

CLIENT RIGHTS - CIVIL RIGHTS

3.6.3

Treat clients fairly and with understanding. Inform people of their civil rights at application and recertification.

All applicants for and participants of assistance are entitled to information about their civil rights. They are also entitled to information about how to file a complaint if they believe they have been subjected to discriminatory treatment by a human services provider.

The civil rights protections that clients have depend upon the applicable law or laws. For example, under state human rights law, you may not discriminate against applicants or participants of assistance on the basis of race, color, creed, religion, national origin, disability (including ensuring physical and program access for people with disabilities), sex, sexual orientation, or public assistance status.

Under federal civil rights law, you may not discriminate on the basis of race, color, national origin, age, sex, religion, or disability. Unlike state law, federal law does not protect applicants or participants of public assistance from discrimination based on sexual orientation or on receipt of public assistance.

In addition, the Food Support (FS) program has specific civil rights protections of its own. Under the federal FS program, you may not discriminate against an applicant or participant of FS on the basis of age, sex, color, race, disability, creed, national origin, or political beliefs.

In January 2001, the [Office of Civil Rights \(OCR\) of the U.S. Dept of Health and Human Services](#) issued a policy guidance prohibiting discrimination against people with disabilities. This guidance was based on Title II of the [Americans with Disabilities Act of 1990 \(ADA\)](#) and on [Section 504 of the Rehabilitation Act of 1973](#). The OCR guidance may be found at <http://www.hhs.gov/ocr/prohibition.html> .

The concepts central to compliance are:

- Individualized treatment (disabled participants should be treated on a case-by-case basis consistent with facts and objective evidence).
- AND
- Effective and meaningful opportunity (disabled participants must be afforded the opportunity to benefit from programs that is as effective as the opportunity afforded to participants without disabilities).

A participant with disabilities, for purposes of compliance with ADA and Section 504 of the Rehabilitation Act, means a participant with a physical or mental impairment that substantially limits 1 or more major life activity, a record of such an impairment, or being

CLIENT RIGHTS - CIVIL RIGHTS**3.6.3**

regarded as having such an impairment. This definition is different than that typically used to determine eligibility in programs that provide cash assistance based upon disability, such as SSI and SSDI.

County and Employment Services staff are required to inform all participants of their right to equal access to all services and benefits regardless of a physical or mental disability. This means that Employment Plans (EP) for all caregivers with documented disabilities must take into consideration any/all limitations due to a disability. For many participants, this means developing a modified EP. See [§5.12](#) (Employment Plan (EP)).

DHS has developed a brochure, [“Do you have a disability?” \(DHS-4133\)](#), which provides job seekers with information about the Americans with Disabilities Act (ADA). This form is for applicants and participants in any program.

WHERE TO FILE CIVIL RIGHTS COMPLAINTS:

There are several agencies that people may contact to file a complaint if they believe they have been subjected to discrimination by a human services provider. Under certain circumstances a person may file the same complaint with more than 1 agency. However, some agencies do not have authority to accept certain types of civil rights complaints.

Always give clients enough information about filing complaints so they can decide for themselves which agency (or agencies) to contact. After a client contacts an agency, that agency will inform the client about whether it is the appropriate agency to receive the complaint.

The Minnesota Department of Human Rights enforces the state human rights law. The agency will assist people with the complaint filing process. Clients may file a public services discrimination complaint by contacting this agency directly:

[Minnesota Department of Human Rights](#)

190 E. Fifth Street

St. Paul, MN 55101

(800) 657-3704 (Voice)

(651) 296-1283 (TTY/TDD)

People may also file a discrimination complaint with the Minnesota Department of Human Services (DHS). Upon receiving a complaint, DHS will determine whether or not it has authority to investigate the complaint and notify the person. Clients must contact DHS to file the complaint.

CLIENT RIGHTS - CIVIL RIGHTS

3.6.3

[DHS Civil Rights Coordinator](#)

Department of Human Services
Office for Equal Opportunity
P.O. Box 64997
St. Paul, MN 55164-0997
(651) 431-3040 (Voice)
(866) 786-3945 (TTY)
(651) 431-7444 (Fax)

In addition to the state agencies listed above, applicants and participants of federally-funded assistance programs who believe they have been discriminated against may also file complaints directly with the federal agencies administering those programs. They may file complaints directly with the U.S. Department of Health and Human Services or the U.S. Department of Agriculture. They must file the complaint within 180 days of the alleged discrimination.

NON-FS RELATED COMPLAINTS:[Office for Civil Rights - Region V](#)

U.S. Department of Health and
Human Services
233 N. Michigan Ave., Suite 240
Chicago, Illinois 60601
312-886-2359 (voice)
312-353-5693 (TDD/TTY)

FS COMPLAINTS:[USDA](#)

Director - Office of Civil Rights
1400 Independence Ave. SW
Washington, D.C. 20250-9410
800-795-3272 (voice)
202-720-6382 (TTY/TDD)

The written complaint should include the following information:

- Name, address, telephone number of complainant.
- Name and address of county agency delivering the benefits, including names of any employees accused of wrongdoing.
- Type of discrimination alleged.
- Brief description of the alleged discriminatory act(s).
- If a policy or procedure had a discriminatory effect on applicants or clients, identify the policy/procedure and describe the discriminatory effect it had.

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- Identify any witnesses to the alleged discrimination. Witnesses are people who observed the alleged discrimination. Provide their names, addresses, telephone numbers and titles.
 - Give the dates when the alleged discrimination happened and if it was continuing, give the duration of each incident.
 - Investigation findings.
 - If applicable, corrective action recommended and taken.