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A: Age Discrimination in Employment Act of 1967 (ADEA)

Age Discrimination:

[The Age Discrimination in Employment Act of 1967 \(ADEA\)](#) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include:

Apprenticeship Programs

It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the ADEA or if the EEOC grants a specific exemption.

Job Notices and Advertisements

The ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements. A job notice or advertisement may specify an age limit only in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the business.

Pre-Employment Inquiries

The ADEA does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose, rather than for a purpose prohibited by the ADEA.

Benefits

The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. Congress recognized that the cost of providing certain benefits to older workers is greater than the cost of providing those same benefits to younger workers, and that those greater costs would create a disincentive to hire older workers. Therefore, in limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

Waivers of ADEA Rights

An employer may ask an employee to waive his/her rights or claims under the ADEA either in the settlement of an ADEA administrative or court claim or in connection with an exit incentive program or other employment termination program. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:

1. be in writing and be understandable;
2. specifically refer to ADEA rights or claims;
3. not waive rights or claims that may arise in the future;
4. be in exchange for valuable consideration;
5. advise the individual in writing to consult an attorney before signing the waiver; and
6. provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

If an employer requests an ADEA waiver in connection with an exit incentive program or other employment termination program, the minimum requirements for a valid waiver are more extensive.

B: Disability Discrimination Title I of the ADA Act of 1990

Disability Discrimination

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.

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. 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, modifying work schedules, 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.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

Medical Examinations and Inquiries

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific 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 similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

Drug and Alcohol Abuse

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

C: Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964

Equal Pay and Compensation Discrimination

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission (EEOC): the [Equal Pay Act of 1963](#), [Title VII of the Civil Rights Act of 1964](#), the [Age Discrimination in Employment Act of 1967](#), and [Title I of the Americans with Disabilities Act of 1990](#).

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides:

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

Skill - Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.

Effort - The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.

Responsibility - The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as turning out the lights at the end of the day, would not justify a pay differential.

Working Conditions - This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.

Establishment - The prohibition against compensation discrimination under the EPA applies only to jobs within an establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. However, in some circumstances, physically separate places of business should be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

Title VII, ADEA, and ADA

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement under Title VII, the ADEA, or the ADA that the claimant's job be substantially equal to that of a higher paid person outside the claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator.

Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.

A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.

An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.

An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," i.e., married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

Other Resources

Here are some links to other sources of information about compensation discrimination. Please be aware that, consistent with the EEOC's general [disclaimer](#) statement, the EEOC does not control or guarantee the accuracy or completeness of this outside information, and references to the sites below are not intended to reflect their importance or an endorsement of any views expressed or products or services offered.

Department of Labor's Office of Federal Contract Compliance Programs

- [Equal Pay and the Department of Labor](#)
- [Best Compensation Practices](#)
- [Analyzing Compensation Data: A Guide to Three Approaches](#)

Department of Labor's Women's Bureau

- [Ten Steps to An Equal Pay Self-Audit for Employers](#)
- [Working Women's Equal Pay Checklist](#)
- [Women's Bureau Fair Pay Clearinghouse](#)

[Department of Labor's Wage and Hour Division](#)

[Employment Litigation Section of the Civil Rights Division of the Department of Justice](#)

D: National Origin Discrimination Title VII of the Civil Rights Act of 1964

National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

"With American society growing increasingly diverse, protection against national origin discrimination is vital to the right of workers to compete for jobs on a level playing field," said EEOC Chair Cari M. Dominguez, [announcing the issuance of recent guidance](#) on national origin discrimination.

"Immigrants have long been an asset to the American workforce. This is more true than ever in today's increasingly global economy. Recent world events, including the events of September 11, 2001, only add to the need for employers to be vigilant in ensuring a workplace free from discrimination."

About National Origin Discrimination

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background. National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality. Examples of violations covered under Title VII include:

[Employment Decisions](#)

Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.

[Harassment](#)

Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

[Language](#)

- [Accent discrimination](#)
An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.
- [English fluency](#)
A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.

English-only rules

English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

Coverage of foreign nationals

Title VII and the other antidiscrimination laws prohibit discrimination against individuals employed in the United States, regardless of citizenship. However, relief may be limited if an individual does not have work authorization.

