

## MAJOR EEO LAWS AND RULES

### THE U.S. CONSTITUTION

**Article VI** - Supremacy Clause - “This Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.”

**Amendment 13 - Section 1** - “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, nor any place subject to their jurisdiction.” Section 2- “Congress shall have power to enforce this article by appropriate legislation.”

**Amendment 14** - “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

### FEDERAL STATUTES

**The Civil Rights Act of 1866** - “All persons within the jurisdiction of the United States shall have the same right in every state and territory to make and enforce contracts, be sued, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by

white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.”

**The Civil Rights Act of 1871** - “every person who, under color of any statute, ordinance, regulation, custom, or usage, or any state or territory subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

**The Equal Pay Act of 1963** - Requires that individuals must receive equal pay for equal work regardless of sex. The federal enforcement agency is the Equal Employment Opportunity Commission.

**Title VI of the Civil Rights Act of 1964** - Forbids that anyone be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination on the basis of race, color, and national origin through expenditure of federal monies. Title VI is enforced by the appropriate federal grantor.

**Title VII of the Civil Rights Act of 1964** (as amended) - Forbids employment discrimination on the basis of race, color, religion, sex (including sexual harassment), and national origin. The federal enforcement agency is the Equal Employment Opportunity Commission.

**The Age Discrimination in Employment Act of 1967** (as amended) - Generally forbids discrimination in employment on the basis of age (40 years or more). The federal enforcement agency is the Equal Employment Opportunity Commission.

**The Rehabilitation Act of 1973** - Requires that governmental agencies receiving federal monies be non-discriminatory toward disabled. The pertinent section is enforced by guidelines of the respective federal grantors.

**The American with Disabilities Act of 1990** - Incorporates portions of the Rehabilitation Act of 1973, but forbids employment discrimination for the disabled whether or not the employer receives federal funds. Enforcement is by the Equal Employment Opportunity Commission, the Attorney General, and the Office of Federal Contract Compliance Programs.

**The Civil Rights Act of 1991** - Expands the Civil Rights Act of 1866, provides compensatory punitive damages for sex, religion, national origin and disability discrimination, makes easier proof of disparate impact, bans use of differential test scores, makes illegal mixed-motive employment decision, makes it possible to award expert fees to prevailing parties in civil rights lawsuits, expands time limits for challenging seniority systems, extends job bias protections to senate, house and presidential employees as well as those working for state and local government officials, establishes Technical Assistance Training Institute for the Equal Employment Opportunity Commission, and creates a Glass Ceiling Commission to study and make recommendations concerning upward mobility.

## **FEDERAL PRESIDENTIAL ORDER**

**Executive Order 11246** - Covers all employers with government contracts of more than \$10,000. The order applies to contractors and subcontractors on construction projects financed in whole or in part by federal funds. Requirements are: a non-discrimination clause in every contract regarding race, color, religion, sex, or national origin. In addition, the subsequent Revised Order No. 4 requires such

contractors and subcontractors with 50 or more employees and a contract of \$50,000 or more to develop and implement an affirmative action plan. The enforcement agency is the office of Federal Contract Compliance Programs (OFCCP).

## **STATE OF OHIO REQUIREMENTS**

**Section 4112 of the Ohio Revised Code** - Forbids employment discrimination on the basis of race, color, religion, sex (including sexual harassment), ancestry, national origin, disability, and age (40 or more years). The state enforcement agency is the Ohio Civil Rights Commission.

**The Administrative Rule of the Director of the Ohio Department of Administrative Services and Gubernatorial Executive Orders** - Forbids employment discrimination within state agencies on the basis of race, color, religion, sex (including sexual harassment), sexual orientation, gender identity, national origin, disability, age (40 years of more) military status, and veteran status (Vietnam Era, Disabled, or Desert Storm/Shield). The enforcement is by the Ohio Department of Administrative Services' Equal Opportunity Division.

**Governor's Executive Order 2007 – 10S** – Forbids employment discrimination within state agencies on the basis of race, color, religion, sex,(including sexual harassment), sexual orientation, gender identity, national origin, veteran status, military status, disability, and age (40 years of more).