



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

January 28, 2014

Ana Pagan, Director  
Merced County Human Services Agency  
2115 W. Wardrobe Ave  
Merced, CA 95341

Dear Ms. Pagan:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided to the reviewer from our office, Ms. Cabrera, during the course of the Civil Rights Compliance Review of August 5-9, 2013. Enclosed is the final report on the review.

There are some compliance issues (deficiencies) identified in the report, which will require the development of a Corrective Action Plan (CAP). Please submit your CAP within 60 days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the enclosed report.

Please submit your CAP in both hardcopy and, in an effort to comply with ADA website accessibility, we also require the CAP to be submitted electronically as a Word document via email at [crb@dss.ca.gov](mailto:crb@dss.ca.gov).

We will provide a copy of your report to any individual who makes a valid Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it becomes a public document as well. In addition, these documents are published on our website at <http://www.cdss.ca.gov/civilrights/PG2890.htm>.

If you need technical assistance in the development of your CAP, please feel free to contact Ms. Cabrera at (916) 654-1047. You may also contact her by e-mail at [claudia.cabrera@dss.ca.gov](mailto:claudia.cabrera@dss.ca.gov).

Sincerely,

***Original signed by Civil Rights Bureau Chief***

JIM TASHIMA, Chief  
Civil Rights Bureau  
Human Rights and Community Services Division

Enclosure

c: Karen Joseph, Civil Rights Coordinator  
Victor Nazario, Compliance Manager

Mike Papin, Chief  
CalFresh Policy Bureau

John Mason, Chief  
Field Operations Bureau

Sysvanh Kabkeo, Chief  
CalFresh Management Operations Section

Taadhimeka Haynes  
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Legal Services of Northern California

**CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

**FOR**

**Merced County Human Services Agency**

**Conducted**

**August 5-9, 2013**

**California Department of Social Services**

**Human Rights and Community Services Division**

**Civil Rights Bureau**

**744 P Street, M.S. 8-16-70**

**Sacramento, CA 95814**

**(916) 654-2107**

**Reviewer**

**Claudia Cabrera**

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## I. CIVIL RIGHTS COMPLIANCE REVIEW REPORT

### I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Merced County Human Services Agency with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on August 5-9, 2013. An exit interview was held to review the preliminary findings.

The review was conducted in the following locations:

<b>Address</b>	<b>Programs Reviewed</b>	<b>Non-English languages spoken by a substantial number of clients (5% or more)</b>
2115 West Wardrobe Ave Merced, CA 95341	Children's Services (FM, FR, ER, PP), CalFresh, WTW	Spanish, Hmong
635 J Street Los Banos, CA 93635	Children's Services (FM, FR, ER, PP)	Spanish
1471 B Street Livingston, CA 95334	WTW, Calfresh, CalWORKs	Spanish, Hmong
2777 North Highway 59 Merced, CA 95341	IHSS/APS	Spanish, Hmong

### II. SUMMARY OF METHODOLOGY

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the 2013 Civil Rights Compliance Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.
- Reviewed the previous Compliance Reviews and Corrective Action Plans submitted by the county.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Survey of program managers

- Case file reviews
- Facility inspections
- Discussions with community advocate groups. In this review the following organization(s) were contacted for feedback. We did not receive a response to our request:

NAME OF CONTACT: Kirk Ah Tye  
 ORGANIZATION: The California Rural Legal Assistance, Inc.  
 ADDRESS: 324 E Carrillo Street # B, Santa Barbara, CA 93101  
 EMAIL ADDRESS: [kahtye@crla.org](mailto:kahtye@crla.org)  
 PHONE NUMBER: (805) 963-5981

NAME OF CONTACT: Gil Olguin  
 ORGANIZATION: Central California Legal Services, Inc.  
 ADDRESS: 2115 Kern Street, Suite 1, Fresno, CA 93721  
 EMAIL ADDRESS: [gil@centralcallegal.org](mailto:gil@centralcallegal.org)  
 PHONE NUMBER: (800) 675-8001

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

#### Interviews Conducted of Public Contact Staff

<b>Classifications</b>	<b>Total</b>	<b>Bilingual</b>
Eligibility Workers	7	3
Children Social Workers	3	2
Adult Program Workers	4	2
Receptionist/Screeners	3	2
<b>Total</b>	<b>17</b>	<b>9</b>

Additional three staff interviews were scheduled but were not conducted due to staff unavailability.

