



State of Delaware Office of Management and Budget Human Resource Management

Equal Employment Opportunity (EEO)/Affirmative Action (AA) Compliance List

Effective Date: 10/1/2016	Supersedes: 9-24-2014
Application: All State Agencies, All State Employees	
Authority: Federal and State Laws	

This list was compiled to help state agencies comply with equal employment opportunity and affirmative action responsibilities in compliance with Executive Order No. 8. The Executive Order continues the State's commitment to EEO standards and best practices of human resource management in the areas of diversifying the workforce, prohibiting discrimination in hiring and employment practices, and maintain an inclusive work atmosphere of mutual respect and understanding.

Protected Classes (*numbered by corresponding statute*):

- race ^{1,5, 19}
- color ^{1, 5, 19}
- religion ^{1, 5, 19}
- national origin ^{1, 5, 19}
- age ^{2, 19}
- sex ^{1, 14, 19}
- mental or physical disability ^{7, 13, 15, 17, 18, 19}
- marital status ^{4, 14, 16, 19}
- sexual orientation ^{16, 19}
- genetic information ^{6, 19}
- gender identity or expression ^{12, 19}
- veteran or military status ^{3, 4, 13, 19}
- victims of domestic violence, sexual assault, and/or stalking ^{10, 19}
- reproductive health decisions ^{8, 19}
- family responsibilities ^{9, 19}

FEDERAL		
1	Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972 and 1991. 42 U.S.C. 1971, 1983, 2000e-2h.	Prohibits discrimination in employment because of race, color, religion, gender, or national origin. It covers all terms and conditions of employment, and may subject an employer to liability for discriminatory acts that occur in the workplace. Strengthens and improves Federal civil rights laws to provide for damages in cases of intentional employment discrimination and unlawful harassment in the workplace and to clarify provisions regarding disparate impact actions.
2	Age Discrimination in Employment Act of 1967, as amended. 29 U.S.C. 621, <u>et seq.</u>	Prohibits discrimination based on age against individuals who are age 40 and above.
3	Vietnam Era Veterans Readjustment Assistance Act of 1974. 38 U.S.C. 219, <u>et seq.</u>	Requires federal government contractors and subcontractors over \$10,000 to take affirmative action to employ and advance in employment Veterans with disabilities and Veterans of the Vietnam Era.
4	Family Medical Leave Act of 1993 as amended 29 U.S.C. 2601, <u>et seq.</u>	Entitles an eligible employee to take up to a total of 12 workweeks off during a 12-month period for the birth/adoption of a child or to care for a spouse or immediate family member with a serious health condition or when the employee is unable to work because of a serious health condition or for Military Family Leave to address certain qualifying exigencies. And entitles an eligible employee to take up to a total of 26 workweeks off for Military Family Leave to care for a covered service member during a single 12-month period. Employers covered by the law are required to maintain any pre-existing group health coverage and once the leave period is concluded, to reinstate the employee to the same or an equivalent job with equivalent employment benefits, pay, and other terms and conditions of employment.
5	Federal Executive Order discrimination in 11246 of 1965, as amended by Executive Order 11375 of 1967. 11478 or 2014	Prohibits federal contractors and sub-contractors from discriminating in areas of employment, selection, promotion, compensation, granting of benefits, training, Or employment opportunities because of race, color, religion, national origin, or gender.

6	Genetic Information Nondiscrimination Act (GINA) - PUBLIC LAW 110-233 MAY 21, 2008	<i>Title II of the Genetic Information Nondiscrimination Act of 2008, which prohibits genetic information discrimination in employment, took effect on November 21, 2009.</i> Under Title II of the Genetic Information Nondiscrimination Act (GINA), it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts acquisition of genetic information by employers and other entities covered by Title II, and strictly limits the disclosure of genetic information. The EEOC enforces Title II of GINA (dealing with 55genetic discrimination in employment). The Departments of Labor, Health and Human Services, and the Treasury have responsibility for issuing regulations for Title I of GINA, which addresses the use of genetic information in health insurance.
7	Americans With Disabilities Act of 1990 (ADA) and Amendments Act (ADAAA), 42 U.S.C. 12191, <u>et seq.</u>	Makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in state and local government services, public accommodations, transportation, and telecommunications.
STATE		
8	19 Delaware Code Section 710 (HB 316) 148 th General Assembly(effective December 30, 2016)	Adds reproductive health decisions to protected class through Title 19, Chapter 7 of the Delaware Code.
9	19 Delaware Code Section 710 (HB 317) 148 th General Assembly (effective December 30, 2016)	Adds family responsibilities to prohibited practices of discrimination.
10	19 Del Code Section 710 (5) (HB 4) 148 th General Assembly	This law makes it unlawful employment practice for any employer to discriminate based on surviving sexual assault, domestic violence, and/or stalking. Employers must provide reasonable accommodations, which may include repurposing accrued leave originally designated for a different purpose.

