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CIVIL RIGHTS ORIENTATION TRAINING

IOWA EMPLOYMENT SECURITY COMMISSION

JUNE 1974

CIVIL RIGHTS

ORIENTATION TRAINING

A SELF - STUDY GUIDE

IOWA EMPLOYMENT SECURITY COMMISSION

PREPARED BY:

STAFF DEVELOPMENT DEPARTMENT

JUNE, 1974

Introduction

This guide is arranged in several sections. Section I includes excerpts from the 1964 Civil Rights Act, Age Discrimination Act, Iowa Civil Rights Law, the Agency Assurance of Compliance, and Policy statement on Equal Employment opportunity. This section should be read by all employees.

Section II contains general questions, and it should be completed by everyone. Correct answers to each question are given on the next page following each question.

Section III consists of questions related to Employment Service operations and should be completed by all ES Division employees.

Section IV contains questions related to Unemployment Insurance operations and should be completed by all UI Division employees.

When you have completed the guide, please date the Assurance of Compliance on page 4. Then sign the certification on page 5 and give it to your supervisor. You must retain your copy of the Assurance of Compliance and be able to produce it if any compliance officer should ask to see it. We would hope you could go through the question sections and choose all the right answers. The special advantage of this guide is that if you do select a wrong answer you get immediate correct answers before proceeding.

It should take about an hour to complete the guide. However, work at your own speed.

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SECTION

I

STATE OF Iowa

ASSURANCE OF COMPLIANCE WITH TITLE VI
OF THE CIVIL RIGHTS ACT OF 1964 AND
THE REGULATIONS OF
THE DEPARTMENT OF LABOR
UNDER THAT ACT

The Iowa Employment Security Commission (hereinafter called the State Agency) hereby ASSURES that in its administration of the continuing public employment service and unemployment compensation programs, in its provision of services in programs receiving Federal financial assistance under the Manpower Development and Training Act and the Economic Opportunity Act and in its administration of any other program or activity for which it receives Federal financial assistance from or through the Department of Labor it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 241, hereinafter called the Act) and the Regulations of the Department of Labor issued pursuant to the Act (29 Code of Federal Regulations, Part 31, hereinafter called the Regulation).

To this end, the State Agency specifically AGREES:

1. That the State Agency will not select or refer any individual for employment or training on the basis of any job order or request containing discriminatory specifications with regard to race, color or national origin, notwithstanding traditional hiring practices on the basis of race, color or national origin which may be prevalent in a given community. That where a job specification, such as length of experience, union membership or other requirement, has the necessary effect under the circumstances, of discriminating on the basis of race, color or national origin, the State Agency will not select or refer an individual for employment or training on the basis of a job order containing such a specification. That in referring the applicant to an employer the State Agency will not identify the race, color or national origin of the applicant.
2. That in the dissemination of information about employment or training opportunities, the State Agency will use such methods as are designed to reach all persons, regardless of race, color or national origin, likely to benefit from such opportunities.

That minority group applicants will be counseled according to their aptitudes, experience, and interests rather than traditional occupational patterns for minority group persons in the community.

That employment service aptitude and proficiency tests will be administered without regard to the race, color, or national origin of the applicants, and that test results will be interpreted and used in conformance with instructions and guidelines issued by the Bureau of Employment Security.

3. That in the taking of applications for jobs, local office functions will be performed according to the same standards for all applicants without regard to race, color or national origin. To this end, the State Agency agrees, when interviewing a member of a minority group, (a) to conduct the interview in a

manner which accords with the established policy and standards set forth in the Employment Security Manual, (b) to obtain all information required for job placement and to record such information accurately, (c) to refrain from recording any identification, by code or otherwise, of the race, color or national origin of the applicant except as may be required by the Secretary of Labor and (d) to provide applicants with all information pertinent to their registration for work.

4. That the assignment of an occupational classification on the basis of such non-job performance factors as race, color or national origin violates Title VI of the Act and this assurance, and That the State Agency, accordingly, will not employ any criteria or utilize any methods of administration which have the effect of assigning any applicant for any occupational classification on the basis of race, color or national origin. The State Agency agrees to inform the applicant of the occupational title and code finally selected after discussion with the job applicant.