E: Pregnancy Discrimination Title VII of the Civil Rights Act of 1964

Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to [Title VII of the Civil Rights Act of 1964](#). Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include:

Hiring

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers.

Pregnancy and Maternity Leave

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Health Insurance

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Fringe Benefits

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

F: Race/Color Discrimination Title VII of the Civil Rights Act of 1964

Race/Color Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII's prohibitions apply regardless of whether the discrimination is directed at Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals, or persons of any other race, color, or ethnicity.

It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. Title VII prohibits not only intentional discrimination, but also neutral job policies that disproportionately affect persons of a certain race or color and that are not related to the job and the needs of the business. Employers should adopt "best practices" to reduce the likelihood of discrimination and to address impediments to equal employment opportunity.

Title VII's protections include:

Recruiting, Hiring, and Advancement

Job requirements must be uniformly and consistently applied to persons of all races and colors. Even if a job requirement is applied consistently, if it is not important for job performance or business needs, the requirement may be found unlawful if it excludes persons of a certain racial group or color significantly more than others. Examples of potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color; (2) requiring applicants to have a certain educational background that is not important for job performance or business needs; (3) testing applicants for knowledge, skills or abilities that are not important for job performance or business needs.

Employers may legitimately need information about their employees or applicants race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use separate forms or otherwise keep the information about an applicant's race separate from the application. In that way, the employer can capture the information it needs but ensure that it is not used in the selection decision.

Unless the information is for such a legitimate purpose, pre-employment questions about race can suggest that race will be used as a basis for making selection decisions. If the information is used in the selection decision and members of particular racial groups are excluded from employment, the inquiries can constitute evidence of discrimination.

Harassment/Hostile Work Environment

Title VII prohibits offensive conduct, such as racial or ethnic slurs, racial "jokes," derogatory comments, or other verbal or physical conduct based on an individual's race/color. The conduct has to be unwelcome and offensive, and has to be severe or pervasive. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

Compensation and Other Employment Terms, Conditions, and Privileges

Title VII prohibits discrimination in compensation and other terms, conditions, and privileges of employment. Thus, race or color discrimination may not be the basis for differences in pay or benefits, work assignments, performance evaluations, training, discipline or discharge, or any other area of employment.

Segregation and Classification of Employees

Title VII is violated where employees who belong to a protected group are segregated by physically isolating them from other employees or from customer contact. In addition, employers may not assign employees according to race or color. For example, Title VII prohibits assigning primarily African-Americans to predominantly African-American establishments or geographic areas. It is also illegal to exclude members of one group from particular positions or to group or categorize employees or jobs so that certain jobs are generally held by members of a certain protected group. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where people of a certain race or color are excluded from employment or from certain positions.

Retaliation

Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.

G: Religious Discrimination Title VII of the Civil Rights Act of 1964

Religious Discrimination

[Title VII of the Civil Rights Act of 1964](#) prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Under Title VII:

Employers may not treat employees or applicants more or less favorably because of their religious beliefs or practices - except to the extent a religious accommodation is warranted. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.

Employees cannot be forced to participate -- or not participate -- in a religious activity as a condition of employment.

Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion. An employer might accommodate an employee's religious beliefs or practices by allowing: flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers, modification of grooming requirements and other workplace practices, policies and/or procedures.

An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression, unless the religious expression would impose an undue hardship on the employer. Generally, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

H: Retaliation Title VII of the Civil Agency Affirmative Action Policy

Retaliation

An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- employment actions such as termination, refusal to hire, and denial of promotion,

- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and

- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination.

For more information about adverse actions, see [EEOC's Compliance Manual Section 8, Chapter II, Part D](#).

Covered Individuals

Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.

Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example, "whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

Protected Activity

Protected activity includes:

Opposition to a practice believed to be unlawful discrimination

Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

Examples of protected opposition include:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Picketing in opposition to discrimination; or
- Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

- Actions that interfere with job performance so as to render the employee ineffective; or
- Unlawful activities such as acts or threats of violence.

Participation in an employment discrimination proceeding.

Participation means taking part in an employment discrimination proceeding. Participation is protected activity even if the proceeding involved claims that ultimately were found to be invalid. Examples of participation include:

- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices; or
- Serving as a witness in an EEO investigation or litigation.

