

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



September 15, 2006

ALL COUNTY LETTER NO. 06-39

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CIVIL RIGHTS COORDINATORS

SUBJECT: DISCRIMINATION COMPLAINT INVESTIGATION

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order or Settlement Agreement
- Clarification Requested by One or More Counties
- Initiated by CDSS

The purpose of this All County Letter (ACL) is to clarify the scope of jurisdiction in a discrimination complaint investigation. California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP), Division 21-103, states that if county welfare departments (CWDs) receive federal or state financial assistance through CDSS to administer public assistance and social services programs, then those CWDs must comply with the civil rights requirements listed in Division 21 regulations. This includes the responsibility of investigating discrimination complaints filed by applicants/recipients and their authorized representatives (Div. 21-203).

The main focus of the discrimination complaint investigation is to determine whether or not county welfare staff discriminated against an applicant/recipient because of the applicant's/recipient's race, color, national origin, political affiliation, religion, marital status, sex, age, or disability. Only the actions of the CWD staff or the CWD policies applied at the time of the alleged discriminatory act will be investigated. This means that even if a recipient case is currently before an Administrative Law Judge or a Superior Court Judge, a discrimination investigation will still be conducted regarding the allegations against the county social worker. The discrimination investigation will not be questioning the actions or results of any judges' decisions, nor will an investigation seek to influence or change the outcome of a court ruling.

If the county determines that it lacks jurisdiction over a complaint of discrimination because the complaint arose from another federal or state agency program that does not receive federal or state assistance through CDSS, or when the same allegations of discrimination are being considered by a court of competent jurisdiction, the county shall notify CDSS, in writing, why it believes it lacks jurisdiction with an explanation of the reason(s) why the complaint is outside the CWD's jurisdiction. If CDSS agrees, Division 21-203 directs the CWD to notify the complainant that it lacks jurisdiction, provide an explanation of the reason(s) why, and refer the complaint to the appropriate agency.

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If CDSS does not agree, the county shall investigate the complaint in accordance with established procedures.

Please review the Manual of Policies and Procedures, Division 21-203 to ensure that staff members are conducting investigations of discrimination complaints according to state regulations. If you have any questions, please contact your Civil Rights Bureau liaison, or you may also contact Ramón S. Lopez, at (916) 654-2107 (voice)/ (916) 654-2098 (TDD). You may also contact us by e-mail at crb@dss.ca.gov.

Sincerely,

RAMÓN S. LOPEZ, Chief
Civil Rights Bureau