



Date: November 16, 2015

DHCAA Operations Memo 15-43
AMENDMENT 1 November 19, 2015
AMENDMENT 2 February 29, 2016

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
FoodShare Employment and Training

Affected Programs:

- | | |
|---|---|
| <input type="checkbox"/> BadgerCare Plus | <input type="checkbox"/> Caretaker Supplement |
| <input checked="" type="checkbox"/> FoodShare | <input checked="" type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid | |
| <input type="checkbox"/> SeniorCare | |

From: Michele Dickinson, Interim FoodShare Director
Bureau of Enrollment Policy and Systems
Division of Health Care Access and Accountability

USDA Nondiscrimination Updates for FoodShare and FoodShare Employment and Training

CROSS REFERENCE

Civil Rights Departmental Regulation (DR) 4300-003, Equal Opportunity Public Notification Policy

EFFECTIVE DATE

Immediately

PURPOSE

The purpose of this memo is to announce updates to the “And Justice For All” nondiscrimination poster and the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) nondiscrimination statements, as well as to clarify the requirements for their use by Income Maintenance (IM) agencies, FoodShare Employment and Training (FSET) agencies, and other contracted providers who work with the FoodShare and/or FSET programs.

BACKGROUND

The USDA Office of Civil Rights (OCR) requires that IM agencies, FSET agencies and other contracted providers who work with the FoodShare and/or FSET programs post the “And Justice for All” nondiscrimination poster in their offices. This poster must be displayed where it is clearly visible to agency visitors and must be printed at 11” wide by 17” high.

In addition, the Wisconsin Department of Health Services (DHS), IM agencies, FSET agencies, and any other contracted providers who work with FNS-funded programs are required to provide the USDA FNS nondiscrimination statements to FoodShare and FSET-related websites, electronic publications, printed publications, and agency forms.

POLICY

UPDATES

The USDA OCR requirements are not changing. The updates are within the language content of the poster and nondiscrimination statements. The USDA ~~has~~ ~~is in the process of~~ updated the “And Justice For All” poster. ~~The new poster is not yet available; however, in the interim, IM agencies, FSET agencies, and any other contracted providers or organizations that work with the FoodShare and/or FSET programs, should display the 1999 version of the “And Justice For All” poster. FNS will provide notification to the states once the new poster becomes available. Agencies can also check the FNS website for the updated poster at: fns.usda.gov/er/and-justice-all-posters. Once the new poster is available, IM agencies, FSET agencies, and other contracted providers should replace existing posters with the new “And Justice For All” poster by Friday, April 1. Agencies will be receiving the new posters in the mail from DHS or can request one by filling out a publication request (F-80025A) and emailing it to dhsfmhcfphc@wisconsin.gov.~~

The USDA has also released updates to its nondiscrimination statements for USDA FNS-funded programs, which include the FoodShare and FSET programs. The USDA has directed that all documents, pamphlets, websites, etc., need to be updated as follows:

1. Websites must be updated by ~~December 31, 2015.~~ ~~November 20, 2015.~~
2. Documents, pamphlets, brochures, etc., using nondiscrimination language prior to 2013 must be updated by December 31, 2015.
3. Documents, pamphlets, brochures, etc., using 2013 nondiscrimination language should be updated when supplies are exhausted or by September 30, 2016.
4. All new printing must use the 2015 nondiscrimination language.

The intent is for agencies to comply with all four points as appropriate.

The DHS FoodShare website and all FoodShare electronic and printed materials managed by DHS will be updated to reflect the nondiscrimination language change. Each IM agency is responsible for updating the materials and websites under its management. Any materials in Spanish that require the nondiscrimination statement will need to be updated with the Spanish version. ~~DHS will be providing.~~

An IM agency FoodShare webpage must include either the full nondiscrimination statement or provide a working link to the main DHS FoodShare page, which displays the current nondiscrimination statement. This page is found at: <http://www.dhs.wisconsin.gov/foodshare>.

Going forward, each time the nondiscrimination statements are updated at the federal level, DHS will issue a new ~~Administration Operations~~ Memo to provide IM agencies and contracted providers working with FNS- funded programs with the new language.

NEW NONDISCRIMINATION STATEMENTS

The updated nondiscrimination statements are listed below. The statements may not be altered in any way. All spacing and hyperlinks must be kept intact.

Abbreviated Statement

This institution is an equal opportunity provider.

Abbreviated Statement Spanish

Esta institución es un proveedor que ofrece igualdad de oportunidades.

Full 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, audiotope, 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: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>, 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.

Full Statement Spanish

USDA Nondiscrimination Statement

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran

programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, credo religioso, discapacidad, edad, creencias políticas, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o con discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] llamando al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el **Formulario de Denuncia de Discriminación del Programa del USDA**, (AD-3027) que está disponible en línea en: http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf. y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

(1) correo: 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; o

(3) correo electrónico: program.intake@usda.gov.

Esta institución es un proveedor que ofrece igualdad de oportunidades.

The Nondiscrimination Statement must be used in full if the material informs the public, applicants, or participants about an FNS program, how to apply for benefits or if an adverse action will be taken.

The abbreviated statement may be used on brochures, posters, fact sheets, pamphlets, and other smaller materials. If the material is too small to permit the full statement to be included, the material should, at minimum, include the abbreviated statement in print no smaller than the text of the material. For example, the following materials might include the abbreviated statement:

- A tri fold **brochure** explaining where FSET participants can go to meet their work requirement.
- A **pamphlet** that is two-sided and nearly full of text, meaning that adding the full statement would add another page to the pamphlet.

The full statement should be used on webpages, applications, forms, and other materials used by FoodShare and/or FSET agencies. In addition, the full statement should be used on all materials—including smaller materials—when it can be included without extra pages being created. For example, the following materials would include the full statement:

- A **fact sheet** with information about applying for FoodShare, which has one and a half pages of text, meaning that adding the full statement would keep the document at two pages.

- ~~A form sent to a member letting them know of their FSET Employment Plan appointment that will be two pages when the full statement is added.~~

FILING A CIVIL RIGHTS COMPLAINT

IM agencies, FSET agencies, and other contracted providers who work with the FoodShare and/or FSET programs should continue to make FoodShare participants aware that when filing a complaint they may:

- File ~~an informal~~ a discrimination complaint at their local IM agency or regional FSET agency;
- File a complaint at the state level by contacting the DHS Affirmative Action and Civil Rights Compliance (AA/CRC) Office: <https://www.dhs.wisconsin.gov/civil-rights/eostatement.htm>; or
- File a complaint at the federal level by contacting the USDA Office of the Assistant Secretary for Civil Rights (OASCR)

~~Participants may file a discrimination complaint at any level, but DHS encourages participants to first approach their IM or FSET agency. If their issue remains unresolved, participants should then approach the DHS AA/CRC Office, and lastly the USDA OASCR.~~

CONTACTS

BEPS CARES Information and Problem Resolution Center

DHS/DHCAA/BEPS/JZ