

Office of General Counsel

***MAN 2001 Access Plan for Constituents with
Limited English Proficiency (LEP) and
Sensory Impairments (SI)***

2024-10-28

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Section I General Information

Scope

The Access Plan for Constituents with Limited English Proficiency (LEP) and with vision, hearing, or speech disabilities [sensory impairments (SI)] (the Access Plan) applies to all Divisions and Offices of the Department of Human Services (DHS or Department) for programs, services and activities provided by DHS, its local offices and its subrecipients unless otherwise noted.

Division of Family & Children Services (DFCS) employees are required to provide equally effective communication for constituents with disabilities in accordance with the [DFCS ADA/Section 504 and Civil Rights policies and procedures found at: dfcs.georgia.gov/adasection-504-and-civil-rights](https://dfcs.georgia.gov/adasection-504-and-civil-rights).

Policy and Purpose

The policy of DHS is to provide meaningful access to constituents with LEP and equally effective communication for constituents with vision, hearing, or speech disabilities [SI] within all programs and activities conducted or supported by the Department. Please refer to [Policy 2001: Limited English Proficiency and Sensory Impairment \(LEP/SI\) Program Policy](#) (“Policy”).

The purpose of the Access Plan is to demonstrate the Department’s commitment that constituents with LEP and SI will receive meaningful access and equally effective communication, respectively, when accessing all programs and activities within the Department. The Access Plan will include information and procedures that staff can refer to that will assist in providing meaningful access and equally effective communication.

Meaningful access generally refers to the provision of reasonable language assistance services that enables an LEP individual to have substantially equal participation in and access to the benefits of the Department’s programs and activities. Language assistance services are meaningful when they are “provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person” (DOJ LEP Guidance at 41461).

Equally effective communication with constituents with SI occurs through the provision of appropriate auxiliary aids and services. The goal is to ensure that individuals with SI can communicate with, receive information from, and convey information to staff as effectively as individuals without disabilities when accessing the Department’s programs and activities. The key to communicating effectively is to consider the nature, length, complexity, and context of the communication and the person’s normal method(s) of communication. This is accomplished on a case-by-case basis.

The Access Plan is in place to ensure LEP and/or SI constituents who need language assistance services (interpretation and translated materials) or auxiliary aids and services (e.g., sign language interpreters) receive qualified, competent, and timely services. The constituent contact points for communication assistance services include, but are not limited to:

- Program intake

- Assessments (eligibility, diagnostic)
- Service plan development
- Discharge planning
- Caseworker and care coordinator contacts
- Home visits
- Field contacts
- Telephone contacts
- Nutrition education classes
- Employment and training services
- Appointments with custodial and non-custodial parents
- Fair hearings and administrative procedures
- Court hearings involving child support
- Disaster/emergency response activities

The Policy and the Access Plan are consistent with Federal laws and guidance prohibiting discriminatory practices on the basis of race, color, national origin, and disability in programs and activities receiving Federal financial assistance. For SI compliance, the Policy and Access Plan are also consistent with Federal laws and guidance prohibiting discrimination on the basis of disability by state and local governments (public entities) and public accommodations.

The Access Plan is written in seven sections. Section I lays out the policy, purpose, and legal authority for the Access Plan. Section II addresses needs assessment to identify where language assistance services and auxiliary aids or services may be needed and the structure to support meaningful access and equally effective communication. Section III establishes the Department's procedures for taking reasonable steps toward providing meaningful access for constituents with LEP and equally effective communication for constituents and companions with SI. Section IV provides guidance on posting notices in all offices within the Department as well as on digital platforms. Section V provides information regarding training for Department staff particularly those who are in a constituent facing role. Section VI identifies the need for evaluation to continually improve upon serving constituents with LEP and SI. Section VII contains all the attachments that go along with the Access Plan.

Legal Authority

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq.; 28 C.F.R. § 42.101 et seq.; 45 C.F.R. 80; and 7 C.F.R. § 15.1 et seq.:

Title VI prohibits recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin. Title VI applies to intentional discrimination and policies, practices or procedures that have a disparate impact on the basis of race, color, or national origin. (Requiring information regarding citizenship or immigration status, and requests for social security numbers which are immaterial to eligibility determinations, may have an adverse effect on the basis of national origin).

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §§ 794 et seq.; 28 C.F.R. 42.501 et seq.; 45 C.F.R. § 84.1 et seq. and 7 C.F.R. 15b et seq.:

Section 504 protects “qualified” individuals from discrimination by Federally assisted programs based on disability. Under this law, a person with a disability is any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. Major life activities include functions such as caring for one’s self, performing manual tasks walking, seeing, hearing, speaking, breathing, learning, and working. 28 C.F.R. § 42.540(k) et seq. 39.103.

Section 1557 of the Patient Protection and Affordable Care Act, 42 U.S.C. § 18116(a):

Section 1557 and its implementing regulation provide that an individual shall not be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the grounds prohibited under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (race, color, national origin), Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (sex), the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (age), or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (disability), under any health program or activity, any part of which is receiving federal financial assistance; any program or activity administered by the Department under Title I of the Act; or any program or activity administered by any entity established under such Title. Section 1557 prohibits discrimination on the basis of race, color, national origin, age, disability, or sex (including pregnancy, sexual orientation, and gender identity), in covered health programs or activities.

Title II of the Americans with Disabilities Act of 1990, as amended, by the ADA Amendments Act of 2008, 42 U.S.C. § 12132 et seq.; 28 C.F.R. § 35.101 et seq.:

The ADA gives Federal civil rights protections to individuals with disabilities like those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

Title II of the ADA prohibits discrimination on the basis of disability by public entities, which are state and local governments. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, which are private entities that own, operate, lease, or lease to, a place of public accommodation, such as private hospitals, doctors' offices, pharmacies, places of lodging, retail stores, libraries, private schools, and day care centers.

An individual is considered to have a “disability” if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. For example, persons with Human Immunodeficiency Virus (HIV) disease, both symptomatic and asymptomatic, have physical impairments that substantially limit one or more major life activities and are, therefore, protected by the law (ADA.gov).

Under the ADA Amendments Act, major life activities include Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and the operation of a *major bodily function*, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic,

lymphatic, musculoskeletal, and reproductive systems. The operation of a *major bodily function* includes the operation of an individual organ within a body system (28 C.F.R. 35.108(c) et seq.).

Food and Nutrition Act of 2008, as amended, 7 U.S.C. § 2011 et seq.; 7 C.F.R. 272.4(b) et seq. and 7 C.F.R. 272.6 et seq.:

Section 11(c) of the Food and Nutrition Act provides nondiscrimination protections for Supplemental Nutrition Assistance Program (SNAP) households to the effect that no person in the United States shall, on the grounds of sex, race, color, age, political belief, religious creed, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject of discrimination in SNAP.

Presidential Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency (LEP)”:

The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with LEP, and develop and implement a system to provide those services so LEP applicants and beneficiaries will have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries. (U.S. Department of Justice Civil Rights Division).

U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455, 41,457 (June 18, 2002) ([DOJ LEP Guidance](#))

The Department of Justice (DOJ) published guidance pursuant to Executive Order 13166 to ensure agencies that receive federal financial assistance provide meaningful access to LEP individuals seeking their services.

U.S. Department of Agriculture, Guidance to Federal Financial Assistance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency, 79 Fed. Reg. 70771, (Nov. 28, 2014) ([USDA LEP Guidance](#))

The Department of Agriculture (USDA) published guidance pursuant to Executive Order 13166 to ensure agencies that receive federal financial assistance provide meaningful access to LEP individuals seeking their services.

U.S. Department of Health and Human Services, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 Fed. Reg. 47,311, 47,313 (Aug. 8, 2003) ([HHS LEP Guidance](#))

The Department of Health and Human Services (HHS) published guidance pursuant to Executive Order 13166 to ensure agencies that receive federal financial assistance provide meaningful access to LEP individuals seeking their services.

Glossary of Terms

ADA

The Americans with Disabilities Act of 1990 (ADA), as amended by the ADA Amendments Act of 2008, prohibits discrimination on the basis of disability, in employment (Title I), by state and local governments (public entities) (Title II), and by places of public accommodation (Title III). See DOJ regulations at [28 C.F.R. 35 \(Title II\)](#) and [28 C.F.R. 36 \(Title III\)](#).

Auxiliary Aids and Services

Includes but is not limited to: qualified sign language interpreters, telephone handset amplifiers, assistive listening devices, closed caption decoders, real time captioning, TTY/TTD relay services for deaf and hard-of-hearing, screen reader software, Braille Embossers, text to Braille converter, large print materials, alternative keyboards for individual who are blind and have low vision.

Braille

A system of touch reading for the blind, which employs embossed dots evenly arranged in quadrangular letter spaces or cells. In each cell, it is possible to place six dots, three high and two wide.

Companion (for Disability)

A family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate.

Constituents

Refers to individuals, families, clients, consumers, and all persons seeking or receiving assistance or services from DHS.

Covered Entities

Institutions, programs, and service providers receiving federal financial assistance from federal agencies such as the U.S. Department of Health and Human Services and U.S. Department of Agriculture, public entities (i.e. state and local government human service agencies), and public accommodations that administer or deliver DHS programs, activities and services.

Direct “In-Language” Communication

Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Russian to Russian).

Disability

means, with respect to an individual: (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment ([28 C.F.R. 35.108](#) and [28 C.F.R. 36.105](#)).

Federal Financial Assistance

Grants and loans of federal funds; the grant or donation of Federal property and interests in property; the detail of federal personnel; the sale and lease of, and the permission to use federal

property or any interest in such property or the furnishing of services without consideration, or at a consideration which is reduced for the purpose of assisting the recipient; and any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

Interpretation

The act of listening to communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning. Interpreting is the process of understanding and analyzing a spoken or signed message and re-expressing that message effectively, accurately, and impartially in another language, using any necessary specialized vocabulary, taking the social and cultural context into account.

Language

Refers to the method by which an individual communicates with another through speech, written communication or gestures and includes languages other than English.

Language Assistance Services

Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by DHS.

Limited English Proficient (LEP)

Refers to persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. For example, LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but are still considered LEP for other purposes (e.g., reading or writing).

Meaningful Access

Meaningful access to programs and services is the standard of access required of federally funded entities to comply with language access requirements of Title VI of the Civil Rights Act of 1964. Meaningful access is accomplished by providing individuals with LEP with reasonable, timely, appropriate, accurate and effective language assistance services (qualified, competent interpreters and translated materials) at no charge when accessing DHS's programs and activities. Language assistance services are meaningful when they are "provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person." [DOJ LEP Guidance at 41461](#).

Multilingual staff or employee

A staff person or employee who has demonstrated proficiency in English and reading, writing, speaking, or understanding at least one other language.

Mystery Shopper

A person/vendor selected by DHS to visit offices, posing as an LEP customer seeking access to programs and services for the purpose of collecting information about the office's compliance with civil rights (i.e. collecting information on whether the office offered and provided free language access to programs and services).

Public accommodation

A private entity that owns, leases (or leases to), or operates a place of public accommodation.

Public entity

(1) Any State or local government; (2) Any department, agency, special purpose district, or other instrumentality of a State or States or local government.

Qualified Interpreter (for Disability)

An interpreter who, via a video remote interpreting (VRI) service or an on-site appearance, is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

Qualified Interpreter (for LEP)

A qualified interpreter is a highly trained individual who mediates spoken communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing. A qualified interpreter is competent to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue. Bilingual staff who serve as interpreters should also be competent in the skill of interpreting.

Qualified Reader (for Disability)

A person who is able to read effectively, accurately, and impartially using any necessary specialized vocabulary.

Qualified Translator (for LEP)

A highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality.

Reasonable Steps

The steps necessary to ensure meaningful access for individuals with LEP based on a self-assessment of four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient; (2) The frequency with which LEP persons come in contact with the program or activity; (3) The nature and importance of the program, activity, or service to people's lives; and (4) The resources available to the recipient and costs. The level of resources and the costs may have an impact on the type of language assistance provided. Smaller agencies with more limited budgets are not expected to provide the same level of language services as larger agencies with larger budgets. In addition, "reasonable costs" may become "unreasonable" where the costs substantially exceed the benefits. Still, no matter what type or level of resources are available and their costs, DHS and its subrecipient must take reasonable steps to ensure meaningful access to DHS programs and activities. Providing no assistance may result in discrimination on the basis of national origin violation of Title VI. See [\(DOJ\) 28 C.F.R. 42](#); [\(USDA\) 7 C.F.R. 15](#); and [\(HHS\) 45 C.F.R. 80](#).

Section 504

Section 504 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794) prohibits discrimination on the basis of disability by recipients of federal financial assistance. See [\(DOJ\) 28 C.F.R. Part](#)

42; (USDA) 7 C.F.R. 15b; and (HHS) 45 C.F.R. Part 84.

Sensory Impaired (SI)

Refers to individuals who have disabilities vision, hearing, or speech disabilities, such as deaf, deafened, hard of hearing, blind, low vision, or deaf/blind, and/or speech impairments.

Telecommunications Relay Service

Staff must receive and respond to calls made by persons with hearing or speech disabilities through the free nationwide telecommunications relay services (TRS), which can be reached by calling 7-1-1. Staff must respond to telephone calls from a TRS in the same manner that it responds to other telephone calls. Staff must be trained on how to receive all forms of TRS, including Text-to-Voice TTY-based TRS, Voice Carry Over, Hearing Carry Over, Speech-to-Speech Relay Service, Shared Non-English Language Relay Services, Captioned Telephone Service, IP Captioned Telephone Service, Internet Protocol Relay Service, and Video Relay Service (VRS).

TDD/TTY

Telecommunications Device for the Deaf or Teletypewriter – a device which allows conversation to take place over the telephone by sending typed messages through phone lines to the TDD/TTY screen.

Title VI

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) prohibits discrimination on the basis of race, color, national origin by recipients of federal financial assistance. See (DOJ) 28 C.F.R. 42; (USDA) 7 C.F.R. 15; and (HHS) 45 C.F.R. 80).

Translation (Written)

The replacement of written text from one language (source language) into an equivalent written text in another language (target language).

Translation (Sight)

Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.

Transliterator

A person who represents letters or words in the corresponding characters of another alphabet. The term is commonly used to designate a person who transcribes written documents into Braille (American Heritage Dictionary). A qualified speech-to-speech transliterator is a person trained to recognize unclear speech and repeat it clearly.

TTY

Teletypewriter, a precursor to the TDD is a Mechanical Teletypewriter for the Deaf.

Video Relay Service (VRS)

A free, subscriber-based service for people who use sign language and have videophones, smart phones, or computers with video communication capabilities. For outgoing calls, the subscriber contacts the VRS interpreter, who places the call and serves as an intermediary between the subscriber and a person who uses a standard voice telephone. The interpreter tells the telephone user what the subscriber is signing and signs to the subscriber what the telephone user is saying.

Video Remote Interpreting (VRI)

A fee-based interpreting service that uses video conference technology to access an off-site interpreter to provide real-time sign language or oral interpreting services for conversations between hearing people and people who are deaf or have hearing loss over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images. If VRI is chosen, all the regulatory performance standards must be met. See [28 C.F.R. 35.160\(d\)\(1-4\)](#).

Vital Document

Paper or electronic written information and material that contains information that is critical for accessing a component's program or activities or is required by law. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program or activity, information, encounter, service, or benefit involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner.

Section II Needs Assessment

Organizational Commitment

The responsibility for carrying out DHS policy and procedures to ensure meaningful access for persons with limited English proficiency and equal access for persons with sensory impairment is shared as a whole through the joint effort of the LEP/SI Program, and the various DHS divisions and offices that provide direct benefits or services to constituents with LEP and SI.

Each Division that provides social services to constituents implements the Access Plan to ensure service delivery at the local level. Local level will be defined by Divisions based on programmatic operations.

Representatives from the DHS Divisions assist with the implementation of the DHS LEP/SI Policy by serving on the DHS Language Access Team (LAT), Complaint Resolution Team (CRT), and as Language Access Coordinators (LAC). An ad hoc Community Advisory Council (CAC) comprised of representatives from major ethnic and language groups, including the hearing and visually impaired, is convened as needed to respond to DHS LEP/SI issues/concerns at the local level. The CAC provides feedback and recommends improvements to LEP/SI service delivery focusing on constituent and community perspectives.

LEP/SI Program – Specific Responsibilities

The DHS LEP/SI Program Manager serves as the primary point of contact for implementing the DHS LEP/SI policy as well as the point of contact for state-level and federal-level compliance reviews. Also, the DHS LEP/SI Program Manager responds to compliance issues and prepares reports to the various offices within DHS or to federal agencies as needed.

The DHS LEP/SI Program has the following specific responsibilities:

- Maintaining the DHS LEP/SI policy and procedures and keeping them current and relevant;
- Convening, supporting, and maintaining up-to-date contact information for the teams that assist with LEP/SI Program implementation, specifically:
 - **Language Access Team (LAT)** which consists of state level representatives from all Divisions,
 - **Complaint Resolution Team (CRT)** which is an ad hoc team of the Language Access Team whose role is to assist in the investigation of allegations of discrimination based on LEP or SI, and
 - **Language Access Coordinators (LAC)** who serve as the focal point for LEP/SI at the local or regional level for each Division.
- Developing and providing roles and responsibility training for LAT and CRT;
- Overseeing, along with programs, the translation and printing of vital forms and documents into languages most often and significantly encountered in the state;
- Managing feedback regarding contracts for telephone interpreting services, sign language interpreter services, language testing services, interpreter/interpretation services, translator/transla-

tion services, and other statewide contracts that provide language access services to constituents with LEP/SI;

- Managing and maintaining the information provided by the county, regional, and state program offices;
- Receiving, reviewing, and investigating appropriate complaints of discrimination based on disability (except DFCS disability complaints which will be handled by the DFCS Civil Rights and ADA/Section 504 Coordinator) or national origin as they relate to language assistance. Note: The DHS LEP/SI Program will process discrimination complaints based on national origin filed against any USDA FNS program or activity in accordance with FNS Instruction 113-1; and
- Maintaining adequate language assistance resources (i.e. securing contractors to provide interpreter and translation services, testing) and assisting program Divisions and Offices with language assistance in serving constituents with LEP/SI.
- Monitoring implementation of the Policy and Access Plan and the Secret Shopper program.

Language Access Team (LAT) - Specific Responsibilities

The LAT consists of at least one state-level representative from each DHS division and office and is responsible for:

- Providing input into the design and implementation of products and services for constituents with LEP/SI from the perspective of each division and office represented;
- Serving as the state level single point of contact for their program/office and respective county level single point of contacts (CLSC);
- Keeping the DHS LEP/SI program informed of the status of LEP/SI services within each area;
- Ensuring the completion and review of communication assistance self-assessment processes; and
- Aiding with the implementation of the Access Plan if needed.

Language Access Coordinators (LAC) - Specific Responsibilities

The LAC is designated by the regional director for each office for the Division of Child Support Services (DCSS). There is no Language Access Coordinators for DAS or DFCS. All LEP/SI related inquiries will be directed to the DAS or DFCS Language Access Team Member, respectively. Each of the LACs will report to their respective LAT member. The LAT member for DAS and DFCS will represent the interests for the state and local levels. The LAC:

- Serves as single point of contact for each county, district or region on all issues dealing with services to constituents with LEP/SI;
- Ensures that the Access Plan is implemented, based on the LEP/SI policy and procedures as well as the language needs of the service area;
- Secures and/or assists divisions/offices in securing language resources (interpreters, translated documents, etc.);
- Ensures that the [Notice of Free Interpretation Services Poster](#) is visible and that “I SPEAK” cards are accessible;

- Provides oversight and monitoring to the provision of oral and written language services to constituents; and
- Assesses staff training and conducts or coordinates training to ensure that staff is prepared to provide meaningful language access to constituents with LEP and equal access to constituents with SI.

