

<b>STATE OF ALASKA</b> <b>DEPARTMENT OF HEALTH &amp; SOCIAL SERVICES</b> <b>FINANCE AND MANAGEMENT SERVICES</b>  <b>POLICY &amp; PROCEDURE MANUAL</b>	<b>SECTION:</b>	<b>Number:</b>	<b>Page:</b>
	<b>SUBJECT:</b> Employment Discrimination Complaints		
	<b>SUPERCEDES NUMBER/PAGE:</b> Old P&P and SOP Manuals		
	<b>APPROVED:</b> 		<b>DATE:</b> 12/15/2011

**Subject:** Responding to Employment Discrimination Complaints from Employees and Applicants of Department of Health & Social Services (DHSS) Sub-recipients under Federal Grant Programs

**Purpose:** The purpose of this policy is to establish procedures for DHSS employees to follow when they receive a complaint alleging employment discrimination from an employee or applicant of a DHSS sub-recipient implementing federal financial assistance from the U.S. Department of Justice (DOJ), the U.S. Department of Education (DOE), the U.S. Department of Health and Human Services (HHS), or the U.S. Department of Agriculture (USDA).

**Policy:** All employees and applicants of DHSS's sub-recipients shall be afforded an equal opportunity and shall not be discriminated against on the basis of race, color, national origin, sex, religion, and disability.<sup>1</sup> Sub-recipients are required to comply with all applicable federal laws regarding employment discrimination as a condition of implementing federal financial assistance and to certify compliance with the following statutes upon acceptance of the grant award:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in a narrow category of employment practices (42 U.S.C. § 2000d-3), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C, and the DOE implementing regulations at 34 C.F.R. Part 100;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in employment practices (29 U.S.C. § 794), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G, and the DOE implementing regulations at 34 C.F.R. Part 104; and
- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in education programs (20 U.S.C. § 1681), the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I, and the DOE implementing regulations at 34 C.F.R. Part 106.

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by these laws.

**Application:** All DHSS Employees

<sup>1</sup> The Director of the Division of Personnel, Department of Administration administers the equal employment opportunity program for DHSS employees and applicants.

## Procedures:

1. Employment discrimination complaints against DHSS sub-recipients may be filed using the Discrimination Complaint Form provided on the DHSS Civil Rights Compliance Obligations webpage (<http://www.hss.state.ak.us/civilrights.htm>). The DHSS and sub-recipients will provide the Discrimination Complaint Form and contact information for the Civil Rights Complaint Coordinator to any person who raises civil rights compliance concerns.
2. Once completed, a copy of the Discrimination Complaint Form should be either:
  - a. emailed to the Civil Rights Complaint Coordinator listed on the department's civil rights website <http://dhss.alaska.gov/Commissioner/Pages/civilrights.aspx> , who will provide a copy of the complaint to the Assistant Commissioner of Finance and Management Services; or
  - b. mailed to the Civil Rights Complaint Coordinator at **[3601 C Street, Ste. 902, Anchorage, AK 99503]**, who will provide a copy of the complaint to the Assistant Commissioner of Finance and Management Services. Individuals who have questions about the complaint process can contact the Civil Rights Complaint Coordinator at **[907-269-7800]**.

The Civil Rights Complaint Coordinator will confirm that the complaint alleges a violation of a pertinent federal civil rights statute and refer the employment discrimination complaint to the following federal agency:

U.S. Equal Employment Opportunity Commission (EEOC)  
350 The Embarcadero (500)  
San Francisco, CA 94105-1260  
Telephone: 1.800.669.4000  
TTY: 1.800.669.6820

The date of filing of the discrimination complaint will be considered the date on which the complaint is received by DHSS.

3. Within ten calendar days of receiving a complaint, the Civil Rights Complaint Coordinator will notify the Complainant that the complaint has been referred to the EEOC or has been administratively closed because it does not allege discrimination under any pertinent federal civil rights statute. If DHSS refers the complaint to the EEOC, the Civil Rights Complaint Coordinator will notify the Complainant of the contact information for the EEOC, of the civil rights provision(s) involved, that the date the Complainant filed the complaint with DHSS will be recognized as the complaint filing date by the EEOC, and that the Complainant can also file a complaint directly with a pertinent federal funding agency (i.e., DOJ, DOE, HHS, or USDA).
4. A general grant condition requires that sub-recipients have procedures in place for responding to discrimination complaints that employees or applicants file directly with the sub-recipient. Program managers will address this requirement by including them in their site review compliance checklists.
5. Sub-recipients must document the number of employment discrimination complaints it receives and provide information to DHSS on an annual basis about the number of complaints received, the type of complaint(s), and the action(s) taken.

**Training:**

1. Complaint procedures, including a summary of the responsibility of department employees to refer discrimination complaints from employees or applicants of sub-recipients to the Assistant Commissioner of Finance and Management Services and the DHSS Civil Rights Complaint Coordinator, will be available to department employees through the DHSS Intranet.
2. Compliance requirements and complaint procedures are incorporated in mandatory Program Management training for DHSS staff members who manage sub-recipient grants of Federal Grant Programs.
3. Compliance requirements and complaint procedures are incorporated in training for all DHSS grantees.

**Implementation:** This policy and procedure is effective as of the date signed by the Commissioner.