

Significant Civil Rights Statutes Regarding Equal Employment

The Equal Pay Act of 1963 makes it illegal to pay different wages to men and women if they perform equal work in the same workplace

Title VII of the Civil Rights Act of 1964 (Title VII) makes it illegal to discriminate against someone on the basis of race, color, religion, national origin, sex and/or retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law requires that employers reasonably accommodate applicants' and employees' sincerely held religious practices, unless doing so would impose an undue hardship. The Pregnancy Discrimination Act This law amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth

The Age Discrimination in Employment Act of 1967 (ADEA) protects people who are 40 or older from discrimination because of age.

The Rehabilitation Act of 1973 makes it illegal to discriminate against a qualified person with a disability in the federal government.. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business. it illegal to discriminate against a qualified person with a disability in the federal government.

The Civil Rights Act of 1991 provides remedies for intentional discrimination and unlawful harassment in the workplace.

Title I of the Americans With Disabilities Act of 1990 (ADA) makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would impose an undue hardship on the operation of the employer's business.

29 Code of Federal Regulations, Part 1614 prescribes the development of equal employment programs, including alternative dispute resolution programs and complaints processing procedures consistent with EEOC's regulations.

The Genetic Information Nondiscrimination Act of 2008 (GINA) makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history).

Types of Illegal Discrimination Covered by Equal Employment Opportunity Laws

Discrimination Based on:

Race: Occurs when individuals are treated less favorably based on their race or because of personal characteristics associated with race.

Color Discrimination: Occurs when individuals are treated less favorably based on the lightness, darkness or other color characteristic of their skin.

National Origin Discrimination: Occurs when individuals are treated less favorably because they are from a particular country or part of the world, because of ethnicity or accent or because they appear to be of a certain background.

Sex: Occurs when individuals are treated less favorably based on their male or female gender. This includes woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth

Gender Identity: Occurs when individuals are treated less favorably because of their gender identity.

Sexual Orientation: Occurs when individuals are treated less favorably because of their sexual orientation.

Religion: Occurs when individuals are treated unfavorably based their religious beliefs and practices.

Age: Occurs when individuals 40 years of age or older and are treated less favorably because of his or her age.

Disability: Occurs when individuals are treated less favorably based on mental and/or physical disability.

Reprisal: Occurs when individuals are treated less favorably because they have filed EEO complaints or have participated in any stage of an administrative or judicial proceedings concerning a complaint of discrimination.

Genetic Information: Occurs when individuals are treated less favorably based on genetic information.



U.S. Army Garrison Rock Island Arsenal

Equal Employment Opportunity Office



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EEO Programs

The **Complaints Program** provides a mechanism to obtain redress for discrimination complaints. The EEO complaint process has two parts, a precomplaint, or informal, stage and a formal complaint stage. The EEO Counselor's goals are to gather as many facts as possible about a claim and facilitate resolution of the precomplaint, if possible. Army employees are required to cooperate with the EEO Counselor during the counseling process. The EEO Office processes formal complaints. The Department of Defense's Investigations and Resolutions Division (IRD) conducts investigations of formal EEO complaints in which witnesses testify under oath. Throughout the entire EEO process, voluntary resolution via mediation is encouraged. Please see Filing and Processing EEO Complaints for process steps and related timelines.

The **Reasonable Accommodation Program** provides reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship. This program is also used to accommodate an applicant's or employee's sincerely held religious beliefs or practices unless doing so would impose an undue hardship. Employees submit requests for reasonable accommodations directly to their supervisor. Supervisors are required to contact the EEO Office when a request is made. The EEO Disability Program Manager is responsible for facilitating, monitoring, and tracking the reasonable accommodation process and assists supervisors with obtaining reasonable medical documentation where the disability and/or need for accommodation is not obvious or otherwise known.

The **Special Emphasis Program** exists to address employment problems and concerns of civilian minorities, women and individuals with disabilities. Special Emphasis Program Managers are a resource for supervisors and employees and develop and implement special programs in effort to prevent discrimination and enhance diversity and inclusion awareness.

