

**Non-Discrimination Laws Affecting  
Service Delivery and Employment Practices by  
Entities Receiving State & Federal Financial Assistance**

Federal Service Delivery Non-Discrimination Laws	Purpose	Who is Obligated Under Law	What Groups are Protected	Exempted
Title VI of the Civil Rights Act of 1964	No Person in the U.S. shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.	A recipient under any program, service and or activities which receives Federal Financial Assistance directly or through contractual or other arrangements are prohibited from discrimination. Included States, Counties, Municipalities, Universities, other private for profit and non-profit entities.	Based on Race, Color and National Origin	No Exceptions
Executive Order 13166 Limited English Proficiency (LEP) Guidance	EO 13166 Federal Governments continued commitment to Title VI of CRA of 1964 to improve the accessibility to programs, services and activities to persons who are limited English proficient funded by the Federal Government	A recipient under any program, service and or activities which receives Federal Financial Assistance directly or through contractual or other arrangements are prohibited from discrimination. Included States, Counties, Municipalities, Universities, other private for profit and non-profit entities.	Based on Race, Color and National Origin. (Limited English Proficiency is protected under National Origin Discrimination)	No Exceptions
Title IX of the Education Amendments of 1972, as amended by Pub. L. 93-568, 88 Stat. 1855 (except sections 904 and 906 of those Amendments)	In June 1972, the President signed Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 <i>et seq.</i> , into law. Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. The principle objective of Title IX is to avoid the use of federal money to support sexually discriminatory practices in education programs such as sexual harassment and employment discrimination, and to provide individual citizens effective protection against those practices.	Title IX applies, with a few specific exceptions, to all aspects of federally funded education programs or activities. In addition to traditional educational institutions such as colleges, universities, and elementary and secondary schools, Title IX also applies to any education or training program operated by a recipient of federal financial assistance. Many of these education program providers/recipients became subject to Title IX regulations when the Title IX final common rule was published on August 30, 2000.	Eliminating Discrimination and denial of services on the basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs.	<p>Educational institutions controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;</p> <p>Educational institution whose primary purpose is the training of individuals for the military services of the U S or the merchant marine;</p> <p>In regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex;</p>

