

Dana Dauzat

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Sent: Thursday, September 17, 2015 9:44 AM
To: Angela Olige; Barbara Simmons; Blanca Hernandez; Catherine Wright Steele; Chet Center; Dean Hopper; Debbie Hamilton; Denise Koscielniak; Diane Ryan; Gina Kazerooni; John Dupre; Joy Nolan; Judy Stracener; Karen Franklin; Melissa Dozier Gonzales; Michael Chavez; Patricia Winders; Saraj Goldberg; Sheila Chastain; Stephanie Alsbrook; Suzanne Davidson; Tracy Mueck; William Lackey
Cc: Abraham, James - FNS; Ford, Calvin - FNS; Henson, Cecilia - FNS; Hildebrand, Brenda - FNS; Hill, Hazel - FNS; Jackson, Lynn - FNS; Jones, Shannon - FNS; Shives, Jennifer - FNS; Slack, Jo Ann - FNS; Zammit, Nicole - FNS; Lopez-Neyman, Stephanie - FNS; Branham, Ketedrea - FNS
Subject: Nondiscrimination Statement - resending FAQs from May 2013
Attachments: Nondiscrimination Statement Update.pdf; Nondiscrimination Statement FAQs - June 2013.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Dear State Agency Partners –

May 2013 the National Office released a memo on the updated Nondiscrimination Statement for use by the State and local agencies and their subrecipients (attached). However, when the RO sent out the Nondiscrimination Statement memo to the SAs the Nondiscrimination Statement FAQs document (attached) may not have been attached. The RO has confirmed with the RO Civil Rights Director that the Nondiscrimination Statement memo and the FAQs are the current guidance.

Please contact the RO if there are further questions regarding this issue.

Thank you,

Stephanie

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United States
Department of
Agriculture

Food and
Nutrition
Service

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May 24, 2013

Subject: USDA Nondiscrimination Statement Update

To: Associate Administrators
Regional Administrators
Staff Office Directors

This information is provided based on guidance from the Office of the Assistant Secretary for Civil Rights. The Department's Policy staff has updated the nondiscrimination statement; however, it is included in Departmental Regulation (DR) 4300-003, Equal Opportunity Public Notification Policy, which has not been cleared for issuance. Until the DR is issued, the following nondiscrimination statements should be used for our programs.

SNAP and FDPIR State or local agencies, and their subrecipients, must post the following nondiscrimination statement:

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

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For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the [State Information/Hotline Numbers](#) (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

USDA is an equal opportunity provider and employer.

For all other FNS nutrition assistance programs, State or local agencies, and their subrecipients, must post the following nondiscrimination statement:

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

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Joint Application Form (HHS)

This institution is prohibited from discriminating on the basis of race, color, national origin, disability, age, sex and in some cases religion and political beliefs.

The U.S Department of Agriculture also prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the

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Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination with USDA, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the [State Information/Hotline Numbers](http://www.fns.usda.gov/snap/contact_info/hotlines.htm) (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

To file a complaint of discrimination regarding a program receiving Federal financial assistance through the U.S. Department of Health and Human Services (HHS), write: HHS Director, Office for Civil Rights, Room 515-F, 200 Independence Avenue, S.W., Washington, D.C. 20201 or call (202) 619-0403 (voice) or (800) 537-7697 (TTY).

USDA and HHS are equal opportunity providers and employers.

When we receive updates to the nondiscrimination statement and “*And Justice for All*” posters, we will share appropriately. If you have question, please contact me at (703) 305-2213.



Crystal Tolar
Chief, Compliance Branch
Office of Civil Rights

NONDISCRIMINATION STATEMENT FAQs

When Must the Statement Be Used?

The Statement implementation date is May 24, 2013.

When Do You Use the Full Versus the Short statement?

If the written materials previously had the full statement on them, you should replace the revised full statement in its place.

Can State or Local Agencies Shorten the Statement OR Must all of the Paragraphs Be Used?

The full statement(s) as applicable must be used in its/their entirety. The usage requirements in FNS Instruction 113-1 have not changed – only the verbiage (and phone numbers).

What is the Short Statement?

“USDA is an equal opportunity provider and employer.” Please note that use of the **shorter version** is the **exception**, not the rule.

Can Existing Materials with the Old Statement Still Be Used?

Yes. Continued use of existing forms is permitted until further notice. Once the final Departmental Regulation is issued, FNS will establish a final implementation date in which all materials must have the new statement. However, new forms and publications must be printed with the updated statement. Websites, online applications and IT systems should be updated immediately.

Does The Change Apply to Vendor Materials?

Yes. The revised Nondiscrimination Statements apply to all programs and are to be used by (and apply to) all State agencies, recipients, and sub-recipients. Continued use of existing forms is permitted until further notice. Once the final Departmental Regulation is issued, FNS will establish a final implementation date in which all materials must have the new statement. However, new forms and publications must be printed with the updated statement. Websites, online applications and IT systems should be updated immediately.

When Will the “And Justice for All” Poster be Re-printed

A new *And Justice for All* poster with the updated nondiscrimination statement will be printed and distributed to State agencies by FNS when the Departmental Regulation is issued. Until then, the existing posters remain authorized for use.

How Would a Sponsor or Program Recipient Know Which Protected Class or Bases are Valid for a SNAP or SNP Program?

The bases that apply to the programs have not changed.

All State or local office staff should be familiar with the Civil Rights requirements. This is a long-standing requirement and is an area upon which the Civil Rights training requirements for State Agency personnel at all levels is based. Local representatives must be aware of a program’s protected bases and advise applicants and participants accordingly. The public notification requirement also requires proper posting of Civil Rights information, including (but not limited to) use of the “And Justice For All” poster and use of the Nondiscrimination Statement on applications, notices, and other forms. (FNS Instruction 113-1 Sections IX, X, XI, and Appendix A).

“Not all prohibited bases will apply to all programs...” How would States Know if the Additional Protected Classes Will or Will Not Apply?

Use of the (program appropriate) Nondiscrimination Statement without alterations is required (see above response). If a State has an additional statement or other protected bases that apply only at the State and Local level, the additional information may be added (separately) at the end. (FNS Instruction 113-1 Section IX.)

If The State Has the Rights and Rules Signed Electronically By Participants On a Signature Pad, Does This Need To Be Included On the Screen If Participants Are Provided a Copy of Their Rights and Rules?

IT systems should be updated immediately. Does the signature pad use the current statement? If so, it should be replaced with the updated statement.

Contact the Civil Rights staff if you have additional questions

