

**Department of Workforce Development (DWD)  
and  
Department of Health and Family Services (DHFS)**

**QUESTION AND ANSWERS  
REGARDING  
Civil Rights Compliance (CRC) Requirements  
for  
Letters of Assurance (LOAS) and Plans**

The following questions and answers include those received during the November 14<sup>th</sup> training web cast as well as other received to date. The questions are provided in three sections: DHFS and DWD Joint Questions, DHFS-Only Questions, and DWD-Only Questions.

## **DHFS and DWD Joint Questions:**

1. Is the due date for the plans - 01/01/2007?

**Answer: No. January 1, 2007 is the effective date for 2007-2009 CRC LOAs and Plans. The due date for CRC LOAs and Plans is December 1, 2006. Agencies unable to meet that deadline should contact DWD or DHFS. Agencies beginning new contracts after January 1, 2007, need to refer to their contract agreements for CRC due date requirements.**

2. How do we update the employment disability data or other Affirmative Action data?

**Answer: We recommend an annual voluntary survey to your employees. This will allow you to update this information on a routine basis. The response to such surveys is always voluntary and cannot be required. DWD and DHFS can provide samples of surveys upon request.**

3. What is a good resource to get data regarding the population of persons with disabilities?

**Answer: The best resource for disabled persons in the Labor Market Area is the DWD Office of Economic Advisors' 2000 Census data tables at <http://dwd.wisconsin.gov/oea/affirm.htm> and DP-2 Table: Demographic Profile at <http://www.doa.state.wi.us/dir/wisconsin/index.html>.**

**To identify disabled populations for your customer service population(s), DP-2 table is the best resource for determining the various disabled age groupings, institutionalized and non-institutionalized.**

4. Our County does not have a number listed next to the population age 16-64 employed with a disability as your example did. Why is that?

Answer: This could mean that because the county is small and the number of disabled persons in the labor force was fewer than what was deemed statistically significant. We were unable to determine which county this question referenced because we found numbers for all counties for the grouping 16-64 employed with a disability.

5. What is the proper way to calculate percentages for persons with disabilities in our agency?

**Answer: The calculation should be the number of individuals with disabilities in your agency divided by the total number of employees in your labor force.**

6. We provide services in several counties in Northeast Wisconsin but primarily in Brown and Winnebago. Can we combine the totals for those two counties in doing the labor market analysis?

**Answer: This depends on your contract, the services you provide and the area served.**

**Agencies that provide the same program and services in more than one county under the same contract can combine the population data into one program table if the programs are the same.**

**Each agency that receives funding from the DWD Division of Workforce Solutions (DWS) is required to submit one Plan/LOA. This Plan may cover all programs funded by DWS, except, if an agency has more than one contract with DWS for a specific program (such as an agency may have more than one W-2 contract), they are required to submit a CRC Plan/LOA for each contract.**

**Contact DWD or DHFS for a response on this if you have questions.**

7. If you completed a CRC Plan in January 2004 and used 2000 census data, won't the numbers be the same for the 2007 plan because census is only completed every 10 years?

**Answer: The census data will be same, so the Universe Numbers would not have changed, however, your agency data likely may have changed. That's the information that you would need to update if it's different from what you previously submitted.**

8. Our DWD funding is to a 400-employee division that is part of a 2000-employee department in a 6000-employee county. Does the analysis apply to the division, department, or overall county workforce?

**Answer: It applies to the overall County Workforce.**

9. Under what statute or regulation do we legally have to request the disability and other Affirmative Action information from our employees?

**Answer: Wisconsin Statutes, 16.675 (Wisconsin's Contract Compliance Law), Title VI of the Civil Rights Act of 1964 and the United States Department of Health and Human Services (DHHS) regulations which implement Title VI at 45 Code of Federal Regulations (CFR) part 80.**

10. Must we provide the analysis for all programs or only those funded by DHFS or DWD?

**Answer: Only DWD and DHFS funded programs.**

11. If we have already completed our CRC Plan and Limited English Proficiency (LEP) Plan, do we need to go back and move everything again to this new format with the new race category?"