### Program Manager Surveys

Number of surveys distributed	4
Number of surveys received	4

### Reviewed Case Files

English speakers' case files reviewed	10
Non-English or limited-English speakers' case files reviewed	78
Languages of clients' cases	Spanish, Hmong, Portuguese, Vietnamese, Arabic, Cambodian, Lao, ASL, Punjabi
CalFresh Fraud Cases reviewed	9
Languages of clients' cases	Spanish, Hmong

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX summarizes findings from discussions with community organizations, including advocate groups.

Section X reviews the county's compliance plan, and provides either approval of the plan as submitted, or lays out additional information to be submitted to gain approval.

Section XI of the report is reserved for a declaration of overall compliance.

### **III. DISSEMINATION OF INFORMATION**

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

## A. Findings

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			
Does the county have extended hours to accommodate clients?	X			<p>On-Call Children's Services Social Workers usually have extended hours and can meet with clients either later in the day after the normal business hours or early in the morning.</p> <p>The offices located at 1471 B Street, Livingston and 2115 West Wardrobe Ave, Merced have extended hours every Thursday. Office is open from 8:00 am-7:00 pm.</p>
Can applicants access services when they cannot go to the office?	X			<p>CalFresh and CalWORKs applications can be submitted electronically 24/7 via the "C4 Yourself" online application system. Applications can be mailed to the client at home, home visits can be arranged, and clients can access their case information via IVR (Interactive Voice Response) or by accessing "C4 Yourself" via the internet.</p> <p>Clients can also</p>

				access a kiosk at one of their several locations (Atwater Health Center, San Joaquin pharmacy, George Washington Harbor Center in Dos Palos, or at the Merced main office).
Does the county ensure the awareness of available services for individuals in remote areas?	X			Pamphlets are distributed at schools, staff set up informational booths at community fairs/events/job fairs.

<b>Signage, posters, pamphlets</b>	<b>Yes</b>	<b>No</b>	<b>Some-times</b>	<b>Comments</b>
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13 – 6/11)?	X			
Is the pamphlet distributed and explained to each client at intake and re-certification?	X			The PUB 13 is distributed and explained during the initial contact, redetermination/recertification, initial intake and renewal.
Is the current version of Pub 13 available in Arabic, Armenian Cambodian, Chinese, English, Farsi Hmong, Japanese, Korean, Lao Mien, Portuguese, Punjabi, Russian Spanish, Tagalog, Ukrainian, and Vietnamese?			X	The Livingston office did have all of the PUB 13 languages available in the lobby.  The office location at 2777 N HWY 59 only had the English and Spanish versions of the PUB 13 available in the lobby.
If the PUB 13 is not displayed in all the languages available, is there a poster that indicates that the Pub		X		

<b>Signage, posters, pamphlets</b>	<b>Yes</b>	<b>No</b>	<b>Some-times</b>	<b>Comments</b>
13 is available in all 18 languages?				
Was the Pub 13 available in large print (English and Spanish), audiocassette and Braille?		X		The Livingston office did not have the audio or large print versions of the PUB 13.  The IHSS Merced office located at 2777 N Hwy 59 did not have the audio version of the PUB 13.
Were the current versions of the required posters present in the lobbies?	X			
Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?	X			
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	X			

## **B. Corrective Actions**

<b>Informational Element</b>	<b>Corrective Action Required</b>
Translated Pub 13	Merced County Human Services Agency shall ensure that the current version of the Pub 13 is available in all languages translated by CDSS and that the available translated versions are given to the clients in their primary language. Div. 21-115.2
Auxiliary aids	Merced County Human Services Agency shall ensure the availability of large print, Braille, and auditory aids for participants in all of the programs for which CDSS has oversight responsibility. Div. 21-115.4

## **C. Recommendation**

None

The county is required to use the latest version of each of the referenced documents. For your information, the most recent version for each of the above referenced documents is:

Pub 13	“Your Rights under California Welfare Programs”	06/11
Pub 86	“Everyone is Different, but Equal Under the Law”	03/07
Form AD 475B	“And Justice for All”	12/99

Contact the Civil Rights Bureau to receive the most recent versions, or download the Pub 13 from the CRB website

<http://www.cdss.ca.gov/civilrights/entres/forms/English/pub13.pdf>.

