

Civil Rights Training

The Emergency Food Assistance Program (TEFAP)



Office of
General Services

Table of Contents

- Brief overview of TEFAP
- Civil Rights Coverage and Legal Authorities
- Areas of Compliance
 - Assurances
 - Public Notification Requirements
 - Complaints of Discrimination
 - Limited English Proficiency (LEP)
 - Civil Rights Training
 - Racial and Ethnic Data Collection
 - Compliance Reviews



Emergency Food Assistance Program (TEFAP)

- TEFAP is a federal program hosted by the Food and Nutrition Service (FNS) branch of the United States Department of Agriculture (USDA)
- The goal of the program is to help supplement the diets of low-income Americans by providing them with emergency food assistance at no cost



Emergency Food Assistance Program (TEFAP)

- Any foods distributed through USDA programs are called “USDA Foods”
- All USDA Foods are 100% domestic
- The USDA delegates an agency in each state to administer
- The New York State Office of General Services administers TEFAP in New York State



Civil Rights Legal Authorities

- Title VI of the Civil Rights Act of 1964
 - Prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance
- Civil Rights Restoration Act of 1987
 - Clarifies the scope of the Civil Rights Act of 1964



Civil Rights Legal Authorities

- Section 504 of the Rehabilitation Act of 1973 & Americans w/Disabilities Act of 1990
 - Prohibits discrimination against people with disabilities in programs that receive federal financial assistance
- Title IX of the Education Amendments of 1972
 - Prohibits discrimination on the basis of sex in any federally funded education program or activity.
- Age Discrimination Act of 1975
 - Prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.



Civil Rights Legal Authorities

- Executive Order 13166 - “Improving Access to Services for Persons with Limited English Proficiency” (August 11, 2000)
 - Requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.



Civil Rights Legal Authorities

- 7 CFR Parts 15, 15a & 15b “Non-discrimination”
 - Gives USDA agencies authority to develop Civil Rights Requirements and prohibits discrimination in Federally assisted programs or activities.
- 7 CFR Part 16, “Equal Opportunity for Religious Organizations”
 - Gives equal footing to religiously affiliated organizations
- 7 CFR Parts 210(NSLP), 215(SMP), 220(SBP), 225(SFSP), 226(CACFP) Food and Nutrition Service, USDA.
 - Regulations on the Child Nutrition Programs



Civil Rights Legal Authorities

- USDA Departmental Regulation 4330-2
 - Prohibits discrimination in programs and activities funded in whole or part by USDA
- FNS Instruction 113-1 and Appendix B for Schools, SFSP, CACFP and C for USDA Foods and TEFAP
 - Provides information on Civil Rights compliance and enforcement



Civil Rights Legal Authorities

- 7 CFR Parts 250 (USDA Foods) and 7 251 (TEFAP)
 - Regulations regarding food distribution of USDA foods
- 28 CFR Part 42 (Nondiscrimination in Federally Assisted Programs)
 - Covers nondiscrimination on the basis of disability by State/local governance



Assurances

- Food Bank maintains an agreement that the partner agency will be operated in compliance with the Civil Rights laws and implementing nondiscrimination regulations.
 - TEFAP agreement requires that all staff and volunteers with client contact complete Civil Rights training on an annual basis.



What is Discrimination?

- “Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions...”



What is Discrimination?

- The following are the six Federally protected categories:
 - 1) Race
 - 2) Color
 - 3) National Origin
 - 4) Age
 - 5) Sex (including gender identity and sexual orientation)
 - 6) Disability



Disability Discrimination

- What is the definition of disability?
 - A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.
 - Major life activity means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. *functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions (ADA Amendments Act of 2008.)



Disability Discrimination

- Sections 504 of the Rehabilitation Act of 1973 and USDA implementing Regulation, 7 CFR Part 15b
 - Prohibits discrimination based on disability in programs or activities receiving Federal financial assistance.
- Americans with Disabilities Act (ADA), 28 CFR Part 35, Title II, Subtitle A
 - Prohibits discrimination on the basis of disability in all services, programs and activities provided to the public by State and local governments.
- These Civil Rights laws protect persons with disabilities if they are clients or potential clients in any partner agencies receiving USDA TEFAP foods.



Who are persons with Limited English Proficiency (LEP)?

