

Benton County Human Services

Comprehensive Civil Rights Plan (CCRP)

Benton County Human Services
531 Dewey St
P O Box 720
Foley Mn 56329
320-968-5087(voice)
320-968-5330(fax)

TTY users place calls through MN Relay Service: 1-800-530-6254 TDD#320-968-8812

Civil Rights Coordinator: **Sandi Shoberg** 320-968-5113 Voice

ADA Coordinator: **Sandi Shoberg** 320-968-5113 Voice

Limited English Proficiency Coordinator: **Sandi Shoberg** 320-968-5113 Voice

This CCRP is posted in the lobby and in Benton County website at:

<https://www.co.benton.mn.us/documentcenter/view/8602>

Americans with Disabilities Act Advisory

This information is available in accessible formats to individuals with disabilities and
for information about equal access to services,
call 320-634-7755 (voice) or 218-685-8200(voice).

TTY users place calls through MN Relay Service: 1-800-530-6254 TDD#320-968-8812

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1. Purpose

As a recipient of federal financial assistance, Benton County Human Services is responsible for providing core services to assist and support Minnesota's most vulnerable individuals and families so they can meet their basic needs and be treated with respect and dignity. Benton County Human Services has a CCRP to ensure that all eligible individuals receive equal access to program services and information. Its programs are operated in a nondiscriminatory way, without regard to race, color, national origin, age, disability, sex, sexual orientation, religion, political beliefs, creed and public assistance status. In medical programs, sex includes sex stereotypes and gender identity under any health program or activity receiving federal funds. This CCRP also serves as a source of information for county agency staff and the general public. It sets the agency's civil rights administrative policies and procedures, identifying key contacts within the agency and linking the reader to applicable state and federal civil rights laws and resources.

2. Definitions and Legal Authorities (Appendix, Attachment A for legal authorities)

Age: The term "age" refers to how old a person is, or the number of years from the date of a person's birth.

Applicant (for Services): An "applicant" is a person who has submitted an application or request for services for whom no decision has been made regarding eligibility.

Civil Rights Complaint (Discrimination Complaint): A "civil rights complaint" is a person's complaint about the conduct, behavior, or adverse actions of another person when the complainant believes the behavior was related to the complainant's race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Civil Rights Assurance of Compliance: A "civil rights assurance of compliance" is a contract between or among entities that demonstrates a recipient's voluntary intent to comply with federal and state civil rights laws and regulations. The assurance also confirms a recipient's commitment to provide services and programs in a nondiscriminatory manner to applicants, clients and members of the public.

Civil Rights Plan: A "civil rights plan" is a written document that sets out an agency's civil rights administrative policies and procedures to ensure that applicants, clients, and members of the public receive equal access to human services programs and program information and that civil rights requirements are consistently applied agencywide. A civil rights plan also serves as a valuable resource tool for employees and clients alike. It

sets forth policies and guidance in handling and preventing complaints of discrimination and contains important contact information, as well as the equal opportunity and limited English proficiency policies and procedures.

Client: In this document, a “client” is a person who is an applicant, beneficiary or member of the public.

Discrimination: The term “discrimination” refers to exclusion from participation in, denial of the benefits of, or other subjection to discrimination under any programs to which Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendment Act of 1972, Age Discrimination Act of 1975, Community Service Assurance of the Hill-Burton Regulations and the Omnibus Budget Reconciliation Act of 1981 applies.

Accordingly, discrimination may be alleged on the grounds of race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Discrimination Complaint: See “Civil Rights Complaint.”

Equal Opportunity: The term “equal opportunity” refers to equal access to federal assistance programs, services, and benefits by all applicants, clients and members of the public regardless of race, color, national origin, sex (including sex stereotypes and gender identity), sexual orientation, age, creed, religion, political beliefs, disability, marital status or public assistance status.

Ethnicity: The term “ethnicity,” for purposes of this civil rights plan, refers to the collection of data on race and ethnicity by the Federal government on the following ethnic groups that apply for Federal government programs and services. These data collection efforts help identify health disparities based on ethnicity in federal programs:

(1) **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”

(2) *Not Hispanic or Latino.*

Federal Financial Assistance: The term “federal financial assistance” means any grant or loan of federal funds, the grant or donation of federal property and interests in property, the detail of federal personnel, the sale and lease of and the permission to use federal property or any interest in federal property and any federal agreement, arrangement or other contract that provides assistance.

Food and Nutrition Services (FNS): “FNS” refers to the nutrition assistance programs administered by the U.S. Department of Agriculture (USDA). The mission of the FNS is to provide children and needy families with better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition efforts.

Limited English Proficiency (LEP): A person with “limited English proficiency” or “LEP” is not able to speak, read, write or understand the English language well enough to allow him/her to interact effectively with health and social services agencies and other providers.

National Origin: The term “national origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

Participant: A “participant” is a person who receives assistance, services or benefits.

Protected Information: The term “protected information” is data that is confidential and not readily available to the public, which, if disclosed, would identify an individual or be used in connection with other information to identify an individual. This type of information is protected, whether it is in writing, in an electronic medium or communicated orally.

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.

Disability: The term “disability” means, with respect to an individual:

- (A) A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- (B) A record of such an impairment
- (C) Being regarded as having such impairment.

Race: The term “race,” for purposes of this civil rights plan, refers to the data collected on race and ethnicity by the Federal government on individuals in the following racial categories that apply for government programs and services:

(1) **American Indian or Alaskan Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

(2) **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

(3) **Black or African American.** A person having origins in any of the black racial groups of Africa.

(4) **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

(5) **White.** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.

These data collection efforts help identify health disparities based on race in federal programs.

Recipient of Federal Financial Assistance: A “recipient of federal financial assistance” is any state agency, state agency local counterpart, and state agency vendor participating in a federal financially assisted health, welfare and social service program.

Subrecipient: A “subrecipient” is generally regarded as a recipient of federal financial assistance and has all the duties of a recipient in these regulations, but receives federal/state funds through a primary recipient.

Service Area: The “service area” is the geographic area from which customers for your services are drawn (e.g. countywide, multi-county).

Supplemental Nutrition Assistance Program (SNAP): “SNAP” is a federally funded program authorized by the USDA to provide food assistance to low-income individuals or families.

Vendor: A “vendor” is a provider of goods and services.

