



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

August 21, 2024

Via Email only: ddrake@co.slo.ca.us

Mr. Devin Drake, Director
San Luis Obispo County Department of Social Services
PO Box 8119
San Luis Obispo, CA 93401

Dear Director Drake:

Thank you and the San Luis Obispo County Department of Social Services staff for your cooperation and assistance during the June 5 – 9, 2023 Civil Rights Compliance Review (Review). Please find the final report (Report) attached to this correspondence.

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

- 1) Please use the attached CAP Template Form and the accompanying instructions to your CAP. This form was created to facilitate a streamlined CAP and CAP monitoring process and to help ensure that your submitted CAP complies with the Web Content Accessibility Guidelines (WCAG). See *California Government Code 7405*. The Report and approved CAP will be published on the California Department of Social Services [Civil Rights Section \(CRS\) website](#).
- 2) Please submit your CAP electronically with any required accompanying materials to the CDSS Civil Rights Section (CRS) county collaboration SharePoint site. If your county is not already using this SharePoint site with us, your Civil Rights Coordinator (CRC) will receive an email invitation with directions for becoming a site member and uploading your documents.
- 3) After your county's CAP has been reviewed, the assigned CRS analyst will provide your CRC with additional instructions and a link to an interactive CAP tracker spreadsheet. This will allow your CRC and our analyst to exchange information about approvals of, or updates on, individual proposed actions in your CAP and about ongoing implementation progress.

- 4) We realize that many counties begin to correct findings immediately, even while developing their CAP. Please begin corrective actions as soon as possible, as there is no need to wait for the interactive CAP tracker spreadsheet.

If you need technical assistance developing a CAP or accessing the SharePoint site, please contact CRS analyst Shah Marjan at (916) 956-1517 or by email at shah.marjan@dss.ca.gov. You may also contact our office by email using the Civil Rights Section email (crb@dss.ca.gov).

Sincerely,

Anne Marx

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

cc: Andre Guerrero, Civil Rights Coordinator
San Luis Obispo County Department of Social Services

Andi Franco
Administrative Services Division Manager
San Luis Obispo County Department of Social Services

Andrea Brayboy, Chief
CalFresh and Nutrition Branch

Tami Gutierrez, Chief
CalFresh Operations Bureau

Francisco Verduzco, Chief
CalFresh Management Evaluation Section

Abdi Abdillahi, Chief
Refugee Programs Bureau

Veronica Perez, Manager
Adult Refugee Services Unit
Refugee Programs Bureau

Khonnie Lattasima, Manager
Asylee and Trafficking Unit
Refugee Programs Bureau

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

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

Kevin Aslanian
Coalition of California Welfare Rights Organizations, Inc.

Antoinette Dozier
Western Center on Law and Poverty

Lauren Hansen
Public Interest Law Project

Melissa Morris
Public Interest Law Project

Doreena Wong
Asian Pacific American Legal Center

Attachments and Links

1. CAP Template Form
2. CAP Template Instructions

**San Luis Obispo County Department of Social Services
CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

**Conducted on
June 5 – June 9, 2023**

California Department of Social Services

Office of Equity

Civil Rights Unit

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

Sacramento, CA 95814

(916) 654-2107

Reviewer: Angela Pimentel

Contents

I. INTRODUCTION	4
Key Findings of the Report.....	4
Threshold Language Overview	5
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	8
Staff Survey Summary	8
III. DISSEMINATION OF INFORMATION	8
Findings: Access to Services, Information and Outreach.....	8
Findings: Signage, Posters and Pamphlets.....	9
Corrective Action.....	11
Recommendations	12
IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.....	12
V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WITH LIMITED ENGLISH PROFICIENCY (LEP)	13
Findings: Language Services.....	13
Findings: Ethnic Origin Information	18
Corrective Action.....	19
Recommendations	21
VI. PROVISION OF SERVICES TO APPLICANTS AND RECIPIENTS WHO HAVE DISABILITIES.....	22
Findings: Services for Persons with Disabilities	22
Corrective Action.....	24
Recommendations	26
VII. STAFF DEVELOPMENT AND TRAINING.....	26
Findings: Staff Training	26
Corrective Action.....	28
Recommendations	29
VIII. DISCRIMINATION COMPLAINT PROCEDURES.....	30
Findings: Discrimination Complaint Process	30

Corrective Action.....	33
Recommendations	34
IX. VENDOR CONTRACTS.....	34
Findings: Contract Review	34
Corrective Action.....	34
Recommendations	35
X. COMMUNITY INPUT	35
Community Organizations' Observations	35
Community Organizations' Suggestions for Improvement.....	36
XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL	37
XII. CONCLUSION	38
APPENDIX 1: SELECTION FROM STAFF SURVEY.....	39

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Unit (CRU) staff is to assess San Luis Obispo County Department of Social Services' 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 compliance review was conducted on **June 5, 2023**, to **June 9, 2023**. An exit conference was held on **June 9, 2023**.

Compliance concerns are the focus of this report. However, Auditors also noted effective aspects of the County Welfare Department (CWD)'s civil rights program, including a Sexual Orientation and Gender Identity/Expression (SOGIE) policy

Key Findings of the Report

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

- **Dissemination of Information:** The brochure "Your Rights Under California Welfare Programs" (PUB 13) is not available in CWD offices in the most recent revision. Audited office locations distribute multiple, outdated versions of the PUB 13.
- **Dissemination of Information:** The brochure "Your Rights Under California Welfare Programs" (PUB 13) is not consistently disseminated and explained to clients.
- **Documentation of Applicant/Recipient Case Records:** Programs reviewed had gaps, errors and/or inconsistencies in documentation of client case records, particularly related to reasonable accommodations (RA) for persons with disabilities and language services.
- **Reasonable Accommodation Policy:** The CWD does not have a policy/procedure on accommodating clients 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 includes errors/omissions and lacks operational detail regarding topics such as identifying and responding to RA needs and requests.
- **Civil Rights Complaint Processes:** Counties are required to maintain a control log of all complaints received. Div. 21-203.21. Entries in the CWD's complaint log are incomplete.

Threshold Language Overview

Spanish is the CWD's only identified threshold language. The CRU notes that Mixteco may be a second threshold language for the CWD, however there is not enough data available to confirm this information.

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

Section X highlights issues identified by community and advocacy organizations.

Section XI reviews the CWD'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 a selection from the Staff Survey regarding identification of discrimination complaints.

II. SUMMARY OF METHODOLOGY

Documents Reviewed

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

- 2023 Civil Rights Compliance Plan (CRCP), attachments, and supplemental materials
- Civil rights-related training modules, including:
 - DSS Civils Rights Training - Mandatory March
 - Annual Civil Rights Training
 - Discrimination and Harassment Prevention
 - Improving Diversity and Inclusion (DEI) in Your Workplace
 - Anti-"Ism" Practice Cohort 1
 - Anti-"Ism" Practice Cohort 2

- CF304-Fairness and Equity
- CF309 - ICWA and Working with Native American Families and Tribes
- CF308ep - Introduction to ICWA
- CEA301P-Cultural Humility in Child Welfare Interviews
- Mental Health First Aid Certification Training
- Fairness and Equity Symposium 2022
- New Employee Onboarding - DSS Training
- Civil rights-related policies and procedures, including:
 - Administrative Policy & Procedure Section 21-203 “Civil Rights Complaining Procedure”
 - Administrative Policy & Procedure Section 21-115 “Services for Participant Needing Interpreters”
 - Administrative Policy & Procedure Section 21-107.23 “Use of Spanish Forms”
 - Administrative Policy & Procedure Section 23-600 “Processing Service Contracts”
 - San Luis Obispo County Department of Social Services Civil Rights Handbook
 - Department Wide Services Policy & Procedures “Sexual Orientation and Gender Identity/Expression (SOGIE)”
- Civil rights discrimination complaint database for a complete listing of complaints filed 18 months prior to the Review
- Previous CWD Compliance Review report(s) and corresponding corrective action plan(s) (CAP)
- Dissemination of Information Worksheets

Locations Reviewed

- Arroyo Grande Office, 1086 E. Grand Ave. Arroyo Grande, CA 93420
- Atascadero Office, 9630 El Camino Real, Atascadero, CA 93422
- Higuera Office, 3343 S. Higuera St. San Luis Obispo, CA 93401
- Morro Bay Office, 600 Quintana Rd. Morro Bay, CA 93442

Programs Reviewed

- Non-Assistance CalFresh
- Child Welfare Services (CWS)
- Fraud, also known as the Special Investigations Unit (SIU)

Review Procedures

- Electronic surveys of public contact staff, the Civil Rights Coordinator, and program managers
- Reviewing case files

