

Equal Employment Opportunity and Affirmative Action

Federal Employment Discrimination Laws

Categories: Race, Color, Sex, National Origin, Religion (Title VII)
Age 40 Years or Older (Employment Act of 1967)
Disability (ADA Act of 1990)

State of Oregon Employment Discrimination Laws

Categories: All title VII Classes, Age (18 years or older), Marital Status, Family Relationships, Expunged Juvenile Record, Opposition to Safety/Health Practices (OSHA), Mental/Physical Impairment, Injured Workers

Oregon University System Employment Discrimination Rule

Categories: In addition to many of the above categories, OUS prohibits discrimination on the basis of sexual orientation.

EEO Regulations

The following are the federal and state laws that outline legal obligations:

Title VII of the 1964 Civil Rights Act

This federal act applies to all employers with 15 or more employees. It prohibits discrimination in employment based on race, color, religion, sex and national origin. It covers all terms and conditions of employment and holds the employer responsible for any discrimination that may occur with the organization regardless of intent.

The Equal Pay Act of 1963

This act covers all employers who are covered by the Fair Labor Standards Act of which it is a part. The Act explicitly forbids pay differentials on the basis of sex.

The Age Discrimination in Employment Act of 1967

This federal act covers the same employers covered by Title VII. It bans discrimination based on age against anyone ages 40 and older. Oregon laws prohibit discrimination based on age against anyone between the ages of 18 and 70 (ORS 659.030).

Executive Order 11246 of 1965 (as amended by E.O. 11375 in 1967)

This presidential order applies to all contractors and subcontractors who will receive \$10,000 or more in federal contracts. It prohibits employment discrimination on the basis of race, color, religion, sex, or national origin and requires affirmative action for women and minorities (Asian, Black, Hispanic and Native American racial/ethnic groups).

Covered employers conduct a “utilization analysis,” to compare availability of qualified women and people of color with their workforce (by job category), and identify any areas of underrepresentation. When underrepresentation exists, the employer establishes voluntary hiring goals—NOT quotas—and makes a good faith effort to achieve them. Strategies to achieve these goals may include open

searches, making extra efforts at the recruitment stage to attract members of historically excluded groups, creating search committees with diverse composition, and reviewing job requirements to ensure that they do not disproportionately screen out certain groups. The utilization analysis, goals, strategies, and policies are recorded in an Affirmative Action plan; compliance is audited periodically by the Office of Federal Contract Compliance Programs (OFCCP).

Vocational Rehabilitation Act of 1973--Sections 503 and 504

This federal act provides for equal employment opportunity for the physically and mentally disabled. Under this law, it is illegal to discriminate against a physically or mentally handicapped person for non-job-related reasons. Definition of handicapped person: (1) has an impairment to any life function -- includes deafness, diabetes, mental retardation, epilepsy, and drug or alcohol abuse in some instances; (2) has a record of such impairment; or (3) is regarded as having an impairment.

Vietnam Era Veteran's Readjustment Assistance Act of 1974

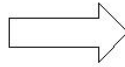
This federal act applies to all employers who receive government contracts or subcontracts of \$10,000 or more per year. It requires the employer to take affirmative action to "employ and advance in employment" veterans of the Vietnam era and special disabled veterans, as defined under the law. It also requires Affirmative Action plans for covered veterans from contractors with contracts of \$50,000 or more and 50 or more employees, but does not require the establishment of numerical hiring goals.

Americans With Disabilities Act of 1990 (ADA)

The ADA applies to all government employers with 15 or more employees. It makes it illegal to discriminate in hiring, firing, salary, training, promotion or any employment term or condition against a qualified person with a disability. A "person with a disability" is a person who has (1) a physical or mental impairment substantially limiting one or more major life activities; or (2) a record of such an impairment; or (3) is regarded as having such an impairment.

EQUAL OPPORTUNITY

EQUAL ACCESS



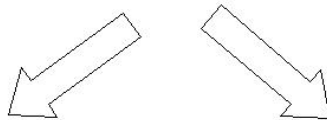
EMPLOYMENT
OPPORTUNITY

Access not denied or limited because of a protected status:

- Race
- Color
- National Origin
- Religion
- Gender
- Sexual Orientation
- Age
- Marital Status
- Disability
- Disabled Veteran and Vietnam-Era Veteran

