

STATE AND FEDERAL CIVIL RIGHTS LAWS

1. **California Fair Employment and Housing Act (FEHA) and its implementing regulations, *California Administrative Code, Title 2, Division 4, Fair Employment and Housing Commission:***

The public policy of the State of California is to protect and safeguard the civil rights of all individuals to seek, have access to, obtain and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, disability (mental and physical, including HIV and AIDS), medical condition (cancer and genetic characteristics), marital status, or sex (including sexual harassment, pregnancy or gender), sexual orientation (heterosexuality, homosexuality and bisexuality), age (40 and above), denial of family and medical care leave and denial of pregnancy disability leave or reasonable accommodation. . Employment practices should treat all individuals equally, evaluating each on the basis of individual skills, knowledge and abilities and not on the basis of characteristics generally attributed to a group enumerated in the Act. The objectives of the California Fair Employment and Housing Act and these regulations are to promote equal employment opportunity and to assist all persons in understanding their rights, duties and obligations, so as to facilitate achievement of voluntary compliance with the law.

2. ***Government Code, Article 9.5, Sections 11135-11139.5 and its implementing regulations, California Administrative Code, Title 22, Sections 98000-98413; and Title VI of the Civil Rights Act of 1964:***

These sections mandate comprehensive state and federal civil rights regulations to prohibit discrimination or denial of benefits to persons in the State of California who are under programs or activities that are funded by or receive financial assistance from the State of California or the Federal Government. Discrimination and denial of benefits are prohibited on the same previously identified basis.

3. ***Title V, Section 504 of the Rehabilitation Act of 1973 (29 USC Section 974); California Government Code Section 4450; and California Administrative Code, Title 2, Division 4, Chapter 2, Subchapter 9, 7293.9:***

These state and federal regulations mandate that qualified persons with disabilities will not be excluded from, denied benefits of, or discriminated against solely on the basis of their disabilities, under any program or activity that receives financial assistance from Cal OES. Further, all facilities used by

state and federal funded projects shall be made reasonably accessible to and usable by the physically handicapped.

These regulations further provide that employers shall make reasonable accommodation to the physically handicapped, unless the employer can demonstrate that such accommodation would impose undue hardship.

4. 28 CFR, Part 42, Nondiscrimination; Equal Employment Opportunity Policies and Procedures (U.S. Department of Justice) – FOR FEDERALLY FUNDED PROGRAMS ONLY:

Requires agencies receiving federal financial assistance from Cal OES to prepare an Equal Employment Opportunity Program (EEOP) upon meeting the following criteria:

- (a) Subrecipient has 50 or more employees.
- (b) Subrecipient has received a subaward in the amount of \$25,000 or more.
- (c) Subrecipient has a service population of three percent or more minority representation (if less than three percent, the EEOP must be prepared to focus on women).

Community-based organizations, Indian Tribes and Educational/Medical Institutions are exempt from Federal Government/Cal OES requirements of developing an EEOP, pursuant to 28 CFR, Part 42, Subpart E. Executive Orders 11246 and 11375 have assigned the EEO Monitoring responsibility for these Subrecipients to the U. S. Department of Health and Human Services.

5. The American with Disabilities Act of 1990 (ADA), 42 USC, Sections 12101 et seq., and U.S. Department of Justice implementing regulations, 28 CFR, Part 35:

The ADA guarantees equal opportunity for individuals with disabilities in public and private sector services and employment. A comprehensive anti-discrimination law for persons with disabilities, the ADA extends to virtually all sectors of society and every aspect of daily living (i.e., work, leisure, travel, communications, and more).