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DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

February 9, 2012

Lori Jones, Director
Alameda Social Services Agency
2000 San Pablo Ave., 4th Floor
Suite #445
Oakland, CA 94612

Dear Ms. Jones:

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 October 17-21, 2011. Enclosed is the final report on the review.

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.

Our compliance reviews are considered public documents under the Public Records Act (PRA). Once we approve your CAP, it becomes a public document as well. All compliance reviews (and corresponding CAPs) performed after January 1, 2008 will be posted on our website at: <http://www.cdss.ca.gov/civilrights/>.

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.

Sincerely,

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

Enclosure

c: Darleen Brooks, Civil Rights Coordinator

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**CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
ALAMEDA COUNTY
SOCIAL SERVICES AGENCY**

Conducted October 17 - 20, 2011

**California Department of Social Services
Human Resources Management Division**

Civil Rights Bureau

744 P Street, MS 15-70

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Reviewer

Mary Rockwood

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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 Alameda County Social Services Agency (SSA) 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.

Interviews with selected public contact staff were held by telephone after the on-site review, which was conducted on October 17-20, 2011. An exit meeting was held with administrative staff on October 20, 2011.

The 2011 review was conducted in the following locations:

Facility	Address	Programs Reviewed	Languages spoken by a substantial number of clients
North Oakland Self-Sufficiency Office	2000 San Pablo Ave.	CalWORKS; CalFresh;	English, Spanish, Chinese, Vietnamese, Farsi/Dari, Cambodian (Khmer) Note: Several other languages are spoken but do not yet represent a 5% threshold level for definition of "substantial"
Fremont Self-Sufficiency Office	39155 Liberty St.	CalWORKS; CalFresh;	English & Spanish
Eastmont Self-Sufficiency Office	6955 Foothill Blvd. Oakland	CalFresh; IHSS	English, Spanish, Vietnamese, Chinese

- In the case file sample, primary languages in addition to those noted above included Hindi, Russian, ASL, Tigrinya, Pashto and Cantonese.

II. SUMMARY OF METHODOLOGY

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

- Reviewed the 2011-2012 Annual Civil Rights Plan update 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.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Case file reviews
- Facility inspections
- Review of Vendor Contracts (Sample)

Below is a summary of the sources of information used for the report:

Interviews Conducted with Public Contact Staff

Classifications	Total	Bilingual
Eligibility Technician	12	(9)
Eligibility Support Clerk	4	(1)
Social Worker	3	(2)
Total	19	(12)

Case File Review (Total 115 cases)

English speakers' case files reviewed	10
Non-English or limited-English speakers' case files reviewed	103
Undocumented/Unable to determine	2
Languages of non-English cases	Spanish, Vietnamese, Chinese, Cambodian, Russian, Hindi, Tigrinya, Pashto ,Russian, Pashto ,Cantonese and ASL

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. Any required corrective actions are stated at the end of each section.

Section IX of the report presents the result of the annual plan review.

Section X of the report presents information obtained from community input.

Section XI provides a summary conclusion of the compliance review and the agency's compliance status.

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			Mail, phone and online application made through Benefits CalWin are options. Regular business hours are 8:30 – 5:00 (closed for lunch 12:00 – 1:00); however, managers reported that before/after hours appointments can be arranged.
Does the county have extended hours to accommodate clients?	X			See above

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Can applicants access services when they cannot go to the office?	X			Alternatives include access via the telephone, mail and home visits, as well as electronic web access..
Does the county ensure the awareness of available services for individuals in remote areas?	X			There are no truly remote areas in the county, but Alameda SSA maintains a website for public information and participates in a variety of community functions and collaborative efforts with community based organizations to share information on available services.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs"?	X			The pamphlet is an established part of the intake and annual packets.
Is the pamphlet distributed and explained to each client at intake and re-certification?		X		Distribution and some discussion is held; however, it appears that Common practice is to simply point out the pamphlet to clients, instruct them to read it on their own and ask any questions they may have.
Was the current version of Pub 13 available in English, Spanish, Lao, Vietnamese, Chinese, Hmong, Russian, Korean, Farsi, Armenian and Cambodian?	X			The pamphlets are inserted in the client packets at intake and recertification; however, no lobby display or availability of the pamphlets was

