Description of Methods of Administration the state agency has established and maintains regarding nondiscrimination.
IMPLEMENTING PLAN

Ohio Department of Public Welfare

Compliance With Title VI,
Civil Rights Act of 1964

Title 45, Code of Federal Regulations, Parts 80, 31

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Organization of the Compliance Program

The consumer civil rights obligations of the Ohio Department of Public Welfare flow from two major sources of authority. Congress, in passing the Civil Rights Act of 1964, prohibited unlawful discrimination in programs receiving federal financial assistance. The Act also required that federal agencies promulgate regulations through which the compliance of those parties accepting such assistance would be ascertained and enforced. The department, on the basis of its own professional commitments, has adopted policies which forbid a person's participation in the Welfare System's programs being affected because of his or her race, color or national origin. All persons are to receive the assistance or services for which they qualify.

Pursuant to Title VI of the Act, the U.S. Department of Health, Education and Welfare published a series of regulations and guidelines interpreting the will of Congress. 45 CFR 80 clarifies the safeguards that recipients of federal financial assistance, such as ODWF, must take to maintain compliance with the Act. The enforcement unit within HHS, the Office for Civil Rights, has also published a number of guidebooks and instructions providing greater detail on the interpretations it has made of the requirements.

The Ohio Department of Public Welfare, as a recipient of federal financial assistance is subject to the federal policies and standards and has applied them to the day-to-day operations of the Ohio Welfare System. The department has overall responsibility for the county-administered welfare system established by the General Assembly in Title 51 of the Ohio Revised Code. The department is organized functionally and composed of a number of major units. Each of these is subject to the Title VI requirement and each serves as a channel to its local counterparts to assist the overall effectiveness of the compliance program. Responsibility for the Ohio Compliance Program was centralized under the Office of Personnel Policy and Civil Rights Compliance by the Director of Public Welfare. The Office reports directly to him and is charged with conducting reviews, issuing regulations and procedures, investigating complaints, maintaining a master file, and engaging in corrective action.

The county welfare departments and children's services boards are assigned responsibility for and providing assistance and services directly to the consumer population. A listing of the individual functions performed by these local agencies would be exhaustive. In brief, the county welfare departments determine eligibility of applicants and continuing clients. They maintain client files and employ the personnel who conduct social service and income maintenance efforts. They investigate allegations of fraud and execute the regulations issued by the State department. In 43 counties the children's services functions have been "merged" under the authority of the county welfare director. In each of the remaining 45 counties the children's services functions are performed under the authority of a separate board and an executive secretary. All of these children's services agencies receive federal financial assistance through the State department and are, therefore, subject to the Title VI Compliance Program of that agency.

Given the above descriptions of the agencies involved, it is clear that each level of government has a key role in the Title VI Compliance Program. Federal authorities publish the highest regulations under the Act and provide technical assistance. They may also receive complaints against the State and local agencies and unilaterally investigate them. The State agency accepts federal funds and consumes a portion of them directly. Its own programs, regulations and operations are, therefore, subject to the requirements. The State agency passes the bulk of federal financial assistance
on the local welfare agencies. The State agency must see that the funds are made available to persons of all races, colors and national origins on an equitable basis. The county agencies must ensure that the State’s policies of non-discrimination are implemented fully in respect to individual applicants and consumers. Unless all three parties perform their respective functions the system cannot operate at optimum effectiveness.

Scope of Programs to Which The Compliance System Applies

The department has conducted an inventory of programs under its jurisdiction to ascertain those which are subject to the compliance requirement. The inventory was completed after the effective date of “conversion” of the adult programs to the Social Security Administration. Currently, the department considers the following programs to be subject to the compliance program.

IM

- Aid for Dependent Children
- Aid for Dependent Children - Unemployed
- Family Emergency Assistant
- Supplementary Family Assistance
- General Relief
- OR Medical Only
- Pending Adult Assistant
- Supplementary Adult Assistance
- Food Stamp Administration
- Cuban Refugee Repatriated Citizens
- State Fair Hearings
- Title XIX - Medicaid
- Office of Innovations, Research and Demonstrations, S 1110,
  Social Security Act (HEW-SPS)
  Health Maintenance Organizations (HMO’s)
  Ambulatory Clinics
  Mathematic Health Demonstration Project, Dayton
- Crippled Children’s Services (Until 10/2/74)
- Staff Administration
- Determination of Medical - Social Eligibility for AFD, AB
- Professional Consultation Re Applications for Medical Needs - OR
- Physicians Services for Nursing Home Review Teams
- Casework for Recipients in Mental Institutions.

SS

Programs authorized under Title I, IV-A, IV-B, XIX, and XVI of the Social Security Act.

