

Bulletin

March 2, 2006

Minnesota Department of Human Services □ 444 Lafayette Road □ St. Paul, MN 55155

OF INTEREST TO

- County Commissioners
- County Directors
- CEOs of State Operated Services
- Tribal Human Services Directors
- County staff in charge of civil rights activities and staff with client contact
- Tribal human services staff in charge of civil rights activities and staff with client contact
- SOS staff in charge of civil rights activities and staff with client contact

ACTION

Please read, distribute and take required action (on pages 3-7) by due date.

DUE DATE

Friday, May 26, 2006

DHS Announces Comprehensive Civil Rights Plans for County Human Service Agencies

TOPIC

County human service agencies must update existing civil rights plans into comprehensive civil rights plans and utilize resources to help improve civil rights practices

PURPOSE

Provide county agencies with the framework and resources to update their civil rights plans by May 26, 2006

CONTACT

Joann daSilva, Civil Rights Coordinator
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Office for Equal Opportunity
Elmer L. Andersen Human Services Building
540 Cedar Street, P.O. Box 64997
St. Paul, MN 55164-0997
(651) 431-3034 (voice)
(651) 431-3041 (tty)
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joann.dasilva@state.mn.us (email)

SIGNED

DENNIS W. ERICKSON
Assistant Commissioner
Finance and Management Operations

Purpose

The purpose of this bulletin is to help improve statewide civil rights practice in the delivery of human services by establishing a framework for counties' civil rights policies, procedures and standards. This bulletin consolidates previous civil rights bulletins and brochures (described in the next section) to provide the basis for a comprehensive civil rights plan for county agencies. Counties will have **one plan** to consult rather than several for improved administrative efficiency and civil rights practice. Page two of this bulletin will set out required action steps.

This bulletin:

- Instructs county human services agencies to update their current civil rights plans.
- Reaffirms the Department of Human Services' (DHS) commitment to serve counties by offering information on department requirements for counties and technical assistance for policy and plan development.
- Provides information and resources to help meet civil rights compliance obligations.

WHY HAVE A CIVIL RIGHTS PLAN?

The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces certain federal civil rights laws that protect the rights of all people in the United States to receive health and human services without discrimination on the basis of race, color, national origin, disability, age, and in some cases sex and religion. The U.S. Department of Agriculture (USDA) also has a civil rights office that enforces nondiscrimination in USDA programs, such as the Food Support Program. USDA provides protection against discrimination on the same bases as OCR, but also on the bases of religion and political beliefs.

As the primary recipient of HHS and USDA funds for human services programs in Minnesota, DHS is responsible for providing core services through its many agencies and providers to assist and support Minnesota's most vulnerable people. Additionally, if a county agency or other provider is believed to be out of compliance with a civil rights law, DHS is responsible for bringing the agency/provider into compliance.

OCR recommends that entities receiving federal financial assistance develop civil rights plans to ensure that civil rights policies, procedures and other requirements are consistently applied across all program areas. Development of a civil rights plan is also effective evidence of a county agency's intent to comply with federal and state civil rights laws required by HHS, USDA and the state of Minnesota. For the full background of county human service agencies' civil rights work to date, see Attachment A: *Overview of County Agency Civil Rights Work, 1994 to Present*.

County civil rights plans also serve as a source of information for county agency staff to learn more about their agencies' civil rights compliance obligations and the laws that shape them. And

civil rights plans are an effective vehicle for sharing resources between state and county agencies as well as among county agencies. DHS has prepared the attached resource list to direct counties to effective federal, state and local web sites worthy of review.

Counties should review Attachment B: *Civil Right Resources for County Agencies*, and incorporate these resources into their comprehensive civil rights plans where appropriate. Counties should also review Attachment C: *DHS Civil Rights Document on Edocs*, to determine how these tools can support their efforts to achieve effective civil rights practices.

DEVELOP A COMPREHENSIVE CIVIL RIGHTS PLAN: ACTION REQUIRED

Comprehensive Civil Rights Plan

Counties must develop a comprehensive civil rights plan by taking the steps set out below.

