# **Legal Information**

Radford University’s Statement of Nondiscrimination states: “Radford University is committed to providing an environment that emphasizes the dignity and worth of every member of its community and that is free from harassment and discrimination based on race, sex, color, national origin, religion, age, veteran status, sexual orientation, gender identity, pregnancy, genetic information, against otherwise qualified persons with disabilities, or based on any other status protected by law.

The following is a summary of the major Equal Employment Opportunity (EEO) laws and executive orders to which Radford University must adhere in its recruitment practices. It is important for each person involved in recruitment to be familiar with these legal requirements.

**The Age Discrimination in Employment Act (ADEA)** prohibits employers of twenty or more people from discriminating against individuals 40 years of age or older, encourages the hiring and promotion of older employees, and requires that hiring decisions be based on abilities rather than age.

**The Americans with Disabilities Act (ADA)** prohibits discrimination against individuals with a qualifying disability and requires that employers offer reasonable accommodations to those individuals so that they have equal opportunity to apply for job openings. This law also prohibits pre-employment medical inquiries and/or examinations and prohibits the employer from excluding a qualified applicant if he or she can perform the essential duties of the position. Under the ADA, employers may ask questions to determine if an applicant can perform the specific functions of the job but the questions must focus on the candidate’s ability and not his or her disability. Thus, all questions asked of applicants must be sensitive to the requirements of this law.

**The Equal Pay Act (EPA)** requires equal pay for men and women performing jobs which involve similar skill, effort, responsibility, and working conditions. The content of the job, not the job title or description, is the basis for determining whether jobs are comparable. Accordingly, all salaries for positions at Radford University are established based on the content of the job and salaries for similar positions at benchmark institutions.

**The Immigration Reform and Control Act (IRCA)** prevents employment of illegal aliens by requiring employers to ensure applicants are legally eligible for employment in the United States. This is done by the completion of an Employment Eligibility Verification form (I-9) within three days of hire. Applicants may be asked to complete Section 1 of the form upon accepting the employment offer. The IRCA also prohibits discrimination on the basis of nationality or citizenship for individuals authorized to work in the United States. Additional information on international hiring is provided in the University’s International Hiring Guide which is available from the University Immigration Counselor in the International Programs Office. A summary of these guidelines is given in appendix E.

**The Civil Rights Act of 1964 (Title VII)** is a federal law that prohibits discrimination in employment practices based on a person’s race, color, sex, national origin, or religion. Virginia state law has expanded the federal law to include a prohibition of discrimination on age, marital status, and disability. The objective is to encourage employment decisions and actions regarding true employment qualifications. The recruitment process provided in this guide requires the establishment of qualifications for each position before the position is advertised and adherence to these qualifications in the review of applicants.

**The Pregnancy Discrimination Act of 1978** is a federal law that amends Title VII of the Civil Rights Act. This law makes it illegal to refuse employment to a woman based on pregnancy, childbirth, or any related medical condition.

**Uniformed Services Employment and Reemployment Rights Act (USERRA)** is a federal law that requires employers to provide leave for all employees and to guarantee reinstatement rights regardless of whether the military service is voluntary or involuntary. The Act prohibits employers from discriminating in employment and retaliating against persons for reasons related to past, present, or future service in a “uniformed service”.

**Veteran’s Preference** is an executive order that protects the rights of veterans who apply for employment with the Commonwealth. The Act requires that veterans receive preferential hiring treatment provided the veteran meets all of the minimum requirements for the position. If the veteran is denied employment with the Commonwealth, s/he has the right to request and inspect information regarding reasons for denial.

**Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA)** is a federal law that prohibits federal contractors and subcontractors from discriminating in employment against protected veterans and requires these employers to take affirmative action to recruit, hire, promote and retain these veterans.