

Clay County Social Services
715 North 11th Street, Suite 502
Moorhead Minnesota 56560

Civil Rights Compliance Plan

May 23, 2006

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Purpose of Plan

The purpose of the **Civil Rights Compliance Plan** is to ensure compliance with Federal Civil Rights law in all its application to the business of Clay County Social Services.

Contact Information

The following contact information for Civil Rights, Limited English Proficiency and ADA/504 purposes is as follows:

Contact: Rhonda Porter, LSW - Director and OCR Coordinator
Address: 715 North 11th Street, Suite 502
Address: Moorhead, Minnesota 56560
Phone: 218.299.5200
Fax: 218.299.7515
TTY: Minnesota Relay 218.299.3666
Email: rhonda.porter@co.clay.mn.us
Posting: Main lobby - 715 North 11th Street, Suite 102, 106A and 502, Moorhead MN 56560

Legal References

This document is written within the backdrop of the following citations: Title VI of the Civil Rights Act of 1964 - Public Law 88-352; Section 504 of the Rehabilitation of Act of 1973 - Public Law 93-112; The Age Discrimination Act of 1975 (Public Law 94-195); the Food Stamp Act of 1977 - Public Law 95-113; Minnesota Government Data Practice Act - M.S. 13.01 et seq; and DHS Bulletin #06-89-10 of 3-2-06.

Equal Opportunity Policy

1. Policy Framework - In keeping with Office of Civil Rights (OCR) guidelines, each county human service agency should develop a written equal opportunity policy. This policy should relate to service delivery that states or reaffirms it's commitment to provide all services, financial aid, and other benefits to all eligible persons without regard to race, color, national origin, sex, religion, age, political beliefs and disability. It is the policy of Clay County Social Services (CCSS) to provide federally-financed services, financial aid and benefits of programs and activities without discrimination on the basis of race, color, national origin, sex, religion, age, political beliefs and disability. This policy extends to prohibit discrimination in services that are administered and delivered according to Federal, State and local civil rights laws, executive orders, rules and regulations.

2. Equal Opportunity Components - "Equal opportunity" has the following components:

*That no otherwise qualified person, under any program or activity receiving federal financial assistance (and state financed under ADA), shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination;

*That each program or activity is conducted so when viewed in its entirety, it is readily accessible to and usable by individuals with physical, mental or emotional disabilities, including making reasonable accommodations or modifications in policies, practices or procedures when necessary unless doing so would result in either a fundamental alteration in the nature of the program or undue financial and administrative burdens;

*That applicant/client eligibility determinations, assignments to staff and facilities, treatment by staff, access to information about programs, physical and programmatic access to facilities, referral services, intake and admissions procedures assessment, diagnosis, evaluation and treatment, outreach, patient disciplinary actions and termination of services are made without

regard to protected class status; and

*That services and information are provided in the appropriate language to persons with "limited English proficiency" (LEP) as well as appropriate services including, but not limited to, use of a TTY/TDD and/or telephone relay service for individuals who are deaf or hard of hearing.

3. Disability Posting - CCSS has, as part of its **Civil Rights Compliance Plan**, incorporated the use of the ADA-related brochure "**Do You Have A Disability**" (DHS-4133-ENG). This document is posted in the central reception areas of the agency as well as being part of the appendices. Please see **Appendix 1** for a copy of this document. This document will be included in all rights and responsibilities information packets that go out to the public.

Complaint Resolution Protocol

1. Complaint Framework - In keeping with OCR guidelines, each county human service agency should develop a manageable procedure for resolving service delivery discrimination complaints. The agency should also provide written notice of this procedure to staff, applicants, clients and the general public. Also in keeping with OCR guidelines, each county human service agency should notify the Department of Human Services in writing of all service delivery discrimination complaints filed against the agency.

2. Resolution Protocol - CCSS will refer all civil rights complaints to the State Department of Human Services, Civil Rights Coordinator.

*If a person believes they have been discriminated against because of the person's race, color, national origin, sex, religion, age, political beliefs or disability, while applying for or receiving human services, the person may file a complaint. The person may file a complaint directly with the Department of Human Services (DHS).