- Services for Families and Children
- Day Care Services
- Family Planning Services
- Family Life Education
- Services for Adults, Families, and Children
- Homemaker and Home Management Services
- Vocational and Training Services
- Work Incentive Program Services
- Health Services
- Education Services
- Consumer Education and Money Management Services
- Housing Services
- Legal Services
- Placement Services
- Comprehensive Services Programs
- Comprehensive Protective Services
- Comprehensive Unmarried Parent's Services
- Comprehensive Foster Care Services
- Comprehensive Child Development Services

All such provisions of the methods of administration contained herein will apply to these programs whether they are administered by a County Welfare Department or a Children's Services Board. Until notification is received by appropriate Federal or State authorities, the Office will continue to exercise its enforcement authority over each of the programs within the Ohio Department of Public Welfare, per the instructions of the Director of Public Welfare.

Responsibilities of Parties

FEDERAL - OFFICE FOR CIVIL RIGHTS

The Ohio Department of Public Welfare acknowledges the overall authority assigned to the Office for Civil Rights, HEW for applying Title VI to the Ohio Public Welfare System.

The federal agency is recognized as having the right to accept, investigate and resolve complaints filed by Ohio applicants and consumers directly. The agency's authority includes the right to issue and implement appropriate regulations that are intended to improve the equivalency of persons served by the Public Welfare system regardless of race, color or national origin. The federal agency is responsible for supplying technical assistance, information, guidelines, and administrative reimbursement in sufficient quantities as to enable the State agency to sufficiently comply with Title VI requirements.

In establishing and maintaining and expanding its Title VI compliance system, the State agency shall respond only to the Ohio liaison, so designated by the Regional Office - V, or superiors thereof.

The State Agency

To ensure constantly expanding effectiveness of the State agency's civil rights compliance program, the Director has centralized authority in one responsible unit, the Office of Personnel Policy and Civil Rights Compliance. The Office is administered by a Deputy Director who reports directly to the Director of Public Welfare. The day-to-day operation is assigned to the Executive Assistant for Civil Rights Compliance whose unit is responsible for the following activities:

[Signature]

[Date: 12/15/80]
- Propose and implement the Department's policies for the application of Title VI within the Public Welfare System. Policy sources shall include, but not be limited to, a State Plan, in-house guidelines, regulations for County Welfare Departments' and children's services boards' activities, notifications of clients' rights, notification of providers' and contractors' responsibilities, field reviews and general informational materials.

- Maintain an on-going liaison with the State Coordinator for Ohio, OCR-NEW to provide for the orderly flow of information, an exchange of investigative materials, and such other cooperative efforts as may benefit the parties mutually.

- Maintain an on-going relationship with the respective County Welfare Departments and children's services boards. The State authority will provide adequate notice of these local recipients responsibilities under Title VI and, through a regular review procedure, assist them in strengthening their operations to eliminate unlawful discriminatory patterns or practices that may be found within their jurisdictions.

- Establish and maintain on-going relationships with Civil Rights Coordinators designated by directors of the County Welfare Departments and executive secretaries of children's services boards. Within such relationships, there will be an orderly and systematic flow of policy, procedures, notifications and materials from the State agency to the local administering agencies.

- Provide assistance and advice on civil rights compliance matters to the Director of Public Welfare and the members of the State administrative staff through the Deputy Director, Personnel Policy and Civil Rights Compliance.

- Author and implement an Affirmative Action/Equal Employment Opportunity Plan for increased career opportunities to be made available to minority persons and women within the State agency. The objectives, goals and timetables adopted within the Plan are based on the Merit System Standards of Administration which determine the Department's personnel procedures and standards. Pursuant to the applicable statutes and regulations, the Office will continue to work with the U. S. Civil Service Commission and the Ohio Department of Administrative Services to see that good faith efforts are applied to achieving the Plan's objectives.

Local Welfare Agencies

All county welfare departments and children's services boards in Ohio are recipients of federal financial assistance provided by the U. S. Department of Health, Education and Welfare through the Ohio Department of Public Welfare. As such they are subject to Titles VI and VII of the Civil Rights Act of 1964, regulations and requirements promulgated by NEW pursuant to the Act, and the nondiscrimination policies and guidelines issued by the State agency under the terms of the assistance.

All county welfare departments and children's services boards within the state are required by the language contained herein and the applicable regulations issued by ODH to perform the following activities so as to achieve substantial compliance with the titles of the Act.

- Designate a specific employee in an appropriate and responsible classification to serve as the agency's civil rights coordinator (CRC). Each person
so designated as a CRC shall be given the adequate authority and information clearance as is needed for him/her to properly discharge the CRC's responsibilities.

- Authorize the CRC to conduct on-going analysis of the impact that the agencies' practices and procedures may have upon minority persons individually or minority groups as a whole. Direct the CRC to establish a central file for the storage of the laws, regulations, executive orders, policies, and judicial opinions that detail the agencies current duties and responsibilities in the field of civil rights compliance. Instruct the CRC on the proper procedures for seeing that applicants for and/or qualified consumers of public welfare programs are informed of their rights and that they are properly advised of the complaint procedures available to them. Assign the CRC to keep such records and maintain such files in the manner prescribed by the State agency. Make the CRC available to representatives of the Office of Civil Rights Compliance, ODPW when they are in the process of conducting complaint investigations or on-site reviews of the local agency. Empower the CRC to attempt informal resolution of those complaints filed by consumers who are willing to allow the local agency a first opportunity towards same.

