



George E. Pataki
Governor

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

Robert Doar
Commissioner

Local Commissioners Memorandum

Section 1

Transmittal:	04-LCM-07 Revised
To:	Local District Commissioners
Issuing Division/Office:	Temporary Assistance
Date:	June 29, 2004/June 30, 2004 Revised
Subject:	Food Stamp Program Civil Rights Complaint Procedures
Contact Person(s):	Eastern Regional Team @ 1-800-343-8859 ext. 3-1469
Attachments:	Attachment I: "Bureau of Equal Opportunity Development (EOD) Civil Rights Complaint Form" and Attachment II: "Civil Rights Complaint Compliance Agreement"
Attachment Available On – Line:	X

Section 2

Purpose

The purpose of this release is to request updated local Social Services Districts' contact information and to remind districts of the Statewide, uniform procedure for resolving civil rights complaints concerning the Food Stamp program. This updating process will be repeated annually in order to remain current.

I. 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, the Office of Temporary and Disability Assistance (OTDA) has revised the complaint procedure.

The attached Civil Rights Compliance Agreement must be completed and sent by July 23, 2004, to:

**Eastern Regional Team
Division of Temporary Assistance
New York State Office of Temporary and Disability Assistance
40 North Pearl Street, Floor 11C
Albany, New York 12243**

II. 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, political belief, age or OTDA (Rev. 6/2004)

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.

Districts must record each civil rights complaint on OTDA's Bureau of Equal Opportunity Development [EOD] Civil Rights Complaint Form [Attachment I]. The Civil Rights Complaint Form requires a preliminary review or investigation to determine merit and must be forwarded to OTDA when this preliminary review or investigation is completed. Those cases deemed to indicate a need for full EOD investigation must be reported to the OTDA when the investigation is complete using Attachment I.

Districts must retain a copy of the complaint form that has been referred to OTDA along with any other materials related to the resolution of the complaint. 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 EOD, the agreement will be maintained on file by EOD. Districts must submit updated Agreements to OTDA to reflect local district staffing and office telephone number changes as they occur.

Districts also are reminded that the "Food Stamp Complaint Procedures Poster" (LDSS-8036) is required to be posted in all local district offices.

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) only 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 against a TA-only applicant/recipient for six [6] years after the resolution of the complaint.

Issued By

Name: Richard McElroy

Title: Acting Deputy Commissioner

Division/Office: Temporary Assistance

BUREAU OF EQUAL OPPORTUNITY DEVELOPMENT
FOOD STAMP PROGRAM CIVIL RIGHTS VIOLATION COMPLAINT FORM

Client Name: _____ Food Stamp Case No: _____

LDSS Location/address: _____

Telephone: _____

Basis for complaint: _____

Date of Complaint: _____ Acknowledged (date): _____

File opened on (date) _____

If necessary, inactive period, from (date) _____ to (date) _____

Reason: _____

Written complaint and all documentation received (date) _____

LSSD Investigation began (date) _____

Staff assigned: _____ Telephone: _____

Determination:

Complaint Unsubstantiated/Dismissed _____ Client notified _____ Date _____

Complaint Substantiated/Resolution Reached _____ Client notified _____ Date _____

Complaint Referred to NYSOTDA & EOD for Investigation:

Client notified _____ Date _____

Complaint referred _____ Date _____

<p>CIVIL RIGHTS COMPLAINT COMPLIANCE AGREEMENT</p>

<p><i>The undersigned district acknowledges the instructions contained in 04 LCM 07. Our contact person and contact information are listed below:</i></p>

<p>County Name:</p>

<p>Civil Rights Contact Person:</p>

<p>Mailing Address:</p>

<p>E-mail Address:</p>

<p>Phone Number:</p>

<p>Fax Number:</p>

<p>Authorized Signature And Title:</p>
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<p>Date Completed:</p>

Mail to:
Eastern Regional Team
Division of Temporary Assistance
New York State Office of Temporary and Disability Assistance
40 North Pearl Street, Floor 11B
Albany, New York 12243