



Comprehensive Civil Rights Plan
Gunnison County Department of Human Services

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Contact Persons

Civil Rights: Brad Wheaton, Gunnison County DHHS Deputy Director
220 N Spruce Street
Gunnison, CO 81230

ADA: Brad Wheaton, Gunnison County DHHS Deputy Director
220 N Spruce Street
Gunnison, CO 81230

This plan is available in the public reception area of the Gunnison County Department of Health and Human Services at 220 N Spruce Street, Gunnison, CO 81230

Americans with Disabilities Act Advisory

This information is available in accessible formats to individuals with disabilities and for information about equal access to services by contacting Brad Wheaton at the contact information above.

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PURPOSE

As a recipient of Federal Financial Assistance, Gunnison County Department of Health and Human Services is responsible for providing core services to assist and support Colorado's most vulnerable individuals and families so they can meet their basic needs and be treated with respect and dignity. Gunnison County Department of Health and Human Services has a civil rights plan to ensure that all eligible individuals receive equal access to program services and information. Its programs are operated in a nondiscriminatory way, without regard to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program. In medical programs, sex includes sex stereotypes and gender identity under any health program or activity receiving federal funds.

The civil rights plan also serves as a source of information for Gunnison County Department of Health and Human Services staff and the general public. The plan sets out the Agency's civil rights administrative policies and procedures, identifying key contacts within the Agency and linking the reader to applicable state and federal civil rights laws and resources.

LEGAL AUTHORITIES

1. Title VI of the Civil Rights Act of 1964 (race, color, national origin)
2. Section 504 of the Rehabilitation Act of 1973 (disability)
3. Section 508 Amendment of the Rehabilitation act of 1973 (disability)
4. Title II of the Americans with Disabilities Act of 1990; state and local government services (disability)
5. Age Discrimination Act of 1975 (age)
6. Section 1557 of the Patient Protection and Affordable Care Act (added sex discrimination in health care programs)
7. Nondiscrimination Provisions of the Omnibus Budget Reconciliation Act of 1981 (Federal Block Grants)
 - Community Services Block Grant (race, color, national origin, sex) Remaining Block Grants (race, color, national origin, age, disability, sex, religion)
 - Social Services Block Grant
 - Maternal and Child Health Services Block Grant
 - Projects for Assistance in Transition from Homelessness Block Grant
 - Preventive Health and Human Services Block Grant
 - Community Mental Health Services Block Grant
 - Substance Abuse Prevention and Treatment Block Grant
8. Title IX of the Education Amendments of 1972 (sex)
9. Family Violence Prevention and Services Act (race, color, national origin, age, disability, sex, religion)
10. Food Stamp Act of 1977 (As Amended Through P.L. 108-269, 2004)

11. Nondiscrimination Compliance Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
12. Bilingual Requirements in the Food Stamp Program, Food and Nutrition Service, US Department of Agriculture
13. FNS Instruction 113-1, Civil Rights Compliance and Enforcement - Nutrition Programs and Activities, Food and Nutrition Service, US Department of Agriculture (2005)
14. Equal Opportunity for Religious Organizations in USDA Regulation
15. Colorado Anti-Discrimination Act (CADA)

CIVIL RIGHTS CONTACT PERSON

Gunnison County Department of Health and Human Services designates Brad Wheaton to serve as the Agency's Civil Rights Contact on civil rights matters. Mr. Wheaton meets the requirements outlined in 10 CCR 2505-5:1.020.7(1)(a) and HCPF OM 22-014.

Contact Person	Brad Wheaton
Telephone	970-641-7939
Email	bradford.wheaton@state.co.us

EQUAL OPPORTUNITY POLICY

Gunnison County Department of Health and Human Services Policy for Equal Opportunity in Service Delivery

It is the policy of Gunnison County Department of Health and Human Services to make sure that program benefits and services are made available to everyone and provided to all eligible individuals without discrimination, in compliance with civil rights laws.

Gunnison County Department of Health and Human Services employees, services, programs, benefits and policies will not discriminate against applicants, clients or members of the public because of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program. "Sex" includes sex stereotypes and gender identity under any medical or health program receiving federal financial assistance, such as Medical Assistance, CHIP programs, health clinics, insurance companies and state health insurance exchanges. Gunnison County Department of Health and Human Services employees, programs and policies must also allow physical and program access for people with disabilities.

