

POLICY AND PROCEDURE MANUAL

1. GENERAL ADMINISTRATION.

1.10 Civil Rights.

A. POLICY:

The State Agency (SA) and the Local agency (LA) shall adhere to all Civil Rights laws and regulations to ensure equal access to federally assisted programs regardless of a person's race, color, natural origin, age, sex or disability.

B. PROCEDURE:

1. Civil Rights Training

- a. The SA provides Civil Rights training to LAs annually.
- b. The LA provides Civil Rights training to all employees annually.
 - (1) The SA has a training available for LAs to use.
 - (2) If a LA chooses to create their own training, it must be approved by the SA and include the following topics:
 - (a) Collection and use of race and ethnicity data
 - (b) Effective public notification systems
 - (c) Discrimination complaints
 - (d) Compliance Reviews
 - (e) Resolution of non-compliance
 - (f) Disability compliance
 - (g) Limited English Proficiency (LEP)
 - (h) Verification of citizenship and immigration status
 - (i) Conflict resolution
 - (j) Customer Service
- c. Documentation of Civil Rights training must be kept on file for 3 years.

2. Nondiscrimination Statement

- a. The LA is required to include the USDA Nondiscrimination Statement on all materials and sources that mention the WIC program.
 - (1) Websites must contain a link to the Nondiscrimination Statement on the home page.
 - (2) If the material is too small to permit the full statement, or it is a media public service announcement (i.e., newspaper, television, radio, and internet ads), the material will, at a minimum, include the statement "This institution is an equal opportunity provider."
 - (3) The Nondiscrimination Statement does not have to be imprinted on materials such as cups, buttons, magnets and pens that identify the program, when size makes it impractical.
 - (4) For printed materials, the font size of the Nondiscrimination Statement cannot be smaller than the smallest font size on the material.
- b. The authorized Nondiscrimination Statement is available in both English and Spanish (Attachments 1a & 1b). Materials will be provided in languages other than English in accordance with P&P 1.11 Translation and Interpretation.

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3. Public Notification: The following posters must be visibly posted in each clinic in areas frequented by applicants and endorers such as the waiting area and interview area. The posters must be in plain view when entering a clinic.
 - a. *And Justice for All* Poster
 - b. Public Accommodations Provisions
 - c. Employment Provision PA Human Relations Act
 - d. Language ID Poster
4. Americans with Disabilities Act Amendments Act (ADAAA)
 - a. If the LA conducts or co-sponsors seminars, conferences, and/or public meetings, they will include the ADA Notice of Accessibility (Attachment 2). Public notices for matters such as proposed final regulations, policy statements, directories of service, etc. and those that solicit comments shall contain ADA language.
 - b. Upon request, the SA provides a survey form, which may be used to evaluate whether a potential seminar, conference, or public hearing site is accessible to persons with disabilities. Programs that conduct or co-sponsor seminars shall ensure facilities are accessible. Language in proposals for seminar and conference sites shall include ADA language.
 - c. Refer questions related to accessibility to the SA ADA/Section 504 Coordinator, the WIC Program Supervisor of the Quality Assurance and Program Integrity Unit.
5. Civil Rights Impact Analysis (CRIA)
 - a. It is necessary to complete a CRIA when offices close or relocate in order to determine if that closure or relocation will ultimately have an adverse impact on potential and current WIC applicants and participants (Attachment 3). The following documents must be received as one submission to USDA:
 - (1) CRIA Template/Form
 - (2) Clinic Input Document (CID)
 - (3) Justification Letter
 - (4) A copy of the notification letter displaying the full nondiscrimination statement for participants and community partners.
 - (5) Date Equipment Request (DER) Form (if applicable)
 - (6) Transfer Equipment Request (TER) Form (if applicable)
 - b. The completed CRIA form and all other required documentation must be submitted no later than 75 days prior to the effective date. If the effective date is in less than 75 days, the LA must request an expedited review.
 - c. When submitting a CRIA, the following applies:
 - (1) All documents shall be submitted by the LA to their Project Officer.
 - (2) The Project Officer will forward the submission packet to the SA Outreach Coordinator.
 - (3) The SA Outreach Coordinator will complete a review. If everything is in order and nothing further is required, it will be forwarded to the Public Health Program Administrator.
 - (4) The Public Health Program Administrator will then complete a review of the CRIA form and all associated documentation.

