



Alabama Department of Human Resources

Supplemental Nutrition Assistance Program (SNAP)

Civil Rights Operational Policy & Procedure for Subrecipients



Alabama Department of Human Resources Food Assistance Division Nondiscrimination Policy

The Alabama Department of Human Resources Food Assistance Division is committed to compliance with the United States Department of Agriculture Food and Nutrition Service Instruction 113-1, applicable laws, regulations, and policies for Food Assistance applicants, clients, employees, and vendors.

USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA.

The Food Assistance Division will ensure that staff is adequately trained regarding Civil Rights policy in order to properly administer equal program access, program integrity, and quality customer service.

Training Purpose for Subrecipients

The purpose of this training is to ensure that Food Assistance subrecipients are informed of Civil Rights policy and procedure as well as compliance protocol.

- The Alabama Department of Human Resources (DHR) Food Assistance Division is committed to equality in opportunity, meaningful and equally effective communication and quality customer service for all individuals and families that are inquiring about, applying for, or receiving benefits from the Supplemental Nutrition Assistance Program (SNAP)/Food Assistance.
- It is critical that all Food Assistance employees and staff in subrecipient agencies have the knowledge and skills to apply Civil Rights policy and facilitate fair and equal treatment to all individuals and groups that encounter DHR's program, activities, and services.

Civil Rights Training

- The United States Department of Agriculture Food and Nutrition Service (FNS) mandates that State agencies provide training to Food Assistance staff at the State and county office regarding Civil Rights policy and obligations.
- Local agencies are responsible for providing Civil Rights training to subrecipients, frontline staff, eligibility staff, managers and supervisors on an annual basis.
- New employees should receive Civil Rights training before participating in SNAP work activities.
- The Food Assistance Division will maintain attendance records of subrecipient participation in Civil Rights training.

Civil Rights Laws

- ❖ Recipients of federal financial assistance from the USDA FNS are subject to Title VI of the Civil Rights Act of 1964 and its implementing regulations 7 CFR 15.
- ❖ Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance.
- ❖ Recipients also are prohibited from discrimination based on disability, age, sex, religion or political beliefs.
- ❖ Intentional discrimination policies or practices that appear neutral, but have a discriminatory effect are prohibited.



Our Commitment

The Alabama Department of Human Resources will not discriminate or deny services on the basis of:

☐ Race

☐ Age

☐ Color

☐ Political Beliefs

☐ National Origin

☐ Nor engage in the reprisal or retaliation for prior civil rights activity

☐ Religious Creed

☐ Disability



Food Assistance Will Not, on the Basis of a Protected Class:

- Deny any individual any service, financial aid, food assistance or other benefit for which he/she is eligible
- Provide services or benefits which are less than standards and program protocol as outlined by the USDA and DHR
- Subject individuals to segregation or discriminatory treatment
- Restrict the receipt of services, facilities, privileges or benefit provided by the department
- Treat any individual differently from others when determining eligibility or other conditions which are required to receive program benefits



What Topics Fall Under Civil Rights?



Umbrella of Civil Rights

Including but not limited to:

**Limited English Proficiency
(LEP)**

Disabilities & Impairments

Program Access

Federal Laws & Regulations

Fair & Equal Treatment

Reasonable Modifications

Complaint of Discrimination

Public Notification in the Supplemental Nutrition Assistance Program (SNAP)

How to Keep the Public Informed



Public Notification System

- ❖ Public notification is required for the DHR Food Assistance Division, its implementing agencies, and subrecipients
- ❖ The purpose of public notification is to inform participants and potentially eligible persons of:
 - ✓ Program availability
 - ✓ Program rights and responsibilities
 - ✓ Policy of non-discrimination
 - ✓ Policy for filing a complaint



Methods of Public Notification



- ✓ Ensure the “And Justice for All” poster is prominently displayed at service delivery points
- ✓ Inform applicants or participants of programs or changes in programs
- ✓ Provide information in alternative formats and non-English languages as necessary
- ✓ Post multilingual notices offering free communication assistance for individuals with Limited English Proficiency (LEP) and/or with disabilities
- ✓ Convey a message of equal opportunity in all photographic or pictorial program information

“And Justice For All...” Poster

- ❑ Display the poster in a prominent location for all to view
- ❑ Check with your Civil Rights Coordinator to obtain posters
- ❑ When needed, translated versions can be found at:
<https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>





United States Department of Agriculture
Food and Nutrition Service

United States Department of Agriculture (USDA)

Food and Nutrition Service (FNS)

Nondiscrimination Statement

USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at:

http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Nondiscrimination Statement on the Web

- ❖ All information materials and sources, including websites, must contain the USDA nondiscrimination statement
- ❖ The statement is not required to be included on every page of the program website
- ❖ At a minimum, the USDA nondiscrimination statement or a link to it must be included on the home page of the program information



Nondiscrimination Statement

- ❖ In addition to all information materials and sources, and websites, the non-discrimination statement must also be included on forms, public releases, announcements of scheduled services, and all other publications
- ❖ The Nondiscrimination Statement may not be modified without USDA approval
- ❖ Translated versions of the nondiscrimination statement can be found at:
 - <https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>



Nondiscrimination Statement (continued)

USDA Nondiscrimination Statement

Short versions:

