

SEEKING EMPLOYMENT

It seems everyone has an opinion on what a résumé should contain, how many pages it should be and how it should be formatted. So as we enter into a new year, what are the universally agreed-upon elements that are in, and which ones are now passé? Here are some of the best practices when it comes to crafting your résumé in 2012:

Stop trying to make "*objective statements*" happen

The days of including a career objective and/or professional summary are over. It's a waste of valuable space. Instead, just address this with a sentence in your cover letter about how the position you're applying for fits into your overall career plan. Get to business by starting with accomplishments and facts that are relevant to the job posting.

Be concrete

Use numbers and proof of what you've done. "*Increased sales by 35 percent through client profiling campaign*" is better than "*Increased sales in my region.*" Stop putting generic tasks down, and instead, get creative in portraying what you did in your role or how you brought forth new ideas for products, processes, efficiency, etc. The more you can quantify your efforts with actual numbers or data, the better positioned you'll be.

Cover letters are back

Like the "*two page versus one page*" debate, the subject of cover letters is heated. While some recruiters say they don't bother looking at them, others say some job seekers have grown lazy and won't take the time to write one or tailor one specifically to the company to which they are applying. It's a perfect opportunity to sell yourself, and it's where you can infuse personality into your application. But once you craft a terrific cover letter, don't just push it out to every job prospect. Take the extra few minutes to tailor it to why you want that specific job at that specific company and why your skills would benefit the overall organization if hired.

Keywords are your friend

If a recruiter or manager can put your résumé side-by-side with the job requirements and check off the same keywords, you've made his life so much easier. Instead of using a lot of useless jargon on your résumé, pay attention to the keywords in the job posting. Be sure to use them in your résumé and cover letter, because even applicant tracking systems are based on keyword searches. Just as you use keywords to search for jobs, employers are using keywords to find your résumé.

Get creative with quick response codes

Young professionals are using QR codes -- bar codes that can be scanned by smartphones to download or link to information -- on the back of business cards and on their résumé to link to online portfolios. As you network and attend career fairs, you're able to pass out business cards with the QR code that can link recruiters and other

contacts to either your portfolio or LinkedIn profile so they can instantly connect with you.

Wow with visual résumés

More people are using tools to help illustrate their work history through sites such as *Vizualize.me*. These sites offer tools to help individuals present the information on their résumés in a unique way that stands out. Just remember that you still need a traditional format to hand out or attach to make it easy for saving in company databases.

Give video a chance

In this tough economy, job seekers are going to creative lengths to get their name, talents and personality in front of employers, like this résumé video for a Google position. If you're going to create something like this, make sure you're providing substance or showing off your soft skills within the video instead of just doing something flashy to get the recruiter's attention.

Social media are here to stay

If you're not using social media to promote yourself, you're missing out. Just as employers use multiple avenues to push out job postings, you as a job seeker need to use all the channels available to you to put yourself in front of recruiters. Using Twitter, Facebook or LinkedIn as a means to give updates on your career or connect with other professionals gives your résumé legs and can make you more memorable as a candidate. But since companies are screening candidates through social media, make sure your online profiles are either professional facing or locked for outside viewing.

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REFERENCE: <http://msn.careerbuilder.com/Article/MSN-2737-Cover-Letters-Resumes-R%C3%A9sum%C3%A9-tips-and-tricks/>

What is Employment Discrimination law?

This subset of Employment Law, refers to the laws that protect employees from discrimination on the basis of age, race or nationality, gender, sexual orientation, disability, religion or various other reasons. Federal and state statutes make up most of the employment discrimination laws. There are many practices that have been identified as discriminatory, which are legally prohibited. They include demonstrating discriminatory bias in the following work-related activities: promoting, transferring, recalling and laying off workers; compensating, assigning and classifying employees; dispensing fringe benefits; hiring and/or firing employees; recruiting workers and posting job openings; testing; training and apprenticeship programs; retaliation; pay, retirement and disability leave; and various types of harassment.