#### **IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.





	<p>The accessible parking space is short at 17'2".</p> <p>The location of the access aisle is on the driver's side.</p> <p>The words "No Parking" is missing on the pavement of the access aisle.</p>	<ul style="list-style-type: none"> <li>• (a) By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; OR</li> <li>• (b) By outlining a profile view of a wheelchair with occupant in white on blue background.</li> </ul> <p>The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36" by 36". (CA T24 1129B.4.1 &amp; 2) p 134</p> <p>Parking space dimensions: 9' wide by 18' long.</p> <p>Access aisle dimensions: 5' wide by 18' long. (CA T24 1129B.3.1 &amp;2) ADA 4.6.3) p 136</p> <p>Dimension to centerline of stripes. (CA T24 1129B.3.1) p136</p> <p>Access aisles should be located on the passenger side of a space, and should be a min. of 18' long by 5" wide for aisles, serving car accessible spaces. (CA T24 1129B.3.1) p136</p> <p>The words "NO PARKING" shall be painted on the ground in each 5' or 8' loading and unloading access aisle in white letters no smaller than 12". (CA T24 1129B.3.1) p 136</p>
<p>Main Entrance</p>	<p>The accessible signage on the door is small and barely visible.</p>	<p>A sign with the international symbol of accessibility shall be at every primary entrance and every major junction where the accessible route</p>

		<p>of travel diverges from the regular circulation path along or leading to an accessible route of travel, entrance or facility. (CA T24 1127B.3) p 191</p> <p>The International Symbol of Accessibility shall be the standard used to identify facilities that are accessible to and usable by physically disabled persons as set forth in these building standards and as specifically required in this section. (CA T 24 117B.5.8.1) (ADA 4.1.2(7)) p 400</p> <p>Signs shall indicate the direction to accessible building entrances and facilities. (CA T24 1117B.3) p 191, 400</p>
	The name and office address are not listed anywhere for the public. The office is not identified, therefore not easily located.	
Client lobby	Door pressure is excessive at 13 lbs.	Exterior Door: 5 pounds of force max. pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(A)) p 207
Restrooms	Men's  Door sign is low at 57 ½".	<p>Door sign and wall sign shall be 60" above the floor to the center line of sign.</p> <p>For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7) (ADA 4.30.6) p 287</p> <p>Raised characters shall be raised 1/32" minimum and shall be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1) (ADA 4.30.4) p 287</p>

	<p>Door pressure is excessive at 11lbs.</p> <p>Soap dispenser is high at 42".</p> <p>Women's</p> <p>Door pressure is excessive at 11lbs.</p>	<p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207</p> <p>If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.8.1.1) (ADA 4.19.6) p 296, 299, 304</p> <p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207</p>
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**a. Recommendation**

It was noted that the client interview rooms are not designated as ADA accessible. There is not enough turnaround for a wheelchair to turn 180 degrees in a 60" diameter or T-shaped space (CA T24 1118B.3, ADA 4.2.3) p. 236. Although the wheelchair can be wheeled out in reverse, there needs to be an accessible interview room. An alternative is to use classroom C used for "job services" which has plenty of turnaround space and a place for a wheelchair to be parked. Classroom C shall be designated as an accessible interview room and identified with an ISA (where permanent identification is provided for rooms and spaces, signs are installed on the wall adjacent to the latch outside of the door. Mounting height is 60" above the finished floor to the center of the sign (CA T24 1117B.5.7) (ADA 4.30.6) p 404. Staff shall be informed of the availability of this classroom.