- Initiate the conversion of consumer case files to carry the uniform race data code adopted by the Director of Public Welfare in such manner and with such pace as may be specified by the State agency.

- Provide such IN or SS or CRC personnel as may be temporarily necessary for the conduct of compliance reviews or investigations of providers/contractors within the county in which the agency rests.

- Post such notices, distribute such pamphlets or materials, and/or verbally communicate such messages as are necessary to provide reasonable notice to public welfare applicants and/or consumers of their right to be free from unlawful discrimination and provide reasonable notice of their right to file allegations of discrimination on the basis of race, color or national origin through the Office of Personnel Policy and Civil Rights Compliance - ODPW, the State Fair Hearings process, or the Office of Civil Rights - HAN directly. In those counties where above concentrated numbers of non-English speaking persons apply for public welfare assistance or services, the agency shall take the steps necessary to see that foreign language materials are used and a staff person with a fluency in the appropriate languages is available to intake/caseworker personnel during regular business hours.

- Provide adequate release time for the CRC and those persons who interact heavily with minority-group members of the general population so that they might attend civil rights compliance training programs offered by Federal, State and local agencies as well as private associations such as NAACP, AMA, La Raza Unida, Urban League, FLOC, etc.
- Maintain a current copy of the agency's Affirmative Action/EEO Plan so that Federal and State reviewers might verify the agency's compliance with the Merit System Standards and the Equal Employment Opportunity Laws.

- Assist local agency and State agency staff development personnel in their efforts to respond to training needs. Those agencies that operate their own staff development units and/or purchase outside training assistance shall provide for the inclusion of Title VI requirements and Title VII requirements into training for their personnel.

- Include discussions of Title VI and Title VII requirements in new employee induction sessions, employee handbooks, and on-going employee training so that notification of the non-discrimination requirements is provided to all welfare employees at least annually.

Procedures for Assuring Compliance by the State Agency and Local Welfare Agencies

The Department has analyzed the individual requirements to which it and the local welfare agencies are subject under Title VI and 42CFR 106. To promote effective administration and sound accountability in each of these areas the systems concept has been adopted to create the State Plan for Title VI. Compliance has been divided into five subprograms. Each subprogram is separate, distinct and designed to discharge the responsibilities of the parties involved in it. All of the subprograms will be conducted under the authority of the Office of Personnel Policy and Civil Rights Compliance, ODPW and subject to its direction.

1. CONSUMER NOTIFICATION SUBPROGRAM
(Sec. 602-78STAT. 222; 42CFR 80.3, 80.7)

Under applicable authorities the Ohio Department of Public Welfare, its administering local welfare agencies and providers must notify applicants for and qualified consumers of public assistance and social services that they (A) are to be free from unlawful discrimination in matters relating to their acceptance, service, level of assistance, or termination from public welfare programs; (B) they may file complaints alleging that race, color or national origin was a ground for any decision made on their eligibility or grant or services.

The Department has therefore adopted policies that require these parties to convey at least these two minimum notices to welfare consumers and the general public and those serving these two groups in such ways as particular conditions may dictate appropriate. To carry out these policies and verify their implementation, the Office of Personnel Policy and Civil Rights Compliance - ODPW has established the Consumer Notification Subprogram.

a. Content

It is the responsibility of the agency, provider or contractor receiving Federal financial assistance to notify applicants and/or qualified consumers of the nondiscrimination requirement. Such notice, at a minimum, shall include the following provisions:

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- Under Title VI of the Civil Rights Act of 1964 it is unlawful for persons to be discriminated against because of their race, color or national origin in any program or activity that receives Federal financial assistance.

- Any person who has a complaint that discrimination because of race, color or national origin exists in any program administered under the Ohio Department of Public Welfare may notify the Office of Personnel Policy and Civil Rights Compliance - ODPM or the Office of Civil Rights - HRW directly, or the local agency CRC as preferred. The notices should also include statements to the effect that discrimination on the ground of race, color or national origin is against the policies of the notifying party.

b. Modes of Communication

The notices communicated by the providing parties must be made in such a manner and with such frequency as to provide assurance that the receivers of the notices receive clear, actual understanding of their rights. Certain methods used in one type facility may be ineffective in another. Generally, the following methods or an acceptable combination thereof will be adjudged by the State agency as meeting the requirements.

i - In county welfare and children's services facilities;
- Posting of ODPM Title VI compliance notices in entranceways, waiting areas, intake areas, and/or caseworker areas
- Distribution of revised ODPM nondiscrimination pamphlet to all applicants and to all persons undergoing redetermination.
- Verbal notice given to all applicants and to all persons undergoing redetermination.
- Any combination of the above that is accompanied by a procedure wherein the applicant/consumer affixes his or her initials to show that they were given notice of the policies.

ii - In offices or facilities operated by providers or contractors from whom the welfare agencies purchase services
- For individual practitioners or limited practitioners a posting of a personal notice containing the minimum provisions or ODPM's poster.
- For hospitals, nursing homes, ambulatory clinics, day care centers and other group care facilities, the requirement may be satisfied by posting of minimum notices or ODPM notices in entranceways, visiting areas, patient areas, admissions or reception areas and personnel areas such as lounges/timeclock areas/dressing areas.
- All group-care facilities may also provide additional notice through the use of insertions in patient brochures, media advertising, and yellow-page advertisements.

