

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: PROGRAMS

TITLE: Nondiscrimination in Employment Practices

ADOPTED: April 27, 1981

REVISED: May18, 2017

104 NONDISCRIMINATION IN EMPLOYMENT PRACTICES

Authority

The School Reform Commission declares it to be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin or handicap/disability, gender identity, or genetic information. The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations. Additionally, the District shall make reasonable accommodations for sincerely held religious beliefs consistent with the requirements of federal and state laws and regulations. [1][2][3][4][5][6][7][8][9][10][11]

The district seeks to recruit, hire and place into available jobs the most qualified persons and to administer personnel matters such as compensation, benefits, promotion, transfer, training, layoffs, discipline, termination and district sponsored educational, social and recreational programs in accordance with law and SRC policy.

The SRC encourages employees and third parties who have been subject to discrimination to promptly report such incidents to designated employees.

The SRC directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations.

No reprisals nor retaliation shall occur as a result of good faith charges of discrimination or participation in an investigation.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the SRC designates the Chief Talent Officer and Office of General Counsel as the district's Compliance Officers.

The Compliance Officer(s) shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the name, position, office address, telephone number and email address of the Compliance Officer(s).

The Compliance Officer(s) are responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Development of position qualifications, job descriptions and essential job functions.
2. Recruitment materials and practices.
3. Procedures for screening, interviewing and hiring.
4. Promotions.
5. Disciplinary actions, up to and including terminations.

The building principal/immediate supervisor or designee shall be responsible to complete the following duties when receiving a complaint of discrimination:

1. Inform the employee or third party of the right to file a complaint and the complaint procedure.
2. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
3. Refer the complainant to the Compliance Officer(s) if the building principal/immediate supervisor is the subject of the complaint.
4. Take interim action, as necessary, to address prohibited conduct prior to the completion of the investigation.

Legal References:

1. 43 P.S. 336.3
2. 43 P.S. 951 et seq
3. 20 U.S.C. 1681 et seq
4. 29 U.S.C. 206
5. 29 U.S.C. 621 et seq
6. 29 U.S.C. 794
7. 42 U.S.C. 12101 et seq
8. 42 U.S.C. 1981 et seq
9. 42 U.S.C. 2000e et seq
10. 42 U.S.C. 2000ff et seq
11. Pol. 348 - Unlawful Harassment

Related Information:

16 PA Code 44.1 et seq

28 CFR 35.140

28 CFR Part 41

29 CFR Parts 1600-1691

Philadelphia Code of Ordinances (Fair Practices Ordinance) - 9-1101 et seq