



KIM JOHNSON
DIRECTOR

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



GAVIN NEWSOM
GOVERNOR

July 15, 2022

Via Email Only (trent.rhorer@sfgov.org)

Trent Rhorer, Executive Director
San Francisco Human Services Agency
P.O. Box 7988
San Francisco, CA 94120-7988

Dear Director Rhorer:

Thank you and the San Francisco Human Services Agency staff for your cooperation and assistance during the August 2021 Civil Rights Compliance Review (Review). Please find the final report (Report) attached to this correspondence.

Compliance issues (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.

Please submit your CAP and any required revisions to your Annual Plan and policies electronically to the Civil Rights Unit email (crb@dss.ca.gov). In an effort to comply with the Web Content Accessibility Guidelines (WCAG), we require the CAP and all other materials to be submitted as a PDF document. The PDF documents must be accessible. See *California Government Code 7405*. The Report and CAP will be published on the California Department of Social Services [Civil Rights Unit website](http://www.cdss.ca.gov/inforesources/Civil-Rights/Compliance-Reports-and-Corrective-Action-Plans) (<http://www.cdss.ca.gov/inforesources/Civil-Rights/Compliance-Reports-and-Corrective-Action-Plans>).

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. You may also contact our office by email using the Civil Rights Unit email (crb@dss.ca.gov).

Sincerely,

Christina Teixeira

CHRISTINA TEIXEIRA, Manager
Civil Rights Unit
Office of Equity

Enclosure

c: Miguel Campos-Sala, Interim Civil Rights Coordinator

Kathy Yang, Acting Chief
CalFresh and Nutrition Branch

Tami Gutierrez, Chief
CalFresh Operations Bureau

Francisco Verduzco, Chief
CalFresh Management Evaluation Section

Jacqueline Hom, Manager
Refugee Programs/ Repatriation/ TCVAP

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

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

Kevin Aslanian
Coalition of California Welfare Rights Organizations, Inc.

Antoinette Dozier
Western Center on Law and Poverty

Lauren Hansen
Public Interest Law Project

Melissa Morris
Public Interest Law Project

Doreena Wong
Asian Pacific American Legal Center

SAN FRANCISCO HUMAN SERVICES AGENCY CIVIL RIGHTS COMPLIANCE REVIEW REPORT

**Conducted on
August 23 – August 27, 2021**

California Department of Social Services

Office of Equity

Civil Rights Unit

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

Sacramento, CA 95814

(916) 654-2107

Reviewers:

MyChelle Buchanan

Jill Shallenberger

Contents

I.	INTRODUCTION.....	4
	Key Findings of the Report	4
	Organization of this Report	5
II.	SUMMARY OF METHODOLOGY.....	5
	Documents Reviewed.....	5
	Locations Reviewed.....	6
	Programs Reviewed	6
	Review Procedures.....	6
	Compliance Review Areas.....	7
	Staff Survey Summary.....	7
III.	DISSEMINATION OF INFORMATION	7
	Findings: Access to Services, Information and Outreach	7
	Findings: Signage, Posters and Pamphlets	10
	Corrective Action	12
	Recommendations.....	13
IV.	FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES	14
	Facility Location: 77 Otis Street	15
	Facility Location: 170 Otis Street	18
	Facility Location: 1235 Mission Street	22
V.	PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING	26
	Findings: Language Services	26
	Findings: Ethnic Origin Information.....	33
	Corrective Action	33
VI.	PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO HAVE DISABILITIES	34
	Findings: Auxiliary Aids and Services for Persons with Disabilities	35
	Corrective Action	40
VII.	STAFF DEVELOPMENT AND TRAINING	42
	Findings: Staff Training.....	42
	Corrective Action	44

VIII. DISCRIMINATION COMPLAINT PROCEDURES.....	45
Findings: Discrimination Complaint Process.....	45
Corrective Action	48
IX. VENDOR CONTRACTS.....	50
Findings: Contract Review	50
Corrective Action	50
X. COMMUNITY INPUT	50
Community Organizations' Observations.....	50
Community Organizations' Suggestions for Improvement.....	51
Promising Practices Identified by Community Organizations.....	51
XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL	51
XII. CONCLUSION	53
APPENDIX 1: DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS ...	54
Reviewed Case Files	54
APPENDIX 2: SELECTION FROM STAFF SURVEY	58

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Unit (CRU) staff is to assess 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 August 23 to August 27, 2021. An exit interview was held on August 27, 2021, to review preliminary findings.

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.

- **Discrimination Complaint Procedures:** The County's complaint handling policies lack clear, compliant procedures for receiving, evaluating and investigating complaints, contributing to a significant and persistent breakdown in appropriate case processing.
- **Calculation of Bilingual Staffing Needs:** The County did not provide required information to demonstrate compliance with bilingual staffing obligations and/or to explain how bilingual staffing needs are calculated, to address hiring gaps and goals.
- **Documentation of Applicant/Recipient Case Records:** All programs reviewed 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.
- **Reasonable Accommodation Policy:** The County does not have a comprehensive policy 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 Staff Training:** Current civil rights training is outdated and contains errors, impacting staff understanding and application of civil rights obligations.
- **Engagement in Compliance Review Process:** The County missed multiple deadlines for submission of requested and required Compliance Review-related documents and information. Communication from the County was inconsistent and non-responsive throughout the Compliance Review process, negatively impacting the effectiveness of the Compliance Review.

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, facility walk-throughs, and staff surveys. Each section is formatted to first provide findings, then required corrective actions, and ends with any Auditor recommendations.

Section IV is a review of the facilities 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. This section is divided by facility locations and each sub-section includes findings, corresponding regulations, and any Auditor observations. There are no suggested corrective actions or recommendations because the County should use the findings and regulations to inform their corrective actions.

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.

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

II. SUMMARY OF METHODOLOGY

Documents Reviewed

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

- 2021 Civil Rights Compliance Plan, Appendices, and supplemental documents (Annual Plan) including:
 - Civil Rights Handbook and Division 21 Requirements ("Civil Rights Handbook (August 2009)") and Appendices
 - New Employee Orientation PowerPoint ("NEO")
 - Chapter 12B Declaration: Nondiscrimination in Grants and Benefits form (Form CMD-12b-101)
 - Standard Fiscal and Compliance Monitoring form ("Standard Contractor Monitoring form")

- In-Home Supportive Services BVI (Blind and Visually Impaired) Policy and Procedure #15-09 and BVI Accommodation form
- Complaint Log for 26 months prior to the Review
- Civil rights discrimination complaint database for a complete listing of complaints filed 26 months prior to the Review
- Previous County Compliance Review reports and corresponding corrective action plans (CAP)

Locations Reviewed

- 77 Otis Street, San Francisco
- 170 Otis Street, San Francisco
- 1235 Mission Street, San Francisco

Programs Reviewed

- Non-Assistance CalFresh
- CalWORKs
- In-Home Supportive Services (IHSS)
- Family and Children's Services (FCS)
- Special Investigation Unit/Fraud (SIU/Fraud) for the above programs

Review Procedures

- Electronic surveys of public contact staff, the Civil Rights Coordinator, and program managers. Auditors note that, as of the posting of this Report, the County has a newly appointed Civil Rights Coordinator.
- Reviewing case files
- Reviewing County-reported information about facilities and parking areas
- Receiving feedback from community groups. The following organizations were contacted for feedback:
 - [Legal Services of Northern California](#) (517 12th Street, Sacramento, CA 95814)
 - [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)
 - [Bay Area Legal Aid](#) (1800 Market Street, 3rd Floor, San Francisco, CA 94102)

Compliance Review Areas

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

Staff Survey Summary

- Auditors distributed a total of 62 surveys to County staff, including certified bilingual staff. Thirty-seven (37) surveys were completed. Despite requests and reminders from Auditors, 25 surveys were not completed by staff.
 - Eligibility workers: 18 of 30 surveys completed.
 - Lobby receptionists/navigators: 3 of 6 surveys completed.
 - Program managers/supervisors: 5 of 5 surveys completed.
 - Adult Program Workers: 6 of 8 surveys completed.
 - Children and Family Services social workers: 3 of 11 surveys completed.
 - Civil Rights Coordinator: 1 of 1 survey completed.
 - ADA Coordinator: 1 of 1 survey completed.

III. DISSEMINATION OF INFORMATION

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

Findings: Access to Services, Information and Outreach

Does the County accommodate clients by modifying business hours or accepting applications by mail? Can clients, including those with disabilities, access services when they are unable to go to an office?

Yes. The County accepts applications online and by mail, fax, email, and telephone. According to the Civil Rights Coordinator, the County considers requests for extended office hours, home visits (regularly used in IHSS) and alternative interview locations and may provide these depending on staff availability. Ninety-seven percent (97%) of surveyed staff identify home visits, phone/video communication, meeting in alternate locations and mail and email communication as ways the County provides services to applicants/recipients who cannot come to the office.

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

Somewhat. San Francisco is a consolidated City-County, with shared City and County boundaries. The County maintains several offices in the Mission/Mid-Market/South of Market area with a few, somewhat less centralized service locations including the Southeast and Mission Workforce Development Centers and the Family and Children's Community Services Hub. The County holds outreach events and participates with community-based organizations to share information about available services and benefits. The County also maintains a website available in English and all threshold languages (Spanish, Filipino, Vietnamese, Russian and Chinese) as well as a social media presence on Facebook, Instagram, Twitter, and YouTube. For written translations, the County uses traditional Chinese unless simplified Chinese is specifically requested; Cantonese and Mandarin are both considered threshold spoken languages.

The County treats the above as threshold languages for all programs and locations, even though speakers of some of those languages currently comprise less than the 5% of program or location required to qualify for that status. Div. 21-104(s)(2). The County explains that some of these languages meet the 5% Division 21 threshold for one or more programs; certain others meet the "threshold" definition under San Francisco's [Language Access Ordinance](#) of comprising at least 10,000 speakers among city residents, and still others qualify for "Emerging Language Population" status under that ordinance. CDSS finds the County's approach to identifying threshold languages acceptable and effective in its inclusiveness, because the County may extend the rights and protections of threshold status beyond the required minimum.

In addition, the County is transitioning some programs from a case-carrying model to a call-center model in which applicants/recipients can engage with any available worker. For the foregoing reasons, the County has applied threshold language determination across all its locations. This is consistent with Division 21 requirements. Div. 21-115.13.

However, Auditors find that the County's Annual Plan, Appendices and other materials and resources use *Filipino* and *Tagalog* interchangeably without rationale or context: (1) Filipino is identified as a threshold language on page 7, page 10 and Appendix 3 of the Annual Plan, and on the list of Multilingual Complaint Lines on the County's website; (2) Tagalog is identified as a threshold language in the Civil Rights Handbook and Appendix J to the Handbook including in reference to Multilingual Complaint Lines; (3) Tagalog and Filipino/Tagalog are identified as threshold languages in completed Facility Assessment Worksheets; (4) Tagalog is identified as a threshold language in language statistics of welfare program caseloads located in Appendix 4 to the Annual Plan; and (5) the County website includes links to translations in [Filipino](#) on certain pages and links to [Tagalog](#) translations on others. When asked for clarification, the Civil Rights Coordinator responded that the County uses the terms interchangeably in these materials. However, this appears to be inconsistent with San Francisco City and

County's [online dashboard](#) for reporting Language Access Ordinance compliance data, which states that the languages "are often used interchangeably, but they are not the same." See Corrective Action below and at Section XI "Civil Rights Compliance Plan Review and Approval" for required steps to resolve this discrepancy and confirm the provision of appropriate language access services.

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

The County's "Invitation to Disclose" form (OCR 2), provided to CalFresh and CalWORKs applicants/recipients at intake and recertification/renewal, contains pictures as well as words by which applicants/recipients can self-identify disabilities. In addition, the County employs a social worker at its Mission Service Center and Mission Workforce Development Center to provide lobby assistance to applicants/recipient who, through observation or by request, may need reading and/or writing assistance to complete the application packet. The County also reaches all program applicants/recipients who cannot read or write via social media. Auditors were not informed of any further program-specific outreach efforts to applicants/recipients who cannot read or write.

