



## Polk County Social Services Comprehensive Civil Rights Plan (CCRP)

Polk County Social Services  
612 N Broadway, Room 302, Crookston, MN 56716  
218-281-3127 (voice) or use your preferred relay service  
(877) 281-3127 (toll free)

Civil Rights Coordinator: 218-470-8405 (voice) or use your preferred relay service  
ADA Coordinator: 218-470-8405 (voice) or use your preferred relay service  
Limited English Proficiency Coordinator: 218-470-8405 (voice) or use your preferred relay service

This CCRP is posted in the lobby next to the reception desk

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### **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 (218) 281-3127 (voice) or (877) 281-3127 (toll free) or your preferred relay service.

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## 1. Purpose

As a recipient of federal financial assistance, Polk County Social 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. Polk County Social 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 out Polk County Social Service'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. Legal Authorities (See full list in Appendix, Attachment A)

- Title VI of the Civil Rights Act of 1964 (race, color, national origin)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- Section 508 of the Rehabilitation Act of 1973 (disability)
- Title II of the Americans with Disabilities Act of 1990; State and local government services (disability)
- Age Discrimination Act of 1975 (age)
- Section 1557 of the Patient Protection and Affordable Care Act (added sex discrimination in health care programs)
- Title IX of the Education Amendments of 1972 (sex)
- Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture
- FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture (2005)
- Minnesota Human Rights Act, Chapter 363A

## 3. Civil Rights Contact

Polk County Social Services designates Karen Warmack to serve as the agency's Civil Rights Contact, agency point person on civil rights matters.

Karen Warmack, Director  
(218) 470-8405 (voice) or use your preferred relay service  
(877) 281-3127 (toll free)  
[karen.warmack@co.polk.mn.us](mailto:karen.warmack@co.polk.mn.us)

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#### **4. Equal Opportunity Policy and Procedure** **Polk County Social Services Equal Opportunity Policy and Procedure**

It is the policy of Polk County Social 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.

Polk County Social Service 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 public assistance status. "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 Polk County Social Service's 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 Polk County Social Services. The Minnesota Human Rights Act also applies to the work of Polk County Social Services and those agencies carrying out its programs.

##### **Program Accessibility for People with Disabilities**

Polk County Social Services and all of 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, Polk County Social 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
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**Physical access includes:**

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

**Reasonable Modifications to Policies, Procedures or Practices**

Polk County Social Services will make reasonable modifications to its policies, procedures or practices when necessary to avoid discrimination on the basis of disability, unless Polk County Social Services can demonstrate that making the modifications would fundamentally alter the nature of the services, programs or benefits.

**Effective Communication and Auxiliary Aids and Services**

Polk County Social 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, Polk County Social 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, Polk County Social Services will give primary consideration to the requests of people with disabilities. Polk County Social 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, Polk County Social Services will find another equally effective auxiliary aid or service.

**5. Complaint Resolution Procedure**

**Polk County Social Services Civil Rights 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. Polk County Social 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,

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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, MNCare, CHIP programs, insurance companies and state health insurance exchanges.

It is against the law for anyone who works for Polk County Social 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 Polk County Social Service's equal opportunity policy, complaint procedure and complaint form. Use the contact information below to help you to file your complaint. You can also review the law and regulations that outlaw discrimination in the Civil Rights Contact's office at Polk County Social Services:

Karen Warmack, Director  
Polk County Social Services  
612 N Broadway, Room 302  
Crookston, MN 56716  
(218) 470-8405 (voice) or use your preferred relay service  
(877) 281-3127 (toll free)  
(218) 281-7347 (fax)  
Karen.warmack@co.polk.mn.us

Procedure:

1. Civil rights complaints **must** be submitted to the Civil Rights Contact within 180 days of the date the alleged discrimination occurred.
  2. A complaint **must** be in writing and contain the name and address of the person filing it. You should also give your telephone number or relay service number if you are deaf or hard of hearing. Give your email address if it helps get in touch with you. The complaint **must** state the problem or action alleged and the relief desired. If you need assistance with your complaint, the Civil Rights Contact will help you.
  3. Polk County Social Services **must** conduct an investigation of the 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. Polk County Social Services will issue a written decision on the complaint within 90 days after its filing. Polk County Social Services 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 agency's Civil Rights Contact within 15 days of receiving the written decision.
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The Civil Rights Contact **will** issue a written decision in response to the appeal, no later than 30 days after the filing. This decision is final. – This appeal process is not the same as filing a fair hearings appeal with the Department of Human Services’ Appeals and Regulations Division.

