
 IDAHO DEPARTMENT OF WATER RESOURCES	
Type: DEPARTMENT POLICY	Effective Date: 08/11/2022
Title: Non-Discrimination and Meaningful Access for IDWR Customers and Program Participants	
Approved by: 	Date: 08/11/2022

SCOPE

The Idaho Department of Water Resources (IDWR) receives federal grant money from the Department of Homeland Security (DHS) for its Flood Plain Management and Safety of Dams programs. Federal law, enforced by DHS through its Office for Civil Rights and Civil Liberties (CRCL), requires recipients of DHS grants to comply with laws and regulations relating to nondiscrimination and nondiscriminatory use of federal funds. Entities receiving financial assistance must ensure they do not deny benefits or services, or otherwise discriminate based on race, color, national origin, disability, age, sex or religion. IDWR and IDWR employees comply with local, state, and federal civil rights laws and are committed to providing all IDWR programs and services, regardless of funding source, without discrimination in accordance with:

- Idaho Code § 67-5909, which prohibits discrimination on a basis of **race, color, religion, sex, or national origin**.
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on **race, color, or national origin** (including **language**).
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on **disability**.
- Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on **sex** (including **pregnancy, sexual orientation, and gender identity**) in education programs or activities receiving federal financial assistance.
- Age Discrimination Act of 1975, which prohibits discrimination based on **age**.
- U.S. Department of Homeland Security regulation 6 CFR part 19, which prohibits discrimination based on **religion** in social service programs.

PURPOSE

This policy establishes a framework for taking reasonable steps to ensure meaningful access to all federally funded and non-funded programs and services provided by IDWR for individuals with disabilities and those with limited English proficiency (LEP), and establishes procedures whereby IDWR will receive and investigate allegations of discrimination from federally funded program beneficiaries and other external customers and participants.

APPLICABILITY

This policy applies to all IDWR employees.

Distribution of Policy and Training for Staff. IDWR distributes new or updated IDWR policy and administrative memoranda to all IDWR staff and keeps electronic copies for download on IDWR's internal and external websites. The Director's Administrative Assistant keeps hard copies of IDWR policy and administrative memoranda at the State Office.

All IDWR employees receive training in discrimination and harassment avoidance upon first hire and on an annual basis. IDWR trains front line staff that interacts regularly with the public on how to access and use communication services for LEPs and persons with disabilities.

DEFINITIONS

For purposes of this policy, the following definitions apply. The most recently revised document for these definitions applies.

Individual with a Disability: A person who has a physical or mental impairment that substantially limits one or more major life activity, has a record of impairment, or is regarded as having such an impairment.

Interpretation: Oral communication occurring in real time, including sign language.

Limited English Proficient (LEP) Person: Individuals who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English.

Program Beneficiaries: Individuals taking part in or receiving help from IDWR programs and services.

Reasonable Accommodation (RA): Any change, exception, or adjustment to a rule, policy, practice, or service that enables a qualified person with a disability to have an equal opportunity to use and enjoy a facility, program, service, or fulfill their program obligations.

Translation: Written communication translated from one language to another.

PROCEDURES

Notifying Program Beneficiaries. Notice to program beneficiaries of the process to request a reasonable accommodation (RA) or language services is available on IDWR's website. IDWR also includes notice in service and program meeting invitations, meeting agendas, and notices for public comment. The following is language used to notify program beneficiaries of the process for requesting a RA or communication service:

IDWR will take reasonable measures to provide access to department services to individuals with disabilities and/or limited ability to speak, write, or understand English. Individuals may request reasonable accommodations and language interpretation or translation services to take part in IDWR programs, activities, and services. Requests must be made at least 5 business days in advance by contacting (insert full name, job title, and contact information of the IDWR employee facilitating the meeting).

Accepting and Responding to Requests for RA. To request a RA, individuals should contact IDWR's Human Resources Officer (HR) or the Administrative or Legal Assistant (AA) who is facilitating the program, activity, or service. If the request is received by HR, HR should send the request to the appropriate Administrative or Legal Assistant who will receipt, review, and arrange for the RA.

Program beneficiaries who need an accommodation, should make their request at least 5 business days in advance of the meeting or program. The AA will acknowledge receipt of the request within 24 hours to the requestor. The RA request does not need to include words such as: “reasonable accommodation” or “disability”. A person other than the individual who the RA would help can make a request on behalf of the individual. In this case, HR or the AA should confirm the RA request with the program beneficiary.