3. Civil Rights Coordinator/Contact

Benton County Human Services, “Agency,” has a **civil rights coordinator** who serves as the agency’s primary contact on civil rights matters and works to ensure that applicants, clients, and members of the public have equal and meaningful access to programs and services. The civil rights coordinator is responsible for:

- Handling discrimination complaints

- Keeping civil rights documents and records
- Providing information about civil rights laws to DHS for staff, county and community agencies, applicants, clients and members of the public.
- Acting as a liaison between the Agency and the Minnesota Department of Human Services, U.S. Departments of Health and Human Services, U.S. Department of Agriculture, and Office for Civil Rights (HHS/OCR) and community groups concerned with nondiscriminatory treatment in service delivery.
- Providing training and education on civil rights to the Agency and other providers.
- Providing information about civil rights laws to the Agency, community agencies, applicants, clients and members of the public.

Benton County Human Services, designates Sandi Shoberg, Director of Benton County Human Services, to serve as the Agency's Civil Rights Contact, agency point person on civil rights matters.

Sandi Shoberg
 Benton County Human Services
 531 Dewey St
 P O Box 740
 Foley Mn 56329
 320-968-5113 (voice)

TTY users place calls through MN Relay Service: 1-800-530-6254 TDD#320-968-8812

<https://www.co.benton.mn.us/>

4. Equal Opportunity Policy and Procedure

Benton County Human Services Equal Opportunity Policy and Procedure It is the policy of Benton County Human Services to make sure that program benefits and services are available to everyone and provided to all eligible individuals without discrimination, in compliance with civil rights laws.

Human Services employees, services, programs, benefits and policies will not discriminate against applicants, clients or members of the public because of race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or any other legally recognized protected class "Sex" includes sex stereotypes and gender identity under any medical or health program receiving federal financial assistance, such as Medical Assistance, CHIP programs, health clinics, insurance companies and state health insurance exchanges.

This policy covers Benton County Human Services full range of services, programs and benefits, including, but not limited to, access to information about services, eligibility determinations and intake, admission procedures and treatment. The policy applies to the agencies and providers receiving federal and state funds under contracts, licenses and other arrangements with Human Services. The Minnesota Human Rights Act also applies to the work of Benton County Human Services and those agencies carrying out its programs.

For addition information please see Minnesota Department of Human Services Bulletin #16-89-01.

Program Accessibility for People with Disabilities

Human Services and all its services, programs and benefits, are accessible to and usable by people with disabilities, including people with hearing loss, low vision and other sensory disabilities.

To avoid disability discrimination, Benton County Human Services will:

- Notify the public about rights and protections for people with disabilities under the Americans with Disabilities Act
- Designate an ADA Contact and maintain a complaint procedure
- Make sure that its buildings are physically accessible for people with disabilities
- Assist individuals with disabilities to apply and qualify for benefits based on their eligibility
- Provide appropriate auxiliary aids and services, including accessible formats, to ensure effective communication with people with disabilities
- Provide services, programs and benefits that are accessible to and usable by qualified people with disabilities

Physical access includes:

- Convenient off-street parking designated specifically for people with disabilities
- Curb cuts and ramps between parking areas and the Benton County Human Services building
- Level access into the first floor of the Benton County Human Services building with elevator access to all other floors

Reasonable Modifications to Policies, Procedures or Practices. Benton County Human Services will make reasonable modifications to its policies, procedures and practices when necessary to avoid discrimination based on disability, unless Benton County Human Services can demonstrate that making the modifications would fundamentally alter the nature of the services, programs or benefits or cause an undue administrative or financial burden.

Effective Communication and Auxiliary Aids and Services. Benton County Human Services will take appropriate steps to ensure that communications with people with disabilities and companions with disabilities are as effective as communications with others. To ensure effective communications, Benton

County Human Services will provide appropriate auxiliary aids and services, including accessible formats, so that people with disabilities can receive services, programs and benefits and participate in them in the same way as people without disabilities. Auxiliary aids and services include qualified readers, writers and interpreters who convey information effectively, accurately and impartially using any necessary specialized vocabulary.

To determine what types of auxiliary aids or services are necessary,

Benton County Human Services will give primary consideration to the requests of people with disabilities. Benton County Human Services will honor the choice of the person requesting the auxiliary aid or service unless it would fundamentally alter the nature of the service, program or benefit or cause an undue administrative or financial burden. If this happens, Benton County Human Services will find another equally effective auxiliary aid or service.

5. Complaint Resolution Procedure

Benton County Human Services Complaint Procedure

You have the right to equal access to services, if you are an applicant, client or member of the public trying to gain access to human services program information or benefits. Benton County Human Services has a civil rights complaint procedure that provides prompt and thorough resolution of civil rights complaints.

Civil rights complaints allege discrimination. You have a right to file a civil rights complaint if you believe you have been discriminated against because of your race, color, national origin, sex, sexual orientation, age, creed, religion, political beliefs, disability or public assistance status. Sex includes sex stereotypes and gender identity discrimination that occurs in medical or health programs and clinics receiving federal financial assistance, such as Medical Assistance, MN Care, CHIP programs and insurance companies and state health insurance exchanges.

It is against the law for anyone who works for Benton County Human Services to retaliate against a person who files a complaint or who cooperates in the investigation of a civil rights complaint.

To file a complaint, ask for the agency's equal opportunity policy, complaint resolution procedure, and complaint form. Use the contact information below to file a complaint. You can also review the law and regulations that outlaw discrimination in the Civil Rights Contact's office.

Benton County Human Services
P O Box 740
Foley MN 56329
531 Dewey St

320-968-5113 (voice)

Agency TTY number is MN Relay Service: 711 or (800) 627-3529 co.benton.mn.us

Procedure:

1. Civil rights complaints **must** be submitted to the Civil Rights Coordinator/Contact within 180 days of the date the alleged discrimination occurred. The timeframe for filing a civil rights complaint **must** be at least 90 days, but no longer than 180 days. With SNAP complaints, only the Secretary of Agriculture may extend this timeframe under special circumstances.
2. A complaint **must** be in writing and contain the name and address of the person filing it. Other important contact information is telephone number, relay number and email address. The complaint **must** state the problem or action alleged and the relief desired. If you need assistance with your complaint, the Civil Rights Coordinator/Contact will help you.
3. The county agency **must** conduct an investigation of the complaint, if it is a true civil rights complaint. The investigation may be informal, but it **must** be thorough and timely. People who have an interest in the complaint **must** have an opportunity to submit relevant evidence about the complaint. The county agency will issue a written decision on the complaint within 120 days after its filing. The county will maintain the complaint records and files for three years. Complaints about program rules are not civil rights complaints and will be resolved through a different complaint process.
4. The person filing the complaint may appeal the decision by writing to the (Administrator/Director within) (15 days) of receiving the written decision. The (Administrator/Director) **must** issue a written decision in response to the appeal, no later than 30 days after the appeal is filed. This decision is final. This appeal process is not the same as filing a fair hearings appeal with the DHS Appeals and Regulations Division.
5. SNAP APPEAL: If you file a complaint about the SNAP program, different appeal rules apply. After the Agency reaches a decision about the investigation outcome, it will forward a decision to the USDA for review. USDA will tell the Agency whether the Agency has processed the complaint according to acceptable procedures. The complainant also has the right to appeal the Agency's decision directly with USDA as outlined in 6(b) of this section.
6. The person filing the complaint must be informed that he/she can file a discrimination complaint **directly** with the U.S. Department of Health and Human Services' Office for Civil Rights or the U.S. Department of Agriculture (USDA) for the SNAP Program.
 - (a) The **U.S. Department of Health and Human Services' Office for Civil Rights** prohibits discrimination in its programs because of race, color, national origin, age, disability, sex and religion. Sex includes

sex stereotypes and gender identity discrimination that occurs in medical or health programs and clinics receiving federal financial assistance; these are programs, such as Medicaid, CHIP programs and insurance companies and state health insurance exchanges under Title I of the Affordable Care Act. Contact the federal agency directly:

