



Lesson A

Employment Civil Rights Laws, Purpose and Structure

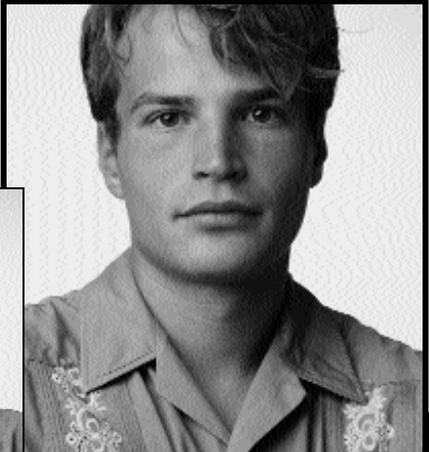
Description: In this lesson, you will examine the different employment civil rights laws, Executive Order 13087 and the purpose and structure of the USDA's civil rights program.

Objectives: Upon completion of this lesson, you will be able to:

- Identify employment civil rights laws and Executive Order 13087.
- Gain familiarity with the purpose and structure of the USDA's civil rights program.

Listed below are the **topics** associated with this module.

- Topic 1 Laws: Part I
- Topic 2 Laws and Executive Order 13087: Part II
- Topic 3 Purpose and Structure





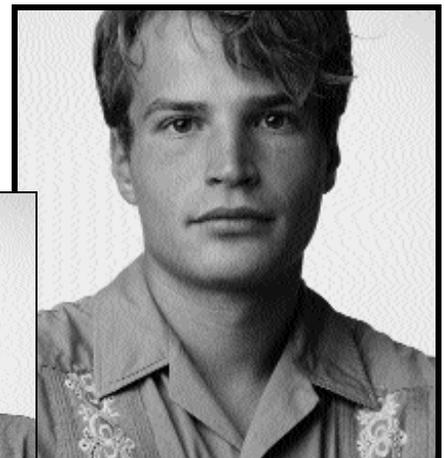
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Employment Civil Rights Laws, Purpose and Structure
Topic 1: Laws: Part I

The Civil Rights Act of 1964, Title VII, was the first federal law to prohibit employment discrimination, but it initially excluded the federal government from the definition of employer. Section 701 of Title VII directed the federal government to ensure equal employment opportunity without regard to race, color, religion, sex or national origin.

The Equal Employment Opportunity Act of 1972 amended Title VII by adding Section 717 which provided:

- Coverage for federal employees and applicants for employment.
- Appropriate remedies, such as reinstatement with or without back pay or hiring of employees.
- Filing of civil actions.





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Employment Civil Rights Laws, Purpose and Structure
Topic 1: Laws: Part I

Example

Civil Rights Act of 1964

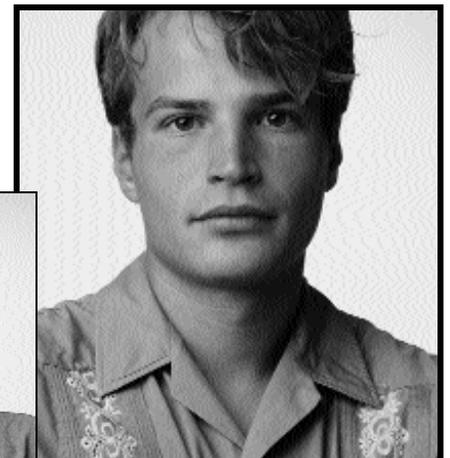
Several co-workers are sitting around in Perry's office eating their sandwiches.

Marc (a young White male): "Did you all see that special on PBS last night on the Civil Rights Movement? That must have been something. Hard to believe that people would feel so strongly about a cause, that they would ride a crowded bus all the way to Washington, DC, just for a march. Perry, were you in any of those marches?"

