



## **4100: RECRUITMENT, SELECTION, AND NON-DISCRIMINATION**

The District will employ the best qualified applicant for each position. The District does not unlawfully discriminate on the basis of race, color, religion, national origin, marital status, disability, age, sex, sexual orientation, gender, gender identity or on any other basis prohibited by federal, state, or local laws in admission or access to, or treatment of employment, in its programs and activities. The following person has been designated to handle inquiries regarding the discrimination and harassment policies: The Associate Superintendent of Human Resources, 5606 South 147th Street, Omaha, NE 68137 (402) 715-8200. The Associate Superintendent of Human Resources may delegate this responsibility as needed. Complaints by school personnel or job applicants regarding unlawful discrimination or unlawful harassment (excluding sexual harassment) shall follow the procedures of District Rule 4001.2. Complaints regarding sexual harassment shall follow the procedures of District Rule 4001.3.

The District may make pre-employment inquiries into the ability of an applicant to perform job related functions. The District will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability unless to do so would impose an undue hardship. Medical examinations will be required by the District if required by law or applicable regulation or if the inquiry comports with all applicable laws. Applicants will be notified that any job offer is contingent upon a post-offer search for criminal records of the candidate and, if found, a review of such records.

The District will not make inquiry either orally or through the use of any pre-employment questionnaire or application for the purpose of unlawfully discriminating in the hiring or promotion of any applicant on the basis of, race, color, religion, national origin, marital status, disability, age, sex, sexual orientation, gender, gender identity, or on any other basis prohibited by federal, state, or local laws.

There will be no discrimination by school officials against any employee because of membership or activity in an employee organization.

Where required by law or deemed essential by the District, District employees will be duly licensed and/or certified, or will hold a lawful permit.

The District will not enter into an employment contract with a certificated employee who is already under contract with another school district within Nebraska covering a part or all of the same time of performance as the contract with such other district.

A District Board member will not be an employee of the District.

#### **Date of Adoption**

February 25, 1980

#### **Date of Revision**

March 16, 1992

December 21, 1998

June 21, 2004

October 16, 2006

September 20, 2010

July 9, 2018

November 16, 2020

#### **Reaffirmed**

January 8, 2018

#### **Related Policies and Rules**

[1100.4: Notice of Non-Discrimination](#)

[4001: Non-Discrimination and Harassment](#)

[4001.1: Non-Discrimination and Harassment](#)

[4001.2: Non-Discrimination and Harassment Complaint Procedure](#)

[4001.3: Sexual Harassment Complaint Procedure](#)

[4100.1: Recruitment and Selection: Certificated Staff](#)

[4100.2: Recruitment and Selection: Non-Certificated Staff](#)

[4100.3: Employment Contracts](#)

[4163.3: Remedial Action Investigation/Procedure](#)

[5010: Non-Discrimination and Harassment](#)

[5010.1: Non-Discrimination and Harassment](#)

[5010.2: Non-Discrimination and Harassment Complaint Procedure](#)

[5010.3 Sexual Harassment Complaint Procedure](#)

[5020: Equal Educational Opportunity](#)

[5020.1: Equal Educational Opportunity](#)

[6002: Non-Discrimination](#)

## **Legal Reference**

**Nebraska Fair Employment Practice Act (Neb. Rev. Stat. §481101 et seq.)**

**Neb. Rev. Stat. §79-544; 79-896; 79-820; 79-801; 79-802; 48-901 to 48-912**

**Age Discrimination in Employment Act**

**Title VII Civil Rights Act**

**Rehabilitation Act 1973 and Rehabilitation Act Amendments**

**Title IX of the Education Amendments of 1972**

**34 C.F.R. §§ 106.30, 106.44, 106.45 (2020)**

**The Americans With Disabilities Act of 1990**

**Equal Employment Opportunity Act**

**Nebraska Equal Opportunity in Education Act (Neb. Rev. Stat. §79-2,114 to 79-2,124)**