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THE UNITED STATES COMMISSION ON CIVIL RIGHTS
Washington, D.C. 20425

EQUAL EMPLOYMENT OPPORTUNITY UNDER FEDERAL LAW

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"We must seek full employment opportunity for every American Citizen."

*State of the Union Message—
President Lyndon B. Johnson
January 4, 1965*

"Title VII of the Civil Rights Act of 1964—guaranteeing equal employment opportunities—is a key to hope for millions of our fellow Americans. With that key we can begin to open the gates that now enclose the ghettos of despair."

*White House Conference on
Equal Employment Opportunities
President Lyndon B. Johnson
August 20, 1965*

The Civil Rights Act of 1957, as amended in 1960 and 1964, authorizes the U.S. Commission on Civil Rights to review Federal laws and policies with respect to equal protection of the laws under the Constitution. The 1964 Civil Rights Act also directs the Commission to serve as a national clearinghouse for civil rights information. Pursuant to these directives, this Commission publication is designed to explain Federal law as it applies to equal opportunity in employment.

EMPLOYMENT SITUATIONS COVERED BY FEDERAL LAW OR REGULATION

Various Federal laws and regulations prohibit discrimination in employment because of race, color, national origin, sex, age, or religion. The 1964 Civil Rights Act established for the first time a Federal right to equal opportunity in private employment. Presidential Executive orders prior to the 1964 Civil Rights Act guaranteed equal opportunity only in specific areas of government employment and certain government contracts.

Equal employment opportunity policies of the Federal Government cover private employers, unions, and employment agencies in industries affecting interstate commerce. The Federal Government, some State and local agencies, Federal contractors and subcontractors, and recipients of Federal funds under programs having provision of employment as one of their primary purposes also are covered.

Extent of Coverage

Federal equal employment opportunity policies prohibit discriminatory practices in hiring, discharging, promotion, layoff, and pay of workers. These policies extend to the training, selection, referral, or recruitment of workers.

Agencies Which Administer the Laws and Regulations

The various Federal laws and regulations requiring equal opportunity in employment are administered by the Equal Employment Opportunity Commission, the Department of Labor, the U.S. Civil Service Commission, the National Labor Relations Board, and the Division of State Merit Systems of the Department of Health, Education, and Welfare.

PRIVATE EMPLOYMENT

Equal Employment Opportunity Commission

A Federal right to equal opportunity in private employment is guaranteed by Title VII of the 1964 Civil Rights Act which created the Equal Employment Opportunity Commission.

Title VII prohibits employers and unions in industries affecting interstate commerce, and all employment agencies which serve them, from discriminating because of race, color, religion, sex, or national origin, except in those instances

where sex, national origin, or religion is a *bona fide* occupational qualification reasonably necessary to the normal operation of a particular business or enterprise.

Title VII initially covers employers with 100 or more workers, unions with hiring halls, unions with 100 or more members, and all employment agencies serving covered employers. Each year the minimum number of employees or union members required for coverage will decrease by 25 until July 2, 1968, when employers and unions with 25 or more workers or members will be covered.

The Equal Employment Opportunity Commission investigates complaints of discrimination regarding hiring, firing, promotion, wages, layoffs, use of facilities on the job, and employer or union practices which discriminate against or segregate particular employees on the grounds of race, color, religion, sex, or national origin. The Commission's jurisdiction also extends to discrimination in exclusion or expulsion from training or apprenticeship programs, recruitment and recruitment advertising, selection or referral of job applicants, and membership in or job referrals by unions.

Any individual who believes he has been discriminated against may file a complaint with the Equal Employment Opportunity Commission within 90 days after the alleged discriminatory act. Some private organizations assist aggrieved individuals in the filing of complaints with the Commission. When an alleged discrimination comes within the jurisdiction of the Equal Employment Opportunity Commission, any Commissioner may file a complaint on behalf of an individual or a class of individuals.