There are several federal employment discrimination laws, some very well-known and some less so:

- Title VII of the Civil Rights Act of 1964 prohibits discrimination based on color, gender, national origin, pregnancy, race, religion, and sex, including sexual harassment;
- The Civil Rights Act of 1991 provides for monetary damages in cases where there is intentional employment discrimination;
- The Age Discrimination in Employment Act (ADEA) helps protect employees who are 40 years of age or older;
- The Americans with Disabilities Act (ADA) and Rehabilitation Act disallows discrimination against qualified individuals with disabilities;
- The Equal Pay Act addresses unequal pay related to gender;
- The Family and Medical Leave Act (FMLA) guarantees time off for specific health conditions, without putting the worker's employment in jeopardy; and
- Title II of the Genetic Information Nondiscrimination Act (GINA) makes it illegal to discriminate based on genetic information about an applicant, employee, or former employee

Most of these Acts are interpreted and enforced by the Equal Employment Opportunity Commission (EEOC), which also supervises and coordinates all federal equal employment opportunity practices, policies and regulations.

These laws and policies set out specific procedures necessary to pursue any claims for employment discrimination. One must first file a discrimination charge with the EEOC, or if available, with his local Fair Employment Practices Agency (FEPA), and before pursuing a civil lawsuit, the employee must receive a "right to sue" notice from the agency. Additionally, these procedures set out specific time limits for filing.

To consult State Legislation regarding Employment and Labor Law please visit our [Department of Labor by State](#) page. [Visit us at Google+](#) Copyright HG.org

Employment Discrimination Law – United States

- **Americans with Disabilities Act**
Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.
- **EEOC - Types of Discrimination**
Learn about the various types of discrimination prohibited by the laws enforced by EEOC. We also provide links to the relevant laws, regulations and policy guidance, and also fact sheets, Q&As, best practices, and other information.
- **Employment Discrimination - Overview**

Employment Discrimination laws seek to prevent discrimination based on race, sex, religion, national origin, physical disability, and age by employers. There is also a growing body of law preventing or occasionally justifying employment discrimination based on sexual orientation. Discriminatory practices include bias in hiring, promotion, job assignment, termination, compensation, and various types of harassment. The main body of employment discrimination laws is composed of federal and state statutes. The United States Constitution and some state constitutions provide additional protection where the employer is a governmental body or the government has taken significant steps to foster the discriminatory practice of the employer.

- **Equal Employment Opportunity Commission (EEOC)**

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to discriminate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

- **Equal Pay Act of 1963**

The EPA, which is part of the Fair Labor Standards Act of 1938, as amended (FLSA), and which is administered and enforced by the EEOC prohibits sex-based wage discrimination between men and women in the same establishment who are performing under similar working conditions. Cross references to the EPA as enacted appear in italics following the section heading. Additional provisions of the EPA are included as they appear in volume 29 of the United States Code.

- **Fair Labor Standards Act (FLSA)**

The Fair Labor Standards Act (FLSA) , which prescribes standards for the basic minimum wage and overtime pay, affects most private and public employment. It requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay of one-and-one-half-times the regular rate of pay. F

- **National Origin Discrimination**

It is unlawful to discriminate against any employee or applicant because of the individual's national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, linguistic characteristics common to a specific ethnic group, or accent. Equal employment opportunity cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

- **Pregnancy Discrimination**

Pregnancy discrimination involves treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

- **The Genetic Information Nondiscrimination Act of 2008 (GINA)**

An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

- **Title VII of the Civil Rights Act of 1964**

An Act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to

prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

- **US Department of Labor - Major Laws of the Department of Labor**

The Department of Labor (DOL) administers and enforces more than 180 federal laws. These mandates and the regulations that implement them cover many workplace activities for about 10 million employers and 125 million workers.

Employment Discrimination Law - International

- **EU Employment, Social Affairs and Equal Opportunities**

Article 13, introduced in the Amsterdam Treaty (entered into force in 1999) gives the Community specific powers to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- **International Labor Rights Forum**

ILRF is an advocacy organization dedicated to achieving just and humane treatment for workers worldwide. Millions of workers around the world toil under inhumane working conditions. In a globalized economy, corporations from developed countries produce consumer goods ranging from coffee to cellphones in poor developing countries, where they can take advantage of cheap labor and lack of environmental or community protections.

- **International Labour Organization (ILO)**

The International Labour Organization (ILO) is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.

- **International Movement Against All Forms of Discrimination and Racism (IMADR)**

The International Movement Against All Forms of Discrimination and Racism (IMADR) is an international non-profit, non-governmental human rights organization devoted to eliminating discrimination and racism, forging international solidarity among discriminated minorities and advancing the international human rights system.