Signage, posters, pamphlets	Yes	No	Sometimes	Comments
				observed in the North Oakland site. Pub 13's in threshold languages were displayed and available to the public in the other offices.
Was the Pub 13 available in large print, audiocassette and Braille?	X			Workers reported that these formats are available.
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			Only some workers were aware of the poster; and that awareness was limited. Most workers did know who the Civil Rights Coordinator is.
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	X			Some information was provided in threshold languages, but it appeared incomplete in the North Oakland site, due to the wider diversity of client population.

B. Corrective Actions:

Informational Element	Corrective Action Required
Explanation of CDSS'Publication 13	Alameda County shall ensure that the Pub 13 pamphlet, "Your Rights Under California Welfare Programs" is both given and explained to program participants in all of the programs for which CDSS has oversight responsibility. Div. 21-107.221

Informational Element	Corrective Action Required
Directional signage	Alameda County 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 and .24

Additional Comment: While some workers discuss the Publication 13 with clients at intake and annual recertification, additional effort appears to be necessary to ensure that the non-English speaking clients served by the telephone interpreter line actually understand the pamphlet.

Input from community advocates indicated that workers do not provide the telephone interpreters with sufficient detail about the Pub 13 to translate to clients so that they fully understand.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act 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 ADAAG in the Corrective Action column refers to the federal Standards for Design, and the Title 24 of California Code and Regulations (T24 CCR) are also cited because there are instances when California state law is more stringent 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.

A. Findings and Corrective Actions

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR), and Americans with Disabilities Act Accessibility Guidelines (ADAAG).

Facility Location # 1: N. Oakland Self Sufficiency Office, 2000 San Pablo Ave.

Facility Element	Findings	Corrective Action
Parking	<p>1.The signage designating accessible parking spaces was missing the sign regarding minimum fines for parking in designated accessible spaces without proper placard or license.</p> <p>2. The space designated as the van-accessible space has the access aisle (loading/unloading clearance) on the driver's side of the vehicle.</p>	<p>1.An additional sign below the international symbol of accessibility sign shall state "Minimum Fine \$250.00". (CA T24 1129B.4.1)</p> <p>2. Van-accessible should have access aisles on the passenger side of a space, and should be a minimum of 18'long by 9' wide. (CA T24 1129B.3.1; ADA 4.6.3)</p>
Lobby/Reception	<p>Excellent provision has been made for placement of the phones that are provided for clients to call their worker.</p> <p>All of the phones were mounted low enough to be within reach by a person in a wheelchair.</p> <p>Additionally, a room with tables for clients to use in filling out paperwork is provided and accessible as well.</p>	No corrective action needed.
Restrooms	1. Pressure required to open the doors was too high (Men's = 15; Women's = 15)	1. Force to open doors, exterior and interior, shall be 5 pounds maximum [CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)]

Facility Location # 2: Fremont Self-Sufficiency Office , 39155 Liberty St.

Facility element	Findings	Corrective Action
Parking	1.The signage designating accessible parking spaces was missing the sign regarding minimum fines for parking in designated accessible spaces without proper placard or license.	1.An additional sign below the international symbol of accessibility sign shall state "Minimum Fine \$250.00". (CA T24 1129B.4.1)
Lobby	<p>1.Phones provided for clients to call their worker were placed 50" high (from the floor), which exceeds the 40-42" height needed to qualify as accessible.</p> <p>2. Document Drop Boxes for client use are mounted at 49" from the floor.</p>	<p>1.The same standards as for elevator call buttons or restroom dispensing fixtures are used to assess the accessibility of equipment provided to clients for their use in contacting their workers. The "operable part" of the fixtures are to be no higher than 40 inches from the floor and the centerline of a hall call button for elevators should be no higher than 42 inches. At least one phone should be lowered to accessibility to persons in a wheelchair. (CA T24 1116B.1.10; CA T24 1115B.8.3; ADA 4.10.3; ADA 4.23.7)</p> <p>2. Same as above.</p>

