

Food Distribution Unit Civil Rights Training

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

UPDATED 06/2020



This presentation is visual only, there is no sound. Please review the slides, press pause when necessary, and then complete the
**CIVIL RIGHTS ANNUAL TRAINING CHECKLIST
FOR CSFP AND TEFAP (FDU 113)**
provided at

<https://www.cdss.ca.gov/inforesources/efap/policies-and-notice>

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

UPDATED 06/2020



Welcome

Welcome to the annual Civil Rights Training!

This is a mandatory training designed for providers and their staff administering USDA food programs.

Today's training will cover civil rights requirements set by USDA for both programs TEFAP & CSFP.

The goal of this training is to guarantee services that are available to all beneficiaries in a non-discriminatory manner for any USDA food program.





Required Training

Providers are required to complete the civil rights training annually.

All staff and volunteers assigned to determine program eligibility or handle confidential information of beneficiaries must review and sign the Civil Rights checklist.

In addition, all staff at the state agency, program management staff at any provider and lead program volunteers at any distribution sites must review and complete the Civil Rights presentation.



Common Terms

USDA – United States Department of Agriculture

TEFAP – The Emergency Food Assistance Program

CSFP – Commodity Supplemental Food Program

State Agency – The California Department of Social Services (CDSS), the agency designated to administer TEFAP & CSFP at the state level.

Providers – Any agency administering USDA food programs on behalf of the state agency.

Beneficiaries – Any individual who wishes to apply, participate or receive benefits for any of the USDA food programs. It can be a client, an applicant, current beneficiary or returning.



Agenda Topics

- Definitions of Civil Rights
- Legal Authorities
- Protected Classes
- Public Notification
- Nondiscrimination Statement
- Language Access for Individuals with Limited English Proficiency (LEP)
- Reasonable Accommodation Mandates
- Faith Based Organizations Requirements
- Procedures for Civil Rights Complaints
- Customer Service and Conflict Resolution
- Civil Rights Compliance Review
- Racial & Ethnic Data Collection (CSFP only)



Training Objectives

At the completion of this training, you will be able to:

- Define all the protected classes
- Prevent discrimination based on any of the protected classes at a distribution site
- Understand civil rights mandated requirements
- Identify the requirements for serving individuals with Limited English Proficiency (LEP)
- Understand accommodations required for serving individuals with disabilities
- Identify the requirements for data collection



Civil Rights Information

Why is this training required?

TEFAP and CSFP programs receive federal funding from USDA. Therefore, it is required to follow federal civil rights requirements.

What are providers responsible for regarding civil rights mandates?

Providers must create a system for responding to client complaints on the basis of perceived or actual discrimination.



What are Civil Rights?

Civil Rights are the rights of individuals to receive equal treatment and to be free from unfair treatment or discrimination based on established legally protected classes.

Civil Rights are guaranteed by the 13th and 14th Amendments of the Constitution and Acts of Congress.



Civil Rights through Legal Authorities

The **Civil Rights Act of 1964** made it illegal to discriminate on the basis of race, color or national origin.

The **Civil Rights Restoration Act of 1967** clarified the broad scope of the Civil Rights Act of 1964.

The **Americans with Disability Act** prohibits discrimination against individuals with disabilities in all areas of public life.

The **Rehabilitation Act (Section 504 & 508)** offers protection to people with disabilities and requires federal agencies make electronic and information technology accessible.

Title IX of the Education Amendments Act of 1972 prohibits discrimination based on sex under any education program.

The **Age Discrimination Act of 1975** prohibits discrimination based on age.



What is Discrimination?



Discrimination is the unjust treatment of different categories of people or objects:

- Intentionally
- By neglect
- By the actions or lack of actions based on the protected classes

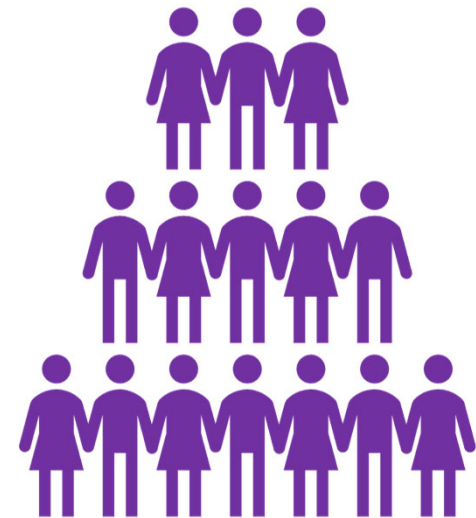


Protected Classes

There are six protected classes within federal programs.

