



SUBJECT: Non-Discrimination in Programs & Services		COORDINATOR: Civil Rights & EEO Programs	
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The California Governor's Office of Emergency Services (Cal OES) is committed to providing its programs and services free from discrimination. Accordingly, Cal OES has adopted and maintains this anti-discrimination policy designed to encourage professional and respectful behavior and prevent discriminatory conduct in our provision of programs and services. This policy prohibits retaliation against anyone who takes action to oppose discrimination, files a complaint, or participates in the investigation of a complaint.

Cal OES is committed to providing its programs and services in accordance with the following:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972 (Title IX)
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act of 1990
- The Victims of Crime Act (VOCA), 42 U.S.C § 10604(e)
- U.S. Department of Homeland Security regulations, 6 C.F.R., Part 19
- U.S. Department of Justice regulations, 28 CFR, Part 42
- The California Fair Employment and Housing Act (FEHA) and its implementing regulations
- California Government Code sections 11135-11139
- California Government Code section 4450

DEFINITIONS

Discrimination

Discrimination means unequal treatment of an individual or organization, in the provision or participation of Cal OES programs and services, on the basis of their protected category.

Program Beneficiary

An individual or entity who is eligible for and/or receives a program service or benefit (e.g., program participants, customers, clients, consumers, members of the public, etc.).

Protected Categories

Protected categories include race, color, religion, religious creed (including religious dress and grooming practices), national origin (including limited English proficiency), ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law.

Retaliation

Retaliation refers to adverse actions towards an individual engaged in a protected activity, such as opposing a discriminatory practice or participating in a discrimination complaint process.

Subrecipient

An individual, organization, entity, agency, or local jurisdiction that receives state or federal grant funding through Cal OES.

COMPLAINT PROCESS

All complaints of discrimination or retaliation by or against Cal OES employees, contractors, affiliates, Subrecipients, and program beneficiaries should be reported to the Cal OES Office of Civil Rights and Equal Employment Opportunity Programs (EEO Office). The EEO Office can be contacted through email: EEO@caloes.ca.gov.

When to Report

A person who thinks they have been subject to discrimination or retaliation should file a complaint alleging such as soon as possible.

How to Report

Complaints may be submitted anonymously, but the EEO Office may not have sufficient information to complete an investigation. A complainant or witness should disclose as

much detail as possible so that the allegations can be accurately assessed. Relevant information includes the identity of the person or persons alleged to have engaged in discriminatory or retaliatory conduct, witnesses, documentation, as well as the location, date, and description of each act of alleged discrimination or retaliation. Complaints alleging discrimination or retaliation may be submitted in writing to the Cal OES EEO Office by email to eeo@caloes.ca.gov or by mail to:

California Governor's Office of Emergency Services
Equal Employment Opportunity Office
3650 Schriever Avenue
Mather, CA 95655

Where a complaint received (in person, over the telephone, via an e-mail, or a letter) by someone other than the EEO Office, alleging discrimination or retaliation by Cal OES, shall, as soon as practicable, the individual receiving the complaint shall notify the Cal OES EEO Office of the complaint. The Cal OES EEO Office shall then ascertain the details of the complaint for evaluation and assignment.

Responding to a Complaint

Cal OES will promptly review the facts and circumstances of any alleged violation of this policy, and respond as outlined below:

- i. Upon receipt of a complaint, the Cal OES EEO Office shall determine whether the complaint should be investigated, and, if so, by whom.
- ii. The Cal OES EEO Office shall promptly provide the complainant with a written notice acknowledging receipt of the complaint, and follow up with the complainant to notify if the complaint is referred to another agency for investigation.
- iii. The Cal OES EEO Office shall inform a complainant that it will endeavor to keep the complainant's identity confidential; however, complete confidentiality cannot be guaranteed when it interferes with Cal OES's ability to fulfill its obligations under this policy, business necessity, and under the law.
- iv. Upon completion of an assessment or allegation of claims, the Complainant and any Respondents (people who are alleged to have violated Cal OES policy) will be notified of the results.