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

Minimally. As discussed further below, the County's self-conducted Facilities Assessment reveals that the County is not consistently posting required civil rights posters or making the CDSS pamphlet "Your Rights under California Welfare Programs" (PUB 13) available at facility entrances and reception areas in all required translations or formats. As is also discussed further below, case review revealed substantial inconsistency among programs in the provision of the PUB 13 to applicants/recipients at required junctures.

The only information about the County's civil rights program on its [website](#) is located on the "Contact Us" webpage in an Administrative Services section, which is not a location where applicants/recipients are likely to look for public complaint information. This webpage includes a link to the County's "Complaint of Discriminatory Treatment" form (Form 8019) which includes an incomplete list of protected bases, does not include required verbiage regarding consent for release of information, is not available in Tagalog (according to the Civil Rights Handbook Section 6) and raises other concerns as noted in Section VIII, "Discrimination Complaint Procedures," below. This webpage lists telephone numbers for the County's Multilingual Complaint Line in Spanish, Vietnamese, Russian, Filipino, and Chinese, but does not specify whether the Chinese line is available in Cantonese, Mandarin, or both. An additional Complaint Line for "English and languages not listed below" connects callers to a voicemail message with English instructions only.

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

Yes, the County has multiple Call Centers. One is operated by SF Benefits Net for CalFresh and Medi-Cal applicants/recipients; one is operated by Disability and Aging Services (DAS) which serves IHSS applicants/recipients; and one is operated by CalWORKs for that program's applicants/recipients. Family and Children's Services operates a phone system for emergency response/Child Protective Services.

The Call Centers for CalFresh, CalWORKs, and IHSS have Interactive Voice Response (IVR) systems. The CalFresh and CalWORKs IVR systems each offer options in all threshold languages except Mandarin. As of the posting of this Report, the County has not provided CDSS with the IHSS IVR system languages. These IVR systems do not have an option to request free interpretative services in other languages.

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

Somewhat. According to the Annual Plan and the Civil Rights Coordinator at the time of this Review, the County has continued to keep multiple offices open, and has conducted limited service functions outside of facility locations while increasing communication with applicants/recipients by phone, email, and mail.

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?

Mostly. According to the Annual Plan, the County has translated instructional and directional signs posted in threshold languages at facility entrances and in reception areas used by applicants/recipients.

However, signage in "Filipino/Tagalog" (the term used in the County's written responses on the Facilities Assessment Worksheet) is missing from the facility at 170 Otis Street. During the Review, the County reported plans to order the missing signage.

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?

Somewhat. Current versions of the PUB 13 are available in most but not all CDSS translations, while braille and audio recordings are not available in the most recent versions or in all languages:

- 170 Otis Street: Current PUB 13 is available in CDSS-translated languages except Hindi and Thai. An outdated PUB 13 (8/16) is available in braille and large print (English). An outdated PUB 13 (8/16) is available in audio format in all County threshold languages except Tagalog (the language translation as identified by CDSS).
- 1235 Mission Street: Current PUB 13 is available in CDSS-translated languages except Hindi and Thai. An outdated PUB 13 (8/16) is available in audio format in all County threshold languages except Tagalog (the language translation as identified by CDSS). The County did not provide clear responses regarding the availability of the PUB 13 in braille or large print at this location.
- 77 Otis Street: The County did not provide clear responses about the availability of the PUB 13 at this location. See Section IV, Facility Accessibility for Individuals with Disabilities, below.

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

Inconsistently, with variation among programs. The Annual Plan states that the PUB 13 is included in intake and renewal packets and that staff review and discuss its information with applicants/recipients during intake and renewal interviews. However, Auditors did not observe consistent documentation in case records to support this.

During CalFresh case review, Auditors observed documentation that the PUB 13 was provided in 4 of 7 cases and explained in 2 of those 4. Program staff informed Auditors that the PUB 13 is not mailed to CalFresh program recipients at recertification.

During CalWORKs case review, Auditors did not observe any documentation that the PUB13 is provided or explained in the 8 cases reviewed. Program staff informed Auditors that the PUB 13 is provided and explained as part of the Employment Information Center (“EIC”) orientation, not during CalWORKs intake.

During IHSS case review, Auditors observed documentation that the PUB 13 was provided in 7 of 8 cases reviewed but did not observe clear or consistent documentation

regarding whether the PUB 13 was explained.

During FCS case review, program staff informed Auditors that the PUB 13 is provided to parents as part of a packet during case investigation and to youth once they turn 18. In 9 of 10 CFS cases reviewed, Auditors observed documentation that the PUB 13 was provided to parents, as well as documentation that it was provided in 2 of 3 cases involving youth who turned 18. Auditors did not observe clear or consistent documentation regarding whether the PUB 13 was explained in these cases.

SIU/Fraud investigators do not distribute the PUB 13 to recipients, but they report that it is available in all CDSS-translated languages well as in braille in the SIU/Fraud program waiting room.

Auditors did not observe documentation in any program that identified the language in which the PUB 13 was provided and/or explained.

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

Somewhat. The County maintains posters at the following locations:

- 170 Otis Street: Current versions are present.
- 1235 Mission Street: Current versions are present; however, the County has not confirmed whether current contact information for the new Civil Rights Coordinator is on the PUB 86.
- 77 Otis Street: The County did not provide clear responses about the presence of lobbies or posters in such lobbies, if any.

See Corrective Action under Section IV, Facilities Assessment for Individuals with Disabilities.

Corrective Action

Threshold Languages: Counties must ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking persons. Div. 21-115. As part of the CAP, the County shall complete the Corrective Action in Section XI ("Civil Rights Compliance Plan Review and Approval") regarding the use of *Filipino* and *Tagalog* in County-generated materials.

Dissemination of information: The County shall keep civil rights information posted on the County webpage up to date. Div. 21-107.1.

Directional and instructional signage: The County shall ensure that instructional and directional signs are posted in waiting areas and other places that are frequented by applicants/recipients and that where such areas are frequented by a substantial number of non-English-speaking applicants/recipients, such signage shall be translated into

appropriate languages. Div. 21-107.212. A substantial number of non-English-speaking clients encompasses languages spoken by 5 percent or more of persons visiting each location. It also encompasses languages spoken by 5 percent or more of persons in a program that is administered at each location. Div. 21-104(s)(2).

As part of the CAP, the County shall confirm that missing translated signage has been posted at 170 Otis Street and clarify the language(s) of the translation.

Translated PUB 13: As part of the CAP, the County shall ensure that the PUB 13 is available in all lobbies in all languages translated by CDSS. Div. 21-115.2, 21-107.22. The County shall also revise Section 6 of the Civil Rights Handbook to update the PUB 13 languages listed. The PUB 13 must be available in the most recent revision. The County may access the most recent translated versions of the PUB 13 on the [CDSS website](#). Please note that revisions to the PUB 13 were made in 2021. Civil Rights Coordinators will be made aware when revised versions are available.

PUB 13 in alternate formats: The County shall ensure the availability of large print, braille, and audio formats 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.

Distribution of PUB 13: The County shall ensure the PUB 13 is both given and explained to program applicants/recipients in all programs for which CDSS has oversight responsibility. Div. 21-107.221. The PUB 13 must be distributed at intake and renewal/recertification because these bear on eligibility. The County shall ensure that the available translated versions are given to applicants/recipients in their primary language and shall document when the PUB 13 is distributed and explained to applicants/recipients and in what language. As part of the CAP, the County shall revise Section 6 of the Civil Rights Handbook to reflect these requirements and include operational detail to support their implementation.

Recommendations

Dissemination of information: The County should consider developing a clear, dedicated civil rights webpage for the public and/or moving existing civil rights webpage information to an intuitive, easily identifiable location. See Section VIII, "Discrimination Complaint Procedures," for Corrective Action regarding the County's complaint form and Multilingual Complaint Line.

Distribution of PUB 13: The County should consider distributing the PUB 13 at termination and denial of benefits. The PUB 13 has unique information which is absent from Notices of Action (also known as NA Back 9). Auditors also encourage the County to participate in discussions about improvements to the existing case management consortia systems transitioning to CalSAWs to share system issues impacting

compliance with civil rights obligations, including distribution of the PUB 13 with Notices of Action or at other important points in an applicant's/recipient's case.

Documentation of PUB 13 distribution: Auditors recommend standardizing language used in case comments and notes across all covered programs to indicate that the PUB 13 was provided and explained at intake/application, recertification, and any points where benefits are reduced or terminated. Consider providing template language to staff and adding documentation of distribution and explanation to checklists or job aids for case processing and supervisor review. Illustrative language:

On [date] provided applicant/recipient with PUB 13 in [primary written language]. Explained contents and instructed applicant/recipient about how to make a discrimination complaint. Confirmed applicant's/recipient's understanding by asking for questions. Applicant/recipient had [none].

Interactive Voice Response Systems: The County should consider adding more languages to the all existing and future IVR systems, especially threshold languages. Auditors encourage the County to consider adding greetings in additional languages and an "other language" option. These changes would help inform callers that free interpretive services are available in their language.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

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

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

Regulations referenced in these materials include Division 21, the [United States Department of Justice's ADA Standards \(ADAS\)](#), and [Title 24 of California Code and Regulations \(CA T24\)](#). The worksheet also references the [California Accessibility Reference Manual \(CARM\) 2019 7th edition](#), developed by the California Division of the State Architect. The [United States Access Board's Americans with Disabilities Act Accessibility Guidelines](#) (ADAAG) is another resource for facility accessibility.

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

The County must take action to correct each of the findings identified below, using the citations provided to ensure all facilities visited by applicants/recipients conform to applicable structural and physical requirements. The County must describe corrective actions for each of the findings identified below in the CAP.

Auditors remind the County that they are encouraged and expected to self-monitor facility accessibility. Self-monitoring is important so that the County is continuously alert to accessibility considerations. This is especially relevant now, as social distancing necessitates changes in how County Welfare Departments (CWD) use space. The County cannot rely upon CDSS's compliance review schedule to identify facility compliance concerns.

Facility Location: 77 Otis Street

The County did not provide the requested floorplan for this location. The County shall, as part of the CAP, provide a floorplan to allow CDSS to ensure compliance.

Building Entrance

The County did not provide measurements for the height of the outside edge of the International Symbol of Accessibility (ISA) sign, instead providing its height from the floor. The County shall, as part of the CAP, provide the requested measurement, determine whether it meets the applicable requirement, address any noncompliance, and explain the result of these steps.

- **Regulation:** Pictograms shall have a field height of 6 inches minimum. CA T24 11B-703.6.1; ADAS 703.6.1; CARM pg. 450.

Lobby

The County did not provide all requested measurements for the lobby or lobbies at this location or provide reasoning for this omission (e.g., no public lobbies). The County shall, as part of the CAP, provide all requested measurements, assess compliance with applicable regulations, address any noncompliance, and provide an explanation of the result of these steps or provide reasoning for omitting all requested measurements.

Interview Rooms

The County indicated that requested interview room/booth measurement are inapplicable to this location but did not clarify if that is because no interview rooms are present and no applicant/recipient interviews, or meetings are conducted at the location

under any circumstances. The County also did not provide a response to questions about where applicant/recipient interviews/meetings are conducted if the facility does not have rooms or booths specifically designated for that purpose.

The County shall, as part of the CAP, confirm whether applicant/recipient interviews/meetings are conducted at this facility at all and where, if so. If interviews/meetings are conducted there, the County shall also conduct the initially required self-assessment; address identified noncompliance with applicable regulations; and provide an explanation of the result of these steps.

Restrooms

Based on photographs supplied by the County, responses to inquiries about *Restroom Door Signage* appear to apply to the signs next to the men's and women's restroom doors rather than the sign mounted on each door. The County shall, as part of the CAP, provide responses for the signs mounted on each door, determine whether each one meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** A triangle symbol shall be located at entrances to men's toilet and bathing facilities. The triangle symbol shall be an equilateral triangle $\frac{1}{4}$ inch thick with edges 12 inches long and a vertex pointing upward. The color of the triangle symbol shall contrast with the color of the door or surface on which the triangle symbol is mounted, either light on a dark background or dark on a light background. CA T24 11B-703.7.2.6.1; CARM pg. 376.
- **Regulation:** A circle symbol shall be located at entrances to women's toilet and bathing facilities. The circle symbol shall be $\frac{1}{4}$ inch thick and 12 inches in diameter. The color of the circle symbol shall contrast with the color of the door or surface on which the circle symbol is mounted, either light on a dark background or dark on a light background. CA T24 11B-703.7.2.6.2; CARM pg. 376.

