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POLICIES & PROCEDURES FOR EMPLOYEES

Southwestern Community College - Policies and Procedures Manual

Policy Title: **Equal Employment Opportunity** **4.16**

Responsible
Division: Administrative Services

Date Approved: January 2000

1. **It is the policy of the college** that neither race, religion, color, creed, national origin, sex, age, political affiliation, nor personal disability is to be considered in the:
 - a. Recruitment and employment of new employees of the college.
 - b. Promotion, demotion, transfer, lay-off, termination, or selection of employees of the college for training and development.
 - c. Establishment of rates of pay including the awarding of salary adjustments and/or annual salary increases.
2. **The commitment to equal career opportunity** is undertaken through a continuing program of affirmative action in order to assure that all personnel policies and practices relevant to total employment by the college will guarantee equal opportunities for all persons. The college is committed to increase the representation of minorities at all levels in the work force. Equal employment opportunity and equal educational opportunity are viewed as integral parts of the mission and purpose of the college. (See Ethnic Diversity charts found in Institutional Effectiveness plan)

3. **Special Provisions Relative to Age**

Equal employment opportunity as to age applies to persons age 40 and above. State and federal laws forbid employment discrimination on the basis of age. It is unlawful "to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's age."

4. **Special Provisions Relative to Disabled**

- a. Equal employment opportunity for persons with disabilities includes the making of a reasonable accommodation to the known physical and mental limitations of a qualified disabled applicant or employee who would be able to perform the essential duties of the job if such accommodation is made. This may include: making facilities used by employees readily accessible to and usable by such persons; job restructuring (reassigning non-essential duties and/or using part-time or modified work schedules), acquisition or modification of equipment or devices; provision of readers or interpreters; and/or other similar actions. The college will make such adjustments for the known limitations of otherwise qualified disabled applicants and employees, unless it can be demonstrated that a particular adjustment or alteration would impose an undue hardship on the operation of the college.
- b. Whether an accommodation is reasonable must depend on the facts in each case. Factors to be considered in determining this include: the nature and cost of the accommodation needed; the type of operation, including the composition and structure of its work force; and the overall size of the particular program involved, with respect to number of employees, number and type of facilities, and size of

budget.

5. **Bona Fide Occupational Qualifications**

- a. Age, sex, or physical requirements may be considered if they constitute a bona fide occupational qualification necessary for job performance in the normal operation of the college. Whether such a requirement is a bona fide occupational qualification will depend on the facts in each case. This exemption will be construed very narrowly and the college will have the burden of proving the exemption is justified.
- b. Physical fitness requirements based upon pre-employment physical examinations relating to the minimum standards for employment may be a reasonable employment factor other than age or sex. Provided, however, that such standards are reasonably necessary for the specific work to be performed and are uniformly and equally applied to all applicants for the particular job category, regardless of age or sex.
- c. A differentiation based on a physical examination may be recognized as reasonable in certain job situations which necessitates stringent physical requirements due to inherent occupational factors such as the safety of the individual employees or other persons in their charge, or those occupations which by nature are particularly hazardous. Job classifications which require reflexes or a high degree of speed, coordination, dexterity and endurance would fall in this category.
- d. To establish age, sex, or physical requirements as a bona fide occupational qualification, it will be necessary to submit a recommendation to the Director of Human Resources and Facility Development, setting forth all facts and justification as to why the requirement should be considered as an employment factor in each of the classifications in question.

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