

Title VI Civil Rights Act: Compliance and Diligence to Improve

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EXECUTIVE SUMMARY

In 2014, Civil Rights enactment will celebrate its 50th anniversary. One would think that after a half a century since the Civil Rights law enactment, the general public would have been educated adequately to reduce the number of violations. Yet, reported cases of discrimination, including retaliation, discrimination, and harassment, are on the rise. To meet and resolve modern day challenges and to comply with existing civil rights laws, the City and County of San Francisco (CCSF), Human Services Agency (HSA) has been taking proactive approaches to develop and maintain a comprehensive civil rights plan. The goal of CCSF HSA's plan is to create positive solutions resulting in cost savings and legal compliance while ensuring that the administration of public assistance and social services programs are nondiscriminatory, and that no person shall, because of sex, sexual orientation, gender identity/expression,

pregnancy, race/color, national origin, age, religion, physical disability, mental disability, medical condition, marital status, citizenship, military status, ancestry, etc., be excluded from participation in, denied the benefits of, or subjected to discrimination under any HSA programs.

The opportunity to conduct a peer review of the Solano and the Santa Clara Counties' Civil Rights offices provided CCSF HSA a means to drive our evaluation and analysis process forward and to measure the effectiveness and efficiency of its civil rights plan to further ensure positive solutions and legal compliance.

The preliminary results have shown that CCSF HSA is committed to taking proactive approaches in enhancing and promoting its civil rights plan that accommodates clients in its day-to-day service delivery while meeting legal compliance.

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Civil Rights

Title VI Civil Rights Act 1964, the American with Disabilities Act, and other federal, state, and local laws require that county welfare departments (CWDS)/social services agencies (SSAs) administer services and/or benefits funded by federal or state to ensure equal access for individuals regardless of any protected characteristic.

The intention of Title VI Civil Rights Act 1964 was to ensure that the funds of the United States were not used to support racial discrimination (110 Congressional Record 6544, Senator Hubert H. Humphrey). This is the seminal law that provided the foundation on which future state and county statutes, which shield protected classes from discrimination, were similarly structured.

Division 21

The California State law implementing Civil Rights Act of 1964 is administered by the California Department of Social Services (CDSS), which includes the Civil Rights Bureau (CRB) that oversees the Division 21 statutes prohibiting discrimination against members of protected classes.

Division 21 regulations mandate that if CWDS/SSAs receive federal or state financial assistance through CDSS to administer public assistance and social services programs, the CWDS/SSAs must comply with the Civil Rights requirements listed in Division 21 regulations pursuant to the following acts and/or California government codes:

- Title VI of the Civil Rights 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, as amended;
- The Age Discrimination Act of 1975, as amended;
- The Food Stamp Act of 1977, as amended;
- California Civil Code, Section 51 et seq., as amended;
- California Government Code, Section 11135, et seq., as amended; and
- California Government Code, Section 4450, the CDSS Manual of Policies and Procedures.

In addition, Division 21 regulations and/or California government codes mandate that CWDS/SSAs:

- Designate an employee as the Civil Rights Coordinator, who is responsible for providing and coordinating compliance and support activities surrounding civil rights and nondiscrimination policies and procedures;
- Allocate adequate personnel and resources to implement the provisions of the division to ensure that:
 - staff are well trained in their civil rights obligations;
 - client discrimination complaints are acknowledged within 20 days, investigated within 60 days upon receipt, and responded in written reports with findings and corrective actions, if necessary, within 20 days after investigation;

- a sufficient number of qualified bilingual staff are maintained in public positions;
 - any materials explaining services, benefits, and programs are translated into any non-English language spoken by a substantial number of applicants/recipients served by the agencies; and
 - interpreter services, upon request, in the language the client has specified for oral communication, are offered and provided when a non-or limited English-speaking client population is less than 5% in a program at a location.
- Compile a Civil Rights Annual Plan, which is reviewed on a frequent basis. The frequency for the compliance review (aka: Civil Rights Audit) is set by the United States Department of Agriculture (USDA) regulations at 7 CFR 275.5 (b) (1) in accordance with the counties' CalFresh (formerly known as Food Stamps) caseload as follows:
 - large counties with 25,000 households or more: every year,
 - medium counties with a range from 5,001 to 24,999: every other year, and
 - small counties with 5,000 and below: every three years.