The height of the signs mounted on the door of both the women's and the men's restrooms is too low at 52 inches.

- **Regulation:** Geometric symbols at entrances to toilet and bathing rooms shall be mounted at 58 inches minimum and 60 inches maximum above the finish floor or ground surface measured from the centerline of the symbol. CA T24 11B-703.7.2.6; CARM pg. 376.

The County did not provide an exact measurement regarding the force required to open either the men's or the women's restroom doors. The County shall, as part of the CAP, provide this information, determine whether it meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** The force required to activate operable parts shall be 5 pounds maximum. CA T24 11B-309.4; ADAS 309.4; CARM pg. 221.

The County indicated that the force required to activate the sink faucets for both the men's and women's restrooms is inapplicable at this location but does not provide further explanation. The County shall, as part of the CAP, explain why this inquiry is inapplicable.

- **Regulation:** The force required to activate operable parts shall be 5 pounds maximum. CA T24 11B-309.4; ADAS 309.4; CARM pg. 221.

The distance of the toilet to the side wall or partition measured from centerline of toilet to side wall or partition is too great in both the men's and women's restrooms at 42 inches and 43 inches, respectively.

- **Regulation:** The centerline of the water closet shall be 17 inches minimum to 18 inches maximum from the side wall or partition. CA T24 11B-604.2; ADAS 604.2; CARM pg. 387.

The distance from the front edge of the toilet to the toilet paper dispenser measured from centerline of toilet paper dispenser is too great at 20 inches in both the men's and women's restrooms.

- **Regulation:** Toilet paper dispensers shall comply with CA T24 Section 11B-309.4 and shall be 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. CA T24 11B-604.7.1; ADAS 604.7; CARM pg. 389.

Although the County indicated that there are no urinals designated as accessible in the men's restroom, the County provided responses specifically for accessible urinals. The County shall, as part of the CAP, explain this inconsistency.

- **Regulation:** Where one or more urinals are provided, at least 10 percent but no fewer than one shall comply with CA T24 Section 11B-605. CA T24 11B-213.3.3; ADAS 213.3.3; CARM pg. 407.

The height of the urinal measured from the finish floor to the rim is too high at 18 inches.

- **Regulation:** Urinals shall be the stall-type or the wall-hung type with the rim 17 inches maximum above the finish floor or ground. CA T24 11B-605.2; ADAS 605.2; CARM pg. 407.

The height of the hand-operated flush controls measured from the finish floor are too high at 45 inches.

- **Regulation:** Hand operated flush controls shall comply with CA T24 Section 11B-309 except that the flush control shall be mounted at a maximum height of 44 inches above the finish floor. CA T24 11B-605.4; ADAS 605.4; CARM pg. 408.

The County did not provide the width of the doorway to the women's restroom. The County shall, as part of the CAP, provide the measurement, determine whether it meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Door openings shall provide a clear width of 32 inches minimum. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees. CA T24 11B-404.2.3; ADAS 404.2.3; CARM pg. 219.

The County did not provide clear information regarding whether there is a towel/sanitary napkin dispenser in the women's restroom or how high its operable parts are from the finish floor. The County shall, as part of the CAP, clarify its response and, if applicable, provide the height measurement, determine whether it meets applicable requirement, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Where towel or sanitary napkin dispensers, waste receptacles, or other accessories are provided in toilet facilities, at least one of each type shall be located on an accessible route. All operable parts, including coin slots, shall be 40 inches maximum above the finish floor. CA T24 11B-603.5; CARM pg. 382.

Facility Location: 170 Otis Street

Building Entrance

The County identified doorway threshold measurement requests as inapplicable without explanation. The County shall, as part of the CAP, either explain why the request is not applicable or provide the requested information, determine whether the threshold meets the applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Changes in level between ¼ inch high minimum and ½ inch high maximum shall be beveled with a slope not steeper than 1 to 2. Changes in level greater than ½ inch high shall be ramped, and shall comply with CA T24 Section 11B-405 or 11B-406. CA T24 11B-303.3-303.4; ADAS 303.3-303.4; CARM pg. 207.

The County did not provide measurements for the height of the outside edge of the International Symbol of Accessibility (ISA) sign, instead providing its height from the

floor. The County shall, as part of the CAP, provide the requested measurement, determine whether it meets the applicable requirement, address any noncompliance, and explain the result of these steps.

- **Regulation:** Pictograms shall have a field height of 6 inches minimum. CA T24 11B-703.6.1; ADAS 703.6.1; CARM pg. 450.

Lobby

The County did not provide requested measurements regarding knee clearance beneath the accessible counter. The County shall, as part of the CAP, provide the measurements, determine whether they meet applicable requirements, address any noncompliance, and explain the result of these steps.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg. 303.

The County makes the current version of PUB 13 available in all CDSS-translated languages except Hindi and Thai. An outdated version (8/16) of the PUB 13 available in braille and large print (English). An outdated version (8/16) of the PUB 13 is available in audio format in all threshold languages except Tagalog. See Section III, "Dissemination of Information," for Corrective Action.

- **Regulation:** Pamphlets supplied by CDSS entitled "Your Rights under California Welfare Programs" shall be made available in all CWD waiting rooms and reception areas and shall be distributed and explained to each applicant/recipient at intake and reinvestigation of eligibility. The pamphlets shall be in the primary languages of the CWD's applicant/recipient population including alternate formats (e.g., cassette tapes, large print, etc.). Div. 21-107.221.
- **Regulation:** Forms and other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms and other written materials are provided by CDSS. Div. 21-115.

The County identified that informational signage in "Filipino/Tagalog" is missing and stated that signage is being ordered. See Section III, "Dissemination of Information" for Corrective Action.

- **Regulation:** All instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking applicants/recipients shall be translated into appropriate languages. Such signs,

or an additional sign, shall state that applicants/recipients may request aid or services in their primary language. Div. 21-107.212.

Interview Rooms

The County provided a photo of 2 total interview rooms designated as accessible; however, one photo shows the exterior of a partition rather than the interior of the interview room or area. In addition, responses were only provided regarding 1 of 2 designated accessible interview rooms. The County shall, as part of the CAP, provide a photo of interior of the omitted interview room/area. The County shall also conduct the required assessment of the omitted interview room/area, address any noncompliance with applicable regulations, and provide an explanation of the result of these steps.

For the interview room for which responses were provided, the height of the counter is too high at 41 inches.

- **Regulation:** Where provided, at least one of each type of sales counter and service counter shall comply with CA T24 Section 11B-904.4 CA T24 11B-227.3; ADAS 227.3; CARM pg. 306.
- **Regulation:** Sales counters and service counters shall comply with CA T24 Section 11B-904.4.1 or 11B-904.4.2. CA T24 11B-904.4; ADAS 904.4; CARM pg. 322-323.

The County did not provide the requested measurements regarding knee clearance beneath the interview room counter. The County shall, as part of the CAP, provide these measurements, determine whether they meet applicable requirements, address any noncompliance, and explain the result of these steps.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg. 303.

The depth (7 inches) of knee clearance at 9 inches high off the finish floor under the work surface is insufficient. Also, the County did not provide a measurement for the depth of knee clearance at 27 inches high off the finish floor. The County shall, as part of the CAP, provide the missing measurement, determine whether it meets the applicable requirement, address all noncompliance, and explain the result of these steps.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg.

303. At dining and work surfaces required to be accessible, knee clearance shall extend 19 inches deep minimum at 27 inches above the finish floor or ground. T24 11B-306.3.3, exception (2); CARM pg. 305.

Restrooms

Height of signs mounted on the door of both the women's and the men's restrooms is too low at 56 inches.

- **Regulation:** Geometric symbols at entrances to toilet and bathing rooms shall be mounted at 58 inches minimum and 60 inches maximum above the finish floor or ground surface measured from the centerline of the symbol. CA T24 11B-703.7.2.6; CARM pg. 376.

The County did not provide the width of the door opening to either the women's or the men's restroom. The County shall, as part of the CAP, provide the width of each door opening, determine whether it meets the applicable requirement, address any noncompliance, and explain the result of these steps.

- **Regulation:** Door openings shall provide a clear width of 32 inches minimum. CA T24 11B-404.2.3; ADAS 404.2.3; CARM p. 219.

The County did not provide a measurement of the depth of knee clearance under the sink in either the women's and men's restrooms (Items 16(a) and 16(b)). The County shall, as part of the CAP, provide the requested measurements, determine whether they meet the applicable requirements, address any noncompliance, and explain the result of these steps.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-606.2; ADAS 606.2; CARM pg. 371; CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg. 305.

The width of knee clearance under the sink in both the women's and men's restrooms is insufficient at 18 inches.

- **Regulation:** Knee clearance shall be 30 inches wide minimum. CA T24 11B-306.3.5; ADAS 306.3.5; CARM pg. 306.

The faucets in the men's restroom sink are not operable with one hand.

- **Regulation:** Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. CA T24 11B-309.4; ADAS 309.4; CARM pg. 221.

The distance from the front edge of the toilet to toilet paper dispenser measured from centerline of toilet paper dispenser is too great at 12 inches in both the men's and women's restrooms.

- **Regulation:** Toilet paper dispensers shall comply with CA T24 Section 11B-309.4 and shall be 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. CA T24 11B-604.7.1; ADAS 604.7; CARM pg. 389.

Facility Location: 1235 Mission Street

Building Entrance

The County did not provide a measurement of the sign dimension (height) for Item 13(a). The County shall, as part of the CAP, provide the requested measurement for both identified entrances, determine whether each one meets the applicable requirement, address any noncompliance, and explain the result of these steps.

- **Regulation:** Pictograms shall have a field height of 6 inches minimum. CA T24 11B-703.6.1; ADAS 703.6.1; CARM pg. 450.

Signs at Main Entrance 1 contain visual characters that are too low.

- **Regulation:** Visual characters shall be 40 inches minimum above the finish floor or ground. CA T24 11B-703.5.6; ADAS 703.5.6; CARM p. 449.

Lobby

For Lobby 1, the County did not provide measurements regarding knee clearance for Items 12(a) and 12(b). The County shall, as part of the CAP, provide the requested measurements, determine whether they meet the applicable requirements, address any noncompliance, and explain the result of these steps.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg. 303.

Program materials are available in threshold languages in Lobbies 1 and 2. The County shall, as part of the CAP, determine whether CDSS-translated versions are available in any other languages for the identified program materials, address any noncompliance, and explain the result of these steps.

- **Regulation:** Forms and other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms and other written materials are provided by CDSS. Div. 21-115.

In Lobbies 1 and 2, the County makes the current version of the PUB 13 pamphlet available in all CDSS-translated languages except Hindi and Thai. An outdated version of the PUB 13 (8/16) is available in audio format in all threshold languages except Tagalog. The County did not provide clear information regarding the availability of the PUB 13 in braille or large print. See Section III ("Dissemination of Information") for Corrective Action.

- **Regulation:** Pamphlets supplied by CDSS entitled "Your Rights under California Welfare Programs" shall be made available in all CWD waiting rooms and reception areas and shall be distributed and explained to each applicant/recipient at intake and reinvestigation of eligibility. The pamphlets shall be in the primary languages of the CWD's applicant/recipient population including alternate formats (e.g., cassette tapes, large print, etc.). Div. 21-107.221.
- **Regulation:** Forms and other written material required for the provision of aid or services shall be available and offered to the applicant/recipient in the individual's primary language when such forms and other written materials are provided by CDSS. Div. 21-115.

The County did not indicate whether contact information for the Civil Rights Coordinator is displayed on the "Everyone is Different, but Equal under the Law" (PUB 86) poster in Lobby 1 or 2 (Item 18(b)(i)). The County shall, as part of the CAP, determine whether the information is displayed, address any noncompliance, and explain the result of these steps.

