

**Placer County Office of Education
Superintendent Regulation**

4030 SR: Nondiscrimination in Employment

Status: Adopted

Original Adopted Date: 12/8/2020 | Last Revised Date: 12/10/2024

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the County Office shall be investigated and resolved in accordance with procedures specified in this administrative regulation. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Superintendent Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The County Office designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to organize and manage the County Office's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the County Office's nondiscrimination policies. The coordinator may be contacted at:

Brian Swank, Executive Director – Human Resources

Placer County Office of Education

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Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in County Office employment, the County Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the County Office has employees, and post electronically in a conspicuous location on computers for employee use, up-to-date California Civil Rights Department (CRD) posters on the prohibition of workplace discrimination and harassment, including sex-based harassment, the rights of transgender employees, and the rights and obligations of employees who are pregnant, have a related medical condition, or are recovering from childbirth
2. Publicize the County Office's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by:
 - a. Including a nondiscrimination announcement in each bulletin or application form that is used in employee recruitment
 - b. Posting them in all County Office schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the County Office's web site and providing easy access to them through County Office-supported social media, when available
3. Disseminate the County Office's nondiscrimination policy and administrative regulation to all employees by one or more of the following methods:

- a. Printing and providing a copy to all employees, with an acknowledgment form for each employee to sign and return
- b. Sending a copy via email with an acknowledgment return form
- c. Posting a copy on the County Office intranet. The County Office will track and ensure all employees have read and acknowledged receipt of the policies
- d. Discussing the policy and regulation with employees upon hire and/or during a new hire orientation session
- e. Any other way that ensures employees receive and understand the policy

4. Provide to employees' information that clearly describes the County Office's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
5. Provide training to employees, and interns regarding the County Office's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made
6. Training supervisors of the requirement to report any complaint of misconduct to a designated representative, such as to County Office's Coordinator, as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023) In addition, the County Office The County Office may also provide bystander intervention training to employees which includes information and practical guidance on how to recognize potentially problematic behaviors and which may motivate them to take action when they observe such behaviors. The training and education may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention.
7. Periodically review the County Office's recruitment, hiring, and promotion processes and practices as well as regularly monitor the terms, conditions, and privileges of employment to ensure County Office compliance with nondiscrimination laws
8. For any County Office facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

Complaints of sexual harassment shall be investigated and resolved in accordance with SR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures if the alleged conduct meets the definition of sexual harassment pursuant to 34 CFR 106.30.

Any other complaint by an employee, intern volunteer, or job applicant alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: A complainant may inform a direct supervisor, another supervisor, the coordinator, the County Superintendent or, if available, a complaint hotline or an ombudsman. The complainant's direct supervisor may be bypassed in filing a complaint when the supervisor is the subject of the complaint.

The complainant may first attempt to resolve the situation informally with the complainant's supervisor before filing a written complaint.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, any available evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the County Office's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be disclosed as necessary to conduct an effective investigation.

If the coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the coordinator may discuss the complaint with the County Superintendent or designee, legal counsel, or the County Office's risk manager.

The coordinator shall also determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed in order to prevent further incidents. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Remedial/Corrective Action:** No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report shall also include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the County Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. Appeal to the County Superintendent or designee: The complainant or the person accused may appeal any findings to the County Superintendent or designee within 10 working days of receiving the written report of the Coordinator's findings. The Coordinator shall provide the County Superintendent or designee with all information presented during the investigation. Upon receiving an appeal, the County Superintendent or designee shall schedule a meeting as soon as practicable. The County Superintendent or designee shall render his/her decision within 15 working days following the meeting.

Other Remedies

In addition to filing a discrimination or harassment complaint with the County Office, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s)
3. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2).

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Adopted: December 8, 2020
Revised: December 10, 2024