Discrimination is prohibited against any beneficiary based on:

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



Examples of Discrimination

Few examples of discrimination within food programs could include refusing or neglecting to do any of the following:

- Announcing the program publicly so that all eligible people are aware of the program.
- Providing program information in languages other than English.
- Providing beneficiaries with information on how to file a complaint.
- Providing reasonable accommodations as necessary.



Public Notification Requirements



Any provider administering TEFAP or CSFP programs must include a public notification system.

The purpose of a public notification is to inform applicants, beneficiaries and eligible individuals of these programs. Including benefits, eligibility criteria, times and locations.



Components of Public Notification

Providers are responsible for ensuring the following public notification components are met:

- 1. Announcing program availability**
Informing beneficiaries and potential eligible individuals of their program rights and responsibilities as well as steps necessary for participation.
- 2. Procedure to file a program complaint must be available**
Advising the beneficiaries on how to file a complaint of discrimination, if needed.
- 3. Ensuring the nondiscrimination statement is included on program materials**
Providers must include in all materials that are produced for public information, public education and public distribution.
- 4. Prominently display the USDA And Justice for All poster**
The poster should not be placed in a locked office away from clients.



Nondiscrimination Statement (NDS)

The nondiscrimination statement guidelines are:

- Must be available in other languages.
- The entire statement cannot be changed.
- Must be printed and posted in all electronic materials, including websites.
- Hard copies should be available at each distribution site in case beneficiaries request information on how to file a complaint with USDA.



Essential Program Materials

Essential program materials are printed or electronic and include information pertaining to participation or obtaining benefits from the USDA food programs.

The nondiscrimination statement must be included on all essential materials including but not limited to:

- Program applications
- Notifications of eligibility or ineligibility
- Expiration of eligibility notices
- Consent forms
- Notices of rights and responsibilities
- Disciplinary action notices
- Letters requiring a response from the beneficiary
- Any program material that is critical for participating in the program



Full Nondiscrimination Statement (NDS)

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.)

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

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.ascr.usda.gov/sites/default/files/USDA-OASCR%20P-ComplaintForm-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, 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 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; or

fax:

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

email: program.intake@usda.gov.

This institution is an equal opportunity provider.



Short Nondiscrimination Statement

LM-F1
FV2

If program materials are too small to permit the full statement, a short version of the nondiscrimination statement may be used. The full and short statements are available in different languages at:

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement> .

English Version: “This institution is an equal opportunity provider”

The short nondiscrimination statement must meet the following guidelines:

- Same font and size as the main text
- Cannot be modified
- Only included in non-essential program materials



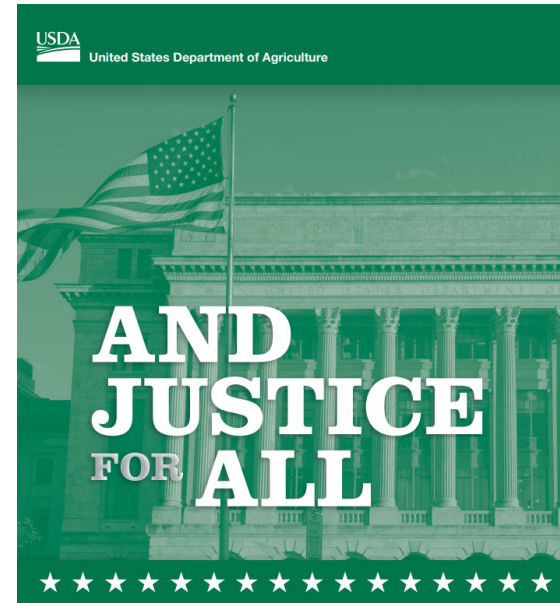
Slide 19

- LM-F1** I've edited the content of this slide a bit to reflect guidance from the 113-1, which states:
If the material is too small to permit the full statement to be included, the material will at a minimum include the statement, in print size no smaller than the text that "This institution is an equal opportunity provider."
Lee, Mary - FNS, 7/13/2020
- FV2** resolved
Fisher, Victoria@DSS, 7/30/2020

And Justice for All Poster

Each agency, distribution site or certification site administering any USDA food programs are required to prominently display the appropriate “And Justice for All” poster where it can be easily viewed by clients.

