CDSS

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

'HN A. WAGNER
DIRECTOR

ARNOLD SCHWARZENEGGER
GOVERNOR

August 30, 2010

Patrick Duterte, Director
Solano County Health & Social Services Department
1735 Enterprise Dr., M.S. 3-200
P.O. Box 4090
Fairfield, CA 94533

Dear Mr. Duterte:

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 December 14-16, 2009. 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 too, becomes a public document. Per the Governor's Executive Order S-08-09, all compliance reviews (and corresponding CAPs) performed after January 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.

Sincerely,

Jim Tashima, Acting Chief
Civil Rights Bureau
Human Rights and Community Services Division

Enclosure

c: Stephen Betz, Civil Rights Coordinator

Chris Webb-Curtis, Branch Chief, CDSS Supplemental Nutrition Assistance Program
M.S. 8-9-32

Mike Papin, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Richard Trujillo, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Paul Gardes, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Brian Tam, CDSS Supplemental Nutrition Assistance Program
Food Stamps Policy Bureau M.S. 8-9-32

Thuan Nguyen, Refugee Programs Bureau, M.S. 8-8-46

Joe Torres, Office of Civil Rights
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

Dominic Pagano, Office of Civil Right
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP
Western Region

Hope Rios,
USDA Food and Nutrition Services
Supplemental Nutrition Assistance Program (SNAP)
Western Region

CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
Solano County Health & Social Services Department
Conducted
December 14-16, 2009

California Department of Social Services

Human Rights and Community Services Division

Civil Rights Bureau

744 P Street, M.S. 8-16-70

Sacramento, CA 95814

(916) 654-2107

Reviewer

Elsa Garcia

TABLE OF CONTENTS

I. INTRODUCTION

II. SUMMARY OF METHODOLOGY

III. DISSEMINATION OF INFORMATION

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

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

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

VII. STAFF DEVELOPMENT AND TRAINING

VIII. DISCRIMINATION COMPLAINT PROCEDURES

IX. CONCLUSION

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 Solano County Health and Social Services Department (H&SS) 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 December 14-16, 2009. An exit interview was on December 16, 2009, to review the findings.

The review was conducted in the following locations:

Name of Facility	Address	Programs	Non-English languages spoken by a substantial number of clients (5% or more)
Health & Social Services	354 Parker Street, Vacaville, CA	CalWORKS, NAFS	Spanish
Health & Social Services	275 Beck Avenue, Fairfield, CA	APS, IHSS, CPS,ER	Spanish
Main Office - Health & Social Services	365 Tuolumne Street, 2nd Floor, Vallejo, CA	CalWORKS, NAFS	Spanish, Tagalog, Vietnamese

II. SUMMARY OF METHODOLOGY

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

- Reviewed the 2009-2010 Annual Civil Rights 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.

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

Classifications	Total	Bilingual
Eligibility Workers	8	4
Children Social Workers	2	1
Adult Program Workers	2	1
Receptionist/Screeners	3	2
Total	**15**	**8**

Program Manager Surveys

Number of surveys distributed	4
Number of surveys received	4

Reviewed Case Files

English speakers' case files reviewed	27
Non-English or limited-English speakers' case files reviewed	50
Languages of clients' cases	Spanish, Tagalog, 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 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			Clients can mail, and/or fax applications.
Does the county have extended hours to accommodate clients?	X			Workers can accommodate clients by working late.
Can applicants access services when they cannot go to the office?	X			Clients can access services through the county website.
Does the county ensure the awareness of available services for individuals in remote areas?	X			The county ensures awareness through the county website, Community Resource Fairs, and community events.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13)? Is the pamphlet distributed and explained to each client at intake and re-certification?	X			The Pub 13 is distributed at intake and the worker goes over it verbally. It is also distributed at recertification.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Was the current version of Pub 13 available in English, Spanish, Lao, Vietnamese, Chinese, Hmong, Russian, Korean, Farsi, Arabic, Laotian, Tagalog, Armenian and Cambodian?	X			
Was the Pub 13 available in large print, audiocassette and Braille?	X			
Were the current versions of the required posters present in the lobbies?	X			All sites had the required posters.
Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?	X			All staff interviewed was aware of location of required posters with Civil Rights Coordinator's name and address.
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			Good instructional and directional signage was present in the threshold languages at each office.

B. Recommendations: None

The most recent version for each of the above referenced documents is:

Pub 13	"Your Rights under California Welfare Programs"	03/07
Pub 86	"Everyone is Different, but Equal Under the Law"	03/07
Form AD 475B	"And Justice for All"	12/99

Contact your program consultant to receive the most recent versions, or download the Pub 13 from the CRB website http://www.dss.cahwnet.gov/civilrights/YourRights_498.htm.

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.

