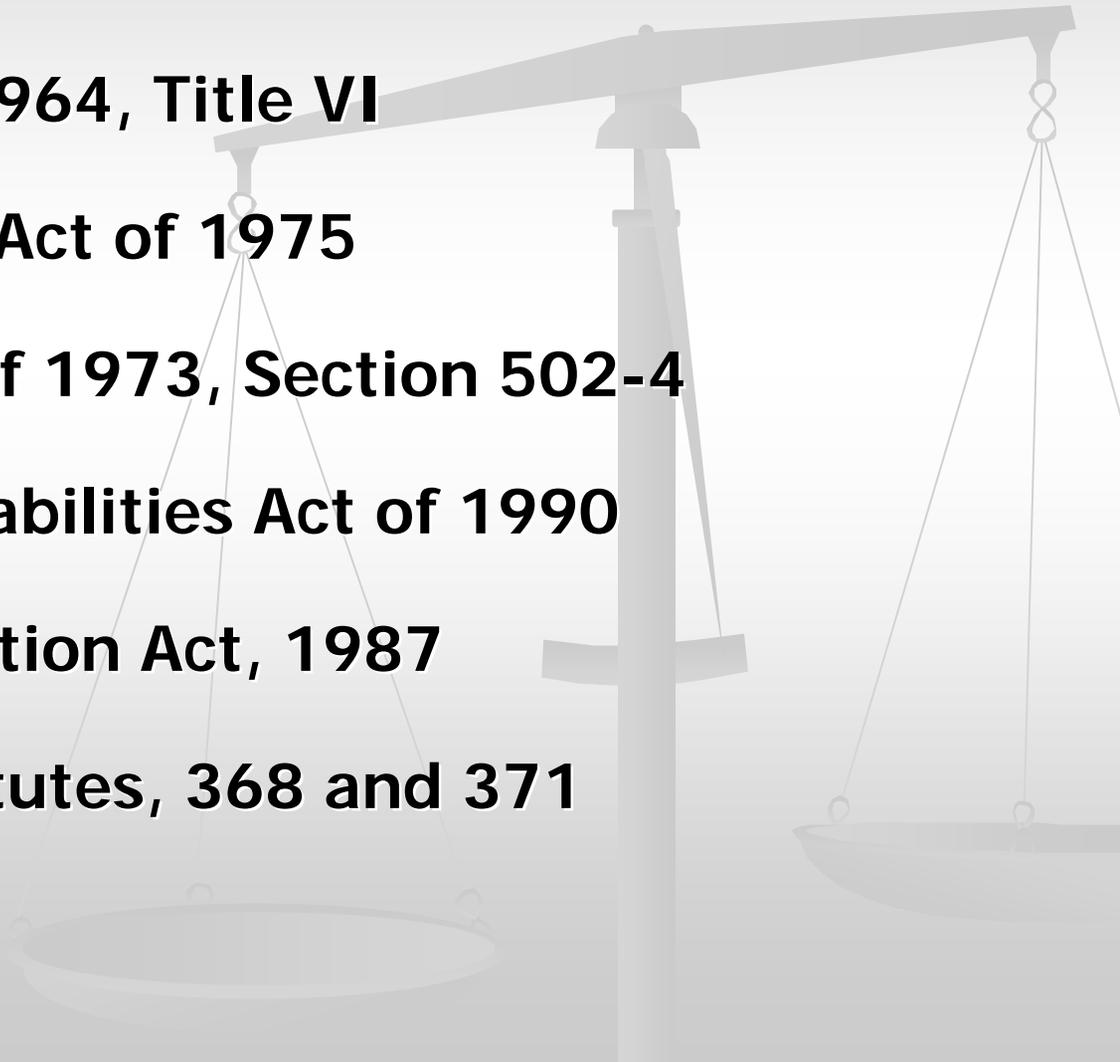


Legal Authority Capsule

- **Civil Rights Act of 1964, Title VI**
- **Age Discrimination Act of 1975**
- **Rehabilitation Act of 1973, Section 502-4**
- **Americans with Disabilities Act of 1990**
- **Civil Rights Restoration Act, 1987**
- **Hawaii Revised Statutes, 368 and 371**
- **And more.....**



Civil Rights Act of 1964

Civil Rights Act

Provides for nondiscrimination in Federally Assisted Programs and Employment

Gives right to jury trial in criminal contempt cases

Title VI

Amended (42 U.S.C. 2000d-6) to provide for non-discrimination based on race, color, or national origin Covers ALL forms of Federal aid except contract of insurance and guaranty

7 CFR Part 15

USDA's Regulation implementing Title VI

USDOJ (28 CFR 50.3) (1974) Enforcement and (28 CFR 42.401 to 42.415) 1976 Federally assisted programs

Title VII

Amends and prohibits discrimination in employment based on race, color, **religion**, **sex**, or national origin

Executive Order 11247

Establishes consistency and coordination guidelines for Federal agencies in implementation and administration of program compliance with Title VI

Executive Order 11246

Establishes nondiscrimination in employment by government contractors and subcontractors

