



# Facts About Race/Color Discrimination

Nevada state law and Title VII of the Civil Rights Act of 1964 protect individuals against employment discrimination on the basis of race and color.

It is unlawful to discriminate against any employee or applicant for employment because of his/her race or color in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. The law also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. The law prohibits both intentional discrimination and neutral job policies that disproportionately exclude minorities and that are not job related.

Equal employment opportunity cannot be denied because of marriage to or association with an individual of a different race; membership in or association with ethnic based organizations or groups; or attendance or participation in schools or places of worship generally associated with certain minority groups.

Persons who file a charge, oppose unlawful employment discrimination, participate in employment discrimination proceedings, or otherwise assert their rights under the laws enforced by the Commission are protected against retaliation.

## Race-Related Characteristics and Conditions

Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features violates the anti-discrimination laws, even though not all members of the race share the same characteristic.

The law also prohibits discrimination on the basis of a condition which predominantly affects one race unless the practice is job related and consistent with business necessity. For example, a preference for a "no-beard" employment policy may discriminate against African-American men who have a predisposition to pseudofolliculitis barbae (severe shaving bumps), unless the policy is job related and consistent with business necessity.

## Harassment

Harassment on the basis of race and/or color violates the law. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color constitutes unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual's work performance.

# Segregation and Classification of Employees

State and federal law prohibit an employer from segregating minority employees by physically isolating them from other employees or from customer contact and by assigning primarily minorities to predominantly minority establishments or geographic areas. It is also illegal to exclude minorities from certain positions or to group or categorize employees or jobs so that certain jobs are generally held by minorities. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where minorities are excluded from employment or from certain positions.

## Pre-Employment Inquiries

Requesting pre-employment information which discloses or tends to disclose an applicant's race suggests that race will be unlawfully used as a basis for hiring. Solicitation of such pre-employment information is presumed to be used as a basis for making selection decisions. Therefore, if members of minority groups are excluded from employment, the request for such pre-employment information would likely constitute evidence of discrimination.

However, employers may legitimately need information about their employees' or applicants' race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use "tear-off sheets" for the identification of an applicant's race. After the applicant completes the application and the tear-off portion, the employer separates the tear-off sheet from the application and does not use it in the selection process.

## If You Think You Have Been Discriminated Against Because Of Race or Color, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission  
1820 East Sahara Avenue, Suite 314  
Las Vegas, NV 89104

PH: 702 486-7161  
Fax: 702-486-7054

Nevada Equal Rights Commission  
1675 E. Prater Way, Suite 103  
Sparks, NV 89434

PH: 775-823-6690  
Fax: 775-688-1292

Or visit us on the Internet

[www.detr.state.nv.us](http://www.detr.state.nv.us)

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)  
at 1-800-669-4000 or on the Internet at <http://www.eeoc.gov/>