



## Nondiscrimination Notice

Rio Grande and Mineral County Department of Social Services does not discriminate based on race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability. The Department does not discriminate in employment, admission or access to, treatment or participation in, or receipt of the services and benefits under any of its programs, services and activities.

### The county department provides:

- Free aids and services for individuals with disabilities to communicate effectively with us, such as:
  - Qualified sign language interpreters
  - Written information in other formats
- Free language services for individuals whose primary language is not English, such as:
  - Qualified foreign language interpreters
  - Information written in other languages

If you believe the county department has failed to provide these services or discriminated in another way, you can file a grievance with the Civil Rights Officer within 60 days of the incident. You can file by mail, phone, fax, or email. The Civil Rights Officer can also help you file the grievance.

### To request aids and services or to file a grievance:

Jody Kern, Director  
1015 6<sup>th</sup> Street  
Del Norte, CO 81132  
Phone: 719-657-3381  
Fax: 719-657-2997  
Email: [jody.kern@state.co.us](mailto:jody.kern@state.co.us)

You can also file a civil right complaint with the Department of Health Care Policy and Financing:

Civil Rights Officer 1570  
Grant St  
Denver, CO 80203  
Phone: 303-866-6010 (State Relay 711)  
Fax: 303-866-2828  
Email: [hcpf504ada@state.co.us](mailto:hcpf504ada@state.co.us)

You can also file a civil rights complaint with the U.S. Department of Health and Human Services, Office for Civil Rights, online at [ocrportal.hhs.gov/ocr/smartscreen/main.jsf](https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf), or by mail, phone, fax, or email.

Office for Civil Rights

U.S. Department of Health and Human Services 1961 Stout  
Street, Rooms 08-148

Denver, CO 80294

Telephone: 800-368-1019 (TDD: 800-537-7697) FAX: 202-619-3818

Email: [OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov) Learn more at [hcpf.colorado.gov](https://hcpf.colorado.gov).

You can also file a complaint with the Colorado Department of Human Services

[cdhs.colorado.gov/contact-cdhs](https://cdhs.colorado.gov/contact-cdhs)

303-866-3275

[cdhs\\_clientservices@state.co.us](mailto:cdhs_clientservices@state.co.us)



Comprehensive Civil Rights Plan  
Rio Grande/Mineral County Department of Social Services  
1015 6<sup>th</sup> Street Del Norte, CO 81132  
Voice: 719-657-3381  
FAX: 719-657-2991  
TTY users place calls through CO Relay Service: 1-800-659-2656

**Contact Person**

Civil Rights: Jody Kern, Rio Grande/Mineral County DSS Director  
ADA: Jody Kern, Rio Grande/Mineral County DSS Director

This plan is available in the public reception area of the Department of Social Services, located at 1015 6<sup>th</sup> Street, Del Norte, CO 81132, and online at [www.riograndecounty.org](http://www.riograndecounty.org).

**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 Jody Kern at the contact information above.

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## **PURPOSE:**

As a recipient of Federal Financial Assistance, Rio Grande/Mineral County Department of Social 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. Rio Grande/Mineral County Department of Social 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, political beliefs, creed, or disability and public assistance status. 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 Rio Grande/Mineral County Department of Social 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 Social 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:**

Rio Grande/Mineral County Department of Social Services designates Jody Kern to serve as the agency's Civil Rights Contact/Agency point person on civil rights matters.

Contact Person: Jody Kern  
Telephone: 719-657-3381  
Email: jody.kern@state.co.us

As the designated contact person, Ms. Kern meets the minimum requirements of the County's Civil Rights Contact person (10 CCR 2505-5 1.202.7.1.a) and, as such, shall fulfill the following duties:

1. Be impartial and independent.
  - a. The individual who had a complaint filed against them shall not be the individual conducting the investigation.
  - b. Conflict-of-interest processes can be leveraged if necessary (for instance, by working with a neighboring county to conduct the investigation and following 10 CCR 2505-5 1.101.24).
  - c. The attorney for the Rio Grande/Mineral County Department of Social Services can also be used to conduct investigations as necessary when designated by the Civil Rights Contact, or upon the attorney's own initiative when there is a conflict-of-interest involving the Civil Rights Contact.
2. Act as the central point of contact for applicants, members, individuals and the Department pertaining to the county's Civil Rights Plan and federal and state civil rights requirements.
3. Maintain up-to-date knowledge on changes in member related civil rights laws and requirements and communicate and share this information with county staff on a regular basis.
4. Act as a first point-of-contact for applicant, member, and individual civil rights complaints. Contact information for Ms. Kern is provided above.
5. Post required Civil Rights Plan and State and County Nondiscrimination Statements in conspicuous locations at designated physical locations and online.
6. Manage the county's non-discrimination investigation procedures, conduct investigations and address issues of civil rights non-compliance through individual and systemic actions and improvements.
7. Work with the county department to provide civil rights training and consulting as required.
8. Ensure that the county provides training on their own Civil Rights Plan and on any findings resulting from a civil rights investigation, including any necessary individualized staff training and feedback.

## **EQUAL OPPORTUNITY POLICY**

### **Rio Grande/Mineral County Department of Social Services Policy for equal opportunity in service delivery:**

It is the policy of Rio Grande/Mineral County Department of Social 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.

Rio Grande/Mineral County Department of Social 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, sex, gender, sexual orientation, gender identity and expression, age, creed, religion, political beliefs, disability or public assistance status. "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. Rio Grande/Mineral County Department of Social Services employees, programs and policies must also allow physical and program access for people with disabilities.

This civil rights policy covers Rio Grande/Mineral County Department of Social 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 Rio Grande/Mineral County Department of Social Services. The Colorado Anti-Discrimination Act (CADA) also applies to the work of Rio Grande/Mineral County Department of Social Services and the agencies carrying out the work of Rio Grande/Mineral County Department of Social Services.

Some state laws provide greater protections than federal law. In these cases, Rio Grande/Mineral County Department of Social Services will follow state law.

### **Program accessibility Policy for People with Disabilities:**

Rio Grande/Mineral County Department of Social 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, Rio Grande/Mineral County Department of Social Services will:

- Notify the public about the rights and procedures for people with disabilities under the Americans with Disabilities Act
- Designate and 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 Rio Grande/Mineral County Department of Social Services buildings.
- Level access into the first floor of Rio Grande/Mineral County Social Services buildings with elevator access to all other floors.

**Reasonable Modifications to Policies, Procedures or Practices:**

Rio Grande/Mineral County Department of Social Services will make reasonable modifications to its policies, procedures or practices when necessary to avoid discrimination on the basis of disability, unless Rio Grande/Mineral County Department of Social 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:**

Rio Grande/Mineral County Department of Social 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, Rio Grande/Mineral County Department of Social 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, Rio Grande/Mineral County Department of Social 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, Rio Grande/Mineral County Department of Social Services will find another equally effective auxiliary aid or service.

Rio Grande/Mineral County Department of Social Services staff may obtain auxiliary aids and services by request to the Civil Rights Contact. The Civil Rights Contact (or designee) is also responsible for working with people who file complaints to make appropriate arrangements.

**Training on County Civil Rights Plan:**

Rio Grande/Mineral County Department of Social 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 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 Rio Grande/Mineral County Department of Social 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 requirement 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 Contract Person will conduct, as needed, training to staff based on compliant referrals received by the agency and when investigations on complaints determine that there was as 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.

**Contractors, Vendor and Partner Compliance with Civil Rights Provisions:**

The County will assure that any contractors, vendors, partners or other parties that do business on behalf of the county, paid using federal and state medical assistance funds, or who have contacts with applicants or members comply with state and federal civil rights laws. The County will notify HCPF if alerted to discriminatory activity within three (3) calendar days.

**State Determination of County Compliance with Civil Right 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 a 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 2505-1.020.11 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.

**COMPLAINT RESOLUTION 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 Social services program information or benefits. Rio Grande/Mineral County Department of Social 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 because of your race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability or public assistance status. 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 Rio Grande/Mineral County Department of Social 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 Agency's equal opportunity policy, complaint resolution procedure and complaint form. 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.

Jody Kern, Director, Rio Grande/Mineral County Department of Social Services  
1015 6<sup>th</sup> Street, Del Norte, CO 81132  
719-657-3381 (voice)  
[Jody.kern@state.co.us](mailto:Jody.kern@state.co.us)

If the complaint is against the civil rights contact person, a conflict of interest process will be leveraged if necessary.

