

1115 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) COMPLAINT POLICY AND PROCEDURE

I. Scope

This policy establishes a uniform method and system for processing discrimination complaints from Arkansas clients who participate in/or apply for assistance with the “Supplemental Nutrition Assistance Program” (SNAP). This policy applies to DHS employees who assist in the administration of SNAP benefits on behalf of the agency and any person who applies to the agency for SNAP benefits.

II. Policy

- (a) DHS employees shall insure that the agency operates, manages and delivers services without regard to age, religion, disability, political beliefs, sex, race, color, or national origin.
- (b) A copy of PUB-347, “Complaint Procedures” shall be posted in a conspicuous place in each DHS office and facility. Copies of DCO-110, “Complaint Report” forms, will be available in each DHS office and facility for use by any person upon request. A copy of this form will also be posted next to PUB-347, “Complaint Procedures.”
- (c) As the Administrator of SNAP, DHS has assured the U.S. Department of Agriculture that it will:

"Comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Section 11(c) of the Food Stamp Act of 1977, as amended, the Age Discrimination Act of 1975 (Public Law 94-135) and the Rehabilitation Act of 1973 (Public Law 93-112, Section 504) and all requirements imposed by the regulations issued pursuant to these Acts by the Department of Agriculture to the effect that, no person in the United States shall on the grounds of race, color, national origin, age, sex, disability, political beliefs, or religion be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Supplemental Nutrition Assistance Program".
- (d) In the event that operations, management or delivery of services is alleged to be in noncompliance with the laws, regulations and/or guidelines mandated by the federal government, the Department's Office of Employee Relations and Equal Opportunity (OEREO) has been delegated the authority to accept, investigate and seek resolution of complaints of discrimination and/or allegations of rude treatment to SNAP applicants/recipients.
- (e) All written or verbal complaints alleging discrimination and/or rude treatment on the basis of age, religion, disability, political beliefs , sex, race, color, or national origin shall be forwarded immediately (not to exceed five working days) to the OEREO for processing.

- (f) Each complaint of discrimination, noncompliance or allegation of rude treatment will be addressed by DHS and every attempt will be made to seek resolution of the issues.
- (g) An initial review will be conducted with both the complainant and the charged party in order to ascertain additional information and determine if the complaint/allegation will be processed as an investigation or programmatic review.
- (h) Should the initial review indicate evidence of discrimination or noncompliance, an investigation shall be conducted to substantiate or refute the allegation(s) of the complaint. If the initial review indicates no evidence of discrimination or noncompliance but is determined to be a programmatic issue, the matter will be referred to DCO.

III. Discrimination and Noncompliance

- (a) Discrimination is prohibited in all aspects of the delivery of program benefits. Some specific examples of prohibited discrimination and/or noncompliance with the civil rights requirements of SNAP are as follows:
 - (1) Denial of an individual or household of any service or benefits provided on the basis of race, color, national origin, age, sex, disability, political beliefs, or religion.
 - (2) Distinction in the quality, quantity, or manner in which the benefits are provided on the basis of race, color, national origin, age, sex, disability, political beliefs, or religion.
 - (3) Segregation or separate treatment of individuals in any manner related to the receipt of program benefits on the basis of race, color, national origin, age, sex, disability, political beliefs, or religion.
 - (4) Use of criteria or methods of administration which have the effect of defeating or impairing the objectives of SNAP according to race, color, national origin, age, sex, disability, political beliefs, or religion.
 - (5) Selection of the site for certification and issuance offices that have the effect of excluding individuals based on race, color, national origin, age, sex, disability, political beliefs, or religion from the benefits of the program.
- (b) Although an alleged incident of rude treatment toward applicants/recipients may in some instances be unsubstantiated as discriminatory, it will always cause a disparate effect to the person(s) who considers himself/herself the victim of such alleged treatment.
- (c) Therefore, DHS will not condone rudeness, disrespect, or any other ill-treatment of program applicants/recipients or the general public. Any substantiated claim of ill-treatment of these individuals will be considered as noncompliance with DHS policies and procedures.