Perry (a 55-year-old Black male): "Oh, I marched in a few," Perry chuckles. "But you know, what a lot of young people today don't realize is that it wasn't just a cause. It was about our economic survival and the survival of our families. It took a lot of blood, sweat and tears to get the Civil Rights Act passed back in 1964. But if we hadn't done all that marching and boycotting, none of us, including you Marc, would have the equal employment opportunity principles we now take for granted."

Georgia (a 39-year-old White female): "Marc, before Title VII of the Civil Rights Act of 1964, employers didn't have to defend not hiring Blacks, Hispanics, women or anyone else they didn't want working for them. They didn't have to have a reason. If a woman or a minority person was hired, it was usually at the lowest level, and employers could use all kinds of subtle and not-so-subtle methods of intimidation to make sure that person never got promoted. Title VII of the Civil Rights Act of 1964 gave protection from that kind of arbitrary treatment."

Marc: "I never thought of the Civil Rights Act of 1964 as something that benefited me, too. Thanks, to both of you!"





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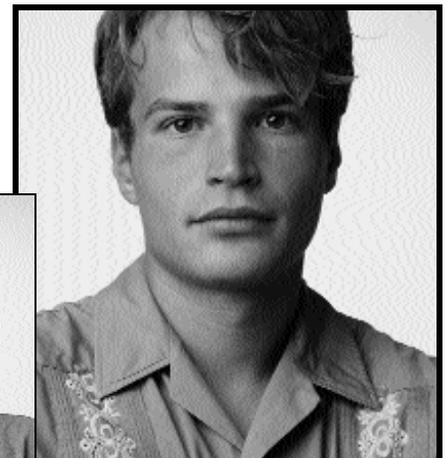
Employment Civil Rights Laws, Purpose and Structure
Topic 1: Laws: Part I

Exercise

Purpose of the 1964 Civil Rights Act

Which of the following statements is true concerning Title VII of the Civil Rights Act of 1964? (Select all that apply.)

- a. Title VII of the Civil Rights Act of 1964 made it illegal to give job assignments based on stereotypes about the abilities of members of a particular race, ethnic group or religion.
- b. When Title VII of the Civil Rights Act of 1964 was initially passed, it applied ONLY to federal employees.
- c. Title VII of the Civil Rights Act of 1964 originally prohibited discrimination based only on race, color, national origin, sex and religion.





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Topic 1: Laws: Part I

Exercise Answers

Answers **a** and **c** are correct.

Which of the following statements is true concerning Title VII of the Civil Rights Act of 1964? (Check all that apply.)

a. Correct statement!

Title VII of the Civil Rights Act of 1964 made it illegal to give job assignments based on stereotypes about the abilities of members of a particular race, ethnic group or religion.

Title VII of the Civil Rights Act of 1964 made employment decisions based on stereotypes, rather than job-related factors, illegal. For example, an agency cannot justify nonselection of Black candidates for positions in rural Idaho just because of an assumption that Black people would only be happy living in urban areas.

b. Incorrect statement.

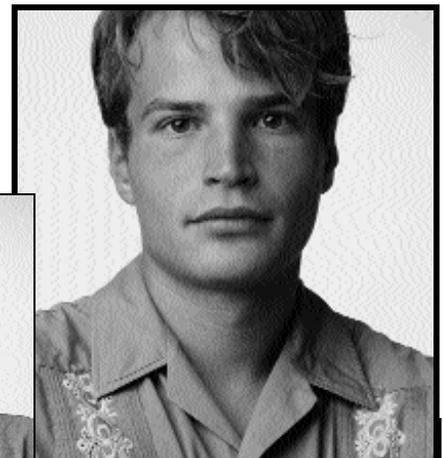
When Title VII of the Civil Rights Act of 1964 was initially passed, it applied **ONLY** to federal employees.

*When the Civil Rights Act was passed, it applied **ONLY** to the private sector. It was not until the Equal Employment Opportunity Act of 1972 that the coverage of the Civil Rights Act was extended to include the federal sector.*

c. Correct statement!