- Reviewing CWD-reported information about facilities including a Dissemination of Information worksheet completed for each reviewed location
- Receiving feedback from community groups. The following organizations were contacted for feedback:
 - [5 Cities Homeless Coalition](#) (100 S 4th St. Grover Beach, CA 93433)
 - [Asian Pacific American Legal Center](#) (1145 Wilshire Blvd. Los Angeles, CA 90017)
 - [California Coalition of Welfare Rights Organizations](#) (1111 Howe Ave. #635, Sacramento, CA 95825)
 - [California Rural Legal Assistance](#) (175 Santa Rosa St. San Luis Obispo, CA 93405)
 - [CASA of San Luis Obispo](#) (75 Higuera St. Ste 180, San Luis Obispo, CA 93401)
 - [Center for Family Strengthening](#) (3480 S Higuera St. Suite 100, San Luis Obispo, CA 93401)
 - [Child Development Resources Center of the Central Coast](#) (1720 Bishop St. San Luis Obispo, CA 93401)
 - [Community Action Partnership of San Luis Obispo County](#) (1030 Southwood Dr, San Luis Obispo, CA 93401)
 - [Cuesta College](#) (PO Box 8106 San Luis Obispo, CA 93403)
 - [Disability Rights California](#) (1831 K St. Sacramento, CA 95618)
 - [Disability Rights Education & Defense Fund](#) (3075 Adeline St. Suite 210 Berkeley, CA 94703)
 - [Eckerd Connects](#) (3450 Broad St. Suite 103A, San Luis Obispo, CA 93401)
 - [Family Care Network](#) (1255 Kendall Rd. San Luis Obispo, CA 93401)
 - [Five Cities Meals on Wheels](#) (780 Bello St. Pismo Beach, CA 93449)
 - [Gala Pride & Diversity Center](#) (1060 Palm St. San Luis Obispo, CA 93401)
 - [Justice in Aging](#) (1330 Broadway, Suite 525 Oakland, CA 94612)
 - [Lumina Alliance](#) (51 Zaca Ln. #150 San Luis Obispo, CA 93401)
 - [Meals That Connect](#) (2180 Johnson Ave. San Luis Obispo, CA 93401)
 - [Pathway Family Services](#) (218 West Carmen Ln. #209 Santa Maria, California 93458)
 - [Public Interest Law Project](#) (449 15th St. Suite 301 Oakland, CA 94610)
 - [Seneca Family of Agencies Kinship Center](#) (6850 Morro Rd. Atascadero CA 93422)
 - [SLO Food Bank](#) (1180 Kendall Rd. San Luis Obispo, CA 93401)
 - [SLO Legal Assistance Foundation](#) (3232 S Higuera St. #101d, San Luis Obispo, CA 93401)
 - [Transitions - Mental Health Association](#) (784 High St. San Luis Obispo, CA 93401)
 - [Tri-Counties Regional Center San Luis Obispo](#) (1146 Farmhouse Ln. San Luis Obispo, CA 93401)
 - [Tri-County GLAD](#) (702 County Square Dr. Suite 101 Ventura, CA 93003)
 - [Western Center on Law & Poverty](#) (3701 Wilshire Blvd. Suite 208 Los Angeles, CA 90010-2826)

Compliance Review Areas

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

Staff Survey Summary

- Auditors distributed a total of 55 surveys to CWD staff, including certified bilingual staff. Forty-nine (49) surveys were completed, and 6 surveys were not completed by staff, despite reminders from Auditors.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about programs, program changes, and Division 21 protections for applicants and recipients. This dissemination should occur through outreach and dissemination of information to all applicants, recipients, community organizations, and other interested persons, including persons with LEP and persons with disabilities.

Findings: Access to Services, Information and Outreach

How does the CWD ensure awareness about its civil rights procedures and protections among applicants, recipients and community partners, including individuals with LEP and individuals with disabilities?

According to the CRCP, the CWD posts CDSS' multilingual "Everyone is Different, But Equal Under the Law" poster (PUB 86), the United States Department of Agriculture's bilingual "And Justice for All" poster (USDA Form AD-475B), and a San Luis Obispo County Administration Office poster (referring individuals to the PUB 86 and AD-475B) in waiting and reception areas. Additionally, Spanish language videos and audiotapes used at application, reinvestigation, and recertification for CalWORKs and CalFresh provide clients with civil rights information.

The CRC confirmed that the CWD's public website lacks information regarding civil rights and does not provide the coordinator's contact information, complaint forms, or information about how to file a discrimination complaint, etc.

How does the CWD conduct outreach to ensure community members, including individuals with LEP and individuals with disabilities, are notified about its programs, benefits, and services?

According to the CRCP, the CWD participates in community events in all regions of the county. The CWD participates in 11 events in the north region, 8 events in the

central/coastal region, and 9 events in the south region every year. At least one Spanish-speaking employee attends each event and distributes materials regarding CalFresh, CalWORKs, IHSS, Foster Care and Adoptions in both English and Spanish. Staff also assist community members with applications for programs, benefits, and services. Auditors note that the CRC could not confirm whether the CWD also distributes CAPI materials during community events. Additionally, the CRC was not aware of any outreach activities specific to individuals with LEP and individuals with disabilities.

The CWD posts materials in public reception areas, including information on community resources, in both English and Spanish. Local service agencies wishing to post information in public reception areas must provide copies of all posters and brochures in both English and Spanish.

Information about agency programs, benefits and services is available on the CWD's website. A 2-1-1 directory responds to requests from the community for services and/or for referrals on a 24-hour basis. Additionally, the CWD staffs a 24-hour hotline for child abuse referrals.

How does the CWD address language and disability access with its incoming telephone system?

According to the CRC, the CWD does not have a call or service center. The CWD promotes the San Luis Obispo office phone number to members of the public and most individuals call this office. The CWD expects administrative assistants to answer all phone calls (administrative assistants must speak English and Spanish.) Clients may reach the Interactive Voice Response (IVR) system after hours and/or when all administrative assistants are out of office (though this rarely occurs as the CWD ensures that an employment specialist is available to answer phone calls.) Messages on the IVR play in both English and Spanish.

Findings: Signage, Posters and Pamphlets

Are instructional and directional signs posted in waiting areas and other places frequented by a substantial number of clients with LEP translated into appropriate languages?

Mostly. According to the CWD's Dissemination of Information worksheets, two offices do not have all instructional and directional signs translated into appropriate languages. The Morro Bay facility entrance has an Adult Services Contact Sheet (containing IHSS application information) posted in English, but not in Spanish. Arroyo Grande interview Room #121 has a DSS CF 70 form (CalFresh Restaurant Meals Program Flyer) posted in Spanish, but not in English.

The CRC stated that posters are frequently torn down by clients and that it is the responsibility of office staff to continue posting documents in the correct languages. However, Auditors note that the CRC was unsure about how often the CWD communicates this expectation to staff.

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. 05/2022) 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?

No. According to the CWD’s Dissemination of Information worksheets, most audited offices contain outdated versions of the PUB 13 in English and Spanish. The Atascadero office contains versions from 2016 and 2011, the Higuera office contains versions from 2022 and 2020, and the Morro Bay office contains versions from 2016 and 2011. Auditors note that the CRC did not know who oversees PUB 13 updates across CWD offices.

Is the current version (rev. 05/22) of the PUB 13 available in alternate formats (i.e., braille, audio, large font)?

Unclear. The CRCP states that the CWD maintains a supply of large print and Braille versions of the PUB 13 in every office. However, the CWD’s Dissemination of Information worksheets do not reflect that large print and/or Braille versions of the PUB 13 are available at any of the audited offices. The CRC stated that they have seen the PUB 13 available in large print, but it that its availability is not consistent. The CRC stated that the PUB 13 is mostly available in alternate formats upon request (i.e., offices do not have alternate formats readily available but can produce them upon request).

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

No. According to the CRCP, the CWD includes copies of the PUB 13 in the packet of information provided to all clients at the point of reinvestigation/recertification. Additionally, the CRCP states that the CWD distributes copies of the PUB 13 to Child Welfare Services clients at the time of each Emergency Response contact, with each Notice of Hearing, and with each concurrent planning letter.

However, case reviews revealed that the CWD does not consistently distribute the PUB 13 to clients at intake and reinvestigation of eligibility. Only 7 out of 10 CalFresh cases reviewed contained documentation that CWD provided the PUB 13 to clients. Five (5) of 7 CWS cases reviewed contained documentation that the CWD provided the PUB 13 to clients. None of the 15 SIU cases contained documentation that the CWD provided the PUB 13 to clients. SIU stated that the program only provides copies of the PUB 13 to referral subjects when the CWD pauses benefits or when the CWD submits a case to the District Attorney’s office for prosecution.

Case reviews revealed that none of the audited programs explain the PUB 13 to clients.

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

Yes. However, Auditors note that the CWD’s Dissemination of Information sheets show that copies of the PUB 86 in all audited offices contain the former CRC’s contact

information. The current Civil Rights Coordinator (CRC) stated that the CWD has not generated a timeline for an update to the PUB 86 contact information. Auditors note that the CRC was set to change again shortly after completion of the June 2023 audit signifying an ongoing need to keep this contact information updated.