5. That in the operation of a "casual labor" office, the State Agency will disseminate information to users of said office about permanent job openings and training opportunities for permanent work, and will counsel applicants with the view of placing them in permanent openings or training opportunities wherever appropriate.

6. That the dissemination of information about, and the registration, testing and selection of persons for, apprenticeable trades will be conducted by the State Agency in such a manner as to insure that all qualified persons are selected and referred to openings without regard to race, color or national origin.

7. That the State Agency will select trainees in accordance with the policies of the United States Employment Service that pertain to selection for employment, and will utilize no criteria or methods of administration which result in or have the effect of discouraging persons on account of their race, color or national origin from participating in any training program under the Manpower Development and Training Act, the Economic Opportunity Act or other public or Privately sponsored training to which the State Agency is authorized to make referrals. The State Agency will make no distinction on the ground of race, color, or national origin in its referral of persons to types of training and in its placement of persons after training.

8. That in the administration of the Federal and State unemployment insurance programs, and in the payment of allowances under the Trade Expansion Act, the Manpower Development and Training Act, and the Area Redevelopment Act, the filing for and adjudication and payment of benefits, and other application of the laws shall be without regard to race, color, or national origin.

9. That the State Agency will eliminate any racially segregated office facilities and operate such facilities without distinction based on race, color or national origin.

10. That the State Agency will cooperate with the Neighborhood Youth Corps, the Bureau of Apprenticeship and Training and the Office of Manpower, Automation and Training by furnishing such agencies with information obtained through the operations of the Employment Service which is relevant to the implementation of Title VI of the Act and the Regulation.

11. That the State Agency will inform and instruct the staff of all its offices concerning their obligations under Title VI of the Civil Rights Act of 1964 and will furnish a copy of the United States Secretary of Labor's Rules and Regulations and a signed copy of this Assurance to all such staff.

12. That the State Agency will inform the general public of the fact that services and other benefits under all programs are provided on a nondiscriminatory basis, as required by Title VI of the Civil Rights Act, and of the right of any person to file a complaint with the Secretary of Labor if he believes that discrimination on the ground of race, color or national origin is being practiced.

13. That the State Agency, upon receipt of a written or oral complaint from any source, will notify immediately the Regional Administrator of the Manpower Administration and promptly mail to the official so notified a copy of any written complaint. The State Agency will cooperate with Manpower Administration by undertaking such actions as may be requested.

14. That the State Agency will review the practices within all of its local offices to assure that these practices are in conformity with the Regulation and this Assurance and will do so not less frequently than every calendar quarter.

15. That the State Agency will describe in a Compliance Report the methods of administration, staffing arrangements, assignment of responsibility and procedures, including where appropriate copies of materials which the State Agency is establishing and will follow in carrying out the activities described in this Assurance and in assuring that programs or activities it administers are administered in accordance with the Act and the Regulation.

16. That the State Agency will keep such records as required by the Secretary of Labor and from time to time submit such reports as may be required to insure compliance with the Regulations and this Assurance. For the same purpose, all facilities of the State Agency and all records, books, accounts, and other sources of information pertinent to the ascertainment of the State Agency's compliance with the Regulations will be available for inspection at any time during normal business hours by a Department of Labor representative authorized to make such inspections.

The State Agency recognizes and agrees that the Federal financial assistance referred to herein and extended after the date hereof to the State Agency including installment payments after such date on account of arrangements for Federal Financial assistance which were approved before such date, will be extended in reliance on the representations contained in this Assurance.

The State Agency recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the United States shall have the right to seek judicial enforcement of this Assurance.

Iowa Employment Security Commission
(State Agency)

BY _____
Chairman

(Date)

CERTIFICATION OF ASSURANCE OF COMPLIANCE

I certify that I have received training on the Civil Rights Law, have read the Assurance of Compliance Agreement between all Employment Security Commissions and the Department of Labor, and will perform the functions of my position in compliance with above.

Signed _____

Title _____

Date _____

When you have completed this unit, sign this form and give it to your supervisor so it may be placed in your personnel record.