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				<p>Dose not apply to membership practices of:</p> <p>(A) Tax exempt 501 (a) social fraternity or social sororities of which membership consists primarily of students in attendance at an institution of higher education, or</p> <p>(B) YMCA, YWCA; Girl Scouts, Boy Scouts, Camp Fire Girls, and voluntary youth service organizations which membership has traditionally been limited to persons of one sex and principally to persons of less than nineteen years of age;</p> <p>Program or activity of the American Legion undertaken in connection with the organization or operation of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference;</p> <p>Any program or activity of any secondary school or educational institution specifically for-- (i) the promotion of any Boys State conference, Boys Nation conference, Girls State conference, or Girls Nation conference; or (ii) the selection of students to attend any such conference;</p> <p>Not preclude father-son or mother-daughter activities at an educational institution, but if such activities are provided for students of one sex,</p>
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				<p>opportunities for reasonably comparable activities shall be provided for students of the other sex. It does not apply with respect to any scholarship or other financial assistance awarded by an institution of higher education to any individual because such individual has received such award in any pageant in which the attainment of such award is based upon a combination of factors related to the personal appearance, poise, and talent of such individual and in which participation is limited to individuals of one sex only, so long as such pageant is in compliance with other nondiscrimination provisions of Federal law. Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: <i>Provided</i>, that this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this chapter of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.</p>
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<p>The Civil Rights Restoration Act of 1987, (Pub. L. 100-259) (CRRA)</p>	<p>1. The Supreme Court's decision in the case of <u>Grove City College V. Bell</u>, 465 U.S. 555 (1984), limited the reach of Federal agency nondiscrimination requirements to those parts of a recipient's operation which directly benefited from Federal assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Congress to include <b>all</b> programs and activities of Federal-aid recipients, sub-recipients and contractors. This statute clarified the intent of Congress as it relates to the scope of Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes</p> <p>2. Nondiscrimination programs required that Federal-aid recipients, sub-recipients and contractors prevent discrimination and ensure nondiscrimination and ensure nondiscrimination in <b>all</b> of their programs, services, and activities, whether those programs and activities are federally funded or not.</p>	<p>The statutory definition, incorporated into the regulations, addresses four broad categories of recipients: (1) State or local governmental entities; (2) Colleges, universities, other postsecondary educational institutions, public systems of higher education, local educational agencies, systems of vocational education, and other school systems; (3) Private entities, such as corporations, partnerships, and sole proprietorships, including those whose principal business is providing education, health care, housing, social services, or parks and recreation; and (4) Entities that are established by a combination of two or more of the first three types of entities. Under the first part of the definition, if State and local governmental entities receive financial assistance from the Department, the "program or activity" or "program" in which discrimination is prohibited includes all of the operations of any State or local department or agency to which the Federal assistance is extended. For example, if the Department provides financial assistance to a State health agency, all of the agency's operations are subject to the nondiscrimination requirements of the regulations. In addition, "program or activity" or "program" includes all of the operations of the entity of a State or local government that distributes the Federal assistance to another State or local governmental agency or department and all of the operations of the State or local</p>	<p>Based on Race, Color and National Origin , Sex, Age, and Handicap - Disability</p>	<p>Under the third part of the definition, if a private entity is not principally engaged in the business of education, health care, housing, social services, or parks and recreation, and the Department extends financial assistance to the private entity "as a whole", all of the private entity's operations at all of its locations would be covered. If the Department were to extend general assistance, that is, assistance that is not designated for a particular purpose, to this type of corporation or other private entity, that would be considered financial assistance to the private entity "as a whole". In other instances in which the Department extends financial assistance to this type of entity, the coverage would be limited to the entire plant or other comparable geographically separate facility to which assistance is extended.</p>
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		<p>governmental entity to which the financial assistance is extended. Under the second part of the definition of "program or activity" or "program", if colleges, universities, other postsecondary institutions, public systems of higher education, local educational agencies, systems of vocational education, or other school systems receive financial assistance from the Department, all of their operations are subject to the nondiscrimination requirements of the regulations.</p> <p>Under the third part of the definition, in the case of private entities not already listed under the second part of the definition, if the Federally assisted entity or organization is principally engaged in the business of education, health care, housing, social services, or parks and recreation, then the entire corporation, partnership, or other private organization or sole proprietorship is the covered "program or activity" or "program".</p> <p>Under the fourth part of the definition, if an entity of a type not already covered by one of the first three parts of the definition is established by two or more of the entities listed under the first three parts of the definition, then all of the operations of that new entity are covered.</p>		
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<p>The Rehabilitation Act of 1973 Section 504. PART 84--NONDISCRIMINATION ON BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE</p>	<p>Section 504 of the Rehabilitation Act of 1973 is a national law that protects <i>qualified</i> individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency, including the U.S. Department of Health and Human Services (DHHS). These organizations and employers</p>	<p>All recipients that employed fifteen or more persons must comply. For the purposes of this section, the term “program or activity” means all of the operations of - (1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or (B) the entity of such a State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government; (2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or (B) a local educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system; (3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship- (i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or (ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or (B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any corporation, partnership, private organization, or sole proprietorship; or (4) any other entity which is established by</p>	<p>Section 504 protects <i>qualified individuals with disabilities</i>. Under this law, <i>individuals with disabilities</i> are defined as persons with a physical or mental impairment that substantially limits one or more major life activities. People who have a history of, or who are regarded, as having a physical or mental impairment that substantially limits one or more major life activities, are also covered. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning.</p> <p>In addition to meeting the above definition, for purposes of receiving services, education or training, <i>qualified individuals with disabilities</i> are persons who meet normal and essential eligibility requirements.</p> <p>For purposes of employment, <i>qualified individuals with disabilities</i> are persons who, with reasonable accommodation, can perform the essential functions of the job for which they have applied or have been hired to perform.</p>	<p>Part 84.9 Administrative requirement for small recipients: The Director may require any recipient with fewer than fifteen employees, or any class of such recipients, to comply with Part 84.7 and 84.8, in whole or in part, when the Director finds a violation of this part or finds that such compliance will not significantly impair the ability of the recipient or class or recipients to provide benefits or services.</p> <p>84.22 Existing facilities. (a) <i>Program accessibility</i>. A recipient shall operate each program or activity to which this part applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.</p> <p>(c) Small health, welfare, or other social services providers. If a recipient with fewer than fifteen employees that provides health, welfare, or other social services finds, after consultation with a handicapped person seeking its services, that there is no method of complying</p>
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		two or more of the entities described in paragraph (1), (2), or (3); any part of which is extended Federal financial assistance. Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.	(Complaints alleging employment discrimination on the basis of disability against a single individual will be referred to the U. S. Equal Employment Opportunity Commission for processing.) <b>Reasonable accommodation</b> means an employer is required to take reasonable steps to accommodate your disability unless it would cause the employer undue hardship.	with paragraph (a) of this section other than making a significant alteration in its existing facilities, the recipient may, as an alternative, refer the handicapped person to other providers of those services that are accessible.
The Age Discrimination Act of 1975	The Age Discrimination Act of 1975 is a national law that prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Age Discrimination Act applies to persons of all ages. It does not cover employment discrimination. (The Age Discrimination in Employment Act applies specifically to employment practices and programs, both in the public and private sectors, and applies only to persons over age 40.)	The Act applies only to programs or activities in which there is an intermediary (recipient) standing between the Federal financial assistance and the ultimate beneficiary of that assistance.	All Ages	The Act does not apply to programs of direct assistance (such as the Social Security program) in which Federal funds flow directly and unconditionally from the Federal government to the individual beneficiary of those funds.  Although the Act generally covers all programs and activities that receive Federal financial assistance, it does not apply to any age distinction "established under authority of any law" which provides benefits or establishes criteria for participation on the basis age or in age related terms. Thus, age distinctions that are "established under authority of any law" may continue in use. These regulations adopt without change the definition of "any law" established in the general regulations. Therefore, these regulations do not apply to age distinctions contained in Federal

