



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

September 30, 2011

Mr. John Davis, Director  
Tulare County  
Health and Human Services Department  
5957 South Mooney Blvd.  
Visalia, CA 93277

Dear Mr. Davis:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided the reviewer from our office during the course of the Civil Rights Compliance Review of June 20-23, 2011. Enclosed is the final report on the review. We apologize for the delay.

There are some compliance issues (deficiencies) identified in the report, which will require the development of a corrective action plan (CAP). Please submit your CAP within sixty days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the attached report.

We will provide a copy of our report to any individual who makes a valid Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it becomes a public document as well. Per the Governor's Executive Order S-08-09, all compliance reviews (and corresponding CAPs) performed after January 1, 2008, will be posted on the state's Reporting Government Transparency website.

If you need technical assistance in the development of your CAP, please feel free to contact the Civil Rights Bureau at (916) 654-2107. You may also contact us by e-mail at [crb@dss.ca.gov](mailto:crb@dss.ca.gov).

Sincerely,

JIM TASHIMA, Chief  
Civil Rights Bureau  
Human Rights and Community Services Division

Enclosure

c: Elisa Rivas, Civil Rights Coordinator

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**CIVIL RIGHTS COMPLIANCE REVIEW REPORT  
FOR  
Tulare County Health and Human Services Agency  
Conducted on June 20-23, 2011**

**California Department of Social Services  
Human Rights and Community Services Division  
Civil Rights Bureau  
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**Reviewer**

**Daniel Cervantes**

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## **CIVIL RIGHTS COMPLIANCE REVIEW REPORT**

### **I. INTRODUCTION**

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Tulare County Health and Human Services Agency with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on June 20-23, 2011. An exit interview was held on June 23, 2011 to review the preliminary findings.

The review was conducted in the following locations:

<b>Name of Facility</b>	<b>Address</b>	<b>Programs</b>	<b>Non-English languages spoken by a substantial number of clients (5% or more)</b>
Tulare HHSA, Dinuba TulareWORKS	1066 N. Alta Dinuba, CA	NAFS, CalWORKs	Spanish
Tulare HHSA, IHSS	3500 W. Mineral King Visalia, CA	IHSS, APS	Spanish
Tulare HHSA CWS	26500 S. Mooney Visalia, CA	Children's Services	Spanish
Tulare HHSA Visalia TulareWORKS	1845 N. Dinuba Blvd Visalia, CA	NAFS, CalWORKS	Spanish

### **II. SUMMARY OF METHODOLOGY**

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the 2010-2011 Civil Rights Compliance Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.
- Reviewed the previous Compliance Reviews and Corrective Action Plans submitted by the county.

Headquarters and on-site review procedures included:

- Interviews of public contact staff

- Survey of program managers
- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

#### Interviews Conducted of Public Contact Staff

<b>Classifications</b>	<b>Total</b>	<b>Bilingual</b>
Eligibility Workers	10	8
Children Social Workers	6	5
Adult Program Workers	3	3
Receptionist/Screeners	3	3
<b>Total</b>	<b>22</b>	<b>19</b>

An additional 2 interviews were scheduled but were not conducted due to staff unavailability.

#### Program Manager Surveys

Number of surveys distributed	4
Number of surveys received	4

#### Reviewed Case Files

English speakers' case files reviewed	10
Non-English or limited-English speakers' case files reviewed	44
Languages of clients' cases	English, Spanish, Hmong, Lao, ASL, Vietnamese

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of

policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX reviews the county's compliance plan, and provides either approval of the plan as submitted, or lays out additional information to be submitted to gain approval.

Section X of the report is reserved for a declaration of overall compliance.

### III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

#### A. Findings

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			Both TulareWORKS offices visited are able to accommodate earlier and later at the client's request.  Special accommodations can be made on an as needed basis.
Does the county have extended hours to accommodate clients?	X			The Dinuba and Visalia office offer extended hours to accommodate clients.
Can applicants access services when they cannot go to the office?	X			Clients are able to mail in applications. Staff can also accommodate clients by arranging for home visits and/or conducting phone interviews.
Does the county ensure the	X			Flyers are posted

awareness of available services for individuals in remote areas?				throughout the county, radio announcements, and general info is provided in hospitals and county clinics.
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<b>Signage, posters, pamphlets</b>	<b>Yes</b>	<b>No</b>	<b>Some-times</b>	<b>Comments</b>
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13 – 6/11)?	X			All but one employee knew the importance of explaining the PUB 13 at intake and annually.
Is the pamphlet distributed and explained to each client at intake and re-certification?	X			See comments above.
Is the current version of Pub 13 available in Arabic, Armenian Cambodian, Chinese, English, Farsi Hmong, Japanese, Korean, Lao Mien, Portuguese, Punjabi, Russian Spanish, Tagalog, Ukrainian, Vietnamese?	X			The offices visited had very nice, organized displays of the PUB 13 in all available languages.
If the PUB 13 is not displayed in all the languages available, is there a poster that indicates that the Pub 13 is available in all 18 languages?	X			
Was the Pub 13 available in large print (English and Spanish), audiocassette and Braille?	X			
Were the current versions of the required posters present in the lobbies?	X			
Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?			X	2 receptionists at the facilities visited were unaware of where the CRCs information was located.
Were there instructional and	X			



Signage, posters, pamphlets	Yes	No	Some-times	Comments
directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?				