**2. Facility Location:** 635 J Street, Los Banos

Facility Element	Findings	Corrective Action
Parking	Note: Parking lot is located behind office.	Accessible parking spaces serving a particular building shall be located on the shortest available route of travel from adjacent parking to an accessible entrance. (CA T24 1129B.1)(ADA 4.6.2) p 135

	<p>The “Minimum Fine \$250” sign is not posted under the freestanding accessible sign.</p> <p>There is no “van-accessible” parking space or sign.</p> <p>The accessible parking space is short at 15’.</p> <p>The accessible parking access aisle is short at 4’4”.</p> <p>The words “No Parking” are not painted on the pavement of the access aisle.</p> <p>There is no access aisle connecting to the path of travel.</p> <p>Persons with disabilities are forced to go behind cars and walk through passing cars on the route to the office.</p>	<p>An additional sign or additional language below the symbol sign of accessibility shall state “Minimum Fine \$250.” (CA T24 1129B.4) p 134</p> <p>One in every 8 <i>accessible</i> spaces must be van accessible, but no less than 1 must be provided. (CA T24 1129B.3.1) p138</p> <p>Parking space dimensions: 9’ minimum width and 18’ minimum length. (CA T24 1129B.3.1) p 138</p> <p>Access aisle dimensions: 8’ wide by 18’ long, located on the passenger side. (CA T24 1129B.3.1 &amp; 2) (ADA 4.6.3) p 138</p> <p>Parking space dimensions: 9’ wide by 18’ long.</p> <p>Access aisle dimensions: 5’ wide by 18’ long. (CA T24 1129B.3.1 &amp;2) ADA 4.6.3) p 136</p> <p>The words “NO PARKING” shall be painted on the ground in each 5’ or 8’ loading and unloading access aisle in white letters no smaller than 12”. (CA T24 1129B.3.1) p 136</p> <p>The parking access aisles shall be part of an accessible route of travel to the building or facility entrance. (CA T24 1129B.3.1) P 136</p> <p>The space shall be located so the disabled are not forced to wheel or walk behind parking spaces other than their own accessible parking space. (CA T24 1129B.3.3) p 136</p>
<p>Exterior entrance</p>	<p>Door pressure is excessive at 12lbs.</p>	<p>Interior Door: 5 pounds of force max. pressure. (CA T24 1133B.2.5) (ADA</p>

	Door handle is high measuring at 43" for the bottom and 48" center of the handle.	4.13.11(2)) (B)) p 207  Hardware shall be centered between 30" and 44" above the floor. Latching and locking doors that are hand-activated and which are in a path of travel shall be operable with a single effort by lever-type hardware, panic bars, push-pull activating bars. U-shaped handles or other hardware designed to provide passage. (CA T24 1133B.2.5.2) (ADA 4.13.9) p 211
Client lobby	Knee space at the table located in the lobby was not accessible.  Counter was high at 39 1/2".	Minimum seating knee space is 27" high, 30" wide and 19" deep. (CA T24 1122B.3) (ADA 4.32.3) p 394  Min. height is 28" and max height is 34" from floor or ground top of tables or counters. (CA T24 1122B.4) (ADA 4.32.4) p 396
Unisex Restroom	Sign on the door is high at 63" to the center of the sign.  There is no adequate wheelchair turning space.  Toilet protector dispenser is high at 47".	Mounting height is 60" above the finished floor to the center of the sign. (CA T24 1117B.5.7) (ADA 4.30.6) p 404  Wheelchair Turning Space is a minimum space for a wheelchair to turn 180 degrees in a 60" diameter or T-shaped space. (CA T24 1118B.3, ADA 4.2.3) p 236  If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.8.1.1) (ADA 4.19.6) p 296, 299, 304

**a. Comment**

The two inner beams as you walk into the unisex restroom reduce the width from 36" to 34", therefore not meeting the minimum requirements of 36" for turning space.