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				<p>statutes, State statutes, or local statutes or ordinances adopted by elected, general purpose legislative bodies. (§91.2) The Act also excludes from its coverage most employment practices, except in programs funded under the old public service employment titles of the Comprehensive Employment and Training Act (CETA), Job Training Partnership Act (JTPA) or the new Workforce Investment Act.</p> <p>However, the Age Discrimination in Employment Act (ADEA), administered by the Equal Employment Opportunity Commission (EEOC), continues to be the Federal statute that prohibits employment discrimination against most persons between the ages of 40 and 70 (except in Federal employment, where there is no upper age limit). Subpart A also defines terms used in these regulations. (§91.3). The Act does include some exceptions to the general rule against age discrimination. The regulations provide definitions for two terms that are essential to an understanding of these exceptions: "normal operation" and "statutory objective." (§91.12) The regulations adopt a four-part test established in the general regulations to determine when an explicit age distinction is necessary to the normal operation of a program or to the achievement of a statutory objective of a program. The test (see § 91.13 of the regulations) requires that: The age distinction be used as a measure of</p>
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				<p>another characteristic(s); the other characteristic(s) must be measured in order for the program to continue to operate normally or to meet a statutory objective; the other characteristic(s) is impractical to measure directly on an individual basis. All parts of the test must be met for an explicit age distinction to satisfy one of these exceptions and to continue in use in a federally assisted program. These four-part test will be used to scrutinize age distinctions that are imposed by recipients in the administration of federally assisted programs, when the recipient alleges the distinction is necessary to the normal operation or the achievement of a statutory objective of a program and when the age distinction is not specifically authorized by a Federal, State, or local statute. Recipients of Federal funds are also permitted to take an action otherwise prohibited by the Act, if the action is based on <i>"reasonable factors other than age."</i> In that event, the action may be taken even through it has a disproportionate effect on persons of different ages. The regulations require, however, that the factor bear a direct and substantial relationship to the program's normal operation or statutory objective. (§91.14) These regulations place on the recipient of HHS funds the burden of proving that an age distinction or other action falls within the exceptions discussed above. (§91.15) There are three other instances</p>
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				in which an HHS recipient may use age distinctions that would otherwise be prohibited by the Act and these regulations: (1) a recipient may take voluntary affirmative action to overcome the effects of conditions that have resulted in limited participation in the recipient's program on the basis of age (§91.16); (2) a recipient may give special benefits to the elderly or to children (§91.17); and (3) a recipient may comply with age distinctions contained in HHS regulations. (§91.18)
American with Disabilities Act of 1990 Title II, III & IV. 28 CFR PART 35 implementing regulations for Title II	<p>Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding.</p> <p>Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).</p> <p>Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail</p>	<p>Subtitle A of title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities.</p> <p>It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of State and local governments, including those that do not receive Federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability from titles I, III, and V of the ADA.</p> <p>Title III public accommodations obligate entities who are private and who are- Own; Lease; Lease to; or Operate a place of public accommodation. A facility whose operations affect commerce; and fall within at least one of the following:</p> <p>1) Places of lodging (e.g., inns, hotels, motels) (except for owner-occupied establishments renting fewer than six</p>	<p>Subtitle A protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all State and local governments.</p> <p>Title III protects three categories of individuals with disabilities:</p> <p>1) Individuals who <i>have</i> a physical or mental impairment that substantially limits one or more major life activities;</p> <p>2) Individuals who have a <i>record</i> of a physical or mental impairment that</p>	<p>Title III Exceptions: Commercial facilities do not include rail vehicles or any facility covered by the Fair Housing Act. Residential dwelling units, therefore, are not commercial facilities. In addition, facilities that are expressly exempted from coverage under the Fair Housing Act are also not considered to be commercial facilities. For example,</p>