- Personnel will be given notice of the requirements through the use of posted notices, orientation sessions, policy handbooks or combination thereof at least annually.

iii - Posted notices are assumed to be left in place on an on-going basis.

- In those cases where the notice is verbal or made in a single day's publication, the provider is expected to periodically reissue the policy at least annually.

- In those instances where an employee group is to be notified verbally, steps must be taken to inform all new employees when they begin service and all continuing employees at least annually in the course of regular staff briefings.

iv - It is the responsibility of the individual providers and/or the administrators of group-care facilities to see that verbal and written notices are made available to consumers and employees within the guidelines contained herein. Assistance in deciding among alternative methods or assisting in selecting materials will be made available through the local OHP's and/or Office of Personnel Policy and Civil Rights Compliance - ODPW.

2. PROVIDER ASSURANCE PROGRAM
(Sec. 602, 76Stat. 252; 45CFR30.4)

Each party who applies to the Department for approval to serve as a provider of services under the programs listed herein must also provide assurances of his or her intention to comply with Title VI of the Act and related regulations. Such a requirement shall apply also to corporations, partnerships, proprietorships and institutions which make such applications. All applications for or renewals of provider status shall be denied unless the assurance of non-discrimination is completed in a manner specified by the Department.

a. Content

The assurances of compliance will be offered to potential providers in a form that clearly and concisely specifies the nature of the policy of non-discrimination and the required implementation of all of its provisions.

For purposes related to the Department's Title XIX (Medicaid) or Title V (Crippled Children's Services) programs the requirement will be satisfied by the bona fide signature of the provider or an officer of the corporation or one of the members of a partnership. Signatures of those having power-of-attorney or similar representative status in respect to the applicant/provider will not satisfy the requirements. Signatures of acceptable signators must be affixed directly to ODPW 6172 (10/73) or those forms designated as revisions thereof.
For purposes related to the Department's programs conducted under Social Services (Titles I, IV-A, IV-F, XIX and XVI of the Social Security Act) the providers must sign those assurances of compliance or these contract forms containing such assurances that are provided by the Department. (Ohio Purchase of Services Agreement.)

All such assurances of compliance will minimally state that the provider and/or contractor agrees that services or materials will be provided to all eligible and qualified persons without regard to race, color or national origin and that related facilities will be operated similarly.

b. Frequency

The assurance of compliance will be signed by all parties who file an initial application for provider status in any of the programs to which the Title VI requirement applies.

The assurance of compliance will be signed by all continuing providers at such time as they may have to renew their status, change the terms of their participation, assume the operation of new facilities or begin operation of a facility previously held by another party.

Past providers will again have to sign the assurance of compliance in the course of being reinstated regardless of whether their past provider status was terminated voluntarily or involuntarily.

3. CLIENT COMPLAINT SUBMISSION
(Sec. 602, 78STAT. 252; 45CFR 80.7)

Any person who believes himself or herself or any specific class of individuals to be subjected to discrimination prohibited by the policy of nondiscrimination may himself or herself or by a representative file with the local agency CRC, the Office of Personnel Policy and Civil Rights Compliance - OPRFV, State Fair Hearings, or the Office of Civil Rights, HUD directly a written complaint.

All initial complaints to the above authorities may be transmitted by letter, by telephone or in person. However, all complaints must be reduced to writing not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by any of the responsible agencies.

Upon receipt of a compliance review, report, complaint or general information which indicates a possible failure to comply with the policy, the Office of Personnel Policy and Civil Rights Compliance - OPRFV will promptly initiate an investigation. The investigation will include, when appropriate, a review of the pertinent practices and policies of the provider, contractor or agency, the circumstances under which the alleged noncompliance occurred, and such other factors as may be relevant to a determination as to whether the provider, contractor or agency named has failed to comply with Title VI and the related regulations.

a. Content

All complaints filed with the State agency should include specific information as to the events, parties and dates involved in the alleged discriminatory patterns, practices or actions.
In those cases where the complaint fails to include the above essentials, the investigator will contact the complainant and attempt to learn the specifics before proceeding further with the investigation.