- **Regulation:** Posters on nondiscrimination provided by CDSS shall be prominently displayed in all waiting rooms and reception areas. The County welfare department shall place on the posters the name, office telephone number, and office address of the person(s) in the CWD who is responsible for processing discrimination complaints. Div. 21-107.211.

In Lobby 2, knee clearance beneath the counter at 9 inches high off the finish floor is insufficient at 9 inches.

- **Regulation:** Where knee clearance is required under an element as part of a clear floor space, the knee clearance shall be 11 inches deep minimum at 9 inches above the finish floor or ground, and 8 inches deep minimum at 27 inches above the finish floor or ground. CA T24 11B-306.3.3; ADAS 306.3.3; CARM pg. 303.

Interview Rooms

The County reports two interview rooms at this location designated as accessible but only provided responses for one room. The County shall, as part of the CAP, conduct the required self-assessment for the 2nd interview room, address any noncompliance with applicable regulations, and provide an explanation of the result of these steps.

Restrooms

The County indicated that there are no urinals designated as accessible in the men's restroom, however, the County provided measurements for accessible urinals indicating the urinal is in compliance with applicable laws and regulations. The County shall, as part of the CAP, provide an explanation to resolve this discrepancy.

The men's and women's restrooms each lack a geometric symbol that meets applicable regulations.

- **Regulation:** A triangle symbol shall be located at entrances to men's toilet and bathing facilities. The triangle symbol shall be an equilateral triangle $\frac{1}{4}$ inch thick with edges 12 inches long and a vertex pointing upward. The color of the triangle symbol shall contrast with the color of the door or surface on which the triangle symbol is mounted, either light on a dark background or dark on a light background. CA T24 11B-703.7.2.6.1; CARM pg. 376.
- **Regulation:** A circle symbol shall be located at entrances to women's toilet and bathing facilities. The circle symbol shall be $\frac{1}{4}$ inch thick and 12 inches in diameter. The color of the circle symbol shall contrast with the color of the door or surface on which the circle symbol is mounted, either light on a dark background or dark on a light background. CA T24 11B-703.7.2.6.2; CARM pg. 376.
- **Regulation:** Geometric symbols at entrances to toilet and bathing rooms shall be mounted at 58 inches minimum and 60 inches maximum above the finish floor or ground surface measured from the centerline of the symbol. CA T24 11B-703.7.2.6; CARM pg. 376.

The County did not provide an exact measurement regarding the force required to open the men's or women's restroom doors. The County shall, as part of the CAP, provide the measurements, determine whether they meet the applicable requirement, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** The force required to activate operable parts shall be 5 pounds maximum. CA T24 11B-309.4; ADAS 309.4; CARM pg. 221.

The County did not provide operable force information required to activate the sink faucets in both the men's and women's restrooms and did not explain why the requested operable force information is "not applicable". The County shall, as part of the

CAP, explain its response and provide information demonstrating compliance with the appropriate regulation(s).

- **Regulation:** The force required to activate operable parts shall be 5 pounds maximum. CA T24 11B-309.4; ADAS 309.4; CARM pg. 221.

The County did not provide the width of the doorway to the women's restroom. The County shall, as part of the CAP, provide the measurement, determine whether it meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Door openings shall provide a clear width of 32 inches minimum. Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees. CA T24 11B404.2.3; ADAS 404.2.3; CARM pg. 219.

The distance of the toilet to side wall or partition measured from centerline of toilet to side wall or partition is too great at 45 inches in both the men's and women's restrooms.

- **Regulation:** The centerline of the water closet shall be 17 inches minimum to 18 inches maximum from the side wall or partition. CA T24 11B-604.2; ADAS 604.2; CARM pg. 387.

The distance from the front edge of the toilet to toilet paper dispenser measured from centerline of toilet paper dispenser is too great at 22 inches in both the men's and women's restrooms.

- **Regulation:** Toilet paper dispensers shall comply with Section 11B-309.4 and shall be 7 inches minimum and 9 inches maximum in front of the water closet measured to the centerline of the dispenser. CA T24 11B-604.7.1; ADAS 604.7; CARM pg. 389.

The County provided a measurement from the finish floor "to [the] bottom" of the hand dryer in both the women's and men's bathrooms (40 inches), which suggests that the height from the floor to the dryer's operable parts may be different. The County shall, as part of the CAP, provide the requested measurement for each, determine whether each one meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Where towel or sanitary napkin dispensers, waste receptacles, or other accessories are provided in toilet facilities, at least one of each type shall be located on an accessible route. All operable parts, including coin slots, shall be 40 inches maximum above the finish floor. CA T24 11B-603.5; CARM pg. 382.

Stairs and Elevators

The County did not provide requested photos of the interior of each accessible elevator showing the doors, signage, controls, and support rail(s) or of the elevator lobby showing the elevator doors, signage including landing jamb signage, visual indicators, and call buttons. As part of the CAP, the County shall provide the requested photos.

The County did not provide the dimensions of the buttons on the car control panel in response to Item 12(a). The County shall, as part of the CAP, provide the requested measurement, determine whether it meets applicable requirements, address any noncompliance, and provide an explanation of the result of these steps.

- **Regulation:** Buttons shall have square shoulders, be $\frac{3}{4}$ inch minimum in their smallest dimension and be raised $\frac{1}{8}$ inch plus or minus $\frac{1}{32}$ inch above the surrounding surface. CA T24 11B-407.4.6.2.1; ADAS 407.4.6.2.1; CARM p. 246.

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

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

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

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

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

Findings: Language Services

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

Yes. All surveyed staff report that the County identifies applicants'/recipients' language needs at first contact. According to the Annual Plan a sign is posted at all intake and reception areas that provides notice of free interpreter services in over 20 languages and encourages applicants/recipients to self-identify their primary languages. County staff also use smaller versions of this notice (called "I Speak" cards) to enable applicants/recipients to identify their primary languages. Computer kiosks used in office lobbies for checking in also offer speakers of threshold languages the option to identify their primary languages.

However, Auditors reiterate the concern noted in Section III, above, regarding the County's inconsistent usage of *Filipino* and *Tagalog* in materials pertaining to threshold languages and language services. See Section XI ("Civil Rights Compliance Plan Review and Approval") for Corrective Action.

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

Sometimes, and with variation among programs. With the exception of SIU/Fraud, the County uses the "Language Service Needs" form (Form 8072) for applicants/recipients to self-declare their primary spoken and written languages unless that information is captured on program application or recertification forms. When Form 8072 is used, the information is recorded in the applicant/recipient's electronic case record. Auditors note that FCS staff affirmed their use of Form 8072, but no examples of its use were observed during FCS case review.

Are primary written and spoken languages documented?

Mostly, with variation among programs. Auditors observed that applicants'/recipients' primary written and spoken languages were documented in 7 of 7 CalFresh cases, 8 of 8 CalWORKs cases, and 8 of 8 IHSS cases reviewed.

Auditors observed that in 10 of 10 FCS cases reviewed, program participants' primary languages were documented in CWS/CMS, although that case management system does not distinguish between written and spoken languages.

SIU/Fraud uses an electronic case management system called Sherlock that does not have specific fields for documenting primary spoken or written languages; however, SIU/Fraud investigators have access to program records where language information is maintained. Auditors observed that in 10 of 10 SIU/Fraud cases reviewed, investigators consistently documented primary language information in the "Record of Contacts" notes. Auditors also observed that 8 of the 10 cases reviewed were Income and Eligibility Verification System (IEVS) overpayment referrals in which SIU/Fraud investigators documented the forms that were sent to recipients and in which language each form was sent. Of those 10 IEVS referrals, SIU/Fraud declined to pursue 6, closing them as involving restitution (repayment) only because program forms had been sent

incorrectly to the recipient in English instead of their primary language. Although this represents a small number of overall referrals, it illustrates the vulnerability of NEP/LEP program applicants/recipients to potential overrepresentation among fraud referrals due to challenges they face in understanding and/or complying with program requirements – including when the County fails to appropriately meet their language-related needs.

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? Does the County have a contracted language line provider, a county interpreter list, or any other interpreter process?

Yes. According to the Annual Plan, when interpreter service needs are brief or limited in scope (e.g., scheduling appointments), staff should first seek a certified bilingual employee to assist. If no bilingual employee is available, staff should use vendor-provided telephone and/or video interpretive services, including for ASL.

When interpretive services are needed for longer and/or more substantive interactions (e.g., client meetings), staff should obtain in-person interpretive services by submitting an Oral Interpreter Request Form to the County's Office of Civil Rights (OCR), which administers the vendor contract for these services. This process is described in the County's Civil Rights Handbook, which is available to staff.

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

Mostly, with some variation among programs. During CalFresh case review, Auditors observed that interpretive services were provided in 2 of 2 NEP/LEP cases and in the 1 ASL case reviewed. During CalWORKs case review, Auditors observed that interpretive services were provided in 6 of 6 NEP/LEP cases and in the 1 ASL case reviewed.

During IHSS case review, Auditors observed that interpretive services were provided in 4 of 5 NEP/LEP cases reviewed, and documentation confirmed services were not needed in the 5th case. In the 1 ASL case reviewed, Auditors did not observe documentation to confirm whether ASL interpretive services were provided.

During FCS case review, Auditors observed a lack of consistent documentation that made it difficult to confirm whether interpretive services were appropriately provided. In 8 cases reviewed involving NEP/LEP participants: 1 case explicitly documented assignment to a certified bilingual staff member, 1 case documented use of a telephone interpreter, 1 case documented the interpreter's name only (identified by staff during case review as a certified bilingual employee based on their personal knowledge), 2 indicated interpretive services were provided without documenting how, 1 case noted that interpretive services were not needed, and 2 cases did not contain any documentation indicating whether interpretive services were provided.

During SIU/Fraud case review, Auditors observed 2 cases in which an investigator made contact with a NEP/LEP program participant. Documentation indicated that telephone interpretive services were provided in both cases.

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

Sometimes, with variation among programs. As noted above, the County has multiple options for providing interpretive services. Staff have direct access to telephone interpretive services as well as dual handset telephones for use with NEP/LEP clients in public reception areas. In addition, the County contracts with vendors to provide all-day, in-person interpretive services in multiple languages at the 1235 Mission Street and 1440 Harrison Street client lobbies.

However, when asked how long it takes to obtain interpreter services once an applicant/recipient's language needs are identified: 67% of surveyed children's social workers report that it takes 3-10 minutes and 33% report it takes more than 15 minutes; 67% of receptionists report that it takes less than 3 minutes and 33% report it takes 10-15 minutes; 72% of eligibility staff report that it takes less than 3 minutes, 17% report 3-10 minutes, and 11% report 10-15 minutes; and 66% of adult program workers report that it takes less than 3 minutes, 17% report 3-10 minutes, and 17% report 10-15 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?

Unknown. According to the Annual Plan, the County employs certified bilingual staff in County threshold languages and ASL. Annual Plan Appendix 3 provides raw numbers of NEP/LEP clients served, and staff who are certified bilingual, in each threshold language. However, neither the Annual Plan nor Appendix 3 provides certified bilingual staffing data by program or occupational group. Nor do they include documentation that the County has applied the Division 21 formula to determine the required number of bilingual employees in each program or identify staffing level gaps and hiring goals. (Div. 21 § 21-115.14). This calculation is required whether the County applies it on a location-specific or a program-wide basis. Auditors requested, but did not receive, clarification about the County's calculations.

Notably, 40% of surveyed managers/supervisors report a need for additional bilingual staff who speak Chinese (especially Mandarin) and another 40% report a need for additional bilingual staff who speak Spanish – both of which are County threshold languages. Another 20% report a need for additional bilingual staff who speak Arabic.

Are County interpreters certified?

Yes.

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

Yes, in limited circumstances. As stated in the County's Civil Rights Handbook, the use of minors as interpreters is prohibited except temporarily under extenuating circumstances or at the specific request of the client. Handbook examples include using a minor child to determine the language of the adult so that an appropriate interpreter or bilingual staff person can be called, or when the adult is experiencing a medical emergency.