- ❖ This institution is an equal opportunity provider
- ❖ Esta institución es un proveedor que ofrece igualdad de oportunidades (Spanish)
- ❖ *Can be used in special circumstances only



communication noun 1
2 something that commu-
nicates, a letter or message
communicating, e.g. a
speech

- 17

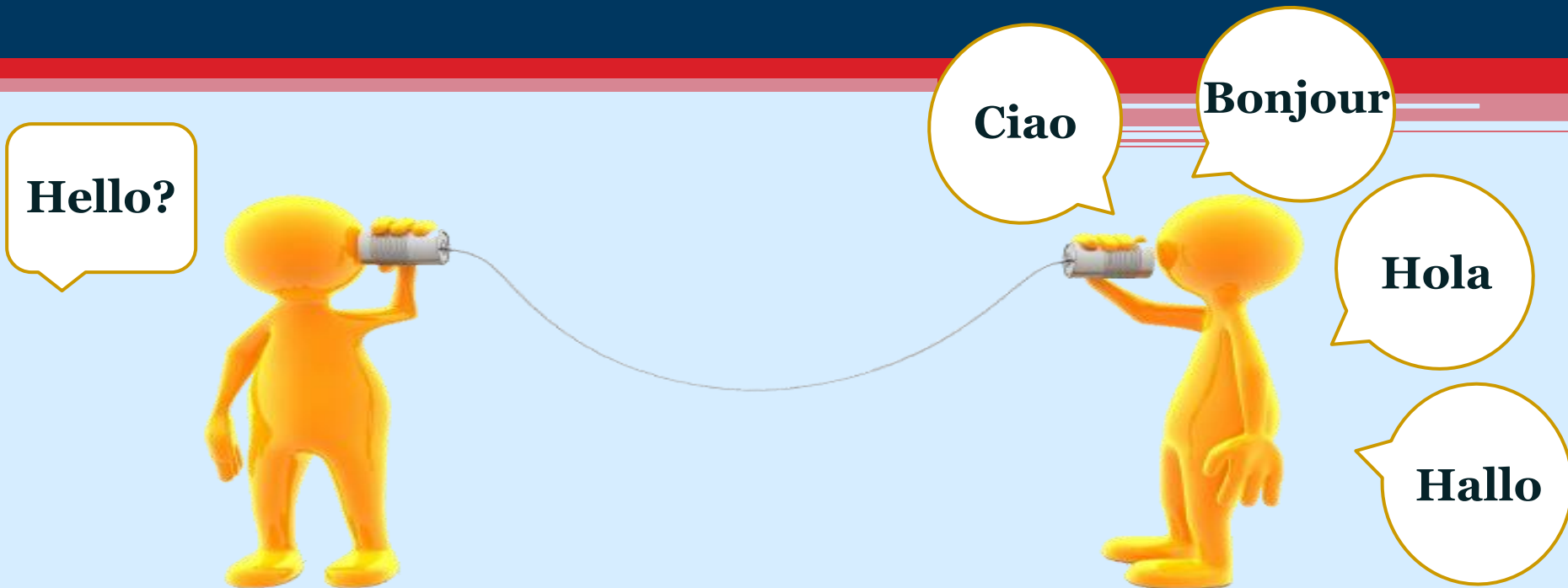
Public Notification of Services

- ❑ Subrecipients that provide Food Assistance programs and services must also notify individuals with disabilities about the availability of auxiliary aids and services and other reasonable modifications
- ❑ Subrecipients must provide free accommodations upon request or as needed to ensure equal participation and equally effective communication
- ❑ Subrecipients must also provide notice of protections against discrimination assured to by Section 504 and the Americans with Disabilities Act (ADA), including how to file a complaint



Limited English Proficiency (LEP)

How to Assist Individuals that Do Not Speak English Fluently



Limited English Proficiency (LEP)

Limited English Proficiency or “LEP”

- ❖ Refers to individuals who do not speak English as their primary language
- ❖ Individuals who have limited or no ability to read, speak, write, or understand English because of their national origin
- ❖ Person with LEP may be competent in English for certain types of communication (i.e. speaking or understanding) but may still be LEP for other purposes (i.e. reading or writing)



Limited English Proficiency (LEP) (continued)

- ❖ Individuals applying for or receiving Food Assistance are entitled to receive qualified, competent language assistance services in their primary language.



The Federal Government Mandates:

Alabama Department of Human Resources, as well as other agencies, programs, entities, etc. that are recipients of federal financial funding, must take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency.

