



George E. Pataki  
Governor

NEW YORK STATE  
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE  
40 NORTH PEARL STREET  
ALBANY, NY 12243-0001

Brian J. Wing  
Commissioner

## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	03 LCM 3
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Temporary Assistance
<b>Date:</b>	March 7, 2003
<b>Subject:</b>	Food Stamp Program Civil Rights Complaint Procedures
<b>Contact Person(s):</b>	Food Stamp Policy - Eastern Regional Team @ 1-800-343-8859 ext. 3-1469 Temporary Assistance Policy - Central Regional Team @ ext. 4-9344
<b>Attachments:</b>	Bureau of Equal Opportunity Development (EOD) Civil Rights Complaint Form [Attachment I] and Civil Rights Complaint Compliance Agreement [Attachment II]
<b>Attachment Available On – Line:</b>	X

### Section 2

#### I. Purpose

The purpose of this release is to provide Local Social Services Districts (LSSDs) with a statewide, uniform procedure for civil rights complaints concerning the Food Stamp Program.

#### II. Background

While the number of civil rights complaints related to the Food Stamp Program in New York State has been historically low, we want to ensure that each civil rights complaint is being tracked and handled appropriately. To ensure that all districts have a uniform and equitable method of providing clients access to filing a complaint, OTDA has revised the procedure.

**The attached Civil Rights Compliance Agreement must be completed and sent, by March 28, 2003, to:**

**Patricia A. Stevens  
Deputy Commissioner, Division of Temporary Assistance  
New York State Office of Temporary and Disability Assistance  
40 North Pearl Street, Floor 11C  
Albany, New York 12243**

The above address has been updated to reflect changes in DTA's physical location and the need to log in all complaints, including routine processing of complaints, at this single location.

### **III. Program Implications**

Pursuant to federal and State requirements, program managers are required to record any allegation of discrimination based on race, color, national origin, gender, religion, age or disability that is made by applicants/recipients of the Food Stamp Program. In addition to logging in the actual complaint, districts are required to maintain copies of all pertinent records of the incident and the resolution of the complaint. These records are subject to both State and federal audit and, therefore, must be readily retrievable for a period of seven [7] years or until the audit is concluded.

In order to meet the documentation requirements, local districts will now maintain a copy of the complaint form that has been referred to DTA along with any other materials related to the resolution of the complaint. The Bureau of Equal Opportunity Development [EOD] Civil Rights Complaint Form [Attachment I] requires a preliminary review or investigation to determine merit and should be forwarded to DTA when this preliminary review or investigation is completed. Those cases deemed to indicate a need for full investigation must be reported to DTA when the investigation is complete. EOD will send a formal notice to the contact person, receive all reports of local determinations and full investigations and close the inquiry when the issue is resolved.

By completing and returning the attached Civil Rights Compliance Agreement [Attachment II], districts will designate a local contact person who will be responsible for coordinating local investigations, resolutions and an office telephone number that will be available for inquiries. Once received by DTA, the agreement will be maintained on file by EOD. Districts must submit updated Agreements to Deputy Commissioner Stevens to reflect local district staffing and office telephone number changes as they occur. The "Food Stamp Complaint Procedures Poster" (LDSS-8036) is still a requirement as stated in the Food Stamp Source Book.

#### **Temporary Assistance Implications:**

Part 303 of the Office Regulations prohibits discrimination against an individual because of race, color, national origin, age, gender, religion or handicap. The Part does not contain a requirement that complaints of discrimination against a Temporary Assistance (TA) applicant/recipient that come to the attention of the local district must be reported to this Office. Therefore, the report required for complaints concerning Food Stamps is not required for complaints concerning TA. However, local districts must investigate claims of discrimination and must retain the record of the complaint for six years after the resolution of the complaint.

#### **Issued By**

**Name: Patricia A. Stevens**

**Title: Deputy Commissioner**

**Division/Office: Division of Temporary Assistance**