Parking	<p>1. There was unclear designation of the spaces intended for accessible parking. There were 4 freestanding signs, but only 3 spaces with ground markings and two of those spaces had no access aisles.</p> <p>2. The signage designating accessible parking spaces was missing the sign regarding minimum fines.</p>	<p>1. Each parking space for persons with disabilities shall be identified by a reflectorized sign posted adjacent to and visible from each space.</p> <p>The surface of each accessible space must have identification painted on the pavement outlining a profile view of a wheelchair with occupant located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36"x36". (CA T24 1129B.4.1&2;; ADA 4.6.4)</p> <p>Each accessible space is to be served by an access aisle (load & unload) and should be a minimum of 18' long and 5' wide (except for a van-accessible space which requires it to be 8' wide and on the passenger side of the vehicle. (CA T24 1129B.3.2;; ADA 4.1.2)</p> <p>2. An additional sign below the international symbol of accessibility sign shall state "Minimum Fine \$250.00". (CA T24 1129B.4.1)</p>
Door Pressure	<p>Both the building's entrance and restroom facilities measured door pressure in excess of the standard for accessibility:</p> <p>Building Entrance: two sets of doors @ 15 – 18 pounds ;</p> <p>Restrooms: 12 -13 pounds.</p>	<p>Force to open doors, exterior and interior, shall be 5 pounds maximum [CA T24 1133B.2.5, ADA 4.13.11(2)(a) & (b)]</p>

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 (TDDs), 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 be in the individuals' primary language.

A. Findings from 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			At initial contact, clients are asked what language they speak – and either the lobby client advocate or telephone interpreter services are used when necessary to establish this information.
Does the county use a primary language form?	X			A Form 50-85 (Language Preference Form) is used.
Does the client self-				Staff indicates that clients provide the

Question	Yes	No	Some-times	Comments
declare on this form?	X			information either written on the form or verbally during interview.
Are non-English- or limited- English-speaking clients provided bilingual services?			X	<p>Existing agency policy provides for verbal bilingual services to be provided; however workers reported that many non-English/non-Spanish speaking clients bring either a family member or community advocate to provide bilingual services for them.</p> <p>Bilingual staffing appears adequate for the Spanish-speaking clients, however both workers and managers reported that overall bilingual staffing is inadequate to service the large client population speaking other languages.</p> <p>(See additional comments at the end of this section).</p>
After it has been determined that the client is limited-English or non-English speaking, what is the county process for procuring an interpreter?	--	--	--	Whenever possible, non-English clients are assigned to bilingual workers, but when this is not possible, workers attempt to secure assistance from co-workers or utilize the telephone interpreter service provided by the agency. Noted, however, is input from workers during interviews that indicated clients often bring their own interpreter or have community agency/advocate assistance.
Is there a delay in providing services?		X		Delays are avoided by utilizing either client-provided interpreters or the telephone service.
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			
Are county interpreters				Bilingual workers are tested and

Question	Yes	No	Some-times	Comments
determined to be competent?	X			certified by the agency. An issue that surfaced, however, is the effectiveness of interpreter service in some cases. (See further discussion at the end of this section.)
Does the county have adequate interpreter services?		X		As noted above and reader is directed to discussion at the end of this section.
Does the county allow minors to be interpreters? If so, under what circumstances?		X		
Does the county allow the client to provide his or her own interpreter?	X			According to staff, it is common for clients to bring someone with them to serve as an interpreter if their primary language is other than English or Spanish.
Does the county use the CDSS-translated forms in the clients' primary languages?	X			Cal Win routinely provides Notices of Action in the necessary languages and other translated forms are available. Much of the process is interactive, with workers providing input into CalWin through verbal discussions with the client.
Is the information that is to be inserted into Notices of Action translated into the client's primary language?	X			If the standard form is not sufficient, additional information is inserted.
Does the county provide auxiliary aids and services, telecommunication devices for the deaf (TDDs) and other effective aids and services for persons with	X			According to staff, their experience with disabled clients was limited, but indicated that most of the disabled clients bring someone with them to assist. They report the primary means to assist visually impaired clients would

Question	Yes	No	Some-times	Comments
impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials?				be to have a third party assist them by reading and signing documents for them. Excellent provision was made in the N. Oakland office for accessibility to the phones used to call workers – all were lowered to an accessible level.
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			In the course of processing, staff assist those clients who cannot read or write by reading to them and helping with the completion of forms.
Does the county offer screening for learning disabilities?	X			This occurs in the Welfare to Work Program Employment Program according to staff input.
Is there an established process for offering screening?	--	--	--	WTW Employment was not reviewed.
Is the client identified as having a learning disability referred for evaluation?	--	--	--	WTW Employment was not reviewed.