Step 1: Action Required: Use Checklist for a Model Civil Rights Plan

Use Attachment D: *Checklist for a Model Civil Rights Plan* as a guide to develop your county's comprehensive civil rights plan. The steps outlined in Attachment D correspond to the action steps set out below.

Step 2: Action Required: Designate Contact for Comprehensive Civil Rights Plan

Designate a staff person to serve as the official contact for the comprehensive civil rights plan. This person may also serve as the county's LEP contact and the contact for handling civil rights complaints. Contact information must be placed up front in the civil rights plan and identify the person by name, job title, address/work location, telephone number and TTY number or other communication procedure for people with disabilities to use. Any other information is optional.

Step 3: Action Required: Adopt Policies and Procedures in Existing Civil Rights Plan

Each county has an existing civil rights plan developed in 1995. Go to your civil rights plan and adopt, in writing, the following items: the equal opportunity in service delivery policy and the complaint resolution procedure.

Your existing written **equal opportunity policy** should explain how your agency provides access to services for the public. It is a statement of commitment to equal access for applicants, clients and the public regardless of race, color, national origin, sex, age, religion, political beliefs or disability. You must include in your equal opportunity policy **all** of the protected classes listed directly above. If necessary, make revisions to your existing policy. If you wish, use Attachment E: *Policy Drafting Guidelines*.

Your county's existing **complaint resolution procedure** may be adopted as is, unless there is a need to revise it, e.g., to include additional protected classes. Federal civil rights requirements mandate that each county agency have a manageable procedure for

resolving service delivery discrimination complaints (i.e., civil rights complaints). If you have a need to revise your existing **complaint resolution procedure** you must incorporate due process standards.

To satisfy due process, the parties involved must be notified that they have the following rights: an opportunity to be heard, the right to representation, the right to an impartial decision-maker, and the right to a written decision. You must also incorporate written time frames into the complaint procedure. For example, you must state the length of time a complainant has to file a complaint and the length of time within which an investigation must be completed.

If you prefer to refer your complaints to DHS, rather than resolve them at the county level, draft a simple referral procedure.

If you have questions about how to develop your equal opportunity policy or complaint resolution procedure, look to your current civil rights plan for these items, use the policy drafting guidelines mentioned above, or contact DHS' Civil Rights Coordinator.

Step 4: Action Required: Revise state and federal agency addresses in existing equal opportunity policy and complaint procedure

Any county with an existing complaint procedure that refers its civil rights complaints to DHS **must** update DHS' address used in its complaint procedure. The new address for the DHS Civil Rights Coordinator is:

DHS Civil Rights Coordinator
Department of Human Services
Office for Equal Opportunity
P.O. Box 64997
St. Paul, MN 55164-0997
(651) 431-3040 (voice)
(651) 431-3041 (tty)
(651) 431-7444 (fax)

Counties must also update addresses for the Minnesota Department of Human Rights, OCR and USDA if these agencies are listed in county equal opportunity policies and complaint procedures:

Minnesota Department of Human Rights
190 E. Fifth Street
St. Paul, MN 55101
(800) 657-3704 (Voice)
(651) 296-1283 (TTY/TDD)

Office for Civil Rights
U.S. Department of Health and Human Services
Region V
233 N. Michigan Avenue
Suite 240
Chicago, IL 60601
(312) 886-2359 (Voice)
(312) 353-5693 (TTY/TDD)

U.S. Department of Agriculture (USDA)
Director, Office of Civil Rights
Room 326-W, Whitten Building
1400 Independence Avenue SW
Washington, D.C. 20250-9410
(202) 720-5964 (Voice and TTY/TDD)

Step 5: Action Required: Adopt Complaint Notification Form

The complaint notification form in your existing civil rights plan should **not** be used anymore. Instead, adopt Attachment F, *County Human Service Agency Notification Form*, provided with this bulletin, as the notification form for your comprehensive civil rights plan.

Note: Counties use the complaint notification form to notify DHS in writing of all service delivery discrimination complaints filed against the county agency. DHS needs the completed notification form within 90 days of the date the complaint is filed in order to convey the complaint information to the appropriate federal office within its 90 day required time line.