IOWA EMPLOYMENT SECURITY COMMISSION
 Iowa State Employment Service
 Unemployment Insurance Service
 1000 East Grand Des Moines 50319

March 27, 1974

ADMINISTRATIVE LETTER NO. 136
 Change 1

TO: All Employees

SUBJECT: Policy Statement on Equal Opportunity Employment

The Iowa Employment Security Commission is fully committed and dedicated to a policy of equal employment opportunity for all in recruitment, examination, appointment, training, promotion, retention, discipline and any other aspect of personnel administration, without any consideration for race, color, creed, age, sex, political or religious affiliation or national origin. Discrimination on the basis of age or sex or physical or mental disability is prohibited except where specific age, sex or physical or mental requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. This intent dictates all agency internal staffing actions. We further agree to abide by the Federal Standards for a Merit System of Personnel Administration.

We recognize and accept our responsibility to remove any possible existing barriers which deny or retard equal opportunity to hiring of minorities and women and handicapped and which may tend to deny promotion opportunities to minorities and women and handicapped already employed. In this respect, we will work closely with the Iowa Merit Employment Department, our Employment Service Division, State and Federal Agencies, and interested groups to implement our policy of employing minorities or women or handicapped to meet realistic projections in agency staffing.

This commitment will be called to the attention of all employees and to the community at large. Written notice of this policy will be delivered to each staff member with the requisite that they understand and support it. It shall be the responsibility of the Division Directors and Department Chiefs to keep Managers and Supervisors constantly reminded of this policy, and it will be a regular part of basic orientation training. It will be published in all agency publications and in all training sessions. The policy will be rigidly adhered to in the agency.

George A. Lundberg
 Vice Chairman

KVS:mjc:E202

NOTE: Underscoring represents new additions to this Commission Policy.
 EFFECTIVE UNTIL RESCINDED BY ADMINISTRATIVE PRONOUNCEMENT.
 REMOVE, DESTROY, AND DELETE FROM INDEX ADMINISTRATIVE LETTER NO. 136.

1964 CIVIL RIGHTS ACT

TITLE VI - NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Section 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."

1964 CIVIL RIGHTS ACT

TITLE VII EQUAL EMPLOYMENT OPPORTUNITY

Section 703, "It shall be unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin."

PART 1604 -- GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

By virtue of the authority vested in it by section 713(b) of Title VII of the Civil Rights Act of 1964, 42 U.S.C., section 2000e-12, 78 Stat. 265, the Equal Employment Opportunity Commission hereby revises Title 29, Chapter XIV, 1604 of the Code of Federal Regulations.

These Guidelines on Discrimination Because of Sex supersede and enlarge upon the Guidelines on Discrimination Because of Sex, issued by the Equal Employment Opportunity Commission on December 2, 1965, and all amendments thereto. Because the material herein is interpretive in nature, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable. The Guidelines shall be applicable to charges and cases presently pending or hereafter filed with the Commission.

Section 1604.1 General Principles.

(a) References to "employer" or "employers" in Part 1604 state principles that are applicable not only to employers, but also to labor organizations and to employment agencies insofar as their action or inaction may adversely affect employment opportunities.

(b) To the extent that the views expressed in prior Commission pronouncements are inconsistent with the views expressed herein, such prior views are hereby overruled.

(c) The Commission will continue to consider particular problems relating to sex discrimination on a case-by-case basis.

Section 1604.2 Sex as a Bona Fide Occupational Qualification.

(a) The Commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Labels -- "Men's jobs" and "Women's jobs" -- tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on stereotyped characterizations of the sexes. Such stereotypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of non-discrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preference of coworkers, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g., an actor or actress.

(b) Effect of sex-oriented state employment legislation.