U.S. Department of Health and Human Services

Office for Civil Rights
Region V
233 N. Michigan Avenue
Suite 240
Chicago, IL 60601
312-886-2359 (voice)
800-368-1019 (toll free)
800-537-7697 (TTY)

(b) USDA requires that the following nondiscrimination statement be provided **exactly** as it is shown below:

In accordance with Federal civil rights law and **U.S. Department of Agriculture** (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who required alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 6329992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410.

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov

This institution is an equal opportunity provider.

7. Filing Complaints with State Agencies:

The person filing the complaint **must** also be informed that he/she can file a discrimination complaint **directly** with the Minnesota Department of Human Rights and the Minnesota Department of Human Services.

(a) The Minnesota Department of Human Rights prohibits discrimination in public services programs because of race, color, creed, religion, national origin, disability, sex, sexual orientation, or public assistance status. Contact the Minnesota Department of Human Rights directly:

Minnesota Department of Human Rights
Freeman Building, 625 North Robert Street
St. Paul, MN 55155
651-539-1100 (voice)
800-657-3704 (toll free)
711 or 800-627-3529 (MN Relay)

(b) The **Minnesota Department of Human Services** prohibits discrimination in its programs because of race, color, national origin, creed, religion, sexual orientation, public assistance status, age, disability, or sex, including sex stereotypes and gender identity discrimination that occurs in health programs or activities receiving federal financial assistance, such as Medical Assistance, MN Care, CHIP programs and insurance companies and state health insurance exchanges. Contact the Equal Opportunity and Access Division **directly** only if you have a discrimination complaint:

Minnesota Department of Human Services
Equal Opportunity and Access Division
P.O. Box 64997
St. Paul, MN 55164-0997
651-431-3040 (voice) or use your preferred relay service

(c) County agencies are not permitted to investigate civil rights complaints in the Supplemental Nutrition Assistance Program (SNAP) because counties directly administer SNAP benefits. County agencies **must** refer SNAP civil rights complaints to DHS or the USDA regional office in Chicago. The USDA regional address is:

Civil Rights Director
Midwest Regional Office
USDA/Food and Nutrition Service
77 W. Jackson Blvd., 20th Floor
Chicago, IL 60604-3591
(312) 353-6657 (voice) or use your preferred relay service

8. Arrangements for People with Disabilities

Benton County Human Services County **will** make appropriate arrangements to ensure that people with disabilities are provided reasonable modifications or effective communications, if needed, to participate in the complaint process. Reasonable modifications or effective communications include, but are not limited to, providing interpreters for people who are deaf or hard-of-hearing; providing taped cassettes and accessible formats for people who are blind or have low vision; and assuring a physically accessible location for complaint proceedings. The Civil Rights Contact (or designee) is responsible for working with people who file complaints to make appropriate arrangements.

6. Complaint Notification Form

Benton County Human Services will use the Complaint Notification Form to notify DHS in writing of all service delivery discrimination complaints filed against Benton County Human Services and resolved on the county agency level. Benton County Human Services will make sure the complaint notification form is completed and sent to DHS within 120 days of the date the complaint was filed in the county, so DHS can report the complaint to the appropriate federal office. A copy of the Complaint Notification Form is located in the Appendix, Attachment B.

7. Disability Compliance

a. Disability Law and Standard of Access for State and Local Government Services

Section 504 of the Rehabilitation Act of 1973 protects qualified individuals with disabilities from discrimination based on their disability in federally funded programs and services.

Title II of the Americans with Disabilities Act of 1990 (Title II of the ADA) protects qualified individuals with disabilities from discrimination on the basis of their disability when the

discrimination occurs in state or local government services. An agency does not have to receive federal financial assistance to be required to comply with Title II of the ADA. An agency just has to be a state or local government entity.

County human services agencies must ensure that people with disabilities are able to use their programs and services. Disability laws set out an equal access standard for providing services. This means that individuals with disabilities are entitled to equal access to human services programs; the same standard of access that applies to people without disabilities.

A public agency must reasonably modify its policies, procedures and practices to avoid discrimination. A public agency must also take appropriate steps to ensure that its communications with individuals with disabilities are as effective as communications with others.

b. ADA Contact

Benton County Human Services has designated an ADA Contact/Coordinator to serve as its point person on disability matters raised by employees, applicants, clients and other members of the public. ADA Contact information is located on the cover page of this CCRP.

Sandi Shoberg
320-968-5113

TTY users place calls through MN Relay Service: 1-800-530-6254 TDD#320-968-8812

c. Disability Complaint

People filing disability complaints will use Benton County Human Services civil rights complaint procedure.

d. ADA Notice Document

Benton County Human Services will use the DHS brochure: Do you have a disability (DHS-4133-ENG) as its ADA notice document. This notice document informs applicants, clients and members of the public that Benton County Human Services does not discriminate on the basis of disability. The notice document also gives information to the public about the rights of people with disabilities under the Americans with Disabilities Act.

Benton County Human Services has a copy of DHS brochure: Do you have a disability (DHS-4133-ENG) posted in the lobby next to the reception desk in Glenwood and on the bulletin board in Elbow Lake.

A copy of the DHS brochure: Do you have a disability (DHS-4133-ENG) is located in the Appendix; Attachment C.

Disability Law Resources

- Review the resources below about disability law and requirements before establishing and implementing your agency's disability policies and procedures.
 - (1) *ADA Title II Highlights*: A summary of important disability law and requirements for state and local government services:
<http://www.ada.gov/t2hlt95.htm>
 - (2) *ADA Toolkit: ADA best practices for state and local government services*:
www.ada.gov/pcatoolkit/toolkitmain.htm Review chapters 1-3 and addendums.

e. Disability Policy Prohibiting Discrimination

The Benton County Human Services Equal Opportunity Policy and Procedure includes provisions which prohibit disability discrimination in human services programs. This policy is located in the agency lobby.