Corrective Action

- 1. Directional and Informational Signage:** The CWD shall ensure that instructional and directional signs are posted in waiting areas and other places that are frequented by clients and that where such areas are frequented by a substantial number of non-English-speaking clients, 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. 21-2014(s)(2). As part of the CAP, the CWD shall:
 - a. Ensure that required signage is posted at the Morro Bay and Arroyo Grande offices.
 - b. Update the CRC's information on all PUB 86 posters located in CWD offices. Do not remove current posters as CDSS does not have replacement as of the time of the Audit.
- 2. PUB 13:** The CWD shall ensure the PUB 13 is both given and explained to program participants in all programs for which CDSS has oversight responsibility. (Div. 21-107.221). The pamphlets shall be in the primary languages of the CWD's applicant/recipient population including alternate formats (e.g., cassette tapes, large print, etc.). (Div. 21-102.221). As part of the CAP, the CWD shall:
 - a. Specify when program staff subject to this Review must provide and explain the PUB 13 as well as where and how to document this information. Div. 21-107.221. Programs shall ensure that workers document in case records both the PUB 13 language and whether the applicant/recipient understood and/or had questions.
 - b. Ensure the PUB 13 is available in all lobbies in all languages translated by CDSS. Div. 21-115.2, 21- 107.22. The PUB 13 must be available in the most recent revision. The CWD may access the most recent translated versions of the PUB 13 on [CDSS' website](#).
 - c. Ensure the availability of large print, braille, and auditory aids for participants in all programs for which CDSS has oversight responsibility. Div. 21-115.4. As part of the CAP, the CWD 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. The CWD should be aware that CDSS no longer provides updates to the braille version, so counties are responsible for ensuring the availability of the current PUB 13 in braille.
 - d. Update PUB 13 brochures across CWD offices and create a process to ensure that the brochures are maintained up to date.
 - e. As part of the Civil Rights Training program CAP (discussed in Section VII) develop instructions for staff expectations to provide, explain, and document the PUB 13.

- 3. Dissemination of Information:** The CWD shall implement procedures to ensure that applicants/recipients, community organizations, and other interested persons, including persons with impaired vision or hearing or other disabling conditions, are notified of and can obtain information about programs or program changes. (Div. 21-107.24). As part of the CAP, the CWD shall:
- a. Develop a written protocol that specifically addresses community outreach to individuals with LEP and individuals with disabilities.
 - b. Ensure that materials for the CAPI program are distributed (along with other program materials) during community events.

Recommendations

CWD Website: The CWD is encouraged to add civil rights information (including information about how to file a civil rights complaint, the Civil Right Coordinator's contact information, etc.) on its external facing website.

Instructional and Directional Signage: The CWD is encouraged to designate individuals at each office responsible for regularly monitoring building entrances, lobbies, and any other areas for required bilingual signage.

PUB 13 in the SIU Program: Auditors note that providing the PUB13 to SIU referral subjects is considered a best practice and in line with expectations of other programs.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

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

CDSS reminds the CWD 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.

In February 2023, CDSS shared resources with all Counties reviewed in 2023 and encouraged them to regularly conduct self-assessments of facilities used or visited by applicants/recipients of CDSS-funded services. CDSS provided resources and suggested actions to support their ongoing compliance efforts in meeting existing federal and state obligations to maintain physically accessible facilities and prepare for future facilities reviews. These resources are provided again here:

Applicable federal and states rules

- o [United States Department of Justice's ADA Standards](#)
- o [United States Access Board's Americans with Disabilities Act Accessibility Guidelines](#)

- o [Title 24 of California Code and Regulations](#)
- [Past Compliance Review reports](#)
- Building code reference materials
 - o [The Department of General Services Division of the State Architect](#)
 - o [The California Accessibility Reference Manual](#)
- Procuring and using facility accessibility tools including but not limited to a tape measure, door pressure gauge, and digital leveling tool
- External technical assistance training and resources via organizations like the [Pacific ADA Center](#) or through informational websites like [ADA.gov](#)

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

V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Division 21 requires that Counties ensure individuals with LEP receive effective interpreter 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 interpreter services absent bilingual staff, and 3) the language needs of individual applicants and recipients.

Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location serving a substantial number of persons with LEP. Effective bilingual services must also be provided through an interpreter or other means in offices where bilingual staff are not required because persons with LEP 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 CWD have a policy and/or procedure for providing language services to individuals with LEP?

Yes. The CWD has a policy titled "DSS San Luis Obispo CWD Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters." The policy details CWD procedures for obtaining interpretation and translation services for individuals who are LEP or are d/Deaf or hard of hearing.

How does the CWD first identify applicants' language needs in person, on the phone or by online application? (E.g., I speak cards, language poster, application questions etc.)

The CWD places a "Notice of Language Services" form in each reception area for clients who arrive in person at CWD offices. Clients may identify their language by pointing to the applicable text. Auditors note that the "Notice of Language Services" is a CDSS produced form (GEN 1365) and that its primary purpose is to provide information to LEP clients of the availability of interpretative services if they do not understand CWD notices sent to them. [ACIN I-54-08](#).

If the client does not self-identify and the language information is not otherwise available (e.g., annotated in a prior social services case), the CWD obtains the language at the next face-to-face encounter. For clients who apply for benefits, programs, or services without going into CWD offices (i.e., online), the CWD identifies languages needs through answers that clients provide to language preference questions on applications.

Ninety-eight percent (98%) of CWD staff report that the CWD identifies a client's primary language(s) and language needs upon first contact.

Once identified, how and where are those language needs documented (i.e., electronic case management system (CMS), primary language form, or both)?

Once identified, staff enter the primary language of each eligibility program client into the appropriate application and into CalWIN. Staff enter the primary language of each Child Welfare Services participant into the Case Management System (CMS). SIU confirmed that documentation of client language preferences is optional for eligibility staff to include in SIU referrals sent to the program. SIU staff must log into client case files and search for language preference information if the referring eligibility staff does not include it. Auditors did not observe any written policy or procedure governing SIU's documentation of language. Instead, it appears that SIU leaves the decision whether to research a client's primary language up to the discretion of investigators, an approach that may lead to inconsistent or arbitrary implementation by the CWD.

Case reviews revealed inaccuracies regarding documentation of language needs across the CalFresh and CWS programs. One (1) out of 10 CalFresh cases reviewed documented client language needs incorrectly. The CalWIN "Individual Demographics" screen listed the client's preferred language as English, however the "Case Summary Details" screen noted Vietnamese as both the spoken and written language for the case.

In the CWS program, 6 out of 7 cases reviewed contained incorrect documentation of language needs. Auditors note that most of the inaccuracies (5 out of 6) stemmed from workers improperly documenting the need for indigenous languages. Additionally, auditors note that 5 of these cases involved Mixteco-speaking clients, and in 3 of those cases the records incorrectly identified Spanish as the client's preferred language.

In the SIU program, 1 out of 15 SIU cases reviewed documented client language needs incorrectly. The case list provided to the CRU identified the client as a Spanish speaker

when they are in fact an English speaker. Auditors also note that in another case the SIU investigator did not know that an LEP client was a Spanish speaker until they went to the home to ask questions for their investigation. Auditors note that SIU investigators can open a separate SIU referral while they are working on a separate investigation. In this case, the investigator opened a referral for the individual while they were attempting to gather information for another case. As a result, the SIU investigation was not aware that the client needed language services until the investigator arrived at the home.

According to the CRCP, staff must complete a Designation of Preferred Language (DSS 72) form and save it in the client's case file. The form documents the client's preferred spoken and written languages. The form also advises clients that they are not required to provide an interpreter and they have a right to free language services. Auditors note that 5 out of 7 CWS cases reviewed and 0 out of 15 SIU cases reviewed had DSS 72 forms on file.

What is the CWD's process for providing an interpreter? For example, does the CWD have a contracted language line provider, a CWD interpreter list, and/or any other interpreter process?

According to the CRC, the CWD assigns cases to bilingual staff based on language. Certified bilingual Spanish-speaking staff will have Spanish speaking clients assigned to their caseload. The CWD personnel office maintains a listing of all bilingual staff within the County workforce. The CWD may borrow staff on that list at the lending Department's discretion.

For languages other than Spanish, CWD staff can access interpreting services. The CWD utilizes Language Line Services for telephone-based interpretation services. Language Line Services provides on-demand interpretation in over 140 languages.

Staff also have access to the foreign language departments at California Polytechnic State University and Cuesta Community College in San Luis Obispo, as well as Alan Hancock Community College in Santa Maria. According to the CRC, staff can access the foreign language departments at the colleges and universities as a backup option whenever the language line is not working (though this issue occurs rarely). Auditors note that only the CRCP mentions the foreign language departments. The CWD does not provide guidance to staff on the use of these foreign language departments in either its language policy or its civil rights training.

Do staff experience delays in obtaining interpreter services for individuals with LEP? If so, do delays occur more frequently for certain languages and/or certain type(s) of interpreter services (i.e., in-person, telephonic, video, bilingual certified staff, or other)?

Yes. The CRU surveyed staff on how long the average wait time is to connect with a phone interpreter. Thirty-nine and a half percent (39.5%) responded that they were unsure of what the average wait time is. Approximately 23.3% of staff obtain phone interpreter services in less than 3 minutes. About 20.9% percent stated they obtain services in 3 to 5 minutes, 7% stated that they obtain services in 5 to 10 minutes, and

2.3% responded that it may take 10 to 15 minutes to obtain services. The remaining 7% stated that it takes more than 15 minutes to connect with a phone interpreter.