The Handbook includes explicit instructions regarding what information to document in an applicant's/recipient's case file when a minor is temporarily used as an interpreter. The County also uses a "Client consent to use non-HSA interpreter" form (Form OCR 3) to document when a minor child is used as an interpreter and the reason(s) why. Note, however, that CDSS' issuance of [ACL 21-128](#) in November 2021 requires revisions to the County's forms and processes regarding self-provided interpreters.

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

Yes. The County's Civil Rights Handbook provides that applicants/recipients who wish to use a self-provided interpreter must complete Form OCR 3, which serves as a signed release of information and notification to the applicant/recipient of the risks of ineffective interpretation. The Handbook further states that staff must advise applicants/recipients of the right to free interpretive services at initial intake and each redetermination; the potential problems and risks associated with using a self-provided interpreter; the availability of County-provided interpretive services regardless of whether an applicant/recipient elects to use those services; and the right of an applicant/recipient to "accept HSA-provided services any time, even when a (self)-provided interpreter is present." Auditors observed few instances of the use of a self-provided interpreter during case reviews, and in no case did Auditors observe documentation that staff used Form OCR 3 or provided the above advisements. Therefore, Auditors were unable to confirm whether the above requirement has been implemented consistently by County staff. As noted, however, CDSS' issuance of ACL 21-128 in November 2021 requires revisions to the County's forms and processes regarding self-provided interpreters.

The IHSS program allows applicants'/recipients' authorized representatives (AR) to serve as a self-provided interpreter without Form OCR 3 as long as the IHSS Designation of Authorized Representative Form (Form SOC839) is on file. However, Form SOC839 does not include a release of information or notice of the risks of using a self-provided interpreter, the requirements for which are reiterated by ACL 21-128.

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

Auditors observed that documentation of interpretive services is inconsistent and incomplete across most County programs under review.

During CalFresh case review, Auditors reviewed 2 NEP/LEP cases. In one case, documentation of the bilingual worker assignment appeared in iTasks but not in CalWIN, limiting the visibility of that information; while in the other case, the use of telephone interpretive services was documented in CalWIN Case Comments. The 1 ASL case reviewed contained documentation in Case Comments that ASL interpretive services were provided but not how or by whom.

During CalWORKs case review, Auditors reviewed 6 NEP/LEP cases. Auditors observed documentation in CalWIN Case Comments that bilingual staff were assigned to 5 of those cases. The use of telephone interpretive services was documented in the remaining case. In the 1 ASL case reviewed, Auditors observed documentation in Case Comments that ASL interpretive services were provided via video relay service.

During IHSS case review, Auditors reviewed 5 NEP/LEP cases, one of which documented that interpretive services were not needed. In 2 cases, just the interpreter's name was documented; during case review, staff recognized them as bilingual-certified employees based on personal knowledge. One case documented that interpretive services were provided by the applicant's/recipient's designated AR. In the remaining case, Auditors did not observe any documentation about interpretive services in the most recent client contact note, however upon closer inspection of prior records, staff confirmed that the recipient had changed their primary language from Tagalog to English. The time and effort required to locate language services information in this last case illustrates how a lack of readily searchable, visible language information can cause confusion about an applicant's/recipient's needs, potentially disrupting the delivery of services and leading to civil rights complaints.

In the 1 IHSS ASL case reviewed, Auditors did not observe any documentation to indicate whether interpretive services were provided.

During FCS case review, Auditors reviewed 8 NEP/LEP cases and did not observe any systematic or consistent procedure for documenting the provision of interpretive services. Auditors observed that staff had to search through multiple case records (e.g., detention reports; hearing reports; investigation narratives), often spanning several years, to locate documentation of these services. When the information was found, it often lacked specific details about the method by which the services were provided.

During SIU/Fraud case review, Auditors observed 2 cases in which an investigator made contact with a NEP/LEP program participant. In both cases, client contact notes documented the use of telephone interpretive services from the vendor Language Line.

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

Not consistently. County policies do not address how to ensure that applicant/recipient-provided interpreters understand what is being interpreted.

According to staff surveys, 61% of eligibility workers check for understanding of what is being interpreted in the following ways: by explaining the purpose of the meeting to the interpreter; by asking the applicant/recipient and interpreter to confirm understanding; by providing opportunities for the applicant/recipient and interpreter to ask questions; and by asking the applicant/recipient to restate what was explained. Three surveyed eligibility workers said they were not sure how to ensure understanding.

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

Yes. According to the Annual Plan, the County uses available translated materials from CDSS as well as from other County Social Services organizations. Staff survey responses confirm that eligibility workers provide CDSS-translated forms to applicants/recipients in their primary languages.

The County also uses contracted vendors to obtain translations of other documents, which are then shared with staff and incorporated into resource repositories (e.g., program handbooks and intranet).

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

Sometimes. Surveyed eligibility workers provided inconsistent responses to this question, with 22% reporting that NOAs are provided in the applicant's/recipient's primary language; 50% reporting that NOAs are provided in some or all of the County's threshold languages; and 17% reporting being unsure. Additionally, 11% reported that when a translated version is not available, CDSS' "Notice of Language Services" (Form GEN 1365) is sent to inform applicants/recipients about available language assistance.

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

Sometimes. According to the County's Civil Rights Handbook, staff must write "any added information that is unique to the client or any explanation of the action that is not printed on the notice... in the language of the client" when using a translated NOA. The County uses bilingual staff and contracted vendors to translate written documents and information and has developed glossaries in multiple languages to standardize the translation of program terminology.

The Annual Plan also provides that staff may use interpretive services to explain information verbally to an applicant/recipient when written translation is unavailable. Additionally, the Civil Rights Coordinator reported that when inserted information cannot be translated, the County mails the NOA to applicants/recipients with inserted information in English and a GEN 1365. This information is not included in the Civil Rights Handbook, "Section 8: Providing Services to non- or Limited-English Speaking Persons (LEPs)."

During case reviews, Auditors did not observe consistent use of the GEN 1365 when information was provided in English to NEP/LEP applicants/recipients. Auditors also did not observe a policy, procedure, or training to explain to staff when to use interpretive services to explain documents or where or how to document this was done.

Findings: Ethnic Origin Information

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

Mostly. Auditors observed that applicants'/recipients' ethnic origin data was documented in the electronic case record for 5 of 7 CalFresh cases reviewed, 8 of 8 CalWORKs cases reviewed, 9 of 10 FCS cases reviewed, and 8 of 8 IHSS cases reviewed. Auditors did not observe a policy or procedure in any of these programs regarding how staff should obtain data when applicants/recipients do not disclose it. SIU/Fraud does not document ethnic origin data in Sherlock.

Corrective Action

Timely services: The County must ensure that bilingual/interpretive services are prompt and provided without undue delays. Div. 21-115. Given the relatively lengthy wait times for telephone interpreters reported by surveyed staff across programs, the County shall take steps to identify the source(s) of these delays; update its protocol 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.

Bilingual staff: The County shall ensure that a sufficient number of qualified bilingual employees are assigned to positions and locations serving a substantial number of non-English-speaking persons. Div. 21-115.1. A "qualified bilingual employee" is defined as an employee who, in addition to possessing the necessary qualifications for the particular classification, 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)(1). The County shall, as part of the CAP, complete the Corrective Action under Section XI ("Civil Rights Compliance Plan Review and Approval"), below, regarding "Section 8 Primary Language Data Statistics, Staffing, and Hiring Goals."

Documentation that bilingual services were provided: The County shall document the method used to provide bilingual services (i.e. assigned worker is certified bilingual, other certified bilingual employee acted as interpreter, volunteer certified interpreter was used, or recipient-provided interpreter). Div. 21-116.22. Applicants/recipients must be informed of the potential problems for ineffective communication when providing their own interpreters. The County shall document that the applicants/recipients were so informed in the case record. Div. 21-116.23. The County shall, as part of the CAP, submit a plan and timeline (or summary of steps taken) to revise the Civil Rights Handbook, language services forms, and any other relevant materials to reflect the requirements of ACL 21-128. The plan (or summary) shall include a description of specific instructions, standardized language or other templates to support staff in all CDSS-covered programs in implementing consistent, legally compliant documentation for language services. See explanation of documentation requirements summarized in [ACL 08-65](#) and ACL 21-128.

Written materials: The County must use and provide translated forms in an applicant/recipient's primary language when translated by CDSS. Div. 21-115.2. 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 revise the Civil Rights Handbook, "Section 8: Providing Services to non- or Limited-English Speaking Persons (LEPs)" to clarify the distinction between circumstances under which translations must be provided and those under which provision of the GEN 1365 is an acceptable alternative method of communication.

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

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

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

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

Findings: Auxiliary Aids and Services for Persons with Disabilities

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

Yes, but the policy requires revision. The County's Civil Rights Handbook and the "Office of Civil Rights Service Reference Guide" located in Appendix J to the Handbook provide some information regarding the provision of assistance and reasonable accommodations (RA) to applicants/recipients with disabilities. However, Auditors identified several concerns including:

- Lack of operational detail needed for effective implementation, including specific procedures for offering, receiving, documenting and responding to RA requests;
- Failure to address key RA concepts (e.g., "primary consideration"; "interactive process");
- Lack of guidance for staff to identify and assist applicants/recipients to self-identify as having a disability;
- Failure to include the state definition of "qualified individual with a disability";
- Blanket instruction for staff to contact OCR "to arrange for auxiliary aids," a vague instruction that can foreseeably cause delays in providing RAs and appears to contradict the ready access staff reportedly have to a wide range of auxiliary aids and services; and
- Lack of other core components of an effective RA policy (e.g., information about service animals; guidance regarding the discrimination complaint process (see [ACL 19-45](#))).

Responses from surveyed staff also support the need for greater awareness of policies for assisting applicants/recipients with disabilities:

- 48% of surveyed staff report being "unsure" if the County has a policy for assisting applicants/recipients with disabilities, and
- 43% report being "unsure" if the County has a policy for providing RA.

IHSS policy 15-09 pertains to applicants/recipients who are blind or visually impaired (BVI). It describes available accommodations and includes highly detailed instructions to staff regarding documentation of accommodation requests (including auxiliary aids and services) and related information. However, this policy does not address the provision of RAs to IHSS applicants/recipients with non-BVI-related needs. CDSS recognizes that disability is a qualifying factor for IHSS and that certain program-specific requirements govern the provision and extensive documentation of a wide range of qualifying medical conditions/disabilities, functional limitations, related needs, and treatments/services. However, Auditors note that IHSS applicants/recipients may also have disabilities and RA needs that are neither identified nor addressed elsewhere (e.g., a non-IHSS-qualifying speech impairment for which an individual requires an

auxiliary aid to communicate effectively), and the County is obligated to meet those RA needs in policy and practice, as well.

Individuals with disabilities are overrepresented in the population receiving social services, in part because there are programs designed specifically to serve individuals with disabilities. Effective RA policies and provisions are critical to ensuring their needs are met and their rights protected. This is true for all programs reviewed as part of this Compliance Review – including SIU/Fraud, where individuals with disabilities may also be overrepresented in case referrals due to challenges they experience in understanding and/or complying with program requirements.

CDSS notes that the San Francisco Mayor's Office on Disability has a separate Reasonable Modification Policy for the City and County of San Francisco, which is beyond the scope of this Review.

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)?

Sometimes. According to the Annual Plan, all facilities with client lobbies are equipped with a combination of dual handset phone and/or video-capable computers for interpretation, including ASL, and for use by those with hearing or sight disabilities. All facilities have photocopiers capable of performing text enlargement. Some locations also have TTD and sound amplification devices, computers with text enlargement software or hardware, and text-to-speech software. The County has purchased audio amplifiers, obtained braille material through LightHouse for the Blind and Visually Impaired, and has continued to expand its use of video remote interpreting equipment (e.g., iPads and computer cameras).

The Civil Rights Handbook lists additional available auxiliary aids and services such as taped text/audio disks; readers; note takers; and California Relay Service (711).