## B. Corrective Actions

Informational Element	Corrective Action Required
Posters	Tulare County shall ensure that the most current version of posters on nondiscrimination provided by CDSS and USDA are prominently displayed in all waiting areas and reception rooms. Div. 21-107.211 Further, ALL employees shall know the location of these posters in the lobby.

## IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

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

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

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

#### **A. Findings and Corrective Actions**

**Facility Location:** 1066 N. Alta, Dinuba CA

<b>Facility Element</b>	<b>Findings</b>	<b>Corrective Action</b>
Parking	None found	
Exterior entrance	None found	
Outside signage	None found	
Foyer	None found	
Client lobby	None found	
Telephone	None found	
Water fountain	None found	
Elevator	None found	
Stairway	None found	
Restroom	None found	
Emergency egress	None found	
Threshold	None found	

#### **B. Recommendation**

N/A

**C. Facility Location:** 3500 W. Mineral King, Visalia, CA

A review of this facility was NOT conducted during this visit.

**D. Facility Location:** 26500 S. Mooney, Visalia, CA

<b>Facility Element</b>	<b>Findings</b>	<b>Corrective Action</b>
Restroom	<b>Men's:</b>  Door pressure excessive at 9 lbs	Force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)) p 201

	<b>Woman's:</b>  Door pressure excessive at 9 lbs  Feminine product dispenser too high at 54 in	Force to open doors, exterior and interior is 5 pounds maximum. (CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)) p 201  If towel, sanitary napkins, waste receptacles, and other similar dispensing and disposal fixtures are provided, at least one of each type if located with all operable parts, including coin slots, at a maximum height of 40". (CA T24 1115B.8.3, ADA 4.23.7) p 294
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**E. Facility Location:** 1845 N. Dinuba Blvd, Visalia, CA

Facility Element	Findings	Corrective Action
Parking	None found	
Exterior entrance	None found	
Outside signage	None found	
Foyer	None found	
Client lobby	None found	
Telephone	None found	
Water fountain	None found	
Elevator	None found	
Stairway	None found	
Restroom	None found	
Emergency egress	None found	
Threshold	None found	

**V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES**

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

**A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews**

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	X			All workers are trained and practice using Form 113. This helps identify the client's oral and written preference upon initial contact.
Does the county use a primary language form?	X			See comments above.
Does the client self-declare on this form?	X			Yes. Clients fill out the form.  **It should be noted that in many cases, the form was not completely filled out, i.e. not signed, oral preference was identified, but not written, etc. It is important that the form be completely filled out to maximize its effectiveness.
Are non-English- or limited- English-speaking clients provided bilingual services?	X			Most non English speaking clients are Spanish speaking. Fortunately for Tulare County, many of the workers are also

Question	Yes	No	Some-times	Comments
				Spanish speaking.
After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter?	X			Clients are almost always assigned a Spanish speaking worker. For languages other than English and Spanish, a language line is readily available for the county staff to use.
Is there a delay in providing services?		X		
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			Tulare county has bilingual staff and a language line provider through Tele-Language.
Are county interpreters determined to be competent?	X			All bilingual workers must be certified through the county.
Does the county have adequate interpreter services?	X			
Does the county allow minors to be interpreters? If so, under what circumstances?			X	A few workers (in all programs reviewed) stated that minors have been used to reschedule appointments. That is the <u>only</u> reason minors are used.
Does the county allow the client to provide his or her own interpreter?	X			A client must fill out county Form 24 to be able to use their own interpreter.
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			
Does the county use the CDSS-translated forms in the clients' primary	X			

Question	Yes	No	Some-times	Comments
languages?				
Is the information that is to be inserted into NOA translated into the client's primary language?	X			In languages other than English/Spanish, translated NOAs were included. Languages included Hmong, Vietnamese, and Loa.
Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			Staff can assist clients who cannot read by reading any relevant forms to them. For clients who cannot write, staff can assist the client by filling out their forms. All assistance is noted in the case comments.
Does the county offer screening for learning disabilities?	X			
Is there an established process for offering screening?	X			<p>If clients wish to be screened for learning disabilities they need to fill out a "Disability Screening" form for further evaluation.</p> <p>After the form has been completed, clients are referred to Family Intervention. Workers then determine the level of their</p>

Question	Yes	No	Some-times	Comments
				disability.
Is the client identified as having a learning disability referred for evaluation?	X			Clients are also referred to Family Care Services that offers counseling and classes.

