Update 2014-9: Common Place Handbook

Civil Rights Update: Language Needs and Special Accommodations

Background
Santa Clara County Social Services Agency (SSA) policies and procedures are in compliance with the following state and federal laws: the California Dymally-Alatorre Bilingual Services Act, Government Code Section 7290 and Federal law 42 U.S. C. 2000(d); Title VI of the Civil Rights Act; Section 504 of the Rehabilitation Act; Title II of the Americans with Disabilities Act (ADA); the Age Discrimination Act; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973 as amended; the Age Discrimination Act of 1975; the Food Stamp Act of 1977 - Section 272.6; the Americans with Disabilities Act of 1990, 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.

Reminder
This update does not introduce new policy but rather serves as reminders of the aforementioned state and federal laws. SSA staff is to continue following existing procedures to ensure compliance with these laws, including the requirements for accommodating language needs for clients whose primary language is not English and for accommodating clients with disabilities. These reminders are listed below:

[Refer to “Civil Rights,” page 36-1.]

We Speak Your Language
The “We Speak Your Language” (SCD 2334) form must be readily available for visitors who approach front desk staff. When the visitor does not speak English well enough to identify his/her language, the client would then point out his/her preferred language listed on the form for front desk staff to provide an interpreter.
**Language Line**

If there is no certified bilingual staff available to provide interpreter services, front desk staff/worker is to request interpreter services by calling the designated telephone Language Line at 1-800-874-9426 as follows:

- To provide interpreter services using the phone as a third party line when the client is on the phone, or
- When the client is in the office, to provide interpreter services using the phone as a third party line.

**Language Survey**

To ensure that clients are served in their preferred language and to meet Federal Law and Civil Rights Mandates, EW/Clerical staff must ensure that clients self-identify their primary language. This requirement is met by the client completing the “Language Survey—Interpreter/Translation Request” (SCD 1264). The client’s language designation is then inputted by Clerical/EW into the CalWIN System, appropriate language drop-down name.

The county may not complete the form on behalf of the client, unless the client is unable to write because of illiteracy or disability.

**GEN 1365**

If a form or notice is not available in a client’s preferred language, the client has the right to request and receive an oral translation of the correspondence. Worker must notify applicants and beneficiaries of that right by providing the client the “Notice of Language Services” (GEN 1365).

**SAWS 1**

The Eligibility Worker (EW) must continue to review other forms such as the “Application For Cash Aid, Food Stamps, And/Or Medi-Cal/State CMSP” (SAWS 1) to ensure that the client’s language needs are clearly identified and recorded into the CalWIN System, language drop-down code.

**CalWIN Drop Down Languages**

Selecting the correct language name in CalWIN ensures that clients who do not speak English sufficiently receive the county’s written notices or other correspondence or forms in the written language they understand, as well as effectively communicating with county staff.

When a client understands some oral English but their preferred written language is not English, then CalWIN must be coded with the client’s preferred written language in order for the client to receive correspondence in their language.

**CalWIN Special Indicator**

One or more of the following CalWIN Case Indicators must be entered to identify clients who require language accommodations and to identify clients with language related disabilities as follows:
• “Illiterate” (is not able to communicate in their own primary language due to illiteracy), and

• “Hearing Impaired” (is not able to communicate in their primary language due to hearing impairment).

• “Speech Impediment” (Communication may be more difficult because the person has difficulty speaking in his/her primary language and may need disability accommodations in addition to translation services).

PUB 13

Eligibility Workers must also give clients a copy of the “Your Rights Under California Welfare Programs” (PUB 13) in the person’s primary language at Intake and annual Redetermination/Reinvestigation/Recertification (RRR). The brochure explains clients rights governed by Civil Rights Law, in that all people and organizations providing public assistance benefits must assist clients by providing written and oral information regarding their application and aid in the clients’ language. This brochure is available in 17 languages including Braille and large print.

If the PUB 13 is not translated into the client's self-identified language, the county must obtain an oral interpreter to review the publication with the client. The worker must document how language services were provided in the case file, such as use of the Language Line.

Interpreter Services

SSA contracts with various community agencies and individuals to provide interpreter services in most languages. Workers are to request interpreter services after it has been determined that the case cannot be assigned to existing certified bilingual staff with the required language skill.

If SSA staff calls an interpreter and the interpreter calls the client, the “Interpreter/Translator Services - Detailed Service Record” (SC 1257) must be completed for the telephone call and a copy sent to the interpreter. The form is located in the Intranet Departmental General form’s section:
http://intranet.ssa.co.santa-clara.ca.us/forms/department.html

New forms/Poster

The following are new forms and Poster:

SCD 2362

The “Certification of Confidentiality – Non-SSA Interpreter & Release of Information” (SCD 2362) must be completed for all clients who use a non-County of Santa Clara employee as an interpreter and must document in the Maintain Case Comments window in CalWIN that a translator was used and release was signed.
When the interpreter is a contract employee or when the language line is used, a signed release is not required but case comments need to be entered in CalWIN.

**Reasonable Accommodation Poster**
A Reasonable Accommodations poster (SCD 2372) will be displayed at office lobbies that informs clients of their rights to notify county staff of a disability such as hearing or speaking impairment; difficulty walking, sitting, or standing for a long time; the need for a sign language interpreter; the need for information in Braille; assistance filling out form or understanding complicated instructions. Staff is required to work with the client to find a way to help the client. The contact information for SSA's Civil Rights Coordinator is included in the reasonable accommodations office poster.

[Refer to “Reasonable Accommodations Poster,” page 36-6]

**Disability Accommodation Review Form**
A review form (SCD 2371) for disability accommodations is to be used by the EW to obtain information pertaining to any additional assistance and the type of assistance requested by clients due to a disability. The form functions as a triage form soliciting responses to various questions. The client is not required to provide a diagnosis. The form and instructions will be released via a separate business process update.

[Refer to “Disability Accommodation Review Form,” page 36-7]

**SCD 2371 Process**
Each district office lobby will have a "Need Additional Assistance" poster (SCD 2372) which would prompt the applicant/client to inform the clerical of his/her disability in order to receive some form of accommodation. [Refer to “SCD 2371 Process,” page 36-7] for the step-by-step workflow process.

**Handbook Chapter**
The following Common Place Handbook Chapters have been updated with this update as follows:

- Chapter 36, language needs and disability sections, have been reorganized and
- Chapter 19 reflects SCD 2362 IDM scanning instructions

**Clerical**
Office Management Coordinators (OMC) must review the information contained in this Update with their respective staff and ensure compliance with Civil Rights requirements.
Supervisors

DEBS Supervisors must review this Update with their unit at their next unit meeting to ensure compliance with Civil Rights requirements.

Case Documentation

In order to meet the Federal Law and Civil Rights requirements, SSA staff must thoroughly document in the Maintain Case Comments window in CalWIN all information related to providing bilingual services and requests for special accommodations.

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