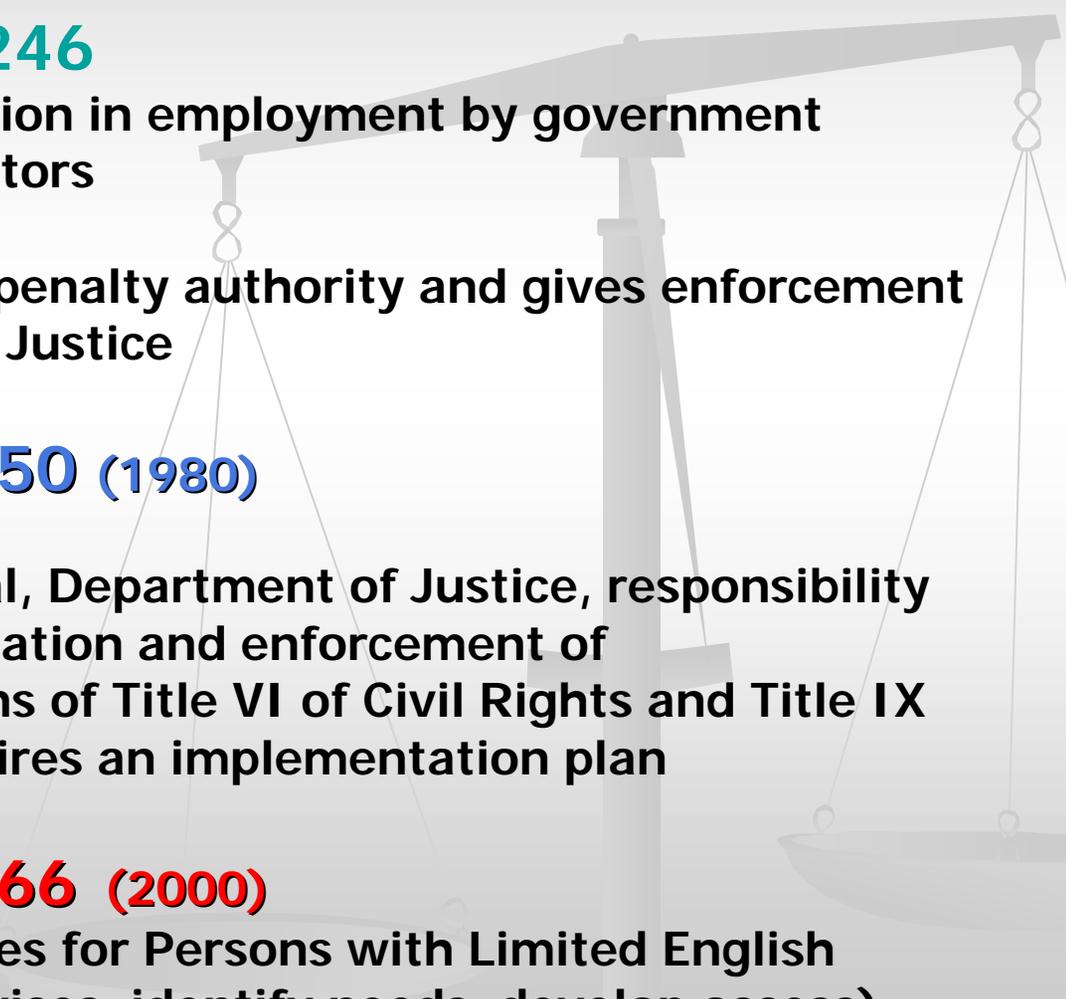
Adds Department of Labor penalty authority and gives enforcement authority to Department of Justice

Executive Order 12250 (1980)

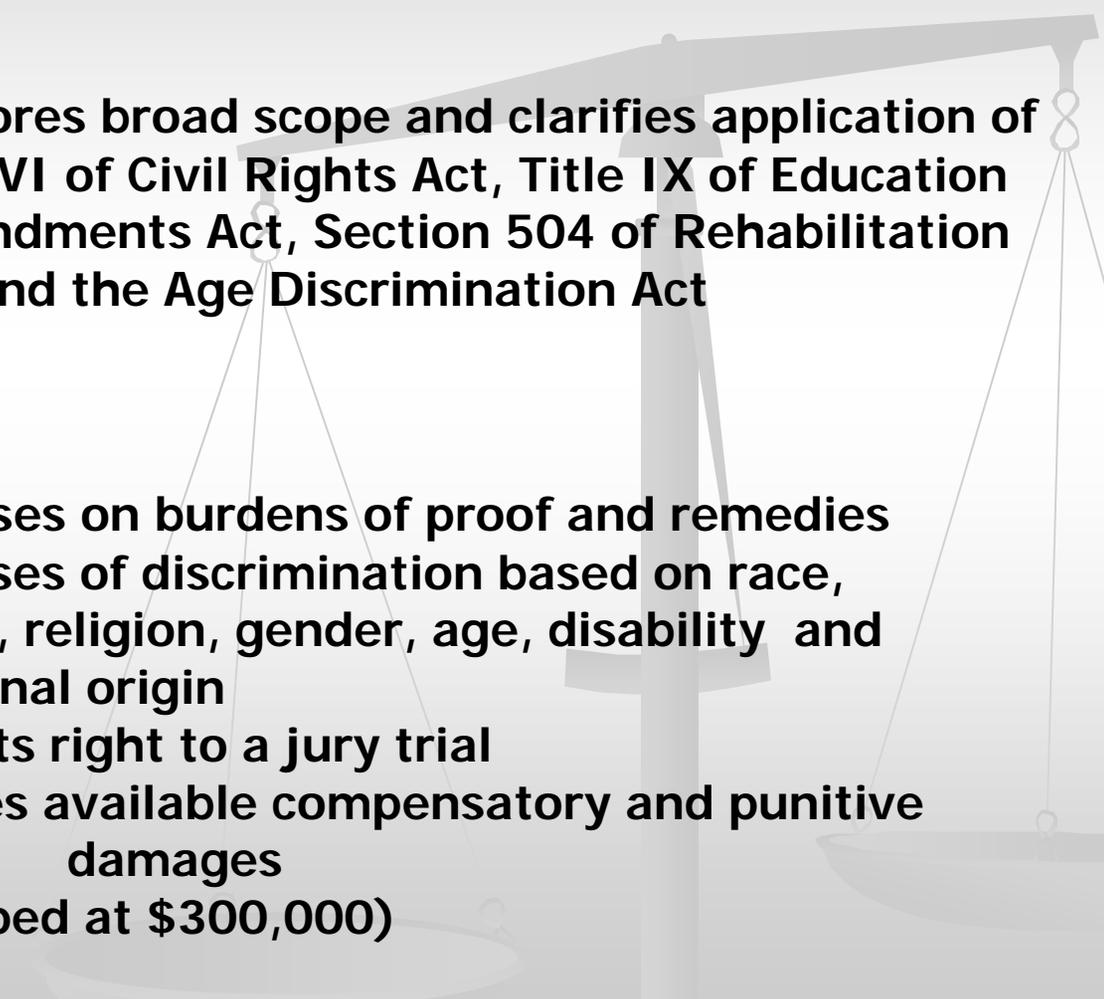
Empowers Attorney General, Department of Justice, responsibility for coordinating implementation and enforcement of nondiscrimination provisions of Title VI of Civil Rights and Title IX and Section 504. Requires an implementation plan

