


Civil Rights Training For DHS State Office Staff

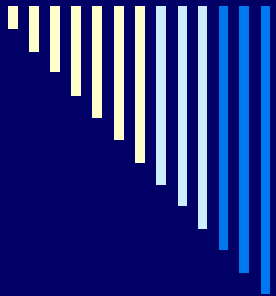




Welcome to the Civil Rights Review
Training presented by the
Department of Human Services

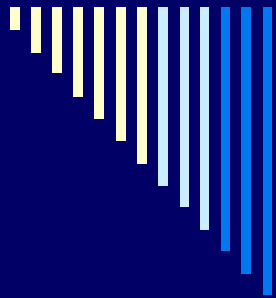
This training is required annually
for all staff who are involved in the
administration of DHS Programs





Training is required so that everyone involved in the administration of programs that receive federal financial assistance understand civil rights related laws, regulations, procedures and directives





DHS receives financial assistance to operate its programs from the following federal agencies:

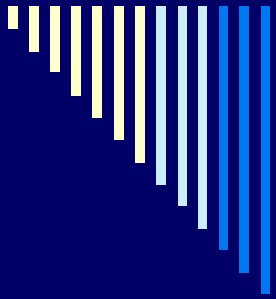
The United States Department of Agriculture (USDA),

The Department of Health and Human Services (DHHS), and

The Department of Education (DOE).

Because of this financial assistance, these federal agencies also monitor compliance with all civil rights laws.





The civil rights laws, and the policies of the federal agencies, prohibit any program or activity receiving federal financial assistance to discriminate in the provision of services or benefits on the basis of any of the following protected classes -

Race

Sex

Color

Age

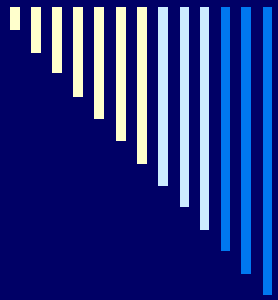
National Origin

Disability

Religious Creed

Political Beliefs

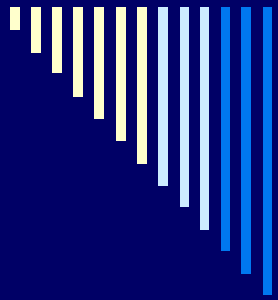




This means that, because the Department receives federal funds to operate its programs, we cannot, on the basis of any protected class, do any of the following:

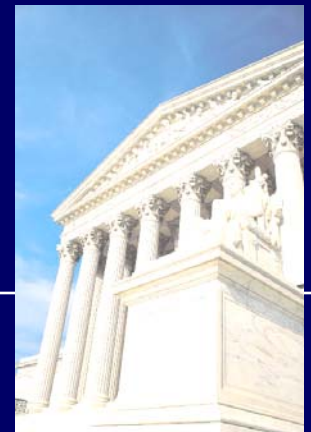
- Deny services, financial aid or other benefits;
 - Provide different services, financial aid or other benefits, or provide them differently from those provided to others in the program; or
 - Segregate or treat individuals separately in any way in their receipt of any service, financial aid or benefit.





Although the civil rights laws only provide protection for the specified protected classes, it is the policy of the Department to provide fair and equitable treatment to every applicant and client.

Accordingly, the Department will not discriminate on the basis of sexual orientation, marital or family status, or parental status even though these classes are not entitled to civil rights protection.



So...what does this mean for DHS staff?

It means that DHS is in the business of aiding those in need of assistance. That's what we do.

We strive to provide benefits in a equitable manner and do not limit or alter our services based upon race, color, age, religion, sex, disability, national origin or political beliefs.

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*** RETURN FROM HELP FUNCTION ***
09/07/10 14:31:10
NAME: JOHN Q PUBLIC
APPLICATION MEMBER INFORMATION
DATE: 09/07/10
TIME: 14:31
MEMBER ID: 888210236
RELATIONSHIP TO APPLICANT: 01 LANGUAGE: 04 HISPANIC/LATINO? 3
AMERICAN INDIAN/ALASKA NATIVE: 02AN AZIAN: 03BLACK/AFRICAN AMERICAN: X
NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER: 05WHITE: 06
IS RELATIONSHIP TYPE? IF A STAY CASE, HAS HE/SHE BEEN OUT OF STATE?
- HAS HE/SHE COMMITTED AND BEEN CONVICTED OF A DRUG FELONY AFTER 8/22/96?
- IF YES, COMPLETED OR IN CHEMICAL DEPENDENCY PROGRAM OR PREGNANT?
VERIFY SOURCE: DATE:
- IS HE/SHE A FLEEING FELON OR A PROBATION/PAROLE VIOLATOR?
- IS HE/SHE A VISA CITIZEN? IF NOT, ENTER ALIEN REG NUMBER
DATE ADMITTED/CERTIFIED VERIFY SOURCE: DATE:
- IS HE/SHE ELEMENTARY STUDENT LIVING WITH PARENT/PARENTAL CONTROL?
- DID HE/SHE RECEIVE PS IN ANOTHER STATE? MAG: APR:
ARE RESOURCES NEEDED FOR THIS MEMBER FOR A QMS DETERMINATION?
- IS HE/SHE RECEIVING SSI? RECEIVED: DATE:
- HAS HE/SHE RECEIVED ASSISTANCE IN ANOTHER STATE SINCE 10/96?
HAS HE/SHE FAILED TO COOPERATE IN VERIFYING SSI?
SSN VERIFY SOURCE: DATE: DATE OF BIRTH VERIFY SOURCE: DATE:
IDENTIFY VERIFY SOURCE: DATE: RELATIONSHIP VERIFY SOURCE: DATE:

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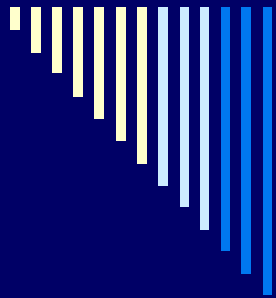




Requirements

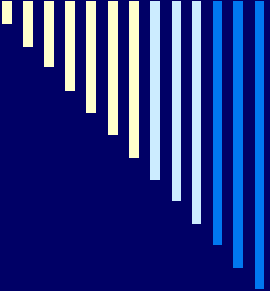
□ WE MUST:

- comply with civil rights regulations
 - train staff annually
 - train all new employees
 - provide language assistance
 - have a compliance officer
 - provide a process on how to deal with civil rights complaints
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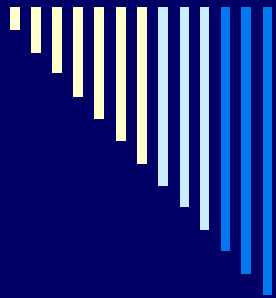
All state and local agencies must comply with USDA regulations on non-discrimination and the following requirements when training their staff:

- Collection and use of data**
- Effective public notification systems**
- Complaint procedures**
- Compliance review techniques**
- Resolution of noncompliance**
- Requirements for reasonable accommodation of persons with disabilities**
- Requirements for language assistance**
- Conflict resolution**
- Customer service**



Examples of Illegal Discrimination

- ❑ Denying benefits or opportunities to participate in DHS programs
 - ❑ Providing different services/benefits
 - ❑ Providing services/benefits in a different manner or in a segregated environment
 - ❑ Restricting privileges
 - ❑ Using policies/procedures that have the effect of discriminating.
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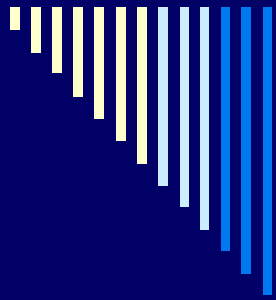


For additional information on civil rights laws and regulations, you can contact the following federal agencies -

**USDA, Regional Director, Office of Civil Rights,
61 Forsyth St., SW, Room 8T36, Atlanta, GA 30303-8909
1-(866) 632-9992(voice)/ (202)720-6382(TDD)**

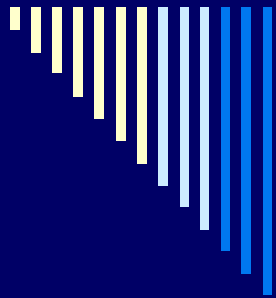
**HHS, Director, Office for Civil Rights, Atlanta Federal Center,
Suite 3B70 61 Forsyth Street, S.W. Atlanta, GA 30303-8909
1-877-696-6775(voice)/ 1-(800) 537-7697(TDD)**

**U. S. Department of Education, Atlanta Office, Office of Civil
Rights, 61 Forsyth St. S.W., Suite 19T70 Atlanta, GA. 30303-
3104 U.S. 1-800-421-3481(voice)/1-877-521-2172(TDD)**



Collection and Use of Data

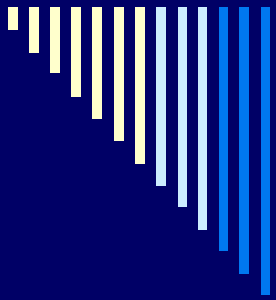




A very important part of DHS program administration is the collection and reporting of data. This is necessary to:

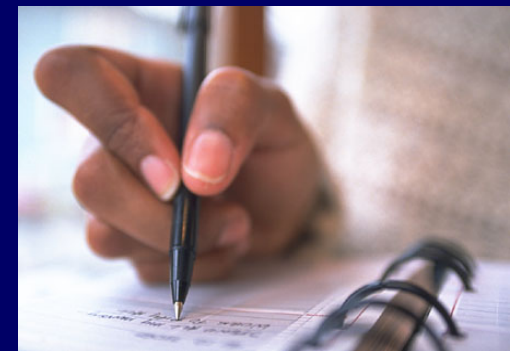
- ❑ Determine how effectively the programs are reaching potentially eligible persons and beneficiaries,**
- ❑ Identify areas where additional outreach is needed,**
- ❑ Assist in the selection of locations for compliance reviews, and**
- ❑ Complete reports, as required.**

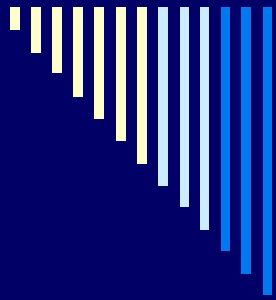




State and local agencies are required to obtain data by race and ethnic category on potentially eligible populations, applicants, and participants in their program service area.

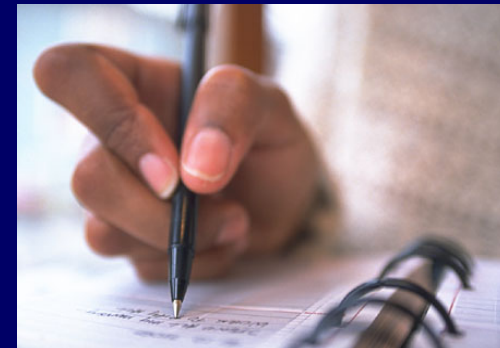
Systems for collecting actual racial and ethnic data must be established and maintained for all programs. For DHS, we utilize the ACCENT system for this function.

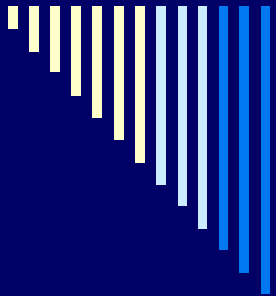




Ask all program applicants and participants to identify all racial categories that apply.

Self-identification or self-reporting is the preferred method of obtaining data





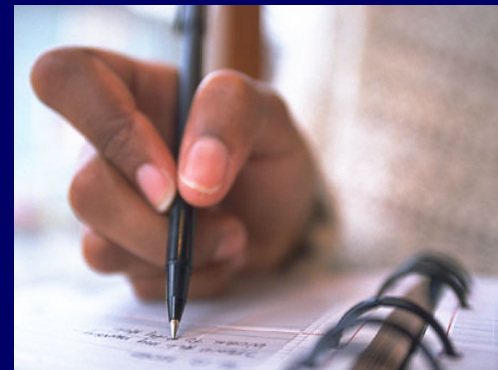
Respect for individual dignity should guide the methods and process of collecting data and ethnicity.

