

## REVISIONS TO CERTIFIED PERSONNEL CONSULTANTS LEGAL MANUAL

Please insert the following changes in the Certified Personnel Consultants Legal Manual, where noted, to reflect legal developments since the most recent printing.

1. On **page 1-15**, add a paragraph immediately before the paragraph beginning with “Both factors” to read: “Some individuals may have a condition that, if not treated, would substantially limit a major life activity, but does not because they use a mitigating measure, such as medication, a prosthesis, or hearing aid. In many cases, use of a mitigating measure will mean that the individual does not meet the definition of “having a disability.” Not all mitigating measures automatically exclude an individual from the definition of a disability. For example, a paraplegic who uses a wheelchair is still disabled, while a myopic person whose vision is corrected by glasses probably would not be disabled.”

2. On **page 1-32**, change the section headed “Citizenship” to read:

**Citizenship** - A personnel consultant may not inquire whether the applicant is a United States citizen unless such information is necessary for security clearance purposes, because to do so would violate the Immigration Reform and Control Act. One also may not discriminate between those whose citizenship is obtained by virtue of being born in the United States and those who are naturalized. One may ask all candidates whether they have the legal right to remain permanently in the United States and to work here.”

3. On **page 1-34**, change “**Sexual Preference**” to “**Sexual Orientation.**”

4. On **page 1-59**, in the first sentence on the page (beginning with “in a quid pro quo case”) delete the words “unless it took definite prompt action to stop the harassment.”

Also on **page 1-59**, in the paragraph beginning with “The question of whether” delete the first two sentences and replace them with “An employer may not be liable in a hostile environment case if the employer neither knew nor had reason to know that the sexual harassment was taking place.”

5. On **page 1-82**, paragraph 2a should read “**None:** Arkansas, Mississippi, and South Dakota.”

In paragraph 2b, delete “and” and add “and North Carolina” to the end of the sentence.

In paragraph 2c, delete “Louisiana,” “North Carolina,” and “Rhode Island.”

In paragraph 2d, add “Alabama” before “Arizona.” Add “Louisiana” after “Kentucky.” Add “Rhode Island” after “Pennsylvania.” Add “Virginia” after “Utah.”

Delete paragraph 2e.

Paragraph 2f should be numbered 2e and add “District of Columbia” before “Iowa.”

In paragraph 4, add “Colorado” before “Connecticut.” Add “Delaware” before “District of Columbia.” Delete “Kansas.”

In paragraph 7, add “Maine” before “Massachusetts.” Add “New Hampshire” before “New Jersey.”

6. On **page 3-8**, in the title, change “of” to “to.”

7. On **page 4-5**, delete the paragraph beginning with “Neither party in the Lutz case.” Substitute “As of this writing, there is a regulatory exemption for firms with whom the sender of an unsolicited fax has had a “prior business relationship.” This exemption, which would probably permit the sending of unsolicited faxes to companies with whom placement firms have previously made placements, is scheduled to expire on January 1, 2005. There is currently legislation pending in Congress that would extend the exemption, so anyone planning on sending unsolicited faxes after January 1, 2005, should check with counsel before doing so.”