



KIM JOHNSON
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

April 19, 2024

Ms. Deborah Martinez, Director
Madera County Department of Social Services
P.O. Box 569
Madera, CA 93638-0569
Sent via email only: deborah.martinez@maderacounty.com

Dear Director Martinez,

Thank you and the Madera County Department of Social Services staff for your cooperation and assistance during the March 2022 Civil Rights Compliance Review (Review). Please find the final report (Report) attached to this correspondence.

Compliance issues (findings/deficiencies) identified in the Report require the development of a Corrective Action Plan (CAP) within 60 days of the date of this letter. Please address each deficiency, including proposed actions and timelines for completion of all corrective actions and recommendations listed in the Report.

- 1) Please use the attached CAP Template Form and the accompanying instructions in preparing your CAP. Please note that this form has been created to facilitate a streamlined CAP and CAP monitoring process and to help ensure that your submitted CAP complies with the Web Content Accessibility Guidelines (WCAG). See *California Government Code 7405*. The Report and approved CAP will be published on the California Department of Social Services [Civil Rights Section \(CRS\) website](#).
- 2) Please submit your CAP electronically with any required accompanying materials to the CDSS Civil Rights Section (CRS) county collaboration SharePoint site. If your county is not already using this SharePoint site with us, your Civil Rights Coordinator (CRC) will receive an email invitation with directions for becoming a site member and uploading your documents.
- 3) After your county's CAP has been reviewed, the assigned CRS analyst will provide your CRC with additional instructions and a link to an interactive CAP tracker spreadsheet. This will allow your CRC and our analyst to exchange information about approvals of, or updates on, individual proposed actions in your CAP and about ongoing implementation progress.
- 4) We realize that many counties begin to correct findings immediately, even while developing their CAP. Please begin corrective actions as soon as possible, as there is no need to wait for the interactive CAP tracker spreadsheet.

If you need technical assistance developing a CAP, please contact Valerie Sanchez via email at Valerie.Sanchez@dss.ca.gov. If you need assistance accessing the SharePoint site, please contact CRS analyst Shah Marjan via email at Shah.Marjan@dss.ca.gov. You may also contact our office by email using the Civil Rights Section email: crb@dss.ca.gov.

Sincerely,

Anne Marx

Anne Marx, Manager
Civil Rights Compliance Unit
Civil Rights Section
Office of Equity

cc:
Maria Rodriguez, Civil Rights Coordinator
Madera County Department of Social Services

Andrea Brayboy, Chief
CalFresh and Nutrition Branch

Tami Gutierrez, Chief
CalFresh Operations Bureau

Francisco Verduzco, Chief
CalFresh Management Evaluation Section

Abdi Abdillahi, Chief
Refugee Programs Bureau

Veronica Perez, Manager
Adult Refugee Services Unit
Refugee Programs Bureau

Khonnie Lattasima, Manager
Asylee and Trafficking Unit
Refugee Programs Bureau

Stephen Miliano, Regional Civil Rights Officer
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

Jesus Mendoza Jr., Regional Administrator
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

Kevin Aslanian
Coalition of California Welfare Rights Organizations, Inc.

Antoinette Dozier
Western Center on Law and Poverty

Lauren Hansen
Public Interest Law Project

Melissa Morris
Public Interest Law Project

Doreena Wong
Asian Pacific American Legal Center

Attachments

1. CAP Template Form
2. CAP Template Instructions

**Madera County Department of Social Services
CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

**Conducted on
March 14 to March 17**

California Department of Social Services

Office of Equity

Civil Rights Unit

744 P Street, M.S. 9-7-041

Sacramento, CA 95814

(916) 654-2107

Reviewer: Stephanie Flores

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I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Unit (CRU) staff is to assess Madera County Department of Social Services (CWD or County) compliance with CDSS' Manual of Policies and Procedures (MPP) Division 21 Regulations (Div. 21), and other applicable state and federal civil rights laws and regulations.

A remote compliance review was conducted on March 14 to March 17, 2022. An exit interview was held on March 17, to review preliminary findings.

Compliance concerns are the focus of this report. However, Auditors also noted effective aspects of the County's operations, including their strong relationship with community-based organizations.

Key Findings of the Report

Overall, the Auditors found substantial compliance concerns. The main concerns are summarized below. Specific findings and corrective action related to these concerns can be found in Sections III-IX and XI of this report.

- **Publication 13:** The brochure "Your Rights Under California Welfare Programs" (PUB 13) is not consistently disseminated and explained to applicants/recipients.
- **Language Services Protocol and Policies:** The County's protocol for procuring interpretive services for applicants/recipients who have limited English proficiency or no English proficiency (LEP/NEP) creates an undue delay in services, that can result in applicants/receipts being denied aid. This problem is particularly impacting those that do not speak one of the County's threshold languages.
- **Disability Awareness:** The County lacks a policy or training for disability awareness. County policy regarding disability inquiries contains inaccurate information that results in failure to appropriately identify disabilities and offer/provide reasonable accommodations.
- **Reasonable Accommodation Delivery and Documentation:** The County's Reasonable Accommodation Policy lacks key concepts within the Americans with Disabilities Act (ADA) and operational detail for staff to follow.
- **Civil Rights Program and Investigation Protocol:** The County's Civil Rights Program lacks infrastructure to fulfill obligations under Division 21. The County does not have a policy for handling discrimination complaints that is clear, with specific procedures for receiving, evaluating, and processing complaints.

Organization of this Report

Section II of this report summarizes the method used by the Auditors to inform their findings.

Sections III, V, VI, VII, VIII, and IX of this report contain specific regulatory requirements from Division 21, Section 504 of the Rehabilitation Act of 1973, and the American with Disabilities Act (ADA). Findings in these sections are based on information gathered from case review, staff surveys, and other identified sources. Each section is formatted to first provide findings, then required corrective actions, and ends with any Auditor recommendations.

Section IV explains the status of the facilities review and references Division 21, the United States Department of Justice's ADA Standards, Title 24 of California Code and Regulations, and the California Accessibility Reference Manual.

Section X highlights issues identified by community and advocacy organizations.

Section XI reviews the County's Civil Rights Compliance Plan (CRCP), and provides either approval of the plan as submitted, or identifies information or modifications required prior to approval.

Section XII of the report provides a statement of overall compliance and concluding remarks.

Appendix 1 of this report contains detailed observations from case review.

II. SUMMARY OF METHODOLOGY

Documents Reviewed

To prepare for this review, Auditors reviewed the following documents:

- 2022 Civil Rights Compliance Plan (County CRCP) and attachments
- Civil rights discrimination complaint database for a complete listing of complaints filed 12 months prior to the Review
- Previous County Compliance Review reports and corresponding corrective action plans (CAP)

Locations Reviewed

- Madera Building B – 1626 Sunrise Avenue, Madera, CA 93638
- Madera Building C – 1626 Sunrise Avenue, Madera, CA 93638
- Madera Building D – 1626 Sunrise Avenue, Madera, CA 93638
- Chowchilla – 125 S. 2nd Street, Chowchilla, CA 93610

- Oakhurst – 40325 Hwy 41, Oakhurst, CA 93644

Programs Reviewed

- In-Home Support Services (IHSS)
- Child Welfare Services (CWS)
- CalFresh
- CalWORKs
- Cash Assistance Program for Immigrants (CAPI)

Review Procedures

- Electronic surveys of public contact staff, the civil rights coordinator, and program managers
- Reviewing case files
- Reviewing County-reported information about facilities and parking areas
- Receiving feedback from community groups. The following organizations were contacted for feedback:
 - [California Rural Legal Assistance](#), 126 North B Street Madera, CA 93638
 - [Western Center on Law & Poverty](#), 3701 Wilshire Boulevard, Suite 208, Los Angeles, CA 90010-2826
 - [Public Interest Law Project](#), 449 15th Street, Suite 301, Oakland, CA 94610
 - [Disability Rights California](#), 1831 K Street, Sacramento, CA 95618
 - [Disability Rights Education & Defense Fund](#), 3075 Adeline Street, Suite 210, Berkeley, CA 94703
 - [Asian Pacific American Legal Center](#), 1145 Wilshire Boulevard, Los Angeles, CA 90017
 - [Justice in Aging](#), 1330 Broadway, Suite 525, Oakland, CA 94612
 - [Coalition of California Welfare Rights Organization \(CCWRO\)](#), 1111 Howe Avenue, Suite 635, Sacramento, CA 95825-855
 - [Madera Coalition for Community Justice](#), 219 South D Street, Madera, CA 93638
 - [Central Valley Regional Center](#), 4615 N Marty Avenue, Fresno, CA 93722
 - [Community Action Partnership of Madera County](#), 1225 Gill Ave, Madera, CA 93637

