

County Civil Rights Plan

La Plata County Department of Human Services
10 Burnett Court
Durango, CO 81301
970-382-6150
fax: 970-382-6151

Civil Rights Contact Persons

La Plata County Department of Human Services (DHS) designates the following persons to serve as the Agency's Civil Rights Contacts on civil rights matters.

Martha Johnson, La Plata County DHS Director
10 Burnett Court, Durango, CO 81301

Monica Shadid, La Plata County Human Resources Director
1101 East Second Avenue, Durango, CO 81301

This County Civil Rights Plan, La Plata County Nondiscrimination and State Nondiscrimination Statements are available by asking at the public reception area of the Department of Human Services, 10 Burnett Court Durango, CO 81301 and online at <https://www.co.laplata.co.us/>.

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PURPOSE

As a recipient of Federal Financial Assistance, La Plata 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. La Plata County Department of Human Services has a civil rights plan to ensure that all members, applicants, employees, and others, receive equal access to program services and information. Its programs are operated in a nondiscriminatory way, without regard to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, public assistance status, or disability.

The civil rights plan also serves as a source of information for La Plata County Department of Human Services staff and the general public. The plan sets out the Agency's civil rights administrative policies and procedures, identifies key contacts within the Agency, and links the reader to applicable state and federal civil rights laws and resources.

LEGAL AUTHORITIES

- Title VI of the Civil Rights Act of 1964 (race, color, national origin)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- Section 508 Amendment 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)
- Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act of 1981 (Federal Block Grants) - Social Services Block Grant
- Title IX of the Education Amendments of 1972 (sex)
- Family Violence Prevention and Services Act (race, color, national origin, age, disability, sex, religion)
- Food Stamp Act of 1977 (As Amended Through P.L. 108-269, 2004)
- Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
- Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
- FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, Food and Nutrition Service, US Department of Agriculture (2005)
- Equal Opportunity for Religious Organizations in USDA Regulation
- Colorado Anti-Discrimination Act (CADA)

U.S. Department of Health and Human Services Regulations:

- Title 45 Code of Federal Regulations (CFR) Parts 80, 84, and 91
- Title 28 CFR Part 35

State of Colorado regulations:

- Title 24 Colorado Revised Statutes (CRS) Parts 4, 6, 8 and 34
- Title 10 Code of Colorado Regulations (CCR) Section 8.100
- The Colorado Anti-Discrimination Act

CIVIL RIGHTS CONTACT PERSON

La Plata County Department of Human Services designates Martha Johnson to serve as the Agency's Civil Rights Contact on civil rights matters.

Contact Person	Martha Johnson
Telephone	970-382-6146
Email	Martha.Johnson@co.laplata.co.us

EQUAL ACCESS AND OPPORTUNITY POLICY

It is the policy of La Plata 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.

La Plata 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, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, public assistance status, or disability. La Plata 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 La Plata 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 La Plata County Department of Human Services. The Colorado Anti-Discrimination Act (CADA) also applies to the work of La Plata County Department of Human Services and the agencies carrying out the work of La Plata County Department of Human Services.

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

Program accessibility Policy for People with Disabilities

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (504), Title II of the Americans with Disabilities Act of 1990 ("ADA"), and Section 1557 of the Patient

Protection and Affordable Care Act of 2010, La Plata County Department of Human Services does not discriminate against qualified individuals with disabilities on the basis of disability in employment, admission or access to, treatment or participation in, or receipt of the services and benefits under any of its programs, services and activities. La Plata County Department of Human Services and all of its programs, services and activities are accessible to and usable by individuals with disabilities.

La Plata 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, La Plata 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 an ADA Coordinator 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 La Plata County Department of Human Services building.
- Level access into the first floor of the La Plata County Human Services building.

Reasonable Modifications to Policies, Procedures or Practices

La Plata 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 La Plata County Department of Human Services can demonstrate that making the modifications would fundamentally alter the nature of the services, programs or benefits.

