

# Civil Rights Training

The Emergency Food Assistance Program (TEFAP)



# Civil Rights Program Authorities

- Title VI of the Civil Rights Act of 1964
- Civil Rights Restoration Act of 1987
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act
- Americans with Disabilities Act Amendments Act
- Title IX of the Education Amendments of 1972
- Age Discrimination Act of 1975

# Civil Rights Program Authorities (cont'd)

- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- 7 CFR Parts 15, 15a and 15b
- TEFAP Specific: (7 CFR Parts 250–251)
- FNS 113–1 and its Appendix (C for TEFAP)

# Civil Rights Program Authorities (cont'd)

- Executive Order 13166 – (LEP)
- 7 CFR Part 16, Equal Opportunity for Religious Organizations
- USDA Departmental Regulation 4330-2

# Assurances

- To qualify for FNS funding for TEFAP, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines
- An assurance must be included in all agreements between State agencies, local agencies and subrecipients.

# Public Notification

- TEFAP programs must include a public notification system.
- The purpose is to inform applicants, participants, and potentially eligible persons of:
  - Program availability and steps necessary for participation,
  - Program rights and responsibilities,
  - The **policy of nondiscrimination** and
  - The **procedure for filing a complaint.**

# Elements of Public Notification

- **Program Availability**
  - Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation.
- **Complaint Information**
  - Must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
- **Nondiscrimination Statement**
  - All information materials and sources, including Web sites, must contain a nondiscrimination statement. (The statement is not required to be included on every page of the program Web site. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.)

# Methods of Public Notification

- Must prominently display the “And Justice for All” poster at service delivery points.
- Inform applicants or participants of programs or changes in programs.
- Provide information in alternative formats and languages as necessary.
- Convey message of equal opportunity in all photographic or pictorial program information.

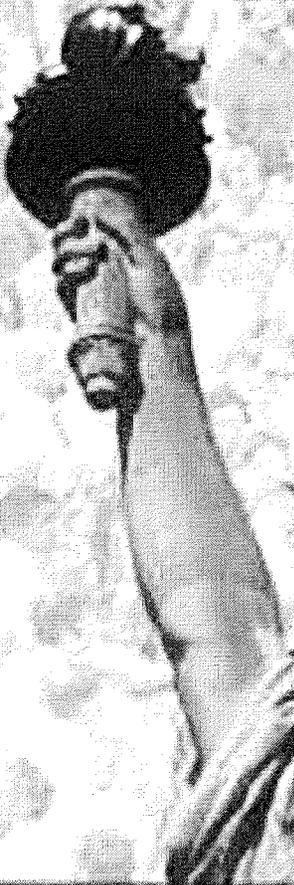
# Nondiscrimination Statement

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.



**"AND  
 JUSTICE  
 FOR ALL"**

The National Labor Relations Board (NLRB) is the federal agency responsible for enforcing the National Labor Relations Act (NLRA). The NLRA is the primary law governing the relationship between workers, employers, and unions in the United States. The NLRB is responsible for investigating and resolving disputes between employers and unions, and for enforcing the NLRA.

The NLRB is composed of five members, three of whom are appointed by the President and two by the Senate. The NLRB is an independent agency, and its decisions are subject to review by the federal courts. The NLRB has a long history of protecting the rights of workers and promoting fair labor practices.

www.nlr.gov

# Complaints of Discrimination

- Applicants or participants allege different treatment based on protected class(es).
  
- Protected classes in TEFAP
  - Race
  - Color
  - National origin
  - Age
  - Sex
  - Disability

# Complaints of Discrimination

- **Complaint procedures**
  - **No processing at the State level; forwarded directly to FNS:**
    - Forward within 5 working days
  - **Complaints based on age:**
    - Must all be forwarded to FNS within 5 working days
  - **Maintaining a log:**
    - Must reflect only civil rights complaints

# Complaints of Discrimination

## ➤ Additional information:

- Applicants and participants must file within 180 days of the alleged action
- Confidentiality extremely important
- USDA complaint form
  - English version:  
[http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)
  - Spanish version:  
[http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

# Compliance Reviews

- Examine agencies and subrecipients to determine Civil Rights compliance.
- FNS reviews State agencies.
- FNS and State agencies review local agencies.
- Local agencies review their subrecipients.
- Major findings should be forwarded to the reviewed entity and FNS.

# Pre-approval/Pre-award Compliance Reviews

- FNS and State agencies must evaluate and determine:
  - Compliance with Civil Rights requirements prior to approval for Federal financial assistance;
  - Pre-approval/pre-award review report must be maintained in the appropriate program files;
  - State and Local agencies must update Civil Rights information when significant changes occur.