11	19 Delaware Code Section 711 – “Ban the Box” (House Bill 167) 147 th General Assembly	This law makes it an unlawful employment practice for any public employer to inquire into or consider the criminal record, criminal history or credit history or score of an applicant for employment during initial application, including the first interview. Certain agency exceptions are stated in the Act. An applicant may be excluded from employment based on criteria stated in the Act as the employer may inquire into or consider an applicant’s criminal record, criminal history, credit history or credit score after completion of the first interview. The exclusion must be consistent with business necessity and the factors provided by statute must be taken into consideration.
12	19 Delaware Code Section 711 – Gender Identity Protection Act (Senate Bill 97) 147 th General Assembly	This Act adds the term "gender identity" to the already-existing list of prohibited practices of discrimination and hate crimes. As such, this Act would forbid discrimination against a person on the basis of gender identity in housing, employment, public works contracting, public accommodations, and insurance, and it would provide for increased punishment of a person who intentionally selects the victim of a crime because of the victim’s gender identity.
13	19 Delaware Code Sections 740-745 – Employment First Act (HB 319) 146 th General Assembly	All persons with disabilities, including veterans with service-connected disabilities, have a right to the opportunity for competitive employment. To promote the realization of this right, this bill creates the Employment First Act. The Act requires that state agencies that provide services and support to persons with disabilities shall consider, as their first option, competitive employment in an integrated setting for persons with disabilities. The Act does not require an employer to give preference to hiring persons with disabilities.
14	19 Delaware Code Sections 710 & 711 – Same Gender Civil Marriage (House Bill 75) 146 th General Assembly	This Act repeals the prohibition on same-gender marriage that was enacted in 1996. The effect of this Act is to allow two individuals, whether of the same or different genders, to marry if otherwise eligible.
15	House Concurrent Resolution 29 – Employment for Individuals who are Visually Impaired or Blind – 146 th General Assembly	This concurrent resolution recognizes the Division for the Visually Impaired and promotes equal employment opportunity in hiring by the State of Delaware for persons who are blind or visually impaired.
16	13 Delaware Code Section 201 & 202 – Civil Union and Equality Act of 2011 – (Senate Bill 30) 146 th General Assembly	The Civil Union and Equality Act of 2011 creates a legal relationship of civil unions between same sex couples in the State of Delaware. The Act further recognizes legal unions between two persons of the same sex entered into jurisdictions outside of Delaware provided that such unions and the parties thereto meet Delaware eligibility requirements to enter into a civil union in the State

		of Delaware. Persons who enter into a lawful civil union in Delaware on or after January 1, 2012 or whose legal union is recognized under Delaware law on or after January 1, 2012, will have the same rights, benefits, protections, and responsibilities as married persons under Delaware law.
17	19 Delaware Code Section 724 – Unlawful Employment Practices Act	Prohibits discrimination practices by employers, employment agencies, labor unions in hiring, training, promotion, and all other areas of employment practices against qualified individuals with disabilities.
18	29 Delaware Code Section 5904 (A) – Agency Aid Program	Created the Agency Aide Program and the Selective Placement Program, which provide employment opportunities for persons with physical or mental disabilities. These programs enable Human Resource Management to employ qualified citizens with disabilities for work in various State agencies, without competitive examination or without listing, on an eligibility list. It further allows those individuals eventually to become employees of that agency.
19	Executive Order Number 8 of 2009	Continues the Governor's Council on Equal Employment Opportunity, directs state agencies to pursue equal employment and promotional opportunity for all state employees and applicants, and includes a strong recruitment and retention component. The Council is responsible for holding agencies accountable for implementing equal opportunity programs and assessing their compliance with the order.