



CDSS

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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

October 31, 2011

Kris Grasty, Director  
Kern County Aging & Adult Services  
5357 Truxtun Avenue  
Bakersfield, CA 93309

Dear Mr. Grasty:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided the reviewer from our office during the course of the Civil Rights Compliance Review of April 26, 2011. Enclosed is the final report on the review. We apologize for the delay.

There are some compliance issues (deficiencies) identified in the report, which will require the development of a corrective action plan (CAP). Please submit your CAP within sixty days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the attached report.

We will provide a copy of our report to any individual who makes a valid Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it becomes a public document as well. Per the Governor's Executive Order S-08-09, all compliance reviews (and corresponding CAPs) performed after January 1, 2008, will be posted on the state's Reporting Government Transparency website.

If you need technical assistance in the development of your CAP, please feel free to contact the Civil Rights Bureau at (916) 654-2107. You may also contact us by e-mail at [crb@dss.ca.gov](mailto:crb@dss.ca.gov).

Sincerely,

JIM TASHIMA, Chief  
Civil Rights Bureau  
Human Rights and Community Services Division

Enclosure

c: Lito Morillo, Interim Director

Martin Reynoso, Civil Rights Coordinator

Linda Patterson, Branch Chief  
CDSS CalFresh Program M.S. 8-9-32

Mike Papin, Chief  
CalFresh Policy Bureau M.S. 8-9-32

Marlene Fleming, Chief  
Field Operations Bureau M.S. 8-9-32

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CalFresh Management Operations Section M.S. 8-9-32

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USDA Food and Nutrition Services  
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Western Region

Jodie Berger, Regional Counsel  
Legal Services of Northern California

**CIVIL RIGHTS COMPLIANCE REVIEW REPORT  
FOR  
Kern County Aging & Adult Services  
Conducted on April 26, 2011**

**California Department of Social Services  
Human Rights and Community Services Division**

**Civil Rights Bureau**

**744 P Street, M.S. 8-16-70**

**Sacramento, CA 95814**

**(916) 654-2107**

**Reviewer**

**Cindy Guzman**

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## CIVIL RIGHTS COMPLIANCE REVIEW REPORT

### I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Kern Aging & Adult Services with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on April 26 – 28, 2011. An exit interview was held on April 28, 2011 to review the preliminary findings.

The review was conducted in the following locations:

| <b>Name of Facility</b>            | <b>Address</b>                                | <b>Programs</b>       | <b>Non-English languages spoken by a substantial number of clients (5% or more)</b> |
|------------------------------------|---|-----------------------|---|
| Lake Isabella Senior Center Office | 6405 Lake Isabella Blvd.<br>Lake Isabella, CA | IHSS                  | Spanish   |
| Mojave Senior Center               | 2340 Highway 58<br>Mojave, CA                 | APS                   | Spanish   |
| Bakersfield Office                 | 5357 Truxtun Avenue<br>Bakersfield, CA        | Case File Review Only | N/A   |

### II. SUMMARY OF METHODOLOGY

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the July 1, 2011 – June 30, 2013 Civil Rights Compliance Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.
- Reviewed the previous Compliance Reviews and Corrective Action Plans submitted by the county.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Survey of program managers
- Case file reviews
- Facility inspections

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

#### Interviews Conducted of Public Contact Staff

| <b>Classifications</b> | <b>Total</b> | <b>Bilingual</b> |
|------------------------|--------------|------------------|
| Adult Program Workers  | 1            | 0                |
| Receptionist/Screeners | 2            |                  |
| <b>Total</b>           | <b>3</b>     | <b>0</b>         |

An additional interview was scheduled but was not conducted due to staff unavailability.

#### Program Manager Surveys

|                               |   |
|-------------------------------|---|
| Number of surveys distributed | 2 |
| Number of surveys received    | 2 |

#### Reviewed Case Files

|  |                                       |
|--|---------------------------------------|
| English speakers' case files reviewed                        | 14                                    |
| Non-English or limited-English speakers' case files reviewed | 39                                    |
| Languages of clients' cases                                  | English, Spanish, Tagalog, Vietnamese |

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of

policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX reviews the county's compliance plan, and provides either approval of the plan as submitted, or lays out additional information to be submitted to gain approval.