Step 6: Action Required: Designate ADA/504 Coordinator

State and local government agencies with 50 or more employees, must designate an agency ADA/504 Coordinator and post information about him/her. Make sure the posting is located in a public space so staff and the general public have access to it and can learn about their respective obligations and rights under Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504). County agencies must also include the same information from the posting in their comprehensive civil rights plans and state where in the agency the posting is located.

The posting must identify the name of the person who has been designated ADA/504 Coordinator; his/her job title, address/work location, telephone number and TTY number or other communication procedure for people with disabilities to use. Any other information is optional. The reason for the posting is to make it easy for members of the public, dealing with public agencies, to gain access to a person who is knowledgeable about the ADA and Section 504.

Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, program, or activities of all state and local governments. Additionally, the ADA extends the prohibition of discrimination on the basis of disability, established by Section 504 of the Rehabilitation Act, to all activities of state and local governments, including those that do not receive federal financial assistance.

Step 7: Action Required: Post DHS' ADA Brochure: Do you have a disability?

Post DHS' ADA brochure: Do you have a disability? (DHS-4133-ENG) in your agency where it will be accessible to the general public. This document is an ADA brochure that provides required disability rights information for the public. Additionally, this document should be included in all *rights and responsibilities* information packets. Finally, identify in the comprehensive civil rights plan that you are posting this document in the agency, what it is and where it is posted in the agency. Link to ADA Brochure: Do you have a disability? <http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4133-ENG>

Step 8: Action Required: Conduct Annual LEP Plan Review and Incorporate Into Comprehensive Civil Rights Plan

Each county agency should have received a document entitled: *County Limited English Proficiency plan (LEP) Review Process, Fall 2005 – Spring 2006*. This review guide will help counties evaluate the effectiveness of their limited English proficiency plans.

Complete the guide as instructed to update county agency LEP plans. Once your LEP plan is updated, incorporate it into your comprehensive civil rights plan. **John Morrison** is currently serving as DHS' limited English proficiency plan contact at DHS. You can reach John at (651) 297-4623 or email: John.Morrison@state.mn.us.

Step 9: Action Required: Sign 2006 Civil Rights Assurance Agreement

Pursuant to OCR and USDA requirements and the regulations under Title VI, Section 504 of the Rehabilitation Act and the Age Discrimination Act, each county human services agency, as an entity receiving federal funds, must sign a written assurance agreement ensuring ongoing compliance with the above mentioned laws. The revised assurance agreement is entitled, *2006 Civil Rights Assurance Agreement*, and replaces the previous one distributed in 1994. *2006 Civil Rights Assurance Agreement* is included as Attachment G.

County directors or their designees, must sign and return the 2006 Civil Rights Assurance Agreement, **with** their comprehensive civil rights plans, by **Friday, May 26, 2006**, the completion date for counties' comprehensive civil rights plans.

Step 10: Action Required: Technical Assistance Available March 2006

DHS will provide technical assistance to county agencies during March 2006 to help counties complete their comprehensive civil rights plans. Technical assistance will be

offered in a format that meets your needs, e.g., telephone calls/conferencing, in-person meetings, or via video-conferencing.

Counties must contact Joann daSilva, DHS' Civil Rights Coordinator by March 31, 2006 to set up technical assistance sessions during this time period. Joann's contact information is provided below.

COMPLETION DATE FOR COMPREHENSIVE CIVIL RIGHTS PLANS

Complete your comprehensive civil rights plan according to the instructions above and send electronic documentation of the completed plan to the DHS Civil Rights Coordinator at joann.dasilva@state.mn.us. Plans are due no later than **Friday, May 26, 2006**.

Counties agencies may contact the DHS Civil Rights Coordinator for copies of their individual civil rights plans. Counties should already have current copies of their LEP plans, but if you have questions about your LEP plans, contact John Morrison of DHS. See his contact information listed on the previous page under Step 8.

