

OLYMPIC ESD 114 BOARD POLICY NONDISCRIMINATION

POLICY 5010

Olympic Educational Service District 114 (OESD) 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, honorably-discharged veteran or military status, sex, 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

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 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 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.

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
38 USC 4212 Vietnam Era Veterans Readjustment Act of
1974 (VEVRAA)
Boy Scouts of America Equal Access Act of 2001

Date Adopted: October 20, 1988

Revised: October 17, 1996, October 18, 2007, November 16, 2015, November 20, 2018

Renumbered: from 3120 - January 21, 2016