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October 6, 2023

Via Email only: nealcaiazzo@countyofplumas.com

Neal Caiazzo, Director
Plumas County Department of Social Services
270 County Hospital Road, Suite 207
Quincy, CA 95971

Dear Director Caiazzo:

Thank you and the Plumas County Department of Social Services staff for your cooperation and assistance during the July 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 Unit - Compliance (CRU) 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 CRU 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 Jill Shallenberger at (916) 207-6344 or by email at Jill.Shallenberger@dss.ca.gov. If you need assistance accessing the SharePoint site, please contact CRU 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

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**PLUMAS COUNTY DEPARTMENT OF SOCIAL SERVICES
CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

**Conducted on
July 22 – July 28, 2022**

California Department of Social Services

Office of Equity

Civil Rights Unit

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

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Reviewer: Jill Shallenberger

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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 the Plumas County Department of Social Services (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 July 22, 2022, to July 28, 2022. An exit conference was held on July 28, 2022.

Compliance concerns are the focus of this report. However, Auditors also noted effective aspects of the County's civil rights program, including its development and use of helpful workflow templates in certain programs and electronic case management systems (CMS).

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.

- **Dissemination of Information:** The brochure "Your Rights Under California Welfare Programs" (PUB 13) is not available in all translations provided by CDSS in the most recent revision. Availability of the PUB 13 in alternate formats is limited to an audio version with an undetermined revision date. The lack of availability of the PUB 13 in alternate formats was identified as a deficiency in CDSS' 2010 Civil Rights Compliance Review of the County, which tends to suggest a persistent problem.
- **Interpreter Services:** Auditors observed a lack of policy/procedure on providing interpreter services to applicants/recipients with limited English proficiency (LEP) coupled with findings that some applicants/recipients with LEP do not consistently receive interpreter services. The lack of such a policy/procedure was identified as a deficiency in CDSS' 2010 Civil Rights Compliance Review of the County, and CDSS' Compliance Review Report of that year issued a corrective action requirement that the County develop such a policy. The County did not complete this corrective action step.
- **Documentation of Applicant/Recipient Case Records:** All reviewed programs had gaps, errors and/or inconsistencies in documentation of applicant/recipient case records, particularly related to reasonable accommodations for persons with disabilities and language services for individuals with LEP.
- **Reasonable Accommodation Policy:** The County does not have a policy/procedure on accommodating applicants/recipients with disabilities by modifying rules, policies or practices to offer equal access. [All County Letter](#)

[\(ACL\) 19-45](#). Auditors found little evidence that staff offer, provide, or document reasonable accommodations.

- **Civil Rights Complaint Processes:** Counties are required to maintain a control log of all complaints received. Div. 21-203.21. Entries in the County's complaint log are incomplete, and the log omits certain categories of information required by Division 21. The County also does not have a policy/procedure for handling discrimination complaints.
- **Civil Rights Staff Training:** Current civil rights-related training materials are disseminated in a manner that lacks a coherent framework to support understanding. Vendor-provided Division 21 training module lacks County- and program-specific information and operational detail.
- **Civil Rights-Related Onboarding Support for Incoming Civil Rights Coordinator:** The County lacks a process or materials to support new Civil Rights Coordinators with information, guidance and/or training needed to fulfill the responsibilities of the position. Auditors observe that the lack of such support, coupled with the above-noted lack of key civil rights policies/procedures, tends to undermine the Civil Rights Coordinator's ability to ensure the County meets its legal civil rights obligations and provides effective services to all its applicants/recipients.

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 compliance plan, 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.

II. SUMMARY OF METHODOLOGY

Documents Reviewed

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

- 2022 Civil Rights Compliance Plan (CRCP), attachments and supplemental documents including County forms PC-2 and PC-30 and instructions for staff on using Language Line Solutions (telephone interpreter services vendor) and TTY
- Civil rights discrimination complaint database for a complete listing of complaints filed 12 months prior to the Review
- Previous County Compliance Review reports and the corresponding corrective action plans (CAP)

Location Reviewed for Dissemination of Information

- Plumas County Department of Social Services, 270 County Hospital Road, Suite. 207, Quincy, CA 95971 (DSS)

Programs Reviewed

- Non-Assistance CalFresh
- CalWORKs
- In-Home Supportive Services (IHSS)
- Children & Family Services (CFS)
- Fraud

Review Procedures

- Electronic surveys of public contact staff, the Civil Rights Coordinator, and program managers
- Reviewing case files
- Reviewing County-reported information about dissemination of information at its facility
- Receiving feedback from community groups. The following organizations were contacted for feedback:
 - [Legal Services of Northern California](#) (Butte Regional Office, 541 Normal Avenue, Chico, CA 95928)
 - [California Coalition of Welfare Rights Organizations](#) (CCWRO) (1111 Howe Avenue #635, Sacramento, CA 95825)
 - [Public Interest Law Project](#) (449 15th Street, Suite 301 Oakland, California 94612)
 - [Asian Pacific American Legal Center](#) (1145 Wilshire Boulevard, Los Angeles, CA 90017)

- [Western Center on Law and Poverty](#) (1107 Ninth Street, Suite 700, Sacramento, CA 95814)
- [Disability Rights California](#) (1831 K Street, Sacramento, CA 95618)
- [Disability Rights Education and Defense Fund](#) (DREDF) (3075 Adeline Street, Suite 210, Berkeley, CA 94703)
- [Justice in Aging](#) (1330 Broadway, Suite 525, Oakland, CA 94612)
- [NorCal Services for Deaf and Hard of Hearing](#) (NorCal) (4044 N. Freeway Blvd., Sacramento, CA 95834)
- [Plumas Rural Services](#) (711 East Main Street, Quincy, CA 95971)
- [Plumas Crisis Intervention and Resource Center](#) (PCIRC) (175 Main Street, Quincy, CA 95971)
- [Feather River College](#) (CalWORKs; Disability Support Program for Students; Foster Youth Success Initiative) (570 Golden Eagle Avenue, Quincy, CA 95971)

Compliance Review Areas

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

Staff Survey Summary

- Auditors distributed a total of 17 surveys to County staff, including eligibility workers, adult social workers, children's social workers, office assistants, and program managers/supervisors. Twelve surveys were completed. Five surveys were not completed by staff, despite reminders from Auditors.

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 NEP/LEP persons 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, the County accepts applications by mail and drop box (among other methods, discussed below), but it does not modify its business hours to accommodate clients.

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

Yes. In addition to submitting applications by mail or drop box, applicants/recipients can access services (including application submission) online via the County website or by telephone. The Civil Rights Coordinator also informed Auditors that the County disseminates flyers and brochures about its programs and services as well as program applications at community centers located in multiple towns throughout Plumas County. In addition, CFS social workers report that they regularly meet program participants at their homes or in neutral settings.

However, Auditors identified concerns with the County's website that limit its effectiveness as an alternate means by which to access services, which may disproportionately impact individuals with disabilities. In particular:

- Some of the information presented regarding BenefitsCal, the online system through which individuals can complete and submit online applications for CalFresh and CalWORKs, is confusing and may be difficult to navigate. For example, the [Social Services webpage](#) and [Employment Services webpage](#) (which includes CalWORKs) provide links to BenefitsCal, but the [CalFresh webpage](#) does not. Additionally, the Social Services [FAQ links](#) take users to a webpage that refers to the online application system as "C4 Yourself," but the link from there to the online system takes users to the [BenefitsCal website](#).
- Auditors were unable to locate any information about the Cash Assistance Program for Immigrants (CAPI) program on the County's website. The Civil Rights Coordinator informed Auditors that the County does not currently have any open CAPI cases and has had only one CAPI case that she is aware of. Auditors emphasize that the lack of information online about the CAPI program may itself contribute to the low incidence of CAPI cases.

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

Somewhat. As noted above, the County disseminates program information at resource centers located in towns throughout Plumas County and maintains the above-described website. In addition, the Civil Rights Coordinator reports that the County disseminates program and services information via Feather River Community College. The Civil Rights Coordinator also informed Auditors that the County maintains a Facebook page; however, Auditors were unable to locate either a Facebook page for Plumas County Department of Social Services (DSS) or information about DSS on the Facebook page for the County as a whole.

As noted below in Section X (Community Input), advocates report that many County applicants/recipients face challenges including lack of reliable access to both transportation and the Internet. This may have a disparate impact on individuals that have disabilities which impact mobility and limit their ability to make in-person visits to the County office or local community centers. These factors underscore the need for the County to take a robust, proactive approach to conducting outreach in remote areas.

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

The Civil Rights Coordinator informed Auditors that the County's efforts are limited to assisting in-person applicants with application completion.

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

Minimally. Required civil rights posters (identified below) are present in the County's sole DSS office facility. However, as discussed in detail below, Auditors observed that the PUB 13 is not consistently provided or explained to applicants/recipients at required junctures; nor is it available in the office in all required translations and alternate formats.

In addition, the County website has a clearly visible link to its "[Civil Rights information](#)" webpage; however, this webpage contains very limited information, some of which may be confusing or misleading to applicants/recipients. For example, the webpage instructs individuals who wish to file a discrimination complaint to contact the Civil Rights Coordinator, and it provides an email link and telephone number for that purpose. However, the one-sentence instruction about what to include in a complaint ("state the basis of the discrimination, the specific allegation, and the resolution you are seeking") raises the following concerns:

- The terms used, such as "basis," "allegation" and "resolution," may be overly technical and unfamiliar to applicants/recipients.
- The complainant is instructed to include the resolution they seek; however, this information is not required by Division 21, and is not necessary for the Civil Rights Coordinator to process a discrimination complaint.
- Relatedly, the instructions say nothing about providing other information that *is* required by Division 21 and necessary for threshold complaint evaluation, such as when the alleged act(s) of discrimination occurred and what program(s) the complaint involves. These omissions will create a need for follow up by the Civil Rights Coordinator, impeding the timely processing of complaints and causing unnecessary frustration for complainants.

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 interpreter services?

Yes, the County has a dedicated Interactive Voice Response (IVR) system line whose purpose is to enable program participants to obtain automated case updates. It has language options in English and Spanish, a proactive step by the County given that Spanish is spoken by over 5% of Plumas County's residents as a whole but is not a threshold language for any of the social service programs within the scope of this Review. The IVR system does not have an option to request free interpreter services in other languages.

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

Yes. The Civil Rights Coordinator informed Auditors that the County's office stayed open and maintained the same hours of service throughout the pandemic. County staff maintained social distancing inside the office without having to restrict the numbers of applicants/recipients allowed inside at any point.

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. The County has no non-English threshold languages in programs within the scope of this Review. Instructional and directional signs are posted in English only, which is consistent with Division 21 requirements.