Additional Discussion (bilingual staffing and effectiveness of communication with telephone line)

No specific data was available regarding bilingual staffing in the offices reviewed; however, there was indication from interviews and managers surveys that additional bilingual staffing is needed. (Bilingual staffing will be mentioned further in discussion of the Annual Plan update presented in Section IX).

There is common practice to utilize family or friends (or community advocates) in cases where a bilingual caseworker is not available. In fact, it was suggested that many clients who speak non-threshold languages have come to view this as an expectation.

The telephone interpreter service is also widely used in absence of bilingual caseworkers.

Alameda County SSA has made the equipment readily available and workers in both reception and casework functions. That is a valuable resource for the agency; however, there was input (and observation) that the effectiveness of that telephone interpretation is sometimes in question. That is usually due to the technical nature of the discussions and the workers' failure to explain sufficiently to the telephone interpreter the meaning of the terms or process that is being communicated to the client. The result is a lack of adequate understanding by the client and, in essence, utilization of the interpreter service more as a tool for the workers.

There has been a recent update of a Limited English Proficiency (LEP) Plan prepared by the Policy Office for Language Access. In that plan, staff development and training is identified as an important component. This will be essential in closing the apparent gap between written protocol and actual worker practices.

B. Corrective Actions

Area of Findings	Corrective Actions
<p>Adequacy of Language Services to Non-English Speaking Clients:</p> <p>a) Bilingual Staffing; b) Effectiveness of telephone interpreters</p>	<p>(See discussion above regarding the level of bilingual staffing and the use of the telephone interpreter service.)</p> <p>a) A sufficient number of qualified employees shall be assigned to public contact positions in each program and/or location serving a substantial number of non-English-speaking persons. The number of public contact positions in each major occupational group shall be determined for each program/location whose non-English language cases equal or exceed five percent of the total cases for each program/location. (Div 21- 115.1)</p> <p>b) When the percentage of non-English cases is less than five percent, the agency shall ensure that <u>effective</u> bilingual services are provided. This requirement may be met through bilingual staff, paid interpreters, qualified employees of other agencies or community resources. (Div 21-115.15)</p> <p>Effectiveness for purposes of this discussion is whether the clients understand the process and the information being discussed with regard to their eligibility for benefits/services.</p>

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

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

A. Findings from Case File Reviews and Staff Interviews

Documentation Item	Cal WORKs	CalFresh
Ethnic Origin	SAWS 1 + CalWin	DFA 285 A1+ CalWin
Primary language	SAWS 1; Form 50-85; CalWin	DFA 285; Form 50-85; CalWin
Method of providing bilingual services	Documentation would be in CalWin Journal narrative; however, bilingual workers do not routinely document that they served as interpreter.	Documentation would be in CalWin Journal narrative; however, bilingual workers do not routinely document that they served as interpreter.
Method to inform client of potential problem of ineffective communication using own interpreter	No documentation: workers do not have this communication – thus no documentation.	No documentation: workers do not have this communication – thus no documentation.
Release of information to Interpreter	None found in files except Form 50-85.	None found in files except Form 50-85.
Individual's acceptance or refusal of written material offered in primary language	Form 50-85, Language Preference Form	Form 50-85, Language Preference Form
Translated NOAs contain translated inserts	CalWin generally prints needed information. Workers must insert when CalWin does not print	CalWin generally prints needed information. Workers must insert when CalWin does not print

	necessary detail	necessary detail
Documentation of minor used as interpreter	N/A	N/A
Method of identifying client's disability	Observation, Discussion of Statement of Facts	Observation, Discussion of Statement of Facts
Method of documenting a client's request for auxiliary aids and services	No cases in sample, but workers would document in CalWin Journal and Client Case Information	No cases in sample, but workers would document in CalWin Journal and Client Case Information

Additional Comments:

The 2011 findings related to deficiencies in documentation are repeat findings that have been reported in findings of prior reviews. Of most significance is the failure to document the delivery of language services by bilingual caseworkers. Bilingual staff are either not aware of their responsibility to document language services they provide (interpretation for the non-English clients they have on their caseload) or they are not held accountable for doing so.

