



## Missouri Department of Health and Senior Services Administrative Policy Manual

### Policy 3.4 – Chief Complaints of Discrimination

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#### PURPOSE

To set forth procedures to respond to complaints of discrimination by clients.

#### POLICY

**1.0** All client complaints of discrimination in departmentally funded programs must be forwarded to the Office of Human Resources (OHR) immediately upon receipt, except for complaints within the WIC Supplemental Nutrition Program.

**1.1** WIC complaints must be forwarded to the USDA within five (5) days of receipt.

**1.2** Department employees involved with such complaints will assist OHR in its investigation in whatever manner requested.

#### **2.0 COMPLAINT OF DISCRIMINATION DEFINED**

**2.1** For the purpose of this policy, a complaint of discrimination is defined as a verbal or written allegation by a client or potential client that he/she has been unlawfully denied or excluded from participation in benefits or services, or has otherwise been subjected to disparate treatment in the delivery of benefits or services, on the grounds of race, color, national origin, age, sex, disability, religion, veteran status, ancestry, or sexual orientation, when applicable.

**2.2** 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 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).

#### **3.0 PROCEDURE FOR RECORDING COMPLAINTS**

**3.1** All complaints of discrimination filed by any client or potential client must be immediately forwarded to OHR, unless otherwise stated.

**3.2** An employee who receives a verbal complaint from an individual (e.g., over the telephone) must immediately complete a "Complaint of Discrimination" form (see [policy manual](#) 3.2A; [HR-41](#)). All information contained in the form must be obtained from the individual. **The employee who receives and records the complaint must immediately forward the form to OHR.** The form must be signed and dated by the employee.



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3.3 **NOTE:** Consistent processing of discrimination complaints, which must be filed within 180 days of the incident, is important for compliance with federal regulations and to avoid possible federal sanctions due to mishandling of cases. Therefore, the above instructions must be followed, without exception, whenever a complaint of discrimination has been received in the Department.

3.4 **INVESTIGATION PROCEDURE:** In compliance with federal regulations, the OHR will investigate complaints of discrimination when it has jurisdiction to do so and will provide the complainant with a determination within thirty (30) calendar days following completion of the complaint investigation. Copies of the determination will also be provided to the appropriate division director.

If the determination is made that discrimination has occurred, corrective action will be taken. Regardless of the determination, the complainant will be notified of their right to file a complaint with the appropriate federal agency.

3.5 **EXCEPTION:** In compliance with federal laws and regulations, all complaints alleging age discrimination will be promptly forwarded by the OHR to the appropriate federal regional office for referral to the [Federal Mediation and Conciliation Service](#) (FMCS).

Prepared By:

Approved By:

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Director, Office of Human Resources

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DHSS Director (or designee)

#### REFERENCES

- [Admin Policy](#) 3.1 – Non-discrimination, Equal Employment Opportunity and Workforce Diversity Policy; and 3.2 – Methods of Administration
- USDA Non-Discrimination Statement [website](#)
- Federal Mediation and Conciliation Service [website](#)

#### FORMS

- Intranet posted – [Admin Manual Policy](#) – 3.2A – Complaint of Discrimination
- Internet posted – [Client and Public Complaint of Discrimination Form](#) (HR-41)