Executive Order 13166 (2000)

Improving Access to Services for Persons with Limited English Proficiency. (Examine services, identify needs, develop access)



Civil Rights Restoration Act



Civil Rights Restoration Act of 1987

Restores broad scope and clarifies application of Title VI of Civil Rights Act, Title IX of Education Amendments Act, Section 504 of Rehabilitation Act and the Age Discrimination Act

Civil Rights Act of 1991

Focuses on burdens of proof and remedies in cases of discrimination based on race, color, religion, gender, age, disability and national origin

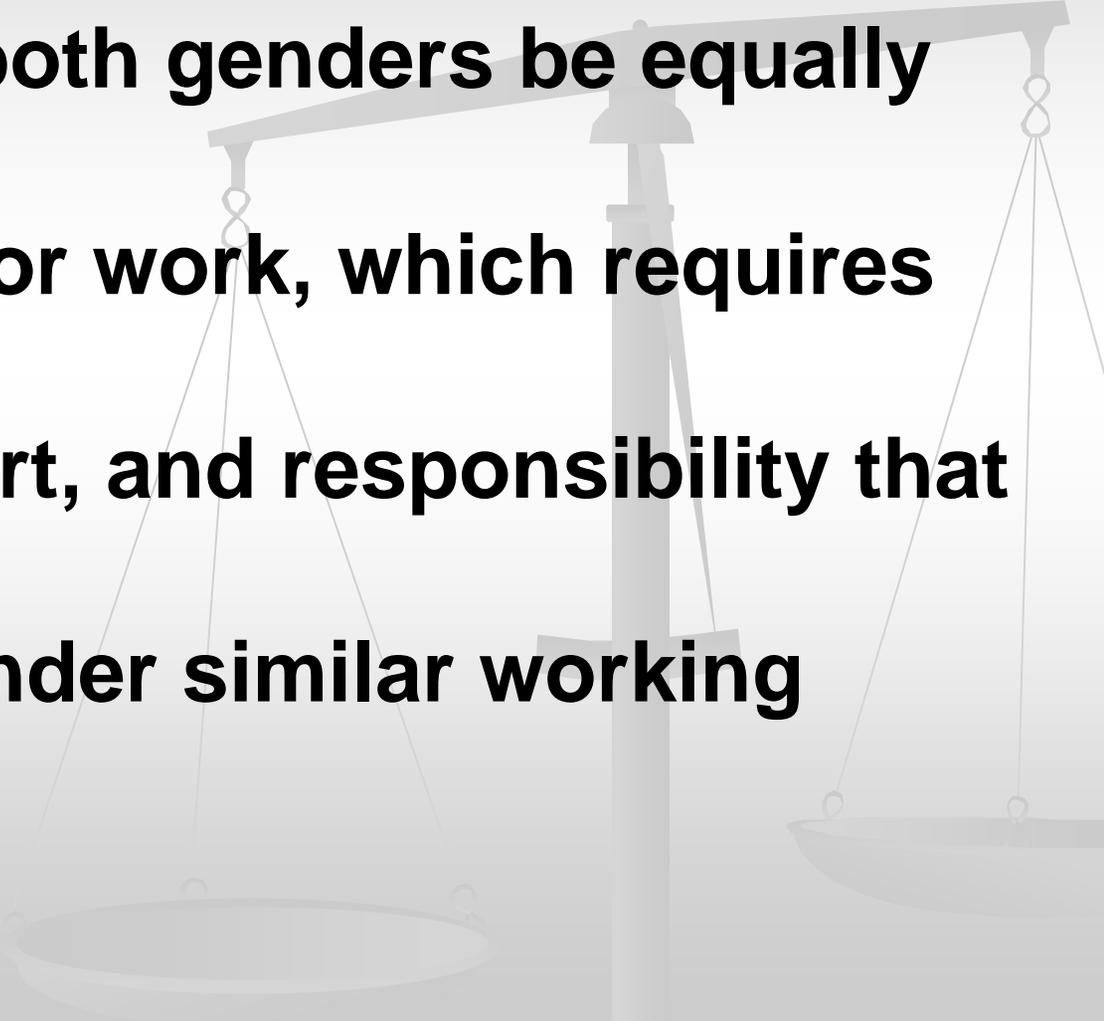
Grants right to a jury trial

Makes available compensatory and punitive damages