CONTACT PERSON FOR THIS BULLETIN

Please feel free to contact the DHS Civil Rights Coordinator, **Joann daSilva**, with **any** questions you have about this bulletin:

Joann daSilva
Civil Rights Coordinator
Department of Human Services
Office for Equal Opportunity
P.O. Box 64997
St. Paul, Minnesota 55164-0997
(651) 431-3034 (voice)
(651) 431-3041 (TTY)
(651) 431-7444 (Fax)
joann.dasilva@state.mn.us

LINKS TO LANGUAGE ACCESS (LEP) TOOLS ON DHS PUBLIC WEB SITE

- *I Speak Cards*, also known as "I need an interpreter" card; link:
<http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4374-ENG>
- *I Speak Posters*, also known as Language Assistance Posters; link:
<http://www.edocs.dhs.state.mn.us/lfserver/Legacy/MS-1659-ENG>
- *Catalogue of Languages*; bound booklet, link:
<http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4059-ENG>
- *LEP Notices*; notice of rights to language assistance; link:
<http://www.edocs.dhs.state.mn.us/lfserver/Legacy/MS-1813-ENG>

ATTACHMENTS

Attachment A: Overview of County Agency Civil Rights Work, 1994 to 2005

Attachment B: Civil Rights Resources for County Agencies

Attachment C: DHS Civil Rights Documents on Edocs

Attachment D: Checklist for a Model Civil Rights Plan

Attachment E: Policy Drafting Guidelines

Attachment F: County Human Service Agency Complaint Notification Form

Attachment G: 2006 Civil Rights Assurance Agreement

LEGAL REFERENCES

Title VI of the Civil Rights Act of 1964

Statutory Citation: 42 USC 2000d et seq.

Regulatory Citation: 45 CFR Part 80

Federal Register Citation: 68 Fed. Reg. 47311 (2003);

Section 504 of the Rehabilitation Act of 1973

Statutory Citation: 29 USC 794

Regulatory Citation: 45 CFR Part 84

Americans with Disabilities Act of 1990, Title II

Statutory Citation: 42 USC 12131

Regulatory Citation: 28 CFR Part 35

Age Discrimination Act of 1975

Statutory Citation: 42 USC 6101

Regulatory Citation: 45 CFR Part 91

Community Service Assurance Provisions of the Hill-Burton Act

Statutory Citation: 42 USC 291 et seq.

Regulatory Citation: 45 CFR Part 124

Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act of 1981 (Federal Block Grants)

Statutory Citation: 42 USC 300w et seq., 300x et seq., 300y et seq., 701 et seq., 9901 et seq., 8621 et seq., and 1397 et seq.

Family Violence Prevention and Services Act

Statutory Citation: 42 USC 10406

Multiethnic Placement Act of 1994 As Amended by the Interethnic Adoption Provisions of 1996
Regulatory Citation: 45 CFR 1355.38

Food Stamp Act of 1977

Statutory Citation: 7 USC 2011 et seq.

Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture
Regulatory Citation: 7 CFR Part 272.6

Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture
Regulatory Citation: 7 CFR Part 272.4

FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture (2005)

SPECIAL NEEDS

This information is available in other forms to people with disabilities by contacting us at (651) 431-3040 (voice), (651) 431-3041(TDD) or through Minnesota Relay Service at (800) 627-3529 or (877) 627-3848 (Speech-to-Speech Relay Service).

**OVERVIEW
OF
COUNTY AGENCY CIVIL RIGHTS WORK**

1994 to 2005

The following list of Minnesota Department of Human Services (DHS) bulletins, trainings and technical assistance sessions provide the foundation for counties' civil rights work. They also serve as the starting point for the development of comprehensive county civil rights plans.

A. DHS Bulletins

1994: DHS Bulletin #94-89A instructed county human services agencies to develop civil rights plans, as recipients of federal financial assistance from the U.S. Department of Health and Human Services (HHS). These same county civil rights plans are still in place in all county agencies. County civil rights plans consist of a written equal opportunity policy (the county's statement of commitment to providing equal access to services for applicants and clients); a complaint resolution procedure; a complaint notification form (used to report the outcome of complaints resolved within the county agency); and an assurance of compliance signed by the county agency head.

