INTERNAL COMMUNICATION FORM DEPARTMENT OF HUMAN SERVICES	Suspense
Subject: DIRECTOR'S MEMORANDUM #14-01 Opportunities to Participate in Programs and Services	Originator: G. Watts/586-4955 gwatts@dhs.hawaii.gov

To: SOs, DAs, BAs, SAs, USs, OYS, HPHA, CSW, CSF From: DIR Date: 01/06/14 Memo No. 1

The Department of Human Services (DHS) is committed to assuring that program benefits and services are made available and provided to all eligible individuals. This commitment is consistent with Federal and State statutes and regulations that prohibit discrimination in the provision of services by recipients of Federal and State funds.

To ensure that all persons are provided with an equal opportunity to participate in and benefit from our programs, services and activities, we must eliminate barriers that may preclude meaningful access for otherwise qualified individuals who might have special needs. In particular, persons with limited English skills and/or disabilities might require assistance to access and participate in our programs, services, and activities in and outside our facilities.

This commitment, including providing interpreter and translation services at no cost to applicants and recipients of DHS services, programs and activities, continues to grow. Collecting data relative to the need for interpreter services and written or sight (oral) translation of vital documents is important to this commitment.

All DHS employees and sub-recipients of Federal and State funding through the Department must be aware of this commitment and shall conduct themselves appropriately when servicing applicants/participants. Discrimination will not be tolerated by the DHS and its sub-recipients.

We have an opportunity and obligation to provide services through processes that are free of discriminatory practices. DHS employees and its sub-recipients who engage in discriminatory conduct shall be subject to disciplinary action in accordance with the applicable personnel rules and regulations, bargaining unit agreements, and/or contractual agreements.

Federal laws, such as the Americans with Disabilities Act, as Amended (ADAAA) and the Rehabilitation Act, prohibit discrimination against individuals on the basis of disabilities. Additional State laws prohibit discrimination in employment, provide for reasonable accommodations, and further protect individuals who are Victims of Domestic or Sexual Violence in the State of Hawaii.

In keeping with the DHS' policies (4.10.3 and 4.10.4) and to meet our obligations under Federal and State laws, as well as to benefit from the ideas and efforts of individuals we serve, the DHS will continue to:

✓ Provide reasonable accommodations to ensure access to programs, services and employment for persons with disabilities and, to employment for victims of domestic or sexual violence. This must include an interactive process between the person requesting the accommodation and the supervisor or case worker to determine the most effective accommodation to meet the needs of the requestor and the DHS.

- ✓ Ensure our facilities that serve the public on a regular basis are physically accessible to applicants, participants and employees with disabilities. If this is not readily achievable, services shall be programmatically accessible to qualified individuals. Renovations and modifications to State-owned and leased buildings will comply with 2010 Accessible Design Standards.

- ✓ Make reasonable modifications to our procedures and practices to ensure that persons with disabilities are not excluded from participation in our programs, services and activities.

Providing Equal Access by Removing Language Barriers and Providing No Cost Interpretation

The exclusion of Limited-English Proficient (LEP) persons from our programs because of their inability to communicate in English could be considered a form of national origin discrimination under the Civil Rights Act, as well as Hawaii Revised Statutes, Chapter 371, Part II. In order to comply with these laws and statutes, and more importantly, to benefit from the opportunities to serve LEP persons and to ensure that they are free from discriminatory practices at the DHS, we must take the following steps to assure that all eligible persons with LEP have meaningful access to the benefits, services and activities we provide:

- ✓ Ensure that LEP persons are informed of their right to be provided with interpreter services free of charge to them.

- ✓ Provide written or oral (sight) translation of vital documents, such as applications, consent forms, and notices regarding denial or changes in benefits to promote understanding based on guidelines from program funding agencies and State laws.

- ✓ Contact qualified individuals and organizations, profit and/or non-profit, when interpreter services are needed. Utilize qualified multi-lingual staff as well as qualified employees and community volunteers who have volunteered to serve as interpreters. Follow your Division's protocol in using court interpreter list.

- ✓ Utilize technology effectively to promote clear communication and understanding about programs, processes and rights.

The DHS translation services contract was executed recently. MedQuest (MQD) vital documents will be translated starting early January 2014. Paper applications and select forms/notices (i.e., consent release, authorized representative, etc.) will be translated in at least six of the most prevalent MQD languages (Chinese, Korean, Ilocano, Vietnamese, Chuukese and Marshallese). Additional languages are available as needed. Eligibility determination notices will be translated as requested by MQD. The KOLEA system will be able to generate pre-translated notices for on-line applicants/users by Spring/Summer of 2014. Three additional Divisions will receive translation services in 2014.

Additionally, the following guidelines must be followed by the DHS, its providers and sub-recipients:

- ✓ Notices: Up–to-date notices must be placed in all public waiting areas.

- ✓ Data Collection: Each DHS Division, administratively attached agency or commission, and sub-recipient of Federal or State funding must collect and report data relative to language access needs.

- ✓ Training and Follow-Up: Annual refresher training and follow-up of procedures and protocols are required.

This ICF should be disseminated to all employees, providers and sub-recipients and filed in the Director's Memorandum section of the DHS Policies and Procedures Manual (Reference 4.10.3 and 4.10.4). This ICF replaces Director's Memorandum #13-01 which should be removed from postings.

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