

Employment Laws and Applications

Part 1

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PRT 3207 Management of PRT Employment Laws and Applications

- Please note there is an audio track to this lecture. Please adjust your sound on your device.



Competencies

1. Describe the EEOC and distinguish between EEO laws and affirmative action. (Part 1 slides 4–8)
2. Describe the evolution of EEO legislation from the 1960s through today. (Part 1 slides 9–26)
3. List major areas of EEO abuse and litigation, and identify various critical EEO issues. (Part 2 slides 3-19)
4. Define disability, and describe the Americans with Disabilities Act (ADA) and its implications for human resource managers at hospitality operations. (Part 2 slides 20-24)

Defining Discrimination

Human resource management is the practice of *legal* discrimination; i.e., it adheres to the guidelines, laws, and regulations of the **Equal Employment Opportunity Commission (EEOC)**.



Equal Employment Opportunity Commission

- The EEOC is the federal commission (Civil Rights Act of 1964)
- The EEOC has **three principal roles**:
 1. Administration of existing EEO laws/regulations
 2. Issuing guidelines for Title VII compliance.
 3. Research patterns of compliance and discrimination in the United States.

Department of Labor

- Aims to foster, promote, and develop the welfare of U.S. wage earners, job seekers, and retirees;
- improve working conditions;
- advance opportunities for profitable employment; and
- assure work-related benefits and rights.

Department of Homeland Security

- Engaged in discrimination issues through:
 - U.S. Border Patrol, and the
 - U.S. Immigration and Customs Enforcement (ICE).

EEO vs. Affirmative Action

- **Equal Employment Opportunities:** protect the rights of an identified group or class.
- **Affirmative action:** requirement to hire members of protected groups to overcome past discriminatory practices.
- **Reverse discrimination**
- **Retaliation discrimination**

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Evolution of EEO Legislation

- The Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Vocational Rehabilitation Act of 1973
- Acts affecting veterans
- Pregnancy Discrimination Act of 1978
- Retirement Equity Act of 1984
- Immigration Reform and Control Act of 1986
- Employee Polygraph Protection Act of 1988
- Drug-Free Workplace Act of 1988
- The Civil Rights Act of 1991
- The Family and Medical Leave Act of 1993

Equal Pay Act of 1963

- Requires that men and women be paid the same rate of pay for work that is substantially the same.



Title VII of the Civil Rights Act of 1964

- Prohibits unfair employment discrimination based on race, color, sex, religion, and national origin:
 - Disparate treatment
 - Disparate impact

Business Necessity, BFOQs, and Other Exceptions to Title VII

There are two possible defenses for charges of discrimination brought under the Civil Rights Act of 1964:

- Business necessity
- Bona fide occupational qualifications (BFOQ)

Age Discrimination in Employment Act of 1967

Prohibits employment
discrimination on the basis
of age against people 40
years old or older.



Vocational Rehabilitation Act of 1973



Requires all employers holding federal contracts of \$25,000 or more to employ “qualified” individuals with disabilities and to make “reasonable accommodations” as needed.

Acts Affecting Veterans

The **Selective Training and Service Act of 1940** requires employers to rehire veterans—within 90 days of reapplication and no loss of seniority.



Pregnancy Discrimination Act of 1978



- **Prohibits employers from:**
- Limiting pregnancy benefits to married workers.
- Refusing to hire pregnant applicants as long as they can perform the major functions of the job.

Retirement Equity Act of 1984

States that:

- Pension benefits may be considered a joint asset in divorce settlements.
- Employees must provide survivor benefits to spouses of fully vested employees who die before reaching the minimum retirement age.

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Immigration Reform and Control Act of 1986

- Places the burden on the employer to verify newly hired employees are authorized to work in the U.S. by completing the I-9 form.

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 2510-0047, OIG Paper 107495
Form I-9, Employment Eligibility Verification

ADVERSE/DEFENSATION NOTICE: This form is distributed to employers without individual. Employers CANNOT grant which documents, dates and times are not to be used. The information here is intended to assist the employer in a timely manner and does not constitute an offer of citizenship.

Section 1. Employer Information and Verification: To be completed and retained until the time employment begins.