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?

Minimally. The version of the PUB 13 that was current at the time of this Review (08/2020) is available in the lobby in English and Spanish, but no other CDSS-translated versions are printed or provided unless requested by an applicant/recipient. Auditors note that speakers of other languages are unlikely to be aware of the significance of the PUB 13 or realize the option exists to obtain a copy in their primary

language unless a translated version is displayed or translated signage is posted with instructions for how to request a copy.

The only alternate format in which the County makes the PUB 13 available is an audio version in English (revision date unknown). Auditors observe that CDSS identified the same deficiency during the County's 2010 Civil Rights Compliance Review and issued a finding, which the County reported to have resolved in its related 2010 CAP. This indicates that, to the extent the County may have initially resolved this deficiency, it did not take sufficient steps to ensure the problem would not recur.

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

Not consistently. The CRCP provides little detail, stating only that "applicants and recipients of services are informed of the civil rights program during interviews with staff." (CRCP p. 3) The Civil Rights Coordinator reported that the County does not have a policy or procedure to address this. The absence of clear policy guidance with operational detail was evident in the inconsistent and incomplete documentation observed during case reviews. This is especially concerning given that this issue was identified as a finding in the 2010 Compliance Review, which indicates either that the County never implemented the required corrective action or failed to effectively resolve the problem so that it did not recur.

During CalFresh case review, Auditors observed insufficient documentation to demonstrate County compliance with the requirement to provide and explain the PUB 13 at the above junctures. In 2 of 7 total cases reviewed, both involving program recipients whose primary language is English, CalSAWS Journal notes documented "forms reviewed with customer" followed by a list of forms that included the PUB 13. However, in another case involving an English-speaking recipient, Journal notes documented "forms reviewed" without specifying which forms. Program staff who were present during case review informed Auditors that the PUB 13 is routinely included during this process; however, CDSS is unable to verify this without documentation. In 3 cases reviewed involving recipients with LEP, Journal notes identified the PUB 13 as one of several "forms sent" to the recipient, but there is no documentation of the language in which it was provided. Additionally, Journal notes in the same 3 cases documented "forms reviewed with client, client understood and accepted," but the documentation did not specify which forms were reviewed. In the one remaining case reviewed, there was no documentation about the provision or explanation of PUB 13, but this appears to be due to the recipient's status as a recent Inter-County Transfer whose renewal interview had not yet occurred.

During CalWORKs case review, Auditors observed similarly inconsistent and incomplete documentation about the PUB 13 among 13 total cases reviewed. Eleven cases included CalSAWS Journal notes stating either "Forms reviewed with client, client understood and accepted" or "CW RE Packet" (i.e., CalWORKS renewal packet) without specific reference to the PUB 13. In the remaining 2 cases, Auditors observed the use

of a Journal notes section titled “Civil Rights,” in which the worker had documented “Reviewed Rights/Responsibilities/Reporting Requirements.” Given that different rights, responsibilities and reporting requirements are printed on various materials that applicants/recipients receive, this note lacks sufficient specificity to enable CDSS to verify compliance with Division 21 requirements. Div. 21-116.1. Relatedly, Auditors did not observe documentation of the language in which the PUB 13 was provided in any of the 4 cases reviewed involving recipients with LEP.

During IHSS case review, Auditors reviewed 9 cases total, all of which documented “Civil Rights pamphlet – provided” in the Assessment Narrative. CDSS considers this terminology sufficiently specific to document provision of the PUB 13, but it does not document whether the PUB 13 was explained or whether it was provided in the appropriate language and/or format.

During CFS case review, Auditors reviewed 8 cases and did not observe documentation of the provision or explanation of the PUB 13 in any of them.

The County reported that Fraud program workers do not provide the PUB 13 to applicants/recipients at any point, and Auditors did not observe any Fraud record documentation that the PUB 13 was provided or explained in any of the Fraud cases reviewed.

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

Yes.

Corrective Action

- 1. Notice:** The County shall implement procedures to ensure that applicants/recipients, including persons with impaired vision or hearing or other disabling conditions, are notified of and can obtain information about programs or program changes, including the existence and location of benefits and services, basic eligibility requirements for public assistance, and procedures for filing discrimination complaints. Div. 21-107.24. As part of the CAP, the County shall ensure that its website reflects current, accurate, and clear information about its programs and services including CAPI, BenefitsCal application procedures, and discrimination complaint filing procedures.
- 2. Translated PUB 13:** The County shall ensure the PUB 13 is available in all program lobbies in all languages translated by CDSS. Div. 21-115.2, 21-107.22. The PUB 13 must be available in the most recent revision (rev. 5/22). To the extent that program materials are available outside (i.e., due to office closures), the PUB 13 must also be available in all languages translated by CDSS, in the most updated version. The County may access the most recent translated versions of the PUB 13 on [CDSS' website](#).

3. PUB 13 in Alternate Formats: The County shall ensure the availability of large print, braille, and auditory aids for participants in all programs for which CDSS has oversight responsibility. Div. 21-115.4. The County shall furnish all offices with braille, large print, and audio recordings of the PUB 13 based on the most recent revision of the PUB 13. As part of the CAP, the County shall develop written protocol and/or processes for:

- Obtaining a braille translation of the current PUB 13 and (on an ongoing basis) of future PUB 13 revisions;
- Maintaining copies of the most current braille translation at its office location so that applicants/recipients can take one home if needed;
- Maintaining a supply of the most current PUB 13 in audio recordings and large print formats at its office location; and
- Removing and replacing outdated versions of the PUB 13 once new revisions have been issued.

To the extent programs have different practices and considerations related to the provision of PUB 13 in alternate formats, the developed protocol shall contain program-specific guidance.

4. Distribution of PUB 13: The County shall ensure the PUB 13 is distributed and explained to program applicants/recipients in all programs for which CDSS has oversight responsibility. Div. 21-107.22. The PUB 13 must be distributed at intake and renewal/recertification because these bear on eligibility. Div. 21-107.1, 21-107.221. The County shall develop a written protocol for the distribution and explanation of the PUB 13 to participants in their primary languages at required junctures and in documenting these steps appropriately. Programs shall document that the contents of the PUB 13 were explained and whether the individual had any questions. The written protocol shall include operational detail and program-specific guidance to ensure effective staff understanding and implementation. The County may request technical assistance from CDSS.

Recommendations

Access to services, information, and outreach: The County should consider developing additional methods and strategies to conduct outreach and ensure the awareness of available services to individuals in remote areas as well as to individuals who cannot read or write.

Signage: Because of the prevalence of Spanish-speaking Plumas County residents, and consistent with its proactive approach to providing a Spanish language option for its IVR system, the County should consider posting Spanish signage translations at its office facility, as well.

Documentation of PUB 13 distribution: CDSS supports the thoughtful use of standardized workflow prompts and template language in electronic CMS Journal notes, Assessment Narratives and DSL Contact notes, which can serve as important reminders of required procedural steps and help ensure consistent documentation of steps taken. CDSS encourages the County to build on its existing helpful practices in this regard by improving the level of detail in such standardized language to ensure it reflects all relevant documentation requirements. Relatedly, CDSS strongly recommends that the County require and train CFS workers to create an Associated Service linked to each Contact note documenting provision of the PUB 13 to a youth or the parent(s) of a child client. For these notes, staff should select the Service Type “Provide Your Rights brochure” from the drop-down menu. Doing so will help elevate the visibility, consistency and searchability of the information, which supports civil rights protections for clients and their family members and supports the County’s ability to demonstrate compliance with Division 21 requirements. Div. 21-116.1.

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 during 2022 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 interpreter services without undue delays.

Counties must collect primary language data 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 interpreter 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. Applicants for CalFresh, CalWORKs, and IHSS typically self-identify their languages on their applications or during the application/intake process. CFS workers typically identify children's and parents' primary languages at the referral stage based on referral information and/or through client contact.

Language diversity in the County is extremely limited. With very rare exception, Spanish is the only non-English language spoken by program applicants/recipients, and County staff appear practiced at identifying the primary language and language needs of Spanish-speaking individuals. However, the County has not developed a process or tools for staff to use if they are called upon to identify an unfamiliar language used by an applicant/recipient. The County contracts with a vendor for telephone interpreter services (Language Line Services), but the Civil Rights Coordinator has not determined whether or how the vendor might assist with language identification.

CDSS sees this as part of a larger concern, which is the County's lack of any policy/procedure regarding language services for applicants/recipients with LEP. As discussed throughout this Report, Auditors have observed the lack of such a policy/procedure to have a significant detrimental impact on the County's delivery of these services. Moreover, CDSS identified an identical deficiency in the County's May 2010 Civil Rights Compliance Review and issued a Corrective Action requirement then. The County was required to "develop and implement a policy that identifies the process to ensure effective services" to applicants/recipients with LEP. Despite the County's assurance in its related CAP that policies would be completed by March 1, 2011 "to ensure effective services," Auditors saw no evidence of such a policy during its 2022 Compliance Review, which indicates that the County never undertook or fully implemented that corrective action step.

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

Not consistently. The County reportedly uses form PC-2, its Interpretation Services Coversheet, as a language identification form. Auditors observe that form PC-2 allows applicants/recipients with LEP to self-declare their needs and preferences regarding interpreter services and written translations. It is used in CalFresh and CalWORKs but not in IHSS or CFS. According to the CRCP, completed forms are kept in an individual's physical case file.

During CalFresh case review, however, Auditors only observed a completed PC-2 in 1 of 4 LEP cases. One of the other 3 LEP case files contained a blank PC-2, while the remaining 2 cases lacked a PC-2 altogether. During CalWORKs case review, 4 of 4 LEP cases reviewed contained a completed PC-2. However, although the applicant/recipient in 1 of those cases stated a preference on the PC-2 to use an applicant/recipient-provided interpreter, CalSAWS Journal notes document that this individual's case was instead assigned to a bilingual County employee to provide services in a non-English language. Auditors did not observe a documented explanation for why the applicant's/recipient's request was not honored.

Are primary written and spoken languages documented?

Mostly, but certain exceptions raise significant concerns. During case reviews for CalFresh and CalWORKs, Auditors observed that applicants'/recipients' primary written and spoken languages were documented 100% of the time. In addition, Auditors were informed that staff members are supposed to associate a case "flag" to CalSAWS case files of applicants/recipients with LEP (which causes a visible flag icon to display) and add an accompanying note to the Flag Detail page identifying each individual's language needs. Auditors observed that the flag was used in 4 of 4 LEP CalWORKs case files reviewed and in 3 of 4 CalFresh cases reviewed. All the cases in which the flag was used involved applicants/recipients whose primary language is Spanish, and in each of these cases, the accompanying Flag Detail note stated simply, "Spanish language case." The 1 CalFresh case in which the flag was not used involved a recipient with LEP who speaks a language other than Spanish. This individual's primary language was documented in the Individual Demographics screen, but staff did not associate a case flag to the file – a significant and unexplained departure from established practice.

