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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

February 16, 2016

Juliet Webb, Director
Tulare County Health & Human Services Agency
5957 South Mooney Blvd.
Visalia, CA 93277

Dear Ms. Webb:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided to the reviewer from our office during the course of the Civil Rights Compliance Review of **May 18 – 22, 2015**. 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.

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 **Cindy Guzman** at (916) **654-2117**. You may also contact her by e-mail at cindy.guzman@dss.ca.gov.

Sincerely,

Original signed by Chief

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

Enclosure

c: Guy Christian, Civil Rights Coordinator
Ashley Loftis, Civil Rights Coordinator

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Carlos Ocampo, Chief
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**CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
Tulare County Health & Human Services Agency**

**Conducted on
May 18 – 22, 2015**

**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
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Reviewer: Cindy Guzman

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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 Tulare County Health & 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 **May 18 - 21, 2015**. An exit interview was held to review the preliminary findings.

The review was conducted in the following locations:

Name of Facility	Address	Programs	Non-English languages spoken by a substantial number of clients (5% or more)
Tulare WORKs	4031 W. Noble, Visalia, CA	CalFresh/CalWorks Facility Review/State Hearings Room	Spanish
Tulare WORKs & County Programs	1845 N. Dinuba Blvd., Visalia, CA	CalWorks Facility Review	Spanish
Child Welfare Services	160 North L. Street Tulare, CA	Children's Facility Review & Case Review	Spanish
Fraud Cases	3340 W. Mineral King Visalia, CA	Fraud Cases for CalFresh Review	Spanish
Vendor Contracts	5957 Mooney Blvd. Visalia, CA	Vendor Contract Review	Spanish
APS/IHSS Cases	3500 W. Mineral King Visalia, CA	APS/IHSS Case File Review.	Spanish

II. SUMMARY OF METHODOLOGY

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

- Reviewed the 2014 - 2015 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
- Discussion with community advocates groups. In this review the following organization(s) were contacted for feedback. The following organizations responded to our request:

Central California Legal Services/Visalia Office
208 W. Main Street, Suite U-1
Visalia, CA 93291

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

Classifications	Total	Bilingual
Eligibility Workers	4	3
Children Social Workers	2	2
Adult Program Workers	1	1
Receptionist/Screeners	3	2
Total	*10	7

*Four extra interviews scheduled could not be conducted at this time.

Program Manager Surveys

Number of surveys distributed	1
Number of surveys received	3

Reviewed Case Files

English speakers' case files reviewed	105
Non-English or limited-English speakers' case files reviewed	90
Languages of clients' cases	Spanish; ASL; Mandarin Chinese; Portuguese; Laotian; Tagalog; Hmong; Laotian; Punjabi; Arabic; Farsi; English.

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 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 X highlights issues pointed out by Community Input and summarizes Reviewer Observations.

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?	Yes			Normal office hours are between 7:00 A.M. – 5:00 P.M. Online applications can be submitted. Clients can also mail in applications.
Does the county have extended hours to accommodate clients?	Yes			Staff (Social Workers) can accommodate the client's working hours by special arrangements if necessary.
Can applicants access services when they cannot go to the office?	Yes			The Call Center is available for clients. County workers are staffed at the call center where clients can call in and talk to a worker regarding client benefits status and other questions. Applicants can also access through the county website.

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county ensure the awareness of available services for individuals in remote areas?	Yes			Awareness of available services is disseminated throughout county clinics and hospitals, flyers posted on buses and billboards and through radio announcements.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13 – 6/11)?	Yes			
Is the pamphlet distributed and explained to each client at intake and re-certification?	Yes			
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?	Yes			Pub 13 was displayed in all languages.
If the PUB 13 is not displayed in all the languages available, is there a poster that indicates that the Pub 13 is available in all 18 languages?				Pub 13 was displayed in all languages.
Was the Pub 13 available in large print (English and Spanish), audiocassette and Braille?	Yes			
Were the current versions of the required posters present in the lobbies?	Yes			

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?	Yes			
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?	Yes			

B. Corrective Actions – None

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.

A. Findings and Corrective Actions

1. Facility Location: TulareWORKS/State Hearings Rooms – 4301 W. Noble, Visalia, CA

No Findings.

2. Facility Location: TulareWORKS & County Programs – 1845 N. Dinuba Blvd., Visalia, CA

Facility Element	Findings	Corrective Action
Parking	<p>Additional language is missing below the International Symbol of Accessibility stating Minimum Fine \$250".</p> <p>Signage on pavement is not clear (faded) depicting a wheelchair w/occupant.</p>	<p>Additional language or an additional sign below the International Symbol of Accessibility shall state "Minimum Fine \$250". (CA T24 11B-502.6.2) pg. 169</p> <p>The parking space shall be marked with an International Symbol of Accessibility...in white on a blue background a minimum 36" wide x 36" high. (CA T24 11B-502.6.4.1) pg. 169</p>

3. Facility Location: Child Welfare Services, 160 North L. Street, Tulare, CA

No Findings.

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

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	Yes			The clients receive the Language Form 7 at intake.
Does the county use a primary language form?	Yes			Language Form 7.

