

ALL PERSONNEL**Non-Discrimination in Employment**

The County Board of Education and Superintendent are committed to provide El Dorado County Office of Education employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all EDCOE employees and, to the extent required by law, to interns, volunteers, and job applicants.

No employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's, actual or perceived race, color, age, religious creed, ancestry, national origin, ethnic group identification, marital, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, sexual orientation; or the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment;
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training;
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment;
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status;
 - b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the EDCOE's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement;
 - c. Disability discrimination based on an EDCOE requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such

disability or condition, without the showing of a job-related need or business necessity;

- d. Disability discrimination based on the EDCOE's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition.

Retaliation against any EDCOE employee who opposes any discriminatory employment practice by the EDCOE or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the EDCOE's complaint process pursuant to this policy is prohibited. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted.

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated EDCOE coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The EDCOE shall protect any employee who reports such incidents from retaliation.

All necessary actions shall be taken in order to comply with the letter and the spirit of state and federal laws prohibiting discrimination in employment. Employees shall be provided with training and information about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the EDCOE's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the EDCOE's employment practices and, as necessary, shall take action to ensure the EDCOE's compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on EDCOE premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

The County Superintendent affirms a commitment to equal employment opportunity. All recruitment, promotion/retention/induction, personnel management practices, and collective bargaining agreements shall be administered in a manner which adheres to equal employment opportunity principles.

Any employee who engages in or permits unlawful discrimination or harassment or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action up to and including dismissal.

Legal Reference:

EDUCATION CODE 44100-44105 Affirmative action employment

GOVERNMENT CODE 12900-12996 Fair Employment and Housing Act

42 USC § 2000a et seq. Civil Rights Act of 1964

20 USC § 1681 et seq. Education Act Amendments of 1972 (Title IX)

20 USC § 1687 Civil Rights Restoration Act

29 USC § 621 et seq. Age discrimination in Employment Act

38 USC § 4211 et seq. Vietnam Era Veterans' Readjustment Assistance Act of 1972

42 USC § 12101 et seq. Americans with Disabilities Act of 1990

Public Law 107-110 (HRI) No Child Left Behind Act of 2001