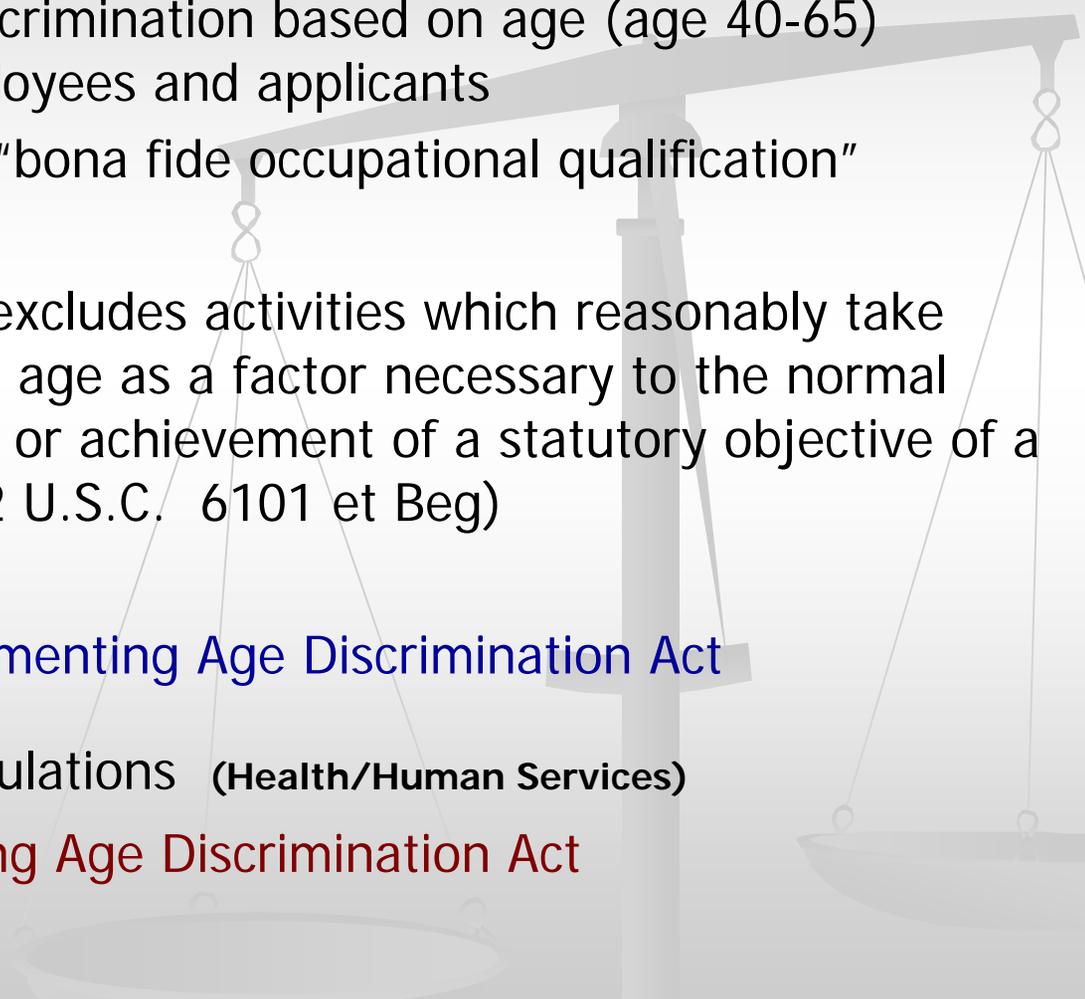
(capped at \$300,000)

Equal Pay Act of 1963

Requires that both genders be equally compensated for work, which requires equal skill, effort, and responsibility that is performed under similar working conditions



Age Discrimination Act



1967 Prohibits discrimination based on age (age 40-65)
Covers employees and applicants
Exception: "bona fide occupational qualification"

1975 Specifically excludes activities which reasonably take into account age as a factor necessary to the normal operation of or achievement of a statutory objective of a program (42 U.S.C. 6101 et Beg)

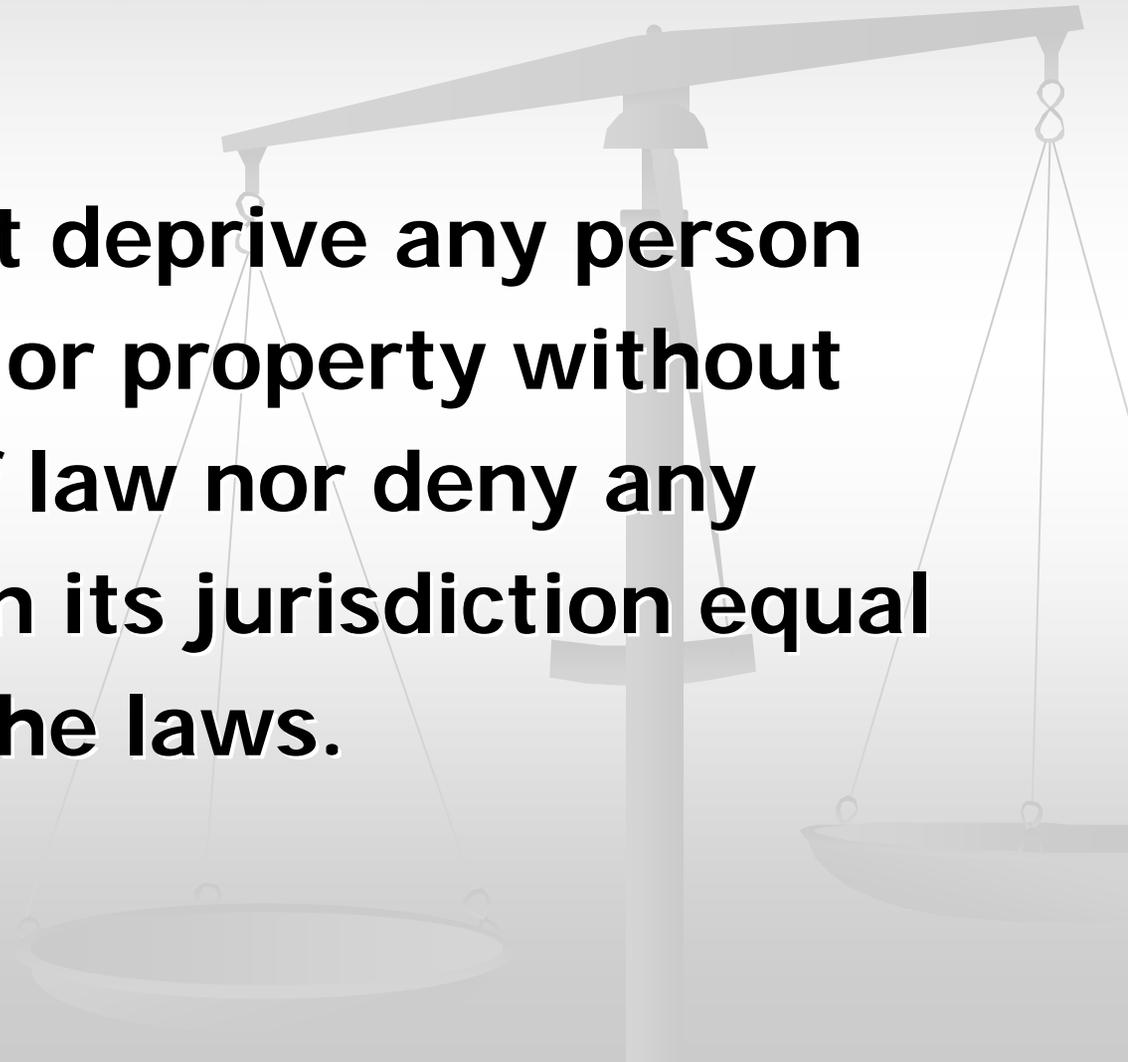
7 CFR Part 15c USDA implementing Age Discrimination Act

