

## **Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) Guidance on Civil Rights Requirements**

### **Introduction**

The Food and Nutrition Service (FNS), Civil Rights Division (CRD), is responsible for ensuring compliance with Civil Rights laws and regulations in programs and activities that receive Federal financial assistance from USDA. This document provides practical guidance related to Civil Rights compliance in the Supplemental Nutrition Assistance Program's Employment and Training Program (SNAP E&T). It gives general direction on what State agencies must do to comply with Federal law and ensure that individuals eligible for and/or participating in SNAP E&T are not discriminated against based on race, color, national origin, age, sex, religious creed, disability and political beliefs.

The information and suggestions in this guidance are grouped under the following headings: Assurances; Public Notification; Racial and Ethnic Data Collection and Reporting; Complaints of Discrimination; Compliance Reviews; Resolution of Non-Compliance; Civil Rights Training; Disability Compliance; Limited English Proficiency; Verification of Citizenship and Immigration Status.

This guidance does not address all State-level policies, practices and procedures required for Civil Rights compliance in SNAP. Rather, it offers a high-level overview of the general Civil Rights compliance requirements for SNAP E&T. For additional information, please see [FNS Instruction 113-1, Civil Rights Compliance and Enforcement – Nutrition Programs and Activities](#), or contact your Civil Rights Division, Regional Civil Rights Officer, listed on the last page of this document.

CRD will update the guidance at appropriate intervals to capture new requirements or approaches to civil rights compliance work.

### **Civil Rights Compliance Areas**

#### **Assurances**

Helpful Citations: [7 CFR 15.4](#); [7 CFR 15b.5](#); [7 CFR 272.2](#); [FNS Instruction 113-1 Section X and Appendix A](#)

Confirm that the current Federal/State agreement includes SNAP E&T. Include the appropriate Civil Rights assurance language in the following documents:

- Federal/State agreement
- Contracts/agreements/MOUs between the State agency and local SNAP E&T providers
- Contracts with subrecipients
- Requests for Proposals (RFPs)

**Tip:** Use the Civil Rights assurance language from the Federal/State Agreement including the LEP and disability references in the Addendum.

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Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

## Public Notification

Helpful Citations: [7 CFR 272.6](#); [FNS Instruction 113-1, Section IX and Appendix A](#); [28 CFR 35.107](#)<sup>1</sup>

- Include the appropriate USDA nondiscrimination statement on all applicable E&T materials, both at the State and local levels.
- Display the appropriate *And Justice For All* poster in a prominent area for the public to view, both at the State and local levels.
- Ensure that the State agency and local providers with public websites that provide information regarding SNAP E&T have the full nondiscrimination statement, or a direct hyperlink to it, on their respective program home webpages.

## Race and Ethnic Data Collection and Reporting

Helpful Citations: [FNS Instruction 113-1, Section XII](#)

- Ensure there are no substantive differences in client referrals to SNAP E&T activities based on race and/or ethnicity.

## Complaints of Discrimination

Helpful Citations: [7 CFR 15.6](#); [7 CFR 272.6](#); [FNS Instruction 113-1, Sections XI, XV, XVI, XVII and Appendix A](#); [28 CFR 35.106](#) and [28 CFR 35.170](#)

- Implement a Civil Rights complaint process in accordance with USDA regulations and [FNS Instruction 113-1, Sections XV and XVI](#).
- Communicate the Civil Rights complaint process to all relevant parties, including State agency staff, local providers and subrecipient staff.

## Compliance Reviews

Helpful Citations: [7 CFR 15.5](#); [7 CFR 275.8](#); [7 CFR 275.9](#); [FNS Instruction 113-1, Section XIII and Appendix A](#)

- Include all applicable areas of Civil Rights compliance in State reviews of local SNAP E&T providers in accordance with [FNS Instruction 113-1, Section XIII](#).
- Document all Civil Rights findings in the review report.
- Report any significant findings identified through the State agency's review process to the FNS Civil Rights Division.

## Resolution of Noncompliance

Helpful Citations: [7 CFR 275.9](#); [7 CFR 15.8](#); [28 CFR 35.172](#); and [FNS Instruction 113-1, Section XIV](#)

- Verify that all Civil Rights findings identified during compliance reviews are resolved through the corrective action process.

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<sup>1</sup> Pursuant to the Congressional Review Act ([5 U.S.C. §801](#) et seq.), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by [5 U.S.C. § 804\(2\)](#).

## Civil Rights Training

Helpful Citations: [FNS Instruction 113-1, Section XI](#)

- Ensure staff involved in all levels of SNAP E&T (i.e. managers, supervisors, frontline staff, volunteers, etc.) receive annual Civil Rights training.
- Include, at a minimum, all required training topics in accordance with *FNS Instruction 113-1, Section XI*.
- Demonstrate through proper documentation (i.e. training agenda and sign-in sheets, training reports, certificates of completion, if applicable, etc.) that annual training is completed at all levels.

## Disability

Helpful Citations: [Americans with Disabilities Act \(ADA\) Title II](#); [Section 504 of the Rehabilitation Act of 1973](#); [28 CFR 35.107](#); and [7 CFR 15b.6](#)

- Verify that the State agency has at least one employee responsible for coordinating compliance with the ADA/Section 504 requirements. Note: Local providers with 15 or more employees must also have a Section 504 coordinator.
- Notify program applicants and participants of the availability of services for persons with disabilities.
- Ensure that State agency and local provider policies are in accordance with ADA/Section 504 requirements.
- Confirm that State agency and local provider locations are physically accessible to individuals with disabilities.
- Verify that State agency and local providers are able to communicate effectively with individuals with disabilities (i.e. Braille, large print, sign language interpreter, etc.).

**Tip:** The State agency does not need to appoint an ADA/Section 504 Coordinator solely for SNAP E&T. Rather, SNAP E&T may utilize the 504 Coordinator from another program or State agency program area.

## Limited English Proficiency

Helpful Citations: [USDA LEP Policy Guidance](#); [DOJ LEP Guidance](#); [DOJ Language Access Assessment and Planning Tool](#); [7 CFR 272.4](#); [FNS Instruction 113-1, Sections VII, XII and Appendix A](#)

- Assess each service area within the State to determine its language profile and update the assessment routinely.
- Translate vital documents based on the results of the State's language assessment.
- Provide interpreter services to program applicants and participants free of charge at State and local levels.
- Notify program applicants and participants of the availability of free interpretation services at State and local levels.
- Use only competent interpreters and translators. Use minors only in exigent circumstances.

**Tip:** Additional information regarding limited English proficiency, visit:

- o <http://www.lep.gov>
- o <http://www.lep.gov/maps/>
- o <http://www.census.gov/acs/>
- o <http://www.migrationpolicy.org/>

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## **Verification of Citizenship and Immigration Status**

Helpful Guidance: [SNAP Guidance on Non-Citizen Eligibility](#) (June 2011)

- Ensure that citizenship and immigration status does not give rise to discrimination.