NONDISCRIMINATION IN EMPLOYMENT

Note: Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective November 21, 2009, with implementing regulations effective July 18, 2016, protects applicants and employees from employment discrimination based on genetic information. Employers are prohibited from discriminating in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers’ acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

The district and its employees shall not unlawfully discriminate against or harass employees or job applicants on the basis of sex, race, religion, color, national origin, gender identity, disability, sexual orientation, any other classification protected by law or good faith reporting to the board on a matter of public concern.

The district may provide optional wellness programs to seek to improve health or prevent disease. All wellness programs must be in accord with applicable state and federal law. An employee may not be discriminated against in employment because of the medical information they provide as part of participating in the wellness program, nor may they be subject to retaliation for choosing not to participate.

(cf. 4119.11 - Sexual harassment)

Note: The Americans with Disabilities Act sets forth an employers’ duty to reasonably accommodate persons with disabilities.

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The district shall not discriminate against persons with physical or mental disabilities who, with or without reasonable accommodation, can perform the essential functions of the job in question.

(cf. 4119.41 - Employees with Infectious Disease)
(cf. 4161.4 – Family and Medical Leave)

Note: Federal Regulations (45 CFR, Section 86.9) require federal aid recipients to take "continuing steps" to notify applicants for employment that, in compliance with Title IX, they do not discriminate on the basis of sex. Districts employing 15 or more persons also must give "continuing" notification about nondiscrimination on the basis of handicap. (Vocational Rehabilitation Act of 1973)

The Superintendent or designee shall post notice and use other appropriate means to inform district employees of their protections and obligations under the Alaska Whistleblower Act.

(cf. 1312.3 - Complaints Concerning Discrimination)
(cf. 4111.1 - Affirmative Action)
All Personnel

BP 4030(b)

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference:

ALASKA STATUTES
14.18.010 Discrimination based on sex and race prohibited
14.18.020 Discrimination in employment prohibited
14.18.090 Enforcement by state board of education
18.80.220 Unlawful employment practices
39.90.100 Nondiscrimination – Protection for whistleblowers

ALASKA ADMINISTRATIVE CODE
4 AAC 06.510 Discrimination in hiring practices

CIVIL RIGHTS RESTORATION ACT
20 U.S.C. 1683 et seq.

VOCATIONAL REHABILITATION ACT OF 1973, SECTIONS 503 AND 504
29 U.S.C. 791 et seq.

AGE DISCRIMINATION IN EMPLOYMENT ACT
29 U.S.C. 621 et seq.

VIETNAM ERA VETERANS’ ACT
38 U.S.C. 2011 et seq.

AMERICANS WITH DISABILITIES ACT
42 U.S.C. 12101 et seq.

CODE OF FEDERAL REGULATIONS
29 C.F.R. §1635.8 Acquisition of genetic information

SITKA SCHOOL DISTRICT
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