



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

September 10, 2018

ALL COUNTY LETTER (ACL) NO. 18-111

TO: ALL COUNTY WELFARE DIRECTORS
ALL CIVIL RIGHTS COORDINATORS

**SUBJECT: GUIDANCE ON DISCRIMINATION COMPLAINT SUMMARY
INVESTIGATION LETTERS**

An applicant/recipient who files a civil rights discrimination complaint against a County Welfare Department (CWD) has the right to appeal to the California Department of Social Services (CDSS) Civil Rights Unit (CRU) if the county investigates his or her complaint and deems that all or part of it is unsubstantiated. Under current practice, the CWD provides the complainant a summary letter advising him or her of this determination. However, some past letters provided by CWDs have not contained sufficient information for a complainant to understand the basis for the decision, decide whether to appeal to CDSS, or to present meaningful arguments on appeal.

The purpose of this ACL is to ensure that the complainant understands the basis for the county's decision so he or she can decide whether to appeal and adequately prepare his or her appeal. In the summary letter provided to the complainant, counties are instructed to include a brief summary of each discrimination complaint allegation, as well as the facts relied upon to make the determination and the reasons for the determination. The summary letter shall contain the following:

1. Clear statement(s) of the complainant's allegations, including what the complainant alleges happened, and on what discriminatory basis;
2. The case-specific facts the county relied upon to make the determination; and
3. The reasons for the investigation determination.

In addition, any statements that investigators attribute to the complainant must be included verbatim in the summary letter in order to provide him or her the opportunity to refute or correct those statements.

The CRU is instructing counties to include a draft summary letter addressed to the complainant when they forward the final investigation report to CDSS for review and approval. The county must wait for CDSS CRU approval before providing the summary letter to the complainant.

For additional guidance, you may refer to the two annotated sample summary letters attached. Sample one is an example generated by CRU staff, and Sample two is from an actual civil rights complaint investigated by a county welfare department and shared with the county's permission. Footnotes are included to explain key sections of the letters. While the two letters are formatted somewhat differently, they share the same essential components.

The CWDs shall strive to make letters as clear, concise, and free of jargon as possible to ensure that complainants can understand the result of the investigation and why the county made the decision it did.

For questions regarding the information contained in this letter, please reach out to your county's CDSS Civil Rights Unit point of contact or Christina Teixeira, Manager, Civil Rights Unit at (916) 654-2107.

Sincerely,

Original Document Signed By

KIM JOHNSON
Deputy Director
Family Engagement and Empowerment Division

Attachments

Sample 1-Summary Investigation Letter

5/16/2017

John Doe
5678 Main Street
Anywhere, CA 12345

Re: Case number 2345678

Dear Mr. Doe:

This letter is in response to your complaint of discrimination against XYZ County Welfare Department. You claimed that you were discriminated against by county worker Regina Roe based on your race. We have completed our investigation of your discrimination complaint, and we have concluded that XYZ County Welfare Department has not engaged in race discrimination in violation of the California Department of Social Services Division 21 Regulations, Title VI of the Civil Rights Act of 1964, or other anti-discrimination laws.

Investigation Conducted

Our investigation involved a review of your complaint and case file, interviews of yourself, county worker Regina Roe, and Ms. Roe's supervisor. The following is a summary of the issues you raised and the reasons we are denying your discrimination complaint, including the specific facts we relied on to make our decision.¹

Discrimination Allegations

In your complaint, you claimed that when you visited the office on March 16, 2017, county worker Regina Roe made you wait over two hours to speak to her, that she was rude and disrespectful to you and rushed through your conversation, and that she treated you this way because of your race.²

Relevant Facts

In your interview, you stated that you went to the Main Street office at about 2:30pm to talk to Ms. Roe because you had a question about a notice you had received. You stated that Ms. Roe, who is African American, met with at least five other people who arrived after you, all of whom were African American or Latino, and refused to speak

¹ Brief description of investigation conducted/how facts were gathered.

² Brief issue statement/summary of the complainant's allegation(s) should include:

1. WHAT the complainant alleges happened (e.g. the different treatment, denial of benefits, delay of services, etc.)
2. WHY/ON WHAT PROHIBITED BASIS they believe they were subjected to this treatment (e.g. disability, national origin, gender, etc.)

with you until after 4:30pm. You stated that when Ms. Roe finally called you to her desk, she said, in an aggressive tone of voice, “You don’t have an appointment, so this better be quick,” and interrupted you several times, looking at her watch and cutting you off before you could finish your questions. You said you believe she treated you this way because you are white. When asked in your interview why you believed this, you did not provide any reasons other than the fact that Ms. Roe is African American.

The notes in your case file and Ms. Roe’s appointment calendar showed that you did not have an appointment on the afternoon of March 16, 2017, and that several other individuals did. In her interview, Ms. Roe said that it is standard procedure to meet with people who have appointments before helping people who do not, and that she met with you as soon as she had finished all her afternoon appointments. She said she did not remember the details of your conversation, but she said it was possible she was impatient because it was the end of the day and this was not the first time you had come in without an appointment to speak with her. She denied treating you differently than other customers because you are white and said that it was a coincidence that the other customers who had appointments that afternoon were non-white. Ms. Roe’s supervisor confirmed that staff, including Ms. Roe, have been instructed to see walk-ins only after all those with appointments have been helped.³

Findings and Conclusions

Based on these facts, we have concluded that although you were made to wait over two hours to speak to your worker, this was not because of your race but because you did not have an appointment. The way Ms. Roe treated you when you met with her was an example of poor customer service. However, the majority of the evidence gathered does not support your claim that this treatment was on the basis of race. As a result, we are closing your complaint case.⁴

Right to Appeal

If you disagree with the County's decision, you may appeal to the California Department of Social Services, Civil Rights Unit, P.O. Box 944243, M.S. 8-16-70, Sacramento,

³ Include a summary of all of the facts relied on to make the decision, including how each fact was gathered (interview, review of file, etc.).

