

DESCRIPTOR TERM:

Personnel and Employment

Millard District Policy

File Code: 4000

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EQUAL EMPLOYMENT OPPORTUNITY

A. Purpose

Millard School District is committed to the concept of equal opportunity employment. Employment decisions shall be based on job-related qualifications and competence. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's race, color, religion, sex, national origin, age, handicap, veterans status or any other characteristic protected by law.

B. Definitions

"Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds.

"Board" means the Board of Education of Millard School District.

"Employee" means an individual employed by the District including officials, managers and supervisors.

"Household Member" means a person who resides in the same residence.

"Relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law;

"Immediate Family Members" consists of father, mother, husband, wife, son, daughter, sister, brother, grandparents, grandchildren, uncle, aunt, nephew, niece, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or first cousin.

"Residential Relationship" is where an individual resides with a district employee. For purposes of this policy, Residential Relationships are treated the same as an Immediate Family Member.

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when such conduct: (1) is made explicitly or implicitly a term or condition of employment, or (2) is used as a basis for employment decisions, or (3) has the purpose or effect of unreasonably interfering with work performance or creating an otherwise offensive working environment.

“Superintendent” means the Millard School District Superintendent.

“Supervision” is the situation that occurs when a district employee oversees, evaluates, or has responsibility for the work of another district employee.

C. Employment Opportunity Commitment

The Board of Education is committed to provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, or ethnic. This policy governs all aspects of employment, promotion, assignment, discharge, and other terms and conditions of employment. District implementation of the policy shall include:

1. Equal Employment Opportunity/Affirmative Action (EEO/AA) Program developed according to the intent of the rules, regulations and guidelines of Title VII of the Civil Rights Act of 1964 as amended and other Federal and State laws and agencies having oversight in the Equal Employment Opportunity area.
2. Provision of equal opportunity in recruitment, employment, development and promotional opportunities to all employees and applicants for employment.
3. Prohibition of employment practices which discriminates or tends to discriminate against employees or applicants for employment with respect to compensation, terms, conditions, or privileges of employment unless based upon job related or bona fide occupational qualifications.
4. Establishment of appropriate procedures to insure that unlawful harassment, including sexual harassment, contrary to basic standards of conduct between individuals, shall subject an employee to corrective action up to and including immediate discharge. (Refer to Policy #4005 – Discrimination and Harassment)

Job openings posted by the human resources department will include the steps to apply for any posted position and the necessary job qualifications.

D. Commitment to Compliance with Federal Laws Prohibiting Employment of Unauthorized Aliens

The board is committed to employing only who are legally authorized to work in the United States. The district will comply with the Immigration Reform and Control Act of 1986 or any successor statute.

As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. New employees must also supply the documentation required to complete Section 2 of the I-9 Form.

Before commencing work, rehired employees must also complete the form if:

- They have not previously filed an I-9 with the Human Resources Department,
- Their previous I-9 is more than three years old,
- Their previous I-9 is no longer valid.

E. Conflict of Interest in Hiring and Employment

It is the intent of the Board of Education to promote the public interest and strengthen the faith and confidence of the citizens of Millard County in the integrity of their school board and the district employees. It is not the intent of the board to deny any board member or employee the opportunities available to all other citizens of the state to acquire private economic or other interests so long as this does not interfere with the full and faithful discharge of his or her public duties or job responsibilities.

The Board desires to prevent situations in which conflicts of interest occur. The District shall comply with all applicable Utah statutes in regards to hiring and employment practices, and shall follow the Millard School District Selection Process adopted by the Board, April 2000.

F. Hiring, Employment, and Supervision of Immediate Family Members and Individuals with Residential Relationships with Other Employees

~~Employees and individuals shall not be eligible for employment if prohibited by the provisions of §52-3-1, Utah Code Annotated, 1953 or any successor statute. Immediate Family Members or Individuals with whom employees reside shall not be eligible for employment with the district in any situation where:~~

- ~~1. Potential problems of safety, security or morale exist;~~
- ~~2. Personal relationships may create an actual conflict of interest;~~
- ~~3. Potential conflict of interest exists;~~
- ~~4. Personal relationships may cause disruption or create a negative or unprofessional work environment.~~
- ~~5. Potential problems of supervision which include, but are not limited to the following:

 - ~~a. An immediate family member of a principal or assistant principal working in the same school as the principal or assistant principal.~~
 - ~~b. An Immediate family member of a department or program director working in the same department or program.~~~~

- ~~c. An immediate family member of a curriculum department head in a secondary school where the two individuals would be teaching in the same department.~~
- ~~d. An immediate family member of a school head custodian working as a custodian in the same school.~~