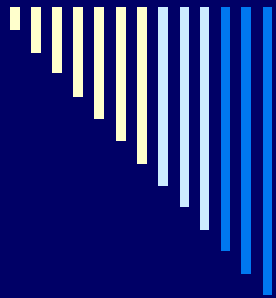
Ideally, respondent self-identification should be facilitated to the greatest extent possible.

Program applicants may not be required to furnish race or ethnicity.

Visual observation will be used when the applicant does not self-identify.

Note: if the applicant declines to self-identify, the applicant should be informed that a visual determination of his/her race and ethnicity will be made and recorded by the system

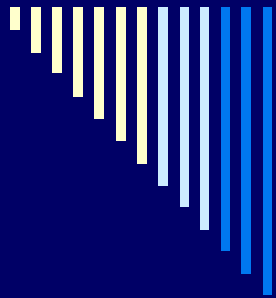




“This information is requested solely for the purpose of determining the State’s compliance with federal Civil Rights laws, and your response will not affect consideration of your application. Your information will be protected and by providing this information you will assist us in assuring that this program is administered in a nondiscriminatory manner.”

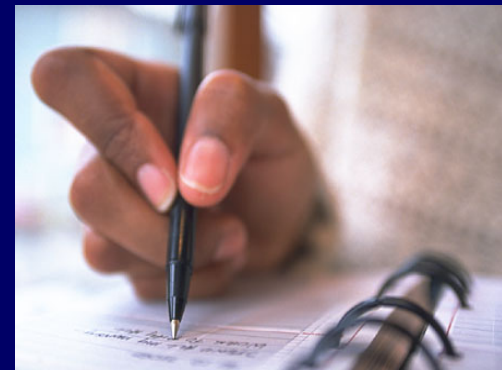
Note: This is an example that may be utilized when soliciting characteristic data from a program applicant/participant.

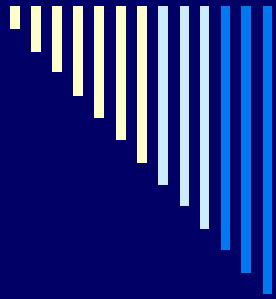




And finally, the data collection system must ensure that data collected about applicants/participants is:

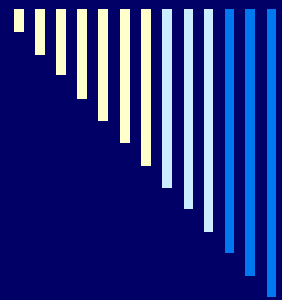
- Collected and retained by the service delivery point for each program as specified in program regulations, instructions, policies and guidelines**
- Based on documented records and maintained for 3 years**
- Maintained under safeguards that restrict access of records only to authorized personnel and**
- Submitted as requested to federal agencies**





Effective Public Notification Systems

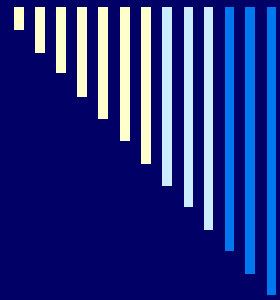




□ All DHS programs must include a public notification system.

- The purpose of this system is to inform applicants, participants, and potentially eligible persons of:
- program availability,
 - program rights and responsibilities,
 - the policy of nondiscrimination, and
 - the procedure for filing a complaint.





3 Elements of Public Notification

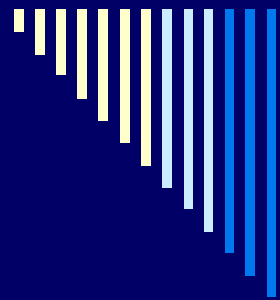
1. Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.

2. Complaint Information

Advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.



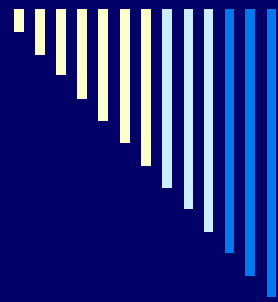


3 Elements of Public Notification

3. Nondiscrimination Statement

All information materials and sources, including web sites, used by DHS, local agencies, or other subrecipients to inform the public about DHS programs must contain a nondiscrimination statement. The statement is not required to be included on every page of the program web site. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.

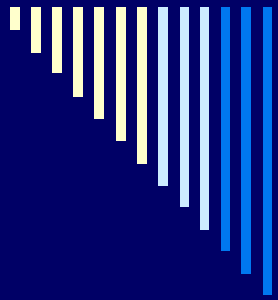




Methods of Public Notification

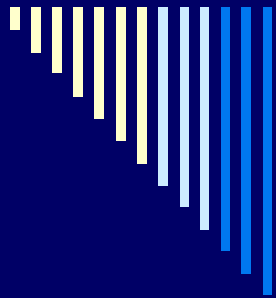
- ❑ Prominently display the “And Justice for All” poster.
- ❑ Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs.
- ❑ Provide appropriate information in alternative formats for persons with disabilities.
- ❑ Include the required nondiscrimination statement on all appropriate DHS publications, web sites, posters and informational materials.
- ❑ Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information.





Requirements for Reasonable Accommodation of Persons with Disabilities

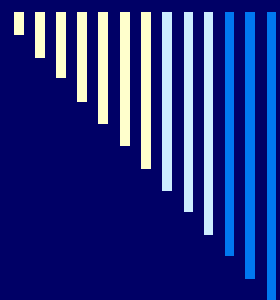




Requirements for Reasonable Accommodation of Persons with Disabilities

DHS may not discriminate against any qualified individual with a disability in providing services or administering any program or activity, whether or not the program receives federal financial assistance. In general, an individual with a disability is “qualified” if that person meets the essential eligibility requirements for receipt of services or participation in the program or activity. DHS may not refuse to allow a person with a disability to participate because the person has a disability. It may be necessary to make reasonable accommodations to allow participation. DHS may not harass a program participant or applicant based on a disability.