Surveyed staff were also asked how long the average wait is for bilingual staff to provide assistance. About 36.2% of staff stated that it takes less than 3 minutes for bilingual staff to provide assistance, while 23.4% stated it takes 3 to 5 minutes. Another 17% of staff responded that they are unsure how long it takes for bilingual staff to provide assistance. Approximately, 12.8% of staff stated that it takes 5 to 10 minutes and 4.3% stated that it takes 10 to 15 minutes. Finally, 6.4% responded that it takes more than 15 minutes for bilingual staff to provide assistance.

Auditors note that several staff expressed concerns regarding access to Mixteco interpreters. Staff stated that phone interpretation for Mixteco is unreliable and there are frequently no Mixteco interpreters available for phone interpretation, especially after office hours. In these situations, staff report that they will use Spanish interpreters to communicate with a Mixteco speaking client, even when that is not the client's primary language.

Does the CWD have adequate bilingual staffing levels?

Unclear. The information presented in the language tables in the CRCP (Section VIII, Subsection B) appear to have incorrectly applied Division 21's threshold language calculation. The CRC was unable to clarify which formula the CWD uses to determine bilingual staffing levels. As a result, CDSS is not able to draw conclusions about whether the CWD currently has adequate bilingual staffing levels.

The CWD did not include Mixteco as one of the languages it tracks in its "Primary Language Data Statistics of Welfare Program Caseload" table, despite the high number of Mixteco speakers in the Central Coast region¹. The CRC also confirmed that the CWD does not track the amount of Mixteco speaking clients. Therefore, it is not possible for the CRU to determine whether the CWD has adequate bilingual staffing levels for this language.

Are CWD interpreters certified?

Yes. The CWD certifies staff who provide bilingual services.

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

Yes.

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

¹ Young S, Gomez N, Maxwell AE. Providing Health Education to Mixtec Farmworkers in California via Workshops and Radio: A Feasibility Study. Health Promot Pract. 2019 Jul;20(4):520-528. doi: 10.1177/1524839918772282. Epub 2018 May 10. PMID: 29745264; PMCID: PMC6420392.

Yes, in limited circumstances. According to the CRCP, minors are not used as interpreters except to schedule a subsequent appointment or in the event of a medical emergency. Auditors did not encounter any instances in which the CWD used a minor as an interpreter during case reviews.

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

According to “DSS San Luis Obispo County Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters,” staff should document in case narratives or CalWIN case comments each time they have contact with a client (either over the phone or face-to-face). Specifically, staff should document that they used individual’s preferred language and who provided the interpreter services/the source of the client’s preferred language.

Case reviews found that the CalFresh and SIU programs mostly documented interpreter services correctly. Five (5) of the CalFresh cases reviewed required documentation of interpreter services. Two (2) of the cases documented the use of a self-provided interpreter and the CWD assigned the two (2) other cases to certified bilingual staff. The CWD did not make any note of how it provided interpretation services in one case. Additionally, the CWD clarified that it assigns Spanish speaking clients to certified bilingual staff and that bilingual staff are not expected to include additional documentation of language services in the client’s case file. The CWD did not distinguish that with bilingual staff assignments, subsequent documentation is again provided at the time of reverification, as required by ACL-08-65.

Eight (8) of the 15 SIU cases reviewed required documentation of interpreter services. The CWD documented that certified bilingual staff provided language interpretation services in 7 out of the 8 cases. The remaining case did not result in any contact with the LEP client.

All 7 cases reviewed for CWS required documentation of interpreter services. The CWD documented that it used certified bilingual staff to provide interpretation services in 4 of the cases and that it used vendors to provide interpretation services in 2 cases. The CWD mistakenly labeled the remaining case as LEP, however no interpretation services were needed or provided.

However, auditors are concerned that CWS staff are providing Spanish language services to clients whose primary language is Mixteco. Four (4) cases reviewed for the CWS program involved Mixteco speakers. One (1) case clearly documented that the CWD provided Spanish interpretation services to a client after they informed the CWD that Mixteco is their preferred language. A second case showed that two parents informed the CWD that their preferred language is Mixteco. The CWD offered the parents a Mixteco interpreter, but the mother in the case stated that they were comfortable receiving information in Spanish, so the CWD provided language services in Spanish for both parents after the mother agreed to interpret for the father. The CRC

also stated that Mixteco speakers oftentimes speak Spanish, so the CWD will provide language services in Spanish rather than the individual's preferred language of Mixteco.

The CWD instructs staff to complete an "Interpreter Services Statement and Confidentiality Agreement" (CR 6181) form anytime that a participant chooses to use their own interpreter. The CWD expects staff to document the name of the interpreter, their relationship to the participant, and the participant's preferred language. Case reviews found that 2 CalFresh cases and 1 CWS case relied on client-provided interpreters. However, the CWD was unable to demonstrate that staff had completed CR 6181 forms for these cases.

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

Yes. According to the CRC, programs rely on system generated materials to provide forms in the language listed in a client's demographics page. However, Auditors note that the "DSS San Luis Obispo County Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters" does not mention NOAs or provide staff with any written guidance regarding these forms.

When using a CDSS-translated Notice of Action (NOA), does the CWD translate the information that is to be inserted into a recipient's primary language?

Yes. According to the CRCP, bilingual Spanish-speaking staff members translate and provide language used to enhance Spanish NOAs.

However, Auditors note concerns for languages other than Spanish. According to the CRC, staff will often use online tools (such as Google Translate) to translate information for languages other than Spanish.

For forms including NOAs that CDSS does not translate, what procedures does the CWD use to ensure recipients understand the information (e.g., vendor translations, CMS-generated translations, Gen 1365)?

According to "DSS San Luis Obispo County Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters," CWD provided interpreters can read forms that CDSS does not translate to clients. The CWD is reliant on clients contacting staff to say that they do not understand the NOA and that they require interpreter services.

Findings: Ethnic Origin Information

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

Somewhat. The CWD documents ethnic origin information when the client provides that information. Auditors observed ethnic origin information documented in 6 of 7 CWS cases reviewed.

However, clients may decline to provide ethnic origin information. In these situations, the CWD does not follow up with the client to collect the missing information. Clients did not provide/declined to provide ethnic origin data in 6 of 10 CalFresh cases.

SIU does not document ethnic origin data of referral subjects, which is inconsistent with Division 21 requirements. Div. 21-201.21. It also leaves the CWD without data to monitor whether SIU referrals disproportionately represent specific ethnic groups in referrals, investigations and/or prosecutions.

Corrective Action

- 4. Timely services:** The CWD must ensure that bilingual/interpreter services are prompt and without undue delays. Div. 21-115. Given the significant wait times for interpreter services (specifically for indigenous languages) reported by staff across programs and employment groups, the CWD shall take steps to identify and address the cause(s) of the delays; update relevant staff protocols as needed; and inform staff of any such changes. If CWD is in contract with a remote interpreter service such as Language Line, they may wish to review their vendor's contractual obligations as part of the CAP.
- 5. Bilingual staff:** The CWD shall ensure that a sufficient number of qualified bilingual employees are assigned to positions and programs and/or 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). As noted above, the information presented in the CWD's Annual Plan is incomplete and insufficient to demonstrate compliance with these requirements. See Section XI, below, for Corrective Action.
- 6. Documentation of primary language and ethnic origin:** The CWD shall ensure that case records identify applicants'/recipients' ethnic origin and primary language. Div. 21-201.21. As part of the CAP, the CWD shall:
 - a. Resolve identified inconsistencies in primary language documentation, take immediate action if any such inconsistencies reveal an underlying failure to provide appropriate interpreter services, and provide an explanation of steps taken for all relevant CalFresh and CWS case files which were reviewed.
 - b. Update practices and procedures related to program referrals to the SIU to make sure that Designation of Preferred Language forms are transferred when available. While the responsibility of collecting the information on that form lies squarely with the underlying program, it is critical that the information be transferred to SIU to ensure clients under investigation are communicated with the primary written or spoken language.
 - c. Work with SIU program personnel to develop written protocol for documentation of applicants'/recipients' ethnic origin in a SIU investigation data field that is logical and searchable.