Organizations Related to Employment Discrimination

- **Employment and Disability Institute**

EDI is a leading resource on employment and disability information for businesses, lawmakers, federal and state agencies, educational institutions, unions, and service providers. The institute provides research, technical assistance, training, scholarly reports, and training publications to this wide array of customers to support the contributions of people with disabilities and ensure their full inclusion in their communities.

- **Equal Rights Advocates**

ERA works to eradicate illegal discriminatory practices that deny women advancement opportunities, equal compensation, and access to certain occupations.

- **Labor Rights Now**

Labor Rights Now is an independent human rights group based in Washington, DC. We campaign for the release of imprisoned worker activists and fight against labor repression worldwide.

- **Workplace Fairness**

Workplace Fairness is a non-profit organization working to preserve and promote employee rights. This site provides comprehensive information about job rights and employment issues nationally and in all 50 states. It is for workers, employers, advocates, policymakers, journalists, and anyone else who wants to understand, protect, and strengthen workers' rights.

Articles Related to Employment Discrimination Law

- **Arrest Record Discrimination in Wisconsin**
Arrest record claims in Wisconsin are full of twists and turns, loopholes, and caveats. For this reason, they can easily get screwed up if you are not careful. We recommend that you always, always talk to an attorney about these situations.
- **Night Shift Workers' Rights – South Africa**
Section 17 of the Basic Conditions of Employment Act, 1997 makes provision for employees working night shift. Night shift refers to the working hours between 6 pm and 6 am in a day. According to the BCEA, an employer may only require or permit an employee to perform night work where there has been agreement between the parties regarding night work.
- **When to Claim Unemployment Benefits – South Africa**
The purpose of the Unemployment Insurance Act, 2001 is to provide financial assistance to employees who find themselves unemployed. The act also provides for financial assistance to unemployed persons due to illness, maternity and adoption.
- **It's the Cola: Pepsi Settles Conviction Record Discrimination Case**
In January, Pepsi Beverages entered into a pre-litigation settlement of \$3.13 million to resolve race discrimination charges that were filed with the Minneapolis EEOC. Through its investigation, the EEOC found reasonable cause that the criminal background check policy previously utilized by Pepsi had an adverse impact African Americans based on their race, in violation of Title VII.
- **California Court Rules Employers not Liable if Workers do not Take Meal Breaks**
In a ruling that San Jose labor law attorneys are already criticizing, the California Supreme Court has ruled that employers are not required to enforce the rest and meal breaks taken by workers. The lawsuit was filed 9 years ago by employees of the Chili's outlets, as well as other eateries run by Brinker International. The lawsuit alleged that the employer violated California laws when workers missed breaks, because of overwork or some other reason.
- **California Supreme Court Rules in Brinker Case**
Employers Required to Provide Breaks, but not Required to Ensure no Work is Done - This morning, the California Supreme Court issued its long-awaited decision in the case Brinker Restaurant Corporation v. Superior Court of San Diego County. Employees who worked for Brinker Restaurants, such as Chili's and Maggiano's Little Italy, claimed that they were not provided the meal and rest breaks to which they were entitled.
- **Is Off-The-Clock Time for Law Enforcement Employees the Biggest Contradiction in Wage and Hour Law?**
The economic downturn since 2007 has affected many aspects of labor and employment law, including wage and hour matters. Efforts by employers to lower labor costs as one of the means to deal with budget shortfalls have included refusing to grant pay increases in collective bargaining negotiations, minimizing or eliminating overtime, and basically doing everything possible to 'get more out of existing (or even reduced) staff' without hiring more employees.
- **On Gays Slurs and Professional Basketball**
In an intense, heated basketball game, it is expected from players of both teams to express their emotions. It is considered normal for a player to express frustration on a referee's call which he believes is contestable. In some instances, a player from the opposing team may instead keep mum whenever a heckling fan of the home team annoys him.
- **Holier Than Thou Redux: New Case Tests Limits of the Ministerial Exception**
Sometimes leaving the TV on for background noise can yield results. About 2 weeks ago, I caught a brief teaser for an upcoming story about a former Indiana Catholic school teacher, Emily Herx, who was fired by her diocese after they learned she was trying to have a baby. More specifically, after they learned she was trying to conceive using fertility treatments. Here's what happened:
- **Employers' Rocky Road to Justice - South Africa**

In most cases employment contracts are breached by employers giving rise to litigation by employees. In response to such breaches of contract, employees will seek a remedy of reinstatement or compensation. The quantum of damages claimed for by an employee is easy to determine as it will usually be based on the employee's salary. But can the employer sue the employee for damages resulting from breach of contract by the employee?

