

Federal Laws and Regulations

As a federal contractor and recipient of federal funds, Duke University is subject to certain laws and regulations set forth by the federal government to address discrimination in employment decisions on the basis of race, color, religion, sex, or national origin.

The most important laws pertaining to federal contractors are mentioned below in alphabetical order.

Age Discrimination in Employment Act of 1967 [ADEA] protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment. The ADEA is enforced by the [Equal Employment Opportunity Commission](#). Also, see Age Discrimination Act of 1975.

More information: www.dol.gov/dol/topic/discrimination/agedisc.htm

Age Discrimination Act of 1975 prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance. The Act, which applies to all ages, permits the use of certain age distinctions and factors other than age that meet the Act's requirements. The Age Discrimination Act is enforced by the [Civil Rights Center](#).

More information: www.dol.gov/dol/topic/discrimination/agedisc.htm

Americans with Disabilities Act of 1990 [ADA] 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.

More information: www.dol.gov/dol/topic/disability/ada.htm, www.eeoc.gov/types/ada.html

Americans with Disabilities Amendment Act of 2008 expands the ADA of 1990. Major changes are redefining "Major life activity" to include specific examples of major life activities, and extending the phrase to include "major bodily functions," and impairments that are episodic or in remission are disabilities if they would substantially limit a major life activity when active, among others.

More information: www.eeoc.gov/policy/adaaa.html

Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin. See Title VI, Title VII and Title IX for major provisions relevant to employers and government contractors. *Major differences between the provisions appear in italics.*

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the *basis of race, color, and national origin in programs and activities receiving federal financial assistance*. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibit recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

More information: www.usdoj.gov/crt/cor/coord/titlevi.php

Title VII, 42 U.S.C. § 2000e et seq., prohibits discrimination in employment on the basis of race, sex, national origin and *religion*. It also is unlawful under the Act for an employer to take *retaliatory action* against any individual for opposing employment practices made unlawful by Title VII or for filing a discrimination charge or for testifying or assisting or participating in an investigation, proceeding, or hearing under Title VII. Title VII makes discrimination based on sex (as well as race, color, national origin, and religion) illegal in *employment*, while Title IX makes discrimination based on sex illegal in education. Title VII covers employees who work for schools but does not cover students at those schools; Title IX covers both students and employees in educational programs.

More information: www.usdoj.gov/crt/emp/faq.php#vii,

www.aauw.org/advocacy/laf/lafnetwork/library/harass_titlevii.cfm?RenderForPrint=1

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., states that no person 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. In addition to education institutions such as colleges, universities, elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. Generally, it covers all aspects of the educational program, including admissions, treatment of participants, and employment. Title IX contains several exemptions from this protection such as social fraternities, religious organizations, father-son or mother-daughter activities, Boy or Girl conferences, and others.

More information: www.usdoj.gov/crt/cor/coord/titleixstat.php,

www.usdoj.gov/crt/cor/coord/ixlegal.php, www.ed.gov/policy/rights/guid/ocr/sexoverview.html

Civil Rights Act of 1991 provides monetary damages in cases of intentional employment discrimination. The U.S. Equal Employment Opportunity Commission is the agency charged with enforcing the CRA of 1991.

More information: www.eeoc.gov/policy/cra91.html

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. It is job content, not job titles, that determines whether jobs are substantially equal.

More information: www.eeoc.gov/types/epa.html

Executive Order 11246 [issued in 1965] prohibits federal contractors and subcontractors and federally-assisted construction contractors and subcontractors that generally have contracts that exceed \$10,000 from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin. It also requires covered contractors to take affirmative action to ensure that equal opportunity is provided in all aspects of their employment.

More information: www.dol.gov/compliance/laws/comp-eeo.htm

Lilly Ledbetter Fair Pay Act of 2009 amends Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

More information: <http://www.eeoc.gov/epa/ledbetter.html>

Race and Ethnicity category selections at Duke have been updated in 2009. The federal government issued guidelines for changes in the reporting of race and ethnicity status of individuals. Unlike in previous years, respondents will be able to select more than one race descriptor. The goal is to capture a more accurate picture of diversity of the U.S. population. The 2000 U.S. Census was the first to use the new coding structure. Beginning in 2010, federal reporting will include new choices to describe race and ethnicity. The federal government requires that the new race/ethnicity codes be reported by 2010. This has required Duke to change systems, databases, and computer programs well ahead of that date.

More information: https://www.hr.duke.edu/news/2009/race_ethnicity/

Rehabilitation Act of 1973, Section 503 as amended (29 U.S.C. 793), requires Government contractors and subcontractors to take affirmative action to employ and advance in employment qualified individuals with disabilities. Under the Act, contractors can not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified.

More information: www.dol.gov/esa/ofccp/regs/compliance/ca_503.htm

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA, 38 U.S.C. §§ 4301 – 4335) is a federal law intended to ensure that persons who serve or have served in the Armed Forces, Reserves, National Guard or other uniformed services are not disadvantaged in their civilian careers because of their service, are promptly reemployed in their civilian jobs upon their return from duty, and are not discriminated against in employment based on past, present, or future military service.

More information: www.osc.gov/userra.htm

Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) requires covered federal government contractors and subcontractors to take affirmative action to employ and advance in employment specified categories of veterans protected by the Act and prohibits discrimination against such veterans. In addition, VEVRAA requires contractors and subcontractors to list their employment openings with the appropriate employment service delivery system, and that covered veterans receive priority in referral to such openings.

More information: www.dol.gov/compliance/laws/comp-vevraa.htm