

THE EQUAL EMPLOYMENT OPPORTUNITY LAW

The Law In Brief

When Congress adopted Title VII of the Civil Rights Act of 1964, it made it the avowed objective of the Federal Government to eliminate all employment discrimination based on race, color, religion, sex, or national origin in all industries affecting interstate commerce.

The far-reaching significance of this new Federal Fair Employment Practice Law was reflected in the 83 days of bitter debate that preceded adoption in the Senate. It truly is an important law.

It imposes upon employers, labor unions, and employment agencies a new set of obligations. It gives employees, job applicants, and members of minority groups new rights, and it sets up machinery for enforcing those rights. It creates complex federal-state relationships in the enforcement of its provisions—relationships that give the states an incentive to enact their own fair employment practice laws where they do not already have them.

The key to the administration of the new rules is a five-member Equal Employment Opportunity Commission. It will perform its tasks through a system of formal and informal remedial procedures, with the emphasis on efforts to obtain voluntary compliance.

WHAT IT MEANS TO EMPLOYERS

The basic obligations imposed upon employers under the new law are set out in Section 703(a). Under this section, it is an unlawful employment practice for an employer to do any of the following:

- 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 his race, color, religion, sex, or national origin.
- To limit, segregate, or classify employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee because of his race, color, religion, sex, or national origin.

These are the basic unlawful employment practices for employers. But there are a number of exceptions. The prohibitions, for example, do not apply where:

- Religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the business or enterprise.
- An educational institution owned or supported by a religion employs members of that religion.
- The persons discriminated against are members of the Communist Party or a Communist-front organization.
- The employer is subject to a government security program and the persons involved do not have security clearance.
- A business operating on or near an Indian reservation accords preferential treatment to Indians.
- The different standards of compensation or terms and conditions of employment are applied pursuant to a bona fide seniority system, a merit system, or a system that measures earnings by quantity or quality of production, or they result from the fact that the employees work in different locations.
- The employer acts upon the results of a professionally developed ability test that is not designed or intended to be used to discriminate.
- Differentiations in pay based on sex are authorized under the provisions of the Equal Pay Act of 1963.

Training Programs

It also is an unlawful employment practice to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to or employment in any apprenticeship, training, or retraining program. This applies to employers, labor unions, or joint labor-management committees.

The exceptions relating to jobs or programs in which religion, sex, or national origin is an occupational qualification and to membership in the Communist Party apply to this unlawful employment practice as well as to those discussed above.

Retaliation, Advertising

There are two other unlawful employment practices applicable to employers, along with employment agencies and unions. The first relates to retaliation against those who seek to invoke the law's processes. It is an unlawful employment practice to discriminate against any employee or job applicant because he has opposed any unlawful practice under the Act or because he has made a charge, testified, assisted, or participated in an investigation, proceeding, or hearing.

It also is unlawful to print or publish any employment notice or advertisement that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin. Here again there is an exception where religion, sex, or national origin is a bona fide occupational qualification for employment.

Notices, Records—The law imposes on employers an obligation to post notices prepared by the Equal Employment Opportunity Commission and to make and keep such records as the Commission prescribes. To avoid duplication, however, employers who are subject to a state fair employment practice law or to an executive order prescribing fair employment practices for government contractors will not be required to maintain two sets of records. Employers subject to the executive orders need not keep any additional records or file any additional reports under the law. But the Commission may require employers subject to state laws to make such notations on the records as may be necessary because of differences in the state and federal laws.

Timetable for Coverage

Following the precedent set by the Equal Pay Act of 1963, the new law allows employers a long lead time to bring their employment practices into compliance with its requirements. Title VII does not become effective until one year following enactment, or July 2, 1965; it thereafter becomes applicable to employers on a descending basis tied to the number of employees.

(See LAW, page 19)

ANOTHER CITY POST FOR WARD

First Negro on Planning Board

ANOTHER 'FIRST' for the colored race in Nevada was recorded last week when George Ward Jr., special education teacher at Highland School for more than a decade, was appointed to the Las Vegas Planning Commission for a six-year term.

It was the second time in seven months,

that the Las Vegas City Commission tapped the 36-year-old West Las Vegas member on an important local board, Ward was named to a three-year term on the Citizens Committee on Urban Renewal and Development last February.

A native of Forrest, Miss., Ward

came to Las Vegas 23 years ago and is a graduate of Fifth St. School, Las Vegas High and the University of Arizona. Formerly active in civic and church work in Vegas Heights, where he served on the water and sanitation boards, Ward played a major role in the successful campaign to have Las Vegas annex Vegas Heights several years ago.

In April of last year, he was honored with the "Outstanding Citizen Award" of Nevada Savings & Loan Assn., largely in recognition of his "Little People to People" program, conducted through letters and tape recordings between his Highland School pupils and English-speaking students abroad, principally in Africa.

Ward now lives at 520 Freeman Ave., with his wife, Darlene, also a teacher, and their two daughters, Phyllis, 9, and Lynn, 6.

Other members the planning commission are businessmen Jay Tiberti, Al Cahlan and Bob Johnson; attorney Gene Matteucci, pilot Don Gilday, the city manager, city engineer and a city commissioner. The latter three are ex-officio members.

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