

NONDISCRIMINATION

Nondiscrimination

The NWESD 189 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, citizenship or immigration status, 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 the NWESD 189 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) The NWESD 189 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 NWESD 189 program. Such reasonable accommodations may include:
 - 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.

In determining whether or not accommodation would impose an undue hardship on the NWESD 189, factors to be considered include the nature and cost of the accommodation.
- 3) The NWESD 189 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, the NWESD 189 will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.

- 4) While the NWESD 189 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.
- 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

The NWESD 189 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 in initial employment, retention in employment, promotion, or any benefit of employment. The NWESD 189 will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

First Reading:

- Second Reading: 08/27/84 (as 4120)
- Revised: 02/26/92 (as 4120)
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- Revised: 04/25/12
- Revised: 10/24/12
- Revised: 10/26/16
- Revised: 05/24/17
- Revised: 06/23/21

Reference:

- RCW 28A.310.010
- RCW 28A.400.310
- RCW 28A.640.020
- RCW 28A.642
- RCW 49.60
- RCW 49.60.030
- RCW 49.60.180
- RCW 49.60.400
- RCW 73.16
- WAC 392-190
- WAC 392-190-0592
- 42 USC 2000e1-2000e10
- 20 USC § 1681-1688
- 42 USC §§ 12101-12213
- 38 USC §§ 4301-4333
- 8 USC 1324
- 29 USC 794
- 34 CFR § 104
- 38 USC § 4212

Cross Reference:

- Policy 2030
- Policy 5407