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19 Attorneys for the Plaintiffs

20 IN THE UNITED STATES DISTRICT COURT
21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 ASOCIACION MIXTA PROGRESISTA,
23 a non-profit corporation, et al.,
24 Plaintiffs,

25 vs.

26 THE UNITED STATES DEPARTMENT OF
27 HEALTH, EDUCATION, AND WELFARE
28 et al.,
29 Defendants.

CIVIL NO. C 72-892 SAM

SETTLEMENT AND STIPULATION
TO DISMISSAL

INTRODUCTION

1. On May 16, 1972, plaintiffs filed the Complaint here-
in on their own behalf and on behalf of all other persons similarly
situated in Sonoma County alleging that defendant federal, state
and county agencies fail to deliver social service benefits to
Mexican-American persons on an equal basis, or in the same manner
or to the same extent that such benefits are delivered to non-
Mexican-Americans, because defendants do not require employment of
sufficient personnel who speak Spanish and are familiar with the
Mexican-American culture. Plaintiffs alleged that such failure by

1 defendants results in persons of Mexican-American background being
2 systematically excluded from full participation in, being denied the
3 benefits of, and being subjected to discrimination under the Social
4 Services program in Sonoma County.

5 2. The plaintiffs sought relief pursuant to Title VI of
6 the Civil Rights Act of 1964, 42 U.S.C. Section 2000(c), the Civil
7 Rights Act of 1871 (42 U.S.C. Section 1983), and the Equal Protec-
8 tion Clause of the Fourteenth Amendment to the United States Cona-
9 titution. On May 30, 1973 the plaintiffs filed their Amended
10 Complaint to add plaintiffs from San Mateo and Tulare Counties and
11 to add as defendants the San Mateo County Social Service Department
12 and Tulare County Welfare Department along with each Department's
13 director.

14 3. On June 28, 1973 defendant Welfare Departments and
15 Welfare Department Directors filed a Motion to Dismiss. On August
16 13, 1973 that Motion was denied.

17 4. On June 19, 1973, June 29, 1973, September 4, 1973,
18 September 6, 1973 and March 18, 1974 defendants through their
19 respective counsel, filed Answers denying the material allegations
20 of the Amended Complaint.

21 5. On September 23, 1974 plaintiffs filed a Motion to
22 Certify the Action as a Class Action. On November 15, 1974 said
23 Motion was granted allowing plaintiffs to maintain the action as a
24 class action on their own behalf and on behalf of the class of
25 persons who reside in the California counties of Sonoma or Tulare,
26 who are eligible for public social services programs administered,
27 in part at least, by the federal government; who speak Spanish as
28 a primary language; and, who, because of lack of proficiency in the
29 English language, cannot communicate effectively with the county
30 welfare department personnel with whom they would normally come in
31 contact, or who because of literacy problems in the English language.
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1 cannot effectively understand statutes, regulations, forms, or
2 written notices provided by county welfare departments.

3 6. On October 29, 1974 the settlement and stipulation
4 to dismissal as to San Mateo County defendants was filed. On
5 February 26, 1975 the settlement stipulation and dismissal as to
6 Sonoma County defendants was filed.

7 7. The parties to this lawsuit understand and agree that
8 all defendants named herein, in their individual capacities and
9 as official representatives of their respective governmental
10 entities deny any and all alleged discriminatory acts, policies
11 or practices in the hiring of personnel and provision of social
12 services, and specifically deny the occurrence or existence of
13 any act, policy or practice in the employment, retention or pro-
14 motion of County personnel or provision of services in violation
15 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section
16 2000(d)), the Civil Rights Act of 1871 (42 U.S.C. Section 1983),
17 the Equal Protection Clause of the Fourteenth Amendment, or any
18 other provision of Law. It is expressly understood and agreed that
19 nothing contained herein shall constitute nor be construed as an
20 acknowledgement, admission, or finding of any such unlawful practice
21 and that the filing of this Stipulation shall not constitute any
22 finding or adjudication upon the merits of the case.

