



Ms. Juanita Blount-Clark  
Division Director  
Georgia Department of  
Human Resources  
Division of Family and  
Children Services  
2 Peachtree Street, 19<sup>th</sup> Floor  
Atlanta, Georgia 30303

Region IV  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, S.W., Suite 3B70  
Atlanta, GA 30303-8909

SEP 10 2001

Dear Ms. Blount-Clark:

**Re: Compliance Review Number - 04-00-7005**

**INTRODUCTION :**

The Office for Civil Rights ("OCR"), U. S. Department of Health and Human Services ("DHHS"), has completed its review of the Georgia Department of Human Resources, Division of Family and Children Services' ("GDHR,DFCS") Temporary Assistance For Needy Families ("TANF") Program. The review was conducted to determine whether GDHR,DFCS administers the TANF program in compliance with title VI of the Civil Rights Act of 1964, and its implementing regulation as found at 45 C.F.R. Part 80, section 504 of the Rehabilitation Act of 1973, and its implementing regulation as found at 45 C.F.R. Part 84, and title II of the Americans with Disabilities Act of 1990, and its implementing regulation as found at 28 C.F.R. Part 35.

As a recipient of TANF Block Grant funding as administered by DHHS, the GDHR,DFCS is subject to title VI and its implementing regulations, section 504 and its implementing regulations. As as instrumentality of the State of Georgia responsible for administering TANF and other social/welfare programs, GDHR,DFCS is also a public entity covered under title II of the ADA and its implementing regulations.

The review focused on the GDHR,DFCS' TANF program in regard to ensuring that TANF clients are provided equal opportunities to participate in employment-related activities, programs and benefits without regard to race, color, national origin or disability. The investigation included the collection of relevant policies, programmatic and statistical data, on-site visits to the state office and four county offices (Hall, Muscogee, Bibb, and Richmond), and staff interviews at each on-site location. Please note that an on-site visit was not made to Chatham County. A sample of case records was reviewed at each county office. The cooperation extended by all GDHR staff during the investigation is greatly appreciated.

**(Please be advised that this letter does not address the issues reviewed under section 504 and title II of the ADA as those issues were addressed in the Voluntary Compliance Agreement GDHR,DFCS entered into with this office on February 28, 2001 which we continue to monitor. This letter covers only findings resulting from our review of the state**

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agency regarding the Title VI issue stated herein. We have enclosed separate letters discussing our findings for each individual county included in this investigation.)

#### **BACKGROUND:**

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), enacted on August 22, 1996, established the Temporary Assistance For Needy Families TANF Program, which replaced the national welfare program known as Aid to Families with Dependent Children ("AFDC"). One of the principal objectives of the TANF program is to move individuals into work while providing time-limited economic assistance. Each state requesting funding under the TANF Block Grant Program was given flexibility in developing a plan for that particular state.

Records show that at the time of OCR's review, the latest Georgia State TANF Plan, which covers October 1, 1999 - September 30, 2001 was submitted to the Administration for Children and Families ("ACF"), DHHS, on December 9, 1999. Under the Georgia TANF Program, the eligibility period is limited to a lifetime maximum of 48 months for all assistance groups unless allowed by the hardship exemption and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 in regard to the 20% exemption.

#### **ISSUE PRESENTED:**

The specific title VI issue covered during this review is as follows:

**Whether the GDHR,DFCS implements appropriate policies, practices and procedures to ensure that TANF clients are provided equal opportunities to participate in job training, referrals, placements or other employment related activities, programs, or benefits, without regard to race, color or national origin as required under 45 C.F.R. Sections 80.3 (a),(b),(1) i-iv, and (2).**

The regulatory provisions relevant to this investigation are as follows:

DHHS' implementing regulations regarding title VI, 45 C.F.R §§ 80.3(a) and (b), state, in relevant part:

- (a) No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program to which this part applies.