8. Information Privacy Protection

Benton County Human Services' employees and agents (including its contractors) may, on occasion, as part of job-related responsibilities, obtain, use, or disclose private or confidential data, including protected health information (referred to below, collectively, as "protected information").

Duty to Ensure Proper Handling of Data

Benton County Human Services' and its contractors are responsible for training employees who are authorized to access and use the data collected under the terms and for the purposes specified in the contract. This responsibility includes ensuring that staff is properly trained regarding:

- The Health Insurance Portability and Accountability Act (HIPAA), 45 CFR. Parts 160, 162, and 164.
- The Minnesota Government Data Practices Act (MGDPA), Minnesota

Statutes Chapter 13, in particular, §13.36 (“welfare data”).

- The Minnesota Medical Records Act, Minn. Stat. §144.335.
- Federal law and regulations that govern the use and disclosure of substance abuse treatment records, 42 USCS § 290dd-2 and 42 CFR § 2.1 to § 2.67.
- Any other applicable state and federal statutes, rules, and regulations affecting the collection, storage, use and dissemination of private or confidential information.

Minimum Necessary Access to Data

Benton County Human Services and its contractors shall comply with the “minimum necessary” access and disclosure standards set forth in the Data Practices Act. The dissemination of protected information is limited to “that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.” See Minnesota Statutes, §13.05, subd. 3.

Benton County Human Services and its contractors shall:

- Not use or further disclose the information other than as permitted or required by law.
- Use appropriate safeguards to prevent improper use or disclosure of the information by its employees and contractors.
- Appropriately respond to any known improper use or disclosure of protected information.
- Ensure that any agents, analysts, and others to whom it provides private or confidential data, agree to be bound by the same restrictions and conditions that apply to them with respect to such information.
- At termination of any contract, extend the protections of the contract to the information collected during the course of the contract.

Emergency Situations

Information privacy protection regulations permit Benton County Human Services' employees and agents to release private information concerning a client to third parties, including a family member or friend, in emergency situations without the client's written, informed consent. It is an emergency if knowledge of the information is necessary to protect the health and safety of the client or other persons. Staff should consult with a supervisor and the Benton County Human Services' data privacy attorney when determining whether an emergency exists and would require releasing private client data without the client's written informed consent.

9. Limited English Proficiency Plan

Benton County Human Service

Limited English Proficiency (LEP) Plan

Reviewed 01-08-2025

Purpose and Legal Basis

The following document serves as the Benton County Human Service (BCHS) plan to meet the legal obligation of language access requirements in compliance of Title VI of Civil Rights Act of 1964; which prohibits discrimination on the basis of race, color or national origin, 7 CFR, 273 et seq; and 42 CFR 435 et seq.

Needs Assessment – BCHS will, on at least an annual basis, make a needs assessment of the unique language needs within Benton County. Consultation will be made with the First Call For Help office and the Tri Cap Office (Colleen Orne) located in St Cloud.

Consultations will aim at trying to discern the types of non-English languages that are most predominant in Benton County, and which constitute populations that the County serves or those that may be eligible for County provided services. The County will also be amenable to receive County-specific data from the Department of Human Services to assist in this form of needs assessment. The following non-English language has been identified as being the most likely to be encountered in Benton County: Anuak, Arabic, Cantonese, French, German, Hindi, Hmong, Igbo, Korean, Laotian, Mandarin, Nuer, Oromo, Somali, Spanish, Swahili, Tigrigna, Vietnamese and with no significant change in 2020.

Case Finding – Specific language needs of each applicant with LEP will occur at the time of intake or application. This will primarily be done by reviewing the language preference questions on the Health Care Application (HCAPP) and the Combined Application Form (CAF) or during the intake process for other services. Language preferences will be entered into the applicant's primary language field in the program system.

If an interpreter is needed, it also will be entered in the program system case notes.

If the main receptionist or intake worker suspects that the applicant is a person with LEP, the worker will present the LEP person with a card that lists the seven major languages in order to determine which language is involved, if any.

If contact is received by phone, language services will be contacted.

It is expected that reasonable efforts will be made by BCHS to provide same-day interpreter services.

Points of Contact – The greatest likelihood of need for interpreter services will be at the point of intake – at the time of an emergency or application for financial assistance and ongoing case reviews, changes reported and other county services. The principal point of contact will most likely be, therefore, in the office setting in Foley/St Cloud Location or by phone contact. The most appropriate form of interpreter services will likely be language assistance in completion of an application for financial assistance or health care. The other point of contact may involve other human services and Public Health Programs and may involve field-based contact when conducting child protection and other needs based assessments. . When a client contacts the agency and has difficulty relaying what type of interpreter is needed, the receptionist staff at the front desk have the "I Speak" cards provided by DHS which they will make available to the client. An interpreter will then be contacted, and an interview scheduled. When phone calls come in, language service will be contacted.

Resources Needed – Benton County has a list of interpreters available which include interpreters fluent in Arabic, Cambodian, Finnish, French, German, Honduran, Hmong, Laotian, Spanish, Swedish, Tagalog, Thai, Vietnamese, Somali and sign language. We use The Bridge, ARCH and The Language Line interpreter service providers.

Timely Access – Interpreters services are available 24 hours 7 days a week.

Contact will be made by phone or by conference call. When on-site interpreter services are to be used, it will be necessary to schedule appointments at mutually convenient times – for the client and the interpreter.

Policies and Procedures – When developing programs, interventions and communications, social, cultural and linguistic characteristics of the populations served will be considered. Ensuring that the Benton County Human Services and Public Health Departments, materials and processes address, social, cultural and language differences is essential to successfully providing the most effective services to meet the needs of our population. Literacy and intelligence are not necessarily correlated. Individuals with low literacy skills may be highly intelligent, and simply need to be taught in ways supported by their strengths. Our culture values literacy, so people often do not want to admit to low or no literacy skills and may go to some lengths to keep this information hidden. It is very important that the healthcare professional remain non-confrontational, non-judgmental and supportive when making any assessment of the client's literacy abilities.

Make no assumptions about literacy level based on the client's appearance, race, age, financial status, religion, culture or place of origin. Assess carefully.

Reading level assessment of text (and there are many indices) is based largely on these characteristics

- average number of words per sentence
- average number of syllables per word
- difficulty of vocabulary

Most commercially available client education materials (including many on the internet) are written at a 9-10th grade level or higher. Many clients may not be able to read and comprehend these materials.

It is far too easy for healthcare professional to underestimate the impact of low health literacy. Literacy has been defined as "more than just the ability to read".