23 8. Plaintiffs and the remaining defendants have under-
24 taken discovery and extensive negotiations in order to resolve
25 the issues presented by this case through administrative action.
26 The Office of Civil Rights of the California State Department of
27 Benefit Payments has implemented, is implementing and has planned
28 the implementation of regulations, directives and programs which
29 are directed toward identifying and correcting inequalities in the
30 delivery of aid or services to applicants or recipients in the
31 County Welfare Departments.

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9. Plaintiffs agree that the Civil Rights Program outlined below, which is currently being implemented by the State Department of Benefit Payments, constitutes a good faith attempt to correct the problems which initiated the filing of this action. Accordingly, plaintiffs believe that further prosecution of the litigation is unnecessary and that the action should be dismissed without prejudice.

10. It is understood that plaintiffs have requested the dismissal without prejudice in view of the Civil Rights Program, not in consideration for the Program and that, accordingly, this stipulation should not be construed as creating a contract between plaintiffs and the State Department of Benefit Payments with respect to the terms of the Program.

CIVIL RIGHTS PROGRAM

Set forth below is an outline of the Civil Rights Program which the State Department of Benefit Payments is in the process of implementing:

I

DEFINITIONS

1. Non-English-Speaking or Limited English-Speaking Persons are defined as those persons whose primary language is a language other than English.

2. Primary Language is defined as the language most fluently spoken by an applicant or recipient and that must be used by the applicant for or recipient of aid or services in order to effectively communicate in all exchanges of information with the county welfare department either directly or through an interpreter.

3. Substantial Number of Non-English-Speaking Persons is defined as 5 percent or greater of the applicants for aid or services and the recipients of aid or services served by an office of a county welfare department.

1 4. Public Contact Positions in county welfare depart-
2 menta include but are not limited to the following positions and
3 activities, regardless of particular job classification or title:

4 Persons assigned to the front desk or registration
5 counter to give directions or respond to direct public inquiries,
6 telephone operators who answer the department's public telephone
7 number, eligibility workers, social service workers, social
8 service practitioners, welfare service aides, vocational counselorp,
9 homemakers.

10 5. Public Contact Positions in the State Department of
11 Benefit Payments include those positions requiring substantial
12 interaction with the public.

13 6. County Employee is defined as those persons who
14 receive regular compensation from the county for work performed
15 under the supervision of a county welfare department on a full-
16 time, part-time, or temporary basis to provide aid or services to
17 applicants or recipients.

18 7. State Employee is defined as those persons who
19 receive regular compensation from the State of California for
20 work performed in the employ of the State of California under
21 the supervision of the State Department of Benefit Payments,
22 on a regular, part-time or temporary basis.

23 8. Qualifications for Employment is defined as a re-
24 quirement for entry into employment in a particular classification
25 This is a term of art and is to be construed consistent with
26 applicable law.

27 9. Validation of Qualifications for Employment is de-
28 fined as the process by which entry qualifications and testing
29 processes are examined and evaluated and are shown to be necessary
30 to the performance of the work done by the employees in each job
31 classification, pursuant to E.E.O.C. Guidelines. (29 CFR §§ 1607
32 et seq.) These are terms of art and are to be construed consis-

1 tent with applicable law.

2 10. Bilingual Position is defined as a position within
3 a given employment classification, whether or not designated as
4 a public contact position, which is to be filled by a qualified
5 bilingual employee for the purpose of providing services in the
6 language of non-English-speaking persons. Only positions for which
7 the bilingual requirement is job related will be classified as
8 bilingual positions.

9 11. Qualified Bilingual Employee is defined as an
10 employee in a bilingual position, who, in addition to possessing
11 the necessary qualifications for the particular classification,
12 is certified to be proficient in oral and/or written communication
13 in the non-English language of the persons to be served. A
14 bilingual employee who refuses to utilize his or her bilingual
15 skills in the performance of his or her job shall not be designated
16 as a qualified bilingual employee.

17 12. Equal Access to Aid or Services for non-English-
18 speaking persons means that when it has been determined that in a
19 given area an office of a county welfare department serves a
20 substantial number of non-English-speaking recipients or appli-
21 cants for aid or services, necessary information, aid or services
22 provided by county welfare department employees to non-English-
23 speaking recipients or applicants for welfare aid or services
24 must be provided by qualified bilingual employees or through an
25 interpreter when specifically approved and that such information,
26 aid or services are in every other respect provided at the same
27 level, within the same general time period, and in the same general
28 manner as they are provided English-speaking persons.

