

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 gender, gender identity, sexual orientation, sex, race, color, religion, national origin, ancestry, age, marital status, changes in marital status, pregnancy, parenthood, physical or mental disability, Vietnam era 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 - Sexual Harassment)

(cf. 4161.4 – 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. 0411 – Service Animals)

(cf. 4119.41 - 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.

NONDISCRIMINATION IN EMPLOYMENT (continued)

(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

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 9/93, 9/01, 9/11