A request for RA does not necessarily mean that IDWR is required to provide the accommodation. To decide if the RA should be granted, the AA will consult with the individual requesting the RA. IDWR will supply the RA if it is decided that:

1. The RA will be effective in allowing the individual to take part in the program or service in which they are seeking participation.
2. The RA is reasonable, or an equally effective alternative to the RA is available; and
3. Providing the individual with the RA would not fundamentally alter the nature of IDWR’s program or service or impose undue financial or administrative burdens on IDWR.

Granting the RA. The AA will notify the individual that IDWR will grant the RA. If the individual requires the approved RA on a continuous basis, they do not need to seek approval each time, but should inform the AA 72 hours in advance that they will take part in an IDWR program and request the RA. If the AA decides that more than 5 business days are needed to fulfill the RA, the individual making the request will be notified of the reason for delay and the approximate date on which a decision, or provision of the RA, is expected. If there is a delay in supplying an approved RA, the AA will decide if temporary measures are available to aid the individual in program participation. The AA will inform the individual that IDWR will supply a substitute RA on a temporary, interim basis. The AA will also identify an expected reasonable timeframe of when IDWR can provide the full RA to the individual.

Denying the RA. The AA will inform the requestor in writing of the denial within 24 hours of the decision. The denial should be written in plain language and clearly state the specific reason(s) for the denial, including why the accommodation would not be effective or why it would result in undue hardship for IDWR. The written notice of denial will also inform the individual of their right to file an appeal with IDWR. To appeal, the requestor will need to contact IDWR’s HR Officer.

Record Keeping and Confidentiality. The AA will record and track RA requests in a spreadsheet to monitor: the number and type of requests received annually, the number and type of alternate accommodations that were provided, and the number of RA denied with a summary of circumstances regarding the denial. The RA tracking spreadsheet is kept in a secure IDWR network drive folder. The AA shall not record or track the requestor’s personal identifiable information.

Limited English Proficiency and Communication Services:

LEP Assessment. The 2015 American Community Survey estimates the number of LEP individuals in Idaho is 60,061 (See Attachment 2.). Spanish is the second most common language in Idaho after English. Approximately 46,947 Spanish speakers in Idaho have limited English proficiency. As of 2019, CDC data shows 27%, or 1 in 4 Idahoans have a disability. Eight percent of Idahoans have a hearing disability and 4% have a vision disability.

IDWR will periodically evaluate Idaho’s demographic and LEP data to assess changes in demographics, types of services, or other needs that may require re-evaluation of this policy and its procedures.

Communication Services Provided by IDWR. IDWR contracts language and communication services with State approved organizations that offer interpretation or translation services. These services are free of charge for LEP individuals or those requesting a RA.

Responding to individuals with LEP, hearing disabilities, or speech disabilities. IDWR staff should promptly identify the language and communication needs of the LEP person. If necessary, staff can use a language identification card or “I Speak cards”, available at all IDWR office reception desks and on IDWR’s website (See Attachment 3). Staff will contact IDWR’s contracted language assistance organization, currently **Language Link** (See Attachment 1 for instructions on accessing Language Link). Staff may also use **Telecommunications Relay Services (TRS)** to communicate over the phone with individuals who have a hearing disability (See Attachment 1 for instructions on accessing TRS).

LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person should not interpret unless specifically requested by the LEP individual, and only after the LEP person has understood that IDWR contracts interpretation services at no charge to them. To ensure confidentiality of information and accurate communication, IDWR will not use minors (age 17 and under) or other program participants as interpreters.

Discrimination Complaints Process:

Filing a Complaint. If an individual believes IDWR or an IDWR staff member has discriminated in the execution of IDWR services in any way based on race, color, national origin (including language), disability, sex or age, the individual has the right to file a complaint with IDWR or the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL).