29 13. Applicant for or Recipient of Welfare Aid or Services
30 is defined to mean those persons who inquire about or participate
31 in welfare aid or services administered by the State Department
32 of Benefit Payments and/or county welfare departments; an applicant

1 for welfare services is one who is applying for a determination
2 eligibility for such welfare aid or services and a recipient is
3 one who has been determined eligible and is participating in such
4 aid or services.

5 14. Aid or Services is defined as the benefits or
6 assistance provided by the State Department of Benefit Payments
7 or county welfare departments in carrying out the programs
8 specified in California Welfare and Institutions Code §§ 11000-
9 17410 and any additional benefits or assistance in fact rendered
10 to individuals by the State Department of Benefit Payments or
11 county welfare departments.

12 15. County Welfare Department is defined as that agency
13 at the county government level designated by the Board of
14 Supervisors of each county pursuant to California Welfare and
15 Institutions Code §10800.

16 16. Adverse Effect refers to a step in the employment
17 process or the employment process as a whole which results in a
18 significantly higher percentage of a protected group in the
19 candidate population not being selected for employment, placement,
20 or promotion. The difference between the selection rates for a
21 protected group and the remaining group must be statistically
22 significant at the .05 level. In addition, if the acceptance
23 rate of the protected group is greater than or equal to 80
24 percent of the acceptance rate of the remaining group, then
25 adverse effect is said to be not present by definition. Groups
26 which are defined by their race, religious creed, color, national
27 origin, ancestry, or sex are the protected groups.

28 17. Culturally Aware refers to persons who by virtue
29 of their education and/or experience possess knowledge,
30 familiarity and understanding of cultural environment, religious
31 beliefs, family life, self concepts, language and other traits
32 of the recipients they are to serve to the extent necessary to.

1 effectively communicate with them and provide the same level of
2 services being provided to those who speak English.
3 18. Necessary Form shall be defined as all forms used
4 for communication between an applicant or recipient of aid or
5 services and the State Department of Benefit Payments or a county
6 welfare department. Necessary Form shall not include any forms
7 used to communicate with third parties where there is no substan-
8 tial likelihood that such third party does not speak English.

10 II

11 BILINGUAL SERVICES POLICY

12 1. All applicants for and recipients of aid or services
13 from the State Department of Benefit Payments or any of the county
14 welfare departments under its supervision are entitled to equal
15 access to aid or services without regard to their cultural
16 background or ability to speak English.

17 2. To assure equal access to aid or services, county
18 welfare departments serving a substantial number of non-English-
19 speaking people are to employ bilingual personnel to ensure that
20 such non-English-speaking people can obtain in their primary
21 language the same information, aid or services as are available
22 to those whose primary language is English.

23 3. Written communications describing the availability
24 of aid or services and/or the nature of such aid or services,
25 whether directed to the general public or specific individual
26 applicants or recipients, shall be provided to non-English
27 speaking persons in their primary language where such language
28 is the primary language of a substantial number of people
29 served by the State Department of Benefit Payments or a county
30 welfare department.

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1 who are bilingual in the non-English language prevalent in that
2 county.

3 3. State Department of Benefit Payments shall require
4 that each county semi-annually gather for its own use on a
5 district office basis and report to the state on a county-wide
6 basis the following information:

7 (a) the total number of applicants for aid or
8 services and the number of recipients of aid or services by
9 category of aid or service;

10 (b) the number of applicants and recipients whose
11 primary language is other than English by category of aid or
12 service and by primary language;

13 (c) the total number of budgeted positions in each
14 public contact position authorized for employment;

15 (d) the number of budgeted positions in each public
16 contact position filled as of the end of the reporting period;

17 (e) the number of employees within each public
18 contact position who are bilingual;

19 (f) the number of budgeted bilingual positions with-
20 in each public contact position as determined under paragraph 4
21 of this Section III;

22 (g) the number of people hired for or promoted
23 into a budgeted position requiring bilingual skills as determined
24 under paragraph 4 of this Section III during the preceding six-
25 month period;

26 (h) the total number of people by position hired
27 for or promoted into all public contact positions;

28 (i) the number of vacancies in each public contact
29 position during the preceding six-month period.

