

Administrative Procedures

Civil Rights

Awareness Training

Civil Rights Compliance Staff

Role 4.10.4

- Developing and coordinating plans
- Serving as liaison with Federal and State agencies
- Providing technical assistance to Divisions
- Responding to inquiries from external agencies
- Performing other duties relative to compliance
- Sharing responsibility with divisions for policies and procedures implementation, compliance reporting, training and development of tools, and developing private/public partnerships

Overview

- Civil Rights Goals and Objectives
- Federal and State Laws on Discrimination, Disabilities and Reasonable Accommodation
DHS P & P 4.10.3 and 4.10.4
- Discriminatory Harassment P&P 4.10.2
- Discrimination Complaint Policy and Procedures
DHS P & P 4.10.1
- Language Access--Limited English Proficiency
DHS P & P 4.10.3 and 4.10.4
Hawaii Revised Statutes 371 & 378

DHS Civil Rights Objective

To promote **awareness of our roles** in providing workplace and service areas that are **free from discriminatory practices** toward employees, clients and applicants.

What does Civil Rights

Compliance

Mean

to You ?

Prominent Federal Legislation as amended

- Civil Rights Act (CRA) of 1964
- Age Discrimination in Employment Act (ADEA) of 1967
- Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA) of 1990
- Civil Rights Act of 1991

□ For more information: <http://www.hawaii.gov/dhs>

Fact Sheets in the Civil Rights Corner

Laws and Issues in Training Modules Link

State Legislation

- Hawaii Revised Statutes, **Title 21** Labor and Industrial Relations **Chapter 371**, Part II 371-31 to 37, and **Chapter 378**, as amended

DHS Policies and Procedures

in Employment and Services

- Non-Discrimination in Employment and Services
Discrimination Complaint Procedure (4.10.1)
- **Harassment** (4.10.2)
- DHS Policy and Procedures 4.10.3
Opportunity to Participate in Programs, Services
and Activities
- DHS Policy and Procedures 4.10.4 **Access**