**3. Facility Location:** 2777 N Highway 59, Merced

<b>Facility Element</b>	<b>Findings</b>	<b>Corrective Action</b>
Parking	<p>There is no “Unauthorized Parking” sign at entrance to off-street accessible parking.</p> <p>There is no additional “Minimum Fine \$250” sign below the accessible sign.</p>	<p>An additional sign shall be posted in conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space.</p> <p>The sign shall be 17” by 22” min. in size with lettering 1” min. high, stating:</p> <p>“Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner’s expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.”</p> <p>Blank spaces are to be filled in with appropriate information as a permanent part of the sign. (CA T24 1129B.4) p 134</p> <p>An additional sign or additional language below the symbol sign of accessibility shall state “Minimum Fine \$250.” (CA T24 1129B.4) p 134</p>
Exterior entrance	Door pressure is excessive at 17lbs.	Interior Door: 5 pounds of force max. pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)) (B)) p 207
Client lobby	<p>There is no accessible table.</p> <p>Counter is high at 40 ½”.</p>	<p>Minimum seating knee space is 27” high, 30” wide and 19” deep. (CA T24 1122B.3) (ADA 4.32.3) p 394</p> <p>Min. height is 28” and max height is 34” from floor or ground top of tables or counters. (CA T24 1122B.4) (ADA 4.32.4) p 396</p>
Drinking fountain	Protrudes more than 4” into passageway.	Protruding objects <u>in alcoves</u> cannot project more than 4” into walls,

	Spout is high at 42”.	<p>corridors, passageways, or aisles. (CA T24 1117B.1.3) p 233</p> <p>The spout is must be no higher 36” measured from the floor or ground surfaces to the spout outlet. (CA T24 1117B.1.5) (ADA 4.15.3) p 234</p>
Restroom	Men’s	
	Door pressure is excessive at 15lbs.	Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207
	The sink on the right is not insulated.	Hot water and drain pipes are insulated or covered. No sharp or abrasive surfaces under lavatories. (CA T24 1115B.4.3.4) ( ADA 4.19.4) p 296
	Soap dispenser is high at 42”.	If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type is located with all operable parts, including coin slots, at a maximum height of 40”. (CA T24 1115B.8.1.1) (ADA 4.19.6) p 296, 299, 304
	Women’s	
Door pressure is excessive at 16lbs.	Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207	
Pipes under sink need to be re-wrapped.	Hot water and drain pipes are insulated or covered. No sharp or abrasive surfaces under lavatories. (CA T24 1115B.4.3.4) ( ADA 4.19.4) p 296	

**a. Recommendation**

None



	<p>Accessible counter is high at 40 ½”.</p>	<p>wide by 18’ long, located on the passenger side. (CA T24 1129B.3.1 &amp; 2) (ADA 4.6.3) p 138</p> <p>Min. height is 28” and max height is 34” from floor or ground top of tables or counters. (CA T24 1122B.4) (ADA 4.32.4) p 396</p>
Restroom	<p>Men’s</p> <p>Door pressure is excessive at 9lbs.</p> <p>There is no sign on the wall.</p> <p>Women’s</p> <p>Door pressure is excessive at 10lbs.</p> <p>There is no sign on the wall.</p>	<p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207</p> <p>Door sign and wall sign shall be 60” above the floor to the center line of sign. For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p 287</p> <p>Raised characters shall be raised 1/32” minimum and shall be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1) (ADA 4.30.4) p 287</p> <p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207</p> <p>Door sign and wall sign shall be 60” above the floor to the center line of sign.</p>

		<p>For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p 287</p> <p>Raised characters shall be raised 1/32" minimum and shall be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1) (ADA 4.30.4) p 287</p>
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**a. Recommendation**

None

**5. Facility Location:** 2115 W. Wardrobe Ave, Merced (Social Services Building)

<b>Facility Element</b>	<b>Findings</b>	<b>Corrective Action</b>
Parking	<p>See Exhibit A photograph below.</p> <p>Accessible parking space #2 is too narrow at 8' 4 1/2" wide.</p>	<p>Parking space dimensions: 9' wide by 18' long.</p>
Lobby	<p>Accessible counter at window #2 is short at 26 3/4".</p> <p>The interview rooms do not have the minimum space for a wheelchair to turn 180 degrees in a 60" diameter to T-shaped space.</p>	<p>Min. height is 28" and max height is 34" from floor or ground top of tables or counters. (CA T24 1122B.4) (ADA 4.32.4) p 396</p> <p>Wheelchair Turning Space is a minimum space for a wheelchair to turn 180 degrees in a 60" diameter or T-shaped space. (CA T24 1118B.3, ADA 4.2.3) p 236</p>