5. 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, 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, audiotope, 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

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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](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDS 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) 632-9992. 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](mailto:program.intake@usda.gov)

This institution is an equal opportunity provider.

6. 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, MNCare, CHIP programs and insurance companies and state health insurance exchanges. Contact the Equal
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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., 20<sup>th</sup> Floor  
Chicago, IL 60604-3591  
(312) 353-6657 (voice) or use your preferred relay service  
[Tamara.earley@fns.usda.gov](mailto:Tamara.earley@fns.usda.gov)

7. Arrangements for People with Disabilities:  
Polk County Social Services **will** make appropriate arrangements to ensure that people with disabilities are provided accommodations to participate in the complaint process in an equal manner to people without disabilities. Appropriate arrangements 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 making these arrangements.
8. Polk County Social Services will refer all SNAP civil rights complaints to DHS or the USDA regional office in Chicago as soon as possible after received.

## 6. Complaint Notification Form

Polk County Social Services will use the *Complaint Notification Form* to notify DHS in writing of all service delivery discrimination complaints filed against Polk County Social Services and resolved on the county agency level. Polk County Social Services will make sure the complaint notification form is completed and sent to DHS within 90 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.

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## 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

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

Karen Warmack, Director  
Polk County Social Services  
612 N Broadway, Room 302  
Crookston, MN 56716  
(218) 470-8405 (voice) or use your preferred relay service  
(877) 281-3127 (toll free)  
karen.warmack@co.polk.mn.us

### c. Disability Complaints

People filing disability complaints will use Polk County Social Service's civil rights complaint procedure.

### d. ADA Notice Document

Polk County Social Services will use the DHS brochure: *Do you have a disability* (DHS-4133-ENG) as its ADA notice document. This notice

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document informs applicants, clients and members of the public that Polk County Social 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.

Polk County Social Services has a copy of DHS brochure: *Do you have a disability* (DHS-4133-ENG) posted in the lobby next to the reception desk.

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

**e. Disability Policy Prohibiting Discrimination**

Polk County Social 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. Limited English Proficiency Plan (see Attachment E)**

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

Polk County Social 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.

Polk County Social Services will have all staff review the DHS PowerPoint presentation online. We will document the date that each staff has completed their review of the presentation annually.

**10. Civil Rights Assurance of Compliance**

The Polk County Social 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**

Polk County Social 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
  - Post the CCRP annually on all employee bulletin boards.
  - For the benefit of applicants, clients and members of the public, prominently post in the lobby a copy of the equal opportunity policy and
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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-4133-ENG) 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. Polk County Social Services will document the date of the training each year and document who attends the training.

## **12. Attachments**

**A. Full List of Legal Authorities**

**B. Complaint Notification Form**

**C. DHS Brochure – Do you have a disability? DHS-4133-ENG**

**D. Signed copy of the 2016 Civil Rights Assurance Compliance Document**

**E. Limited English Proficiency Plan**

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## Attachment A – Full List of Legal Authorities

### Federal

1. Title VI of the Civil Rights Act of 1964 (race, color, national origin)
2. Section 504 of the Rehabilitation Act of 1973 (disability)
3. Section 508 of the Rehabilitation Act of 1973 (disability)
4. Title II of the Americans with Disabilities Act of 1990; State and local government services (disability)
5. Age Discrimination Act of 1975 (age)
6. Community Service Assurance Provisions of the Hill-Burton Act (health facilities receiving Hill-Burton Funds)
7. Section 1557 of the Patient Protection and Affordable Care Act (added sex discrimination in health care programs)
8. Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act of 1981 (Federal Block Grants):
  - 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
9. Title IX of the Education Amendments of 1972 (sex)
10. Family Violence Prevention and Services Act (race, color, national origin, age, disability, sex, religion)
11. Food Stamp Act of 1977
12. Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture
13. Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, U.S. Department of Agriculture
14. FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities, Food and Nutrition Service, U.S. Department of Agriculture (2005)
15. Equal Opportunity for Religious Organizations Regulation

### State

Minnesota Human Rights Act, Chapter 363A

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**Attachment B – Complaint Notification Form**

**POLK COUNTY SOCIAL SERVICE COMPLAINT NOTIFICATION FORM  
COMPLAINTS ALLEGING DISCRIMINATION IN SERVICE DELIVERY**

**AUTHORITY:** U.S. Department of Agriculture, Food and Nutrition Service Instruction 113-1.

**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:

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

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3. Type of discrimination alleged:

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

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

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CONTACT INFORMATION: DHS Civil Right Coordinator  
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  
651-431-7444 (fax)  
[joann.daSilva@state.mn.us](mailto:joann.daSilva@state.mn.us)



**Attachment C – DHS Brochure: *Do you have a disability*; DHS-4133-ENG**  
(Posted with plan and available on request)





**Attachment D** – Signed Copy of the *2016 Civil Rights Assurance of Compliance*

MINNESOTA DEPARTMENT OF HUMAN SERVICES CIVIL RIGHTS ASSURANCE  
OF COMPLIANCE

NONDISCRIMINATION IN STATE AND FEDERALLY FINANCED PROGRAMS

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Polk County Social Services  
(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

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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 – Limited English Proficiency Plan**

**LIMITED ENGLISH PROFICIENCY PLAN**

**FOR**

**Polk County Social Services  
612 N. Broadway, Room 302  
Crookston, MN 56716**



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**A. Purpose and Legal Basis**

The purpose of this limited English proficiency plan is to ensure meaningful access to program information and services for persons with limited English language proficiency. The legal basis for this plan comes from Title VI of the Civil Rights Act of 1964. This plan implements the Title VI language access responsibilities of human services providers receiving federal financial assistance from the U.S. Department of Health and Human Services.

**B. Legal Authorities/References**

According to the Office for Civil Rights (OCR), in order to avoid discrimination on the basis of national origin against persons with limited English language proficiency, recipients of federal financial assistance from the U.S. Department of Health and Human Services must take adequate steps to ensure that persons with limited English proficiency receive the language assistance necessary to allow them meaningful access to services, free of charge. This limited English proficiency plan for Polk County Social Services (PCSS) has been completed at OCR's instruction. In OCR's August 30, 2000 policy guidance, issued to interpret the regulations under Title VI, OCR states that a recipient of federal financial assistance can ensure effective communication (which leads to meaningful access) by implementing a limited English proficiency plan that accounts for how the recipient (agency) will provide language assistance services when they are needed by applicants, clients, and members of the public.

- **Title VI of the Civil Rights Act of 1964**, 42 U.S.C. §2000 et seq.; 45 CFR §80, Nondiscrimination Under Programs Receiving Federal Financial Assistance Through the U.S. Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.
- **Office for Civil Rights Policy Guidance**, 65 Fed. Reg. 52762 (2000), Department of Health and Human Services, Office for Civil Rights, Policy Guidance on the Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency (August 30, 2000); OCR Website: [www.hhs.gov/ocr/lep/](http://www.hhs.gov/ocr/lep/)
- **Department of Justice Regulation**, 28 CFR §42.405(d)(1), Department of Justice, Coordination of Enforcement of Non-discrimination in Federally Assisted Programs

**C. Written Plan**

**1. Persons Covered by Policy - Identifying Clients with Limited English Proficiency**

PCSS limited English proficiency plan has been developed to serve its clients, prospective clients, family members of clients, or prospective clients, or other interested members of the public (hereafter called "clients") who do not speak English or who speak limited English.

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A client has limited English language proficiency (LEP) when he/she is not able to speak, read, write or understand the English language at a level that allows him/her to interact effectively with PCSS staff. Sometimes it is not this easy to identify a person with LEP. Some clients may know enough English to manage basic life skills, but may not speak, read or understand English well enough to understand in a meaningful way some of the more complicated concepts they may encounter within the human services systems (i.e., legal, medical or program language). These clients may also fit the description of a person with LEP.

**2. Statement of Commitment to Meaningful Access**

No person will be denied access to PCSS programs or program information because he/she does not speak English or speaks limited English. PCSS will provide for effective communication between clients with LEP and PCSS staff by making appropriate language assistance services available when clients need these services. Clients will be provided with meaningful access to programs and services in a timely manner and at no cost to the client.

**3. Offering Language Assistance Services**

Staff will initiate an offer for language assistance to clients who have difficulty communicating in English, or when a client asks for language assistance. Whenever possible, staff are encouraged to follow the client's preferences. For example, if a client wants a family member or friend to interpret rather than a PCSS provided interpreter, staff should allow this if doing so will not violate the client's data privacy rights and the friend/family member can demonstrate that he/she is competent to interpret. Staff must offer free interpretation and/or translation services to persons with LEP in a language they understand, in a way that preserves confidentiality, and in a timely manner.