- **All Employment and Labor Law Articles**

Articles written by attorneys and experts worldwide discussing legal aspects related to Employment and Labor including: discrimination, employee benefits, employees rights, ERISA, human resources law, labor relations, outsourcing, sexual harassment, whistleblower, workers compensation and wrongful termination.

DISABILITIES IN THE WORKPLACE

Over the years, there has been a lot of talk and discussion about discrimination that people with disability face at their workplace. This fact indeed is shameful for the human race, as even after discoursing over the issue for so many years, we are not able to change the callous and sometimes inconsiderate attitude towards persons with disability.

Discrimination against People with Disability

Discrimination of any sort, especially against individuals with disability is one of the worst issues that only plagues the ideologies and constitution of society at large. Governments, all across the world, have hence passed many laws and acts that prevent workplace prejudice. The provisions of these acts are basically put forth to prevent job discrimination against people with impairments or disability during the recruitment process, promotion, bonus, etc. It is also important to understand what disability discrimination means.

*******It can constitute to direct discrimination if any boss or manager cracks jokes or makes insensitive comments about a person's disability or treats that individual less favorably. Another form of discrimination involves victimizing the person with impairments because he/she took legal action against his/her boss/manager.**

Provisions by the Law Against Disability Discrimination

One of the biggest problems in workplace, faced by people with impairments, was the lack of appropriate infrastructure. Most business establishments, hence have to build extra infrastructural provisions for people with physical limitations or impairments; for example, special ramps for wheelchairs or provision for documents written in braille. Large-sized corporations, in fact, take a step forward and provide specially trained dogs as guides.

When it comes to the recruitment process, companies and business establishments are not permitted to reject job applications on the basis of an applicant's disability. The law of the land has also made provisions to safeguard the interests of employees with disability within an organization. One of the common provisions is to revise the periodic, expected productivity. Some laws also make it mandatory for companies to appoint personnel, who assist such employees within the premises of the office.

The laws that prevent the discrimination also explicitly state different guidelines that have to be followed by the companies, when it comes to appraisal of salary, promotions and separation or termination. Similarly, strict laws related to traveling on account of work, is also to be considered by the company. Tribunals and inspectors are, at times, also appointed to audit establishments and ensure that these laws are being followed.

Many companies and corporations have responded to laws that have been passed regarding discrimination against people with disability in the workplace. Special provisions have also been made by the companies regarding medical expenses and disability insurance. A special

fund is also set aside, as a provision for their retirement.

One of the best examples of facilities that are provided by some companies are special keyboards and computers at the workplace. In order to take care of their employees, many of these companies also provide employees with impairments with chauffeured vehicle to assist them in commuting to the workplace. These companies and establishments do not consider the provision of these facilities as a service, they execute it as a duty. The companies that take these initiatives eradicate discrimination in the real sense.

By Scholasticus K

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SOCIAL SECURITY DISABILITY (SSDI)

The definition of disability under Social Security is different than other programs. Social Security pays only for total disability. No benefits are payable for partial disability or for short-term disability.

"Disability" under Social Security is based on your inability to work. We consider you disabled under Social Security rules if:

- You cannot do work that you did before;
- We decide that you cannot adjust to other work because of your medical condition(s); and
- Your disability has lasted or is expected to last for at least one year or to result in death.

This is a strict definition of disability. Social Security program rules assume that working families have access to other resources to provide support during periods of short-term disabilities, including workers' compensation, insurance, savings and investments.

If you are working in 2012 and your earnings average more than \$1,010 a month, you generally cannot be considered disabled.

******SSA is obligated to provide benefits quickly to claimants whose medical conditions are so serious that they clearly meet our disability standards. Quick Disability Determinations (QDD) is one of our fast-track initiatives that uses technology to identify claimants with the most severe disabilities and allows us to expedite our decisions on those cases.**

The QDD process uses a computer-based predictive model to screen initial applications to identify cases where a favorable disability determination is highly likely and medical evidence is readily available. By identifying QDD claims early in the process, we can prioritize this workload and expedite case processing. We have used QDD nationally since February 2008. We continue to refine the QDD predictive model to maximize its capacity to identify accurately these cases, so that we can expand the QDD process to serve additional claimants.

