



The Constitution laid the groundwork for civil rights. Supporting laws and related regulations have been developed over the years. Basic civil rights documents and legislation pertaining to civil rights in the Cooperative Extension Service follow. The Secretary of Agriculture, USDA, has issued regulations designed to implement and meet the intent of these laws.

THE 5TH (1791) AND 14TH (1868) AMENDMENTS OF THE U.S. CONSTITUTION

deal with due process for alleged criminal actions; spell out rights of citizens; and establish criteria for representation of citizens in government. They have been the bases for additional employment actions.

THE CIVIL RIGHTS ACT OF 1866

has been held to apply to discrimination in private employment and to entitle workers to sue directly in Federal courts.

THE EQUAL PAY ACT OF 1963

is an amendment to the Fair Labor Standards Act of 1938 and prohibits pay differentials based on sex. It prohibits sex discrimination in payment of wages to women and men performing substantially equal work. Equal work does not required that the jobs be identical but only that they must be substantially equal. The act prohibits discrimination by employers on the basis of sex in the wages paid for "equal work on jobs the performance of which requires equal skill, effort and responsibility and which are performed under similar working conditions."

THE CIVIL RIGHTS ACT OF 1964

has two titles especially applicable to the Extension Service. Title VI, which deals with programs, and Title VII with equal employment opportunity.

Title VI. Nondiscrimination in Federally Assisted Programs

prohibits discrimination in federally financed programs based on race, color or national origin, which includes those of the Extension Service.

"Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title VII. Equal Employment Opportunity

prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment based on race, color, religion, sex or national origin.

"Sec. 703. (a) It shall be unlawful employment practice for an employer:

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminated against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin..."

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967, AS AMENDED

prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment against individuals between the ages of 40 and 70 years of age.

EDUCATION AMENDMENTS OF 1972, TITLE IX

prohibits sex discrimination in employment and programs in specific federally funded education programs.

"No person in the United States, shall on the basis of sex, be excluded from participation in, be denied the benefits of , or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

THE STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

calls for nondiscrimination on the part of all State and local governments receiving Federal revenue sharing funds.

THE REHABILITATION ACT OF 1973, SECTIONS 503 AND 504

requires nondiscrimination against handicapped persons in programs and activities receiving Federal financial assistance. Federal contractors are required to take affirmative action in hiring qualified handicapped individuals.

"Sec. 503. Any contract in excess of \$2,500 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with handicaps..."

"Sec. 504. No otherwise qualified individual with handicaps in the United States... shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance..."

THE VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT OF 1974

calls for affirmative action by government contractors to employ and advance in employment qualified veterans of the Vietnam era and disabled veterans.

THE PREGNANCY DISCRIMINATION ACT OF 1978

amends Title VI of the Civil Rights Act of 1964 and clarifies that women affected by pregnancy and related conditions must be treated the same as other applicants and employees on the basis of their ability or inability to work.

EXECUTIVE ORDER 11246

bans discrimination and requires affirmative action on the part of Federal Government contractors. Gives authority to oversee all Affirmative Action to the Department of Labor. Universities come under the Department of Labor for Civil Rights compliance, including the Cooperative Extension Service.

AMERICANS WITH DISABILITIES ACT OF 1990

gives civil rights protection to individuals with disabilities. These protective rights are like those given to individuals on the basis of race, color, sex, national origin, and religion. ADA guarantees equal opportunity to individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications.

CIVIL RIGHTS ACT OF 1991

requires employers to prove that the challenged practice is job-related and consistent with business necessity. Unlawful disparate impact can also be established if employees can show that a less discriminatory alternative practice is available but the employer refuses to adopt it. The act also restores the right of employees to challenge practices that disproportionately exclude women or minorities from advancement. The act prohibits challenges to consent decrees by individuals who had reasonable opportunity to object to the decree or whose interests were adequately represented by another party. It will prohibit most reverse discrimination challenges.

Any intentional discrimination is unlawful, even if it can be shown that the same action would have resulted without the discriminatory motive. That means that if just piece of a management decision is tainted by the perception of bias, that the entire decision may be called into question. The act allows employees to challenge a seniority rule when it is

first adopted or when it affects them, regardless of any time period. But it only applies to Title VII cases, not other Acts like the Age Discrimination in Employment Act.

EXECUTIVE ORDER 13166

requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency.