

**DEPARTMENT OF HEALTH
AND
HUMAN SERVICES**

**DIVISION OF WELFARE
AND
SUPPORTIVE SERVICES**

ADMINISTRATIVE MANUAL

CHAPTER 500

NONDISCRIMINATION

500 NONDISCRIMINATION

500.1 STATEMENT OF NONDISCRIMINATION

The Nevada State Division of Welfare and Supportive Services provides employment, program assistance and services to persons regardless of race, color, national origin, gender, religion, age, disability (including AIDS and AIDS-related conditions), political belief or sexual orientation according to federal laws and regulations. When the Division of Welfare and Supportive Services (DWSS) pays another agency, institution or person to provide services to clients of the DWSS, the vendor must provide the services regardless of the client's race, color, national origin, religion, gender, age, disability (including AIDS and AIDS-related conditions), political belief or sexual orientation according to federal laws and regulations.

500.2 DISCRIMINATION PRACTICES PROHIBITED

The DWSS will not, directly or through contractual or other arrangements, discriminate on the grounds of race, color, national origin, religion, gender, age, disability (including AIDS and AIDS-related conditions), political belief or sexual orientation by:

- A. Denying an individual any aid, care, service or other benefit provided under its programs;
- B. Providing any aid, care, service or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under its programs, except where made to disabled persons (including AIDS and AIDS-related conditions) in a more effective manner. The disabled person may elect to receive aid, care, services or other benefits in the same manner as other individuals;
- C. Subjecting an individual to segregation or separate treatment in any matter related to his/her receipt of any aid, care, type or quality of service, or other benefit provided under its programs, in the making of appointments or designation of waiting periods;
- D. Restricting or denying any individual in any way from participating in any aid, care, service or other benefit provided under its programs;
- E. Treating an individual differently from others in determining whether he/she satisfies any eligibility or other requirement or condition which individuals must meet in order to receive or continue receiving any aid, care, service or other benefit provided under its programs;
- F. Making any distinction with respect to where services are offered or provided or set aside separate times for the provision of services;

- G. Denying the individual an opportunity to participate in any program as an employee in any case where the employee is disabled or handicapped but is qualified when reasonable accommodations are made; or
- H. Assigning to any of its employees a caseload on the basis of race, color, national origin, gender, religion, age, disability, political belief or sexual orientation of the persons being served, except where such assignment makes assistance or services more accessible to persons, subject to the right of the person not to be so specially treated.

500.3

REASONABLE ACCOMMODATION

The DWSS shall make reasonable accommodation to the known physical limitations of otherwise disabled applicants, program beneficiaries or employees unless an undue hardship on the agency would result. Reasonable accommodation may include: 1) making facilities used by applicants, program beneficiaries or employees readily accessible to and useable and disabled persons, and 2) modifications of equipment or devices, provision of readers or interpreters, and other similar actions. An assessment of need must commence immediately upon request for accommodation.

To ensure effective communication with individuals and companions who are hearing impaired or need language interpretive services, the DWSS provides appropriate auxiliary aids and services free of charge, such as sign language, oral interpreters, telephone handset amplifiers, note takers, written materials and TTYs. For assistance, contact the Customer Service Unit supervisor at (775) 684-0616 or 1-800-992-0900 (voice) or 1-800-326-6888 (TTY).

It is the agency's responsibility to give primary consideration to the accommodation requested by the disabled applicant, program beneficiary or employee, unless the agency can demonstrate that another equally effective accommodation is available. If the accommodation results in an undue hardship on the agency, every alternative solution shall be pursued.

500.4

OTHER AGENCIES, INSTITUTIONS, ORGANIZATIONS AND CONTRACTORS

Other agencies, institutions, organizations and contractors participating in DWSS programs, through contractual or other arrangements, must comply with the acts, regulations, laws and the Statements of Compliance filed by the DWSS as a condition to their initial or continued financial participation in the program. This will be accomplished through:

- A. Clearly written requirements of federal laws and regulations and the policies and undertakings of the DWSS to implement these requirements; and
- B. Requiring any other agency, institution, organization or contractor which conducts any activity or furnishes services under a subgrant, contract or other arrangement to assure such activity will be conducted or such services will be furnished in accordance with the Division's obligations in its Statements of Compliance.

The Division will make every assurance of the vendor's compliance with the requirements of applicable laws and regulations to ensure continued availability of needed goods and services to the Division's clients. Staff will recommend to the Administrator that the Division discontinue its use of and payments to a vendor who has a record of violations of clients' rights. The availability of alternate sources for the vendor's goods or services will not be the principal justification in the Administrator's decision.

500.5 DISSEMINATION OF INFORMATION

The DWSS has the responsibility to inform applicants, recipients, clients, participants, licensees, vendors and other interested persons that employment, assistance and other benefits are provided on a nondiscriminatory basis, as required by applicable federal laws and regulations, and of their right to file a complaint with the DWSS or federal agency, or both, if they believe discrimination on the basis of race, color, national origin, gender, religion, age, disability, political belief or sexual orientation is being practiced.

- A. Each applicant for aid shall receive a notice of rights and obligations in regard to receipt of assistance as part of his/her application or redetermination process.
- B. The agreement between the DWSS and physicians or other vendors of medical or remedial care items must specify provider and DWSS responsibilities under applicable federal laws and regulations.
- C. Each DWSS district office must post and maintain, in an area accessed by the public, the Division's "Discrimination Complaint Policy and Procedures," Form 6513-AP, and provide a copy to any person when requested.

500.6 INTERPRETIVE SERVICES REQUESTS

The Division provides interpretive services for both foreign and sign languages.

500.6.1 SIGN LANGUAGE INTERPRETER REQUESTS

To request a sign language interpreter for a scheduled appointment, the case manager/division employee must e-mail the request to Welfare – Interpretive Services under Welfare Groups in the Outlook address book at least two working days prior to the date of the interview/appointment. The request must include the type of interpretive service needed, the date and time of the interview/appointment, the name of the client, the office in which the interview/appointment will be held, the type of interview/appointment to be conducted, estimated length of the interview/appointment, name of the employee who will be conducting the interview/appointment and the direct telephone number of the employee.

The Eligibility and Payments unit clerk will contact the appropriate interpreter and confirm the appointment with the case manager/division employee. Once the request is received and processed, the case manager/division employee will receive a confirmation. If the case manager/division employee does not receive a confirmation within one working day, a second request should be sent.

Once the in-person interview has been conducted, the case manager/division employee **must** complete Section I of Form 2034-WG and have the interpreter complete Section II. Once Sections I and II are completed, both the case manager/division employee and the interpreter must acknowledge the information provided by signing the bottom of the form. A photocopy of this form must be given to the interpreter for submission with their invoice for payment AND the ORIGINAL mailed, faxed or scanned to Eligibility and Payments in Central Office to verify the services of the interpreter. If a confirmed interpreter does not show for the appointment, notify Welfare-Interpretive Services the same day via e-mail.

If the client cancels the appointment, notify the Eligibility and Payments unit clerk at (775) 684-0615 of the cancellation as soon as possible.

NON-DWSS EMPLOYEES PROVIDING INTERPRETIVE SERVICES – All non-DWSS employees who provide in-person interpretive services must attest to their status as an employee of the State of Nevada. At each interview, the case manager/division employee must inquire if the non-DWSS employee is currently an employee of the State of Nevada. Any interpreter providing in-person interpretive services for the first time must complete page 2 of Form 2034-WG verifying current State of Nevada employment status. Failure to complete and submit page 2 of Form 2034-WG will result in non-payment for the services provided.

500.6.2 NON-ENGLISH SPEAKING (FOREIGN LANGUAGE) INTERPRETIVE REQUESTS

All interpretive services needed for clients who speak a language other than English, will be conducted using CTS LanguageLink through a telephone conference or by using DWSS employees assigned to an office, who are bi-lingual, whenever possible. This applies to all pre-scheduled appointments as well as those circumstances where immediate interpretive services are needed. CTS LanguageLink will assist in setting up conference calls for interviews conducted on the telephone.

To access CTS LanguageLink services, follow the procedures located at G:\WILLCALL\InterpretiveServices\CTSLanguageLinkProcedures.

Once the call is completed with CTS LanguageLink, all areas of Section I of Form 2034-WG must be completed and the case manager/division employee must sign the form. Section II and page 2 do not need to be completed when CTS LanguageLink is used. Once the form is completed, it must be forwarded to Eligibility and Payments in Central Office the same business day the service is used.

It is imperative that **any** case manager/employee of DWSS accessing the CTS LanguageLink services, for any length of time, complete the Confirmation of Interpretive Services form including the program which the household is applying for or receiving. It is also imperative that staff become familiar with the procedures for CTS LanguageLink including the use of DWSS's account number and the appropriate access code for each office and any associated units.

501 PROCEDURAL RESPONSIBILITIES

501.1 WHERE TO FILE A NONDISCRIMINATION COMPLAINT

Anyone alleging an employee of the Division or any of its vendors violating nondiscrimination provisions is requested to report such violation promptly to the nearest DWSS district office; the Nevada State Division of Welfare and Supportive Services Administrator, 1470 College Parkway, Carson City, Nevada 89706-7924, (775) 684-0500; or the U.S. Office for Civil Rights (OCR), Department of Health and Human Services, 90 7th Street, San Francisco, California 94102, (415) 437-8310, toll free 1-800-368-1019, or TDD (415) 437-8311.

SNAP discrimination complaints may be filed with the Secretary of Agriculture or Administrator, Food and Nutrition Service, Washington, D.C. 20250 or USDA, Director, Office of Civil Rights, Room 326 W. Whetten Bldg., 14th and Independence Avenue, SW, Washington, D.C. 20250-9410. Individuals with disabilities requiring alternative means of communication (Braille, larger print, audio tapes, etc.) may contact the Target Center at (202) 720-2600 (voice and TDD).