Language Assistance Services

- ❑ All staff must offer and provide qualified, competent language assistance services for free to individuals with LEP
- ❑ Notices offering free competent, qualified language assistance services and how to request these services must be posted in frequently encountered languages:
 - ✓ In prominent locations in reception areas
 - ✓ On program websites
 - ✓ Within vital documents as appropriate



Language Assistance Terms

Language Assistance Services:

- ❑ All oral and written language services needed to:
 - Assist individuals with limited English proficiency to communicate effectively with staff
 - Provide individuals with limited English proficiency with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by the department

Meaningful Access:

- Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual
- Denotes access that is not unduly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals



Language Assistance Terms



(continued)

Qualified Interpreter:

- A person who has demonstrated proficiency in both spoken English and at least one other language
- A person that can interpret accurately, impartially and effectively to and from such language and English using any specialized terminology necessary for effective communication
- A person that understands interpreter ethics and client confidentiality needs

Qualified Translator:

- A highly trained person who can render text from a source language into a target language while preserving meaning and adhering to generally accepted translator ethics and principles, including confidentiality
- A person with the ability to understand the cultural context of the source and target languages
- A person who has demonstrated his or her competence to translate through an independent language assessment

Interpreters vs. Translators



Qualified Interpreters

- An interpreter transfers the verbal meaning communicated from English to the client's primary language
 - Face to face or on the phone
 - Language Assistance Line
 - Verbal or Sign Language interpreter
- An effective interpreter must efficiently transfer the information from one language to another



Qualified Translators

- A translator translates written communication from written text to written text or to sign language
 - Application
 - Notices
 - State/Agency correspondence
- An effective translator must be able to communicate written agency terms, policy, and procedure

Qualified Language Assistance Services

- ❑ Agency personnel and/or external support identified as qualified to interpret
- ❑ Telephonic interpretation services
- ❑ Contract agencies with qualified interpreters/translators
- ❑ Volunteers and Community partners
 - (If qualified, competent to interpret)



Qualified Language Assistance Services (continued)

Multilingual Employees:

- ❖ A multilingual employee is an employee who has demonstrated proficiency in English and at least one other language
- ❖ If used to interpret or speak “in-language” with a Food Assistance client, the multilingual employee must adhere to generally accepted interpreter ethics and principles, including client confidentiality
- ❖ Many individuals have some proficiency in more than one language, but are not completely bilingual



Qualified Language Assistance Services (continued)

Multilingual Employees:

- ❖ Competency requires more than self-identification as bilingual
- ❖ Some multilingual persons may communicate effectively when communicating information directly in a non-English language, but not be competent to interpret (or translate) in and out of English
- ❖ If multilingual staff are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting



Can Family & Friends Serve As Interpreters?



- Staff must not plan to rely on a LEP person's family members, friends, or other informal interpreters to provide meaningful access
- Staff must not ask applicants and participants to bring their own interpreters
- DHR encourages the use of the contracted interpreter service which is provided at no cost to the client
- Minor children (under the age of 19) may only be used as a last-resort in an extreme emergency and when no preferable qualified interpreter is available

Can Family & Friends Serve As Interpreters? (continued)



- LEP persons should be permitted to use family and friends at their own expense if appropriate only after free language assistance has been offered
- Issues of confidentiality, privacy, competency or conflict of interest may also arise
- The client must be informed that confidential information and sometimes delicate issues may be discussed
- Confirm whether or not the client would like to continue with the friend or family member as an interpreter and whether the companion would like to continue as the interpreter for friend or family

Can Family & Friends Serve As Interpreters? (continued)



- For each visit, if a LEP person chooses to use their companion to facilitate communication, staff must note this in the case record
- For each LEP person who declines DHR's offer of free interpreter services, staff should inform the LEP individual who has declined the offer that he or she may reconsider and request a free interpreter at any time
- Staff must verify the interpreters competency, take reasonable steps to determine whether there is a conflict of interest, confidentiality, or other concern that makes the use of the family member or friend inappropriate
- If it is apparent that ineffective communication or a conflict of interest is occurring when relying on the LEP person's companion, staff are required to secure a qualified interpreter to oversee or replace the companion's efforts to facilitate communication

Volunteer and Community Interpreters

- Volunteer or other community interpreters are permissible, but staff should remind clients that the subrecipient offers free contracted interpreter services



The client may choose to proceed with the volunteer or community interpreter as long as:

- ✓ Subrecipient staff is satisfied that the interpreter is competent and capable of relaying information
- ✓ The interpreter can clearly and accurately interpret Food Assistance program terminology
- ✓ The interpreter understands the importance of confidentiality and program integrity



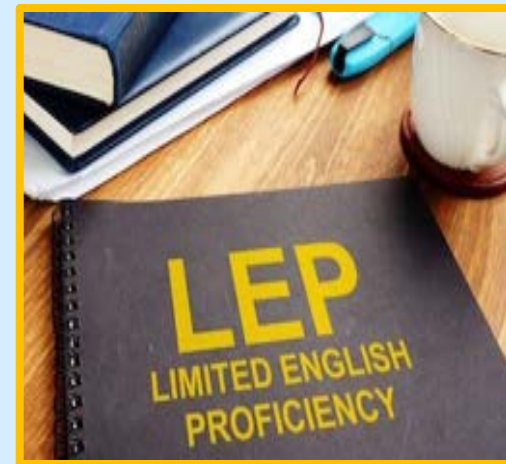
When Using an Interpreter...

- ✓ Do not say any words or phrases that you do not want interpreted
- ✓ Use standard language and avoid using slang or regional dialect
- ✓ Speak clearly and concisely, allowing time for questions and statements to be interpreted
- ✓ Do not overload the interpreter with information
- ✓ Ask only one question at a time
- ✓ Be patient and prepared to explain or clarify any policy or procedures that seem unclear
- ✓ Inform everyone involved that all language interpretation and information communicated are confidential
- ✓ Thank everyone for their time and patience



Determine Language Needs of LEP Persons

- Subrecipients must determine if the client needs language assistance services to access its Food Assistance programs and services or to file a complaint.
- Making this determination is vital to ensure effective communication, responses, and assessment of the household's circumstances and needs.
- A qualified interpreter must be provided when a staff member determines that language assistance is necessary to ensure effective communication.