It encompasses comprehension, problem-solving skills, synthesis, and analysis of information, abstract thinking and reasoning, the capacity to recognize patterns and the ability to generalize from them, and the development of a broad general knowledge base. Clients with low literacy skills may not be willing to express lack of understanding; may not have the vocabulary to ask pertinent questions; and may not use explicit adjectives in describing symptoms and development of their health concerns. Unexpected problems can arise, based on assumptions concerning anatomy, physiology, basic health and hygiene, and skills such as telling time, calculating simple measures, using a telephone or pager, understanding numbers, etc.

Assessment of literacy skills should be low-key and gentle:

Look-does the client read? What is being read?

Listen- does the client ask questions indicating material has been read and understood?

Get to know the client –Ask what the client enjoys doing for relaxation?

Is reading mentioned? Does the client regularly need help with items that need to be read, such as menus, brochures, labels, directions, etc?

Agency Commitment – BCHS is committed to the spirit of the Civil Rights Act of 1964. It recognizes the importance of providing meaningful access to all persons, including persons with LEP, to the various programs operated within BCHS.

Range of Oral Language Assistance - The number of clients in Benton County with limited English proficiency is growing. When a client indicates they need an interpreter, the worker will coordinate with one of the local agencies which provide interpreter services to schedule a time that will work for all involved. BCHS will use the 8 “notice of rights to language services” documents for persons with LEP as they are made available by the Department of Human Services.

Affirmative Action – The BCHS employee handling the case will inform either the client or the interpreter once it has been determined that interpreter services are needed, that there is no charge or fee for the service. This will be communicated in verbal form. At no time in the service delivery process will the client incur any costs associated with LEP-directed interpreter services.

Use of Family and Friends – Use of family or friends as interpreters is not the preferred method of providing interpreter services. But when the intake worker has determined that it is not feasible to use formalized interpreter services, a consultation will be made with that workers immediate Supervisor or Director. Alternative methods of customer services will need to be discussed. If the worker has determined that a family member, friend or other responsible party can adequately perform the interpreter service, approval may be given. The worker needs to feel confident that the client’s data privacy rights will be protected and that the quality of the interpreter services to be provided by the family member or friend will be acceptable. The worker will need to document in the case file the extenuating circumstances for use of family or friends, particularly that the family was offered other interpreter services and that the client insisted that a family member or friend be used. Under no circumstances may minor children be used for interpreter services.

Competency Standards for Interpreters – Any interpreter used for LEP services must be bi-lingual: fluent in English and fluent in the language of the customer needing the service. When using well-recognized interpreter services provided from a recognized agency – such as the Bridge, Arch and the Language Line Service, competency is presumed. When using family, friends or significant others, the intake worker must make a judgment as to the competency of the proposed interpreter. “Certification” as an interpreter is not a prerequisite.

Dissemination of LEP Plan – Electronic copy of the LEP Plan will be provided to all BCHS employees and the local Legal Aid Office. A copy of the main public announcement, MS-1659, will be prominently displayed in the BCHS central reception area.

Services to Illiterate – When confronted with a situation in which the customer is illiterate – cannot read or write in his or her native language – it is incumbent that BCHS find a suitable interpreter, one who can assist the person in completion of necessary forms, documents and the like. The BCHS intake worker needs to make the determination, in conjunction with the interpreter, about the customer’s literacy skills.

The clear choice in dealing with cases of illiteracy will be to have an on-site interpreter.

It may be necessary to schedule an interview when face-to-face interpreter services can be provided. Faxing of forms and over-the-phone services may be required on a case-by case basis.

Emergency Situations – When a determination has been made that an emergency exists and LEP considerations are identified as being present, BCHS may waive all prescriptions in order to ensure that necessary emergency services are provided.

Extraordinary efforts need to be put forth before circumventions of non-emergency procedures are followed. Consultation with a Supervisor or the Director is necessary before such action is taken.

Access To and Costs of Interpreters – Under no circumstances will BCHS indicate – either verbally or in writing – that any applicant or client in need of LEP services will be charged for interpreter or translation services. All such services shall be at no expense to the applicant or client. Such services will be provided during all normal business hours, and during non-business hours when an emergency has been determined to exist.

Notice of Service Availability – LEP clientele will be informed of the availability of free interpreter and translation services at the point when it appears that the customer is not able to communicate in English. Notice of services availability will come from the MS-1659 document in the central reception area. Distribution of the LEP Plan to various parties named above will help in putting those entities on notice that interpreter and translation services are available on a timely basis and free of charge. Insofar as the Department of Human Services has translated many forms into multiple languages, BCHS will access these forms as necessary. Access to the Department's website at www.dhs.state.mn.us/forms will be made. Additionally, translated income maintenance forms located in TEMP Manual 12.01.13 will be accessed as needed.

County-Produced Materials – It is not anticipated that BCHS Financial Unit will develop any of its own forms, but rather will rely on the state-produced documents as the primary source of translated materials. Downloading of documents from the DHS webpage will also be used as necessary. BCHS will follow DHS's translation numerical guidelines as required. Our Public Health Department will follow health literacy guidance in development of forms.

Complaint Resolution Protocol – Any adverse action taken by BCHS with which an applicant or recipient disagrees is subject to complaint. In the absence of local resolution, the person making the complaint will be informed in a language understandable to the grievant, of the process to follow in making a complaint to DHS or the Office of Civil Rights. The complaint procedure will conform in all respects to BCHS procedure included in Civil Rights Compliance Requirements. Appropriate use of interpreter services to facilitate the dispute resolution process will take place. All such complaints can be made to the Human Service Director or any of the Unit Supervisors.

Posting – A copy of the BCHS LEP Plan will be posted in the lobby area.

Training – The LEP Plan will be reviewed annually at our Winter Quarterly All Staff Meeting and will be updated based on local trends.

Distribution of LEP Plan – All BCHS employees who have direct contact with customers will be provided an electronic copy of the LEP Plan upon its adoption. If any changes are made in the document, a revised copy will also be provided to the same entities. All BCHS employees will receive a copy.

Training of Staff – Initial – With approval of the LEP Plan, there was an initial training on the document. This training took place for current staff in the context of an “All Staff” meeting. For any new employee affected by

the LEP Plan, this document will be incorporated into that person's "generic orientation" protocol at the time of hire.

Training of Staff – Ongoing – On at least an annual basis at an "All Staff" meeting, a review of the LEP Plan will take place.

Monitoring-LEP Plan will be reviewed and updated yearly.

