**Policy: 5010** 

## **Nondiscrimination and Affirmative Action**

## **Nondiscrimination and Affirmative Action**

The ESD shall provide equal opportunity and treatment of all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, religion, color, national origin, age, families with children, sex, honorably discharged veteran or military status, marital status, sexual orientation, including gender expression or identity, or non job-related physical, sensory, or mental disabilities, or use of a trained guide dog or service animal, except insofar as such factors are valid occupational qualifications. It shall be the policy of the ESD to undertake a good faith effort to correct any disparity in the utilization of members of protected classes where it may exist in the work force. RCW 49.60; 28A.642

## **Employment of Persons with Disabilities**

Unlawful discrimination includes, but is not limited to, an employer's failure to make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability.

The ESD recognizes its obligation under applicable federal, state and local laws to provide reasonable accommodation to allow qualified individuals with disabilities to apply for jobs and to perform the essential functions of their jobs. A request or the need for reasonable accommodation does not adversely affect an individual's consideration for employment, training, promotion, or opportunity to enjoy equal terms, benefits, privileges, or conditions of employment, including employer-supported social or recreational activities.

This policy is based on the Americans with Disabilities Act (ADA) of 1990, as amended; the Rehabilitation Act of 1973 (P.L. 93–11) and 45 CFR Part 84; Chapter 49.60 RCW; Chapter 162–22 WAC; and WAC 357-46-160 through 357-46-175.

The Superintendent is directed to develop and implement procedures that provide for the receipt of employee requests for reasonable accommodations and implementation of this policy and the procedures to ensure compliance with the ADA.

Legal References: RCW 49.60 - Discrimination - Human rights commission.

RCW 28A.642 – Discrimination prohibition. WAC 357-46-160 through 357-46-175.

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