Reference: www.ssa.gov

Federal Laws Prohibiting Job Discrimination Questions And Answers

Federal Equal Employment Opportunity (EEO) Laws

I. What Are the Federal Laws Prohibiting Job Discrimination?

- **Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;**
- **the Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;**
- **the Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;**
- **Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;**
- **Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government;**
- **Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employment discrimination based on genetic information about an applicant, employee, or former employee; and**
- **the Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.**

The U.S. Equal Employment Opportunity Commission (EEOC) enforces all of these laws. EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Other federal laws, not enforced by EEOC, also prohibit discrimination and reprisal against federal employees and applicants. The Civil Service Reform Act of 1978 (CSRA) contains a number of prohibitions, known as prohibited personnel practices, which are designed to promote overall fairness in federal personnel actions. 5 U.S.C. 2302. The CSRA prohibits any employee who has authority to take certain personnel actions from discriminating for or against employees or applicants for employment on the bases of race, color, national origin, religion, sex, age or disability. It also provides that certain personnel actions can not be based on attributes or conduct that do not adversely affect employee performance, such as marital status and political affiliation. The Office of Personnel Management (OPM) has interpreted the prohibition of discrimination based on conduct to include discrimination based on sexual orientation. The CSRA also prohibits

reprisal against federal employees or applicants for whistle-blowing, or for exercising an appeal, complaint, or grievance right. The CSRA is enforced by both the Office of Special Counsel (OSC) and the Merit Systems Protection Board (MSPB).

Additional information about the enforcement of the CSRA may be found on the OPM web site at <http://www.opm.gov/er/address2/guide01.htm>; from OSC at (202) 653-7188 or at <http://www.osc.gov/>; and from MSPB at (202) 653-6772 or at <http://www.mspb.gov/>.

Discriminatory Practices

II. What Discriminatory Practices Are Prohibited by These Laws? Under Title VII, the ADA, GINA, and the ADEA, it is illegal to discriminate in any aspect of employment, including:

- **hiring and firing;**
- **compensation, assignment, or classification of employees;**
- **transfer, promotion, layoff, or recall;**
- **job advertisements;**
- **recruitment;**
- **testing;**
- **use of company facilities;**
- **training and apprenticeship programs;**
- **fringe benefits;**
- **pay, retirement plans, and disability leave; or**
- **other terms and conditions of employment.**

Discriminatory practices under these laws also include:

- **harassment on the basis of race, color, religion, sex, national origin, disability, genetic information, or age;**
- **retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;**
- **employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities, or based on myths or assumptions about an individual's genetic information; and**
- **denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability. Title VII also prohibits discrimination**

because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

Note: Many states and municipalities also have enacted protections against discrimination and harassment based on sexual orientation, status as a parent, marital status and political affiliation. For information, please contact the EEOC District Office nearest you.

III. What Other Practices Are Discriminatory Under These Laws?

Title VII

Title VII prohibits not only intentional discrimination, but also practices that have the effect of discriminating against individuals because of their race, color, national origin, religion, or sex.

National Origin Discrimination

- **It is illegal to discriminate against an individual because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group.**
- **A rule requiring that employees speak only English on the job may violate Title VII unless an employer shows that the requirement is necessary for conducting business. If the employer believes such a rule is necessary, employees must be informed when English is required and the consequences for violating the rule.**

The Immigration Reform and Control Act (IRCA) of 1986 requires employers to assure that employees hired are legally authorized to work in the U.S. However, an employer who requests employment verification only for individuals of a particular national origin, or individuals who appear to be or sound foreign, may violate both Title VII and IRCA; verification must be obtained from all applicants and employees. Employers who impose citizenship requirements or give preferences to U.S. citizens in hiring or employment opportunities also may violate IRCA.

Additional information about IRCA may be obtained from the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-7688 (voice), 1-800-237-2515 (TTY for employees/applicants) or 1-800-362-2735 (TTY for employers) or at <http://www.usdoj.gov/crt/osc>.

