

## **SUMMARY OF LAWS AFFECTING THE EMPLOYMENT PROCESS**

A number of laws and policies at the federal and state level provide guidelines and requirements affecting equity in employment. The following summary identifies the type of discrimination prohibited by each law, such as discrimination based on race, sex, religion or national origin. State and Federal laws, guidelines having the force of law, and Executive Orders all govern the actions of search committees at the University; a brief explanation of the laws' applicability is provided. Enforcement agencies are indicated when relevant, as well as the sanctions which could be imposed for non-compliance.

### **FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

This section of the Constitution is the basis for all laws, Executive Orders and guidelines relating to equal opportunity and affirmative action. The Fourteenth Amendment protects all persons from any action denying them equal protection under the law. This "equal protection" has been interpreted in the following list of laws.

### **TITLE IV OF THE 1964 CIVIL RIGHTS ACT**

Title VI prohibits discrimination on the basis of race, color, or national origin by institutions receiving federal financial assistance. The University is bound by this provision because it distributes federal financial aid and holds research grants and contracts.

### **EXECUTIVE ORDER 11246 (as amended)**

Executive Order 11246 is the presidential executive order which is the basis of the federal commitment to nondiscrimination and affirmative action in employment. Federal contractors must develop and implement a written Affirmative Action Plan. Contractors may not discriminate against applicants or employees on the basis of race, color, religion, national origin, sex, or disability. Further, contractors must take affirmative steps to recruit, hire, train and promote persons in these protected classes. The University's Affirmative Action Plan contains goals for hiring (by race, national origin and gender) to develop a balanced, representative workforce. The goal for the department and/or position title in which the vacancy exists is contained in the University Affirmative Action Plan. Compliance with Executive Order 11246 is monitored by the Office of Federal Contract Compliance Programs, United States Department of Labor. Failure to comply may result in disbarment of the University as a federal contractor, as well as the award of remedies to correct discrimination against employees and/or applicants for employment.

**SECTIONS 503 AND  
504, 1973  
VOCATIONAL  
REHABILITATION  
ACT**

Recipients of federal funds are prohibited from discriminating against otherwise qualified persons with disabilities. In addition, the University must take affirmative action to recruit, hire, train, and promote persons in this protected group, and must make reasonable accommodation for an otherwise qualified handicapped applicant or employee.

Section 504 of the Rehabilitation Act defines a person a disability as anyone with a physical or mental handicap that substantially limits one or more of such major life activities as walking, seeing, hearing, speaking, working or learning; who has a history of such disability; or who is believed by others to have such a disability. Disabling conditions include, but are not limited to: AIDS, alcoholism, cancer, cerebral palsy, deafness/hearing impairment, diabetes, neuro-muscular disease, mobility impairment, blindness/visual impairment, speech impairment, history of drug addiction, epilepsy, cardiac or pulmonary disease, mental/emotional illness, manual dexterity impairment, and mental retardation.

**TITLE I,  
AMERICANS WITH  
DISABILITIES ACT  
(ADA) OF 1990**

Title I of the Americans with Disabilities Act 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. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or, is regarded as having such an impairment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

**FLORIDA HUMAN RIGHTS ACT**

All individuals in Florida are protected against discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or marital status. This Act covers all employment practices (i.e. recruiting, hiring, training, apprenticeship selection or termination). It also protects persons from discrimination because they have opposed an unlawful employment practice, filed a charge of discrimination or participated in any manner in an investigation under this Act.

The Florida Commission on Human Relations investigates complaints filed under this Act.

**FLORIDA EDUCATIONAL EQUITY ACT**

This Act was passed by the State Legislature in 1984, and prohibits discrimination on the basis of race, sex, national origin, marital status, or handicap against a student or employee in the State System of Public Education. The rule to implement the Act was approved by the State Board of Education in February 1985. Procedures for implementing the Act have been developed, and the University prepares an annual report to ensure compliance with the Act.

**IMMIGRATION REFORM AND CONTROL ACT OF 1986 (IRCA)**

IRCA imposes three areas of obligations on employers. First, it makes it unlawful for an employer to knowingly recruit, hire, or refer for a fee aliens who are not authorized to work. Second, the Act imposes an obligation upon an employer to verify the identity and work authority of each employee hired after November 6, 1986, and to keep records regarding this verification process. Third, IRCA makes it unlawful for employers to discriminate against individuals on the basis of their citizenship status or their national origin.

**FLORIDA EQUITY ACCOUNTABILITY ACT**

The Equity Accountability Act requires institutions in the State University System to set goals for the hiring of minority and female upper-level administrators and faculty, and for the tenure-approval of minority and female faculty. It also requires the development and implementation of procedures designed to achieve these goals. An annual report is to be provided to the Board of Regents, for presentation to the State Legislature.

**TITLE VII OF THE  
1964 CIVIL RIGHTS  
ACT (as amended)**

Discrimination in employment on the basis of race, color, religion, national origin or sex is prohibited. This law applies to any employer with fifteen or more employees and was designed to cover employers regardless of federal contractor status. This is an equal opportunity law-, affirmative action is not specifically required. Discrimination is prohibited in hiring, promotion, salaries, fringe benefits, training, treatment of pregnancy, and all other terms and conditions of employment. The United States Equal Employment Opportunity Commission investigates charges of individual or systemic discrimination.

**AGE  
DISCRIMINATION  
ACT**

Discrimination against persons aged forty and above in employment is prohibited by this law. Discriminatory actions may include:

- failing to hire, or to discharge, any employee, or offer or impose disparate terms or conditions of employment from other similarly situated employees, based on an individual's age,
- limiting or classifying employees in any way tending to deprive them of employment opportunity based on age;
- reducing the wage rate of any employee in order to comply with this Act.

The Equal Employment Opportunity Commission investigates charges of individual or systemic age discrimination.