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	<p>stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by title III.</p> <p>Title IV addresses telephone and television access for people with hearing and speech disabilities. It requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs), and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of Federally funded public service announcements.</p>	<p>rooms);</p> <p>2) Establishments serving food or drink (e.g., restaurants and bars);</p> <p>3) Places of exhibition or entertainment (e.g., motion picture houses, theaters, concert halls, stadiums);</p> <p>4) Places of public gathering (e.g., auditoriums, convention centers, lecture halls);</p> <p>5) Sales or rental establishments (e.g., bakeries, grocery stores, hardware stores, shopping centers);</p> <p>6) Service establishments (e.g., Laundromats, dry-cleaners, banks, barber shops, beauty shops, travel services, shoe repair services, funeral parlors, gas stations, offices of accountants or lawyers, pharmacies, insurance offices, professional offices of health care providers, hospitals);</p> <p>7) Public transportation terminals, depots, or stations (not including facilities relating to air transportation);</p> <p>8) Places of public display or collection (e.g., museums, libraries, galleries);</p> <p>9) Places of recreation (e.g., parks, zoos, amusement parks);</p> <p>10) Places of education (e.g., nursery schools, elementary, secondary, undergraduate, or postgraduate private</p>	<p>substantially limited one or more of the individual's major life activities; and</p> <p>3) Individuals who are <i>regarded as having</i> such an impairment, whether they have the impairment or not.</p>	<p>owner-occupied rooming houses providing living quarters for four or fewer families, which are exempt from the Fair Housing Act, would not be commercial facilities.</p> <p>Examinations and courses: Private entities offering examinations or courses covered by title III are subject to the requirements discussed in III-4.6000 of ADA TA manual. If the private entity is also a public accommodation or has responsibility for a commercial facility, it would be subject to other applicable title III requirements as well.</p> <p>Religious entities: Religious entities are exempt from the requirements of title III of the ADA. A religious entity, however, would be subject to the employment obligations of title I if it has enough employees to meet the requirements for coverage.</p> <p>Obligations of title III do not apply to any "private club." An entity is a private club for purposes of the ADA if it is a private club under title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin by public accommodations.</p>
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		<p>schools);</p> <p>11) Social service center establishments (e.g., day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies);</p> <p>12) Places of exercise or recreation (e.g., gymnasiums, health spas, bowling alleys, golf courses).</p> <p>Title IV requires common carriers (telephone companies) to establish interstate and intrastate telecommunications relay services (TRS) 24 hours a day, 7 days a week. TRS enables and callers who use voice telephones to communicate with each other through a third party communications assistant. The Federal Communications Commission (FCC) has set minimum standards for TRS services. Title IV also requires closed captioning of Federally funded public service announcements.</p>	<p>Title VI of the ADA cover callers with hearing and speech disabilities who use telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs).</p>	
Omnibus Budget Reconciliation Act of 1981	<p>Because Title VI of the Civil Rights Act of 1964 was enacted at a time when Federal grant programs were primarily programs of categorical or discretionary assistance, the Federal agency administering the grant program decide which entity would receive a grant. Beginning in the 1970's, there has been an increasing trend to replace categorical and discretionary grant programs with</p>	<p>A Department, agency, special purpose district, or other instrumentality of a States and local government that distribute such assistance and each such departments or agencies (and each other State or local government entity) to which is extended Federal financial assistance and their sub-recipients of Federal financial assistance.</p>	<p>Race, Color, National Origin, Disability, Age, Sex, Religion</p>	<p>No Exceptions</p>

