

# The Emergency Food Assistance Program T.E.F.A.P. Annual Civil Rights Training



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## Civil Rights Program Authorities

- ✓ Title VI of the Civil Rights Act of 1964
- ✓ Civil Rights Restoration Act of 1987
- ✓ Section 504 of the Rehabilitation Act of 1973
- ✓ Americans with Disabilities Act
- ✓ Americans with Disabilities Act Amendments Act
- ✓ Title IX of the Education Amendments of 1972
- ✓ Age Discrimination Act of 1975

## Civil Rights Program Authorities Continued

- ✓ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996
- ✓ 7 CFR Parts 15, 15a and 15b
- ✓ TEFAP Specific (7 CFR Parts 250-251)
- ✓ FNS 113-1 and its Appendix (C for TEFAP)
- ✓ Executive Order 13166 – (LEP)
- ✓ 7 CFR Part 16, Equal Opportunity for Religious Organizations
- ✓ USDA Departmental Regulation 4330-2

## Civil Rights Areas of Compliance

Assurances and Training	Non Discrimination Statements	Public Notification Outreach
Types of Discrimination	Complaint Procedures	Reasonable Accommodations for Persons with Disabilities
Requirements for Language Assistance	Equal Opportunity for Religious Organizations	Conflict Resolution and Customer Service

## Assurances

To qualify for Federal financial assistance, written assurance that the program will be operated in a non-discriminatory manner must be included in all agreements between agencies.

## Civil Rights Training

Staff and Volunteers at all TEFAP eligible distribution sites **MUST** receive Civil Rights Training

- All persons that directly deal with guests and/or handles confidential information is required to receive this training annually
- The Training Must Include the following topics:
  - *“And Justice For All” Poster*
  - *Complaint Procedures*
  - *Limited English Proficiency (LEP)*
  - *Reasonable Accommodations for Disabled Persons*
  - *A Plan for Conflict Resolution and Customer Service*
- Acceptance of “Federal Financial Assistance,” no matter how minimal, requires the recipient agency to assure compliance with Federal Civil Rights Laws and Requirements
  - This includes TEFAP – USDA Foods, funding and equipment

## USDA Nondiscrimination Statement

In accordance with Federal law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs).

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 responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is available in languages other than English.

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

<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>

(Spanish)

[https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](https://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

or 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:

**Mail:** U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410

**Fax:** (202) 690-7442; or

**Email:** [program.intake@usda.gov](mailto:program.intake@usda.gov)

**This institution is an equal opportunity provider.**

## Elements of Public Notification

All FNS programs (i.e. TEFAP) must include a public notification system

Elements of public notification include:

- Program availability –
  - Inform applicants, participants and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation
  - Convey the message of equal opportunity in all photos or graphics used to provide program or program-related information
- Complaint information –
  - Participants must be advised of their rights and complaint procedures (including how to file a complaint)
- Nondiscrimination statement –
  - Must be included on the first or home page of the program information

## American Disabilities Act (ADA)



Public accommodations (businesses and non-profit organizations) must provide goods and services to people with disabilities on an equal basis with the rest of the public.

## Access for People with Disabilities

Have ADA plan in place (or plan to assist)

Parking lot, entrances and exits, halls, elevators, restrooms, etc.

Sign language, interpreters, Braille signage, service animals

Alternative arrangements for service

## What Is Limited English Proficiency (LEP)?

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.

All organizations receiving Federal financial assistance have a responsibility to take reasonable steps to ensure "meaningful" access to their programs and activities by persons with LEP.

"Reasonable Steps" are contingent upon:

- ✓ The number or proportion of LEP person eligible to be served or likely to be encountered by the program or recipient
- ✓ The frequency with which LEP individuals come in contact with the program
- ✓ The nature and importance of the program, activity, or service provided by the program to people's lives
- ✓ The resources available to the recipient and costs. A shortage of resources does not eliminate the requirement for an agency to take reasonable steps.
- ✓ Children who are minors should not be used as interpreters
- ✓ Volunteers may be used, but make sure they understand confidentiality

## Equal Opportunity for Religious Organizations

Faith-based and Community-based Organizations

Have equal access to USDA funding as other non-profits

Are eligible to participate in USDA programs regardless of their belief, character or affiliation

Can use space in their facilities for USDA programs without removing religious art, symbols, or scriptures

## Religious Activities Do's & Don'ts

It is acceptable to...	It is unacceptable to...
Have a cross hanging on a wall at the USDA Foods distribution facility.	Require recipients to stand by the cross and recite a prayer prior to receiving USDA Foods.
Have a menorah on a table at the USDA Foods distribution facility during the holiday season.	Refuse USDA Foods to recipients who do not practice the Jewish faith.
Have a display stand at the front/back of the USDA Foods distribution facility that contains faith-based pamphlets for anyone interested.	Insert faith-based pamphlets in bags or boxes when distributing USDA Foods.
Have a prayer service on the second level of a church building while the distribution of USDA Food is happening on the lower level.	Have a prayer service in the same room and at the same time as the distribution of USDA Foods.