<p>Restroom</p>	<p>Men's</p> <p>There is no sign on the door.</p>	<p>Door sign and wall sign shall be 60" above the floor to the center line of sign.</p> <p>For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p 287</p> <p>Raised characters shall be raised 1/32" minimum and shall be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1) (ADA 4.30.4) p 287</p>
	<p>Door pressure is excessive at 10lbs.</p> <p>Women's</p> <p>There is no sign on the door.</p>	<p>Interior Door will have 5 pounds maximum pressure. (CA T24 1133B.2.5) (ADA 4.13.11(2)(b)) p 207</p> <p>Door sign and wall sign shall be 60" above the floor to the center line of sign.</p> <p>For permanent identification, the sign shall be installed on the wall adjacent to latch outside of door. If there is no space, including at double leaf doors, the sign shall be placed on nearest adjacent wall, preferably on the right. (CA T24 1117B.5.7, ADA 4.30.6) p 287</p> <p>Raised characters shall be raised 1/32" minimum and shall</p>

		<p>be Sans Serif upper case characters accompanied by Grade 2 Braille. (CA T24 1117B.5.5.1) (ADA 4.30.4) p 287</p>
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**Exhibit A**



**a. Recommendation**

Lobby

Client interview rooms are not accessible because they do not meet the minimum turning space requirement. Space #1 alternative, clients can be taken to the accessible counter, hearing room, or reverse. It is recommended Space #2 Merced County designate an accessible interview room, appropriately identified as ADA accessible, and develop a procedure to inform staff of the availability of such room.

**V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES**

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data

on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

#### **A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews**

<b>Question</b>	<b>Yes</b>	<b>No</b>	<b>Some-times</b>	<b>Comments</b>
Does the county identify a client's language need upon first contact? How?	X			Language preference is identified during the initial contact/intake. It is then documented in the C-IV Case Summary page.  For Children's Services, language preference is identified in the referral ID page
Does the county use a primary language form?		X		Merced County Human Services Agency does not have a primary language identification form.
Does the client self-declare on this form?		X		
Are non-English- or limited- English-speaking clients provided bilingual services?	X			In Children's Services and IHSS, workers will review case file to identify language preference and need for an

Question	Yes	No	Some-times	Comments
				interpreter, prior to a home visit.
After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter?	X			Workers will request an interpreter by contacting the Human Resources Program Evaluation Unit.
Is there a delay in providing services?			X	Workers do not have direct access to interpreters. Request must be submitted to the Program Evaluation Unit, who will then contact and obtain an interpreter in the requested language.
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			County uses county bilingual staff and contracts with Tele-Interpreters.
Are county interpreters determined to be competent?	X			All county interpreters are certified.
Does the county have adequate interpreter services?	X			
Does the county allow minors to be interpreters? If so, under what circumstances?		X		Children are only used in an emergency situation.
Does the county allow the client to provide his or her own interpreter?	X			
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			
Does the county use the CDSS-translated forms in the clients' primary languages?	X			
Is the information that is to be inserted into NOA	X			

Question	Yes	No	Some-times	Comments
translated into the client's primary language?				
Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			Workers will request a sign language interpreter for someone who is hearing impaired, will write back and forth, assist client by reading forms and materials out loud if they have a vision impairment and will also help in filling out forms. This is documented in the case journal.
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			Screening for learning disabilities is done in WTW. The screening is offered during the initial appraisal. Clients get a set of questions and are scored according to a scale.
Does the county offer screening for learning disabilities?	X			See above.
Is there an established process for offering screening?	X			See above.
Is the client identified as having a learning disability referred for evaluation?	X			Clients with a high score are referred to mental health or another agency, depending on the results.

