

Hopatcong Borough School District



Handbook for Affirmative Action Compliance

August, 2019



Hopatcong Borough Schools

Mr. Joseph S. Piccirillo
Assistant Superintendent of Schools

Learning Today. Leading Tomorrow.

Dear Colleagues:

The Hopatcong Staff Affirmative Action Handbook reviews and details the district's important role in monitoring compliance with, and disseminating information about, Hopatcong's equal opportunity and affirmative action policies and procedures. It is a guideline that can help ensure that search, selection and other employment activities fulfill the letter and spirit of the District's commitment to inclusion and excellence. These guidelines have been developed to guide and assist hiring officials and search committees in carrying out their search and hiring responsibilities and to ensure that these processes comply with District policies, and Federal and State regulations. This handbook is designed to provide guidance regarding your responsibilities, compliance procedures, search and selection processes, affirmative action and equal opportunity regulations and related areas. In addition to providing this as a resource, Central Office is available to support and assist you. Please call upon us whenever you need information or assistance.

The appointed Affirmative Action Officers in the district are Art DiBenedetto and myself, Joseph Piccirillo.

The district Affirmative Action Plan, called the Comprehensive Equity Plan, put together by a committee representing each school, has been approved by the DOE.

Again, thank you for your energy, commitment, and support.

Sincerely,

Joseph S. Piccirillo
Assistant Superintendent of Schools

The Policy of the Affirmative Action Program
At the Hopatcong Borough School District
District Policy #1140

The Board of Education shall adopt and implement written educational equality and equity policies in accordance with the provisions of N.J.A.C. 6A:7 – Managing for Equality and Equity in Education.

The Board's affirmative action program shall recognize and value the diversity of persons and groups within society and promote the acceptance of persons of diverse backgrounds regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The affirmative action program will also promote equal educational opportunity and foster a learning environment that is free from all forms of prejudice, discrimination, and harassment based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status in the policies, programs, and practices of the Board of Education.

The Board shall inform the school community it serves of these policies in a manner including, but not limited to, the district's customary methods of information dissemination. The Board shall develop a Comprehensive Equity Plan once every three years, which shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, pupils, and staff.

The Board shall assess the district's needs for achieving equality and equity in educational programs based on an analysis of pupil performance data such as: National Assessment of Educational Progress and State assessment results, Pre-Kindergarten through grade twelve promotion/retention data, Pre-Kindergarten through grade twelve completion rates; re-examination and re-evaluation of classification and placement of pupils in special education programs if there is an over representation within certain groups; staffing practices; pupil demographic and behavioral data; quality of program data; and stakeholder satisfaction data prior to developing the Comprehensive Equity Plan. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers in achieving equality and equity in educational programs.

The Board shall annually designate a member of its staff as the Affirmative Action Officer and form an Affirmative Action Team, of whom the Affirmative Action Officer is a member, to coordinate and implement the requirements of N.J.A.C. 6A:7 – Managing For Equality And

Equity in Education. The Board shall assure that all stakeholders know who the Affirmative Action Officer is and how to access him or her.

The Affirmative Action Officer must have a New Jersey standard certification with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6A:9 et seq. The Affirmative Action Officer shall: coordinate the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; notify all pupils and employees of district grievance procedures for handling discrimination complaints; and ensure the district grievance procedures, which include investigative responsibilities and reporting information, are followed.

The Affirmative Action Team shall: develop the Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); oversee the implementation of the district's Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); collaborate with the Affirmative Action Officer on coordination of the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; monitor the implementation of the Comprehensive Equity Plan; and conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equality and equity, pursuant to N.J.A.C. 6A:7-1.4(d).

The Board shall provide professional development training to all certificated and non-certificated school staff members on a continuing basis to identify and resolve problems associated with the pupil achievement gap and other inequities arising from prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. All new certificated and non-certificated staff members shall be provided with professional development training on educational equality and equity issues within the first year of employment. Parents and other community members shall be invited to participate in the professional development training.

The Commissioner or his/her designee shall provide technical assistance to local school districts for the development of policy guidelines, procedures, and in-service training for Affirmative Action Officers so as to aid in the elimination of prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status.

N.J.A.C. 6A:7-1.4; 6A:7-1.5; 6A:7-1.6

Adopted: 2 May 2011

**The Policy of the Affirmative Action Program
For Employment and Contract Practices
At the Hopatcong Borough School District**
District Policy #3122

Board of Education shall guarantee all qualified persons equal access to all categories of employment in this district without regard to the candidate's race, color, age, creed, religion, gender, ancestry, national origin, or social or economic status.