The Equal Employment Opportunity Commission is authorized to achieve compliance with the nondiscrimination requirement of Title VII through mediation and conciliation. If such voluntary attempts to obtain compliance fail, the complainant may file suit in Federal court. Although the Equal Employment Opportunity Commission itself cannot initiate court action, it may recommend to the U.S. Attorney General that he, on his own initiative, bring suit where he has reasonable cause to believe that a pattern or practice of employment discrimination exists.

Complainants who allege discriminatory acts in States or localities with fair employment laws or ordinances that are applicable to the alleged acts should forward their complaints directly to the local agency. The local agency is allowed 60 days to deal with the complaint. If the complainant does not get relief during this period, he may then file a charge with the Commission and the Commission will undertake its investigation. When a complaint comes from a State or locality which has no antidiscrimination agency capable of granting relief, the Commission begins to process it immediately. (A list of the States in which complaints alleging employment discrimination must be filed with a local agency before they come under the jurisdiction of the Equal Employment Opportunity Commission begins on Page 6).

The Commission also encourages voluntary compliance with the letter and spirit of the law through conferences, negotiations, and other means. It assists employers, unions, and employment agencies in the development of policies and procedures to avoid the discrimination prohibited by Title VII of the 1964 Civil Rights Act. The Commission develops affirmative programs through which employers, unions, employment agencies, and voluntary organizations can foster opportunities for employment equality.

National Labor Relations Board

Under certain circumstances the National Labor Relations Board can provide relief against racial discrimination by employers and unions in interstate commerce. Board decisions under the National Labor Relations Act prohibit unions under its jurisdiction from discriminating in collective bargaining because of race or color. For example, a union may not bargain for higher wages for whites than for Negroes or for different seniority lines based on race or color. The Board has also decided that employers may not make inflammatory appeals to racial prejudice during union elections.

Union members or employees covered by the National Labor Relations Act should send complaints to the General Counsel of the National Labor Relations Board, Washington, D.C.

Where discrimination is proved, the Board may issue orders enforceable in the courts, requiring the end of discrimination, the reinstatement of workers, and/or backpay. Furthermore, the Board may revoke the certification of the union as the collective bargaining agent.

Office of Federal Contract Compliance Department of Labor

Employers having contracts with the Federal Government and contractors on federally assisted construction projects are prohibited by Executive orders from discriminating in employment because of race, color, creed, age, or national origin. This nondiscrimination policy, administered by the Department of Labor's Office of Federal Contract Compliance and the various contracting Federal agencies, covers all Government contractors and subcontractors working on contracts and federally assisted construction which exceed \$10,000 or contracts or purchase orders for standard commercial supplies which exceed \$100,000.

All employees of a contractor or subcontractor are covered whether or not they are involved in work on the contract unless they are specifically exempted from coverage. For example, employees in all plants of a parent company are covered though employees in only one plant may be working on the contract.

Aggrieved employees or applicants for employment may file a complaint with the Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. The principal Federal agency dealing with the contractor named in the complaint will then have 60 days in which to investigate the complaint and report its findings and recommendations to the Office of Federal Contract Compliance. Each contracting or administering Federal agency has the responsibility to undertake, on its own initiative, regular reviews of the compliance program of its contractors and take any necessary remedial action.

The Secretary of Labor or the appropriate contracting agency may cancel, terminate, or suspend any contract or portion of a contract when the contractor or subcontractor fails to comply with the nondiscrimination provisions of the contract. The continuation of contracts may be conditioned upon a program for future compliance approved by the contracting agency.

FEDERALLY ASSISTED PROGRAMS

Title VI of the 1964 Civil Rights Act forbids discrimination in employment in any federally assisted program or activity which has a primary purpose of providing employment. Such programs include accelerated public works projects, out-of-school youth programs, training and apprenticeship programs, area redevelopment programs, and State-operated youth camps providing employment.

In addition, the Title prohibits the racial assignment of staff duties where, as a result, Title VI participants receive services on a segregated basis—for example, where Negro children are taught only by Negro teachers or white clients are served only by white social workers.

Individuals charging discrimination by recipients of Federal funds under a program covered by Title VI regulations should complain to the regional or national office of the Federal agency administering the particular program. If discrimination under Title VI cannot be eliminated, the Federal agency administering the program must begin formal action to withhold Federal funds or to achieve compliance by other means authorized by law, such as a referral to the Department of Justice for a lawsuit to require compliance.