Determine Language Needs of LEP Persons (continued)

In Person Communication:

- ❑ If the LEP person does not read or recognize any of the languages utilizing the Free Communication Assistance Poster, use a telephonic interpreting service to:

- Identify the individual's primary language
- Assist the other party as necessary



Telephone Communication and Customer Service Lines:

- ❑ When telephone calls are placed and received, and the language spoken by the other party is unknown, again, use a telephonic interpreter services to:

- Identify the individual's primary language
- Assist the other party as necessary

Under no circumstances can staff fail to provide an interpreter based solely on whether an LEP individual can answer short questions by nodding or through the use of questions to which the answers are simply “yes” or “no.”

Written Translations

- Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language)
- Staff must utilize translated documents located in the Appendix section of the Civil Rights Policy Manual to request translation of vital information and documents
- Subrecipients must only utilize qualified translators to translate SNAP information and materials. Staff should not attempt to translate agency documents into another language
- “Vital documents” are generally documents that affect access to, retention in, termination or exclusion from a recipient’s program services or benefits



Written Translations (continued)

DHR SNAP translates into at least Spanish information and materials that are “vital” to an individual's participation, including, but not limited to:

- Application forms
- Rights and Responsibilities
- Consent Forms
- Documents that require a response from applicants (i.e. verification letters)

- Anytime a vital document is updated, subrecipients must issue the document simultaneously in English and Spanish and/or in the most encountered languages spoken in the area.
- For non-Spanish LEP languages, subrecipients must provide customers with a multilingual tagline notice offering free language assistance services.

Web-Based Systems

- ❑ Subrecipients must ensure meaningful access to online automation systems for individuals with LEP, including:
 - Online applications
 - Websites forms
 - Brochures
- ❑ At minimum, vital information on online automation systems must be available to LEP persons in a language they can understand
- ❑ All vital information and hyperlinks to this information on web-based systems must be translated at least into Spanish
- ❑ Additionally, posting multilingual taglines that instruct LEP persons on how to receive vital information in a language they can understand ensures meaningful access



DHR Contracted Language Services

Subrecipients may use DHR's language assistance vendors only when serving SNAP customers:

1. Foreign Language Services, Inc. (FLS) will provide sign language and face to face interpreter services for foreign languages and for the hearing impaired
2. LinguaLinx Solutions Inc. will provide written translation
3. M & N Language Services will provide face to face interpreter services for court/legal translations
4. Universe Technical Translation will provide telephone interpreter services and desktop publishing services



A list of current vendors and their contact information can be obtained from the appropriate DHR Food Assistance Division Manager

Disabilities & Impairments

How to Assist Individuals that Have a Disability or Impairment

Assistance Is Available



Disability Access

- ✓ **Sections 504 of the Rehabilitation Act of 1973** and USDA implementing regulations at 7 CFR Part 15b, prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.
- ✓ **Title II of the Americans with Disabilities Act of 1990 (ADA)**, as amended by the **ADA Amendments Act of 2008**, at **28 CFR Part 35**, prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- ✓ **Title III of the Americans with Disabilities Act of 1990**, as amended by the **ADA Amendments Act of 2008 (ADA Amendments Act)**, at **28 CFR Part 36**, prohibits discrimination on the basis of disability by public accommodations.
- ✓ No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of DHR.

Discrimination Practices Are Prohibited!



Subrecipients that provide Food Assistance programs and services must not:

- ❖ Deny program access in applying for Food Assistance or any other benefit due to a disability or impairment
- ❖ Segregate a person with a disability from the general population
- ❖ Restrict a person with a disability from receiving fair treatment



Who is a Person with a Disability?



The appropriate term when discussing such impairments is “person with a disability” or “individual with a disability”



Do not use the term “handicapped,” “handicapping condition” or “disabled

Disabled by Definition of the Americans with Disabilities Act Title II:

- An individual who has a physical or mental impairment that substantially limits one or more major life activities of such individual
- An individual who has a record of such an impairment
- An individual who is regarded as having such an impairment

Who is a Person with a Disability? (continued)

- Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working
- Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions



Our Commitment

- ❖ Subrecipients must make assistance and reasonable modifications in policies, practices, procedures, and provide necessary auxiliary aids and services to ensure individuals with disabilities have an equal opportunity to participate in the Food Assistance Program.
- ❖ Persons with a disability may not be treated in a different or inferior manner.



