

EMPLOYMENT OBJECTIVES  
EQUAL EMPLOYMENT OPPORTUNITY

DAA

NONDISCRIMINATION  
— IN GENERAL

The District shall not fail or refuse to hire or discharge any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of any of the following protected characteristics:

1. Race, color, or national origin;
2. Sex;
3. Religion;
4. Age (applies to individuals who are 40 years of age or older);
5. Disability; or
6. Genetic information [see DAB].

*42 U.S.C. 1981; 42 U.S.C. 2000e et seq. (Title VII); 20 U.S.C. 1681 et seq. (Title IX); 42 U.S.C. 12111 et seq. (Americans with Disabilities Act); 29 U.S.C. 621 et seq. (Age Discrimination in Employment Act); 29 U.S.C. 793, 794 (Rehabilitation Act); 42 U.S.C. 2000ff et seq. (Genetic Information Nondiscrimination Act); U.S. Const. Amend. I; Human Resources Code 121.003(f); Labor Code Ch. 21 (Texas Commission on Human Rights Act); Labor Code Ch. 21, Subchapter H (genetic information)*

Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)

DISABILITY  
DISCRIMINATION

The District may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 CFR 1630.4(b); Labor Code 21.051*

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 CFR 300.177(b)*

PROHIBITED  
DISCRIMINATION

The District prohibits discrimination against any employee or applicant for employment on the basis of disability and/or retaliation in violation of the ADA. In addition will do the following:

1. Prohibit any policy and/or practice that requires employees to return to "full duty," or be "100% healed" to return to work without considering a reasonable accommodation in violation of the ADA; and,

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2. Requires a respondent to engage in the interactive process when an employee or applicant for employment requests an accommodation;
3. Provides that employees who are unable to return to work after exhausting twelve weeks of FMLA leave or workers compensation leave and/or employees who are ineligible for FMLA leave may request leave or additional leave as a reasonable accommodation under the ADA, and that before terminating employees for exhaustion of or ineligibility for leave, the respondent will notify such employees that they may make such a request for leave or additional leave under the ADA, and state that respondent's legal obligation to provide reasonable accommodations for disabled employees may include permitting leave, or additional leave;
4. Provides for prompt investigation of any disability and/or retaliation-based discrimination complaint, and for prompt remedial action which is appropriate and effective to remedy any discrimination which the investigation discloses;
5. Provides that when such complaints are made by any employee, written documentation of the investigation and the remedial actions proposed and/or taken are made and maintained in respondent's files, and that the results of the investigation and remedial actions taken are promptly communicated to the complainant as appropriate;
6. Provides for appropriate discipline for violating respondent's disability and/or retaliation-based discrimination policy, up to and including discharge;
7. Provides that the respondent shall not retaliate in any manner whatsoever against an employee for having opposed any employment practice made unlawful by the ADA, or for reporting disability-based discrimination, or for filing a charge of discrimination, giving testimony or assistance, or participating in any lawful manner in any investigation, proceeding, hearing or action under the ADA; and
8. Provides that the respondent shall not retaliate in any manner whatsoever against an employee for having opposed any employment practice made unlawful by the ADA, or for reporting disability-based discrimination, or for filing a charge of discrimination, giving testimony or assistance, or participating in any lawful manner in any investigation, proceeding, hearing or action under the ADA; and

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9. Provides an individualized and interactive reasonable accommodation process between the employees and Management for employees who are qualified individuals with disabilities, who are released to return to work with limitations.

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**Note:** For legally referenced material relating to discrimination, harassment, and retaliation, see DAA(LEGAL) and DIA(LEGAL).

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