

**County of San Diego, Health and Human Services Agency (HHSa)
Eligibility Policy and Procedures Guide**

Complaints of Discriminatory Treatment

Page

1 of 4

Revision Date:

12/09/2016

Background:

HHSa is responsible for investigating discrimination complaints made by an applicant/recipient or by their authorized representative. Complaints by applicants/recipients may be filed with the on-site Civil Rights Liaison (CRL) or with the Civil Rights Coordinator (CRC).

Purpose:

Policy:

There are three types of complaints: 1) Civil Rights or Discrimination Complaint, 2) Personnel Complaint, and 3) Program-Related Complaint

1) Civil Rights or Discrimination Complaint:

The complainant believes that the Agency employee's actions were based on one of the twelve bases of discrimination: race, color, national origin, religion, political affiliation, marital status, sex, age, disability, ethnic group identification, sexual orientation or domestic partnership. The complaint may be in writing or stated verbally. The complaint must specify:

- Basis of complaint,
- Identity of the staff involved, and the
- Resolution being sought

2) Personnel Complaint:

The complaint alleges that the employee acted inappropriately, but the actions were **not** based on one of the twelve bases of discrimination. This type of complaint should be handled by the administration of the office where the claimant is applying for or receiving assistance.

3) Program-Related Complaint:

The complaint is regarding program regulations. This type of complaint should be referred to the state hearing process, as civil rights procedures cannot change public assistance or social service regulations.

Procedure:

Filing a Civil Rights Complaint:

- The complainant must be immediately referred to the assigned CRL for the office/program
- The telephone number of the CRL must be made available to the complainant in instances where he/she wishes to speak to the CRL directly
 - **Note:** The name and telephone number of the assigned CRL shall be included on mandatory lobby poster "Equal Under the Law" (CDSS Publication 86) which has the name and telephone number of the CRC.
- Retaliatory actions against the complainant because he/she made a complaint are prohibited.
- The identity of any complainant must remain confidential, except to the extent necessary to carry out the investigation.
- The CRL must maintain any documentation related to the civil rights complaint in a separate file apart from the regular case file. Staff are NOT to enter information about a civil rights complaint in Case Comments.

Complaint Received by Civil Rights Coordinator:

Listed below are the steps taken by the CRC when a Civil Rights complaint is received:

**County of San Diego, Health and Human Services Agency (HHS)A)
Eligibility Policy and Procedures Guide**

Complaints of Discriminatory Treatment

Page

2 of 4

Step	Action
1	The complaint is summarized and sent to the associated CRL via e-mail for review/follow-up with the complainant so the CRL can take immediate appropriate action.
2	Complaint is entered into the CRC's database and assigned to the appropriate CRL.
3	Initial letters are sent to: <ul style="list-style-type: none"> • Complainant explaining who the assigned CRL is and that the CRL has been instructed to contact them within 20 days to help resolve the complaint • CRL to advise of complaint and timeframes to conduct/complete investigation and, • California Department of Social Services (CDSS) to advise of complaint and request a case number be assigned
4	The due date is 60 days from the date the complaint is received
5	The CRL investigates and attempts to resolve the complaint at the lowest possible level
6	The CRL reports his/her findings to the CRC no later than the due date provided by the CRC
7	Upon receipt of the findings, the CRC reviews the file and the report sent by the CRL. The CRC is responsible for making any further inquiries, if necessary
8	The CRC sends the report with the findings and copies of all pertinent documentation to: <ul style="list-style-type: none"> • CDSS; • The assigned CRL; and • The manager of the CRL
9	The CRC will forward the complainant a letter to inform him/her of the <ul style="list-style-type: none"> • Findings; and • Right to appeal the decision to CDSS within 30 calendar days of the date the decision is mailed.

CRL Responsibilities and Duties:

Responsibilities of the CRL include but are not limited to the following:

- 1) Ensure non-discrimination in the delivery of services to customer and the public where the liaison is housed.
- 2) Investigate all customer complaints of discriminatory treatment.
- 3) Respond to CRC on all CR complaints assigned and the resolution or non-resolution on each case the liaison is responsible for.
- 4) Conduct a full investigation when an early resolution is not possible.