IHSS' policy 15-09 lists multiple auxiliary aids and services for BVI applicants/recipients, including Telephone Timesheet System (TTS); large font timesheets; and NOAs in formats such as braille, audio cd, data cd, and large font.

Despite the availability of this wide range of resources, staff awareness of auxiliary aids and services appears mixed. When asked what auxiliary aids and services are available to assist clients with disabilities, 23% of surveyed staff said they were unsure or didn't know. Staff who demonstrated at least some awareness of auxiliary aids and services were mainly aware of phones for use by applicants/recipients with hearing impairments, large print, and ASL interpretive services.

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

Somewhat, with variation among programs. According to the Annual Plan, County staff use two forms to identify applicants/recipients with a disability: “The Americans with Disabilities Act: Your Rights to HSA Programs and Services” (OCR 1) and OCR 2. According to the Civil Rights Handbook, OCR 1 must be available in facility waiting rooms and reception areas in threshold languages and must also be given to applicants/recipients at intake and recertification. OCR 2 is provided by CalFresh and CalWORKs staff at intake and recertification and included in all intake/renewal packets and is used by applicants/recipients to identify disabilities and/or disability-related needs. The OCR 2 is supposed to be maintained in the applicant’s/recipient’s file to ensure that staff track and provide RA, as appropriate.

IHSS program staff collect extensive information about applicants’/recipients’ medical conditions, functional limitations, and disability-related needs during the application and intake process to assess eligibility for IHSS benefits. It is unclear to what extent non-IHSS-related disability and/or RA information is identified and documented.

Auditors did not observe the existence or use of a program-specific policy or procedure in FCS or SIU/Fraud for identifying individuals with disabilities or assisting them to self-identify their disabilities.

As previously noted, staff are stationed in certain intake/reception areas to both directly assist applicants/recipients and to support other staff to identify applicants/recipients who may need RA(s).

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

Auditors did not observe or receive information from the County about an established screening process. Seventy-three (73) percent of surveyed staff report being “unsure” if the County offers screening for learning and/or other disabilities, and when asked if the County has a written policy and/or procedure for offering screening for learning and/or other disabilities, 74% reported “n/a” (not applicable).

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

Minimally, with the exception of IHSS.

Auditors saw little evidence during CalFresh, CalWORKs, or FCS case review that the County offers or provides RAs. Auditors reviewed several cases in these programs in which a disability was identified, but the record lacked documentation to show that staff discussed, offered, or provided an accommodation. This suggests that when staff are

aware of a disability, they do not consistently offer or document that an RA was offered, accepted, declined, denied, and/or provided.

When asked to provide 3 cases involving RAs for Auditors to review, SIU/Fraud did not identify any cases with documented disability and/or RAs. Sherlock, the case management system used by Fraud/SIU, does not have specific fields for documenting or tracking disability or RA information. Although such information could be included in Investigation Notes or similar fields, Auditors did not observe such documentation; nor did Auditors observe a policy or procedure to guide fraud investigators in identifying and accommodating individuals with disabilities. Although fraud investigators have access to other program case records that may contain disability and RA information, and SIU/Fraud personnel report that this information is an important part of fraud case analysis, Auditors did not observe evidence that the information is used during investigations to identify and/or to accommodate individuals with disabilities.

Auditors observed IHSS staff consistently and systematically offer RA to applicants/recipients who are blind or have low vision, in addition to programmatic services to address their other medical and functional needs. As noted above, however, it is unclear to what extent RAs are identified or offered if related to disabilities that may fall outside this scope.

Does the County appropriately document disabilities and reasonable accommodation requests?

Minimally, with wide variation among programs.

According to the Annual Plan, CalFresh and CalWORKs staff use OCR 2 to document applicants'/recipients' disabilities and related needs and requests. The OCR 2 should be kept in the applicant's/recipient's file to ensure that staff track and provide requested accommodations. However, documentation reviewed by Auditors revealed that this information is not being tracked, maintained, or used appropriately.

During CalFresh case review, Auditors observed 4 cases involving an applicant/recipient identified as having a disability:

- One applicant/recipient disclosed difficulty with “making or keeping appointments or remembering deadlines” and with “standing, sitting or walking” on the OCR 2. In the CalWIN case record, Auditors observed one Case Comment entry documenting receipt of the individual’s ADA accommodation request for sitting, standing, walking. However, Auditors did not observe documentation of any discussion of, or response to, that request or regarding the other identified issues, suggesting that this information was not honored as an RA request.
- One applicant/recipient disclosed difficulty seeing on the OCR 2, which was recorded in the CalWIN Special Indicator (SI) screen. No other documentation appeared in the case record about this or any related needs, suggesting that this information was not honored as an RA request.

- One applicant/recipient disclosed difficulty hearing on the OCR 2, identified ASL as their primary spoken language on the SAWs 2 Plus, and submitted a letter with their application stating a need for an interpreter. Auditors observed a Case Comment entry documenting the provision of ASL interpretive services without specifying how they were provided.
- One applicant/recipient self-identified as “legally blind” on their program application, but Auditors did not observe any documentation in CalWIN regarding this disability or any related needs, suggesting that this information was not honored as an RA request.

During CalWORKs case review, Auditors observed 6 cases involving an applicant/recipient identified as having a disability:

- Two cases had a “blue dot” indicator in the case record, identifying an applicant/recipient with a disability. Staff informed Auditors that the “blue dot” status is supposed to be reviewed at each renewal. However, Auditors observed that in one of these cases, the indicator was still present despite the applicant’s/recipient’s most recent OCR 2 information stating they had no disability-related needs. In the other case, the applicant’s/recipient’s CalWIN case record documented they had difficulty with walking, and the OCR 2 documented they had issues and/or needs related to the County’s use of colored forms. However, Auditors did not observe any documentation in the electronic case record to indicate that RAs were requested, offered, discussed, provided or denied.
- One applicant/recipient disclosed difficulty with hearing on the OCR 2, which was documented in CalWIN as “ADA – difficulty hearing.” Auditors also observed a recent Case Comment entry stating that the applicant/recipient “didn’t mention” hearing issues and showed no difficulty understanding or hearing during that contact. CDSS notes that that this Case Comment entry fails to affirmatively document whether the worker asked the applicant/recipient about hearing difficulty or offered RAs, as required.
- One applicant/recipient requested an ASL interpreter on both the OCR 2 and Form 8072, and the CalWIN SI screen documented their difficulty with hearing and speaking. Auditors observed a recent Case Comment entry documenting use of a video relay service for that service, though it didn’t include information about who provided the service.
- One applicant’s/recipient’s CalWIN SI screen showed documentation from 2012 about their difficulty hearing and understanding and completing forms. However, no OCR 2 forms were located in the case file. The only related information Auditors observed was a Case Comment entry noting “hearing discussed” which is insufficient to demonstrate that RA was offered or provided.
- One applicant/recipient disclosed difficulty standing and walking on the OCR 2, which was also noted in a recent CalWIN Case Comment. However, the CalWIN SI screen documented difficulty seeing and completing forms. Auditors did not

observe any explanation of this discrepancy or any documentation that RAs were requested, offered, discussed, provided, or denied.

During case review, CalWORKs staff informed Auditors that when an applicant/recipient documents a disability-related need on the OCR 2, staff should prepare an informal “OCR 2 Plan” to document the RA response, with a note in Case Comments about that plan. However, Auditors did not observe documentation of an OCR 2 Plan in any CalWORKs case file.

According to the Annual Plan, IHSS staff collect information about applicants’/recipients’ disabilities during the application and intake processes and document that information in the Assessment Narrative and elsewhere in CMIPS, as appropriate. During IHSS case review, Auditors observed 6 cases involving an applicant/participant with a disability related to blindness or visual impairment: in all cases, the applicant’s/recipient’s RA needs were documented in the CMIPS BVI screen. In addition, in 7 of 8 cases reviewed, Auditors observed detailed, well-organized documentation of each applicant’s/recipient’s medical condition(s), functional impairments, and related needs and services in the CMIPS Assessment Narrative. In 1 case involving an applicant whose eligibility was initially denied and then granted on a very limited basis following an appeal, Auditors did not observe similar Assessment Narrative notes. However, as noted above, it is unclear to what extent RAs are identified or offered if related to non-BVI disabilities that are not otherwise captured in the program intake and services determination process.

During FCS case review, Auditors observed 2 cases identified by program staff as involving a child with a disability (referred to as “Other Physical Health Condition” in the CWS/CMS system). However, during case review, Auditors did not observe documentation in either child’s case record to indicate what, if any, disability and/or disability-related needs the child had. Auditors also observed 2 cases involving a child with a visual impairment. One of these documented an optometry visit to address the child’s need for glasses in the CWS/CMS Health Notebook screen. In the other case, the CWS/CMS Health Notebook screen documented the child’s visual impairment, but no other documentation was observed to indicate whether related RAs were requested, discussed, offered, or provided.

Notably, 89% of surveyed CalFresh and CalWORKs staff and 100% of FCS staff report that once they have knowledge of an applicants’/participant’s disability, they document that information. This apparent discrepancy between staff perceptions of the level of documentation and Auditors’ observations suggest existing policies, procedures, and training do not support staff to meet civil rights obligations.

Corrective Action

Reasonable Accommodation Policy: The County shall revise its Civil Rights Handbook sections regarding the provision of reasonable accommodations to reflect the requirements set forth in ACL 19-45. To the extent programs have different practices,

the policy shall contain program-specific guidance. The County is encouraged to consult the resources provided in Section VI of ACL 19-45 and may also contact CDSS for feedback and technical assistance. The County shall also inform staff of the revised policy, including via staff training (discussed in further in Section VII, below).

Identification of disabilities: When the County has actual knowledge of an individual's disability, or when an individual's need for an accommodation is obvious, staff shall offer to assist the individual in self-identifying the disability and/or appropriate disability-specific accommodations. See *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) cited in ACL 19-45. As part of the CAP, the County shall revise its Civil Rights Handbook sections regarding the provision of services for individuals with disabilities to include the following:

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

Documentation of a disability: The County shall ensure that an applicant's/recipient's case record identifies the applicant/recipient as disabled. Div. 21-116.3. The County shall document an applicant's/recipient's request for services in writing. Div. 21-116.3. The County must ensure that proper and consistent documentation identifying all the required elements to ensure compliance is present in an applicant's/recipient's case file. Div. 21-116. As part of the CAP, the County shall:

- Return to case files reviewed during this Compliance Review to correct records containing errors in the documentation of disability and/or RA and address any deficiencies in the provision of needed accommodations and/or services to those applicants/recipients;
- Develop protocol for staff to document individuals' disabilities and related RA needs in electronic case management systems in a manner that is accurate, internally consistent, and easily identifiable, including reviewing case management system functionality for under-utilized tools and options, such as the accommodation indicator in CalWIN;
- To the extent programs have different considerations related to documentation of disabilities, the revisions shall contain program-specific guidance while emphasizing the need to capture information about disabilities and RAs in a systematic and readily identifiable manner so that it can travel between the various County programs in which a person may participate. This

is true even for programs for which provision of individualized assistance and services to individuals with disabilities is a core function, such as IHSS.

- The protocol shall be consistent with any applicable requirements regarding documentation of Reasonable Accommodation requests. See ACL 19-45.
- The County shall inform staff of the new protocol, including via staff training (discussed in Section VII).

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?

No. Auditors did not observe evidence that the County provides continuing Division 21 training to staff. Some Division 21 information and guidance is provided during New Employee Orientation (NEO), administered monthly for new employees including SIU/Fraud. The NEO training contains inaccuracies (e.g. missing legally protected bases) and lacks the operational detail needed to support effective compliance with Division 21 requirements (e.g. identifying and receiving discrimination complaints).

Only 10% of surveyed staff report receiving training on civil rights obligations, while 13% report they have not received training, and the rest report they are “unsure.”

The Civil Rights Coordinator reported that individual programs may also provide Division 21 training, but no specific program training information was provided to CDSS to demonstrate this.

Does the County provide employees with Cultural Awareness Training?