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- (5) Upon the Public Health Program Administrator's approval, it is then sent to USDA with a cc to the SA Outreach Coordinator, Director of Quality Assurance and Program Integrity and the Administrative Assistant.
 - (6) The SA Outreach Coordinator will then forward any equipment request to the Business Analyst II to begin the IT process.
 - d. USDA has up to 60 days to review the information and provide a decision. USDA will notify SA staff of their decision.
 - e. The SA Outreach Coordinator will then notify the requesting LA of USDA's decision.
 - f. When the process has been completed in its entirety, the submission packet and all supporting documentation will be uploaded by the Administrative Assistant to SharePoint for retention purposes.
 - g. The CRIA does not apply in cases of emergency when a clinic must temporarily relocate but plans to return to their original location. The CRIA also does not apply to the opening of a new Clinic.
6. Civil Rights Questionnaire
 - a. The Civil Rights Questionnaire shall be completed in order to demonstrate the LA's ability to comply with Civil Rights laws and regulations prior to receiving approval to conduct business at the clinic (Attachment 4). This questionnaire shall be completed when requesting to open a new clinic. The following documents must be received as one submission to USDA:
 - (1) Questionnaire Template/Form
 - (2) Clinic Input Document (CID)
 - (3) Justification Letter
 - (4) Date Equipment Request (DER) Form (if applicable)
 - (5) Transfer Equipment Request (TER) Form (if applicable)
 - b. The LA will be notified within five business days of the decision.
 - c. The Questionnaire will be retained at the SA for USDA review.
7. Civil Rights Complaints
 - a. The LA WIC Director and designated staff shall be able to obtain all Civil Rights laws and regulations WIC must adhere to via the internet. A file must be maintained by all LAs and shall be titled Civil Rights Complaints, regardless of whether any complaints have been received. All complaints regarding the six protected classes will be kept in this file and separate from program complaints.
 - b. The LA must accept all complaints of discrimination from applicants, endorsers, proxies and anyone who observes discrimination in the delivery of Program benefits, whether written or verbal, and must advise complainants that their issues will remain confidential.
 - c. Complaints shall be filed using the [USDA Program Discrimination Complaint Form](#), instructions on how to submit the form can be found online at: http://www.ascr.usda.gov/complaint_filing_cust.html.
 - (1) If a discrimination complaint is received by the LA, it should be sent to the SA within two business days:

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Pennsylvania Department of Health
Bureau of WIC
Division of Quality Assurance and Program Integrity
Attention: WIC Program Supervisor
625 Forster Street
7 West, Health and Welfare Building
Harrisburg, PA 17120-0701

- (2) Once a discrimination complaint is received by the SA, it will be forwarded to FNS Civil Rights Division within three business days for processing to meet the five day requirement.

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410

- d. Any LA or SA staff may file a complaint with the Pennsylvania Human Relations Commission. Please refer to www.phrc.pa.gov for filing instructions.
- e. The Civil Rights complainant must file the complaint within 180 days of the alleged discriminatory action. All complaints are processed and closed within 90 days of receipt. Complainants shall be informed they can file a complaint directly with USDA, their SA or their LA.

Attachment(s):

- 1a. [English Nondiscrimination Statement](#)
- 1b. [Spanish Nondiscrimination Statement](#)
2. [ADA Notice of Accessibility](#)
3. [CRIA Form](#)
4. [Civil Rights Questionnaire](#)

Reference(s):

1. Title VI of the Civil Rights Act of 1964
2. Title IX of the Education Amendment of 1972
3. Sections 504 and 508 of the Rehabilitation Act of 1973
4. The Age of Discrimination Act of 1975
5. The Americans with Disabilities Act Amendments Act (ADAAA) of 2008
6. The Pennsylvania Human Relations Act of 1997
7. WIC Regulations: 7 CFR, Part 246.8
8. USDA Regulations: 7 CFR, Part 15
9. FNS Instruction 113-1
10. <https://www.ascr.usda.gov/directives-and-regulations>

Policy and Procedure Status:

1. This P&P supersedes P&P 1.12 dated January 22, 2014