- Definition:
 - “Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.”



LEP & Bilingual Requirements

- Title VI and its implementing regulations, Executive Order 13166, and Federal agency guidance require Federal agencies and recipients (food banks and partner agencies), to take reasonable steps to ensure “meaningful” access to their programs and activities by Limited English Proficient (LEP) persons.
 - (FNS Instruction 113-1, Section VII)



LEP & Bilingual Requirements

- Factors to consider in addressing LEP:
 - Number or proportion of LEP persons served or encountered in the eligible population.
 - Frequency with which LEP individuals come in contact with the program.
 - Resources available to the partner agency and costs.



What is Unlawful Discrimination?

- Treating people differently does not necessarily constitute unlawful discrimination.
- Examples of non-unlawful discrimination:
 - An Employer can choose to hire one person instead of another based on Merit.
 - A Restaurant can turn people away if admission would cause the establishment to exceed its occupancy limit.



Customer Service: Making a Difference

- Treat all people with dignity and respect
- Answer questions in a voice that is non-threatening
- Clearly explain to everyone the rules as well as their rights and responsibilities
- Recognize that participants have varied needs and (sometimes) few resources



Customer Service: Making a Difference

- Notice when a person feels they have been treated in a rude manner
- Learn to put yourself in their place when necessary
- Learn to deal with a dissatisfied customer
- Ask yourself, “Am I treating this person in the same manner as I treat others?”



Conflict Resolution

- Key Points:

- Typically, clients who are behaving in a difficult manner usually have not had their expectations met or do not fully understand the role of the worker.
- Often, the client is focused on getting immediate assistance with solving a problem and does not feel the worker is helping.
- Generally, people do not want to be difficult or argumentative with a caring individual. The client may not be aware of how their negative behavior is affecting others.
- A client's attitude may be influenced by outside situations and events.



Conflict Resolution

- Communication components to defuse a difficult situation...
 - Words
 - Tone of Voice
 - Body Language



Conflict Resolution

- Tips for working with people during difficult situations:
 - Remain calm.
 - State that you want to help and ask how you can be of assistance.
 - Using information provided, determine what the issue is.
 - Take time to try to understand the person's point of view. Listen for details about the concern, situation, or request. Repeat the concern or request to make sure you understand the person's expectations.
 - When appropriate, apologize for the situation. Offer solutions. Take responsibility for finding a solution, or for putting a solution into action.
 - Don't take the situation personally.
 - Follow up. Personally make sure that the customer has been satisfied; and provide feedback.



Conflict Resolution

- If you have tried to assist the person by providing the best customer service you can, and the person remains argumentative or outright abusive, then do not allow yourself to be abused, and do not argue back. Keep your own sense of self-confidence, but still remain helpful.
- Anytime you feel that someone is truly physically threatening, get away from the person and call the Police.



Public Notification

- All partner agencies must post the following information notifying clients and potential clients:
 - Program availability;
 - Program rights and responsibilities;
 - The policy of nondiscrimination;
 - The procedure for filing a complaint;




SUMMER Hours
Tuesday-Thursday
10am-2pm
Closed Monday&Fridays

AND JUSTICE FOR ALL

Food Bank of Central New York

THE EMERGENCY FOOD ASSISTANCE PROGRAM (EFAP)
Income Eligibility July 1, 2023 - June 30, 2023

Household Size	Monthly Income Limit	Annual Income Limit
1	\$ 1,295.77	\$ 15,549.24
2	\$ 1,852.34	\$ 22,228.08
3	\$ 2,352.06	\$ 28,224.72
4	\$ 2,778.13	\$ 33,337.56
5	\$ 3,091.84	\$ 37,102.08
6	\$ 3,331.95	\$ 40,002.96
7 or more household size	\$ 3,538.47	\$ 42,461.64

Elements of Public Notification

- Program Availability
 - Inform clients and potential clients of their program rights and responsibilities and the steps necessary for participation.
- Complaint Information
 - Advise clients at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures.
 - This can be done by posting the required signage.
- Nondiscrimination Statement
 - Any partner agency that has a food program website/webpage is required to post the USDA's nondiscrimination statement on their website/webpage.