All written complaints must be signed by an actual complaining party or representative thereof. No actions or investigations will be commenced by the State agency in those instances where anonymous complaints are received.

b. ALTERNATE PROCEEDURES FOR COMPLAINTS

The Department recognizes three complaint channels through which it may come to participate in an investigation of alleged discriminatory conduct. The Department may respond to a request by the Office for Civil Rights - HEW to assist an investigation that the latter may be conducting pursuant to a complaint filed with it directly. The Department may commence an OPPCR investigation in response to a complaint filed with it. The Department may commence an investigation in those instances where a complainant has filed an allegation of discrimination within the State Fair Hearings process.

i - Complaints Filed with the Office for Civil Rights - HEW

In those instances where a complainant files an allegation of discrimination with the Office for Civil Rights - HEW and that agency requests the assistance of the Office of Personnel Policy and Civil Rights Compliance - OEPM, the state enforcement unit will move to facilitate the investigation.

The State unit will make such personnel and such information available to the investigation as are appropriate and available. In such cases the State unit will also continue to provide advice to a provider, contractor or agency supplying services to the Public Welfare System even though they may be the subject of the complaint.

The State unit expects the OCR-HEW to notify it as soon as the Federal unit begins a complaint investigation within the Ohio Welfare System. In those situations where the Federal unit has begun an investigation the State unit will refrain from investigating a complaint filed by the same party until the matter has been discussed between the units.

When investigation by the Federal unit has resulted in a finding of unlawful conduct and the subject of the complaint refuses to accept an informal solution, the State unit will not execute a termination of the party's participation in a Federally assisted program until all remedies available under 45CFR81 have been exhausted.
Within the Department, two complaint channels exist for the hearing of complaints alleging Title VI discrimination within the Public Welfare System.

A. Com plaints Filed Under Jurisdiction of Office of Personnel Policy and Civil Rights Compliance - ODPW

Complaints filed with or forwarded to the Office of Personnel Policy and Civil Rights Compliance - ODPW will be investigated by the Office and resolved with the approval of the Director of Public Welfare. When an investigation results in the conclusion that the subject did violate Title VI and the policies and regulations of the Department on nondiscrimination, the Office will attempt to informally resolve the matter. Informal resolution shall include elimination of the discriminatory patterns or practices, the establishment of procedures/policies to prevent recurrences and attempts to erase the consequences of past discriminatory patterns or practices.

If the subject of the complaint refuses to abandon the discriminatory patterns or practices in an informal resolution attempt, the Office will convene formal hearings with the assistance of the Office of Legal Affairs for the purpose of terminating the provider's participation in the Public Welfare System.

Upon the Department's terminating a subject's provider status the Office of Civil Rights Compliance will notify OCP-R-NEW of the action.

At any point or time in a investigation, informal resolution stage or formal hearing stage the subject of a complaint may voluntarily withdraw from the provider file. Upon such a withdrawal, the case will be closed and a record made of the case to date. If a withdrawing subject subsequently reapplies for admission to provider status, the terms of such reinstatement shall be exceptional in a manner determined by the Office of Personnel Policy and Civil Rights Compliance - ODPW.

B. Com plaints Filed Under Jurisdiction of Fair Hearing Section - ODPW

Applicants for and/or current consumers in Public Welfare programs may file appeals to negative actions taken on their cases on the local level. Pursuant to 45CFR 805.10 and Title 51 OAC the State must provide and supervise structures designed to insure due process hearings for deciding these complaints. Among the grounds upon which a person can file for a due process hearing is discrimination on the basis of race, color or national origin.

In those cases where a complainant files with the State Fair Hearing unit and alleges that their participation was determined on the basis of race, color or national origin, the Hearing Officer assigned the case will refer said case through appropriate
channels to Office of Personnel Policy and Civil Rights Compliance - ODFW. Upon receipt of the case the latter unit will treat the allegation as a duly filed complaint, will investigate the facts and return the case to the Hearing Officer with findings and recommendations. If Office of Personnel Policy and Civil Rights Compliance - ODFW receives a complaint that is not Title VI related, but pertains to a local agency determination, it will refer said complaint to State Fair Hearings which shall treat the allegation as an appeal, if appropriate, and hear same in the regular course of operations.

In all cases where the Office of Personnel Policy and Civil Rights Compliance has conducted an investigation and issued findings and recommendations to a Hearing Officer, said Officer will notify the Office of his/her final determination on the case within 30 days. The Office will maintain a file of such cases, subject them to analysis, and make them available to representatives of OCR-HEW upon request.

iii - Complaints Filed With County Welfare Departments and Children's Services Boards

Where applicants or current consumers file a complaint alleging unlawful discrimination with a county welfare department or children's services board, such agency may make an attempt to informally resolve the complaint. Such agency may also refer the complaint or the complaint to the attention of OCRC-CEPW or OCR-HEW.

In no case may the resolution attempts made by a county welfare department or children's services boards serve as a bar to the complainant filing complaints with the State or Federal enforcement units.

iv - Self-initiating Investigations Into Agency or Provider Practices

In those instances where the regular flow of compliance data, annual reports, correspondence and the like alerts the State unit to a breach of the policy or a threatened breach of the policy the State unit may initiate its own investigation into the matter. All such investigations shall be conducted in the standard fashion, but shall not result in an adverse notice to the subjects without the approval of the Director of Public Welfare. Parties under such self-initiated investigations will be subject to the same standards, procedures and sanctions as investigations in which a complainant has filed an allegation.