30 4. State Department of Benefit Payments shall ensure
31 that each county welfare department with an office serving a sub-
32 stantial number of non-English-speaking people shall determine

1 the number of budgeted public contact positions which shall have
2 as a requirement for employment, other than the current occupant
3 of that budgeted public contact position, proficiency in a
4 language other than English in the following manner:

5 (a) for budgeted public contact positions for
6 persons assigned to the front desk or counter to give directions
7 or respond to public inquiries, telephone operators, eligibility
8 workers, social service workers, social service practitioners,
9 welfare service aides, vocational counselors, homemakers or other
10 budgeted public contact positions, each county shall multiply
11 the percentage of recipients whose primary language is other than
12 English who are served by each public contact major occupational
13 group for each office where such language is the primary language
14 of a substantial number of persons served by the office times the
15 total number of budgeted public contact positions authorized for
16 the office within each of the above public contact major occupa-
17 tional groups. The product of such multiplication if less than
18 one shall be rounded to one and if greater than one shall be
19 rounded to the nearest whole number which will be the number of
20 budgeted public contact positions within that major occupational
21 group for which proficiency in that particular non-English
22 language shall be a prerequisite. Such budgeted public contact
23 positions shall be used so as to best serve the non-English-
24 speaking population. This computation shall be conducted on a
25 semiannual basis commencing on the same date as the report re-
26 ferred to in paragraph 3 of this Section III.

27 5. For supervisory personnel having public contact,
28 bilingual hiring will be strongly encouraged. Until such time as
29 the State Department of Benefit Payments and county welfare depart-
30 ments have sufficient bilingual employees in such positions to
31 provide equal access to aid or services for non-English-speaking
32 persons in a language which is the primary language of a substan-

1. tial number of the persons served by that agency, said agency shall
2. meet their obligation to provide equal access to aid or services
3. through bilingual interpreters. Such agencies may provide inter-
4. preters by utilizing employees who are proficient in a second
5. language and by increasing the number of bilingual positions by
6. the number needed to interpret for such non-bilingual supervisory
7. personnel.

8. 6. The State Department of Benefit Payments shall
9. further establish similar standards by which counties with an
10. office serving a substantial number of non-English-speaking
11. applicants or recipients shall be required to create further
12. bilingual positions in job categories other than those which the
13. State Department of Benefit Payments defines as public contact
14. positions; where creating such bilingual positions promotes equal
15. access to aid or services for non-English-speaking persons. Such
16. non-public contact bilingual positions shall include but not be
17. limited to clerical positions necessary for translating materials
18. into a language other than English, appeals unit personnel handling
19. welfare fair hearings involving non-English-speaking persons, and
20. various supervisory personnel.

21. 7. State Department of Benefit Payments shall establish
22. for use by county welfare departments, language skills criteria in
23. each language which is the primary language of a substantial number
24. of persons served by a county welfare department. For all public
25. contact positions as described above the criteria shall relate to
26. skills of oral and written communication necessary to perform the
27. job. Written skills shall be a prerequisite only for positions
28. designated as bilingual which require such skills.

29. 8. State Department of Benefit Payments shall require
30. that bilingual positions be filled with qualified bilingual
31. individuals. Such requirements for filling bilingual positions
32. will not be a reason to involuntarily transfer, demote or terminate

1 any present employee.

2 9. State Department of Benefit Payments shall require
3 each county to maintain a job applicant flow record which anony-
4 mously identifies applicants with an appropriate cross reference
5 and indicates race, language skills, date of application and
6 position or positions applied for. This form should indicate
7 whether the applicant submitted an application, took a written
8 exam, passed the written exam, took an oral exam, passed the oral
9 exam, passed the combined written and oral examination, was
10 offered a job, declined an offer, was hired for the job, success-
11 fully or unsuccessfully completed any required probation, was
12 subsequently promoted, was fired, or quit. Where any step in the
13 applicant flow record or the employment process as a whole results
14 in an adverse effect on any racial or national origin group, such
15 effect shall be noted and any explanation of why such adverse
16 effect exists shall be given by the county welfare department.