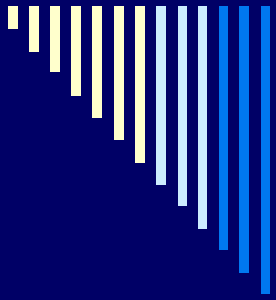
Examples of ADA Non-Compliance:

- The director of a day care program which includes children of Families First participants who are attending employment training programs may not refuse to accept children who have emotional problems or who take medication for their disabilities.
- A county DHS office may offer an alternate site for an eligibility interview at the Community Mental Health Center for those with mental disabilities. However, the office may not require people with mental disabilities to go to an alternate site for interviews.



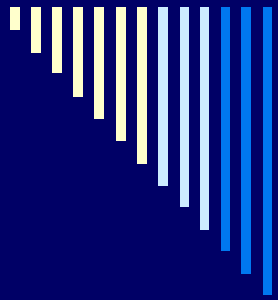
Examples of ADA Compliance:

- If an individual with a disability, with or without reasonable accommodation, is unable to perform the essential functions of an available job, the Department should seek alternative solutions. As appropriate, the work activity contractor may intervene with an employer to determine if specific job functions are essential and what, if any, accommodations can be made to assist the client.
 - Families First recipients with disabilities may not be prohibited from work activities, education, or training opportunities based on assumptions that such individuals are not qualified to participate in training or work.
-



Requirements for Language Assistance

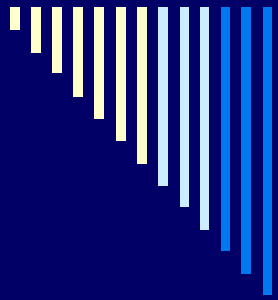




Requirements for Language Assistance

Limited English Proficiency (LEP) and language access issues are connected to the Civil Rights Act through a 1974 Supreme Court decision, which found that the Civil Rights Act also prohibits conduct that has a disproportionate effect on LEP persons because such conduct amounts to national origin discrimination.



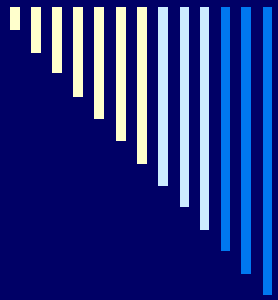


Requirements for Language Assistance

To ensure that our Department is meeting these requirements, DHS has adopted some basic elements of practice that assure meaningful language access to LEP persons. These are:

- Notification
- Cost
- Timeliness
- Competence
- Documentation and
- Confidentiality



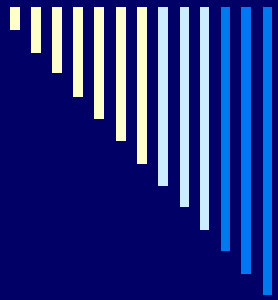


Requirements for Language Assistance

Notification

Clients must be notified in their primary language that interpretation and translation services are available at no charge to them.

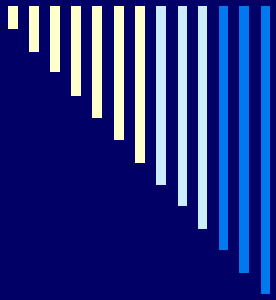




Requirements for Language Assistance

Notification cont.

- This is done through interaction with the client, posters in the cubicles of staff members that list various languages offered, and staff members who have been assigned to assist our LEP clients in offices throughout the state.
- Please be sensitive when offering this option to our clients. Do not assume by appearances alone that someone will need to use these services as this can be seen as offensive. However if you believe, during the course of introductions or during the application process, the client is struggling to understand, please immediately inform the client that we offer interpretation services at no cost if they would feel more comfortable using those services.

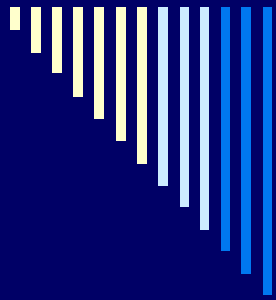


Requirements for Language Assistance

Cost

Interpreter and/or translation services must be provided at no cost to the customer.



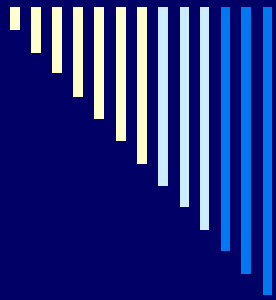


Requirements for Language Assistance

Timeliness

Services must be provided to meet the language access needs of the customer, but without unreasonable delay.



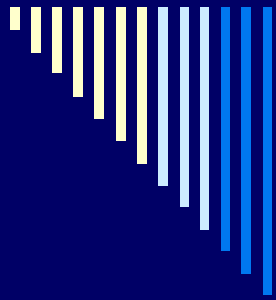


Requirements for Language Assistance

Competence

Not all bilingual persons have the vocabulary or the ability to interpret in and out of English in every context. Interpreters should have some qualification of competence in the language they are interpreting.



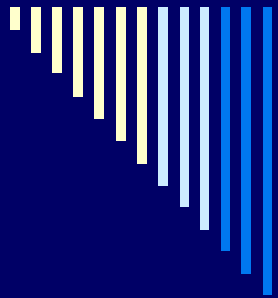


Requirements for Language Assistance

Documentation

Efforts to comply with LEP policies need to be fully documented in the customers' case/electronic file

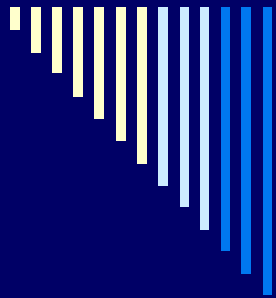




Requirements for Language Assistance

IMPORTANT:

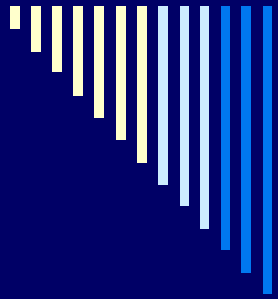
Department of Human Services staff (including staff of contract vendors) shall not require or suggest that customers with limited English proficiency use friends, children, or family members as interpreters because this could compromise service effectiveness and result in breach of confidentiality. However, if the person with limited English proficiency declines free service and asks to use a relative or friend, staff must document in the customer's file that the offer was declined and then require that a qualified interpreter sit in on the interview to ensure accurate interpretation during the interview process.