4. PROVIDER REVIEW SUBPROGRAM
(Sec. 602, 76STAT. 232, 45CFR 80.7)

Under the cited provisions of Chapter 45 of the Code of Federal Regulations, the Department is required to periodically review the compliance status of the programs' providers and contractors. Such reviews are intended to verify that these parties are, in fact, notifying all consumers of their rights, serving all consumers equitably regardless of race, color and national origin and discharging their general obligations under Title VI of the Act. To
The Office of Personnel Policy and Civil Rights Compliance - Ohio Department of Public Welfare will verify the compliance of providers and contractors by reviewing the policies adopted by the parties, the procedures used by the parties to serve consumers, the methods used to provide required notices to consumers, and the records of services provided so as to establish, quantitatively, the mix of consumers served. The Office reserves the right to perform its lawful obligations by inspecting sites and practices and materials that include, but are not limited to the following:

- Appointment books to verify that no distinction is made as to the hours or days during which minority-group persons are served.

- Case files or patient rosters to establish that the group of patients being served is not under representative to a great degree of the general population in the service area.

- Physical facilities to verify that consumers are not segregated in separate waiting rooms, service areas, room assignments, and/or not served inequitably through the use of dissimilar equipment, food, medicines, teaching materials, office supplies, furnishings, etc.

- Personnel records and files to ascertain the equal employment opportunity practices that allow for consumers to be served by persons of all races, colors or national origins.

- Sources of income/revenue in reference to the major ways in which persons served by the facility pay for services so as to ascertain the socio-economic characteristics of the group served by the facility.

- Official and standard documents, records and policy statements of the contractor/provider to establish his adoption of a policy of nondiscrimination on the ground of race, color or national origin.

- Publications, brochures, advertisements, policy manuals, employee handbooks, and training - orientation curriculum materials to ensure that the provider/contractor has notified staff, referral sources, the general public and patients of the policy of nondiscrimination.

b. Review Procedures

The Department will review all group-care facilities participating in FFA Programs on an ongoing basis to verify their compliance status. These annual reviews will be scheduled in hospitals, nursing homes, ambulatory clinics, HMO's home health care agencies, and day care centers. It is, additionally, the intent of the Department to establish a scientific or random sample review schedule for the verification of the compliance status held by individual practitioners such as physicians, dentists, optometrists, podiatrists, therapists, counselors and the like.
i - Assignments of Responsible Parties

- Office of Personnel Policy and Civil Rights Compliance - Ohio Department of Public Welfare - the Office will assign its personnel to the overall administration of the compliance program, the maintenance of central records function, the investigation of complaints, the following-up of problems noted in regular reviews, the supplying of forms and materials, the orientation of agencies’ personnel and individual providers, and the supervision of regular compliance reviews.

- Executive Office, Medical Assistance Supervisors. Office of Personnel Policy and Civil Rights Compliance will accept the on-going assistance of these staff members as the Assistant Director specifies. In the course of their regular duties they will remain alert for suspected violations of Title VI and are expected to raise apparent violations to the attention of the Office of Personnel Policy and Civil Rights Compliance through the Assistant Director. Thereafter, an investigation into the suspicions will be made for the protection of welfare consumers.

- Division of Planning and Programs, Day Care Program Development Specialists. The Office of Personnel Policy and Civil Rights Compliance will enlist the support of the Day Care Program Development Specialists on an on-going basis for the review of day care centers providing services under contract to the Public Welfare System. The Specialists will collect the standard data and specify problem areas. The Office’s staff will perform follow-up, corrective action, and complaint/investigation functions that relate to day care contractors.

- Field Personnel, Ohio Department of Health. Under the terms of the Inter-Agency Working Agreement that exists between the Department and the Ohio Department of Health, the appropriate members of the latter’s field personnel will assist in reviews of the remaining group-care facilities; i.e., nursing homes, hospitals, ambulatory clinics and home health care activities as specified by terms of the inter-agency agreement. Health’s personnel will collect the standard data and specify problem areas. The Office’s staff will perform follow-up, corrective action, and complaint investigation functions that relate to facilities/providers contacted by Health.

ii - Review Format

- The Department has adopted interim forms to be used for the reviews of group-care facilities and a standard process for the review of individual's, providers' or practitioners' compliance status.
All annual reviews are to be performed with the use of the appropriate official forms designed for the type of facility/contractor/provider involved. The reviewers are to vary from the items and order found in the forms only if they feel that more detailed data or other data is needed to confirm or deny the presence of a violation or threatened violation of the nondiscrimination policy.

In those cases where the reviewer is refused information needed to complete the minimum form questions, the reviewer is to prepare a written statement of the attempts that he or she made to obtain such information, sign it and submit it as an attachment to the standard form as returned to the Office of Civil Rights Compliance, OCRW. The central office staff will again try to complete the review. If this second effort does not succeed, the incident will be referred for action within OCRW or HHS.