A protected activity can also include requesting a reasonable accommodation based on religion or disability.

For more information about Protected Activities, see EEOC's Compliance Manual, Section 8, [Chapter II, Part B - Opposition](#) and [Part C - Participation](#).

I: Sex-Base Discrimination Title VII of the Civil Rights Act of 1964

Sex-Based Discrimination

[Title VII of the Civil Rights Act of 1964](#) protects individuals against employment discrimination on the basis of sex as well as race, color, national origin, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

Title VII's prohibitions against sex-based discrimination also 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.

[Pregnancy Based Discrimination](#)

Title VII was amended by the Pregnancy Discrimination Act, which prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

The [Equal Pay Act of 1963](#) requires that [men and women be given equal pay for equal work](#) in the same establishment. The jobs need not be identical, but they must be substantially equal. Title VII also prohibits compensation discrimination on the basis of sex. Unlike the Equal Pay Act, however, Title VII does not require that the claimant's job be substantially equal to that of a higher paid person of the opposite sex or require the claimant to work in the same establishment.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

J: Sexual Harassment Title VII of the Civil Rights Act of 1964

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates [Title VII of the Civil Rights Act of 1964](#). Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

K: Definition of Federal EEO-4 Job Categories

A. Officials and Administrators:

Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, provide specialized consultation. Job titles in this category may include: regional, district or area directors; deputy directors; controllers; examiners; wardens; superintendents; sheriff; police and fire chiefs; inspectors; and kindred workers.

B. Professionals:

Occupations which require specialized and theoretical knowledge usually acquired through college training or work experience and other training which provides comparable knowledge. This category includes: personnel and labor relations workers; social workers; doctors; analysts; accountants; engineers; employment and vocational rehabilitation counselors; teachers or instructors; police and fire captains and lieutenants; and kindred workers.

C. Technicians:

Occupations which require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. This category includes: computer programmers and operators; drafters; surveyors; licensed practical nurses; photographers; radio operators; technical illustrators; highway technicians; science technicians (medical, dental, electronic, physical); assessors; inspectors; police and fire sergeants; and kindred workers.

D. Protective Service Workers:

Occupations in which workers are entrusted with public safety, security and protection from destructive forces. This category includes: police patrol officers; fire fighters; guards; deputy sheriffs; bailiffs; correctional officers; detectives; marshals; harbor patrol officers; and kindred workers.

E. Paraprofessionals:

Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience than is normally required for professionals or technicians. This category includes: library assistants; research assistants; medical aides; child support workers; police auxiliary workers; welfare service aides; recreation assistants; homemaker aides; home health aides; and kindred workers.

F. Administrative Support:

Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information, and other paperwork required in an office. This category includes: bookkeepers; messengers; office machine operators; clerk typists; stenographers; court transcribers; hearings reporters; statistical clerks; dispatchers; license distributors; payroll clerks; and kindred workers.

G. Skilled Craft Workers:

Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work, which is acquired through on-the-job training and experience, or through apprenticeship or other formal training programs. This category includes: mechanics and repairers; electricians; heavy equipment operators; stationary engineers; skilled machining occupations; carpenters; compositors and typesetters; and kindred workers.

H. Service and Maintenance:

Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public, or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. This category includes: chauffeurs; laundry and dry cleaning operatives; truck drivers; bus drivers; garage laborers; custodial personnel; gardeners and grounds keepers; refuse collectors; construction workers; and kindred workers.

L: Diversity Outreach “Yellow Pages”