(b)(1) Specific discriminatory actions prohibited:

A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(b)(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objective of the program as respect individuals of a particular race, color, or national origin.

**DISCUSSION OF FACTS/ANALYSIS:**

Under the regulatory provisions cited above, GDHR,DFCS, may not, directly or through contractual or other arrangements, deny or limit a person's right to participate in, or benefit from, the aid and services provided under its TANF program on the basis of race, color or national origin. These provisions further prohibit the provision of different or lesser benefits or services, or otherwise impairment of the objective of the program, on the basis of race, color, or national origin.

In light of the foregoing, during the course of the subject review OCR gathered documentation addressing whether GDHR,DFCS provides persons with equal opportunities to benefit from or participate in job searches, employment training, referral, placement, and related activities without regard to race, color, or national origin. The information gathered by OCR during the review suggests that GDHR,DFCS is substantially complying with the foregoing compliance standards. Specifically, OCR's review of policies and procedures implementing the TANF program established that the agency has adopted non-discrimination policy statements in regards to race, color, and national origin. This is reflected in the TANF brochures distributed to clients and interested persons, and applications/eligibility materials for the TANF/Food Stamps/Medical Assistance/Child Care Programs, and administrative policies on non-discrimination.

The agency has its non-discrimination notice posted in client waiting areas. The substance of these policy statements is that GDHR,DFCS is committing itself to providing services, operating programs/activities, and making eligibility and other determinations without discrimination based on race, color, or national origin. We determined that the standard contracts provided by the state agency, which are executed with service providers, contains non-discrimination policy statements.

GDHR,DFCS has developed a Methods of Administration for title VI of the Civil Rights Act. Prior to initiation of this review, the Methods of Administration had been updated and approved on August 26, 1999. The Methods of Administration outlines the agency's title VI nondiscrimination policies, complaint procedures, county review procedures, training requirements and designates a title VI Coordinator for the agency. GDHR,DFCS utilizes DHR Form 723 to conduct monitoring of county compliance with title VI.

Under the Georgia DHR,DFCS' TANF policies, once a client is determined eligible for the TANF program and is determined not to be exempt from the TANF Work Program, the case is assigned to a case manager in order to determine the client's job readiness. According to the agency's written policies and statements made by persons interviewed during the on-site visits, an assessment of the client's employability must be done within 90 days of the TANF application. The assessments are made to determine the skills, prior work experience, education and employability of the client. All case managers interviewed stated that at the time the assessments are made they also review and explain program goals, client rights and responsibilities (which include non-discrimination policy statements), time limits, exemptions and penalties. The case managers also stated that they review all TANF work activities and support services available in the county with the client. After these reviews and explanations are made, the case manager works with the client to make a Personal Work Plan ("PWP"). All persons interviewed indicated that the PWP is designed to follow the client's employment goal as closely as possible. The work component to which the client is assigned is based on the client's desire and current skills and abilities.

The state identifies twenty activities considered as work activities. The major work components noted in most counties were Job Readiness/Job Search Activities, Education (GED, English as a Second Language, Secondary Education, College), On the Job Training, Work Experience, Welfare-to-Work Programs, Subsidized and Unsubsidized Employment, Community Service and Assessment. Clients are responsible for conducting their own job searches and reporting to the agency on the same; however, many counties utilize Department of Labor Service Specialists to assist clients in developing job searches and provide training on job searches.

OCR attempted to examine the statistics, by race, of all clients in each work component statewide and in the counties under review. Initially the agency reported that the data requested was not tracked or accessible through the SUCCESS state automated system. Subsequently, the agency provided two reports to OCR in July 2000 for the month of June 2000. One report was the "Economic Support Clients Currently In Employment-Related Activities By Ethnicity" which was in excess of 1,000 pages and the other was "Number of Clients In Employment-Related Activities By Ethnicity" which consisted of 23 pages. Both reports were a county-by-county listing and neither contained any state cumulative totals by race. Both reports contained missing racial data. For example, in totaling the report of "Number Of Clients In Employment-Related Activities By Ethnicity", we found a total of 13,930 clients; however, 2,388 (17.1%) were identified as missing racial data. The same problem was experienced in evaluating those statistics for the individual counties reviewed. Additionally, it was found through evaluation of the counties under review that the numbers did not match in the two reports provided for the same time period. Hence, OCR was unable to accurately evaluate participation, by race, in work-related activities.

