

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 7, 1999

ALL COUNTY LETTER NO. 99-03

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: RESPONSIBILITIES OF STATE/COUNTY IN COMPLYING WITH CALIFORNIA CODE OF REGULATIONS DIVISION 21; ASSURANCE OF COMPLIANCE AGREEMENT USE BY VENDORS, CONTRACTORS AND SUBCONTRACTORS

REFERENCE: TITLE VI AND VII OF THE CIVIL RIGHT ACT OF 1964, AS AMENDED; SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED; TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990; THE AGE DISCRIMINATION ACT OF 1975, AS AMENDED; THE FOOD STAMP ACT OF 1977, AS AMENDED AND IN PARTICULAR SECTION 272.6; CALIFORNIA CIVIL CODE, SECTION 51 ET SEQ., AS AMENDED; CALIFORNIA GOVERNMENT CODE, SECTIONS 11135 – 11139.5 ET SEQ., AS AMENDED; CALIFORNIA GOVERNMENT CODE SECTION 12940 (c); (h)(1); (i); AND (j); CALIFORNIA GOVERNMENT CODE, SECTION 4450; TITLE 22, CALIFORNIA CODE OF REGULATIONS 98000 – 98413; AND OTHER APPLICABLE FEDERAL AND STATE LAWS, RULES AND REGULATIONS

The purpose of this All County Letter is to ensure the continued implementation and enforcement of the requirements of the federal and state laws, rules and regulations prohibiting discrimination in the delivery of services in any program receiving federal and/or state assistance and the laws and regulations defining and prohibiting unlawful discrimination in employment and training programs.

No person shall, because of ethnic group identification, age, sex, color, disability, medical condition, national origin, race, ancestry, marital status, religion, religious creed, or political belief be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal or state assistance.

Contractors, vendors, consultants and other providers of services who assist on the implementation of welfare programs including any new programs under CalWORKs and CAPI

(Cash Assistance Program for Immigrants) and receive federal or state assistance through CDSS or through agencies covered by these regulations shall comply with nondiscrimination requirements of CDSS' Manual of Policies and Procedures (MPP) Division 21-103.4.

An important component of these nondiscrimination laws is the requirement of bilingual/interpretive services being provided in a language that the recipients can understand. County welfare departments shall ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English speaking population and individuals with disabilities, in accordance with MPP Division 21-115.

Counties and other agencies that implement CalWORKs and other programs/activities are required to inform recipients of their right to file discrimination complaints. Specific methods for disseminating nondiscrimination information are outlined in MPP Division 21-107.2, including posters, pamphlets, photographs, illustrations, and notices. The complaint procedure for applicants and beneficiaries to file a complaint of discrimination can be found in MPP Division 21-203.

Attempts shall be made by counties and other agencies at the outset to secure vendor's, contractor's, provider's and/or recipient's compliance by voluntary means, if such method is reasonably possible. The Assurance of Compliance Agreement, as defined in MPP Division 21-204 (a) (2), is a legal agreement in which a county welfare department agrees to administer a program or activity covered by this division in accordance with all applicable civil rights laws and their implementing regulations. Fiscal sanctions or other legal remedies may be invoked in accordance with Welfare and Institutions Code Section 10605 and Government Code Sections 11135 through 11139.5 when a county welfare department fails to voluntarily comply with the requirements imposed by MPP Division 21 or with applicable sections of state or federal statutes, rules and regulations. Counties must ensure that contractors, vendors, consultants and other providers of services provide and comply with written Assurances of Compliance with the nondiscrimination laws. A sample Assurance of Compliance is attached, which may be modified to meet county needs. The language contained in the body of this sample Assurance must be part of any Assurance of Compliance Agreement between counties and vendors, contractors, providers and/or recipients.

If you have any questions regarding this letter, please contact Sylvia Spencer, Chief of the Civil Rights Bureau at (916) 654-2107.

Sincerely,

***Original Document Signed By
Jeanne Rodriguez on 1/7/99***

Jeanne Rodriguez
Deputy Director
Office of Human Rights

Enclosure

**ASSURANCE OF COMPLIANCE WITH
THE _____ COUNTY
WELFARE DEPARTMENT**

**NONDISCRIMINATION IN STATE
AND FEDERALLY ASSISTED PROGRAMS**

NAME OF VENDOR/RECIPIENT

HEREBY AGREES THAT it will comply with Title VI and VII of the Civil Rights Act of 1964 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; the Food Stamp Act of 1977 as amended, and in particular Section 272.6; Title II of the Americans with Disabilities Act of 1990; California Civil Code, Section 51 et seq., as amended; California Government Code Section 11135-11139.5, as amended; California Government Code Section 12940 (c), (h) (1), (i), and (j); California Government Code, Section 4450; Title 22, California Code of Regulations 98000 – 98413, and other applicable federal and state laws, as well as their implementing regulations (including 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91, 7 CFR Part 15, and 28 CFR Part 42), by ensuring that employment practices and the administration of public assistance and social services programs are nondiscriminatory, to the effect that no person shall because of ethnic group identification, age, sex, color, disability, medical condition, national origin, race, ancestry, marital status, religion, religious creed or political belief be excluded from participation in or be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving federal or state financial assistance; and HEREBY GIVE ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal and state assistance; and THE VENDOR/RECIPIENT HEREBY GIVES ASSURANCE THAT administrative methods/procedures which have the effect of subjecting individuals to discrimination or defeating the objectives of the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Chapter 21, will be prohibited.

BY ACCEPTING THIS ASSURANCE, the vendor/recipient agrees to compile data, maintain records and submit reports as required, to permit effective enforcement of the aforementioned laws, rules and regulations and permit authorized CDSS and/or federal government personnel, during normal working hours, to review such records, books and accounts as needed to ascertain compliance. If there are any violations of this assurance, CDSS shall have the right to invoke fiscal sanctions or other legal remedies in accordance with Welfare and Institutions Code Section 10605, or Government Code Section 11135-11139.5, or any other laws, or the issue may be referred to the appropriate federal agency for further compliance action and enforcement of this assurance.

THIS ASSURANCE is binding on the vendor/recipient directly or through contract, license, or other provider services, as long as it receives federal or state assistance.

Date

Director's Signature

Address of vendor/recipient

(12/3/98)