Minimally, with variation among programs. The County’s Learning & Organizational Development Training Series includes mandatory modules on “Appreciating Diversity,” “Connecting Multi-Generations in the Workplace,” and “LGBTQ: Promoting Respect among HSA.” However, much of the content of this training focuses on workplace diversity rather than on cultural awareness as it pertains to applicants/recipients.

Auditors were not provided with information about program-specific cultural awareness training but note that 100% of FCS staff surveyed report receiving training, while only 50% of CalFresh, CalWORKs, and IHSS staff report the same.

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

Mostly. A majority of surveyed staff (77%) report being somewhat familiar, very familiar, or extremely familiar with the predominant cultural groups receiving services in the area. Twenty-three (23) percent of staff report they are not so familiar or not at all familiar with these groups. The Civil Rights Coordinator reported he does not consider himself to be knowledgeable about the predominant cultural groups receiving services from the County.

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

Not consistently. Only 33% of surveyed CSWs report receiving MEPA training, while 67% report being unsure of whether they received it.

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

Somewhat. According to the Civil Right Coordinator, who also acts as the County ADA Coordinator, the County introduces this topic to new employees at the NEO and also addresses "disabilities and accommodations during class and role-specific induction trainings, and through ongoing course offerings for specific programs." The only training provided to Auditors for review was the NEO training, which contains limited information on these topics. According to surveyed staff, 43% report having received such training, while 23% say they have not received it, and the remainder say they are "unsure."

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

Minimally. The only training provided to Auditors is the NEO training, which contains limited information on this topic.

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

Minimally. As noted above, only 43% of surveyed staff report receiving training on how to provide reasonable accommodations to applicants/recipients with disabilities, while 20% report they have not received such training, and 37% report being "unsure."

See also findings in Section VI, above.

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

No. With the exception of IHSS, Auditors observed minimal compliance with the obligation to respond to RA requests or offer, provide, and document RA to applicants/recipients with disabilities. This strongly suggests a need to improve staff understanding of the requirements in this area.

Corrective Action

Division 21, Civil Rights 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, the County shall revise its NEO Training to address deficiencies and key areas of concern noted above. Revisions shall include:

- Provide a correct and up-to-date list of protected bases (included removing “(over 40)” as a qualifier for the protected category of age (see the Age Discrimination Act of 1975, 42 U.S.C. 61.1 *et seq*); see also protected bases list on [CDSS website](#));
- Provide California’s legal definition of a “qualified individual with a disability”;
- Provide information and detailed guidance on identifying individuals with disabilities and assisting applicants/recipients to self-identify disabilities (see ACL 19-45);
- Provide clear, comprehensive explanation of required procedures for offering RA and receiving, documenting, and responding to RA requests (see ACL 19-45);
- Expand information on Language Access Resources to include greater operational detail regarding options staff members have and procedures to follow to access interpretive services and written translations;
- Provide detailed information and guidance on the County’s discrimination complaint policy and procedure, including training on how to receive complaints regardless of how they are submitted and how to assist applicants/recipients with filing complaints. The information and guidance should include:
 - A revised version of the “Client Complaint Process,” which as currently presented appears to require complainants to go through an early resolution process before they can file a complaint with OCR; and
 - A revised version of the “Options for Filing Complaints” slide, which as currently written appears to limit options for filing complaints.

Alternatively, if incorporating the above revisions is not feasible in the context of the NEO given the broad scope of that overall orientation, the County shall develop separate annual Division 21 civil rights training to address those areas that are beyond the scope of the NEO, while making all identified corrections to the NEO for conformity with existing laws and regulations.

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:

- Review the process by which Cultural Awareness training is provided to public contact staff across all departments and programs to identify gaps in training delivery; and
- Submit a plan to close all gaps and ensure that training is provided to all public contact staff.

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:

- Review the process by which MEPA training is provided to CSWs to identify gaps in training delivery; and
- Submit a plan to close all gaps to ensure that training is provided to all CSWs.

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?

Somewhat. 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: Example of a discrimination complaint; selected by 70% of surveyed staff
- Complaint 2: Not an example of a discrimination complaint; selected by 47% of surveyed staff
- Complaint 3: Example of a discrimination complaint; selected by 73% of surveyed staff
- Complaint 4: Example of a discrimination complaint; selected by 83% of surveyed staff

Staff must be able to identify discrimination complaints so they know when and how 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 ability to obtain equal access to benefits and services and limits the County awareness of civil rights issues.

Because 47% of staff misidentified Complaint 2 as a discrimination complaint, Auditors infer that a large percentage of staff do not understand that a protected basis is a necessary element of a discrimination complaint. While a majority of staff correctly identified Complaints 1 and 3 as discrimination complaints, the responses reflect that over a quarter of staff members may not understand that color and race are protected bases; that complaints regarding poor service by a worker may be a sign of discrimination; and/or that failure to provide interpretive 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?

Minimally. When surveyed staff were asked what they do if an applicant/recipient expresses a civil rights complaint to them, only 30% identified specific aspects of the process such as OCR, the Civil Rights Coordinator, Form 8019, or the telephone complaint line, and only one individual responded that they would receive the complaint themselves and send it to OCR. One third (33%) of surveyed staff said they would check with a supervisor about what to do. Two (2) surveyed staff members responded that they would refer the applicant/recipient to "fair hearing," an incorrect conflation of the discrimination complaint and hearing procedures. MPP Division 22 regulations specifically provide that discrimination complaints are outside of the scope of state fair hearings. Div. 22 § 22-062.5; see also Div. 21 § 21-203.1 affirming the same. Several responses were vague or expressed uncertainty (e.g., "unsure"; "help client as much as I can"; "?"; "Try to assist"; "get them to the right person to handle it").

CDSS has also received at least one complaint wherein an applicant/recipient told a staff person they wish to file a civil rights complaint, and the staff person informed the applicant/recipient that the County does not have an internal office to handle discrimination complaints, and instead provided referrals to other agencies.

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

Minimally. Only 23% of surveyed staff correctly stated that this information is posted in facility lobbies/reception areas.

Is the complaint log complete and up to date?

No. The Complaint Log submitted by the County included 3 fewer cases (a total of 5) than are reflected in CDSS' records (a total of 8) from March 2020 through November 2020. The Civil Rights Coordinator suggested that this discrepancy might be due in part to the way the report was generated for submission to CDSS but did not provide a different report to confirm. The Civil Rights Coordinator also reported that OCR staff had been deployed to other positions from mid-February 2020 through November 2020 in response to the Covid-19 pandemic, and the County had not established a plan to handle OCR office responsibilities during that time, including logging complaints.

In addition, the "determination" column in the County's Complaint Log states "Insufficient Information" for all 5 complaints, which is inadequate to meet the Division 21 requirement that the log include both the resolution and the decision for each complaint. This also misstates the determinations reflected in CDSS' records.

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

Yes, but it requires substantial revision. The County's Civil Rights Handbook Section 9 describes the "Client Discrimination Complaint Process" and Sections 10 and 11 contain additional information about evaluating and resolving discrimination complaints. The Handbook does not appear to have undergone revision since 2009. Auditors identified numerous deficiencies in the Client Discrimination Complaint Process, including:

- The list of protected bases is inaccurate and out of date;
- The procedure for filing a complaint lists only two options (submitting a complaint on Form 8019 or calling one of OCR's multilingual complaint lines) which is inconsistent with Division 21 and the County's NEO training;
- The information about complainants' appeal rights is incomplete;
- Section 11 explicitly instructs employees to first refer a complainant to the "relevant program's supervisory staff" to attempt early resolution of the issue(s). Only if that attempt fails are staff instructed to advise a complainant about their right to file a discrimination complaint. The NEO training includes similar directives. These instructions insert a mandatory "early resolution" requirement into the discrimination process that is not supported by Division 21.
- The policy lacks the level of operational detail needed for effective, consistent implementation.

Relatedly, the OCR Service Reference Guide (Handbook Appendix J) lists the County's Multilingual Complaint Line languages as Spanish, Vietnamese, Russian, Tagalog, and Chinese without specifying whether the Chinese language line is available in Cantonese, Mandarin, or both. As noted above, the County website lists Filipino rather than Tagalog in its Complaint Line information.

In addition, as noted in Section III above, Form 8019 includes an outdated list of protected bases, lacks required verbiage regarding consent for release of information, is

not available in Tagalog (according to the Civil Rights Handbook Section 6), and is maintained on the County's website in a location intended for County staff that is likely to be difficult for applicants/recipients to find.

Is the County handling discrimination complaints appropriately?

No. CDSS noted significant concerns about the County's discrimination complaint handling prior to this Review. CDSS raised these concerns with the Civil Rights Coordinator throughout 2020 and note the same issues reflected in this Review's findings, including:

- Significant delays in the County's responsiveness to complaint communications from applicants/recipients filing complaints, to CDSS' Civil Rights Unit regarding discrimination complaints received and remanded by CDSS, and to discrimination complaint closure requests returned by CDSS for clarifications and/or additional action;
- The absence of a well-defined process to ensure that discrimination complaints reach the OCR, including lack of a clear, effective procedure for ensuring complaints left on Complaint Line voicemail are identified and routed to OCR;
- Lack of adequate training for public contact staff on how to appropriately evaluate and ensure that discrimination complaints are correctly routed to OCR;
- An inappropriate requirement to refer complaints for early resolution before initiating investigation;
- Lack of adequate complaint-related record keeping;
- Lack of adherence to Division 21 requirements for timely and complete discrimination complaint handling; and
- Lack of adequate planning and preparedness to ensure the continued functioning of the civil rights program during emergencies.

Corrective Action

Employee Awareness of Complaint Process: The County shall ensure staff can identify a discrimination complaint. The County shall ensure staff have knowledge of the discrimination complaint process and their role in assisting applicants/participants to file civil rights complaints. Div. 21-117 and Div. 21-203. As part of the CAP, the County shall send a written reminder to all staff of their complaint handling responsibilities and to notify them of forthcoming revisions to the Civil Rights Handbook and the OCR Service Reference Guide regarding complaint handling. The written reminder should specifically address the misconceptions identified by the staff survey results.

Complaint Processing Procedure: The County shall ensure 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 revise its Civil Rights Handbook and OCR Service Reference Guide to address the concerns raised in this Report, including but not limited to:

- Correcting the list of protected bases (see CDSS website for list);
- Clarifying all methods by which complaints may be submitted in compliance with Division 21 (Div. 21-203.22);
- Correcting information about applicants/recipients' appeal rights (Div. 21-203.26);
- Removing or revising instructions that appear to insert a required "early resolution" mandate into the complaint process that is not supported by Division 21; and
- Incorporating instructions with robust operational detail explaining how to receive civil rights complaints through all available methods (including those left on the Complaint Line voicemail system); how to route these complaints to ensure their prompt receipt by OCR; and how to provide assistance and/or correct referral information to applicants/recipients who wish to file a complaint.

In addition, the County shall take the following steps to address identified deficiencies in its OCR procedures that negatively impact timely and appropriate complaint handling:

- Develop or revise existing policies/procedures for OCR staff that set forth Division 21 requirements including timelines for complaint handling and explain how this information should guide OCR's timely complaint handling, including timely responses to CDSS; and
- Develop a plan to ensure the County continues to meet its civil rights obligations during emergencies. See [ACIN 1-69-20](#).

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.

The CAP shall provide a Complaint Log to CDSS containing all complaints received from 2020 through the date of this Report, applying all categories as defined and required by Division 21. Div. 21-203.21. All civil rights complaints, regardless of origin, must be contained in the Log. Div. 21-203.21. CDSS requests the Log be submitted in an Excel spreadsheet format.

Discrimination Complaint Form: The County shall immediately cease using Form 8019. The County shall use the GEN 1179 unless and until Form 8019 is corrected. To the extent the County intends to continue using Form 8019, the County must revise Form 8019 to include an accurate list of protected bases and required verbiage regarding consent for release of information. Div. 21-203.32.

The CDSS Complaint of Discrimination Form GEN 1179 includes an area for individuals to indicate any other bases they believe apply, which Auditors advance as a best practice.

To the extent the County revises and resumes using Form 8019 and does not translate the form into all languages provided by CDSS, the County must use the GEN 1179 in those languages. Div. 21-115.2.