Evaluation of the LEP – On at least an annual basis, the LEP Plan will be reviewed for effectiveness. This review will normally take place in January. It will be coordinated by the Director. The evaluation will involve consultation with Supervisors from each BCHS unit to determine compliance with the LEP Plan, identification of any problem areas and development of required corrective action strategies. Elements of the evaluation will include the following:

- ❑ Estimated number of persons with LEP in Benton County-17,775 2014 based on Tri Cap data.
- ❑ Assessment of current language needs of BCHS applicants and clients to determine if the client needs an interpreter and/or translated materials: updating case files which lack information about a client's language preference; determining if clients need to be asked their language preference at the time of certification.
- ❑ Determining whether existing assistance is meeting the needs of applicants and clients with LEP.
- ❑ Assessing whether staff members understand BCHS' LEP policies and procedures and how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible.
- ❑ Seeking and obtaining feedback from non-English or limited-English speaking communities in Benton County including applicants and clients as well as any known community organization or advocacy group working with non-English or limited-English speaking communities.

LEP Contact Person – For purposes of the LEP Plan, Benton County's designated contact person is the Director with appropriate delegation made to the BCHS Unit Supervisors.

Language Line Instructions

Place caller on conference call hold

Call Language Line 800-367-9559

Enter the 6-digit Client ID: _____

Press 1 for Spanish, 2 for all other languages (Say the name of the language when prompted)

Press 0 for assistance, if needed

Enter the 6-digit Access Code: _____

Press #

An interpreter will be connected to the call

Brief the interpreter

Add the non-English speaker to the line

9. Annual Civil Rights Training for the Supplemental Nutrition Assistance Program (SNAP)

Benton County Human Services will conduct annual SNAP civil rights training for all staff who administer the SNAP program and all staff who have direct contact with the public, such as support staff, supervisors and managers. Benton County Human Services will use DHS' PowerPoint presentation or Trainlink training to train staff, document the date of the training each year and document who attends the training.

10. Civil Rights Assurance of Compliance

The Benton County Human Services director and county attorney representative have signed the 2016 Civil Rights Assurance of Compliance. A copy is located in the Appendix, Attachment D.

11. CCRP Administration

Benton County Human Services will:

- Post a copy of its CCRP in the agency lobby where members of the public can review it and in the employee break room where staff can review it
- Post the CCRP on the agency's public website
- Review the CCRP annually with ALL staff
- For the benefit of applicants, clients and members of the public, prominently post in the lobby a copy of the equal opportunity policy and procedure that includes provisions prohibiting disability discrimination and a copy of its civil rights complaint procedure
- Post a copy of the DHS brochure: Do you have a disability (DHS-4133ENG) in the lobby next to the reception desk
- Conduct annual SNAP civil rights training for all staff who administer the SNAP program and all staff who have direct contact with the public, including support staff, supervisors and managers. Benton County Human Services will document the date of the training each year and document who attends the training.

12. Appendix

- a. **Attachment A** — Full List of Legal Authorities
- b. **Attachment B** — Complaint Notification Form
- c. **Attachment C** — DHS Brochure: Do you have a disability; DHS-4133:
<https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4133-ENG>
- d. **Attachment D** — Signed Copy of the 2016 Civil Rights Assurance of Compliance
- e. **Attachment E and Addendum** — Contractor Civil Rights Assurance Agreement

Attachment A, Summary of Civil Rights Laws

Federal authorities

■ **Title VI of the Civil Rights Act of 1964**

Title VI of the Civil Rights Act of 1964 is a federal law that protects eligible people from discrimination based on their **race, color, or national origin** in programs and activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 2000 eq

seq. Regulatory citation: 45 CFR Part 80

■ ***Section 504 of the Rehabilitation Act of 1973***

Section 504 of the Rehabilitation Act is a federal law that protects **qualified individuals with disabilities from discrimination based solely on their disability**.

Statutory citation: 29 U.S.C. 794

Regulatory citation: 45 CFR Part 84

■ ***Americans with Disabilities Act of 1990, Title II***

Title II of the Americans with Disabilities Act is a federal law that protects qualified individuals with disabilities from **discrimination on the basis of their disability when the discrimination occurs in state/local government services**. This law extends to **ALL activities of the state and local governments**, including those that do not receive federal financial assistance.

Statutory citation: 42 U.S.C. 12131

Regulatory citation: 28 CFR Part 35

○ ***Title II Technical Assistance Manual (1993)***

The Technical Assistance Manual addresses the requirements of Title II as they apply to the operations of state and local governments.

Regulatory citation: 28 CFR Part 35.102-35.104

- *Section 508 of the Rehabilitation Act of 1973 (disability)*
- *Age Discrimination Act of 1975*

The Age Discrimination Act is a federal law that protects people from discrimination based on their **age** in programs/activities that receive federal financial assistance.

Statutory citation: 42 U.S.C. 6101

Regulatory citation: 45 CFR Part 91

■ *Community Service Assurance Provisions of the Hill-Burton Act*

The Hill-Burton Act is a federal act that gives hospitals and other health facilities money to build and remodel in return for providing limited health care services to people living in the area who cannot pay for health care. The nondiscrimination provisions of the Hill-Burton Act protect people from **discrimination on any ground not related to their need for the service** provided by the entity.

Statutory

citation: 42

U.S.C. 291 et seq.

Regulatory

citation: 45 CFR

Part 124

■ *Section 1557 the Patient Protection and Affordable Care Act (Added sex discrimination in health care programs.)*

■ *Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (federal block grants)*

The nondiscrimination provisions of OBRA protect service applicants and clients from discrimination on the basis of **race, color, national origin, disability and age** and in some cases **sex and religion** in programs/activities funded by federal block grants.

Regulatory citation: 45 CFR Part 96

- Community Services Block Grant (race, color, national origin, sex)
Remaining block grants (race, color, national origin, age, disability, sex, religion)
- Social Services Block Grant
- Maternal and Child Health Services Block Grant
- Projects for Assistance in Transition from Homelessness Block Grant
- Preventive Health and Health Services Block Grant
- Community Mental Health Services Block Grant
- Substance Abuse Prevention and Treatment Block Grant

- *Title IX of the Education Amendments of 1972 (sex)*

- *Equal Opportunity for Religious Organizations Regulation*

■ *Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)*

The executive order requires federal agencies to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and clients.

■ *Family Violence Prevention and Services Act*

The nondiscrimination provisions of the Family Violence Prevention Services Act protect applicants and clients from discrimination on the basis of **race, color, national origin, age, disability, sex or religion**.

Statutory citation: 42 U.S.C. 10406

■ *Interethnic Adoption Act*

The Interethnic Adoption Act is a federal law that prevents individuals or government agencies involved in adoption or foster care placement from denying or delaying the placement of a child on the basis of **the race, color, or national origin of the individual or child**.