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	<p>block grants and grants to continuing State programs. Under the block grant programs, recipients are usually States or political entities with a State. States in turn sub-grant the assistance to other entities with in the state. Federal agencies are responsible for enforcing the nondiscrimination requirements that apply to recipients of assistance under their programs, regardless of the type of program. It is clear that the cross-cutting civil right statutes, i.e., Title VI, Title IX, Section 504 and the Age Discrimination Act, apply to continuing assistance and block grants, unless Congress clearly intended otherwise. (See Department of Justice’s Office of Legal Counsel, January 18, 1982 Legal Opinion, “Applicability of Certain Cross-Cutting Statutes to Block Grants Under the Omnibus Budget Reconciliation Act of 1981”.</p>			
<p>Subpart G--Community Service Assurance Provisions of the Hill-Burton Act, Sec. 215, 1525, 1602(6), Public Health Service Act as amended; 58 Stat 690, 88 Stat. 2249, 2259; 42 U.S.C. 216, 300m- 4, 300o-1(6).</p>	<p>The provisions of this subpart apply to any recipient of Federal assistance under Title VI or XVI of the Public Health Service Act that has given an assurance that it would make the facility or portion thereof assisted available to all persons residing (and, in the case of Title XVI assisted applicants, employed), in the territorial area it serves. This assurance is referred to in this subpart as the community service assurance."</p>	<p>A facility shall make the services provided in the facility or portion thereof constructed, modernized, or converted with Federal assistance under Title VI or XVI of the Act available to all persons residing (and, in the case of facilities assisted under Title XVI of the Act, employed) in the facility's service area without discrimination.</p>	<p>Race, Color, National Origin, Creed, or any other ground unrelated to an individual's need for the service or the availability of the needed service in the facility.</p>	<p>Facilities who have met their 30 year obligation .</p>

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<p>Family Violence Prevention and Services Act 42 U.S.C., 10406 Section 307(a)(1) and (2), P.L 98-457</p>	<p>Applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], on the basis of handicap under section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], on the basis of sex under title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], programs and activities funded in whole or in part with funds made available under this part \1\ are considered to be programs and activities receiving Federal financial assistance.</p>	<p>Recipients of Federal financial assistance</p>	<p>Race, Color, National Origin, Age, Sex, Disability and Religion</p>	<p>Nothing in this chapter shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal operation of that particular program or activity. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964 [42 U.S.C. 2000d-1]. Section 603 of such Act [42 U.S.C. 2000d-2] shall apply with respect to any action taken by the Secretary to enforce such sentence. This paragraph shall not be construed as affecting any other legal remedy.</p>
<p><b>State Service Delivery Non-Discrimination Statutes /Laws</b></p>	<p>Purpose</p>	<p>Who is Obligated Under Law</p>	<p>What Groups are Protected</p>	<p>Exemptions</p>
<p>HFS 94 Patient Rights and Resolution of Patient Grievance</p>	<p><b>(1) AUTHORITY AND PURPOSE.</b> This chapter is promulgated under the authority of s. 51.61 (5) (b) and (9), Stats., to implement s. 51.61, Stats., concerning the rights of patients receiving treatment for mental illness, a developmental disability, alcohol abuse or dependency or other drug abuse or dependency.</p>	<p><b>2) TO WHOM THE RULES APPLY.</b> (a) Except as provided in par. (b), this chapter applies to the department, to county departments established under s. 46.23, 51.42 or 51.437, Stats., and to all treatment facilities and other service providers, whether or not under contract to a county department, including the state-operated mental health institutes and centers for the developmentally disabled, habilitation or rehabilitation programs, programs certified under ch. HFS 61 and facilities licensed under ch. HFS 124 which also provide treatment for alcoholic, drug dependent, mentally ill or developmentally disabled</p>	<p>Patients receiving treatment for mental illness, a developmental disability, alcohol abuse or dependency or other drug abuse or dependency</p>	<p>This chapter does not apply to a hospital emergency room.</p>

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		persons. This chapter also applies to correctional institutions in which inmates receive treatment for mental disorders, but only in relation to patient rights specified in s. 51.61 (1) (a), (d), (f), (g), (h), (j) and (k), Stats.		
Chapter 51 State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act 51.61 Patient Rights 51.80 Patient Rights 51.90 Antidiscrimination	It is the policy of the state to assure the provision of a full range of treatment and rehabilitation services in the state for all mental disorders and developmental disabilities and for mental illness, alcoholism and other drug abuse. There shall be a unified system of prevention of such conditions and provision of services which will assure all people in need of care access to the least restrictive treatment alternative appropriate to their needs, and movement through all treatment components to assure continuity of care, within the limits of available state and federal funds and of county funds required to be appropriated to match state funds.	Outpatient Mental Health Clinics Treatment Facilities Mental Health Institutes	All people in need of care access to the least restrictive treatment alternative appropriate to their needs, and movement through all treatment components to assure continuity of care, within the limits of available state and federal funds and of county funds	
<b>Federal Employment Non-Discrimination Laws</b>	<b>Purpose</b>	<b>Who is Obligated Under Law</b>	<b>What Groups are Protected</b>	<b>Exemptions</b>
Civil Rights Act of 1964, Title VII	Title VII prohibits employment discrimination based on race, color, religion, sex and national origin. The Civil Rights Act of 1991 (Pub. L. 102-166) (CRA) amends several sections of Title VII. In addition, section 102 of the CRA amends the Revised Statutes by adding a new section following section 1977 (42	Employers means a person (includes one or more individuals, labor unions, partnership, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers), engaged in an industry affecting commerce who has twenty-five or more employees for each	Race, Color, Religion, Sex, or National Origin	U.S. Government, Corporation wholly owned by the government of the U.S. an Indian Tribe, or a State or Political subdivision thereof, a bona-fide private membership club (other than a Labor Organization) which is exempt from taxation under section 501( c ) of the Internal Revenue Code of 1954  Shall not apply to an employer with