The agency provided its TANF Employment Placement Listing for the five counties under review for the month ending February 29, 2000. Since this report did not contain information regarding clients by race, OCR was unable to compare/analyze salaries, job types, or other factors by race. We do note, however, that review of a random sampling of records done during the counties' on-site visits revealed no evidence of significant difference in types of jobs or salaries by race.

OCR's investigation also focused on the extent to which TANF staff members have been provided training on their responsibility to administer the program in a non-discriminatory manner in regards to race, color and national origin. GDHR, DFCS' "Methods of Administration For title VI Of The Civil Rights Act of 1964" ("MOA") indicates that county directors are responsible for making sure that all staff receive training on civil rights compliance at least every two years. Moreover, the MOA indicates that the county directors and field coordinators are to ensure that all new employees are trained on the MOA within ninety (90) days of employment. All staff interviewed indicated that they have received multiple civil rights training sessions and recalled having received non-discrimination training within the last year, with the exception of

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Muscogee County. Typically, all staff interviewed by OCR had general knowledge regarding the agency's responsibility not to discriminate against persons based on race, color or national origin.

#### **CONCLUSION AND RECOMMENDATION :**

The foregoing indicates that GDHR, DFCS substantially implements appropriate policies and procedures to ensure that TANF clients are provided equal opportunity to participate in and benefit from the TANF work-related activities without regard to race, color or national origin. However, OCR was unable to fully evaluate work-related activities and placements by race, based on the data provided, as much of the racial data was missing from the Success data base. In order to ensure that the agency fully complies with the regulatory provisions cited above, we recommend that GDHR,DFCS undertake the following:

1. Advise all staff to necessary and appropriate steps to ensure that racial data is correctly entered into the Success system to eliminate the numerous instances where such information is missing.
2. Develop a system whereby the agency is able to generate and evaluate reports of cumulative data, by race, of TANF clients, statewide and by county, who are on placement lists, and in employment-related activities (by category). Once developed, provide a copy of the report reflecting this capacity.

**Please provide OCR with information regarding your action in this area within the next 30 days of receipt of this letter. You should be advised that the subject review will not be considered closed until OCR receives and approves the documentation requested above and until OCR completes the monitoring of the Voluntary Compliance Agreement regarding the ADA and section 504 issues.**

#### **PROHIBITION AGAINST RETALIATION:**

No person participating in this compliance review shall be intimidated, threatened, or coerced by a recipient or other covered entity or other person because he or she has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing held in connection with an OCR review.

#### **DISCLOSURE OF RECORDS:**

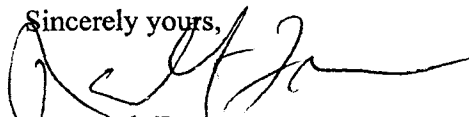
Under the Freedom of Information Act, 5 U.S.C. 552, and its pertinent regulation, 45 C.F.R. Part 5, it may be necessary to release this document and related correspondence and records upon

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request. In the event OCR receives such a request, we will seek to protect, to the extent provided by law, personal information which, if released, would constitute an unwarranted invasion of privacy.

If you have any questions regarding this letter, please give me a call at (404) 562-7859, or contact the assigned investigator, Ms. Marilyn Cruter at (404) 562-7871.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Roosevelt Freeman', written over a horizontal line.

**Roosevelt Freeman**  
**Regional Manager**  
**Office For Civil Rights**  
**Region IV**

**Enclosures**