



WINDHAM SCHOOL
DISTRICT

NUMBER: WBP-07.52
DATE: June 24, 2016
PAGE: 1 of 4
SUPERSEDES: None

WINDHAM BOARD POLICY

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

AUTHORITY: *Equal Pay Act of 1963*, 29 U.S.C. § 206(d); *Age Discrimination in Employment Act of 1967* (ADEA), as amended, 29 U.S.C. §§ 621; Title VII, *Civil Rights Act of 1964*, as amended, 42 U.S.C. §§ 2000e–2000e-17; *Genetic Information Nondiscrimination Act of 2008*, 42 U.S.C. §§ 2000ff–2000ff-11; *Americans with Disabilities Act of 1990* (ADA), as amended, 42 U.S.C. §§ 12101-12213; Tex. Educ. Code § 19.004; Tex. Gov’t Code § 2052.003(d); Texas Lab. Code §§ 21.001–21.556, 301.151–.156; BP-02.43, “Equal Employment Opportunity”

APPLICABILITY: Windham School District (WSD)

EMPLOYMENT AT WILL CLAUSE:

These guidelines do not constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent’s authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and do not create any legally enforceable interest or limit the superintendent’s authority to terminate a noncontract employee at will.

POLICY:

The WSD is committed to the principles of the Equal Employment Opportunity (EEO) law and ensuring full adherence to the letter and spirit of the law. The WSD will not discriminate against any applicant or employee because of race, color, religion, sex (gender), national origin, age, disability, or genetic information. The WSD will not tolerate any artificial barriers that deny applicants or employees equal opportunity in an employment-related process. Furthermore, the WSD will not subject any employee or applicant to retaliation for opposing or reporting employment discrimination in any employment-related process.

DEFINITIONS:

“Applicant” is a person seeking consideration for a position within the WSD by way of interagency transfer, employment, or reemployment from outside the WSD.

“Artificial Barriers” are requirements, procedures, or standards for employment that are not related to successful job performance.

“Discrimination” is unequal treatment of persons based on sex (gender), including sexual harassment, race, color, religion, national origin, age (40 or older), disability, or genetic information. Discrimination by employers falls into four general areas: (1) hiring and firing, such as failing or refusing to hire or discharging; (2) employment conditions, such as compensation, terms, conditions, or privileges; (3) segregation and classification, such as limiting, segregating, or classifying employees in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect their status as an employee; and (4) training, such as unequal access to training that may affect an individual’s ability to promote.

“Equal Employment Opportunity Commission” (EEOC) is the federal agency that enforces federal laws prohibiting employment discrimination and retaliation.

“Retaliation,” for the purpose of this policy, is: (1) any action that may deter a reasonable person from filing a complaint, participating in a proceeding regarding, or otherwise opposing an alleged EEO rule violation; or (2) any action against an applicant, employee, or other individual because of that person’s association with an individual who has engaged in a protected activity.

“Texas Workforce Commission, Civil Rights Division” (TWC-CRD) is the state agency charged with: (1) enforcing state laws prohibiting employment discrimination and retaliation; and (2) investigating alleged violations of such laws.

DISCUSSION:

The WSD is committed to ensuring that all applicants and employees are treated fairly and equitably in all matters affecting employment with the WSD. The WSD is also committed to providing a work environment free of all forms of employment discrimination and maintaining a diverse workforce.

Decisions relating to recruiting, hiring, position transfers, and promotions must be based solely on an individual’s qualifications and ability to perform the essential functions of the position. The WSD does not tolerate any artificial barriers denying applicants or employees equal opportunity in any phase of these employment-related processes.

All WSD practices must be administered without regard to race, color, religion, sex (gender), national origin, age (40 or above), disability, or genetic information. Such practices include, but are not limited to, events and activities sponsored by the WSD, the provision of benefits and compensation, disciplinary actions, grievance intake and responses, shift or job assignments, shift transfer requests, and training and staff development opportunities.

If an applicant or employee believes they have been discriminated against based on race, color, religion, sex (gender), national origin, age, disability, or genetic information, or subjected to retaliation, the applicants or employees may pursue a complaint. If an applicant or employee believes they have been sexually harassed, which is a form of gender discrimination, the applicant or employee may pursue a complaint in accordance with the procedures in WBP-07.40, "Sexual Harassment." No applicant or employee will be impeded in any manner from filing a complaint of employment discrimination with WSD Human Resources, the TWC-CRD or the EEOC, or be subjected to harassment or retaliation for opposing alleged unlawful employment practices.

Any employee found to be in violation of this directive may be subject to disciplinary action, up to and including separation from employment, in accordance with WBP-07.44, "Professional Standards of Conduct and Disciplinary Guidelines."

PROCEDURES:

I. Written Policy Statement

The superintendent or designee will prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information.

A. The policy statement will include:

1. Review and approval of all amendments to WSD policies related to equal employment opportunity, as defined in WBP-02.00, "Windham School District Board of Trustees Responsibilities," that show the intent of the WSD to avoid the unlawful employment practices described by Texas Labor Code §§ 21.001-.556;
2. An analysis of the extent to which the composition of the WSD's personnel is in accordance with state and federal law; and
3. Reasonable methods to achieve compliance with state and federal law.

B. The Windham Board of Trustees will review and approve the policy statement in accordance with WBP-02.00. In addition, the WSD will submit the policy statement to the TWC-CRD for review to verify compliance with Section I.A.1 of this policy.

II. Workforce Analysis, Recruitment Plan, and Annual Report

A. Workforce Analysis

Each state fiscal biennium, the WSD must analyze its current workforce and compare the number of African Americans, Hispanic Americans, and females employed by the WSD in each job category to the available African Americans, Hispanic Americans, and females in the statewide civilian workforce to determine the

percentage of exclusion or underutilization in each job category.

B. Recruitment Plan

1. The WSD must develop and implement a plan to recruit qualified African Americans, Hispanic Americans, and females:
 - a. If the workforce availability analysis demonstrates the exclusion or underutilization of African Americans, Hispanic Americans, and/or females; or
 - b. Based on:
 - (1) Court-ordered remedies;
 - (2) Supervised conciliations; or
 - (3) Settlement agreements.
2. The plan must comply with the requirements of Texas Labor Code Texas Labor Code §§ 21.001–.556.

C. Annual Report

No later than November 1 of each calendar year, the Human Resources Department must send to the Texas Workforce Commission a report with the total number of African Americans, Hispanic Americans, females, and other persons hired for each job category by the district during the preceding state fiscal year.

III. Training

Employees must receive annual training regarding WSD policies and procedures prohibiting employment discrimination. Employees participating in such training must also be informed of the federal and state agencies responsible for enforcing equal employment opportunity laws.

Signature on file

Hon. Dale Wainwright, Chairman
Windham School District Board of Trustees