Where the provider, contractor or facility serves a large number of persons and/or employs a great many personnel the reviewer may at his/her own discretion mail the review form to the subject ahead of the review date. At least three days will be allotted to a large nursing home or clinic for the preparation of the statistical data. At least one work week will be allotted to large hospitals, joint practices etc. for the same purpose.

When pre-mailing the review form to facilitate the compilation of statistical data, the reviewer will include a copy of the appropriate cover letter adopted by the Office. Other standardizing regulations applicable to pre-mailed reviews will be adopted by the Office and observed by the reviewers in all normal cases.

In those reviews where the contractor or facility or provider has a past history of violations of Federal or State regulations, the reviewer need not allow the courtesy of scheduling the review ahead of pre-mailing the review form ahead. Such "no-notice" reviews are to be conducted in only those cases where the reviewer and/or his or her superior believes the subject may vary his regular practices to present an atypical appearance during the review.

iii - Review Frequency

All the providers, contractors and facilities specified herein for individual reviews are to be reviewed at least once a year on an on-going basis.

Those providers, contractors and facilities that present violations will be notified by the Office and requested to submit a plan of corrective action which details the charges and periods of time involved in coming into compliance. When a party is found to be
In violation they will be informed that there is a probability of them being reviewed on a follow-up basis within the same year. All subjects who refuse to submit a corrective plan or fail to carry out the terms of such a plan will, after a reasonable period of time, be referred to those Office personnel charged with attempting informal resolution of problem cases. If no solution is forthcoming the subject party will become the object of a formal proceeding intended to terminate their participation in the Public Welfare System's programs.

5. AGENCY REVIEW SUBPROGRAM
(Sec. 602, 78 STAT. 252; 45 CFR 80.7)

To further verify that consumers served by the Department's programs are free from unlawful discrimination and violations of the policy, the Office will review each county welfare department and each children's service board and CDFS's own operations at least once a year on an on-going basis. Additional monitoring of these major parties will be accomplished through increased involvement of District Office personnel, the initiation of required periodic compliance reports of a qualified nature, and the activity of the local CEC's operations. To structure and supervise the orderly completion of these activities, the Office has established the Agency Review Subprogram which has the following features:

a. Content

The Office of Personnel Policy and Civil Rights Compliance - CDFS will verify the compliance status of county welfare departments and children's services boards by reviewing the adopted policies of the agency, the working procedures through which the staff implements such policies, the methods used to disseminate the nondiscrimination policy, the rates at which minority groups are served within the respective programs, the content of orientation and training provided personnel, the physical facilities used, and the complaints filed against the agency.

i. For county welfare departments and "merged" children's services units

- Case records and files to ascertain the mix of consumers being served by the agency.

- Case assignment patterns or method of administering a case book to verify that a disproportionate number of minority persons are not being serviced by a select number of personnel, that a disproportionate number of minority persons are not being served by minority/less experienced/overassigned personnel, that a disproportionate number of minority group members is not being served by personnel of the same race, color or national origin, or that minority persons with a limited command of the English language are not being served by personnel having no fluency in the consumers' native tongue.

- Personnel records to ascertain that minority persons are being served by a staff group that is composed of persons who were hired/trained/promoted on the basis of Merit System - Equal Employment Opportunity principles.
- Policy manuals, employee handbooks, posted notices, intake procedures, intake materials, training curricula and the like to ascertain that the agency actively informs its consumers and staff of the policy of nondiscrimination and the availability of complaint channels.

2. For Separated Children's Services Boards

- Case records and files to ascertain the mix of consumers being served by the agency.

- Case assignment patterns or method of administering a case bank to verify that a disproportionate number of minority persons are not being served by a select number of personnel, that a disproportionate number of minority persons are not being served by minority/less experienced/overworked personnel, that a disproportionate number of minority group members is not being served by personnel of the same race, color or national origin, or that minority persons with a limited command of the English language are not being served by personnel having no fluency in the consumers' native tongue.

- Personnel records to ascertain that minority persons are being served by a staff group that is composed of persons who were hired/trained/promoted on the basis of Merit System - Equal Employment Opportunity principles.

- Policy manuals, employee handbooks, posted notices, intake procedures, intake materials, training curricula and the like to ascertain that the agency actively informs its consumers and staff of the policy of nondiscrimination and the availability of complaint channels.

b. Review Procedure

Using the standard forms and outlines adopted by the Office, the reviewers will collect the information necessary to ascertain the compliance status of the subject agency.

- The reviewer will first survey the location of the facility, its proximity to minority neighborhoods, its proximity to public transportation, its waiting and service areas to verify the level equal access of all persons.

- The reviewer will confirm the agency's nondiscrimination policy and how this policy and that of the State and Federal authorities are disseminated to applicants/consumers. Policy manuals, postings, procedures, handbooks, verbal notices etc. are to be checked. In those counties where there is any significant foreign-language population the reviewer is to assess whether the agency has provided sufficiently for translation to/from the English in both verbal and printed messages.