Employer Name: _____ Date: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 2. Employee Information and Verification: To be completed and retained until the time employment begins.

Employee Name: _____ Date of Birth: _____
 Social Security Number: _____
 Date of Hire: _____
 Date of Termination: _____
 Date of Rehire: _____
 Date of Resignation: _____
 Date of Retirement: _____
 Date of Death: _____
 Date of Naturalization: _____
 Date of Citizenship: _____
 Date of Permanent Residence: _____
 Date of Temporary Residence: _____
 Date of Conditional Residence: _____
 Date of Conditional Permanent Residence: _____
 Date of Conditional Naturalization: _____
 Date of Conditional Citizenship: _____
 Date of Conditional Permanent Residence: _____
 Date of Conditional Naturalization: _____
 Date of Conditional Citizenship: _____

Section 3. Employer and Employee Signature: To be completed and retained until the time employment begins.

Employer Signature: _____ Date: _____
 Title: _____
 Employee Signature: _____ Date: _____
 Title: _____

Section 4. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 5. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 6. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 7. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 8. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 9. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 10. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 11. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 12. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 13. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 14. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 15. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 16. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 17. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 18. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 19. Employer and Employee Information: To be completed and retained until the time employment begins.

Employee Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

Section 20. Employer and Employee Information: To be completed and retained until the time employment begins.

Employer Name: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____
 Fax: _____
 E-mail: _____

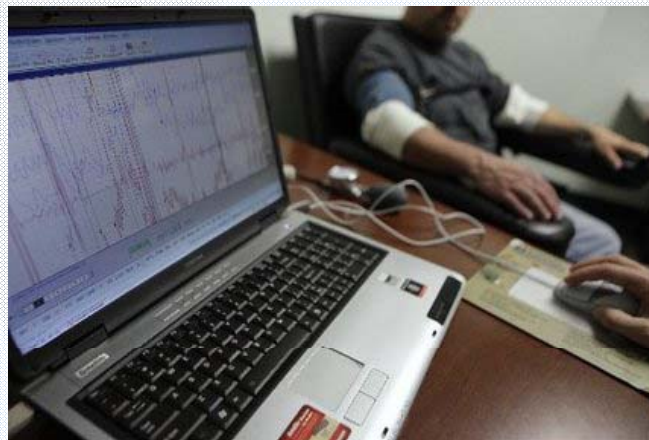
Authorized Documentation

About 31 percent of undocumented immigrants in the U.S. work in the hospitality industry.

Employers may rely on items such as a U.S. passport, certification of naturalization, birth certificate, or Social Security card to verify an applicant's citizenship status..

Employee Polygraph Protection Act of 1988

Protects employees from dismissal, discipline, and discrimination solely on the basis of their refusal to submit to a polygraph exam.



Drug-Free Workplace Act of 1988



Requires that federal contractors establish policies and procedures to prohibit drug abuse and make a good faith effort to sustain drug-free working environments.

Civil Rights Act of 1991

- Permits individuals to request a trial by jury if they believe they have been discriminated against.
- Mandates that criteria used by a business for hiring decisions must be “job related”

Family and Medical Leave Act of 1993

Requires employers with 50 or more employees within a 75-mile radius to offer up to 12 weeks of unpaid (but job-protected) leave during a 12-month period for birth; adoption; care for an ill parent, spouse, or child; or medical treatment.

Executive Orders and Affirmative Action

Executive orders are issued by the president and administered by the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP). Important executive orders dealing with affirmative action include:

- ***Executive Orders 11246 and 11375***
- ***Executive Order 11478***

Major Cases and Interpretations

- *Griggs v. Duke Power Company*, 1971
- *Steelworkers v. Weber*, 1979
- *Newport News Shipbuilding and Dry Dock Co. v. EEOC*, 1983
- *Johnson v. Transportation Agency*, 1987

State Employment Laws

Many states and municipalities:

- Have enacted laws that protect groups not included in the federal protection plan.
- Prohibit discrimination based on physical appearance, political affiliation, contagious diseases, etc.

This lecture will continue with Part 2.

Major Areas of Abuse and Litigation in
parks, recreation, and tourism

Issues in Social Context

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