**4. Uncommon Languages; In-Person Interpreter Services**

When interpreter services are needed in a language not commonly used, the client with LEP will be connected to the Language Line, a telephone interpretation service.

If an interpreter is needed *in-person*, rather than over the telephone, arrangements will be made to have an interpreter available at a time and place that is convenient for both the interpreter and the client. Arrangements for in-person interpreting should be made by contacting vendors directly.

PCSS utilizes Lutheran Social Services (LSS) out of Fargo, ND, for in person interpreting needs.

**5. Emergency Situations**

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When programs require access to services within short time frames, PCSS will take whatever steps necessary to ensure that all clients, including clients with LEP, have access to services within the appropriate time frames. For example, when a client needs an interpreter or other language assistance services to obtain expedited program services, PCSS' goal is to make the services accessible within the required time frame, whether that means using an interpreter or any other appropriate type of language assistance.

**6. Interpretations and Translation Defined**

For purposes of this policy, **interpretation** is defined as a spoken or visual explanation provided to help two or more people who do not speak the same language to communicate with each other. **Translation** is defined as a written version of a document provided in a different language than the original document.

**7. Assisting Clients That Don't Read Their Language**

PCSS staff must assist a client with LEP who does not read his/her primary language to the same extent as staff would assist an English speaker who does not read English.

**8. Assigning Clients with LEP to Bilingual Staff**

Where applicable, and when possible, and as a program practice, PCSS will use its best efforts to assign clients with LEP to bilingual staff who speak their language.

**D. Procedure for Using Interpretation**

**1. Verification of Client's Identity**

PCSS staff should continue the existing practice of verifying the identity of the client before releasing case-specific information. Bilingual staff, Language Line staff, or other private companies providing interpretation or translation services through contracts with the State (hereafter "contractors"), may be used in making verifications.

**2. Language Assistance Resources -- Order of Preference for Use**

As much as possible, staff should use these language assistance services in the order set out below.

**a. Bilingual Staff**

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**The list of bilingual staff, if any, available to serve as interpreters is in Attachment 1 of this Policy.**

PCSS staff should use Attachment 1 to connect existing bilingual staff to clients with LEP for the purpose of providing interpreter assistance. These bilingual staff members are considered *competent* to provide interpreter assistance.

**b. Telephone Interpreter Services**

Staff should use the Language Line Services for interpreter assistance when bilingual staff is not available or when the language is one not commonly encountered at PCSS.

PCSS staff should familiarize themselves with the Language Line before they actually need to use it. Being familiar with how to use this service will help staff act quickly when clients need interpreter assistance. A demonstration of the service available can be sampled by calling 1-800-996-8808. Also, see “Helpful Hints for Using Telephone Interpreters,” Attachment 2 of this Policy.

A copy of the Language Line Solutions Quick Reference Guide is located in the Interpreter folder on the F drive. Contact Betty Solie at ext. 8406 if you would like a hard copy.

**c. Contract Interpretation and Translation Services**

The State Department of Administration holds contracts with several interpretation and translation services in the metro area. As necessary, PCSS can contract on an individual basis to set up short/long term arrangements with these (and other) contractors. PCSS staff can contact the LEP plan Manager should this type of service need consideration. For a possible listing of additional interpretation and translation vendors, see the Yellow Pages under “Translators and Interpreters.” See also, “Helpful Hints for Using Interpreters,” Attachment 2 of this Policy.

**INTERNATIONAL TRANSLATION SERVICE**

Leonor Valderrama de Sillers

Moorhead, MN 56564-0745

218-233-7841

See additional information -Interpreter folder -F drive.

Spoken Interpretation Services:

[www.mmd.admin.state.mn.us/mn05022.htm](http://www.mmd.admin.state.mn.us/mn05022.htm)

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Written Language Translation Services:  
[www.mmd.admin.state.mn.us/mn05014.htm](http://www.mmd.admin.state.mn.us/mn05014.htm)

**d. Using Family and/or Friends as Interpreters**

Staff are asked to accommodate clients' wishes to have family or friends serve as interpreters whenever possible. However, staff must keep in mind both client confidentiality and interpreter competency and should also follow the rules set out below.

PCSS may expose itself to liability under Title VI if it requires, suggests, or encourages a client with LEP to use friends, minor children, or family members as interpreters because family, friends, or minor children may not be competent to serve as interpreters.

