

*Riverside County Office of Education*  
*Board Policy 4030 Nondiscrimination in Employment*

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**ALL PERSONNEL**

**SUBJECT: Nondiscrimination In Employment**

The County Board of Education (County Board) is determined to provide County Office of Education (County Office) 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 County Office employees and, to the extent required by law, to interns, volunteers, and job applicants.

No County Office 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 actual or perceived race (including hair texture and protective hairstyles), color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex or sexual orientation, or his/her association with a person or group with one or more of these actual or perceived characteristics at any County Office site and/or activity. The County Board and County Superintendent of Schools or designee (County Superintendent) also prohibit retaliation against any employee or job applicant who complains, testifies or in any way participates in the County Office's complaint procedures instituted pursuant to this policy.

Additionally, no employee or job applicant shall be discriminated against on the basis of reproductive health decision-making, defined as a person's decision to use or access a particular drug, device, product, or medical service for reproductive health. (Government Code 12926, 12940)

Equal opportunity shall be provided to all employees and applicants in every aspect of personnel policy and practice. The County Board and County Superintendent shall not discriminate against physically or mentally disabled persons who, with reasonable accommodation, can perform the essential functions of the job in question. (cf. 1312.1 - Complaints Concerning County Office Personnel) (cf. 4031 - Complaints Concerning Discrimination in Employment) (cf. 4032 - Reasonable Accommodation) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment) (cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

The County Office shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law. (2 CCR 11028)

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,

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promotion, job assignment, or training (cf. 4151/4251/4351 - Employee Compensation) (cf. 4154/4254/4354 - Health and Welfare Benefits)

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 (cf. 4033 - Lactation Accommodation) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
  - 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 County Office'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 a County Office 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 (cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)
  - d) Disability discrimination based on the County Office'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
  - e) Requiring an applicant or employee to disclose information relating to the employee's reproductive health decision-making

Any employee who engages in unlawful discrimination or who aids, abets, incites, compels or coerces another to discriminate, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

The County Board also prohibits retaliation against any County Office employee who opposes any discriminatory employment practice by the County Office or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the County Office's complaint process pursuant to this policy. 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. (Government Code 12940)

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No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases the employee's right to file a claim against the County Office or to disclose information about harassment or other unlawful employment practices. (Government Code 12964.5)

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the site administrator, County Office administrator or County Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The County Office shall protect any employee who reports such incidents from retaliation. Failure of a County Office employee to report discrimination or harassment may result in disciplinary action. (cf. 4118 - Suspension/Disciplinary Action) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment) (cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 4318 - Suspension/Disciplinary Action)

The County Superintendent shall use all appropriate means to reinforce the County Office's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the County Office's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the County Office's employment practices and, as necessary, shall take action to ensure County Office compliance with the nondiscrimination laws.

In addition, the County Superintendent shall post, in a conspicuous place on County Office premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.(cf. 4031 - Complaints Concerning Discrimination in Employment)

The County Office shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the County Office is notified that a complaint has been filed with the California Civil Rights Department, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

The County Superintendent designates the following position(s) as coordinator(s) for nondiscrimination in Employment:

Executive Director, Personnel Services

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P. O. Box 868 Riverside, 92501  
(951) 826-6673

Legal Reference:

CIVIL CODE

51.7 Freedom from violence or intimidation EDUCATION CODE 212.1 GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act PENAL CODE

422.76 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681 - 1688 Discrimination based on sex or blindness, Title IX UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973 UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2 - 2000h-6 Title IX, 1972

Education Act Amendments 12101 - 12213 Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 American with Disabilities Act CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694 Shephard v.

Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June, 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999 Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>