(1) Many States have enacted laws or promulgated administrative regulations with respect to the employment of females. Among these laws are those which prohibit or limit the employment of females, e.g., the employment of females in certain occupations, in jobs requiring the lifting or carrying of weights exceeding certain prescribed limits, during certain hours of the night, for more than a specified number of hours per day or per week, and for certain periods of time before and after childbirth. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and, therefore, discriminate on the basis of sex. The Commission has concluded that such laws and regulations conflict with and are superseded by Title VII of the Civil Rights Act of 1964. Accordingly, such laws will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

(2) The Commission has concluded that state laws and regulations which discriminate on the basis of sex with regard to the employment of minors are in conflict with and are superseded by Title VII to the extent that such laws are more restrictive for one sex. Accordingly, restrictions on the employment of minors of one sex over and above those imposed on minors of the other sex will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

(3) A number of states require that minimum wage and premium pay for overtime be provided for female employees. An employer will be deemed to have engaged in an unlawful employment practice if:

(i) It refuses to hire or otherwise adversely affects the employment opportunities of female applicants or employees in order to avoid the payment of minimum wages or overtime pay required by state law; or

(ii) It does not provide the same benefits for male employees.

(4) As to other kinds of sex-oriented state employment laws, such as those requiring special rest and meal periods or physical facilities for women, provision of these benefits to one sex only will be a violation of Title VII. An employer will be deemed to have engaged in an unlawful employment practice if:

(i) It refuses to hire or otherwise adversely affects the employment opportunities of female applicants or employees in order to avoid the provision of such benefits; or

(ii) It does not provide the same benefits for male employees. If the employer can prove that business necessity precludes providing these benefits to both men and women, then the state law is in conflict with and superseded by Title VII as to this employer. In this situation, the employer shall not provide such benefits to members of either sex.

(5) Some states require that separate restrooms be provided for employees of each sex. An employer will be deemed to have engaged in an unlawful employment practice if it refuses to hire or otherwise adversely affects the employment opportunities of applicants or employees in order to avoid the provision of such restrooms for persons of that sex.

Section 1604.3 Separate Lines of Progression and Seniority Systems.

(a) It is an unlawful employment practice to classify a job as "male" or "female" or to maintain separate lines of progression or separate seniority lists based on sex where this would adversely affect any employee unless sex is a bona fide occupational qualification for that job. Accordingly, employment practices are unlawful which arbitrarily classify jobs so that:

(1) A female is prohibited from applying for a job labeled "male," or for a job in a "male" line of progression" and vice versa.

(2) A male scheduled for layoff is prohibited from displacing a less senior female on a "female" seniority list; and vice versa.

(b) A seniority system or line of progression which distinguishes between "light" and "heavy" jobs constitutes an unlawful employment practice if it operates as a disguised form of classification by sex, or creates unreasonable obstacles to the advancement by members of either sex into jobs which members of that sex would reasonably be expected to perform.

Section 1604.4 Discrimination Against Married Women.

(a) The Commission has determined that an employer's rule which forbids or restricts the employment of married women and which is not applicable to married men is a discrimination based on sex prohibited by Title VII of the Civil Rights Act. It does not seem to us relevant that the rule is not directed against all females, but only against married females, for so long as sex is a factor in the application of the rule, such application involves a discrimination based on sex.

(b) It may be that under certain circumstances, such a rule could be justified within the meaning of Section 703(e)(1) of Title VII. We express no opinion on this question at this time except to point out that sex as a bona fide occupational qualification must be justified in terms of the peculiar requirements of the particular job and not on the basis of a general principle such as the desirability of spreading work.

Section 1604.5 Job Opportunities Advertising.

It is a violation of Title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

Section 1604.6 Employment Agencies.

(a) Section 703(b) of the Civil Rights Act specifically states that it shall be unlawful for an employment agency to discriminate against any individual because of sex. The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification.

(b) An employment agency that receives a job order containing an unlawful sex specification will share responsibility with the employer placing the job order if the agency fills the order knowing that the sex specification is not based upon a bona fide occupational qualification. However, an employment agency will not be deemed to be in violation of the law, regardless of the determination as to the employer, if the agency does not have reason to believe that the employer's claim of bona fide occupational qualifications is without substance and the agency makes and maintains a written record available to the Commission of each such job order. Such record shall include the name of the employer, the description of the job and the basis for the employer's claim of bona fide occupational qualification.