Question	Yes	No	Some- times	Comments
Does the client self-declare on this form?	Yes			
Are non-English- or limited- English-speaking clients provided bilingual services?	Yes			
After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter?	Yes			Clients are assigned to a bilingual worker according to their selected preferred language. Staff utilizes the on-line bilingual lists for client's needs. If there is no staff available who speaks the client's language, they will request an interpreter from the language line.
Is there a delay in providing services?		No		
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	Yes			Clients are assigned to a bilingual worker according to their selected preferred language. Staff utilizes the on-line bilingual lists for client's needs. If there is no staff available who speaks the client's language, they will request an interpreter from the language line.
Are county interpreters determined to be Competent?	Yes			
Does the county have adequate interpreter services?	Yes			

Question	Yes	No	Some-times	Comments
Does the county allow minors to be interpreters? If so, under what circumstances?				Only in an emergency situation for basic contact, or to reschedule an appointment.
Does the county allow the client to provide his or her own interpreter?	Yes			
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	Yes			
Does the county use the CDSS-translated forms in the clients' primary languages?	Yes			
Is the information that is to be inserted into NOA translated into the client's primary language?	Yes			
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)?	Yes			
Does the county identify a client with a disability (physical, mental, or learning)?	Yes			

Question	Yes	No	Some-times	Comments
Does the county provide reasonable accommodations to clients with a disability (physical, mental, or learning)?	Yes			
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	Yes			Staff assists clients who need accommodations with reading by reading to them. They also help with writing when needed by filling out forms for them, and explaining the material to them.
Does the county offer screening for learning disabilities?	Yes			There is a process to be screened for learning disabilities. The clients can fill out a "Disability Screening" form for evaluation which is available.
Is there an established process for offering screening?	Yes			There is a process to be screened for learning disabilities if the client would like to be screened. The clients can fill out a "Disability Screening" form for evaluation which is available.
Is the client identified as having a learning disability referred for evaluation?	Yes			Clients are referred to the Family Care Services that offer counseling.

B. Corrective Actions – 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

Documented Item	Children's Services	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non-Assistance CalFresh	Non-Assistance CalFresh/Fraud
Ethnic origin documentation	CWS/CMS Case Referral Sheet.	SOC 293; SOC 341	Application; Form 7	Application; Form 7	Application; Form 7
Primary language documentation	CWS-CMS ID Form 7	Form 7	Form 7	Form 7	Case Narrative
Method of providing bilingual services and documentation	Case Notes, Form 7	Case Narrative, Form 7	CalWIN Demographic Summary, Case Comments	CalWIN Demographic Summary, Case Comments	Case Narrative
Client provided own interpreter	Case Narrative	Case Narrative	Case Narrative	Case Narrative	Case Narrative
Method to inform client of potential problem using own interpreter	Form 24	Form 24	Form 24	Form 24	Form 24
Release of information to Interpreter	Form 25	Form 25	Form 25	Form 25	Form 25
Individual's acceptance or refusal of written material offered in primary language	Case Narrative	Case Narrative	Case Narrative	Case Narrative	Would be in case narrative; none found in cases reviewed.

Documented Item	Children's Services	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non-Assistance CalFresh	Non-Assistance CalFresh/Fraud
Documentation of minor used as interpreter	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.
Documentation of circumstances for using minor interpreter temporarily	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.	Would be in case narrative; none found in cases reviewed.
Method of identifying client's disability	CMS-CWS; case narrative	Documented in case narratives.	Documented in case narratives.	Documented in case narratives.	Would be in case narrative; none found in cases reviewed.

B. Corrective Actions

Areas of Action	Corrective Action
General	Tulare County must ensure that proper documentation is kept in the file that identifies all the required elements to ensure compliance. Div. 21-116

VII. VENDOR CONTRACTS

Vendor contracts were reviewed to ensure the Vendor Assurance of Compliance Form, CR-50 was in each vendor contract file. Out of the 20 Vendor contract files reviewed, all 20 had the Vendor Assurance of Compliance signed form.

VIII. 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

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 Training?	Yes			All employees interviewed stated they have had Division 21 training.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	Yes			
Does the county provide employees Cultural Awareness Training?	Yes			All employees interviewed stated they have had Cultural Awareness Training.
Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?	Yes			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	Yes			

B. Corrective Actions – None

IX. 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's 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?	Yes			All staff interviewed could identify what a Civil Rights Complaint is about.
Did the employees know who the Civil Rights Coordinator is?	Yes			All staff interviewed could identify who the Civil Rights Coordinator is.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	Yes			All staff interviewed knew where the poster showing where the clients can file a discrimination complaint is located.
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	Yes			
Is the County utilizing correct correspondence to address the final results to the complainant after the investigation is completed?	Yes			

B. Corrective Action – None

X. COMMUNITY INPUT

As a part of this review, and as noted in Section II, feedback was sought from community and advocate groups. The following summarizes their observations, and will provide issues that the county management team can address to improve their operations from a civil rights perspective.

A. There was not a reply from the Advocates who were notified for this review.

XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The Tulare County Health & Human Services Agency Civil Rights Compliance Plan for the period 2014 – 2015, was received on July 14, 2014. It is approved as submitted.

XII. CONCLUSION

The CDSS reviewer found the Tulare Health and Human Services Agency staff warm, welcoming, informative and very supportive. Particular thanks to Ashley Loftis, Civil Rights Coordinator, for organizing the details of the review. In each District Office, staff was very helpful with the facility reviews, case reviews, and computer assistance.

The CDSS found the Tulare County Health and Human Services Agency in substantial 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 Tulare County Health and 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.