Federal Regulation
Of Personnel and Human
Resource Management

James Ledvinka
University of Georgia

Kent Human Resource Management Series
Richard W. Beatty, University of Colorado at Boulder
Series Consulting Editor
Contents

Introduction: The Regulatory Model 1

Chapter Objectives 4
How Regulation Has Changed 4
The Effectiveness of Management Responses to the Federal Presence 8
The Regulatory Model 9
Practical Implications of the Regulatory Model 14
Notes 15

PART I Equal Employment Opportunity 17

2 Basic Principles of EEO 19

Chapter Objectives 22
The Regulatory Model Applied to EEO 22
Congressional Intent: The Key to Understanding the Meaning of Title VII 33
What Is Illegal Discrimination? 36
Evidence and Proof: An Introduction 45
Has EEO Legislation Worked? 48
Further Information on EEO 50
Notes 51

3 Sex Discrimination 53
Chapter Objectives 55
Legislative History 55
Types of Sex Discrimination 58
Notes 69

4 EEO Classifications Other Than Race and Sex 71
Chapter Objectives 72
Age Discrimination 73
Handicap Discrimination 77
Religious Discrimination 81
Employment in the Public Sector 84
Notes 87

5 Evidence and Proof in EEO Cases 89
Chapter Objectives 91
Why Study Evidence and Proof? 92
The Prima Facie Case: General Considerations for Statistical Proof of Discrimination 93
Stock Analysis: Representativeness 94
Flow Analysis: Impact on Actual and Potential Applicants 101
Pay Analysis 103
Proof of Job Relatedness: The Uniform Guidelines on Employee Selection Procedures 105
Notes 114

6 Affirmative Action 117
Chapter Objectives 118
Definitions of Affirmative Action 118
The Legal Status of Preferential Treatment 119
Affirmative Action for Government Contractors 124
Notes 132

PART II Employee Safety and Health 135

7 Workers' Compensation Laws 137
Why Workers' Compensation Is a Personnel Concern 139
Chapter Objectives 140
Problems Leading to the Laws 140
The Nature of Workers' Compensation Laws 144
The Regulatory Apparatus Applicable to Workers' Compensation 145
Interpretation of the Law: What Is a Compensable Injury? 147
Management Responses 149
Has Workers' Compensation Worked? 150
Further Information on Workers' Compensation 153
Notes 154

8 The Occupational Safety and Health Act 156
Chapter Objectives 159
Problems Leading to the Law 159
The Law: Obligations of Employers and Employees 165
9 *The Impact of OSHA* 181

Chapter Objectives 182
Start-Up Problems 182
More Enduring Problems 184
Do Benefits Outweigh Costs 188
Causes: The Dynamics of OSHA's Ineffectiveness 191
Management Responses to OSHA 197
Notes 198

PART III Employee Pension and Benefit Plans 201

10 *Regulation of Employee Pension and Benefit Plans: Origins* 203

Chapter Objectives 207
How Retirement Plans Operate 207
Problems with Retirement Plans 213
The Politics of Pension Reform 217
Notes 221


Chapter Objectives 223
How ERISA Responds to Retirement Plan Problems 224
Agencies 231
The Impact of ERISA 232
Further Information on ERISA 238
Notes 239

PART IV Other Areas 241

12 Other Regulations: Unemployment Compensation, Wage-Hour Law, and Privacy Legislation 243

Chapter Objectives 243
Unemployment Compensation 244
Wage-Hour Law 249
Privacy Regulation 253
A Final Word 258
Notes 259

Case Index 261

Subject Index 265