Division 21, Section 116, mandates that staff document the method used to provide bilingual services, regardless of who serves as the interpreter. This includes bilingual workers. The case record must contain this documentation for every non-English or limited-English speaking individual who has declared a language other than English as his/her primary language.

Effectiveness of interpreters has surfaced as an issue in the 2011 review and is discussed in Section V. The relevance in this section, however, is specifically the documentation requirement in Division 21 that relates to documenting discussion with clients regarding the potential for ineffective communication if they use their own interpreter (who may not be able to adequately understand the technical terminology or process to enable him/her to be effective as an interpreter). Clients retain the right to use their own interpreter, but this discussion and its documentation are required by Division 21.

Further guidance on these issues can be found in All County Letter No. 08-65, located on CDSS' website at: <http://www.dss.cahwnet.gov/lettersnotices/entres/getinfo/acl08/08-65.pdf>

B. Corrective Actions

Areas of Action	Corrective Action
Documentation that bilingual services were provided (Interpreters)	Alameda County SSA must ensure that staff 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 client provided interpreter. Div. 21- 116.22
Documentation of discussion concerning use of own interpreter.	When applicants/recipients provide their own interpreter, SSA shall ensure that the applicants/recipients are informed of the potential problem of ineffective communication. It shall be documented in the case record that the applicant/recipients were so informed. Div. 21-116.23

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	Staff receive civil rights training as new employees, however, it appears that ongoing training is sporadic and voluntary. Some of the managers indicated that additional training is necessary. (Additional comments below)
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			Staff are aware of clients rights regarding the filing of a complaint, but appear to view this as a supervisory referral. Knowledge of the complaint process was limited.

Does the county provide employees Cultural Awareness Training?	X			
Do the employees seem knowledgeable about the cultural groups receiving services in their area?	X			This varies by district according to the district's diversity. North Oakland has many more resettlement groups to serve and may not have as wide a coverage of cultural awareness training as needed.

Additional Comments (Division 21 Training): Based on the findings of this review and those of prior years, it appears that the training provided may not include content related to actual worker casework practices needed to ensure compliance with the civil rights policies being presented. Specific examples of this are the findings related to case documentation and worker requirements when clients use their own interpreters.

It was also observed that staff could not clearly articulate differences between the process for resolving discrimination complaints and program benefit complaints (Fair Hearings vs. Discrimination Complaint Process).

In the updated Limited English Proficiency (LEP), it was noted that the Training and Consulting Team (TACT) of the Social Services Agency is responsible for the development, coordination and presentation of training to all agency staff. It is unclear where the responsibility for coordination of Division 21 content (Civil Rights Program regulations) lies. Separate organizational units appear to have oversight functions for parts of the program – e.g., Civil Rights Coordinator, Language Access Policy Office, ADA Coordinator.

B. Corrective Actions

Areas of Action	Corrective Action
Ongoing Civil Rights Training	Each public contact employee shall receive training in the requirements of Division 21. These requirements of Division 21 shall be incorporated into the content of orientation and continuing training programs. 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. The Civil Rights Coordinator primarily uses this log once complaints get to him/her.

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	Some of the staff did not seem to distinguish between the processes for fair hearings on program issues and a separate process for addressing civil rights complaints.
Did the employees know who the Civil Rights Coordinator is?	X			
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?			X	Some had a general idea that such a poster was in the lobby area, but were not aware of its content.
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	--	--	--	See Discussion Below

Additional Discussion : Discrimination Complaint Log

The findings related to the Discrimination Complaint Log must be discussed in the larger context of the client discrimination complaint *process* in place in Alameda Social Services Agency.