Compliance Review Areas

- Dissemination of information
- Program accessibility for individuals with disabilities
- Bilingual staffing/services for non-English-speaking individuals
- Documentation of applicants'/recipients' case records
- Staff development and training
- Discrimination complaint procedures

Staff Survey Summary

- Auditors distributed a total of 52 surveys to County staff, including certified bilingual staff. Forty-three (43) surveys were completed and 8 surveys were not completed by staff, despite reminders from Auditors.
 - Eligibility workers: 23 of 25 surveys were completed.
 - Lobby receptionists/navigators: 5 of 5 surveys were completed.
 - Adult Programs social workers: 3 of 3 surveys were completed.
 - Child Welfare Social Workers: 5 of 10 surveys were completed.
 - Program supervisors: 8 of 9 surveys were completed.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about programs, program changes, and Division 21 protections for applicants and recipients. This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including persons with no English proficiency or limited English proficiency (NEP/LEP) and persons with disabilities.

Findings: Access to Services, Information and Outreach

Does the County accommodate clients by modifying business hours or accepting applications by mail?

Yes. According to Civil Rights Coordinator, applications can be submitted by mail, over the phone, or submitted to a drop box. The County CRCP does provide the specific locations of the drop box.

Can clients, including those with disabilities, access services when they are unable to go to an office?

Yes. According to the County CRCP Section V and the Civil Rights Coordinator, home visits and telephone interviews are available to clients who are unable to go to an office. According to Section XV of the County CRCP, CalWORKS, Cal-Fresh, and Medi-Cal programs utilize an interactive response (IVR) system to allow access to benefit information, including case status and benefit amounts that is available 24 hours a day. The system offers service in English and Spanish, the County's threshold languages.

Does the County ensure the awareness of available services to individuals in remote areas?

Yes. The county has regional offices in Chowchilla and Oakhurst, which provide services and information of services provided. The County also relies on the [County website](#) to share information. However, the website does contain misleading information that is addressed below.

CalFresh, CalWORKs and Adult Services (IHSS) staff stated that the program provides offices in workers in Chowchilla and Oakhurst to meet with clients. Adult Programs specifically mentioned that the program sends representative into rural areas to educate the public of the resources available.

How does the County make services and outreach available to applicants/recipients who cannot read or write?

Applicants/recipients may be assisted by phone or in person. As reported by the Civil Rights Coordinator during the audit week, staff would guide the client through the application, then mail the application back to the client for them to sign. Staff survey respondents confirmed this process. However, the County does not have a written policy or guidance for assisting individuals who cannot read or write.

Does the County ensure the awareness of information related to the civil rights program?

Yes, however there are issues with the information available. The Madera County Social Services Department website includes a link on the main page to a [Mariposa County DSS Civil Rights information page](#). This webpage includes information on how to file a civil rights complaint, contact information for the Civil Rights Coordinator, required complaint information to provide the Civil Rights Coordinator, the deadline for submitting a complaint, brief information about investigations, referrals for alternative agencies to file a complaint, and link to the PUB 13 in English.

The webpage does not include a complete list of the protected bases under Division 21, California State and Federal law. The list does not include ancestry, ethnic group, gender identity, gender expression, sexual orientation, domestic partnership, medical condition, or genetic information.

Additionally, the County shall note that while the webpage can be translated into multiple languages using the Google extension this does not change the language of the PUB 13 linked. Thus, the PUB 13 is not equally available online to applicants/recipients who are LEP/NEP seeking information.

Does the County have a Call Center/Service Center? Does the Call Center/Service Center answer calls for the entire County, by district, regional office, other? Does the Call/Service Center have an Interactive Voice Response system? If so, does the Interactive Voice Response system have language options for all County threshold languages? Does the Interactive Voice Response system have an option to request free interpretive services?

No. However, according to the County CRCP, the County does have a telephonic interactive voice response (IVR) system available to provide benefit information 24 hours day for the Assistance Programs, which includes CalWORKS, Cal-Fresh, and

Medi-Cal. According to the Civil Rights Coordinator, the system offers service in English and Spanish, the County's threshold languages and that no further interpretive services are offered on the IVR system.

Did the County ensure continuous access to services during office closures due to Covid-19?

Yes. The County did not close offices in response to Covid-19. The County reported in the County CRCP that their policy is to follow State mandates to use masks and practice social distancing.

Findings: Signage, Posters and Pamphlets

Are 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, according to the Dissemination of Information Worksheet completed by the County, Madera Building B, Madera Building C, Madera Building D, Chowchilla, and Oakhurst locations have the instructional and directional signage in the threshold languages of English and Spanish.

Is the CDSS pamphlet "Your Rights under California Welfare Programs" (PUB 13) available in all waiting rooms and reception areas? Is the current version (rev. 08/2020) of the PUB 13 available in Arabic, Armenian, Cambodian, Chinese, English, Farsi, Hindi, Hmong, Japanese, Korean, Lao, Mien, Portuguese, Punjabi, Russian, Spanish, Tagalog, Thai, Ukrainian, and Vietnamese? Is the current version (rev. 08/20) of the PUB 13 available in alternate formats?

Yes, the County has the PUB 13 available in all languages listed above but it also has limited options for alternative formats. According to the Dissemination of Information Worksheet completed by the county, Madera Building B, Madera Building C, Madera Building D, Chowchilla, and Oakhurst locations have the PUB 13 in all languages listed above as well as in braille. The PUB 13 is also available in legal size and is posted in the lobbies. The County reported to auditors that they do not have the PUB 13 available in any audio formats but r shall do so before 2023. However, according to Section IV of the County CRCP, the County does the PUB 13 available on a compact disc for clients to listen to and braille is also available at all reception areas upon request. Auditors have not received an update from the County regarding these audio formats as of the publication of this Report.

Is the PUB 13 distributed and explained to each client at intake and reinvestigation of eligibility?

Not consistently. According to the Annual Plan, it is County policy to distribute and explain the PUB 13 at intake and redetermination. During case review, Auditors verified that the PUB 13 is distributed at intake. However, during CalFresh and CalWORKs case reviews Auditors did not observe documentation to demonstrate compliance with the County policy or Division 21 requirements regarding the PUB 13 being provided at redetermination or being explained. In 1 of 2 CAPI cases reviewed, staff documented that the PUB 13 was provided in the appropriate language and explained. In all 10 IHSS cases reviewed, Auditors verified in the assessment narrative that the PUB 13 was provided and explained to the client. In 4 of 7 CWS cases staff documented the PUB 13 was provided in the appropriate language, 2 case did not contain documentation that the PUB 13 was provided in the appropriate language, and in 1 case there was no documentation that the PUB 13 was provided at all.

Staff surveys tend to indicate that staff do not understand their obligations related to the PUB 13. During case review, staff provided inconsistent responses to explain how they review the PUB 13 and its contents to applicants/recipients. Without a standard explanation of the PUB 13, staff may not accurate and relatable information about civil rights.

Are current versions of the required posters present in the lobbies?

Yes, according to the Dissemination of Information Worksheet completed by the county, Madera Building B, Madera Building C, Madera Building D, Chowchilla, and Oakhurst locations have the current versions of 475B - "And Justice for All" and PUB 86 – "Equal Under the Law".