The Business Administrative/Board Secretary shall serve as Affirmative Action Officer and shall coordinate all activities designed to implement this policy. It will be the responsibility of the Affirmative Action Officer to study job descriptions, job qualifications, and salary guides for discriminatory practices; compare the characteristics of persons in the district's hiring region who possess skills required by the district to the characteristics of district employees; develop methods to search out sources of candidates for employment; recommend methods of recruitment that will encourage minority and female applicants; review recruiting advertisements and application forms; compare data on the promotion and discharge of women and minorities to district-wide data on promotion and discharge of employees; and recommend programs that will encourage greater job opportunities for women and members of minority groups.

The Affirmative Action Officer shall report as required to the Board of Education on progress made in the affirmative action program for employment and contract practices. The Board will annually review district progress toward objectives of any state-approved affirmative action plan.

20 U.S.C.A. 1681; 20 U.S.C.A. 1703(d)

N.J.S.A. 10:5-1 et seq.

N.J.S.A. 18A:6-5 et seq.; 18A:58-16

N.J.S.C. 6:4-1 et seq., 6:8-4.3(a)9

Adopted: 29 June 1992

**The Policy of Inappropriate Staff Conduct
At the Hopatcong Borough School District**

District Policy #3281

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and to protect the health, safety and welfare of school pupils. A staff member's conduct will be

held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Affirmative Action Officer. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Affirmative Action Officer will investigate all reports with a final report to the Superintendent of Schools. The Affirmative Action Officer, at any time after receiving a report, take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime upon request.

N.J.S.A. 18A:28-5 et seq.

N.J.A.C. 6A:16-11.1

Adopted: 3 May 2010

Revised: 22 April 2013

The Policy Regarding Sexual Harassment*
at The Hopatcong Borough School District
District Policy #5751

The Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment which may include quid pro quo harassment and hostile environment.

Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil's sexual orientation, may create a sexually hostile environment and therefore constitute sexual

harassment. Nonsexual touching or other nonsexual conduct does not constitute sexual harassment.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

United States Department of Education - Office of Civil Rights Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (1997)

Cross reference: Policy Guide No. 8462

Adopted: 29 June 1992

Revised: 26 September 1996

Revised: 18 December 2000

*see **Appendix A** if you feel you've been sexually harassed

The Americans with Disabilities Act

District Policy #1510

It is the policy of the Board of Education that no qualified individual with a disability will, on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, or services sponsored by this Board. The Board will comply with the Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act).

Notice of Board Policy 1530 – Equal Educational Opportunities and Board Policy 5750 – Equal Educational Opportunity will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment will be discriminated against in recruitment, hiring, advancement, discharge, compensation, job training, transfer, or any other term, condition, or privilege of employment solely on the basis of a disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment will be required to answer a question or submit to an examination regarding a disability except as such disability relates directly to perform job-related functions. No candidate will be discriminated against on the basis of a disability that is not directly related to the essential function of the position for which he/she has applied.

Reasonable accommodations, not directly affecting the educational and/or instructional program, will be made to accommodate employment conditions to the needs of qualified individuals with disabilities, such accommodations may include, but are not limited to: making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

Facilities Maintenance and Accessibility

No qualified individual with a disability will, because of the school district's facilities being inaccessible or unusable by disabled persons, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities will be constructed that do not fully comply with the Act. Alterations to existing facilities or part thereof, will be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with disabilities who have a need to access Board facilities.

The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.

Service, Program, and Activity Access

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

Evaluation and Compliance

The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

Enforcement - 28 CFR §35.107

The Board will designate the Director of Special Services, the Assistant Superintendent and the superintendent as district coordinator(s) for matters dealing with ADA compliance. The district coordinator can be contacted at the following address or telephone number:

Office Address:
Director of Special Services/Human Resources
Hopatcong Schools Administration Building
P.O. Box 1029
Hopatcong, NJ 07843
Telephone: (973) 398 - 8800

Grievance procedures are outlined in Regulation 1510.

Guarantee of Rights

The Board will not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act.

The Board will not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Policy or for that person's participation in any manner in an investigation or proceeding arising under the Act.

The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.

Notice

Policy and Regulation 1510 will be available to any member of the public in the district's Policy and Regulation Manual.

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)
N.J.S.A. 10:5-1 et seq.
N.J.S.A. 18A:18A-17
N.J.A.C. 6A:14-1 et seq.
34 CFR Part 104

Adopted: 29 June 1992
Revised: 18 December 2000
Revised: 24 February 2004
Revised: 3 May 2017

Roles and Responsibilities in the Staff Search Process

The Central Office and Administration at the Hopatcong Borough School District is charged with the responsibility for overseeing the search process to monitor compliance with applicable federal, state, and local nondiscrimination/affirmative action regulations. This ensures that:

- Searches are conducted in an open and fair manner;
- Applicants are not excluded from consideration based on their protected group;
- Affirmative action is taken when filling positions in which minorities and women are underrepresented in relation to their availability in the relevant labor market.