Any individual, including applicants and recipients and representatives of aggrieved persons, may file a complaint at any office of the DWSS. If the complaint is filed in a DWSS district office which does not have jurisdiction in the geographic area where the alleged discriminations took place, it shall be forwarded immediately to the appropriate district office.

501.2 PROCEDURES FOR FILING A COMPLAINT - DIVISION STAFF

Whenever an instance of a discriminatory practice becomes known to any DWSS employee, it shall be reported through regular supervisory channels to the Division administrator.

The report shall contain all specifics needed for a preliminary determination by the Division administrator as to the most effective means of obtaining compliance. A report shall also be made of any corrective action (however informal) taken by the DWSS district office or other Division staff and the result, if any, of such action.

501.3 PROCEDURES FOR FILING A COMPLAINT - CLIENTS

Persons wishing to file a discrimination complaint under the provision of applicable laws and regulations must do the following:

- A. Any person(s) who believes he/she has been subjected to discrimination on the basis of race, color, national origin, gender, religion, age, disability (including AIDS and AIDS-related conditions), political belief or sexual orientation may file a grievance under this procedure. It is unlawful for the Division to retaliate against anyone who files a complaint/grievance or cooperates in the investigation of a complaint/grievance.
- B. Grievances must be submitted to the appropriate DWSS district office within 180 days of its alleged happening.
- C. Any complaint/grievance must be in writing and directed to the appropriate office manager containing the name and address of the person ("the grievant") filing the complaint/grievance. Encourage the client to complete Form 2174-EG or the grievant must state in writing:

1. when (date and time) and where (location) the alleged discrimination took place;
 2. person(s) involved and circumstances related to the occurrence;
 3. the problem or action alleged to be discriminatory; and
- D. The complaint may be received by any employee of the Division for purposes of forwarding to the responsible office manager.
- E. The availability and use of this grievance procedure does not preclude a person from filing a complaint of discrimination on the basis of race, color, national origin, gender, religion, age, disability (including AIDS and AIDS-related conditions), political belief or sexual orientation with the U.S. Office for Civil Rights (OCR), Department of Health and Human Services, 90 7th Street, San Francisco, California 94102, (415) 437-8310 (voice), (415) 437-8311 (TDD), or toll free 1-800-368-1019.

If the complainant (for reasons of confidentiality) does not wish to have his/her name used as the person submitting the complaint, any staff member within the DWSS may be given all the details related to the occurrence, and submit the complaint in writing on behalf of the complainant.

501.4

DISTRICT OFFICE ACTION UPON RECEIPT OF A COMPLAINT

When a discrimination complaint is received by any DWSS employee, the complaint shall be immediately forwarded to the responsible office manager, who must conduct an investigation and take appropriate action. A copy of the complaint shall also be forwarded immediately to the Staff Specialist in the DWSS Administrator's Office.

- A. The appropriate office manager shall conduct an investigation and draft a written decision within 20 days of the receipt of the complaint/grievance.
- B. This draft, and all supporting documentation, shall be forwarded to the Administrator's Staff Specialist for review and approval prior to the decision being finalized and sent to the originator of the complaint.
- C. The office manager must prepare and keep (and have available for federal audit) a chronological log (Form 2176-EG), with commentary for all complaints of discrimination received. Such a log must show the date the claim was received by the DWSS, date received by the office manager, dates of any and all action taken, mailing date of the office manager's final decision letter, and the dates copies of the complaint and final decision letter were mailed to the DWSS Civil Rights Coordinator (CRC). All decisions must be in writing, and include an appeal provision.
- D. Once finalized, copies of all complaints and decision letters must be sent to the CRC in Central Office. The CRC forwards a copy of all decisions to the appropriate Civil Rights Office.
- E. If an office manager makes a finding of discrimination, he/she must immediately contact the Division of Welfare and Supportive Services CRC to ensure immediate discipline or counseling for the DWSS employee and/or corrective action is taken.

502 APPEALS

If the complainant is not satisfied with the office manager's decision, the complainant may appeal directly to either the Secretary of Agriculture, Washington, D.C. 20250, the U.S. Commissioner of Welfare, Washington, D.C. 20201; the Administrator of Food & Consumer Services, USDA, 90 7th Street, San Francisco, California 94102; or the Office of Civil Rights (OCR), Department of Health and Human Services, 90 7th Street, San Francisco, California 94102, (415) 437-8310, toll free 1-800-368-1019, TDD (415) 437-8311.

503 RECORD KEEPING

503.1 RECORDS AND REPORTS

The law requires Division of Welfare and Supportive Services management keep, at all times, currently informed of all instances when DWSS clients were or may have been subjected to discrimination.

The DWSS must maintain records and submit reports as may be required by the federal government to ensure compliance with regulations, and must permit access, by appropriate federal officials during normal business hours, to such of its facilities, records, and other sources of information as may be pertinent to determine compliance with the regulations.