Corrective Action

1. **PUB 13:** The County shall ensure the PUB 13 is both given and explained to program participants in all programs for which CDSS has oversight responsibility. (Div. 21-107.221). The pamphlets shall be in the primary languages of the CWD's applicant/recipient population including alternate formats (e.g., cassette tapes, large print, etc.). (Div. 21-102.221).
 - As part of the Civil Rights Training program specific addendum discussed in Section VII, the County shall develop instructions for staff expectations to provide, explain and document the PUB 13.
 - As part of the CAP, the County shall ensure that the PUB 13 is available at all applicable facilities in alternative formats for applicants/recipients. The PUB 13 should be available for reference to applicants/recipients outside of the facilities, such as a digital copy of an audio recording of the brochure.
2. **County Website:** The County Civil Rights webpage shall include all protected basis under federal and state law. The County shall include links to the PUB 13 in other languages, including at a minimum the other threshold language Spanish.

Recommendations

Documentation of PUB 13 Distribution: Auditors recommend standardizing language used in case journal entries to indicate that the PUB 13 was provided at intake/application, recertification, first contact for Child Protective Services (CPS), and any points where benefits are reduced or terminated. Case workers in all programs should be provided with language, using or modifying the template language below, and documentation of distribution should be added to checklists or job aids for case processing and supervisor review.

Services for Individuals who Cannot Read or Write: Auditors recommend developing written policy or guidance for staff regarding how to provide services for individuals who cannot read or write. This policy or guidance may be incorporated into other policies, such as a reasonable accommodation policy or language access policy.

Technological Barriers: The County is encouraged to consider the technological barriers experienced by communities in rural areas of the County when developing their outreach strategy to ensure that accurate and timely information is delivered equitably throughout the County.

Community Outreach: The County is encouraged to develop a strategy that specially addresses community outreach to individuals in rural areas, which is mindful of the language diversity and any other communication related needs of communities that have limited access to services/benefits.

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.

CDSS reminds the County that programs and activities must be readily accessible to individuals with disabilities, including building accessibility, the availability of accessible parking, and accessible public telephones and restrooms.

In deference to the Covid-19 pandemic, the facilities accessibility portion of this Review was paused to ensure the safety of County and CDSS staff.

In January 2022, CDSS shared resources with all Counties reviewed in 2022 and encouraged them to regularly conduct self-assessments of facilities used or visited by applicants/recipients of CDSS-funded services. CDSS provided resources and suggested actions to support their ongoing compliance efforts in meeting existing

federal and state obligations to maintain physically accessible facilities and prepare for future facilities reviews. These resources are provided again here:

- Applicable federal and states rules
 - [United States Department of Justice's ADA Standards](#)
 - [United States Access Board's Americans with Disabilities Act Accessibility Guidelines](#)
 - [Title 24 of California Code and Regulations](#)
- [Past Compliance Review reports](#)
- Building code reference materials
 - [The Department of General Services Division of the State Architect](#)
 - [The California Accessibility Reference Manual](#)
- Procuring and using facility accessibility tools including but not limited to a tape measure, door pressure gauge, and digital leveling tool
- External technical assistance training and resources via organizations like the [Pacific ADA Center](#) or through informational websites like [ADA.gov](#)

As a reminder, the County is encouraged and expected to self-monitor facility accessibility. Self-monitoring is important so that the County is continuously alert to accessibility considerations. Counties cannot solely rely upon CDSS Compliance Reviews to identify facility compliance concerns.

V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING

Division 21 requires that Counties ensure non-English-speaking individuals receive effective interpretive services without undue delays.

Counties must collect primary language from applicants and recipients (primary language must be self-identified). Counties should use this information to determine 1) the number of public contact staff necessary to provide effective bilingual services, 2) how to best provide interpretive services absent bilingual staff, and 3) the language needs of individual applicants and recipients.

Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location serving a substantial number of non-English-speaking persons. Effective bilingual services must also be provided through an interpreter or other means in offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number. Translated written materials must be made available in individuals' primary languages if the materials are provided by CDSS in that language, and counties must ensure that information inserted in notices of action (NOA) is in individuals' primary languages.

Counties must also collect ethnic origin data from applicants and recipients.

Findings: Language Services

Does the County identify applicants'/recipients' language needs at first contact? How?

Yes. According to the County CRCP all clients are provided with the preferred language form Documentation of Language Form (MAD 519) at first contact with reception clerical staff or their initial contact with the worker. All employees are instructed to provide "I Speak" cards when a client has difficulty communicating. The IVR system is available in English and Spanish, however, it does not have any other language options. According to the Civil Rights Coordinator, it would be the staffs responsible to follow up with the client. The County did not provide a written policy or guidance to substantiation this protocol.

One hundred percent of surveyed CalFresh and CalWORKS Eligibility Workers report that the County identifies applicants'/recipients' language needs at first contact.

Twenty percent of surveyed Lobby Receptionists/Navigators report being unsure if the County identifies applicants'/recipients' language needs at first contact and 80% report yes.

Does the County use a primary language form? Do applicants/recipients self-declare on the County's primary language form?

Yes. The County uses the MAD 519 form in English and Spanish. According to the County CRCP, the MAD 519 should be completed at intake and reassessment. However, during case reviews, Auditors found that, in the CalWORKs program specifically, the form is only completed at intake.

Eighty percent of surveyed Lobby Receptionists report the County uses a primary language form and 20% are unsure. Sixty percent are unsure if the County has a written policy and/or procedure for identifying the language needs of applicants/recipients who are NEP/LEP in case folders and/or electronic case files. This is problematic because the County CRCP Section V states that Lobby/ Receptionist staff are to identify and document primary language at first contact with applicants/recipients. However, this expectation is not stated in Administrative Policy (AP) 9: Requesting an Interpreter. Thus, it is uncertain how this expectation is communicated to Lobby Receptionist.

Are primary written and spoken languages documented?

Yes. Auditors reviewed initial applications, most recent renewal forms, language preference forms, and electronic case file information for documentation of applicants'/recipients' primary written and spoken languages. During case reviews, Auditors found that applicants'/recipients' primary and written language was documented in programs' respective electronic case management systems.

IHSS case review found two minor discrepancies between of documented written languages preferences in the application form, renewal form, and MAD 519 form. Since these forms were completed at different times, by different workers and the individual applying for benefits, there were changes over time in the preferred written language.

CalFresh case review revealed one case in which the spoken language documented was listed as “other sign language”, while case notes stated the client’s spoken language is American Sign Language and documented interpretive services used to communicate with the client.

According to staff surveys, staff have an inconsistent understanding of County policy and procedure for identifying language needs in case folders and/or electronic case files per Administrative Policy (AP) 9 Requesting an Interpreter. AP 9 indicates that staff must document language preferences using the MAD 519 Documentation of Language Form. Among the surveyed CalFresh and CalWORKS Eligibility Workers, 83% of staff indicated that they document primary language on the electronic case file and primary language form. However, 30 percent indicated they document this information on the paper case form, and 17% stated they included this information on the case journal. 78 percent of respondents that they are familiar with County policy, for identifying language needs of non-English or limited-English applicants/recipients in case folders and/or electronic case files. 22 percent were unsure if county has a written policy and/or procedure.

After it has been determined that an applicant/recipient is limited-English or non-English speaking, is there a County process for procuring an interpreter? For example, does the County have a contracted language line provider, a county interpreter list, or any other interpreter process?

Yes. According to Administrative Policy 9 Requesting an Interpreter revised 10/3/2018 (AP 9), the County has contracted with Orchid Interpreting to provide in-person, telephone, and translation services during business hours and afterhours. Interpretation services are requested by using the Interpreter Service Request Form (MAD 91) and routed to the 720 Program Manager Secretary (720 PM Secretary). AP 9 states that service should be requested as soon as the need is identified and also includes instructions on requesting interpretive services and information on the procurement of auxiliary aids and services.

According to AP 9, staff must first determine if certified bilingual staff is available to interpret. Certified bilingual staff must have permission from their supervisor to provide interpretive services. If no certified bilingual staff are available, the worker completes the MAD 519 and specifies: the client’s name, language or auxiliary aid requested, length of time needed, days available (if immediate need), specify if a follow up appointment is needed, and location (home or County office). The MAD 591 is then sent to a supervisor for approval. The Supervisor must then review, approve, or disapprove, and forward the MAD 591 to the 720 PM Secretary. The 720 PM Secretary will secure the interpretation services and notify staff and their supervisor of the time and date for services.