Training and Placement

Federal regulations prohibit employment discrimination in several recruitment, training, and placement programs in which employers, unions, and public agencies participate. The Department of Labor, for example, prohibits discrimination in all union-employer sponsored apprenticeship programs registered with the Bureau of Apprenticeship and Training. The Department of Labor also prohibits discrimination by the 50 federally supported State employment services in the

selection, training, and job referral of all applicants. Similarly, the Office of Education's vocational education and on-the-job training programs are covered by regulations which prohibit the discriminatory selection of trainees for positions with local employers.

PUBLIC EMPLOYMENT

Federal Government

It is the policy of the Federal Government to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency.

Each executive department and agency is required to maintain a positive program of equal employment opportunity for all civilian employees and applicants for employment within its jurisdiction.

The U.S. Civil Service Commission is required to supervise and provide leadership and guidance in the conduct of equal employment opportunity programs for the civilian employees of and applicants for employment within the executive departments and agencies and to make a periodic review of agency program accomplishments in this area. The Commission is also required to provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment made on the basis of race, creed, color, or national origin.

Employees or applicants for employment with the Federal Government who allege discrimination should complain to the equal employment opportunity officer of the affected Federal agency or the U.S. Civil Service Commission, Washington, D.C.

State and Local Governments

Federal statutes provide that States shall establish a merit system of personnel administration applicable to the employment and promotion of employees of public agencies administering certain programs receiving Federal grants. Pursuant to these statutes, the Department of Defense, Department of Labor, and the Department of Health, Education, and Welfare have regulations which require a State merit system of personnel administration to prohibit discrimination because of race, national origin, and other nonmerit factors such as religious opinions and political affiliations. These personnel policies cover State and local welfare, aging, health, and civil defense agencies and State Employment Security agencies.

Complaints by employees or applicants for employment in State or local agencies covered by the merit system of personnel administration should be sent to the

head of the local or State agency or to the director of the civil service merit system of the particular State. The Federal Government has the responsibility of assuring the effective operation of these laws and the authority to schedule hearings leading to the imposition of sanctions if a pattern of violation of the regulations is established. Copies of complaints may be sent to the Chief, Division of State Merit Systems, Department of Health, Education, and Welfare, Washington, D.C.

COMPLAINTS

Complaints of discrimination in employment filed with any agency should be in writing and include the following information: name and address of the complainant or his representative; description of the alleged discriminatory action; date of the alleged discriminatory action; agency and/or individual believed responsible for the alleged discrimination; and any other facts pertinent to the grievance. Since the agency may have a definite deadline for receiving complaints, a complaint should be filed as soon as possible after the alleged discrimination occurs.

Individuals who are uncertain about where to file a complaint alleging employment discrimination may make inquiry of the U.S. Commission on Civil Rights, Washington, D.C. Complaints received by the Commission are forwarded to the appropriate Federal agency.

STATES WITH FEP LAWS TO WHICH THE EEOC DEFERS INVESTIGATION

Title VII of the Civil Rights Act of 1964 provides that the Equal Employment Opportunity Commission must defer investigation of a case arising in a State with an enforceable fair employment practices law for a period of not less than 60 days.

This is a list of States in which complaints alleging employment discrimination must be filed before they come under the jurisdiction of the Equal Employment Opportunity Commission.

ALASKA

Alaska State Commission for Human Rights
Department of Labor, P.O. Box 2141
Juneau, Alaska 99801

CALIFORNIA

California Fair Employment Practices Commission
State Annex Building
450 Golden Gate Avenue
San Francisco, California 94102

COLORADO

Colorado Antidiscrimination Commission
Room 360, State Services Building
125 Sherman Street
Denver, Colorado 80203

CONNECTICUT

Connecticut Commission on Civil Rights
92 Farmington Avenue
Hartford, Connecticut 06105

DELAWARE

Delaware Division Against Discrimination
506 West 10th Street
Wilmington, Delaware 19801

