

Personnel

Information everyone needs to know



1964 Civil Rights Act, Title VII

Prohibits employment discrimination based on race, color, religion, sex and national origin



1964 Civil Rights Act, Title VII

Includes

- All employment decisions
 - Intentional
 - Neutral
- Retaliation
- Harassment



1964 Civil Rights Act, Title VII

Harassment

Unwelcome conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment



1964 Civil Rights Act, Title VII

Harassment

- Content
- Unwelcome
- Severe or Pervasive



Third person harassment

Not just supervisors



1964 Civil Rights Act, Title VII

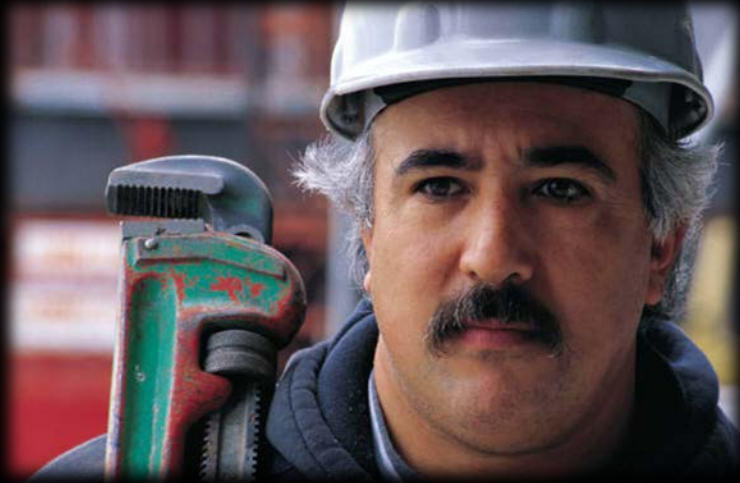
Sex Harassment

- Harassment based on a person's sex
- Unwelcome sexual advances
- Requests for sexual favors
- Other verbal or physical harassment of a sexual nature



1967 Age Discrimination in Employment Act

Prohibits employment discrimination against people
(_____) years old or older



1990 Americans With Disabilities Act

Definition of Disability

- A physical or mental impairment that substantially limits one or more major life activities
- A record of such an impairment
- Being regarded as having such an impairment



1990 Americans With Disabilities Act

Employment Considerations

- Satisfy qualifications
- Essential functions
- (with or without) Reasonable accommodations
- Hire best, qualified candidates



1990 Americans With Disabilities Act

Hiring Considerations

- Unlawful to:
 - Require a medical exam PRIOR to hiring
 - Ask if disabled or severity of disability



1990 Americans With Disabilities Act

Hiring Considerations

- Permissible to:
 - Ask questions about ability to perform functions
 - Require a medical exam after offer made
 - All candidates subject to exam
 - Show reasons for exclusion are job related
 - Reasonable accommodation?



1990 Americans With Disabilities Act

Files

- Medical information
 - Must be held confidential
 - Must be placed in a separate medical file



2008 Genetic Information Nondiscrimination Act

Prohibits discrimination based on genetic information with respect to health insurance and employment



2008 Genetic Information Nondiscrimination Act

Unlawful for an employer to:

- Request
- Require
- Purchase



Genetic information with respect to an employee or family member of the employee, with exceptions



Employer Responsibilities

- Establish anti-harassment policy and complaint procedures
- Train employees on anti-harassment policy and complaint procedures
- Maintain records :
 - Policy distribution
 - Training



Questions?



Thank you for your participation!



Beverly Zech, President/CEO
Capstone Performance Group
830-237-8166
BZech.Capstone@gmail.com