be aware of the BPCC Equal Opportunity Policy.
- Exhibit behavior in the workplace that is consistent with the College’s EO Policy.
- Assure bias-free written and oral communications.

SUPERVISORS and MANAGERS also have specific responsibilities to:

- Ensure nondiscriminatory treatment of all individuals in the workplace.
- Take appropriate affirmative action to make equal opportunity a reality.
- Ensure that their employees are aware of the Equal Opportunity Policy.
- Prevent harassment in the work environment.
- Inform their employees of BPCC’s internal complaint procedure and how to contact the Human Resources Organization.
- Ensure that all employees have equal access to developmental training courses and work assignments as well as counseling regarding careers and personal objectives.
- Limit requirements on job requisitions to those needed to perform the job, i.e., and the “essential” functions.
- Ensure that employees are selected for all jobs solely on the basis of job related criteria.
- Cooperate with the investigation and resolution of discrimination complaints.
- Provide reasonable accommodations, where necessary and appropriate, to the physical and/or mental disabilities of qualified employees and applicants for employment.
- Ensure that all potential vendors have an equal opportunity to compete as suppliers of goods and services to BPCC.

SUMMARY

In summary, **BPCC’s** Equal Opportunity Policy is more than a paper commitment. To maximize the potential of BPCC’s Human Resources, these programs require on-going positive action by all employees. Everyone has a responsibility for equal opportunity and affirmative action.

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

Policy # II.3.023

Title: AMERICANS with DISABILITIES ACT: EMPLOYEES AND STUDENTS

Authority: Board Action

Original Adoption: 4/10/02

Effective Date: 4/10/02

Last Revision: Initial

It is the policy of the LCTCS to provide equal opportunity for all qualified persons without regard to disability in the recruitment of, admission to, accessibility to, participation in, treatment in or employment in the programs and activities operated and sponsored by the LCTCS, and all colleges of the LCTCS, pursuant to the Americans with Disabilities Act of 1990 (ADA) and other related federal and state law.

The Rehabilitation Act of 1973 laid the groundwork by requiring employers and institutions to employ and advance in employment “qualified handicapped individuals,” and to make “reasonable accommodations” for these individuals. The ADA changes the “handicapped” terminology to “disabled” and broadens the coverage.

The LCTCS prohibits discrimination against qualified persons with disabilities in employment, academic and other programs, public services, transportation, public accommodations and telecommunications. Additionally, the LCTCS is committed to promoting an atmosphere to end discrimination against individuals with disabilities, to bring persons with disabilities into the social and economic mainstream and to provide enforceable standards to address discrimination against individuals with disabilities.

The system office and each LCTCS college is responsible for establishing procedures for requesting reasonable accommodation and an ADA grievance procedure.

The LCTCS prohibits retaliation against an individual requesting accommodation under the Americans with Disabilities Act.

Employees and Applicants for Employment

LCTCS prohibits discrimination against qualified individuals with disabilities because of the disability in the areas of: hiring, advancement, discharge, compensation, training and other terms and conditions of employment (such as pre-employment testing and selection procedures). LCTCS institutions will provide “reasonable accommodations” to disabled applicants or employees, upon request, unless the accommodation would present an “undue hardship”. The determination of “undue hardship” is a decision that grows out of the ADA Accommodation Assessment process and is made by the designated “Office of Special Programs.” The system and each college will have a designated “Office of Special Programs” which may stand alone or such duties may be made a part of an existing department.

In all cases in which a reasonable accommodation is requested, the LCTCS representative receiving the request should contact Human Resources to obtain appropriate guidelines.

Students and Applicants for Student Status

LCTCS prohibits discrimination on the basis of disability in any academic program or activity associated with the LCTCS and the institution will integrate students with disabilities into the college community to the fullest extent possible. Qualified applicants for student status with disabilities will not be denied admission or subjected to discrimination in admission or recruitment to the LCTCS College on the basis of their disability. In its recruitment efforts, the LCTCS, and all LCTCS colleges, shall not limit the number of persons with disabilities who may be admitted. All admission criteria and testing will be selected, administered, and evaluated in a manner that is accessible and accurately reflects the applicant’s ability rather than an individual’s impaired sensory, manual or speaking skills.

