



SNAP 102-1

APPLICATION PROCESSING

Civil Rights

Supersedes: SNAP 102-1 (05/24/2022)

References: 7 CFR 272.4, 7 CFR 272.5, 7 CFR 272.6

Overview: The State of Montana administers all aspects of the Supplemental Nutrition Assistance Program in compliance with the following USDA Nondiscrimination Statement. Discrimination in any aspect of program administration is prohibited by these regulations, the Food and Nutrition Act of 2008, the Age Discrimination Act of 1975 (Pub. L. 94-135), the Rehabilitation Act of 1973 (Pub. L. 93-112, section 504), Americans with Disabilities Act of 1990 (42 U.S.C. 12101) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Enforcement action may be brought under any applicable Federal law.

USDA Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating based on race, color, national origin, sex (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), 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.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (833) 620-1071, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to:

1. **mail:**
Food and Nutrition Service, USDA

1320 Braddock Place, Room 334
Alexandria, VA 22314; or

2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
FNSCIVILRIGHTSCOMPLAINTS@usda.gov

This institution is an equal opportunity provider.

RIGHT TO FILE A COMPLAINT

Individuals who believe that they have been subject to discrimination as specified above in the USDA Nondiscrimination Statement may file a complaint as described in that Statement and/or with the State agency. The State agency shall explain both the FNS and, if applicable, the State agency complaint system to everyone who expresses an interest in filing a discrimination complaint and shall advise the individual of the right to file a complaint in either or both systems.

A complaint filed with the State of Montana can be made by mail or telephone at:

Civil Rights Coordinator
Human & Community Services
DPHHS
P.O. Box 202925
Helena, MT 59620-2925
Call (406) 444-1788

COMPLAINT REQUIREMENTS

Any individual wanting to file a discrimination complaint shall be advised immediately of their right to do so and shall be given the necessary information (listed below) to file the complaint. When an individual asks for assistance with the complaint filing process, DPHHS staff shall assist the individual.

A complaint must be filed no later than 180 days from the date of the alleged discrimination. All complaints shall contain the following information:

1. The name, address and telephone number or other means of contacting the person filing the complaint.
2. The name and location of the organization or office accused of the discriminatory practice.
3. A description of the alleged discrimination incident.
4. The reason for the alleged discrimination (race, color, national origin, sex, religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity).

5. The names, titles (if appropriate) and addresses of individuals who may have knowledge of the alleged discriminatory acts; and,
6. The date(s) the alleged discriminatory action(s) happened.

If a complainant makes allegations verbally and is unable or is reluctant to put the allegations in writing, the State employee to whom the allegations are made shall document the complaint in writing. Every effort shall be made by the individual accepting the complaint to have the complainant provide the information specified in 1-6 above.

FIELD STAFF RESPONSIBILITIES

1. Inform individuals of their right to file a civil rights complaint with DPHHS and/or the Food and Nutrition Service (FNS) using steps identified above.
2. Describe the process to everyone expressing an interest in filing a complaint.
3. Advise individuals of their right to file a complaint and that any complaint filed with the State Office is forwarded to the appropriate Federal Office for investigation.
4. If the individual indicates they will submit a complaint directly to the USDA or State Agency, field staff will send an email to their direct supervisor within 1 business day alerting him/her that there is a potential civil rights complaint being submitted by the client – email must include the case number and brief description of the potential complaint.
5. If the individual makes verbal allegations and is reluctant to put their complaint into writing, field staff should attempt to obtain all required information from the client, document the complaint in writing and send this documentation to their direct supervisor within 1 business day.
6. Assure all complaints meet the requirements stated above.
7. Respond promptly to any requests from management regarding the complaint, and include your direct supervisor in any responses; and
8. Do not engage in any further discussion with the client about the complaint, if the client initiates additional conversation assure them that they will hear from the agency they submitted their complaint to within 10 business days and inform your direct supervisor of the discussion

SUPERVISOR RESPONSIBILITIES

1. Acknowledge receipt of the information and remind staff member to not engage in any further discussion with the client regarding the complaint.
2. Forward information to Policy Bureau Chief within 1 business day of receipt.
3. Respond promptly to any requests from management regarding the complaint and include your direct supervisor on any response.
4. Train all staff involved with administering SNAP on an ongoing basis about civil rights requirements.
5. Ensure all offices involved in determining eligibility or issuing SNAP benefits display nondiscrimination posters approved or provided by FNS; and

6. Provide bilingual SNAP services in areas with a significant proportion of non-English or limited English-speaking persons

CENTRAL OFFICE & CIVIL RIGHTS COORDINATOR RESPONSIBILITIES

1. Policy Bureau Chief will communicate complaints received with the Civil Rights Coordinator and DPHHS legal team.
2. Copies of complaints are sent to the Regional Director in Denver and referred to the FNS Regional Office for Civil Rights within five days of receipt.
3. Publicize the federal procedures for filing a complaint regarding discrimination.
4. Respond to requests for information regarding nondiscrimination statutes and policies, complaint procedures, and the rights of clients within 10 days of the date of the request.
5. Include a nondiscrimination statement on all program informational material.
6. Ensure all graphics for SNAP information convey the message of equal opportunity by displaying clients of different races, colors, sexes, and national origins.
7. Acknowledge receipt of any civil rights complaints received within five days and advise the complainant of the action(s) planned with a copy (cc) to the Office of Public Assistance (OPA);
8. Maintain a log of all complaints received including complainant's name, date of incident, date of complaint, basis of complaint, and the resolution of the complaint including the date of resolution. Forward the associated records to FNS prior to issuing a final disposition of the complaint.
9. Maintain a file of all discrimination and general complaints for review by federal and state reviewers.
10. Train all staff involved with administering SNAP on an ongoing basis about civil rights requirements; and
11. Inform households and grassroots SNAP organizations of program changes

RACIAL/ETHNIC DATA COLLECTION

DPHHS obtains data on SNAP recipients by racial/ethnic category. Applicants are requested to voluntarily provide their race or ethnicity on application forms. The application form must clearly indicate that the information is voluntary, that it will not affect the eligibility or the level of benefits, and that the reason for the information is to assure that program benefits are distributed without regard to race, color, or national origin. The State agency must develop alternative means of collecting the ethnic and racial data on households, such as by observation during the interview, when the information is not provided voluntarily by the household on the application form.

EFFECTIVE DATE: July 6, 2022