Services the Department uses for Language Assistance

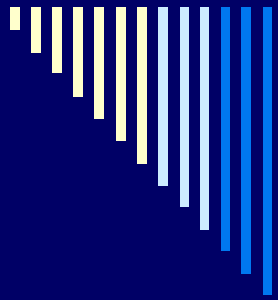
Currently our Department has contracts with the following organizations to provide language assistance to our clients:

- **WWI (WorldWide Interpreters) for interpreter services**
 - **Tennessee Foreign Language Institute**
 - **Individual volunteers in the community who sign up to work for the Department (please see your area coordinator for a list of those who are in your area)**
 - **Bridges Refugee and Settlement Services (East Tennessee field offices)**
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COMPLAINTS OF DISCRIMINATION

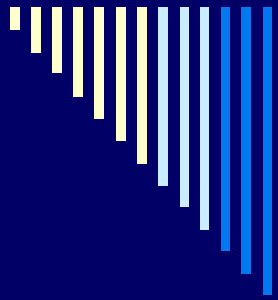




COMPLAINTS OF DISCRIMINATION

All complaints alleging discrimination on the basis of race, color, national origin, age, sex, disability or religious or political beliefs must be processed within the timeframes established by Department regulations and agreements



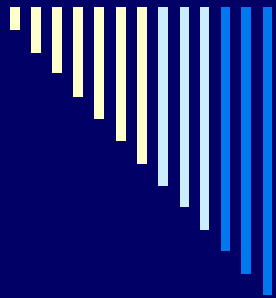


COMPLAINTS OF DISCRIMINATION

Right to File:

Any person or representative alleging discrimination based upon a prohibitive basis has the right to file a complaint within 180 days of the alleged discriminatory act





COMPLAINTS OF DISCRIMINATION

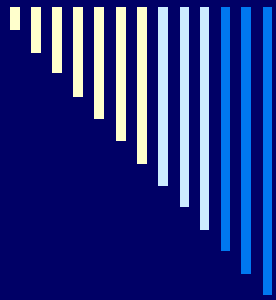
Acceptance:

All complaints, written or verbal, regarding Food Stamp/Food Program must be forwarded to the Civil Rights Compliance officer who will then forward the complaints to the regional FNS office.

All other program complaints, written or verbal i.e.(TANF, Child Support, and Ten care/Medicaid) need be forwarded to the Civil Rights Compliance Officer located in the of the Office of General Counsel.

Anonymous complaints will be handled the same as others to the extent feasible





COMPLAINTS OF DISCRIMINATION

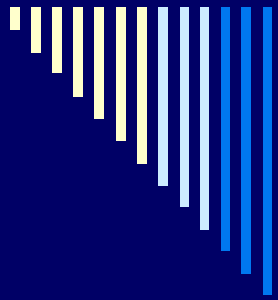
Forms:

All TDHS complaint forms can be found on TDHS internet, intranet, and the (under the OGC web link) Groupwise Default Library.

These forms include the DHS Complaint form(HS-2631), Initial Investigation form(HS-2632) Withdrawal of Complaint Form(HS-2633), and DHS Appeal of discrimination form(HS-2634)

The use of such forms must not be a prerequisite for the acceptance of a complaint.



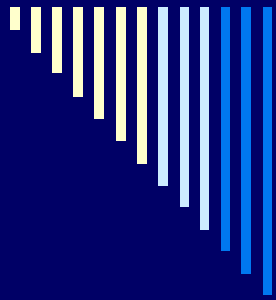


COMPLAINTS OF DISCRIMINATION

Verbal Complaints:

In the event of a verbal complaint and the complainant refuses or is not inclined to place the allegation in writing, the person to whom the allegations are made must write up the elements for the complaint. Every effort should be made to have the complaint provide the following information:





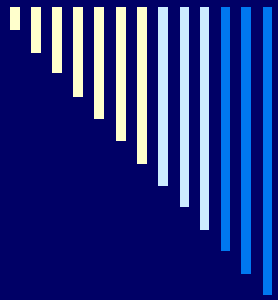
COMPLAINTS OF DISCRIMINATION

Verbal Complaints:

- Name, address and phone number of the complainant
- Location and name of the agency providing the services
- Nature of the incident that led the complainant to feel discrimination was a factor

continued...



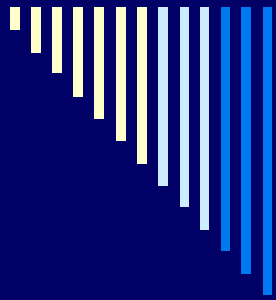


COMPLAINTS OF DISCRIMINATION

Verbal Complaints:

- The basis on which the complainant feels discrimination exists
- The names, phone numbers titles and business and personal addresses of persons who may have knowledge of the alleged discriminatory action and
- The date the action occurred (or duration if continuing)