1. The individual must file their complaint with IDWR’s HR Officer within 180 days of the alleged discrimination. Complaints should include the complainant’s name, the nature of the complaint, the dates of the alleged discrimination, requested action, and contact information.
2. IDWR’s HR Officer will acknowledge receipt of the complaint within 10 business days. The HR Officer will review the complaint and may ask for additional information from the complainant as needed. If IDWR requests additional information and the information is not received within 30 business days, the case may be closed. IDWR may also close the case if the complainant no longer wishes to pursue their case.
3. The HR Officer will keep a complaint log with the name and contact information of the complainant, nature of the complaint, date of submission, and results of the investigation.
4. IDWR will notify the complainant if the complaint is outside the jurisdiction of IDWR, and if known, IDWR will inform the complainant of the name and contact information of the appropriate agency with jurisdiction.

Notice of IDWR’s Discrimination Complaints Process is available on IDWR’s website at:

<https://idwr.idaho.gov/non-discrimination/>

Complaint Processing. If informal resolution of the complaint is not possible, IDWR will promptly investigate the complaint. IDWR’s goal is to address complaints within 30 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

Preliminary Inquiry. IDWR's HR Officer will conduct a preliminary inquiry to determine the need for further investigation.

1. The HR Officer will notify the complainant that a preliminary inquiry is underway to determine the need for further investigation.
2. If IDWR's preliminary inquiry indicates that an investigation is called for, the HR Specialist will notify the complainant and proceed with investigation.
3. If IDWR's preliminary inquiry shows an investigation is not warranted, the complainant will be notified of the reasons why and factors considered.

Complaint Investigation:

1. The HR Officer will promptly investigate complaints and send results the investigation to the IDWR Director and Deputy Director for review.
2. The HR Office will notify the complainant of the results of the investigation, what actions will be or have been taken in response, and a timeline to request review or file an appeal.

IDWR will keep complaint records and investigative files for a minimum of three years.

ATTACHMENTS

Attachment 1. *How to contact Language Link for interpretation or translation services.*

Website: <https://language.link/>

Phone:

Step 1: Call 1-888-338-7394

Step 2: Enter account number **28433**, followed by # **sign**

Step 3: Select 3rd party call (you are calling the LEP individual).

- If a 3rd party call is selected, you will be prompted to enter and confirm the LEP individual's domestic phone number.

Step 4: Select language by entering the corresponding number

- If the language you need is not listed in the options, Enter "9" for all other languages.
- If you need to speak with a customer service rep. prior to being connected with the interpreter, Enter "9".