The state nondiscrimination statement is posted in our customer lobby area, as well as our employee common area.

This civil rights policy covers Gunnison County Department of Health and Human Services' full range of services, programs and benefits, including but not limited to, access to information about services, eligibility determinations and intake, admission procedures and treatment. The policy applies to the agencies and providers receiving federal and state funds under contracts, licenses and other arrangements with Gunnison County Department of Health and Human Services. The Colorado Anti-Discrimination Act (CADA) also applies to the work of Gunnison County Department of Health and Human Services and the agencies carrying out the work of Gunnison County Department of Health and Human Services.

Some state laws provide greater protections than federal law. In these cases, Gunnison County Department of Health and Human Services will follow state law.

Program Accessibility Policy for People with Disabilities

Gunnison County Department of Health and Human Services and all of its services, programs and benefits are accessible to and usable by people with disabilities, including people with hearing loss, low vision and other sensory disabilities.

To avoid disability discrimination, Gunnison County Department of Health Human Services will:

- Notify the public about the rights and procedures for people with disabilities under the Americans with Disabilities Act
- Designate an ADA Coordinator and maintain a complaint procedure.

- Make sure that its buildings are physically accessible for people with disabilities.
- Assist individuals with disabilities to apply and qualify for benefits based on their eligibility.
- Provide appropriate auxiliary aids and services, including accessible formats, to ensure effective communication with people with disabilities.
- Provide services, programs and benefits that are accessible to and usable by qualified people with disabilities.

Physical access includes:

- Convenient off-street parking designated specifically for people with disabilities.
- Curb cuts and ramps between parking areas and the Gunnison County Department of Health and Human Services buildings.
- Level access into the first floor of Gunnison County Health and Human Services building.

Reasonable Modifications to Policies, Procedures or Practices

Gunnison County Department of Health and Human Services will make reasonable modifications to its policies, procedures or practices when necessary to avoid discrimination on the basis of disability, unless Gunnison County Department of Health and Human Services can demonstrate that making the modifications would fundamentally alter the nature of the services, programs or benefits.

Effective Communication and Auxiliary Aids and Services

Gunnison County Department of Health and Human Services will take appropriate steps to ensure that communications with people with disabilities and companions with disabilities are as effective as communications with others. To ensure effective communications, Gunnison County Department of Health Human Services will provide auxiliary aids and services, including accessible formats, so that people with disabilities can receive services, programs and benefits and participate in them in the same way as people without disabilities. Auxiliary aids and services include qualified readers, writers and interpreters who convey information effectively, accurately and impartially using any necessary specialized vocabulary.

To determine what types of auxiliary aids or services are necessary, Gunnison County Department of Health Human Services will give primary consideration to the requests of people requesting the auxiliary aid or services unless it would fundamentally alter the nature of the service, program or benefit or cause an undue administrative or financial burden. If this happens, Gunnison County Department of Health and Human Services will find another equally effective auxiliary aid or service.

COMPLAINT RESOLUTION PROCEDURE

Gunnison County Department of Health and Human Services Civil Rights Complaint Procedure

You have the right to equal access to services, if you are an applicant, client or member of the public trying to gain access to human services program information or benefits. Gunnison County Department of Health Human Services has a civil rights complaint procedure that provides prompt and thorough resolution of civil rights complaints.

Civil rights complaints allege discrimination. You have a right to file a civil rights complaint if you believe you have been discriminated against on the basis of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability, be excluded from participation, be denied any aid, care, services, or other benefits of, or be otherwise subjected to discrimination in such program. Sex includes sex stereotypes and gender identity discrimination that occurs in medical or health programs, insurance companies and state health insurance exchanges.

It is against the law for anyone who works for or contracts with Gunnison County Department of Health and Human Services to retaliate against a person who files a complaint or who cooperates in the investigation of a civil rights complaint.

To file a complaint, ask for the Department's complaint resolution procedure. Use the contact information below to file a complaint. You can also review the law and regulations that outlaw discrimination in the Civil Rights Contact's office.

Brad Wheaton, Deputy Director
Gunnison County Health and Human Services
220 N Spruce St.
Gunnison, CO 81230
970-641-3244 (voice)
970-641-3738 (fax)
bradford.wheaton@state.co.us

Arrangements for People with Disabilities

Gunnison County Department of Health and Human Services will make appropriate arrangements to ensure that people with disabilities are provided reasonable modifications or effective communications, if needed, to participate in the complaint process. Reasonable modifications or effective communications include, but are not limited to, providing interpreters for people who are deaf or hard-of-hearing, providing taped cassettes and accessible formats for people who are blind or have low vision and assuring a physically accessible location for complaint proceedings. The Civil Rights Contact (or designee) is responsible for working with people who file complaints to make appropriate arrangements.

Procedure

- Civil rights complaints must be submitted to the Civil Rights Contact within 180 days of the date the alleged discrimination occurred.
- A complaint must be in writing and contain the name and address of the person filing it. Other important contact information is telephone number, relay number and email address. The complaint must state the problem or action alleged and the relief desired. If you need assistance with your complaint, the Civil Rights Contact will help you.
- The agency must conduct an investigation of the complaint. The investigation may be formal or informal, but it must be thorough and timely. People who have an interest in the complaint must have an opportunity to submit relevant evidence about the complaint. The County agency will issue a written decision on the complaint, to the complainant and the state department, within 30 days after its filing. The written decision will state whether the allegations were substantiated. The County will maintain the complaint records and files for three (3) years. Gunnison County Department of Health and Human Services will track all complaints, outcomes and business practices changes instituted as a result of complaints. Complaints about program rules are not civil rights complaints and will be resolved through a different complaint process.
- The individual who had a complaint received against them cannot be the individual conducting the investigation. If there is a potential conflict of interest, Joni Reynolds, Health and Human Services Executive Director, will be used to conduct the investigation. The applicant, member and/or the individual who submitted the complaint will be able to provide information to the Civil Rights Contact Person to assist with the investigation; this can be in writing or by contacting the Civil Rights Contact person at (970) 641-7939 or at <mailto:dhs@gunnisoncounty.org>.
- The person filing the complaint may appeal the decision by writing to Joni Reynolds, Health and Human Services Executive Director, 220 North Spruce, Gunnison, CO 81230 within fifteen (15) days of receiving the written decision. Joni Reynolds, Health and Human Services Executive Director, will issue a written decision, to the complainant and the state department, in response to the appeal no later than 15 days after the appeal is filed. This decision is final. This appeal process is not the same as filing a fair hearings appeal through the CDHS or HCPF appeals processes.
- The person filing the complaint must be informed that he/she can file a discrimination report directly with the US Department of Health and Human Services Office for Civil Rights or the US Department of Agriculture (USDA) for the SNAP Program.

To file a complaint directly with the US Department of Health and Human Services:

The US Department of Health and Human Services Office for Civil Rights prohibits discrimination in its programs because of race, color, national origin, age, disability, sex or religion. Sex includes sex stereotypes and gender identity discrimination that occurs in medical or health programs and clinics receiving federal financial assistance; these are programs such as Medicaid, CHIP programs, insurance companies and state health insurance exchanges under Title I of the Affordable Care Act. Contact the federal agency directly through their online portal at [OCR Complaint Portal](#), by mail to: Centralized Case Management Operations; US Department

of Health and Human Services; 200 Independence Ave, SW; Room 509F HH Bldg; Washington, DC 20201 or via email at OCRComplaint@hhs.gov.

To file a complaint directly with USDA:

In accordance with Federal civil rights law and US Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA. Persons who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Services at 800-877-8339 or 800-845-6136 (Spanish). Additionally, program information may be made in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#) (AD-3207) found online at [USDA Discrimination Complaint](#) and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, send an email to CR-Info@usda.gov or call 866-632-9992. Individuals who are deaf, hard of hearing or have speech disabilities may use the Federal Relay Service 800-877-8339 or 800-845-6136 (Spanish). The form should be submitted by one of the following methods:

1. Mail to USDA; Director, Center for Civil Rights Enforcement; 1400 Independence Avenue, SW; Washington DC 20250-9410.
2. Fax to 202-690-7442.
3. Email to program.intake@usda.gov.

To file a complaint directly with the State of Colorado:

The person filing the complaint must also be informed of the right to file a discrimination complaint directly to the State of Colorado. Complaints can be made through any of the following channels:

Utilize the Department's Civil Rights complaint processes by submitting the [Discrimination Complaint Form](#) or by contacting hcpf504ada@state.co.us.