IV. Right to File Complaint of Discrimination/Allegation of Rude Treatment

- (a) Any person alleging discrimination based upon age, religion, disability, political beliefs, sex, race, color, or national origin has a right to file a complaint of the alleged discriminatory action with DHS and/or the U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights.
- (b) If the complaint is filed directly with DHS (at either the Central Office or any local county office), representatives of that office will explain both the federal and state complaint systems to each individual who expresses an interest in filing a discrimination complaint and shall advise the individual of their right to file a complaint in either or both systems.
- (c) All complaints must be filed no later than one hundred and eighty (180) days from the date of the alleged discriminatory action.

V. Retaliation

- (a) Any person who expresses an interest in filing a complaint may do so without fear of reprisal, intimidation, coercion and/or threats.
- (b) No person shall be adversely affected because he/she has made a charge, testified, assisted, or participated in any manner in an investigation, review, proceeding or hearing under this policy.

VI. Complaint Category

- (a) Any person may make a complaint of discrimination in person, by telephone or by written communications.
 - (1) Verbal Complaints: If a complainant makes an allegation in person or through a telephone conversation and refuses or is not inclined to put such allegations in writing, the person to whom the allegation is made must put the components of the complaint in writing.
 - (2) Written Complaints: A complainant may wish to submit a written complaint. If so, the complaint must be accepted as submitted.
- (b) The use of any form to file a written complaint shall not be a prerequisite for the acceptance of any complaint. However, the completion of DCO-110 "Complaint Report" form is encouraged.
- (c) Just as with the verbal complaint, the written complaint must contain the "components of the complaint." If this information is not included in the submitted complaint, the DHS representative should make every effort to obtain the omitted information.

VII. Components of the Complaint

Every effort shall be made to have the complainant provide the following information:

- (1) Name, address and telephone number or other means of contacting the complainant;
- (2) The specific location and name of the entity delivering the benefits;
- (3) The nature of the incident(s) or action(s) that made the complainant feel that discrimination was a factor and an example of the treatment, which is having a disparate effect on the public, applicants or recipients;
- (4) The basis on which the complainant feels they were discriminated against (ie: age, religion, disability, political beliefs, sex, race, color, or national origin);
- (5) The names, titles and business addresses of persons who may have knowledge of the discriminatory action; and
- (6) The date which the alleged discriminatory action(s) occurred, or if continuing, the duration of such action.

VIII. Complaint Processing

- (a) All complaints must be filed no later than one hundred and eighty (180) days from the date of the alleged discriminatory action and/or ill-treatment.
- (b) A written report on each discrimination complaint will be submitted to the FNS-Dallas Regional Office within ninety (90) days of the date that the complaint was received.
- (c) The Department of Human Services will seek resolution of each complaint of discrimination/noncompliance throughout the processing period.
 - (1) Complaints will be accepted by the OEREO or by the appropriate staff within each local county office.
 - (2) Complaints filed at the local county office will be documented and the original complaint, along with the DCO-110, forwarded to the OEREO, within five (5) working days.
 - (3) Upon receipt of a complaint from the local county office or a complaint filed directly with the OEREO, designated staff will record the complaint in the Civil Rights Complaint Log.
 - (4) Notification that the complaint has been received will be provided to the complainant.
 - (5) An initial review of the complaint will commence. Both the complainant and the charged party will be contacted to discuss the allegation(s) of the complaint and gather additional information. If the complainant cannot be

reached by telephone, a Twenty (20) Day Notice will be sent by mail to the complainant asking that they contact OEREO within twenty (20) days of the date of the letter. If the complainant does not respond, the OEREO shall close the case. If the complaint contains an allegation of age discrimination, the OEREO shall forward the complaint to the Food and Nutrition Services within five (5) days of its receipt. The Federal Mediation and Conciliation Service may schedule a mediation session to attempt resolution of the complaint.