DHS's subrecipients should contact the LEP/SI Program Manager with questions regarding provision of language assistance services. Gateway Community Partners should contact the Gateway Community Partner Program Manager or LEP/SI Program Manager for assistance.

Complaint Resolution Team (CRT) - Specific Responsibilities

The CRT is an ad hoc group of the Language Access Team (LAT) whose role is to assist in the investigation of allegations of discrimination based on national origin or disability received by DHS or its Divisions and Offices, with exception. The DFCS ADA/Section 504, Civil Rights Coordinator investigates complaints alleging disability discrimination. The CRT may also respond to inquiries made by the U.S. Department of Agriculture (USDA), Food and Nutrition Service, Civil Rights Division, or the U.S. Department of Health and Human Services (HHS), Office of Civil Rights, regarding complaints received against DHS that allege national origin or disability discrimination.

The CRT consists of LEP/SI staff, the Language Access Team (LAT) member from the affected Division and may include any related Language Access Coordinators. The CRT will work together to investigate and respond to the complaint. Complaints will be responded to within five business days.



Complaints involving USDA Food and Nutrition programs must be handled in accordance with the FNS Instruction 113-1.

Self Assessment of Need for Language Access and SI Access

For language access, DHS, its local offices, and subrecipients must conduct routine assessments at least every five years of need considering at a minimum the following four factors:

- a. The number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by DHS, its local offices and subrecipients.
- b. The frequency with which LEP persons come in contact with the program, benefit, service, or activity.
- c. The nature and importance of the program, benefit, service, or activity to the LEP person. The more important the program, or the greater the possible consequences of the contact to the LEP persons the more likely language services are needed.
- d. The resources that are available and the costs of providing the language assistance service(s).

DHS, its local offices, and subrecipients will apply the four factors to the various kinds of contact that its offices will have with the public to assess language needs and will decide what reasonable steps it should take to ensure meaningful access for LEP persons.

Please see [Attachment 1](#) for the DHS Language Access Self-Assessment of Need Survey for a copy of the survey. However, the survey will be conducted through the DHS online form located in the DHS LEP/SI SharePoint site which can be found at: forms.office.com/g/wMC9gZwPwk.

For SI access, DHS, its local offices, and subrecipients must conduct routine self-evaluation of need at least every five years considering, at a minimum, the following factors - see the [ADA Tool Kit: Chapter 3, Addendum Checklist](#).

Demographic Data

In conjunction with the self-assessment of need, demographic data of LEP and SI constituents for the state of Georgia will be produced by DHS at least every 5 years based on U.S. Census data, at minimum, to determine language access needs throughout the state for LEP constituents and disability access needs for SI constituents. Other programs and offices may supply other data to ensure meaningful access to services for LEP constituents and equally effective communication for SI constituents. Data from the Decennial Census and/or the American Community Survey will be provided identifying LEP groups by language, population, and county. Please see [Attachment 2](#) for data related to LEP and SI constituents in the state of Georgia.

Section III Language Access and Equally Effective Communication Services

Intake Procedures / Identification of Need

DHS, its local agencies, and subrecipients must provide language assistance services and auxiliary aids and services at no cost to all constituents with LEP and/or SI, respectively, who are applying for or receiving services and benefits through its offices. The constituent's primary language, method of communicating and special needs should be identified at all constituent contact points. Offices are to use qualified bilingual staff when available, the DHS "I Speak" flash card (see [Attachment 3](#)), or the appropriate qualified language interpretation vendors to identify the language assistance needs of LEP persons. (DHS staff refer to [Attachment 6](#) for state-contracted vendors.) Identification also can be accomplished in one of the following ways:

- Self-identification by the non-English speaker, LEP individual or companion.
- Reviewing records of past Department interactions with the individual to determine whether an interpreter or translator was used.
- Asking open-ended questions to determine whether the individual understands or can accurately respond in English or whether they need an auxiliary aid or service.
- Asking the individual if he or she can speak the English language and his or her primary language or preferred method of communication.



LEP individuals may be competent in English for certain purposes (e.g., speaking), but still be LEP for certain types of communication (e.g., reading, writing, or discussing medical, legal, or other complicated or highly specialized topics).

Staff are to respond affirmatively to LEP constituents that request language assistance services and SI constituents that request auxiliary aids or services or offer these services in advance if staff identifies a communication issue during the intake process.

For DFCS – When using Georgia Gateway: When using the worker portal within Georgia Gateway, DFCS staff have the option to select the preferred language of the constituent within the section "Demographic Information." Staff may select one of the languages listed in the drop-down menu. Please note if "Other" is selected as a language, please specify the language in the space provided under "If other, specify". If language is not known, it may be necessary for staff to identify the language before proceeding with the case to ensure appropriate language assistance is provided to the LEP constituent.

For a quick guide to provide meaningful access to LEP constituents and equally effective communication to SI constituents, please refer to:

- **For non-DFCS:** [Attachment 4 DAS and DCSS Guide for Providing Meaningful Access and Effective Communication to LEP/SI Constituents](#)
- **For DFCS:** [Attachment 5 DFCS Guide for Providing Meaningful Access to LEP Constituents](#)

Communication Assistance Resources

DHS, its local agencies, and subrecipients must take reasonable steps to ensure that an interpreter is present either by telephone or in person at all points of service delivery. Language assistance services for constituents with LEP and auxiliary aids and services for constituents who are SI are offered at no-cost by DHS and must be provided once the need for assistance has been identified. Language assistance services include qualified oral interpreters for languages other than English and written translations in other languages. Auxiliary aids and services include, but are not limited to, American and other sign language interpreters, materials in Braille and large print, and assistive listening devices.

DHS, its Divisions, and Offices will use the guidelines set forth in this section to utilize and evaluate state contracted language assistance services vendors and non-contracted vendors, when necessary. In all situations, DHS, its local agencies, and subrecipients will provide competent interpreters, translators, and other communication assistance in a timely manner and at no-cost to DHS constituents. If language assistance services and auxiliary aids and services are not secured, staff must document all attempts made to obtain an interpreter or provide the requested auxiliary aid or service for the LEP/SI constituent.

For a list of state contracted vendors, please see [Attachment 6](#).

The DAS & DCSS LEP/SI Service Delivery Checklist is distributed and utilized by offices to provide meaningful access to constituents with LEP and equal opportunity for constituents with SI. Please see [Attachment 7 for the DAS & DCSS LEP/SI Service Delivery Checklist](#).

For DFCS employees, please see [Attachment 8 for the DFCS LEP Service Delivery Checklist](#).

Providing Language Assistance for Constituents with LEP

Interpretation Services

Three primary resources are available to provide qualified, competent interpretation services. They are:

- Qualified telephone interpretation services
- Professional, qualified on-site, in-person interpreters
- Video Remote Interpretation (VRI)

DHS, its local offices, and subrecipients must provide qualified, competent interpreters when communicating with constituents with LEP. A qualified interpreter is a highly trained individual who mediates spoken communication between people speaking different languages without adding, omitting, or distorting meaning or editorializing. A qualified interpreter is competent to provide interpretation services at a level of fluency, comprehension, impartiality, and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

Qualified, competent interpreters are used in the following situations when communicating in the following situations with constituents with LEP. This list is not an exhaustive list:

- When requested by a constituent

- When requested by a service provider for a constituent with LEP and/or SI
- When necessary to establish or maintain a constituent's eligibility for DHS programs or services
- When interpreter services are necessary to access public meetings sponsored by DHS or those under contract with DHS
- When necessary for the constituent to access any service funded directly or indirectly by DHS

For tips on using interpreters, **please see [Attachment 9 Tips for Using Interpreters to Improve Service Delivery](#)**.

Use of DHS Bilingual Staff

Interpreter competency requires more than self-identification as bilingual. Bilingual staff and community volunteers who interpret for DHS may be able to communicate effectively with a LEP person directly in a language other than English but not be competent to interpret between their native language and English. Thus, DHS bilingual staff are prohibited from interpreting between two parties (i.e. LEP constituent and English-speaking person). If interpretation is needed for a constituent who does not speak English, a state contracted vendor for interpretation must be used.

However, DHS staff that speak a language other than English may qualify as a bilingual employee by taking and passing a language proficiency test offered by the contracted language testing vendor. Please see [Policy 2002: Bilingual/Multilingual Temporary Salary Supplement \(TSS\) Testing Policy](#).

DHS staff that qualify as bilingual employees and receive the Bilingual TSS may communicate directly with the LEP constituent in his/her native language to provide meaningful access to services and programs offered by DHS.

Use of Family or Friends as Interpreters

DHS, its local offices, and subrecipients cannot require a person to bring someone to interpret for him or her and cannot require the constituent to use the free interpretation services. However, a companion may interpret for a person with LEP in only two situations:

- a. In an emergency involving an imminent threat to the safety or welfare of a constituent or the public, an adult or minor child accompanying a person may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.
- b. In situations not involving an imminent threat, an accompanying adult who is able to interpret may be relied upon to interpret or facilitate communication when a) the constituent requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does not apply to minor children.

Even under exception (b), staff must not rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness.

DHS, its local offices, and subrecipients are discouraged to use family or friends as interpreters. However, if a LEP person desires to use family or a friend as an interpreter based on the above conditions, they must do so at their own expense and only after staff remind the constituent that a qualified interpreter is available free of charge. DHS does not allow minor (under the age of 18)

children to serve as interpreters.

When a constituent decides to use his/her own interpreter and declines the DHS provided interpreter at no cost, staff must utilize either an on-site or telephone interpreter to observe communication or to listen in, respectively, to ensure accurate interpretation from the constituent's own interpreter. If issues of competency, confidentiality or conflict occur on the part of the constituent provided interpreter, staff must secure a qualified interpreter to assume interpretation responsibilities, even if an LEP person wants to use his or her own interpreter.

Translation of Vital Documents and Information

Vital documents and information on websites and online systems (i.e. online applications), must be translated either in writing or orally into languages needed by constituents. A vital document is paper or electronic written material that contains information that is critical for accessing DHS' programs or activities or is required by law. Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program or activity, information, encounter, service, or benefit involved, and the consequence to the LEP constituent if the information in question is not provided accurately or in a timely manner.

DHS, its local offices, and subrecipients must translate vital information using qualified, competent translators. A qualified, competent translator is a highly trained individual who is able to render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality. For DHS and its local offices, when translation of vital documents is needed, each division will appoint a translation designee to make a request to a state contracted vendor for translations with supervisory approval and submit documents for translation. **See [Attachment 6 for DHS contracted translation vendors](#).**

Copies of documents in languages other than English must be available to the public. These are generally documents, forms, and brochures such as applications, consent forms, letters containing information regarding participation in a program, notices pertaining to the reduction, denial, or termination of services or benefits, and notices advising constituents with LEP and/or SI of the availability of free language assistance.

To make a request of a translation of a document, DHS staff will need to contact their Divisional Translation designee. Please see **[Attachment 10 for the DHS Translation Request Procedure](#)**.

Notice to constituents regarding free translation services of vital documents is located on the Notice of Free Interpretation Services poster. Please see **[Attachment 14](#)**. This poster must be displayed in a prominent location within all DHS office lobbies and on applicable DHS/DFCS webpages. DHS's subrecipients must also post notice of the availability of free language assistance services and auxiliary aids and services in a language and format that constituents can understand.

Services Provided Over-The-Phone

If services are conducted over the phone by DHS and its local offices with LEP constituents, an interpreter must be offered and provided either with an immediate callback with the interpreter on the line or by adding a three-way call with an interpreter. If calling the LEP constituent, the recommended practice is to have an over-the-phone interpreter on the line before contacting the LEP

constituent. Staff may also call the over-the-phone interpreter first and the interpreter will create the three-way call if the constituent number is provided. Please see [Attachment 6 Interpretation / Translation Service Vendors](#) for over-the-phone interpretation vendor information.

When an LEP constituent leaves a voicemail message in their native language, staff will need to utilize the over-the-phone interpretation vendor to interpret the voicemail message received.

Providing Equally Effective Communication for Constituents and Companions With SI

(For DFCS, please refer to POL 3401 – ADA and Section 504 of the Rehabilitation Act Policy for matters concerning ADA/SI.)

Effective Communication Rule: DHS, its local offices, and subrecipients providing DHS services must ensure that communication with constituents with SI is equally effective as communication with people without SI. This applies to communications with applicants, participants and with their parent, spouse or companions in appropriate circumstances who have hearing, vision, and speech disabilities. A “companion” is a family member, friend, or associate of an individual seeking access to a service, program, or activity of a public entity, who, along with such individual, is an appropriate person with whom the public entity should communicate.

Primary Consideration Rule: Staff within DHS, its local offices, and state or local government agencies (public entities) with which it contracts are required to give primary consideration to the type of auxiliary aid or service requested by the person with the SI. Staff must honor that choice, unless they can demonstrate that another equally effective means of communication is available or that the aid or service requested would fundamentally alter the nature of the program, service, or activity or would result in undue financial and administrative burdens. If the choice expressed by the person with SI would result in an undue burden or a fundamental alteration, DHS and its local offices still have an obligation to provide another aid or service that provides effective communication, if possible, that would not result in an undue burden.

The decision that a particular aid or service would result in an undue burden must be made by a member of DHS leadership, a Department head at minimum, and must include a written statement of the reasons for reaching that conclusion.

Staff within DHS’s nongovernmental subrecipient agencies and public accommodations with which DHS contracts should consult with the person with SI whenever possible to discuss what auxiliary aid or service is appropriate. These subrecipients and Gateway Community Partners must provide an aid or service that will be effective, given the nature of what is being communicated and the person’s method of communicating, unless doing so would result in an undue burden. In which case, the subrecipient and the public accommodation must provide another effective aid or service, if possible, that would not result in an undue burden. DHS, its offices agencies, subrecipients and public accommodations must:

- a. Notify constituents with SI about the availability of reasonable modifications and auxiliary aids and services and how to request them in a format that they can understand.
- b. Provide auxiliary aids and services when needed to communicate effectively with constituents with SI at no cost to them unless doing so would result in a fundamental alteration.

- c. Take into consideration the nature, length, and complexity of the communication, as well as the constituent's normal method(s) of communication when choosing an auxiliary aid or service.
- d. Use qualified interpreters and not require an individual with SI to bring another individual with them to interpret e.g., sign language interpreters.
- e. Limit the use of adult or minor child as interpreters to emergency situations involving an imminent threat to the safety of welfare of a constituent or the public when a qualified interpreter is not available.
- f. Only use an accompanying adult as an interpreter when a constituent requests this, the accompanying adult agrees to interpret, and reliance on the accompanying adult is appropriate under the circumstances.
- g. Require reasonable advance notice from constituent requesting aids or services, based on the length of time needed to acquire the aid or service but may not impose excessive advance notice requirements.
- h. Honor "walk-in" requests for aids and services to the extent possible.
- i. Ensure Video Remote Interpreting (VRI) technologies meet ADA performance standards (28 C.F.R. 35 and 28 C.F.R. 36.303(f)).
- j. Accept telephone calls placed through TRS and VRS, and staff who answer the telephone must treat relay calls just like other calls.
- k. Train frontline staff on the requirements for communicating effectively with constituents with SI.

DHS, its local offices, and subrecipients cannot require a person to bring someone to interpret for him or her. However, if a person with SI chooses to rely on an accompanying adult to interpret for them, staff can rely on the accompanying adult to interpret in only two situations:

- a. In an emergency involving an imminent threat to the safety or welfare of a constituent or the public, an adult or minor child accompanying a person who uses sign language may be relied upon to interpret or facilitate communication only when a qualified interpreter is not available.
- b. In situations not involving an imminent threat, an adult accompanying someone who uses sign language may be relied upon to interpret or facilitate communication when a) the constituent requests this, b) the accompanying adult agrees, and c) reliance on the accompanying adult is appropriate under the circumstances. This exception does not apply to minor children.

Even under exception (b), staff must not rely on an accompanying adult to interpret when there is reason to doubt the person's impartiality or effectiveness.

Communication with the deaf or hard of hearing is generally through sign language, video recording transmitter, a Teletypewriter (TTY) or a Telecommunications Device for the Deaf (TDD). Use of TTY/TDD services may be accessed through the Georgia Relay Service, 24 hours a day, 7 days a week by dialing: 711 or 1-800-255-0135 (for hearing callers) or 1- 800-255-0056 (for text telephones).

See [Attachment 11](#) for a description of how to use the GA Relay Service, which is available for incoming and outgoing calls.

Communication with the visually impaired is generally through voice, Braille, large print, email (if they have accessibility software and screen-read devices), storage media, and other computer

accessories.

See [Attachment 9](#) for tips for using an interpreter to improve service delivery and suggested guidelines for sign language interpreters.

Auxiliary aids and services include, but are not limited to the following:

- Qualified interpreters on-site or through video remote interpreting (VRI) services
- Note takers
- Real-time computer-aided transcription services
- Written materials
- Exchange of written notes
- Telephone handset amplifiers
- Assistive listening device and/or systems
- Telephones compatible with hearing aids
- Closed caption decoders
- Open and closed captioning, including real-time captioning
- Voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices
- Videotext displays
- Accessible electronic and information technology
- Or other effective methods of making aurally delivered information available to constituents who are deaf or hard of hearing

When DHS, its local offices, subrecipients or public accommodations use an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with constituents using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including Internet-based relay systems. Reference 28 C.F.R. 35.161 and the Federal Communications Relay Service Consumer Guide: Telecommunications Relay Service.

Procurement / Contracting / Complaints for Communication Resources

Procurement and contracting of language access vendors is administered by the Department of Administrative Services (DOAS). While DHS may be involved in the procurement process for statewide contracts, DOAS will make the final decision of securing contracts with vendors. DHS will work to ensure that the standards and qualifications of interpreters and translators are met when procuring vendors for this purpose. If DHS establishes an agreement with vendors outside of statewide contracts, DHS will apply the standards and qualification for interpreters and translators. **Please see [Attachment 12](#) for standards and qualifications that will be used to secure con-**

tracts/service agreements with language access vendors.

If a language access/SI vendor fails to properly and/or adequately provide language assistance services or auxiliary aids and services to DHS staff for communication with constituents, DHS staff may file a complaint against the vendor either by submitting the Language Access/SI Vendor Feedback Form or contacting DOAS directly. For instructions on how to file a complaint against a vendor, please see [Attachment 13: DHS Language Access/SI Vendor Feedback Form and Instructions](#).

Section IV Notices

Providing Effective Notice to Constituents with LEP and SI

DHS, its local offices, and subrecipients must notify constituents with LEP about the availability of free communication assistance and how to request it in a language that they can understand. Likewise, notices of the availability of free reasonable modifications and auxiliary aids and services and how to request these must be available in a format that constituents with disabilities can understand.

For example, a Notice of Free Interpretation Services (see [Attachment 14](#)) is posted in DHS local office waiting rooms and/or reception areas. This poster informs the public of DHS's LEP/SI policy to provide free interpretation services (in the major languages spoken in Georgia, including sign language and Braille). Wall posters are available through the DHS LEP/SI Office. Multilingual notices should appear on webpages and online automated systems used for DHS programs and activities. Multilingual notices also may be provided through program brochures, program-related education videos, booklets, local newspapers (including non-English newspapers), job fair leaflets, radio/television announcements, and other forms of outreach. Regardless of the form of public notice used, notice of availability of free language assistance services must be given in the appropriate language(s).

Additional notices informing constituents with disabilities about the availability of free auxiliary aids and services and reasonable modifications must be posted in a prominent area where DHS programs and activities are provided. These notices must be in a language and format that constituents with disabilities can understand. DHS, its local offices, and subrecipients must ensure that interested constituents, including those with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

Please refer to [Attachment 7 DAS and DCSS LEP/SI Service Delivery Checklist](#) for a list of required notices to be posted in all DHS offices.