DHS Civil Rights Coordinator
Minnesota Department of Human Services
Office of Equal Opportunity
P O Box 64997
St. Paul MN 55164-0997
651-431-3040 (Voice)
651-431-7444 (Fax)
651-431-3041 (TTY/TDD)

*The person must file the complaint within 1 year of the alleged discrimination. DHS may extend the one year period if the person can show good cause for not filing sooner.

*The person must file a written complaint.

*Once the person has filed the complaint, the institution or agency named in the complaint cannot retaliate against the person or any person who provides information about the complaint. If the person experiences retaliation because they filed a discrimination complaint or provided information about a complaint, the person should immediately notify the DHS Civil Rights Coordinator and report what happened.

*It is important to add that complainants also know where to file civil rights complaints on the State and Federal level if they do not want to file a complaint with DHS or CCSS. The Enforcement Agencies are: Minnesota Department of Human Rights; U.S. Department of Health

and Human Services Office for Civil Rights; and U.S. Department of Agriculture for the Food Stamp Program.

Minnesota Department of Human Rights
190 E. Fifth Street
St. Paul, MN 55101
(800) 657-3704 (Voice)
(651) 296-1283 (TTY/TDD)

Office for Civil Rights
U.S. Department of Health and Human Services
Region V
233 N. Michigan Avenue
Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice)
(312) 353-5693 (TTY/TDD)

U.S. Department of Agriculture (USDA)
Director, Office of Civil Rights
Room 326-W, Whitten Building
1400 Independence Avenue SW
Washington, D.C. 20250-9410
(202) 720-5964 (Voice and TTY/TDD)

Limited English Proficiency Component

1. Assessment

a. Needs Assessment - CCSS will on at least an annual basis make a needs assessment of the unique language needs within Clay County. The needs assessment will aim to discern the types of non-English languages that are most predominant in Clay County and which constitute populations that the County serves or those that may be eligible for County-provided services. The County will also be amenable to receive County-specific data from the Department of Human Services to assist in this form of needs assessment.

b. Case Finding - Specific language needs of each applicant with LEP will occur at the time of intake or application. This will primarily be done by reviewing the language preference questions on the **Health Care Application (HCAPP)** and the **Combined Application Form (CAF)**. Language preferences will be entered into the applicant's primary language field in the MAXIS system. If an interpreter is needed, it also will be entered in the MAXIS system. If the main receptionist or intake worker suspects that the applicant is a person with LEP, the worker will present the LEP person with a card that lists the seven major languages in order to determine which language is involved, if any. It is expected that in immediate need situations reasonable efforts will be made by CCSS to provide same-day interpreter services.

c. Points of Contact - The greatest likelihood of need for interpreter services will be at the point of intake - at the time of an emergency or application for financial assistance. The principal point of contact will most likely be, therefore, in the office setting in Moorhead. The most appropriate form of interpreter services will likely be language assistance in completion of an application for financial assistance or health care. The other point of contact may involve field-based contact when conducting child protection assessments. These contacts will typically take place in the home of the child's caretaker or parent.

d. Resources Needed - CCSS will utilize the services of community providers (**Cultural Diversity Resources in Fargo ND and International Translation Service in Moorhead MN**). Additionally, CCSS will utilize **Language Line Services** (1-800-752-0093).

e. Timely Access - The community providers are available during customary business hours, Monday through Friday, 8:00AM to 4:30PM. Language Line Services are available 24x7. When on-site interpreter services are to be used, it will be necessary to schedule appointments at mutually convenient times - for the client and the interpreter.

2. Policies and Procedures

a. Agency Commitment - CCSS is committed to the spirit of the Civil Rights Act of 1964. It recognizes the importance of providing meaningful access to all persons, including persons with LEP, to the various programs of Clay County Social Services. CCSS has, by prior action, adopted a policy statement entitled **Civil Rights Compliance Requirements** effective 1-1-95 and affirmed again on 1-1-01, this in conformity with DHS Bulletin #94-89A dated 12-27-94; and again by Action of the Clay County Board of Commissioners on 5-23-06 in conformity with DHS Bulletin #06-89-01 dated 3-2-06.

