



## Comprehensive Civil Rights Plan Otero County Department of Human Services

13 W 3<sup>rd</sup> Street; Ste 102

La Junta, CO 81050

Voice: 719-383-3168

FAX: 719-383-3150

TTY users place calls through CO Relay Service: 711 or 1-800-659-2656

### **Contact Persons**

Civil Rights:	Donna Rohde, Otero County DHS Director Nichole Hastings, Otero County Human Resources Manager 13 W 3 <sup>rd</sup> Street, La Junta, CO 81050
ADA	Kaysie Schmidt, County Administrator 13 W 3 <sup>rd</sup> Street, La Junta, CO 81050

This plan is available in the public reception areas of the Department of Human Services, 13 W 3<sup>rd</sup> Street, La Junta CO 81050 and 215 Raton, La Junta, CO 81050 and online at [oterocounty.colorado.gov](http://oterocounty.colorado.gov).

### **Americans with Disabilities Act Advisory**

This information is available in accessible formats to individuals with disabilities and for information about equal access to services by contacting Donna Rohde at the contact information above.

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## **PURPOSE**

As a recipient of Federal Financial Assistance, Otero County Department of Human Services is responsible for providing core services to assist and support Colorado's most vulnerable individuals and families so they can meet their basic needs and be treated with respect and dignity. Otero County Department of Human Services has a civil rights plan 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, ethnic origin, ancestry, gender, gender expression and public assistance status. In medical assistance programs, sex includes sex stereotypes and gender identity or public assistance status. In medical programs, sex includes sex stereotypes and gender identity under any health program or activity receiving federal funds.

The civil rights plan also serves as a source of information for Otero County Department of Human Services staff and the general public. The plan sets out 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.

## **LEGAL AUTHORITIES**

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 Amendment 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. Section 1557 of the Patient Protection and Affordable Care Act (added sex discrimination in health care programs)
7. 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 Human Services Block Grant
  - Community Mental Health Services Block Grant
  - Substance Abuse Prevention and Treatment Block Grant
8. Title IX of the Education Amendments of 1972 (sex)
9. Family Violence Prevention and Services Act (race, color, national origin, age, disability, sex, religion)
10. Food Stamp Act of 1977 (As Amended Through P.L. 108-269, 2004)

11. Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
12. Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
13. FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, Food and Nutrition Service, US Department of Agriculture (2005)
14. Equal Opportunity for Religious Organizations in USDA Regulation
15. Colorado Anti-Discrimination Act (CADA)
16. Title 45 CFR Parts 80, 84 and 91
17. Title 28 CFR Part 35
18. Title 24 CRS Parts 4, 6, 8 and 34
19. Title 10 CCR Section 8.100
20. Colorado Anti-Discrimination Act

#### **CIVIL RIGHTS CONTACT PERSON**

Otero County Department of Human Services designates Donna Rohde to serve as the Agency's Civil Rights Contact, Agency point person on civil rights matters.

Contact Person	Donna Rohde
Telephone	719-383-3168
Relay	711 or 1-800-659-2656
Email	<a href="mailto:donna.rohde@state.co.us">donna.rohde@state.co.us</a>

## **EQUAL OPPORTUNITY POLICY**

### **Otero County Department of Human Services Policy for equal opportunity in service delivery**

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

Otero County Department of 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 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. Otero County Department of Human Services employees, programs and policies must also allow physical and program access for people with disabilities.

This civil rights policy covers Otero County Department of 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 Otero County Department of Human Services. The Colorado Anti-Discrimination Act (CADA) also applies to the work of Otero County Department of Human Services and the agencies carrying out the work of Otero County Department of Human Services.

Some state laws provide greater protections than federal law. In these cases, Otero County Department of Human Services will follow state law.

### **Program accessibility Policy for People with Disabilities**

Otero County Department of Human 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, Otero County Department of Human Services will:

- Notify the public about the rights and procedures for people with disabilities under the Americans with Disabilities Act
- Designate and ADA Coordinator and maintain a complaint procedure.
- Make sure that its buildings are physically accessible to 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 Otero County Department of Human Services buildings.
- Level access on the first floor of Otero County Human Services buildings with elevator access to all other floors.

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

Otero County Department of Human Services will make reasonable modifications to its policies, procedures or practices when necessary to avoid discrimination on the basis of disability, unless Otero County Department of Human 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**

Otero County Department of Human Services will take appropriate steps to ensure that communication with people with disabilities and companions with disabilities are as effective as communication with others. To ensure effective communications, Otero County Department of Human Services will provide, upon request, auxiliary aids and services, including accessible formats, so that people with disabilities or persons whose first language is not English 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. Other examples of free aids and services include but are not limited to qualified sign language interpreters, written information in other formats, foreign language interpreters, and information translated into other languages.

