

## Subject: Treatment of Individuals

### Item: Nondiscrimination/Examples of Discriminatory Actions

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#### **PURPOSE:**

To provide guidance to local agencies (LAs) to ensure that no person is subjected to discrimination.

#### **POLICY:**

- I. Local agency (LA) staff must ensure that no person(s) is/are excluded from participation in, denied benefits, or subjected to discrimination at the California WIC Program on the basis of the federal and state legally protected classes.
  - A. Federal protected classes include race, color, national origin, sex (including gender identity and sexual orientation), disability, age, and reprisal or retaliation for prior civil rights activity.
  - B. California protects against discrimination on the basis of the federal protected classes as well as the following state protected classes: ethnic group identification, ancestry, religion, genetic information, medical condition, pregnancy, political affiliation or opinion, retaliation, marital status, domestic violence, gender, gender identity, gender expression, sexual orientation, and military or veteran status.

#### **PROCEDURES:**

- I. LA staff must:
  - A. Implement procedures to ensure that no person is subjected to discrimination as defined in this policy and the civil rights regulations referenced in the Authority section.
  - B. Display the most current version of the nondiscrimination poster entitled “And Justice for All” in (a) prominent place(s), such as waiting rooms or other locations frequented by applicants and/or participants. The poster is available from the Office of State Publishing (OSP) and may be ordered from the Web Storefront on the Local Agency SharePoint Site (LASS).
- II. LA staff are prohibited from discriminatory actions such as:
  - A. Excluding persons from participation in the WIC program on the basis of the protected classes.
  - B. Allocating food packages to eligible persons inequitably on the basis of the protected classes.

- C. Issuing food benefits in a place, time, or manner that results in or has the effect of denying or limiting the benefits on the basis of the protected classes.
- D. Segregating persons in site waiting rooms.
- E. Failing to apply the same eligibility and application criteria to all potentially eligible persons seeking participation in the WIC Program.
- F. Certifying potentially eligible persons as eligible to receive program benefits solely on the basis of the protected classes.
- G. Maintaining a waiting list which makes distinctions on the basis of the protected classes.

**EXCEPTIONS:**

The eligibility determination according to WIC category is not a violation of civil rights, since the purpose of the program, as set forth by law, is to provide benefits to the following applicant/participant categories:

- Pregnant
- Breastfeeding
- Non-breastfeeding
- Infants
- Children under the age of five

**AUTHORITY:**

[7 CFR §246.8 Nondiscrimination](#)

[7 CFR §15 Nondiscrimination](#)

WRO Policy Memorandum 818C

Title VI of the Civil Rights Act of 1964

Title IX of the Education Amendments of 1972

Section 504 of the Rehabilitation Act of 1973

Age Discrimination Act of 1975

Americans with Disabilities Act of 1990

California Fair Employment and Housing Act