If staff need to request interpretive services afterhours, on weekends, or holidays without prior management approval, the staff should contact a specific telephone number and provide their name, specify that they are with the County, provide their phone number, the language needed, and the location. Staff are also instructed to send a follow up text to the same telephone number with the above information. Staff then complete the MAD 591 and route it to the CWS Program Manager Secretary. The CWS Program Manager Secretary will then forward the MAD 519 to the 720 PM Secretary.

The County also contracts with Centro Binacional para el Desarrollo indigena Oaxaqueno-Interpreting Services to provide services in Mixteco Bajo, Mixteco Alto, Triqui Bajo, and Zapoteco Alto.

Are non-English- or limited-English-speaking applicants/recipients provided bilingual services?

Yes. Case Review found that LEP applicants/recipients, who do not use an Authorized Representative, consistently receive bilingual services.

Is there a delay in providing interpretive services? If so, why?

Yes. Staff survey results tend to suggest that the protocol for scheduling interpretive service may result in delays for providing interpretative services, particularly for applicants/recipients who do not speak one of the County's threshold languages. Furthermore, the inconsistency in staff responses illuminates a lack of understanding of the County protocol regarding the delivery of interpretive services.

When asked to describe the actions they take when encountering an applicant/recipient that indicates the need for interpretive services, Eligibility Staff in particular provided inconsistent responses. Among the Eligibility Staff survey respondents, 40% stated that they would reschedule the meeting. Specifically, one example was shared that frequently rescheduled meetings to obtain particular interpretive services resulted in an applicant being unable to complete the application process.

Among Eligibility staff that engaged Orchid Interpreting Services, 65% reported that on average after identifying an applicant's/recipient's language needs, it may take more than 15 minutes to obtain interpretive services.

The other staff survey responses provided also suggest that the process for obtaining interpretive services can create a delay, specifically among the Child Welfare and Lobby Receptionists/Navigators staff.

Of surveyed Child Welfare Social Workers, 20% stated they would contact the appropriate staff to schedule interpretive services for a later date, and 60% reported that

on average after identifying an applicant's/recipient's language needs it may take more than 15 minutes to obtain interpretive services.

Of surveyed Lobby Receptionists/Navigators, 20% stated they would contact the appropriate staff to schedule interpretive service for a later date, 20% reported that on average after identifying an applicant's/recipient's language needs it may take more than 15 minutes to obtain interpretive services, and 60% reported that on average it may take 3-10 minutes to obtain interpretive services.

Auditors remind the County that Division 21-115.3 states that County Welfare Departments shall ensure that administrative practices do not have the effect of denying non-English speaking persons and individuals with disabilities equal access to and participation in the available programs and activities.

Does the County have adequate bilingual staffing levels?

No.

According to Section V of the County CRCP:

- Madera Building B serves CalWORKs and CalFresh Spanish speaking clients and needs 2 bilingual staff. The County reports that "staff [are] already on board and [in] process for bilingual testing".
- Madera Building C serves CWS and IHSS Spanish speaking clients and is in need of 9 bilingual staff. the County reports they are "Currently recruiting" for these positions.

The County does not provide a date by which it will follow required certified bilingual staffing levels.

Are County interpreters certified?

Yes.

Does the County allow minors to be interpreters? If so, under what circumstances?

Yes, however, only under specific circumstances. According to Section V of the County CRCP:

"A minor (under the age of 18 years) may not be used as an interpreter with the exception of one of the following two circumstances: To give information to reception staff to facilitate communication; or in an emergency of which requires immediate interpretation services." (Page 11). The County policy does not define emergency which requires immediate interpretative services.

Does the County allow applicants/recipients to provide their own interpreters?

Yes. According to the County CRCP, clients may use their own interpreters by completing the Self Provided Interpreter Form (MAD 580). Staff are instructed to utilize language access services until the MAD 591 form is completed. The client should have the form read to them in their own language.

Since the time of this audit, the CDSS has released ACL 21-128 which instructs counties to use Form CR 6181 (Form 6181) Interpreter Services Statement and Confidentiality Agreement, which replaces any CWS form previously used for informing Non-English/Limited English Proficient (NE/LEP) individuals of the risks of using their own interpreter instead of free interpretive services from the CWD.

How does the County document interpretive services provided using bilingual staff/interpretive services? How does the County document interpretive services provided using a client-provided interpreter?

County policy AP 9 provides instruction for documenting MAD 519, which must be signed, completed, and contained in the case. Section V of the County CRCP provides further details of the County's documentation practices programs are expected to document language preferences in their respective case management systems' comment sections, specifically the CalSAWS Case Comments section and the CWS/CMS Contact Section. Staff are expected to document language preference, staff certification for that language (if applicable) or the type of interpretive service provided, or whether a self-provided interpreter was utilized. Case reviews found this to be true.

Does the County ensure that applicant/recipient-provided interpreters understand what is being interpreted?

Yes. During case reviews and policy sessions, Auditors asked County staff how they ensure applicant/recipient-provided interpreters understand what is being interpreted. Staff responded that they ask probing questions in multiple ways to gauge the understanding of the interpreter. As stated above, ACL 21-128 which requires the CWDs to use Form 6181 when applicants/recipients choose to use their own interpreter after they have been offered county-provided interpretive services.

Does the County use CDSS-translated forms in applicant's/recipient's primary language?

Yes. The County provides forms in the applicant's/recipient's primary language. Case review observed that cases of NEP/LEP applicants/recipients that did not use an Authorized representative did receive their forms in their primary language.

When limited- or non-English-speaking clients receive Notices of Action (NOA), is the standard NOA form provided in clients' primary written languages?

Yes. According to the Civil Rights Coordinator the County provides NOAs in clients' primary written languages when automatically generated Notices and forms that are not automatically generated in the primary written language of the applicant/recipient is addressed in the question below.

Is the information that is to be inserted into NOA translated into a recipient's primary language? If language to be inserted into NOA is not available, is there a procedure to ensure information translated to recipient's primary language?

No, language to be inserted into the NOA is not translated into the recipient's primary language. According to Section V of the County CRCP, when the forms and other written materials contain spaces (other than "for agency use only") in which the worker is to insert information, this inserted information will be in the individual's primary language." (Page 12). However, this information is contracted by the following paragraph from the County CRCP Section V which states that when forms and other written materials are not provided by CDSS, the worker must offer and provide interpretive services for the Notice of Action. The client must contact the worker about the NOA prior to the deadline for a timely request for hearing on an adequate NOA and request interpretive services.

The County CRCP Section V states that the County does translate some forms, specifically: MAD 321 Monthly Employment Verification Form, MAD 323 Direct Deposit Letter and Direct Deposit Form, MAD 324 My Road Map, speed bumps, & Alternative Routes, MAD 327 My Goal Plan do Review-Revise and MAD 330 Guest Responsibilities for Motel Stay, MAD 750A Housing Statement Form are all translated in Spanish. New and revised DSS documents and forms are made available to all staff via the DSS-Staff Portal and the information is also disclosed in the monthly Newsletter.

Findings: Ethnic Origin Information

Does the County document ethnic origin data from applicants and recipients?

Yes. The County documents ethnic origin data from applicants and recipients.

Corrective Action

- 3. Adequate Bilingual Staffing Levels:** A sufficient number of qualified bilingual employees shall be assigned to public contact positions in each program and/or location serving a substantial number of non-English-speaking persons. These employees shall have the language skills and cultural awareness necessary to communicate fully and effectively and provide the same level of service to non-English speaking applicants/recipients as is provided to the client population at large. The number of public contact positions in each major occupational group

shall be determined for each program and/or location whose non-English language cases equal or exceed five percent of the total cases for each program or location. Division 21-115.1-115.11.

4. Language Services Policy: The current policy, AP 9, lacks operational detail and does not include all elements of Division 21 and ACL, the County shall make revisions of its existing policy.