- d. Develop a written protocol to address language needs of Mixteco and other indigenous language speaking clients and inform staff. The written protocol should include:
 - i. How to properly document Mixteco (or other indigenous) language requests as distinguished from Spanish and document those requests and
 - ii. Developing a procedure for identifying and documenting primary languages that are not listed in the CalSAWs drop-down menu to ensure collection of data on Mixteco and other indigenous languages. This is critical to ensure the prevalence of these languages are not rendered invisible through the selection of an unspecified “other” in the CalSaws menu.
 - e. Determine if Mixteco is a threshold language in the county or within any specific programs or at specific offices.
- 7. Documentation that bilingual/interpreter services were provided:** The CWD shall document the method used to provide bilingual services (e.g., assigned worker is bilingual, other bilingual employee acted as interpreter, volunteer interpreter was used, or applicant/recipient provided interpreter). Div. 21-116.22. As part of the CAP, the CWD shall:
- a. Obtain consent for the release of information from applicants/recipients when individuals other than CWD employees are used as interpreters, and the consent shall be documented in the case record. Div. 21- 116.24 and;
 - b. Work with program personnel to develop and execute a plan to ensure that staff adhere to State requirements and CWD policy regarding documentation of bilingual/interpreter services (including when bilingual certified staff are assigned to cases involving LEP clients). See ACL 08-65.
- 8. Self-Provided Interpreters:** As required by ACL 21-128, the CWD shall provide the CR 6181 Interpreter Services Statement and Confidentiality Agreement Form, which informs the individual of the potential for communication errors when they use their own interpreter and that their interpreter may need to interpret sensitive and personal information, and that the CWD cannot guarantee the interpreter will maintain confidentiality for any information obtained through the interpretation process. [ACL 21-128](#). As part of the CAP, the CWD shall:
- a. Revise the CWD policy titled “DSS San Luis Obispo CWD Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters” to adhere to ACL 21-128 documentation requirements. Staff must properly document use of the CR 6181 in client case files. Staff must indicate in case files that clients were provided the CR 6181, that that they read and understood it, and that it was signed by the applicant/recipient and their provided interpreter. The CR 6181 must also be attached or uploaded to client case files in the CWD’s consortia system.
 - b. Work with program personnel to develop and execute a plan to ensure that staff adhere to the CWD policy regarding use of the CR 6181 form.
- 9. Notices of Action:** When the CWD uses translated forms and materials, such as NOAs containing space in which the CWD 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 CWD shall:

- a. Update the Administrative Policy & Procedure Section 21-115 “Services for Participant Needing Interpreters” to include translation requirements regarding NOAs.
- b. Update the Administrative Policy & Procedure Section 21-115 “Services for Participant Needing Interpreters” to include specific guidance regarding NOAs that CDSS does not translate, including what procedures the CWD uses to ensure recipients understand the information (e.g., vendor translations, CMS-generated translations, Gen 1365, etc.)
- c. Update the Administrative Policy & Procedure Section 21-115 “Services for Participant Needing Interpreters,” Civil Rights Handbook, and Civil Rights Training to reinforce the requirement that information inserted into translated NOAs is translated into the primary language of the applicant/recipient. To the extent programs have different practices and considerations, the protocol shall contain program-specific guidance. The protocol shall explain the operational steps for staff to obtain translations of inserted information, including if the inserted information is not already available in the necessary language.
- d. Cease use of Google Translate as a translation tool. For verbal interpretation, Div. 21 defines a "qualified interpreter" as an interpreter "who is able to interpret effectively, accurately, and impartially both receptively and expressively, using any necessary specialized vocabulary" and requires the use of qualified interpreters when serving LEP clients. Div. 21-104(q)(2), Div. 21-115. The same reasoning applies to written translation as it does to oral interpretation: effective and compliant program-related written translations require the ability to convey complex and/or technical program-specific information in a culturally nuanced way. It requires more than just literal translation of words on the page. CDSS does not consider the use of Google Translate for this purpose to be consistent with Div. 21 requirements or best practices.

Recommendations

“I Speak” Cards: The CWD is encouraged to create “I Speak” cards for clients to use when identifying their language needs and to stop relying on the GEN 1365.

Guidance Regarding Additional Language Services: The CWD is encouraged to update “DSS San Luis Obispo CWD Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters” to reflect the availability of college and university foreign language departments. Currently, these resources are in the CRCP, but staff are not given guidance regarding the purpose of, nor how to use these foreign language departments.

Resource Guide for Mixteco Translation Services: The CWD is encouraged to update “DSS San Luis Obispo CWD Administrative Policy and Procedure Section 21-115, Services for Participants Needing Interpreters” to include a reference to its

“Resource Guide for Mixteco Translation Services” document. Currently, the policy does not inform staff that the CWD has specific resources available for Mixteco. Considering the reported delays for Mixteco language services, the CWD may find it is beneficial to reinforce staff knowledge about available Mixteco interpretation and translation services through its policy.

Community Input: The CWD is encouraged to engage with community groups, especially those providing language services or ASL services, to collect feedback and suggestions on providing effective interpretive services. Community groups may be helpful in problem-solving certain challenges related to language access.

VI. PROVISION OF 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 CWD’s programs, services or activities, or otherwise subject to discrimination. This includes the obligation to provide reasonable accommodations to qualified individuals with disabilities.

Findings: Services for Persons with Disabilities

Does the CWD have a policy and/or procedure for providing reasonable accommodations (RAs) to people with disabilities?

No. The CWD does not have a specific policy for assisting applicants/recipients with a disability or how to provide a reasonable accommodation.

Does the CWD identify an applicant/recipient’s disability-related RA needs? If so, how?

Unclear. The CalFresh program documents known disabilities in their respective CalWIN case system. Additionally, the CWD’s Civil Rights Handbook states that staff will document “information that identifies an applicant/recipient as disabled and any written documentation should the applicant/recipient request auxiliary aids and services.”

However, auditors note that both CWS and SIU were unable to produce any cases involving clients with a disability. This indicates to Auditors that these programs are not identifying and documenting client disability-related RA needs. Additionally, the CRCP states that the CWD does “not currently track or report statistics on the number of individuals identified as having a disability.”

Does the CWD assist applicants/recipients to self-identify their disability-related RA needs? If so, how?

Sometimes. According to the CRC, the CWD assists clients self-identify disabilities depending on the programs that clients are participating in. For example, in CalWORKS clients may state that they are unable to work. The CWD will send the clients to a medical assessment and to meet with advocates. Two staff members in the CWD also conduct intensive research to determine whether the clients have a disability. Auditors note that the CRC stated that staff are very hesitant to ask clients whether they have a disability because they do not want to offend the clients.

Does the CWD offer RAs to applicants/recipients with a disability?

Inconsistently. Only the CalFresh program was able to identify cases involving individuals with a disability for case review. Specifically, the CalFresh program identified 6 cases involving individuals with a disability. There is no record that the CWD offered or provided RA to clients in 3 of these cases.

Does the CWD 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)?

Unclear. According to the CRC, the CWD can produce these materials for clients upon request. Auditors did not observe any client requests for auxiliary aids and services during case review.

Does the CWD appropriately document disabilities and RAs?

No. The CRCP states that the CWD currently does not track or report statistics on the number of individuals identified as having a disability.

CalFresh program management stated that they expect staff to go into CalWIN's case comments screen and use a specific case comment type ("other-special/sensitive accommodation") to flag that an individual has a disability and needs an RA. Staff did not follow this procedure in 3 out of the 6 cases reviewed involving individuals with disabilities. Auditors note that the CRC provided the CRU with a document titled "CF Intake Case Comment Template." The template explains the CalFresh intake process to staff and instructs them on how to appropriately document disabilities and RAs. However, it appears that staff are either not aware of the document or that the CWD has not sufficiently trained staff on it.

When asked to identify cases involving RAs for review, CWS and SIU program staff were unable to identify any case with a documented disability and/or RA request. This raises concerns about whether and to what extent CWS staff identify and accommodate children/parents throughout the CWS process and SIU investigators identify and accommodate individuals with disabilities during investigations, such that they can equally and effectively participate in and cooperate with the CWD's investigation.

The CWD is obligated to ensure compliance by the SIU program with the ADA, Division 21, and applicable federal and state laws and regulations. Individuals with disabilities are overrepresented in the population receiving social services, in part because there are programs designed specifically to serve individuals with disabilities. Without effective communication and RA policies and provisions in place, individuals with disabilities may also be overrepresented in cases referred to SIU due to challenges understanding and/or complying with program requirements, stemming directly from their disabilities. This underscores the importance of the CWD SIU program meeting its obligation to offer and document RAs and related services.

Corrective Action

10. Reasonable Accommodation Policy: The CWD shall adopt a written policy detailing how they will comply with the requirements set forth in ACL 19-45. [ACL 19-45](#). The CWD shall document an applicant's/recipient's request for services in writing. Div. 21-116.3. The CWD 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 CWD shall:

- a. Develop a written policy regarding the provision of services to individuals with disabilities including RA. In order to address this and all related issues and concerns identified in this section of the Report, the policy shall encompass topics including but not limited to the following:
 - i. Federal and state definitions of disability and explanation of relevant terms such as *physical/mental impairment* and *major life activity*;
 - ii. Identifying and responding to indicators of applicants'/recipients' disabilities, including assisting applicants/recipients to self-identify disabilities;
 - iii. Required procedures for offering, providing, and documenting RA;
 - iv. Explanation of concepts such as "interactive process" and "primary consideration";
 - v. Required procedures for RA denials; and
 - vi. Disability etiquette including practical tips and examples for implementing the above procedures.
- b. Ensure that the policy contains sufficient operational detail to enable staff to understand and effectively implement its provisions, including protocol for staff to document disability and RA information in a manner that is complete, accurate and easily identifiable. The policy should align with RA training provided to staff (see section on Staff Development and Training.)
- c. To the extent programs have different considerations related to documentation of disabilities, the policy shall contain program-specific guidance, including guidance on the use of features and tools specific to each relevant CMS, while emphasizing the need to capture information about disabilities and RA in a systematic way that allows for continuity of RA services across programs. An applicant/recipient should not have to

request the same RA from every program in which they participate when the RA need has been communicated to the CWD.

