



Pueblo County Department Policy

Policy #2500

Chapter:02-08

Subject: Civil Rights Plan

Effective Date: March 1, 2024

Department of Human
Services

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Department Director

1. PURPOSE:

- a. The purpose of this Policy is to establish the Pueblo County Department of Human Service's ("PCDHS") civil rights plan in compliance with 10 C.C.R. 2505-5:1.020.7.1. d.

2. SCOPE:

- a. This Policy shall cover members, potential members, employees, and members of the general public to ensure that the programs and services provided by the PCDHS are rendered without regard to race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, disability and/or any other protected class.

3. DISCRIMINATION PROHIBITED:

- a. The PCDHS shall, at all times, prohibit discrimination against the protected classes described in Paragraph 2.a. above ("protected classes"). The PCDHS shall ensure that all protected classes are granted accommodations in the accessing, and granting of, programs and services and activities provided by the PCDHS. Discrimination against protected classes is strictly prohibited. Discrimination related to: the use of physical facilities; intake/application procedures; caseload assignments; determination of eligibility; and the amount/type of benefits extended to applicant(s) or member(s) as part of the Medical Assistance Program is expressly prohibited under this Policy.

4. PUBLIC POSTING/AVAILABILITY OF THIS POLICY:

- a. This Policy shall be made available on Pueblo County's website. Physical copies of this Policy shall also be made available upon request, free of charge and posted.
- b. HCPF's nondiscrimination statement, as contemplated in 10 CCR 2505-5 1.020.7(1)(b) shall also be posted on Pueblo County's website and physical copies of the statement shall be displayed in highly frequented areas within PCDHS buildings.

5. CIVIL RIGHTS CONTACT:

- a. The Director and Deputy Director of the Workplace Compliance ("WPC") Department within Pueblo County shall be assigned as the civil rights contacts under this Policy.
- b. The civil rights contacts shall act as the central point of contact for applicants, members, individuals, and HCPF pertaining to the PCDHS's civil rights plan and federal and state civil rights requirements. The civil rights contacts shall act as the first point-of-contact for applicant, member, and individual civil rights complaints.

- c. In cooperation with the County Attorney's Office, the civil rights contacts shall maintain up-to-date information on civil rights laws and requirements and disseminate this information to county staff on a regular basis.
- d. The civil rights contacts shall post required civil rights notices in conspicuous, easily accessible, highly frequented areas in all PCDHS owned/leased/used buildings and on Pueblo County's website.
- e. The civil rights contacts shall manage the county's non-discrimination investigation procedures, conduct investigations, and address issues of civil rights non-compliance through individual and systemic actions/improvements. The civil rights contacts shall always be partial and independent. In the event there is a conflict of interest concerning both assigned contacts, an attorney from the County Attorney's Office may step in to perform the duties as described herein.
- f. The civil rights contacts shall ensure consistent civil rights training is provided/offered to PCDHS staff.
- g. The civil rights contacts may be contacted: **in person** at 215 W 10th Street, Room 340, Pueblo, Colorado 81003; **by telephone** at 719-583-6548; or **email** at HCPFcivilrightscomplaints@pueblocounty.us. The email shall be a shared email accessible to the WPC director, WPC deputy director, PCDHS assistant director, PCDHS director, county attorney, and the assistant county attorney assigned to the PCDHS to ensure continuity.

6. INVESTIGATION PROCEDURES:

In the event a civil rights complaint is received by the assigned civil rights contact(s), the following shall occur:

- a. A formal investigation must be completed by a civil rights contact within sixty (60) calendar days of receipt of the complaint. At a minimum, a formal investigation shall require: that attempts be made to speak with the applicant/member/individual who submitted the complaint; that every PCDHS staff member named in a complaint be interviewed regarding the situation; that investigatory measures be taken to identify (and subsequently interview) all PCDHS staff involved in a complaint in the event no PCDHS staff members were named; that all relevant applications/denial letters/other documents be reviewed when applicable; that a written report documenting the investigation be made by the civil rights contact; that the written report be forwarded to the County Attorney's Office for review (County attorney may recommend additional action if necessary); that the final written report be provided to HCPF, County Attorney's Office, Director of PCDHS, and the applicant/member/individual who submitted the complaint.
- b. When applicable, any PCDHS staff member named in or associated with a civil rights complaint shall be immediately screened out of any PCDHS case involving the applicant/member/individual making the complaint. Screening a PCDHS staff member out of a case shall not indicate or imply fault but shall be done so proactively to defuse the situation.
- c. All civil rights complaints and associated documents will be tracked and stored in a password protected share drive accessible only to the county staff members listed in Paragraph 5.g. above.
- d. In the event a civil rights investigation reveals that discrimination/civil rights violation did occur, the PCDHS shall take immediate corrective action to remedy the situation as appropriate. The PCDHS shall submit written documentation to HCPF and the civil rights contact assigned to the case and shall detail all actions taken and modifications made within three (3) calendar days from the completion of the investigation.
- e. The Assistant PCDHS Director shall review all civil rights complaints and associated investigation documents/written reports regardless of whether discrimination was founded or unfounded. The purpose of the review is to train staff on best practices where appropriate and to implement business process changes where such changes can or should be made. Implemented business process changes shall be reported to HCPF at least biannually.

