

A. W. BEATTIE CAREER CENTER

SECTION: PROGRAMS
TITLE: NONDISCRIMINATION IN
EMPLOYMENT/CONTRACT
PRACTICES

ADOPTED: April 22, 1999

REVISED: August 21, 2014

APPROVED: September 25, 2014

104. NONDISCRIMINATION IN EMPLOYMENT/CONTRACT PRACTICES

- 1. Authority
- 43 P.S.
- Sec. 336.3
- 43 P.S.
- Sec. 951 et seq
- Title IX
- 20 U.S.C.
- Sec. 1681 et seq
- 29 U.S.C.
- Sec. 206
- 29 U.S.C.
- Sec. 621 et seq
- 29 U.S.C.
- Sec. 794
- 42 U.S.C.
- Sec. 1981 et seq
- Title VII
- 42 U.S.C.
- Sec. 2000e et seq
- 42 U.S.C.
- Sec. 12101 et seq
- 42 U.S.C.
- Sec. 2000ff et seq

The Joint Operating Committee (JOC) declares it to be the policy of A. W. Beattie Career Center to guarantee to all persons equal access to all categories of employment in this school, regardless of race, color, age, creed, religion, sex, sexual orientation, ancestry, national origin, handicap/disability, gender identity or expression, genetic information. The Career Center shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

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

The Joint Operating Committee 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 school's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith charges of discrimination.

<p>2. Delegation of Responsibility</p>	<p>It shall be the duty of the Compliance Officer to monitor:</p> <ol style="list-style-type: none"> 1. Job Analysis - Study periodically all existing job descriptions, required job qualifications, characteristics of employees filling said positions, and salary guides for any discrimination, inadvertent or otherwise, that might exist. 2. Employment Analysis - Develop methods to access sources of personnel and recommend methods that will encourage minority, female and disabled applications. Review copy used in recruiting ads and application forms. 3. Promotional Analysis - Compare the promotion and discharge records of females, minorities and disabled employees in each employment category with that of the dominant group. Recommend programs to afford greater upward mobility to those employees where so indicated. <p>In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the JOC designates the Executive Director as the School's Compliance Officer.</p> <p>The Compliance Officer shall report to the JOC on progress made in the non-discrimination program for employment/contract practices as requested.</p> <p>The Compliance Officer shall publish and disseminate this policy and complaint procedure at least annually to students, parents/guardians, employees and the public. Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer.</p> <p>The compliance Officer is responsible to monitor the implementation of non-discrimination procedures in the following areas:</p> <ol style="list-style-type: none"> 1. Development of position qualifications, job descriptions and essential job functions. 2. Recruitment materials and practices. 3. Procedure for screening, interviewing and hiring. 4. Promotions. 5. Disciplinary actions, up to and including terminations.
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3. Guidelines

The Executive Director 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 Joint Operating Committee President if the Executive Director is the subject of the complaint.

Complaint Procedure - Employee/Third Party

A complainant has the right to be accompanied by a third party during all steps of this procedure.

Step One - Reporting

1. The complaint shall be presented in writing, within ten (10) calendar days of the occurrence, to the appropriate administrator.
2. The appropriate administrator shall discuss, review, attempt to resolve the complaint, and issue a decision within ten (10) calendar days after receipt of the complaint.
3. If the complaint involves the Assistant Director or Principal, the complaint will be filed with the Executive Director.

Step Two - Investigation

Upon receiving a complaint of discrimination, the administrator shall immediately notify the Compliance Officer. The Compliance Officer shall authorize the administrator to investigate the complaint, unless the administrator is the subject of the complaint or is unable to conduct the investigation.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation.

If the investigation results in a determination that the conduct being investigated may involve a violation of criminal law, the administrator shall inform law enforcement authorities about the incident; as well as the Executive Director.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step Three - Investigative Report

The administrator shall prepare and submit a written report to the Compliance Officer within fifteen (15) days, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual and whether it is a violation of this policy, and a recommended disposition of the complaint.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition.

Step 4 - School Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action to ensure that such conduct ceases and will not recur.

Disciplinary actions shall be consistent with Board policies and administrative regulations, school procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within ten (10) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within ten (10) days. Copies of the response shall be provided to the complainant, the accused and the administrator who conducted the initial investigation.
4. If not satisfied with the decision of the Compliance Officer, the complainant may appeal the decision to the Joint Operating Committee at its next regular Joint Operating Committee meeting by notifying the Joint Operating Committee in writing within ten (10) calendar days after receipt of the Compliance Officer's decision.

5. The Joint Operating Committee shall conduct a review and issue a decision within thirty (30) days following the Joint Operating Committee meeting at which the complaint was presented.

References:

Human Relations Commission Regulations - 16 PA Code Sec. 44.1 et seq.

Pennsylvania Equal Pay Law - 43 P.S. Sec. 336.3

Pennsylvania Human Relations Act - 43 P.S. Sec. 951 et seq.

Equal Pay Act - 29 U.S.C. Sec. 206

Age Discrimination In Employment Act - 29 U.S.C. Sec. 621 et seq.

Section 504 of the Rehabilitation Act - 29 U.S.C. Sec. 794

Americans With Disabilities Act - 42 U.S.C. Sec. 12101 et seq.

Federal Anti-Discrimination and Civil Rights Laws -

20 U.S.C. Sec. 1681 et seq. (Title IX)

42 U.S.C. Sec. 1981 et seq.

42 U.S.C. Sec 200e et seq. (Title VII)

Genetic Information Non Discrimination Act

42 U.S.C. Sec. 2000ff et seq.

Federal Anti-Discrimination Regulations, Title 28, Code of Federal Regulations -
28 CFR Sec. 35.140, Part 41

Federal Equal Employment Opportunity Commission Regulations, Title 29, Code
of Federal Regulations - 29 CFR Parts 1600-1691

Allegheny County Human Relations
Ordinance 26-09-0R (July 6, 2009)