- As set forth in, these specific steps need to be incorporated:
 - Identification of primary language: The County shall collect primary language data for each applicant/recipient. Div. 21-201.21. The County should take adequate steps to identify the primary language of applicants/recipients and accurately document this language. The County shall not place the burden of requesting interpretive services on the applicant/recipient and should affirmatively offer language services to all clients.
 - Timely services: The County must ensure that bilingual/interpretive services are prompt and without undue delays. Div. 21-115. The Current County protocol results in undue delays for LEP/NEP applicants/recipients, particularly those not within threshold languages. The County shall streamline the process for staff requesting interpretive services for clients without having to reschedule a future visit.
 - Documentation: The County shall ensure that case records identify applicants'/recipients' ethnic origin and primary language. Div. 21-201.21.
 - Translation services: The policy should include instructions for staff to provide translation services for documents that are not translated by CDSS. Interpretation of written documents and notices is not a suitable substitute for receiving documentation in p[primary written language.
 - Self-Provided Interpreters: CWDs must use Form 6181 when applicants/recipients choose to use their own interpreter after they have been offered county-provided interpretive services per ACL 21-128.
- Program specific details should be created and included as addendums to this policy.
- Provide training to staff to operationalize new policy, see Section VII.

Recommendations

Job Aids: The County is strongly encouraged to create program specific job aids for staff to operationalize the above policy that includes instructions for identifying language needs, instructions for obtaining interpretive services without undue delay, intrusions for obtaining translation services, list of auxiliary aids available, how to obtain auxiliary aids,

and documentation in systems. The job aids should also include program specific scenarios on how to assist an applicant or recipient in need of a interpretive and translation services.

VI. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO HAVE DISABILITIES

Division 21 requires that Counties ensure individuals with disabilities receive effective communication and disability-related services without undue delays.

Counties must provide auxiliary aids and services, including braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD), and other effective aids and services for persons with hearing, speech, vision, manual skills, and other disabilities.

Counties have a responsibility to ensure that people with disabilities are not excluded from participation in or denied the benefits of the County's programs, services or activities, or otherwise subject to discrimination. This includes the obligation to provide reasonable accommodations to qualified individuals with disabilities.

Findings: Auxiliary Aids and Services for Persons with Disabilities

Does the County have a policy and/or procedure for assisting applicants/recipients with a disability? Does the County have a policy describing how it provides reasonable accommodation?

Yes, Administrative Policy 26 (AP 26) dated December 22, 2020, was written in response to All County Letter 19-45 and covers reasonable accommodations, documentation of reasonable accommodations, denial of reasonable accommodations, service animals, and the discrimination complaint process. Section V of the County CRCP states that clients who self-identify are provided services "that the worker can address through a service referral or accommodation process" (Page 9). AP 26 does not include key concepts such as "primary consideration" or the "interactive process" of accommodation requests. AP 26 also lacks operational detail necessary for policy implementation regarding documentation of reasonable accommodations.

Additionally, AP 26 is not well understood by staff:

- Of surveyed Eligibility staff, 43% were unsure if the County has a reasonable accommodation policy, and 17% responded "No" or "Unsure" when asked if they had received training on how to assist applicants/recipients with disabilities.
- Of surveyed CWS staff, 40% responded that they were unsure or that they did not receive training on providing reasonable accommodations, and 40%

- were unsure if they had received training on how to assist clients with disabilities.
- Of surveyed Program Managers, 25% had not received reasonable accommodation training, and 13% had not received training on how to assist applicants/recipients with disabilities.
- Of surveyed Lobby Receptionists/Navigators, 60% were unsure if they had received training on how to assist applicants/recipients with disabilities, and 80% were unsure if they had received reasonable accommodation training.

During case reviews across programs, Auditors found that staff are unaware of the definition of disability and consistently fail to identify applicants/recipients with a disability despite clear indications of a disability. The Civil Rights Coordinator also reported being unable to provide technical assistance to staff regarding operationalizing this policy.

Does the County provide auxiliary aids and services, TDD's, and/or other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including braille material, taped text, and/or large print materials (excluding the PUB 13)?

Inconsistently. According to Section V of the County CRCP:

- “For disabled clients, reception staff can establish a client’s need for language access services by asking anyone who is struggling to communicate if they need assistance. This can be done by using auxiliary aids or services.” (Page 9).
- “Reception staff can establish a client’s need for language access services by asking anyone who is struggling to communicate if they need assistance. This can be done by using auxiliary aids or services.” (Page 14).

This description of effective aids and services for persons with a with impaired hearing, speech, vision or manual skills equates the needs of Limited English Proficient clients with the needs of clients with disabilities.

Additionally, Section V of the County CRCP states that the responsibility of identifying applicants/recipients with disabilities on first contact falls on the reception staff.

County policy AP 26 instructs staff to follow use AP 9 to provide auxiliary aids. However, AP 9 does not provide details for which auxiliary aids are available. Overall, the existing County policies lack consistency, clear direction, and operational detail sufficient to support staff’s obligation to be knowledgeable about, and provide, appropriate aids.

When asked what tools are available for staff to assist applicants/recipients with disabilities, including visual and/or hearing impairments, Lobby Receptionists/Navigators were unable to identify aids other than braille, 20% reported there are no aids available in reception, and none reported providing auxiliary aids and services to applicants with disabilities in the preceding twelve months.

Among program staff, the provision of reasonable accommodations was inconsistent. Of surveyed Eligibility staff 61% reported they have not provided auxiliary aids and services to applicants with disabilities in the preceding twelve months while 39% report providing ASL interpretation, TDD, and accessible interview rooms. Of surveyed CWS staff 80% have not provided auxiliary aids and services to applicants with disabilities in the preceding twelve months while 20% report providing ASL interpretation. No CCWS Staff surveyed were able to identify a County-generated form or material that is available in braille, audio, and/or in large print.

Staff survey results suggest that reception staff in particular do not understand their civil rights obligations, nor do they have access to the tools to fulfill these obligations. If it is the responsibility of reception staff to identify and document the communication needs of clients with disabilities, this significant lack of understanding may contribute to the counties inconsistent provision of auxiliary aids and services. However, it is not the sole responsibility of a single county position to identify and document the needs of clients with disabilities,

Does the County identify an applicant/recipient with a disability? Does the County assist applicants/recipients to self-identify a disability?

The County inconsistently identifies clients with disabilities and does not assist in self-identifying disability. The County does not consistently identify applicants/recipients with disabilities, nor does the County assist applicants/recipients to self-identify a disability. According to AP 26 and Section V of the County CRCP, the County relies on self-disclosure of a disability before providing an accommodation to the applicant/recipient with a disability. When asked how the County offers screening, the Civil Rights Coordinator reported that the County does not ask applicants/recipients if they have a disability and would only offer accommodations if the applicants/recipients states that they have a disability.

Is there an established process for offering screening for disabilities, including screening for learning disabilities?

No. The County CRCP does not contain a process or policy for offering screenings for disabilities, including screenings for learning disabilities.

Of surveyed Program Managers, 63% were unsure if the County has a process or policy for offering disability screening for applicants/recipients with learning disabilities.

Adult programs, which includes IHSS, staff survey also revealed a lack of understanding among staff if the county offers screening for disabilities.

Does the County offer reasonable accommodations to applicants/recipients with a disability?

No, unless an applicant/recipient asks for an accommodation or staff observe the applicant/recipient “is struggling to communicate” (County CRCP, Page 9). As noted above, staff do not have a firm understanding of their obligations to clients with disabilities and the County does not have policies for identifying individuals with a disability or offering screenings for disabilities. Thus, applicants/recipients may not be identified effectively and therefore resulting in a low number of reasonable accommodations provided by staff because the need is not identified.

Does the County appropriately document disabilities and reasonable accommodation requests?