For DFCS, please refer to [Attachment 8 DFCS LEP Service Delivery Checklist](#) for a list of required notices to be posted in all DFCS offices.

Accessibility to Websites and Online Systems

DHS must ensure program websites and online systems are accessible to constituents with LEP and with SI. DHS should ensure that in-house staff and contractors responsible for web page and content development are properly trained. DHS must provide a way for visitors to request accessible information or services to the extent required by law. Federal guidance documents regarding access to websites and digital services can be found at [Improving Access to Public Websites and Digital Services for Limited English Proficient \(LEP\) Persons](#) and [Accessibility of State and Local Government Websites to People with Disabilities \(ada.gov\)](#).

Section V Training

Each DHS staff member who interacts with the public will be trained on the Department's LEP/SI policies and procedures. The training will be provided at the employee's initial orientation and will be available on the DHS Learning Management System (LMS) website to be accessed as needed. The purpose is to impart necessary background information about LEP/SI policies and procedures to ensure staff know how to access interpretation services, translation services, assistive devices, auxiliary aids and services and other reasonable modifications for constituents with LEP and/or sensory impairments.

DFCS staff and Gateway Community Partners will be required to complete the DFCS Civil Rights Training and the DFCS ADA/Section 504 training, which includes training regarding policies and procedures for assisting LEP/SI constituents. DFCS staff will not be taking any civil rights or LEP/SI training under the DHS Learning Management System (LMS).

The DHS LEP/SI Policy and Procedures are located and accessible on the DHS Policy and Manual Management System (PAMMS) and the [DHS Employee Intranet](#). The DHS website under the [Language Access/Civil Rights webpage](#) includes resources to aid staff in the delivery of services to constituents with LEP/SI.

Section VI Evaluation

Recording, Tracking and Monitoring

The DHS LEP/SI office will request data for services provided from interpretation and translation vendors as well as from Georgia Gateway on a monthly basis or as needed and will compile reports regarding constituents with LEP and/or with SI.

DHS receives data reports regarding LEP constituents from language access vendors whenever language assistance services are utilized.

For DFCS: *Data is collected in and reported by Georgia Gateway to ensure language access services for LEP/SI constituents. In Gateway, constituents may indicate their preferred language spoken and request an interpreter if an interview is required. For USDA programs, a civil rights compliance evaluation is conducted through DFCS Quality Assurance reviews in accordance with Food & Nutrition Services (FNS) Instruction 113-1, which include reviews of a minimum number of LEP cases (at least 5 percent) and the deployment of LEP mystery shoppers from a third party LEP mystery shopper vendor. For each local office under review, DFCS will identify LEP cases that were terminated and ensure these cases were provided the appropriate language assistance services. For disability, DFCS conducts reviews in accordance with FNS Instruction 113-1 and other federal requirements.*

Service delivery to LEP and SI constituents is evaluated using feedback from subrecipients, select constituents receiving services from DHS, staff securing services for constituents, language services contractors providing services to DHS constituents, and using the LEP Mystery Shopper program. The LEP/SI program uses the feedback to enhance programmatic operations and service delivery.

Discrimination Complaints

Constituents with LEP/SI must be given the opportunity to benefit from all available resources, services, and activities to the same extent as constituents with non-LEP/SI. DHS, its local offices and subrecipients are prohibited from discriminating on the basis of race, color, national origin, disability, age, sex, and, in some cases religion or political beliefs. They are also prohibited from retaliating against anyone for engaging in a protected Civil Rights activity.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action. Only the Secretary of the appropriate federal agency may extend this time under special circumstances. In all instances, the complainant must be informed of their right to file a discrimination complaint directly with the appropriate federal agency.

The complainant also must be advised of confidentiality and Privacy Act requirements. Subrecipients can develop complaint forms (optional), but the use of such forms cannot be a pre-requisite for acceptance. Written, oral and anonymous complaints must be accepted. If the LEP/SI constituent wishes to file a verbal complaint, the constituent can contact the DHS LEP/SI office at (404) 657-5244. Additionally:

- Keep information and records of Civil Rights complaints separate from program or employment complaints and accessible only to authorized personnel.

- Post the Notice of Nondiscrimination in Services:
 - **For DAS & DCSS:**
 - In English, see [Attachment 15](#)
 - In Spanish, see [Attachment 16](#)
 - **For DFCS:**
 - In English, see [Attachment 17](#)
 - In Spanish, see [Attachment 18](#)
- To file a complaint for **DAS & DCSS** programs:
 - **DAS & DCSS Discrimination Complaint Process:**
 - In English, see [Attachment 19](#)
 - In Spanish, see [Attachment 20](#)
 - **DAS & DCSS Discrimination Complaint Form:**
 - In English, see [Attachment 21](#)
 - In Spanish, see [Attachment 22](#)
- To file a complaint for **DFCS** programs:
 - **DFCS Civil Rights Complaint Process:**
 - In English, see [Attachment 23](#)
 - In Spanish, see [Attachment 24](#)
 - **DFCS Civil Rights Complaint Form:**
 - In English, see [Attachment 25](#)
 - In Spanish, see [Attachment 26](#)

The complainant must be advised of their right to file a complaint directly with the appropriate federal agency.

- To file a complaint with the **USDA, Food and Nutrition Service:**

Office of the Assistant Secretary for Civil Rights

U.S. Department of Agriculture

1400 Independence Avenue, SW

Washington, D.C. 20250-9410

(voice) (866) 632-9992

(fax) to (202) 690-7442 or email to program.intake@usda.gov.

Federal Relay Service at (800) 877-8339; or Spanish Relay Service (Servicio Federal de Retransmisión) at (800) 845-6136

(English) [How to File a Complaint](#)

(English) [Discrimination Complaint Form](#)

(Spanish) [Formulario de Denuncia de Discriminación del Programa del USDA](#)

- To file a complaint with the **U.S. Health and Human Services:**

U.S. Department of Health and Human Services
Office for Civil Rights
Centralized Case Management Operations
200 Independence Ave., S.W.
Suite 515F, HHH Building
Washington, D.C. 20201
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov

Resolution of Noncompliance

For DFCS (USDA programs): Upon completion of an investigation, the investigator will work with County and/or District or Regional Management to recommend corrective action (if appropriate). If it is determined that the LEP complainant was discriminated against on the basis of one of the protected classes, or that DFCS personnel violated state or federal requirements, the DHS LEP/SI Program Manager will work with State, Regional and County management and DFCS' SNAP Quality Assurance team (where applicable) to ensure that a corrective action plan is prepared, implemented, and monitored to address the violations. DFCS will abide by applicable USDA and HHS regulations and directives when ensuring the required corrective actions are achieved in a timely manner.

Section VII Attachments


Attachment 1 DHS Language Access Self-Assessment Survey

Attachment 2 Census-Language Spoken at Home

Attachment 3 I Speak Flashcard


Attachment 4 DAS and DCSS Guide for Providing Meaningful Access and Effective Communication to LEP/SI Constituents

 For DFCS, please refer to [Attachment 5 DFCS Guide for Providing Meaningful Access to LEP Constituents](#).

1	Identify constituents who do not speak English as their primary language and have a limited ability to read, speak, write or understand English (LEP) or are either deaf, deafened and hard-of-hearing, blind, low vision, or deaf/blind or have speech disabilities (SI). Once need for assistance has been identified, services for language access or effective communication must be provided to the LEP/SI constituent.
2	<p>If LEP constituent is seeking services, use either bilingual staff, the “I SPEAK” Language Identification Card or telephone interpretation vendor to determine language spoken. Note that telephone interpretation vendor may identify the language spoken and provide interpretation for the LEP customer.</p> <p> If constituent declines the free interpretation services offered by DHS staff and prefers to use own interpreter, staff must still utilize telephone interpretation vendor to listen in the background to ensure accurate interpretation of conversation taking place.</p>
3	<p>Communication with a constituent who is deaf or hard of hearing is generally through sign language, video remote interpreting, or video relay service. Sometimes constituents prefer to use a TeleTYpewriter (TTY) or a Telecommunications Device for the Deaf (TDD). Use of TTY/TDD services may be accessed through the Georgia Relay Service, 24 hours a day, 7 days a week by dialing: 711 or 1-800-255-0135 (for hearing callers) or 1-800-255-0056 (for text telephones).</p> <p>Communication with a constituent who is blind or has low vision is generally through voice, audio cd’s, large print, screen readers, or Braille. Communication with a constituent who has speech disabilities may include providing a qualified speech-to-speech transliterator (a person trained to recognize unclear speech and repeat it clearly), a communication board, or pencil and paper for those able to write. This list is not exhaustive.</p>
4	Determine how communication with the constituent will occur by asking what his/her preferred method of communication is (i.e. interpreter, notes, email, or other services).

5	<p>Secure the communication assistance resource needed to communicate with the LEP/SI constituent. Please inform the constituent of their right to FREE interpreter services and auxiliary aids and services upon every interaction. DHS provides interpreter / translation services and auxiliary aids and services FREE to LEP/SI constituents. Under NO condition will DHS require a LEP/SI constituent to provide their own interpreter / translator. When free interpreter services are declined, and constituent provides own interpreter, please utilize the telephonic or video remote interpretation service to listen in to ensure accurate interpretation.</p> <p>If there are questions or concerns about the appropriateness of an interpreter providing services for a constituent, DHS shall request the assistance of a DHS provided interpreter.</p>
6	<p>For contact information regarding interpretation services, please refer to the Attachment 6 Interpretation / Translation Service Vendors of the DHS LEP/SI Manual (MAN 2001).</p> <p>For Translation requests, please refer to the Attachment 10 Translation Request Procedure of the DHS LEP/SI Manual (MAN 2001).</p>
7	<p>If a meeting is scheduled for a later date, schedule an appointment with an interpreter and constituent within policy guidelines for non-emergency cases. Service to the LEP/SI constituent should be consistent with service delivery to English speaking constituents.</p>
8	<p>DOCUMENT! If language/communication assistance services are offered by staff but declined by LEP constituent, please complete the DAS/ DCSS LEP/SI Tracking Form to document declination of services by constituent.</p> <p>To access the DAS/DCSS LEP/SI Tracking Form: forms.office.com/g/urjBC9sMry.</p>
9	<p>Confirm that the Notice of Non-Discrimination in Services sign is posted and that copies of the Discrimination Complaint Process and Form are available at the front desk for the constituent and to be provided in the appropriate language, if needed.</p>
10	<p>If any issues arise, if there are any questions regarding language / communication assistance or if there is a complaint regarding a vendor, please contact your local Language Access Coordinator or your Divisional Language Access Team Member or the DHS LEP/SI Program Manager.</p>

Attachment 5 DFCS Guide for Providing Meaningful Access to LEP Constituents

1	<p>Identify limited English proficient (LEP) constituents who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. Once need for assistance has been identified, services for language access must be provided to the LEP constituent.</p>
2	<p>If LEP constituent is seeking services, use either bilingual staff, the “I SPEAK” Language Identification Card or telephone interpretation vendor to determine language spoken. Note that telephone interpretation vendor may identify the language spoken and provide interpretation for the LEP customer.</p> <p> If constituent declines the free interpretation services offered by DHS staff and prefers to use own interpreter, staff must still utilize telephone interpretation vendor to listen in the background to ensure accurate interpretation of conversation taking place.</p>
3	<p>Determine how communication with the constituent will occur by asking what his/her preferred method of communication is (i.e. interpreter, notes, email, or other services.)</p>

4	<p>Secure the communication assistance resource needed to communicate with the LEP constituent. Please inform the constituent of their right to FREE interpreter services and auxiliary aids and services upon every interaction. DHS provides interpreter / translation services and auxiliary aids and services FREE to LEP constituents. Under NO condition will DHS require a LEP constituent to provide their own interpreter / translator. When free interpreter services are declined, and constituent provides own interpreter, please utilize the telephonic interpretation vendor to listen in to ensure accurate interpretation. DHS does not allow minor (under the age of 18) children to serve as interpreters.</p> <p>If there are questions or concerns about the appropriateness of an interpreter providing services for a constituent, DHS shall request the assistance of a DHS provided interpreter.</p>
5	<p>For contact information regarding interpretation services, please refer to the Attachment 6 Interpretation / Translation Service Vendors of the DHS LEP/SI Manual (MAN 2001).</p> <p>For Translation requests, please refer to the Attachment 10 Translation Request Procedure of the DHS LEP/SI Manual (MAN 2001).</p>
6	<p>If a meeting is scheduled for a later date, schedule an appointment with an interpreter and constituent within policy guidelines for non-emergency cases. Service to the LEP constituent should be consistent with service delivery to English speaking constituents.</p>
7	<p>Confirm that the DFCS Policy of Non-Discrimination sign is posted and that copies of the Discrimination Complaint Process and Form are available at the front desk for the constituent and to be provided in the appropriate language, if needed.</p>
8	<p>If any issues arise, if there are any questions regarding language assistance or if there is a complaint regarding a vendor, please contact the DFCS Language Access Team Member or the DHS LEP/SI Program Manager.</p>


Attachment 6 Interpretation / Translation Service Vendors

The state contracted vendors approved by the Department of Administrative Services (DOAS).

Service Type	DOAS Regions 1, 2, 4, 5 (every other county in Georgia not named in Region 3)	DOAS Region 3 - Metro Atlanta (Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale)
Over-The-Phone Spoken Language Interpretation	Lionbridge 800-444-6627	Lionbridge 800-444-6627
	Lionbridge access will require an eight-digit PIN that is associated with your Division/Office. Your Language Access Team Member / Leadership / Office Manager may have the PIN if account has already been established.	

Service Type	DOAS Regions 1, 2, 4, 5 (every other county in Georgia not named in Region 3)	DOAS Region 3 - Metro Atlanta (Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Rockdale)
In-Person Spoken Language Interpretation	Ad Astra 301-408-4242, option 2 interpreting@ad-astrain.com	Interpreters Unlimited 800-726-9891 yourteam@interpreters.com
	When making a request for an in-person interpreter, please provide the following information: <ul style="list-style-type: none"> • Language needed • Name of on-site Point of Contact • Phone number of Point of Contact • Date of appointment • Time of appointment • Duration of appointment • Location of appointment • Description/Nature of appointment • Any other details that would be helpful for the interpreter 	
In-Person Sign Language Interpretation	Interpreters Unlimited 800-726-9891 yourteam@interpreters.com	Interpreters Unlimited 800-726-9891 yourteam@interpreters.com
	Ad Astra 301-408-4242, option 3 deaf.hoh@ad-astrainc.com	Ad Astra 301-408-4242, option 3 deaf.hoh@ad-astrainc.com
When requesting a sign language interpreter, please request an in-person <i>Registry Interpreters for the Deaf (RID)</i> certified Sign Language interpreter. If a vendor informs you they cannot provide an interpreter from the time of your request within a reasonable timeframe before your requested appointment, for DFCS, please contact your ADA coordinator or the DFCS Civil Rights and ADA/Section 504 Coordinator. For non-DFCS, please contact the LEP/SI office as soon as possible.		
Written Translation	Ad Astra 301-408-4242, option 4	Ad Astra 301-408-4242, option 4
	For translations , please refer to Attachment 10 Translation Request Procedure . Do not contact the vendor directly as each Division has its own procedures for translation requests.	

For new accounts with vendors listed above, please contact each vendor directly at the contact listed. **The information the vendors will need to set up the account is as follows: Office/Division, Billing Contact for Invoices, Name, Email, Phone and Mailing Address.**

 The above-listed vendors have the responsibility to provide interpreters for the languages requested at any time. Should you experience ANY difficulties in receiving services from these vendors in a timely manner, please contact your Division’s Language Access Team Member or the DHS LEP/SI office as soon as possible.

Attachment 7 DAS and DCSS LEP/SI Service Delivery Checklist

 For DFCS, please refer to the [Attachment 8 DFCS LEP Service Delivery Checklist](#).

The DAS and DCSS LEP/SI Service Delivery Checklist is intended for use by Georgia Department of Human Services' (DHS) Division of Aging Services (DAS) and Division of Child Support Services (DCSS) supervisors, managers, and administrators when evaluating the ability of each service area to provide meaningful access to LEP/SI constituents. This checklist and all related forms with appropriate translations of documents are available on the DHS Employee Intranet website under LEP/SI Procedures. To provide meaningful access to services, DHS service sites are required to have the following:

- A copy of the DHS LEP/SI Policy and DHS LEP/SI Manual on file.
- The **Notice of Free Interpretation Services** Wall Poster is prominently displayed in all reception and intake areas.
- The **"I Speak" card**, which identifies the languages likely to be encountered for DHS staff use.
- DAS and DCSS Discrimination Complaint Process.
- DAS and DCSS Discrimination Complaint Form.
- A current listing of State contracted Interpretation / Translation / sign language interpreter vendors with contact information for services.
- DAS and DCSS Notice of Nondiscrimination in Services.

Attachment 8 DFCS LEP Service Delivery Checklist

The LEP Service Delivery Checklist is intended for use by the Division of Family and Children Services (DFCS) supervisors, managers, and administrators when evaluating the ability of each service area to provide meaningful access to LEP constituents. This checklist and all related forms are available on the Policy and Manual Management System (PAMMS) website under [Office of General Counsel: MAN 2001 Access Plan for Constituents with Limited English Proficiency \(LEP\) and Sensory Impairments \(SI\)](#). To provide meaningful access to services, DFCS service sites are required to have the following:

- A copy of the DHS LEP/SI Policy and DHS LEP/SI Manual on file.
- The **Notice of Free Interpretation Services** Wall Poster is prominently displayed in all reception and intake areas.
- The **"I Speak" card**, which identifies the languages likely to be encountered for DFCS staff use.
- DFCS Civil Rights Complaint Process.
- DFCS Civil Rights Complaint Form.
- A current listing of State contracted Interpretation/Translation vendors with contact information for services.
- DFCS Policy of Nondiscrimination.
- And Justice for All Poster (USDA programs only).

Attachment 9 Tips for Using Interpreters to Improve Service Delivery

 For DFCS, only Oral Language Interpreters applies.

Suggested Guidelines for Oral Language Interpreters

According to the medical interpreting community, “the appropriate role for the interpreter is the least invasive role that will assure effective communication and care” (Diversity RX). Interpreters are expected to act as conduits of information to strengthen the relationship between the constituent and the caseworker. Strengthening this relationship may involve the interpreter functioning as a clarifier as they explain words that have no linguistic equivalent, a cultural broker as the interpreter provides the necessary framework for understanding the message being conveyed, and an advocate when the interpreter takes action on behalf of the constituent outside the interpreting session (Diversity RX).

It is the responsibility of the Georgia Department of Human Services (DHS) staff to ensure that the interpreter applies the appropriate role as they communicate the message. DHS staff monitors the interpretative session and intervenes if errors associated with the following rules are committed:

- Interpreters are not permitted to give legal or medical advice.
- Interpreters are not permitted to edit out material he/or she may believe is irrelevant.
- Interpreters are not permitted to engage in private conversations with the constituent.
- Interpreters should never ask independent questions of the constituent.
- Interpreters should interpret every statement made by both parties during the interpretive session.
- Interpreters are not permitted to edit the conversation.

If DHS staff observes violation of any of these rules, they are to intervene immediately.

DHS staff utilizing interpreters must be considerate of the interpreter’s responsibility to convey the message within the cultural context of both the DHS staff person and the constituent. This often requires a great deal of control on the part of the interpreter to remain neutral and serve primarily as a conduit for understanding. Hence, DHS staff should offer the interpreter a break every 45 minutes.

There are several techniques you may employ when using an interpreter. While behaviors may vary by cultural group, demonstrating respect is recognized and valued by all people. When using an interpreter, consider the following strategy:

- Always display professionalism and let the constituent know you are interested in their situation by being polite and formal.
- When communicating with the constituent through an interpreter, look directly at him or her when you speak, not at the interpreter.
- Avoid raising your voice to clarify your statements.