b. Range of Oral Language Assistance - There will be limited oral language assistance on site in CCSS from current employees. We have several staff who speak Spanish (one specifically designated to provide interpreter services). Rather, use will be made with community providers. Use of Language Line Services will take place as necessary. CCSS will take advantage of brief notice of rights to language services documents for persons with LEP as they are made available by the Department of Human Services.

c. Uncommon Languages - There may be circumstances when customers present for services who use a language other than that most commonly used in Clay County. Contact will be made with Language Line Services in the customary manner.

d. Access To and Cost of Interpreters - The CCSS employee handling the case will inform either the customer or the interpreter once it has been determined that interpreter services are needed, that there is no charge or fee for the service. This will be communicated in verbal form. At no time in the service delivery process will the customer incur any costs associated with LEP-directed interpreter services.

e. Use of Family and Friends - Use of family or friends as interpreters is not the preferred method of providing interpreter services. When it is determined that it is not feasible to use formalized interpreter services, alternative methods of customer service will need to be discussed. The worker may determine that a family member, friend or other responsible party can adequately perform the interpreter service. The worker needs to feel confident that the client's data privacy rights will be protected and that the quality of the interpreter services to be provided by the family member or friend will be acceptable. The worker will need to document in the case file the extenuating circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used. Under no circumstances may minor children be used for interpreter services.

f. Competency Standards for Interpreters - Any interpreter used for LEP services must be bi-lingual: fluent in English and fluent in the language of the customer needing the service. When using well-recognized interpreter services provided from a recognized agency - such as Cultural Diversity Resources, International Translation Services and Language Line Services, competency is presumed.

g. Dissemination and Posting of the Plan - The Plan will be reviewed by all CCSS employees who have direct customer contact. A copy of **MS-1659, DHS-4133** and the Plan will be prominently displayed in the CCSS central reception areas (Suites 102, 106A, 502).

h. Services To Illiterate - When confronted with a situation in which the customer is illiterate - cannot read or write in his or her native language - CCSS staff will assist the person in completion of necessary forms, documents and the like. CCSS staff will utilize interpreting services as necessary in these situations.

i. Emergency Situations - CCSS will take whatever steps necessary to ensure all clients including clients with LEP have access to services within appropriate time frames. Use of competent interpreters available for emergencies will be first course of action, however, considering that same day services may be required we anticipate Language Line Services will be used frequently in emergency situations.

j. Notice of Service Availability - LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the customer is not able to communicate in English. Notice of service availability will come from the **MS-1659** document in the central reception areas. Insofar as the Department of Human Services has translated many forms into multiple languages, CCSS will access these forms as necessary. Access to the Department's website at www.dhs.state.mn.us/forms will be made.

k. County-Produced Materials - CCSS will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS web-page will also be used as necessary.

l. Complaint Resolution Protocol - Any adverse action taken by CCSS with which an applicant or recipient disagrees is subject to complaint. CCSS will attempt to resolve any dispute locally. In the absence of local resolution, the person making the complaint will be informed in a language understandable to the grievant, of the process to follow in making a complaint to DHS or the Office of Civil Rights. The complaint procedure will conform in all respects to the CCSS procedure included in the **Civil Rights Compliance Plan**. Appropriate use of interpreter services with community providers or Language Line Services to facilitate the dispute resolution process will take place. All such complaints can be made to any of the parties listed in the Complaint Resolution Protocol.

3. Training

a. Distribution of Plan - All CCSS employees will review the Plan upon its adoption.

b. Training of Staff - Initial and Ongoing - The Plan will be made a part of new employee orientations. The Plan will be distributed to all agency staff likely to have contact with persons with LEP. Intake Workers in all units and Supervisors will each have a copy. Staff awareness will happen through discussions in unit supervisor staffings and through distribution of notices and other written materials. Training on specific aspects of the plan will occur - how to use Language Line, how to use interpreters, how to handle emergencies/crisis situations. Periodic training should occur from DHS and other entities to ensure uniformity, information sharing and a best practices philosophy.