To obtain a copy of Bulletin #94-89A, Federal Civil Rights Compliance Requirements for Sub-Recipients of Federal Financial Assistance from the United States Department of Health and Human Services, use the DHS Civil Rights Coordinator contact information on the front page of the bulletin.

2000, 2001: DHS issued Bulletins #00-89-4 and #02-89-01, respectively. Together these bulletins provide instructions for developing county human service agencies' limited English proficiency (LEP) plans. LEP plans were developed to ensure that county agency applicants and clients who are non- or limited English speaking are afforded meaningful access to agency services through the use of interpreters, translated documents and other forms of appropriate language assistance.

Links: Bulletin #00-89-4, DHS Issues Limited English Proficiency Policy Bulletin to Ensure Title VI Compliance;

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_003152.pdf

Bulletin #02-89-01, DHS Issues Instructions on Language Assistance to Add to County Agency Limited English Proficiency Plans;

http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_003692.pdf

2002: DHS Bulletin #02-03-06 clarified for county agencies the responsibilities and restrictions imposed on human services employees in communicating with the Immigration and Naturalization Service (renamed the U.S. Citizenship and Immigration Services) about the immigration status of applicants and clients. The bulletin also explains why it is important for county workers to understand the applicable federal and state civil rights laws and program laws and what they should or should not do if they think an individual applying for services is in the United States unlawfully.

Link: Bulletin #02-03-06, DHS Clarifies Policies on Communication with the Immigration and Naturalization Service for Cash, Food and Health Care Programs;
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_003756.pdf

2003: DHS Bulletin #03-89-01 informed county human services agencies of revised federal guidance on limited English proficiency requirements and shared DHS' policy statement reaffirming its commitment to compliance with Title VI's language access requirements.

Link: Bulletin #03-89-01, DHS Reaffirms Position on Revised Federal Title VI Guidance and Announces Review of County Agency LEP Plans;
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_004912.pdf

B. DHS Brochures

1998: DHS Bulletin #98-89-01 informed county human services agencies of civil rights brochures available in English, Cambodian, Hmong, Lao, Russian, Spanish and Vietnamese. The brochures inform applicants, clients and members of the public of their rights to access human services free from unfair discriminatory treatment; how to file a civil right complaint; and who to contact if they have questions or concerns about whether they have been treated fairly under anti-discrimination laws.

To obtain a copy of Bulletin #98-89-01, Multilingual civil rights brochures, use the contact information below for the DHS Civil Rights Coordinator.

2005: DHS issued a brochure entitled *Do You Have a Disability?* and disseminated it to county workers at the Minnesota Family Investment Program conference in St. Cloud, MN. The brochure contains information about the rights of people with disabilities under state and local government provisions of the Americans with Disabilities Act of 1990. The brochure is a learning tool for county workers and a rights-based informational brochure that goes out to applicants, clients and members of the public so they can learn about their rights.

Link: ADA Brochure: Do You Have a Disability?,
<http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4133-ENG>

C. DHS Training and Technical Assistance

1996: DHS issued Bulletin #96-89-2 announcing civil rights training for county agency staff. The training focused on the interpretation of various civil rights laws, its application to different programs and counties' compliance responsibilities.

To obtain a copy of Bulletin #96-89-2, DHS announces civil rights training on January 22, 1997, use the contact information below for the DHS Civil Rights Coordinator.

2001: DHS offered county human service agencies technical assistance via video-satellite sessions for developing limited English proficiency plans and Bulletin #02-89-01, which offered limited English proficiency training for county human services staff.

Link: Bulletin #02-89-01, DHS Offers Civil Rights Training on Limited English Proficiency;
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_004050.pdf

DEPARTMENT OF HUMAN SERVICES OFFICE FOR EQUAL OPPORTUNITY

CIVIL RIGHTS RESOURCES FOR COUNTIES

The following are civil rights resources available for county human services agencies to learn about and understand their legal obligations as entities receiving federal financial assistance. Feel free to send/distribute this document to your contractors and vendors so they may learn about and improve their own civil rights practices.

