

No person shall, in the Aberdeen School District No. 58, on the basis of race, color, national origin, age, disability status, sex, or religion be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment, or recruitment, consideration, or selection thereof, whether full-time or part-time, under any education program or activity except as provided by law.

Aberdeen School District No. 58 shall make all employment decisions in any education program or activity in a nondiscriminatory manner and shall not limit, segregate, or classify applicants or employees in any way which could adversely affect any applicant's or employee's employment opportunities or status because of the above conditions except as provided by law.

Aberdeen School District No. 58 shall not enter into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination prohibited by this part, including relationship with employment and referral agencies, with labor unions, and with organizations providing or administering fringe benefits to employees of Aberdeen School District No. 58.

Specific areas of equal opportunity assurance that apply are as follows:

#### APPLICATION

1. Recruitment, advertising, and the process of application for employment;
2. Hiring, upgrading, promotion, consideration for and award of tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff and rehiring;
3. Rates of pay or any other form of compensation, and changes in compensation;
4. \*Job assignments, classifications and structure, including position description, lines of progression, and seniority lists;
5. The terms of any collective bargaining agreement;
6. Granting and return from leaves of absence, leave for pregnancy, childbirth, false pregnancy, termination of pregnancy, leave for persons of either sex to care for children or dependents, or any other leave;
7. Fringe benefits available by virtue of employment, whether or not administered by the District;
8. Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, selection for sabbaticals and leaves of absence to pursue training;
9. Employer-sponsored activities, including social or recreational programs; and

10. Any other term, condition or privilege of employment.

**RECRUITMENT**

Nondiscriminatory recruitment and hiring. Aberdeen School District No. 58 shall not discriminate on the basis of sex, race, color, national origin, disability status, or religion in the recruitment and hiring of employees except as provided by law.

**COMPENSATION**

Aberdeen School District No. 58 shall not make or enforce any policy or practice which, on the basis of sex:

- a. makes distinctions in rates of pay or other compensation.
- b. results in the payment of wages to employees of one sex at a rate less than that paid to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

**JOB CLASSIFICATIONS AND STRUCTURE**

Aberdeen School District No. 58 shall not:

- a. classify a job as being for males or for females.
- b. maintain or establish separate lines of progression, seniority lists, career ladders, or tenure systems for similar jobs, position descriptions, or job requirements which classify persons on the basis of sex, unless sex is a bona-fide occupational qualification for the positions in question.

**FRINGE BENEFITS**

- a. "Fringe benefits" defined. For the purpose of definition, "fringe benefits" means: any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment not subject to the foregoing provision.
- b. Prohibitions: Aberdeen School District No. 58 shall not:
  - (1) discriminate on the basis of sex with regard to making fringe benefits available to employees or make fringe benefits available to spouses, families, or dependents of employees differently upon the basis of employee's sex.

- (2) administer, operate, offer, or participate in a fringe benefit plan which does not provide either for equal periodic benefits for members of each sex, or for equal contributions to the plan by such recipient for members of each sex.
- (3) administer, operate, offer, or participate in a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex or which otherwise discriminates in benefits on the basis of sex.

**MARITAL OR PARENTAL STATUS**

- A. **General.** Aberdeen School District No. 58 shall not apply any policy or take any employment action:
  1. concerning the potential marital, parental, or family status of an employee or applicant for employment which treats persons differently on the basis of sex.
  2. which is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.
- B. **Pregnancy.** Aberdeen School District No. 58 shall not discriminate against or exclude from employment any employee or applicant for employment on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom.
- C. **Pregnancy leave.** If an employee with insufficient leave or accrued employment time to qualify for leave under district policy, Aberdeen School District No. 58 shall treat pregnancy, childbirth, false pregnancy, termination of pregnancy and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status which she/he held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

**EFFECT OF STATE OR LOCAL LAW OR OTHER REQUIREMENTS.**

- A. **Prohibitory requirements.** The obligation to comply is not obviated or alleviated by the existence of any state or local law or other requirement which imposes prohibitions or limits upon employment of members of one sex which are not imposed upon members of the other sex.

B. Benefits. If Aberdeen School District No. 58 provides any compensation, service, or benefit to members of one sex pursuant to a state or local law or other requirement, it shall provide the same compensation, service, or benefit to members of the other sex.

ADVERTISING

Aberdeen School District No. 58 shall not in any advertising related to employment indicate preference, limitation, specifications, or discrimination based on sex unless sex is a bona-fide\* occupational qualification for the particular job in question.

\*SEX AND PHYSICAL CONDITIONS MAY BE BONA-FIDE OCCUPATIONAL QUALIFICATIONS

Aberdeen School District No. 58 may take action otherwise prohibited provided it is shown that sex or physical condition is a bona-fide occupational qualification for that action, such that consideration of sex or physical condition with regard to such action is essential to successful operation of the employment function concerned.

**References: Division of Human Resources of IDH&W and Federal Laws Section 504 and ADA**

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**ADOPTED:** January 12, 2000