## B. Corrective Actions

Area of Findings	Corrective Actions
Timely Services	Merced County Human Services Agency must ensure that bilingual/interpretive services are prompt and without undue delay. Div. 21-115

## C. Comments

None

## VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

### A. Findings from Case File Reviews and Staff Interviews

<b>Documented Item</b>	<b>Children's Services</b>	<b>Adult Programs (IHSS &amp; APS)</b>	<b>CalWORKs &amp; Employment Services</b>	<b>Non-Assistance CalFresh</b>	<b>CalFresh Fraud</b>
Ethnic origin documentation	CWS-CMS ID Page	Report of Abuse Form, Needs Assessment, SOC 293	C-IV Case Summary	SAWS I	None found in cases reviewed
Primary language documentation	CWS-CMS ID Page	Report of Abuse Form, Needs Assessment, SOC 293	C-IV Case Summary	C-IV Case Summary	None found in cases reviewed
Method of providing bilingual services and documentation	Case Narrative	Case Narrative	C-IV Case Journal	C-IV Case Journal	Case Narrative
Client provided own interpreter	Case Narrative	Case Narrative	C-IV Case Journal	C-IV Case Journal	None found in cases reviewed
Method to inform client of potential problem using own interpreter	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed
Release of information to Interpreter	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed
Individual's acceptance or refusal of written material offered in primary language	Case Narrative	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed

<b>Documented Item</b>	<b>Children's Services</b>	<b>Adult Programs (IHSS &amp; APS)</b>	<b>CalWORKs &amp; Employment Services</b>	<b>Non-Assistance CalFresh</b>	<b>CalFresh Fraud</b>
Documentation of minor used as interpreter	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed
Documentation of circumstances for using minor interpreter temporarily	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed	None found in cases reviewed
Translated notice of actions (NOA) contain translated inserts	None found in cases reviewed	Case File	C-IV Case Journal	C-IV Case Journal	None found in cases reviewed
Method of identifying client's disability	Case Narrative	Comprehensive Case Report/ Initial Assessment	SOF	SOF	None found in cases reviewed
Method of documenting a client's request for auxiliary aids and services	Case Narrative	Case Narrative	C-IV Case Journal	C-IV Case Journal	None found in cases reviewed

## **B. Corrective Actions**

<b>Areas of Action</b>	<b>Corrective Action</b>
Documentation if client provided own interpreter	When applicants/recipients provide their own interpreter, the CWD shall ensure that the applicants/recipients are informed of the potential problems for ineffective communication. The CWD shall document in the case record that the applicants/recipients were so informed. Div. 21-116.23
Temporary use of a minor (under 18 years of age) as an interpreter	When a minor (under 18 years of age) is used as an interpreter, the CWD shall so document the circumstances requiring <u>temporary</u> use of minors in the case record. Only under extenuating circumstances or at the specific request of the applicant/recipient shall a CWD allow a minor (under

Areas of Action	Corrective Action
	the age of 18 years) to temporarily act as an interpreter. Div. 21-116.22
Documentation of interpreter signed confidentiality statement	Consent for the release of information shall be obtained from applicants/recipients when individuals other than CWD employees are used as interpreters and the case record shall be so documented. Div. 21-116.24
Documentation that bilingual services were provided	<p>Document the method used to provide bilingual services, e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or client provided interpreter. Div. 21-116.22</p> <p>All local agencies receiving federal financial assistance must take reasonable steps to ensure free, meaningful and prompt access to the information and services they provide, in the client's primary or chosen language for oral and written communications. A county's compliance with this requirement is established through documentation of the offer and provision of bilingual/interpretive services in the client's case record. The documentation should be "in sufficient detail to permit a reviewer to determine the agency's compliance with the requirements of Division 21." ACL 08-65</p>
General	Merced County Human Services Agency must ensure that proper documentation is kept in the file that identifies all the required elements to ensure compliance. Div. 21-116

1. None of the cases reviewed at the Livingston Office contained the primary language form. We suggest Merced County ensures workers practices are consistent with the primary language form and "shall ensure that case record documentation identifies the applicant's/recipients ethnic origin and primary language in accordance with Section 21-201.21" (Division 21-116.2, p 80).
2. It was identified in the Civil Rights Compliance Plan that Merced County does not have a Consent for Release of Information form to be used for non-county interpreters. During the exit meeting, the reviewer was handed a draft copy of the county's new Certification of Confidentiality and Consent for Release of Information and use of Non-HSA Interpreters. This form has since been reviewed and

approved by the Civil Rights Bureau. We commend staff involved that promptly created this form. Great job!