45 CFR Part 90 USHHS Regulations (Health/Human Services)
Implementing Age Discrimination Act

U. S. Constitution

14th Amendment

States may not deprive any person of life, liberty, or property without due process of law nor deny any person within its jurisdiction equal protection of the laws.



Occupational Safety and Health

Act of 1970

OSHA sets forth safety and health rules, regulations and standards

Education Amendments
of 1972 Title IX

(As Amended (20 U.S.C. 1681-16-86)
Prohibits discrimination based on gender or blindness in educational programs. No exemption for employment

7 CFR Part 15a

USDA Regulation implementing Title IX

Vietnam Era Veterans
Readjustment Assistance
Act of 1972

Requires contractors and subcontractors to take affirmative action with respect to veterans. Requires filing an annual report of veteran's employment and a written affirmative action plan

Rehabilitation Act

of 1973, as amended

Section 502

Prohibits discrimination based on physical
mental disability

Requires employers to make reasonable
accommodations

for individual with disabilities

Establishes Compliance Board and provides
for removal

of architectural and transportation barriers

Section 503

Requires contractors (\$2500 or more) to
implement

affirmative action efforts for employment of
individuals

with disabilities

Section 504

(Amended 29 U.S.C. 794)

Extends prohibition of discrimination based
on physical and mental disability to provision
of services (education, building accessibility,
provision of health services, etc.)

7 CFR Part 150 requires self-evaluation &
transition plan

Tag 87-1

TAG 88-12

USDOJ Section 504 Transition Plan and
self-evaluation and supplemental information
about Section 504 requirements

Rehabilitation Act (cont)

Entitles persons complaining of disability discrimination the same remedies, procedures, and rights as provided under Title VII of the Civil Rights Act of 1964

Such remedies may include administrative awards of back pay to employees as well as applicants

Section 505

Provides for the right to sue in Federal court upon meeting prerequisites (29 CFR 1613.281)

Provides for award of attorney's fees or costs incurred in the processing of the complaint

Section 506

Establishes that Secretary of HHS may provide (directly or contractually) technical assistance to rehabilitation facilities, or any public or non-profit organization, to assist in removal of architectural, transportation, or communications barriers. Secretary of HHS may also provide financial assistance to be used for removing architectural, transportation or communication barriers

Rehabilitation Act (cont)