- Translations into several languages are available online, if needed
- Use version AD-475A revised September 2019
- **Poster must be displayed in a specific size: 11” width x 17” height**
- Contact your assigned CDSS Program Consultant to request additional copies



And Justice for All Posters 2015

As of late 2019, USDA updated the And Justice for All poster. Providers must follow the guidelines below:

- Cease distribution of posters containing the Statue of Liberty graphic with revision date December 2015
- Remove outdated version of the poster from websites, training materials and printed materials as soon as they receive updated version from CDSS
- Dispose of any existing supplies of the outdated posters. Recycling is encouraged!
- Only display the posters containing the USDA Headquarters building graphic with revision date September 2019



Slide 21

- RG21** Will need to ask USDA if we need to mention this on the training?
Rodriguez, Gloria@DSS, 6/3/2020
- RG24** Possibly remove this slide
Rodriguez, Gloria@DSS, 6/9/2020
- ML1** Optional; it could also be discussed in the speaker's notes in the previous slide a stand alone slide is not preferred.
Mary Lee, 7/23/2020

Limited English Proficiency (LEP)



Providers administering any of the USDA food programs must provide meaningful access to program information and services for individuals with limited English proficiency (LEP).

As defined by the U.S. Department of Justice, LEP individuals are persons who do not speak English as their primary language or have limited ability to read, write, speak and understand English.

ML2
FV3



Slide 22

ML2 "reasonable accommodations" is really a term pertaining to disability. Please replace the second sentence as follows, "Providers administering any of the USDA food programs must provide meaningful access to program information and services for individuals with limited English proficiency (LEP)". (The next slide provides good examples of meaningful access.)

Mary Lee, 7/23/2020

FV3 resolved

Fisher, Victoria@DSS, 7/30/2020

Language Access at Distributions



A few examples of improving access to services for individuals with Limited English Proficiency (LEP) may include:

- Provide interpreters and bilingual staff on site
- Telephonic language interpretation
- Provide materials in different languages
- Print materials with commonly used phrases

The more frequent the contact with a particular language group, the more likely that enhanced language services are needed.



American with Disabilities Act (ADA) Mandates



The American with Disabilities Act (ADA) prohibits discrimination against individuals with disabilities in all areas of public life.

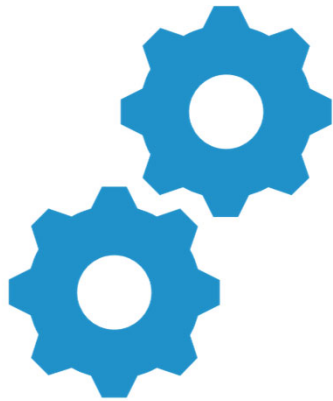
ADA mandates to provide reasonable modifications or adjustments to enable individuals with disabilities to have equal access to benefits or services.

The goal is to ensure equal access to food distribution programs for individuals with disabilities and making reasonable accommodations to provide the same level of service.



Reasonable Accommodations

A few examples of making reasonable accommodations might include:



- Modifying existing facilities to make them accessible or usable for individuals with disabilities
- Acquiring or modifying equipment
- Providing qualified readers or interpreters
- Providing spaces for sitting
- Reminding beneficiaries that an alternate can pick up on their behalf



Faith Based Organizations



The goal for all providers is to ensure equal opportunity to all beneficiaries.

Any faith-based organization administering USDA food programs must follow specific requirements.

PG25
FK3



Slide 26

RG25 Feel like we need an example to clarify this. Local Agency having a distribution at the parking lot of a church will not need to meet requirements for faith based organizations.

Rodriguez, Gloria@DSS, 6/10/2020

FK3 I agree.