Religious Accommodation

- **An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship.**

Sex Discrimination

Title VII's broad prohibitions against sex discrimination specifically cover:

- **Sexual Harassment - This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment. (The "hostile environment" standard also applies to harassment on the bases of race, color, national origin, religion, age, and disability.)**
- **Pregnancy Based Discrimination - Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.**

Additional rights are available to parents and others under the Family and Medical Leave Act (FMLA), which is enforced by the U.S. Department of Labor. For information on the FMLA, or to file an FMLA complaint, individuals should contact the nearest office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. The Wage and Hour Division is listed in most telephone directories under U.S. Government, Department of Labor or at http://www.dol.gov/esa/public/whd_org.htm.

Age Discrimination in Employment Act

The ADEA's broad ban against age discrimination also specifically prohibits:

- **statements or specifications in job notices or advertisements of age preference and limitations. An age limit may only be specified in the rare circumstance where age has been proven to be a bona fide occupational qualification (BFOQ);**
- **discrimination on the basis of age by apprenticeship programs, including joint labor-management apprenticeship programs; and**
- **denial of benefits to older employees. An employer may reduce benefits based on age only if the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.**

Equal Pay Act

The EPA prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

Note that:

- **Employers may not reduce wages of either sex to equalize pay between men and women.**
- **A violation of the EPA may occur where a different wage was/is paid to a person who worked in the same job before or after an employee of the opposite sex.**

- **A violation may also occur where a labor union causes the employer to violate the law.**

Titles I and V of the Americans with Disabilities Act, as amended

The ADA prohibits discrimination on the basis of disability in all employment practices. It is necessary to understand several important ADA definitions to know who is protected by the law and what constitutes illegal discrimination:

Individual with a Disability

An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having a disability. An entity subject to the ADA regards someone as having a disability when it takes an action prohibited by the ADA based on an actual or perceived impairment, except if the impairment is both transitory (lasting or expected to last six months or less) and minor. Major life activities are basic activities that most people in the general population can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, thinking, and eating. Major life activities also include the operation of a major bodily function, such as functions of the immune system normal cell growth, brain, neurological, and endocrine functions.

"Qualified"

An individual with a disability is "qualified" if he or she satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

Reasonable accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. An employer is not required to lower production standards to make an accommodation. An employer generally is not obligated to provide personal use items such as eyeglasses or hearing aids. A person who only meets the "regarded as" definition of disability is not entitled to receive a reasonable accommodation.

Undue Hardship

An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that

requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.

Prohibited Inquiries and Examinations

Before making an offer of employment, an employer may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in the same job category. Medical examinations of employees must be job-related and consistent with business necessity.

Drug and Alcohol Use

Employees and applicants currently engaging in the illegal use of drugs are not protected by the ADA when an employer acts on the basis of such use. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the ADA's restrictions on medical examinations. Employers may hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees.

The Civil Rights Act of 1991

The Civil Rights Act of 1991 made major changes in the federal laws against employment discrimination enforced by EEOC. Enacted in part to reverse several Supreme Court decisions that limited the rights of persons protected by these laws, the Act also provides additional protections. The Act authorizes compensatory and punitive damages in cases of intentional discrimination, and provides for obtaining attorneys' fees and the possibility of jury trials. It also directs the EEOC to expand its technical assistance and outreach activities.

Title II of the Genetic Information Nondiscrimination Act of 2008

GINA prohibits discrimination against applicants, employees, and former employees on the basis of genetic information. This includes a prohibition on the use of genetic information in all employment decisions; restrictions on the ability of employers and other covered entities to request or to acquire genetic information, with limited exceptions; and a requirement to maintain the confidentiality of any genetic information acquired, with limited exceptions.

Employers And Other Entities Covered By EEO Laws

IV. Which Employers and Other Entities Are Covered by These Laws?

Title VII, the ADA, and GINA cover all private employers, state and local governments, and education institutions that employ 15 or more individuals. These laws also cover private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training.

The ADEA covers all private employers with 20 or more employees, state and local governments (including school districts), employment agencies and labor organizations.

The EPA covers all employers who are covered by the Federal Wage and Hour Law (the Fair Labor Standards Act). Virtually all employers are subject to the provisions of this Act.

Title VII, the ADEA, GINA, and the EPA also cover the federal government. In addition, the federal government is covered by Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, which incorporate the requirements of the ADA. However, different procedures are used for processing complaints of federal discrimination. For more information on how to file a complaint of federal discrimination, contact the EEO office of the federal agency where the alleged discrimination occurred.

