

**INTERNAL
COMMUNICATION FORM**
DEPARTMENT OF HUMAN SERVICES

Suspense

Subject: DIRECTOR'S MEMORANDUM NO. 17-01, Opportunities to Participate in Programs and Services

Originator: G. Watts/x64955
PERS/CRCS

To: SOs, DAs, EDs

From: DIR

Date: 01/12/17

Memo No. 1

The Department of Human Services (DHS) 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 the provision of services by recipients of federal and state funds.

As this commitment continues to grow, all employees and sub-recipients of federal and state funding through the department must be aware of the commitment and shall conduct themselves appropriately when servicing applicants/participants. Discrimination will not be tolerated by the department and its service providers, contractors, and vendors.

We have an opportunity and obligation to provide services through processes that are free of discriminatory practices. DHS employees, service providers, contractors, and vendors 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 of state-owned and leased facilities.

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

DHS continues its commitment to providing interpreter services at no cost to applicants and recipients of its 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.

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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 the 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 department, we must take the following steps to assure that all eligible persons with LEP have meaningful access to the benefits, services, and activities:

- Inform LEP persons of their right to be provided 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 LanguageLink (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 and e-mail address on all mailings to assist with timely inquiry or clarification.

Prohibiting Discrimination Against Individuals on the Basis of Disabilities

The Americans with Disabilities Act Amendments Act (ADAAA) and the Rehabilitation Act (Section 504) prohibit discrimination against individuals on the basis of disabilities. Additionally, Hawaii state laws prohibit discrimination, provide for auxiliary aids, and further protect individuals who are victims of domestic or sexual violence, have pregnancy-related conditions (such as breastfeeding in public accommodations), and on the basis of sexual identity, orientation, and expression.

In keeping with DHS policies and procedures numbers 4.10.3 and 4.10.4, as well as the Department of Human Resources Development's policies numbers 601.001 and 601.002, and to meet our obligations under federal and state laws, as well as benefit from the ideas and efforts of individuals we serve, the department will continue to:

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- Provide auxiliary aids to ensure access to programs, services, and activities. This includes an ongoing interactive process between the person requesting the auxiliary aid and the case worker or service provider to determine effectiveness of the aid in meeting the access needs.
- Assure that all renovations and modifications to state-owned and leased buildings will comply with the 2010 ADA Standards for Accessible Design. Contact ADA Coordinator, Geneva Watts, at gwatts@dhs.hawaii.gov when there are questions or lease renewals.
- 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, contractors, and vendors who are sub-recipients of federal and state funding through DHS:

Notices Up-to-date notices must be placed in all public waiting areas. 2017 mandatory notices are available at <http://humanservices.hawaii.gov> in the Civil Rights Corner. Additional notices are required for 2017. The DHS can be fined \$100 per notice per location where a mandatory notice is missing.

Training 2017 mandatory discrimination/harassment prevention training for DHS employees can be found at <http://dhrd.hawaii.gov> in the employee portal under mandatory 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, at 586-4898 or email abamrungruan@dhs.hawaii.gov for further information about language access data collection.

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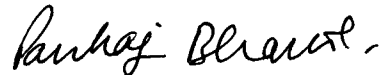
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Please disseminate this Internal Communication Form (ICF) to all DHS employees, service providers, contractors, and vendors. A copy should also be filed in the Director's Memorandum section of the DHS Policies and Procedures Manual (reference 4.10.3 and 4.10.4).

This ICF replaces Director's Memorandum No. 16-01, which should be removed from postings.



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