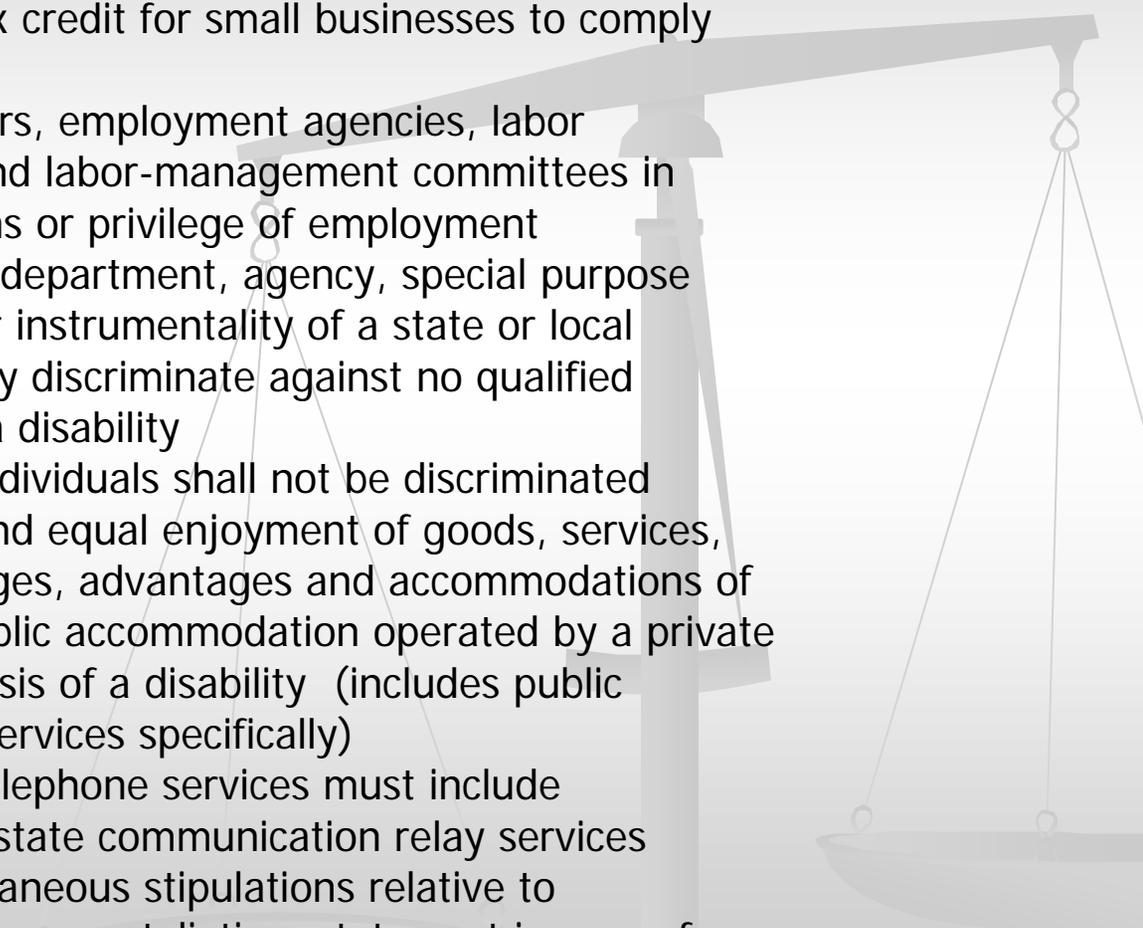
Section 508

Establishes that the HHS Secretary shall develop and establish guidelines for electronic equipment designed to insure that individuals with disabilities may use electronic equipment with or without special peripherals
Each agency must comply with the guidelines whether the equipment is purchased or leased

7 CFR Part 15b

USDA regulation implementing Section 504 for Federally-assisted programs

Americans with Disabilities Act of 1990 (ADA)



Prohibits discrimination on basis of disability in public employment, public accommodations, transportation, state and local government services and telecommunications.

Provides tax credit for small businesses to comply

Title I

Covers employers, employment agencies, labor organizations and labor-management committees in terms, conditions or privilege of employment

Title II

Specifies that a department, agency, special purpose district, or other instrumentality of a state or local government may discriminate against no qualified individual with a disability

Title III

Specifies that individuals shall not be discriminated against in full and equal enjoyment of goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation operated by a private entity on the basis of a disability (includes public transportation services specifically)

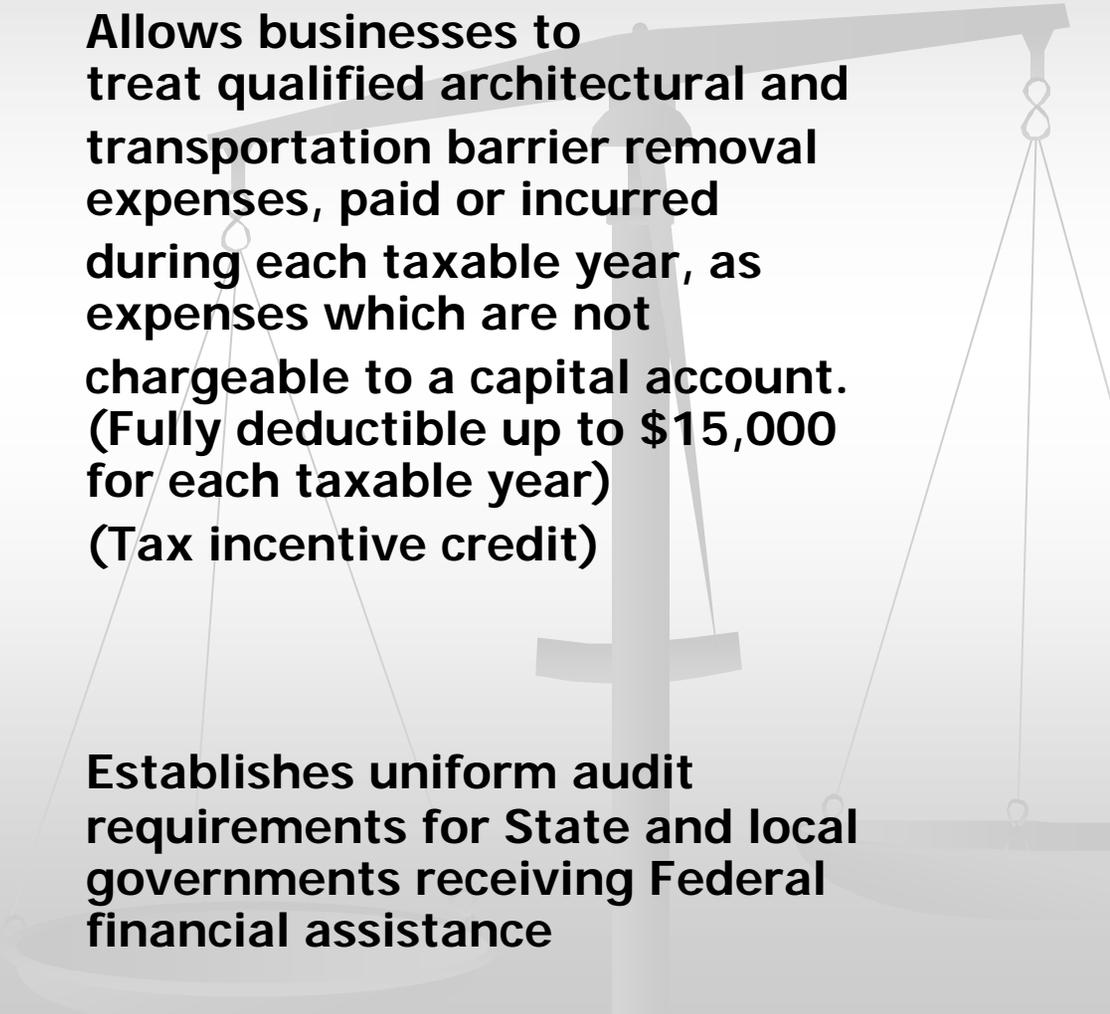
Title IV

Specifies that telephone services must include Inter-and-intra-state communication relay services