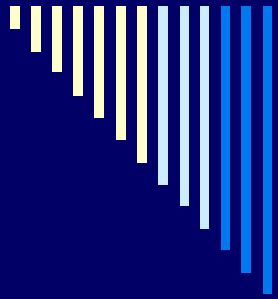




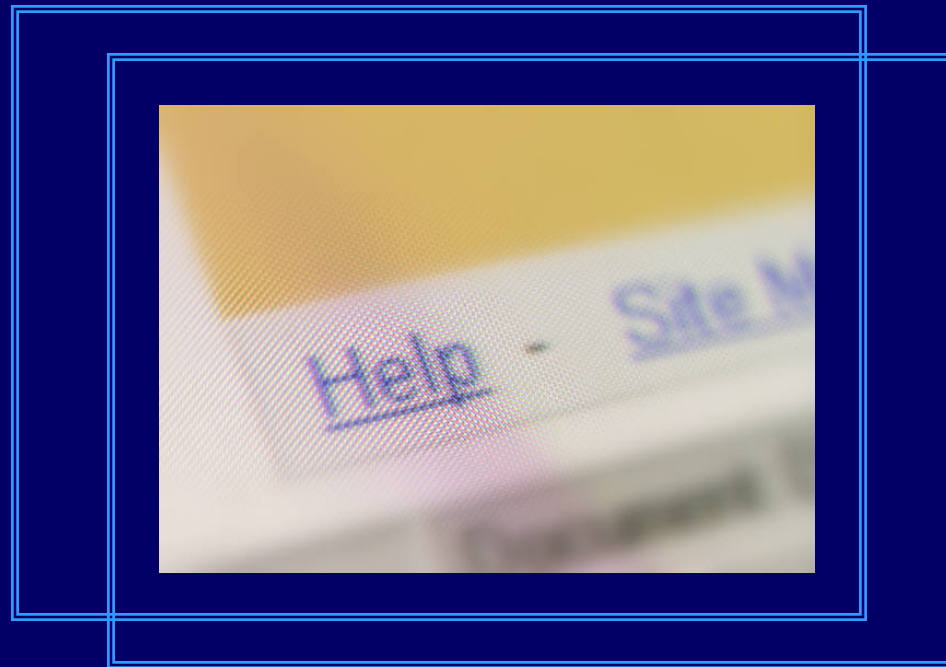
Once the Complaint is Received

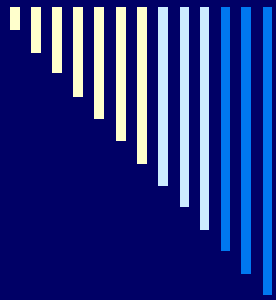
- **Civil Rights Compliance Officer requests information from regional office to either support or refute allegations; then it is reviewed and evaluated and a decision is rendered in the case**
- **All complaints must be processed within 90 days of receipt**
- **The parties are encouraged to resolve the issue at the lowest possible level and as expeditiously as possible**
- **Recommends corrective action when necessary**





Customer Service

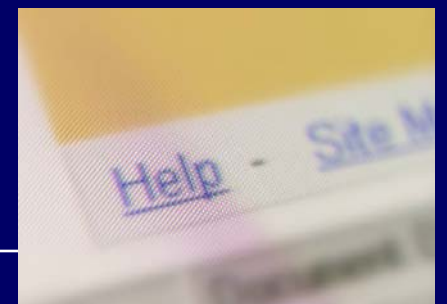


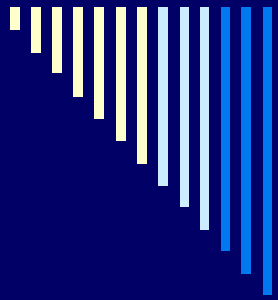


Customer Service

While civil rights issues are a matter of law, we, in the Department of Human Services are in the business of serving people and meeting their needs during challenging times in their lives.

The foundational elements of civil rights legislation should be reflected in every contact we have with the public.



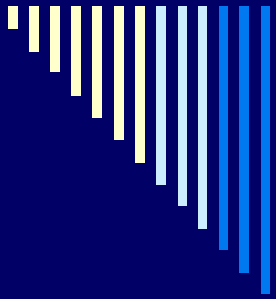


Customer Service

These foundational elements are the basis of our customer service:

- All people deserve respect
- All people are entitled to fairness and equity in the delivery of our services and benefits
- Personal judgments or feelings regarding race, color, country of origin, religious and political beliefs, sex, disabilities and age have no place in the determination of how we serve people and the benefits we provide



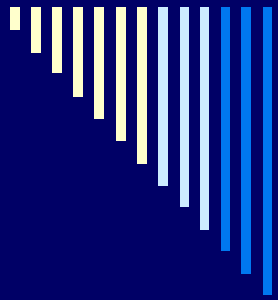


Customer Service

In addition to these foundational elements, customer service has some basic best practices that need to be part of every customer interaction. These are:

- Prompt Attention
- Active Listening
- Willingness to Assist
- Personal Accountability
- Respectful Address
- Fairness



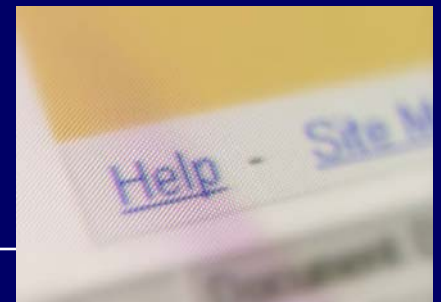


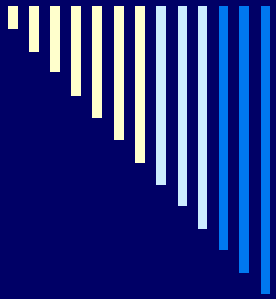
Customer Service

Prompt Attention

This is the way we all want to be received. Whether we have a set appointment or arrive at a business (store, restaurant or office) unannounced, we want our presence acknowledged and prompt services.

In DHS, we know we often cannot serve customers as soon as they walk in as we are serving other customers. Yet, nothing prevents us from taking a moment to acknowledge a customer's arrival and to give them an estimate of the expected wait time



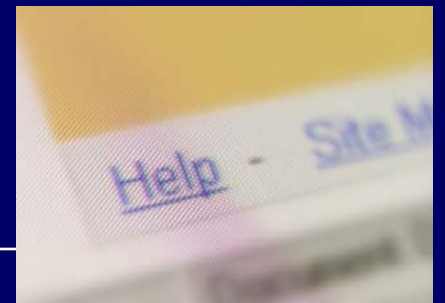


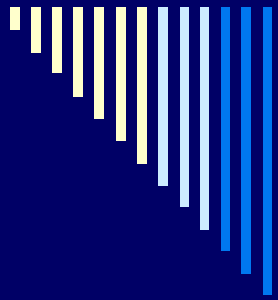
Customer Service

Prompt Attention

By doing this, we let the customer know we are aware of their presence and provide them with the option of waiting or scheduling a time that would work better for them.

This action respects the customer's time and decision making capacity and lets them know we feel they matter.





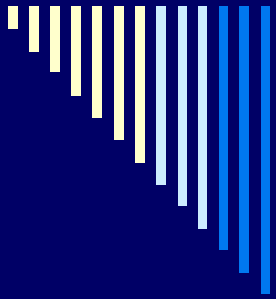
Customer Service

Willingness to Assist

Have you ever been to a business and felt as if you were more of an intrusion to them than a valued customer? How did you feel?