Applicants for admission may voluntarily self-identify as a person with a disability in the admissions process and will be routinely provided information on services available to students with disabilities at the LCTCS. A decision not to self-identify will not result in adverse treatment of the applicant.

In all cases in which a student or applicant for student status requests an accommodation based upon disability, advice and assistance from the designated “Office of Special Programs” should be sought by the LCTCS or institutional representative receiving the request.

Public Services

The LCTCS, and all LCTCS colleges, accommodate and provide programs and services for students and employees. The LCTCS prohibits discrimination on the basis of disability in any such activity, program or service but will make such activities, programs and services available to persons with disabilities to the fullest extent possible.

It is the responsibility of LCTCS personnel and administrators responsible for activities, programs and services to respond to requests for accommodation by persons with disabilities seeking access to such activities, programs and services. In determining an appropriate response, advice and assistance may be obtained from the designated “Office of Special Programs”.

Telecommunications

The LCTCS and institutions provide access to the State of Louisiana's TDD relay service so that persons with disabilities who use non-voice terminal devices have opportunities for communications that are equivalent to those provided to individuals able to use voice telephone service.

General questions about such services should be directed to the designated "Office of Special Programs". The "Office of Special Programs" should coordinate requests for such services by students and employees.

The system office and each college of the LCTCS shall have a designated "Office of Special Programs" to be responsible for:

- developing and administering procedures to provide for compliance with regard to employees and applicants for employment,
- serving as a resource for matters involving persons with disabilities,
- coordinating all disability-related support services,
- providing accommodations for enrolled students with documented temporary and permanent disabilities at the college,
- providing information on services for students with disabilities to potential students and their families.

GLOSSARY OF EO TERMS

Equal Employment Opportunity:

Administration of all employment decisions and personnel policies without regard to such factors as race, sex, color, creed, religion, national origin, citizenship, age, marital status, sexual preference or orientation, physical or mental disability, or status as a special disabled veteran or veteran of the Vietnam Era.

Equal Employment Opportunity Commission (EEOC):

An agency of the federal government created to enforce Title VII of the Civil Rights Act of 1964. This agency also enforces the Equal Pay Act, the Age Discrimination in Employment Act, and Title I of the Americans with Disabilities Act of 1990.

Individual with a Disability:

Any person who (1) has a physical or mental impairment which substantially limits one or more of his/her major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

Minority:

Persons classified as American Indian, Alaskan Native, Asian/Pacific Islander, Black, or Hispanic.

Race Classifications:

The five groups which describe the racial or ethnic background of an employee or applicant. The classifications, defined in federal regulations, are as follows:

AMERICAN INDIAN/ALASKAN NATIVE: All persons with origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

ASIAN/PACIFIC ISLANDER: All persons with origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands. This area included, for example, China, Japan, Korea, Philippine Islands, and Samoa.

BLACK: All persons with origins in any of the Black racial groups of Africa, who are not of Hispanic origin.

HISPANIC: All persons of Mexican, Puerto Rican, Cuban, Central/South America, or other Spanish Culture or origin, regardless of race.

WHITE: All persons with origins in any of the original peoples of Europe, North Africa, or the Middle East, who are not of Hispanic Origin.

Reasonable Accommodations:

Alterations or modifications to the workplace, work environment, equipment, or job task which permit an individual with a known physical or mental disability to perform a specific job for which he or she is qualified. The reasonableness of accommodations is determined on a case-by-case basis taking into consideration the size of the organization, cost, business, necessity, and other variables.

Special Disabled Veteran:

A veteran who is entitled to disability compensation under laws administered by the Department of Veteran Affairs for a disability, (1) rated at 30 percent or more, or (2) rated at 10 or 20 percent in the case of a veteran who has been determined under the regulation to have a serious employment handicap, or who was discharged or released from active duty because of service-related disability.

Veteran of the Vietnam Era:

A person who served in the U.S. Armed Forces for a period of more than 180 days, any part of which occurred between August 5, 1964 and May 7, 1975 and was discharged or released from active duty with other than honorable discharge, or was discharged or released from active duty because of a service-connected disability.

EO LAWS AND ENFORCEMENT AGENCIES

The following are some of the federal laws, executive orders, rules, and regulations that pertain specifically to nondiscrimination and affirmative action in employment.

Applicable enforcement agencies are also included.

