

EMPLOYEE RELATIONS

Fair Employment Practices

The District recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the District may also be considered. Therefore, it is the policy of the District to provide equal employment opportunity for all applicants and employees. The District does not sanction or tolerate discrimination in any form on the basis of race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard.

The District will:

1. Recruit, hire, train, and promote for all job classifications without regard to race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, District-sponsored training, social, and recreation programs will be administered in conformance with the District's policy.
2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), Nevada Revised Statutes regarding National Guard service (NRS 412.139/.1395), and any other applicable federal, state, and local statutory provisions.
3. Provide reasonable accommodation wherever the need for such is known by the District and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others.

Hold all administrators or managers/supervisors responsible for ensuring that personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

Reference: NRS 613

Fair Employment Practices-AR

This policy applies to all persons involved in the operation of the District and prohibits harassment, discrimination, and retaliation by any employee, including supervisors and coworkers, volunteers, customers or clients of the District, and any vendor or other service provider with whom the District has a business relationship. The District will not tolerate instances of harassment, discrimination, or retaliation whether or not such behavior meets the threshold of prohibited conduct/behavior(s). While single incidents of alleged harassment, discrimination, or retaliation may not be sufficiently severe or pervasive to rise to the level of being a violation of the law, the District nevertheless prohibits such conduct/behavior(s) and may impose appropriate disciplinary action against any employee engaging in such.

1. Equal Employment Opportunity Officer Designated

The primary responsibility for ensuring fair employment practices for the District are promoted and adhered to is assigned to the District's designated Equal Employment Opportunity (EEO) Officer. The District's designated EEO Officer will also serve as the Americans with Disabilities Act (ADA) Coordinator, unless otherwise noted, and as such, also has responsibility for coordinating the District's compliance with federal and state disability laws. The EEO Officer shall be designated by the Superintendent. The name and work telephone number of the individual designated will be posted on bulletin boards at District work sites. In the event the designated EEO Officer is unavailable, the Superintendent/ designee is designated as the alternative EEO Officer.

2. Anti-Harassment

a. Definition

- 1) District promotes a productive work environment and does not tolerate verbal, physical, written, or graphical conduct/behavior(s) that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based on that person's race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, or any other basis that is inappropriate or offensive.

b. Prohibited Conduct/Behavior(s)

The District will not tolerate any form of harassment, including any conduct/behavior(s) on the part of employees, volunteers, clients, customers, vendors, contractors, etc., that impairs an employee's ability to perform his/her duties. Examples of prohibited conduct/behavior(s) include, but are not limited to:

- 1) Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.

- 2) Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
 - 3) Offensive gestures, expressions and graphics including leering, obscene hand, finger, or body gestures, sexually explicit drawings, derogatory posters, photographs, cartoons, drawings, or displaying sexually suggestive objects or pictures.
 - 4) Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
 - 5) Expectations, requests, demands, or pressure for sexual favors.
3. Dealing with Allegations of Prohibited Conduct/Behavior(s)

a. Process

Employees or applicants who believe they are being subjected to any form of prohibited conduct/behavior(s) as described in this policy/regulation by another (e.g., employee, student, parent, volunteer, vendor, contractor of the District) based on their race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, veteran status, domestic partnership, genetic information, gender identity or expression, political affiliation, or membership in the Nevada National Guard, as well as those who believe they have witnessed another employee, client, or member of the public being subjected to prohibited conduct/behavior(s), have an affirmative duty to bring the situation to the attention of the District. Employees covered by a collective bargaining agreement may opt to use the process described in this policy/regulation or in an applicable grievance procedure delineated by their collective bargaining agreement, but may not use both.

b. Employee Responsibilities

Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors should immediately:

- 1) Identify the offensive behavior to the alleged harasser and request that the behavior cease.
Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contact one of the individuals listed in sections 2 or 3 below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behavior(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.
- 2) If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the prohibited conduct/behavior(s) as soon as possible to any administrator or manager/supervisor, District's designated EEO Officer, or to the HR Representative.
- 3) Employees who believe the EEO Officer has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO

Officer or to the Superintendent. The Superintendent will designate an objective person to conduct an investigation of such allegations.