FEDERAL

Office for Civil Rights (OCR)

The U.S. Department of Health and Human Services' (HHS) Office for Civil Rights enforces federal civil rights nondiscrimination requirements on health and human services entities receiving federal financial assistance from HHS. The Office for Civil Rights (OCR) protects peoples' rights and enforces laws in part by conducting investigations into allegations of discrimination on the bases of race, color, national origin, disability, age, and in some cases sex and religion.

- HHS Office for Civil Rights Home Page: <http://www.hhs.gov/ocr/index.html>
- OCR Limited English Proficiency Guidance: <http://www.hhs.gov/ocr/lep/>
- OCR Guidance on the Prohibition of Discrimination on the Basis of Disability in TANF (Temporary Assistance for Needy Families) Programs: <http://www.hhs.gov/ocr/prohibition.html>

Office of Civil Rights

The U.S. Department of Agriculture (USDA)/ Food and Nutrition Service (FNS) Office of Civil Rights provides direction and leadership to enforce equal opportunity for employees, applicants and participants in FNS programs. USDA/FNS nondiscrimination requirements protect people against discrimination in FNS programs on the bases of race, color, national origin, age, sex, disability, religion and political beliefs (not all bases apply to all programs).

- USDA/FNS Civil Rights Laws, Regulations, Executive Orders and Other Related Guidance: <http://www.fns.usda.gov/cr/Regulations/crregulation.htm>
- HHS and USDA Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Number in State Applications for Medicaid, State Children's Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF), and Food Stamp Benefits: <http://www.hhs.gov/ocr/immigration/triagency.html>

Cultural Competency

- Assuring Cultural Competence in Health Care/Recommendations for National Standards and an Outcomes-Focused Research Agenda: <http://www.omhrc.gov/clas/>
- The Center for Cross Cultural Health (CCCH): <http://www.crosshealth.com/>
- Children, Family & Learning “English language learner” : <http://cfl.state.mn.us/lep>
- National Health Law Program Home Page: <http://www.healthlaw.org/>
- National Health Law Program “Linguistic/Cultural Access”: <http://www.nhelp.org/race.shtml#ling>

STATE

Department of Human Services Materials

Civil Rights Bulletins

- Federal Civil Rights Compliance Requirements for Sub-Recipients of Federal Financial Assistance from the United States Department of Health and Human Services. 12/27/94. DHS Bulletin #94-89A; contact Civil Rights Coordinator for a paper copy.
- DHS Clarifies Policies on Communication with the Immigration and Naturalization Service (INS) for Cash, Food and Health Care Programs. 11/25/02: http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_003756.pdf

Limited English Proficiency Bulletins

- DHS Issues New Language Block with 1(800) Numbers – Beginning April 1, 2002, DHS will add 1(800) numbers to it’s language block to improve access for those with limited English proficiency. 03/21/00: <http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/bull2000.htm#eoaa>
- [DHS Issues Limited English Proficiency Policy Bulletin to Ensure Title VI Compliance](http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/bull2000.htm#eoaa) Federal Civil Rights Compliance Requirements for the Title VI Prohibition Against National Origin Discrimination - Persons with Limited English Proficiency. 12/28/00: <http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/bull2000.htm#eoaa>
- DHS Issues Instructions on Language Assistance to Add to County Agency Limited English Proficiency Plans- Additional instructions about providing appropriate language assistance services to human services recipients with limited English language proficiency. 03/14/01: <http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/default.htm#eoaa>
- DHS Restructures Resources to Strengthen Support of Limited English Proficiency (LEP) Effort – An overview of new LEP Program and structure and staff person at DHS as resources. 09/07/01: <http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/bull2001.htm#RefAsst>
- DHS Offers Civil Rights Training on Limited English Proficiency – Limited English Proficiency Training offered by region from February through June 2002. 02/01/02: <http://www.dhs.state.mn.us/fmo/LegalMgt/bulletins/default.htm#eoaa>