The Civil Rights Act of 1866 (Section 1981) prohibits intentional race discrimination in connection with contracts between individuals and has been interpreted to apply to terms and conditions of employment, such as hiring, wages, benefits, promotion, discharges, and other terms and conditions of employment. Enforcement agency: none; cases are filed directly in court.

The Equal Pay Act of 1963 is a gender-based law requiring equal pay for equal work. In effect, the Act prohibits paying men and women different wages for jobs requiring equal skill, effort, and responsibility, which are performed under similar working conditions in the same establishment. Enforcement agency: Equal Employment Opportunity Commission (EEOC).

Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to discriminate in employment because of race, color, religion, sex or national origin. Title VII was amended in 1972 giving EEOC power to take direct court action. The statute was also amended by the Civil Rights Act of 1991. Enforcement agency: Equal Employment Opportunity Commission (EEOC).

Executive Order 11246 as amended by Executive Orders 11375 and 12086, prohibits discrimination on the basis of sex, race, color, national origin, and religion by federal contractors. Regulations based on this order require that federal contractors develop a written affirmative action program where appropriate. Enforcement agency: Office of Federal Contract Compliance Programs (OFCCP).

The Age Discrimination in Employment Act of 1967 as amended, prohibits age discrimination against employees and applicants for employment who are at least 40 (forty) years of age. Enforcement agency: Equal Employment Opportunity Commission (EEOC).

Revised Order Number 4 issued by the OFCCP in 1972, requires all covered non-construction federal contractors to prepare affirmative action programs annually with specific goals for job classifications in which there are fewer minorities and women than would be reasonably expected by their availability and to establish timetables to correct the deficiencies. Enforcement agency: Office of Federal Contract Compliance Programs (OFCCP).

Vietnam-Era Veteran's Readjustment Assistant Acts of 1972 and 1974 require covered contractors holding contracts with the federal government to take

affirmative steps to employ and advance in employment qualified special disabled veterans and veterans of the Vietnam era and to maintain an affirmative action program for covered veterans. Enforcement agency: Office of Federal Contract Compliance Programs (OFCCP).

Rehabilitation Act of 1973 as amended, prohibits federal contractors from unlawfully discriminating against qualified individuals with disabilities and requires such contractors to make reasonable accommodations for the known physical and/or mental disabilities of employees and applicants. All covered contractors are required to maintain an Affirmative Action Program. Enforcement agency: Office of Federal Contract Compliance Programs (OFCCP).

The Pregnancy Disability Act of 1978 amends Title VII of the Civil Rights Act of 1964. This act requires employers to treat pregnancy and childbirth the same as any other disability under fringe benefits plans. It prohibits terminating or refusing to hire or promote a woman solely on the basis that she is pregnant and bars mandatory leave for pregnant women arbitrarily set at a certain time during their pregnancy. It protects the reinstatement rights of women on leave for pregnancy-related reasons, including credit for previous service, accrued retirement benefits, and accumulated seniority. Enforcement agency: Equal Employment Opportunity Commission (EEOC).

The Immigration Reform and Control Act of 1986 prohibits discrimination based on national origin or citizenship status against employees or applicants for employment who are legally authorized to work in the United States. The Act also prohibits employers from hiring persons who are not legally authorized to work in the United States, and requires employers to verify the legal employment status of every person hired after the Act's effective date. Enforcement agency: U.S. Immigration and Naturalization Service (INS).

The Americans with Disabilities Act of 1990 prohibits discrimination in employment against qualified individuals with disabilities. It also prohibits discrimination in the provision of public services and transportation, public accommodations and telecommunications services. The employment portion of this statute took effect on July 26, 1992 with respect to employers who employ 25 or more employees; public accommodation provisions of the law became effective January 26, 1992. Enforcement agency: Equal Employment Opportunity Commission (EEOC) for employment provisions, the U.S. Department of Justice (DOJ) for public accommodation provisions.

The Civil Rights Act of 1991 amends Title VII, the Age Discrimination in Employment Act of 1967, Section 1981 of the Civil Rights Act of 1866 and the American with Disabilities Act of 1990. Among other things, the Act provides for compensatory and punitive damages and jury trials in certain cases of discrimination, reverses various Supreme Court cases adverse to the interests of

victims of employment discrimination, and makes Title VII and the ADA generally applicable to U.S. citizens working overseas for U.S. companies.