No. Auditors reviewed initial applications, most recent renewal forms and electronic case file information for documentation of a disability. During case reviews, Auditors reviewed 9 cases across all county programs in which ASL interpretation was necessary. Among the CalWORKs and CalFresh cases reviewed, the documentation of disability was limited to the client receiving disability benefits from the Social Security Administration. Within the CalSAWS application, the identification of a disability is limited to requiring assistance to complete application. This question does not address the full range of assistance that may be needed if a client has a disability and therefore is not sufficient for determining if a person is in need of a reasonable accommodation for participating in program. Auditors observed among the IHSS cases review, there was an inconsistent documentation of accommodations for visual impairment. Overall, none of the County programs consistently documented disabilities and reasonable accommodation requests.

Corrective Action

- 5. Identification of disabilities:** Some individuals may be unaware that they have a disability or unable or reluctant to self-identify as having a disability. When the CWD has actual knowledge of an individual’s disability, or when an individual’s need for an accommodation is obvious, CWD staff shall offer to assist the individual in self-identifying the disability and/or appropriate disability specific accommodations. See *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) cited in ACL 19-45. As part of the CAP, the County shall develop policy regarding the provision of services for individuals with disabilities to include the following:
- An expanded range of tools and/or guidelines for use by staff to identify an individual with a disability, such as developing a form that asks applicants/recipients about disabilities and related needs and/or establishing a practice whereby staff review program application/renewal questions about disabilities with all applicants/recipients

- Protocol for staff to assist an individual in self-identifying a disability and related needs when a disability is known or the need for accommodation is obvious. This might involve requiring staff to initiate inquiries about and/or offers of reasonable accommodations when certain indicators are present such as specific aid type(s) in electronic case records.
- To the extent programs have different practices and considerations related to the identification of disabilities, the policy shall contain program-specific guidance.
- Inform staff of the new policy/protocol, including via revised staff training on the topic (discussed in Section VII).

6. Reasonable Accommodation Policy for Applicants/Receipts with a

Disability: AP 26 Services for Disabled Families and Individuals lacks operational detail and does not include all elements of ACL 19-45 and ACL 21-78.

- As set forth in ACL 19-45 and ACL 21-78, these specific steps must be incorporated into the existing policies:
 - Identification of disabilities.
 - Invisible or hidden disabilities, defined as disabilities that are not immediately apparent, can be discovered during an interaction with the applicant/recipient. If such disabilities are discovered, then the CWD must assist the individual in self-identifying the disability and/or appropriate disability-specific accommodation(s). ACL 21-78.
 - It is not appropriate for the CWD to ask the applicant/recipient if they have a particular diagnosis or condition. ACL 21-78.
 - Effective communication. CWDs have the obligation, pursuant to ADA Title II, to ensure effective communication with individuals who have vision, hearing, or speech disabilities. Communication with these individuals must be equally effective as communication with people who do not have these disabilities. 28 CFR § 35.160(a); ACL 19-45.
 - Primary consideration. In determining what types of auxiliary aids and services are necessary, a public entity shall give primary consideration to the requests of individuals with disabilities. 28 CFR § 35.160(b)(2); ACL 19-45.
 - Interactive process. If an accommodation is not immediately agreed upon, or if a disagreement arises between an individual and CWD staff as to the appropriateness of a particular accommodation after an accommodation has been granted, CWD staff shall engage in an interactive process with the individual requesting the accommodation, or the person acting on their behalf. This may include discussing the individual's needs and alternate accommodation options in order to arrive at an accommodation that meets the needs of both the individual and the CWD. 28 CFR § 35.150(a)(3); ACL 19-45.

- Documentation. The County shall ensure that an applicant's/recipient's case record identifies the applicant/recipient as disabled. Div. 21-116.3. The County shall document an applicant's/recipient's request for services in writing. Div. 21-116.3. The County must ensure that proper and consistent documentation identifying all the required elements to ensure compliance is present in an applicant's/recipient's case file. Div. 21-116.
- This policy must include examples of Reasonable Accommodation requests that constitute changes to policies or procedures.
- Program specific details should be created and included as addendums to this policy.
- Incorporate policy changes into any Disability Awareness, Disability etiquette, or Reasonable Accommodation training, as necessary.

Recommendations

Job Aids: The County is strongly encouraged to create program specific job aids for staff to operationalize the above policy that includes instructions for identifying accommodation needs, list of auxiliary aids available, how to obtain auxiliary aids, and documentation in systems. The job aids should also include program specific scenarios on how to assist an applicant or recipient in need of a reasonable accommodations.

Documentation of a Disability: The County should consider undertaking regular quality control measures to ensure proper documentation of disability and reasonable accommodation.

Auxiliary Aids: Technology supporting communication for those with disabilities is consistently evolving. The County is encouraged to consult with disability advocacy groups to obtain information on popular aids utilized currently by people with disabilities for communication to ensure that the County is not reliant on out-of-date technology.

VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide training on civil rights, cultural awareness, Section 504 of the Rehabilitation Act of 1973 (Section 504), and the ADA for all public contact employees, including familiarization with the CDSS discrimination complaint process and all other requirements of Division 21. The information should be conveyed at employee orientation, as well in continuing training programs.

Findings: Staff Training

Do employees receive continued Division 21 Training?

Yes. According to the County CRCP, staff annually receive Division 21 Civil Rights training provided by the University of California Davis. Auditors note that this training omits protected bases covered by California state law. Without additional or

supplemental training, staff are not being fully trained on the County's civil rights obligations. This training provides a general overview of every county Division 21 obligation and lacks County-specific information that would make it operational.

According to surveyed Eligibility staff 84% have received civil rights training while 16% are unsure. Eighty percent of surveyed CWS staff report receiving training and 20% are unsure.

Surveyed IHSS staff reported receiving civil rights training from the county one month prior to the compliance review.

Does the County provide employees with Cultural Awareness Training?

Yes. According to Section XI of the County CRCP and Audit Policy Discussion with County staff, staff are provided with Cultural Awareness Training from the University of California Davis. The Civil Rights Coordinator reported the training is provided annually and covers different subjects. No cultural awareness training specific to Madera County communities is provided, which limits the County's ability to most effectively serve the diverse populations in the County CRC reported to auditor's staff have received SOGIE and LGBTQIA training as part of the Cultural Awareness Training provided by UC Davis and this was verified in staff surveys. According to the staff survey results, most of the program staff audited received Cultural Awareness training. Within eligibility program, 87% had received the training, while 9% was unsure if they had received the training, and 4% indicated they had not received training.

Are the employees knowledgeable about predominant cultural groups receiving services in their area?

Somewhat. Of surveyed staff across programs 19% report being extremely familiar with the predominant cultural groups receiving services in the area, 45% report being very familiar, 23% report being somewhat familiar, and 13% report being not so familiar. This lack of familiarity with the predominant cultural groups receiving services in the area may be connected to the lack of county specific training as mentioned above.

Have the Children's Social Workers (CSW) received training on the Multi-Ethnic Placement Act (MEPA)?

No. According to surveyed CWS staff, 40% report yes, 40% are unsure, and 20% have not received training.

Are employees trained in Section 504, ADA requirements, and disability awareness?

Uncertain. According to Section XI the County CRCP, supervisors receive annual training titled "Working with Disabilities", However, program staff do not appear to have participated in this training. According to the same section of the County CRCP, Staff do receive "Mental Health First Aid", which is provided to staff annually and facilitated by

the Madera County Behavioral Health Services. Of surveyed staff across programs, 81% have received training on how to assist clients with disabilities, such as disability etiquette, disability awareness, or similar training, 9.5% have not received training or were unsure if they have received training.

Relatedly, the Civil Rights Coordinator reported being scheduled to attend training titled “ADA/Fair Employment and Housing Act Disability Compliance Centralized Launch: What You Need to Know about Reasonable Accommodations in the County” provided by Shaw HR Consulting. However, the Civil Rights Coordinator was unsure if this training is applicable to ADA protections applicable to members of the public or employees.

Does the County provide training on identifying applicants/recipients with disabilities?

No.

Do employees receive training on reasonable accommodation for applicant’s/recipients with disabilities?

Uncertain. According to the policy discussion with the CRC, the County staff are scheduled to undergo ADA/FEHA Disability Compliance Centralized Launch: What You Need to Know about Reasonable Accommodations in the County provided by Shaw HR Consulting in March 2022. It is unclear if this training is applicable to clients or employees of the CWD.