(c) It is the responsibility of employment agencies to keep informed of opinions and decisions of the Commission on sex discrimination.

Section 1604 Pre-employment Inquiries as to Sex.

A pre-employment inquiry may ask "Male _____, Female _____"; or "Mr. Mrs. Miss," provided that the inquiry is made in good faith for a non-discriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

Section 1604.8 Relationship of Title VII to the Equal Pay Act.

(a) The employee coverage of the prohibitions against discrimination based on sex contained in Title VII is co-extensive with that of the other prohibitions contained in Title VII and is not limited by Section 703(h) to those employees covered by the Fair Labor Standards Act.

(b) By virtue of Section 703(h), a defense based on the Equal Pay Act may be raised in a proceeding under Title VII.

(c) Where such a defense is raised the Commission will give appropriate consideration to the interpretation of the Administrator, Wage and Hour Division, Department of Labor, but will not be bound thereby.

Section 1604.9 Fringe Benefits.

(a) "Fringe benefits," as used herein, includes medical, hospital, accident, life insurance and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.

(b) It shall be an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits.

(c) Where an employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact that such conditioning discriminatorily affects the rights of women employees, and that "head of household" or "principal wage earner" status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in the Act.

(d) It shall be an unlawful employment practice for an employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.

(e) It shall not be a defense under Title VII to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.

(f) It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex, or which differentiates in benefits on the basis of sex. A statement of the General Counsel of September 13, 1968, providing for a phasing out of differentials with regard to optional retirement age for certain incumbent employees is hereby withdrawn.

Section 1604.10 Employment Policies Relating to Pregnancy and
Childbirth.

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy is a prima facie violation of Title VII.

(b) Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(c) Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates the Act if it has a disparate impact on employees of one sex and is not justified by business necessity.

AGE DISCRIMINATION

in

EMPLOYMENT ACT

The Congress hereby finds and declares that:

Section 2b. "It is therefore the purpose of this Act to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment."

Section 4a. "It shall be unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation terms, conditions or privileges of employment, because of such individuals age."

Section 4b "It shall be unlawful for an employment agency to fail or refuse to refer for employment, otherwise to discriminate against, any individual because of such individuals age, or to classify or refer for employment any individual on the basis of such individuals age."

"The prohibitions in this Act shall be limited to individuals who are at least forty years of age but less than sixty-five years of age."

The Iowa Law says you cannot discriminate in employment because of age. It does not specify any age group as the federal law does.

IOWA CIVIL RIGHTS ACT

1965

The Iowa Civil Rights Act, 1965 as amended states:

It is the philosophy of the State of Iowa to provide equal opportunity for employment, without regard to age, race, creed, color, sex, national origin, religion, or disability.

The term "employer" includes the state, or any political board, commission, department, institution or school district thereof and every other person employing employees within the state. It does not apply to any employer who regularly employs less than four individuals. Family members are not counted as employees.

The term "employee" means any person employed by an employer.

Section 601A.7. Unfair Employment practices states:

1. It shall be an unfair or discriminatory practice for any:
 - a. Person to refuse to hire, accept, register, classify, or refer for employment, to discharge any employee, or to otherwise discriminate in employment against any applicant for employment or any employee because of the age, race, creed, color, sex, national origin, religion or disability of such applicant or employee, unless based upon the nature of the occupation. If a disabled person is qualified to perform a particular occupation, by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.
 - b. Labor organization or the employees, agents, or members thereof to refuse to admit to membership any applicant, to expel any member, or to otherwise discriminate against any applicant for membership or any member in the privileges, rights, or benefits of such membership because of the age, race, creed, color, sex, national origin, religion or disability of such applicant or member.
 - c. Employer, employment agency, labor organization, or the employees, agents, or members thereof to directly or indirectly advertise or in any other manner indicate or publicize that individuals of any particular age, race, creed, color, sex, national origin, religion or disability are unwelcome, objectionable, not acceptable, or not solicited for employment or membership unless based on the nature of the occupation. If a disabled person is

qualified to perform a particular occupation by reason of training or experience, the nature of that occupation shall not be the basis for exception to the unfair or discriminating practices prohibited by this subsection.