**Answer: Yes. You will need to resubmit information for this part of your CRC Plan. We originally thought you wouldn't have to re-do your work, however, the only way your Plan can really be accurate is to include the new race category in your data.**

12. Can we complete one table for Income Maintenance/W-2 and all other Health and Human Services Department programs?

**Answer: No. We need to see separate tables for these programs.**

13. Define "likely to be encountered."

**Answer: The Eligible Population Likely to be Encountered means the total number of individuals in the service area who may meet the eligibility requirements of a recipient's program(s) whether or not they are currently being served.**

14. If the Limited English Proficient group in question is 5% or 1,000, must we have "vital documents" on hand?

**Answer: The entity must be ready to address the need for translation of vital documents in the case where an LEP group reaches 5% or 1,000 whichever is less. However, depending on the entity's frequency of encounters, financial resources and literacy level of the LEP group, it might be more advantageous and cost effective for the entity to translate all vital documents orally. The bottom line requirement is that the entity must develop and implement effective methods of communicating all vital information accurately and meaningfully. By prioritizing translation of vital documents based on cost, the entity could stretch the cost over Budget years depending on funding and available resources. Nevertheless, the entity is still obligated to provide the service.**

15. Throughout the Plan requirements, I see that we need to include the Program Name. The Plans that I create cover various counties all over Wisconsin. Do I need to include program names for each program?

**Answer: Yes, it is important for you as an entity to provide a separate customer population data table for each program separately. This is one way that our office and you as an entity can determine if each of the programs, services, or activities that you administer are being provided in accordance with federal and state civil rights laws and equal opportunity in service delivery as well as employment.**

**Agencies that provide the same program and services in more than one county under the same contract can combine the population data into one program table if the programs are the same.**

16. I am confused on how to complete column (b) for each of the languages that are requested when the DP-2 does not give us that specific data. Where do I find this data?

**Answer: You need to use the US Census Profile of General Demographics Characteristics 2000, and more specifically, the DP-2 Table Profile of Selected Social Characteristics 2000. You are looking for the data under “Language Spoken at Home, Population 5 and over, who Speak English less than very well.” This data provides you with the baseline data on LEP populations but is not complete data. It is not broken down into different languages aside from Spanish, Other Indo European Languages, Asian and Pacific Island.**

**You may want to conduct your own community assessment to augment the data of other possible LEP groups not included in the US Census profile report. You may also want to seek out other data bases and consult with other refugee or migrant organizations to get their opinion or impressions of the size of the LEP population and take that into account.**

17. Do we have to have all of the vital documents translated now?

**Answer: Not all of the entity’s vital documents need to be translated at the time you submit your LOA or CRC Plan. If your entity has submitted a CRC LOA or CRC Plan since 2002, you should have made in-roads in translating your documents. You should provide some updated information to show your progress on the number of vital documents translated, how the remaining vital documents will be translated or what methods you will use to ensure accurate and meaningful oral translation of vital information. If the entity is completing a CRC LOA or CRC Plan for the first time and you have not translated any documents, you can provide a plan of how you will accomplish this task between 1/1/07 and 12/31/09.**

## **DHFS-Only Questions:**

1. If Community Integrated Program (CIP) and Community Options Program (COP) funding is rolled into our residential program, I don't think we can sort out who has that specific funding. Do we just do the participant eligible population statistics for residential?

**Answer: Yes, CIP and COP program participants fall under the Medicaid program. You should be able to report these participants together in your customer population data table such as “Medicaid CIP & COP”.**

2. How does Medicare reimbursement fit into the program requirements?

**Answer: The State of Wisconsin, DWD and DHFS civil rights compliance requirements do not apply to programs directly funded by Medicare. Medicare is a federally administered program, directly administered through the U.S. Department of Health and Human Services (DHHS), Center for Medicaid/Medicare Services (CMS). CMS has sole responsibilities for issuing its own civil right compliance requirements for programs, services and activities funded through the Medicare program. Since Medicare is federal financial assistance, similar federal civil right statutes apply to**

**providers who file claims to the Medicare program in the same manner as Medicaid providers.**

3. We are a clinic that provides services to Medical Assistance (MA) patients and we have a contract to provide mental health services to our county. Do we submit a letter of assurance to both the state for MA and to our county for our subcontract?