Disability Access

- Subrecipients must make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability, unless the subrecipient can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity
- This fundamental alteration decision must be made by the DHR Commissioner or her designee
- This means that it is almost never appropriate to deny someone a reasonable modification based on the fact that the requested modification runs counter to established ways of doing things (policies and practices)



Reasonable Accommodations



Subrecipients Must:

- Offer assistance and special accommodations to individuals that need it
- Inform individuals of elevators, ramps, and other ADA approved assistance available in the DHR office
- Assist an individual with an intellectual or cognitive disability with completing an application for benefits
- Accept calls from a TTY or relay service in which an operator will identify it as such, is used to communicate for a person with a hearing impairment
- Accommodate individuals that come to the office utilizing a service animal
- If you have questions concerning the provision of services or need assistance to secure an appropriate service or aid or to make reasonable modifications for persons with a disabilities, contact the appropriate DHR Food Assistance Division manager

Most Integrated Setting

- Subrecipient, public entities and public accommodations are obligated to administer services, programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities
- They must give priority to methods that provide services, programs, and activities in the most integrated setting appropriate



Equally Effective Communication

- Communicating effectively is essential to providing services
- Subrecipients must ensure that communication with individuals with disabilities is as effective as communication with people without disabilities
- This applies to communications with applicants, participants and with their parent, spouse or companions in appropriate circumstances who have hearing, vision and speech disabilities
- A “companion” includes any family member, friend, or associate of a person seeking or receiving an entity’s goods or services who is an appropriate person with whom the entity should communicate



Equally Effective Communication (continued)

- ❖ Staff employed by public entities (State local government agencies) must give primary consideration to the choice of aid or service requested by the person with a disability
- ❖ Public entity staff must honor the person's choice, unless it can demonstrate that another equally effective means of communication is available, or that the use of the means chosen would result in a fundamental alteration or in an undue burden
- ❖ Staff employed by public accommodations (private entities) must consult with the person with a disability to determine the appropriate aid or service
- ❖ In any case, staff must find a practical solution that fits the circumstances considering the nature, length, and complexity of the communication as well as the person's normal method(s) of communication



Auxiliary Aids and Services

Auxiliary aids and services include, but are not limited to:

- ✓ Accessible electronic and information technology
- ✓ Qualified interpreters on-site or through video remote (VRI) interpreting services



A qualified interpreter is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include, for example, sign language interpreters, oral transliterators, and cued-language transliterators.

- ✓ Voice, text, and video-based telecommunications products and systems with the relay service, TTY

Qualified Sign Language Interpreters

- ❑ Use qualified sign language interpreters and do not require an individual with a disability to bring another individual with them to interpret
- ❑ Subrecipients may use DHR's qualified interpreter service vendors for persons with hearing disabilities ONLY when communicating with Food Assistance Division Customers
- ❑ Foreign Language Services, Inc. (FLS) will provide sign language and face to face interpreter services for foreign languages and sign language for the hearing impaired
- ❑ Instructions for accessing services through DHR contracted companies are provided along with the service request form



Qualified Sign Language Interpreters

- Although preferred, these contracted services are not meant to eliminate or disregard local resources that provide qualified interpreter services at no cost
- In some instances, subrecipients may utilize staff or volunteer sign language interpreters who are deemed qualified and competent to interpret for persons with disabilities



Companions as Interpreters?

- ❑ Limit the use of adult or minor child (companions) as interpreters to emergency situations involving an imminent threat to the safety or welfare of an individual or the public when a qualified interpreter is not available.
- ❑ In non-emergency situations, an adult (never a minor child) who uses sign language may interpret when:
 - An individual requests this
 - The accompanying adult agrees to interpret
 - Reliance on the accompanying adult is appropriate under the circumstances
- ❑ An accompanying adult may not be used when there is reason to doubt the person's impartiality or effectiveness



Equally Effective Communication

To ensure equally effective communication:

- Require reasonable advance notice from people requesting aids or services, based on the length of time needed to acquire the aid or service, but may not impose excessive advance notice requirements (add limit to advance notice).
- Honor “walk-in” requests for aids and services to the extent possible.
- If used, ensure Video Remote Interpreting (VRI) technologies meet ADA performance standards 28 CFR 35 and 28 CFR 36.303(f).



Relay Services

Telecommunications Relay Service (TRS):

- Free nationwide network
- Uses communications assistants to serve as intermediaries between people who have hearing or speech disabilities
- Users utilize a text telephone (TTY), text messaging , or standard phones
- The service is reached by calling 7-1-1
- DHR staff must accept and treat relay calls just like other calls



Best Practices

- Respect everyone and do not “talk down” to anyone. Everyone deserves respect and to feel that they are receiving fair treatment.
- Use confidentiality. People with disabilities have a right to privacy. They are not obligated to disclose their disability.
- Do not feed, touch, or talk to a guide dog or service animal while it is working. These animals are trained to behave and work in a certain way while out in public. Ask the dog’s owner before approaching a guide dog or service animal.
- Do not grab a visually impaired person’s arm or hand. Instead, identify yourself, ask if the person wants your help; if he or she does, then offer your arm to guide them.



- Do not touch an individual’s equipment. This includes: a wheelchair, cane, service animal, crutches, etc. Offer the person assistance if needed.
- Make eye contact with individuals that utilize wheelchairs when providing services. Feel free to get on their level. Sit at eye level with the person so that it does not appear that you are looking down at them, or that they have to look up at you.
- Do not yell at a person that is hearing impaired. Speak clearly and directly to the person.
- When utilizing an interpreter, speak directly to the person with the language barrier, not the interpreter. The person should feel involved in the conversation.

