

## BOARD POLICY

5010

SUBJECT: Nondiscrimination

### **Nondiscrimination**

Olympic Educational Service District 114 will provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity will be provided without discrimination with respect to race, creed, religion, color, national origin, age, veteran or military status, sexual orientation including gender expression or identity, marital status, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability in its programs and activities, or other basis protected by applicable law. Equal access to activities, facilities and programs is provided to the Boy Scouts of America and other designated youth groups.

The superintendent or designee will develop and implement procedures addressing the elements of this policy, as well as appoint a compliance officer to receive complaints and ensure policy implementation.

### **Employment of Persons with Disabilities**

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

- A. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and OESD 114 will 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. OESD 114 will 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 OESD 114 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 OESD 114, factors to be considered include the nature and cost of the accommodation;

- C. OESD 114 will 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 unavailable.
- D. While OESD 114 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; and
- 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.

4. Nondiscrimination for Military Service

OESD 114 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 a uniformed service, on the basis of that participation in a uniformed service. This includes initial employment, retention in employment, promotion or any benefit of employment. OESD 114 will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

LEGAL REFERENCE:

RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies  
RCW 28A.642 Discrimination prohibition  
RCW 49.60 Discrimination – Human Rights Commission  
RCW 49.60.030 Freedom from discrimination — Declaration of civil rights  
RCW 49.60.180 Unfair practices of employers  
RCW 49.60.400 Discrimination, preferential treatment prohibited  
RCW 73.16 Employment and Reemployment  
42 USC 2000e1–2000e10 Title VII of the Civil Rights Act of 1964  
20 USC § 1681-1688 Title IX Educational Amendments of 1972  
42 USC 12101 – 12213 Americans with Disabilities Act  
8 USC 1324 (IRCA) Immigration Reform and Control Act of 1986  
38 USC § 4301-4333 Uniformed Services Employment and Reemployment Rights Act  
29 USC 794 Vocational Rehabilitation Act of 1973  
34 CFR § 104 Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance  
Boy Scouts of America Equal Access Act of 2001

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