- (6) After conducting the initial review, the OEREO will make a determination to either process the complaint as an allegation of discrimination/noncompliance or to refer the complaint to the Division of County Operations (DCO) for follow-up as a programmatic issue.
- (7) If the initial review indicates evidence of discrimination/noncompliance, an investigation will be conducted.
- (8) Upon completion of the investigation, a written report of the findings will be prepared. If it is determined to be a program complaint, the OER/OEO will refer the matter to DCO. DCO will in turn apprise OEREO of the administrative actions taken based on the initiating complaint.
- (9) If the initial review does not indicate evidence of discrimination but is determined to be a programmatic issue, DCO will review the alleged program deficiencies and submit a written report to the OEREO..
- (10) If the initial review does not indicate either evidence of discrimination or noncompliance or programmatic issues, the complaint will be recommended for closure.
- (11) Upon completion of the investigation the OEREO will submit a summary of the findings, proposed corrective action(s), and recommendation(s) to the DHS Director for review and approval for closure.
- (12) The DHS Director will notify the OEREO of approval for closure or disapproval to close the case with any necessary instructions.
- (13) After receipt of the DHS Director's decision, the OEREO will take the necessary action(s) directed by the DHS Director.
- (14) Upon completion of any necessary action as indicated by the DHS Director, and upon approval by the DHS Director, the OEREO will forward the investigative report and proposed letter of closure to the Dallas Regional FNS Office for review and concurrence within ten (10) working days after notification to the complainant, a written report will be forwarded to FNS, Dallas Regional Office.
- (15) Once the OEREO receives notification from the Dallas regional FNS Office of concurrence with the findings, the client will be notified of the findings,

the right to appeal to the U.S. Department of Agriculture, and the time frame to appeal.

IX. Investigative Report-Documentation

- (a) An investigative report shall include at a minimum, the following documentation:
 - (1) A copy of the complainant's original written charge. If the charge was made verbally a copy of Form DCO-110 (Complaint Report) shall be submitted.
 - (2) A listing of available witnesses, their addresses and official titles, with a brief statement of the matter about which they can testify.
 - (3) A listing of names, titles, office mailing addresses and office telephone numbers of the parties involved, including the chief local office official and the state administrative official responsible for the program.
 - (4) A brief statement of the allegations of discrimination, which can be factually supported.
 - (5) A statement of all actions taken to achieve voluntary compliance.
 - (6) Proposed corrective action(s) and recommendation(s) to the DHS Director.

X. Letter of Closure to Complainant

- (a) Upon completion of the investigation by the Department to resolve a complaint, the complainant will receive a letter of notification. The proposed closure letter should contain the following information:
 - (1) A brief description of the allegation(s).
 - (2) The scope of the review or investigation conducted.
 - (3) Facts and information from the review or investigation report, which refutes or substantiate each allegation.
 - (4) A closing statement summarizing the basis upon which the determination was made.
 - (5) Notification of the complainant's appeal rights to include name, address and timeframe to submit an appeal.

XI. Right to Appeal

Any person who disagrees with the outcome of the investigation of their complaint shall have the right to appeal the DHS determination. Appeals of Department of Human Services decisions should be submitted to:

U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington D.C. 20250-9410
Fax: (202) 690-7442
Email: program.intake@usda.gov

XII. Confidentiality

- (a) All persons involved in the complaint process shall respect the confidentiality of all communications and the right to privacy. Information concerning any complaint in process shall be given only to persons who have a need to know as determined by the Department's OEREO Office.
- (b) Violations of confidentiality are subject to discipline under DHS Policies 1084, Employee Discipline: Conduct/Performance. However, the Food and Nutrition Services is not bound by this policy as to the release of complaint records.

XIII. Civil Rights Training

- (a) SNAP regulations require that state agencies institute a continuing civil rights training program for all staff who interact with program applicants or participants, and those persons who supervise these staff. This includes all persons responsible for writing and implementing SNAP policies, or who have any dealings with SNAP applicants, participants, or the potentially-eligible population to ensure their understanding of civil rights related laws, regulations, procedures, and directives.
- (b) DHS civil rights training shall cover civil rights assurances, public notification, racial and ethnic data collection and reporting, complaints of discrimination, compliance reviews, resolution of non-compliance, civil rights training, disability compliance, limited English proficiency (LEP) and verification of citizenship or immigration status.
- (c) Due to the fact that compliance with civil rights requirements is often harder to pinpoint than other phases of program operations, it is important that those persons responsible for implementing and reviewing civil rights compliance receive specific training to assist them in performing their responsibilities.

XIV. Questions

Any questions regarding this policy may be directed to the DHS Office of Employee Relations and Equal Opportunity which can be reached at (501) 682-6003.