

Fair Employment Law Review

Anna Caputo – Equal Opportunity Program Manager

First and Foremost

- UMC is to be an environment that is free from discrimination and/or mistreatment of an individual because of their membership in a protected category.
 - Everyone on our premises should conduct themselves professionally and demonstrate respect for colleagues, patients, students, visitors, and others at all times.
 - Supervisors and managers must also:
 - Monitor the workplace for discriminatory conduct and communication.
 - Take all reports of discrimination seriously.
 - Document and forward all allegations of fair employment law violations to Human Resources for direction and/or investigation.
-

UMC's Equal Opportunity, Non-Discrimination, Anti-Harassment Action Plan - What does it say?

- That our mission is to create a workplace that reflects our community, recognize and respect the value of our unique personal characteristics and experiences, and support our diverse workforce in its goal of exemplifying Compassion, Accountability, Integrity, and Respect.
 - That UMC will not discriminate based on race, color, religion, sex, age, national origin, disability, sexual orientation, gender identity or expression, pregnancy, or genetic information in employment.
 - That UMC will not tolerate harassment, including sexual harassment, of a UMC employee by another employee, vendor, contracted service provider, or hospital official.
-

Fair Employment Laws (Protected Categories)

- **Title VII of the Civil Rights Act of 1964**, as amended: race, color, sex (includes gender identity/sexual orientation), religion, and national origin.
 - **The Pregnancy Discrimination Act of 1978**: pregnancy, childbirth, etc.
 - **The Pregnant Workers Fairness Act (PWFA)**: accommodations for pregnant employees.
 - **The Age Discrimination in Employment Act (ADEA) of 1967**: individuals age 40 and above.
 - **Title I of the Americans with Disabilities Act (ADA) of 1990, as amended.**
 - **The Genetic Information Nondiscrimination Act of 2008 (GINA)**
 - **Nevada Revised Statutes (NRS 613.330)**: race, color, sex, religion, national origin, age, disability, sexual orientation, and gender identity or expression.
-

Harassment and Sexual Harassment

- **Harassment**
 - Impermissible conduct may include but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, or interference with work performance.
 - The law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, but harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

- **Sexual Harassment**

- Hostile Work Environment – practices ranging from unwelcome sexual advances, direct requests for sexual favors, and other verbal or physical harassment of a sexual nature, to workplace conditions that unreasonably interfere with an individual's job performance or create an intimidating or offensive working environment.
 - Quid Pro Quo – submission to, or rejection of unwelcome sexual conduct is used as the basis for an employment decision.
-

Discriminatory Employment Decisions if Based on a Protected Category

Recruitment	Hiring	Firing	Compensation	Work Assignment
Transfer	Promotion	Layoff	Other Terms and Conditions of Employment	

Also prohibited:

- Retaliation for (a) filing a charge of discrimination, (b) participating in an investigation, (c) opposing discriminatory practices, or (d) requesting an accommodation.
 - Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals due to race, age, sex, sexual orientation, pregnancy, etc.
-

Accommodations

- **Disability:** an employee with a qualifying physical or mental impairment can request an accommodation to be able to perform the essential functions of his or her position. Each accommodation is determined on a case-by-case assessment; for example, an employee with diabetes may need regularly scheduled breaks during the workday to eat properly and monitor blood sugar and insulin levels, or an employee with cancer may need leave to have radiation or chemotherapy treatments.
 - **Pregnancy:** an accommodation request from an employee affected by pregnancy, childbirth or related medical conditions will be evaluated under the PWFPA. the following four pregnancy accommodations are reasonable and should be granted in almost every circumstance without the need for medical documentation: (1) additional restroom breaks; (2) food and drink breaks, (3) allowing water and other drinks to be kept nearby, (4) allowing sitting or standing, as necessary
 - **Religion:** An employer must accommodate an employee's religious belief or practice unless doing so would pose an undue hardship. Examples of some common religious accommodations include flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices. The UMC Dress Code allows for religious garb unless there is an infection prevention or safety concern, which is evaluated case by case.
-

Complaint Reporting Process

- Report the alleged misconduct to the immediate management team immediately.
- Management should report the complaint to an HR representative for appropriate action.
- Contact the HR Manager over Equal Opportunity issues, or your company/school official.
- File a charge with an outside agency: EEOC – (702)388-5099 or NERC – (702)486-7161
- Must be reported within 300 days from the last date of the alleged unlawful conduct.
- See also UMC's Equal Opportunity, Non-Discrimination and Anti-Harassment Action Plan policy booklet on the intranet.