Statutory citation: 42 U.S.C. 1996b

■ *Food Stamp Act of 1977*

The Food Stamp Act of 1977 includes nondiscrimination compliance requirements and bilingual requirements for the Food Stamp Program. The U.S. Department of Agriculture prohibits discrimination in all its programs and activities on the basis of **race, color, sex, age, disability, religion, and national origin** and **requires that bilingual services are provided** in areas with a significant proportion of non-English or limited English-speaking people.

Statutory citation: 7 U.S.C. 2011 et seq.

- *Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture*

Regulatory citation: 7 CFR Part 272.6

- *Bilingual Requirements in the Food Stamp Program, Food and Nutrition Services, U.S. Department of Agriculture*

Regulatory citation: 7 CFR Part 272.4

- **FNS Instruction 113-1**, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture

State Authorities

■ **Minnesota Human Rights Act (MHRA)**

The Minnesota Human Rights Act is a state law that protects applicants and clients of public services from discrimination on the basis of **race, color, creed, religion, nation origin, disability, sex, sexual orientation or status with regard to public assistance**.

Statutory citation: Minn. Stat. 363A

COUNTY HUMAN SERVICE AGENCY COMPLAINT NOTIFICATION FORM
COMPLAINTS ALLEGING DISCRIMINATION IN SERVICE DELIVERY

AUTHORITY: U.S. Department of Agriculture, Food and Nutrition Service Instruction 1 13-1.

REQUIREMENT: County human service agencies must notify the DHS Civil Rights Coordinator within 90 days of all service delivery discrimination complaints (i.e., civil rights complaints) filed against them (see bottom of Page 2 for contact information).

ACTION REQUIRED: Complete this form and send it to the DHS Civil Rights Coordinator within 90 days of the date the complaint was filed.

1. Name, address, telephone number of complainant:

2. Name and address of county agency delivering the benefits, including names of any employees accused of wrongdoing:

3. Type of discrimination alleged.

4. Describe the alleged discrimination, including the dates it happened. Give names and contact information of any witnesses:

5. Give a summary of the investigation findings, including any corrective action ordered.

CONTACT INFORMATION: DHS Civil Rights Coordinator
Minnesota Department of Human Services
Equal Opportunity and Access Division
P.O. Box 64997
St. Paul, MN 55164-0997
651-431-3034 (voice) or use your preferred relay service
651-431-7444 (fax)

MINNESOTA DEPARTMENT OF HUMAN SERVICES
CIVIL RIGHTS ASSURANCE OF COMPLIANCE
NONDISCRIMINATION IN STATE AND FEDERALLY FINANCED PROGRAMS

BENTON COUNTY HUMAN SERVICE AGENCY
(HEREAFTER CALLED THE "COUNTY AGENCY")

THE COUNTY AGENCY provides this civil rights Assurance of Compliance (hereafter called the "Assurance") in consideration of and for the purpose of obtaining any and all federal financial assistance from the United States Departments of Health and Human Services and Agriculture. The County Agency agrees that compliance with this Assurance is a condition of continued receipt of federal financial assistance and that it is binding upon the County Agency directly or through contract, license, or other provider of services, as long as it receives federal or state financial assistance; and shall be submitted with the required Comprehensive Civil Rights Plan update.

THE COUNTY AGENCY ASSURES that it will comply with: Title VI of the Civil Rights Act of 1964, as amended, Department of Health and Human Services, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Age Discrimination Act of 1975, 42 U.S.C. 6101, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Section 508 of the Rehabilitation Act of 1973, as amended; Title II of the Americans with Disabilities Act of 1990; Section 1557 of the Patient Protection and Affordable Care Act of 2010; Federal Block Grant Programs of the Omnibus Budget Reconciliation Act of 1981; as amended; Title IX of the Education Amendments of 1972, as amended; Family Violence Prevention and Services Act; Food Stamp Act of 1977, as amended, including the Nondiscrimination Compliance Requirements in the Food Stamp Program and the Bilingual Requirements in the Food Stamp Program; FNS Instruction 113-1, Civil Rights Compliance and Enforcement — Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture (2005); and Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996 (formerly Multiethnic Placement Act of 1994).

PURSUANT TO THE CIVIL RIGHTS PLAN for the Minnesota Department of Human Services, by accepting this Assurance, the County Agency agrees to allow access, by authorized personnel of the Minnesota Department of Human Services and the United States Departments of Health and Human Services and Agriculture, during normal working hours, to private and/or confidential data maintained by the County Agency (or other sub-recipient of federal financial assistance) to the extent necessary to conduct a full and complete investigation into any complaint of discrimination, including to compile data, maintain records and submit reports as required to determine compliance

with the above mentioned laws, rules and regulations. The Minnesota Department of Human Services agrees to comply with all requirements of the Minnesota Government Data Practices Act (Minnesota Statutes, section 13.01 et seq.). No private and/or confidential data collected, maintained or used in the course of an investigation shall be disseminated except as authorized by statute, either during the period of the investigation or after it has been concluded. If there are any violations of this assurance, DHS shall have the right to invoke fiscal sanctions or other legal remedies in accordance with Minnesota Statutes, section 256.017.

THE PERSON WHOSE SIGNATURE APPEARS BELOW is authorized to sign this Assurance and commit the County Agency to its terms.

Date

Director's Signature

I CERTIFY that the signatory for the County Agency has lawful authority to bind the County Agency to the terms of this civil rights Assurance.

Date

County Attorney's Signature

Attachment E

Benton County Human Services
Benton County-Contractor Civil Rights Assurance Agreement

Benton County Human Services agrees to comply with the civil rights assurance of compliance (hereafter "Civil Rights Assurance Agreement") as a condition of receiving Federal financial assistance through the Minnesota Department of Human Services. The Civil Rights Assurance Agreement is binding upon the County Agency, its successors, transferees, and assignees for as long as the County Agency receives Federal financial assistance. The Minnesota Department of Human Services may enforce all parts of the Civil Rights Assurance Agreement as a condition of receipt of such funds.

Compliance by Contractors and Vendors: The County Agency further agrees that by accepting this Civil Rights Assurance Agreement, it will obtain a written statement of assurance from all of its contractors and vendors (i.e., applying to all programs), assuring that they will also operate in compliance with the stated nondiscrimination laws, regulations, policies, and guidance. The written statement of assurance from all of its contractors and vendors must be maintained as part of the County Agency's *Comprehensive Civil Rights Plan* and must be made available for review upon request by the Minnesota Department of Human Services or the U.S. Department of Agriculture.