Among program staff that were surveyed, 84% of respondents received training on how to provide a reasonable accommodation (also known as reasonable modification) to clients with disabilities. 10% of respondents had not received training. 6% of respondents were unsure if they had received training. However, the County an existing training the staff respondents would have taken in their County CRCP or in discussion during the audit week. The depth of concerns found during the audit regarding the Counties ability to provide reasonable accommodations is evidence of insufficient training for staff.

Do the employees understand the County’s obligation to provide reasonable accommodation to applicants/recipients with disabilities?

No. Find more information about employee understandings of their obligations to provide reasonable accommodations to applicants/recipients with disabilities in Section VI.

Does the County provide other civil rights-related training?

No.

Corrective Action

- 7. Reasonable Accommodation Training:** The County shall provide training on the revised reasonable accommodation policy addressed in Section VI to be completed by relevant MCDSS staff.
 - This training must focus on the needs of actual and prospective County applicants/recipients.
 - The County shall provide a plan to the CDSS Civil Rights Unit for the provision of Reasonable Accommodation Training, the expected deadlines when staff will undergo and complete training, and the responsible parties for ensuring timely completion of the training on a continuous basis.
- 8. Disability Awareness Training:** The County shall provide training on identifying disabilities and awareness of disabilities. This training must include an introduction to Disability Culture (example: Deaf Culture).
 - The County is in the process of improving and revising this policy. The County shall provide a plan to the CDSS Civil Rights Unit for the procurement of Disability Awareness Training, the expected deadlines when staff will undergo and complete training, and the responsible parties for ensuring timely completion of the training on a continuous basis.
- 9. Civil Rights Training, County Specific Addendum:** The County 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. The County shall develop and provide training annually for staff on Division 21, in addition to the training provided by University of California Davis training, that is County specific and includes the operational details required in the required CAP Section VI Reasonable Accommodation Policy for Applicants/Recipients with a Disability.
 - Include steps providing and explaining the PUB 13, as well as the documentation of these steps in the case record, as required by Section III.
 - Include policy and procedure for program staff when handling discrimination complaint handling that reflect changes required in CAP Section VIII.
 - Address any deficiencies within existing training received by UC Davis that have been identified in this Section above.
- 10. Civil Rights Coordinator Training:** to implement policy mandated for this CAP in Section VIII, VIII, and XI, the County shall develop and provide training and onboarding materials for its Civil Rights Program staff, including the Civil Rights Coordinator and Civil Rights Investigators.
- 11. Multi-Ethnic Placement Act (MEPA):** The County shall ensure that CSW's receive MEPA training to ensure that public contact staff have knowledge of, and

properly apply, placement prohibitions contained in MEPA. 42 U.S.C. 672, 674, and 1996(b).

Recommendations

Staff Communications: It is recommended that the County incorporate the topics of civil rights, equity, diversity, and inclusion in all Division All Staff Meeting agendas as a standing item, to the extent that the County does not currently commit to this practice. This may serve as an opportunity to reinforce CWD obligations under Division 21 and required policy changes in this Report.

Reasonable Accommodation Training: It is strongly recommended that the County seek assistance with the development of Reasonable Accommodations training from qualified individuals outside of MCDSS staff, considering the extend of concerns expressed in Section IV of this report of staffs understanding of their obligations.

VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all discrimination complaints. Counties must track discrimination complaints by using a control log in which all relevant information is kept, including when the complaint was received, the complainant's name, programs implicated, the basis of discrimination, and complaint resolution.

Findings: Discrimination Complaint Process

Can employees easily identify discrimination complaints?

Yes. Eighty-one (81) percent of surveyed staff were able to correctly identify a civil rights complaint.

Do employees understand the County policy regarding an applicant's/recipient's rights, and the procedure to follow when receiving a discrimination complaint?

Somewhat. Staff survey results tend to suggest that staff have an inconsistent understanding of what to do when receiving a complaint, as well as how to apply existing protocols.

According to the County CRCP, Section XI, staff first give the client an opportunity to discuss the situation with the first line supervisor, Program Manager, Deputy Director, or Director respectively. The concerns with this practice are noted in this section of this report below. According to the County CRCP, written and verbal complaints shall be accepted. If a verbal allegation of discrimination is made, either in person or by telephone, and the complainant refuses, or is incapable of putting the allegation in writing, the person to whom the allegation is made shall put the elements of the complaint in writing. If a discrimination complaint form is not available in the client's

primary language, a translator will be provided to assist the client in completion of the form. If the client indicates that they need help completing the form, assistance will be provided by the Civil Rights Coordinator or Investigator.

When asked what steps they would take when receiving a complaint, staff responses varied: 80% of CWS staff stated they would direct the complainant to the Civil Rights Coordinator, and of the 80%, 50% included providing the PUB 13 in response to a complaint; 80% of Lobby Receptionists/Navigators would provide the complainant with the Civil Rights Coordinator's contact information; and all Adult Program staff stated they would provide the complainant with the Civil Rights Coordinator's contact information; and 57% of Eligibility staff would provide the complainant with the Civil Rights Coordinator's contact information, 26% would contact the Civil Rights Coordinator or supervisor and did not mention providing a form or the Civil Rights Coordinator's contact information, 13% would provide the complaint form but no contact information, and 4% did not articulate any steps as to how they would respond.

Can employees locate the civil rights poster, PUB 86, with information as to how and where a discrimination complaint may be filed?

Somewhat. The results of the staff survey tend to suggest staff have an inconsistent understanding of where to locate the PUB 86.

Eighty (80) percent of CWS staff, 78% of Eligibility staff, and 67% percent of Adult Programs staff could locate the PUB 86. Conversely, 60% of Lobby Receptionists/Navigators could not locate the PUB 86.

Is the complaint log complete and up to date?

No. The Complaint log is missing the following information minimally required by Division 21-203.21: Nature of the complaint (Div. 21-203.216), Decision: discrimination or no discrimination (Div. 21-203.218), and Date investigation completed, or date complaint resolved (21-203.219).

Does the County have a written policy explaining how it will process discrimination complaints?

No. The County does not have any clear written policies explaining how to process discrimination complaints.

During a policy session, the Civil Rights Coordinator shared an existing "Civil Rights Cheat Sheet" that provides minimal administrative information for receiving and notifying CDSS of a complaint, and information required in a complaint. This "Cheat Sheet" does not provide information regarding Division 21 requirements for investigations, including the requirement to interview the complainant. The intended audience and how/if this "Cheat Sheet" is distributed is unclear.

During a policy session, the Civil Rights Coordinator also confirmed that the Annual Plan and “Civil Rights Cheat Sheet” are missing information about the County’s existing informal, unwritten policies. Specifically, the Civil Rights Coordinator must notify the County Director before finalizing an investigation determination. This is concerning because the County lacks clear, consistent policies for handling discrimination complaints, and existing civil rights training contains substantial gaps in information, all of which may foreseeably result in fewer complaints being identified and investigated.

Relatedly, the County CRCP and the Civil Rights Coordinator reported that the County attempts early resolution when receiving any complaint, including civil rights complaints. While early resolution attempts are not prohibited by Division 21, requiring a complainant to engage in early resolution as a condition to filing a complaint is contrary to Division 21 provisions. This practice may result from a conflation of responsibilities under Division 21 and Division 22. Division 22 provides that counties seek to resolve issues at the lowest possible administrative level. MPP §22-073.23.

When paired with other findings throughout this Report, this tends to suggest that the County lacks a technical and operational understanding of their civil rights obligations under Division 21.

Is the County handling discrimination complaints appropriately?

No. The County lacks adequate policies, protocols, and trainings instructing staff to handle discrimination complaints according to the requirements of Division 21. As stated above, the County’s early resolution process is contrary to Division 21 provisions.

