

# Key Civil Rights Legislation and Policy



**DOT CIVIL RIGHTS SYMPOSIUM  
SEPTEMBER 26, 2012**

# Overview



- **Civil Rights Act of 1964**
  - External Programs/Internal Programs
- **Rehabilitation Act of 1973**
  - Section 501, 504, and 508
- **MD-715 and Special Emphasis Programs**
- **Policy and Education Division**
- **Executive Orders**

# External Civil Rights Programs



- **Title VI prevents discrimination by government agencies that receive federal funds**
- **Environmental justice**
- **Limited English Proficiency (LEP)**
- **Disadvantaged Business Enterprise (DBE)**
- **Title VI assurances are being revamped this year**

# EEO Complaint Process



- Title VII prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, pregnancy, age (above 40), or disability
- In 2012, EEOC ruled that discrimination on the basis of gender identity is also prohibited under Title VII
- Title VII forms the basis for the EEO Complaint Process, outlined in Management Directive 110:
  - EEO counselor (informal phase)
  - Filing a formal complaint
  - Agency issues decision or case goes to EEOC, complainant has appeal rights

# MD 715/Diversity and Inclusion



- MD 715, the EEO Reporting Requirements for Federal Agencies, ensures DOT is meeting nondiscrimination goals
- Executive Order 13583: Establishing a Coordinated Government-Wide Initiative to Promote Diversity and Inclusion in the Federal Workforce (2011)
  - Requires each agency to write an agency-specific Diversity and Inclusion Strategic Plan
  - OPM, PMC and EEOC develop a government-wide Diversity and Inclusion Strategic Plan
    - ✦ Workforce Diversity
    - ✦ Support of Special Emphasis Programs
    - ✦ Leadership Development
    - ✦ A Supportive Work Environment
    - ✦ Sustainable Commitment to Diversity and Inclusion

# Policy and Education Division



- Oversees development and implementation of DOT civil rights policy
- Develops and implements EEO, civil rights, and diversity training curriculum

# Rehabilitation Act of 1973



- **Section 501**
  - requires affirmative action and nondiscrimination
- **Section 504**
  - reasonable accommodation for employees with disabilities
  - program accessibility
  - effective communication with people who have hearing or vision disabilities
  - accessible new construction and alterations
- **Section 508**
  - requires Federal electronic and information technology to be accessible to people with disabilities

# Executive Order 13548



- **Increasing Federal Employment of Individuals with Disabilities (2010)**
  - Each agency shall develop an agency-specific plan for promoting employment opportunities for individuals with disabilities
  - DOT implemented a plan in April 2011, including provisions for the following:
    - ✦ Educational sessions on the DOT hiring process, Schedule A, interviewing persons with disabilities, and inclusion
    - ✦ Re-surveying the disability status of the DOT workforce
    - ✦ Evaluation of the hiring process
    - ✦ Partnering to identify qualified people with disabilities

# Executive Order 13164



- **Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation (2000)**
  - All agencies must provide written reasonable accommodation procedures to employees and job applicants
    - ✦ Requests may be made orally or in writing
    - ✦ DOT's timeframe for processing the request is 25 business days
    - ✦ At DOT, generally the immediate manager is the decision maker
    - ✦ DOT has the right to request relevant supplemental medical documentation
    - ✦ The accommodation granted may not be one of first choice
    - ✦ Denials must be in writing and provide reasons for the denial