

## Administrative Policy No. 18.70

**Subject:** Responding To External Civil Rights Agency

**Authorizing Source:** RCW [43.20A.110](#)

**Information Contact:** DSHS Human Resources

**Effective Date:** July 1, 2005

**Revised:** October 28, 2020

**Approved By:** Original signed by Wendy Long  
Senior Director, Human Resources Division

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### Purpose:

This policy establishes direction for timely, appropriate, and coordinated Department of Social and Health Services (department) responses to external civil rights agency reviews, investigations, or settlement proposals.

### Scope:

This policy applies to all department employees.

### Definition:

**External Civil Rights Agency:** Any agency with statutory civil rights enforcement powers, i.e., including but not limited to the Health and Human Services Office for Civil Rights, Equal Employment Opportunity Commission, the U.S. Department of Agriculture Food and Nutrition Services, or the Washington State Human Rights Commission.

**Conciliation:** The adjustment and settlement of a dispute in a friendly, non-antagonistic manner such as mediation or settlement.

### Policy:

#### A. Responsibilities

1. The goal of the department is to respond within the timeline provided by the external civil rights agency, and if necessary, to supplement the response with additional responsive information as it becomes available.
2. Appointing authorities notify the human resources division's employee investigations unit immediately by forwarding a copy of the correspondence when a notice of complaint, review, or request for information is received from an external civil rights agency. The employee investigations unit (EIU) may be contacted at [IRAUCOMPLAINTS@DSHS.WA.GOV](mailto:IRAUCOMPLAINTS@DSHS.WA.GOV).
3. The appointing authority prioritizes the correspondence and develops a response in consultation with the employee investigations unit.
  - a. The EIU coordinates responses to the civil rights agency, including but not limited to:
    - i. Establish the response due date;
    - ii. Review responses prior to submittal to the civil rights agency;
    - iii. Track completion and maintaining records of responses;
    - iv. Provide consultation on responses; and
    - v. Act as general liaison with the civil rights agency.
  - b. When a written notice of an investigation or compliance review is submitted by a civil rights agency, the EIU serves as liaison throughout the compliance review or complaint process and can be contacted at [IRAUCOMPLAINTS@DSHS.WA.GOV](mailto:IRAUCOMPLAINTS@DSHS.WA.GOV)

## **B. Process**

1. Response Phase
  - a. Appointing authorities or anyone who receives written notice concerning an investigation or compliance review from a civil rights agency must inform the employee investigations unit as soon as possible.
  - b. The EIU will designate the lead administration or division when two or more department programs are required to respond.
  - c. The administration must prepare the response, gather any information requested, and forward to the EIU at least five working days before the response is due:
    - i. If no response date is apparent, the employee investigations unit will provide a date.
    - ii. The administration should determine, as soon as possible, if the response is going to take additional time or need modifications. If an extension is required, the extension should be requested through the employee investigations unit.
    - iii. Include time for review by the Attorney General's Office if appropriate.

- d. The EIU must review the administration's response and suggest modifications prior to submitting the response to the civil Rights Agency. The response must not be released until it has been reviewed and approved by the EIU.
- e. A final copy of the completed response and all attachments must be sent to the employee investigations unit.

## 2. Investigation Phase

- a. If a civil rights agency seeks to interview department employees, gain access to additional information, or collect documentation on-site, the EI must notify the appointing authority.
  - i. If the program is directly notified by the civil rights agency, the appointing authority will notify employee investigations unit.
- b. EIU may ask the impacted program to arrange employee interviews, provide additional information, and collect documentation.

## 3. Conciliation Phase

- a. If a civil rights agency seeks to conciliate a complaint or compliance review through a settlement agreement, the appointing authority must notify the employee investigations unit.
- b. The EIU must be informed of all requests for conciliation meetings, and an EIU representative should be present at the meetings as appropriate.
- c. If a written agreement is presented, the employee investigations unit must coordinate responses to this document and review agreements for possible agency-wide impact.
- d. The secretary will sign settlement agreements negotiated with any civil rights agency including federal and state agencies (e.g. Health and Human Services, Department of Justice, and Department of Agriculture.)

## 4. Monitoring Phase

- a. If conciliation or other written agreement is developed, the EIU must monitor progress of the terms.
- b. Within 21 calendar days of the date of the agreement, the appointing authority must submit a work plan to the EIU, including action steps and time frames for each item in the agreement.
- c. Within 21 calendar days of the date of the agreement, the appointing authority must also submit the action steps and time frames to the research and data analysis division for inclusion in the quarterly review process.
- d. All documentation must be submitted to the EIU five business days before the final review due date.

- e. The appointing authority must notify the EIU within 14 calendar days when written notice is received from a civil rights agency that provisions of an agreement have been completed.
- f. The EIU will maintain records of complaints received and responded to, on site investigations conducted, and any negotiated settlements negotiated with civil rights agencies.

DSHS Official