MFIP/ADA Bulletins

- Resources for Persons with Disabilities Who Are Subject to Minnesota Family Investment Program (MFIP) or Diversionary Work Program (DWP) Requirements. 03/14/05:
http://www.dhs.state.mn.us/main/groups/publications/documents/pub/DHS_id_049691.pdf
- *Do you have a disability?* DHS-4133-ENG 2-05:
<http://edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4133-ENG>

DHS Translated Materials

- The Department of Human Services' (DHS) eDocs repository:
<http://edocs.dhs.state.mn.us>

Interpreters/Translation Vendors

- The Dept. of Administration's website for interpretation/ translation services contractors: Spoken Interpreter Services www.mmd.admin.state.mn.us/mn05022.htm and Written Language Translators www.admin.state.mn.us/mn5014.htm

Minnesota Department of Human Rights

Minnesota Department of Human Rights enforces and administers the Minnesota Human Rights Act. The human rights act protects Minnesota residents from discrimination in most aspects of public life, such as employment, public services, public accommodations, education, business, and housing and rental opportunities: <http://humanrights.state.mn.us>

CIVIL RIGHTS DOCUMENTS

- **DHS Document Number**
- **DHS Public Web site Address**

I Speak Cards and Posters:

- *I Speak Cards*, also known as “I need an interpreter” card; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4374-ENG>
- *I Speak Posters*, also known as Language Assistance Posters; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/MS-1659-ENG>

Office for Equal Opportunity Materials:

- *Civil Rights in Human Services: What you should know about fair treatment in service delivery*; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-3276-ENG>
- *DHS Equal Opportunity Policy and Complaint Procedure*; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4027-ENG>
- *Civil Rights Complaint Form: Discrimination in Service Delivery*; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-2807-ENG>
- *Catalogue of Languages*; bound booklet, link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/DHS-4059-ENG>
- *LEP Notices*; notice of rights to language assistance; link: <http://www.edocs.dhs.state.mn.us/lfserver/Legacy/MS-1813-ENG>
- *LEP Notice Posters*; notice of rights posters; 17 x 22 inches, laminated poster; not on edocs, contact DHS Civil Rights Coordinator for copies.

CHECKLIST FOR A MODEL CIVIL RIGHTS PLAN

- Title of civil rights plan; including agency name, address, email address, telephone and fax numbers; where plan is posted in the agency
- Official contact person, job title, location/address, telephone number, email
- Purpose of plan
- Legal reference(s)
- Written equal opportunity policy; i.e., statement of commitment to equal access that incorporates the following protected characteristics: race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability, status with regard to public assistance
- Written complaint resolution procedure
- Complaint notification form
- Official ADA/504 Coordinator, job title, location/address, telephone number, email
- DHS disability document, DHS-4133-ENG
- LEP plan
- 2006 Assurance of compliance

POLICY DRAFTING GUIDELINES FOR COMPREHENSIVE CIVIL RIGHTS PLANS

Generally, policies should include:

1. what behavior is prohibited under the particular law, regulation, policy, etc.;
2. who the policy is intended to protect;
3. define any essential words or phrases;
4. identify and incorporate specific requirements;
5. explain how a potential complainant can access the agency's complaint procedure, if appropriate; and
6. include a citation or reference to the law, regulation, rule, etc., that is the authority for the policy.

**COUNTY HUMAN SERVICE AGENCY COMPLAINT NOTIFICATION FORM
COMPLAINTS ALLEGING DISCRIMINATION
IN
SERVICE DELIVERY**

AUTHORITY: U.S. Department of Agriculture, Food and Nutrition Service Instruction 113-1.

REQUIREMENT: County human service agencies must notify the DHS Civil Rights Coordinator of all service delivery discrimination complaints (i.e., civil rights complaints) filed against them (see bottom of Page 2 for contact information).