⁴ State the findings/conclusion of the investigation. Return to the ISSUE STATEMENT(S) (WHAT happened and WHY.) Here, if the complaint is unsubstantiated, you will usually conclude, based on the evidence, that:

1. The treatment the complainant says they were subjected to didn’t actually happen, or
2. It did happen, but not on the basis of a prohibited reason (race, age, gender, etc.).

If the only evidence you have amounts to “he said – she said,” then you should include why you are choosing to believe one side over the other (evaluation of credibility).

California 94244; telephone: 1-866-741-6241; [Civil Rights Unit Email](mailto:crb@dss.ca.gov) (crb@dss.ca.gov). You must appeal within 30 days of the date this letter was sent.

You also have the right to file a complaint with the United States Department of Health and Human Services, Office of Civil Rights, 90 7th St., Suite 10-100, San Francisco, CA 94103, telephone 1-800-537-7697. You should file your complaint within 180 days of the alleged discriminatory action.

Sincerely,

Juana Perez
Civil Rights Coordinator

Sample 2-Summary Investigation Letter

October 3, 2017

(Complainant Address)

Dear Mr. (Complainant Name):

This letter is in response to our meeting on August 31, 2017, when we discussed your complaint of discrimination based on sex, military service and disability. I have conducted an investigation, as authorized by the State Department of Social Services Manual, Division 21 Regulations. These regulations state, in part, "that ... no person shall, because of race, color, national origin, political affiliation, religion, marital status, sex, age, or disability be excluded from participation in or be denied the benefits of any program receiving federal assistance." The findings below are based solely on the discrimination allegations in the complaint and do not address customer service and/or personnel issues.

PROCEDURE:

The method used in conducting the investigation was to interview yourself (the claimant), agency staff, and to review similar case files from both SW (Name) and other workers. In addition, I reviewed information you provided to me via email. Upon completion of the investigation, a report and my conclusion were provided to the Director of Placer County Human Services, the Agency Civil Rights Coordinator, and the California Department of Social Services Civil Rights Unit.¹

FINDINGS:

Allegation 1: Discrimination toward the claimant on the basis of sex involving a former employee of Placer County Health and Human Services Children's System of Care Division (CSOC).²

Mr. (Complainant) articulated one comment made by SW (Name) that he believes she would not have said to a woman and is an indication of discrimination based on sex. The comment is similar to, well you went back to her. SW (Name) told me she frequently asked abuse victims why they go back to their abusive partners and would

¹ Brief description of investigation conducted/how facts were gathered.

² This letter separates out the issues by the basis of discrimination and then groups together all of the specific facts related to that basis. This is an acceptable format. The allegation is not formulated as an issue statement, but all the necessary elements are present here (WHY / prohibited basis) and in the paragraph below (WHAT the complainant alleges happened).

not have framed the question as Mr. (Complainant) alleges.³ I was unable to find evidence to support the allegation of discrimination based on sex. Therefore, the allegation is found unsubstantiated.⁴

Allegation 2: Discrimination toward the claimant on the basis of military service involving a former employee of Placer County Health and Human Services Children's System of Care Division.⁵

The mother of the children in this case also served in the military. Mr. (Complainant) believes SW (Name) was bias in favor of the mother. He agreed that discrimination based on military service is unlikely and suggested this allegation be thrown out. In addition, I was unable to find evidence in the file or by speaking with staff at CSOC of discrimination based on military service. Therefore, the allegation is found unsubstantiated.

CRU Comment: Note that military service is not a protected basis under Division 21 or other applicable laws and regulations, so this issue could have been resolved with a statement to that effect.

Allegation3: Discrimination toward the claimant on the basis of disability involving a former employee of Placer County Health and Human Services Children's System of Care Division.

CRU Comment: Issue 3 is formatted and addressed in a similar manner to Issues 1 and 2.

Mr. (Complainant) believes SW (Name) asked about his medications and PTSD and TBI excessively. After reviewing similar cases and speaking with other Children's System of Care staff, it appears normal to ask about disabilities and medications when they could have impact on the children in a case. There is no evidence that SW (Name) asked about Mr. (Complainant) medications excessively or was discriminatory based on a diagnosis of PTSD or TBI. I later learned Placer County CSOC has a best practice to ask about disabilities and medications when they could have impact on the children in a case. There is no evidence to support allegation of discrimination based on disability. Therefore, the allegation is found unsubstantiated.

³ Summary of the facts relevant to this allegation, including how each fact was gathered (interview, review of file, etc.).

⁴ Findings/conclusion of the investigation of issue 1, including the reasons for the determination.

⁵ Issue 2 is formatted and addressed in a similar manner to Issue 1.

After a complete investigation, the evidence demonstrates Placer County Health and Human Services has not engaged in any discriminatory practices in violation of the California Department of Social Services Division 21 Regulations.

RIGHT TO APPEAL:

Should you disagree with the findings, you have the right to appeal the decision to:

California Department of Social Services
Civil Rights Unit
P.O. Box 944243, M.S. 8-16-70
Sacramento, CA 94244-2430
Phone (916) 654-2107 or toll-free (866) 741-6241

OR

U.S. Department of Health and Human Services
Office of Civil Rights
90 7th Street, Suite 10 -100
San Francisco, CA 94103
Phone 1-800-537-7697

Thank you for your cooperation in this matter. Please call me if you have questions or if I may be of further assistance.

Sincerely,

Steve Godfrey
Investigator, Placer County DA/SIU
Civil Rights Investigator

Cc: CDSS Civil Rights Unit
Cc: Jeff Brown, Director of Health and Human Services