- Do not use hand gestures to emphasize statements; they may prove to be culturally insulting or even frightening.
- Use simple, non-technical language or acronyms unless required for medical or legal purposes.
- Do not use slang.
- Provide instruction in the proper sequence and discuss one topic at a time.
- Avoid using double negatives.
- Avoid using leading questions that may encourage the constituent to say what he or she thinks you want to hear.
- Whenever appropriate, ask open-ended questions rather than questions requiring a “yes” or “no” response.
- Remember, a Limited English Proficient (LEP) constituent will take your words literally.

 Strategy provided in part by TAPESTRI, Inc.

Additional suggestions are noted below:

- Speak in relatively short sentences.
- When possible, have translated information on hand.
- Speak in first person “I”, and let the interpreter be your voice.
- Ask constituent to repeat back any instructions that may seem confusing to check for understanding.
- Be open to listening if the interpreter stops to explain a cultural conflict.

Suggested Guidelines for Sign Language Interpreters

Sign language is not a universal language. Like spoken languages, sign languages around the world are entirely different. The common language used in the United States is American Sign Language. International Sign Language (formerly called Gestuno) is composed of vocabulary signs from different sign languages that Deaf people agreed to use at international events and meetings. International Sign language must be used for Deaf constituents who are also LEP.

The Minnesota Department of Human Resources recommends the following procedures when utilizing a sign language interpreter:

- Meet with the interpreter beforehand to clarify unique vocabulary, technical terms, acronyms, jargon, seating arrangements, lighting and other needs.
- Provide the interpreter with any written materials ahead of time.
- Reserve seats for the deaf or hard of hearing participants that provide a clear view of the speaker and interpreter. (Deaf or hard of hearing participants may still choose to sit elsewhere.)
- Position the interpreter within in the constituent’s sight line to allow deaf constituents or constituents who are hard of hearing to pick up visual cues and the expressions of the speaker.
- In small group discussions, consider using a circle or semicircle seating arrangement instead of a theater style arrangement.

- Provide good lighting so the interpreter can be seen. (If lights will be turned off or dimmed, be sure the interpreter can still be seen clearly, and use spotlight or small lamp to direct toward the interpreter).
- Talk directly to the deaf or hard of hearing constituent.
- Maintain eye contact with the deaf or hard of hearing constituent.
- Avoid directing comments to the interpreter (i.e. “Tell him...” or “Ask her...”) by responding directly to the deaf or hard of hearing constituent.
- Speak naturally.
- Speak at your normal pace. Interpreters will ask you to slow down or repeat if necessary.
- Interpreters listen for concepts and ideas, not just words, to render an accurate interpretation.
- Avoid private conversations – everything will be interpreted.
- Whatever the interpreter hears will be interpreted. Do not ask the interpreter to censor any portion of the conversation.
- Ask the deaf or hard of hearing constituent directly if they are following the conversation.
- One person should speak at a time. (If you are facilitating a group discussion, be aware that the interpreter will be several seconds behind. Pause before recognizing the next speaker to allow the interpreter to finish with the current speaker).
- Avoid asking the interpreter for opinions or comments regarding the content of the meeting. (Interpreters follow a code of ethics, which requires impartiality and confidentiality with all assignment related information).
- Do not assume the interpreter has prior knowledge of the deaf constituent or will be interpreting future appointments.
- Provide a short break every hour. (Interpreting is mentally and physically taxing. Do not expect the interpreter to interpret during the break).

Attachment 10 Translation Request Procedure

1	<p>Submit Translation Request by sending your request via email to your Divisional translation request designee:</p> <p>For Division of Aging Services (DAS): Translation.DAS@dhs.ga.gov</p> <p>For Division of Child Support Services (DCSS): Translation.DCSS@dhs.ga.gov</p> <p>For Division of Family and Children Services (DFCS): Translation.DFCS@dhs.ga.gov</p>
2	<p>When making a translation request, please include the following in the email:</p> <p>Subject Line: Identify the language needed (e.g., Spanish to English), the constituent’s name and constituent ID (if OFI). Write “Urgent” in the subject line if the request is urgent (e.g. needed for a SS Case, etc.).</p> <p>Body/Attachments: Send all forms and verifications in PDF format and attach to the email. If only a phrase needs translating, you may write the phrase into the body of the e-mail. Attach an English copy of the document you want translated.</p> <p>Signature Line: Include your contact email address and identifying information, which should appear in the signature line of your email.</p>

3	Divisional designee will forward a Request for a Quote to current vendors.
4	Once vendor sends quote for translation, the quote must be approved by appropriate leadership and must notify vendor of approval or denial of quote.
5	When quote is approved, the vendor proceeds with the translation and returns translation to Divisional designee. Divisional designee will send translation to the original requestor.
6	Vendor sends invoices for services to Division/Office.
7	Division/Office processes payment to Vendor.



For any issues or complaints regarding Translation Vendor, please contact the DHS LEP/SI office at lepsi@dhs.ga.gov.

Attachment 11 Georgia Relay Service - How to Guide

The Georgia Relay Service delivers telecommunication services that are simple, dependable and convenient to and from constituents who are deaf, heard of hearing, and/or have speech impairment. (See georgiarelay.org/.)

The Georgia Relay Service can be reached 24 hours a day, seven days a week by dialing:

- 711
- 1-800-255-0135 (Voice for hearing callers)
- 1-800-255-0056 (TTY for text telephones)
- 1-888-202-4082 Speech to Speech
- 1-888-202-3972 Spanish to Spanish: (includes Spanish-to-Spanish and translation from English to Spanish)
- 1-866-694-5824 (Voice/TTY for Customer Care)

Instructions for Voice Users

Georgia Relay makes it easy for voice users to communicate by phone with any constituent who is deaf, hard of hearing or speech disabled. To get started, just follow the steps below:

1. Dial 7-1-1 or 1-800-255-0135 to reach Georgia Relay from your standard telephone.
2. A Communications Assistant (CA) will answer the phone. Give the CA the telephone number you wish to call.
3. Once the CA has connected you to the person you are calling, begin speaking as you would during a regular telephone conversation. The CA will type everything you say to the TTY (teletypewriter) user. Remember to speak slowly and directly to the person you are calling, not to the CA.
4. After you finish every statement, say "Go Ahead". The CA will then voice the typed words of the TTY user back to you.
5. When finished with the conversation, end the call by saying "Go Ahead or SK (stop keying)" and then allow the TTY user an opportunity to continue or end the call.

Who Provides Georgia Relay Services?

The Georgia Public Service Commission is responsible for the establishment, implementation, administration and promotion of the Georgia Relay. At present, Georgia Relay services are provided by Hamilton Relay, as selected through a competitive bidding process and under contract to the Commission. The Georgia Relay is funded by a monthly surcharge on residential and business telephone access lines in the state.

Attachment 12 Standards and Qualifications for Interpreters and Translators

- A. The Department of Human Services (DHS), its local agencies, and its subrecipients should ensure that all multilingual staff or contracted personnel who serve as translators, interpreters or who communicate “in-language” with LEP constituents:
1. Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language (e.g. third-party language assessment);
 2. Identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation), translating, and can communicate fluently in the target language;
 3. Have knowledge in both languages of any specialized terms or concepts peculiar to the DHS’s program or activity and of any particularized vocabulary used by the LEP constituent;
 4. Understand and follow confidentiality, impartiality, and ethical rules to the same extent as Department staff; and
 5. Understand and adhere to their role as interpreters, translators, or multilingual staff.
- B. For telephonic and contracted interpretation services, the vendor must:
1. Supply qualified, competent interpreters in the languages specified by DHS who possess a **minimum of two (2) years** of experience interpreting in a professional setting using all phases of language interpretation (i.e., consecutive, and simultaneous interpreting);
 2. Ensure the skills of interpreters are independently assessed, and interpreters have passing scores (defined as [Interagency Language Roundtable \(ILR\)](#) scores of 2+ or equivalent) on language/interpretation tests. Federal, State or the National Association of Judiciary Interpreters and Translators (NAJIT) Judiciary Interpreters and Translators Certification Examination (JITCE) certification will be accepted;
 3. The interpretation vendor’s qualified interpreter must:
 - a. Know both English and foreign language vocabularies typically used in formal, consultative, and casual modes of communication in social services contexts, including colloquial slang, idiosyncratic slang, and regionalism.
 - b. Know specialized vocabulary (terminology) in both English and the foreign language related to DHS’s programs and activities components.
 - c. Speak English and the foreign language fluently, including regionalisms and colloquial slang without altering meanings, and do so with clear and intelligible pronunciation;
 - d. Interpret in a manner that is factually and conceptually accurate without changes, omissions, or additions;

- e. Preserve the tone, sentiment, and emotional level of the original oral statement;
- f. Maintain appropriate speed and projection while rendering interpretation, and request and incorporate clarification of speaker's statements only when justified; and,
- g. Abide by relevant code of linguist ethics, such as the National Association of Judiciary Interpreters & Translators Code of Ethics and Professional Responsibilities, available at najit.org/wp-content/uploads/2016/09/NAJITCodeofEthicsFINAL.pdf

C. For contracted translation services, the vendor must:

1. Provide qualified, professional, experienced translators who possess a high level of translation skills and proficiency in both the English language and the target language to translate written text completely and accurately.
2. Supply translators that are U.S. citizens, U.S. nationals or permanent residents.
3. Supply translators in the languages specified by the requesting DHS Division or Office who possess a **minimum of two (2) years** of experience translating in a professional setting
4. Translators must be independently assessed in translation/transcription skills with **minimum scores of 2 plus (or equivalent)** in Translation Performance according to the Interagency Language Roundtable Scale (see govtilr.org/Skills/AdoptedILRTranslationGuidelines.htm). The USDA accepts **current** certifications from the following: The National Association of Judiciary Interpreters and Translators (NAJIT); the American Translators Association (ATA); and the Council for the Teaching of Foreign Languages (ACTFL) through its testing branch Language Testing International (LTI).
5. Present proof of translators' qualifications upon request. The Vendor may request a waiver of this requirement on an individual translator basis.
6. A qualified translator **must**:
 - a. Know both English and target language vocabularies typically used in formal, consultative, and casual modes of communication in a legal or social services context, including colloquial slang, idiosyncratic slang, and regionalisms;
 - b. Know specialized vocabulary (and terminology) in both English and the target language related to the DHS's programs and activities;
 - c. Write in English and the target language fluently including regionalisms and colloquial and idiosyncratic slang without altering meaning; and,
 - d. Transcribe or translate in a manner that is factually and conceptually accurate without changes, omissions, or additions; and preserve the tone, sentiment, and emotional character of the materials.

The Vendor must furnish training materials to assist staff to learn how to properly request telephonic interpretation services. Training materials may include training videos, handouts, or in-person presentations.

Attachment 13 LEP/SI and SI Vendor Feedback Form

Attachment 14 Notice of Free Interpretation Services Poster

Attachment 15 DAS and DCSS Notice of Nondiscrimination in Services

The Georgia Department of Human Services' (DHS) Division of Aging Services (DAS) and Division of Child Support Services (DCSS) complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex (including pregnancy, sexual orientation, and gender identity). DHS does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex (including pregnancy, sexual orientation, and gender identity).

DHS:

- Provides free aids and services to people with disabilities to communicate effectively with us, such as:
 - Qualified sign language interpreters
 - Written information in other formats (large print, audio, accessible electronic formats, other formats)
- Provides free language services to people whose primary language is not English, such as
 - Qualified interpreters
 - Information written in other languages

If you need these services, contact DHS at (877) 423-4746.

If you believe that DHS has failed to provide these services or discriminated in another way on the basis of race, color, national origin, age, disability, or sex (including pregnancy, sexual orientation, and gender identity), you can file a grievance with:

Program Manager

Georgia Department of Human Services

Limited English Proficiency / Sensory Impairment (LEP/SI) Program

Georgia Department of Human Services, Office of General Counsel

47 Trinity Avenue SW, Atlanta, GA 30334

(877) 423-4746

lepsi@dhs.ga.gov

You can file a grievance in person or by phone, mail, or email. If you need help filing a grievance, the LEP/SI Program Manager is available to help you.

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, electronically through the Office for Civil Rights Complaint Portal, available at ocrportal.hhs.gov/ocr/portal/lobby.jsf, or by mail or phone at:

U.S. Department of Health and Human Services

200 Independence Avenue, SW
Room 509F, HHH Building
Washington, D.C. 20201
1-800-368-1019, 800-537-7697 (TDD)

Complaint forms are available at www.hhs.gov/ocr/office/file/index.html.

Attachment 16 DAS and DCSS Notice of Nondiscrimination in Services (Spanish)

La División de Servicios para Personas Mayores (DAS, Division of Aging Services) y la División de Servicios de Manutención Infantil (DCSS, Division of Child Support Services) del Departamento de Servicios Humanos de Georgia (DHS, Department of Human Services) tienen prohibido discriminar por motivos de raza, color, nacionalidad de origen, edad, discapacidad, religión o sexo (como el embarazo, la orientación sexual y la identidad de género).

Para reclamos relacionados con la nacionalidad de origen (por ejemplo: dominio limitado del inglés) o la discapacidad sensorial (por ejemplo: hipoacusia o dificultades en la audición, visión o habla), contáctese con la siguiente persona:

El/la Director/a del Programa
Departamento de Servicios Humanos de Georgia
Programa de dominio limitado del inglés (LEP, Limited English Proficiency) y discapacidad sensorial (SI, Sensory Impairment)
47 Trinity Avenue SW, Atlanta, GA 30334
(877) 423-4746
lepsi@dhs.ga.gov



Las personas con discapacidad auditiva o del habla pueden comunicarse al 711 para que un/a operador/a le comunique con nosotros/as.

Los formularios de reclamos se encuentran en la recepción.

El Departamento de Salud y Servicios Humanos de los Estados Unidos (US HHS, Department of Health and Human Services) también prohíbe la discriminación por motivos de raza, color, nacionalidad de origen, sexo (incluso estereotipar sexos e identidades de género), discapacidades, edad y, en algunos casos, religión por parte de ciertas entidades de servicios humanos y atención médica.

Las personas con discapacidades que requieren medios de comunicación alternativos para obtener información del programa (por ejemplo, braille, letra grande, cinta de audio, lengua de señas estadounidense, etc.) deben comunicarse con la agencia (estatal o local) donde solicitaron los beneficios. Las personas hipoacúsicas, con dificultades auditivas o con discapacidades en el habla pueden contactarse con el US HHS al (800) 368-1019 o al (800) 537-7697 si necesitan utilizar teletipo (TDD). A su vez, la información del programa puede facilitarse en otros idiomas además del inglés.

Para presentar un reclamo contra discriminación en el programa ante el HHS de EE.UU., hágalo en línea en el sitio de Reclamos de la Oficina de Derechos Civiles (OCR, Office for Civil Rights): ocrportal.hhs.gov/ocr/smartscreen/main.jsf. También puede escribir una carta dirigida al HHS de

EE.UU. donde brinde toda la información necesaria que puede encontrar en el formulario del sitio web. Presente el formulario o la carta completa al HHS por correo a:

Departamento de Salud y Servicios Humanos de los Estados Unidos
200 Independence Avenue, SW
Room 509F HHH Bldg.
Washington, D.C. 20201
1-800-368-1910, 800-537-7697 (TDD)
Correo electrónico: ocrmail@hhs.gov

El DHS brinda igualdad de oportunidades.

Attachment 17 DFCS Nondiscrimination Statement

In accordance with federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Programs that receive federal financial assistance from the U.S. Department of Health and Human Services (HHS), such as Temporary Assistance for Needy Families (TANF), and programs HHS directly operates are also prohibited from discrimination under federal civil rights laws and HHS regulations.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or who have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

Civil Rights Complaints Involving USDA Programs

USDA provides federal financial assistance for many food security and hunger reduction programs such as the Supplemental Nutrition Assistance Program (SNAP), the Food Distribution Program on Indian Reservations (FDPIR) and others. To file a program complaint of discrimination, complete the Program Discrimination Complaint Form, (AD-3027) found online at: www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf, at any USDA office) or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

mail: Food and Nutrition Service, USDA
1320 Braddock Place, Room 334, Alexandria, VA 22314; or
fax: (833) 256-1665 or (202) 690-7442; or
phone: (833) 620-1071; or
email: FNCSIVILRIGHTSCOMPLAINTS@usda.gov.

For any other information regarding SNAP issues, persons should either contact the USDA SNAP hotline number at (800) 221-5689, which is also in Spanish, or call the [state information/hotline](#)

[numbers](#) (click the link for a listing of hotline numbers by state); found online at: [SNAP hotline](#).

Civil Rights Complaints Involving HHS Programs

HHS provides federal financial assistance for many programs to enhance health and well-being, including TANF, Head Start, the Low Income Home Energy Assistance Program (LIHEAP), and others. If you believe that you have been discriminated against because of your race, color, national origin, disability, age, sex (including pregnancy, sexual orientation, and gender identity), or religion in programs or activities that HHS directly operates or to which HHS provides federal financial assistance, you may file a complaint with the Office for Civil Rights (OCR) for yourself or for someone else.

To file a complaint of discrimination for yourself or someone else regarding a program receiving federal financial assistance through HHS, complete the form online through OCR's Complaint Portal at ocrportal.hhs.gov/ocr/. You may also contact OCR via mail at:

Centralized Case Management Operations, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F HHH Bldg., Washington, D.C. 20201; fax: (202) 619-3818; or email: OCRmail@hhs.gov. For faster processing, we encourage you to use the OCR online portal to file complaints rather than filing via mail. Persons who need assistance with filing a civil rights complaint can email OCR at OCRMail@hhs.gov or call OCR toll-free at 1-800-368-1019, TDD 1-800-537-7697. For persons who are deaf, hard of hearing, or have speech difficulties, please dial 7-1-1 to access telecommunications relay services. We also provide alternative formats (such as Braille and large print), auxiliary aids and language assistance services free of charge for filing a complaint.

You may also file discrimination complaints by contacting your local DFCS office, or the DFCS Civil Rights AND ADA/Section 504 Coordinator at Georgia Department of Human Services, Office of General Counsel, 47 Trinity Avenue SW, Atlanta, GA 30334, (877) 423-4746. For complaints alleging discrimination based on limited English proficiency, contact the DHS Limited English Proficiency and Sensory Impairment Program at: Georgia Department of Human Services, Office of General Counsel, 47 Trinity Avenue SW, Atlanta, GA 30334, (877) 423-4746 (voice).

Attachment 18 DFCS Nondiscrimination Statement (Spanish)

De conformidad con las leyes federales de derechos civiles y a las políticas y regulaciones de derechos civiles del Departamento de Agricultura de los Estados Unidos (USDA), el USDA, sus agencias, oficinas y empleados, y las instituciones que participan o gestionan programas del USDA tienen prohibido discriminar por motivos de raza, color, origen nacional, sexo (incluida la identidad sexual u orientación sexual), religión, discapacidad, edad, creencias políticas, o represalias o retaliación por actividades anteriores de derechos civiles en programas o actividades llevadas a cabo o financiadas por el USDA. Los programas que reciben asistencia federal financiera de parte del Departamento de Salud y Servicios Humanos (HHS) de los Estados Unidos, tales como la Ayuda Temporal para Familias Necesitadas (TANF), y los programas que el HHS gestiona directamente, tienen prohibido discriminar en el marco de las leyes federales de derechos civiles y las regulaciones del HHS.

Las personas con discapacidades que necesitan medios de comunicación alternativos para obtener

información del programa (por ejemplo, braille, letra grande, cinta de audio, lengua de señas estadounidense, etc.) deben comunicarse con la agencia (estatal o local) donde solicitaron los beneficios. Las personas sordas o con problemas de audición o que puedan tener discapacidades del habla pueden comunicarse con el USDA mediante el Servicio de Retransmisión Federal al (800) 877-8339. Además, la información del programa estará disponible en otros idiomas además del inglés.