Moreover, the compliance review visit conducted by the CDSS CRB includes arranging case reviews, surveying program managers, inspecting facility disability access, reviewing contracts, reconciling the discrimination complaint log with the state log, and interviewing public contact staff. At this juncture, the SSAs are responsible for implementing the Corrective Action Plan resulting from CRB's review. In accordance with Division 21-201.32 Regulations, the CRB conducts a follow-up on the compliance review of the Corrective Action Plan to ensure corrections are made.

HSA's Current Challenges and Plan

With Civil Rights laws becoming more complex and confusing, and because of the continuing upsurge in

the need for social services in today's economy, CCSF HSA is facing multi-faceted challenges.

In 2012, according to the US Census Bureau, the total population of San Francisco was 762,688 with 345,537 (almost 50% of the city's total population) speaking a language other than English at home, while 179,875 (half) of the same 50% of those people spoke little or no English. Additionally, with the recent legislative enactment of the Americans with Disabilities Act Amendment Act (ADAAA), the department has experienced an increase in the number and complexity of physical and mental health accommodation and language access requests by clients over the past few years.

With legislation and the population constantly evolving, having just a traditional Civil Rights Annual Plan is no longer sufficient. An entity like HSA could easily fall short of complete compliance if it continued to carry on with just "business as usual." It would also cost the entity much more time and resources to defend its position when the entity could easily use the same resources for planning and implementing preventive and more proactive measures. With that mindset, CCSF HSA has been taking various measures to develop and incorporate supplemental actions into its Civil Rights Plans to meet not only the traditional and fundamental requirements as listed above, but also to further ensure effective and efficient compliance of anti-discrimination laws while improving the quality of service to clients. Recently, CCSF HSA has implemented the following specific supplemental steps in its Civil Rights Plan:

- Instituted an Agency-wide Civil Rights Access Committee.
 - The committee is comprised of representatives from each of the department's myriad divisions. Its goal is to ensure that accommodation and access are provided comprehensively and uniformly. To assist the group, a Civil Rights Access Analyst, who chairs the committee, is responsible for ensuring that all agency programs are kept up-to-date on all relevant civil rights access regulations.

In addition, the committee chair recommends and coordinates agency-wide ADA and other access training for both line staff and designated program access coordinators.

- Recruited and maintained an additional pool of well-trained and proficient interpreters/translators.
 - This group of interpreters/translators provides supplemental language services to ensure sufficient service delivery; i.e., to meet the language interpretation and translation needs of our clients. They provide language services on an hourly basis, which is more cost-effective or neutral compared to the cost of a similar service offered by contracted language providers. This service also affords the agency more flexibility in monitoring the quality of service; i.e., higher quality and faster services.
- Contracted with HR Law Consultants to conduct a critical assessment and analysis of the department's civil rights program, to make recommendations, and to prepare a detailed implementation plan for improvement.
 - The contractor provides policy review, legal consulting, and training to ensure compliance with civil rights laws. The contractor also conducts a comprehensive needs assessment of selected programs within the agency by :
 - identifying key stakeholders within the selected programs (as applicable) for surveys and one-on-one interviews including staff with direct interaction with participants, managers, trainers, and handbook staff;
 - collecting and analyzing current policies, handbooks, forms, and documentation;
 - reviewing and analyzing current training materials; and
 - developing an implementation plan.
 - Once the assessment process is implemented and completed, HSA staff will then use the

completed comprehensive needs assessment to conduct similar assessments for the remaining HSA programs to enhance and ensure compliance within all programs.

With all these modifications in place, the department will have a more centralized framework overlaying its Civil Rights plan to further ensure sufficient and accommodating service delivery to a diversified client population. It will also be far more equipped to handle and meet the challenges of a multi-faceted population who access the range of programs and services. Further, this framework will not only provide the tool to assess and address current needs, but also the ability to enrich the efficiency and quality of service.