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	U.S.C. 1981), to provide for the recovery of compensatory and punitive damages in cases of intentional violations of Title VII, the Americans with Disabilities Act of 1990, and section 501 of the Rehabilitation Act of 1973.	working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person.		respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.
Age Discrimination in Employment Act of 1967	To promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.	The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government.	Protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants.	The prohibitions of this section shall not apply where the employer is a foreign person not controlled by an American employer. (3) For the purpose of this subsection the determination of whether an employer controls a corporation shall be based upon the- (A) interrelation of operations, (B) common management, (C) centralized control of labor relations, and (D) common ownership or financial control, of the employer and the corporation. (i) It shall not be unlawful for an employer which is a State, a political subdivision of a State, an agency or instrumentality of a State or a political subdivision of a State, or an interstate agency to fail or refuse to hire or to discharge any individual because of such individual's age if such action is taken- (1) with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement in effect under applicable

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				State or local law on March 3, 1983, and (2) pursuant to a bona fide hiring or retirement plan that is not a subterfuge to evade the purposes of this chapter.
Equal Pay Act of 1963	No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: <i>Provided</i> , That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee. (2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall	All Employers engaged in commerce or in the production of goods for commerce.	Prohibit discrimination on account of sex in the payment of wages by employers	Employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools), or in the capacity of outside salesman (as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of subchapter II of chapter 5 of title 5 [ <i>the Administrative Procedure Act</i> ], except that an employee of a retail or service establishment shall not be excluded from the definition of employee employed in a bona fide executive or administrative capacity because of the number of hours in his workweek which he devotes to activities not directly or closely related to the performance of executive or administrative activities, if less than 40 per centum of his hours worked in the workweek are devoted to such activities); any employee employed by an establishment which is an amusement or recreational establishment, organized camp, or religious or non-profit educational conference center, if (A) it does not operate for more than seven months in any calendar year, or (B) during the preceding calendar year, its average receipts for any six months of

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	<p>cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.</p>			<p>such year were not more than 33 1/3 per centum of its average receipts for the other six months of such year, except that the exemption from sections 206 and 207 [sections 6 and 7] of this title provided by this paragraph does not apply with respect to any employee of a private entity engaged in providing services or facilities (other than, in the case of the exemption from section 206 [section 6], a private entity engaged in providing services and facilities directly related to skiing) in a national park or a national forest, or on land in the National Wildlife Refuge System, under a contract with the Secretary of the Interior or the Secretary of Agriculture; or any employee employed in the catching, taking, propagating, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life, or in the first processing, canning or packing such marine products at sea as an incident to, or in conjunction with, such fishing operations, including the going to and returning from work and loading and unloading when performed by any such employee; or (6) any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days or agricultural labor, (B) if such employee is the parent, spouse, child, or other</p>
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				<p>member of his employer's immediate family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent or person standing in the place of his parent, and (iii) is paid at the same piece rate as employees over age sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or (7) any employee to the extent that such employee is exempted by regulations, order, or certificate of the Secretary issued under section 214 [section 14] of this title; or (8) any employee employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than</p>
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				<p>four thousand the major part of which circulation is within the county where published or counties contiguous thereto; or (9) *** (Repealed) (10) any switchboard operator employed by an independently owned public telephone company which has not more than seven hundred and fifty stations; or (11) *** (Repealed) (12) any employee employed as a seaman on a vessel other than an American vessel; or (13) *** (Repealed) (14) *** (Repealed) (15) any employee employed on a casual basis in domestic service employment to provide babysitting services or any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary). *** (g) The exemption from section 206 [section 6] of this title provided by paragraph (6) of subsection (a) of this section shall not apply with respect to any employee employed by an establishment (1) which controls, is controlled by, or is under common control with, another establishment the activities of which are not related for a common business purpose to, but materially support the activities of the establishment employing such employee; and (2) whose annual gross volume of sales made or business done, when combined with the annual gross volume of sales made or business done</p>
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				by each establishment which controls, is controlled by, or is under common control with, the establishment employing such employee, exceeds \$10,000,000 (exclusive of excise taxes at the retail level which are separately stated).
Rehabilitation Act of 1973 Section 503	Any contract in excess of \$10,000 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that the party contracting with the United States shall take affirmative action to employ and advance in employment qualified individuals with disabilities.	The provision of this section shall apply to any subcontract in excess of \$10,000 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States.	Employment and Advancement of Qualified Individuals with Disabilities.	<p>(c) Waiver by President; national interest special circumstances for waiver of particular agreements; waiver by Secretary of Labor of affirmative action requirements</p> <p>(1) The requirements of this section may be waived, in whole or in part, by the President with respect to a particular contract or subcontract, in accordance with guidelines set forth in regulations which the President shall prescribe, when the President determines that special circumstances in the national interest so require and states in writing the reasons for such determination.</p> <p>(2)(A) The Secretary of Labor may waive the requirements of the affirmative action clause required by regulations promulgated under subsection (a) of this section with respect to any of a prime contractor's or subcontractor's facilities that are found to be in all respects separate and distinct from activities of the prime contractor or subcontractor related to the performance of the contract or subcontract, if the Secretary of Labor also finds that such a</p>