During case review for the Fraud program, Auditors observed that Special Investigation referral records in CalSAWS provide a single "primary language" field, and that field was completed in all 20 cases reviewed. During IHSS case review, Auditors observed that applicants'/recipients' primary written and spoken languages were documented 100% of the time in CMIPS, the program case management system. During case review for CFS, Auditors observed that CWS/CMS provides a "primary" and "secondary" language field for each client and family member, and that primary languages were documented for all clients (children) and all but 1 parent, but secondary languages were not documented at all.

Auditors note concerns regarding use of the CalSAWS case flag feature and what it reveals about the County's ability to identify and respond to applicants'/recipients' language needs, particularly when those needs are atypical for the County. The County appears to be underutilizing the functionality of the case flag feature in that the Flag Detail page is being used only to document a generic and redundant statement about language status ("Spanish language case") rather than details about, for example, interpreter service needs and preferences. The County's current approach does not appear best calculated to support the timely and continuous provision of specific language services its individual applicants/recipients need.

Relatedly, the case flag was not used at all in the case of the sole LEP recipient who speaks a language other than Spanish. This is a significant and concerning departure from the County's reported practice of using the case flag to signal an individual's LEP status, one with potentially negative consequences for this specific recipient as well as for other applicants/recipients who need interpreter services.

CDSS also expresses concern about the absence of “secondary” language documentation in CFS cases, which could be utilized to ensure compliance with ongoing language access obligations. For example, Auditors observed a pair of cases involving siblings from the same family, both of whom were identified as “primary” English speakers and whose parents were each identified as “primary” English speakers. The case records also documented, however, that after removal from their home, the two children were placed with their monolingual Spanish-speaking grandmother, which raises concerns about potential communication barriers. Staff present during case review reported having personal knowledge that Spanish is the secondary language of both children and both parents, and that the parents had themselves initiated placement with the children’s grandmother. Auditors emphasize that relying on staff familiarity with cases is not an adequate substitute for thorough case record documentation, which is essential to ensure timely and continuous provision of appropriate services and to demonstrate compliance. The need for documentation is particularly imperative in CFS cases, which may change hands from one worker to another at different stages and which involve children who must often navigate a range of settings and caretakers.

Auditors note further that mere identification of secondary language may not, in and of itself, convey the respective level of fluency (expressive and receptive) of children or parents, such that unrecognized and unaddressed barriers to effective communication might still exist. Program-specific policy guidance regarding precise and thorough identification and documentation of clients’ language needs is critical to addressing such concerns.

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?

Somewhat. As noted above, the County has a very low number of applicants/recipients with LEP, almost all of whom speak Spanish. The County has 6 staff members in different programs who are designated to provide Spanish language interpreter services based on their self-attestation that they are bilingual. These staff also provide as-needed interpreter services for applicants/recipients who are not on their respective caseloads, when the need arises. The County also contracts with Language Line Solutions, Inc. to provide telephone interpreter services in multiple languages. According to the CRCP and the Civil Rights Coordinator, staff serving clients who speak Spanish are expected to first seek assistance from bilingual County employees to provide Spanish language interpretation, and to contact Language Line if bilingual staff are not available or if interpreter services in a language other than Spanish are needed. Given the reportedly low number of applicants/recipients with LEP, the County is also typically able to coordinate appointments with LEP individuals so bilingual staff can be present.

Auditors note several concerns about this process. Most importantly, the County does not currently require staff providing interpreter services to be certified, and the County has no process to certify employees to provide interpreter services. Although the County is not currently required to maintain specific certified bilingual staffing *levels* based on the percentages of LEP applicants/recipients in its social service program caseloads, County employees who provide language services must be certified. Div. 21-104(q)(1)-(2), 21-115.15. The County cannot rely on employee self-attestation and comply with Division 21 requirements.

Auditors also observed a lack of consistent awareness among staff about the available options and processes for obtaining interpreter services. For example, when asked in the staff survey about the County's procedure for obtaining interpreter services, some staff reported that the County does not use a telephone interpreter services provider, while others reported they are unaware if the County uses such a service.

Auditors reiterate concern about the absence of a robust language services policy to communicate and explain relevant procedures and requirements and ensure consistent and effective implementation by staff. Established policies help ensure that the County can timely address changes in County populations and prospective applicant communities. Clearly established policies/procedures can also help staff navigate unfamiliar situations and challenges, such as when an applicant/recipient with LEP presents with an immediate and unexpected need for interpreter services in a language other than Spanish. Auditors observed such an example during IHSS case review in a case involving a dual program (IHSS/CalFresh) LEP speaker of a non-Spanish language. One contact note entry documented the applicant's/recipient's English language skills as "very minimal" and their spouse's English skills as "very limited." Despite this, no documentation was included of any of the following required information: notification of the applicant's/recipient's right to free interpreter services; an offer of such services; the applicant's/recipient's acceptance or denial of those services; and/or a description of what services were provided and by whom, if they had been accepted. Instead, the note documented the spouse's attempt to use a cellphone (presumably a translation app or similar resource) to understand what the worker was saying. Despite the clear indicators of the need to offer and provide interpreter services, and even though the County has a vendor to provide telephonic interpreter services, none of the required steps were apparently taken.

Notably, 75% of surveyed staff report they have not used Language Line at all in the last 12 months. Auditors note that a lack of frequent need for and/or use of such services may diminish staff familiarity with language services requirements. This only heightens the need for clear, detailed policy and procedure to help ensure the County fulfills its civil rights obligations and provides LEP individuals with needed services, no matter how infrequently those needs arise.

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

Inconsistently, with variation within and across programs. During CalFresh case review, Auditors observed that 3 of 4 LEP cases reviewed involved Spanish-speaking applicants/recipients, all of whom appear to have been assigned to non-certified bilingual staff. (See below in this section for discussion of CDSS' related documentation concerns.) In the 4th LEP case, which involved a dual program (IHSS/CalFresh) speaker of a non-Spanish language, Auditors observed documentation of a phone conversation between the applicant/recipient and a worker during which the applicant/recipient informed the worker of their primary language and affirmatively requested interpreter services. Case records document that the worker used Language Line to obtain appropriate interpreter services.

During CalWORKs case review, Auditors observed that all 4 LEP cases reviewed involved Spanish-speaking applicants/recipients, all of whom appear to have been assigned to non-certified bilingual case workers. (Again, see below in this section for discussion of CDSS' related documentation concerns.) One of these applicants/recipients was the individual mentioned earlier in this section who had indicated a preference on the PC-2 for an applicant/recipient-provided interpreter. As noted, Auditors did not observe documentation to explain why the County provided services via a bilingual worker instead.

During IHSS case review, Auditors observed that 2 of 3 LEP cases reviewed involved Spanish-speaking applicants/recipients, both of whom appear to have been assigned to non-certified bilingual staff. (Again, see below in this section for discussion of CDSS' related documentation concerns.) However, one of these recipients was also noted as being nonverbal, and Assessment Narrative notes indicated that the worker communicated with the recipient's mother as a result. There was no documentation to identify the mother's primary language or language needs, if any. The 3rd LEP case reviewed involved the above-noted dual program applicant/recipient who was not offered or provided interpreter services during a telephone call with a worker despite having "very minimal" English skills.

During CFS case review, as noted above in this section, Auditors observed a pair of cases involving siblings from the same family, both of whom were identified as primary English speakers and who were placed with their monolingual Spanish-speaking grandmother upon their removal from their parents' home. Auditors did not observe any case documentation to confirm whether the children's language needs in that setting had been appropriately considered, assessed, or met. Auditors also observed a different set of cases involving 3 siblings from the same family, each of whom was identified (along with their mother) as a primary English speaker. No secondary language was documented for any of them. The father's language was not documented at all; however, staff present during case review reported the father's primary language as Spanish based on personal knowledge of the case. No documentation was located

to confirm the father's primary language or whether he needed and/or was provided with interpreter services.

When asked to identify 10 LEP cases for this Review, the Fraud program was unable to identify any.

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

Frequently. When asked how long it takes to obtain interpreter services once an applicant's/recipient's language needs are identified, 25% of surveyed staff report that it takes less than 3 minutes; 37% report it takes 3-10 minutes; 25% report it takes 10-15 minutes; and 13% report it takes more than 15 minutes. The cause(s) of these reported significant wait times are not clear and warrant County follow up, as discussed in Corrective Action, below.

Does the County have adequate bilingual staffing levels?

Not applicable at this time. As noted above, Division 21 requirements regarding bilingual staffing levels do not apply to the County at this time based on the languages spoken by participants in programs within the scope of this Review. However, Division 21 does require the County to ensure the provision of effective bilingual services by utilizing paid interpreters, its own qualified bilingual employees or those of other agencies, or community resources. Div. 21-104(q)(1)-(2), 21-115.15. As noted above, the County uses its own bilingual employees but does not comply with Division 21 requirements because it relies on staff members' self-attestation as to bilingual fluency and qualifications to provide interpreter services.

Are County interpreters certified?

No. See discussion above.

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

Yes, under limited circumstances. As reported by the Civil Rights Coordinator, client-provided interpreters must be 18 or older. However, according to the CRCP, minors may be used to interpret only under "very extreme" circumstances, such as in an "emergency situation and no other adult was available." (CRCP p. 4) The Plan does not define "very extreme" circumstances, explain what qualifies as an emergency that would justify the use of a minor interpreter, or reference or reflect the requirements established by [ACL 21-128](#).

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

Uncertain. The CRCP provides that applicants/recipients may provide their own interpreters. (CRCP p. 4) However, staff survey results reflect uncertainty about this

practice, with 38% of surveyed staff reporting they are unsure whether applicants/recipients are permitted to do so or not. This uncertainty is most pronounced among surveyed CFS program staff. This highlights the need for a clearly articulated language services policy/procedure, particularly given the potential risks and conflicts associated with the use of client-provided interpreters in CFS cases. The CRCP also does not reflect the requirements of ACL 21-128 regarding use of CDSS Form CR 6181.

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

The CRCP states briefly that workers “list in case comments who did the interpreter work” (CRCP p. 3), which does not reflect sufficient operational detail to support staff understanding of or compliance with the specific documentation requirements outlined in [ACL 08-65](#) and ACL 21-128.