An employer, employment agency, or their employees, servants or agents may offer employment or advertise for employment to only the disabled, when other applicants have available to them, other employment compatible with their ability which would not be available to the disabled because of their handicap. Any such employment or offer of employment shall not discriminate among the disabled on the basis of race, color, creed, sex or national origin.

2. This section shall not apply to:

a. Any employer who regularly employs less than four individuals. For purposes of this subsection, individuals who are members of the employer's family shall not be counted as employees.

b. The employment of individuals for work within the home of the employer if the employer or members of his family reside therein during such employment.

c. The employment of individuals to render personal service to the person of the employer or members of his family.

d. Any bona fide religious institution with respect to any qualifications for employment based on religion when such qualifications are related to a bona fide religious purpose.

SECTION

II

Discrimination in employment today is solely conscious, overt actions against individuals.

1. True, this is the reason equal employment laws were first enacted.
2. False, while this was the belief at the time the laws were enacted overt discrimination has declined to some degree.
3. Neither of the above.

Correct answer is No 2.

The most pervasive discrimination today results from normal, often unintentional and seemingly neutral practices throughout the employment process.

Two individuals came into the administrative office reception area, simultaneously requesting to talk to someone in IPERS or UI. The department is called and they wait for someone to come down. UI responds in a few minutes. IPERS personnel respond 30 minutes later and their visitor is a minority. Could the IPERS visitor feel discriminated against in service?

1. No, since they had to wait longer they could not feel discriminated against.
2. No, IPERS did not know it was minority person.
3. Yes, while there may have been no intent on the part of IPERS personnel or the receptionist they could feel it was discriminating.

Correct answer is No. 3.

Even though there is no intent to discriminate visitors could feel discriminated against in such a situation to the point of filing a charge. It is the consequences of employment practices not the intent which determines discrimination.

Affirmative Action Plans are required of specific employers including our agency. An affirmative action plan is:

1. A commitment to ensure fair and equal treatment for all persons, regardless of race, religion, sex or national origin, in all employment practices.
2. A commitment by an employer to hire more minorities at the entry level.
3. A commitment to hiring more minorities and women.

Correct answer is No 1.

Two and three are part of an Affirmative Action Plan. The commitment is more than just the hiring of new people. It includes hiring, promotion, transfer, terms and conditions of employment.

The Age Discrimination Act is limited to individuals at least forty years of age but less than sixty-five years of age.

1. This means our agency could hire only workers 40 years of age and older and be in compliance.
2. This means our agency does not have to hire new employees over 40 years of age.
3. Neither of the above is true.

Correct answer is No. 3

While the Age Discrimination Act is limited to the 40-65 age bracket,
Iowa law says age and so covers any age group.

If a person contacts our agency by telephone or in person and feels they have been discriminated against, the person may:

1. File charges against the agency.
2. File charges against the employee who served them.
3. File charges against the agency and the employee.

Correct answer is No. 3.

However, in a recent court case in a nearby state the agency was found not guilty and the employee was found guilty. While both the agency and the employee may be charged, the court decides who is guilty of the discrimination.

"Disparate impact" is a term widely used in reference to discrimination in employment. The term usually means:

1. Unequal effect relating to hiring standards.
2. Hiring policies must be the same for all groups.
3. An employer may have two sets of standards in order to make it easier to hire minorities.

Correct answer is No. 1.

For example, height requirements would effect Spanish Surname groups adversely since they are shorter than the general population.

H. S. Education requirement may screen out more minorities as they tend to have lower education levels than the general population.

Requests for information are received in all agency departments. Employees receiving these requests should:

1. Provide information only to agency personnel due to confidentiality of records.
2. Provide information to all those who request it if it is available.
3. Provide information on the labor market, training opportunities etc. voluntarily disseminating it by mail and to those requesting it.

Correct answer is No. 3

We must not only give out information but also disseminate it voluntarily yet respecting the confidentiality of certain information.