REGION 1 & STATEWIDE RESOURCES

Organization Name	E-Mail/Web Address	Address	Contact Numbers
Affiliated Tribes of Northwest Indians	http://www.atntribes.org/	1827 NE 44th Ave., Suite 130 Portland, OR 97213-1443	PH: (503) 249-5770 FAX: (503) 249-5773
American Jewish Committee	http://www.ajc.org/whoweare/Chapters.asp?did=181	1220 SW Morrison Portland, OR 97205	PH: (503) 295-6761 FAX: (No number listed))
Catholic Deaf Community News Letter (Bi-Monthly)	No website available	2838 Burnside St. Portland, OR 97214	PH: (503) 233-8398 (V/TTY) Fax: (503) 736-1383
Centro Cultural of Washington County	http://www.centrocultural.org/English/Programs/CommunityOrganizing.shtm	1110 N. Adair Cornelius, OR	PH: (503) 359-0446 FAX: (503) 357-0183
Disability WORK.com	www.Disabilitywork.com	DisabilityWORK.com 335 N. Duluth Avenue Sioux Falls, SD 57104	PH: 888-221-7606
El Latino de Hoy News	http://www.ellatinodehoy.com/english/	7112 NE Sandy Blvd Portland, OR 97213	PH: (503) 493-1106 FAX: (503) 493-1107
El Hispanic News	http://www.elhispanicnews.com/	PO Box 306 Portland, OR 97207	PH: (503) 228-3139 FAX: (503) 228-3384
iHispano.com	www.iHispano.com	iHispano.com 4265 N. Knox Ave. Suite 300 Chicago, IL 60641	PH: 888.252.1220
Jewish Review	http://www.jewishreview.org/	506 SW 6th Ave. Ste. 606 Portland, OR 97204-1533	PH: (503) 670-2883 FAX: (503) 227-7438

Organization Name	E-Mail/Web Address	Address	Contact Numbers
Just Out	http://www.justout.com/index.shtml	PO Box 14400 Portland, OR 97293	PH: (503) 236-1252 FAX: (503) 236-1257
Mexican Consulates Office	Carousel of Information Event Schedule	1234 SW Morrison Street Portland, OR 97205	PH: (503) 274-1442 FAX: (No number listed)
NAACP (National Association for the Advancement of Colored People)	http://www.naacp.org/	PO Box 11367 Portland, OR 97211	PH: (503) 284-7722 FAX(No number listed)
National Organization for Women	http://www.now.org/	PO Box 19828 Portland, OR 97219	PH: (503) 452-0272 FAX: (503) 497-9054
Oregon Commission on Asian Affairs	carol.suzuki@state.or.us http://www.oregon.gov/OCAA/contact_us.shtml	Salem, Oregon	PH: (503)-986-1076 FAX(No number listed)
Oregon Commission on Hispanic Affairs	Francisca.e.johnson@ci.eugene.or.us cisca.e.johnson@ci.eugene.or.us	255 NE Capitol St. NE Salem, OR 97310	PH: (503) 378-3725 x 4184 FAX: (503) 378-8282
Oregon Commission for the Blind	E-mail: Leah.Hurst@state.or.us Web site: www.cfb.state.or.us	Leah Hurst Employment Development Coordinator State Employment Specialist in Vocational Education	Phone: (503) 731-3221
Oregon Council for Hispanic Advancement	http://www.ocha-nw.org/location.html	108 NW 9 th Ave. Suite 201 Portland, OR 97209	PH: (503) 228-4131 FAX: (503) 228-0710
Oregon Department of Human Services Voc Rehab	E-mail: Kristina.Kennedy@state.or.us Web site: www.dhs.state.or.us	Kris Kennedy Program Specialist State Employment Specialist in Vocational Education	Phone: (503) 945-5880
Oregon Tradeswomen	Oregon Tradeswomen Inc.	1714 NE Alberta St. Portland, OR 97211	PH: (503) 335-8200 xt.21 FAX: (503) 249-0445