17 10. State Department of Benefit Payments shall require
18 each county welfare department with an office which serves a
19 substantial number of non-English-speaking persons to engage in
20 an extensive recruitment program that shall include but not be
21 limited to (a) frequent use of non-English language media that has
22 access to such county welfare department's relevant labor market,
23 (b) contacts with local high schools and colleges; and (c) contact
24 with community groups with a substantial number of members who
25 are bilingual in the language desired; (d) out of area recruitment
26 as needed.

27 11. State Department of Benefit Payments shall translate
28 into languages which are the primary language of a substantial
29 number of applicants for or recipients of aid in a county, all
30 necessary forms and written materials which it authorizes to be
31 used by county welfare departments for communicating with appli-
32 cants for or recipients of aid or services, State Department of

1 Benefit Payments shall require that county welfare departments
2 utilize in serving applicants for or recipients of aid or services
3 that version of each necessary form or written material which is
4 in the applicant's or recipient's primary language or provide
5 qualified bilingual employees to aid in filling out such forms.
6 State Department of Benefit Payments shall further require that
7 all necessary forms and written materials utilized by a county
8 welfare department other than those authorized by the State
9 Department of Benefit Payments shall be translated into languages
10 which are the primary language of a substantial number of persons
11 served by the county welfare department utilizing said forms, and
12 that said county welfare department shall utilize in serving
13 applicants for or recipients of aid or services that version of
14 each such necessary form or written material which is in the
15 applicant's or recipient's primary language or provide qualified
16 bilingual employees to aid in filling out such forms. The State
17 Department of Benefit Payments shall further require that when
18 necessary forms or written materials are required to be sent to
19 an applicant for or recipient of aid or services in a language
20 other than English, and that such forms or written materials
21 contain blanks which are filled in by the county welfare
22 department with information which is peculiar to the individual
23 applicant for or recipient of aid or services, such filled in
24 information shall also be translated into the applicant's or
25 recipient's primary language.

26 12. State Department of Benefit Payments shall require
27 that qualified bilingual interpreters be provided at all welfare
28 fair hearings where the petitioner's primary language is other than
29 English.

30 13. State Department of Benefit Payments shall establish
31 standards under which county welfare departments will make every
32 effort to reallocate caseloads so that non-English-speaking

1 applicants and recipients to the maximum extent possible are
2 served by county welfare department employees who speak such
3 applicant's or recipient's primary language.

4 14. State Department of Benefit Payments will require
5 all county welfare departments to establish a cultural awareness
6 program for all employees in a manner sufficient to insure that
7 applicants for and recipients of aid or services whose primary
8 language is other than English will not be denied equal access
9 to aid or services because of their different cultural background.
10 The State Department of Benefit Payments shall prepare necessary
11 materials and train trainers for the cultural awareness programs
12 in county welfare departments.

13 15. State Department of Benefit Payments shall require
14 that county welfare departments which contract for the provision
15 of aid or services to substantial numbers of non-English-speaking
16 applicants or recipients require the contractor to submit a plan
17 for implementation of bilingual services.

18 16. State Department of Benefit Payments will require
19 that each county welfare department establish a procedure by which
20 applicants for or recipients of aid or services can file for a
21 legitimate cause written or oral complaints of failure to
22 provide bilingual services as required by civil rights regulations.
23 A written record of any such complaint together with a record
24 of its disposition shall be kept by each county welfare department
25 for a period of two years following its filing or during the
26 pendency of any investigation involving such complaint, whichever
27 is longer.

28 17. State Department of Benefit Payments shall, in a
29 case in which a county welfare department fails to substantially
30 comply with the civil rights programs requiring implementation of
31 bilingual services, consider proceedings to terminate state reim-
32 bursement for county administrative expenses until such time as the

1 county shall implement acceptable plans for compliance.