Auditors observed numerous inconsistencies and deficiencies in documentation when non-certified bilingual staff are used to provide interpreter services. During CalFresh case review, Auditors observed that 3 of the 4 LEP cases reviewed involved Spanish-speaking applicants/recipients who were reportedly assigned to bilingual Spanish-speaking staff. However, in 2 of the 3 cases, the Case Journal notes documented only the word “Spanish” in response to the prompt “LG/AR/INT” (i.e., language/ authorized representative/ interpreter). The assigned worker was verbally identified by staff present during case review as bilingual, based on their personal knowledge of this worker, but neither this information nor other information required by ACL 08-65 was documented. In the 3rd case, the prompt “LG/AR/INT” was followed by the interpreter’s name and the abbreviated phrase “cert SP int” (certified Spanish interpreter). This is somewhat more detailed than the documentation in the other two cases but still does not fully meet the requirements of ACL 08-65. In addition, this note appears to be inconsistent with the Civil Rights Coordinator’s above-referenced statement that County bilingual staff are not certified.

The 4th CalFresh LEP case that Auditors reviewed involved the above-noted dual program applicant/recipient whose primary language is not Spanish, who affirmatively declared their primary language and specifically requested an interpreter during phone contact with a worker. Case records appropriately document this information as well as the successful provision of telephone interpreter services for this contact.

During CalWORKs case review, Auditors observed that 4 of the 4 LEP cases reviewed involved Spanish-speaking applicants/recipients assigned to bilingual Spanish-speaking workers. However, in 3 of these cases, the Case Journal notes documented either just the word “Spanish” or nothing at all following the prompt “LG/AR/INT.” The assigned worker for these 3, whose name appeared elsewhere in the notes, was identified by

staff present during case review as bilingual, but this information was not documented; nor was any other information documented as required by ACL 08-65.

The 4th CalWORKs LEP case incorporated the use of a different CalSAWS workflow template for the Case Journal section (i.e., “universal” instead of “classic”), which includes clearly identified sections and multiple pre-set prompts that elicit more detailed documentation in each entry. The template has a “CIVIL RIGHTS” section with a set of “County Interpreter Prompts” that elicit the type of interpreter used; the interpreter’s name; and the applicant’s/recipient’s preferred oral and written languages. The templated also includes prompts for the worker to identify any changes or updates to an individual’s language services information and to confirm that such changes or updates are reflected in other relevant CalSAWS locations – a feature that appears designed to reduce internal discrepancies in case record documentation. Although the details elicited by this template are not completely consistent with the requirements listed in ACL 08-65, its structure appears far likelier to support substantial worker compliance with those requirements than the “classic” template. Auditors were informed that staff have discretion about which template to use. See Recommendations, below.

During IHSS case review, Auditors observed that 2 of 3 total LEP cases reviewed involved Spanish-speaking applicants/recipients. Staff present during case review identified the assigned workers for these cases as bilingual based on their personal knowledge of the workers, but this information was not documented in either case. Nor was there any information in the Assessment Narrative besides the assigned worker’s name to document any details about the provision of language services to either of the applicants/recipients. The 3rd LEP case reviewed involved the dual program applicant/recipient speaker noted above who speaks a language other than Spanish, who has “very minimal” English skills.

All cases reviewed by Auditors during CFS case review involved children and parents for whom English was documented as their primary language, so interpreter services were not provided. However, as noted above, Auditors reviewed a set of 3 cases involving siblings from the same family whose father’s primary language was not documented but was believed to be Spanish, according to verbal report of staff present at case review. This lack of documentation undermines Auditors’ ability to verify County compliance with Division 21. Similarly, Auditors did not observe any documentation in the pair of cases involving a different set of siblings to indicate whether the children’s language access needs were considered or addressed when placing them with their grandmother, who is a monolingual Spanish-speaker.

As regards documentation when client-provided interpreters are used, Auditors did not observe cases in any program involving clearly identified client-provided interpreters. Information obtained from the CRCP and from survey responses strongly suggest that the County lacks a coherent, compliant approach to documentation when this occurs. The CRCP and Civil Rights Coordinator survey responses provide little or no operational detail about documentation requirements when an applicant/recipient uses

their own interpreter. The CRCP states vaguely that “clients are informed as to potential problems” of doing so (CRCP p. 4), while the Civil Rights Coordinator survey responses note only that “the client must state that they understand the risk involved with their own interpreters” and “the County must document either electronically or in the paper file that they provided their own interpreter.”

None of the information or records supplied by the County reflect compliance with the requirements of ACL 21-128 regarding documentation of the use of an applicant/recipient-provided interpreter.

Staff survey responses also demonstrate a lack of familiarity and understanding of language access obligations, which likely stems at least in part from unclear and inconsistent County guidance. For example, when asked how applicants/recipients are notified of the risks of using self-provided interpreters and how this information is documented, 38% of surveyed staff report they do not know. When asked if the County uses a Release of Confidentiality form for applicant/recipient-provided interpreters, 38% of surveyed staff report no or “unsure.”

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

Minimally. According to Civil Rights Coordinator survey responses, “Plumas County asks the interpreter if they clearly understand what is being said. If there is any doubt the [telephone interpreter services vendor] must be contacted.” However, no policy or procedure exists which communicates this to staff, an absence that is reflected in staff survey responses. For example, when asked what actions they take to ensure an applicant/recipient-provided interpreter understands what is being interpreted, only 25% of surveyed staff reported that they ask the interpreter if they understand what is being said. The remainder reported that they do not know, have not had this experience, or that the question is not applicable to them.

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

Sometimes. According to the CRCP and the Civil Rights Coordinator (who is also the County Forms Coordinator), staff in all programs are provided with lists of frequently used forms, and they download translated versions as needed from the CDSS website. However, during CalFresh and CalWORKs case reviews, Auditors observed that the County sometimes fails to provide translated forms even when CDSS translations are available. For example, during CalFresh and CalWORKs case reviews, Auditors observed multiple LEP cases in which the recipients were sent at least some forms in English although CDSS-translated versions are available. Staff reported the errors were caused by a statewide problem with the CalSAWS system that causes centrally issued forms (as opposed to forms sent directly from the County) to be sent in English even to applicants/recipients with LEP. The County further informed Auditors that CalSAWS

was working to resolve the issue. Auditors remind the County that it must still provide appropriate CDSS-translated forms to applicants/recipients who need them, which may require a manual workaround. [All-County Information Notice \(ACIN\) 1-09-06](#) explains: "When a county discovers or is informed that notices or forms are being incorrectly issued by the automated welfare systems in English, rather than the applicant's/recipient's primary language, the county *must* utilize manual means to issue notices and forms until such time that the county can verify that their automated system is issuing notices and forms in the appropriate language." (Emphasis added.)

During IHSS case review, Auditors observed that LEP applicants/recipients were provided with CDSS-translated forms 100% of the time. In the case of the LEP dual program IHSS/CalFresh recipient whose primary language is not Spanish, Auditors observed that the CDSS Notice of Language Services (GEN 1365) was sent with English versions of forms for which no CDSS translations are available. The GEN 1365 notifies recipients that they may contact the County for interpreter assistance to understand the form's contents.

Auditors did not review any CFS cases in which forms were sent to clients with LEP. Relatedly, the program navigator informed Auditors that virtually all communication between workers and clients in that program is done either over the phone or in person rather than through written correspondence.

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

Yes, when CDSS translations are available. Although the CRCP and the Civil Rights Coordinator survey responses state that the County provides all NOAs in an applicant's/recipient's primary language, in practice the County does so when these are available from CDSS. During case reviews for IHSS, CalFresh and CalWORKs Auditors observed that all NOAs were provided in the applicant's/recipient's primary language when translated by CDSS. Specifically, Auditors observed in these case reviews that NOAs in Spanish were consistently sent to Spanish-speaking LEP applicants/recipients. However, the County sent at least one NOA in English with a GEN 1365 form to the dual program recipient whose primary language is not Spanish.

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 is translated to recipient's primary language?

Sometimes. According to the Civil Rights Coordinator survey responses and verbal report to Auditors, information inserted into NOAs is sometimes but not always translated. When it is not translated, the Civil Rights Coordinator reports that the NOA is sent to the recipient with a GEN 1365. Among surveyed staff, one third reported that translation of the information is done by the case management system; one third

reported that the telephone interpreter services vendor is used to translate information sent in English; and one third reported they do not know what the process is.

FINDINGS: Ethnic Origin Information

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

Mostly. During case reviews for CalFresh, CalWORKs and IHSS, Auditors observed documentation of applicants'/recipients' ethnic origin data in the program case management systems in all cases. During CFS case review, Auditors observed 1 case in which the father's ethnic origin data was not documented and a set of 3 cases involving siblings, in which neither parent's ethnic origin data was documented. The Fraud program does not document applicants'/recipients' ethnic origin data.

Corrective Action

5. Effective Services: The County must develop and implement a policy that ensures effective services to applicants and recipients who are non-English speaking. The County must ensure that bilingual/interpreter services are prompt and without undue delays. The County must offer and provide free interpreter services using qualified interpreters. Div. 21-115. The County must use and provide translated forms in an applicant/recipient's primary language when translated by CDSS. When the County uses translated forms and materials, such as NOAs containing space in which the County must insert information for the applicant/recipient, such information must be in the primary language of the applicant/recipient. Div. 21-115.2. As part of the CAP, the County shall develop a draft policy governing language services to be submitted to CDSS for review prior to implementation. (If the County has developed and issued such a policy in the intervening time since the CDSS Review, the County shall submit a copy of that policy to CDSS for review.) The policy shall address the concerns raised in this section and throughout this Report, and shall include sufficient operational detail and program-specific instructions as are needed to ensure understanding and effective implementation of the following by staff in all CDSS-funded programs:

- Procedures for how and when an applicant's/recipient's primary spoken and written languages are first identified, including how and where that information is documented and what specific information is documented;
- Procedures for how and when an applicant's/recipient's need for interpreter services and/or written translations is identified, including how and where that information is documented and what specific information is documented;
- Procedures for providing interpreter services for an applicant/recipient, including how and where that information is documented and what specific information is documented. Explain, as appropriate:
 - Procedures for assigning applicants/recipients with /LEP to bilingual

- staff and documenting such assignments;
 - Procedures for ensuring that applicants/recipients with LEP are served when their bilingual workers are not available or assignments to bilingual workers are not made;
 - Procedures for documenting when an applicant/recipient chooses to use their own interpreter consistent with the requirements of ACL 21-128;
 - Procedures for ensuring continuity of language access services and for ensuring that such services are provided without undue delay; and
 - Procedures for ensuring meaningful and effective access to language services by informing applicants/recipients of services and aids available at each stage of their receipt of services (e.g., from intake through assessment to employment services or from emergency response through placement to family reunification).
- Procedures to provide written translation services to NEP/LEP applicants/recipients, including where and how this is documented. Procedures should explain, as appropriate:
 - How CDSS-translated forms are provided to applicants/recipients in their primary languages;
 - How Notices of Action (NOAs) are provided to applicants/recipients in their primary languages, when translations are available from CDSS;
 - Whether and how translations of inserted information in translated NOAs are provided to applicants/recipients in their primary languages;
 - How applicants/recipients are informed of and provided language assistance when forms and materials are not available in their primary language.