Organization Name	E-Mail/Web Address	Address	Contact Numbers
The Portland Observer Newspaper	http://www.vcpa.com.au/Vic/portland_observer.html	4747 NE MLK Blvd. Portland, OR 97211	PH: (503) 288-0033 FAX: (503) 288-0015
Portland/Seattle Chapter National Black MBA Association	http://www.nbmaa.org	P.O. Box 4143 Portland, OR 97208	PH: 503-327-4420
Society of Women Engineers—Columbia River Section	www.president@swe-columbia-river.org	P.O. Box 219102 Portland, OR 97225-9102	None given
The Skanner Newspaper	http://www.theskanner.com/	415 N. Killingsworth Portland, OR 97217	PH: (503) 285-2900 FAX: (503) 285-5555
Urban League of Portland	http://www.ulpdx.org/	10 N Russell Portland, OR 97227	PH: (503) 280-2600 FAX: (No number listed)
REGION 2			
Confederated Tribes of Grand Ronde	http://www.grandronde.org/	9615 Grand Ronde Rd. Grand Ronde, OR 97347	PH: (503) 879-5211 FAX: (503)879-2117 Toll Free: (800) 422-0232
Confederated Tribes of Siletz Indians	http://ctsi.nsn.us/Employment/employment.html	201 SE Swan Ave. Siletz, OR 97380	PH: (541) 444-2532 FAX: (No number listed)
Disability Advocates Coalition of Clackamas	http://www.co.clackamas.or.us/socialservices/involved/advocate/dac.htm	PO Box 68369 Oak Grove, OR 97268	PH: (503) 650-8945 FAX: (No number listed)
NAACP (National Association for the Advancement of Colored People)	http://www.naacp.org/	200 NW 53rd St. Suite 57B Corvallis, OR 97330	PH: (541) 738-0738 FAX: (No number listed)
NAACP (National Assoc. for the Advancement of Colored People)	http://www.naacp.org/	541 Willamette St. Eugene, OR 97401	PH: (541) 431-1119 FAX: (No number listed)
NAACP Salem-Keizer Branch	http://www.naacp.org/	P.O. Box 13068 Salem, OR 97309-1001	PH: (503) 566-8876 FAX: (No number listed)

Organization Name	E-Mail/Web Address	Address	Contact Numbers
NW ADA & IT Center	nwada@ohsu.edu	PO Box 574 Portland, OR 97207	Toll Free: (800) 949-4232 V/TTY FAX: (503) 418-0785
Oregon SHHH (Self-help for Hard of Hearing People)	http://www.hearinglossor.org/	PO Box 22501 Eugene, OR, 97402	PH: 541-689-7242 V/TTY FAX: 541- 461-8601
REGION 3			
Confederated Tribes of Coos, Lower Umpqua & Siuslaw	http://www.ctclusi.org	1245 Fulton Ave. Coos Bay, OR 97420	PH: (541) 888-9577 FAX: (541) 888-0302
Coquille Tribe		3050 Tremont North Bend, OR 97459	PH: (541) 756-0904 FAX: (541) 756-0847
Cow Creek Band of Umpqua	http://www.cowcreek.com/	2371 NE Stephens St. Roseburg, OR 97470	PH: (541) 672-9405 FAX: (No number listed)
REGION 4			
Confederated Tribes of Warm Springs	http://www.warmsprings.com/	1233 Veterans St. Warm Springs, OR 97761	PH: (541) 553-1924 FAX: (541) 53-1161
Klamath Tribe	http://www.klamathtribes.org/	501 Chiloquin Blvd. Chiloquin, OR 97624	PH: (541) 783-2219 FAX: (541) 783-2029 Toll Free: (800) 524-9787
REGION 5			
Burns-Paiute Tribe	http://www.harneycounty.com/Paiute.htm	HC-71 100 Pasigo Street Burns, OR 97720	PH: (541) 573-2088 FAX: (No number listed)
Confederated Tribes of Umatilla Indians	http://www.umatilla.nsn.us/	PO Box 638 Pendleton, OR 97801	PH: (541) 276-3165 FAX: (541) 276-3095

ADDITIONAL RESOURCES

OFFICE OF VOCATIONAL REHABILITATION SERVICES (FIELD OFFICES)