Accessibility

How to Assist Individuals with Service Animals, Wheelchairs, and Other Power-Driven Mobility Devices (OPDMD)



Accessibility

- ❑ As programs and offices modernize, it is imperative that websites, including any subrecipient websites and online application systems, are readily accessible to and useable by persons with visual impairments and other disabilities
- ❑ In addition, programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and Other Power-Driven Mobility Devices
- ❑ Programs must provide access for service animals



Service Animals

- ☐ The Americans with Disabilities Act (ADA), defines a service animal as a dog that has been individually trained to do work or perform tasks for an individual with a disability.
- ☐ The service animal may be trained to do work or perform tasks for an individual with a disability or medical condition that results in a disability.
- ☐ The task performed by the service animal is directly related to the individual's disability.
- ☐ Service animals must be allowed in all areas of a facility where the public is allowed except where the service animal's presence would create a legitimate safety risk or would fundamentally alter the nature of a public entity's services.



Service Animals (continued)

- ☐ Staff may not require individuals with disabilities to provide documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.
- ☐ Service animals are not required to wear service animal vests, patches, or to use a specific type of harness.
- ☐ Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.
- ☐ Staff cannot isolate individuals with disabilities who use service animals from other patrons.



Service Animals (continued)



Staff can only ask:

- ✓ Is the animal required because of a disability?
- ✓ What work or task the animal has been trained to perform?

Miniature horses are not Service Animals; however, the rules require reasonable modifications to permit a miniature horse that has been individually trained to do work or perform tasks

In the State of Alabama (Reference Senate Bill 10, Act Number 2019-478):

- A service animal may not be a pet
- It is illegal for an individual to willfully misrepresent a pet as a service animal
- For a minor with a disability or a minor diagnosed on the autism spectrum, any aide assigned to assist the minor shall be trained with the service animal in basic commands in order to assist the minor as a team

Service Animals (continued)

Staff must allow access for service animals unless:

- The animal is out of control and the handler does not take effective action to control it; or
- The animal is not housebroken

But, where there is a legitimate basis to exclude the animal, the individual with a disability should be given the opportunity to participate in the program without the animal



Wheelchair Access & Mobility Aids

- Staff must permit individuals with mobility disabilities to use wheelchairs and mobility aids in any area open to pedestrian use
- A wheelchair is a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion
- Staff must also allow individuals with mobility disabilities to use manually-powered mobility aids (includes walkers, crutches, canes, braces, or other similar devices) in areas open to pedestrian use



Access for Other Power-Driven Mobility Devices (OPDMD)

- ❑ OPDMD means “Any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion”
- ❑ DHR and its local agencies and subrecipients must make reasonable modifications to permit individuals with mobility disabilities to use OPDMDs, unless the entity can demonstrate that the class of OPDMD cannot be operated in accordance with legitimate safety requirements adopted by the entity



Access for Other Power-Driven Mobility Devices (OPDMD) (continued)

- ❑ Specific assessment factors can determine whether a reasonable modification can be made
 - (28 CFR § § 35.137(b)2)
- ❑ Staff may not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability



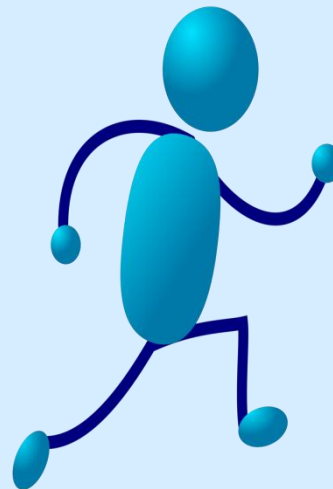
Fundamental Alternation: Who Decides?

- The subrecipient's frontline staff, supervisors or managers cannot deny a reasonable modifications or auxiliary aid or service request
- The subrecipient must consult with the appropriate manager at the DHR Food Assistance Division before the denial of a reasonable modification, auxiliary aid or service
- Only the DHR Civil Rights/Equal Employment can decide if provision of a particular modification, auxiliary aid or service would result in an undue burden or a fundamental alteration



Filing a Complaint or Suggestion

How to Address Complaints, Suggestions, and Concerns



COMPLAINT					
TO:		NAME		DATE	
WHOSE FAULT:		NAME	DATE		
DESIRED OUTCOME:		APPLICABLE EXPLANATION	PROMOTION	LEGISLATION	RESTITUTION
COMPLAINANT:					
ANONYMOUS					

Right to File

- ❑ Any person alleging discrimination based on race, color, national origin, age, sex, disability, political beliefs or religion or retaliation for engaging in prior Civil Rights activity in any of the Department's programs, activities or services has a right to file a complaint within 180 days of alleged discriminatory action
- ❑ Under special circumstances, this time limit may be extended by the Secretary of each federal agency
- ❑ Staff must notify complainants of their right to file a complaint with DHR or directly with the USDA:
 - U.S. Department of Agriculture (USDA), Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; or call (866) 632-9992, fax to (202) 690-7442 or email to: program.intake@usda.gov. Federal Relay Service at (800) 877-8339; or Spanish Relay Service (Servicio Federal de Retransmisión) at (800) 845-6136