Protected Areas in Employment

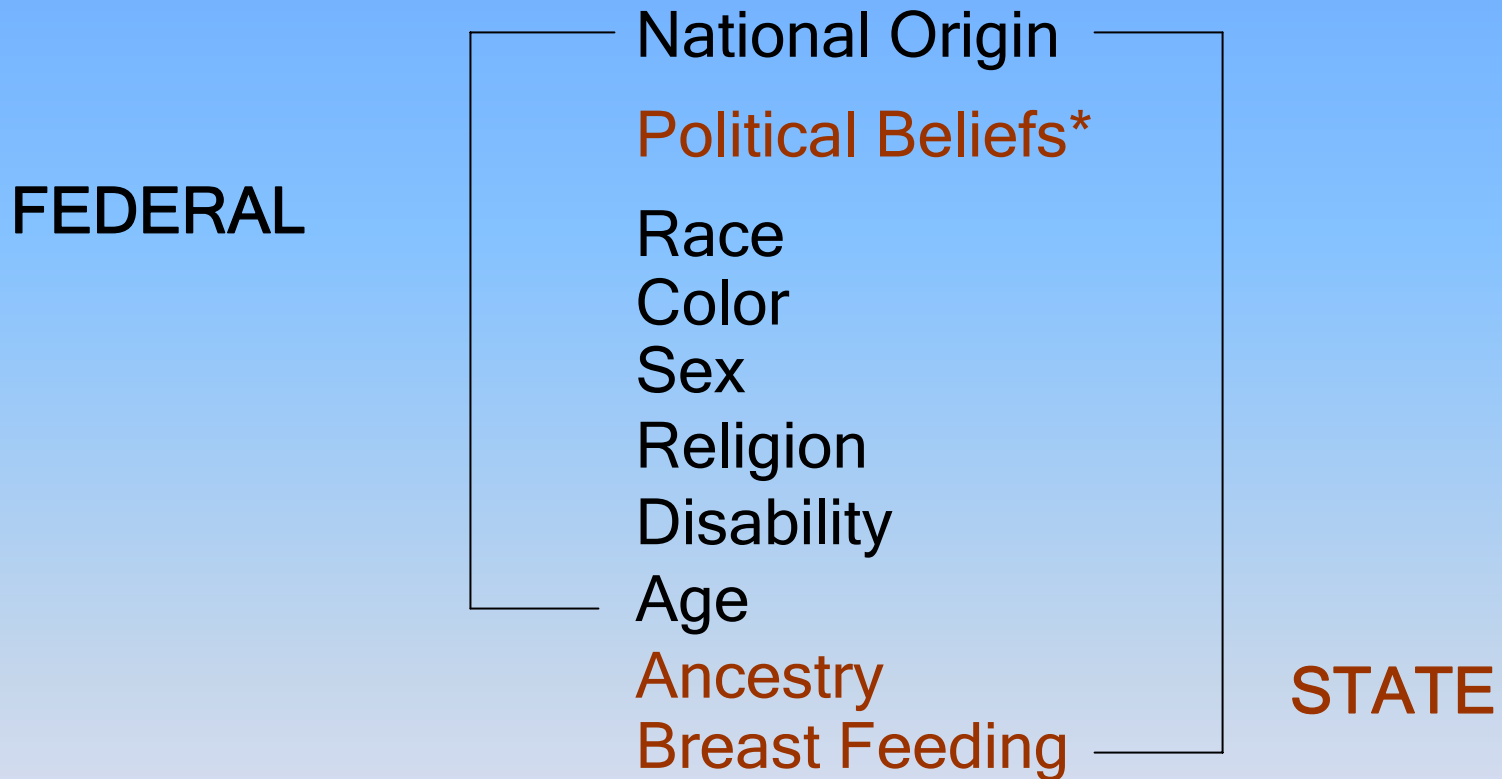
FEDERAL

Race
Color
National Origin
Sex
Religion
Disability
Age
Uniformed Service
Citizenship Status

Ancestry
Marital Status
Arrest and Court Record
Sexual Orientation
Child Support Obligations
National Guard Absence
Breast Feeding

STATE

Protected Areas in Access to Services



* Applies to **SNAP** Program (formerly Food Stamp) only

The **Age** Discrimination in Employment Act (**ADEA**)

- Applies to employers with **20 or more** employees.
- Applies to individuals who are age **40 and over**.

The Equal Pay Act (EPA)

- Prohibits sex-based **wage** discrimination
- Includes fringe **benefits**
- Applies when men and women perform **substantially equal** work

Americans with Disabilities

Title I of the Americans with Disabilities Act (ADA) (as amended)

- Prohibits discrimination on the basis of **disability**, including requirements relative to providing a **reasonable accommodation** in **employment and services** for disabled individuals

Definition of a “Disability”

- A physical or mental impairment that **substantially limits** a major life activity
- A **record** of such an impairment
- Being **regarded** as having such an impairment

REASONABLE ACCOMMODATION

A modification or adjustment to a **job**, the work **environment**, or the **way job tasks** are usually accomplished, to enable a person with a disability to perform the **essential** functions of a job or position.

How to provide Reasonable Accommodations

- Making facilities accessible
- Job restructuring, modifying work schedules, reassignment
- Acquiring or modifying equipment or devices
- Adjusting examinations, training materials, or policies
- Providing qualified readers or interpreters

Form, Fact Sheet and Practice

- RA-1

(Available at <http://www.hawaii.gov/dhs>
in the Civil Rights Corner)

- How to

- Fact Sheet

- Processing

- Questions

Discriminatory Harassment

DHS P&P 4.10.2

Is **UNLAWFUL**
when:

- It is based on a **protected** factor
- It **alters** terms and conditions

Harassment Defined

- Any **unwelcome** verbal or physical conduct based on:
 - Race
 - Color
 - Sex (Gender)
 - Religion
 - National origin - ex: LEP
 - Age
 - Disability - ex: MENTAL HEALTH

Two Types of Harassment

1) Tangible Employment Action

- Only **supervisors and managers** can subject an employee to tangible employment action harassment because only supervisors and managers have the authority needed to take a tangible employment action (**hiring, benefits, promotion, training, demotion, discharge**).

2. Sexual Harassment

- **Unwelcome** sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- Something promised in **exchange** for something else

Know the difference

- **Discrimination** is based upon the **perception** of the client/employee that he/she is discriminated against based on one or more of the **protected factors**.
- **Workplace violence** is an act of aggression that the victim perceives as a threat to his/her safety, health and well being.
- **Contact Eleanor Suma, PERS/ERS at 586-4984** to discuss your particular situation relative to **workplace violence**.
- **Contact Geneva Watts/PERS/CRCS at 586-4955** to discuss your particular situation relative to **discrimination**.
- **Contact Yvonne Tanaka at 586-4961** to discuss your particular situation relative to **misconduct**.

Identifying and **Preventing** Workplace Harassment

- Educate and Monitor
- Listen and Investigate
- Take **Timely** Corrective Action
- Set the standard; prevent workplace harassment

Rights and Responsibilities

Refer to:

([Access Hawaii Rights & Responsibility Brochure - DHS 050](#))

Available in public waiting areas and on employee bulletin boards.