- 4) An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the administrator, EEO Officer, or HR Representative.
- 5) Applicants who have concern regarding violations of this policy are encouraged to contact the designated EEO Officer or the alternate.

c. Administrator or Manager/Supervisor Responsibilities

Regardless of whether the employee involved is in the administrator's or manager's/supervisor's department and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all administrators or managers/supervisors must immediately report all allegations, complaints or observations of such prohibited conduct/behavior(s) to the EEO Officer, HR Representative, Department Head, or Superintendent. The information reported must include:

- 1) The persons(s) involved, including all witnesses.
- 2) A written record of specific conversations held with the accused and any witnesses.
- 3) All pertinent facts, including date(s), time(s), and locations(s).

An administrator's or manager's/supervisor's failure to immediately report such activities, complaints, or allegations will result in discipline, up to and including possible termination.

d. Investigation

Upon being made aware of allegations or complaints of prohibited conduct/behavior(s), the District will ensure that such allegations or complaints are investigated promptly. The District treats all allegations or complaints seriously and expects all employees to be candid and truthful during the investigation process.

The District will make efforts to ensure that all investigations are kept as confidential as reasonably possible. Employees will be strongly advised to refrain from discussing the subject content with others, particularly while the investigation is in progress. Employees may be required to provide information to regulatory agencies. The District will release information obtained only to those individuals involved in the investigation and the administration of the complaint with a business need-to-know, or as required by law.

The District will communicate to the individual who made the initial complaint, as well as the individual against whom the complaint was made, whether the allegations of policy violations were founded or not.

If evidence arises that a participant in the investigation made intentionally false statements, that employee will be disciplined, up to and including possible termination.

If it is determined that a violation of this policy/regulation has occurred, the District will take remedial action against the violator commensurate with the severity of the offense. Such remedial action may include, but is not limited to, counseling, verbal warning, written reprimand, pay reduction, transfer, demotion, suspension without pay, or termination. The District will also initiate action to deter any future prohibited conduct/behavior(s) from occurring.

With regard to disability-related complaints, the EEO Officer (when appropriate, working with the Superintendent and/or the complainant) shall propose a resolution to the complaint based upon the findings of such investigation. Such resolution will include reasonable accommodation when the District determines that such a reasonable accommodation can be provided.

e. Training

The District will provide training every year to all employees on the prevention of discrimination and prohibited conduct/behavior(s) in the workplace. The District will provide new employees a copy of this policy/regulation upon hire and discuss the contents during the new hire orientation process. New employees will participate in training on the prevention of discrimination and prohibited conduct/behavior(s) within 30 days of hire. A copy of this policy/regulation will be made available to applicants upon request.

f. Prohibition against Retaliation

Retaliation is adverse treatment which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The District will not tolerate any retaliation by administrators/supervisors or coworkers against an employee who exercises his/her rights under this policy. Any employee who believes s/he has been harassed, retaliated, or discriminated against in any manner as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the alternate. The District will promptly investigate and deal appropriately with any allegation of retaliation.

Related Forms:

Notice – Designation of Equal Employment Opportunity Officer
Investigation Checklist
Investigation Report Template

NOTICE

DESIGNATION OF EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Responsibility for enforcement of Lincoln County School District's (LCSD) fair employment practices and illegal harassment policies rests with the Assistant Superintendent who is designated as LCSD's Equal Employment Opportunity Officer.

Any employee or applicant who believes s/he is being discriminated against, harassed, or believes s/he has witnessed another employee being discriminated against or harassed, should immediately notify the Equal Employment Opportunity Officer. If the Equal Employment Opportunity Officer is the person being complained about, then the employee should notify the Superintendent.

No employee or applicant will be retaliated against in any way for reporting in good faith a complaint of discrimination or harassment.

Copies of LCSD policies on fair employment practices and unlawful harassment are available from the Equal Employment Opportunity Officer.

The Equal Employment Opportunity Officer can be contacted by:

Telephone 775-728-4471

Fax 775-728-4435