# Post-Award or Routine Compliance Review Content

- Assurances
- Public Notification
- Civil Rights Complaints
- Compliance Reviews
- Resolution of Noncompliance
- Civil Rights Training
- Disability Compliance
- Limited English Proficiency

# Special Compliance Review

- Conducted by FNS Civil Rights Division
- May be scheduled or unscheduled:
  - To follow-up on previous findings of noncompliance
  - To investigate reports of noncompliance by other agencies, media, or grassroots organizations
  - May be specific to an incident or policy;
  - History of statistical underrepresentation of particular group(s)
  - Pattern of complaints of discrimination

# Resolution of Noncompliance

- Noncompliance is a factual finding that any civil rights requirement, is not being adhered to by an organization receiving FNS funding.
- Findings must be reduced to a written report and provided to the recipient.
- Steps must be taken immediately to obtain *voluntary* compliance.
- A finding's effective date is the date of notice to the agency.

# Civil Rights Training

- State agencies are responsible for training local agencies.
- Local agencies are responsible for training their subrecipients, including “frontline staff” and their supervisors on an annual basis.
- New employees should receive Civil Rights training before participating in TEFAP activities.

# Civil Rights Training

*Training must include (but is not limited to):*

- Compliance Areas identified on slide #16.
- Conflict Resolution
- Customer Service

# Disability Discrimination

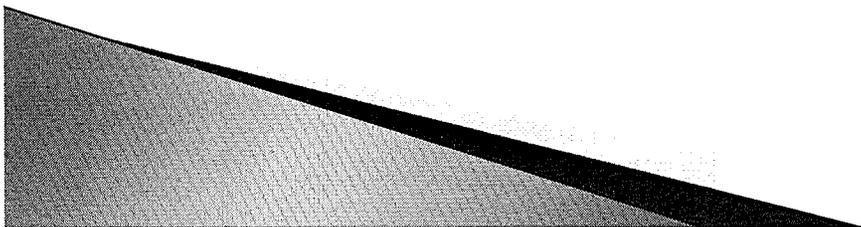
- Section 504 of the Rehabilitation Act of 1973.
- Section 508 of the Rehabilitation Act of 1973.
- USDA Implementing Regulation, 7 CFR Part 15b.
- The Americans w/ Disabilities Act, 28 CFR Part 35, Title II, Subtitle A.
- The Americans w/ Disabilities Act Amendments Act.

# Disability Discrimination

- Accessibility of State and local agency websites, and online application systems to persons with visual impairments and other disabilities.
- Physical Program access to persons in wheelchairs and with mobility disabilities.
- Accessibility through Braille, large print and audio tape and other alternative formats.
- American Sign Language (ASL) and interpreters.

# Disability Discrimination

- Reasonable accommodations must be made in policies and practices for persons with disabilities in order to access benefits.
- This means that it is almost never appropriate to deny someone a reasonable accommodation based on the fact that the requested accommodation runs counter to established ways of doing things (policies and practices).



# Disability Discrimination

- State must have a 504/ADA Coordinator responsible for ensuring compliance and investigating complaints.
- State must have published grievance procedures and due process standards for “fair and prompt” resolution of 504/ADA complaints.

# LEP & Program Access

- Limited English Proficiency (LEP) Individuals are persons who do not speak English as their primary language, and who have a limited ability to read, speak, write, or understand English because of their national origin.
- Recipients of Federal financial assistance have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency (LEP).

# LEP & Program Access

Factors to consider in addressing LEP:

- Number or proportion of LEP persons served or encountered in the eligible population.
- Frequency with which LEP individuals come in contact with the program.
- Nature and importance of the program, activity, or service provided by the program.
- Resources available to the recipient and costs.

# Equal Opportunity for Religious Organizations

- Faith-based and community-based organizations (FBOs and CBOs) participate in FNS programs through agreements with States, or through other local agencies that have agreements with States
- Nutrition assistance program policy encourages the participation of FBOs/CBOs on an equal footing with other kinds of local cooperating organizations, and avoids barriers that would make their participation difficult.

# Equal Opportunity for Religious Organizations

- **7 CFR Part 16** ensures a level playing field for the participation of FBOs and CBOs in FNS programs by:
  - Prohibiting discrimination for or against an organization on the basis of religion, religious belief, or religious character in the administration or distribution of Federal funds
  - Allowing a religious organization that participates in USDA programs to retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytization
  - Clarifying that faith-based organizations can use space in their facilities to provide USDA-funded services without removing religious art, icons, scriptures, or other religious symbols
  - Ensuring that no organization that receives direct financial assistance from the USDA can discriminate against a program beneficiary, or prospective beneficiary, on the basis of religion or religious belief

## Community Resources

### Language Translation Services

- <http://www.servicelink.nh.gov/translate/index.htm>
- Acentria Care Alliance 340 Granite St, 3<sup>rd</sup> Floor, Manchester NH
- Ascentria Language Bank – <http://thelanguagebank.org> (603) 410-6183 Service/Intake
- International Institute of New England – (603) 647-1500
- NH 2-1-1

## **PRESENTATION COMPLETE - Congratulations**

1. Go back to the TEFAP site and click on the Certificate of Completion link
2. Fill in your name and organization and the date
3. Print or save and send to:

Email: [surplus.distribution@nh.gov](mailto:surplus.distribution@nh.gov)

Fax: 603-271-6475

Mail: State of New Hampshire Surplus Distribution Section, 12 Hills Ave, Concord, NH 03301

Please remember, all frontline staff and volunteers in your organization must complete this training.