Title VII of the Civil Rights Act of 1964 originally prohibited discrimination based only on race, color, national origin, sex and religion.

All of these bases for discrimination were included in Title VII of the Civil Rights Act of 1964.





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Employment Civil Rights Laws, Purpose and Structure Topic 2: Laws and Executive Order 13087: Part II

Other acts and an executive order protecting civil rights:

The Equal Pay Act of 1963 prohibits gender discrimination in the payment of wages. Equal wages must be paid to men and women for equal work if the jobs performed require "equal skill, effort and responsibility and are performed under similar working conditions."

The Age Discrimination in Employment Act of 1967 (ADEA) prohibits discrimination based on age for individuals 40 years of age or older. ADEA also allows federal employees to bypass the complaint process and proceed directly to Federal District Court.

Section 501 of the Rehabilitation Act of 1973 prohibits employment discrimination against individuals with physical or mental disabilities in the federal sector. The Rehabilitation Act also requires federal agencies to make reasonable accommodation for a qualified applicant for employment or an employee with a disability.

The Pregnancy Discrimination Act of 1978 prohibits discrimination on the basis of pregnancy, childbirth or related medical conditions. Women who are pregnant or have related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

The Civil Service Reform Act of 1978

- Established the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB).
- Allows Equal Employment Opportunity (EEO) complaints, including non-EEO allegations, to be heard by the MSPB.
- Allows for Equal Employment Opportunity Commission review of MSPB cases.

The Civil Rights Act of 1991 provides the following major provisions for the federal sector:

- Compensatory damages.
- Jury trials in cases alleging compensatory damages.
- Interest on back-pay awards.
- Extension of filing time in mixed cases from 30 to 90 days.

Executive Order (EO) 13087, which amended EO 11478, prohibits employment discrimination against any civilian applicant or employee of the federal government on the basis of sexual orientation.





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Employment Civil Rights Laws, Purpose and Structure
Topic 2: Laws and Executive Order 13087: Part II

Example

Disability Discrimination #1

Lee is a 43-year-old Asian male who uses a wheelchair. He is an Information Specialist and has applied for the position of Agency Public Affairs Officer. Lee is one of the top three candidates and the only one with a disability.

Lee's interview is conducted by Sondra, the Black female Branch Chief, who will be making the selection. Sondra is very careful to be thoroughly professional in her approach and to ask Lee questions that are **strictly related to duties** of the job for which he is applying.

Example of interview questions and issues:

- Sondra asks Lee to describe his experience as public spokesperson for the local Combined Federal Campaign.
- Sondra asks Lee to describe any experience he has had fielding questions from a reporter.
- Sondra makes no reference to Lee's disability.
- Sondra states that the person selected will be responsible for making all press briefings and that the job may require occasional travel and long hours. She asks Lee whether he would be able to meet those requirements.

Sondra appropriately conducts the interview by not disqualifying Lee because of his disability, but by specifically defining what will be required to fill the position and directly asking Lee if he can meet those requirements.





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Topic 2: Laws and Executive Order 13087: Part II

Exercise

EEO Programs

Complete the following exercise illustrating how Equal Employment Opportunity has expanded its programs by entering the correct letter to the respective law that applies to a situation involving:

_____ The Age Discrimination in
Employment Act of 1967

_____ Title VII of the Civil Rights Act
of 1964 (sexual harassment)

_____ The Rehabilitation Act
of 1973

_____ The Pregnancy Discrimination Act
of 1978

_____ Executive Order 13087

_____ The Equal Pay Act of 1963

- A. Braille or sign language
- B. Women making less money than men
- C. A gay or lesbian person
- D. A man with provocative, graphic poster in the office
- E. A pregnant woman working at her desk
- F. A 53-year-old person





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Topic 2: Laws and Executive Order 13087: Part II

Exercise Answers

F The Age Discrimination in Employment Act of 1967 *A 53-year-old person*

D Title VII of the Civil Rights Act of 1964 (sexual harassment) *A man with a provocative, graphic poster in the office*