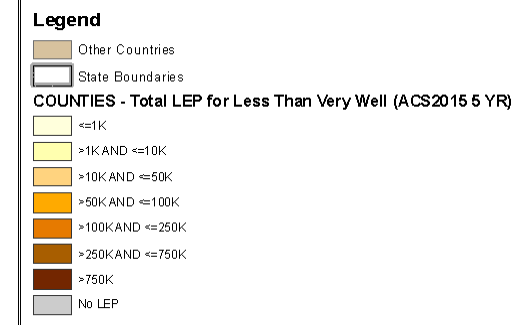
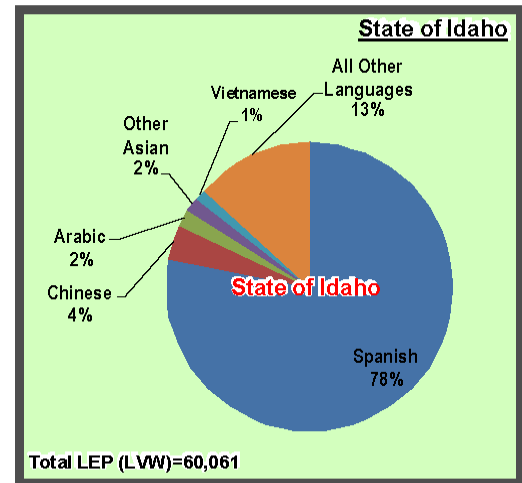
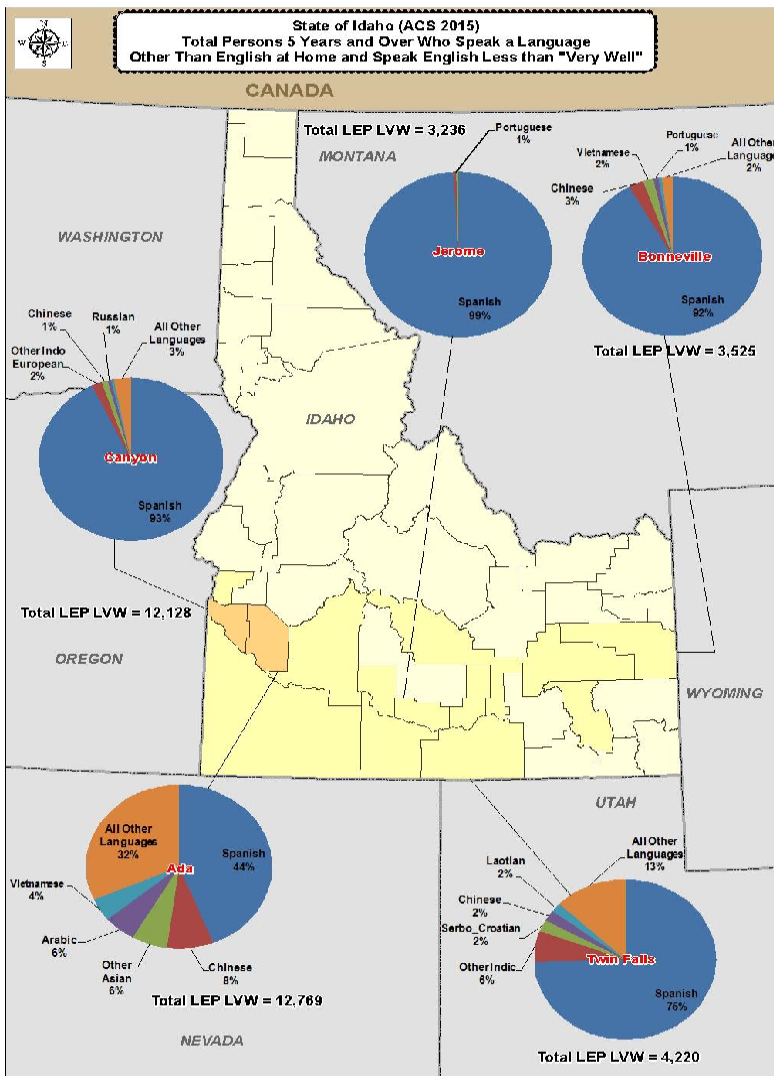
Step 5: Follow additional prompts

- When prompted, enter IDWR pin: **4800**
- If employee forgets this pin #, the call will be deferred to the Director's Administrative Assistant for the pin #. Using the pin # will help **avoid mistake charges** from parties outside IDWR.

Accessing Telecommunications Relay Service. TRS is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long-distance calls. TRS providers – generally telephone companies – are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

Reach TRS by dialing 711 from a telephone. The 711-dialing feature is now available nationwide to access non-Internet-based relay services such as Text to Voice (TTY) relay services, speech-to-speech (STS) relay services, voice carry over (VCO), and hearing carry over (HCO) relay services. For more information about different TRS and using 711, see the Council for the Deaf and Hard of Hearing resource webpage: <https://cdhh.idaho.gov/resource-directory/trs/>.

Attachment 2. *State of Idaho LEP demographics by County.*



*Pie Charts represent Counties with the highest percent of LEP individuals by languages spoken.

Source: U.S. Census 2011-2015 American Community Survey Data
Table B16001
LANGUAGE SPOKEN AT HOME
BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER.
The estimates from the ACS are based on a sample survey and hence are subject to sampling error.

Attachment 3. “I Speak” poster

A

Amharic
አኒ የምናገረው አማርኛ ነው።
Arabic
أنا أتكلّم العربية
Armenian
Ես խոսում եմ հայկերեն
Bengali
আমি বাংলা বলতে পারি
Bosnian
Ja govorim bosanski
Bulgarian
Аз говоря български
Burmese
ကျွန်တော်/ကျွန်မ မြန်မာစာ ဖြေဆိုသတိ သတိ
Cambodian
ខ្ញុំនិយាយភាសាខ្មែរ
Cantonese
我講廣東話 (Traditional)
我讲广东话 (Simplified)
Catalan
I parlo català
Croatian
Govorim hrvatski
Czech
Mluvim česky
Danish
Jeg taler dansk
Dari
من دری حرف می زنم
Dutch
Ik spreek het Nederlands
Estonian
Ma räägin Eesti keelt
Finnish
Puhun suomea
French
Je parle français
German
Ich spreche Deutsch
Greek
Μιλώ τα Ελληνικά
Gujarati
હું ગુજરાતી બોલું છું
Haitian Creole
M pale kreyòl ayisyen
Hebrew
אני מדבר עברית
Hindi
मैं हिंदी बोलता हूँ ।
Hmong
Kuv hais lus Hmoob
Hungarian
Beszlek magyarul

