

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

Civil Rights, Language Services, and Disability Accommodations

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Revision Date:

March 3, 2023

Background:

Self-Sufficiency Services (SSS) programs adhere to State and Federal laws and regulations, including California Government Code Section 11135, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA).

Purpose:

Public contact staff are required to complete the annual Civil Rights Training provided via the Learning Management System (LMS). SSS staff are required to inform all applicants/recipients, including those whose primary language is other than English, and those with impaired hearing or vision or other disabling conditions, of their Civil Rights. SSS staff are required to make decisions based on program regulations and not treat anyone differently based on any of the currently protected bases of discrimination.

Policy:

Current bases of discrimination

The current bases of discrimination are also referred to as “protected groups” or “protected classes”. An applicant/recipient may self-identify as sharing a characteristic with one or more of these groups/classes and does not need to prove or validate their association. The bases of discrimination include **race, color, national origin, ethnic group identification, age, disability, religion, sex, sexual orientation, political affiliation, marital status, domestic partnership, gender identity, gender expression, medical condition, ancestry, immigration status, citizenship, genetic information**, and other bases which may be added by California Department of Social Services (CDSS). Staff will be made aware when new bases of discrimination are added.

State-Mandated Pamphlet and Posters

SSS staff are required to provide applicants/recipients the CDSS Publication 13 (PUB 13) pamphlet - Your Rights Under California Public Benefits Program at intake and renewal/redetermination/recertification (RRR). Staff are required to explain the PUB 13 to the applicant/recipient. The PUB 13 is available in 18 languages, in large print, audio file, and braille.

Posters on nondiscrimination policies must be displayed in all public waiting rooms and reception areas. The mandated posters are:

- Publication 86 “Equal Under the Law”
- United States Department of Agriculture (USDA) Form AD 475-B “And Justice for All”

Qualified Individual with a Disability

Title II of the ADA prohibits staff from excluding from participation, denying benefits and services to, or discriminating against any qualified individual with a disability. The term “**qualified individual with a disability**” means an individual with a disability who, *with or without* reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

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Under the ADA and Section 504 of the Rehabilitation Act, the term “**disability**” is defined as a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment.

This is a broad definition, covering many individuals. It is much broader than the definition of disability under various disability benefits programs and covers many people who do not receive and do not qualify for disability benefits.

Under California law, the definition of disability is even broader than the ADA definition. In California, disabilities are defined as conditions that limit a major life activity. There is no requirement, as under federal law, that the limitation be “substantial.” This means that some conditions that are not protected under the ADA may be protected in California.

The definition of disability under the ADA also includes people who have a **record of a disability**, whether or not they are currently disabled, or who are **regarded as having a disability**, whether or not they are actually disabled. This means that discriminatory treatment of an individual because they are perceived as having a disability or were, in the past, disabled, are both prohibited under the ADA.

Reasonable Accommodations

Staff must follow ADA regulations for a reasonable accommodation request(s) by an applicant/recipient on a case-by-case basis. An applicant/recipient is not required to use specific language of “accommodation”, and may ask for “help”, “assistance”, etc. Some examples include using a relay service for phone contacts, obtaining an American Sign Language (ASL) interpreter for appointments, reformatting written correspondence for assistive technology compatibility, the verbal reading of documents to applicants/recipients, or assignment of customer’s case to a designated worker to bypass the Access Call Center.

Reasonable accommodation requests may be made in person, by telephone, or in writing by an individual or another acting on the individual’s behalf. It is not necessary that the person requesting the accommodation on another’s behalf be an authorized representative (AR). There is no limit to the amount of reasonable accommodation requests an applicant/recipient may make, and each request must undergo an individualized evaluation.

Staff must document in CalWIN when an applicant/recipient requests a reasonable accommodation and document the subsequent action(s) taken by staff. Documentation shall include the following information:

- The fact that the individual has a disability and/or requested an accommodation. (The disability itself may be documented if disclosed by the applicant/recipient, but is not required to provide a specific diagnosis)
- The accommodation(s) requested by the customer
- The accommodation(s) provided to the customer

Staff should immediately elevate any reasonable accommodations requests to their supervisor or Civil Rights Liaison for evaluation, without undue delay of service to customer.