4. Monitoring

a. Evaluation of the Plan - The Plan will be reviewed by the agency management team on an annual basis. Evaluation will include the following components: assessment of numbers of persons with LEP (DHS will assist in this process), assessments of current language needs of applicants and clients (updating of files and reviewing at redeterminations of eligibility), assessment of existing resources as to effectiveness, monitoring by agency supervisory staff as to whether staff are complying with LEP Plan (could include case reviews). Feedback will be sought from LEP clients, community organizations and advocacy groups as to "how we're doing".

b. LEP Contact Person - A log of all LEP complaints will be kept for tracking and documentation. Mary Luhman-Olsen will be in charge of keeping log. Rhonda Porter, Director, telephone 218.299.5200, will be

responsible for receiving civil rights complaints for the agency including complaints relative to LEP.

Assurance of Compliance

In keeping with implementation of Title VI, Section 504 of the Rehabilitation Act, the Age Discrimination Act, and the Food Stamp Act, each county human service agency should sign a written assurance agreement stating that it will comply with these laws. An assurance agreement should be signed by the Director of CCSS and the Clay County Attorney for submission to the Department of Human Services Civil Rights Coordinator. Please refer to **Appendix 2** for a copy of this current assurance document.

Appendix

1. DHS-4133 Disability document
2. 2006 Assurance of Compliance document

Appendix 1

DHS Disability Document (DHS-4133 - Eng)

**MINNESOTA DEPARTMENT OF HUMAN SERVICES
2006 CIVIL RIGHTS ASSURANCE AGREEMENT**

ASSURANCE OF COMPLIANCE FOR THE MINNESOTA COUNTY HUMAN SERVICES AGENCIES WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964. SECTION 504 OF THE REHABILITATION ACT OF 1993. THE AGE DISCRIMINATION ACT OF 1975 AND THE FOOD STAMP ACT OF 1977.

Clay County Social Services (CCSS) provides this assurance in consideration of and for the purpose of maintaining its receipt of federal financial assistance from the United States Departments of Health and Human Services and Agriculture. CCSS agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance and that it is binding upon CCSS, its successors, transferees and assignees for a period of two years, January 2006 through December 2007, during which the assistance is provided.

CCSS AGREES THAT IT WILL COMPLY WITH:

1. ***Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352)***, as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 80). In accordance with Title VI and its implementing regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which CCSS receives federal financial assistance from the Department of Health and Human Services.
2. ***Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112)***, as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 84). In accordance with Section 504 and the regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which CCSS receives federal financial assistance from the Department of Health and Human Services.
3. ***The Age Discrimination Act of 1975 (Pub. L. 94-195)***, as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 91). In accordance with the Age Discrimination Act and the regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which CCSS receives federal financial assistance from the Department of Health and Human Services.
4. ***The Food Stamp Act of 1977 (Pub. L. 95-113)***, as amended, and all requirements imposed by or pursuant to the Food and Nutrition Service (FNS) Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities of the Department of Agriculture which derives authority from the Food Stamp Act, the Department of Agriculture regulation implementing Title VI (7 C.F.R. Part 15 Subpart A and Subpart C) and the regulations implementing Section 504 and the Age Discrimination Act. In accordance with the Food Stamp Act and FNS Instruction 113-1, the Food Support Program is committed to assuring that no person in the United States shall, on the ground of race, color, national origin, age, sex, disability, political beliefs or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination

under the Food Support Program. FNS Instruction 113-1 requires that CCSS obtain a written civil rights assurance of compliance, and to assure compliance, Department of Agriculture personnel must be allowed access to CCSS records, books and accounts as needed during normal work hours.

5. Pursuant to the Civil Rights Plan for the Minnesota Department of Human Services (DHS), DHS shall have access to private and/or confidential data maintained by CCSS or other sub-recipient of federal financial assistance to the extent necessary to conduct a full and complete investigation into any complaint of discrimination. DHS agrees to comply with all requirements of the Minnesota Government Data Practices Act (Minn. Stat. Ch. 13.01 et seq.). No private and/or confidential data collected, maintained or used in the course of an investigation shall be disseminated except as authorized by statute, either during the period of the investigation or thereafter.

The person whose signature appears below is authorized to sign this assurance agreement and commit CCSS to the above provisions.

County Agency: Clay County Social Services

Name: Rhonda Foster

Title: Director

Date: 5-23-06

I certify that the signatory for CCSS has lawful authority to bind CCSS to the terms of this civil rights assurance agreement.

Date: 5/24, 2006.

By: [Signature]
Clay County Attorney