



Ohio Administrative Code

Rule 5101:4-1-15 Food assistance: nondiscrimination.

Effective: July 1, 2022

(A) What is the nondiscrimination policy for the supplemental nutrition assistance program (SNAP)?

Discrimination in any aspect of program administration is prohibited by program regulations, the Food and Nutrition Act of 2008, the Age Discrimination Act of 1975 (PL 94-135), Title VI of the Civil Rights Act of 1964 (42 U. S. C. 2000d), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101).

Enforcement action may be brought under any applicable federal law. Title VI complaints shall be processed in accord with 7 C.F.R. Part 15 (5/2003), United States department of agriculture's (USDA) regulations on nondiscrimination.

County agencies shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to:

- (1) The certification of assistance groups;
- (2) The issuance of benefits;
- (3) The conduct of fair hearings; or
- (4) The conduct of any other program service for reasons of race, color, national origin, sex, age, disability, religious creed, or political beliefs.

(B) What steps shall be followed when an individual believes they were subjected to discrimination?

An individual who believes they have been subject to discrimination may file a written complaint with either the USDA and/or the Ohio department of job and family services (ODJFS), bureau of



civil rights.

(1) To file a program complaint of discrimination with the USDA, an individual may:

(a) Complete the USDA "Program Discrimination Complaint Form", (AD-3027) (1/19/12) found online at <https://www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf>, at any USDA office, or may be requested from the USDA by calling (866) 632-9992; or

(b) Submit a written letter that includes the information described in paragraph (C) of this rule. An individual may submit the letter or completed form to USDA by:

(i) Mail: "U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW Washington, D.C. 20250-9410"; or

(ii) Fax: (202) 690-7442; or

(iii) Email: program.intake@usda.gov.

(2) An individual may also file a written complaint with ODJFS . To file a written complaint, an individual may submit the JFS 02333, "Discrimination complaint" form or a written letter that includes the information described in paragraph (C) of this rule to "The Ohio Department of Job and Family Services, Bureau of Civil Rights, 30 East Broad Street, 30th Floor, Columbus, Ohio 43215-3414."

(C) What needs to be included in a written complaint?

(1) Name, address, telephone number, or other means of contacting the person alleging discrimination.

(2) Location and name of the organization or office that is accused of discriminatory practices.

(3) The nature of the incident or action of program administration that led the person to allege discrimination.



(4) The reason for the alleged discrimination (age, race, color, sex, disability, religious creed, national origin, or political beliefs).

(5) The names, titles (when appropriate), and addresses of persons who may have knowledge of the alleged discriminatory acts.

(6) The date or dates on which the alleged discrimination occurred.

(D) What shall happen when the individual is unable to put the complaint in writing?

When an individual makes allegations verbally and is unable or is reluctant to put the allegations in writing, the person to whom the allegations are made shall document the complaint in writing. Every effort shall be made by the individual accepting the complaint to have the individual filing the complaint provide the information listed in paragraph (C) of this rule.

(E) What department accepts the written complaints?

Written complaints will be accepted by the secretary of agriculture or the administrator of food and nutrition service (FNS) even when information outlined in this rule is not complete. However, investigations will be conducted only when the information in paragraph (C)(2), (C)(3), or (C)(4) of this rule is provided.

(F) Is there a deadline for filing a complaint?

A complaint must be filed no later than one hundred eighty days from the date of the alleged discrimination; however, the time for filing may be extended by the United States secretary of agriculture.

(G) What are the county agencies required to do?

County agencies shall:



(1) Provide information on the nondiscrimination clause.

(a) Publicize the procedures described in paragraphs (B) and (C) of this rule, and, if applicable, the county agency's complaint procedures.

(b) Ensure that all offices involved in administering the program and that also serve the public display the "And Justice For All" nondiscrimination poster form AD-475B (revised September 2019) provided by FNS.

(c) Ensure that participants and other low-income assistance groups have access to information regarding nondiscrimination statutes and policies, complaint procedures, and their rights, within ten days of the date of a request for the information.

(2) Obtain data on the assistance groups by race/ethnicity.

(a) The race categories are: "American Indian" or "Alaska Native", "Asian", "Native Hawaiian" or "Pacific Islander", "Black" or "African American", and "White". The ethnicity categories are "Hispanic or Latino", and "Not Hispanic or Latino."

(b) The SNAP application requests that applicants voluntarily identify their race/ethnicity on the application form. The application clearly indicates that the information is voluntary, that it will not affect eligibility or the level of benefits, and that the reason for the information is to ensure that program benefits are distributed without regard to race, color, or national origin.

(c) In order to comply with required reporting of racial/ethnic data, the county agency shall collect the racial and ethnic data from observation during the interview when the information is not voluntarily provided by the assistance group on the application form.

(3) Establish and maintain a system for complaints.

(a) The county agency shall make information on the complaint system and how to file a complaint available to participants, potential participants, and other interested persons. The county agency may make the information available through written materials or posters at certification offices or other



appropriate means.

(b) Each county agency shall establish and maintain a system for handling program complaints filed by participants, potential participants, or other concerned individual or groups. This includes but is not limited to the following:

(i) Processing standards;

(ii) Services to participants and potential participants;

(iii) Long waiting lines;

(iv) Location and hours of service;

(v) Availability of applications; and

(vi) Availability of twenty-four hour service.

(4) After a complaint is received the county agency shall:

(a) Obtain as much information as possible to get a clear understanding of what the complaint is;

(b) Establish a corrective action plan in an effort to correct the issue;

(c) Respond to the individual who submitted the complaint explaining how the issue will be resolved; and

(d) Maintain records of complaints received and their disposition, and shall review records at least annually to assess whether patterns of problems may be present. The county agency shall make these records available for review by the state agency and FNS upon request.