To determine what types of auxiliary aids or services are necessary, Otero County Department of Human Services will give primary consideration to the requests of people requesting the auxiliary aid or services unless it would fundamentally alter the nature of the service, program or benefit or cause an undue administrative or financial burden. If this happens, Otero County Department of Human Services will find another equally effective auxiliary aid or service.

**Training**

Otero County will conduct annual training on the agency's civil rights plan for all staff that have contact with applicants and members or agency staff who supervise those who have applicant/member direct contact. The training will include information on how to provide clients and members with civil rights information, guidance on how to assist with filing civil rights complaints and updated contact information for the agency's Civil Rights Contact Person. Training will also provide staff with information on how to access auxiliary aids and services and language access services for applicants and/or members. 100% of Otero County's staff shall

complete the annual training, and tracking of completion of annual training shall be maintained by the Civil Rights Contact Person or designee. Agency staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with applicants and members or who supervise those who have direct contact with applicants and/or members are required to complete annual State Civil Rights and Nondiscrimination training provided by the Staff Development Division (SDD). 100% of the agency's staff must complete the required training on an annual basis. Failure to complete the training annually may result in loss of access to the Colorado Benefits Management System (CBMS). The Agency Civil Rights Contact Person, or designee, shall maintain tracking of training completion by staff. The Civil Rights Contact Person will ensure that necessary training is completed based on complaints referrals received by the agency and when investigations into complaints determine that there was a violation and/or founded discrimination. This training will be conducted to ensure that future occurrences of civil rights complaints are prevented to the best of the staff members' ability. The training will be tracked by the Civil Rights Contact Person or designee and on the agency's Civil Rights Complaint log. Additional action may be taken including but not limited to staff performance improvement plan and termination.

## **COMPLAINT RESOLUTION PROCEDURE**

### **Otero County Department of Human 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. Otero County Department of 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, ethnic origin, ancestry, gender, gender expression or public assistance status. Sex includes sex stereotypes and gender identity discrimination that occurs in medical or health programs, insurance companies and state health insurance exchanges.

It is against the law for anyone who works for or contracts with Otero County Department of 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.

Donna Rohde, Director  
Otero County Department of Human Services  
13 W 3<sup>rd</sup> Street, Ste 102  
La Junta, CO 81050  
719-383-3168 (voice)  
711 or 1-800-659-2656 (TTY/TDD)  
719-383-3150 (fax)  
[donna.rohde@state.co.us](mailto:donna.rohde@state.co.us)

#### **Arrangements for People with Disabilities**

Otero County Department of Human Services will make appropriate arrangements to ensure the people with disabilities are provided with 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.



Procedure:

- Civil rights complaints must be submitted to the Civil Rights Contact within 180 days of the date the alleged discrimination occurred.
- A complaint must be in writing and contain the name and address of the person filing it. Other important contact details are 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 Contact will help you.
- The individual who had a complaint received against them cannot be the individual conducting the investigation. If there is a potential conflict of interest, Otero County Human Resources Manager will be used to conduct the investigation.
- The agency must conduct an investigation of the complaint. The investigation may be formal or 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, to the complainant and the state department, within 30 days after its filing. The County will maintain the complaint records and files for three (3) years. Otero County Department of Human Services will track all complaints, outcomes and business practices changes instituted as a result of complaints. Complaints about program rules are not civil rights complaints and will be resolved through a different complaint process.
- The person filing the complaint may appeal the decision by writing to the Human Resources Manager within fifteen (15) days of receiving the written decision. The Human Resources Manager will issue a written decision to the complainant and the state department, in response to the appeal no later than 15 days after the appeal is filed. This decision is final. This appeal process is not the same as filing a fair hearings appeal through the CDHS or HCPF appeals processes.
- The person filing the complaint must be informed that he/she can file a discrimination report directly with the US Department of Health and Human Services Office for Civil Rights or the US Department of Agriculture (USDA) for the SNAP Program

**To file a complaint directly with the US Department of Health and Human Services:**

The US Department of Health and Human Services Office for Civil Rights prohibits discrimination in its programs because of race, color, national origin, age, disability, sex or 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, insurance companies and state health insurance exchanges under Title I of the Affordable Care Act. Contact the federal agency directly through their online portal at [OCR Complaint Portal](#), by mail to: Centralized Case Management Operations; US Department of Health and Human Services; 200 Independence Ave, SW; Room 509F HH Bldg.; Washington, DC 20201 or via email at [OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov)