G. Limits on Voting for Appointee

~~No board member, district employee, or selection committee member may employ, appoint, or vote for the employment or appointment of a relative except as defined in §52-3-1, Utah Code annotated, 1953, or any successor statute, and according to the Millard School District Selection Process. Immediate Family members or individuals with whom employees reside shall be eligible for employment as follows:~~

- ~~1. The appointee will be compensated from funds designated for vocational training.~~
- ~~2. The appointee will be employed for a period of 12 weeks or less.~~
- ~~3. The employee is a volunteer.~~
- ~~4. The employee is the only person available, qualified, or eligible for the position.~~
- ~~5. The superintendent has determined the appointee's relative is the only person available, or best qualified to supervise the appointee.~~
- ~~6. The selection committee determines the appointee to be the most qualified person for the position.~~

F. Prohibited Appointment

~~No Board member or employee of the District may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment when the appointee will be directly supervised by a relative or household member, unless:~~

- ~~1. The appointee will be compensated from funds designated for vocational training;~~
- ~~2. The appointee will be employed for a period of 12 weeks or less;~~
- ~~3. The appointee is a volunteer as defined by the District; or~~
- ~~4. The Superintendent determines that appointee is the only or best person available, qualified or eligible for the position.~~

G. Prohibited Supervision

No District employee may directly supervise an appointee who is a relative or household member of the employee unless:

1. The appointee was appointed or employed before the District employee assumed his or her supervisory position, if the appointee's appointment was not unlawful at the time of the appointee's appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;
6. The appointee is the only person available, qualified or eligible for the position; or
7. The Superintendent determines that the employee is the only individual available or best qualified to perform supervisory functions for the appointee.

When a District employee supervises a relative or household member, the employee shall make a complete written disclosure of the employee's relationship with the relative or household member in a sworn statement provided to the Board of Education. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

[Utah Code § 52-3-1\(2\)\(b\), \(c\) \(2018\)](#)

[Utah Code § 67-16-7\(2\)\(b\) \(2018\)](#)

H. Acceptance of Employment

No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative or household member, unless:

1. The relative or household member was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative or household member was not unlawful at the time of the appointment;
2. The appointee will be compensated from funds designated for vocational training;
3. The appointee will be employed for a period of 12 weeks or less;
4. The appointee is a volunteer as defined by the District;

5. The appointee is the only person available, qualified or eligible for the position; or
6. The Superintendent determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

[Utah Code § 52-3-1\(3\) \(2018\)](#)

I. Federal Funds

The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.

J. General Exceptions

This policy on nepotism shall not apply to the employment of a relative if the following criteria are established: Created: 29 April 2021

1. fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all-weather public roads;
2. the job opening has had reasonable public notice; and
3. the relative is the best qualified candidate for the position.

If an appointee is to be hired under this exception, the District shall make a written record of the proceedings in which it was established that the appointee met the criteria of this exception, which record shall include a written statement by the hiring officer certifying that the appointee satisfies the exception, all of which shall be retained in the personnel file of the appointee.

[Utah Code § 52-3-4 \(1998\)](#)

References

8 U.S.C.A 1324(a)-(b) – Immigration Reform & Control Act

Employers must verify the employment authorization of newly hired employees. Two types of documentation are required: documentation of right to work and documentation of identity. Posting not specified. The enforcement agency is the Spec. Counsel's Office of the U.S. Justice Department. Coverage applies to all employers.

42 U.S.C.A 2000d and 34 CFR 100, et seq. – Civil Rights Act, Title VII

Prohibits discrimination because of race, color, national origin, religion, sex, disability, pregnancy (including childbirth or related condition) in any term, condition of privilege of employment. Amended 1991, The 1991 Civil Rights Act amended the Civil Rights Act to reverse five cases decided in 1989.

Posting required at hiring and work location. The enforcement agency is the Equal Employment Opportunity Commission (EEOC). Coverage applies to employers with 25 or more employees.

29 U.S.C.A § 621 et seq. And 29 CFR 1625.1 et seq. – Age Discrimination in Employment Act

Prohibits age discrimination in employment against individuals 40 years of age or older. Posting required at hiring and work location. The enforcement agency is the EEOC. Coverage applies to employers with 20 or more employees.

29 U.S.C.A § 206 and CFR § 1620.1 et seq. – Equal Pay Act

Prohibits pay differentials on basis of sex. Posting is required at the work location. The enforcement agency is the EEOC. Coverage applies to employers subject to FLSA.

42 U.S.C.A §§ 12111-12117 and CFR 29§1630.4 – Americans with Disabilities Act

Utah Code Ann. §34A-5-106-Utah Code Annotated – Anti-discrimination Act which prohibits discriminatory or unfair employment practices and permitted practices.

Utah Code Ann. §52-3-1 to 4 – Utah Code Annotated – Prohibiting Employment of Relatives.