I Speak...
Language
Identification
Guide

I

Icelandic
Ég tala íslensku
Indonesian
Saya berbicara bahasa Indonesia
Ilocano
Agsaonak ti Ilocano
Italian
Parlo italiano
Japanese
私は日本語を話す
Korean
한국어 합니다
Kurdish
min azanim Ba Kurdi Qsa bikam
Kurmanci
as zanlim eb kurmanji baxvim
Laotian
ຂ້ອຍປາກົດພາສາລາວ
Latvian
Es runāju latviski
Lithuanian
Aš kalbu lietuviškai
Mandarin
我講國語
我讲国语/普通话
Mongolian
би МОНГОЛ хэл ярьдаг
Norwegian
Jeg snakker norsk
Persian
من فارسی صحبت می کنم.
Polish
Mówię po polsku
Portuguese
Eu falo português do Brasil (for Brazil)
Eu falo português de Portugal (for Portugal)
Punjabi
ਮੈ ਪੰਜਾਬੀ ਬੋਲਦਾ ਹਾਂ
Romanian
Vorbesesc românește
Russian
Я говорю по-русски
Serbian
Ja govorim српски
Sign Language (American)
Slovak
Hovorím slovenská
Slovenian
Govorim slovensko
Somali
Waxaan ku hadlaa af-Soomaali
Spanish
Yo hablo español
Swahili
Nimaongea Kiswahili
Swedish
Jag talar svenska
Tagalog
Marunong akong mag-Tagalog
Tamil
நான் தமிழ் பேசுகிறேன்
Thai
พูดภาษาไทย
Turkish
Türkçe konuşurum
Ukrainian
Я розмовляю українською мовою
Urdu
میں اردو بولتا ہوں
Vietnamese
Tôi nói tiếng Việt
Welsh
Dwi'n siarad Cymraeg
Xhosa
Ndithetha isiXhosa
Yiddish
איך רעד יידיש
Yoruba
Mo nso Yorùbá
Zulu
Ngqiyakuthuma isiZulu

Human trafficking is a form of modern day slavery and involves the use of force, fraud, or coercion to exploit men, women or children and subject them into some type of labor or commercial sex act. Any minor exploited for commercial sex is a victim of human trafficking, even if not induced by force, fraud, or coercion.

Trafficking victims can be any age, race, gender, or nationality. Victims can find themselves in a foreign country and may not speak the language.

Report human trafficking to the U.S. Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Tip line at 1-866-347-2423 or online at www.ice.dhs.gov/tips. The HSI Tip line is available 24/7 with language capability in over 300 languages and dialects. If calling from outside the United States, please call the non-toll free worldwide number of 802-872-6199."

To get help from the National Human Trafficking Resource Center (NHTRC) call 1-888-373-7888 or text HELP or INFO to ReFree (233733). The NHTRC is a national, toll-free hotline available to answer calls from anywhere in the country, 24 hours a day, 7 days a week, every day of the year with language capability in over 170 languages. The NHTRC is not a law enforcement or immigration authority and is operated by a nongovernmental organization funded by the federal government.

To get digital copies of this poster or "I Speak" booklet, visit www.dhs.gov/blue-campaign or contact the DHS Blue Campaign at BlueCampaign@ice.dhs.gov.

www.dhs.gov/blue-campaign
Email: BlueCampaign@hq.dhs.gov
Report suspicious activity to
1-866-347-2423

I Speak is provided by the Department of Homeland Security Office of Civil Rights and Civil Liberties (OCRCL). Other resources are available at www.dhs.gov. Special thanks to the Department of Justice Bureau of Justice Assistance and the Ohio Office of Criminal Justice Services for inspiration and permission to use their *I Speak* guide. Permission may be required for the use of Ohio Office of Criminal Justice Services information other than as included in this booklet.

Version RC 1.0 (March 2013)

The above “I Speak” poster was retrieved on 05/09/22 from <https://www.dhs.gov/blue-campaign/materials/posters-ispeak>.

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