Use of family or friends could result in a breach of confidentiality or reluctance on the part of clients to reveal personal information critical to their situations. Family and friends may not be competent to act as interpreters because they may not be proficient enough in both languages, may lack training in interpretation, and/or have little familiarity with specialized program terminology.

If a client still prefers a family member or friend to interpret after PCSS offers free interpreter services, PCSS may use the family member or friend if doing so will not compromise the effectiveness of the interpretation and/or violate the client's confidentiality. PCSS staff should document in the client's case file their offer of interpreter assistance and the fact that the client declined the offer.

PCSS bilingual staff or contracted interpreters should be used in circumstances when a client is giving information that may negatively impact his/her eligibility for services - e.g., deadlines or certifications. Bilingual staff or contracted interpreters should also be preferred in situations where a client must answer complicated or detailed questions about his/her case. These interpretations may also be handled by family or friends, but should also be referred to PCSS bilingual staff, Language Line staff, or contractors for follow-up calls or letters.

PCSS staff must consider the requirements of the Minnesota Data Practices Act when determining whether or not, or in what capacity, a family member or friend may be used to interpret.

**e. Rule for Minor Children**

PCSS staff should never use minor children as interpreters.

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### **3. Minnesota Data Practices Act**

Minnesota Data Practices Act requires Minnesota government agencies to maintain the privacy of data that they collect in the course of their business. In the case of PCSS, the information that it collects regarding its clients is considered private data. Except in emergencies, this data may not be released to anyone other than the client, PCSS employees, the agents of PCSS, or others authorized by the courts or federal law, without the client's written, informed consent.

For purposes of the Data Practices Act, organizations and persons who contract to provide translation and interpretation services to PCSS clients are considered agents of PCSS. They may be privy to PCSS clients' private data and are bound by the same requirements for confidentiality, as are PCSS employees.

### **4. Competency of Interpreters**

PCSS will ensure to the best of its ability that interpreters, whether bilingual staff or professional interpreters, have been trained and/or demonstrate competency. To be *competent* to provide interpreter services, the interpreter must be proficient in both English and the target language and be able to convey information in both languages accurately, reflecting good skills of interpreting, have basic knowledge in both languages of specialized program terms or concepts, and demonstrate that he/she is sensitive to the client's culture.

### **E. Notice of Rights of Language Assistance**

PCSS staff must inform all clients with LEP of the public's right to free interpreter services that these services must be provided in a timely manner and must be available during PCSS business hours. Staff must also hand out fliers stating the same to all clients with LEP.

PCSS will use "I Speak" cards to help clients with LEP be able to identify their language needs for staff. PCSS will also use "I Speak" posters in the agency to help staff inform clients that language interpreters are available at no cost to the client.

### **F. Procedure for Using/Distributing Translated Forms**

PCSS can access a number of documents and forms, which are available in languages other than English, from State sources.

The Health Care Application Form, the Renewal Form, and the Household Report Form have been translated into Spanish, Russian, Somali, Hmong, and Vietnamese. The English and translated versions are all available at <https://edocs.dhs.state.mn.us>.

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Regularly used forms will be made available in translated form at each office. At the appropriate times, PCSS staff must send clients the preferred translated forms automatically when the same forms are sent to clients automatically in English.

#### **G. Translation Plan**

PCSS will translate vital documents and vital information contained in its documents--and materials in alternate formats--into the non-English languages of those language groups when a significant number or percentage of the population eligible to be served or likely to be directly affected by PCSS programs needs services or information in a language other than English to communicate effectively.<sup>1</sup> PCSS has determined that the significant number that will trigger translation is 1000 individuals within an LEP language group.

<sup>1</sup>PCSS will adopt the definition of vital document or information as it appears in the OCR Guidance. According to OCR, a document or information should be considered vital if it contains information that is critical for accessing a federal fund recipient's services or benefits or is required by law. Vital documents include, but are not limited to applications, consent forms, letters containing information regarding eligibility or participation criteria, notices pertaining to the reduction, denial, or termination of services or benefits, notices that require a response from beneficiaries, and documents that advise of free language assistance.

#### **H. LEP Training for PCSS Staff**

PCSS will distribute the LEP plan to all staff so they can learn the policies and procedures required to make language assistance available to clients with LEP. All staff with ongoing client contact are required to attend LEP training once a year. Staff will be given advance notice of these training dates. In addition, information about the LEP plan will be incorporated into the PCSS New Employee Orientation beginning in the fall of 2001.

LEP training will include information on the following topics: PCSS' legal obligation to provide language assistance to clients with LEP; the substance of PCSS' LEP plan including its policies and procedures to access language assistance services; tips on working with interpreters; and how to properly document information about a client's language needs in the client's case file.

