



August 2013

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## The Uniformed Services Employment and Reemployment Rights Act of 1994

*By Johanna Pate, Chairperson, NRCS Louisiana*



Many of our NRCS employees are veterans and/or have family members that are veterans. One of the laws designed to protect our veterans' rights is known as USERRA. As a mother of a son who is currently on his 3rd deployment in the last 6 years, I felt compelled to find out as much information about his job security upon returning home as I could. I only had to look as far as the NRCS bulletin board.

USERRA stands for Uniformed Service Employment and Reemployment Rights Act. It was passed in 1994. It seeks to ensure that members of the uniformed services are entitled to return to their civilian employment upon completion of their service. They should be reinstated with the seniority, status, and rate of pay they would have obtained had they remained continuously employed by their civilian employer. The law also protects individuals from discrimination in hiring, promotion, and retention on the basis of present and future membership in the armed services.

To qualify for USERRA's reemployment rights, a service member must meet the following eligibility criteria:

- The service member must have left a civilian job
- The service member must have given notice to the employer that

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- he/she was leaving to perform military service
- The military service must not exceed five years (although there are a few exceptions)
  - The service member must have had an honorable discharge
  - The service member must have reported back to work within the appropriate time constraints

Additionally, service members are entitled to immediate reinstatement of health insurance for the member and previously covered dependents with no waiting period and no exclusion of preexisting conditions other than those that are military service-related. Employers must reemploy service members who are disabled because of their military service in a position most nearly approximating their former position if they can no longer perform that job.

Federal law requires employers to notify employees of their rights under USERRA. Employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

## What is “Religion” Under Title VII?

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*By Johanna Pate, Chairperson, NRCS Louisiana*

From: The U.S. EEOC-  
[http://www.eeoc.gov/policy/docs/quanda\\_religion.html](http://www.eeoc.gov/policy/docs/quanda_religion.html).

Title VII of the Civil Rights Act of 1964 prohibits employers with at least 15 employees, as well as employment agencies and unions, from discriminating in employment based on race, color, religion, sex, and national origin. It protects all aspects of religious observance and practice as well as belief and defines religion very broadly for purposes of determining what the law covers. For purposes of Title VII, 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. An employee’s belief or practice can be “religious” under Title VII even if the employee is affiliated with a religious group that does not espouse or recognize that individual’s belief or practice, or if few or no other people adhere to it. Title VII’s protections also extend to those who are discriminated against or need accommodation because they profess no religious beliefs.

### How might First Amendment constitutional issues arise in Title VII religion cases?

The First Amendment religion and speech clauses (“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech”) protect individuals against restrictions imposed by the government, not by private entities, and therefore do not apply to rules imposed on private sector employees by their employers. The First Amendment, however, does protect private sector employers from government interference with their free exercise and speech rights. Moreover, government employees’ religious expression

is protected by both the First Amendment and Title VII.

What should an applicant or employee do if he believes he has experienced religious discrimination?

Federal sector employees and applicants should contact the EEO office of the agency responsible for the alleged discrimination to initiate EEO counseling. For more details, see How to File a Charge of Employment Discrimination, <http://www.eeoc.gov/employees/charge.cfm>.

## Title IX - Working to Ensure Gender Equity in Education

By Johanna Pate, Chairperson, NRCS Louisiana



On June 23, 1972, President Richard Nixon signed Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., into law.

The law states *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."*

The following information was obtained from *Title IX at 40: Working to Ensure Gender Equity in Education* written by the National Coalition for Women and Girls in Education (NCWGE), Washington D.C., 2012.

Title IX is not an entitlement program; it offers no special benefits or advantages for girls and women. It is a gender neutral piece of legislation designed to ensure equality in education for all students by eliminating sex-based discrimination. Title IX and related regulations provide guidelines, procedures, and tools for preventing and addressing inequities that can hinder students' ability to succeed in school and beyond.

Following are ten facts about Title IX, including both familiar and lesser-known aspects of the legislation.

1. **In schools that receive federal funding, Title IX protects all students** - male and female- from discrimination on the basis of sex.
2. **Title IX also prohibits sex discrimination in employment**, protecting school staff as well as students.
3. **Title IX requires schools to provide male and female students with equal opportunities** to participate in athletics; it does not set quotas or demand equal funding-for different sports.
4. **Title IX mandates equity in career and technical education programs**, including those traditionally dominated by men (e.g., construction, IT) as well as those traditionally dominated by women

(e.g., nursing)

5. **Title IX protects girls' and women's rights to equity in STEM education**, including equal opportunities and access to institutional resources
6. **Title IX offers both male and female students protection against sex-based harassment** from teachers, school staff, other students, and school visitors
7. **Title IX sets strict limits on programs that separate girls and boys**, and prohibits the discrimination that can occur when such programs are based on gender stereotypes
8. **Title IX protects students from being refused enrollment** or excluded from school-related activities because of pregnancy or parenting status
9. **Title IX requires schools to adopt and disseminate policies** prohibiting sex discrimination, develop grievance procedures, and designate a Title IX coordinator to oversee compliance. Title IX protects students and staff from retaliation for reporting violations.
10. **Over the past 40 years, major gains in female participation** in areas such as science, math, business, and athletics have shown that girls and women have both the interest and the aptitude to succeed in these fields-without detracting from opportunities for males.

If interested in learning more about Title IX, visit the U.S. Department of Education Office for Civil Rights (OCR) at <http://www2.ed.gov/about/offices/list/ocr/index.html>.



Civil Rights  
newsletter  
April-May-June 2013

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