Fernandez, Kahea@DSS, 6/15/2020

General Information for Faith Based Organizations



Faith based organizations administering USDA food programs:

- Cannot use federal funds to support religious activities.
- Cannot require beneficiaries to participate in any faith-related activity at distribution sites in order to receive program benefits.
- Do not have to remove any religious symbols at distribution sites.



Requirements



Any faith based providers must issue a written notice of participant protections to applicants RG18 prior to the time they enroll or receive services.

In addition, organizations must make reasonable efforts to identify and refer beneficiaries to an **alternate provider**.

Clients requesting a referral must be provided with an alternate provider within **reasonable geographic proximity**



Slide 28

RG18 Add exceptions for TEFAP program - meal emergency kitchen
Rodriguez, Gloria@DSS, 6/2/2020

Provider Restrictions



- Beneficiaries have the right to report violations of these protections.
- May not discriminate against beneficiaries on basis of religion or religious belief.
- May not encourage beneficiaries to attend or participate in any religious activities that are offered by the organization.
- Must separate in time or location any religious activities from activities supported by federal financial assistance.
- Must make reasonable efforts to identify and refer beneficiaries to alternate providers.



USDA Discrimination Complaints

USDA prohibits discrimination against any beneficiary when obtaining services from USDA or participating in any USDA food programs.

Beneficiaries may file a complaint directly with USDA within 180 days of the alleged discriminatory action.

Beneficiaries may file a complaint by completing the complaint form or writing a letter via:

1. Mail
2. Fax
3. Email

Providers shall not interfere or prevent beneficiaries from making civil rights complaints. Beneficiaries can submit a civil rights complaint verbally or in writing.




Complaints Procedure

Providers should handle a civil rights complaint as follows:

1. Providers must give beneficiaries a copy of nondiscrimination statement at the time of the complaint.
2. Providers should inform beneficiaries of their option to file the complaint with USDA directly.
3. USDA civil rights complaint forms should be available for beneficiaries at distribution sites. If necessary, providers should assist the beneficiaries in completing the complaint form.
4. Providers must document the complaint in a log with information relevant to investigate and resolve the complaint. This log must be separate from other program-related complaints and maintained for three fiscal years plus current year.
5. If beneficiaries submit the complaint form directly to the provider, the provider must mail it to USDA within 180 days if the alleged action
6. If a beneficiary submits a verbal complaint the provider must forward the complaint to USDA within 180 days from the alleged action
7. Provider must notify their CDSS Program Consultant of any civil rights complaint within two days of learning about the complaint



USDA Complaint Form

 OMB Control Number 0508-0002

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
Office of the Assistant Secretary for Civil Rights
Program Discrimination Complaint Form

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip code: _____

E-mail address (if you have one): _____

Telephone Number starting with area code: _____

Alternate Telephone Number starting with area code: _____

Best Time of the Day to Reach You _____

Best Way to Reach You, (check one): Mail Phone E-mail Other: _____

Do you have a representative (lawyer or other advocate) for this complaint? Yes No

If yes, please provide the following information about your representative:

First Name: _____ Last Name: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Telephone: _____ E-mail: _____

1. Who do you believe discriminated against you? Use additional pages, if necessary.

USDA developed a complaint form to streamline the way civil rights complaints are received and processed.

The use of the USDA complaint form is not mandatory.

Providers may choose to develop and use their own complaint form or allow for beneficiaries to submit a letter as long as the same information is provided.



Customer Service

Customer service is an important part of handling complaints.

To provide quality customer service, staff should:

- Ensure program is available to all
- Treat everyone equally with respect and politeness
- Evaluate if there are barriers preventing individuals from receiving benefits and try to eliminate them
- Be understanding and a good listener
- Offer assistance
- Serve beneficiaries in a timely manner
- Apologize for any inconveniences



Conflict Resolution

Providers should follow conflict resolution techniques when handling complaints to ensure optimal resolutions.

Conflict resolution techniques include:

- Remain calm, non-defensive, and respectful in all interactions
- Recognize and respond to things that matter
- Ensure fairness and confidentiality at all times
- Seek compromise within program regulations
- If resolution is not achieved, seek a neutral individual to assist with resolving the conflict
- Review the situation with supervisors to review strategies for addressing future conflicts



Provider Compliance Review

During the provider's compliance review, a CDSS Program Consultant will verify all regulations are being followed regarding civil rights.