CDSS emphasizes that the policy must contain operationally detailed, program-specific guidance for staff, including documentation instructions that reflect the different Case Management Systems (CMS) used by CDSS-funded programs. To the extent programs have different considerations related to documentation, the policy shall contain program-specific guidance while emphasizing the need to capture information about languages and language services needs in a systematic and readily identifiable manner so that it can travel between the various County programs in which a person may participate. Such program-specific guidance must also reflect that IHSS, CFS and Fraud programs have the same civil rights obligations regarding services for NEP/LEP applicants/recipients as other programs do.

- 6. Bilingual Certified Staff:** The County must ensure that effective bilingual/interpreter services are provided to applicants and recipients who are non-English speaking. Div. 21-115. When the percentage of non-English cases in a program and/or location is less than five percent, the County may meet this requirement through utilization of paid interpreters, qualified bilingual employees, qualified employees of other agencies or community resources. Div. 21-115.15.

Division 21 defines a "qualified bilingual employee" as an employee who both possesses the necessary qualifications for the particular classification and is certified through a process approved or administered by CDSS to be proficient in oral and/or written communication in the non-English language of the persons to be served. Div. 21-104(q). As part of the CAP, the County shall promptly adopt or develop, and administer, a certification process to ensure that all employees who provide interpreter services meet Division 21 qualification requirements. The County shall also submit a written description of its actions to CDSS.

- 7. CDSS-Translated Forms:** The County must use and provide translated forms in an applicant's/recipient's primary language when translated by CDSS. Div. 21-115.2. As part of the CAP, the County shall review its CalFresh and CalWORKs case files involving LEP applicants/recipients from September 2021 through the present to identify, document and remediate any deficiencies in the provision of available CDSS translations of centrally issued forms. The County shall submit a written description of its actions, to include a summary of identified deficiencies in each of these programs; steps taken to resolve those deficiencies; and explanation of the process the County will implement to ensure the problems do not recur.
- 8. Timely Services:** The County must ensure that bilingual/interpreter services are provided promptly and without undue delays. Div. 21-115. Given the wait times reported by staff for telephone interpreters, the County shall take steps to identify the source(s) of these delays, update the procedure for the use of vendor-provided telephone interpreter services to eliminate or reduce wait times as much as possible; and inform staff of any relevant changes.

Recommendations

CalSAWS Features and Tools: As part of development of the above-referenced language policy, CDSS strongly recommends that the County use CalSAWS features and tools to support effective language services delivery and documentation, including but not limited to the following:

- Develop and implement a protocol for CalFresh and CalWORKs staff to consistently use the CalSAWS case flag and the Flag Detail page to identify applicants/recipients with LEP and document detailed, relevant, non-redundant information regarding each applicant's/recipient's language service needs.
- Develop and implement a protocol for CalFresh and CalWORKs staff to use the CalSAWS "universal" template in the Journal section as a basis for documenting required details regarding applicants'/recipients' language service needs, including about changes or updates to those needs. This process must include any needed revision of and/or additions to preset template prompts to reflect all applicable requirements as well as County- and program-specific factors.

CWS/CMS Features and Tools: As part of its development of the above-referenced language policy, CDSS strongly recommends that the County incorporate a requirement that CFS staff use all available CWS/CMS features and tools that support effective language services delivery and documentation. In particular, the County should consider requiring CFS workers to create an Associated Service linked to each Contact note involving interpreter services. For these notes, staff should select the Service Type “Arrange bilingual services” or “Provide bilingual services” from the drop-down menu. Doing so will help elevate the visibility, consistency and searchability of the information, which supports both the continuity of service provision and the County’s ability to demonstrate compliance with Division 21 requirements. Div. 21-116.1.

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?

No, the County does not 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?

No, the County does not have a policy to address the provision of reasonable accommodation (RA).

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)?

Minimally, and there does not appear to be a shared understanding among staff about what aids and services are available.

The Civil Rights Coordinator informed Auditors that a TTY line is available for use with applicants/recipients with hearing-related disabilities and magnifiers for applicants/recipients who have vision-related disabilities. The Civil Rights Coordinator further informed Auditors that during the onboarding process, new staff are shown where these auxiliary aids are kept and how they are used. However, one third of surveyed staff reported they do not know what auxiliary aids and services are available to assist applicants/recipients with a disability. Some surveyed staff identified aids such as forms in large font, braille, and a portable assistive listening device; however, the Civil Rights Coordinator informed Auditors these are not currently available. Auditors observed documentation during IHSS case review that the County issues certain forms in large font but did not observe their use in any other context.

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

Minimally. The County does not have a policy or procedure that addresses identifying, or assisting applicants/recipients to self-identify, a disability. When asked if the County assists applicants/recipients to self-identify their disabilities, 58% of surveyed staff reported “no” or “unsure.” As detailed below, when indicators of actual or potential disability are present in applicants’/recipients’ case records, Auditors observed that workers do not use that information to identify applicants/recipients or assist them to self-identify as having a disability, potentially leaving some disability-related RA needs unidentified and unaddressed, in violation of the requirements of [ACL 19-45](#). Counties must not rely solely on affirmative self-identification of that information and are in fact obligated to offer RA if a disability is known or obvious. See *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001).

During CalFresh case review, Auditors observed 3 of 7 cases in which the applicant’s/recipient’s case record contained indicators of potential or actual disabilities. In all 3 cases, the applicant/recipient was identified as “SSI disabled” in the CalSAWS Medical Condition Screen. In 1 of those 3 cases, the CalSAWS Journal also documented a telephone call with the recipient during which the recipient discussed their need for medication and a doctor’s appointment. In another of those 3 cases, the recipient stated on their CalFresh application that they have a disability and need RA, and that person also currently has an active IHSS case in which they are noted to have a vision-related disability in addition to other IHSS-qualifying disabilities. Despite this, Auditors did not observe documentation in any of these 3 cases indicating that such information prompted staff to confirm, discuss, offer, or provide an RA.

During CalWORKs case review, Auditors observed 2 of 13 cases in which the applicant’s/recipient’s case record contained indicators of potential disabilities. In both cases, the applicant/recipient was identified as “SSI disabled” in the CalSAWS Medical

Condition Screen. Auditors did not observe documentation in either of these 2 cases to indicate this information prompted staff to confirm, discuss, offer, or provide an RA. In a 3rd case, the applicant/recipient was also identified as “SSI disabled,” but the Medical Condition screen documented an end date of 2017 for that disability qualification.

During IHSS case review, Auditors observed 4 of 9 cases in which workers took affirmative steps to identify individuals with blindness and vision-related disabilities and document those disabilities. Relatedly, CDSS recognizes that disability is a qualifying factor for IHSS, and Auditors observed during case review that staff meticulously identified and documented a wide range of applicants’/recipients’ other medical conditions and functional limitations for program qualification and service hour determination purposes. However, as discussed further below, Auditors also reviewed records in 2 cases in which certain disability indicators were present about which staff did not follow up with the applicants/recipients. CDSS reminds the County that identifying an individual’s medical condition(s), functional limitations, and related needs to assess IHSS program eligibility and/or service hour determination does not automatically satisfy the requirements for providing RA to qualified individuals with disabilities. Relatedly, treating blindness and low vision as the only types of disability for which RA is offered foreseeably leaves other disabilities and RA needs unaddressed. The purpose of IHSS (to enable individuals to live safely in their homes) differs from the purpose of RA (to ensure individuals with disabilities have full and equal access to County program participation). Because of this, the process for analyzing, identifying, documenting and responding to RA needs is distinct in certain respects from the IHSS process, and must be conducted as required. See ACL 19-45 for a full explanation of the required steps in this process.

During CFS case review, Auditors observed 3 of 9 cases in which the child’s case record contained indicators of potential or actual disabilities, with 1 of those cases also involving a parent whose record indicated a prior disability with an end date in 2008. However, Auditors did not observe documentation in any of these 3 cases to indicate this information prompted staff to follow up regarding potential RA needs. CDSS notes that identifying children’s and parents’ medical and psychological conditions for CFS case planning and service provision purposes does not automatically satisfy the requirements for identifying individuals with disability-related RA needs.

The County does not have a process for identifying or tracking whether applicants/recipients who are referred to the Fraud program have disabilities. Auditors did not review any Fraud program cases involving applicants/recipients identified as having disabilities.

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

Yes. The County contracts with Plumas Rural Services to provide assessment, intervention, and case management services to CalWORKs program participants including screening for learning disabilities for the Welfare-to-Work program.

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

No, except to a limited degree in IHSS.

During IHSS case review, Auditors observed that staff offered specific RAs in the 4 cases reviewed involving applicants/recipients with vision-related disabilities. The only RAs offered were those listed on the CMIPS drop-down menu in the BVI ("blind and visually impaired") screen, which includes forms, NOAs and correspondence in braille and large font. As a result, as observed during case review (discussed further below), applicants'/recipients' RA needs may go unrecognized and unaddressed if those needs do not appear on the CMIPS list of options and/or if they are unrelated to blindness or low vision.

During CalFresh and CalWORKs case reviews, Auditors did not observe documentation to indicate that workers offered RA to any of the above-described applicants/recipients whose case records contained indicators of potential or actual disabilities.

During CFS case review, Auditors reviewed 3 CFS cases identified by the County as involving clients with disabilities and RA needs. Each case involved a child with multiple medical and/or psychiatric conditions. Auditors observed that CFS workers documented and responded to these conditions and related needs to the extent that they impacted case planning or other programmatic considerations but did not observe any documentation to indicate that staff offered RA to these clients. Auditors again remind the County that such steps do not automatically satisfy the requirements for offering RAs to qualified individuals with disabilities.

When asked to identify 4 cases involving RAs for review, Fraud program staff were unable to identify any case with a documented disability and/or RA request. This raises concerns about whether and to what extent Fraud investigators identify and accommodate individuals with disabilities during investigations, in a way that enables these individuals to participate equally and effectively in, and cooperate with, the County's investigation. Auditors note the County's obligation to ensure compliance by the Fraud program with the ADA, Division 21, and applicable federal and state laws and regulations. Individuals with disabilities are overrepresented in the population receiving social services, in part because there are programs designed specifically to serve individuals with disabilities. Without effective communication and RA policies and provisions in place, individuals with disabilities may also be overrepresented in cases referred to Fraud due to challenges some may face in understanding and/or complying with program requirements, stemming directly from their disabilities. This underscores

the importance of the County Fraud program meeting its obligation to offer and document RAs and related services.