Anyone who requires an auxiliary aid or service or to request a reasonable modification to participate in a program, service or activity of the La Plata County Department of Human Services, should contact the agency and/or the Civil Rights Contact Person to request. The La Plata County Department of Human Services is not required to take any action that would fundamentally alter the nature of its programs, services and activities, or impose an undue financial or administrative burden. The La Plata County Department of Human Services will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids and services or reasonable modifications.

Effective Communication and Auxiliary Aids and Services

La Plata County Department of 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, La Plata County Department of Human Services will provide 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, La Plata 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.

COMPLAINT RESOLUTION 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. La Plata 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, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability.

It is against the law for anyone who works for or contracts with La Plata 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 and access policy, cited above, 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.

Martha Johnson, Director
La Plata County Department of Human Services
Tech Center Plaza
10 Burnett Court, 1st Floor
Durango, CO 81301
970-382-6146
Martha.Johnson@co.laplata.co.us

Arrangements for People with Disabilities

La Plata County Department of Human Services 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 readers or accessible formats and hearing assistance aids for people who are deaf or hard-of-hearing, providing 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:

- The below procedure has been approved by the Department of Healthcare Policy and Financing (HCPF).
- Civil rights complaints must be submitted to the Civil Rights Contact within 60 days of the date the alleged discrimination occurred.
- The applicant, member and/or the individual who submitted the complaint will be able to provide information to the Civil Rights Contact Person to assist with the investigation; this can be in writing or by contacting the Civil Rights Contact person at 970-382-6146 or at Martha.Johnson@co.laplata.co.us. A complaint must 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 Contact will help you.
- 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 120 days after the filing of a formal complaint or 60 days after the filing of an informal complaint. The individual who had a complaint received against them cannot be the individual conducting the investigation. An alternative agency may be used to conduct the investigation in the event of a conflict of interest.
- The County will maintain the complaint records and files for three (3) years. Complaints will be tracked with the outcome of the investigation (founded or unfounded), process changes that were implemented based on the result of the investigation, and training provided as a result of the investigation's outcome. The complaint log will be used to monitor the progress of investigations to ensure timelines are followed. Complaint log data will be submitted to HCPF (using the County Relations webform ticket <https://hcpfdev.secure.force.com/HCPFCountyRelations>) on a biannual basis (July 31st and January 31st of each year) with the first submission being January 31, 2024. Complaints about program rules are not civil rights complaints and will be resolved through a different complaint process.
- Once an investigation is completed, the Civil Rights Contact Person will notify the applicant, member, and/or individual that submitted the complaint in writing, via certified mail or email, if the person submitting the complaint has provided address and email information, within 3 business days of the investigation being completed. Upon notification of the results of the investigation, the person submitting the complaint will receive notice that they may appeal the initial decision.
- If a complaint of discrimination or Civil Rights violation related to Medical Assistance is investigated by the agency and the investigation finds that the complaint is founded,

HCPF requires the agency to notify HCPF and to take all necessary steps to correct the violation.

- HCPF must be provided with a detailed description of actions taken and modifications made to correct the violation related to Medical Assistance within three (3) calendar days from the completion of the investigation. This information will be sent using the County Relations Webform Ticket or via email to HCPF_CountyRelations@state.co.us. Upon receipt of the agency's investigation findings and description of its corrective action, HCPF will work with the agency on any additional required steps.
- The person filing the complaint must be informed that he/she can file a discrimination report directly with the US Department of Health and Social Services Office for Civil Rights or the US Department of Agriculture (USDA) for the SNAP Program

To submit a complaint, the applicant or member can:

1. Utilize the county's Civil Rights/Non-Discrimination complaint process, required as part of the county's Civil Rights Plan, operationalized by the county and approved by HCPF.
2. Utilize HCPF's Civil Rights complaint process by submitting the [Discrimination Complaint Form](#) or contacting hcpf504ada@state.co.us
3. Utilize the Colorado Civil Rights Division complaint process by completing the [CaseConnect Civil Rights Form](#) or contacting 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).
4. Reach out directly to the following:

U.S. Department of Health and Human Services
Office of Civil Rights U.S. Department of Health and Human Services Office for Civil Rights
1961 Stout Street, Room 08-148
Denver, CO 80294-3538
Voice Phone: (800) 368-1019
FAX: (202) 619-3818
TDD: (800) 537-7697
Email: ocrmail@hhs.gov

Colorado Department of Health Care Policy and Financing
Civil Rights Officer
1570 Grant Street
Denver, CO 80203
Telephone: 303.866.6010
State Relay: 711
Fax: 303.866.2828
Email: hcpf504ada@state.co.us

<https://hcpf.colorado.gov/americans-disabilities-act>

Colorado Department of Regulatory Agencies
Colorado Civil Rights Division
1560 Broadway, Suite 825
Denver, CO 80202
Telephone: 303.894.2997
Toll Free: 800.262.4845
State Relay: 711
Fax: 303.894.7830
Email: dora_ccrd@state.co.us
<https://socgov07-site.secure.force.com/ColoradoCivilRights/>

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 Resources Director; 1101 East Second Avenue, Durango, CO 81301. The Human Resources Director will review the information and render a decision within 15 days of the conclusion of the appeal process, which will be final. When making an appeal decision, the Human Resources Director shall consider all testimony and relevant evidence introduced during the appeal. The applicant, member, or the individual that submitted the complaint and the agency's Civil Rights Contact Person may both be allowed to introduce witnesses and evidence in a fair and consistent manner and may be represented by counsel if desired. This appeal process is not the same as filing a fair hearings appeal through the Colorado Department of Human Services (CDHS) or the Department of Healthcare Policy and Financing (HCPF) appeals processes. All decisions shall be in writing and provided to the agency's Civil Rights Contact Person, the applicant, the member, and/or the individual who submitted the complaint, and HCPF. The Civil Rights Contact Person must update the Civil Rights Complaint Tracking log with the outcome of the appeal.

La Plata 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.

The applicant, member or individual who submitted the complaint will not be retaliated against for their submission of a complaint, nor will a member's benefits be terminated for submitting a complaint.

Departments of human/social services must cooperate fully with the federal and state investigative processes. If HCPF receives or is notified of a complaint of discrimination against the agency, HCPF may initiate corrective actions as specified in 10 CCR 2505-5 1.020.11 until

the Agency rectifies the issue. Non-compliance with corrective action will result in sanctions as stated in 10 CCR 2505-5 1.020.12.

Assistance in Filing Your Complaint

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

La Plata County Department of Human Services Civil Rights Complaint Form

La Plata 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 La Plata County website.

Civil Rights Plan Administration

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

- Providing its county civil rights plan in the agency reception area. The plan is available upon request to applicants, clients, members of the public, employees, volunteers and contractors.
- Posting the county civil rights plan on the county's website.
- Annually training county staff on how to access the county civil rights plan on an ongoing basis and how to make the plan available upon request. Training is described further below in the Training Statement.
- Conducting annual state-approved civil rights training for appropriate staff. Training is described further below in the Training Statement.
- Annually reviewing the Civil Rights Plan and providing any updates to HCPF at HCPF_CountyRelations@state.co.us.

Monitoring

The agency Civil Rights Contact Person is responsible for monitoring La Plata County's compliance with the Civil Rights Plan, including ensuring all staff complete required training, and that investigations are completed per the plan, including submission of the biannual investigation reporting.

Training Statement

La Plata County Department of Human Services will conduct annual training on the agency's civil rights plan to 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 La Plata County Department of Human Services staff shall complete the annual training, and tracking of completion of annual training shall be maintained by the Civil Rights Contact Person on the agency training spreadsheet.

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). Training completion will be tracked and reported by the SDD.

The Civil Rights Contact Person will conduct as needed training with staff based on complaints received by the agency and when investigations on 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 on the agency training spreadsheet. Additional action may be taken including but not limited to staff performance improvement plan and termination.

Agency Contractor, Vendor, and Partner Compliance Requirements

As specified in 10 CCR 2505-5 1.020.6.1.c, HCPF 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 HCPF, via email HCPF_CountyRelations@state.co.us, within three (3) calendar days.

At HCPF'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 HCPF to the agency.