11. Identification of disabilities: Some individuals may be unaware that they have a disability or unable or reluctant to self-identify as having a disability. When the CWD has actual knowledge of an individual's disability, or when an individual's need for an accommodation is obvious, CWD staff shall offer to assist the individual in self-identifying the disability and/or appropriate disability specific accommodations. See *Duvall v. County of Kitsap*, 260 F.3d 1124, 1139 (9th Cir. 2001) cited in ACL 19-45. As part of the CAP, the CWD's new RA policy regarding the provision of services for individuals with disabilities will include the following:

- a. An expanded range of tools and/or guidelines for use by staff to identify an individual with a disability, such as developing a form that asks applicants/recipients about disabilities and related needs and/or establishing a practice whereby staff review program application/renewal questions about disabilities with all applicants/recipients.
- b. Protocol for staff to assist an individual in self-identifying a disability and related needs when a disability is known or the need for accommodation is obvious. This might involve requiring staff to initiate inquiries about and/or offers of reasonable accommodations when certain indicators are present such as specific aid type(s) in electronic case records.
- c. To the extent programs have different practices and considerations related to the identification of disabilities, the policy shall contain program-specific guidance.
- d. Inform staff of the new policy/protocol, including via revised training on the topic to ensure that staff are comfortable discussing disabilities and RA with clients (discussed in Section VII).

12. Documentation of a disability: The CWD shall ensure that an applicant's/recipient's case record identifies the applicant/recipient as disabled. The CWD shall document an applicant's/recipient's request for services in writing. Div. 21-116.3. The CWD 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 CWD shall:

- a. Identify the root causes of the concerns observed in this Review and Report, including the CWD's failure to consistently identify and document disabilities, offer RAs, and appropriately respond to RA requests.
- b. Provide a written statement to CDSS explaining the identified root causes.
- c. Create a plan to ensure that problems of a similar nature do not reoccur and provide the plan to CDSS. The Plan should be detailed and should

include deadlines and individuals responsible for carrying out its different elements. The Plan should include a Quality Control (QC) protocol that may be incorporated into an existing or a new process. The CWD should determine the structure that will be most effective. The proposed QC process should check applicant/recipient case records to ensure proper documentation of disability and RAs. If staff training is needed to implement QC, describe the training to be provided.

- d. Return to case files reviewed during the Review to correct records that contained errors in the documentation of disability and/or RAs.
- e. Inform staff of the new disability and RA documentation procedures, including via revised training on the topic (discussed in Section VII).

Recommendations

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

Reinforcing Understanding and Best Practices: The CWD is encouraged to consider and implement ways to reinforce staff understanding of the CWD's obligations regarding the provision of services to clients with disabilities, such as by developing and disseminating job aids that focus on specific topics and/or procedures.

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

Does the CWD provide staff training on the civil rights requirements of Division 21 during new employee orientation and on an ongoing basis? Does this training include information about the CWD's civil rights complaint process?

Yes. The CWD provides training on the civil rights requirements of Division 21 during new employee orientation and on an annual basis. The CWD provided two trainings for the CRU to review. The CWD used the first training to provide Division 21 training to staff up until 2023. The second is a training that the CWD began using in 2023 and it

replaces the previous training. Auditors note that the CWD provided the second training to our office for review after the end of the CWD's audit week.

Auditors note the following concerns regarding the second, updated training submitted to our office:

- The training states that "gender information" is a legally protected basis. This is incorrect. "Genetic information" is a legally protected basis; however, the training does not name it among the protected bases. CDSS recommends that the CWD refer to CDSS' GEN 1179 form for a complete list of protected bases.
- The training lacks sufficient detail regarding disability and Reasonable Accommodations. According to [ACL 19-45](#), CWDs shall train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on the CWD's policies for ensuring compliance with disability nondiscrimination laws and on providing reasonable accommodations for people with disabilities. The training provides minimal information regarding disability and reasonable accommodations. Auditors note that the training also does not use the correct definition of "disability."
- The training provides incorrect information regarding the CWD's complaint process. According to the CRC, staff should route all discrimination complaints to them. However, the training does not state this. Instead, the training directs staff to use a USDA form to file their complaint. It also informs staff that complainants should contact USDA or the "AR Department of Human Resources" to file their complaint. This contradicts the process described by the CRC, and it also fails to account that for programs that fall outside of USDA jurisdiction.
- The training states that staff must note "the names, titles, and business addresses of persons who may have knowledge of the discriminatory action" when a client files a discrimination complaint. This is incorrect. CDSS' Complaint Evaluation training, which is available on CDSS' website, contains the correct complaint elements.
- Overall, the training appears to lack the operation detail necessary for staff to execute many civil rights obligations. For example, the training provides a brief overview of Limited English Proficiency (LEP). However, it fails to provide detailed information to staff about how to offer, provide, and document language services.
- The training contains little written material and the CWD does not provide any accompanying job aides with the training. This may make it difficult for staff to quickly refer to any guidance provided in the training.

What training do employees receive about cultural groups receiving services in their area?

None. The CRC stated that most staff receive cultural humility training and that training opportunities are available to select staff regarding serving Mixteco speaking populations. However, these training opportunities are only provided occasionally, with no consistent regularity.

Additionally, staff surveys show confusion amongst staff regarding whether they have received training on prevalent cultural groups in their area. Fifty-seven (57) percent of surveyed staff report they have received this training. The remaining 43% of surveyed staff report they have not received it or are unsure if they have.

What training do employees receive about serving people with disabilities (e.g., disability awareness and etiquette; identifying, offering and providing RAs; etc.)?

The CWD does not provide standalone or specific training on serving people with disabilities and/or reasonable accommodations; the CWD incorporates this topic into the Annual Civil Rights Training. The Annual Civil Rights training reviewed by Auditors provides minimal information about services or protections for clients with disabilities.

Auditors find that training in this area needs improvement for the reasons addressed above, because other findings support that the CWD is not consistently accommodating individuals with disabilities (see Section VI), and because there is not a comprehensive Reasonable Accommodation Policy used to train and support staff.

Describe any additional CWD-provided civil rights-related training.

The CWD provided examples of other civil rights-related staff trainings, including Discrimination and Harassment Prevention, Improving Diversity and Inclusion (DEI) in Your Workplace, Anti-"Ism" Practice, Fairness and Equity, Introduction to ICWA, ICWA and Working with Native American Families and Tribes, Cultural Humility in Child Welfare Interviews, and Mental Health First Aid Certification training.

Corrective Action

13. Division 21, Civil Rights Training: The CWD 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 CWD shall:

- a. Revise its Annual Civil Rights Training to address the concerns and deficiencies identified in this section and during the Review. The CWD shall also revise these trainings as needed to reflect the requirements of ACL 21-128 and for consistency with any policy and procedure revisions required elsewhere in this Report. If the CWD has completed its above-referenced planned revision of these materials since the time this Review was conducted, the CWD shall review those materials in light of the foregoing and submit a written explanation briefly summarizing both the revisions made that address CDSS' concerns as well as a plan and timetable for completion of any further revisions deemed necessary (if any) based on this Report. The CWD may contact CDSS for feedback and technical assistance.

- b. Include steps regarding providing and explaining the PUB 13, as well as the documentation of these steps in the case record, as required by Section III.
- c. Include policy and procedure for program staff when handling discrimination complaint handling that reflect changes required in CAP Section VIII below.

14. Cultural Awareness Training: The CWD shall ensure that all public contact employees receive cultural awareness training to ensure that public contact staff understands, and is sensitivity to, various cultural groups including individuals with disabilities, to ensure equal delivery of services in the CWD's population. Div. 21-117.2. As part of the CAP, the CWD shall:

- a. Identify and address deficiencies in the current training to improve staff knowledge about the predominant cultural groups receiving services in the area; and
- b. Identify and close all gaps in training delivery to ensure that it is provided to all public contact staff.

15. Reasonable Accommodation Training: The CWD shall train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on the CWD's policies for ensuring compliance with disability nondiscrimination laws and on providing reasonable accommodations for people with disabilities. ACL 19-45, Section I.

- a. Include training regarding the documentation of disabilities and RAs in client case records, as required by Section VI.
- b. CWDs have an affirmative obligation to determine whether a CalFresh applicant/recipient needs additional assistance due to a disability and, if applicable, to provide a disability-specific accommodation. (See Duvall v. County of Kitsap, 260 F.3d 1124, 1139 (9th Cir. 2001).) The CWD CalFresh program should implement policy guidance regarding the provision of reasonable accommodations for Cal Fresh applicants/recipients provided in ACL 21-78.

Recommendations

Alignment with Staff Duties/Obligations: The CWD is encouraged to increase alignment between the Civil Rights Training and duties of line staff. For example, information in the Civil Rights Training about the CWD's Complaint Log is not relevant for staff other than Civil Rights Coordinators/Investigators. However, the training spends little to time explaining other obligations that line staff must be aware of (i.e., obligations to explain the PUB 13, what to do when a client complains of discrimination, under what circumstances the CWD may deny a reasonable accommodation, information about service animals, obligation to use the CR 6181, etc.) Auditors see opportunity to make better use of training time by aligning training content with the information and operational detail that staff need to know to deliver services in a non-discriminatory manner.

Civil Rights and Reasonable Accommodation Trainings: The CWD is encouraged to provide separate trainings on Division 21 and Disability/Reasonable Accommodations to inform staff of all obligations outlined in ACL 19-45.

