



Date: July 11, 2022

DMS Operations Memo 22-12
Amended July 12, 2022

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
FSET Agencies

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: Jori Mundy, Bureau Director
Bureau of Enrollment & Eligibility Policy
Division of Medicaid Services

USDA Nondiscrimination Updates for FoodShare and FSET

CROSS REFERENCE

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

EFFECTIVE DATE

Immediately

PURPOSE

This Operations Memo announces an updated “And Justice for All” nondiscrimination poster, an updated version of the U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) nondiscrimination statement and provides clarification of expectations for local and tribal Income Maintenance (IM) agencies, FoodShare Employment and Training (FSET) agencies, and other contracted providers who work with the FoodShare and/or FSET programs.

BACKGROUND

Currently, IM consortia and tribal IM agencies are required to post the FNS “And Justice for All” nondiscrimination poster in their offices. This poster must be displayed where it is clearly visible to agency visitors. Additionally, Federal civil rights law and USDA civil rights regulations and policies require that 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.

The USDA is in the process of updating the “And Justice For All” poster. The new poster is not yet available for printing but is forthcoming. IM agencies, FSET agencies, and any other contracted providers or organizations that work with the FoodShare and/or FSET programs, will need to post updated posters when they are available. We will notify agencies and organizations when DHS has them available for order.

Additionally, the USDA has released an update to its nondiscrimination statement for USDA FNS funded programs, which include the FoodShare and FSET programs. The State of Wisconsin, IM agencies, tribal IM agencies, FSET agencies, IM Consortium, and any other contracted providers who work with FNS funded programs are required to update all FoodShare and FSET-related websites, electronic publications, printed publications, and agency forms to display the current version of the nondiscrimination statement.

The USDA has directed that all documents, pamphlets, websites, etc. will need to be updated as follows:

1. Websites must be updated by August 2, 2022;
2. Documents, pamphlets, brochures, etc. using nondiscrimination language prior to 2015 must be updated by September 30, 2023;
3. Documents, pamphlets, brochures, etc. using 2015 nondiscrimination language should be updated when supplies are exhausted or by September 30, 2023; and
4. All new printing must use the 2022 nondiscrimination language.
5. Applications should include: “**Do Not Send Applications Here**” above and below the NDS

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

The Department of Health Services (DHS) FoodShare website and all FoodShare electronic and printed materials managed by the State will be updated by DHS to reflect the nondiscrimination language change. Each IM agency, tribal IM agency, FSET agency, IM Consortium, and any other contracted providers who work with FNS funded programs are responsible for updating the materials and websites under its management. An agency FoodShare webpage must include either the full non-discrimination statement or provide a working link to the main DHS FoodShare page, which displays the federal FoodShare nondiscrimination statement. This link is found at: <http://www.dhs.wisconsin.gov/foodshare>.

Local and tribal IM agencies, FSET agencies, and other contracted providers who work with the FoodShare and/or FSET programs should continue to make FoodShare applicants and members aware that when filing a civil rights violation complaint they may:

- File an informal discrimination complaint at the local or regional level with their IM Agency or Consortium;
- File a complaint at the state level by contacting the DHS Office of Affirmative Action and Civil Rights at: <https://www.dhs.wisconsin.gov/civil-rights/eostatement.htm> ; or
- File a complaint at the federal level by contacting the U.S. Department of Agriculture or the U.S. Department of Health and Human Services.

Applicants and members may file a discrimination complaint at any level, but DHS encourages applicants and members to first approach their local or regional IM Agency, tribal IM agency, or IM Consortium. If their issue remains unresolved, applicants or members should then approach their State,

and finally the Federal government.

POLICY

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

The abbreviated statement is 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 will, at minimum, include the abbreviated statement in print no smaller than the text of the material.

The full statement is 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.

Example 1: A tri-fold brochure explaining where applicants and members subject to the FoodShare Work Requirement can go to meet their work requirement contains the abbreviated statement in the same text size as the other information in the brochure.

Example 2: A fact sheet with information about applying for FoodShare has one and a half pages of text. Putting the full statement on the fact sheet would keep the document at two pages total. The fact sheet contains the full statement.

Example 3: A pamphlet is two-sided and nearly full of text. Adding the full statement would add another page to the pamphlet. The pamphlet contains the abbreviated statement in the same text size as the other information in the pamphlet.

Example 4: A form is being sent to an FSET participant informing them of their FSET Employment Plan appointment. The form will become two pages when the full statement is added. The form contains the full statement.

Abbreviated Statement

This institution is an equal opportunity provider.

Full Statement

Supplemental Nutrition Assistance Program (SNAP) and Food Distribution Program on Indian Reservations (FDPIR) state or local agencies, and their subrecipients, must post the following Nondiscrimination Statement:

USDA Nondiscrimination Statement

In accordance with federal civil rights 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 (including gender identity and sexual orientation), religious creed, disability, age, political beliefs, or reprisal or retaliation for prior civil rights activity.

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

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.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (833) 620-1071, 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:

- (1) **Mail:**
Food and Nutrition Service, USDA
1320 Braddock Place, Room 334
Alexandria, VA 22314; or
- (2) **Fax:**
(833) 256-1665 or (202) 690-7442; or
- (3) **Email:**
FNCSIVILRIGHTSCOMPLAINTS@usda.gov

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CONTACTS

DHS CARES Problem Resolution Team: DHSCARESProblemResolution@dhs.wisconsin.gov.

DHS/DMS/BEEP/JT
DHS/DMS/BEOT/