SUMMER
Hours
Tuesday-Thursday
10am-2pm
Closed Monday&Fridays

AND JUSTICE FOR ALL

USDA Nondiscrimination Statement

It is the policy of the United States Department of Agriculture to ensure that all persons have equal access to its programs and services. No person shall be excluded from participation in, denied the benefits of, or otherwise discriminated against in any program or activity operated by the Department on the basis of race, color, sex, age, or handicap.

Food Bank of Central New York

THE EMERGENCY FOOD ASSISTANCE PROGRAM (EFAP)
Income Eligibility July 1, 2023 - June 30, 2023

Household Size	Monthly Income Limit	Annual Income Limit
1	\$1,295.27	\$15,142.00
2	\$1,822.34	\$21,868.00
3	\$2,350.00	\$28,200.00
4	\$2,878.13	\$34,536.00
5	\$3,406.44	\$40,872.00
6	\$3,934.96	\$47,208.00
7	\$4,463.67	\$53,544.00
8	\$4,992.47	\$59,880.00

Elements of Public Notification

- Food banks and their partner agencies must:
 - Make program information available to the public upon request;
 - Prominently display the “And Justice for All” poster;
 - Inform clients of changes in programs;
 - Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information;




SUMMER Hours
Tuesday-Thursday
10am-2pm
Closed Monday&Fridays

AND JUSTICE FOR ALL

AND JUSTICE FOR ALL is a poster that features a green background with a white classical building facade. The text "AND JUSTICE FOR ALL" is written in white capital letters. Below the text is a small graphic of an American flag.

Food Bank of Central New York

THE EMERGENCY FOOD ASSISTANCE PROGRAM (EFAP)
Income Eligibility July 1, 2025 - June 30, 2025

Household Size	Monthly Income Limit	Annual Income Limit
1	\$1,295.27	\$15,423.24
2	\$1,822.34	\$21,868.08
3	\$2,352.06	\$28,224.72
4	\$2,878.13	\$34,537.56
5	\$3,393.84	\$40,726.08
6	\$3,733.96	\$44,807.12
7 or more household size	\$3,938.47	\$47,261.64

Public Notification

- All partner agencies must post the following information notifying clients and potential clients:
 - Program availability;
 - Program rights and responsibilities;
 - The policy of nondiscrimination;
 - The procedure for filing a complaint;




SUMMER
Hours
Tuesday-Thursday
10am-2pm
Closed Monday&Fridays

AND JUSTICE FOR ALL

AND JUSTICE FOR ALL is a program that provides free legal assistance to low-income individuals and families who are unable to pay for legal services. The program is funded by the State of New York and the Federal Government. For more information, please contact the program at (516) 471-1111.

Food Bank of Central New York

THE EMERGENCY FOOD ASSISTANCE PROGRAM (EFAP)
Income Eligibility July 1, 2023 - June 30, 2023

Household Size	Monthly Income Level	Annual Income Amount
1	\$ 2,295.27	\$ 27,543.24
2	\$ 2,822.34	\$ 33,868.08
3	\$ 3,350.00	\$ 40,200.00
4	\$ 3,878.13	\$ 46,537.56
5	\$ 4,406.84	\$ 52,882.08
6	\$ 4,935.16	\$ 59,221.92
7 or more household size	\$ 5,464.00	\$ 65,568.00

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), disability, age, 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 responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or 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 (866) 632-9992, 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 USDA by:

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

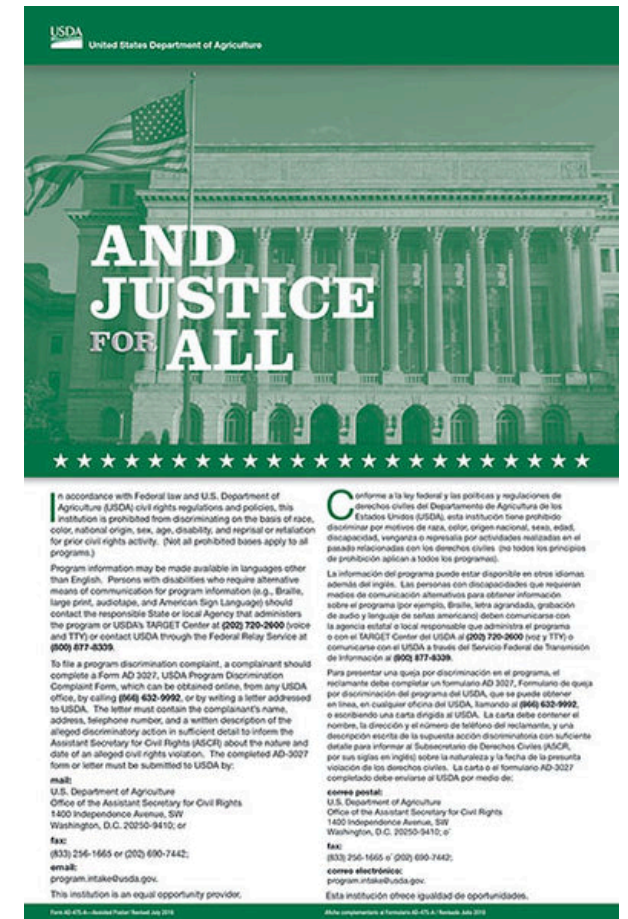
Fax: (833) 256-1665 or (202) 690-7442; or

email: program.intake@usda.gov



“And Justice for All” Poster

- Display the poster in a prominent location for all to view
- Poster reflects current Nondiscrimination Statement and new graphic



Complaints of Discrimination

- Complaints shall be accepted;
- Complaints must be filed within 180 days from the alleged act of discrimination;
- Complaints may be written, verbal, or anonymous;
- State agencies or partner food banks agencies may develop their own complaint forms, but the use of such forms cannot be a pre-requisite for acceptance ;
- A separate Civil Rights complaint log shall be maintained by the State & partner food bank agency;
- Confidentiality is extremely important and must be maintained.



Civil Rights Complaints Process

- Brief overview of TEFAP
- Civil Rights Coverage and Legal Authorities
- Areas of Compliance
 - Assurances
 - Public Notification Requirements
 - Complaints of Discrimination
 - Limited English Proficiency (LEP)
 - Civil Rights Training
 - Racial and Ethnic Data Collection
 - Compliance Reviews



Civil Rights Training

- Food banks are responsible for training their partner agencies, including “frontline staff” who interact with applicants or participants on an annual basis. (partner agencies are required to keep a training log documenting yearly trainings of staff and volunteers.)
- New staff and volunteers must receive training before participating in program activities.



Civil Rights Training

- All staff should receive training on all aspects of Civil Rights compliance, including:
 - Collection and use of data;
 - Effective public notification systems;
 - Complaint procedures;
 - Requirements for reasonable accommodation of persons with disabilities;
 - Requirements for language assistance;
 - Conflict resolution;
 - Customer service.



Compliance Reviews

- Food banks annual site visits (compliance reviews) are done with partner agencies to review polices, practices and procedures.
 - Do printed materials contain the nondiscrimination statement?
 - Is the “And Justice For All” poster displayed appropriately?
 - Are program informational materials available to all?
 - Have all front-line staff/volunteers received their yearly Civil Rights training?
 - How are clients advised of their right to file a Civil Rights complaint of discrimination?
 - Are reasonable accommodations appropriately made for people with disabilities?



Special Compliance Reviews

- May be scheduled or unscheduled;
- To follow-up on previous findings of noncompliance;
- To investigate reports of noncompliance by other agencies, media, or clients;
- May be specific to an incident or policy;
- History of statistical underrepresentation of particular group(s);
- Pattern of complaints of discrimination.



Resolution of Noncompliance

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a food bank, or a partner agency.
- Steps must be taken immediately to obtain voluntary compliance. A finding's effective date is the date of notice to the reviewed entity.