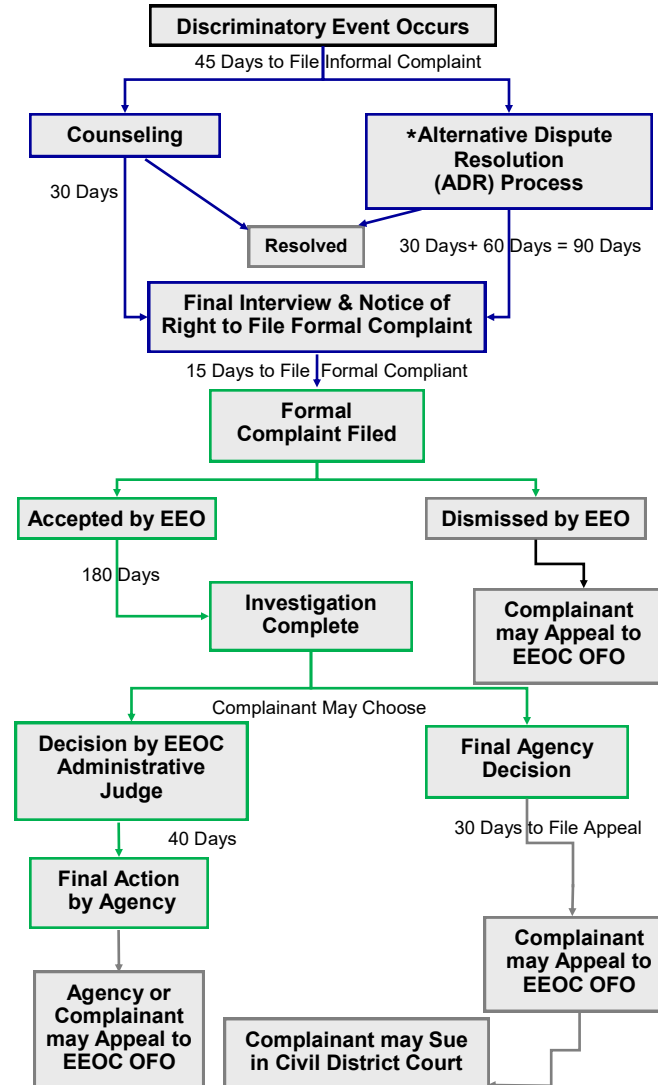
The **Affirmative Employment Program** corrects the effects of past discrimination. It suggests specific corrective actions to overcome barriers in the areas of recruitment, employment and promotion of qualified women, minorities, and individuals with disabilities.

Filing and Processing EEO Complaints

An EEO complaint must be filed within **45 calendar days** of the alleged incident of discrimination.

A complaint may be filed on the basis of race, religion, color, sex, national origin, age, physical/mental disability, genetic information, and/or reprisal.

EEO Complaint Process Overview



*ADR can be conducted at any stage of the EEO process, prior to the EEOC hearing.

Reprisal/Retaliation

It is illegal to retaliate against applicants or employees for participating in protected EEO activity. Retaliation is the most frequently alleged basis of discrimination in the federal sector and the most common discrimination finding in federal sector cases. Some tips for preventing retaliation from occurring are:

DO

- Foster a climate of equal employment opportunity, diversity, and inclusion
- Be transparent in decision making
- Encourage the use of facilitation and mediation to resolve conflicts
- Cooperate with EEO Counselors, Mediators, and IRD investigators
- Be available for witness interviews
- Provide clear and accurate information throughout the EEO process
- Consult with EEO Disability Program Manager on reasonable accommodation requests

DON'T

- Foster a climate of aggression
- Discourage EEO activity
- Confront employee about a complaint
- Isolate anyone involved
- Discuss or share EEO activity information with others
- Interfere with or refuse to participate in EEO counseling or the EEO process
- Threaten or intimidate anyone involved
- Require unnecessary medical information for reasonable accommodation requests

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