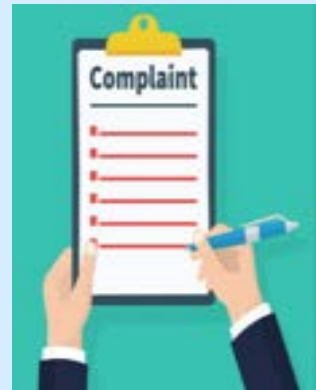
Complaint Procedures

- ❑ **Acceptance:** Staff must accept and forward written and verbal civil rights complaints to the appropriate manager at the DHR Food Assistance Division upon receipt.
- ❑ **Written Complaints:** Subrecipients must accept written complaints via letter, email, facsimile, or hand-delivery. Although recommended, complainants are not required to complete the DHR Discrimination Complaint (Form DHR CRD-2262, 03-20) when filing a written complaint.
- ❑ **Verbal Complaints:** Document verbal complaints using Form DHR CRD-2262, 03-20). Every effort should be made to have the complainant provide the information on this form.
- ❑ **Anonymous Complaints:** Anonymous complaints will be handled in the same manner as any other complaints to the extent feasible based on the information provided.



Complaint Procedures (continued)

- ☐ Office for Civil Rights/Equal Employment (OCR/EE) does not investigate age discrimination complaints, but sends the complaint to the USDA FNS Civil Rights Division for mediation by the Federal Mediation and Conciliation Service
- ☐ DHR participates in mediation on a good faith basis to resolve complaints alleging unlawful discrimination on the basis of age, in accordance with 45CFR§90 and 7CFR§15c(7)(d)
- ☐ Subrecipients may be required to participate in the mediation process
- ☐ Other than the OCR/EE, no local agency, subrecipient or contractor may maintain records of discrimination complaints received by the entity



Race and Ethnicity Data Collection

Collection and Maintain Race and Ethnicity Data



Race and Ethnicity Data Collection

In accordance with FNS policy, the Food Assistance Division collects race and ethnicity data for participants referred to subrecipients providing SNAP ED and SNAP E&T services as described within the DHR SNAP Civil Rights Policy and Procedure.

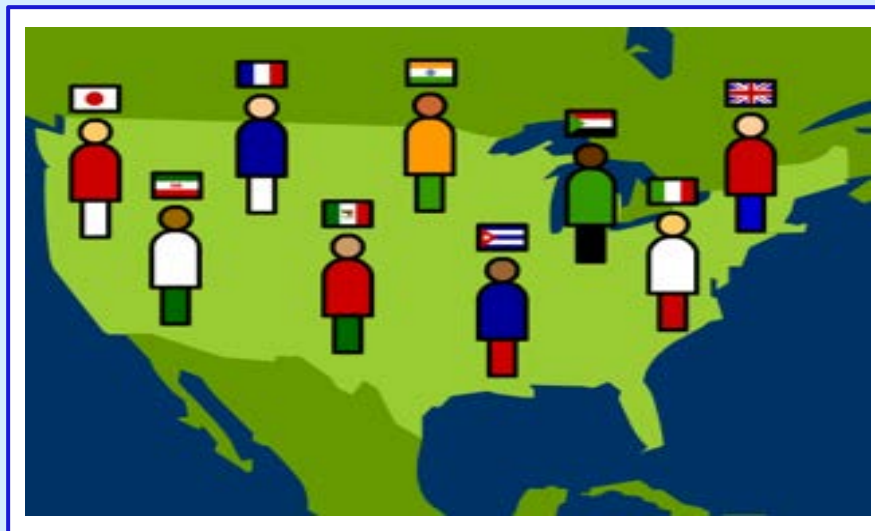
Purpose:

- ✓ The purpose for collecting this data is to determine how effectively the Food Assistance Program is reaching potentially eligible persons and participants
- ✓ Ensure that program benefits are distributed without regard to race, color, or national origin
- ❖ If any subrecipient assists potentially eligible persons apply for Food Assistance benefits, they must receive training on how to collect race and ethnicity data



Noncitizen Eligibility

How to Assist Noncitizens



Noncitizen Inquiries

- DHR ensures that collection and verification of citizenship, immigration status and social security numbers (SSNs), when required by federal statutes and regulation, does not result in an access barrier or unlawful discrimination in the Department's programs, services and activities
- The Food Assistance Division determines the eligibility of noncitizens for the Food Assistance Division's programs and services prior to referring participants to subrecipients providing SNAP ED and SNAP E&T services as described within the DHR SNAP Civil Rights Policy and Procedure
- Subrecipients must not request or require SNAP ED and SNAP E&T participants to provide citizenship, immigration status or social security numbers



Monitoring Services & Compliance Reviews

How the Food Assistance Division Ensures Compliance



Recording, Tracking, and Monitoring Services

When conducting a Management Review of a subrecipient, DHR will evaluate the subrecipient's method for recording:

- ✓ The type of language assistance provided to persons with Limited English Proficiency and
- ✓ The type of auxiliary aids and services or reasonable modifications for persons with disabilities at the point of contact



Subrecipient records should capture:

- Offers of free communication assistance or other modifications
- Primary language spoken
- Type of language assistance provided
- Type of modification, auxiliary aid, or service provided
- Individuals or organizations who provided services

Compliance Reviews

- ❑ Compliance reviews are conducted to examine the activities of DHR and its local agencies and subrecipients to determine Civil Rights compliance:
 - ✓ FNS Civil Rights and Program staff review DHR
 - ✓ DHR reviews local agencies
 - ✓ Local agencies review their subrecipients