CDSS Resources and Training: CDSS strongly recommends that the CWD utilize relevant CDSS resources and CRC training. In addition to the array of ACLs and ACINs on discrimination complaint-related issues and other pertinent topics available on the CDSS website, the PowerPoint material from the CRU's December 2020 Civil Rights Coordinator Introductory Training is a valuable information source.

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

Citations: When revising Annual Civil Rights training materials, CDSS strongly recommends the CWD include citations to appropriate legal sources for information about protected categories (e.g., in the "Notes" section of the presenter's version). Div. 21-101 lists many such sources as does the CDSS Civil Rights website. Maintaining this information will help ensure content accuracy and facilitate appropriate future updates.

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

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

Yes. The CWD submitted an attachment titled "Administrative Policy and Procedure Section: 21-203, Civil Rights Complaining Procedure." However, Auditors note that some information provided in the procedure is incorrect, or could benefit from clarification:

- The procedure document uses different terms to refer to "allegations of discrimination." On page 2 the procedure calls allegations "claims," while on page

3 they are called “evaluations.” CWDs must be as precise as possible when discussing allegations of discrimination to ensure clarity. While “allegation” and “claim” may be considered synonyms here, “evaluation” is a *process* for determining whether a complaint meets the requirements for a discrimination complaint that the receiving agency has the authority to handle.

- Page 5 states that complaints against “any other CDSS public contact staff person or program” would fall under a list of jurisdictional programs that follow the CWD’s complaint process. This is incorrect. Complaints against CDSS public contact staff do not fall under CWD complaint processes.
- Pages 2 and 3 outline criteria for evaluating a complaint. The criteria correctly identify 5 of the necessary elements for a complaint. However, the criteria fail to identify “standing” as a necessary element for complaint evaluations.
- Page 3 lists “gender information” as a protected basis. This is incorrect. “Genetic information” is a legally protected basis. CDSS recommends that the CWD refer to CDSS’ GEN 1179 form for a complete list of protected bases.
- Page 3 states “If an Evaluation meets all 3 of the Evaluation criteria, then it will require an investigation.” This is incorrect. An allegation must meet all 6 complaint elements to require an investigation.
- Page 6 states “The investigator must determine if the allegation of discrimination falls within the CDSS’ jurisdiction and timeframe and appears to constitute a valid discrimination complaint (prima facie).” Prima facie only refers to the three elements necessary for an allegation of discrimination (protected basis, harm, and nexus). Jurisdictional issues do not form a part of the prima facie elements.
- Page 3 states: “If it is possible to satisfy the participant with this conversation that the decision is not an act of discrimination, then ask if they are willing to withdraw their complaint and, if so, request that they sign a withdrawal agreement. At this point, attempt to resolve the issue early.” This section appears to instruct CWD staff to cut short the evaluation process by encouraging complaint withdrawal. While counties may work with the complainant to resolve any problems as soon as possible, complaints submitted as ‘discrimination complaints’ must be appropriately evaluated to determine if they meet specific criteria before being closed.

This evaluation process is explained in detail in the Complaint Evaluation training available on the CRU’s website. If a complaint meets this criteria, Division 21 requires that it be processed according to specified timelines and procedures. Any complainant (including one whose specific issue is resolved) has the right and option to withdraw the discrimination complaint, but they also retain the right to proceed with their discrimination complaint if they wish. These rights and options should be explained to complainants, and the CWD’s written policy/procedure should also reflect this.

- Page 6 appears to suggest that the CWD must pursue early resolution before the it starts the evaluation/investigation process. The procedure states “Early Resolution: Contact client to see if the issue can be resolved without a full discrimination complaint investigation and, if so, referred to the appropriate office for resolution (for example, a program issue-going to worker and supervisor or State Hearings, or a customer service issue-going to supervisor/manager).” As

noted above, complaints submitted as ‘discrimination complaints’ must be appropriately evaluated to determine if they meet the criteria for such complaints. If they do, Division 21 requires that they be processed according to specified timelines and procedures. The CWD may not cut short the evaluation process by requiring complainants to engage in an early resolution attempt as a prerequisite to pursuing a discrimination complaint.

Can employees readily identify discrimination complaints?

Not consistently. Surveyed staff were able to identify discrimination complaints at a 67% success rate. The survey presented staff with four theoretical complaints and asked to indicate which were examples of civil rights complaints. See Appendix 1 for details.

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

Somewhat. Seventy-six (76) percent of staff surveyed could identify where the CWD displays the Civil Rights Coordinator’s contact information.

Auditors note that staff demonstrated confusion regarding the correct process for filing a discrimination complaint when surveyed. About 14% of staff responded that they were “unsure” whether the CWD has as process for staff to follow if a client expresses a civil rights complaint to them.

Additionally, staff who answered that the CWD does have a process in place for discrimination complaints provided a variety of different answers that indicate confusion amongst staff. When asked what steps staff take when receiving a discrimination complaint, staff provided a multitude of varying responses, including “Alert a supervisor and forward the complaint to the CRC” and “Refer to the participant’s eligibility worker she would take additional steps.”

Is the CCWD’s complaint log complete and up to date?

No. The CWD submitted two complaint logs for review. The first log contains complaint information spanning the time frame requested by the CRU (18 months prior to the Review). The second complaint log contains complaints filed in 2023.

The first Complaint log is missing the following information minimally required by Division 21-203.21: Nature of the complaint (Div. 21-203.216), Resolution: completed investigation, withdrawal, failure to pursue, etc. (Div. 21-203.217), and Decision: discrimination or no discrimination (Div. 21-203.218). The first complaint log is also missing three cases filed in 2021 and incorrectly labeled another 2021 complaint as “closed” when CDSS records show that the case is still open.

The second Complaint log contains all the information minimally required by Division 21. Auditors are encouraged by these revisions and would like to acknowledge the CRC’s work aligning the CWD’s complaint log with the requirements outlined in Division 21.

When asked how the CWD updates its complaint log, the CRC stated that they keep the complaint log on their personal computer drive. The CRC claimed that they add complaint information to the log on the same day that they receive a complaint. However, Auditors note that the second Complaint log (submitted on June 8, 2023) appears to be missing a complaint remanded by our office in May 2023. Currently, only the CRC adds information into the log. The CRC added that the CWD's plan is to establish a shared drive, so that the Civil Rights Investigator and the CRC can both access the log.

Is the CWD handling discrimination complaints appropriately?

Somewhat. As noted in this and other Report sections, CDSS has significant concerns about the CWD's complaint handling policy, procedures, and training. In addition, Auditors note that specific concerns exist regarding reasonable accommodation in the CWD's discrimination complaint process. Complaint records indicate that the CWD has demonstrated difficulty in consistently identifying and handling RA requests in that process in a compliant manner.

However, Auditors recognize that the CWD has recently taken steps to address CDSS' concerns by creating and implementing the CWD's complaint procedure. Auditors are encouraged by both these revisions and by discussions about them with CWD Civil Rights leadership that reflect their understanding of, and concern for, the issues involved.

Corrective Action

16. Complaint Processing Policy: The CWD shall ensure policies addressing discrimination complaint handling are clear, consistent, and comport to the required complaint processing obligations. Div. 21-203. As part of the CAP, the CWD shall:

- a. Develop and promulgate a revised complaint policy that is responsive to the concerns raised in this section, including but not limited to following:
 - i. Include a complaint evaluation procedure that correctly addresses threshold jurisdictional issues, prima facie elements, and other key topics covered by CDSS' Complaint Evaluation training.
 - ii. Ensure that the list of legally protected bases is complete, correct and internally consistent in all instances, and include an explanation of the protections against discrimination based on perception or association. The CWD may refer to the list on CDSS' GEN 1179 Discrimination Complaint Form or website for reference.
 - iii. Revise the procedure to include operational detail on receiving and routing complaints, including what information staff should record when putting a complaint in writing for an applicant/recipient. The CWD may contact CDSS for feedback and technical assistance.
 - iv. Revise the procedure to include more specific guidance to the CRC and Civil Rights Investigator regarding accommodating complainants throughout the discrimination complaint process.

- 17. Employee Awareness of Discrimination Complaint Process:** The CWD shall ensure staff can accurately identify a discrimination complaint. The CWD shall ensure staff have knowledge of the discrimination complaint process and their role in assisting applicants/participants to file civil rights complaints. The CWD shall ensure staff are able to differentiate it from other complaint processes. Div. 21-117 and Div. 21-203.
- 18. Complaint Log:** The CWD shall keep a control log in which all complaints of discrimination are entered by year and date the complaint was received. The CWD shall ensure that all required information is entered for each complaint. Div. 21-203. 21. As part of the CAP, the CWD shall:
- Ensure that its discrimination complaint log is updated and contains all complaints filed in 2023.
 - Update its Civil Rights Complaint Procedure and its Civil Rights Handbook to specifically address how the CRC and/or the Civil Rights Investigator update the CWD's complaint log.