**Arrangements for People with Disabilities:**

Rio Grande/Mineral County Department of Social Services will make appropriate arrangements to ensure the 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, providing language services for individuals whose first language is not English, and assuring a physically accessible location for complaint proceedings.

**Retaliation and Coercion Strictly Prohibited:**

No applicant, member, or individual shall be retaliated against for requesting access to or assistance from the county. No applicant, member, or individual shall be retaliated against based upon the submission of a Civil Rights or discrimination complaint, per federal and state law.

**Complaint Review 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.
  - Informal Reviews occur may be appropriate where the complaint does not directly affect a member's eligibility or benefits.
    - All informal reviews shall be completed within sixty (60) calendar days of receipt of the complaint.

- Formal reviews are reserved for complaints that may affect the member or applicant's eligibility, such as a complaint that alleges a county did not allow them to apply because of their protected status.
  - All formal reviews must be completed within one hundred twenty (120) calendar days of receipt of the complaint.
  - The member or applicant has the discretion to determine whether they would like an informal or formal review of the complaint.
  - If the member or applicant does not specify, the county shall treat that investigation as a formal review.
- The member or applicant shall submit relevant information and evidence pertaining to the complaint to the Civil Rights Contact (or designee). Others with who have an interest in the complaint may also submit relevant evidence about the complaint to the Civil Rights Contact (or designee).
- Within the time-frames identified above, the County agency will issue a written decision on the complaint, to the complainant and the state department.
- The County will maintain the complaint records and files for three (3) years. Rio Grande/Mineral County Department of Social 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 person filing the complaint may appeal the decision by writing to the County Commissioners within fifteen (15) days of receiving the written decision.
  - The County Commissioners 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 Social Services Office for Civil Rights or the US Department of Agriculture (USDA) for the SNAP Program
- The County will track all investigations, both informal reviews and formal investigations, using a spreadsheet. The County will implement business process changes and/or trainings to address complaints received, whether founded or not on a semi-annual basis unless the severity of the situation warrants sooner. The spreadsheet along with business process changes and/or trainings will be submitted to Health Care Policy and Financing on a minimum a biannual basis, January 31 and July 31 or each year.
- If a complaint of discrimination or Civil Rights violations is investigated by the county and the investigation finds that the complaint is founded, HCPF will require the county to take all necessary steps to correct the violation. HCPF must be provided a detailed description of actions taken and modifications made within three (3) calendar days from the completion of the investigation. Upon receipt of the county's investigation findings and description of its corrective action, HCPF will work with the county on any additional required steps.
- If a complaint is investigated by the county and the investigation finds that the complaint is not founded, documentation of the complaint and the investigation shall be maintained in the county's files and included on the aforementioned spreadsheet along with any business process changes or trainings implemented by the county in response to the investigation.

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

The US Department of Health and Social Services Office for Civil Rights prohibits discrimination in its programs because of race, color, ethnic or national origin, ancestry, age, sex, gender, sexual orientation, gender identity and expression, religion, creed, political beliefs, or disability. 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 <https://ocrportal.hhs.gov/>, by mail to: Centralized Case Management Operations; US Department of Health and Social Services; 200 Independence Ave, SW; Room 509F HH Bldg.; Washington, DC 20201 or via email at [OCRComplaint@hhs.gov](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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 Social 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](mailto:ocrmail@hhs.gov) (email).

**Appeal Process:**

You have the right to appeal the outcome of the investigation if you are not satisfied with the decision. To appeal, you must send a written request to review the outcome of the investigation within 15 days of receiving the written decision. Be brief and state why you disagree with the decision, plus any additional information that may apply. Send your request to the attention of the County Commissioners, 925 6<sup>th</sup> Street, Del Norte, CO 81132. The County Commissioner will review the information and render a decision within 15 days which will be final. This appeal process is not the same as filing a fair hearings appeal through the CDHS or HCPF appeals processes.

Rio Grande/Mineral County Department of Social 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 can assist.

**Rio Grande/Mineral County Department of Social Services Civil Rights Form:**

Rio Grande/Mineral County Department of Social Services has developed a form to assist complainants in filing a comprehensive complaint. It is available upon request.

**CIVIL RIGHTS PLAN ADMINISTRATION:**

Rio Grande/Mineral County Department of Social Services will administer its Civil Rights Plan by doing the following:

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