Section X of the report is reserved for a declaration of overall compliance.

### III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

#### A. Findings

| <b>Access to Services, Information and Outreach</b>  | <b>Yes</b> | <b>No</b> | <b>Some-times</b> | <b>Comments</b>   |
|--|------------|-----------|-------------------|---|
| Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in? | X          |           |                   | The workers go out to the client's home by appointment and have flexibility to accommodate clients as needed. |
| Does the county have extended hours to accommodate clients?  | X          |           |                   | The workers go out to the client's home by appointment and have flexibility to accommodate clients as needed. |
| Can applicants access services when they cannot go to the office?  | X          |           |                   |   |
| Does the county ensure the awareness of available services for individuals in remote areas?                  | X          |           |                   | The county provides health fairs for seniors through community agencies.                                      |

|   | Yes | No | Some-times | Comments   |
|---|-----|----|------------|--|
| <b>Signage, posters, pamphlets</b>  |     |    |            |  |
| Does the county use the CDSS pamphlet "Your Rights Under California Welfare Programs" (Pub 13)?   |     |    | X          | 6405 Lake Isabella did not have the Pub 13 available in lobby.                                   |
| Is the pamphlet distributed and explained to each client at intake and re-certification?  | X   |    |            |  |
| Is the current version of Pub 13 available in Arabic, Armenian Cambodian, Chinese, English, Farsi Hmong, Japanese, Korean, Lao Mien, Portuguese, Punjabi, Russian Spanish, Tagalog, Ukranian, Vietnamese? |     |    | X          | 6405 Lake Isabella did not have the Pub 13 available.  |
| If the PUB 13 is not displayed in all the languages available, is there a poster that indicates that the Pub 13 is available in all 18 languages?   |     |    | X          | 6405 Lake Isabella did not have the Pub 13 displayed, nor did they have posters posted.          |
| Was the Pub 13 available in large print (English and Spanish), audiocassette and Braille?   |     |    | X          | 6405 Lake Isabella did not have large print or audio of the Pub 13 available.                    |
| Were the current versions of the required posters present in the lobbies?   |     |    | X          | 6405 Lake Isabella did not have the required poster present.                                     |
| Did the workers know the location of the required posters with the Civil Rights Coordinator's name and address?   |     |    | X          | 6405 Lake Isabella was not aware of the required posters.  |
| Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?         |     |    | X          | Mojave had a sign at the accessible counter window in English only stating "Next Window Please". |



## B. Corrective Actions

| Informational Element        | Corrective Action Required  |
|------------------------------|---|
| Distribution of CDSS' Pub 13 | Kern County Aging & Adult shall ensure that the Pub 13 pamphlet, "Your Rights Under California Welfare Programs" is both given and explained to program participants in all of the programs for which CDSS has oversight responsibility.<br>Div. 21-107.221   |
| Translated Pub 13            | Kern County Aging & Adult shall ensure that the current version of the Pub 13 is available in all languages translated by CDSS and that the available translated versions are given to the clients in their primary language.<br>Div. 21-115.2  |
| Auxiliary aids               | Kern County Aging & Adult shall ensure the availability of large print, Braille, and auditory aids for participants in all of the programs for which CDSS has oversight responsibility.<br>Div. 21-115.4  |
| Posters                      | Kern County Aging & Adult shall ensure that the most current version of posters on nondiscrimination provided by CDSS and USDA are prominently displayed in all waiting areas and reception rooms.<br>Div. 21-107.211   |
| Directional signage          | Kern County Aging & Adult shall ensure that instructional and directional signs are posted in waiting areas and other places that are frequented by clients and that where such areas are frequented by a substantial number of non-English-speaking clients, such signage shall be translated into appropriate languages.<br>Div. 21-107.212 and .24 |

The county is required to use the latest version of each of the referenced documents. For your information, the most recent version for each of the above referenced documents is:

|              |  |       |
|--------------|--|-------|
| Pub 13       | "Your Rights under California Welfare Programs"  | 06/11 |
| Pub 86       | "Everyone is Different, but Equal Under the Law" | 03/07 |
| Form AD 475B | "And Justice for All"                            | 12/99 |

Contact the Civil Rights Bureau to receive the most recent versions, or download the Pub 13 from the CRB website [http://www.dss.cahwnet.gov/civilrights/YourRights\\_498.htm](http://www.dss.cahwnet.gov/civilrights/YourRights_498.htm).

#### IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

## A. Findings and Corrective Actions

Facility Location: 6405 Lake Isabella Blvd., Lake Isabella, CA

| Facility Element  | Findings   | Corrective Action  |
|-------------------|--|--|
| Parking           | All Accessible parking signs need the additional sign below the symbol sign ("Minimum Fine \$250.00.")   | For both posted and wall-mounted signage, additional language on symbol sign and an additional sign below the symbol sign shall state "Minimum Fine \$250.00." (CA T24 1129B.4.1) p. 133   |
| Exterior entrance | Main entrance needs the (ISA) International Symbol of Accessibility Sign posted.   | A sign with the international symbol of accessibility shall be at every primary entrance and every major junction indicating the direction along or to accessible features. (CA T24 1127B.3, ADA 4.1.3(16B), CA T24 1117B.5.1) pp 186, 394   |
| Client lobby      | <p>Posters not posted:</p> <p>And Justice for All (# 475B)</p> <p>Everyone is Different, but Equal under the Law (PUB 86)</p> <p>No Pub 13's are available in lobby area.</p> <p>No Pub 13 in Braille,</p> | <p>Posters needed:</p> <p>And Justice for All (# 475B)</p> <p>Current: 12/99</p> <p>Everyone is Different, but Equal under the Law (PUB 86) 03/07, with current CRC information (Div 21-107.211)</p> <p>Pub 13's required in all languages.</p> <p>Current: 03/07 (Div 21-107.221) or 03/10.</p> |

|  |   |                  |
|--|---|------------------|
|  | Audio or Large Print.<br>(Was told they can get it from the Bakersfield Office if needed) | (Div 21-107.221) |
|--|---|------------------|

**C. Facility Location:** 2340 Highway 58, Mojave, CA

| Facility Element | Findings   | Corrective Action  |
|------------------|--|--|
| Parking          | There is no unauthorized parking signage at entrance to off-street accessible parking.                 | Additional sign shall be posted in conspicuous place at entrances to off-street parking facilities, or adjacent to and visible from each space. Sign shall be 17" by 22" min. in size with lettering 1" min. high, stating: "Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____." (CA T24 1129B.5) p. 133 |
|                  | All Accessible parking signs need the additional sign below the symbol sign ("Minimum Fine \$250.00.") | For both posted and wall-mounted signage, additional language on symbol sign and an additional sign below the symbol sign shall state "Minimum Fine \$250.00." (CA T24 1129B.4.1) p. 133   |
|                  |  |  |

|                     |   |                           |
|---------------------|---|---------------------------|
| Threshold Languages | Need directional and Informational Signage Sign on Accessible Counter Window stating "Next Window Please" in the threshold languages. | Regulation Div 21.107-212 |
|---------------------|---|---------------------------|

**V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES**

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services; 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

**A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews**

| Question  | Yes | No | Some-times | Comments   |
|---|-----|----|------------|--|
| Does the county identify a client's language need | X   |    |            | IHSS uses the Soc 293; APS uses the Client Profile Form. |

| Question   | Yes | No  | Some-times | Comments  |
|--|-----|-----|------------|---|
| upon first contact? How?   |     |     |            |   |
| Does the county use a primary language form?   |     | X   |            |   |
| Does the client self-declare on this form?   |     | N/A |            |   |
| Are non-English- or limited- English-speaking clients provided bilingual services?   | X   |     |            |   |
| After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter? | X   |     |            | Kern A & A has 4 bilingual staff in APS, and 14 bilingual SSW's in IHSS. They also use the language line or a court interpreter for translation assistance. |
| Is there a delay in providing services?  |     | X   |            |   |
| Does the county have a language line provider, a county interpreter list, or any other interpreter process?                                      | X   |     |            |   |
| Are county interpreters determined to be competent?  | X   |     |            |   |
| Does the county have adequate interpreter services?  | X   |     |            |   |
| Does the county allow minors to be interpreters? If so, under what circumstances?  |     | X   |            |   |
| Does the county allow the client to provide his or her   | X   |     |            | Good documentation on client using their own interpreter.   |

| Question   | Yes | No | Some-times | Comments |
|--|-----|----|------------|----------|
| own interpreter?   |     |    |            |          |
| Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?  | X   |    |            |          |
| Does the county use the CDSS-translated forms in the clients' primary languages?   | X   |    |            |          |
| Is the information that is to be inserted into NOA translated into the client's primary language?  | X   |    |            |          |
| Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)? | X   |    |            |          |

