Nondiscrimination

Nondiscrimination

ESD 123 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 dog guide or service animal by a person with a disability. Domestic partners registered with the state of Washington will be offered the same rights/benefits as spouses to the extent that treatment is not in conflict with state or federal law. The Superintendent will designate a staff member to serve as the Compliance Officer.

Employment of Persons with Disabilities

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

1. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination, and ESD 123 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.
2. ESD 123 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 the ESD 123 program. Such reasonable accommodations may include: in determining whether or not accommodation would impose an undue hardship on ESD 123, factors to be considered include the nature and cost of the accommodation.
    A. making facilities used by staff readily accessible and usable by persons with disabilities; and,
    B. 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.
3. ESD 123 will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, ESD 123 will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.
4. While ESD 123 may not make a 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.
5. 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 Procedure 5010-P.

Nondiscrimination for Military Service

ESD 123 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. ESD 123 will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

First Reading: 10/28/2021
Second Reading: 11/16/21
Adoption: 11/16/21

Reference:

RCW 28A.310.010 Purpose.
RCW 28A.400.310 Law against discrimination applicable to districts' employment practices.
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
WAC 392-190 Equal educational opportunity—Unlawful discrimination prohibited
WAC 392-190-0592 Public school employment—Affirmative action program.
42 USC 2000e1 Exemption - 2000e10 Posting of notices; penalties
20 USC § 1681 Sex - 1688 Neutrality with respect to abortion
42 USC §§ 12101 Findings and purpose - 12213 Defenses
38 USC §§ 4301 Purposes; sense of Congress - 4333 Outreach
8 USC 1324 Bringing in and harboring certain aliens
29 USC 794 Nondiscrimination under Federal grants and programs
34 CFR § 104 Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance
38 USC § 4212 Veterans' employment emphasis under Federal contracts

Cross Reference:

Policy 2030 - Service Animals in Programs
Policy 5407 - Military Leave