Most of the people who visit our offices would prefer not to be there at all. Should we not extend to them a feeling that we are there for them and willing to help at a time they need it most?





Customer Service

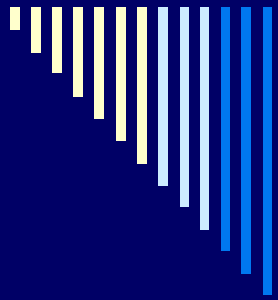
Willingness to Assist

This is as simple as asking, “What can we do for you today?” or “How can I help you?”

Even if the customer is in the wrong place or does not qualify for our services, we can always make referrals or find other ways to serve someone whose life may be in turmoil.

It’s a simple thing that can make a big difference in someone’s life.





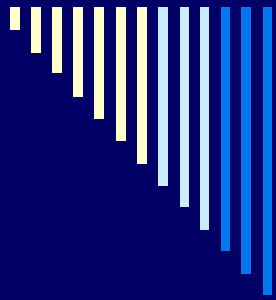
Customer Service

Respectful Address

This is simple. How difficult is it to say “Sir” or “Ma’am” ? It is an easy thing to do and conveys respect to those you address.

This extends to using someone’s name as well. Unless you’ve asked permission to address someone by their first name, use their last name (Mr. Smith, Ms. Lopez) when you address them. Again, this is a simple thing that we often overlook.





Customer Service

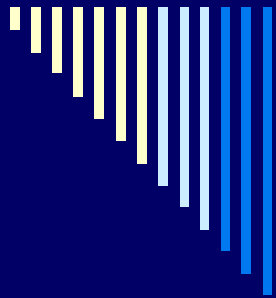
Active Listening

We've all heard this term, but what does it mean?

Active listening requires that we:

- Allow the speaker to express their complete thought without interruption
- Eliminate distractions
- Lean forward and make eye contact
- Paraphrase to ensure understanding
- Avoid rehearsing what you will say when the other person is speaking



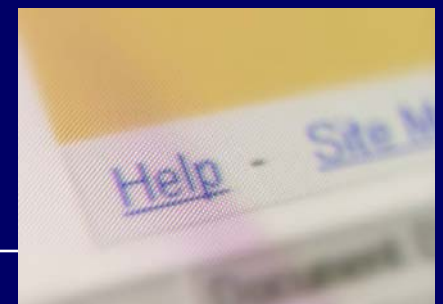


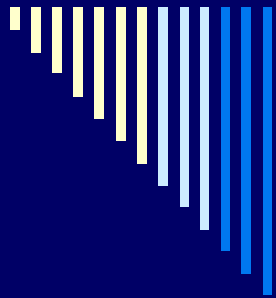
Customer Service

Active Listening

When active listening is ignored we can easily make false assumptions, form prejudgments and make decisions based upon incorrect information.

Active listening can best be described as getting involved in what the other person is saying.

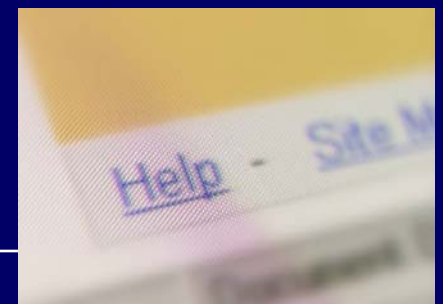


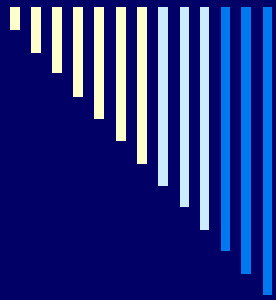


Customer Service

Personal Accountability

This is a simple principle, if you say you are going to do something, do it. Your word is your commitment. If you promise to call someone back, make that call. If you say you will work their case in a certain amount of time, be sure that you are able to do that. If you can't, make sure you let the customer know there will be a delay and why there will be a delay.

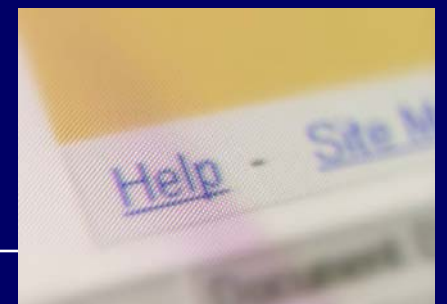


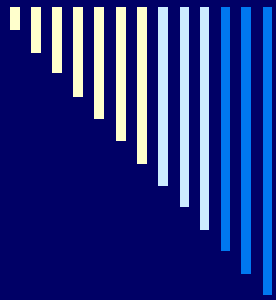


Customer Service

Personal Accountability

Much of what we do in DHS is built upon trust. We trust that our customer will follow through with our expectations of them but, more importantly, we must build trust by ensuring we do what we say we will do.

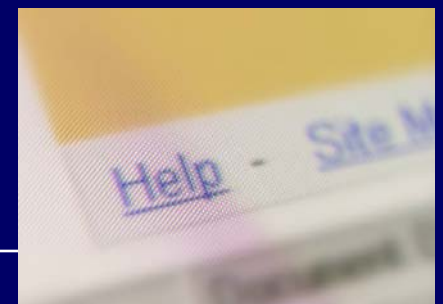


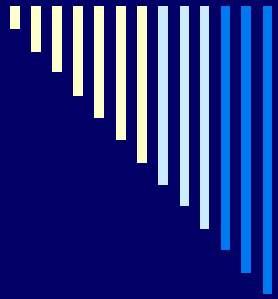


Customer Service

Fairness

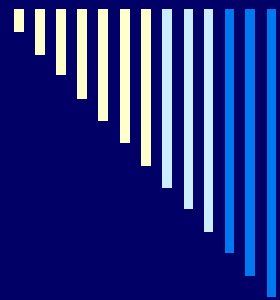
And finally, the primary piece of the puzzle is fairness. All anyone can ask is that they receive fair and equitable treatment. No one wants to feel they are being treated differently for any reason. While fairness is well founded and supported in Civil Rights law, it, most importantly, should be the cornerstone of our treatment of everyone





COMPLIANCE REVIEWS



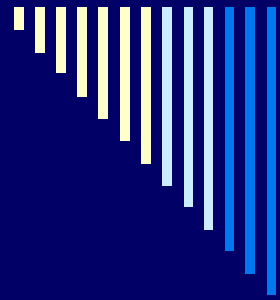


COMPLIANCE REVIEWS

The civil rights compliance review is a component of the management evaluation review process that is conducted on an on-going basis for all DHS programs.