The CSRA (not enforced by EEOC) covers most federal agency employees except employees of a government corporation, the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and as determined by the President, any executive agency or unit thereof, the principal function of which is the conduct of foreign intelligence or counterintelligence activities, or the General Accounting Office.

The EEOC'S Charge Processing Procedures

Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.

V. Who Can File a Charge of Discrimination?

- **Any individual who believes that his or her employment rights have been violated may file a charge of discrimination with EEOC.**
- **In addition, an individual, organization, or agency may file a charge on behalf of another person in order to protect the aggrieved person's identity.**

VI. How Is a Charge of Discrimination Filed?

- **A charge may be filed by mail or in person at the nearest EEOC office. Individuals may consult their local telephone directory (U.S. Government listing) or call 1-800-669-4000 (voice) or 1-800-669-6820 (TTY) to contact the nearest EEOC office for more information on specific procedures for filing a charge.**
- **Individuals who need an accommodation in order to file a charge (e.g., sign language interpreter, print materials in an accessible format) should inform the EEOC field office so appropriate arrangements can be made.**
- **Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.**

VII. What Information Must Be Provided to File a Charge?

- **The complaining party's name, address, and telephone number;**
- **The name, address, and telephone number of the respondent employer, employment agency, or union that is alleged to have discriminated, and number of employees (or union members), if known;**
- **A short description of the alleged violation (the event that caused the complaining party to believe that his or her rights were violated); and**
- **The date(s) of the alleged violation(s).**
- **Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.**

VIII. What Are the Time Limits for Filing a Charge of Discrimination?

All laws enforced by EEOC, except the Equal Pay Act, require filing a charge with EEOC before a private lawsuit may be filed in court. There are strict time limits within which charges must be filed:

- **A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights.**
- **This 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. For ADEA charges, only state laws extend the filing limit to 300 days.**
- **These time limits do not apply to claims under the Equal Pay Act, because under that Act persons do not have to first file a charge with EEOC in order to have the right to go to court. However, since many EPA claims also raise Title VII sex discrimination issues, it may be advisable to file charges under both laws within the time limits indicated.**
- **To protect legal rights, it is always best to contact EEOC promptly when discrimination is suspected.**
- **Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.**

IX. What Agency Handles a Charge that is also Covered by State or Local Law?

Many states and localities have anti-discrimination laws and agencies responsible for enforcing those laws. EEOC refers to these agencies as "Fair Employment Practices Agencies (FEPAs)." Through the use of "work sharing agreements," EEOC and the FEPAs avoid duplication of effort while at the same time ensuring that a charging party's rights are protected under both federal and state law.

- **If a charge is filed with a FEPA and is also covered by federal law, the FEPA "dual files" the charge with EEOC to protect federal rights. The charge usually will be retained by the FEPA for handling.**

- **If a charge is filed with EEOC and also is covered by state or local law, EEOC "dual files" the charge with the state or local FEPA, but ordinarily retains the charge for handling.**

X. What Happens after a Charge is Filed with EEOC?

The employer is notified that the charge has been filed. From this point there are a number of ways a charge may be handled:

- **A charge may be assigned for priority investigation if the initial facts appear to support a violation of law. When the evidence is less strong, the charge may be assigned for follow up investigation to determine whether it is likely that a violation has occurred.**
- **EEOC can seek to settle a charge at any stage of the investigation if the charging party and the employer express an interest in doing so. If settlement efforts are not successful, the investigation continues.**
- **In investigating a charge, EEOC may make written requests for information, interview people, review documents, and, as needed, visit the facility where the alleged discrimination occurred. When the investigation is complete, EEOC will discuss the evidence with the charging party or employer, as appropriate.**
- **The charge may be selected for EEOC's mediation program if both the charging party and the employer express an interest in this option. Mediation is offered as an alternative to a lengthy investigation. Participation in the mediation program is confidential, voluntary, and requires consent from both charging party and employer. If mediation is unsuccessful, the charge is returned for investigation.**
- **A charge may be dismissed at any point if, in the agency's best judgment, further investigation will not establish a violation of the law. A charge may be dismissed at the time it is filed, if an initial in-depth interview does not produce evidence to support the claim. When a charge is dismissed, a notice is issued in accordance with the law which gives the charging party 90 days in which to file a lawsuit on his or her own behalf.**
- **Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.**