A. Findings and Corrective Actions

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

Facility Location: 354 Parker Avenue, Vacaville

Facility Element	Findings	Corrective Action
Parking	There were no additional signage below any of the ISA symbol sign(s) that states "Minimum Fine $250.00."	For both posted and wall-mounted signage, additional language on symbol sign and an additional sign below the symbol sign shall state "Minimum Fine $250.00." (CA T24 1129B.4.1) p 133
Main Entrance	Door pressure is excessive at 10 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

Facility Location: 275 Beck Avenue, Fairfield

Facility Element	Findings	Corrective Action
Parking	There were no additional signage below any of the ISA symbol sign(s) that states "Minimum Fine $250.00."	For both posted and wall-mounted signage, additional language on symbol sign and an additional sign below the symbol sign shall state "Minimum Fine $250.00." (CA T24 1129B.4.1) p 133

Facility Location: 365 Tuolumne, Vallejo

Facility Element	Findings	Corrective Action
Parking	There were no additional signage below any of the ISA symbol sign(s) that states "Minimum Fine $250.00."	For both posted and wall-mounted signage, additional language on symbol sign and an additional sign below the symbol sign shall state "Minimum Fine $250.00." (CA T24 1129B.4.1) p 133
2nd Floor, Men's Restroom	Door closed too quickly and did not allow at least 3 seconds to close.	Door Closer (if present) must be set so it takes at least 3 seconds to close from an open position of 70 degrees to a point 3" from the latch. (CA T24 1133B.2.5.1, ADA 4.13.10) p 205

B. Recommendation:

At 365 Tuolumne Office, in Vallejo, it was brought to the reviewer's attention that there is a ADA Client booth. This is an exceptional feature, and it is recommended that the booth be identified with the International Symbol of Accessibility (ISA) signage to indicate it is accessible for clients with disabilities.

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			Clients identify their language at first contact by completing a language form and on the application.
Does the county use a primary language form?	X			Language Needs Form
Does the client self-declare on this form?	X			

Question	Yes	No	Some-times	Comments
Are non-English- or limited- English-speaking clients provided bilingual services?	X			
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			Certified bilingual employees are available at each office to provide interpretive services.
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			The Agency retains the paid services of a private interpretive business to provide services for clients in other languages when they cannot otherwise be obtained.
Are county interpreters determined to be competent?	X			Staff is required to take and pass a Bilingual Proficiency Exam in order to be a Certified Bilingual Interpreter.
Does the county have adequate interpreter services?	X			
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			Clients are informed that an interpreter can be provided at no cost to them.
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			Clients are asked to sign an Interpreter Confidentiality and Release of Information Form.

Question	Yes	No	Some-times	Comments
Does the county use the CDSS-translated forms in the clients' primary languages?	X			
Is the information that is to be inserted into NOA translated into the client's primary language?	X			
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 interviewed state that they would assist client by reading to them and help them with forms as needed.
Does the county offer screening for learning disabilities?	X			
Is there an established process for offering screening?	X			All CalWORKS applicants are offered screening.
Is the client identified as having a learning disability referred for evaluation?	X			Clients would be given a referral as appropriate.

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	Adult Programs	CalWORKs	Non-Assisted Food Stamps
Ethnic origin documentation	ERR	Face Sheet narrative	SAWS1 or Language Needs Form 12-234	SAWS1 or Language Needs Form 12-234
Primary language documentation	ERR and case comments in CWSCMS	Face Sheet narrative	Language Needs Form 12-234	Language Needs Form 12-234
Method of providing bilingual services and documentation		Bilingual worker noted in Face sheet.	Bilingual worker noted in case comments.	Bilingual worker noted in case comments.
Client provided own interpreter	None found in case sample.	None found in case sample.	None found in case sample.	None found in case sample.
Method to inform client of potential problem using own interpreter	N/A	N/A	N/A	N/A
Release of information to Interpreter	N/A	N/A	N/A	N/A
Individual's acceptance or refusal of written material offered in primary language	Language Needs Form 12-234	Case narrative	Language Needs Form 12-234	Language Needs Form 12-234
Documentation of minor used as interpreter	None found in case sample.	None found in case sample.	None found in case sample.	None found in case sample.

Documented Item	Children's Services	Adult Programs	CalWORKs	Non-Assisted Food Stamps
Documentation of circumstances for using minor interpreter temporarily	None found in case sample.	None found in case sample.	None found in case sample.	None found in case sample.
Translated notice of actions (NOA) contain translated inserts	None found in case sample.	Case file	CALWIN	CALWIN
Method of identifying client's disability	ERR or CWS-CMS	Face Sheet Narrative	SOF	SOF
Method of documenting a client's request for auxiliary aids and services	ERR or CWS-CMS	Face Sheet Narrative	Case comments	Case comments

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 receives training on Div 21 every other year.
Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			Staff interviewed understood county policy to client's rights and procedure to file a discrimination complaint.

Does the county provide employees Cultural Awareness Training?	X			The county formed a Diversity Committee that plans activities to promote cultural awareness.
Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?	X			SW interviewed state they received training on MEPA, and understood the act.
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			The Diversity committee plans activities to promote cultural awareness of the predominant groups in the area.

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			Staff interviewed was able to identify the differences between the different types of complaints.
Did the employees know who the Civil Rights Coordinator is?	X			All staff interviewed were aware of who their Civil Rights Coordinator is: Stephan Betz.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			All staff interviewed was aware of the location of the Civil Rights poster.
When reviewing the				

Interview and review areas	Yes	No	Some-times	Findings
complaint log with the Civil Rights Coordinator, was it complete and up to date?	X			

IX. CONCLUSION

The CDSS would like to thank Solano County Health & Social Services Department for the tremendous cooperation and generous hospitality provided to the reviewer. All staff were friendly and very helpful during the on-site review, and the interviewed staff were open, informative and a pleasure to interview. There was exceptional cooperation and coordination provided by Stephen Betz, the Civil Rights Coordinator and Elizabeth Lunsford-Saitz, Administrative Secretary, and Perry Sauro, Facilities Division, Department of General Services, throughout the review.

The CDSS found the Solano County Health & Social Services Department in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. Congratulations on achieving such a high level of compliance.

Solano County Health and Social Services Department 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.