## Complaint Procedures

- Any person has the right to file a complaint within 180 days of the alleged discriminatory action.
- Ask the client or participant, if they need assistance in completing the form.
- Every effort should be made to have the complainant provide information found on the complaint form.
- Complaints may be written, verbal, or anonymous.
- If the person making the complaint does not want to put it in writing, the person receiving the complaint must complete a written report for them to the best of their ability.
- A Civil Rights Complaint Form is available in the FNS Instruction 113-1 of from the USDA website: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>

## Memorandum Policy No: FD-155

### Partnerships with Faith-Based and Neighborhood Organizations Final Rule: Written Beneficiary Notice and Referral Requirements for TEFAP

The purpose of this memorandum is to clarify the written notice and referral requirements for organizations that receive USDA Foods or administrative funding as part of the Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP), per the U.S. Department of Agriculture's (USDA) regulations on equal opportunity for religious organizations

to participate in USDA assistance programs at 7 CFR Part 16. The final rule, entitled *Partnerships with Faith-Based and Neighborhood Organizations* (89 FR 15671), amended 7 CFR Part 16 and directed agencies to provide policy guidance or reference materials on a number of program-specific topics.



## Beneficiary Protections: Written Notice

In accordance with 7 CFR Part 16.4(c)(1), all organizations that receive USDA Foods or administrative funds for CSFP and TEFAP must provide a written notice to all beneficiaries and prospective beneficiaries of certain protections in a manner and form prescribed by this policy memorandum. The written notice must include all information in Attachment A, including the following assurances:

- (i) The organization may not discriminate against beneficiaries or prospective beneficiaries on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;
- (ii) The organization may not require beneficiaries or prospective beneficiaries to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by beneficiaries or prospective beneficiaries in such activities must be purely voluntary;
- (iii) The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;



## Beneficiary Protections: Written Notice cont'd

(iv) Beneficiaries or prospective beneficiaries may report violations of these protections (including denials of services or benefits) by an organization by contacting or filing a written complaint with USDA's Office of the Assistant Secretary for Civil Rights.

Organizations, inclusive of all recipient agencies and local agencies certifying potential beneficiaries and providing CSFP and TEFAP benefits to participants, must provide the written notice, per the program specific requirements described below, to applicants prior to the time they enroll in the program or receive services from such programs.



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## Beneficiary Protections: Written Notice cont'd

1. Post a written notice at service locations. The posted written notice must be visible to all TEFAP beneficiaries and prospective beneficiaries upon entrance into the distribution site;

2. Provide flyers or handouts at each distribution; and/or

3. Add the written notification to their TEFAP intake form.

Each organization must select a method that will result in all TEFAP beneficiaries and prospective beneficiaries being notified. The chosen method(s) for notifying beneficiaries and prospective beneficiaries must be fully implemented as soon as possible.

For TEFAP, the written notice described above must also inform beneficiaries and prospective beneficiaries about how to obtain information from either FNS or the State agency about other federally funded service providers in their area.



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## Complaints of Discrimination

### Differently treated based on TEFAP protected classes

- ✓ Race
- ✓ Color
- ✓ National Origin
- ✓ Age
- ✓ Sex
- ✓ Disability



## Complaints of Discrimination

### Types of Discrimination:

- ❖ Differential Treatment – refusing service or using different eligibility criteria for certain applicants
- ❖ Disparate Impact – discrimination that is not intentional, but has that effect
- ❖ Reprisal/Retaliation – negative treatment of someone because they filed a complaint



## Complaint Procedures

Complaints may be sent directly to:  
**U.S. Department of Agriculture**  
**Office of the Assistant Secretary for Civil Rights**  
**1400 Independence Ave. SW**  
**Washington, DC 20250-9410**  
**Toll Free (866) 632-9992 (Voice)**

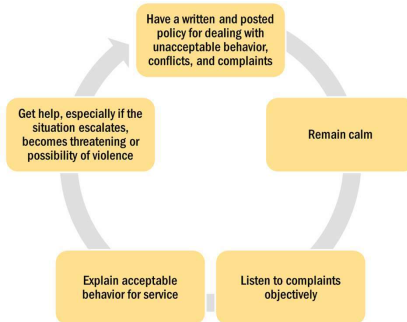
<https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint>

Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at: (800) 877-8339

## Customer Service.....How Is Your Attitude?

- Treat all people with dignity and respect.
- Answer questions in a voice that is nonthreatening
- Clearly explain to everyone the rules as well as their rights and responsibilities.
- Find and use tools and techniques to improve customer service.
- Recognize when stress creates a problem in giving service excellence
- Treat everyone with dignity and respect and make people feel welcomed. Be patient and polite.
- Make sure that the USDA foods participants receive equal treatment and service.
- "Equal" does not mean "Identical". For example, one participant receives corn, another receives green beans.
- Do not do special favors for anyone that you are not prepared to provide for everyone.
- Disabilities and Language needs are not considered "special favors" since they are required.

## Conflict Resolution



## Questions and Answers



**Thank you for completing your Civil Rights training**

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