- In the course of the review it will be determined whether the agency has adequately informed the members of the staff of their obligations to refrain from executing policies, making decisions, providing services or administering cases on the ground of the race, color or
national origin of the consumer involved. Notices posted in personnel areas, personnel handbooks, inter-office memos, inclusions in orientation and training sessions, payroll "stuffers" and the like are to be considered as acceptable means for periodically reminding the personnel of the policy.

The review is to include an analysis of the agency's workforce in respect to the rate at which minority persons are employed and the distribution they enjoy from the lowest positions to the highest classifications across all unit lines. If the agency has recently completed either an EEO-1 form for submission to the Equal Employment Opportunity Commission or has recently compiled a report to the U.S. Civil Service Commission which includes a race - classification breakdown, a copy of such a report can be accepted for this portion of the review.

The reviewer will perform a random or scientific sample of the cases, using a statistically significant number of cases, to ascertain the rate at which each minority group specified in the Department's uniform race data code are being served in the various programs.

The reviewer will collect and analyze data as to the numbers of consumer/employer complaints alleging discrimination which have been filed against the agency in the two calendar years preceding the review.

The reviewer will ascertain the number of Fair Hearings requests filed as a result of the agency's action in the calendar year preceding the review by contacting the State Fair Hearings Section inside CRIN. No review that does not include this data will not be considered complete.

c. For the State Welfare Agency

The Office will continually conduct program analysis and data gathering functions to verify and/or maintain the compliance status of the State agency. Since the State agency does not interact directly with consumers its compliance status, as a working body, will be determined on the equitability of the policies it adopts, the equitability of its expenditure patterns, and the vigor with which it keeps the compliance status of county welfare departments, children's services boards and providers current. To maintain the department's own compliance status the Office will:

- Review current policies, procedures, standards and practices to ascertain their impact upon minority persons and minority groups within the Public Welfare System.

- Review all pertinent proposed changes in policies, procedures, standards and practices to comment upon the impact they might have upon minority persons and minority groups within the Public Welfare System.
- Promote and monitor the complete adoption of the Department's uniform race data code so as to continually increase the Department's capability of assessing the racial consequences of its operations.

- Advise and assist the Director and those units of the Department that are responsible for programs to improve the equitability with which the programs operate.

- Promote and assist in the expansion of those staff development activities which will result in new personnel and continuing personnel being more informed of the nondiscrimination policy.

- Administer the creation and distribution of informational materials so that consumers, providers, contractors, and agencies will be adequately informed of their respective rights and responsibilities under the Act.

- Respond promptly and thoroughly to those complaints filed by parties that allege discriminatory patterns or practices or acts on the part of parties who fall under the Office's jurisdiction.

- Maintain a consistent and timely schedule for the on-site review of group-care facilities, welfare agencies, and individual providers.

- Retain such records and issue such reports as will enable departmental administrators to ascertain the equitability of the Department's operations and take corrective action when and where necessary.

Merit System Standards of Personnel Administration

The Ohio Department of Public Welfare is a grant-in-aid agency receiving Federal financial assistance through the U. S. Department of Health, Education and Welfare. The department is also subject to the authority of the State Merit Agency, the Ohio Department of Administrative Services - Division of State Personnel and Division of Equal Employment Opportunity. Pursuant to the above authorities and the laws and regulations under which they are empowered, the Department practices the principles of Affirmative Action and Equal Employment Opportunity.

The Department has codified the manner and extent to which it can successfully expand employment opportunities for minority-group members and women. These procedures, activities, goals and timetables are contained in the Affirmative Action Plan adopted by the Director of Public Welfare. The MA has received the conditional acceptance of both the U. S. Civil Service Commission and the Ohio Department of Administrative Services - Division of EEO. The plan is currently undergoing annual revision and will be resubmitted to the proper authorities in July 1974. The 1974 - 1975 Plan will reflect the comments made by the reviewing authorities and is intended to satisfy Title VII requirements fully.

The Office of Personnel Policy and Civil Rights Compliance, acting on behalf of the Department, will provide technical assistance and advice to providers, providing facilities and local welfare agencies to aid these parties in their efforts to expand their Equal Employment Opportunity practices. Such technical assistance and advice will be made available to these parties after the Office has received a written request for same from a responsible party.
The Department believes that the Ohio Department of Administrative Services - Division of State Personnel and Division of Equal Employment opportunity are solely authorized to require county welfare departments to practice EEO/Affirmative Action principles. These state units are also responsible for the setting of job qualifications, classification standards, selection procedures, promotional factors etc. within the Merit System of Personnel Administration.

The Department understands that it has no authority under which it can insist upon an individual provider, contractor or facility beginning or expanding the practice of EEO/Affirmative Action. The Department will gather personnel profiles on the staffs of such parties and include the racial data among the other factors it considers in determining whether consumers are being served without regard to race, color or national origin.