Recommendations

Civil Rights Coordinator (CRC) Percent of time to Civil Rights: The CWD is strongly urged to reconsider the amount of staff time dedicated to civil rights responsibilities. Currently, the CRC and CR Investigator dedicate 15% to 10% of their time respectively to the County's civil rights program. Auditors' findings and observations in this and other Report sections raise concerns about whether this time allocation is sufficient for the CWD to fulfill all its responsibilities and obligations and continuously maintain compliance with Division 21

IX. VENDOR CONTRACTS

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

Findings: Contract Review

Auditors reviewed 10 vendor contracts. Auditors found that all contracts contained the same nondiscrimination language within the agreements as well as an assurance (i.e., an agreement to administer services and benefits in a nondiscriminatory way). All contracts stated that the Vendor will compile data, maintain records, and submit reports to permit effective enforcement of all applicable nondiscrimination laws.

Corrective Action

None.

Recommendations

LEP and Disability Language: Under the provision titled “Bilingual Accessibility,” the CWD’s vendor contracts currently state “contractor shall ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population and individuals with disabilities.” While the CRS does not believe that the CWD language means to conflate services for individuals with LEP with services for individuals with disabilities, the reference to “individuals with disabilities” in a provision titled “Bilingual Accessibility” appears to be a vague attempt to cover interpreter services for both individuals with LEP and individuals who need ASL. The CWD is encouraged to revise this language to clarify the meaning and ensure vendor compliance. The lack of clarity could potentially pose hurdles to vendor compliance, which could in turn expose the CWD to the risk of future complaints and/or findings of legal deficiency.

X. COMMUNITY INPUT

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

Community Organizations’ Observations

Public charge Misinformation: Community organizations state that some immigrant clients are dissuaded from applying for benefits due to misinformation around public charge laws. Public charge is defined as a non-citizen who is likely to become primarily dependent on the government for support, by receiving either: cash assistance for income maintenance (like CalWORKs, SSI, and General Relief/Assistance) or being institutionalized for long-term care at government expense. Most immigrants are not subject to public charge; however. Community organizations believe that a misinformation on the subject persists and that more accurate information could be provided on the subject.

Mixed Immigration Households: There is hesitancy within mixed immigration households to apply for government benefits. Individuals fear that someone in their household will be deported or that their citizenship process will be affected by receiving government benefits.

Lack of Interpretation Services: Gaps exist in providing interpretation services for non-threshold languages. Community organizations specifically identified Mixteco as one of the languages experiencing gaps in language services.

Statements of Position: Advocates state that LEP clients do not have equal access to the CWD Statement of Position (SOP). LEP clients receive CWD SOP two business days prior to the hearing, leaving them with insufficient time to understand that they can ask for language assistance.

Difficulties Calling the CWD: LEP clients and clients who (due to disability) cannot communicate orally experience difficulties contacting the CWD via phone.

Lack of Cultural Competency: Advocates observed a lack of cultural competency in the care of African American children within the CWS program.

Reasonable Accommodations: CWD workers do not understand the limitations and fluctuations in disability. There is a failure to offer reasonable accommodations for people with disabilities and to “flag” the need for reasonable accommodations in the CWD’s case records.

Insufficient Outreach: Advocates state that applications are almost entirely offered online or in DSS offices, despite transportation and/or technological barriers faced by clients. Additionally, many programs, benefits, and services are not advertised by the CWD, and that information is not easily found by community members.

Technological Challenges: Advocates report that many clients have limited or no access to internet to apply for public benefits. This is especially challenging for LEP individuals, individuals with disabilities, and seniors.

Lack of Transportation Services: The CWD is rural, and advocates report a public transportation is not accessible throughout the entire CWD. Clients who do not have reliable access to their own transportation have difficulty traveling to DSS offices for in-person interviews or meetings, disproportionately impacting LEP clients and clients with disabilities.

Community Organizations’ Suggestions for Improvement

Address Public Charge Misinformation: Reach out to the LEP and immigrant community via targeted communications campaigns that address common myths that exist around immigration and public charge.

Provide Statements of Position: Provide CWD Statements of Position in the preferred written languages of LEP clients and provide language assistance services for such documents (including attachments.)

Targeted Outreach: Educate individuals on the availability of public benefit programs, including LGBTQ communities, communities that are geographically isolated, LEP communities, and individuals with disabilities. Target these populations by working with trusted messengers within the community and by creating focus groups of individuals from these populations.

Additional Offices: Provide opportunities outside of DSS offices for potential clients/clients to meet with staff. Either locate staff at CBO sites that are more easily accessible for clients or develop spaces that are more familiar/comfortable for clients to offer help with application assistance.

Additional Bilingual Staffing: The CWD should hire additional bilingual staff to that are available to speak to LEP clients.

Additional Staff Training: The CWD should provide more internal training on cultural competency, cultural bias, and how to best serve clients with disabilities (including mental illness.)

Meet and Greet Webinar with CRC: Provide a webinar to introduce advocacy groups and non-profit organizations to the CWD's civil rights practices to improve the relationship between the organizations and the CWD.

XI. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The San Luis Obispo County Department of Social Services Civil Rights Compliance Plan for 2023 was received on March 31, 2023. Thank you for submitting your agency's Civil Rights Compliance Plan. Before approving the Civil Rights Compliance Plan, we request the following changes:

- **Section IV – Dissemination of Information**
 - Describe how applicants and recipients are informed of their right to aid or services in their primary language and the availability of auxiliary aids for applicants and recipients who are hearing or visually impaired and at what points in the service delivery this is done. This may include the use of “I speak” cards, posters, videos, etc.
- **Section V – Services to Non-English-Speaking, Limited-English-Proficient Applicants/Recipients and Applicants/Recipients with Disabilities**
 - State procedures to identify an applicant's/recipients' disability (physical or mental impairment, which could limit access or participation).
 - State procedures for offering free interpreter services and auxiliary aids, addressing all languages spoken by applicants/recipients, including American Sign Language.
 - State procedures to identify an applicant's/recipients' need for services due to his or her disability, limited-English proficiency or inability to read or write and provide the opportunity for him or her to request auxiliary aids, services, translated forms, or assignment to a bilingual worker or other interpreters. Describe services and accommodations provided, e.g., interpretation by paid interpreters or other CWD employees, Braille materials, etc.
 - State procedures to ensure that services or benefits are not unduly delayed due to an applicant's disability, limited English proficiency, or inability to read or write.
 - Explain how information is provided to applicants/recipients when forms and materials in their primary languages are not available.
 - Explain how frequently and in what way staff are informed about available translated forms and materials.
 - List any forms and materials translated by your CWD (list forms) and the languages into which they are translated.

- Provide the name, e-mail address and phone number of the CWD's Forms Coordinator.
- Describe procedures used to ensure meaningful and effective access to services by informing LEP and disabled clients of services and aids available at each stage of their receipt of services, e.g., from intake through assessment to employment services or from emergency response through placement to family reunification.
- **Section VI – Documentation of Applicants'/Recipients' Case Records**
 - Explain how the CWD documents information that identifies an applicant/recipient as disabled.
- **Section VII – County Services Provided by Contractors, Subcontractors, Vendors**
 - Describe the CWD's procedure for addressing complaints filed with or against a contractor.
- **Section VIII – Primary Language Data, Staffing and Hiring Goals**
 - Using the formula specified in Section 21-115.14, calculate the number of certified bilingual staff required.
- **Section XI – Staff Development and Training**
 - Describe how training on civil rights requirements addresses specific programs, such as application of the Multi-Ethnic Placement Act in foster care and permanent placement, interpreter services in the Cash Assistance Program for Immigrants, and auxiliary aids and services for participants in employment training programs in CalWORKs.
 - State who provided training each training listed by the CWD (e.g., University of California at Davis, CWD, etc.).
 - Provide the number and classifications of public contact staff attending each training listed by the CWD (including subcontractor staff).
 - State how the effectiveness of each training has been tested.
 - Describe plan for providing "make-up" training to staff who miss civil rights training.
- **General**
 - Remove CDSS template language from the CWD's plan for clarity and to enhance its usability.

CDSS reminds the CWD that pursuant to [ACL 09-79](#), counties have an obligation to maintain an updated Civil Rights Compliance Plan on an ongoing basis. Therefore, the revised Plan must reflect **all significant changes**, including those implemented based on required Corrective Action, to ensure that the information it contains is complete and current. Please also provide an **accompanying list or key** that identifies the changes made and the page number each change appears on.

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

XII. CONCLUSION

The CDSS Reviewers found the San Luis Obispo County Department of Social Services staff welcoming, informative, supportive, and receptive to new information and feedback. Particular thanks to Andre Guerrero for organizing the details of the Review, as well as to the members of the Facilities Assessment team who oversaw and assisted in the facility reviews. In each program area, staff were helpful with the facility reviews, case reviews, and computer assistance. CWD staff, including management, reflected a mission-driven commitment to ensuring access, assistance, and compliance.

The CDSS Reviewers found substantial compliance concerns. The San Luis Obispo County Department of Social Services must remedy deficiencies identified in this report by taking corrective actions. A CAP must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule of all actions to be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

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

APPENDIX 1: SELECTION FROM STAFF SURVEY

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

- Complaint 1: 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 74% 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 12% 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 55% of surveyed staff

- Complaint 4: My kids were taken away by the CWD 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 74% of surveyed staff