Update 2005-1: Common Place Handbook

Civil Rights Compliance Review-Second Language Services

**Background**

In February 2004, the California Department of Social Services, Civil Rights Bureau, conducted a Compliance Review in Santa Clara County at the Assistance Application Center, East Valley, Las Plumas Adult Services, Child Welfare Services, and South County offices.

Each site was reviewed for compliance in the following areas:

- Dissemination of information
- Facility accessibility for individuals with disabilities
- Data collection of ethnic origin/primary language documentation
- Discrimination complaint procedures
- Staff Development and Training
- Bilingual staffing/services for non-English speaking applicants/recipients and clients with visual or hearing impairments.

**Overview of Review Findings**

The Agency was found to be **out of compliance** in the area of case record documentation. The review indicated three areas of corrective action, which need to be addressed by the Agency.

These include the following:

- Documentation if a client provides his or her own interpreter,
- Documentation that an interpreter signed a confidentiality statement,
- Documentation of bilingual services provided by certified bilingual staff to clients.
**Policy**

THIS IS NOT A CHANGE. Agency policy for second language requirements is being reiterated as a corrective action measure to ensure staff are in compliance with Division 21 regulations. Current agency policy for second language requirements is included in the Common Place Handbook. [Refer to “Federal Law”, page 37-4 through “Translated Forms”, page 37-17.]

**Pre-CalWIN Second Language Service Process**

The procedures that follow outline the process for second language services prior to implementation of CalWIN. Updated procedures will be issued once CalWIN is implemented, June 1, 2005.

The pre-CalWIN process references documentation via the “Contact-Action Summary” (SC 163). Once CalWIN is implemented documentation will be completed by staff utilizing the case comments screen in CalWIN.

**“Language Survey - Interpreter Translation Request (SC 1264)**

In order to meet the Federal Law and Civil Rights Mandates, clients must make their language preference and bilingual services needs known by completing the “Language Survey-Interpreter/Translation Request” (SC 1264).

The information from the SC 1264 is used to determine the language code for the case record.

**SC 1264 Requirement**

The SC 1264 is required at the following times:

<table>
<thead>
<tr>
<th>Intake</th>
<th>At each new application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuing</td>
<td></td>
</tr>
<tr>
<td>• When there is no SC 1264 on file,</td>
<td></td>
</tr>
<tr>
<td>• Whenever the caretaker/relative changes,</td>
<td></td>
</tr>
<tr>
<td>• When the client requests a change, and</td>
<td></td>
</tr>
<tr>
<td>• When the client has been active, without interruption, for three (3) consecutive years, a new SC 1264 must be completed during the Redetermination/Recertification conducted in the third year.</td>
<td></td>
</tr>
</tbody>
</table>

[Instructions for completing the form are provided in Common Place Handbook “Required Form SC 1264”, page 37-4.]

**Bilingual Services**

The following guidelines must be followed for bilingual services:

<table>
<thead>
<tr>
<th>If the client...</th>
<th>Then code the case...</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is bilingual and declares English as a primary language,</td>
<td>English speaking</td>
</tr>
</tbody>
</table>
### Bilingual Certification

Bilingual staff must document on the SC 163 that they have been certified by the county when servicing bilingual clients. [Refer to “Bilingual Certification”, page 37-6.]

### “Your Rights Under California Welfare Programs” (PUB 13)

REMINDER: Eligibility Workers must give the PUB 13 to ALL clients at Intake and annually at each Reinvestigation/Redetermination. The PUB 13 includes information on a client's rights to multi-lingual services, which county welfare departments are to provide. [Refer to ““Your Rights Under California Welfare Programs” (PUB 13)”, page 37-7.]

### Use of Interpreter - Confidentiality

In order to meet the confidentiality requirements for applicants/recipient when individuals other than agency employees are used as interpreters, an “Authorization to Release Information” (SC 1029) must be obtained. The case record must be thoroughly documented on the SC 163 that a release form was signed and a copy must be kept in the case file. [Refer to “Use of Interpreter - “Confidentiality-Release of Information””, page 37-8.]

### Client Requests Use of Own Interpreter

Agency staff must inform an applicant/recipient of potential problems for ineffective communication when providing their own interpreter. It must be thoroughly documented on the SC 163 that the applicant/recipient was informed.

<table>
<thead>
<tr>
<th>If the client…</th>
<th>Then code the case…</th>
</tr>
</thead>
</table>
| Declares English as his/her language, and based on experience, the EW believes the client cannot speak English, | • In the language the EW believes the client needs to use to communicate effectively,  
  • Request an interpreter, if appropriate,  
  • Document the “Contact-Action Summary” (SC 163) what action is being taken and why. |
| Declares a language other than English as his/her language, | • Based on the client's declaration of his/her language,  
  • Request an interpreter, if appropriate,  
  • Document the SC 163 with the method used to provide bilingual services. |

[Refer to “Special Bilingual Instructions”, page 37-6.]
The method(s) used to document Division 21 compliance requirements must be noted on the “Contact-Action Summary” (SC 163). In order to meet the Federal Law and Civil Rights Mandates, documentation of bilingual services provided must be thoroughly documented on the SC 163 when:

- An assigned case worker is certified bilingual by the county and provided bilingual/interpreter services to a client
- An outside contracted interpreter acted as an interpreter
- A client provided his/her own interpreter
- A volunteer interpreter was used
- Another employee acted as an interpreter
- An “Authorization to Release Information” (SC 1029) was signed by the applicant/recipient.

The SC 163 is to be kept on fastener #4 - middle divider of each case file.

[Refer to “Documentation”, page 37-2.]

The Common Place Handbook Chapter 37 is revised to reflect these compliance requirements and is available on-line via the Intranet.

Hyperlinks

Hyperlinks are provided in this document to enable staff to go directly to the Common Place Handbook referenced sections. Double click on the hyperlink where the Common Place Handbook section is referenced in order to see the handbook material.

Questions

Any questions pertaining to this policy should be addressed to the Program Unit, (408) 491-6700.

Reminder

These civil rights policies are already in effect. These clarifications are being issued to reinforce current policy and procedures.

KATHERINE BUCKOVETZ, DIRECTOR
Department of Employment and Benefit Services

Contact Person(s): Yolanda Martinez, Program Coordinator, (408) 491-6700.
Sections Revised by Update 2005-1: Common Place Handbook

Civil Rights Compliance Review-Second Language Services

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<th>Revised</th>
<th>Pages</th>
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<td>Chapter 37</td>
<td>1-18</td>
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</table>