

**INTERNAL
COMMUNICATION FORM**
DEPARTMENT OF HUMAN SERVICES

Suspense

Subject: DIRECTOR'S MEMORANDUM #16-01
Opportunities to Participate in Programs and Services

Originator: G. Watts/x64955
PERS/CRCS

To: SOs, DAs, EDs

From: DIR

Date: 01/12/16

Memo No. 1

This memorandum serves to reinforce and make clear the Department of Human Services' (DHS) commitment to providing interpreter services at no cost to applicants and recipients of DHS services, programs, and activities. Collecting data relative to the need for interpreter services (including, but not limited to, interpretation and/or translation of vital written documents) is important to this commitment.

The Department reaffirms its commitment 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 provision of services by recipients of Federal and State funds.

This DHS commitment continues to grow. All DHS employees and sub-recipients of Federal and State funding through DHS must be aware of the 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.

Additionally, 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 could require assistance to access and participate in our programs, services, and activities in and outside our facilities.

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

Exclusion of Limited-English Proficient (LEP) persons from DHS 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. In order to comply with these laws and statutes, and more importantly to benefit from the opportunities to serve LEP persons and 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:

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- Inform LEP persons 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.
- On a timely basis contact qualified individuals and organizations, profit and/or non-profit, when interpreter services are needed. CTS Language Link (1-877 650 8014) is one source for telephone interpreter services available with an established account code. Utilize qualified multi-lingual staff as well as qualified community volunteers where available. Follow your Division's protocol in using interpreters from the court interpreter list available at <http://humanservices.hawaii.gov> in the Civil Rights Corner.
- Use technology effectively to promote clear communication and understanding about programs, processes, and rights. Provide a contact number on all mailings to assist with timely inquiry or clarification.

Prohibiting Discrimination Against Individuals on the Basis of Disabilities

The Americans with Disabilities Act, as Amended (ADAAA), and the Rehabilitation Act, prohibit discrimination against individuals on the basis of disabilities. Additionally, Hawaii State laws prohibit discrimination, provide for reasonable accommodation, and further protect individuals who are victims of domestic or sexual violence, have pregnancy-related conditions, breastfeeding in public accommodations, and on the basis of sexual identity, orientation and expression.

In keeping with the DHS' policies 4.10.3 and 4.10.4, as well as the Department of Human Resource Development Policies (DHRD) 601.001 and 601.002, 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 activities. This includes an ongoing interactive process between the person requesting the accommodation and the supervisor or case worker to determine effectiveness of the accommodation in meeting the needs of the requestor and the DHS. (See Request for Auxiliary Aid for Services available at <http://humanservices.hawaii.gov>.)
- Continue to ensure that our facilities where we serve the public on a regular basis are physically accessible to applicants, participants and employees with disabilities. This could include, for example, automatic door openers, readers, amplifiers or other technology.

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- Assure that all renovations and modifications to State owned and leased buildings will comply with 2010 Accessible Design Standards. Contact ADA Coordinator, Geneva Watts, at gwatts@dhs.hawaii.gov when there are questions.
- Make reasonable modifications to DHS procedures and practices to ensure that persons with disabilities (and members of other protected classes) are not excluded from participation in our programs, services and activities.

Guidelines

The following related guidelines apply to all DHS Divisions, Staff Offices, Attached Agencies, Commissions, Service Providers, and Sub-Recipients of Federal and State Funding through the DHS:

Notices Up-to-date notices must be placed in all public waiting areas. 2016 Mandatory Notices are available at <http://humanservices.hawaii.gov> in the Civil Rights Corner. The DHS can be fined \$100 per notice per location where notice is missing or out of date.

Training and Annual refresher training and follow-up of procedures and protocols are required.

Follow-up 2016 refresher training can be found at <http://humanservices.hawaii.gov> in the Civil Rights Corner. Confirmations may be e-signed and submitted electronically by Staff Office, Division, Agency or Commission for 2016. (See 2016 confirmation at end of refresher training.)

Data Collection Each DHS Division, Agency or Commission, and sub-recipient of Federal or State funding must collect and report data relative to language access needs.

Contact the LEP Project Manager, Aphirak Bamrungruan (AP) at 586-4898 for further information about language access data collection.

This Internal Communication Form (ICF) should be disseminated to all employees, service providers and sub-recipients. A copy should also be filed in the Director's Memorandum section of the DHS Policies and Procedures Manual (Reference 4.10.3 and 4.10.4).

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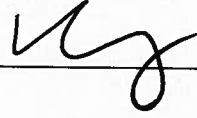
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This ICF replaces Director's Memorandum #15-01 which should be removed from postings and replaced with #16-01.



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