Does the County appropriately document disabilities and reasonable accommodation requests?

No, except to a limited degree in IHSS. The County does not have a policy or procedure that explains specific requirements for such documentation, leaving staff to use largely unguided discretion as to what, where and when to document disabilities and RA requests. ADA Coordinator Survey responses on this topic are vague and nonspecific, stating that requests by applicants/recipients for auxiliary aids and services “are documented in the case notes, either electronically or in the paper file.” Responses from surveyed staff reflect similar lack of clarity and specificity; some report documenting this information in the electronic case record, others report they do so in the physical case file, and others do so in both locations. This lack of robust, operationally detailed policy or procedure contributes to incomplete and inconsistent documentation, as observed by Auditors during case review. This, in turn, can disrupt the timely and undisrupted provision of services to which applicants/recipients are entitled.

During IHSS case review, Auditors observed documentation of the following in the 4 cases involving individuals with vision-related disabilities: that RA was offered and/or requested; that RA was accepted or declined; what type of RA was requested; and what RA was provided, if any. RA options were limited to a set of drop-down menu options in CMIPS. Auditors further observed that in addition to the above basic RA information that was captured in the CMIPS BVI screen, staff consistently documented more detailed information about the nature of the RA and the individual’s disability-related need(s) in a subsection of the CMIPS Assessment Narrative labeled “BVI.”

However, in 1 of these 4 cases, the applicant/recipient requested both large font NOAs and a high-quality magnifying glass due to their vision-related disability, and only the former was documented appropriately as RA. Large font is listed among the BVI screen drop-down menu of RA options while a magnifying glass is not. Therefore, the large font request was documented in both the BVI screen and the Assessment Narrative, while the magnifying glass request was documented only in the Assessment Narrative. CDSS recognizes that the RA drop-down menu options are pre-set in CMIPS, and that staff may therefore only be able to capture certain RA information in the BVI screen. However, this only serves to heighten the importance of including complete, compliant documentation for all RA offers and requests in the Assessment Narrative section, and that did not happen in this case. Specifically, Auditors did not observe any documentation to indicate whether the magnifying glass was provided, whether alternative RA options were discussed, or whether the County followed appropriate procedures for RA denials. See ACL 19-45.

During IHSS case review, Auditors also observed 2 cases involving applicants/recipients with deafness or hearing-related disabilities. Both case records

contained documentation in the Assessment Narrative describing those disabilities, including documentation in 1 of the cases that the recipient had “a difficult time” hearing what the worker was saying during the interview and relied on her son (who was present) to “fill in the blanks for [the recipient].” Although these notes indicate a disability and at least a potential related need for RA, Auditors did not observe documentation in either case to indicate that the workers offered or provided RA or in fact recognized that such information from a client may itself constitute an RA request.

During CalFresh case review, as noted above, Auditors observed 3 cases in which indicators of potential or actual disability were present in the applicants’/recipients’ records, but none of these cases contained documentation to suggest that workers recognized these indicators as triggering an obligation to engage with the applicant/recipient about RA and, if necessary, assist them to self-identify a disability and related RA need(s). Of particular concern is the case (mentioned above in this section) involving a dual program applicant/recipient who had explicitly affirmed on the CalFresh application that they have an RA need, and whose IHSS case record documented their vision-related disability and related RA request for large font forms and correspondence. Auditors did not observe any documentation in the CalFresh case record to suggest that the worker followed up or communicated with the applicant/recipient about their disability and expressed need for RA.

During CalWORKs case review, as noted above, Auditors observed 2 cases in which the applicant’s/recipient’s case record contained indicators of potential disabilities (i.e., “SSI disabled” in the CalSAWS Medical Condition Screen). Auditors did not observe documentation in either case to indicate that this information prompted follow up by staff to confirm whether the applicants/recipients involved had RA needs or requests related to a disability.

During CFS case review, as noted above, Auditors reviewed 3 CFS cases identified by the County as involving clients with disabilities and RA needs. Each case involved a child with multiple medical and/or psychiatric conditions. Documentation reflects that these issues were addressed by workers from a CFS case planning/CFS service provision perspective. No documentation was observed to indicate this information prompted follow up by staff to confirm whether the children involved had RA needs or requests related to their disabilities.

As noted above, Fraud program staff were unable to identify any case with a documented disability and/or RA request for Auditors to review.

Corrective Action

- 9. Auxiliary Aids and Services:** The County shall ensure the availability of auxiliary aids and services to persons who are deaf or hearing impaired, or persons with impaired speech, vision, or manual skills where necessary to afford such persons an equal opportunity to participate in, and enjoy the benefits and services of, programs or activities. Div. 21-115.41. As part of the CAP, the

County shall conduct an inventory of its existing auxiliary aids and services. As part of this process, the County shall:

- Identify existing auxiliary aids and services that need replacement, repair or other improvements/updates and take steps to do so;
- Identify and prioritize any additional auxiliary aids and services it plans to obtain and take steps to do so; and
- Develop and disseminate an updated inventory of all auxiliary aids and services to all relevant staff, including instructions for how to obtain/procure/provide them.

10. Reasonable Accommodation Policy: The County shall adopt a written policy detailing how they will comply with the requirements set forth in ACL 19-45. See ACL 19-45. 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. As part of the CAP, the County shall develop a written policy regarding the provision of services to individuals with disabilities including RA. In order to address this and all related issues and concerns identified in this section of the Report, the policy shall encompass topics including but not limited to the following:

- Federal and state definitions of disability and explanation of relevant terms such as *physical/mental impairment* and *major life activity*;
- Identifying and responding to indicators of applicants'/recipients' disabilities, including assisting applicants/recipients to self-identify disabilities;
- Required procedures for offering, providing, and documenting RA;
- Explanation of concepts such as "interactive process" and "primary consideration";
- Required procedures for RA denials; and
- Disability etiquette including practical tips and examples for implementing the above procedures.

The policy shall contain sufficient operational detail to enable staff to understand and effectively implement its provisions, including protocol for staff to document disability and RA information in a manner that is complete, accurate and easily identifiable.

To the extent programs have different considerations related to documentation of disabilities, the policy shall contain program-specific guidance, including guidance on the use of features and tools specific to each relevant CMS, while emphasizing the need to capture information about disabilities and RA in a systematic way that allows for continuity of RA services. See Recommendations, below, for related discussion.

Recommendations

Cross-Program Information Sharing: CDSS recommends that the County consider including a provision in its RA policy that when an RA is determined and provided in any CDSS-covered program, staff must ask the applicant/recipient if they are participating in any other County programs and if so, whether they would like to have their RA information shared with the other program(s). If they answer yes, staff must contact the other program(s) to share that information. This will help ensure that applicants/recipients receive continuity of RA across programs without having to repeat their RA request(s) for every program in which they participate.

Reinforcing Understanding and Best Practices: The County should consider and implement ways to reinforce staff understanding of the County's obligations regarding the provision of services to applicants/recipients with disabilities, such as by incorporating key information from the above-referenced RA policy into annual civil rights training for staff and by developing and periodically disseminating related job aids that focus on specific topics, procedures, tips and reminders.

CalSAWS Features and Tools: As part of RA policy development, CDSS strongly recommends that the County utilize CalSAWS features and tools to support effective service delivery to individuals with disabilities and RA requests and needs and effective documentation of those RA requests and needs. These recommendations include but are not limited to the following:

- Develop and implement a protocol for CalFresh and CalWORKs staff to use the CalSAWS "universal" template in the Journal section as a basis for documenting required details regarding applicants'/recipients' disabilities and RA needs and requests, including details about changes or updates to those needs. This process must include any needed revision of and/or additions to preset template prompts to reflect all applicable requirements as well as County- and program-specific factors.

CWS/CMS Features and Tools: As part of RA policy development, CDSS strongly recommends that the County incorporate a requirement that CFS staff use all available CWS/CMS features and tools that support both effective service delivery to individuals with disabilities and RA requests and needs as well as compliant documentation of those RA requests and needs. In particular, the County should consider requiring CFS workers to create an Associated Service linked to each Contact note involving RA offers, requests, and/or provision. For these notes, staff should select the Service Type "Arrange ADA services" from the drop-down menu. Doing so will help elevate the visibility, consistency and searchability of the information, which supports both the continuity of service provision and the County's ability to demonstrate compliance with Division 21 requirements. Div. 21-116.1

CMIPS Features and Tools: As part of RA policy development, CDSS strongly recommends that the County utilize CMIPS features and tools to support both effective service delivery to individuals with disabilities and RA requests and needs as well as compliant documentation of those RA requests and needs. These recommendations include but are not limited to the following:

- Develop and implement a protocol for IHSS staff to use the case record “Comments” section to document an applicant’s/recipient’s RA requests and needs.
- Develop and implement a protocol for IHSS staff to use a workflow template in the Narrative Assessment that creates a section specifically for documentation of disability and RA information not captured elsewhere and which includes prompts that address all procedural and substantive requirements related to service provision to applicants/recipients with disabilities.

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?

Partially, or to a limited degree. The County initially provides all new employees via email with electronic copies of 3 separate civil rights-related training modules, which supervisors are expected to review with them as part of the overall onboarding process. One of these modules is a pdf of a vendor-provided training on Division 21 (Module 1). The second module is a PowerPoint slide deck of undetermined origin called “Civil Rights Training” that references “Division 21” on the title slide, but which focuses primarily on civil rights requirements for United States Department of Agriculture-funded nutrition programs (Module 2). The third module (discussed further below) is a PowerPoint slide deck that provides a very brief overview of the County’s obligations under the ADA (Module 3).

Auditors express concern about both the delivery and content of these trainings. First, sending Modules 1-3 to new employees via email and initially relying on individual supervisors to review the material with them presents the information in a decontextualized and disjointed way, one which is unlikely to best support comprehension and retention by staff. This concern appears to be supported by staff survey responses. Even though the County also conducts annual presentations on

Modules 1 and 3, more than one third (38%) of surveyed staff report “no” or “unsure” when asked if they have received training on the County’s civil rights obligations.