- ❑ Significant findings must be provided in writing to the reviewed entity and to FNS



Compliance Reviews (continued)

There are three types of compliance reviews:

- Pre-Award Compliance Reviews
- Routine (Post-Award) Compliance Reviews
- Special Compliance Reviews



Pre-Award Compliance Reviews:

- DHR and its local agencies and subrecipients must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance

Routine/Post-Award Reviews

- FNS and DHR must conduct routine compliance reviews in accordance with FNS Instruction 113-1 and program-specific regulations and policies
- These reviews should assess all of the Civil Rights compliance areas.
- Sample post-award review questions may determine:
 - Do printed materials contain the nondiscrimination statement?
 - Is the “And Justice For All” poster displayed appropriately?
 - Are program informational materials available to all?
 - Is data on race and ethnicity collected appropriately?
 - How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
 - Are reasonable modifications appropriately made for people with disabilities?
 - Are language assistance services provided to persons with LEP at the point of contact.

Special Compliance Reviews

- 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

- ❑ A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by DHR and its local agencies or subrecipients
- ❑ Steps must be taken immediately to obtain voluntary compliance
- ❑ A finding's effective date is the date of notice to the reviewed entity



Office of Civil Rights/ Equal Employment Division

Compliance with Appropriate Laws and Regulations



Office of Civil Rights/Equal Employment Division

- ❖ The DHR Office of Civil Rights/Equal Employment Division serves as the focal point for DHR's and its local County Departments' Civil Rights and Equal Opportunity activities
- ❖ OCR/EE maintains a system to ensure DHR's and its sub-grantees' compliance with appropriate laws and regulations

The OCR/EE:

- ✓ Conducts reviews and audits of departments and its sub-grantees' programs
- ✓ Investigates and mediates complaints, allegations of discrimination or unequal treatment from employees, program participants, or other related charges
- ✓ Offers technical assistance
- ✓ Provides training and counseling to managers, supervisors, employees, clients, and the general public
- ✓ Creates Affirmative Action Reports

Federal Civil Rights Legal Authorities

How to Access Civil Rights Legal Authorities



Civil Rights Legal Authorities

- Title VI of the Civil Rights Act of 1964
 - Race, Color, and National Origin
- Civil Rights Restoration Act of 1987
 - Clarifies the scope of the Civil Rights Act of 1964,
 - Section 504, Title IX & the Age Act
- Section 504 of the Rehabilitation Act of 1973; Americans w/Disabilities Act of 1990; and the Americans with Disabilities Act Amendments Act of 2008
 - Disability
- Title IX of the Education Amendments of 1972
 - Sex
- Age Discrimination Act of 1975
 - Age

Civil Rights Legal Authorities (continued)

- ❖ 7 CFR Parts 15, 15a, 15b:

- USDA's implementing regulations for nondiscrimination in Federally assisted programs. Gives USDA agencies authority to develop Civil Rights requirements

- ❖ 7 CFR Part 16, "Equal Opportunity for Religious Organizations":

- Gives equal footing to religiously affiliated organizations

- ❖ Food and Nutrition Act of 2008, as amended:

- Prohibits discrimination on the basis of race, color, sex, age, national origin, religion, political beliefs or disability

- ❖ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996:

- Enforces Title VI of the Civil Rights Act of 1964 and related statutes in block grant type Programs

Civil Rights Legal Authorities (continued)

❑ 28 CFR Part 35

- Covers nondiscrimination on the basis of disability in State/local government services

❑ 28 CFR Part 42

- Covers nondiscrimination in Federally assisted programs

❑ Executive Order 13166 - "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000)

❑ "USDA Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency" (79 Fed. Reg. No. 229, Friday, [p. 70771 – 70784]

- USDA LEP Policy Guidance

Civil Rights Legal Authorities (continued)

- 7 CFR Part 271-285

- SNAP regulations

- SNAP Guidance on Non-Citizen Eligibility (June 2011)

- Clarifies SNAP policy on non-citizen eligibility

- USDA Departmental Regulation 4330-2

- Prohibits discrimination in programs and activities funded in whole or in part by the USDA

- FNS Instruction 113-1 and Appendix A (SNAP)

- Provides information on Civil Rights compliance and enforcement

For More Information

- ❖ **United States Department of Agriculture Food and Nutrition Service (FNS)**
<https://www.fns.usda.gov/>
- ❖ **Limited English Proficiency (LEP)**
<https://www.lep.gov/>
- ❖ **Department of Justice Disability Compliance (DOJ)**
<https://www.ada.gov>
- ❖ **Alabama Supplemental Nutrition Assistance Program (SNAP) Civil Rights Operational Policy and Procedure**
- ❖ **Alabama Department of Human Resources (DHR)**
<http://www.dhr.alabama.gov>



Feel Like An Expert Yet?

The goal of this training was to provide subrecipient staff with the additional knowledge and skills to ensure fair treatment of all individuals regardless of differences.



—NEVER BE—
SATISFIED.
—ALWAYS STRIVE—
TO IMPROVE NO
—MATTER HOW—
GOOD YOU THINK
YOU ARE.

It is imperative that subrecipient staff observe and follow SNAP Civil Rights policy and procedure to guarantee quality customer service, program access, and program integrity.

The End

