# NONDISCRIMINATION AND AFFIRMATIVE ACTION

## Nondiscrimination

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. **In the La Center School District that means we will treat every individual we recruit, hire, retain, assign, transfer, promote and/or train fairly and without discrimination.**

**Specifically, federal law requires us to provide** ~~Such~~ equal employment ~~opportunity shall be provided~~ **opportunities** without discrimination with respect to race, creed, color, national origin, age, sex, marital status**,** ~~or~~ qualified individuals with disabilities**, religion, veteran or military status, sexual orientation, gender expression or identity or the use of a trained guide or service animal and provide equal access to the Boy Scouts and other designated youth groups**. The district may give preference to a United States citizen or national over an authorized alien if two candidates are equally qualified.

The board shall designate the superintendent to serve as affirmative action/ Title IX Compliance officer.

## Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which shall make effective equal employment opportunities for staff and applicants for employment. Such affirmative action shall include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, handicapped, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action shall also include recruitment, selection, training, education and other programs.

The superintendent shall develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups--aged, handicapped, ethnic minorities and women and Vietnam veterans, although under state law racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall be reported annually to the board.

## Employment of Persons With Disabilities

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions shall prevail:

A. No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination, and the district shall not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or

status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.

B. The district shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the district program. Such reasonable accommodations may include:

   1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
   2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions. In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.

C. The district shall not make use of any employment test or criteria that screens out persons with disabilities unless:

   1. The test or criteria is clearly and specifically job-related; and
   2. Alternative tests or criteria that do not screen out persons with disabilities are available.

D. While the district may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.

E. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

## Nondiscrimination for Military Service

The district will not discriminate against any person who is a member of, applies to be a member or, performs, has performed, applies to perform, or has an obligation to perform service in an uniformed service, on the basis of that participation in an uniformed service. This includes in initial employment, retention in employment, promotion, or any benefit of employment. The district will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

| | | |
|---|---|---|
| Cross References: | Board Policy 5270 | Resolution of Staff Complaints |
| | Board Policy 5407 | Military Leave |
| Legal References: | RCW 28A.400.310 | Law against discrimination applicable to district's employment practices |
| | RCW 28A.640.020 | Regulations, guidelines to eliminate discrimination — Scope |
| | RCW 49.60 | Law Against Discrimination |
| | RCW 49.60.030 | Freedom from discrimination |
| | RCW 49.60.180 | Unfair practices of employer defined |
| | RCW 49.60.400 | Affirmative action, discrimination prohibited (I-200) |
| | Chapter 73.16 RCW | Employment and Re-employment |

| | |
|---|---|
| WAC 392-200 | Employment Discrimination |
| WAC 392-200-015 | Public school employment — Affirmative action program |
| 42 USC 2000c – 2000c-9 | Title VII of the Civil Rights Act of 1964 |
| 42 USC 2000h – 2000h-6 | Title IX Educational Amendments of 1972 |
| 42 USC 12101 – 12213 | Americans with Disabilities Act |
| 29 USC 706 | |
| 8 USC 1324a and 1324b | (IRCA) Immigration Reform and Control Act of 1986 |
| 38 USC §§ 2021 -2024 | Uniformed Services Employment and Reemployment Rights Act |
| 45 CFR 84 Sec 504 | Vocational Rehabilitation Act of 1973 |
| Executive Order 11246 Amended by Executive Order 11375 | |

| | |
|---|---|
| Management Resources: *Policy News*, June 2001 | State Updates Military Leave Rights |