The civil rights review examines the activities of DHS and local agencies to determine that all programs are being administered in compliance with civil rights requirements.

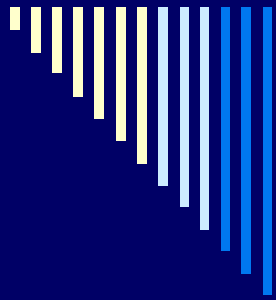




COMPLIANCE REVIEWS

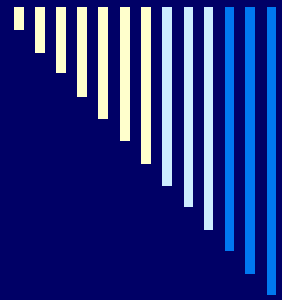
- DHS is reviewed by the regional office of the federal agency with oversight of the particular program.
- DHS is responsible for the review of local agencies.
- The office performing the review must advise the reviewed entity, in writing, of the review findings and recommendations.





RESOLUTION OF NONCOMPLIANCE



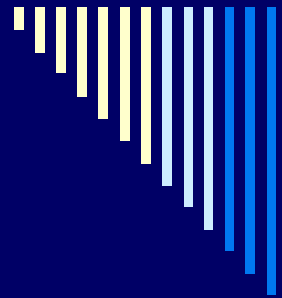


RESOLUTION OF NONCOMPLIANCE

Definition of “Noncompliance”

A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, local agency, or other subrecipient.



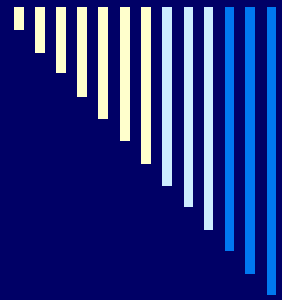


RESOLUTION OF NONCOMPLIANCE

A Finding of Noncompliance may be the result of:

- ❑ A Management Evaluation or a Civil Rights Compliance Review;**
- ❑ A special review; or**
- ❑ An investigation.**

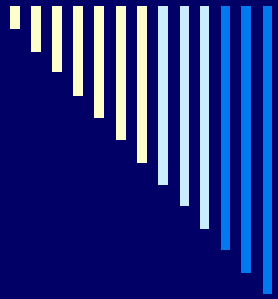




What are some examples of noncompliance?

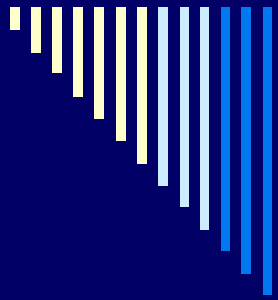
- ❑ Denying an individual or household the opportunity to apply for program benefits or services on the basis of a protected class.
- ❑ Providing FNS program services or benefits in a disparate matter on the basis of a protected class (except as a disability accommodation).





Conflict Resolution

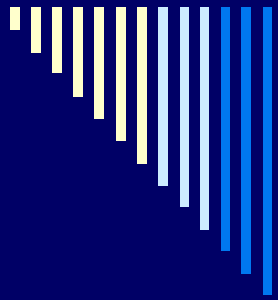




Conflict Resolution

By the very nature of our work, resolving conflicts on a variety of levels is a vital requirement. We must learn how to settle conflict that arises within our work situations and with the families that we serve.



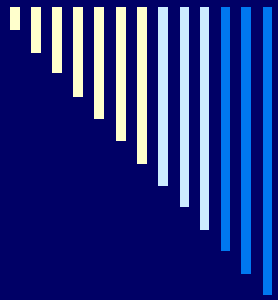


Conflict Resolution

The Nine Steps to Conflict Resolution

1. Decide and clarify the concerns
2. Arrange a time for discussion
3. At the beginning of the discussion each party should re-state the problem and their concerns
4. Each person shares their feelings about the situation
5. Each person describes the outcome they would like



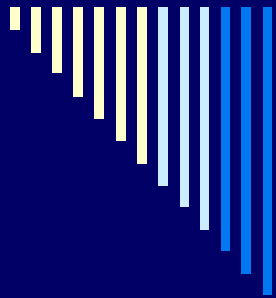


Conflict Resolution

The Nine Steps to Conflict Resolution

6. Each person listens to the responses of others without interruption
7. If it becomes too difficult, call a time-out
8. If agreement is reached, be sure each side is clear on the terms
9. Decide when to meet again to monitor the agreement



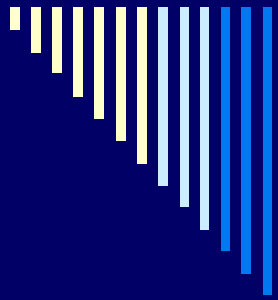


Conflict Resolution

Tips for Successful Negotiations

- **State your wishes and desired outcomes clearly and directly – no vague messages**
- **Use reflective statements to clarify – “What I hear you saying is...”**
- **Keep the focus on this issue at hand and avoid bringing up past events that have little bearing on this discussion**
- **Call a time out if ground rules are violated**
- **Strive for closure and agreement**
- **Think win-win – how can the resolution work for the betterment of both parties**
- **Avoid personal attacks and accusations – make this a ground rule**



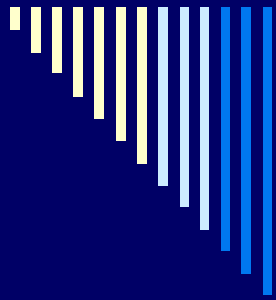


Conflict Resolution

Unresolved conflict does not just go away but will fester and lead to further division and discontent.

By utilizing the steps and tips on the previous screens most conflict can be successfully managed and resolved. Always involve your management chain of command, they can help guide and support your efforts at conflict resolution.





This concludes the Civil Rights Review Training