There is fragmented organizational responsibility for handling client discrimination complaints based on the origin and nature of the complaint. For example, language access issues are sent to the Policy Office for Language Access and do not come to the

attention of the Civil Rights Coordinator. They would not, therefore, be included on the discrimination complaint log maintained by the Civil Rights Coordinator (CRC). Client complaints originating in vendor program sites are to be sent to the Director's Office (according to standard boiler plate language in the master contract). These complaints may or may not come to the attention of the CRC. Bay Area Legal Advocates receive complaints directly from clients and have recently forwarded some of those complaints to CDSS in order to have them investigated. Community advocates have reported to CDSS that clients do not have understanding of how to access the complaint process with the county agency.

The discrimination complaint log maintained by the CRC and provided to this reviewer contained primarily staff complaints and EEO issues, not client discrimination complaints. There were some recent additions to the log, that reflected the above mentioned client complaints, but these were added after contact by CDSS (the client complaints had been presented to CDSS by Bay Area Legal Advocates on behalf of clients so that they could be investigated).

There appears to be a decentralized accountability for managing client discrimination complaints that results in an ineffective complaint process and presents a compliance issue with Division 21 Section 21-203.21. This section mandates that a control log be maintained in which all client complaints of discrimination are entered by year and date the complaint was received. Additional requirements for this centralized log are listed in Division 21-203.211-.219.

B. Corrective Action:

Areas of Action	Corrective Action
Discrimination Complaint Log	Procedures must be developed to establish accountability for maintaining a central client discrimination complaint log that meets the requirements of Division 21-203.21
Discrimination Complaint Process	Alameda SSA must ensure that clients have access to and understand how to use the discrimination complaint process. (This includes training of staff as well). Div 21-203.262

IX. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The 2011-2012 Civil Rights Plan Update was submitted for approval as part of the 2011 compliance review and was assessed as part of that review. The update, as submitted, does not provide sufficient detail to establish the existence of current policies that provide equal delivery of benefits and services. The last comprehensive annual plan was

submitted five years ago, with updates forwarded since that time; however, references are made to original data (including bilingual staffing patterns) and policy protocol that is now obsolete due to revisions and/or update (notably, the LEP Plan). Due to the timing of the planning cycle and the need to develop a more detailed and current plan that will include considerations from this review, CDSS will accept the submitted update as an interim document, pending the development of a more comprehensive and current plan for 2012 - 2013. Annual Plan Guidelines are available from the Civil Rights Bureau of CDSS and technical assistance will be provided as needed during the development of the ACSSA Civil Rights Plan for 2012-2013.

A sample of vendor contracts was completed as part of the 2011 compliance review to assess compliance with plan provisions for each contractor/vendor to provide a signed assurance of compliance for nondiscrimination in state and federally assisted programs. Alameda SSA has accomplished this through Section VII of their plan, which includes a copy of the CBO Master Contract and language access requirements for contractors. Each of the vendor contracts reviewed had the signed master contract assurances and presented no compliance issues.

X. COMMUNITY INPUT

The reviewer met with representatives from community groups and received written input from the Regional Office of Bay Area Legal Aid. A copy of the written input is provided as Exhibit 1 of this report.

During the meeting, it was acknowledged that efforts have been made to strengthen communication links between the community advocates and Alameda County Social Services Agency (ACSSA). Regular meetings are held between the advocate groups and the ACSSA Policy Office for the Language Access Program, and there has been a recent addition of a Language Access Monitor-- reporting to the Policy Chief. When asked if the Civil Rights Coordinator attends these meeting, the reviewer was informed that she has not been included. (It is unclear to this reviewer why a coordinator of an agency's civil rights program would not be involved in a major element of that program and raises a question of the role of the Civil Rights Coordinator.)

The concerns expressed by the representatives during the meeting are consistent with discussion presented in this report (also see Exhibit 1). However, additional discussion revolved around a report published in January 2007 by the Discrimination Research Center (DRC). Alameda County Social Services Agency (ACSSA) had contracted with DRC to examine services provided to Limited English Proficient (LEP) clients in the CalWORKs Program. In essence, the concerns were that ACSSA has not made sufficient strides in addressing the findings presented in that report approximately five years ago.