Auditors also note content-related concerns with all 3 modules. Module 1 is an off-the-shelf product designed to address Division 21 civil rights requirements. It is presented to staff annually, either in person with vendor-provided presenters or in an online format. CDSS notes that off-the-shelf trainings, while advantageous in many respects, lack county- and/or program-specific information and operational detail needed to ensure that staff understand and can effectively apply the material in their specific county settings. Counties that use such trainings may therefore need to develop and disseminate appropriate supplementary materials to address these coverage gaps.

For example, Module 1 presents broadly applicable information about multiple Division 21 topics but has large coverage gaps on topics for which operationally detailed, County- and program-specific guidance and instruction are essential. Such topics include, but are not limited to, the provision and documentation of bilingual and ASL interpreter services; the identification and documentation of applicants/recipients with disabilities and RA needs/requests; and discrimination complaint handling. Module 1 does incorporate questions at various junctures that appear designed to prompt discussion about certain county-specific policies and procedures, and the Civil Rights Coordinator reports that during in-person training, experienced County personnel typically participate in the training as co-presenters to provide verbal answers to those questions. CDSS notes, however, that while verbal discussion and explanation is valuable and worthwhile, the lack of a corresponding county-specific written component leaves Auditors unable to verify the completeness or accuracy of the information County presenters provide. It also leaves both County co-presenters and training attendees without a consistent, comprehensive, and reliably accurate resource to use for reference and learning reinforcement purposes. Relatedly, when using the virtual version of Module 1, as this County has done since 2020, it is unclear whether or to what extent those County-specific questions are addressed at all.

Module 2 focuses primarily on USDA civil rights regulations and requirements for federally funded nutrition programs (e.g., CalFresh). The Civil Rights Coordinator informed Auditors that the origin of this material is unknown. Auditors strongly caution against sharing or repurposing any training material whose accuracy is unverified. In addition, the USDA regulations and Division 21 have important differences as well as commonalities, and CDSS expresses concern that sending Modules 1 and 2 to new employees as email attachments without coherent, consistent context or explanation may undermine rather than support staff understanding of the material. See Corrective Action, below.

Auditors’ concerns about Module 3, which focuses on ADA requirements, is discussed further below.

Does the County provide employees with Cultural Awareness Training?

No. The Civil Rights Coordinator confirms that the County does not provide any specific training on this topic.

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

Somewhat. A slight majority (63%) of surveyed staff report they are “extremely” or “very” familiar with these groups, 25% report they are “somewhat” familiar, and 12% report they are “not as familiar.” However, Auditors express concern that, given the County’s lack of cultural awareness training and limited outreach to remote areas and in the CAPI program (noted in earlier Report sections), staff may lack knowledge about some existing cultural groups in their area.

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

No. The Civil Rights Coordinator confirmed that the County has not offered MEPA training in the past 2-3 years due to Covid 19-related disruptions and staff shortages. As of the publication of this Report, the Civil Rights Coordinator reported that the County is investigating options for restarting the training.

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

Minimally. Module 3 is a short, County-developed PowerPoint presentation regarding Title II of the ADA. The Civil Rights Coordinator, who also serves as ADA Coordinator, reports that this training is presented annually to staff. Auditors identified several concerns with the training contents, including but not limited to the following:

- The overall scope and depth of the training are very limited. It does not address Section 504, disability awareness or etiquette, and lacks operational detail on most topics.
- It contains information that is incomplete and potentially confusing and/or misleading, such as:
 - Incomplete information about permissible grounds for denying an RA request;
 - Lack of context presented for information on “equally effective communications” (Slide 4) and how this concept fits into overall obligations to individuals with disabilities;
 - Extremely limited information about what “program accessibility” encompasses;
 - A slide on employment protections, which are distinct from civil rights protections for program applicants/recipients.

As with Modules 1 and 2, Auditors express a concern that the above-described delivery and content deficiencies may undermine staff understanding of key concepts and requirements, which they need to ensure the County is able to fulfill its service provision obligations to individuals with disabilities.

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

No. This topic is not addressed in any of the above-described trainings.

Do employees receive training on reasonable accommodation for applicants/recipients with disabilities?

Minimally. Auditors observed that this topic receives little coverage in the above-described Modules, and such coverage as is provided is insufficient to meet the requirements of ACL 19-45.

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

No. Auditors did not observe evidence that staff consistently offer, provide, or document RAs. See Section VI.

Does the County provide other civil rights-related training?

No.

Corrective Action

11.Division 21 Training: 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. If the County chooses to continue using Module 1, it shall, as part of the CAP, develop a written component for Module 1 that provides operationally detailed County- and program-specific responses to the county-specific questions posed in Module 1. That component must address topical coverage gaps in all sections. In addition, the County must review Module 1 to identify any areas for which additional information is needed, such as the California state definition of "disability," a complete and current list of protected bases, and relevant information from ACLs/ACINs. The County must incorporate such additional information into its written component. The written component must be developed for use with both the live and online versions of the training.

Alternatively, the County shall develop its own comprehensive Division 21

training. The County may contact CDSS for feedback and technical assistance.

12. “Civil Rights Training” (Module 2): 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. Given CDSS’ expectation that the Division 21 training referenced above at Item #12 will address the requirements of Div. 21-117.1, the County shall, as part of the CAP, develop a plan in consultation with appropriate program staff (including, if warranted, county counsel and state and/or federal programs), to address the following:

- Whether, to whom and when/how often it will present training on USDA nondiscrimination requirements specific to the CalFresh program;
- How it will ensure that the contents of such training are current and accurate; and
- How it will coordinate the presentation of this training module with the Division 21 training module in a manner that supports staff understanding of the requirements described in each.

The County shall submit the plan to CDSS for review.

13. ADA Title II Training: The County shall train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on the CWD’s policies for ensuring compliance with disability nondiscrimination laws and on providing reasonable accommodations for people with disabilities. ACL 19-45, Section I. The County shall, as part of the CAP, either incorporate relevant information from Module 3 and ACL 19-45 into its Division 21 training (see item # 12, above), or – if the County decides to maintain Module 3 as a separate training, it shall:

- develop a revised version of the Module 3 training that addresses the concerns raised in this Report and which includes a comprehensive written component for staff to use as a reference; and
- develop and submit a plan explaining how it will coordinate the presentation of this training with that of Division 21 training in a manner that supports staff understanding of the requirements described in each.

Training on RA from CDSS is available online. The recorded webinar presentation “Introduction to ADA and Reasonable Accommodations” and its accompanying slides are posted on the [CDSS CalFresh Policy Training website](#). This training was provided during the CalFresh expansion to SSI recipients in 2019. Auditors share this training as a resource for the County in revising its own staff training on service provision to individuals with disabilities.

14. Cultural Awareness Training: The County shall ensure that all public contact employees receive cultural awareness training to ensure that public contact staff have an understanding of and sensitivity to various cultural groups including individuals with disabilities, to ensure equal delivery of services in the County's population. Div. 21-117.2. As part of the CAP, the County shall develop a plan and make prompt arrangements for staff to receive this training as soon as possible and on an ongoing basis.

15. MEPA Training: The County shall ensure that CSWs 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). As part of the CAP, the County shall develop a plan and make prompt arrangements for its CSWs to receive required MEPA training as soon as possible and on an ongoing basis.

Recommendations

Civil Rights Coordinator Onboarding Support: CDSS encourages the County to develop a robust set of resources to support new Civil Rights Coordinators to understand and effectively fulfill the responsibilities of the position. As the County develops its CAP, this is an opportune time to identify what types of support would be most useful to someone making that transition. For example: a manual or handbook that explains the Civil Rights Coordinator's responsibilities in all areas covered by this report, and which includes copies of all relevant policies, procedures, forms, job aids, and related items as well as lists of references and links to pertinent resources including CDSS trainings and relevant laws, regulations, and ACLs/ACINs are all possible supports. CDSS' training titled "[Roles and Responsibilities of Civil Rights Coordinators](#)," available online, may provide one useful point of reference.

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?

Some can do so. Surveyed staff were presented with 4 theoretical complaints and asked to indicate which are examples of civil rights complaints. Language of the four sample complaints can be found in Appendix II.

- Complaint 1: Not an example of a discrimination complaint; selected by 38% of surveyed staff
- Complaint 2: Example of a discrimination complaint; selected by 75% of surveyed staff
- Complaint 3: Example of a discrimination complaint; selected by 63% of surveyed staff
- Complaint 4: Example of a discrimination complaint; selected by 88% of surveyed staff

Staff must be able to identify discrimination complaints so they know when to assist an applicant/recipient to file a discrimination complaint. Auditors note that overinclusion is preferable to being overly narrow because failing to identify civil rights complaints may further impact an applicant's/recipient's equal access of benefits and services and leaves the County unaware of civil rights issues.

Thirty-eight (38) percent of staff misidentified Complaint 1 as a discrimination complaint, leading Auditors to infer that staff do not consistently understand that a protected basis is a necessary element of a discrimination complaint. Relatedly, because only 63% of staff recognized Complaint 3 as a discrimination complaint, Auditors can infer that staff may not consistently understand that failure to provide interpreter services is a civil rights violation. Reinforcing these concepts in staff training can help improve staff ability to identify discrimination complaints.

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

No, largely because (as explained further below) the County does not have a clearly established discrimination complaint processing policy. When asked to identify the procedure for responding to an applicant/recipient who expresses or submits a civil rights complaint, surveyed staff responses reflected a high degree of internal inconsistency as well as lack of familiarity with relevant Division 21 requirements. One third of surveyed staff reported that the complaint should be routed to the Civil Rights Coordinator; one quarter reported they would refer complainants to a manager or supervisor, one quarter reported they would try to resolve the issue themselves, and 17% reported they don't know what the procedure is.

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

Not consistently. Only 50% of surveyed staff demonstrated awareness that the PUB 86 is posted in the County facility lobby.

Is the complaint log complete and up to date?

No. The County's complaint log includes only 1 of 2 discrimination complaints remanded to the County by CDSS in 2021. When asked about this, the Civil Rights Coordinator confirmed she was aware of both complaints and acknowledged that both should be included in the log. In addition, the log is missing the following column headings required by Division 21: *Nature of the Complaint*, *Resolution*, and *Date investigation completed or complaint resolved*. The County's log includes a column with the heading *Outcome*, which the Civil Rights Coordinator confirms is analogous to the *Decision* column required by Division 21 in that it includes whether the claim of discrimination was substantiated or not. Div. 21-203.21.

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

No. The CRCP states only that the County's complaint processing procedure is to "follow the procedures required by MPP 21-203.2". (CRCP p. 8)

Division 21 sets forth minimum procedural requirements with which the County must comply, but it does not account for individual County business practices including interactions with other County policies, staffing structure, specific needs of the County's service communities, or other operational detail to be consistently implemented by staff.

Is the County handling discrimination complaints appropriately?