Name of Contractor/Vendor

**AGREES TO COMPLY WITH ALL APPLICABLE FEDERAL
AND STATE CIVIL RIGHTS LAWS:**

The Contractor/Vendor agrees to:

1. Administer all programs in accordance with the provisions contained in the Food and Nutrition Act of 2008, as amended, and in the manner prescribed by regulations issued pursuant to the Act; implement the FNS-approved State Plan of Operation for the Supplemental Nutrition Assistance Program (SNAP); comply with Title VI of the Civil Rights Act of 1964; section 11(c) of the Food and Nutrition Act of 2008, as amended; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title IX of the Educational Amendments of 1972; and all the requirements imposed by the regulations issued pursuant to these Acts by the U.S. Department of Agriculture to the effect that, no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, political beliefs, or

religion, be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under SNAP.

2. Administer all programs in accordance with U.S. Department of Health and Human Services requirements imposed by the regulations pursuant to Title VI of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Action of 1990; Title IX of the Educational Amendments of 1972; Section 1557 of the Patient Protection and Affordable Care Act of 2010. Comply with the regulations to the effect that, no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, or religion, be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under U.S. Department of Health and Human Services programs.
3. Administer all programs in compliance with the Minnesota Human Rights Act, Public Services and Public Accommodations provisions; comply with all the requirements imposed by the Minnesota Human Rights Act to the effect that, no person in Minnesota shall, on the grounds of race, color, national origin, religion, creed, sex, sexual orientation, marital status, public assistance status, or disability, be excluded from participation in, be denied the benefits of, or otherwise subject to discrimination under the Minnesota Human Rights Act. The Contractor/Vendor and the Department of Human Services further agree to fully comply with any changes in Federal law and regulations. This agreement may be modified with the mutual consent of both parties.
4. The Contractor/Vendor agrees that by accepting the Civil Rights Assurance it will compile data, maintain records, books and accounts; and submit reports as required to permit effective enforcement of the nondiscrimination laws. The Contractor/Vendor also agrees to permit authorized Federal and State personnel, during normal working hours, to review such records, books, accounts, and reports as needed to determine compliance with the nondiscrimination laws.

By signing on behalf of the Contractor/Vendor, I state that I am authorized to bind the Contractor/Vendor to the terms of the 2023-2024 Civil Rights Assurance Agreement and commit it to the above provisions.

Signature of Authorized Representative

Date

Print Name

Title of Authorized Representative

ADDENDUM

Clarification of SNAP Civil Rights Requirements – Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” and Titles II and III of the Americans with Disabilities Act

This addendum clarifies core civil rights requirements to ensure meaningful access to programs, services, and information for persons with Limited English Proficiency (LEP) and persons with disabilities in accordance with Federal law, regulations, and current guidance from the U.S. Department of Justice (DOJ) and the U.S. Department of Agriculture (USDA).

Meaningful Access for LEP Individuals

State agencies that participate in the Supplemental Nutrition Assistance Program (SNAP) must take reasonable steps to ensure that LEP persons have meaningful access to programs, services, and benefits. This includes the requirement to provide bilingual program information and certification materials and interpretation services to single-language minorities in certain project areas. SNAP State agencies that do not provide meaningful access for LEP individuals risk violating prohibitions against discrimination based on National Origin in the Food and Nutrition Act of 2008, as amended, Title VI of the Civil Rights Act of 1964 (Title VI), and SNAP program regulations.

Federal LEP regulations and guidance include:

- SNAP regulations provided by 7 CFR Part 272.4 (b), “Bilingual requirements”;
- Executive Order 13166 of August 11, 2000, “Improving Access to Services for Persons with Limited English Proficiency,” reprinted in 65 FR 50121, 50122 (August 16, 2000);
- DOJ policy guidance titled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” published in 67 FR 41455, 41457 (June 18, 2002); and
- USDA policy guidance titled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,” 79 FR 70771-70784 (November 28, 2014).

Four Factor Analysis for Assessing LEP Needs

To be in compliance, the Title VI guidance provided by DOF and USDA instructs State Agencies to assess the LEP needs of the population served and determine the LEP services required by balancing four factors:

1. The number or proportion of persons with limited English proficiency are eligible to be served or likely to be encountered within the area serviced by the recipient.
2. The frequency with which persons with limited English proficiency come in contact with the program.
3. The nature and importance of the program, activity, or service to people’s lives; and
4. The resources available to the recipient and costs.

SNAP State agencies must also comply with the specific requirements established by 7 CFR Part 272.4 (b) and should include these obligations in the LEP assessment.

Developing an LEP Plan

After completing an assessment of LEP needs, SNAP State agencies should develop an implementing plan to address the LEP needs of the population served. This may include contracting for oral interpretation services, hiring bilingual staff, arranging for telephone interpreters and/or language lines, coordinating community volunteers, translating vital documents, and providing written notice that language line services are available in appropriate languages. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient. LEP needs should be considered in developing State and local budgets and front line staff should understand how to obtain LEP services.

USDA's 2014 policy guidance includes detailed information on assessing LEP needs, identifying practices for translating documents that will be seen as strong evidence of compliance. For additional assistance and information on LEP matters, please also visit <http://www.lep.gov>. The website includes online LEP mapping tools designed to help assess the language needs of the population served by a particular program or facility.

Ensuring Equal Opportunity Access for Persons with Disabilities

SNAP State agencies must also ensure equal opportunity access for persons with disabilities. This includes ensuring that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with people without disabilities. State agencies that do not provide persons with disabilities equal opportunity access to programs may risk violating prohibitions against disability discrimination in the Rehabilitation Act of 1978, the Americans with Disabilities Act (ADA), and SNAP program regulations.

DOJ published revised final regulations implementing Titles II and III of the ADA on September 15, 2010. These regulations are codified at 28 CFR Part 35, "Nondiscrimination on the Basis of Disability in State and Local Government Services" and 28 CFR Part 36, "Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities." In accordance with the implementing regulations, State Agencies must provide auxiliary aids and services where necessary to ensure effective communication and equal opportunity access to program benefits for individuals with disabilities. The type of auxiliary aids and services required will vary, but a state agency may not require an individual with a disability to bring another individual to serve as an interpreter and may rely on a person accompanying a disabled individual only in limited circumstances. When a state agency communicates with applicants and beneficiaries by telephone, it must provide text telephone services (TTY) or an equally effective electronic telecommunications system to communicate with individuals who are deaf, hard of hearing, or hearing impaired. State agencies must also ensure that interested persons, including people with low vision or who are hard of hearing can obtain information as to the existence and location of accessible services, activities, and facilities. For more information, please visit the ADA website: <http://www.ada.gov>.

STATE-COUNTY CIVIL RIGHTS ASSURANCE AGREEMENT to:

Sandi Shoberg
Civil Rights Coordinator
Benton County Human Services
531 Dewey St Foley Mn 56329
(320)-968-5113
sshoberg@co.benton.mn.us