Reclamos de Derechos Civiles que Involucran a Programas del USDA

El USDA brinda asistencia financiera federal para muchos programas de seguridad alimentaria y reducción del hambre, como el Programa de Asistencia Nutricional Suplementaria (SNAP), el Programa de Distribución de Alimentos en Reservas Indígenas (FDPIR), entre otros. Para presentar un reclamo por discriminación con respecto al programa, complete el Formulario de queja de discriminación del programa (AD-3027) que se encuentra en línea en: www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf, y en cualquier oficina del USDA o escriba una carta dirigida al USDA y brinde toda la información solicitada en el formulario. Para solicitar una copia del formulario de reclamo, llame al (866) 632-9992. Envíe su formulario completado o carta al USDA por:

1. **Correo:** Food and Nutrition Service, USDA
1320 Braddock Place, Room 334, Alexandria, VA 22314; o
2. **Fax:** (833) 256-1665 o (202) 690-7442; o
3. **Teléfono:** (833) 620-1071; o
4. **Correo electrónico:** FNSCIVILRIGHTSCOMPLAINTS@usda.gov.

Para obtener cualquier otra información relacionada con asuntos del programa SNAP, las personas deben comunicarse con la línea directa del SNAP del USDA al (800) 221-5689, que también está en español, o llamar a los [números de información/línea directa del estado](#) (haga clic en el enlace para obtener una lista de los números de línea directa por estado); se puede encontrar en línea en: [línea directa de SNAP](#).

Reclamos de Derechos Civiles que Involucran a Programas del HHS

El HHS brinda asistencia financiera federal para muchos programas para mejorar la salud y el bienestar, incluidos la TANF, Head Start, el Programa de Asistencia de Energía para Hogares con Bajos Ingresos (LIHEAP), entre otros. Si cree que ha sido discriminado por su raza, color, origen nacional, discapacidad, edad, sexo (incluido el embarazo, la orientación sexual y la identidad de género) o religión en programas o actividades que el HHS gestiona directamente o a las que el HHS proporciona asistencia financiera federal, puede presentar un reclamo ante la Oficina de Derechos Civiles (OCR) por usted mismo o en nombre de otra persona.

Para presentar un reclamo por discriminación para usted o en nombre de otra persona con respecto a un programa que recibe asistencia financiera federal a través del HHS, complete el formulario en línea en el Portal de Reclamos de la OCR en ocrportal.hhs.gov/ocr/. También puede comunicarse con la OCR por correo: Centralized Case Management Operations, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F HHH Bldg., Washington, D.C. 20201; fax: (202) 619-3818; o correo electrónico: OCRmail@hhs.gov. Para que el procesamiento sea más rápido, le recomendamos que utilice el portal en línea de la OCR para presentar reclamos

en lugar de enviarlos por correo. Las personas que necesiten ayuda para presentar un reclamo de derechos civiles pueden enviar un correo electrónico a la OCR a OCRMail@hhs.gov o llamar a la línea gratuita de la OCR al 1-800-368-1019, TDD 1-800-537-7697. Para las personas sordas, con dificultades de audición o del habla, marque 7-1-1 para acceder a los servicios de retransmisión de telecomunicaciones. También proporcionamos formatos alternativos (como braille y letra grande), asistencia complementaria y servicios de asistencia de idioma sin cargo para presentar un reclamo.

Esta institución brinda igualdad de oportunidades.

También puede presentar un reclamo comunicándose con la oficina local de la DFCS, o con el Coordinador de Derechos Civiles y ADA/Sección 504 de la DFCS: Georgia Department of Human Services, Office of General Counsel, 47 Trinity Avenue SW, Atlanta, GA 30334, (877) 423-4746. En el caso de los reclamos por discriminación por tener dominio limitado del inglés, comuníquese con el Programa de Dominio Limitado de Inglés y Discapacidad Sensorial: Georgia Department of Human Services, Office of General Counsel, 47 Trinity Avenue SW, Atlanta, GA 30334, (877) 423-4746 (llamada de voz).

Attachment 19 DAS and DCSS Discrimination Complaint Process

Purpose

These procedures have been established to redress any violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d (“Title VI”), Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., (“Title IX”), Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”) and the ADA Amendments Act of 2008, 42 U.S.C. § 12101 et seq., the Age Discrimination Act of 1975, 42 USC § 6101 et seq., (“Age Act”), the Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), 7 USC § 2011 et seq., and provisions, directives, and implementing regulations that govern DHS’ administration of federal public assistance programs. To the extent these procedures conflict with applicable laws, regulations, or directives, such laws, regulations, and directives shall be controlling. This complaint Process does not apply to complaints of discrimination in employment under Title VII of the Civil Rights Act of 1964, as amended.

Right to File a LEP or SI Complaint

All DHS constituents have a right to file a complaint of discrimination on the basis of race, color, national origin, disability, age, sex and, in some cases, religion or political beliefs, or for reprisal or retaliation for engaging in prior civil rights activity. The United States Department of Health and Human Services (“HHS”) prohibit reprisal or retaliation for prior civil rights activity. No staff or contractor of DHS shall retaliate against a constituent complainant or his/her designee for filing a civil rights complaint or against anyone testifying or assisting in an investigation or engaging in any other protected civil rights activity. Furthermore, utilization of this complaint process is not a prerequisite to filing a complaint with the United States Department of Health and Human Services (“HHS”).

DHS must ensure that public notice(s) of right to file a discrimination complaint are posted in

accordance with federal regulations and policy guidance.



A “complainant”, as used in this document, is a constituent who makes a verbal or written complaint alleging unlawful discrimination. DHS is prohibited from disclosing Personally Identifiable Information (PII) or Protected Health Information (PHI) to unauthorized individuals. Therefore, DHS will not disclose or allow access to the complainant’s PII or PHI without the appropriate authorization. In situations where a companion or other individual requests a reasonable modification or communication assistance on behalf of a person with a disability, DHS will contact the constituent with a disability or authorized representative to clarify the request.

Denials of Request for Reasonable Modifications under the ADA/Section 504

A request for Reasonable Modification, auxiliary aid, or service for qualified individuals with disabilities may only be denied by the DHS Commissioner or his/her designee.

Procedure for Filing LEP and SI Complaints

Filing program complaint of discrimination with Federal Agencies

Notify the public that any constituent or representative may file a verbal or written complaint of discrimination with HHS by mail, fax, or e-mail. See below for information on where to file your Civil Rights or ADA/Section 504 complaint:

U.S. Department of Health and Human Services
Office for Civil Rights Centralized Case Management Operations
200 Independence Ave., S.W. Suite 515F, HHH Building
Washington, D.C. 20201
Customer Response Center: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov

To file a complaint electronically via the HHS Office of Civil Rights Complaint Portal:

ocrportal.hhs.gov/ocr/smartscreen/main.jsf

Filing Complaints of Discrimination in Public Assistance Programs with DHS

Any constituent or representative also may file a verbal or written complaint alleging unlawful discrimination **(including if a constituent disagrees with decisions made regarding requests for reasonable modifications, auxiliary aids or services or believes DHS failed to provide a requested reasonable modification or communication assistance under the ADA/Section 504) by contacting his or her local DHS office or the following DHS state office:**

1. **For discrimination complaints based on national origin (e.g., failure to provide an interpreter for constituents with limited English proficiency), including complaints about decisions made regarding requests for auxiliary aids or services, communication assistance and reasonable modifications under the ADA/Section 504), forward to:**

Program Manager, Limited English Proficiency and Sensory Impairment Program
Georgia Department of Human Services
Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Constituents with a hearing or speech disability may call 711 for an operator to connect with us.

2. For complaints based on race, color, national origin (non-LEP), age, sex, religion, political beliefs or disability, forward to:

Georgia Department of Human Services Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Constituents with a hearing or speech disability may call 711 for an operator to connect with us.

Communication Assistance

Constituents have a right to free communication assistance to assist in filing a complaint. DHS staff must provide interpreters and translated information when communicating with constituents with limited English proficiency and auxiliary aids and services for constituents with disabilities.

Time Period for Submitting Complaints

A complaint is filed timely if it is filed **within 180 calendar days** of the alleged discriminatory act or if it alleges the discriminatory act is ongoing. The Secretary of Health and Human Services may accept complaints filed **after the 180-calendar day** deadline if the complainant can provide a ‘good cause’ explanation for the delay. Therefore, the DHS LEP/SI Program will forward any complaint that does not meet the 180-calendar day deadline to the appropriate federal agency for consideration. The time for filing a complaint with HHS is not governed by this policy.

Submission of Written Complaints

Written complaints may be submitted to DHS via hand-delivery, facsimile, e-mail, US mail, or other delivery service utilizing the DHS Discrimination Complaint Form. DHS staff are required to provide the DHS Discrimination Complaint Form to a DHS constituent who requests such form. The DHS Discrimination Complaint Form is not required to make a written complaint. A complaint may also be submitted via letter or e-mail if that is the complainant’s/representative’s preferred method of communication. Additionally, DHS staff should notify the complainant that they may file a complaint with HHS.

Submission of Verbal Complaints

If a complainant or representative makes the allegations verbally or in person, the DHS staff person to whom the allegations are made must write up the elements of the complaint using the DHS Discrimination Complaint Form. At a minimum, the DHS must obtain the following information:

1. Name, address, and telephone number or other means of contacting the constituent alleging discrimination;
2. The location and name of the county, regional or other office delivering the service or benefit;
3. The nature or the incident or action that led the complainant or his/her representative to feel that discrimination was factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants;
4. The basis on which the complainant believes discrimination exists;
5. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
6. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.



DHS staff made are required to assist a constituent or his/her representative, if requested, in navigating through the complaint process, which includes completing the DHS Discrimination Complaint Form and providing information in alternative formats and languages upon request. DHS must ensure translated complaint forms, qualified interpreters, and auxiliary aids and services are available free of charge to DHS constituents and their companions.

LEP and SI Complaint Processing Oversight and Referral

DHS is responsible for ensuring all discrimination complaints filed with DHS for any HHS program are processed in accordance with HHS complaints processing regulations, directives and guidance.

This subsection describes the process for LEP and SI complaint intake, complaint referrals, processing, investigations, and decisions (including a complainant's right to appeal). The process for DHS related complaints is described below.

Complaint Intake

All LEP and SI complaints must be forwarded **within five (5) business days of receipt** to the DHS LEP/SI Program Manager. Complaints must be logged in a manual or computerized tracking system and kept separate from program complaints. Anonymous complaints must be processed as any other complaint, to the extent feasible, based on available information.

The DHS LEP/SI Program Manager or designee will review each complaint to determine if it contains an allegation of discrimination on the basis of a protected class or retaliation or reprisal. Complaints that do not contain such allegations are forwarded to the appropriate office that logs and processes program complaints.

Receiving a Complaint for DFCS SI related Complaints

Within five (5) business days of receipt of a complaint for a DFCS SI related complaint, the DHS LEP/SI Program Manager will forward the complaint to the DFCS Civil Rights, ADA/Section 504 Coordinator or his/her designee to which an acknowledgment letter will be sent to the complainant. At a minimum, the acknowledgment letter must inform the complainant of any planned action, the timeframe for completing the investigation, and request additional information, if needed.

Complaint Referrals

Complaints Alleging Discrimination Based on Age in HHS Programs

Federal regulations implementing the Age Discrimination Act of 1975 require that all complaints alleging violations of the Act be referred for mediation. DHS must forward all complaints alleging age discrimination, regardless of whether other bases are alleged, to the HHS Regional Office for Civil Rights within five (5) working days after receipt.

If the Federal Mediation and Conciliation Service (“FMCS”) mediation is successful, FMCS will notify the appropriate federal agency so that the case can be closed. DHS will receive notification of the closure of the complaint. If mediation is unsuccessful, FMCS will refer the complaint back to HHS for processing through the established complaint processing system.

DHS must participate in mediation on a good faith basis to resolve complaints alleging unlawful discrimination on the basis of age in accordance with 45 CFR 90 and 7 C.F.R. § 15c(7)(d). The representative designated by DHS to participate in mediation must be a neutral party. A person named in the complaint is not a neutral party.

Complaint Processing and Investigation

Overview

Each decision issued by DHS shall include a notice of appeal rights. The appeal rights language appears under Section E.

Within (14) business days of receipt of a complaint, either the DHS LEP/SI Program Manager will investigate or will work with State, Regional/District or County management to assign a qualified staff person to investigate the case. The assigned investigator must complete the investigation within 45 business days of the date of the complaint. The investigator must gather and evaluate facts that will either support or refute the complainant’s allegation(s), ensuring that all relevant sources of information are investigated, which includes a review of the complainant’s case file.

The investigator must send the investigative findings to the DHS LEP/SI Program Manager, who will evaluate the report for completeness and soundness of conclusions. If the findings do not contain sufficient information to support the investigative conclusion, the DHS LEP/SI Program Manager will return the findings to the investigator with a time frame for revising the findings.

Within 90 days of accepting the complaint for investigation, DHS will draft a letter of decision that applies the appropriate law to the relevant facts. If the complaint is regarding limited English proficiency, the DHS LEP/SI Program Manager will issue the final written decision. For all other Civil Rights complaints, the DHS Office of General Counsel and/or the appropriate division within DHS will issue the final written decision.

Additional Processing for SI Complaints

SI complaints will be reviewed and investigated by the DHS LEP/SI Program Manager. The DHS LEP/SI Program Manager will compile a report for completeness and soundness of conclusions. If the findings do not contain sufficient information to support the investigative conclusion, the DHS LEP/SI Program Manager will collaborate with appropriate DHS staff related to the complaint to

review the decision before it becomes final. The DHS LEP/SI Program Manager will issue a final written decision on complaints.

Complainant's Right to Appeal DHS' Final Decision Regarding a Civil Rights or ADA/Section 504 Complaint

The DHS LEP/SI Program Manager must send the complainant a letter advising him/her of the investigative findings. The letter must also inform the complainant that if he/she does not concur with the results of the investigation, an appeal may be filed with the U.S. Department of Health and Human Services' Office for Civil Rights. The letter must also include the Appeal Rights for each office.

In each final decision letter, DHS will notify the Complainant of his/her right to appeal such decision (including decisions on SI complaints made regarding requests for auxiliary aids and services or reasonable modifications or failing to provide a requested auxiliary aid and services or reasonable modification). Appeals information must be provided in an alternative format or language that the Complainant can understand.

Appeals Language for HHS Complaints

To appeal decisions involving DHS services, programs, or activities funded by the U.S. Department of Health and Human Services ("HHS") (e.g., child welfare and Medical Assistance (e.g., Medicaid and TANF), the Complainant may appeal to the HHS Office for Civil Rights **within 90 days of receiving the final decision letter from DFCS**. The appeal should be addressed to:

Office for Civil Rights
Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Resolution of Noncompliance / Corrective Actions

Upon completion of the investigation, the investigator will work with local office management to recommend corrective action (if appropriate). If it is determined that the complainant was discriminated against on the basis of one of the protected classes, or that DHS personnel violated state or federal requirements, the DHS LEP/SI Program Manager will work with State, Regional and County management to ensure that a corrective action plan is prepared, implemented, and monitored to address the violations. DHS will abide by applicable HHS regulations and directives when ensuring the required corrective actions are achieved in a timely manner.

Tracking Complaints and Maintaining Complaint Files

The DHS LEP/SI Program shall maintain a central file on all LEP and SI complaints processed by DHS. If maintained, county complaint files must be stored separately from program complaints in a central location for review by LEP/SI Program or federal Civil Rights offices. All Civil Rights complaints must be kept confidential and only accessible by authorized individuals.

Other Procedures

The procedures provided herein are in addition to, and not in lieu of, any other remedies available under federal or state law.

References

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)
- Section 504 of the Rehabilitation Act of 1974 (29 USC §794)
- Title IX of the Education Amendments of 1972, Public Law 92-318, as amended (20 U.S.C. § 1681 et seq.)
- Age Discrimination Act of 1975 (42 USC § 6101)
- Title II of the Americans with Disabilities Act (ADA) of 1990 (42 USC §12132) at 28 C.F.R. Part 35 and 28 C.F.R. § 35.107
- Title II of the ADA Amendments Act of 2008 (Public Law 110-325)
- U.S. Department of Health and Human Services regulations at 45 C.F.R. Parts 80, 84, and 91
- USDA Food and Nutrition Service Civil Rights Compliance and Enforcement (FNS Instruction 113-1)

This list is not exclusive.

Attachment 20 DAS and DCSS Discrimination Complaint Process (Spanish)

Objetivo


Estos procedimientos se han establecido para rectificar cualquier infracción al Título VI de la Ley de Derechos Civiles de 1964, según enmendado, 42 U.S.C. 2000d («Título VI»), al Título IX de la Enmienda de Educación de 1972, 20 U.S.C. 1681 et seq., («Título IX»), a la Sección 504 de la Ley de Rehabilitación de 1973, según enmendado, 29 U.S.C. § 794 («Sección 504»), al el Título II de la Ley para Estadounidenses con Discapacidades de 1990 («ADA», Americans with Disabilities Act) y a la Ley de Enmiendas de la ADA de 2008, 42 U.S.C. § 12101 et seq., a la Ley de Discriminación por Edad de 1975, 42 U.S.C. § 6101 et seq., («Ley de Edad»), a la Ley de Alimentos y Nutrición de 2008, según enmendado, al Programa de Asistencia Nutricional Complementaria (SNAP, por sus siglas en inglés), 7 U.S.C. § 2011 et seq. y a las disposiciones, directivas y regulaciones implementadas que rigen la gestión del DHS de los programas federales de asistencia pública. En la medida en que estos procedimientos entren en conflicto con las directivas, regulaciones o leyes aplicables, estas serán determinantes. Este Proceso de reclamo no se emplea para los reclamos por discriminación en el trabajo bajo el Título VII de la Ley de Derechos Civiles de 1964, según enmendado.

Derecho de Presentar un Reclamo por Discriminación a una Persona con LEP o SI

Todos los constituyentes del DHS tienen derecho a presentar un reclamo por discriminación por motivos de la raza, color, nacionalidad de origen, discapacidad, edad, sexo y, en algunos casos,

creencias políticas o religiosas, o por represalias por haber participado en actividades previas de derechos civiles. El Departamento de Salud y Servicios Humanos de los Estados Unidos (“HHS”, Department of Health and Human Services) prohíbe las represalias por actividades previas de derechos civiles. Ningún miembro del personal ni los/las contratistas del DHS deben tomar represalias contra un/a denunciante ni su designado/a por presentar el reclamo de derechos civiles ni contra cualquier persona que testifique o asista en una investigación o participe en otra actividad protegida de derechos civiles. Además, utilizar el proceso de reclamo no es un prerrequisito para presentar un reclamo ante el Departamento de Salud y Servicios Humanos de los Estados Unidos (“HHS”).

El DHS debe asegurar que las notificaciones públicas de derecho a presentar un reclamo por discriminación se expongan de acuerdo a las regulaciones federales y políticas de instrucciones.

 Un/a “denunciante”, como se utiliza en este documento, es una persona que presenta un reclamo de forma verbal o escrito donde alega contra una discriminación indebida. El DHS tiene prohibido divulgar la Información de Identificación Personal (PPI, Personally Identifiable Information) o la Información de Salud Protegida (PHI, Personal Health Information) a personas no autorizadas. Por consiguiente, el DHS no divulgará ni permitirá el acceso a las PPI y PHI del/de la denunciante sin la autorización pertinente. En situaciones donde un/a acompañante u otra persona solicite una modificación razonable o asistencia para la comunicación en nombre de una persona con discapacidad, el DHS se contactará con esta persona o con un/a representante autorizado/a para aclarar la solicitud.