**Answer: Medicaid is federal financial assistance and the CRC requirements apply. We consider you to be a “Mutually Funded Recipient. Yes, submit your CRC LOA or CRC Plan to DHFS. DHFS AA/CRC Office will take responsibility for reviewing and approving your LOA or Plan and sending you a letter of approval. If the County agency should inquire about your LOA or Plan, you can produce a copy of the letter of approval or you can simply have the County verify your compliance through our office.**

4. Our Home Health Program was licensed in June 2006 using data from 2005 customers/clients. May we use this data to complete the customer service analysis?

**Answer: Yes, as long as the customer data being used is within the last 12 months, the data would be acceptable.**

5. We assist people with developmental disabilities in their homes. Therefore, our eligible population is people with disabilities statewide over the age of 18. I cannot find a resource that breaks this down well enough to complete the forms. Should I just resort to saying we may encounter the entire state population; if not, where might I find the resource I need?

**Answer: The Demographic Profile Table #2 (DP2), “Disability Status of the Civilian Non-Institutionalized Population.” If counties have waiting lists of persons with disabilities to be served, that could be a source for data. The DHFS Human Services Resource System (HSRS) database contains information beginning with the Year 2000 regarding participants served or currently being served in programs such as for Alcohol and Other Drug Abuse, Mental Health, Physical Disabilities, Developmental Disabilities, and the Elderly. <http://www.dhfs.state.wi.us/civilrights/CRC/HRSA-Disability.xls>.**

6. Our Residential Division is a closed referral system. Do we need to calculate a variance for this program as we serve whoever the counties refer to us?

**Answer: Yes. Divide your agency total by the total identified in the DP-2 Table. If the variance is extremely high, you want to make sure that you provide some explanation to help us understand the wide variance. Indicating that the program accepts participants through a closed referral process would help to explain it.**

7. Our nursing home is going to split from the hospital on January 1, 2007, and become its own entity. Do we use 2006 for data?

**Answer: Yes.**

8. We have a 4-bed state-licensed AFH in Kenosha County. We have one employee for 2007. We serve CIP and COP waiver clients and will be subcontracted through the county and the new managed care organization for 2007. We do not have a Medicare provider number as

we receive our funds through the county. What do we need to provide to ensure we are in compliance?

**Answer: A CRC LOA needs to be submitted to Kenosha County.**

9. We have many Medicaid providers that we subcontract with and they seem to have never heard about this. Who do the Medicaid providers send their plan to at the State? Who follows up with them?

**Answer: Medicaid providers should submit their CRC LOA or CRC Plan to DHFS, Affirmative Action and Civil Rights Compliance Office. Civil Rights Compliance requirements are outlined in the individual Medicaid Certification Provider Agreement that is signed by the Provider and DHFS. It appears in the first paragraph of this agreement. In those cases where an entity is subcontracting with a Medicaid Provider, this Provider is considered a Mutually Funded Provider and DHFS will approve their CRC LOA or CRC Plan, including follow up, once the provider files the required documentation.**

10. We operate a Coordinated Community Release Services program for DHFS. What program category does it fall under?

**Answer: You will have to enter it in the space provided. There wasn't enough room to include all of the programs that DHFS provides.**

## **DWD-Only Questions:**

1. Do we need to include the Wisconsin Employment Transportation Assistance Program (WETAP) in the CRC Plan?

**Answer: No, WETAP funding will be treated the same as Workforce Investment funds and included under the Methods of Administration along with the Youth Apprenticeship Programs.**