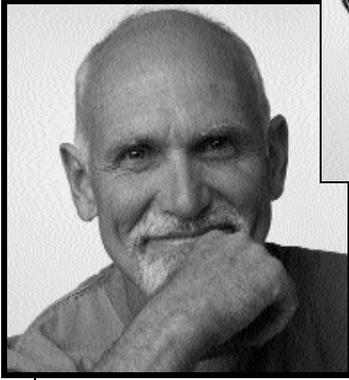
A The Rehabilitation Act of 1973 *Braille or sign language*

E The Pregnancy Discrimination Act of 1978 *A pregnant woman working at her desk*

C Executive Order 13087 *A gay or lesbian person*

B The Equal Pay Act of 1963 *Women making less money than men*





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Employment Civil Rights Laws, Purpose and Structure
Topic 3: Purpose and Structure of the Federal EEO Program

The purpose of the federal EEO program is to:

- Eliminate existing unlawful discrimination against federal employees and applicants.
- Prevent future discrimination.
- Address the effects of past discriminatory practices on work force representation of women, minorities and people with disabilities.
- Strive for a federal work force that reflects our nation's diversity.

The structure of the federal EEO program is as follows:

Special Emphasis

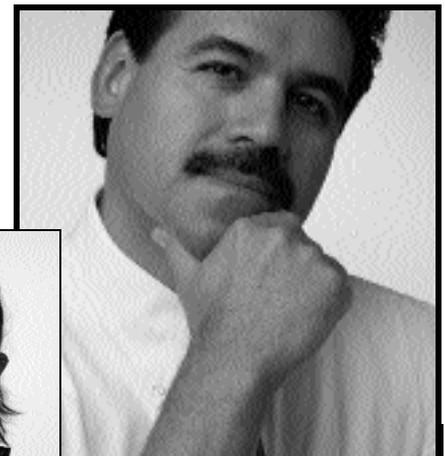
- Identifies recruitment strategies to address documented under-representation of women, minorities and people with disabilities.

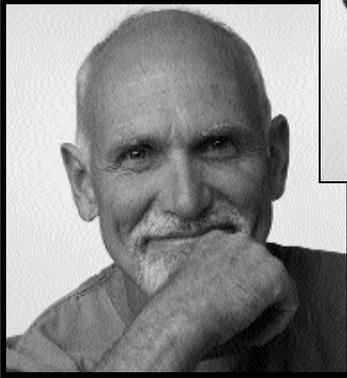
Federal Affirmative Employment Planning

- Identifies under-representation.
- Eliminates policies and practices that contributed to the under-representation.
- Designs strategies to improve employment and advancement opportunities for members of under-represented groups.

Discrimination Complaint Process

- Provides the best possible opportunity for swift resolution of allegations of unlawful discrimination by employees and applicants.





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Topic 3: Purpose and Structure of the Federal EEO Program

Example

EEO Responsibilities

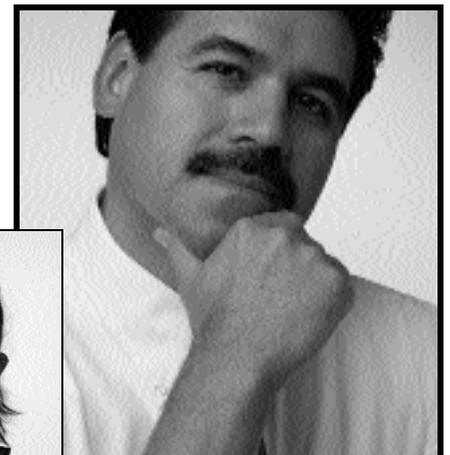
Tony, a 32-year-old Hispanic male, is his agency's Equal Employment Opportunity counselor. He is meeting with Angela, a 26-year-old American Indian female. Angela believes that the recent letter of reprimand she received was due to her supervisor's bias against American Indians.