Denegaciones a las Solicitudes de Modificaciones Razonables Conforme a la Sección 504 de la ADA

Solo el/la inspector/a o el/la designado/a de la persona con discapacidad podrá denegar las solicitudes para las modificaciones razonables, el servicio o ayuda auxiliar o los servicios para personas con discapacidad.

Procedimientos para Presentar Reclamos por Discriminación a Personas con LEP y SI

Presentar el Reclamo por Discriminación en el Programa ante las Agencias Federales

Cualquier integrante o representante puede presentar un reclamo de discriminación verbal o escrito a el HHS por correo, fax o correo electrónico. Debajo puede encontrar información sobre dónde presentar su reclamo de Derechos Civiles o de la Sección 504 de la ADA:

El Departamento de Salud y Servicios Humanos de los Estados Unidos (US HHS)
Oficina de Derechos Civiles Operaciones Centralizadas de Gestión de Casos
200 Independence Ave., S.W. Suite 515F, HHH Building
Washington, D.C. 20201
Centro de respuesta al cliente: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697
Correo electrónico: ocrmail@hhs.gov

Para presentar un reclamo de manera electrónica a través del sitio web Reclamos de la Oficina de Derechos Civiles del HHS ingrese al siguiente enlace:

Presentar Reclamos por Discriminación en los Programas de Asistencia Pública ante el DHS

Cualquier integrante o representante también puede presentar un reclamo verbal o escrito donde se alega discriminación indebida (**incluso si un integrante no está de acuerdo con la decisión que se tomó con respecto a la solicitud de modificaciones razonables, el servicio o ayuda auxiliar, o bien, si cree que el DHS no ha brindado una modificación razonable solicitada o asistencia para la comunicación conforme a la Sección 504 de la ADA**). Puede contactarse con la **oficina local o en las siguientes oficinas estatales de DHS:**

1. **Para reclamos por discriminación por motivos de nacionalidad de origen (por ejemplo, no proveer un/a intérprete para las personas con dominio limitado del inglés), incluidos los reclamos sobre decisiones que se tomaron con respecto a las solicitudes de servicio o ayuda auxiliar, asistencia para la comunicación y modificaciones razonables conforme a la Sección 504 de la ADA, diríjase al siguiente remitente:**

Director/a del Programa de Dominio Limitado del Inglés y Discapacidad Sensorial
Departamento de Servicios Humanos de Georgia
Oficina del Consejo General
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Las personas con discapacidad auditiva o del habla pueden comunicarse al 711 para que un/a operador/a le comunique con nosotros/as.

2. **Para presentar reclamos por discriminación por motivos de raza, color, nacionalidad de origen (que no sea una persona con LEP), edad, sexo, religión, creencias políticas o discapacidades, debe enviarlos al siguiente departamento:**

Departamento de Servicios Humanos de Georgia
Oficina del Consejo General
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Las personas con discapacidad auditiva o del habla pueden comunicarse al 711 para que un/a operador/a le comunique con nosotros/as.

Asistencia para la Comunicación

Las personas tienen derecho a una asistencia para la comunicación sin cargo para que las ayuden a presentar el reclamo. El personal del DHS debe proporcionar intérpretes e información traducida cuando se comunican con personas con dominio limitado del inglés. También deben brindar servicios o ayuda auxiliar a las personas con discapacidades.

Periodo de Tiempo para Enviar los Reclamos

El reclamo debe presentarse **dentro de los 180 días** del presunto acto discriminatorio o si se alega que el acto discriminatorio sigue en curso. El Secretario de Salud y Servicios Humanos puede acep-

tar los reclamos que se presenten luego de la **fecha límite de 180 días** si el/la denunciante puede proporcionar una “causa justificada” por el retraso. Por lo tanto, el Programa de LEP/SI del DHS reenviará cualquier reclamo que no cumpla con la fecha límite de los 180 días con la agencia federal pertinente para que se reconsidere. El tiempo para presentar un reclamo al HHS no se rige por esta política.

Presentación de Reclamos Escritos

Los reclamos escritos deben entregarse al DHS en mano, a través de fax, correo electrónico, correo postal de los Estados Unidos u otro servicio de entrega que utilice el Formulario de Reclamo por Discriminación del DHS. Se exige que el personal del DHS proporcione el Formulario de Reclamo por Discriminación al/a constituyente del DHS que solicite el formulario. El Formulario de Reclamo por Discriminación del DHS no exige que el reclamo se haga por escrito. A su vez, el reclamo puede entregarse por correo postal o electrónico según lo prefiera el/la denunciante o su representante. Además, el personal del DHS debe notificar al/ a la denunciante si él/ella puede presentar el reclamo en el HHS.

Presentación de Reclamos Verbales

Si el/la denunciante o su representante presenta la alegación de forma verbal o en persona, el miembro del personal ante el cual se hace la alegación debe escribir los elementos de reclamo y utilizar el Formulario de Reclamo por Discriminación del DHS. El DHS debe obtener como mínimo la siguiente información:

1. Nombre, dirección y número de teléfono o medios para contactarse con la persona que alega la discriminación.
2. La ubicación y el nombre de la oficina del condado, la región u otra que brinde el servicio o beneficio.
3. La naturaleza del incidente o acto que llevó al/a la denunciante o a su representante a considerar que se trata de un factor de discriminación y un ejemplo de un método de administración que tiene un efecto dispar en el público, personas potencialmente elegibles, solicitantes o participantes.
4. El fundamento en el que el/la denunciante se basa para considerar que se trata de una discriminación.
5. Los nombres, números de teléfono, cargos y direcciones personales y comerciales de las personas que puedan tener conocimiento del supuesto acto discriminatorio.
6. El o los días en los que sucedieron los supuestos actos discriminatorios o, si aún persisten, la duración de estos actos.



se le exige al personal del DHS ayudar a los/las constituyentes o a sus representantes, si así lo solicitan, en el proceso de reclamo, que incluye completar el Formulario de Reclamo por Discriminación del DHS y brindar información en idiomas y formatos alternativos en caso de que se requiera. El DHS debe garantizar a los/las constituyentes y sus acompañantes formularios de reclamo traducidos, intérpretes calificados/as y servicios o ayuda auxiliar sin cargo.

Supervisión y Derivación del Proceso de Reclamo por Discriminación a una Persona con LEP y SI

Es responsabilidad del DHS asegurar que todos los reclamos por discriminación que se presentan ante el Departamento por cualquier programa del HHS se procesen de acuerdo con las regulaciones, directivas y asesoría de procesamiento de reclamos del HHS.

Esta subsección describe el proceso de la recepción de los reclamos por discriminación a una persona con LEP o SI, derivaciones de reclamos, procesamientos, investigaciones y decisiones (incluso el derecho del/de la denunciante a una apelación). A continuación, se describe el proceso de los reclamos relacionados con el DHS.

Recepción del Reclamo

Todos los reclamos por discriminación a una persona con LEP o SI deben enviarse al/a Director/a del Programa de LEP/SI del DHS **dentro de los cinco (5) días hábiles de recepción**. Los reclamos deben registrarse en un sistema manual o computarizado de seguimiento y mantenerse separados de los reclamos del programa. Los reclamos anónimos deben procesarse como cualquier otro, en la medida de lo posible, con la información disponible.

El/la Director/a, o su designado/a, del Programa de LEP/SI del DHS revisará cada reclamo para determinar si conlleva alegaciones con discriminación por motivos de una clase favorecida o represalias. Los reclamos que no contengan esas alegaciones se reenviarán a la oficina adecuada que registra y procesa los reclamos del programa.

Recepción de un Reclamo Relacionado con un Reclamo de la División de Servicios para Familias y Niños (DFCS, Division of Family and Children Services) por Discriminación a Personas con SI

Dentro de los cinco (5) días hábiles de haber recibido un reclamo por un reclamo relacionado con la DFCS por discriminación a personas con SI, el/la Director/a del Programa de LEP/SI del DHS reenviará el reclamo a el/la Coordinador/a, o su designado/a, de Derechos Civiles, Sección 504 de la ADA, de la DFCS. Esta persona enviará un acuse de recibo al/a denunciante. Como mínimo, el acuse de recibo debe informar al/a denunciante sobre las acciones previstas, el lapso de tiempo en el que se completará la investigación y, si es necesario, solicitar información adicional.

Derivaciones de Reclamos

Reclamos que Alegan contra una Discriminación por Motivos de edad en los Programas del HHS

Las regulaciones federales que implementa la Ley de Discriminación por Edad de 1975 exigen que se deriven para mediación los reclamos que alegan contra infracciones a la ley. El DHS debe reenviar todos los reclamos que alegan contra una discriminación por edad, sin importar si se declaran otros motivos, a la Oficina de Derechos Civiles del HHS Regional dentro de los cinco (5) días hábiles a partir de la fecha de recepción.

Si la mediación del Servicio Federal de Mediación y Conciliación de los Estados Unidos (FMCS» Federal Mediation and Conciliation Service) tiene un buen resultado, el FMCS notificará a la agencia federal pertinente para que pueda cerrarse el caso. El DHS recibirá un aviso si se cierra el reclamo. Si la mediación no tiene un buen resultado, el FMCS devolverá el reclamo al HHS para que se pro-

cese a través del sistema de procesamiento de reclamo establecido.

El DHS debe participar de buena fe en la mediación para resolver los reclamos que alegan contra discriminaciones indebidas por motivos de edad de acuerdo con 45 CFR 90 y 7 C.F.R. § 15c(7)(d). El/la representante que designe el DHS para participar en la mediación debe ser una parte neutral. Una persona mencionada en el reclamo no es una parte neutral.

Procesamiento e Investigación del Reclamo

Esquema

Cada decisión que tome el DHS debe incluir un aviso de derechos de apelación. La apelación de derechos de idioma figura en la Sección E.

Dentro de los catorce (14) días hábiles de haber recibido el reclamo, el/la Director/a del Programa de LEP/SI del DHS investigará o trabajará con la administración del condado, distrito/región o Estado para asignar un miembro del personal calificado para investigar el caso. El/la investigador/a que se asigne debe completar la investigación dentro de los 45 días hábiles a partir de la fecha del reclamo. El/la investigador/a debe recolectar y evaluar hechos que apoyen o desmientan las alegaciones del/de la denunciante. También debe asegurarse de que se investiguen todas las fuentes de información confiable, lo que incluye una revisión del expediente del caso del/ de la denunciante.

El/la investigador/a debe enviar los hechos de investigación al/a Director/a del Programa de LEP/SI del DHS, quien evaluará el informe para obtener una conclusión íntegra y sólida. Si los hechos no contienen información suficiente para apoyar la conclusión de la investigación, el/la Director/a del Programa de LEP/SI del DHS los devolverá al/ a la investigador/a para que revise los hechos en un lapso determinado de tiempo.

El DHS redactará una carta de decisión que cumpla con la ley adecuada de los hechos pertinentes, dentro de los 90 días de haber recibido el reclamo para su investigación. Si el reclamo es sobre discriminación por motivos de dominio limitado del inglés, el/la Director/a del Programa de LEP/SI del DHS dictará la decisión final escrita. La Oficina del Consejo General o la división apropiada dentro del DHS dictará la decisión final escrita para todos los demás reclamos relacionados con los Derechos Civiles.

Procesamiento Adicional para los Reclamos por Discriminación a Personas con SI

El/la Director/a del Programa de LEP/SI del DHS revisará e investigará los reclamos por discriminación a personas con SI. El/la Director/a del Programa de LEP/SI del DHS redactará un informe para que las conclusiones sean íntegras y sólidas. Si los hechos no contienen información suficiente para apoyar la conclusión de la investigación, el/la Director/a del Programa de LEP/SI del DHS colaborará con los miembros del personal pertinentes que estén involucrados en el reclamo para revisar la decisión antes de que se declare determinante. El/la Director/a del Programa de LEP/SI del DHS dictará una decisión final escrita sobre los reclamos.

El Derecho del/de la Denunciante para Apelar Contra la Decisión Final del DHS en Torno a un Reclamo de los Derechos Civiles o la Sección 504 de la ADA

El/la Director/a del Programa de LEP/SI del DHS debe enviarle una carta al/ a la denunciante donde le informe sobre los hechos de investigación. La carta también debe informarle al/ a la denunciante

que si él/ella no está de acuerdo con los resultados de la investigación, se presentará una apelación con la Oficina de Derechos Civiles del Departamento de Salud y Servicios Humanos de los Estados Unidos. La carta también debe incluir los Derechos de Apelación para cada oficina.

En cada carta de decisión final, el DHS le notificará al/ a la denunciante de su derecho a apelar contra dicha decisión (incluso las decisiones sobre los reclamos por discriminación a las personas con SI acerca de peticiones para servicios y ayuda auxiliar o modificaciones razonables, ya sea si se otorgaron o no). La información de las apelaciones debe proporcionarse en un idioma o formato alternativo que el/la denunciante pueda entender.

Apelaciones de Idioma para los Reclamos del HHS

Para apelar contra las decisiones que suponen los servicios, los programas o las actividades del DHS financiados por el Departamento de Salud y Servicios Humanos (HHS) (por ejemplo, el bienestar infantil y la Asistencia Médica (ej.: Medicaid y la Asistencia Temporal para Familias Necesitadas), el/la denunciante debe apelar ante la Oficina de Derechos Civiles del HHS **dentro de los 90 días de haber recibido la carta de decisión final por parte de la DFCS**. La apelación debe estar dirigida al siguiente remitente:

Oficina de Derechos Civiles

Operaciones Centralizadas de Gestión de Casos

El Departamento de Salud y Servicios Humanos de los Estados Unidos (US HHS, por sus siglas en inglés)

200 Independence Avenue, S.W.

Room 509F HHH Bldg.

Washington, D.C. 20201

Resolución de Incumplimientos / Medidas Correctivas

Una vez finalizada la investigación, el/la investigadora trabajará con la administración de la oficina local para recomendar medidas correctivas (si es apropiado). Si se determina que el/la denunciante ha sido discriminado/a por motivos de clase favorecida o que el personal del DHS ha infringido los requisitos estatales o federales, el/la Director/a del Programa de LEP/SI del DHS trabajará con la administración del condado, distrito/región o Estado para asegurar que el plan de las medidas correctivas esté listo, implementado y monitoreado para abordar las infracciones. El DHS se atenderá a las regulaciones y directivas aplicables del HHS a la hora de garantizar que las medidas correctivas se lleven a cabo de manera puntual.

Seguimiento de los Reclamos y Mantenimiento de sus Expedientes

El Programa de LEP/SI del DHS debe tener un expediente central con todos los reclamos por discriminación a personas con LEP/SI que procesa el DHS. Si se mantienen, los expedientes de los reclamos del condado deben guardarse por separado de los reclamos del programa y en una ubicación central para que las oficinas federales de los Derechos Civiles y del Programa de LEP/SI los revisen. Todos los reclamos de los Derechos Civiles deben mantenerse confidenciales y solo personas autorizadas pueden tener acceso a ellos.

Otros Procedimientos

Los procedimientos que se proporcionan en el presente documento se suman, y no sustituyen, cualquier otro recurso disponible conforme a la ley federal o estatal.

Referencias

- Título VI de la Ley de Derechos Civiles de 1964 (42 U. S. C. § 2000d).
- Sección 504 de la Ley de Rehabilitación de 1974 (29 U. S. C. §794).
- Título IX de la Enmienda de Educación de 1972, Ley Pública 92-318, según enmendado (20 U.S.C. § 1681 et seq.).
- Ley de Discriminación por Edad de 1975 (42 USC § 6101).
- Título II de la Ley de Estadounidenses con Discapacidades (ACA) de 1990 (42 USC §12132) en 28 C. F. R. Parte 35 y 28 C. F. R. § 35.107.
- Título II de la Ley de Enmiendas de la ADA de 2008 (Ley Pública 110-325).
- El Departamento de Salud y Servicios Humanos de los Estados Unidos en 45 C. F. R. Partes 80, 84, y 91.
- Servicio de Alimentos y Nutrición (FNS, Food Nutrition Service) del Departamento de Agricultura de los Estados Unidos Cumplimiento y Aplicación de los Derechos Civiles (Instrucción del FNS 113-1).

La lista no es excluyente.

Attachment 21 DAS and DCSS Discrimination Complaint Form

Attachment 22 DAS and DCSS Discrimination Complaint Form (Spanish)

Attachment 23 DFCS Civil Rights and ADA/Section 504 Complaint Process

Purpose

These procedures have been established to redress any violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d (“Title VI”), Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, (“Title IX”), Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”) and the ADA Amendments Act of 2008, 42 U.S.C. § 12101 *et seq.*, the Age Discrimination Act of 1975, 42 USC § 6101 *et seq.*, (“Age Act”), the Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), 7 USC § 2011 *et seq.*, and provisions, directives, and implementing regulations that govern DFCS’ administration of child welfare and public assistance programs. To the

extent these procedures conflict with applicable laws, regulations, or directives, such laws, regulations, and directives shall be controlling. This complaint Process does not apply to complaints of discrimination in employment under Title VII of the Civil Rights Act of 1964, as amended.

Right to File a Civil Rights or ADA/Section 504 Complaint

All Georgia Division of Family & Children Services' ("DFCS") customers have a right to file a complaint of discrimination on the basis race, color, national origin, disability, age, sex and in some cases religion or political beliefs, or for reprisal or retaliation for engaging in prior civil rights activity. The United States Department of Agriculture ("USDA") and the U.S. Department of Health and Human Services ("HHS") prohibit reprisal or retaliation for prior civil rights activity. No staff or contractor of the Department of Human Services ("DHS") shall retaliate against a complainant or his/her designee for filing a civil rights complaint or against anyone testifying or assisting in an investigation or engaging in any other protected Civil Rights activity. Furthermore, utilization of this complaint procedure is not a prerequisite to filing a complaint with the USDA or the United States Department of Health and Human Services ("HHS").

DFCS must ensure that public notice(s) of right to file a discrimination complaint are posted in accordance with federal regulations and policy guidance. For example, the USDA Nondiscrimination Statement, including a joint USDA-HHS statement for SNAP, is located at www.fns.usda.gov/fns-nondiscrimination-statement. The USDA also requires display of the And Justice for All Poster in prominent locations where there is a USDA presence and where it may be read by customers.

A "complainant," as used in this document, is a person who makes a verbal or written complaint alleging unlawful discrimination. DFCS is prohibited from disclosing Personally Identifiable Information (PII) or Protected Health Information (PHI) to unauthorized individuals. Therefore, DFCS will not disclose or allow access to the complainant's PII or PHI without the appropriate authorization. In situations where a companion or other individual requests a reasonable modification or communication assistance on behalf of a person with a disability, DFCS will contact the person with a disability or authorized representative to clarify the request.

Denials of Request for Reasonable Modifications under the ADA/Section 504

A request for Reasonable Modification, auxiliary aid, or service for qualified individuals with disabilities may only be denied by the DFCS Division Director or his/her designee.

Procedure for Filing Civil Rights and ADA/Section 504 Complaints

Filing Program Complaint of Discrimination with Federal Agencies

Notify the public that any person or representative may file a verbal or written complaint of discrimination with HHS or the USDA by mail, fax, or e-mail. See below for information on where to file your Civil Rights or ADA/Section 504 complaint:

1. **(HHS)** U.S. Health and Human Services, HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201; or call (202) 619-0403 (voice) or (800) 537-7697 (TTY).

2. **(USDA)** U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or call (866) 632-9992, fax to (202) 690-7442 or email to program.intake@usda.gov. Federal Relay Service at (800) 877-8339; or Spanish Relay Service (Servicio Federal de Retransmisión) at (800) 845-6136.

