

POLICY STATEMENT # 2-5-06
Mental Health and Recovery Board of Wayne and Holmes Counties

Subject: Personnel Policy - Non-discrimination

Effective Date: 2-17-94

Supersedes: Previous policy of 4-20-89

Approval Signature:

1. Pursuant to the requirements of Title VI of the Civil Rights Act and the Americans with Disabilities Act of 1990, it shall be the policy of the Alcohol, Drug Addiction and Mental Health Services Board of Wayne and Holmes Counties (ADMH Board), that no person shall be denied Services rendered on the basis of race, color, national origin, ancestry, handicap, religion, sex, or age unless programmatically justifiable.
2. Pursuant to the requirements of Title VII of the Civil Rights Act, it shall be the policy of the ADMH Board that in recognition of the essential rights of all employees and applicants as individuals, to recruit, hire and promote in all job classifications without regard to race, color, religion, sex, national origin, ancestry, handicap, or age except where sex is a bona fide occupational qualification.
3. The Board shall adopt and implement an Affirmative Action Plan.
4. Pursuant to the requirements of the following applicable statutes it will be the policy of the Board to uphold the provisions as stated.
 - a. The Civil Rights Act of 1866 (42 U.S.C. Section 1981 - April 9, 1866) "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other."
 - b. The Civil Rights Act of 1871 (42 U.S.C. Section 1983 - April 20, 1871) "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the suit in equity, or other proper proceeding for redress."
 - c. The Equal Pay Act of 1963 (Stat. 56,29, U.S.C. - June 11, 1964) Requires that individuals must receive equal pay regardless of sex if they perform equal work.
 - d. Sex Discrimination (Amended Title VII 1978 and 1980). Prohibits sex discrimination in employment, pregnancy, childbirth or related condition, and sexual harassment.
 - e. The Age Discrimination in Employment Act (Stat. 602, 29 U.S.C. - effective May 1,

1972). Bans discrimination in employment on the basis of age (over 40) - Federal/State of Ohio is 40 and over.

- f. Under Section 91.11 of the Age Discrimination Act of 1975, 45 CFR Section 91, an Agency may not:

"...directly or through contractual licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age; of: excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program or activity receiving Federal financial assistance."

- g. The Rehabilitation Act of 1973, as amended: (Section 503 and 504). Prohibits discrimination against handicap persons, defined as one who has "a physical or mental impairment which substantially limits one or more life activities," has a record of such an impairment, or is regarded as having such an impairment.

- 1) Section 503: prohibits employment discrimination because of handicap or instrumentalities which participate in or under a Federal contract or sub-contract in excess of \$2,500. Enforced by the Office of Federal Contract Compliance Programs, U.S. Department of Labor, (OFCCP).
- 2) Section 504: prohibits discrimination against handicapped persons in employment, services, participation and access to all programs receiving Federal financial assistance. Enforced by the U.S. Department of Health and Human Services (HHS).

- h. Vietnam Era Veteran's Readjustment Act of 1974. Section 402 of this Act requires government contractors and sub-contractors with contracts over \$10,000 to take affirmative action to employ and advance in employment disabled veterans and veterans of the Vietnam Era enforced by the Office of Federal Contract Compliance Programs (OFCCP).

- i. Title IX, Education Amendments Act of 1972. Title IX in addition to extending coverage of the Equal Pay Act, prohibits discrimination on the basis of sex against employees or students of any educational institution receiving Federal financial aid. Provisions covering students are similar to those of Title VI of the 1964 Civil Rights Act.

- j. Under Section 86.11 of the Title IX regulations, 45 CFR Section 86, a State agency may not:

"...on the basis of sex, give preference to one individual over another by ranking applicants on such basis, or otherwise give such preference or apply numerical limitations upon the number or proportion of persons of either sex who may be admitted; or otherwise treat one individual differently from another on the basis of sex."

- k. The Equal Pay Act of 1963. This act requires all employers subject to the Fair Labor Standards act to provide equal pay for men and women performing similar work. In 1972, coverage of this Act was extended beyond employees covered by FLSA to an estimated 15 million additional executive, administrative and professional employees

(including academic, administrative personnel, and teachers in the elementary and secondary schools) and to outside salespersons. (Administration of this Act transferred to EEOC, July 1, 1979.)

- I. State of Ohio Law Against Discrimination. Section 4112 of the Ohio Revised Code in 1959 empowered the Ohio Civil Rights Commission as the agency to eliminate discriminatory employment practices. Subsequent amendments to the law have extended responsibilities of the OCRC to cover discrimination based on race, color, religion, sex, national origin, handicap, age (40) or ancestry in the areas of employment, housing and public accommodations.
5. A notice to all employees informing them of the board's non-discrimination policy will be posted and distributed to all employees. (See attached notice.)
6. A brief version of this non-discrimination policy will be posted in a visible location within the office and contain information about how individuals may file a complaint. The civil rights coordinator for the office will be listed, as well as ODMH and ODADAS civil rights officers, and the Department of Human Services civil rights division.