Utilize the Colorado Civil Rights Division complaint process by completing the [CaseConnect Civil Rights Form](#) or contacting dora_ccrd@state.co.us. The Colorado Civil Rights Division (CCRD) is the State of Colorado's authority for the Colorado Anti-Discrimination Act (CADA).

Contact the Denver branch of the US Department of Health and Human Services Office of Civil Rights at 1961 Stout Street, Room 08-148; Denver CO 80294-3538; 200-368-1019 (voice); 202-619-3818 (fax); 800-537-7697 (TDD); ocrmail@hhs.gov (email).

Gunnison County Department of Health and Human Services is not an enforcement agency. It can investigate situations where policies prohibiting discrimination may have been violated. You are always free to file a discrimination complaint with other appropriate agencies, including enforcement agencies.

Assistance in filing your complaint

If you have questions or need help to file your complaint, the Civil Rights Contact Person can assist.

State Determination of County Compliance with Civil Rights Requirements

As detailed in 10 CCR 2505-5 1.020.6.f.ii, if the Department receives or is notified of a complaint of discrimination against the county, or the county, through its own investigation of a civil rights or discrimination complaint, and the complaint is founded and an applicant, member or individual was found to be discriminated against by the county or its staff, the Department will initiate corrective actions as specified in 10 CCR 2505-5 1.020.11 until the county rectifies the issue. Non-compliance with corrective actions will result in sanctions as stated in 10 CCR 2505-5 1.020.12. County staff involved with a founded complaint involving discrimination against an applicant, member or individual will be required to retake both county training on the County Civil Rights Plan, as well as and State Civil Rights and Non-Discrimination Training.

Civil Rights Plan Administration

Gunnison County Department of Health and Human Services will administer its Civil Rights Plan by doing the following:

- Providing its comprehensive civil rights plan in the Department reception areas in all locations. The plan is available to applicants, clients, members of the public, employees, volunteers and contractors.
- Posting the comprehensive civil rights plan on the Department's website.
- Reviewing the comprehensive civil rights plan annually with all staff.
- Conducting annual SNAP civil rights training for appropriate staff.

Requirement for County Training on County Civil Rights Plan

Gunnison County Health and Human Services will conduct annual training on the agency's civil rights plan to all staff that have contact with applicants and members or agency staff who supervise those who have applicant/member direct contact. The training will include information on how to provide clients and members with civil rights information, guidance on how to assist with filing civil rights complaints and updated contact information for the agency's Civil Rights Contact Person. Training will also provide staff with information on how to access auxiliary aids and services and language access services for applicants and/or members. 100% of Gunnison County Health and Human Services staff shall complete the annual training, and

tracking of completion of annual training shall be maintained by the Civil Rights Contact Person on the agency training spreadsheet.

Agency staff appointed to fulfill duties relating to the administration of Medical Assistance and who have direct contact with applicants and members or who supervise those who have direct contact with applicants and/or members are required to complete annual State Civil Rights and Nondiscrimination training provided by the Staff Development Division (SDD). 100% of the agency's staff must complete the required training on an annual basis. Failure to complete the training annually may result in loss of access to the Colorado Benefits Management System (CBMS). The Agency Civil Rights Contact Person shall maintain tracking of training completion by staff on the agency training spreadsheet.

The Civil Rights Contact Person will conduct, as needed, training to staff based on complaint referrals received by the agency and when investigations on complaints determine that there was a violation and/or founded discrimination. This training will be conducted to ensure that future occurrences of civil rights complaints are prevented to the best of the staff members ability. The training will be tracked on the agency training spreadsheet and on the agency's Civil Rights Complaint log. Additional action may be taken including but not limited to staff performance improvement plan and termination.

County Contractor, Vendor and Partner Compliance with Civil Rights Provisions

As specified in 10 CCR 2505-5 1.020.6.1.c, the county department shall assure that any contractors, vendors, partners or other parties that do business on behalf of the county, are paid using federal and state Medical Assistance funds, or who have contact with applicants or members comply with federal and state civil rights laws and the provisions within this Operational Memo. If the county is alerted to discriminatory activity, the county must notify the Department, using the Department contact below, within three (3) calendar days.