

## Administrative Policy No. 18.70

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

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

**Information Contact:** DSHS Human Resources

**Effective Date:** July 1, 2005

**Revised:** October 1, 2010

**Approved By:** Original signed by Glenn Christopherson  
Senior Director, DSHS Human Resources

**Purpose:**

This policy establishes direction for timely, appropriate, and coordinated Department of Social and Health Services (DSHS) responses to external Civil Rights Agency reviews, investigations, or settlement proposals.

**Scope:**

This policy applies to all DSHS employees.

**Definition:**

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

**Policy:**

**A. Responsibilities**

1. Appointing authorities notify the DSHS Human Resources 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.
2. The appointing authority prioritizes the correspondence and develops a response in consultation with the Investigations Unit.

**1. Investigations Unit**

- a. The Investigations Unit coordinates responses to the Civil Rights Agency, including but not limited to:
  - i. Establishing a date the response is due;
  - ii. Reviewing responses prior to submittal to the Civil Rights Agency;
  - iii. Tracking completion and maintaining records of responses;
  - iv. Providing consultation on responses; and
  - v. Acting 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 Investigations Unit serves as liaison throughout the compliance review or complaint process.

## B. Process

### 1. Response Phase

- a. Appointing authorities must **immediately** inform the Investigations Unit of any written notice concerning an investigation or compliance review from a Civil Rights Agency.
- b. The Investigations Unit will designate the lead division when two or more programs need to respond.
- c. The appointing authority shall prepare the response, gather any information requested, and forward to the Investigations Unit at least five working days before the response is due:
  - i. If no response date is apparent, the Investigations Unit will provide a date.
  - ii. The appointing authority should determine, as soon as possible, if the response is going to take additional time or need modifications. The extension should be requested through the Investigations Unit.
  - iii. Include time for review by the Attorney General's Office if appropriate.
- d. The Investigations Unit must review the appointing authority's response and suggest modifications prior to submitting the response to the Civil Rights Agency. The response shall not be released until it has been reviewed and approved by the Investigations Unit.
- e. A final copy of the response shall be sent to the Investigations Unit.

### 2. Investigation Phase

- a. If a Civil Rights Agency seeks to interview employees, gain access to information, or collect documentation on-site, the appointing authority shall notify Investigations Unit.
  - b. Investigations Unit may ask the impacted program to arrange employee interviews.
3. Conciliation Phase
- a. If a Civil Rights Agency seeks to conciliate a complaint or compliance review through an agreement, the appointing authority shall notify the Investigations Unit.
  - b. The Investigations Unit shall be informed of all requests for conciliation meetings, and an Investigations Unit representative should be present at the meetings as appropriate.
  - c. If a written agreement is presented, the Investigations Unit shall coordinate responses to this document and review agreements for possible impact across agency-wide.
  - d. The Secretary will sign settlement agreements negotiated by the federal Office for Civil Rights.
4. Monitoring Phase
- a. If conciliation or other written agreement is developed, the Investigations Unit shall monitor progress of the terms.
  - b. Within 21 calendar days of the date of the agreement, the appointing authority shall submit a work plan to the Investigations Unit, 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 shall 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 will be submitted to the Investigations Unit five working days before the final review due date.
  - e. Investigations Unit shall be notified within 14 days when written notice is received from a Civil Rights Agency that provisions of an agreement have been completed.
  - f. The Investigations Unit will maintain a data base of complaints investigated or negotiated by Civil Rights Agency.