7. OPTIONAL APPEAL PROCESS:

- a. Any applicant/member/individual who made a civil rights complaint shall be provided the opportunity to appeal any decision made by the civil rights contact. Applicants/members/individuals shall notify the County Attorney's office and WPC office, in writing, of their intent to appeal a decision within sixty (60) calendar days of any decision made. Failure of an applicant/member/individual to provide written notice within sixty days will result in a forfeiture of the applicants/members/individuals right to appeal.
- b. All appeals shall be heard by the Pueblo County Manager (or designee) within 30 calendar days of receipt of an appeal notice. Appeal decisions shall be made within fifteen (15) calendar days of an appeal being heard. All decisions shall be in writing and provided to HCPF and the applicant/member/individual. No PCDHS employee may be named as a designee to preside over an appeal at any time. The decision of the Pueblo County Manager (or

designee) shall be considered a final PCDHS decision.

- c. When making an appeal decision, the County Manager (or designee) shall consider all testimony and relevant evidence introduced during the appeal. The applicant/member/individual and PCDHS may both be allowed to introduce witnesses and evidence in a fair and consistent manner and may be represented by counsel if desired.

8. SUBMISSION OF CIVIL RIGHTS COMPLAINTS:

Civil rights complaints may be made by any applicant/member/individual in any of the following ways:

- a. by contacting the PCDHS civil rights contact **in person** at 215 W 10th Street, Room 340, Pueblo, Colorado 81003; **by telephone** at 719-583-6548; or **email** at HCPFcivilrightscomplaints@pueblocounty.us.
- b. by submitting a discrimination complaint form to HCPF accessible here: <https://hcpf.colorado.gov/sites/hcpf/files/Discrimination%20Complaint%20Form.pdf> or by contacting HCPF at hcpf504ada@state.co.us
- c. by completing a CaseConnect Civil Rights Form accessible here: <https://socgov07-site.secure.force.com/ColoradoCivilRights/> or by contacting the Colorado Civil Rights Division [Colorado's authority for the Colorado Anti-Discrimination Act] at dora_ccrd@state.co.us
- d. by contacting the US Department of Health and Human Services, Office of Civil Rights by **email** ocrmail@hhs.gov; **phone** at (800)-368-1019; **fax** at (202)-619-3818; or **in person** at 1961 Stout Street, Rm 08-148, Denver, CO 80294.

9. RETALIATION PROHIBITED:

- a. The PCDHS is strictly prohibited from retaliating against any applicant/member/individual for requesting access to, assisting with, or submittal of a civil rights complaint. PCDHS staff members found retaliating against an applicant/member/individual shall be immediately disciplined.

10. COUNTY COOPERATION WITH HCPF:

- a. The PCDHS shall strictly follow all corrective action issued by HCPF. Non-compliance with corrective action may result in sanctions against the PCDHS pursuant to 10 CCR 2505-5:1.020.12.

11. PCDHS TRAINING:

- a. The PCDHS shall perform training on this Policy to all PCDHS staff who perform duties related to medical assistance and have direct applicant/member/individual contact on an annual basis. Supervisors of said staff shall also be required to participate in said training regardless of whether they have direct contact with applicants/members/individuals. The PCDHS shall maintain records of all training performed which shall include documentation regarding: the date the training occurred; the names of all participants in the training; and the specific topics discussed during the training. All training documentation shall be given to HCPF after the training occurred, and upon HCPF request.
- b. PCDHS staff who perform duties related to the administration of medical assistance and who have direct contact with applicants (and their supervisors) shall complete civil rights and non-discrimination trainings provided by the staff development center [as described HCPF OM 22-014]. This training shall occur on an annual basis by 100% of the PCDHS staff required to participate in this training. Failure to complete this training shall result in discipline.
- c. PCDHS staff who perform medical assistance duties and who have direct applicant/member/individual contact shall sign an annual attestation form confirming the staff member has read and reviewed this Policy.
- d. The PCDHS will contact HCPF on appropriate training materials/topics when needed.

12. PCDHS CONTRACTOR/VENDOR REQUIREMENTS:

- a. The PCDHS shall ensure all contractors, vendors, and/or other parties doing business with the PCDHS (regardless of program) are in compliance with all federal and state civil rights laws and the provisions of HCPF OM 23-003.
- b. The PCDHS shall notify HCPF if it is informed that discriminatory action occurred from a contractor, vendor or other party within three (3) calendar days.
- c. The PCDHS shall ensure all contractor/vendor contracts utilizing medical assistance funds contain provisions requiring compliance with state and federal civil rights laws.
- d. The PCDHS shall cease all payments to contractors, vendors, and/or other parties when required to do so by HCPF.

13. ACCOMMODATION REQUESTS:

- a. The PCDHS recognizes that requests for accommodations are based on individualized needs. Given this fact, accommodation requests will be handled on a case-by-case basis. All accommodation requests (e.g. religious, medical, translation, etc.) will be processed and handled collaboratively by the WPC office and County Attorney's

office. PCDHS staff members shall report potential accommodation needs to the WPC office on behalf of applicants/members/individuals unable to request accommodations themselves (e.g. non-English speaking applicants).

- b. Accommodation requests can be made to the WPC office **in person** at 215 W 10th Street, Room 340, Pueblo, Colorado 81003; **by telephone** at 719-583-6548; or **email** at HCPFcivilrightscomplaints@pueblocounty.us.
- c. Accommodation requests can be made to the County Attorney's office **in person** at 215 W 10th Street, Room 312, Pueblo, Colorado 81003; **by telephone** at 719-583-6630; or **email** at co.atty@pueblocounty.us.