Corrective Action

12. Civil Rights Investigations Procedure: The County shall ensure policies addressing discrimination complaint handling are clear, consistent, and comport to the required complaint processing obligations. Div. 21-203. The CWD Civil Rights Program does not have appropriate infrastructure to operationalize the requirements under Division 21. As required in Section VII, the civil rights training the staff develop shall include an addendum that is County specific and provides the operational detail to inform staff of the appropriate method for identifying a discrimination complaint, protocol for receiving a discrimination complaint, and referrals to the Civil Rights Coordinator. The County shall develop a Civil Rights Coordinator manual and practical investigation guide using Division 21, the CRC Introductory Training provided by CDSS in December 2020 County CRC, relevant ACLs, and other relevant and appropriate materials. Materials produced may include:

- Job aids for evaluations and investigations of complaints, for example, decision trees for evaluations of complaint, evaluation of conflict of

interests for complaint investigation, and a jurisdictional analysis of complaints.

- List of referrals for complaints concerning non-CDSS programs.
- Inform staff of the new policy/protocol, including via revised staff training on the topic.

Recommendations

Civil Rights Coordinator Percent of time to Civil Rights: The County is strongly urged to reconsider the amount of staff time dedicated to civil rights responsibilities. Currently, the CRC and CR Investigator dedicate 15% to 10% of their time respectively to the County's civil rights program. This time is not sufficient for the County to fulfill all its responsibilities and obligations, and continuously maintain compliance with Division 21.

Equity Training: The Civil Rights Coordinator, Civil Rights staff, and/or the County should seek out and complete governing for equity training. This training would assist in the development and enhancement of the County's Civil Rights Program. The County is encouraged to contact the CDSS for technical assistance.

Community Engagement: The CWD should create forum for community organizations to provide feedback, to the extent that it does not already engage in this practice.

IX. VENDOR CONTRACTS

Counties are required to ensure contracted services with contractors, vendors, consultants, and other providers of service who receive state or federal assistance (referred to as "Vendors") provide a statement of assurance. Agreements must also state that the entity involved will compile data, maintain records, and submit reports as required to permit effective enforcement of nondiscrimination laws, regulations, policies, instructions, and guidelines.

Findings: Contract Review

Vendor Assurance of Compliance: All contracts link to a master contract which includes a section on Assurance of Non-Discrimination and Cultural Competence, however, there are no signed Assurances of Compliance within the contracts. When asked how the County ensures vendors understand their civil rights obligations under Division 21, staff responded only that the obligations are noted on the contract. However, without a signed Assurance of Compliance, the County cannot verify that the vendors understand their civil rights-related obligations.

Corrective Action

13. Assurance of Compliance: Contractors, vendors, consultants and other providers of service who receive federal or state assistance through CDSS or through agencies covered by these regulations shall comply with nondiscrimination requirements of Division 21-103.4. The County must develop a process, or training, to ensure that vendors and other contracted providers of services understand their civil rights obligations under Division 21.

X. COMMUNITY INPUT

Feedback was sought from community and advocate groups regarding County services. The following summarizes their observations and identifies issues that the County may address to improve their civil rights program.

Community Organizations' Observations

Dissemination of Information: Community advocates stressed the importance of the public receiving accurate and timely information to maintain benefits, participate in services, because they are otherwise dissuaded from applying at all. Advocates noted specifically within immigrant communities there is a misunderstanding of federal immigration public charge requirements and the ability to qualify for aid. Changes to program protocol, policies or eligibility should be communicated to the public with consideration to barriers in language availability, literacy, transportation, and technology.

Language Access Barriers: Community advocates shared their organizations' experiences supporting members of the public to apply for or participate in County services. Applicants/recipients experience barriers receiving documentation in their primary written language. Some members of the public were barred from services based on program requirements they were unable to understand and fulfill due to illiteracy. Advocates also shared language access concerns regarding IHSS recipients with caretakers who speak a language other than English, which impacts IHSS recipients' program participation.

Community Organizations' Suggestions for Improvement

Outreach: When a member of the public has a negative interaction with the County it produces chilling effect on other community members making them reluctant to seek services. Advocates encouraged the County to increase their outreach and raise awareness of the benefits and services available to the public. Outreach strategies should be equitable and consider language (including literacy), disability, transportation, and technological barriers.

Promising Practices Identified by Community Organizations

Relationships with Community Organizations: Overall, the locally based community advocates held the County in high regard and expressed that their relationship is positive.

XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The Madera County department of Social Services Civil Rights Compliance Plan dated January 2022 was received on January 28, 2022. Thank you for submitting your agency's Civil Rights Compliance Plan. Before approving the Civil Rights Compliance Plan, we request the following augmentations:

- **Section III Community Profile:** This section shall include date for applicant/recipients with disabilities, as available.
- **Section IV Dissemination of Information:** This section shall include information regarding the County's outreach strategies with information specific to remote/rural areas.
- **Section V Services to Non-English Speaking and Disabled Applicants/Recipients:**
 - a. The Annual Plan shall include information regarding the methods applications can be submitted to the County, including all locations of application drop boxes.
 - b. The Annual Plan shall include clear information regarding the County policy and protocol currently used by County programs for screening applicants/recipients for disability.
 - c. The Annual Plan states that receptionists identify applicants/recipients with disabilities. This shall be amended to reflect that it is the obligation of all County staff to assist applicants/recipients with disabilities and ensure effective communication.
- **Section XIII Discrimination Complaint Procedure:** The Annual Plan shall include all Civil Rights policies, protocols, and job aids including any cheat sheets related discrimination complaints. The Annual Plan shall accurately reflect the County's process for receiving, evaluating and investigating complaints. This information shall include the roles and responsibilities of all staff that are involved in the civil rights complaint handling.

General Comments

- The Annual Plan shall include all appropriate headers for each section and subsequent subsections.
- The Annual Plan shall use person first language, i.e. person with a disability instead of disabled person.

- Include all new and revised civil rights-related policies, procedures and protocols identified in this Report. Where indicated, submit drafts of such policies, procedures and protocols to CDSS for review as directed in this Report.

Please submit an updated Civil Rights Compliance Plan incorporating these items with your CAP for this Review. The County may contact CDSS for feedback and technical assistance.

XII. CONCLUSION

The CDSS Reviewers found the Madera County Department of Social Services staff welcoming, informative, supportive, and receptive to new information and feedback. Particular thanks to Maria Rodriguez and Wendy Castillo for organizing the details of the Review. In each program area, staff were helpful with the facility reviews, case reviews, and computer assistance. County staff, including management, reflected a mission-driven commitment to ensuring access, assistance, and compliance.

The CDSS Reviewers found substantial compliance concerns. The Madera County Department of Social Services must remedy deficiencies identified in this report by taking corrective actions. A CAP 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 to be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

It is CDSS' intent that this report be used to create a positive interaction between the County and CDSS to identify and correct compliance violations and to provide the County with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights Unit staff is available to provide technical assistance as requested.

APPENDIX 1: SELECTION FROM STAFF SURVEY

Section VIII addresses the discrimination complaint process. Surveyed staff were able to identify discrimination complaints at an 81% success rate. Surveyed staff were presented with four theoretical complaints and asked to indicate which were examples of civil rights complaints. The language of those complaints is presented here.

- Complaint 1: I received a letter saying my benefits were cut off but I need that money for my kids. How can I get my benefits back? I bet this is because in this office they don't like people who have my skin color. I always see workers being rude to people who look like me.
 - Example of a discrimination complaint
 - Recognized as a discrimination complaint by 81% of surveyed staff
- Complaint 2: My benefits were reduced. This isn't right. I deserve that help. I followed all the rules. I'd like to make a complaint.
 - Not an example of a discrimination complaint.
 - Misidentified as a discrimination complaint by 5.5% of surveyed staff
- Complaint 3: My aunt is confused about her eligibility. She had trouble understanding the customer service center representatives on the phone. She told me she spoke in English, but she actually prefers to speak Korean because she understands it better. I can help her with her paperwork if you just tell me what she needs to turn in.
 - Example of a discrimination complaint
 - Recognized as a discrimination complaint by 58% of surveyed staff
- Complaint 4: My kids were taken away by the County because I'm bipolar. It isn't fair to take my kids just because I have a disability. Disabled parents have rights too. I need help.
 - Example of a discrimination complaint
 - Recognized as a discrimination complaint by 86% of surveyed staff