## B. Corrective Actions

None

## VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

### A. Findings from Case File Reviews and Staff Interviews

| Documented Item  | Adult Programs (IHSS) | Adult Programs (APS) |
|--|-----------------------|----------------------|
| Ethnic origin documentation  | Soc 293               | Client Profile       |
| Primary language documentation   | Soc 293               | Client Profile       |
| Method of providing bilingual services and documentation                           | Journal               | Journal              |
| Client provided own interpreter  | Journal               | Journal              |
| Method to inform client of potential problem using own interpreter                 | Not documented        | Not documented       |
| Release of information to Interpreter  | Not documented        | Not documented       |
| Individual's acceptance or refusal of written material offered in primary language | Not documented        | Not documented       |
| Documentation of minor used as interpreter   | N/A                   | N/A                  |
| Documentation of circumstances for using minor interpreter temporarily             | N/A                   | N/A                  |



| Documented Item  | Adult Programs (IHSS)          | Adult Programs (APS) |
|--|--------------------------------|----------------------|
| Translated notice of actions (NOA) contain translated inserts            | Copy of NOA's retained in file | N/A                  |
| Method of identifying client's disability                                | Journal and Service Assessment | Medical Forms        |
| Method of documenting a client's request for auxiliary aids and services | None noted                     | None noted           |

#### B. Corrective Actions

| Areas of Action   | Corrective Action  |
|---|--|
| Documentation of interpreter signed confidentiality statement | Consent for the release of information shall be obtained from applicants/recipients when individuals other than CWD employees are used as interpreters and the case record shall be so documented.<br>Div. 21-116.24 |

#### VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

## A. Findings

| Interview questions   | Yes | No | Some-times | Comments |
|---|-----|----|------------|----------|
| Do employees receive continued Division 21 Training?  | X   |    |            |          |
| Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint? | X   |    |            |          |
| Does the county provide employees Cultural Awareness Training?  | X   |    |            |          |
| Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?  | N/A |    |            |          |
| Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?             | X   |    |            |          |

## B. Corrective Actions

None

## VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

### A. Findings from Staff Interviews and Program Manager Surveys

| Interview and review areas  | Yes | No | Some-times | Findings  |
|---|-----|----|------------|---|
| Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?                | X   |    |            |   |
| Did the employees know who the Civil Rights Coordinator is?   |     | X  |            | Workers interviewed were not sure who the Civil Rights Coordinator is. One worker stated Ginny Krebs as the investigator. |
| Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint? |     |    | X          | 6405 Lake Isabella worker was not sure about the location of the Civil Rights posters.                                    |
| When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?                           | X   |    |            |   |

### B. Corrective Action

| Element                  | Corrective Action  |
|--------------------------|--|
| Civil Rights Coordinator | Kern County Aging & Adult shall ensure that staff is knowledgeable regarding contact information of the civil rights coordinator, at minimum, where the information can be located.<br>Div. 21-117 and 21-107.21 |

## IX. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The Kern County Aging & Adult Services Civil Rights Compliance Plan for the period July 1, 2011 through June 30, 2013, was received on April 11, 2011. It is approved as submitted.

## X. CONCLUSION

The CDSS reviewer found the Kern County Aging & Adult Services staff warm, welcoming, informative and very supportive. Particular thanks to Lito Morillo, interim Director, and Martin Reynoso, Civil Rights Coordinator, for organizing the details of the review.

The CDSS found the Kern County Aging & Adult Services in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. County staff continues to reflect a commitment similar to that expressed by management with respect to ensuring access, assistance, and compliance.

The Kern County Aging & Adult Services must remedy the deficiencies identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule of all actions that will be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.