DISCRIMINATION

UNEQUAL ACCESS



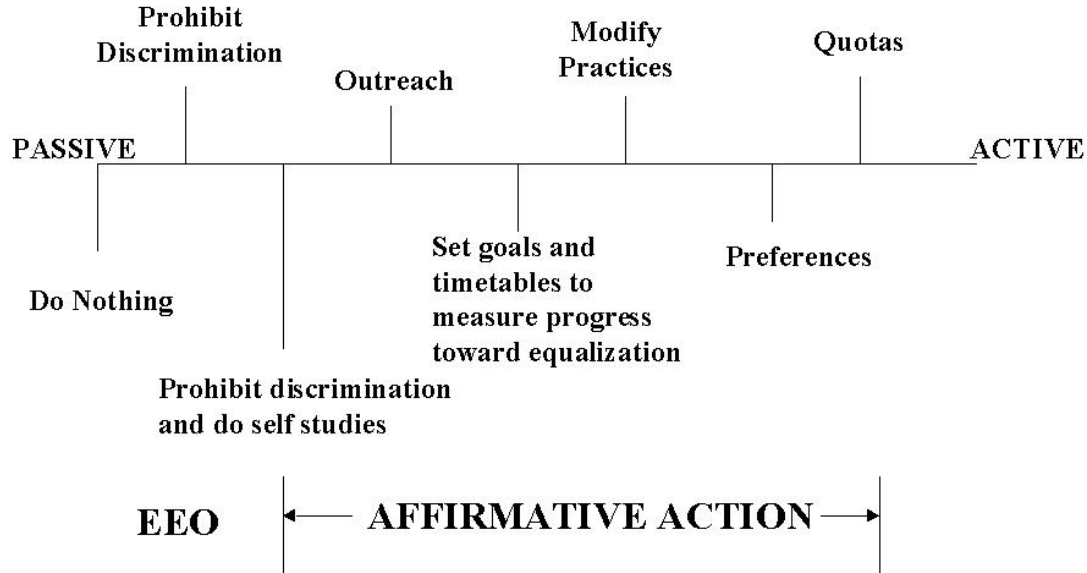
DISPARATE TREATMENT

DISPARATE IMPACT

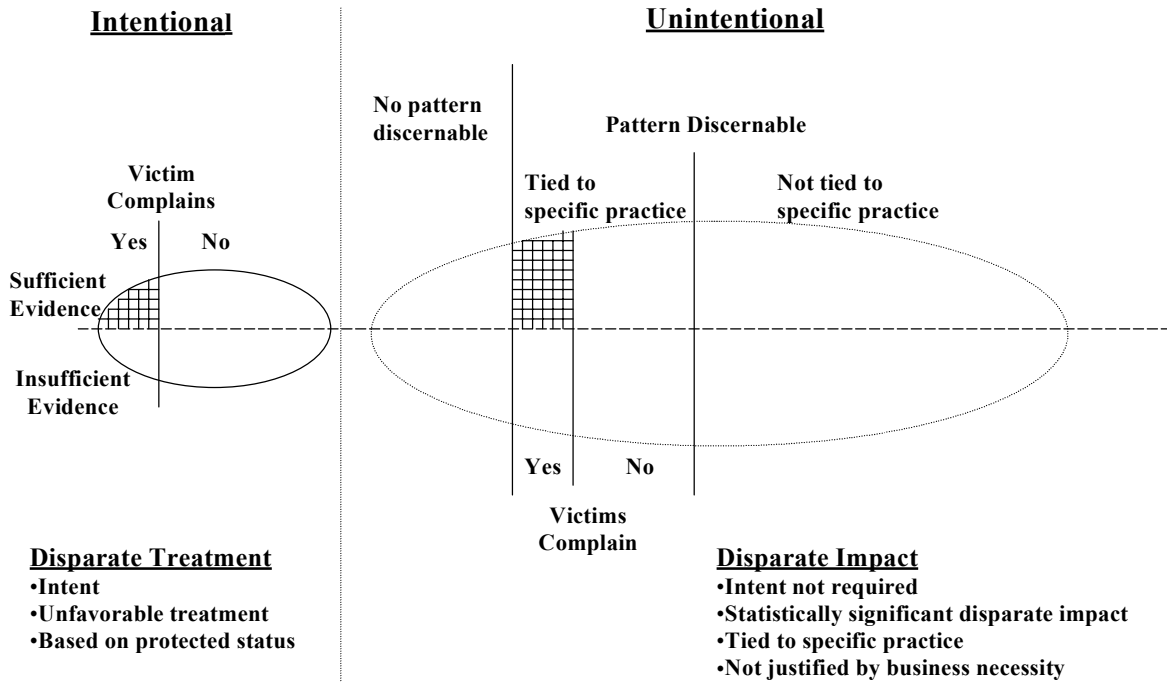
PURPOSEFUL
UNFAVORABLE
TREATMENT

FACIALLY NEUTRAL PRACTICE
WITH DISPARATE IMPACT AND
CANNOT BE JUSTIFIED BY BUSINESS
NECESSITY

EQUAL OPPORTUNITY STRATEGIES



Effectiveness of the Law in Addressing Acts of Bias



OSU Utilization Analysis - Underrepresentation in 2001

Working from a November, 2000 payroll snapshot, the university workforce is broken down into job groups--groups of statistically significant size that have characteristics in common like pay, job content and promotional opportunities. For faculty/unclassified employees, there are 28 of these job groups. The demographics of each group are analyzed and compared to the demographics of the available pool of qualified people from which we draw in search and selection. For tenured/tenure-track faculty searches, these qualified pools are national, and most of availability is calculated based on the number of people with Ph.Ds in the disciplines. If women or people of color are employed at less than 80% of the rate of availability in a particular job group, we determine that underutilization exists, and that extra efforts must be taken to correct it.

In what job groups are people of color underutilized in your system?

In what job groups are women underutilized in your system?