Title V

Provides miscellaneous stipulations relative to construction clauses, retaliation, states not immune from actions in Federal Court, authority to award attorney's fees and other directives

IRS



Internal Revenue Code

Section 190 and 44

Passed 1975-76

Amended 1984 & 1986

Allows businesses to treat qualified architectural and transportation barrier removal expenses, paid or incurred during each taxable year, as expenses which are not chargeable to a capital account. (Fully deductible up to \$15,000 for each taxable year)
(Tax incentive credit)

Single Audit Act

1984

Establishes uniform audit requirements for State and local governments receiving Federal financial assistance

Food Stamp Act of 1977

USDA

**7 CFR Part 15, A & B
Part 15c & e**

Prohibits discrimination in certification of applicant households for the Food Stamp Program on the basis of race, sex, religion, national origin or political beliefs

EEO and Civil Rights Policy Statement: Outlines USDA position on equal opportunity in employment and program delivery issues.

USDA prohibits discrimination on the bases of race, color, sex, national origin, disability, age, familial status, religion, sexual orientation or political affiliation

American Indian Religious Freedom Act (1978)

Establishes policy to protect right of freedom to believe, express and exercise traditional religions of the American Indian, Eskimo, Aleut and

Native Hawaiians

Requires environmental impact statements re lands

Immigration Reform and Control Act of 1986

- 
- **Prohibits employers from discriminating against persons authorized to work in the US with respect to hire or termination because of national origin or citizenship**
 - **Prohibits hiring an alien not authorized to work in US**

USDA

Departmental Regulations and Guidelines



Reg 43C0-3

Continuing Notification of Equal Opportunity
Public Notification Policy

Reg 4330-1

Establishes guidelines for compliance reviews

Reg 4300-4

Updates and expands guidelines and requirements
for agencies to establish internal systems to
identify and address civil rights implications

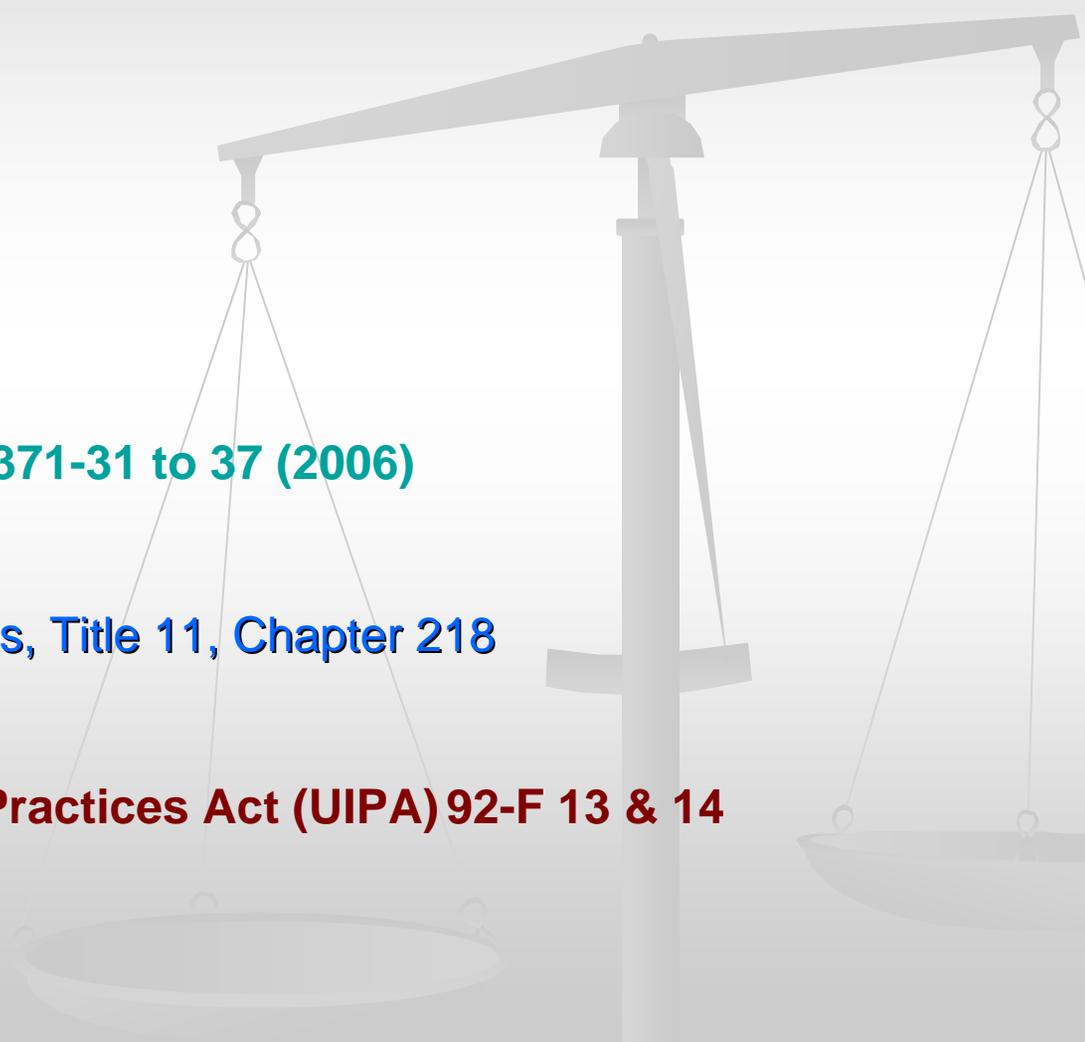
Title VI

Enforcement Plan—Compliance and enforcement
goals

FNS-113

Delineates USDA policy on non-discrimination
and responsibilities necessary in seeking
compliance with civil rights laws and regulations