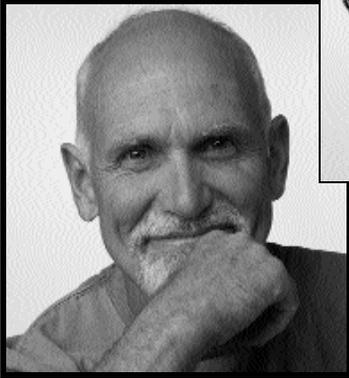
Maria, a 44-year-old American Indian female in the same agency, is the agency's American Indian Employment Program Manager. She is meeting with members of the agency's American Indian Advisory Committee to plan an in-house workshop on resume writing.

Victor, a 50-year-old White male, is the EEO officer for the agency. He is making a presentation to other managers on goals and strategies for recruiting minority college graduates for entry level accounting positions.

Summary point

These people are all a part of our federal EEO program's effort to eliminate discrimination and under-representation and to strive for national diversity.





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Topic 3: Purpose and Structure of the Federal EEO Program

Exercise

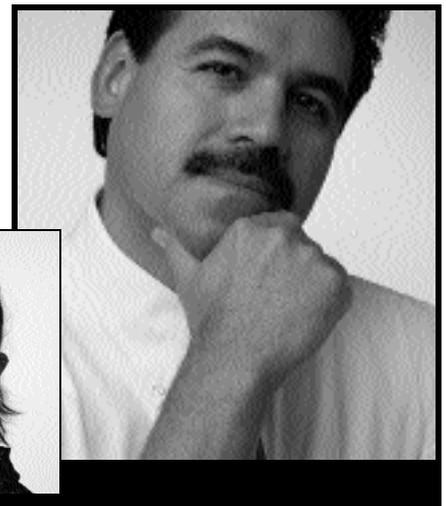
Aaron's Story

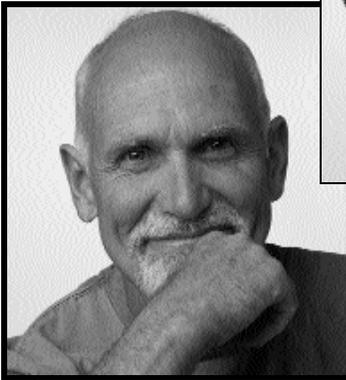
A major purpose of the federal Equal Employment Opportunity program is to eliminate discrimination against federal employees and applicants and to prevent future discrimination. A function of the federal affirmative employment planning process is not only to identify discrimination practices but also to design strategies to improve employment and advancement opportunities for members of under-represented groups.

Aaron, an African-American male, and five of his neighborhood friends are seeking jobs as administrative assistants with a large federal agency located in the downtown federal building in his city. Too late, they discover that the agency has recently filled ten administrative assistant positions with White applicants and is not planning to fill any more vacancies. They learn that the only public announcement of these vacancies was in one of the city's suburban newspapers. Aaron and his friends all file complaints alleging discrimination in the recruitment for these positions.

What can the federal affirmative employment planning process do to ensure that this situation does not happen again? **Circle the correct answer(s).**

- a. Make certain that future positions are advertised in newspapers that are circulated in areas of under-represented portions of the population.
- b. Create a strategy for determining what other avenues of advertisement will enhance the awareness of new positions in the agency.
- c. Replace five of the already hired applicants with Aaron and his friends.