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4 IV

5 NON DISCRIMINATORY IMPLEMENTING EMPLOYMENT CRITERIA

6 Recognizing that bilingual skills are disproportionately
7 found in certain racial and ethnic minority groups and that the
8 effects of some employment practices have been found to dis-
9 criminate against such minorities and in order to facilitate
10 implementation of the above policies, the State Department of
11 Benefit Payments shall require that all county welfare departments
12 in local agencies with approved local Merit Systems and Merit
13 System Services, a unit of the State Personnel Board which
14 administers personnel standards for local agencies in the
15 Interagency Merit System:

16 1. Commence validation of all qualifications for
17 employment and all selection instruments and processes in
18 accordance with a timetable whereby entry level positions are
19 validated first. These efforts shall be conducted in accordance
20 with EEOC Guidelines (29 C.F.R., 1607 et seq.) or any successor
21 guidelines. Validation of qualifications for employment and
22 selection instruments and processes shall be undertaken to
23 demonstrate the job relatedness of the selection device. Job
24 relatedness is demonstrated either by (a) showing that the
25 selection device measures behaviors, skills, knowledges or
26 abilities essential to success on the job, or (b) showing that
27 success on the selection device correlates with success on the
28 job

29 2. Review all forms of pre-employment inquiries which
30 may not be predictive of or significantly correlated with important
31 elements of work behavior which comprise or are relevant to the
32 job for which an individual has applied, including but not
33 limited to:

1 (a) the use of physical requirements, including,
2 but not limited to, minimum height and weight requirements;
3 (b) the use of credit background investigations;
4 (c) the giving of any preference because a person
5 is related by blood or marriage to a present or past employee;
6 (d) making inquiries into or utilizing information
7 concerning levels of education, the existence of prior arrest
8 records, the existence of prior conviction records, the presence
9 of United States citizenship, and levels of prior experience un-
10 less reasonably related to job performance; and revise or cease
11 the use of any pre-employment inquiry which is not predictive of,
12 or significantly correlated with job performance.

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V
DISSEMINATION OF INFORMATION CONCERNING IMPLEMENTATION
OF BILINGUAL SERVICES

1. State Department of Benefit Payments shall be
responsible for notifying all county welfare departments of the
requirements for implementation of bilingual services. State
Department of Benefit Payments shall further require that each
county welfare department with an office serving a substantial
number of non-English-speaking applicants or recipients institute
a training program to familiarize all employees with that agency's
obligations under the civil rights regulations and under Title VI
of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and the
Dymally-Allatorre Bilingual Services Act (Cal. Gov. C. 7290 et
seq.) to provide equal access to aid or services to those whose
primary language is other than English.

2. State Department of Benefit Payments shall insti-
tute a training program for and training materials to be used by
the trainers selected by each county to carry out the required
training. State Department of Benefit Payments shall require that

1 each county welfare department post in each of its offices a
2 sign in letters large enough to be read from all parts of the
3 reception area and in all languages other than English which are
4 the primary language of a substantial number of applicants or
5 recipients of that office, stating that all applicants or recip-
6 ients whose primary language is other than English can request
7 and receive aid or services in his or her primary language.

8 VI

9 GOALS AND TIMETABLES

10 In order to measure the success of the implementation of
11 bilingual services, Department of Benefit Payments shall use its
12 best efforts to insure that the following goals are met in the
13 times set forth from the date of signing and filing this stipula-
14 tion as follows:

15 A. Establish an office in charge of implementation of
16 bilingual services with the Department of Benefit Payments.

17 B. Require each county welfare department to assign
18 staff sufficient for the implementation of bilingual services
19 within 60 days.

20 C. Bring all applications, job announcements, and forms
21 associated with the selection process into compliance with para-
22 graph 2 of Section IV above and Equal Employment Opportunity
23 Commission Guidelines for Selection Procedure, 29 C.F.R. Section
24 1607.1-1607.14, within 90 days, excluding the time required to
25 have above forms printed.

26 D. Complete validation of qualifications for employment
27 and all selection instruments and processes in compliance with
28 paragraphs 1 and 2 of Section IV above and Equal Employment
29 Opportunity Commission Guidelines for Selection Procedure, 29
30 C.F.R. Section 1607.1-607.14, in accordance with a timetable
31 whereby entry level positions are validated first, said timetable
32

1 to be completed within 3 years, assuming that sufficient funds
2 are made available for such purpose by the Legislature.

3 E. Develop language skills criteria for every language
4 which is the primary language of a substantial number of persons
5 served by any county welfare department within 6 months.