Among the findings was that while an infrastructure capable of assisting LEP clients was in existence, language services provided to clients varied greatly by language and bilingual

staffing was inadequate to serve the diverse population. Reliance on family or friends to serve as interpreters presents its own set of issues as well.

In the course of the input during our meeting, it was suggested that ACSAA needs to do more to address the need for more compassionate and responsive language services and staff need to be better trained to handle the diverse population it serves.

XI. CONCLUSION

Alameda County Social Services Agency (ACSAA) was found to be in partial compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 regulations, and other applicable state and federal civil rights laws. The existence of an organizational unit designated specific responsibility for policies related to language access for clients is clear indication of management's commitment to serving the widely diverse population.

The ongoing issues related to case documentation, as well as the inconsistency in case work practices related to civil rights indicates that additional effort is needed to increase worker awareness of Division 21 requirements. It appears that a lack of training and communication may be contributing to this situation, since many appropriate policies are set forth in protocol and yet not consistently implemented at the worker level.

There were other relevant findings in language services, case documentation, staff development, discrimination complaint process and civil rights program oversight and plan development. While not a specific element under review, it is the opinion of this reviewer that fragmented organizational responsibility for specific components of the Civil Rights Program without centralized oversight/accountability for the overall program has contributed to the findings in this review. There appeared to be minimal interface with the Civil Rights Coordinator by Language Access, ADA, or Staff Development. It is unknown whether the role of the coordinator is intended to serve as an umbrella over all aspects of the civil rights program in Alameda County SSA; but it would seem that a stronger interface could strengthen the compliance posture with Division 21 mandates.

ACSAA 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 will be important that supervisory oversight be incorporated in the ongoing corrective actions to reduce the continuing pattern or repeat findings.

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.

EXHIBIT 1

From: Amy Lee, Alameda County Regional Office, Bay Area Legal Aid

RE: Community Feedback for 2011 Alameda County Social Services Civil Rights Compliance Review

The county is not providing appropriate language services to language groups beyond the county's 5 threshold languages (Chinese, Spanish, Khmer, Vietnamese and Farsi), particularly with languages of new refugee groups like Burmese, Karen, Karenni, Tamil and Nepali.

- The overarching problem is the county's failure to inform LEP clients of their right to free language services, which should be done at each contact and at annual redeterminations.
- Workers improperly rely on client's friend, relative, or CBO case manager to interpret. Workers do not inform clients of the risk of using their own interpreter, ie. incorrect interpretation, conflicts of interests, sensitivity of issues discussed.
- Workers need to spend more time with LEP clients explaining eligibility requirements, ie. reporting requirements, how to complete a QR7, MFG rule.
- Because no translations are available for these new languages, workers need to orally explain the forms clients are signing.
- Language Preference Forms – workers sometimes complete for the client. Clients often choose English because they don't know that the county can provide them with an interpreter. Also clients don't understand that they can request that the county provide an oral interpretation of the English notices they receive. Instead, clients often rely on people in the community to tell them what the notices say, which may cause delay or result in inaccurate interpretation.

- Lack of documentation in clients' case files as to how and if bilingual services were provided.

Refugees need to be better screened for mental disabilities. Refugees are fleeing from persecution in their home country and often suffer from undiagnosed mental disabilities. Clients should be evaluated for disability exemptions and extenders. SSI referrals and treatment referrals should be made when appropriate.

Proposed changes

- Work with advocates and community organizations on improving Division 21 civil rights trainings. Invite advocates and community organization to participate in trainings.
- Include cultural competency component to Division 21 trainings. Educate staff on trends in new arrivals of refugees and language groups in the county. For example, many workers are unfamiliar with the Karen language and think that it's Korean, that the client must speak Burmese since s/he is from Burma, or s/he must speak Thai since s/he lived in a refugee camp in Thailand.
- Train staff on how to work with interpreters, ie. speak in simple sentences, check client's understanding, use the first person, speak directly to the client not the interpreter, avoid use of technical terms or explain technical terms.