

Procedure Section: P2128, Complaints

Subsection: N/A

Procedure:	P2128	Effective Date:	07/22/2022
Bulletin:	22-18	Supersedes:	17-18, 04/01/2017

Included Programs

All Programs

Discrimination Complaints

A. Nondiscrimination Policy

It is the policy of the Department for Children and Families, Economic Services Division (ESD) to provide benefits and services for all programs without regard to race, color, age, sex, religion, national origin, marital status, disability, sexual orientation, gender identity, or political beliefs.

B. Rights

An individual who believes they have been subjected to discrimination has the right to file a complaint with either or both the state and federal government. The person receiving the complaint shall inform the individual of the right to file a complaint with the state, with both the state and federal government, or directly with the federal government. For complaints alleging discrimination within the 3SquaresVT program involving any of the federally protected bases listed below, the person receiving the complaint shall inform the individual that the complaint will be forwarded to the Food and Nutrition Service (FNS) for resolution.

Federal law prohibits discrimination on the basis of race, color, age, sex, gender identity, sexual orientation, religious creed, national origin, disability, political beliefs, and reprisal/retaliation.

In addition to the federally protected bases of discrimination, state law prohibits discrimination on the basis of marital status.

Complaints must be filed within 180 days of the date the individual becomes aware of the alleged discriminatory action. Discrimination complaints within the 3SquaresVT program involving any federally protected basis may be filed beyond 180 days of the alleged discriminatory action if an exception is authorized by United States Department of Agriculture (USDA).

C. Complaint Method

1. State Level - Commissioner's Office

Discrimination complaints for all ESD programs may be filed directly at the state level with the Commissioner's Office Consumer Concerns Team. Ask the individual to complete the ESD 110 and forward a copy to the Commissioner's office. If the individual refuses or is unable to fill out the ESD 110, they may file a verbal complaint. It is the responsibility of the person receiving the complaint to assist the individual in filling out the ESD 110, and to make sure the form is filled out as completely as possible. The Consumer Concerns Team may be contacted by email, mail, or phone at:

Consumer Concerns Team
Commissioner's Office, Department for Children and Families
280 State Drive, HC 1 North, Waterbury, VT 05671-1080
phone: 802-241-0925
email: AHS.DCFConsumerConcerns@vermont.gov

The department will provide a written response to the complaint within 30 days from the date the complaint was filed. The response will be signed by the Commissioner or a designated representative. The response will state the department's final resolution or if further investigation is needed.

Complaints alleging discrimination within the 3SquaresVT program involving any federally-protected basis are not processed at the state level. DCF shall refer these complaints to FNS. The 30-day resolution time frame mentioned above does not apply to these complaints. However, the individual will be informed in writing, within 30 days from the date the complaint was filed, that the complaint was referred to FNS for resolution.

DCF must forward 3SquaresVT complaints involving allegations of age discrimination to the FNS Regional Civil Right Director within five calendar days of receiving the complaint:

FNS Northeastern Regional Office
Civil Rights Director
10 Causeway St. Room 501
Boston, MA 02222-1069

Complaints referred to FNS shall contain as much of the following information as is available to DCF:

- a. The name, address, and telephone number or other means of contacting the person who is complaining.
- b. The location and name of the organization or office accused of discrimination.
- c. The nature of the alleged discriminatory incident or policy.
- d. The reason for the alleged discrimination (race, color, age, sex, gender identity, sexual orientation), religion, nation original, or political belief).
- e. The names, titles, and addresses of persons who may have knowledge of the alleged discriminatory acts.
- f. The date on which the alleged discriminatory act occurred.

2. United States Department of Agriculture (USDA)

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:

a. mail:

Food and Nutrition Service, USDA
1320 Braddock Place, Room 334
Alexandria, VA 22314; or

b. fax:

(833) 256-1665 or (202) 690-7442; or

c. email:

FNSCIVILRIGHTSCOMPLAINTS@usda.gov

3. United States Department of Health and Human Services (HHS)

To file a discrimination complaint regarding a program receiving federal financial assistance through HHS, the individual may write or call:

HHS Director
Office for Civil Rights
Room 515-F, 200 Independence Avenue, S.W.
Washington, D.C. 20201
phone: 202-619-0403 (voice) or 800-537-7697 (TTY)

Customer Service or Program Complaints Against an Employee

For complaints against an employee not involving allegations of discrimination follow these steps:

1. The first step is for the employee to try to resolve the problem with the individual directly.
2. If the individual doesn't feel comfortable talking to the employee or is unhappy with the response, please refer the individual to the employee's supervisor.
3. If the issue is still not settled, refer the individual to the appropriate ESD manager.
4. If the issue is still not resolved, ask the individual to fill out the ESD 110 and send the form to the Commissioner's Office Consumer Concerns Team. If the individual refuses or is unable to put the complaint in writing, they may file a verbal complaint with the Consumer Concerns Team.
5. Refer complaints involving serious misconduct (e.g., theft, sexual harassment, etc.) immediately to the Regional Manager.

Complaint Logs

DCF shall maintain separate logs for discrimination and customer service/program complaints.

Revision History for P2128

07/22/2022

Updates to align with FNS guidance

04/01/2017

Updates to procedure for complaints concerning allegations of discrimination or other complaints against ESD employees.