Central Office and Administration is responsible for:

- Training all new Staff Affirmative Action Compliance Officers
- Arranging regular group meetings of the Compliance Officers to provide additional information and training.
- Receiving and retaining electronic copies of all approved Affirmative Action Compliance
- Determining whether waivers of the search process will be granted

The Compliance Officer's Role in the Search Process

Staff Affirmative Action Compliance Officers are appointed by the Superintendent or Assistant Superintendent to monitor the recruitment and selection processes for staff positions. The Compliance Officer's primary responsibilities are to:

- Ensure compliance with the District's equal opportunity and affirmative action and human resources policies and procedures
- Provide appropriate assistance to hiring officers in conducting fair and inclusive staff searches.

The specific duties of the Compliance Officer include the following:

- Provide Hiring Officers and Search Committees with information on affirmative action goals, policies, and procedures;
- Work with the Hiring Officer when a waiver of the search is requested
- Interface with the Hiring Committee and Administration to assist in identifying recruitment resources and strategies for targeting women, minorities, individuals with disabilities, and eligible veterans;

Hiring Officers and Compliance Officers

The Hiring Officer and Compliance Officer should work in close collaboration throughout the search process to fill a vacant position. The Hiring Officer should contact the Compliance Officer as soon as the vacancy is known to discuss the following:

- Search and selection process;
- Affirmative action policies and procedures;
- Relevant HR policies;
- Any existing goals in the job group to increase the representation of non-traditional applicants

Throughout the search process the Compliance Officer and the Hiring Officer should maintain regular communication on:

- The progress of the search;
- The composition of the pool, particularly at milestones that candidates are being considered,
- Any need to undertake additional outreach activities.

Guidelines for Facilitating and Reviewing the Search and Selection Process

Posting and Approval Requirements

All certified and non-certified staff vacancies must be posted for 10 school days on the school website. The Superintendent reserves the right to forego the 10 day requirement only in cases of emergency. In these cases it will be posted as an “Emergency Posting” and can be taken down as soon as the candidate is identified. Emergency Postings require the approval of the Board of Education through a waiver prior to posting.

All resumes and letters of interest must be submitted via email to relevant Hiring Officer who will in turn share the resumes with the Selection Committee and Compliance Officer. Additional recruitment efforts may be needed to reach individuals with special skill sets or increase applicants from underrepresented groups through:

- Posting vacancies in newspapers
- Posting vacancies in online forums or websites
- Posting vacancies through social media platforms
- Sharing vacancies lists through email
- Sharing vacancies lists with local colleges and universities

All new positions must be approved in name and in job description by the Board of Education prior to the posting of the position. Replacement positions do not need to be approved prior to posting, however it should be noted in the Board agenda that the position is a replacement position when the candidate is approved.

Waiver Requests

In situations which require an “Emergency Posting” the Superintendent must submit a waiver request. The waiver must be approved by the Board of Education and shared with the Compliance Officer and Hiring Officer. The waiver consists of:

- A justification for the request
- The proposed title of the position
- The proposed salary/compensation (or range)
- The name of the selected candidate (at the time of determination)
- The signature of the Superintendent

Completing the Staff Hiring Process

Upon notification that a Hiring Proposal is in the queue awaiting review the Compliance Officer should:

- Determine whether minorities and underrepresented candidates were fairly represented in the applicant/interview pool
- Determine whether the selection of applicants to be interviewed was made consistent with Hopatcong’s policies and review this handbook to ensure compliance.
- Provide heightened scrutiny for Hiring Proposals that indicate that only one candidate was interviewed that ensures that:
 - The search was conducted fairly
 - A pre-selected candidate was not offered the position without giving other applicants appropriate consideration

Definitions

Equal Employment Opportunity: Ensure that people have access to jobs regardless of their race, gender, age, national origin, religion, disability, sexual orientation, or gender identity, limited only to their ability to do the job.

Affirmative Action is designed to help eliminate effects of the past and present discrimination. It is a process in which employers identify areas of improvement and take positive steps to enhance opportunities for protected class members such as women, minorities, individuals with disabilities and qualified veterans. Affirmative Action focuses on hiring, training, and promoting qualified protected class members where they are represented. IT is a proactive response to remedy past discrimination to ensure compliance with EE laws.