#### **I. Monitoring of the LEP Plan**

Beginning in January each year, PCSS will conduct an evaluation of its LEP plan to determine its overall effectiveness. The evaluation will consider what is working and what is not and make adjustments to the LEP plan accordingly. The evaluation will also determine whether new languages will be added for translation and whether existing languages will be dropped. PCSS' LEP plan Manager will lead the annual evaluation activities and may utilize the help of a team of staff persons familiar with the LEP plan and how it functions.

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PCSS' annual evaluation of its LEP plan will include the following activities:

- Assessment of the numbers of persons with LEP in the service delivery area.
- Assessment of the current language needs of clients with LEP to determine whether clients need an interpreter and/or translated materials to communicate effectively with staff; updating files which lack information about a client's language needs; and confirming information with clients about their language preference at recertification.
- Determining if existing language assistance services are meeting the needs of clients with LEP.
- Assessing whether staff members understand PCSS' LEP policies and procedures, how to carry them out and whether language assistance resources and arrangements for those resources are still current and accessible.
- Seeking and getting feedback from LEP communities, including clients, community organizations, and advocacy groups working with LEP communities, about effectiveness of PCSS' LEP plan.

**J. LEP Plan Posted for Public Review**

The LEP plan will be posted for public review in all PCSS lobbies. The LEP plan will be available in English, but bilingual staff or interpreters will be available to translate the plan for those who do not speak English who wish to read it. The words "Limited English Proficiency Plan" or something to that effect, in all appropriate languages, will be posted next to the LEP plan so clients with LEP know that such a plan exists and that they can get help to read it.

**K. Distribution of LEP Plan**

Immediately upon its completion, the PCSS LEP plan will be distributed to all PCSS staff.

**L. Responsible Authority/Complaint Process - Contact Person**

Each PCSS division and special office is responsible for implementing this LEP plan in its area. The person designated to provide technical assistance and respond to inquiries and complaints from the public is the LEP plan Manager listed below.

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**Karen Warmack**  
**Director**

POLK COUNTY SOCIAL SERVICES

612 North Broadway Room 302

CROOKSTON, MN 56716

218-281-3127 (Office) or use your preferred relay service

218-470-8405 (Direct Line)

218-281-3926 (Fax)



**Attachment 1**

**LIST OF BILINGUAL STAFF INTERPRETERS**

This is a list of PCSS staff, which has indicated a proficiency in a non-English language and a willingness to act as a staff interpreter on an “as-needed” basis. All staff listed are considered “competent” to provide interpreter services at PCSS. This means they are proficient in both English and the language listed next to their name and are able to convey information in both languages accurately, may have had orientation and training that includes the skills and ethics of interpreting, have basic knowledge in both languages of specialized program or concepts, and will be sensitive of the client’s culture.

Ricardo Ramon ( ext. 8525 ) - Spanish



Attachment 2

**POLK COUNTY SOCIAL SERVICES**

**HELPFUL HINTS FOR USING TELEPHONE INTERPRETERS**

1. Tell the interpreter the purpose of your call - describe the type of information you are planning to convey.
  2. Enunciate your words and try to avoid contractions, which can be easily misunderstood as the opposite of your meaning. E.g., “can’t - cannot.”
  3. Speak in short sentences, expressing one idea at a time.
  4. Speak slower than your normal speed of talking, pausing after each phrase.
  5. Avoid the use of double negatives. E.g., “If you don’t appear in person, you won’t get your benefits.” Instead, “You must come in person in order to get your benefits.”
  6. Speak in the first person. Avoid the “he said/she said.”
  7. Avoid using colloquialisms and acronyms, e.g., “PCSS,” “MFIP,” etc. If you must do so, please explain their meaning.
  8. Provide brief explanations of technical terms, or terms of art, e.g., “*Spend-down* means the client must use up some of his/her monies or assets in order to be eligible for services.”
  9. Pause occasionally to ask the interpreter if he/she understands the information that you are providing, or if you need to slow down or speed up in your speech patterns. If the interpreter is confused, so is the client.
  10. Ask the interpreter if, in his/her opinion, the client seems to have grasped the information that you are conveying. You may have to repeat or clarify certain information by saying it in a different way.
  11. ABOVE ALL, BE PATIENT with the interpreter, the client and yourself!
  12. Thank the interpreter for performing a very difficult and valuable service.
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