DHS' **Discrimination Complaint** Policy and Procedures 4.10.1

Forms available at

<http://www.hawaii.gov>

In the **Civil Rights Corner**

Discussion/Questions

Discrimination Complaint Process

- ❑ Right to file complaint concurrently
- ❑ Must be informed of complaint process in writing
- ❑ Forms, brochures, posters in multiple languages
- ❑ Guidelines should be clear
- ❑ Procedures, processes and forms readily available

Discriminatory **Retaliation** is **Prohibited**

- It is unlawful to **penalize, punish or deny** any **employment status** because that person opposed discrimination or participated in any way (ex: as a witness) in the investigation of a charge
- It is unlawful to **penalize, punish or deny (or delay)** any **services or benefits** because that person opposed discrimination or participated in any way (ex: as a witness) in the investigation of a charge

When **you** participate in an investigation

Report only Facts

- Dates
- Times
- Witnesses

Language Access
for
Individuals with
Limited English Proficiency

What is L E P?

DHS must provide language access.

L is for **Limited**

Speaking
Reading
Writing
Understanding

E is for **English**

Language
Verbal
Nonverbal
Written

P is for **Proficiency**

(at levels that permit
effective interaction)

Capsule

DVD—Breaking Down the Barriers

Civil Rights Corner

Access Requirements

Opportunities for clients and applicants, to participate in programs, services and activities.

Clients and program participants shall be informed of their right to:

- Non-discriminatory service provision
- Accommodations
- Free interpreter services
- Filing a discrimination complaint

What to do

- **Step 1:** Determine the **primary language** spoken.
 - Check application form
 - Use “**I speak**” cards <http://www.lep.gov>
 - Language Desk Book
 - **Telephone** Interpreter service
 - **Poster**

Once you have established the primary language you will need to make **timely** arrangements for an interpreter and document your efforts in the case notes/log of contacts.

How to do it

Step 2: Getting an interpreter.

- Contact a **DHS employee** (preferably familiar with program).
 - DHS Volunteer
For current listing (586-4955 or gwatts@dhs.hawaii.gov)
 - arrange an appointment with the client and interpreter
- Contact **Telephone Interpreter** service where available
- Arrange for an interpreter for the formal interview
- There are **other resources** for interpreters that are available to you:
 - DCAB Listing
 - Court Interpreter Listing

Working with the Interpreter

- The interpreter shall read, initial and date the Interpreter **Code of Ethics**
 - **Document in log** of contacts/contact notes.
 - Copy and place in **case record**.
- The interpreter shall provide a **self attestation** statement to attest to his/her qualifications
 - **Verify signature** on self-attestation and place in case notes or log of contacts.
 - Copy and file in **case record**.

Interpreter Services Waiver

- When a client declines free interpreter services offered by DHS, document in your **log of contacts**:
 - Your efforts in providing free interpreter services
 - The client's declining such offer and the date and reason.
- The DHS shall provide a **form** and alternate interpreter verification/documentation in client's primary language.
 - If the client is unable to read in primary language, oral **translation** will be necessary.
- As a DHS employee, you shall **document your efforts** in providing free **appropriate and timely** interpreter services in your log of contacts or case notes.

Interpreter Requirements

- Proficient in more than one language
- Avoid using a client's friend, family, minor children.
- Document client waiver of free interpreter service.
- Arrange before bringing client in whenever possible.
- Use DHS volunteers appropriately.
- Examine credentials, including self attestation, of interpreters.
- Your particular program may require you to provide an interpreter for your use to verify that the communication is correct, accurate and understood by the client or applicant even when the client provides his/her own interpreter.

Remember

- Inform LEP individuals of their right to free interpreter services
- Avoid using a client's/applicant's friend or family member or minor to interpret
- Contact one or more interpreter services (phone, e-mail, on-line, in-person)
- Use DHS Volunteer Interpreters as appropriate and needed
- Provide information on process for filing a Discrimination Complaint and/or a service complaint when service delivery is unacceptable
- Document your efforts and the decision of the client to accept or decline the free interpreter service.
- Ensure that LEP applicants, potential applicants and clients are:
 - Given adequate, timely and correct information
 - Understanding of what services and benefits are available
 - Effectively communicating relevant circumstances of their situation
 - Documentation of services provided or client's declination of offered free interpreter service
 - Provided a comprehensive language assistance program, written policies, interpreter and/or translation services and effective communication devices.

What will you do differently?

- What specific actions will you take as a result of increased awareness?
 - How will you change the way you work with clients?
 - Create a list of what you will do differently and put it into action.