HAWAII

Hawaii Department of Labor and Industrial Relations
825 Mililani Street
Honolulu, Hawaii 96813

ILLINOIS

Illinois Fair Employment Practices Commission
205 West Wacker Drive
Chicago, Illinois 60606

INDIANA

Indiana Civil Rights Commission
1004 State Office Building
Indianapolis, Indiana 46206

IOWA

Iowa State Civil Rights Commission
State Capitol Building
Des Moines, Iowa 50301

KANSAS

Kansas Commission on Civil Rights
State Office Building
Topeka, Kansas 66603

MARYLAND

Maryland Commission on Interracial Problems and Relations
301 West Preston Street
Baltimore, Maryland 21201

MASSACHUSETTS

Massachusetts Commission Against Discrimination
41 Tremont Street
Boston, Massachusetts 02108

MICHIGAN

Michigan Civil Rights Commission
129 Mason Building
Lansing, Michigan 48901

MINNESOTA

Minnesota State Commission Against Discrimination
55 State Office Building
St. Paul, Minnesota 55101

MISSOURI

Commission on Human Rights
131-B State Capitol Building
Jefferson City, Missouri 65101

NEBRASKA

Governor's Commission on Human Rights
State Capitol
Lincoln, Nebraska 68501

NEVADA

Nevada Commission on Equal Rights of Citizens
Nevada State Building, 2nd and Bonanza
Las Vegas, Nevada 89101

NEW HAMPSHIRE

State Commission for Human Rights
State House
Concord, New Hampshire 03302

NEW JERSEY

New Jersey Department of Law and Public Safety
Division on Civil Rights
52 West State Street
Trenton, New Jersey 08608

NEW MEXICO

New Mexico Fair Employment Practices Commission
137 E. DeVargas Street
Santa Fe, New Mexico 87501

NEW YORK

New York State Commission for Human Rights
270 Broadway
New York, New York 10007

OHIO

Ohio Civil Rights Commission
240 Parsons Avenue
Columbus, Ohio 43215

OREGON

Oregon Department of Labor
Civil Rights Division
1400 Southwest Fifth Avenue
Portland, Oregon 97201

PENNSYLVANIA

Pennsylvania Human Relations Commission
Department of Labor and Industry
1401 Labor and Industry Building
Harrisburg, Pennsylvania 17120

PUERTO RICO

Secretary of Labor Alfredo Nazario
Department of Labor
Commonwealth of Puerto Rico
San Juan, Puerto Rico 00902

RHODE ISLAND

Rhode Island Commission Against Discrimination
State House
Providence, Rhode Island 02901

UTAH

Utah Anti-Discrimination Division
Industrial Commission, Room 418
State Capitol
Salt Lake City, Utah 84110

WASHINGTON

Washington State Board Against Discrimination
General Administration Building
Olympia, Washington 84110

WISCONSIN

Fair Employment Practices Division
Wisconsin Industrial Commission
819 N. 6th Street
Milwaukee, Wisconsin 53203

WYOMING

Wyoming Fair Employment Commission
State Department of Labor
Room 304, Capitol Building
Cheyenne, Wyoming 82001

DISTRICT OF COLUMBIA

Commissioners' Council on Human Relations
District of Columbia Commissioners
Room 208, District Building
Washington, D.C. 20004

OTHER CCR SPECIAL PUBLICATIONS

- Number 1—**CIVIL RIGHTS UNDER FEDERAL PROGRAMS:** A detailed explanation of Title VI regulations, particularly relating to compliance reports, periodic field reviews and investigations, enforcement proceedings, termination of Federal funds.
- Number 2—**EQUAL OPPORTUNITY IN HOSPITALS AND HEALTH FACILITIES:** An examination of civil rights policies affecting the Hill-Burton and other Federal programs, including admission of patients, access to facilities, staff privileges.
- Number 3—**EQUAL OPPORTUNITY IN FARM PROGRAMS:** Excerpts from an appraisal of services rendered by four agencies of the U.S. Department of Agriculture.
- Number 4—**THE VOTING RIGHTS ACT OF 1965:** An explanation of the coverage, administration, and text of Public Law 89-110.



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