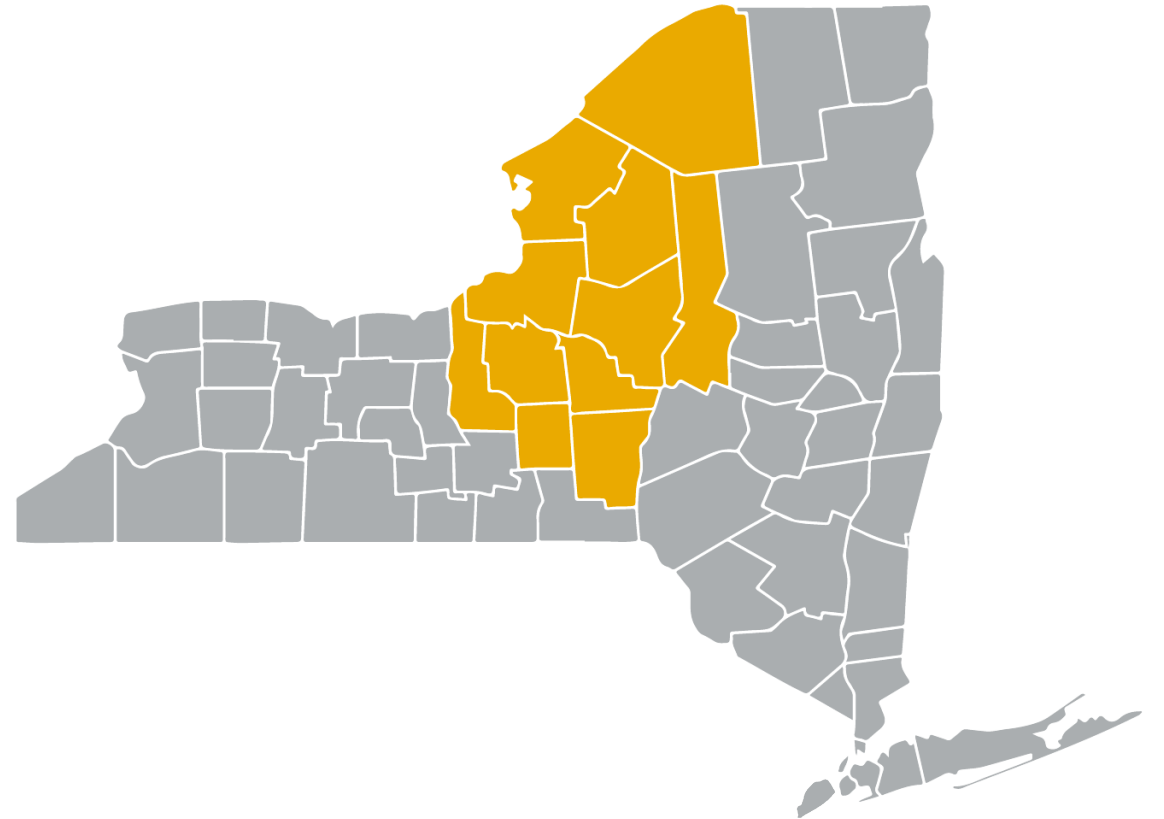
Verification of Citizenship or Immigration Status

This issue should never give rise to discrimination.



New York State's Protected Classes

New York State provides additional rights protections.



What Are New York State's Protected Classes?

- The New York State Human Rights Law states that every citizen has an “equal opportunity to enjoy a full and productive life.” The law prohibits discrimination in employment, housing, credit, places of public accommodations, volunteer firefighting, non-sectarian educational institutions and retaliation for filing a discrimination complaint



What Are New York State's Protected Classes?

- This Law is enforced by the New York State Division of Human Rights (“DHR” or “Division”) through the investigation, hearing, and resolution of complaints filed by individuals against alleged discriminators.
- If you believe you are a victim of unlawful discrimination that is not one of the six federally protected classes, but is a class protected by New York State you may file a complaint with the New York State Division of Human Rights at www.DHR.NY.GOV.



What Are New York State's Protected Classes?

- 1) Race
- 2) National Origin
- 3) Sex
- 4) Domestic Violence Victim Status
- 5) Predisposing genetic characteristics
- 6) Retaliation for opposing unlawful discriminatory practices
- 7) Creed
- 8) Sexual Orientation
- 9) Age
- 10) Disability
- 11) Gender Identity or Expression
- 12) Pregnancy-related Condition
- 13) Color
- 14) Military Status
- 15) Marital Status
- 16) Lawful source of income (in housing only)
- 17) Prior arrest or conviction record
- 18) Familial status



Contact Information

New York State Office of General
Services Food Distribution
93 Broadway, Menands, NY 12204

Phone: 518-474-5122

Fax: 518-486-5660

Email: ogsdonatedfoods@ogs.ny.gov

Website: <https://ogs.ny.gov/usda-food-distribution>



Office of
General Services