Taking a Peek at the Solano and the Santa Clara Counties' Civil Rights Plans

Visits to the Solano County Health and Social Services Agency's and the Santa Clara Human Services Agency's Civil Rights offices motivated us to conduct a preliminary self-reflective evaluation of the current Civil Rights Plan and to expand knowledge about using nontraditional methods for promoting high quality and efficiency of services.

Available data regarding the Solano County's Civil Rights shows a relatively low number of complaints—with an average of one complaint every other month—and such complaints are rarely substantiated. These data further confirm that Solano County has built a solid framework to ensure the effectiveness and efficiency of its service delivery while meeting its legal obligations.

Similar to CCSF HSA, Solano County has implemented supplemental measures, such as utilizing technology devices to increase communication accessibility, thus reducing communication barriers. They already distribute cellphones to clients on an as-needed basis and encourage clients to utilize the texting functionality, in addition to the traditional features of a cellphone, to communicate with case workers. During an interview with Stephen Betz, Civil Rights Coordinator of the Solano County

Health and Social Services Agency, he affirmed that the use of cellphone has had a significant and satisfactory impact on both the client and the agency as a whole. It makes communication much easier for both case workers and clients. Often times, intake workers have a hard time contacting and communicating with clients. In turn, clients complain about case workers for not returning telephone calls or contacting them in a timely manner. The implementation of this technology has brought the agency measurable outcomes in terms of increased quality of communication and services. It has also reduced a significant number of avoidable client complaints.

Solano County also has a highly active and publicly-engaging Civil Rights Coordinator, Mr. Betz, who constantly surveys the agencies under his jurisdiction. Coordinator Betz' constant survey substantially influences staff on the awareness of and the adherence to their civil rights obligations. The survey serves well in promulgating, informing, and engaging staff in their civil rights obligations. In addition, Coordinator Betz highly recommends increasing the Civil Rights coordinator's exposure to the public by posting not only contact information but also a sizeable picture on the posters distributed at the agency sites. This method promotes a high-spirited civil rights organization while it educates the general public about civil rights and its complaint structure with a warm welcoming gesture. It signifies a fully equipped and highly conscientious agency with a transparency and easily accessible civil rights system. Coordinator Betz confidently shared his experience in this role and highly recommended this method be a part of a civil rights plan.

In regards to Santa Clara County, it would not be surprising for anyone to learn that in this tech savvy county, its Human Services Agency has long utilized various technological methods to improve its civil rights plan. Specifically, the county has its interpreters' contact information and corresponding languages available online to its case workers. The online-accessible interpreters and/or vendors contact information speed up requests for interpretation

services, thus allowing for more productive processes for case workers and faster services for clients.

Moreover, the Santa Clara County has enabled "Skype" functionality for various communication devices; e.g., computers, iPads, etc., to provide face-to-face interpretation services to clients during interviews/visits. This service provides for immediacy and convenience for last-minute language interpretation service requests, which moves the process forward without interruption; therefore, promotes efficiency and effectiveness of business processes which increases service availability and accessibility as a whole.

Conclusion

With the various supplemental measures taking place in Bay Area counties, this study revealed that CCSF HSA, as well as other counties, are highly conscientious about implementing civil rights laws which prohibit discrimination based on disability, race, sex, or national origin. County welfare departments, big or small, are embracing the challenges and taking proactive approaches as quickly as possible to bring positive results. Further, although counties take dissimilar measures in accordance with their own needs, there is one common goal—to be committed to developing and maintaining a Civil Rights Plan that provides equal access to clients while ensuring compliance of the civil rights laws.

All of the CCSF HSA's actions illustrate that it has a Civil Rights Plan that not only meets the standards, but also exceeds them. Moreover, the plan reflects CCSF HSA's commitment to meeting and resolving all challenges to ensure equal access for clients to services and benefits, thus eliminating disparity in access to services and benefits for either a protected or non-protected class of individuals. Finally, the CCSF HSA's Civil Rights Plan not only reflects the mission, vision, and core values of the agency, which states, "*We do our best, evaluate our outcomes and recognize change and innovation as a means to achieve excellence,*" but also is built on the foundations of integrity, respect, and inclusiveness.

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