

EEOC to Release Draft Affirmative Action Guidelines

By Linda LeBlanc

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The EEOC will release new guidelines on affirmative action sometime early this year, according to an article in the January, 2000 edition of Federal EEO Advisor (FEA).

The article informs that the document is currently in the final draft stage, and will address legal developments in affirmative action since the EEOC's last guide was issued more than 10 years ago.

The civil rights community had urged the EEOC to update its guidance in light of the Supreme Court's landmark *Adarand vs. Peña* decision, the article notes. It quotes Avis Buchanan, an attorney with the Washington Lawyer's Committee for Civil Rights and Urban Affairs. "While *Adarand* did not do away with affirmative action, its effect on employers was just as devastating. It has made employers more sensitive."

After *Adarand* was handed down, the Clinton administration promised that it would "mend, not end" affirmative action, and the Justice Department issued a policy guide. But the article points out that some have complained that the guidelines are too technical, and do not clearly lay out the requirements for a federal affirmative action program.

Julius Crouch, chairman of affirmative action issues for Blacks in Government, says that many Federal agencies are unclear about the definition of what a "lawful" affirmative action program entails. The publication quotes Crouch as saying: "For all intents and purposes affirmative action is dead, but it is still the law."

According to the article, the EEOC said it was "premature" to provide details on the guide, but explained that it will update the previous management directive "to comply with legal developments."

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