<p><u>Albany</u> Peter Norman 1400 Queen Ave SE, Suite 107 Albany, Oregon 97321 541-967-2022</p>	<p><u>Astoria</u> Patrick Foster 2703 Marine Drive Astoria, Oregon 97103 503-325-7335</p>	<p><u>Baker City</u> Mary Tomlinson 1768 Auburn Avenue Baker City, Oregon 97814-3913 541-523-3648</p>
<p><u>Bend</u> Roger Lemstrom 1230 NE 3rd St., Suite A-152 Bend, Oregon 97701 541-388-6336</p>	<p><u>Central Portland</u> Janine Delaunay 3945 SE Powell Blvd Portland, Oregon 97202 503-731-3210</p>	<p><u>Clackamas</u> Nancy DiPasquale 4382 International Way, Suite B Milwaukie, Oregon 97222 503-653-3024</p>
<p><u>Coos Bay</u> Amy Kincaid PO Box 1113 Coos Bay, Oregon 97420 541-888-7173</p>	<p><u>Corvallis</u> Peter Norman 545 SW 2nd St., Suite G Corvallis, Oregon 97333 541-757-4131</p>	<p><u>East Portland</u> Teddy Forester 305 NE 102nd Ave, Suite 200 Portland, Oregon 97220 503-257-4412</p>
<p><u>East Springfield</u> Ken Thorland 101 30th St Springfield, Oregon 97478 541-726-3525</p>	<p><u>Gold Beach</u> Amy Kincaid 94145 W 5th PI – PO Box 1170 Gold Beach, Oregon 97444 541-247-0290</p>	<p><u>Grants Pass</u> Kelly Franklin 725 NE 7th St, Suite C Grants Pass, Oregon 97526 541-474-3130</p>
<p><u>Hermiston</u> Mary Tomlinson 940 SE Columbia Dr, Suite A Hermiston, Oregon 97838 541-564-5673</p>	<p><u>Klamath Falls</u> Kelly Franklin 801 Oak Avenue Klamath Falls, Oregon 97601 541-883-5614</p>	<p><u>La Grande</u> Mary Tomlinson 1607 Gekeler La Grande, Oregon 97850 541-963-2151</p>
<p><u>Marion/Polk</u> Alex Usenko, Interim Branch Manager 1701 Liberty Street S. Salem, Oregon 97310 503-378-5334</p>	<p><u>McMinnville</u> Sandy Cooper 368 NE Norton Lane McMinnville, Oregon 97128 541-472-2116</p>	<p><u>Medford</u> Kelly Franklin 28 W. 6th St, Suite A Medford, Oregon 97501 541-776-6035</p>
<p><u>Newport</u> Peter Norman 119 NE 4th St, Suite 1 Newport, Oregon 97365 541-265-7843</p>	<p><u>North Portland</u> Nancy Conover 4744 N. Interstate Ave. Portland, Oregon 97217 503-280-6940</p>	<p><u>Ontario</u> Mary Tomlinson 186 East Lane, Suite 1 Ontario, Oregon 97914 541-889-9148</p>

OFFICE OF VOCATIONAL REHABILITATION SERVICES (FIELD OFFICES)		
<u>Pendleton</u> Mary Tomlinson 1555 SW Southgate Pl Pendleton, Oregon 97801 541-278-4161	<u>Roseburg</u> Amy Kincaid 2020 NW Newcastle St. Roseburg, Oregon 97470 541-440-3371	<u>St. Helens</u> Patrick Foster 500 N Hwy. 30, Suite 210 St. Helens, Oregon 97051 503-397-1784
<u>The Dalles</u> Roger Lemstrom 700 Union St., Rm. 128 The Dalles, Oregon 97058 541-298-5573	<u>Tillamook</u> Patrick Foster 4670 E Third Street Tillamook, Oregon 97141 503-842-7873	<u>Washington County</u> Patrick Foster 10777 SW Cascade Blvd. Tigard, Oregon 97223 503-6710-9575
<u>West Eugene Family Center</u> Susan Hauk 2101 W. 11 th Avenue Eugene, Oregon 97402 541-686-7722	<u>Winema Job/Career Center-SCO</u> Sandy Cooper 4001 Winema Place NE, Suite 200 Salem, Oregon 97305 503-399-2301	<u>McKenzie Center (No Client Services)</u> Ken Thorland 2885 Chad Drive Eugene, Oregon 97408 541-686-7878
OREGON DEPT. OF TRANSPORTATION (ODOT) DISTRICT OFFICE MANAGERS		
Twyla J. Olson District 1 Office Manager 4744 N. Interstate Ave. Portland, Oregon 97217 Phone: 503-280-6940 X269 Fax: 503-280-6960 Cell: 503-475-9269 Pager: 503-948-5732 Twyla.j.olson@state.or.us	Jerry Wilbur District 2 Office Manager 1701 Liberty St. S. Salem, Oregon 97302-5158 Phone: 503-378-5334 X231 Fax: 503-373-7549 Cell: 503-881-5196 j.d.Wilbur@state.or.us	Francine Hanes District 3 Office Manager 2885 Chad Drive Eugene, Oregon 97408 Phone: 541-686-7878 X247 Cell: 541-915-5927 Pager: 541-341-0288 Fax: 541-686-7641 Francine.r.hanes@state.or.us

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