

Laws Regarding Personnel Issues

Orientation Activity

EEO Laws

PCSAs adhere to federal and state laws and regulations regarding equal employment opportunities (EEO). Federal laws prohibiting job discrimination include:

- Title VII of the Civil Rights Act of 1964 (Title VII): prohibits employment discrimination based on race, color, religion, sex, or national origin
- Equal Pay Act of 1963 (EPA): protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination
- Age Discrimination in Employment Act of 1967 (ADEA): protects individuals who are 40 years of age or older;
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA): prohibits employment discrimination against qualified individuals with disabilities in the private sector and in state and local governments;
- Civil Rights Act of 1991: provides monetary damages in cases of intentional employment discrimination based on race, color, creed, religion, or gender.

From: The U.S. Equal Employment Opportunity Commission. To read more about EEO laws go to: http://www.eeoc.gov/abouteeo/overview_laws.html.

Other Laws Regarding Personnel Issues

There are a number of other laws for which new employees need to be aware. Supervisors or the CPS agency's personnel manual are good sources for learning about county-specific policies and procedures regarding the following:

- The Occupational Safety and Health Act (OSHA): was enacted to "assure safe and healthful working conditions for working men and women." Occupational Health and Safety Act (OSHA). In child welfare this includes things such as preventing the transmission of HIV and other blood borne infections.

From: The Center for Disease Control at www.cdc.gov

- Health Insurance Privacy and Portability Act (HIPAA): requires the Department of Health and Human Services (HHS) to establish national standards for electronic health care transactions and national identifiers for providers, health plans, and employers. It also addresses the security and privacy of health data.

Note: This federal law was not intended for public child welfare. We do, however, recognize the absolute need to protect the privacy of health information, and all child welfare professionals have responsibility to ensure the confidential handling of such information, just as we do all child protection information. (PCSAs White Paper: HIPAA and Core Child Welfare Services, 2003 at: <http://www.pcsao.org/hipaa.htm>).

- Family Medical Leave Act (FMLA): states that covered employers must grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:
 - ☑ For the birth and care of the newborn child of the employee;
 - ☑ For placement with the employee of a son or daughter for adoption or foster care;
 - ☑ To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
 - ☑ To take medical leave when the employee is unable to work because of a serious health condition.

From: The U.S. Equal Employment Opportunity Commission, retrieved 2/09 from: <http://www.eeoc.gov/policy/docs/fmlaada.html>.

Resources for OSHA-related Issues:

HIV/AIDS and Hepatitis B & C: Preventing Exposure at Work <http://www.heart-intl.net/HEART/030305/HIVAIDSHepatitisBandC-P.pdf>

Guidelines for Prevention of Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public-Safety Workers A Response to P.L. 100-607 The Health Omnibus Programs Extension Act of 1988 - developed by the National Institute for Occupational Safety and Health in collaboration with the Center for Infectious Diseases, Centers for Disease Control. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/00001450.htm>

Fact Sheet: Universal Precautions for Prevention of Transmission of HIV and Other Bloodborne Infections – developed by the Center for Disease Control and available at: http://www.cdc.gov/ncidod/dhqp/bp_universal_precautions.html