Areas that will be reviewed include:

- Providers procedures to handle a civil rights complaint
- Availability of a civil rights complaint log
- Proper display of the And Justice for All posters
- Nondiscrimination statement available on all program materials
- Documentation of completion of annual civil rights training for staff and volunteers



Racial & Ethnic Data Collection

Providers administering the CSFP program must establish a system to collect racial and ethnic information from beneficiaries. The reason for collecting this information is to ensure the program is administered in a nondiscriminatory manner.

Self-identification or self-reporting of this information is the preferred method. The beneficiary's response will not affect the enrollment or participation in the program. In addition, this information will be protected under the Privacy Act.

If beneficiaries decline to self-identify, providers should inform beneficiaries that a visual identification of their race and ethnicity will be made and recorded.

Providers shall collect this information for any beneficiary receiving a food package during the month of April each year.

Data collected should be added on the FNS-191 Racial and Ethnic Group Participation Form and submitted to CDSS in May each year.



Knowledge Scenarios

Now that civil rights regulations and complaints have been reviewed. It is time to check your knowledge acquired through this training.

The next set of questions will address possible scenarios providers and staff may encounter while administering USDA food programs.



Check for Learning 1

Scenario: An individual in a wheelchair complained that the site where he was told to pick up his food package is not accessible to local public transportation.

Questions: What steps could be taken in this scenario?
How can this person be accommodated?

Possible Solutions: Provide information on how to file a complaint if the person wishes to do so, offer home delivery services if available, provide information of a distribution site closer to public transportation or ask the beneficiary to identify/appoint a proxy.



Check for Learning 2

Scenario: A beneficiary tries to speak with a volunteer at a food distribution site in a language other than English but the volunteer does not understand the beneficiary. The beneficiary leaves without being served.

Question: How should that situation have been handled by the volunteer?

Possible Solutions: The volunteer should know the site's protocol in serving persons with LEP (which vary by site). If the site has telephonic interpretation available, the volunteer would follow the protocol to access it. If the site has bilingual staff, the staff would work with the manager to get the person with LEP to that bilingual staffer.



Check for Learning 3

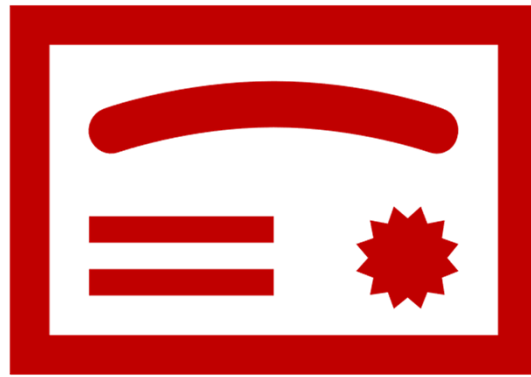
Scenario: A reviewer from the State visits a CSFP or TEFAP distribution site and sees the “*And Justice For All*” poster displayed in the manager’s office, which is located in an area that is off limits to program applicants and beneficiaries.

Questions: Is this a Civil Rights violation?
Why or why not?

Answer: Yes, this is a Civil Rights violation. Per regulations, the “*And Justice For All*” poster must be prominently located where program applicants and beneficiaries can view it. The poster must be displayed at the point of service.



Congratulations!



YOU HAVE COMPLETED THE ANNUAL
CIVIL RIGHTS TRAINING!

PLEASE SIGN THE LEVEL 2 TRAINING CERTIFICATION ON THE FDU 113 FORM.

PC36
FV4



Slide 41

RG26 If we are not doing certificates, we can delete this sentence
Rodriguez, Gloria@DSS, 6/15/2020

FV4 resolved.
Fisher, Victoria@DSS, 7/30/2020

Resources

[USDA Civil Rights Division website](https://www.fns.usda.gov/civil-rights)

<https://www.fns.usda.gov/civil-rights>

[USDA Program Discrimination Complaint Form](https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations)

<https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>

[Nondiscrimination Statement webpage](https://www.fns.usda.gov/cr/fns-nondiscrimination-statement)

<https://www.fns.usda.gov/cr/fns-nondiscrimination-statement>

[And Justice for All Posters Guidance and Translations webpage](https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations)

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