SECTION

III

Several employers and unions are taking affirmative action to include more minority workers in their skilled work force. To accomplish this, they have been more flexible in their specifications; especially for minority groups who have been shortchanged at the bank of employment. In accordance with the Employability Development Concept, the employer should be contacted about an applicant. If the employer refused to consider the applicant because of his age, however, he would not have violated the Age of Discrimination in Employment Act of 1967, if it is a bona-fide apprenticeship program.

An unemployed Negro, age 40, stated he had always wanted to be a construction carpenter. Recently he had had about three weeks experience as a rough carpenter. Prior to that time he worked 10 years as a construction laborer; therefore, he has some knowledge of the building trades. The interviewer knows of a carpenter apprentice job for a man under age 30.

1. The Age Discrimination in Employment Act of 1967 specifically states "it shall be unlawful for an unemployment agency to fail to refer for employment any individual because of his age." To do otherwise would be in violation of the law.
2. Neither the employer nor the union would accept a man 40 years old as an apprentice. Why waste the applicant's time by giving him a referral card? Slot him for MDTA training.
3. An employer who refuses to accept this worker as an apprentice is not violating the Age Discrimination in Employment Act of 1967.

The correct answer is No. 3

Several employers and unions are taking affirmative action to include more minority workers in their skilled workforce. Hence, there have been some instances in which hiring specifications have been altered to compensate for the fact that traditionally Negroes have been short-changed at the Bank of Employment. With employability concept in mind, it is important that we contact the employer before making a referral. According to a recent ruling by the U.S. Department of Labor, Wage and Hour Division, age limitations for entry into bona fide apprenticeship programs were not intended to be affected by the Federal Age Discrimination In Employment Act of 1967. Hence, refusal by the employer to hire this applicant because of his age does not violate the above Act.

An employer calls in an order for construction workers and says he wants only minority applicants referred. The interviewer should respond by saying:

1. We cannot accept your order as we would be reverse discriminating under the law.
2. We will accept your order and make every effort to include minorities among those referred.
3. We will accept your order and send you only minority applicants who meet your qualifications.

WERE YOU RIGHT? TURN PAGE FOR RIGHT ANSWER.

The correct answer is No. 2.

We cannot limit referrals or exclude any applicant groups. See

ES letter No. 448.

An employer calls in an order for factory workers and says, "Don't send me any long haired guys."

The interviewer should respond:

1. Hiring requirements based on length or style of hair have been found to violate the law if they disproportionately affect employment on the basis of race, national origin, or sex.
2. Is it a safety factor in your job and do you require workers with long hair to wear hair nets? Does the long hair affect ability to perform the job?
3. We will screen out the applicants with long hair and send you other qualified applicants.

Correct answer is 1.

Based on recent court decisions.

An order is received and the employer says "if you send me women with pre-school children I want absolute assurance they have adequate child care arrangements."

The interviewer should respond:

1. Will you ask the same of male applicants with pre-school children?
2. Can you show proof of business necessity for this requirement?
3. This is a violation of Title VII of the Civil Rights Act to request pre-employment information as to child care from female job applicants only.

Actually all three answers could be correct responses. The policy must apply to both male and female applicants and the employer must show proof of business necessity for the requirements but if he asks it of only female applicants it is a violation.

An employer states that he will not hire applicants with conviction records.

The interviewer should respond:

1. Conviction of a felony or misdemeanor is a valid reason for not hiring a person.
2. Applicants criminal records may not be considered unless the applicant has been convicted of a job-related crime within five years prior to the date of application.
3. What is the relationship between conviction and their fitness for your particular job?

Best answer is No. 2.

However, if the employer can justify a relationship in number 3 the employer could be found to have an appropriate policy.

A report of Suspected Discrimination should be completed:

1. When a discriminating specification is placed on an order even if it is withdrawn.
2. If an applicant reports that he or she may have been discriminated against in our referral.
3. If any staff member has reason to suspect that an employer may be discriminating in hiring practices.

The report shall be completed in triplicate and distributed as follows:

1. Original to Iowa Civil Rights Commission, Executive Hills West, Des Moines, Iowa 50319.
2. One copy to Charles S. Crook, Jr., State Minority Groups Representative.
3. One copy retained for local office records.

