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EEOC ISSUES COMPLIANCE MANUAL SECTION ON RELIGIOUS DISCRIMINATION

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The Equal Employment Opportunity Commission (EEOC) has issued updated Compliance Manual materials dealing with religious discrimination. Known as Section 12, the new material provides guidance and instructions for investigating and analyzing charges alleging discrimination based on religion.

The release came on July 22, 2008. You can find the new materials (79 pages) at <http://www.eeoc.gov/policy/docs/religion.html> .

The EEOC offers this overview of the new manual section: **Religion is very broadly defined under Title VII. Religious beliefs, practices, and observances include those that are theistic in nature, as well as non-theistic “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” Religious beliefs can include unique views held by a few or even one**

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OFCCP ISSUES NEW DIRECTIVES

Two major directives were issued by Charles E. James, Sr., National Director of the Office of Federal Contract Compliance Programs (OFCCP) during July.

The first concerns on-line application systems and the need to make them accessible to people with disabilities and disabled veterans. Issued on July 10, 2008, Directive Number 281 is intended to give guidance to federal contractors and instructions to compliance agency officials about online application systems.

Bottom line: Contractors must now demonstrate that their online application system is fully accessible by people with disabilities and disabled veterans. It would be a good idea to offer an alternative application submission process if someone with a disability cannot use

Web-based job application systems are now subject to review by OFCCP.

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FEDERAL MINIMUM WAGE HAS INCREASED

On July 24, 2008, the federal minimum wage for covered non-exempt employees rose from \$5.85 to **\$6.55 per hour**. The Fair Minimum Wage Act of 2007, which amended the Fair Labor Standards Act (FLSA), provides for phased-in increases ultimately reaching \$7.25 per hour on July 24, 2009.

Many states also have minimum wage laws. Covered employers must comply with both. The youth minimum wage and tip credit provisions of the FLSA remain the same.

For more information, call the U.S. Department of Labor's toll-free help line at 1-866-4US-WAGE (487-9243) or visit <http://www.wagehourldol.gov>

Compliance assistance information for FLSA and other Department of Labor laws can be found at <http://www.dol.gov/compliance>.

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individual; however, mere personal preferences are not religious beliefs. Title VII requires employers to accommodate religious beliefs, practices, and observances if the beliefs are "sincerely held" and the reasonable accommodation poses no undue hardship on the employer.

The manual says further, **Religion includes not only traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism, but also religious beliefs that are new, uncommon, not part of a formal church or sect, only subscribed to by a small number of people, or that seem illogical or unreasonable to others.**

Religious beliefs include theistic beliefs as well as non-theistic "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

Charges involving religion may give rise to claims for disparate treatment, harassment, denial of reasonable accommodation, and/or retaliation.

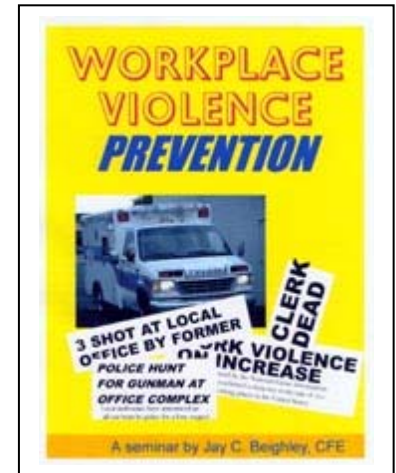
Workplace Violence Prevention A TURN-KEY TRAINING PROGRAM

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the online system. The new Directive is effective immediately and will remain effective until cancelled or replaced.

Then on July 17, 2008, Mr. James signed Directive Number 282 which details the procedures for implementing the G-FIVE Initiative.

The Good-Faith Initiative for Veterans Employment (G-FIVE):

- ♦ Reaffirms OFCCP's commitment to ensure compliance with the requirements of VEVRAA (*Vietnam Era Veterans' Readjustment Assistance Act*)
- ♦ Recognizes companies' "best practices" for the employment and advancement of veterans.
- ♦ Creates an incentive for federal contractors and subcontractors to increase their employment of and affirmative action for covered veterans; and,
- ♦ Strengthens VEVRAA partnerships between OFCCP and other agencies and veterans groups.

OFCCP Area and District offices are directed to meet with or conduct a conference call with their local state employment services to discuss the new G-FIVE Initiative and what the regulations require of federal contractors in support of veterans employment.

A similar conference call or meeting is now required at least once each year after the initial conversations. Regional Directors have been



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charged with reporting all contacts, meetings, compliance assistance seminars and noteworthy significant achievements by contractors or state/local employment service agencies. Those reports will be made weekly.

Federal contractors that demonstrate an exceptional program for hiring and retaining veterans will be singled out for recognition by the OFCCP. Part of that recognition will include programs designed to heighten subcontractor awareness of responsibilities for veteran employment. And, of course efforts made to work with local Veterans Administration job placement program representatives to actually employ special disabled or disabled veterans will be recognized.

Contractors may be nominated by OFCCP representatives or may submit their own name for consideration. But be careful. Any self-nominated affirmative action establishment that has not undergone a full compliance review within 24 months of the nomination will be scheduled for an audit prior to processing the nomination.

<http://www.dol.gov/esa/ofccp/regs/compliance/directives/dirindex.htm>

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