



Administration Regulations to Policy #4111.1/4211.1  
Equal Employment Opportunity

### **Employment and Placement**

Procedures relating to employment and placement will be reviewed and amended as necessary to ensure non-discrimination:

1. Qualifications needed for a job and job descriptions will be reviewed by the Administration to ensure that they are realistic and do not involve inadvertent discrimination.
2. Application forms will be reviewed and revised as necessary by the Administration.
3. Any testing procedures which might be used in the future for selection and/or placement will be validated for job-relatedness.
4. Personnel policies will comply with federal and state fair employment regulations.

### **Administrator's and Supervisor's Roles in Equal Employment Opportunity: Interviewing and Hiring**

This section provides guidelines to help in interviewing and selecting candidates for positions with this school district. Each guideline is followed by a brief explanation of the reasons certain actions or basis for decisions may be considered discriminatory. One of the most important factors in any hiring decision is that the applicant be able to do the job for which he/she is applying.

#### **1. Educational requirements.**

**Guideline:** An employer must be prepared to demonstrate why a job requires the employee to have a specified level of education.

*Explanation: In geographic areas where there are significant differences in the average educational levels of minorities and non-minorities, the employer who requires a specific level of education automatically eliminates from consideration a disproportionate percentage of minorities.*

Consequently, unless the employer can demonstrate why the educational requirement is needed, the EEOC is likely to find it unlawful. The EEOC and the courts will accept evidence from an employer that a specified level of education is necessary for satisfactory job performance or that there is a clear and close relationship between educational level and performance on the job.

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**2. Family status: pregnancy and dependents.**

**Guideline:** Applicants should not be questioned by interviewing supervisors about their dependents, family plans, or a condition of pregnancy.

*Explanation: The Supreme Court has held that women with children must be hired on the same basis as men with small children unless the employer can show that this practice would seriously affect the operation. Employers may not presume that child care is the responsibility of the woman and that a working mother's reliability will be more affected by child care problems than a working father's.*

The EEOC has held that any written or unwritten employment policy or practice which discriminates against applicants because of pregnancy is in violation of Title VII. The EEOC also has held that a company policy of refusing to hire unwed parents discriminates against women as a class. Even if the illegitimacy standard were applied equally to males and females, the policy would have a disparate effect on women since it would be easier for an employer to know that a female applicant had a child out of wedlock than it would be to know that a male applicant has fathered an illegitimate child.

**3. Arrest and conviction records.**

**Guideline:** An employer may not automatically disqualify an applicant from employment consideration because the applicant has a police record.

*Explanation: There is ample evidence that blacks as a class are arrested and convicted much more frequently than whites. Therefore, to use an applicant's police record as a rigid standard of employment eligibility would automatically disqualify a disproportionate percentage of blacks. For this reason, the EEOC, with court approval, considers such policies in violation of Title VII, unless an employer can demonstrate "business necessity" for retaining the policy. The EEOC suggests that employers handle the matter of an applicant's police record on a case-by-case basis, considering the type of charge, how long ago the incident occurred, the applicant's age at the time of the incident, whether the charge resulted in a conviction, and the applicant's subsequent behavior.*

Authority to make this kind of determination rests with the Superintendent of Schools or designee. Prospective employees should not be questioned about police records except by authorized personnel representatives.

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**4. Accommodation to religious beliefs.**

**Guideline:** Supervisors are expected to make reasonable accommodation to the religious needs of applicants when this will not have a serious effect on operations.

*Explanation: Under Title VII, employers are obligated to make “reasonable accommodations to the religious needs” of their employees, where such accommodations do not force a serious hardship on the employer.*

It is up to the employer to prove that such religious accommodations cause a serious hardship to his/her business. The “religious need” of employees could include a required mode of dress, time off for Sabbath observance or inability to work on certain prescribed days for religious reasons. Supervisors should not, however, make employment decisions based on applicants’ religious needs without first consulting the Superintendent of Schools or designee.

**5. Citizenship.**

**Guideline:** If the applicant is not a United States citizen, he/she must possess a permanent visa to be eligible for employment.

*Explanation: The courts have held that it is not unlawful under Title VII for an employer to require U.S. citizenship as a condition of employment if the requirement is established for sufficient reason (e.g., security) and is not intended to restrict the employment of minorities.*

U.S. citizenship or a permanent visa is required as a condition of employment. Supervisory personnel may, therefore, use an applicant’s citizenship status as an eligibility standard. The Director of Personnel may request, however, that as a condition of employment alien applicants provide proof of permanent residence in the United States.

**6. Manner of Speaking**

**Guideline:** It is unlawful to reject an applicant because of the applicant’s foreign accent or lack of fluency in English unless either condition will affect satisfactory job performance.

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**7. Manner of Speaking (continued...)**

*Explanation: The EEOC will find unlawful the rejection of an applicant because of his/her manner of speaking if the manner of speech is peculiar to the applicant's race or national origin. This guideline is applied most often when applicants speak with a foreign accent. However, it also applies to applicants who have difficulty with English and to jobs for which fluency in English is a factor in satisfactory performance.*

The final decision regarding an applicant whose manner of speaking has been questioned will be made by the Superintendent of Schools or designee.

Legal Reference: Connecticut General Statutes  
4a-60 Nondiscrimination and affirmative action provision in contracts of the state and political subdivision rather than municipalities  
4a-60a Contracts of the state and political subdivisions, other than municipalities, to contain provisions re nondiscrimination on the basis of sexual orientation  
46a-60 Discriminatory employment practices prohibited  
Executive Order 11246, 42 U.S.C. 2000e note.  
Equal Pay Act of 1963, 29 U.S.C. 206 (d).