Multilingual Complaint Line: The County shall add a Complaint Line for Mandarin (a threshold language for all programs and locations) and make corresponding updates wherever the list of Complaint Lines appears, including the County's website, its Civil Rights Handbook, and the OCR Service Reference Guide. Div. 21-115.3.

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 collectively 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

Auditors reviewed 10 vendor contracts. No contracts include a signed Vendor Assurance of Compliance (VAC) mirroring the signed Assurance of Compliance included in the Civil Rights Compliance Plan. However, Auditors found that all contracts contained identical nondiscrimination language within the agreements, including provision 16.7 that references Division 21 requirements.

Corrective Action

None.

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

U-Visa and T-Visa Applicants: Some eligible noncitizens are denied benefits and services from County programs due to the application of incorrect eligibility criteria for U-Visa and T-Visa holders and applicants.

CalWORKs Housing Support Program (HSP): HSP may tend to offer low-income clients out-of-county options rather than working with local housing partners to offer in-

county options, leading to relocation and disruption of service and support networks primarily impacting racial and ethnic minority populations.

CalWORKs Welfare to Work (WtW) Disability Exemptions: The form used by the County for verification of disability is inconsistent with ACL 15-08 in that it lacks an option for a doctor to indicate a chronic condition. It also does not ask for information related to retroactive disability exemption requests (such as impairment onset date). Some WtW participants have been required to give up disability and domestic violence exemptions (tending to impact women at higher levels) in order to do full-time volunteer work.

SIU/Fraud Unit: Individuals under investigation for residency fraud have been given inadequate notice of home visits and subjected to negative consequences including termination of benefits if not present when an investigator arrives.

Notices of Action (NOAs): Staff sometimes fail to issue NOAs as required, particularly denial NOAs for domestic violence waiver requests (tending to impact women at higher levels) and disability waiver requests.

Statements of Position (SOPs): SOPs are not translated for NEP/LEP applicants/recipients, impacting their ability to adequately prepare for hearings.

Domestic Violence (DV) Waivers: Advocates have experienced less engagement by the County in recent years on issues such as DV waiver reporting, DV waiver guidelines, and DV waiver notices (all tending to impact women at higher levels), which reduces opportunities for productive, collaborative efforts on behalf of applicant/recipients.

Community Organizations' Suggestions for Improvement

Communication: Opportunities to communicate regularly and proactively with the County have historically contributed to positive outcomes for applicants/recipients.

Promising Practices Identified by Community Organizations

Domestic Violence Exemptions: The County's development and implementation of a policy that protects CalWORKs recipients with domestic violence exemptions from having their locations exposed to violent absent parents creates a positive impact.

XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The San Francisco County Human Service Agency Civil Rights Compliance Plan for the period June 1, 2021 through May 31, 2022 was received on June 2, 2021. Thank you for submitting your agency's Civil Rights Compliance Plan. Before approving the Civil Rights Compliance Plan, we request the following revisions to the Plan to respond to

the issues noted in this Report including:

- **Section 4 Dissemination of Information:** After the first reference to the County's threshold languages on page 7 of the Compliance Plan, incorporate an explanation of the County's usage of Tagalog and Filipino. The explanation must resolve all discrepancies or inconsistencies as well as demonstrate how the County's approach ensures the provision of appropriate language access services to its NEP/LEP applicants/recipients.

Relatedly, review and (as necessary) revise all sections of the Compliance Plan and its Appendices to ensure that references to Tagalog and Filipino reflect the explanation above.

- **Section 5 Services to Non-English-Speaking, Limited-English-Proficient Applicants/Recipients and Applicants/Recipients with Disabilities:** In addition to the review and revision noted above, conduct a comprehensive review of all County policies and procedures, handbooks, job aids, webpages, Intranet resources, and other relevant materials containing information about language access services to ensure that references to Filipino and Tagalog reflect the County's explanation above. Provide a summary of the results of this review, including a plan with a timetable for making any needed revisions.
- **Section 7 County Services Provided by Contractors, Subcontractors, and Vendors:** The County's procedure for ensuring and monitoring vendor compliance with nondiscrimination laws and regulations requires revision. In particular, the County's "Standard Contractor Monitoring Form" does not (as the Annual Plan reports) address civil rights protections for program applicants/recipients. Revise this form or develop a separate form to explicitly address, at a minimum, the monitoring policies and procedures identified in the Compliance Plan Guidelines and submit a draft form to CDSS for review.
- **Section 8 Primary Language Data Statistics, Staffing, and Hiring Goals:** Division 21-115.14 specifies the calculation for determining the required number of bilingual employees in a program and/or location as well as the related information that must be provided by the County. Revise this section of the Annual Plan (and related Appendix as needed) to incorporate that information, including the application of the Division 21 formula to show the required number of bilingual certified employees in each program and public contact occupational group as well as identified staffing level gaps and hiring goals.
- **Section 12 Discrimination Complaint Procedure:** Revise this section of the Compliance Plan as needed to reflect all revisions required by this Report to relevant sections of the Civil Rights Handbook, OCR Service Reference Guide, Form 8019, and staff training.

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

XII. CONCLUSION

CDSS appreciates the support and information provided by the County during the Review process. CDSS Reviewers found that, in each program area, staff were helpful with the case reviews and receptive to new information and feedback. Particular thanks to Brenden Lim, (former) Civil Rights Coordinator, for organizing the details of the review, and to the members of the Facilities Assessment team who oversaw and assisted in the facility reviews.

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: DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties must ensure that case records clearly reflect applicants' and recipients' ethnic origin, primary language, the method used to provide bilingual services, information identifying an applicant or recipient as disabled, and requests for reasonable modifications, auxiliary aids, and services.

The following section summarizes CDSS' observations after reviewing the County's case files across CDSS-funded programs.

Reviewed Case Files

Auditors reviewed sample case files in CDSS-covered programs to ensure the County is meeting documentation obligations.

Non-Assistance CalFresh: Auditors reviewed 7 total cases, including 2 NEP/LEP cases, 1 ASL case, and 4 cases with a documented disability and/or reasonable accommodation request in CalWIN.

CalWORKs: Auditors reviewed 8 total cases, including 6 NEP/LEP cases, 1 ASL case, and 6 cases with a documented disability and/or reasonable accommodation request in CalWIN.

In-Home Supportive Services: Auditors reviewed 8 total cases, including 5 NEP/LEP cases, 1 ASL case, and 6 cases with a documented disability and/or reasonable accommodation request related to blindness or visual impairment in CMIPS.

Family and Children's Services: Auditors reviewed 10 total cases, including 8 NEP/LEP cases and 4 cases with a documented disability and/or reasonable accommodation request in CWS/CMS.

SIU/Fraud: Auditors reviewed 10 NEP/LEP cases in Sherlock, the electronic case system. None were identified as involving program participants with a disability.

Findings: CalFresh and CalWORKs Case Review

Ethnic Origin: Documented on the Case Demographics screen in CalWIN.

Primary Language: Identified on applications and renewals or on Form 8072. Information is documented in both the Case Summary and Case Demographics screens in CalWIN.

County-Provided Interpretive Services: Documented in Case Comments in CalWIN.

Applicant/Recipient-Provided Interpreter: Documented on form OCR 3, which is maintained in case file and serves as both the applicant's/recipient's signed release of

information as well as notification to them of the risks of using their own interpreter. There may also be documentation in Case Comments in CalWIN.

That applicant/recipient was informed of potential problem using own interpreter: Documented on form OCR 3.

Release of information to interpreter: Documented on form OCR 3.

Translation of Written Material: Case Correspondence screen in CalWIN.

Use of Minor as Temporary Interpreter: Auditors did not review cases where minors were used as interpreters.

Disability: Identified on Form OCR 2 and certain disabilities may also be identified on applications and renewals. Some disability information is documented on the Special Indicator screen and Case Comments in CalWIN, and in 2 CalWORKs cases a “blue dot” indicator was used to signal an applicant/recipient with a disability.

Reasonable Accommodation: Auditors did not review cases with documentation that reasonable accommodations were offered or requested.

Findings: In-Home Supportive Services Case Review

Ethnic Origin: Documented in the Person Home screen in CMIPs.

Primary Language: Identified on applications and reassessments or on Form 8072 and documented in the Person Home screen in CMIPs.

County-Provided Interpretive Services: Documented in the Assessment Narrative in CMIPs.

Applicant/Recipient-Provided Interpreter: Documented in the Assessment Narrative in CMIPs.

That applicant/recipient was informed of potential problem using own interpreter: Auditors did not review cases where documentation showed that an applicant/recipient was informed of these risks.

Release of information to interpreter: Auditors did not review cases where use of a release was documented.

Translation of Written Material: Available in the Correspondence screen in CMIPs.

Use of Minor as Temporary Interpreter: Auditors did not review cases where minors were used as interpreters.

Disability: Applicant/recipient disabilities related to blindness and visual impairment are documented in the CMIPS BVI screen. Other disabilities are documented in the Assessment Narrative in CMIPS.

Reasonable Accommodation: Reasonable accommodation requests are documented in the CMIPS BVI screen, and applicants'/recipients' needs for aids and/or services related to other medical conditions and functional impairments are documented in the Assessment Narrative in CMIPS.

Findings: Family and Children's Services Case Review

Ethnic Origin: Documented on the ID screen in the Client Notebook in CWS/CMS.

Primary Language: Documented on the ID screen in the Client Notebook in CWS/CMS.

County-Provided Interpretive Services: Documented in Contact Notes in CWS/CMS or in various court reports.

Applicant/Recipient-Provided Interpreter: Documented in Contact Notes in CWS/CMS or in various court reports.

That applicant/recipient was informed of potential problem using own interpreter: Auditors did not review cases where documentation showed that an applicant/recipient was informed of these risks.

Release of information to interpreter: Auditors did not review cases where use of a release was documented.

Translation of Written Material: Auditors did not review cases where translation of written material was provided.

Use of Minor as Temporary Interpreter: Auditors did not review cases where minors were used as interpreters.

Disability: Information about a child or parent's disability may be documented in Contact Notes, the Health Notebook in CWS/CMS, and/or in various court reports.

Reasonable Accommodation: Information about disability-related needs and services may be documented in Contact Notes and/or various court reports.

Findings: SIU/Fraud Case Review

Ethnic Origin: Not documented in Sherlock or elsewhere.

Primary Language: Client contact notes in Sherlock for IEVS overpayment referrals and in cases in which contact is made with a NEP/LEP client.

County-Provided Interpretive Services: Documented in client contact notes in Sherlock.

Applicant/Recipient-Provided Interpreter: Auditors did not review cases where an applicant/recipient-provided interpreter was used.

That applicant/recipient was informed of potential problem using own interpreter: Auditors did not review cases where an applicant/recipient-provided interpreter was used.

Release of information to interpreter: Auditors did not review cases where a release of information to the interpreter was used.

Translation of Written Material: Auditors reviewed one case in which a translation of written material was used and documented in iFiles database (i.e., Spanish translation of Disqualification Consent Agreement).

Use of Minor as Temporary Interpreter: Auditors did not review cases where minors were used as interpreters.

Disability: Auditors did not review cases where disabilities were documented in Sherlock.

Reasonable Accommodation: Auditors did not review cases where such requests or responses were documented in Sherlock.

APPENDIX 2: SELECTION FROM STAFF SURVEY

Section VIII addresses the discrimination complaint process. Surveyed staff were able to identify discrimination complaints more often than not. Surveyed staff were presented with four theoretical complaints and asked to indicate which were examples of civil rights complaints. The language of those complaints is presented here.

- Complaint 1: I received a letter saying my benefits were cut off but I need that money for my kids. How can I get my benefits back? I bet this is because in this office they don't like people who have my skin color. I always see workers being rude to people who look like me.
 - Example of a discrimination complaint
 - Recognized as a discrimination complaint by 70% of surveyed staff
- Complaint 2: My benefits were reduced. This isn't right. I deserve that help. I followed all the rules. I'd like to make a complaint.
 - Not an example of a discrimination complaint;
 - Misidentified as a discrimination complaint by 47% 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 73% 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 83% of surveyed staff