STATE OF HAWAII



HRS Chapters 76 and 78

HRS 378-2 Part 1

HRS 368-1.5

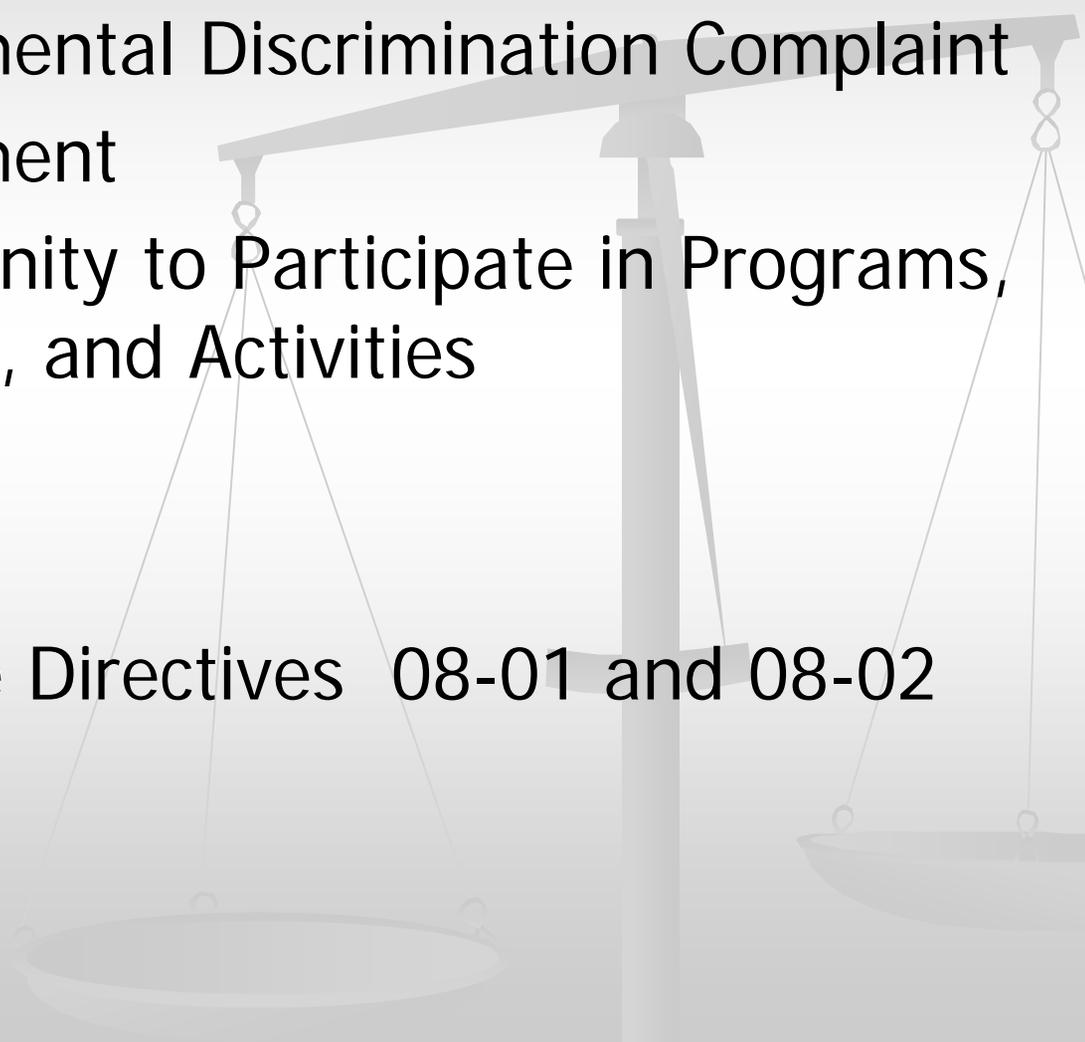
HRS 489

HRS 371, Part II, 371-31 to 37 (2006)

Hawaii Administrative Rules, Title 11, Chapter 218

Uniform Information Practices Act (UIPA) 92-F 13 & 14

DHS Policy



- 4.10.1 Departmental Discrimination Complaint
- 4.10.2 Harassment
- 4.10.3 Opportunity to Participate in Programs, Services, and Activities

Administrative Directives 08-01 and 08-02

Others

- Privacy
- Fraud
- Safe Streets Act
- And So Forth



Compliance Reviews

➤ Purpose: **To establish compliance**

➤ Areas to be reviewed:

- ❖ **Public notices**
- ❖ **Facility and program access**
- ❖ **Civil rights training**
- ❖ **Data collection and analysis**
- ❖ **Complaint procedures**
- ❖ **Reporting**
- ❖ **Monitoring**



Summary

- **Federal and State funding partnership**
 - **State agency compliance**
 - **Laws, instructions, policies, guidelines**
- 



Civil Rights Compliance Staff (CRCS)

586-4955

gwatts@dhs.hawaii.gov

- ✓ Serves as departmental liaison for all civil rights related matters
- ✓ Investigates civil rights complaints
- ✓ Provides technical and advisory services to the department regarding standards and requirements of civil rights laws, rules and regulations
- ✓ Develops departmental policies, procedures and plans