No. Auditors identified numerous concerns about the County's complaint handling process, including but not limited to the following:

- The County's process for receiving complaints is informal and lacks operational detail. According to Civil Rights Coordinator survey responses, a "discrimination complaint goes to the [Civil Rights Coordinator] to be investigated." No further information is provided, and no policy/procedure exists to instruct staff on receiving complaints, communicating with applicants/recipients about or assisting them with complaints, or procedures for routing complaints to the Civil Rights Coordinator.
- The Civil Rights Coordinator informed Auditors that complaints may be submitted in person or via mail, email, or telephone. However, [as noted](#) Section III, the County's Civil Rights webpage only provides information and instructions for complaint submission via phone and email.

- The process for updating and maintaining the complaint log is deficient, as evidenced by the above-noted incomplete log information.
- As described by Civil Rights Coordinator, the County's complaint evaluation process appears to rely on certain unverified assumptions (e.g., that allegations about rude worker behavior are not discrimination claims) rather than a legally grounded analysis for determining what qualifies as a discrimination complaint.
- According to the Civil Rights Coordinator survey responses, "Once [the Civil Rights Coordinator has] reviewed [the complaint], they will conduct interviews if needed to determine if there was discrimination or not." This description omits several crucial complaint evaluation and investigative steps mandated by Division 21 and lacks operational detail about how to implement those steps.
- At the time of the Review, the County had not notified CDSS of the results of the investigations into the 2 complaints remanded by CDSS. As Auditors explained during the Review, failure to provide this notification itself reflects noncompliance with Division 21.
- Although the County uses the CDSS Complaint form (GEN 1179), the Civil Rights Coordinator also submitted to CDSS a copy of the U.S. Department of Justice (DOJ) Civil Rights Division online complaint form as a supplemental attachment to its CRCP. When Auditors asked for clarification about whether and how the County uses this form, the Civil Rights Coordinator reported that it is kept on a County shared drive, but she is not aware of its purpose and has not seen it used. CDSS expresses concern about the County's inclusion of this form as part of its civil rights program without knowing its purpose, even more so because the form appears tailored to U.S. DOJ jurisdiction and not to the County's (or CDSS') jurisdiction. For example, the form includes sections for complainants to identify allegations of workplace discrimination; mistreatment by police or correctional staff; discrimination at a school, educational program or service; and discrimination in a commercial location. Division 21 does not authorize counties to receive or investigate any of these types of discrimination claims filed by applicants/recipients, so the use of this form appears likely to cause unnecessary confusion and frustration for complainants.

Corrective Action

- 16. Complaint Evaluation Training:** 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. As part of the CAP, both the Civil Rights Coordinator and the supervisor responsible for reviewing the Civil Rights Coordinator's discrimination complaint investigation reports and for processing complaints in the event of a conflict shall review CDSS' [Complaint Evaluation Training](#) and download and read the accompanying training material, both of which are available on CDSS' website.

17. Complaint Log: The County shall keep a control log in which all complaints of discrimination are entered by year and date the complaint was received. The County shall ensure that all required information is entered for each complaint. Div. 21-203. 21. As a part of the CAP, the County shall:

- Create a reference document or key explaining the use and purpose of each column in the log. The reference document must provide definitions for the entry options under each column, using the definitions and examples provided for Resolution and Decision in Div. 21-203.217-.218.
- Provide CDSS with an updated log containing all complaints received from June 1, 2021 - August 31, 2023, applying all categories required by Division 21-203.21 and incorporating the feedback provided in this Report and during the Review. The revised log must be consistent with the above-required reference document or key, which should also be submitted to CDSS with the updated log. The log shall use "N/A" or "TBD" where applicable so that there are no blank cells. The log shall be submitted to CDSS as an Excel spreadsheet file.
- The above-described reference document may be created and maintained as a separate sheet within the Excel complaint log spreadsheet.

18. Complaint Processing Procedure: The County shall ensure that policies addressing discrimination complaint handling are clear, consistent, and comport with the required complaint processing obligations. Div. 21-203. As part of the CAP, the County shall:

- Develop a detailed and comprehensive complaint processing protocol. Key topics shall include:
 - Procedures for complaint intake, whether by mail, email, telephone, or in person. This procedure must provide guidance to staff on assisting applicants/recipients with complaint filing and routing discrimination complaints to the Civil Rights Coordinator.
 - Procedures for initial complaint evaluation by the Civil Rights Coordinator to determine if a complaint contains all required elements and meets jurisdictional threshold requirements for a discrimination complaint
 - Procedures for providing referrals for non-jurisdictional and non-discrimination complaints
 - Procedures for maintaining and updating the complaint log
 - Procedures for complaint investigation and report writing
- The County may contact CDSS for feedback and technical assistance.

19. Open Discrimination Complaints: The County shall address all discrimination and retaliation complaints in accordance with applicable Division 21 procedures. Div. 21-203. As part of the CAP, the County shall provide CDSS with the status of the 2 open discrimination complaints referenced in this section, which Auditors discussed with the Civil Rights Coordinator during and after the Compliance Review. The status update shall include a summary of the results of the re-

evaluation and re-investigation for each case. For example: *Re-evaluation and re-investigation completed, resulting in a determination of [discrimination/no discrimination] with investigation report submitted to CDSS on [date] for review.*

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

All current, fully executed contracts submitted for review are noncompliant in that they lack either a separate Vendor Assurance of Compliance statement (VACS) or civil rights provisions within the agreement that fully incorporate all required components. These should include written assurances:

- “of nondiscrimination in programs and activities receiving federal or state financial assistance” Div. 21-103.5;
- of “compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines” FNS Instructions 113-1, Ch. X(A); and
- 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.” FNS Instructions 113-1, Ch. X(B).

Corrective Action

20. Vendor Assurance of Compliance: Written assurances of nondiscrimination in programs and activities receiving federal or state financial assistance shall be required, and fully applies to all vendors, contractors, consultants, and other providers of service. Div. 21-103.5. The County shall, as part of the CAP:

- Conduct a review of all contracts currently in effect with vendors, contractors, consultants, and other providers of services related to CDSS-funded programs for applicants/recipients.
- Create a tracking mechanism such as a spreadsheet that includes a list of all such contracts by vendor name and contract name and/or number and which identifies the contracts that do and do not have either the above-described signed VACS or the required civil rights provisions in the contract itself.

- Follow up with each vendor whose contract is out of compliance to obtain a signed VACS, a signed revised contract that includes the missing provisions, or a signed addendum that includes the missing provisions.
- Track these steps through completion in the spreadsheet.
- Submit a copy of the spreadsheet to CDSS to provide a status update, including target completion dates for any steps not yet completed.
- Develop and submit a description of the County's plan to ensure the deficiency does not recur.

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

Obstacles to access: Advocates observe that County applicants/recipients often lack reliable access to transportation and Internet services, which limits their ability to access County benefits and services. This may tend to have a disparate impact on individuals with disabilities that further limit their ability to visit the County office in person.

Impact of wildfires and other disasters: Advocates observe that lack of reliable access to transportation, Internet services and other resources leaves many County applicants and recipients acutely vulnerable under disaster conditions such as those created by wildfires. This also may tend to have a disparate impact on individuals with disabilities that limit their mobility.

Community Organizations' Suggestions for Improvement

Utilizing technology to expand access: Advocates report positive client outcomes when their own organizations allow telephone enrollment in their programs and services, and when they increase their use of technology (e.g., Zoom) for client interviews, support sessions, and classes. These tools enable their clients to overcome some of the barriers to access noted above. Advocates encourage and welcome the County's continued exploration and expansion of similar options for their program application processes and for fulfillment of program requirements.

Promising Practices Identified by Community Organizations

Collaborative efforts: Advocates report positively on their collaborative relationship with the County, and they express optimism about continuing their joint efforts to meet the needs of vulnerable community members.

XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The Plumas County Health and Human Services Civil Rights Compliance Plan for 2022 was received on May 25, 2022. Thank you for submitting your agency's Civil Rights Compliance Plan. CDSS reminds the County that pursuant to [ACL 09-79](#), counties have an obligation to maintain an updated Civil Rights Compliance Plan on an ongoing basis. Therefore, the Plan must be revised to reflect **all significant changes**, including those implemented based on required Corrective Action, to ensure that the information it contains is complete and up to date. Before approving the Civil Rights Compliance Plan, we additionally require the revisions specified below:

21. Section VII (County Services Provided by Contractors, Subcontractors, Vendors): CDSS' Compliance Plan Guideline' require the County to provide "a description of monitoring procedures used in the County to ensure nondiscrimination in services and accessibility of facilities in providing these services." The County's CRCP states only that "all contractors sign the Assurance of Compliance form" and that "there have been no complaints to date." (CRCP p. 5) The County shall, as part of the CAP, develop a monitoring policy/procedure to address the issues noted in the Guidelines Section VII (2)(a)-(e), which shall include any and all ancillary components deemed necessary to implement the policy/procedure, such as checklists, forms, etc. The County shall revise this section of its CRCP to reflect these changes and submit a copy of the policy/procedure and ancillary components to CDSS with its updated CRCP.

22. Section XIV (Self-Monitoring): The results of this Review demonstrate that the County lacks policies/procedures to support civil rights compliance, and that existing civil rights infrastructure (e.g., staff training) require significant revision. In addition, multiple deficiencies identified in this Report were previously identified in CDSS' 2010 Compliance Report, which indicates these are problems of a persistent nature. The County shall, as part of the CAP, develop a policy/procedure for annual self-monitoring of its compliance with civil rights laws and obligations to ensure the deficiencies noted in this Report are resolved and do not recur. This policy/procedure shall include any and all such ancillary components deemed necessary by the County for its implementation, such as checklists, forms, etc. The policy/procedure shall include sufficient operational detail to support effective implementation in monitoring the following:

- Dissemination of information
- Facility accessibility
- Service provision to applicants/recipients with LEP
- Service provision to applicants/recipients who have disabilities
- Staff development and training
- Discrimination complaint processing
- Vendor contracts and vendor monitoring

The County shall revise this section of its CRCP to reflect these changes and submit a copy of the policy/procedure and ancillary components to CDSS with its updated CRCP.

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

XII. CONCLUSION

The CDSS Reviewers found the County staff welcoming, informative, supportive, and receptive to new information and feedback. Particular thanks to Civil Rights Coordinator Jessica Bennett for organizing the details of the Review. In each program area, supervisors and staff were helpful with case reviews and the provision of requested information and documentation.

The CDSS Reviewers found substantial compliance concerns. The County 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 some of the time. 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: 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 38% of surveyed staff
- Complaint 2: 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 75% 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 63% 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 88% of surveyed staff