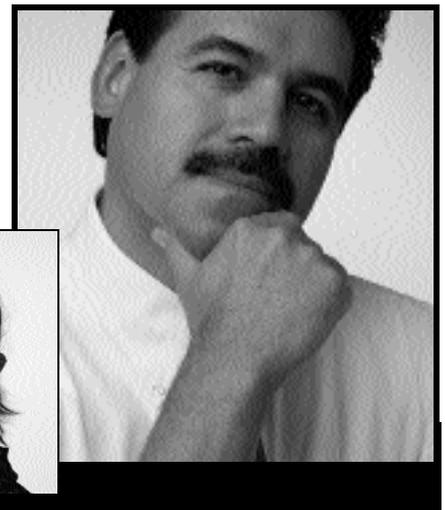
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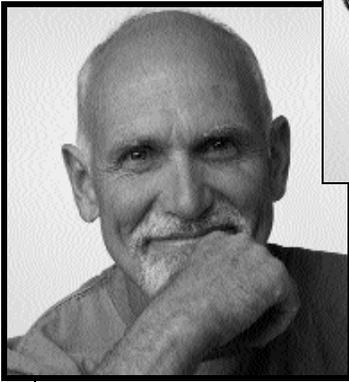
Employment Civil Rights Laws, Purpose and Structure
Topic 3: Purpose and Structure of the Federal EEO Program

Exercise Answers

What can the federal affirmative employment planning process do to ensure that this situation does not happen again? **Circle the correct answer(s).**

- a. Correct.** Make certain that future positions are advertised in newspapers that are circulated in areas of under-represented portions of the population.
- b. Correct.** Create a strategy for determining what other avenues of advertisement will enhance the awareness of new positions in the agency.
- c. Incorrect.** Replace five of the already hired applicants with Aaron and his friends. *This would be unjust treatment to those who were hired.*





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Lesson Summary

1. The purpose of employment civil rights laws is to ensure equal employment opportunity and benefits to all employees and applicants without regard to: (Select all that apply.)

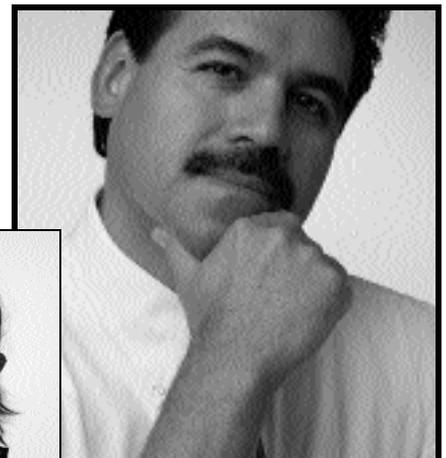
- A. Race
- B. Sex
- C. National origin
- D. Political affiliation

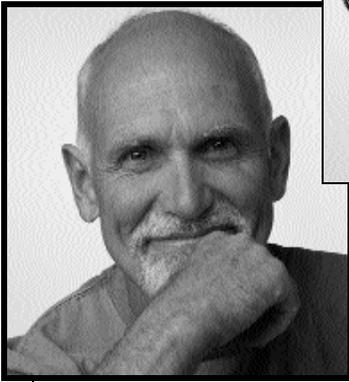
2. The Age Discrimination in Employment Act (ADEA) of 1967 prohibits discrimination based on age for employees and applicants who are at least:

- A. 35 years of age or older
- B. 60 years of age or older
- C. 40 years of age or older
- D. 45 years of age or older

3. The structure of the federal Equal Employment Opportunity (EEO) program is built on: (Select all that apply.)

- A. Special emphasis
- B. Federal affirmative employment planning
- C. Quotas
- D. The discrimination complaint process





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Lesson Summary Answers

1. The purpose of employment civil rights laws is to ensure equal employment opportunity and benefits to all employees and applicants for employment without regard to: (Select all that apply.)

The correct answers are A, B and C. Political affiliation is not a basis of discrimination found in employment civil rights laws. Applicants and employees are also protected from unlawful employment discrimination on the basis of color, religion, age, sexual orientation, disability and equal pay.

2. The Age Discrimination in Employment Act (ADEA) of 1967 prohibits discrimination based on age for employees and applicants for employment who are at least:

The correct answer is C. ADEA also allows federal employees with age complaints to bypass the complaint process and go directly into court.

3. The structure of the federal Equal Employment Opportunity (EEO) program is built on: (Select all that apply.)

The correct answer is A, B and D. The quotas are never used in the federal EEO program.

