



# Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

SHARON DEVINE  
Executive Deputy Commissioner

## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	15-LCM-09
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Center for Employment and Economic Supports
<b>Date:</b>	June 16, 2015
<b>Subject:</b>	Supplemental Nutrition Assistance Program (SNAP) Revised Civil/Human Rights Complaint Procedures
<b>Contact Person(s):</b>	Bureau of Equal Opportunity and Diversity (EOD) at (518) 473-8555 SNAP Bureau at (518) 473-1469
<b>Attachments:</b>	<a href="#">Attachment 1 – EOD Civil/Human Rights Complaint Compliance Agreement</a> <a href="#">Attachment 2 – EOD SNAP Civil/Human Rights Complaint Form</a>
<b>Attachment Available Online:</b>	<input checked="" type="checkbox"/>

### Section 2

#### I. Purpose

The purpose of this release is to inform social services districts (SSDs) of changes to the statewide uniform procedure for resolving civil/human rights complaints concerning the Supplemental Nutrition Assistance Program (SNAP) and to request updated contact information for this purpose.

#### II. Background

Federal and state law and policy prohibit discrimination against applicants and recipients of SNAP on the basis of membership in a protected class. The classes protected by Federal and state law include “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 derived from any public assistance program, or protected genetic information.”

In our continuing effort to ensure that each civil rights complaint is tracked and handled according to federal guidance, the Office of Temporary and Disability Assistance (OTDA) is providing an overview of the complaint investigation procedure. Please note that this release updates the complaint procedures described in 13-LCM-06 SNAP Civil/Human Rights Complaint Procedures.

### **III. Program Implications**

Pursuant to Federal and State requirements, all complaints alleging civil/human rights discrimination on the basis of membership in a protected class must be processed within 90 days of receipt. A complaint is fully processed when an investigation has been initiated and completed (as outlined in Section B), the report has been approved by the United States Department of Agriculture's Food and Nutrition Service (FNS), and a final determination has been sent to the complainant.

#### **A. Local Designee**

This LCM shall serve as OTDA's request that each SSD complete the attached revised Civil/Human Rights Complaint Compliance Agreement (Attachment 1) to designate a local contact responsible for the investigation of civil/human rights complaints regarding applicants and recipients of SNAP.

The Civil/Human Rights Compliance Designee (herein "the Designee") is responsible for conducting the investigation into each complaint allegation and submitting a report of the local finding to OTDA's Bureau of Equal Opportunity and Diversity (EOD). To avoid creating a conflict of interest, the Designee should be someone who **does not** work in the program area. If your SSD has an affirmative action or equal employment officer, this person is recommended. Other suggestions include a member of counsel's office or the Commissioner's office staff. Please contact OTDA EOD if you have questions about who to designate.

We also request that SSDs list an alternate Designee who can assume the duties when/if the regular Designee is unavailable or when complaint volume is high. In light of the instant clarification that the Designee should be from outside of a program area, it is noted that several SSDs must change the Designee that was provided last year to OTDA EOD, per 13-LCM-06.

#### **B. Complaint Form / Process**

All civil/human rights complaints received by the SSD should be forwarded to OTDA EOD by mail or encrypted email using the attached Civil/Human Rights Complaint form (Attachment 2). Where possible, the client should be offered the complaint form for completion. However, it is not necessary that client complete the form themselves.

After conducting a preliminary analysis, OTDA EOD will evaluate whether the complaint will be accepted for investigation. If accepted, the complaint allegation will be forwarded to the Designee for local investigation and follow-up with OTDA EOD. The Designee's investigation should be completed within 30 working days of receiving the complaint or referral from OTDA EOD. OTDA EOD will issue procedural guidance and further information on the uniform procedure to all locally-appointed Designees.

### **C. Confidentiality**

Client confidentiality is paramount. Therefore, when investigation by the Designee is requested by OTDA EOD, the Designee shall conduct his/her investigation of the discrimination allegation separate and apart from any program issues/complaints that may also have been registered. Likewise, all information regarding the complaint of discrimination should be kept in a confidential folder with limited access. There should be no information regarding the discrimination complaint in the client's program files or local program complaint log.

### **D. Records Retention**

In addition to conducting an investigation, SSDs are required to maintain copies of all pertinent records of the alleged 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 years.

Please complete and return the Compliance Agreement by July 15, 2015 to:

**Bureau of Equal Opportunity and Diversity  
New York State Office of Temporary and Disability Assistance  
40 North Pearl Street  
Albany, New York 12243**

**Issued By**

**Name: Phyllis Morris**

**Title: Deputy Commissioner**

**Division/Office: Center for Employment and Economic Supports**