## B. Corrective Actions

None

## VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

### A. Findings from Case File Reviews and Staff Interviews

Documented Item	Children's Services	IHSS	CalWORKs	Non-Assisted Food Stamps
Ethnic origin documentation	Case Referral Sheet, CWS-CMS	SOC 293, SOC 295	Form 113	Form 113
Primary language documentation	CWS-CMS ID page	Form 113	Form 113	Form 113
Method of providing bilingual services and documentation	Case Notes	Case Narrative	CalWIN Demographic Summary, Case Comments	CalWIN Demographic Summary, Case Comments
Client provided own interpreter	Case Notes	Case Narrative	Case Comments	Case Comments
Method to inform client of potential problem using own interpreter	Form 24	Form 24	Form 24	Form 24
Release of	Form 25	Form 25	Form 25	Form 25

<b>Documented Item</b>	<b>Children's Services</b>	<b>IHSS</b>	<b>CalWORKs</b>	<b>Non-Assisted Food Stamps</b>
information to Interpreter				
Individual's acceptance or refusal of written material offered in primary language	Case Notes	Case Narrative	Case Comments	Case Comments
Documentation of minor used as interpreter	None found	None found	None found	None found
Documentation of circumstances for using minor interpreter temporarily	None found	None found	None found	None found
Translated notice of actions (NOA) contain translated inserts	Case file	Case file	CalWIN Case Summary, Client Correspondence	CalWIN Case Summary, Client Correspondence
Method of identifying client's disability	Case Notes	Intake/Annual Review Form	SOF, case comments	SOF, case comments
Method of documenting a client's request for auxiliary aids and services	Case Notes	Case narrative	Case comments	Case comments

## **B. Corrective Actions**

None

## **VII. STAFF DEVELOPMENT AND TRAINING**

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.



## A. Findings

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 Training?	X			Tulare does a good job of providing an annual training to county staff.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?			X	Many times. Some of the staff interviewed stated that Elisa Rivas was the CRC. At the time of the review, Karishma Fazalbhoy was the CRC. It is important that the county staff is always aware of who the CRC currently is.
Does the county provide employees Cultural Awareness Training?	X			Included in the above mentioned training.
Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?	X			MEPA training is provided as a separate training every 18 months.
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

## B. Corrective Actions

Training Area	Corrective Action
Division 21, Civil Rights Training	Tulare County shall ensure that employees receive Division 21 civil rights training at the time of orientation, as well as ongoing training to ensure that public contact staff has knowledge of Division 21, including familiarization with the discrimination complaint process. Div. 21-117.1

## VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

### A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?			X	Many of the staff were confused by the question itself. But after clarification, a few still could not explained a program complaint. Everyone was able to explain what a discrimination complaint was.
Did the employees know who the Civil Rights Coordinator is?			X	Some of the staff interviewed named Elisa Rivas as the CRC. At the time of the review, Karishma Fazalbhoy was the CRC.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?			X	Of the workers interviewed, 3 did not know there was a poster in the lobby identifying the CRC's information.
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	X			

### B. Corrective Action

Element	Corrective Action
Discrimination Process	Tulare County shall ensure staff have knowledge of the discrimination complaint process and are able to differentiate it from other complaint processes. Div. 21-117 and 21-203

Civil Rights Coordinator	Tulare County shall ensure that staff is knowledgeable regarding contact information of the civil rights coordinator, at minimum, where the information can be located. Div. 21-117 and 21-107.21
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### **C. Recommendation**

It is important that a change in Civil Rights Coordinator is relayed to ALL staff, especially first contact staff, even if the assignment is temporary.

## **IX. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL**

The Tulare County HHSA Civil Rights Compliance Plan for the period February 1, 2011 through January 31, 2012, was received and is approved as submitted.

## **X. CONCLUSION**

The CDSS reviewer found the Tulare County HHSA staff warm, welcoming, informative and very supportive. Particular thanks to Karishma Fazalbhoy, interim Civil Rights Coordinator, for organizing the details of the review, and to everyone else who assisted in each of the facility reviews. In each District Office, staff were very helpful with the facility reviews, case reviews, and computer assistance.

The CDSS found the Tulare County Health and Human Services Agency in satisfactory compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. County staff continues to reflect a commitment similar to that expressed by management with respect to ensuring access, assistance, and compliance.

Tulare County Health and Human Services Agency must remedy the violations identified in this report by taking corrective actions. A corrective action plan 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 by which all actions will be taken to correct the violations.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.