We encourage Merced County to ensure that “when applicants/recipients provide their own interpreter, that the applicants/recipients are informed of the potential problems for ineffective communication. The CWD shall document in the case record that the applicants/recipients were so informed” (Division 21-116.2.23, p 80). “Consent for the release of information shall be obtained from applicants/recipients when individuals other than CWD employees are used as interpreters and the case record shall be so documented” (Division 21-116.2.24, p 80).

3. When reviewing the CalFresh Fraud Case files, the reviewer was unable to identify the client’s primary language, if the investigator providing interpretive services was certified bilingual, and whether the client had a disability and if a reasonable accommodation was requested. This was due to only being provided a copy of the case narrative. Division 21-116.1 states “each agency shall maintain case record documentation in sufficient detail to permit a reviewer to determine the agency’s compliance with the requirements of Division 21.” Access to limited information restricted a full case file review. Merced County shall ensure that staff receive training in the requirements of Division 21 and that a specific section be dedicated to the Fraud Case file access during a compliance review.

## **VII. STAFF DEVELOPMENT AND TRAINING**

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

### **A. Findings**

<b>Interview questions</b>	<b>Yes</b>	<b>No</b>	<b>Some-times</b>	<b>Comments</b>
Do employees receive continued Division 21 Training?	X			Division 21 training is offered annually. Reminders are given during the monthly team meetings.
Do employees understand the county policy regarding a client’s rights and procedure to file a discrimination complaint?		X		Half of the staff interviewed was vague on what the County procedure is for clients who want to file a discrimination complaint.

Does the county provide employees Cultural Awareness Training?	X			Cultural Awareness Training is provided with the annual Civil Rights Training.
Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?	X			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

### B. Corrective Actions

Training Area	Corrective Action
Division 21, Civil Rights Training	Merced County Human Services Agency shall ensure that employees receive Division 21 civil rights training at the time of orientation, as well as ongoing training to ensure that public contact staff has knowledge of Division 21, including familiarization with the discrimination complaint process. Div. 21-117.1

### C. Recommendation

None

## VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

### A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	X			Out of the 17 staff interviewed, one was unable to identify the difference between a program, discrimination, and personnel complaint.
Did the employees know who the Civil Rights Coordinator is?	X			All staff interviewed stated that Karen Joseph is the Civil Rights coordinator and Norbella Lewis is a Civil Rights liaison.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			All staff indicated the Civil Rights poster is located in the lobby.
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	X			

### B. Corrective Action

Element	Corrective Action
Discrimination Process	Merced County Human Services Agency shall ensure staff have knowledge of the discrimination complaint process and are able to differentiate it from other complaint processes. Div. 21-117 and 21-203

### C. Recommendation

None

## IX. COMMUNITY INPUT

As a part of this review, and as noted in Section II, feedback was sought from community and advocate groups. Attempts were made to contact the California Rural

Legal Assistance, Inc. and Central California Legal Services, Inc. We did not get a response from either group.

## **X. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL**

The Merced County Human Services Agency Civil Rights Compliance Plan for the year 2013, was received on May 17, 2013. It is approved as submitted.

## **XI. CONCLUSION**

The CDSS reviewer found the Merced County Human Services Agency staff warm, welcoming, informative and very supportive. Particular thanks to Anna Rubalcava, Program Evaluation Supervisor, for organizing the details of the review, and to Victor Nazario, Compliance Manager, who assisted in each of the facility reviews. In each District Office, staff were very helpful with the facility reviews, case reviews, and computer assistance.

The CDSS found the Merced County Human Services Agency in partial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. County staff continues to reflect a commitment similar to that expressed by management with respect to ensuring access, assistance, and compliance.

The Merced County Human Services Agency must remedy the deficiencies identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule of all actions that will be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.