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If the requested accommodation is deemed not to be reasonable after evaluation, staff must provide an alternative accommodation to ensure that the individual with a disability can access the relevant benefits or services. This must be documented in Case Comments.

Staff must ensure effective communication with applicants/recipients who have vision, hearing, or speech disabilities. Communication with these individuals must be equally effective as communication with people who do not have these disabilities.

Staff must provide applicants/recipients with disabilities with auxiliary aids and services when necessary to communicate effectively. Auxiliary aids and services must be provided in a timely manner, and in a way that respects the privacy and independence of the person with a disability. Staff shall not charge individuals with disabilities to cover the cost of program accessibility, auxiliary aids or services, or other measures that are necessary to provide equal access or avoid discrimination on the basis of disability.

For people who are blind, have vision loss, or are deaf-blind, auxiliary aids and services may include providing written communication (including forms, notices, correspondence, or other information) in large print, Braille, accessible electronic format for use with a screen reader, or via audio recording or a qualified reader. A **qualified reader** is someone who can read effectively, accurately, and impartially, using any necessary specialized vocabulary.

For people who are deaf, have hearing loss, or are deaf-blind, auxiliary aids and services may include providing a notetaker, a qualified sign language, oral, cued-speech or tactile interpreter, real-time captioning, or written materials.

For people who have speech disabilities, auxiliary aids and services may include providing a qualified transliterator, a person trained to recognize unclear speech and repeat it clearly.

Service Animals

Per ADA Title II regulations, staff must allow individuals with disabilities to use service animals in Agency facilities where members of the public or applicants/recipients are normally permitted.

Only dogs are recognized as service animals under Title II of the ADA. Specifically, a **service animal** is defined as a dog that is individually trained to do work or perform tasks for an individual with a disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Some examples of work or tasks performed by service animals include guiding people who are blind, alerting people who are deaf to sounds or people, pulling a wheelchair, assisting a person having a seizure, and reminding an individual with mental illness to take medication.

A dog that provides only emotional support, comfort, or companionship does not qualify as a service animal. However, emotional support animals would be allowed access to facilities as a reasonable accommodation to a customer who states it is needed due to a disability.

When it is not obvious what service a services animal provides, staff may ask only two questions:

1. Is the animal required because of a disability?
2. What work or tasks is the animal trained to perform?

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Staff may not require certification or other proof that an animal has been trained or licensed as a service animal. Staff may only ask an individual to remove their service animal if:

- The animal is out of control and the handler does not take effective action to control it, or
- The animal is not housebroken.

If staff request that an individual's service animal be removed on the basis of one of the above reasons, they must offer the person the opportunity to participate without the animal's presence.

Civil Rights Complaint

For a complaint to be treated as a Civil Rights complaint, an applicant/recipient must believe that an employee(s) of HHSA took an action in their case to deny, delay, or treat differently because of any of the currently protected bases of discrimination. A Civil Rights complaint must specify the basis of complaint, the identity of the staff involved, and the resolution sought.

Civil Rights complaint procedures cannot change program regulations. If there are allegations that an employee(s) acted inappropriately, but the actions were not solely based on one of the bases listed above, the complaint will be treated as a personnel complaint and will be handled by FRC management. Programmatic complaints must be addressed by a State Hearing.

A Civil Rights complaint can be made in writing or stated verbally to county staff or any of the state or federal offices detailed in the PUB 13. Staff shall provide applicants/recipients with information regarding the complaint process.

Impacts:

None

References:

County of San Diego Health & Human Services Agency (HHSA) Civil Rights Coordinator:

Jennifer Campos
1255 Imperial Ave., Suite 400
San Diego, CA 92101
Mail Stop W414
(619) 515-6788

Jennifer.Campos@sdcounty.ca.gov

State: CDSS-funded programs:

California Department of Social Services
Civil Rights Unit
P.O. Box 944243, Mail Station 8-16-70
Sacramento, CA 94244-2430
(866) 741-6241

<mailto:crb@dss.ca.gov>

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Sunset Date:

This policy will be reviewed for continuance by December 31, 2025.

Approval for Release:

 3-3-23

Rick Wanne, Director
Self-Sufficiency Services