

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT BOARD OF EDUCATION
AGENDA STATEMENT

No. 8 a

MEETING OF January 12, 2022

REVIEWED BY:

ITEM TITLE:

PUBLIC HEARING - POLICY

Approval of revisions to Board Policy 4030 -
Nondiscrimination in Employment in second reading

Policy Committee

SUBMITTED BY: The Policy Committee

APPROVED FOR SUBMITTAL:

Melissa Brooks-Johnson, Interim Superintendent

SUMMARY STATEMENT:

The Policy Committee is suggesting revisions to the Board Policy 4030 - Nondiscrimination in Employment.

ISSUE/BACKGROUND:

Board Bylaw 9300 states that "The formulation and adoption of written Board policies shall constitute the basic method by which the Board shall govern the school district." Board Policy 0500 and Board Bylaw 9311 both address the ongoing review of district policies and programs by the School Board.

The Policy Committee is proposing to add language to this policy. That language is indicated by bold and underlined text.

The policy with suggested revisions was approved in first reading at the Board's regular meeting on December 15, 2021.

ATTACHMENTS:

- BP 4030 with suggested additional language to be inserted.

RECOMMENDED ACTION:

"I move that the Board of Education approve revisions to Board Policy 4030 - Nondiscrimination in Employment in second reading."

NONDISCRIMINATION IN EMPLOYMENT

Note: Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which became effective November 21, 2009, 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, **retaliate against** or harass employees or job applicants on the basis of sex, sexual orientation, race, creed, color, religion, national origin, ancestry, age, marital status, changes in marital status, pregnancy, parenthood, physical or mental disability, Vietnam era veteran status, genetic information; **status as a survivor of domestic violence, sexual violence, or stalking; or** good faith reporting to the Board on a matter of public concern, or opposing a practice prohibited under AS 18.80.200-280 or because a person has filed a complaint, testified, or assisted in a proceeding under Chapter 18.80 of the Alaska Statutes.

(cf. 4119.11 - Sexual harassment)

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)

The Superintendent or designee shall publicize this policy annually throughout the district and the community.

(cf. 1312.3 - Complaints Concerning Discrimination)

(cf. 4111.1 - Affirmative Action)

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 and Early Development
- 18.80.220 Unlawful employment practices
- 39.90.100 Nondiscrimination – Protection for whistleblowers

ALASKA ADMINISTRATIVE CODE

- 4 AAC 06.510 Discrimination in hiring practices

NONDISCRIMINATION IN EMPLOYMENT (continued)

Legal Reference (cont.):

29 U.S.C. 621- 634 Age Discrimination in Employment Act

29 U.S.C. 791 et seq. Vocational Rehabilitation Act of 1973, Sections 503 and 504

38 U.S.C. 2011 et seq. Vietnam Era Veterans' Act

42 U.S.C. Ch. 21F Prohibiting Employment Discrimination on the Basis of Genetic Information

42 U.S.C. 2000d-200d-7 Title VI of the Civil Rights Act

42 U.S.C. 2000e-2000e-17 The Equal Employment Opportunities Act

42 U.S.C. 12101 – 12213 American With Disabilities Act

KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Adoption Date: 10/13/99

Revision Date: 10/9/02

Revision Date: 7/14/2010

Revision Date: 6/13/2018

Revision Date: __/__/2021