

DEPARTMENT OF SOCIAL SERVICES  
744 F. Street, Sacramento, CA 95814



March 28, 1988

ALL COUNTY INFORMATION NOTICE NO. 1-18-88

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CIVIL RIGHTS OFFICERS

SUBJECT: Guidelines for Developing Procedures for  
Investigating Complaints of Discrimination

The purpose of this letter is to transmit guidelines for developing procedures for investigating complaints of discrimination.

Counties are required to submit these procedures as a part of their annual Civil Rights Plan Updates. It has come to our attention, as a result of our review of these plans, that many counties are not meeting all the requirements of the Division 21 regulations when preparing their procedures. The attached guidelines provide a suggested format and cover all the areas the counties must address.

The guidelines will also be included as a part of the package sent to counties when requesting their annual Civil Rights Plan Updates. It is not necessary to submit a procedure as a result of this letter. If you have any questions, please contact your Civil Rights liaison analyst at (916) 322-4134.

A handwritten signature in cursive script, appearing to read 'Robert Garcia'.

ROBERT GARCIA  
Deputy Director  
Administration

Attachment

cc: CWDA

STATE DEPARTMENT OF SOCIAL SERVICES

Procedures for Investigating Complaints of Discrimination

- I. Identification of a Discrimination Complaint
- II. Right to File a Complaint
- III. Acknowledgment of Complaint
- IV. Early Resolution
- V. Interview With Complainant
- VI. Review of Case Files
- VII. Interviews With CWD Employees
- VIII. Final Report
- IX. Right to Appeal
- X. Retention

## I. Identification of a Discrimination Complaint

In order to determine if a valid discrimination complaint exists, the agency taking the complaint will need the basic information requested on form GEN 1179, Complaint of Discrimination.

- Name (a complainant may remain anonymous), address
- Aid type
- Basis of discrimination within one of nine grounds -race, sex, religion, national origin, color, handicap, age, marital status, political affiliation
- Description of actions (who did what, when)
- Resolution being sought
- Signature and date (If completed by other than complainant, so indicate)

In order to be a valid complaint, the alleged basis of discrimination must fall within one of the nine grounds listed above.

## II. Right to File a Complaint

- Any applicant/recipient or his/her authorized representative has a right to file a complaint of discrimination within 180 days of the alleged incident.
- The 180 day limitation may be extended by the State Department of Social Services, U.S. Department of Health & Human Services or U.S. Department of Agriculture, Food & Nutrition Service.
- A complaint may be filed at the county, state, or federal level, or at all levels simultaneously.
- A complaint may be filed orally, or in writing.
- A complaint may be filed by a complainant who wishes to remain anonymous.
- All complaints must be logged in and processed through to closure.

## III. Acknowledgment of Complaint

- A complaint must be acknowledged in writing by certified mail with return receipt requested within 10 days of its receipt.

## IV. Early Resolution

- Prior to beginning a full scale investigation, every effort should be made to resolve the complaint to the mutual satisfaction of the complainant and the county.

- If early resolution is accomplished, the terms of the agreement should be put in writing and sent to the complainant and to the State Department of Social Services, Civil Rights Bureau.
- If possible, the CWD should obtain a signed withdrawal from the complainant.

#### V. Interview With Complainant

Arrangements shall be made for a personal interview with the complainant. The person assigned to investigate the case shall make special provisions to ensure that the complainant is able to communicate fully, including the use of interpreters, readers, etc., during the interview.

The CWD shall designate an employee to conduct investigations. In no case shall an employee be assigned to investigate a complaint involving actions taken by him/her or by an employee under his/her immediate supervision, or where that designated employee's responsibilities in another program or capacity within CWD may result in a conflict of interest.

Prior to the interview the investigator should advise the complainant of his/her right to have a representative/counsel present at the interview. At the interview, the investigator should explain the following rights to the complainant:

1. The issues to be addressed and investigated as a part of the complaint.
  2. The complainant's right to see the discrimination case file and the rules of confidentiality.
  3. The regulatory time frames regarding investigations and projected date of completion.
  4. The right to appeal a discrimination complaint finding to other levels of government, i.e., state, federal.
  5. Prohibition of retaliation.
- The investigator should obtain the following information regarding the complaint:
    - a. Complainant's name, case number, address and telephone.
    - b. Names of individuals responsible for the action, decision or condition alleged to be discriminatory.

- c. Date and place of alleged discriminatory treatment.
- d. Discriminatory criteria (race, sex, handicap, etc.).
- e. Nature of the action, decision, or conditions of the alleged discrimination.
- f. Information known to the complainant in support of his/her allegation.
- g. Possible witnesses whom the complainant wishes to have interviewed.
- h. Other information specific to the complaint.
- i. Any indications of reprisal, intimidation or harassment as a result of the complaint.
- j. Relief sought by the complainant.

#### VI. Review of Case Files

In evaluating the general environment in which the alleged discriminatory action occurred, the investigator may:

- a. Select and review cases to compare the treatment of members of the same race, handicap or ethnic group, etc., with cases selected from the general welfare population.
- b. Compare the treatment of recipients by the individual who allegedly discriminated with the treatment provided by other employees for a similar group.
- c. Interview the employee alleged to have discriminated.
- d. Interview the supervisor of the employee named in the complaint and survey the general environment in which the complaint arose. Record details which may indicate needed corrective action or exonerate the employees alleged to have discriminated.
- e. Review other supporting documents as appropriate.

#### VII. Interviews with CWD Employees

A welfare staff person(s) should be advised of their right to have a representative present with them at the interview. They should be made aware of this right prior to the interview to allow the person time to make any necessary arrangements.

At the beginning of an interview with a welfare staff person who has been named by the complainant, the investigator should explain that person's rights and inform him/her of the allegations made against him/her and the identity of the complainant. The following should be explained to the welfare staff person interviewed:

1. The reason for the interview.
2. That any information or statements given during the interview may become a part of the complaint file which is accessible to the complainant.
3. That they may be subject to disciplinary action if it is determined that they have discriminated or if they refuse to cooperate in the investigation.
4. That they have a right to receive a copy of the decision in the investigation.
5. That the file will be kept confidential except to the extent necessary to conduct the investigation.

The investigator should review the discrimination case files to determine if there have been previous complaints or findings of discrimination against any welfare staff person named in the complaint, or any such pattern in the department.

#### VIII. Final Report

The investigation shall be completed within 30 calendar days following the acknowledgment of the complaint.

Within 10 working days following completion of an investigation the CWD shall -

- a. inform the complainant in writing of the results of the investigation clearly, stating the basis for the decision and
- b. forward a complete copy of an investigation report to SDSS.

The investigation report shall address all issues raised by the complainant. Where there is conflicting evidence, further investigation should be conducted. If the conflict cannot be resolved, the investigator shall ensure that such issues are fairly represented in the report.

IX. Right to Appeal

The CWD shall inform the complainant of their right to appeal a decision to the SDSS/CRB, HHS/OCR or USDA/FNS within 30 calendar days of the date the investigation report is mailed or given to complainant.

X. Retention

The agency shall retain the written complaint, a record of its disposition, and the investigation report for 3 years from final disposition.