Provide the following information to the DHS Civil Rights Coordinator within 90 days of the date the complaint is filed:

1. Name, address, telephone number of complainant:

2. Name and address of county agency delivering the benefits, including names of any employees accused of wrongdoing:

3. Type of discrimination alleged:

4. Brief description of the alleged discriminatory act(s):

COMPLAINT NOTIFICATION FORM
PAGE 2

5. If a policy or procedure had a discriminatory effect on applicants or clients, identify the policy/procedure and describe the discriminatory effect it had:

6. Identify any witnesses to the alleged discrimination. Witnesses are people who observed the alleged discrimination. Provide their names, addresses, telephone numbers and titles:

7. Give the dates when the alleged discrimination happened and if it was continuing, give the duration of each incident:

8. Investigation findings:

9. If applicable, corrective action recommended and taken:

CONTACT INFORMATION:

DHS Civil Rights Coordinator
Minnesota Department of Human Services
Office for Equal Opportunity
P.O. Box 64997
St. Paul, MN 55164-0997
651-431-3040 (voice)
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MINNESOTA DEPARTMENT OF HUMAN SERVICES

2006 CIVIL RIGHTS ASSURANCE AGREEMENT

ASSURANCE OF COMPLIANCE FOR MINNESOTA COUNTY HUMAN SERVICES AGENCIES WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1993, THE AGE DISCRIMINATION ACT OF 1975 AND THE FOOD STAMP ACT OF 1977

The county agency provides this assurance in consideration of and for the purpose of maintaining its receipt of federal financial assistance from the United States Departments of Health and Human Services and Agriculture. The county agency agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance and that it is binding upon the county agency, its successors, transferees and assignees for a period of two years, January 2006 through December 2007, during which the assistance is provided.

THE COUNTY AGENCY AGREES THAT IT WILL COMPLY WITH:

1. *Title VI of the Civil Rights Act of 1964* (Pub. L. 88-352), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 80). In accordance with Title VI and its implementing regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the county agency receives federal financial assistance from the Department of Health and Human Services.
2. *Section 504 of the Rehabilitation Act of 1973* (Pub. L. 93-112), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 84). In accordance with Section 504 and the regulation, no otherwise qualified individual with a disability in the United States shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the county agency receives federal financial assistance from the Department of Health and Human Services.
3. *The Age Discrimination Act of 1975* (Pub. L. 94-195), as amended, and all requirements imposed by or pursuant to the regulation of the Department of Health and Human Services (45 C.F.R. Part 91). In accordance with the Age Discrimination Act and the regulation, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the county agency receives federal financial assistance from the Department of Health and Human Services.
4. *The Food Stamp Act of 1977* (Pub. L. 95-113), as amended, and all requirements imposed by or pursuant to the Food and Nutrition Service (FNS) Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities of the Department of Agriculture which derives authority from the Food Stamp Act, the Department of

Agriculture regulation implementing Title VI (7 C.F.R. Part 15 Subpart A and Subpart C) and the regulations implementing Section 504 and the Age Discrimination Act. In accordance with the Food Stamp Act and FNS Instruction 113-1, the Food Support Program is committed to assuring that no person in the United States shall, on the ground of race, color, national origin, age, sex, disability, political beliefs or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Food Support Program. FNS Instruction 113-1 requires that each local agency obtain a written civil rights assurance of compliance, and to assure compliance, Department of Agriculture personnel must be allowed access to county agency records, books and accounts as needed during normal work hours.

5. Pursuant to the Civil Rights Plan for the Minnesota Department of Human Services (DHS), DHS shall have access to private and/or confidential data maintained by the county agency or other sub-recipient of federal financial assistance to the extent necessary to conduct a full and complete investigation into any complaint of discrimination. DHS agrees to comply with all requirements of the Minnesota Government Data Practices Act (Minn. Stat. Ch. 13.01 et seq.). No private and/or confidential data collected, maintained or used in the course of an investigation shall be disseminated except as authorized by statute, either during the period of the investigation or thereafter.

The person whose signature appears below is authorized to sign this assurance agreement and commit the county agency to the above provisions. *The signature of the county agency director is preferred.*

County Human Services Agency: _____

Name: _____

Title: _____

Date: _____

I certify that the signatory for the county agency has lawful authority to bind the county agency to the terms of this civil rights assurance agreement.

Date: _____, 20_____

By: _____
Attorney for County Agency