**To file a complaint directly with USDA:**

In accordance with Federal civil rights law and US 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, ethnic origin, ancestry, gender, gender expression or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons who require 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 Services at 800-877-8339 or 800-845-6136 (Spanish). Additionally, program information may be made in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#) (AD-3207) found online at [USDA Discrimination Complaint](#) 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, send an email to [CR-Info@usda.gov](mailto:CR-Info@usda.gov) or call 866-632-9992. Individuals who are deaf, hard of hearing or have speech disabilities may use the Federal Relay Service 800-877-8339 or 800-845-6136 (Spanish). The form should be submitted by one of the following methods:

1. Mail to USDA; Director, Center for Civil Rights Enforcement; 1400 Independence Avenue, SW; Washington DC 20250-9410
2. Fax to 202-690-7442
3. Email to [program.intake@usda.gov](mailto:program.intake@usda.gov).

**To file a complaint directly with the State of Colorado:**

The person filing the complaint must also be informed of the right to file a discrimination complaint directly to the State of Colorado. Complaints can be made through any of the following channels:

Utilize the Department's Civil Rights complaint processes by submitting the [Discrimination Complaint Form](#) or by contacting [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us).

Utilize the Colorado Civil Rights Division complaint process by completing the [CaseConnect Civil Rights Form](#) or contacting [dora\\_ccrd@state.co.us](mailto:dora_ccrd@state.co.us). The Colorado Civil Rights Division (CCRD) is the State of Colorado's authority for the Colorado Anti-Discrimination Act (CADA)

Contact the Denver branch of the US Department of Health and Human Services Office of Civil Rights at 1961 Stout Street, Room 08-148; Denver CO 80294-3538; 200-368-1019 (voice); 202-619-3818 (fax); 800-537-7697 (TDD); [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov) (email).

**Appeal Process**

You have the right to appeal the outcome of the investigation if you are not satisfied with the decision. To appeal, you must send a written request to review the outcome of the investigation within 15 days of receiving the written decision. Be brief and state why you disagree with the decision, plus any additional information that may apply. Send your request to the attention of the Human Resource Manager; 13 W 3<sup>rd</sup> Street, Ste 212; La Junta, CO 81050. The Human Resource Manager will review the information and render a decision within 15 days, which will be final. This appeal process is not the same as filing a fair hearings appeal through the CDHS or HCPF appeals processes.

Otero County Department of Human Services is not an enforcement agency. It can investigate situations where policies prohibiting discrimination may have been violated. You are always free to file a discrimination complaint with other appropriate agencies, including enforcement agencies.

**Assistance in filing your complaint**

If you have questions or need help to file your complaint, the Civil Rights Contact can assist.

**Agency Contractor, Vendor, and Partner Compliance Requirements**

As specified in 10 CCR 2505-5 1.020.6.1.c, the Department shall assure that any contractors, vendors, partners or other parties that do business on behalf of the agency, are paid using federal and state Medical Assistance funds, or who have contact with applicants or members are in compliance with federal and state civil rights laws and the provisions within this Operational Memo. If the agency is alerted to discriminatory activity, the agency must notify the Department, via email [HCPF\\_CountyRelations@state.co.us](mailto:HCPF_CountyRelations@state.co.us), within three (3) calendar days.

As detailed in 10 CCR 2505-5 1.020.6.f.ii, if Otero County Department of Human Services receives or is notified of a complaint of discrimination or through our own investigation of a civil rights or discrimination complaint, and the complaint is founded and the applicant, member or individual was found to be discriminated against by Otero County or any staff, contractor, vendor or partner of Otero County, Otero County will initiate corrective actions as specified in 10 CCR 2505-5 until the issue is rectified.

At the Department's direction, if the agency, state or federal government finds that any of the agency's contractors, vendors or partners are in violation of federal and state civil rights provisions, the agency may be required to terminate any payments or association with that party, per 10 CCR 2505-5 1.020.6.1.d. Termination must occur immediately upon notification from the Department to the agency.

**Otero County Department of Human Services Civil Rights Form**

Otero County Department of Human Services has developed a form to assist complainants in filing a comprehensive complaint. It is available upon request and from the Otero County website.

**Civil Rights Plan Administration**

Otero County Department of Human Services will administer its Civil Rights Plan by doing the following:

- Providing its comprehensive civil rights plan in the Agency reception areas in all locations. The plan is available to applicants, clients, members of the public, employees, volunteers and contractors.
- Posting the comprehensive civil rights plan and the HCPF [Nondiscrimination Statement](#) on the Agency's website.
- Review the comprehensive civil rights plan annually with all staff.
- Conduct annual SNAP civil rights training for appropriate staff.