The USDA Civil Rights Complaint Form may be accessed online at:

English form

www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf

Spanish (En Español) form

www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf

Filing Complaints of Discrimination in Child Welfare and Public Assistance Programs with DHS/DFCS

Any person or representative also may file a verbal or written complaint alleging unlawful discrimination **(including if a customer disagrees with decisions made regarding requests for reasonable modifications, auxiliary aids or services, or if a customer believes DFCS failed to provide a requested reasonable modification or communication assistance under the ADA/Section 504) by contacting his or her local DFCS office or one of the following DHS/DFCS offices:**

1. **For discrimination complaints based on national origin (e.g., failure to provide an interpreter for persons with limited English proficiency), forward to:**

Program Manager, Limited English Proficiency and Sensory Impairment Program
Georgia Department of Human Services, Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
LEPSI@dhs.ga.gov
(877) 423-4746

Individuals who have a hearing or speech disability may call 711 for an operator to connect with us.

2. **For complaints based on race, color, national origin (non-LEP), age, sex, religion, political beliefs or disability (including complaints about decisions made regarding requests for auxiliary aids or services, communication assistance and reasonable modifications under the ADA/Section 504), forward to:**

Division of Family and Children Services
DFCS Civil Rights, ADA/Section 504 Coordinator
Georgia Department of Human Services, Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Individuals who have a hearing or speech disability may call 711 for an operator to connect with us.

Communication Assistance

Customers have a right to free communication assistance. DHS/DFCS staff must provide interpreters and translated information when communicating with individuals with limited English proficiency and auxiliary aids and services for individuals with disabilities.

Time Period for Submitting Complaints

A complaint is filed timely if it is filed within 180 calendar days of the alleged discriminatory act or if it alleges the discriminatory act is ongoing. The Secretary of Agriculture or Secretary of Health and Human Services may accept complaints filed after the 180-calendar day deadline if the complainant can provide a 'good cause' explanation for the delay. Therefore, the DFCS Civil Rights Program will forward any complaint that does not meet the 180-calendar day deadline to the appropriate federal agency for consideration. The time for filing a complaint with HHS or USDA is not governed by this policy.

Submission of Written Complaints

Written complaints may be submitted to DHS/DFCS via hand-delivery, facsimile, e-mail, US mail, or other delivery service utilizing DFCS Form 724 (i.e., the DFCS Civil Rights, ADA/Section 504 Complaint Form). DFCS staff are required to provide a Form 724 to a DFCS customer who requests such form. The DFCS Form 724 is not required to make a written complaint. A complaint may also be submitted via letter or e-mail if that is the complainant's/representative's preferred method of communication. Additionally, notify the complainant that they may file a complaint with the USDA or with HHS.

Submission of Verbal Complaints

If a complainant or representative makes the allegations verbally or in person, the DFCS staff person to whom the allegations are made must write up the elements of the complaint using DFCS Form 724. At a minimum, the DFCS staff person must obtain the following information:

1. Name, address, and telephone number or other means of contacting the person alleging discrimination;
2. The location and name of the county, regional or other office delivering the service or benefit;
3. The nature or the incident or action that led the complainant or his/her representative to feel that discrimination was factor, and an example of the method of administration that is having a disparate effect on the public, potential eligible persons, applicants, or participants;
4. The basis on which the complainant believes discrimination exists;
5. The names, telephone numbers, titles, and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
6. The date(s) during which the alleged discriminatory actions occurred, or if continuing, the duration of such actions.



The DFCS staff person to whom the allegations of discrimination are made are required to assist a person or his/her representative (if requested) in navigating through the complaint process, which includes completing the DFCS Form 724 and providing information in alterna-

tive formats and languages upon request. DFCS must ensure translated complaint forms, qualified interpreters, and auxiliary aids and services are available free of charge to DFCS customers and their companions.

Civil Rights and ADA/Section 504 Complaint Processing Oversight and Referral

DHS and DFCS are responsible for ensuring all discrimination complaints filed with DFCS for any USDA or HHS program, including complaints filed with the DHS LEP/SI Program, are processed in accordance with the USDA and HHS complaints processing regulations, directives and guidance.

This subsection describes the process for Civil Rights, ADA/Section 504 complaint intake, complaint referrals, processing, investigations, and decisions (including a complainant's right to appeal). The process for Office of Family Independence ("OFI") and child welfare related complaints is described below:

Complaint Intake

All Civil Rights and ADA/Section 504 complaints must be forwarded **within five (5) business days of receipt** to the DFCS Civil Rights, ADA/Section 504 State Coordinator. Complaints must be logged in a manual or computerized tracking system and kept separate from program complaints. Anonymous complaints must be processed as any other complaint, to the extent feasible, based on available information.

The DFCS Civil Rights, ADA/Section 504 Coordinator or designee will review a complaint to see if it contains an allegation of discrimination on the basis of a protected class or retaliation or reprisal. Complaints that do not contain such allegations forwarded to the appropriate office that logs and processes program complaints.

Acknowledging a Complaint (For USDA SNAP Program Only)

Within five (5) business days of receipt of a complaint, the DFCS Civil Rights, ADA/Section 504 Coordinator or his/her designee must send an acknowledgment letter to the complainant. At a minimum, the acknowledgment letter must inform the complainant of any planned action, the timeframe for completing the investigation, and request additional information, if needed.

Complaint Referrals

USDA FNS Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP)

DHS/DFCS must refer all complaints filed in the CSFP and TEFAP to the FNS Regional Civil Rights Officer for processing **within five (5) calendar days of receipt of the complaint**.

Complaints Alleging Discrimination Based on Age in HHS and USDA Programs

Federal regulations implementing the Age Discrimination Act of 1975 require that all complaints alleging violations of the Act be referred for mediation. DFCS must forward all complaints alleging age discrimination, regardless of whether other bases are alleged, to the USDA Food and Nutrition Service (FNS) Civil Rights Division (CRD), Regional Civil Rights Officer, or to HHS Office of Civil

Rights for processing.

Forward all complaints alleging unlawful discrimination on the basis of age, **regardless of whether other bases are alleged**, to the HHS Regional Office for Civil Rights or to the FNS Civil Rights Division, Regional Civil Rights Officer **within five (5) working days after receipt**.

If the Federal Mediation and Conciliation Service (“FMCS”) mediation is successful, FMCS will notify the appropriate federal agency so that the case can be closed. DFCS will receive notification of the closure of the complaint. If mediation is unsuccessful, FMCS will refer the complaint back to the USDA or to HHS for processing through the established complaint processing system.

DFCS must participate in mediation on a good faith basis to resolve complaints alleging unlawful discrimination on the basis of age in accordance with 45 CFR 90 and 7 C.F.R. § 15c(7)(d). The representative designated by DFCS to participate in mediation must be a neutral party. A person named in the complaint is not a neutral party.

Complaint Processing and Investigation

Overview

Each decision issued by DHS/DFCS shall include a notice of appeal rights. The appeal rights language appears under Section E.

Except for complaints involving limited English proficiency (LEP), **within (14) business days of receipt of a complaint**, the DFCS Civil Rights, ADA/Section 504 Coordinator will work with State, Regional/District or County management to assign a qualified staff person to investigate the case. The assigned investigator must complete the investigation **within 45 business days of the date of the complaint**. The investigator must gather and evaluate facts that will either support or refute the complainant’s allegation(s), ensuring that all relevant sources of information are investigated, which includes a review of the complainant’s case file. Limited English proficiency complaints will be investigated by the DHS Program Manager for Limited English Proficiency.

The investigator must send the investigative findings to the DFCS Civil Rights, ADA/Section 504 Coordinator, who will evaluate the report for completeness and soundness of conclusions. If the findings do not contain sufficient information to support the investigative conclusion, the DFCS Civil Rights, ADA/Section 504 Coordinator will return the findings to the investigator with a time frame for revising the findings.

Within 90 days of accepting the complaint for investigation, DFCS will draft a letter of decision that applies the appropriate law to the relevant facts (**and will follow the requirements of FNS Instruction 113-1 for investigating SNAP complaints**). If the complaint is regarding an OFI program and the ADA/Section 504, the DFCS ADA/Section 504 District Coordinator will issue a final written decision. If the complaint is regarding limited English proficiency, the DHS LEP Program Manager will issue the final written decision. For all other Civil Rights complaints, the DFCS Civil Rights, ADA/Section 504 Coordinator will issue the final written decision.



For SNAP, see FNS Instruction 113-1, Section XV for specific information regarding collection of evidence in a discrimination complaint. For SNAP complaints, prior to issuing a decision letter to the complainant, DHS DFCS must provide the FNS Regional Civil Rights Officer (RCRO) with the draft decision letter and investigative report for the purpose of oversight and concur-

rence (FNS Instruction 113-1, XVI.C.8). If the FNS RCRO does not concur, FNS RCRO will note any grounds for non-concurrence and return to DFCS so that the issues identified may be addressed. Upon FNS RCRO concurrence, DFCS will send the final letter of decision to the complainant **within 20 calendar days**. Decision letters will include the complainant's right to appeal to the Secretary of Agriculture. (See FNS Instruction 113-1, XVI.C.6). If an investigation is not conducted, the State agency shall provide an explanation in its report to the FNS Regional Civil Rights Officer (FNS Instruction 113-1, XVII.D.4.d).

Additional Processing for OFI ADA/Section 504 Complaints

OFI ADA/Section 504 complaints will be reviewed and investigated by the DFCS ADA/Section 504 District Coordinator. The DFCS ADA/Section 504 District Coordinator must send the investigative findings to the DFCS Civil Rights, ADA/Section 504 State Coordinator who will evaluate the report for completeness and soundness of conclusions. If the findings do not contain sufficient information to support the investigative conclusion, the DFCS Civil Rights, ADA/Section 504 State Coordinator will return the findings to the County Director DFCS ADA/Section 504 State Coordinator with a time frame for revising the findings. The DFCS Civil Rights, ADA/Section 504 State Coordinator will review the decision before it becomes final. The DFCS Civil Rights, ADA/Section 504 District Coordinator will issue a final written decision on complaints.

Complainant's Right to Appeal DHS/DFCS' Final Decision Regarding a Civil Rights or ADA/Section 504 Complaint

The DFCS Civil Rights, ADA/Section 504 State Coordinator, the LEP Program Manager (for LEP complaints), or the DFCS ADA/Section 504 District Coordinator (for ADA/Section 504 complaints) must send the complainant a letter advising him/her of the investigative findings. The letter must also inform the complainant that if he/she does not concur with the results of the investigation, an appeal may be filed with the U.S. Department of Agriculture's Office of the Assistant Secretary for Civil Rights or the U.S. Department of Health and Human Services' Office for Civil Rights. The letter must also include the Appeal Rights for each office.

In each final decision letter, DHS/DFCS will notify the Complainant of his/her right to appeal such decision (including decisions on ADA/Section 504 complaints made regarding requests for auxiliary aids and services or reasonable modifications or failing to provide a requested auxiliary aid and services or reasonable modification). Appeals information must be provided in an alternative format or language that the Complainant can understand.

Appeal Language for USDA SNAP Complaints

To appeal decisions involving DFCS services, programs, or activities funded by the U.S. Department of Agriculture (e.g., SNAP), the Complainant may appeal to the Office of the Assistant Secretary for Civil Rights at the U.S. Department of Agriculture within 90 days of receiving the final decision letter from DFCS. The follow language should be included in all decision letters issued unless a modification is necessary to provide notice in an accessible format that the Complainant can understand.

If you disagree with this decision, you may appeal to the Office of the Assistant Secretary for Civil Rights at the U.S. Department of Agriculture. You must do so **within 90 days of receiving this letter**. To appeal this decision, write to:

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights,
Stop 9430
1400 Independence Avenue, S.W.
Room 212-A Whitten Building
Washington, D.C., 20250

Appeals Language for HHS Complaints

To appeal decisions involving DFCS services, programs, or activities funded by the U.S. Department of Health and Human Services (“HHS”) (e.g., child welfare and Medical Assistance (e.g., Medicaid and TANF), the Complainant may appeal to the HHS Office for Civil Rights **within 90 days of receiving the final decision letter from DFCS**. The appeal should be addressed to:

Office for Civil Rights
Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Room 509F HHH Bldg.
Washington, D.C. 20201

Resolution of Noncompliance / Corrective Actions

Upon completion of the investigation, the investigator will work with County and/or District or Regional Management to recommend corrective action (if appropriate). If it is determined that the complainant was discriminated against on the basis of one of the protected classes, or that DFCS personnel violated state or federal requirements, the DFCS Civil Rights, ADA/Section 504 Coordinator will work with State, Regional and County management and DFCS’ SNAP Quality Assurance team (where applicable) to ensure that a corrective action plan is prepared, implemented, and monitored to address the violations. DFCS will abide by applicable USDA and HHS regulations and directives when ensuring the required corrective actions are achieved in a timely manner.

Tracking Complaints and Maintaining Complaint Files

The State Civil Rights Office shall maintain a central file on all Civil Rights and ADA/Section 504 complaints processed by DFCS. The DHS LEP program shall maintain a central file on all DFCS LEP complaints processed by DHS. If maintained, county complaint files must be stored separate from program complaints in a central location for review by DFCS’ Quality Assurance

Unit, the State Civil Rights Office or federal Civil Rights offices. Civil Rights and ADA/Section 504 complaints filed in any USDA program must be recorded under a separate and distinct logging Georgia Division of Family & Children Services system per FNS Instruction 113-1, Section XVII. All Civil Rights complaints must be kept confidential and only accessible by authorized individuals.

Other Procedures

The procedures provided herein are in addition to, and not in lieu of, any other remedies available under federal or state law.

References

Title VI of the Civil Rights Act of 1964 (42 USC § 2000d)

Section 504 of the Rehabilitation Act of 1974 (29 USC §794)

Title IX of the Education Amendments of 1972, Public Law 92-318, as amended (20 U.S.C. § 1681 *et seq.*)

Age Discrimination Act of 1975 (42 USC § 6101)

Title II of the Americans with Disabilities Act (ADA) of 1990 (42 USC §12132) at 28 C.F.R. Part 35 and 28 C.F.R. § 35.107

Title II of the ADA Amendments Act of 2008 (Public Law 110-325)

U.S. Department of Health and Human Services regulations at 45 C.F.R. Parts 80, 84, and 91

USDA Food and Nutrition Service Civil Rights Compliance and Enforcement (FNS Instruction 113-1)

The Food and Nutrition Act of 2008, as amended, Supplemental Nutrition Assistance Program (SNAP), formerly the Food Stamp Program, 7 U.S.C. 2011 *et seq.*

U.S. Department of Agriculture regulations at 7 C.F.R. Part 15, 7 C.F.R. Part 272, 7 C.F.R. Part 250, 7 C.F.R. Part 251, and 7 C.F.R. Part 247

R.H. et al. v. Rawlings et al., CAFN: 1:17-CV-01434-TWT (N.D. Ga. 2019) (Consent Order, entered on June 4, 2019)

This list is not exclusive.

Attachment 24 DFCS Civil Rights and ADA/Section 504 Complaint Process (Spanish)

Propósito


Estos procedimientos se han establecido para corregir cualquier violación del Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada, 42 U.S.C. 2000d ("Título VI"), Título IX de las Enmiendas de Educación de 1972, 20 U.S.C. 1681 *y los siguientes*, ("Título IX"), Sección 504 de la Ley de Rehabilitación de 1973, en su forma enmendada, 29 USC nro. 794 ("Sección 504"), Título II de la Ley de Estadounidenses con Discapacidades de 1990 ("ADA") y la Ley de Enmiendas de la ADA de 2008, 42 U.S.C. 12101 *y los siguientes*, la Ley de Discriminación por Edad de 1975, 42 USC, 6101 *y los siguientes*, ("Ley de Edad"), la Ley de Alimentos y Nutrición de 2008, modificada, el Programa Suplementario de Asistencia Nutricional (SNAP), 7 USC, 2011 *y los siguientes*, y las disposiciones, directivas y reglamentos de aplicación que rigen la administración de programas de asistencia infantil y asistencia de bienestar público de la DFCS. En la medida en que estos procedimientos entren en conflicto con las leyes, reglamentos o directivas aplicables, dichas leyes, reglamentos y directivas serán de control. Este Proceso de quejas no se aplica a las quejas de discriminación en el empleo bajo el Título VII de la Ley de Derechos Civiles de 1964, en su forma enmendada.

Derecho a Presentar una Queja por Derechos Civiles o ADA/Sección 504

Todos los clientes de la División de Servicios para la Familia y el Niño de Georgia ("DFCS") tienen derecho a presentar una queja de discriminación por motivos de raza, color, origen nacional, discapacidad, edad, sexo y, en algunos casos, creencias raciales o políticas, o por represalias por participar en actividades previas de derechos civiles. El Departamento de Agricultura de los Estados Unidos ("USDA") y el Departamento de Salud y Servicios Humanos de los Estados Unidos ("HHS")

prohíben represalias por actividades previas de derechos civiles. Ningún personal o contratista del Departamento de Servicios Humanos ("DHS") tomará represalias contra un demandante o su designado por presentar una queja de derechos civiles o contra cualquier persona que testifique o ayude en una investigación o participe en cualquier otra actividad protegida de derechos civiles. Además, la utilización de este procedimiento de queja no es un requisito previo para presentar una queja ante el USDA o el Departamento de Salud y Servicios Humanos de los Estados Unidos ("HHS").

La DFCS debe asegurarse de que los avisos públicos de derecho a presentar una queja por discriminación se publiquen de acuerdo con las regulaciones federales y las guías en las políticas. Por ejemplo, la Declaración de No Discriminación del USDA, incluida una declaración conjunta USDA-HHS para SNAP, se encuentra en www.fns.usda.gov/fns-nondiscrimination-statement. El USDA también requiere la exhibición del cartel "Y justicia para todos" en lugares prominentes donde haya una presencia del USDA y donde puede ser leído por los clientes.

 Un "demandante", como se utiliza en este documento, es una persona que hace una queja verbal o escrita alegando discriminación ilegal. La DFCS tiene prohibido divulgar Información de identificación personal (PII) o Información médica protegida (PHI) a personas no autorizadas. Por lo tanto, la DFCS no divulgará ni permitirá el acceso a la PII o PHI del demandante sin la autorización apropiada. En situaciones en las que un acompañante u otra persona solicita una modificación razonable o asistencia de comunicación en nombre de una persona con una discapacidad, la DFCS se pondrá en contacto con la persona con una discapacidad o representante autorizado para aclarar la solicitud.

Denegación de Solicitud de Modificaciones Razonables bajo la ADA/Sección 504

Una solicitud de Modificación Razonable ayuda auxiliar o servicio para personas calificadas con discapacidades solo puede ser denegada por el Director de la División de la DFCS o su designado.

Procedimiento para Presentar Quejas de Derechos Civiles y ADA/Sección 504

Presentar una Queja del Programa de Discriminación con Agencias Federales

Notifíquese al público que cualquier persona o representante puede presentar una queja verbal o escrita de discriminación con el HHS o el USDA por correo, fax o correo electrónico. Consulte a continuación para obtener información sobre dónde presentar su queja de derechos civiles o ADA/Sección 504:

1. **(HHS)** Servicios de Salud y Servicios Humanos de los Estados Unidos, Director de HHS, Oficina de Derechos Civiles, Sala 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201; o llame al (202) 619-0403 (voz) o (800) 537-7697 (TTY).
2. **(USDA)** Departamento de Agricultura de los Estados Unidos, Oficina del Subsecretario de Derechos Civiles, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; o llame al (866) 632-9992, fax al (202) 690-7442 o correo electrónico a program.intake@usda.gov. Servicio Federal de Retransmisión al (800) 877-8339; o Servicio Federal de Retransmisión en español al (800) 845-6136.