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				<p>waiver will not interfere with or impede the effectuation of this chapter.</p> <p>(B) Such waivers shall be considered only upon the request of the contractor or subcontractor. The Secretary of Labor shall promulgate regulations that set forth the standards used for granting such a waiver.</p>
<p>Executive Order 11246, as amended; Section 503 of the Rehabilitation Act of 1973, as amended and the affirmative action provisions (Section 4212) of the Vietnam Era Veterans' Readjustment Assistance Act, as amended</p>	<p>These laws ban discrimination and require Federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran.</p>	<p>Non-construction (service and supply) contractors with 50 or more employees and government contracts of \$50,000 or more are required, under Executive Order 11246, to develop and implement a written affirmative action program (AAP) for each establishment. The regulations define an AAP as a set of specific and result-oriented procedures to which a contractor commits itself to apply every good faith effort</p> <p>OFCCP has established a distinct approach to affirmative action for the construction industry due to the fluid and temporary nature of the construction workforce. In contrast to the service and supply affirmative action program, OFCCP, rather than the contractor, establishes goals and specifies affirmative action which must be undertaken by Federal and federally assisted construction contractors. OFCCP issued specific national goals for women. The female goal of 6.9 percent was extended indefinitely in 1980 and remains in effect today. Construction contractors are not required to develop written affirmative action programs. The</p>	<p>Race, color, religion, sex, national origin, disability or status as a Vietnam era or special disabled veteran.</p>	<p>Non Construction Service and Supply Contractors with less than 50 employees and less than \$50,000 in government contracts.</p>

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		regulations enumerate the good faith steps construction contractors must take in order to increase the utilization of minorities and women in the skilled trades.		
American with Disability Act 1990 Title I Public Law 101-336.	No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.	Prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.	Persons seeking employment who have a disability and/or have a relationship or association with an individual with a disability is covered under Title I.  An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.	Exceptions The term "employer" does not include-- (i) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe; or (ii) a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501 (c) of the Internal Revenue Code of 1986. Religious Entities: (1) This title shall not prohibit a religious corporation, association, educational institution, or society from giving preference in employment to individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities. (2) Religious tenets requirement.--Under this title, a religious organization may require that all applicants and employees conform to the religious tenets of such organization.
The Civil Rights Act of 1991 Title I Federal Civil Rights Remedies TITLE II - GLASS CEILING TITLE III GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991 TITLE IV - GENERAL PROVISIONS	(1)To provide appropriate remedies for intentional discrimination and unlawful harassment in the workplace; (2) To codify the concepts of "business necessity" and	Recipients of Federal financial assistance	Prohibits discrimination on the basis of Race in the Making and Enforcement of Contracts. Also covers Color, Religion, Sex, and National Origin.	Covered entities in Foreign Counties – It shall not be unlawful under Sec 109 Protection of Extraterritorial Employment for a covered entity to take any action that constitutes discrimination under this section with respect to an