In the absence of a formal complaint, Cal OES may initiate an investigation where it has reason to believe that conduct that violates this policy has occurred. Moreover, even where a complainant conveys a request to withdraw their initial formal complaint, Cal OES may continue the investigation to ensure our employees, those representing Cal OES, and Subrecipients, are not engaging in behavior that violates Cal OES's prohibitions on discrimination and harassment.

All investigations will be fair, impartial, timely, and completed by qualified personnel.

FILING OF COMPLAINTS OUTSIDE CAL OES

Cal OES encourages individuals to file discrimination complaints with the Cal OES EEO Office; however, this policy is not intended to impair or limit the rights of anyone to seek a remedy available under state or federal law. The procedures discussed in this policy need not be utilized first or in any sequence nor do such procedures need to be exhausted before another is used.

Complaints of discrimination or retaliation by Cal OES, may also be filed with the agencies listed below. Individuals who wish to pursue filing with these agencies should contact them directly to obtain further information about their processes and time limitations.

California Civil Rights Department

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711

contact.center@calcivilrights.ca.gov

<https://www.calcivilrights.ca.gov>

U.S. Equal Employment Opportunity Commission

450 Golden Gate Avenue 5 West,

P.O. Box 36025

San Francisco, CA 94102-3661

1-800-669-4000 (voice) or 844-234-5122 (ASL Video Phone)

<http://www.eeoc.gov/field-office/sanfrancisco/location>

FILING OF COMPLAINTS AGAINST A SUBRECIPIENT

Complaints of discrimination or retaliation against a Cal OES Subrecipient receiving U.S. Department of Justice (DOJ) or U.S. Department of Homeland Security (DHS) federal funding, may be submitted to the Cal OES EEO Office or to the appropriate federal agency:

United States Department of Justice

Office of Justice Programs, Office for Civil Rights

810 7th Street NW,

Washington, DC 20531

202-307-0690 (voice), 202-307-2027 (TDD/TTY)

United States Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, D.C. 20528-0190
202-401-4708 (voice) or crclcompliance@hq.dhs.gov

Cal OES will ensure that Subrecipients have procedures in place for complying with applicable provisions of laws and policies prohibiting discrimination, as well as responding to discrimination complaints filed directly with the Subrecipient. A set of standard assurances, which include the civil rights requirements, are included with each Grant Subaward and requires each Subrecipient to sign assuring compliance.

CORRECTIVE ACTION FOR POLICY VIOLATIONS

Cal OES will take appropriate corrective action(s) up to and including formal discipline against any employee(s) and suspension or termination of funding for Subrecipients when an investigation has found that misconduct occurred in violation of this policy.

POLICY DISSEMINATION

A copy of this policy shall be made available to Cal OES program beneficiaries and Subrecipients through inclusion in program materials, posting on the Cal OES website, and providing a copy of the policy and complaint procedures upon request.

The complaint process will be posted to our website in an accessible format. Persons with disabilities or limited English proficiency (LEP) may contact their program representative or the Cal OES EEO Office to obtain information in an alternate format or language.

Cal OES Grants Management will issue a memo to Subrecipients explaining the discrimination complaint process for program beneficiaries (referred to as Subrecipients) with links to the Cal OES website where Subrecipients can read the policies in their entirety. These policies will be made available on the Grants Management homepage, which is the main landing page for Subrecipients that receive DHS and DOJ funding. In addition, Grants Management will incorporate information about the discrimination complaint process in our Standard Assurances, which must be signed by Subrecipients prior to executing their Grant Subaward agreement. By signing the Grant Subaward agreement, the Subrecipient agrees to comply with all applicable federal civil rights laws prohibiting discrimination.

Approved:



Lisa Mangat, Chief Deputy Director
California Governor's Office of Emergency Services


Date