Protected Groups

Under federal, state, and local employment discrimination statutes, discrimination is prohibited based upon race, color, sex, sexual orientation, gender identity, religion, creed, national, or ethnic origin, citizenship status, age, disability, veteran status.

Employment Discrimination Laws

Civil Rights Act of 1866 (Section 1981):

This law, based upon the 13th Amendment of the Constitution (Abolition of slavery/involuntary servitude), provides basically that “All persons...shall have the same right...to make and enforce contracts, to sue, to be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens...” This law covers racial/ethnic discrimination in private contractual relationships such as employment.

The Equal Pay Act of 1963:

This law prohibits sex discrimination in wages between employees performing equal work, and it is an amendment to the Fair Labor Standards Act of 1938. It covers nearly all employers covered by the Fair Labor Standards Act, regardless of race.

Title VII of the 1964 Civil Rights Act:

This law covers many subjects, including public accommodations and services, in addition to employment discrimination. Title VI prohibits discrimination by entities receiving financial assistance. Title VII prohibits discrimination by employers, labor organizations and employment agencies on the basis of race, color, sex, religion, and national origin. Title VII also requires that private employers of 100 or more workers file an EEO report biennially.

The Age Discrimination in Employment Act of 1967:

This law covers discrimination by employers, unions, and employment agencies against persons aged 40 or more. It was passed as an amendment to the Fair Labor Standard Act of 1938.

The Rehabilitation Act of 1973:

This law covers only the federal government, contractors with the federal government, and recipients of federal financial assistance. Its prohibitions and remedies for disability discrimination and reasonable accommodation, and various procedural provisions, vary from section to section. The body of legal standards and interpretations developed under the Rehabilitation Act has been incorporated into the Americans with Disabilities Act.

Vietnam Era Veterans Readjustment Act of 1974:

This law deals with the rights of Vietnam Era (09/1964 - 05/1975) military service veterans, in terms of nondiscrimination by employers and preferential employment policies by the federal government.

Title I of the Americans with Disabilities Act of 1990:

In addition to public accommodations, government services, telecommunication, and other such areas, this law in effect extends the substantive nondiscrimination and

reasonable accommodation requirements of the Rehabilitation Act to private employers, unions, and employment agencies generally.

The ADA Amendments Act of 2008 (ADAAA):

This law made a number of significant changes to the definition of “disability” under the ADA. In enacting the ADAAA, Congress made it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the statute. Congress overturned several Supreme Court decisions that Congress believed had interpreted the definition of “disability” too narrowly, resulting in denial of protection for many individuals with impairments such as cancer, diabetes, and epilepsy. The ADAAA states that the definition of disability should be interpreted in favor of broad coverage of individuals

The Family and Medical Leave Act of 1993 (FMLA):

This entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

Pregnancy and Workplace Laws:

This entitles pregnant employees to additional rights under the FMLA which is enforced the US Dept. of Labor. Nursing mothers may also have the right to express milk in the workplace under a provision of the Fair Labor Standards Act enforced by the US Dept. of Labor’s Wage and Hour Division.

Sections 102 and 103 of the Civil Rights Act of 1991:

The 1991 Act amended several of the statutes enforced by EEOC, both substantively and procedurally. Previously, jury trials were possible only in cases brought under the EPA and ADEA. Under the provisions of the 1991 Act, parties could now obtain jury trials, and recover compensatory and punitive damages in Title VII and ADA lawsuits involving intentional discrimination. The Act placed statutory caps on the amount of damages that could be awarded for future pecuniary losses, pain and suffering, and punitive damages, based on employer size.

Title IX of the Educational Amendments of 1972:

This law prohibits discrimination on the basis of sex by entities receiving federal financial assistance.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA):

Under Title II of GINA, it is illegal to discriminate against employees or applicants because of genetic information. Title II of GINA prohibits the use of genetic information in making employment decisions, restricts employers and other entities covered by Title II (employment agencies, labor organizations and joint labor-management training and apprenticeship programs -- referred to as “covered entities”) from requesting, requiring

or purchasing genetic information, and strictly limits the disclosure of genetic information.

Appendix A

**Harassment Complaint Form for
Reporting Harassment**

Hopatcong Borough School District

If you believe that you have been subjected to harassment, you are encouraged to complete this form and submit it to the Superintendent and/or Assistant Superintendent of Schools. This can be done in person, through interoffice mail, or by email. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its harassment prevention policy by investigating the claims as outlined at the end of this form.

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In Person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ___Supervisor ___Subordinate ___Co-worker ___Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred:

Is the harassment continuing? ___Yes ___No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?
(This question is optional, but may help the investigation)

If you have retained legal counsel and would like us to work with them, please provide their contact information:

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged harassment, follow your harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.