

## **BP 4030 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, color, religion, national origin, ancestry, age, marital status, changes in marital status, pregnancy, parenthood, physical or mental disability, military/veteran status, genetic information, 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. [4119.11/4219.11/4319](#) – Sexual Harassment)

(cf. [4161.4/4261.4/4361.4](#) – Family and Medical Leave)

**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. [4119.41/4219.41/4319](#) - Employees with Infectious Disease)

**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 publicize this policy annually throughout the district and the community.

(cf. [1312.3](#) – *Public Complaints Concerning Discrimination*)

(cf. [4111.1/4211.1/4311.1](#) - *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

#### UNITED STATES CODE

[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-2000d-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](#) Americans With Disabilities Act

#### CODE OF FEDERAL REGULATIONS

[29 C.F.R. §1635.8](#) Acquisition of genetic information

*Revised 09/2017*

*Revised 10/2012*

Adopted: June 10, 2003

**Nome Public Schools**