Se puede acceder al Formulario de Queja de Derechos Civiles del USDA en línea en:

Formulario en inglés

www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf

Formulario en español

www.usda.gov/sites/default/files/documents/USDAProgramComplaintForm-Spanish-Section508Compliant.pdf

Presentar Quejas de Discriminación en Programas de Asistencia Infantil y Asistencia Pública al DHS/DFCS

Cualquier persona o representante también puede presentar una queja verbal o escrita alegando discriminación ilegal (**incluso si un cliente no está de acuerdo con las decisiones tomadas con respecto a las solicitudes de modificaciones razonables, ayudas auxiliares o servicios, o si un cliente cree que la DFCS no proporcionó una modificación razonable solicitada o asistencia de comunicación bajo la ADA/Sección 504**) poniéndose en contacto con su oficina local de la DFCS o con una de las siguientes oficinas de DHS/DFCS:

1. **En el caso de las denuncias por discriminación basadas en el origen nacional (por ejemplo, no brindar un intérprete para las personas con dominio limitado del inglés), remitirlas al:**

Program Manager, Limited English Proficiency and Sensory Impairment Program
Georgia Department of Human Services, Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
LEPSI@dhs.ga.gov
(877) 423-4746

Las personas que tienen una discapacidad auditiva o del habla pueden llamar al 711 para que un operador se conecte con nosotros.

2. **Para las quejas basadas en raza, color, origen nacional (no LEP), edad, sexo, religión, creencias políticas o discapacidad (incluidas las quejas sobre las decisiones tomadas en relación con las solicitudes de ayudas o servicios auxiliares, asistencia de comunicación y modificaciones razonables en virtud de la ADA/Sección 504), remitirlas a la:**

Division of Family and Children Services
DFCS Civil Rights, ADA/Section 504 Coordinator
Georgia Department of Human Services, Office of General Counsel
47 Trinity Avenue SW
Atlanta, GA 30334
(877) 423-4746

Las personas que tienen una discapacidad auditiva o del habla pueden llamar al 711 para que un operador se conecte con nosotros.

Asistencia de Comunicación

Los clientes tienen derecho a asistencia de comunicación gratuita. El personal del DHS/DFCS debe

facilitar intérpretes e información traducida al comunicarse con personas con dominio limitado del inglés y ayudas y servicios auxiliares para personas con discapacidades.

Período de Tiempo para Presentar Quejas

Una queja se presenta oportunamente si se presenta dentro de los **180 días corridos** siguientes al supuesto acto discriminatorio o si alega que el acto discriminatorio está en curso. El Secretario de Agricultura o el Secretario de Salud y Servicios Humanos pueden aceptar quejas presentadas después de la fecha límite de **180 días corridos** si el demandante puede presentar una explicación de "buena causa" para el retraso. Por lo tanto, el Programa de Derechos Civiles de la DFCS enviará cualquier queja que no cumpla con el plazo de 180 días calendario a la agencia federal apropiada para su consideración. El tiempo para presentar una queja ante el HHS o USDA no se rige por esta política.

Presentación de Quejas Escritas

Las quejas escritas pueden presentarse al DHS/DFCS a través de la entrega en mano, facsímil, correo electrónico, correo electrónico de los Estados Unidos u otro servicio de entrega utilizando el Formulario 724 de la DFCS (es decir, los Derechos Civiles de DFCS, ADA/Sección 504 del Formulario de Quejas). El personal de la DFCS está obligado a dar un Formulario 724 a un cliente de la DFCS que solicite dicho formulario. El Formulario 724 de DFCS no está obligado a presentar una queja por escrito. Una queja también puede ser presentada por carta o correo electrónico si ese es el método de comunicación preferido del demandante/representante. Además, notifique al demandante que puede presentar una queja ante el USDA o el HHS.

Presentación de Quejas Verbales

Si un demandante o representante presenta las alegaciones verbalmente o en persona, la persona del personal de la DFCS ante la que se hacen las acusaciones debe escribir los elementos de la queja utilizando el Formulario 724 de la DFCS. Como mínimo, la persona del personal de DFCS debe obtener la siguiente información:

1. Nombre, dirección y número de teléfono u otros medios para ponerse en contacto con la persona que alega discriminación;
2. La ubicación y el nombre del condado, regional u otra oficina que presta el servicio o beneficio;
3. La naturaleza o el incidente o acción que llevó al demandante o a su representante a sentir que la discriminación era un factor, y un ejemplo del método de administración que está teniendo un efecto dispar en el público, las posibles personas elegibles, los solicitantes o los participantes;
4. La base sobre la que el demandante cree que existe discriminación;
5. Los nombres, números de teléfono, títulos y direcciones comerciales o personales de las personas que puedan tener conocimiento de la supuesta acción discriminatoria; y
6. La(s) fecha(s) durante la cual se produjeron las supuestas acciones discriminatorias, o si continúan, la duración de tales acciones.



La persona del personal de la DFCS ante la que se presentan las denuncias de discriminación están obligadas a ayudar a una persona o a su representante (si se solicita) a gestionar el proceso de queja, que incluye completar el Formulario 724 de la DFCS y brindar información en

formatos e idiomas alternativos, a pedido. La DFCS debe garantizar que los formularios de quejas traducidos, los intérpretes calificados y las ayudas y servicios auxiliares estén disponibles de forma gratuita para los clientes de la DFCS y sus acompañantes.

Supervisión y Remisión del Procesamiento de Quejas de Derechos Civiles y ADA/Sección 504

El DHS y la DFCS son responsables de garantizar que todas las quejas por discriminación presentadas ante la DFCS para cualquier programa del USDA o HHS, incluidas las quejas presentadas ante el Programa LEP/SI del DHS, se procesen de acuerdo con las regulaciones, directivas y orientación del procesamiento de quejas del USDA y HHS.

Esta subsección describe el proceso para los derechos civiles, la recepción de quejas de ADA/Sección 504, las referencias de quejas, el procesamiento, las investigaciones y las decisiones (incluido el derecho del demandante a apelar). El proceso para la Oficina de Independencia Familiar ("OFI") y las quejas relacionadas con el bienestar infantil se describe a continuación.

Recepción de Quejas

Todas las quejas de derechos civiles y de ADA/Sección 504 deben ser remitidas **dentro de los cinco (5) días hábiles siguientes a la recepción** a los Derechos Civiles de la DFCS, al Coordinador estatal de la ADA/Sección 504. Las quejas deben registrarse en un sistema de seguimiento manual o computarizado y mantenerse separadas de las quejas del programa. Las quejas anónimas deben ser procesadas como cualquier otra queja, en la medida de lo posible, basada en la información disponible.

El Coordinador o personal designado de derechos civiles y ADA/Sección 504 de la DFCS, revisará una queja para ver si contiene una denuncia de discriminación sobre la base de una clase protegida o represalias. Las quejas que no contienen tales denuncias serán enviadas a la oficina apropiada que registra y procesa las quejas del programa.

Reconocer una Queja (Solo para el Programa USDA SNAP)

Dentro de los cinco (5) días hábiles siguientes a la recepción de una queja, el Coordinador de Derechos Civiles de la DFCS, el Coordinador de la ADA/Sección 504 o su designado deben enviar una carta de reconocimiento al demandante. Como mínimo, la carta de reconocimiento debe informar al demandante de cualquier acción planificada, el plazo para completar la investigación, y solicitar información adicional, si es necesario.

Referencias de Quejas

Programa de Alimentos Suplementarios de Productos Básicos (CSFP) del USDA FNS y Programa de Asistencia Alimentaria de Emergencia (TEFAP)

El DHS/DFCS debe remitir todas las quejas presentadas en el CSFP y TEFAP al Oficial Regional de Derechos Civiles de la FNS para su procesamiento dentro de los **cinco (5) días corridos siguientes** a la recepción de la queja.

Quejas que Alegan Discriminación Basada en la Edad en los Programas de HHS y USDA

Las regulaciones federales que aplican la Ley de Discriminación por Edad de 1975, exigen que todas las quejas que alegan violaciones de la Ley sean derivadas a mediación. La DFCS debe remitir todas las quejas alegando discriminación por edad, independientemente de si se alegan otras bases, a la División de Derechos Civiles (CRD) del Servicio de Alimentos y Nutrición del USDA (FNS), Oficial Regional de Derechos Civiles, o a la Oficina de Derechos Civiles del HHS para su procesamiento.

Se deben reenviar todas las quejas que aleguen discriminación ilegal por razón de la edad, **independientemente de si se alegan otras causas**, a la Oficina Regional de Derechos Civiles del HHS o a la División de Derechos Civiles del FNS, Oficial Regional de Derechos Civiles **dentro de los cinco (5) días hábiles**.

Si la mediación del Servicio Federal de Mediación y Conciliación ("FMCS") es exitosa, el FMCS notificará a la agencia federal apropiada para que el caso pueda ser cerrado. La DFCS recibirá una notificación del cierre de la queja. Si la mediación no tiene éxito, el FMCS remitirá la queja al USDA o al HHS para su procesamiento a través del sistema de procesamiento de quejas establecido.

La DFCS debe participar en la mediación sobre una base de buena fe para resolver las quejas que alegan discriminación ilegal sobre la base de la edad de conformidad con 45 CFR 90 y 7 C.F.R. 15c(7)(d). El representante designado por la DFCS para participar en la mediación debe ser una parte neutral. Una persona nombrada en la queja no es una parte neutral.

Procesamiento e Investigación de Quejas

Resumen

Cada decisión emitida por el DHS/DFCS incluirá un aviso de derechos de apelación. El lenguaje de los derechos de apelación aparece en la Sección E.

Excepto para las quejas que involucran un dominio limitado del inglés (LEP), **dentro de (14) días hábiles a partir de** la recepción de una queja, el Coordinador de Derechos Civiles de la DFCS, ADA/Sección 504 trabajará con la administración del Estado, Regional/Distrito o Condado para asignar a una persona calificada del personal para investigar el caso. El investigador asignado debe completar la investigación **dentro de los 45 días hábiles siguientes a la fecha de la queja**. El investigador debe reunir y evaluar hechos que respalden o refuten las alegaciones del demandante, asegurándose de que se investiguen todas las fuentes de información pertinentes, lo que incluye una revisión del expediente del caso del demandante. Las quejas limitadas por dominio del inglés serán investigadas por el Gerente del Programa del DHS para el Dominio Limitado del Inglés.

El investigador debe enviar los hallazgos de la investigación al Coordinador de Derechos Civiles de la DFCS, ADA/Sección 504, quien evaluará el informe para obtener la integridad y solidez de las conclusiones. Si las conclusiones no contienen información suficiente para apoyar la conclusión de la investigación, el Coordinador de Derechos Civiles de la DFCS, ADA/Sección 504 devolverá las conclusiones al investigador con un plazo para revisarlas.

Dentro de los 90 días siguientes a la aceptación de la queja para la investigación, la DFCS redactará una carta de decisión que aplique la ley apropiada a los hechos pertinentes (y seguirá los requisitos de la Instrucción 113-1 del FNS para investigar las quejas de SNAP). Si la queja es con respecto a un programa OFI y la ADA/Sección 504, el Coordinador de Distrito de la DFCS ADA/Sec-

ción 504 emitirá una decisión final por escrito. Si la queja es relacionada con el dominio limitado del inglés, el Gerente del Programa LEP del DHS emitirá la decisión final por escrito. Para todas las demás quejas de derechos civiles, los Derechos Civiles de la DFCS, el Coordinador de la ADA/Sección 504 emitirá la decisión final por escrito.

Para SNAP, consulte la Instrucción FNS 113-1, Sección XV para obtener información específica sobre la recopilación de pruebas en una queja por discriminación. Para las quejas de SNAP, antes de emitir una carta de decisión al demandante, el DHS y la DFCS deben presentar al Oficial Regional de Derechos Civiles del FNS (RCRO) el proyecto de carta de decisión e informe de investigación con fines de supervisión y concurrencia (Instrucción FNS 113-1, XVI. C.8). Si el FNS RCRO no está de acuerdo, el FNS RCRO tomará nota de cualquier motivo de no concurrencia y lo regresará a la DFCS para que se puedan abordar los problemas identificados. Tras la concurrencia de FNS RCRO, la DFCS enviará la carta de decisión final al demandante en un plazo de **20 días corridos**. Las cartas de decisión incluirán el derecho del demandante a apelar ante el Secretario de Agricultura. (Véase la Instrucción FNS 113-1, XVI. C.6). Si no se lleva a cabo una investigación, el organismo estatal dará una explicación en su informe al Oficial Regional de Derechos Civiles del FNS (Instrucción FNS 113-1, XVII. D.4.d).

Procesamiento Adicional para Quejas de OFI ADA/Sección 504

Las quejas de la OFI ADA/Sección 504 serán revisadas e investigadas por el Coordinador de Distrito de DFCS ADA/Sección 504. El Coordinador de Distrito de DFCS ADA/Sección 504 debe enviar las conclusiones de la investigación a los Derechos Civiles de la DFCS, al Coordinador del Estado de la ADA/Sección 504, quien evaluará el informe para obtener información sobre la integridad y la solidez de las conclusiones. Si las conclusiones no contienen información suficiente para apoyar la conclusión de la investigación, el Coordinador Estatal de Derechos Civiles de la DFCS, ADA/Sección 504 devolverá los hallazgos al Director del Condado DFCS ADA/Sección 504 Coordinador estatal con un plazo para revisar las conclusiones. El Coordinador de Estado de DFCS Civil Rights, ADA/Section 504 revisará la decisión antes de que sea definitiva. El Coordinador de Distrito de DFCS Civil, ADA/Sección 504 emitirá una decisión final por escrito sobre las quejas.

Derecho del Demandante a Apelar la Decisión Final del DHS/DFCS con Respecto a una Queja de Derechos Civiles o ADA/Sección 504

El Coordinador de Derechos Civiles de la DFCS, el Coordinador del Estado de ADA/Sección 504, el Gerente del Programa LEP (para quejas LEP) o el Coordinador de Distrito de la ADA/Sección 504 de la DFCS (para las quejas de ADA/Sección 504) deben enviar al demandante una carta informándole de los hallazgos de investigación. La carta también debe informar al demandante que, si no está de acuerdo con los resultados de la investigación, se puede presentar una apelación ante la Oficina del Subsecretario de Derechos Civiles del Departamento de Agricultura de los Estados Unidos o ante la Oficina de Derechos Civiles del Departamento de Salud y Servicios Humanos de los Estados Unidos. La carta también debe incluir los derechos de apelación para cada oficina.

En cada carta de decisión final, el DHS/DFCS notificará al demandante su derecho a apelar dicha decisión (incluidas las decisiones sobre las quejas de ADA/Sección 504 tomadas con respecto a solicitudes de ayudas y servicios auxiliares o modificaciones razonables o no brindar ayuda y servicios auxiliares solicitados o una modificación razonable). La información de las apelaciones debe proporcionarse en un formato o idioma alternativo que el demandante pueda entender.

Lenguaje de Apelación para Quejas de USDA de SNAP

Para apelar las decisiones que involucren servicios, programas o actividades de la DFCS financiados por el Departamento de Agricultura de los Estados Unidos (por ejemplo, SNAP), el demandante puede apelar a la Oficina del Subsecretario de Derechos Civiles del Departamento de Agricultura de los Estados Unidos dentro de los **90 días siguientes a la recepción de la carta de decisión final de la DFCS**. La siguiente frase debe incluirse en todas las cartas de decisión emitidas a menos que sea necesaria una modificación para dar un aviso en un formato accesible que el demandante pueda entender:

Si no está de acuerdo con esta decisión, puede apelar a la Oficina del Subsecretario de Derechos Civiles del Departamento de Agricultura de los Estados Unidos. Debe hacerlo **dentro de los 90 días posteriores a la recepción de esta carta**. Para apelar esta decisión, escriba al:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights,
Stop 9430
1400 Independence Avenue, S.W.
Room 212-A Whitten Building
Washington, D.C., 20250

Formato de Apelaciones para Quejas de HHS

Para apelar decisiones que involucren servicios, programas o actividades de la DFCS financiados por el Departamento de Salud y Servicios Humanos de los Estados Unidos ("HHS") (por ejemplo, bienestar infantil y Asistencia Médica (por ejemplo, Medicaid y TANF), el demandante puede apelar a la Oficina de Derechos Civiles del HHS **dentro de los 90 días de recibir la carta de decisión final de DFCS**. La apelación debe dirigirse a:

Office for Civil Rights
Centralized Case Management Operations
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Habitación 509F HHH Bldg.
Washington, D.C. 20201

Resolución de Acciones de Incumplimiento / Corrección

Al finalizar la investigación, el investigador trabajará con el Condado y/o el Distrito o la Administración Regional para recomendar medidas correctivas (si corresponde). Si se determina que el demandante fue discriminado sobre la base de una de las clases protegidas, o que el personal de la DFCS violó los requisitos estatales o federales, el Coordinador de Derechos Civiles, ADA/Sección 504 trabajará con la administración estatal, regional y del condado y el equipo de Control de Calidad de SNAP de la DFCS (cuando corresponda) para asegurar que se prepare, implemente y supervise un plan de acción correctivo para abordar las violaciones. La DFCS cumplirá con las regulaciones y directivas aplicables del USDA y HHS cuando se garantice que las acciones correctivas requeridas se logran de manera oportuna.

Seguimiento de Quejas y Mantenimiento de Archivos de Quejas

La Oficina Estatal de Derechos Civiles mantendrá un expediente central sobre todas las quejas de Derechos Civiles y ADA/Sección 504 tramitadas por la DFCS. El programa LEP del DHS mantendrá un archivo central en todas las quejas de la DFCS LEP procesadas por el DHS. Si se mantiene, los archivos de quejas del condado deben almacenarse separados de las quejas del programa en una ubicación central para su revisión por parte de la Unidad de Control de Calidad de DFCS, la Oficina Estatal de Derechos Civiles o las oficinas federales de Derechos Civiles. Las quejas de derechos civiles y de ADA/Sección 504 presentadas en cualquier programa del USDA deben registrarse bajo un sistema de registro separado y distinto según la Instrucción 113-1 del FNS, Sección XVII. Todas las quejas de derechos civiles deben mantenerse confidenciales y solo ser accesibles a personas autorizadas.

Otros Procedimientos

Los procedimientos proporcionados en este documento son adicionales a, y no en lugar de, cualquier otro recurso disponible bajo la ley federal o estatal.

Referencias

Título VI de la Ley de Derechos Civiles de 1964 (42 USC nro. 2000d)

Artículo 504 de la Ley de Rehabilitación de 1974 (29 USC nro. 794)

Título IX de las Enmiendas a la Educación de 1972, Ley Pública 92-318, en su forma enmendada (20 U.S.C., 1681 y siguientes)

Ley de Discriminación por Edad de 1975 (42 USC nro. 6101)

Título II de la Ley de Estadounidenses con Discapacidades (ADA) de 1990 (42 USC nro. 12132) en 28 C.F.R. Parte 35 y 28 C.F.R.

Título II de la Ley de Enmiendas de la ADA de 2008 (Ley Pública 110-325)

Regulaciones del Departamento de Salud y Servicios Humanos de los Estados Unidos en 45 C.F.R. Partes 80, 84 y 91

Cumplimiento de los Derechos Civiles del Servicio de Alimentos y Nutrición del USDA (Instrucción FNS 113-1)

La Ley de Alimentos y Nutrición de 2008, en su forma enmendada, Programa Suplementario de Asistencia Nutricional (SNAP), anteriormente el Programa de Cupones para Alimentos, 7 U.S.C. 2011 y siguientes.

Regulaciones del Departamento de Agricultura de los Estados Unidos en 7 C.F.R. Parte 15, 7 C.F.R. Parte 272, 7 C.F.R. Parte 250, 7 C.F.R. Parte 251 y 7 C.F.R. Parte 247

Rawlings et al., CAFN: 1:17-CV-01434-TWT (N.D. Ga. 2019) (Orden de consentimiento, ingresada el 4 de junio de 2019)

Esta lista no es exclusiva.

Attachment 25 DFCS Complaint Form

Attachment 26 DFCS Complaint Form (Spanish)