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	<p>"job related" enunciated by the Supreme Court in Griggs v. Duke Power Co., 401 U.S. 424 (1971), and in the other Supreme Court decisions prior to Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989);</p> <p>(3) To confirm statutory authority and provide statutory guidelines for the adjudication of disparate impact suits under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); and</p> <p>(4) to respond to recent decisions of the Supreme Court by expanding the scope of relevant civil rights statutes in order to provide adequate protection to victims of discrimination.</p>			<p>employee in a workplace in a foreign country if compliance with this section would cause such covered entity to violate the law of the foreign country in which such workplace is located</p>
<b>State Employment Non-Discrimination Laws</b>	<b>Purpose</b>	<b>Who is Obligated Under Law</b>	<b>What Group(s) are Protected</b>	<b>Exempted</b>
Wisconsin Fair Employment Act Chapter 111, Subchapter II, Wis. State Statutes	Intended to protect individuals from unfair practices of discrimination in employment against properly qualified individuals by reason of their age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or use or nonuse of lawful products off the employer's premises during nonworking hours because it substantially and adversely affects the	All Employers, Labor Organization, Employment Agency, Licensing Agency or other person engaged in any activity, enterprise or business employing at least one individual this includes the State of WI, and each agency of the State.	Age, Ancestry, Arrest Record, Color, Conviction Record, Creed, Disability, Genetic Testing, Honesty Testing, Marital Status, Membership in the national guard, state defense force or any reserve component of the military forces of the United States or this state, National Origin, Pregnancy or Childbirth, Race, Sex, Sexual orientation, Use or nonuse of lawful products off the employer's premises during nonworking hours. Employees may not be harassed in the workplace based on their protected status nor retaliated against for filing a complaint,	Social Clubs or fraternal society under Chapter 188 with respect a particular job for which the club or society seeks to employ or employs a member, if the particular job is advertise only within the membership. <b>(Note: The Wisconsin Fair Employment Law provide for exceptions based on special cases under the law not included in this table. For a more complete understanding of these exceptions refer to Chapter 111 Subchapter II Fair Employment)</b>

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	general welfare of the state.		for assisting with a complaint, or for opposing discrimination in the workplace.	
Wis. State Statutes, Section 16.765 & 51.01(5) Wisconsin Administrative Code, Chapter Adm. 50.05	As required by Wisconsin's Contract Compliance Law (s. 16.765, Wis. Stat.), every vendor contracting with the state of Wisconsin must agree to equal employment and affirmative action policies and practices in its employment programs. Contractors agree not to discriminate against job applicants and employees in recruitment, promotion, training, apprenticeship, demotion or transfer, termination and compensation. Contractors agree to take affirmative action to develop a balance workforce.	Vendors or Entities doing business with State of Wisconsin (i.e., DHFS, DWD or other state agency).	It is illegal for organizations under contract with state agencies to treat persons unequally or otherwise discriminate in employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability, sexual orientation or national origin.	An affirmative action plan is not required when: The vendor receives a state contract for less than \$25,000; or The vendor has less than twenty-five (25) employees regardless of the amount of the contract. Or the vendor is a foreign company with a work force of less than twenty-five (25) employees in the United States, or the vendor is a federal government agency or a Wisconsin agency or the vendor has a balanced work force. Vendors falling into these exemptions must still file an exemption request and or prove they have a balanced workforce.
Wis. Administrative Code DWD 218	The purpose of this chapter is to implement the law prohibiting employment discrimination, unfair honesty testing and unfair genetic testing; to provide a constructive, impartial and speedy procedure for resolving disputes arising under the law; and to work toward the goal of eliminating employment discrimination, unfair honesty testing and unfair genetic testing in this state	Entities covered include; Employer, Labor Organizations, Employment Agencies and Licensing Agencies that deny employment opportunities and discriminate in employment against properly qualified individuals.	Based on Age, Race, Creed, Color, Disability, Marital Status, Sex, National Origin, Ancestry, Sexual Orientation, Arrest Record, Conviction Record, membership in the National Guard, State Defense Force, or any other Reserve component of the Military Forces of the United States or this State, or use or nonuse of lawful products off the employer's premises during working hours.	The definition of an employee does not include any individual employed by his or her parents, spouse or child. Employer does not include a social club or fraternal society under Chapter 188 with respect to a particular job for which the club or society seeks to employ or employs a member, if the particular job is advertise only within the membership. <b>(Note: The Wisconsin Fair Employment Law provide for exceptions based on special cases under the law not included in this table. For a more complete understanding of these exceptions refer to Chapter 111 Subchapter II Fair Employment)</b>

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