

**INTERNAL  
COMMUNICATION FORM**  
DEPARTMENT OF HUMAN SERVICES

Suspense

Subject: DIRECTOR'S MEMORANDUM NO. 18-01, OPPORTUNITIES TO PARTICIPATE IN PROGRAMS AND SERVICES

Originator: G. Watts/x64955  
PERS/CRCS

To: SODAs, EDs

From: DIR

Date: 01/16/18

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.

All DHS 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 DHS and our service providers, contractors, and vendors. In light of recent public events relative to previously undisclosed sexual harassment activities, specific attention to address harassment based on gender is required to prevent offensive behaviors in the workplace and in DHS service environments.

We have an opportunity and obligation to provide services through processes that are free of discriminatory practices. DHS employees and our 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 our owned and leased facilities.

Prohibiting Discrimination Against Individuals on the Basis of Disabilities

The Americans with Disabilities Act Amendments Acts (ADAAA) and the Rehabilitation Act (Section 504) prohibit discrimination against individuals on the basis of disabilities in employment and provision of services. Further, Section 1557 of the Affordable Care Act provides added protection in health care and insurance programs.

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Additionally, Hawaii state laws prohibit discrimination, provide for auxiliary aids, and further protect individuals who identify as victims of domestic or sexual violence, have pregnancy-related conditions (such as breastfeeding in public accommodations and right to time and place for breastfeeding in the workplace), 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 601.000 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 department will continue to:

- 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.
- Provide auxiliary aids to ensure access to programs, services, and activities. This includes an ongoing interactive process between the person requesting auxiliary aid and the case worker or service provider to determine effectiveness of the aid in meeting access needs.
- Assure that all renovations and modifications to state-owned and leased buildings will comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design. Contact the ADA Coordinator at [DHSCivilRightsBox@dhs.hawaii.gov](mailto:DHSCivilRightsBox@dhs.hawaii.gov) when there are questions or lease renewals.

#### 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 the department:

**Notices** Up-to-date notices must be placed in all public waiting areas. 2018 mandatory notices are available at <http://humanservices.hawaii.gov> in the Civil Rights Corner. Revised and additional notices are required for 2018 (see attached list). The DHS can be fined \$100.00 per notice per location where a mandatory notice is missing.

**Training** 2018 mandatory training for DHS employees can be found at <http://dhrd.hawaii.gov> in the employee portal under civil rights. Employee ID number must be used to register. Service providers, contractors, and vendors can access the training at <http://hidhrd.adobeconnect.com/pixo85yivl7t/>.

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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/Coordinator, Cari Uesugi, at 586-4989 or [cuesugi@dhs.hawaii.gov](mailto:cuesugi@dhs.hawaii.gov) for further information about language access data collection.

This ICF should be disseminated 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. 17-01 and all previous year 01 Director's Memoranda should be removed from postings and replaced with No. 18-01.



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*for* DIR

Attachment: Mandatory Notices 2018