Duties of the CRL include but are not limited to the following:

- 1) Act as a liaison between the CRC and his/her office by responding to any Civil Rights complaints.
- 2) Ensure that his/her office display all the required posters and publications.
- 3) To adhere to the laws of confidentiality when speaking or responding to anyone other than the customer by obtaining a release of information.
- 4) To get involved and investigate any situation where a customer uses the term "discrimination" or "civil rights" to voice dissatisfaction with an action our agency took. **Timely action and response are utmost importance.**

County of San Diego, Health and Human Services Agency (HHSA) Eligibility Policy and Procedures Guide

Complaints of Discriminatory Treatment

Page

3 of 4

- 5) Make every effort to resolve a complaint at the lowest level possible. When unable to resolve, investigate, make a written report and present it to the CRC, who will in turn make a decision with the information provided. The CRC may make further inquiries as needed.
- 6) Ensure that the FRC staff is aware of civil rights requirements by disseminating information provided by CRC, including applicable training material.
- 7) Attend all quarterly CR Liaisons meetings or have a representative present if unable to do so.
- 8) Locate interpreters by using HHSA interpretation Vendor List and/or bilingual staff lists.
- 9) Evaluate FRC training needs and conduct or coordinate when necessary and at least yearly.
- 10) Answer questions from the staff.
- 11) Provide copies of sign in training log information to CRC.
- 12) Inform CRC of any civil rights complaints received during the month.

These procedures and the full description of CRL duties can be located in the HHSA Civil Rights Liaison handbook.

Complaint Processing:

The complaint processing by the CRL includes but is not limited to the following:

Step	Action
1	Interview with the complainant
2	Review of the case file and associated elements
3	Interview with the employee(s) involved
4	Interview with staff relevant to the investigation
5	Analysis of information obtained
6	Preparation of an investigation report

Note: These procedures and the full description of complaint processing actions can be located in the HHSA Civil Rights Liaison handbook.

Complaint Processing Timeframes:

Civil Rights complaints must be processed timely in accordance with pertinent timeframes based on the date on which the complaint was filed/received.

Action	Timeframe				
Initial Acknowledgment of Complaint	The CRC informs the complainant in writing within 20 calendar days of receipt of the complaint that an investigation of the issue will be conducted. The initial acknowledgement letter also identifies the assigned CRL.				
Early Resolution	If early resolution of a potential CR issue is: <table border="1" style="width: 100%; margin-top: 5px;"> <tbody> <tr> <td style="text-align: center;">Achieved</td> <td>CRC informs the complainant and CDSS in writing within 30 calendar days of receipt of the complaint that the complaint will not be investigated and the reason including a copy of the withdrawal form. Note: Customers can verbally withdraw the complaint.</td> </tr> <tr> <td style="text-align: center;">Not Achieved</td> <td>Documentation explaining why a resolution is not possible due to the CRC no later than 30 calendar days from the day the complaint was received.</td> </tr> </tbody> </table>	Achieved	CRC informs the complainant and CDSS in writing within 30 calendar days of receipt of the complaint that the complaint will not be investigated and the reason including a copy of the withdrawal form. Note: Customers can verbally withdraw the complaint.	Not Achieved	Documentation explaining why a resolution is not possible due to the CRC no later than 30 calendar days from the day the complaint was received.
Achieved	CRC informs the complainant and CDSS in writing within 30 calendar days of receipt of the complaint that the complaint will not be investigated and the reason including a copy of the withdrawal form. Note: Customers can verbally withdraw the complaint.				
Not Achieved	Documentation explaining why a resolution is not possible due to the CRC no later than 30 calendar days from the day the complaint was received.				
Abandonment	Allow 14 calendar days for the complainant to respond. If no response, documentation is due to the CRC with a narrative indicating customer has				

**County of San Diego, Health and Human Services Agency (HHSa)
Eligibility Policy and Procedures Guide**

Complaints of Discriminatory Treatment

Page

4 of 4

	abandoned the complaint. Reminder: Complainant can reopen the file at any time within 180 calendar days of originally filing the complaint when it is closed for abandonment.
CR Investigation: Final	The final investigative report is due to the CRC no later than 60 calendar days from the date the complaint was received.
CR Investigative Results	The CRC provides a letter summarizing the final investigative results to the complainant and the full report to CDSS within 20 calendar days following the completion of the investigation. The CRC provides information with the letter to the complainant that he/she may appeal the decision to CDSS within 30 calendar days of the date of the decision.

These procedures and the full description of CR complaint processing timeframes can be located in the HHSa Civil Rights Liaison handbook.

Program Impact/s:

All Programs

References:

HHSa Civil Rights Liaison handbook

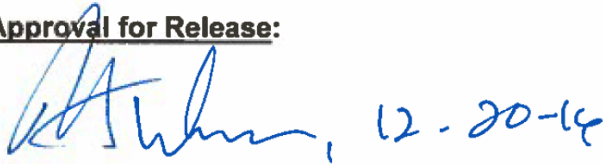
Civil Rights Requirements

https://cwc.sdcounty.ca.gov/sites/CWS/GaR/Shared%20Documents/Program_Guide/CH_02/02zzq-civrightreq.htm

Sunset Date:

This policy will be reviewed for continuance on or by 12/31/2019

Approval for Release:



Rick Wanne, Director
Eligibility Operations