XI. How Does EEOC Resolve Discrimination Charges?

- **If the evidence obtained in an investigation does not establish that discrimination occurred, this will be explained to the charging party. A required notice is then issued, closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf.**
- **If the evidence establishes that discrimination has occurred, the employer and the charging party will be informed of this in a letter of determination that explains the finding. EEOC will then attempt conciliation with the employer to develop a remedy for the discrimination.**

- **If the case is successfully conciliated, or if a case has earlier been successfully mediated or settled, neither EEOC nor the charging party may go to court unless the conciliation, mediation, or settlement agreement is not honored.**
- **If EEOC is unable to successfully conciliate the case, the agency will decide whether to bring suit in federal court. If EEOC decides not to sue, it will issue a notice closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf. In Title VII and ADA cases against state or local governments, the Department of Justice takes these actions.**
- **Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.**

XII. When Can an Individual File an Employment Discrimination Lawsuit in Court?

A charging party may file a lawsuit within 90 days after receiving a notice of a "right to sue" from EEOC, as stated above. Under Title VII, the ADA, and GINA, a charging party also can request a notice of "right to sue" from EEOC 180 days after the charge was first filed with the Commission, and may then bring suit within 90 days after receiving this notice. Under the ADEA, a suit may be filed at any time 60 days after filing a charge with EEOC, but not later than 90 days after EEOC gives notice that it has completed action on the charge.

Under the EPA, a lawsuit must be filed within two years (three years for willful violations) of the discriminatory act, which in most cases is payment of a discriminatory lower wage.

Federal employees or applicants for employment should see the fact sheet about Federal Sector Equal Employment Opportunity Complaint Processing.

XIII. What Remedies Are Available When Discrimination Is Found?

The "relief" or remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include:

- **back pay,**
- **hiring,**
- **promotion,**
- **reinstatement,**
- **front pay,**
- **reasonable accommodation, or**
- **other actions that will make an individual "whole" (in the condition s/he would have been but for the discrimination).**

Remedies also may include payment of:

- **attorneys' fees,**
- **expert witness fees, and**
- **court costs.**

Under most EEOC-enforced laws, compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages also may be available if an employer acted with malice or reckless indifference. Punitive damages are not available against the federal, state or local governments.

In cases concerning reasonable accommodation under the ADA, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation.

An employer may be required to post notices to all employees addressing the violations of a specific charge and advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

The employer also may be required to take corrective or preventive actions to cure the source of the identified discrimination and minimize the chance of its recurrence, as well as discontinue the specific discriminatory practices involved in the case.

The Commission

XIV. What Is EEOC and How Does It Operate?

EEOC is an independent federal agency originally created by Congress in 1964 to enforce Title VII of the Civil Rights Act of 1964. The Commission is composed of five Commissioners and a General Counsel appointed by the President and confirmed by the Senate. Commissioners are appointed for five-year staggered terms; the General Counsel's term is four years. The President designates a Chair and a Vice-Chair. The Chair is the chief executive officer of the Commission. The Commission has authority to establish equal employment policy and to approve litigation. The General Counsel is responsible for conducting litigation.

EEOC carries out its enforcement, education and technical assistance activities through 53 field offices serving every part of the nation.

The nearest EEOC field office may be contacted by calling: 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

Information And Assistance Available From EEOC

XV. What Information and Other Assistance Is Available from EEOC?

EEOC provides a range of informational materials and assistance to individuals and entities with rights and responsibilities under EEOC-enforced laws. Most materials and assistance are provided to the public at no cost. Additional specialized training and technical assistance are provided on a fee basis under the auspices of the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992. For information on educational and other assistance available, contact the nearest EEOC office by calling: 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

Publications available at no cost include posters advising employees of their EEO rights, and pamphlets, manuals, fact sheets, and enforcement guidance on laws enforced by the Commission. For a list of EEOC publications, or to order publications, write, call, or fax:

**U.S. Equal Employment Opportunity Commission
Publications Distribution Center
P.O. Box 541
Annapolis Junction, MD 20701
1-800-669-3362 (voice)
1-800-800-3302 (TTY)
(301) 206-9789 (fax)**

Telephone operators are available to take orders (in English or Spanish) from 8:30 a.m. to 5:00 p.m. (EST), Monday through Friday. Orders generally are mailed within 48 hours after receipt.

Information about EEOC and the laws it enforces also can be found at the following internet address: <http://www.eeoc.gov>.

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