SM:F101

REPORT OF SUSPECTED DISCRIMINATION

| | | |
|-----------|-----------------|---|
| FIRM | DISCUSSION WITH | TYPE <input type="checkbox"/> Race & Color <input type="checkbox"/> Sex |
| ADDRESS | TELEPHONE | <input type="checkbox"/> National Origin <input type="checkbox"/> Religion <input type="checkbox"/> Creed |
| JOB TITLE | DOT CODE | <input type="checkbox"/> Age |

Interviewer's Statement:

Date _____

- Withdrawn
- Not Withdrawn
- OK'd for Service Specification approved
- Service withheld

BY _____

DATE _____

 INTERVIEWER'S SIGNATURE

SECTION

IV

In advising claimants on the requirement to search for work, a claims taker should:

1. Suggest to minorities that they make five contacts per week so they will increase their chances of finding employment since non-minorities are required to make only 2 contacts.
2. Tell minority claimants that registration with ES is sufficient.
3. Explain to minority claimants what is considered an adequate search for work to maintain eligibility for UI benefits.

WERE YOU RIGHT? TURN PAGE FOR RIGHT ANSWER.

Number 3 is the correct answer.

We must treat all claimants the same. Number 1 would be discriminatory and number 2 does not meet law requirements.

Claims takers should make every effort to see that minority claimants are paid benefits as soon as possible even at the expense of non-minorities.

1. True, we should pay benefits as soon as possible to minorities.
2. True - minority claimants and all claimants should be paid as soon as possible.
3. False - all claimants must be paid quickly.
4. False - minority claimants should not be paid at expense of non-minorities.

Correct answer is 3.

All claimants should be paid promptly; we would be open to complaints if records indicated it took longer for minority claimants to receive benefits. The main point is that all claimants be treated equally.

The Assurance of Compliance states that "in the administration of the Federal and State Unemployment Insurance Program . . . the filing for the adjudication and payment of Unemployment Insurance benefits, and other applications of the law shall be without regard to race, color, or national origin.

CHECK THE CORRECT ANSWER.

The practice in an Area Office is to give claimants a leeway of 15 minutes on their appointments. A black applicant comes in 12 minutes after his appointment and the clerk interviews him.

1. Since this is general practice in this office this shows that the clerk is not discriminating.
2. The Clerk should be stricter with minority persons because they must be taught to be on time.
3. This practice may be in compliance with the Assurance of Compliance.

The correct answer is No. 1

Treating all persons equally, regardless of race, color, national origin is required by the Assurance of Compliance Act.

A claims examiner is working on a case; the facts are as follows:
The claimant a black man, states he was fired because the foreman, a white, southern man, said he destroyed a piece of hose from a spray gun. The claimant states that he noted reduced pressure and bent the hose to find a suspected hole. The reply from the employer states that the claimant certainly deliberately destroyed the hose. There were no witnesses.

1. The examiner should disqualify the claimant because blacks can never be relied upon to tell the truth.
2. The examiner should weigh the facts as objectively as possible before making a decision.
3. The examiner should allow the claim because of rules against blacks is discrimination.

The correct answer is No. 2.

The Assurance of Compliance Act states "that in the Administration of the Federal and State Unemployment Insurance Programs, and in payment of allowances under the Trade Expansion Act, the Manpower Development and Training Act, the Area Redevelopment Act, the filing for and adjudication and payment of benefits, and other application of the laws shall be without regard to race, color, sex, religion, national origin or age."

Weighing the facts as objectively as possible is the only way he can come to a fair decision.

In a fact-finding interview with a minority person, the claims taker should:

1. Obtain more detailed information to ensure equal treatment.
2. Should obtain sufficient information on which to make a valid decision.
3. Obtain limited information to guard against charges being filed for discrimination.

Correct answer is Number 2.

If number one were true we would be open to a complaint as we would require more information from minorities than non-minorities.

CONGRATULATIONS!

You have now completed orientation training in civil rights. Don't forget to notify your supervisor that you have finished.

You may keep this booklet for future reference.

GOOD LUCK

AND

BEST WISHES!

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