

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

**DCF**

**Department for Children and Families**

**BULLETIN NO.: B17-18**

**FROM:** Sean Brown, Deputy Commissioner  
Economic Services Division

**DATE:** November 3, 2017

**SUBJECT:** All Programs Procedures

**CHANGES ADOPTED EFFECTIVE** 4/1/17

**INSTRUCTIONS**

- Maintain Manual - See instructions below.**  
 **Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: \_\_\_\_\_**  
 **Information or Instructions - Retain until \_\_\_\_\_**

**MANUAL REFERENCE(S):**

P-2128

The purpose of this bulletin is to update the procedures for complaints concerning allegations of discrimination or other complaints against ESD employees.

**Manual Maintenance**

**All Programs Procedures**

**Remove**

P-2128 (B93-61)

**Insert**

P-2128 (B17-18)

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P-2128      Complaints

A. Discrimination Complaints

1. 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.

2. 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, religion, 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 sexual orientation, gender identity, and 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).

3. Complaint Method

a. **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:

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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](mailto: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:

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

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**b. United States Department of Agriculture (USDA)**

To file a 3SquaresVT program discrimination complaint involving any federally-protected basis directly with the federal government, the individual may complete the USDA Program Discrimination Complaint Form, (AD-3027), found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](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 may be requested by calling 866-632-9992. The individual may email, mail, or fax the completed form or letter to:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW, Washington, D.C. 0250-9410  
fax: 202-690-7442  
email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

**c. 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)

**B. 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.

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C. Complaint Logs

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