6 F. Develop and require that all county welfare depart-
7 ments implement and report back to the State Department of Benefit
8 Payments no less often than once every six months a study of
9 applicant flow as described in paragraph 9 of Section III above
10 by April 1, 1976.

11 G. Provide the results of the first periodic report of
12 the study of applicant flow by July 30, 1976.

13 H. Implement statewide guidelines for welfare departments
14 recruitment of/bilingual personnel, upward mobility training,
15 cultural awareness programs, complaint procedures, and provisions
16 of interpreters at fair hearings by July 30, 1976.

17 I. Substantially meet the staffing ratios of bilingual
18 clerical, eligibility worker, social worker I, social service aide
19 positions that have been vacated and are scheduled to be refilled
20 with bilingual employees by December 31, 1976.

21 J. Fill all other bilingual positions that have been
22 vacated and are scheduled to be refilled with qualified bilingual
23 employees by June 30, 1977. May 60

24 K. Translate and distribute to all counties and require
25 utilization with non-English-speaking applicants and recipients
26 all necessary forms designated in paragraph 10 of Section IIIb/
27 above within 120 days excluding delays caused by the State Printer.

28 L. Translate and distribute to all counties and require
29 utilization with non-English speaking applicants and recipients all
30 new necessary forms at the same time the English version of the
31 new form is introduced. Under exceptional circumstances such
32 as where necessary to avoid non-compliance with federal law or

1 to comply with a court order, the English version may be intro-
2 duced as soon as it is ready and the non-English versions will be
3 issued soon thereafter as is reasonably practical.

4 5 VII

6 MONITORING

7 1. In order to monitor the success of counties'
8 activities in effectuating implementation of bilingual services,
9 State Department of Benefit Payments will ensure that the follow-
10 ing materials are retained as public records for 3 years.

11 A. All revised job applications, announcements, job
12 specifications, oral interview rating forms and job performance
13 rating forms used by Merit System Services prepared during the
14 three years following the 1975-76 California Welfare Civil
15 Rights Program.

16 (A) Semi-annual progress reports beginning with October
17 30, 1975 as the base period and thereafter to and including
18 January 1, 1979, as detailed under Section III, paragraph 3 above.

19 B. Copies of the job applicant flow record as described
20 in Section III, paragraph 9 above, but not to include any indivi-
21 dual personnel records.

22 2. Copies of the semi-annual progress reports and the
23 applicant flow records listed in paragraph 1 (B) and 1 (C) of
24 this Section for all counties identified as having a significant
25 number of non-English-speaking applicants or recipients of aid or
26 services shall be sent to counsel for plaintiffs.

27 28 VIII

2 The parties agree that the program described above will
30 comply with the statutes, regulations, policies, guidelines, and
31 requirements established by the Federal Government for receipt
32 and use of Federal financial assistance.

1 DATED: January 13, 1976.

2 CALIFORNIA RURAL LEGAL ASSISTANCE

3 By David C. Lewis

4 Counsel for Plaintiffs

5 ATTORNEY GENERAL OF STATE OF CALIF.

6 By John J. Klee, Jr.

7 Counsel for State Department of
8 Benefit Payments

9 In view of the above stipulation, the parties hereto
10 agree to dismissal of this action without prejudice.

11 DATED: January 13, 1976.

12 CALIFORNIA RURAL LEGAL ASSISTANCE

13 By David C. Lewis

14 Counsel for Plaintiffs

15 UNITED STATES ATTORNEY

16 By Richard Locke

17 ATTORNEY GENERAL OF STATE OF CALIF.

18 By John J. Klee, Jr.

19 COUNTY COUNSEL, COUNTY OF TULARE

20 By Walter L. McArthur

21 Counsel for Defendants

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3 ORDER OF DISMISSAL

4 Based upon the above Stipulations, and by reason of the
5 contents thereof, it is hereby ORDERED, ADJUDGED AND DECREED that
6 the Complaint, and attendant causes of action be, and the same are
7 hereby DISMISSED without prejudice.

8 DATED: January 19, 1976.

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10 STANLEY A. WEIGEL

11 UNITED STATES DISTRICT JUDGE
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