

Subject: Treatment of Individuals

Item: Complaints of Discrimination

PURPOSE:

Guidance on how applicants/participants can file a complaint alleging discrimination.

POLICY:

- I. LA staff must:
 - A. Inform any applicant/participant alleging discrimination of their right to file a complaint and that the complaint must be made within 180 days of the alleged discriminatory action.
 - B. Provide the mailing or email address to which an applicant/participant may send a complaint of discrimination.
 - C. Accept and process all complaints of discrimination, both verbal and written, on the behalf of applicants/participants who require or request assistance submitting the complaint.

PROCEDURES:

- I. For all discrimination complaints, LA staff must:
 - A. Advise the applicant/participant alleging discrimination that the identity of every complainant is kept confidential, except to the extent necessary for purposes of complying with any investigation, hearing, or judicial proceeding.
 - B. Ensure that no person is intimidated, threatened, coerced, or discriminated against for making a complaint or formal allegation or testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing.
 - C. Offer assistance to the complainant in making/submitting the complaint, if necessary.
- II. For discrimination complaints based on federal protected classes (refer to WPPM 510-10), LA staff must advise the complainant to do the following:
 - A. Complete a [Form AD-3027](#), USDA Program Discrimination Complaint Form, or write a letter addressed to USDA containing the complainant's name, address, telephone number, and a written description of the alleged discriminatory action.
 - B. Submit the form/letter to:
 - U.S. Department of Agriculture
 - Office of the Assistant Secretary for Civil Rights
 - 1400 Independence Avenue, SW
 - Washington, D.C. 20250-9410; or

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- fax: (833) 256-1665 or (202) 690-7442; or
email: program.intake@usda.gov.
- C. Submit a copy of the complaint to CDPH/WIC at WIC@cdph.ca.gov at the same time it is sent to USDA.
- III. For discrimination complaints based on California-specific protected classes (Refer to WPPM 510-10), LA staff must advise the complainant to do the following:
- A. Put the elements of the complaint into writing. The written complaint should include:
1. Name, address and telephone number of the complainant or other means of contacting the individual.
 2. The specific location and name of the LA site providing WIC services to the complainant.
 3. The date(s) during which the alleged discriminatory action occurred or, if continuing, the duration of such actions
 4. The statutory basis for the alleged discrimination (i.e., any of the protected classes).
 5. The nature of the incident or action that led the complainant to feel discrimination was a factor.
 6. The names, titles, and business addresses of persons who may have knowledge of the alleged discriminatory action.
- B. Submit the complaint to:
- California Department of Public Health
Women, Infants and Children (WIC) Program
Attention: Civil Rights Coordinator
P.O. Box 997375, MS 8600
Sacramento, CA 95899-7375; or
Email: WIC@cdph.ca.gov
- IV. If the complainant requires or requests assistance with filing a discrimination complaint, or makes a complaint verbally and is not inclined to make the allegation in writing, LA staff must:
- A. Draft the written complaint on behalf of the individual.
- B. Submit the complaint to the appropriate addresses (see Procedures II and III) on behalf of the complainant.
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- C. Keep the complainant informed of all actions taken and provide the complainant with a copy of the complaint.
- D. Retain a copy of the complaint at the LA for three years.
- V. If the complainant requires assistance with filing a discrimination complaint but is not inclined to discuss the complaint at the LA level, the LA must advise the complainant to contact CDPH/WIC for assistance at WIC@cdph.ca.gov.
- VI. Record Keeping
 - A. LA staff must document all activities regarding the complaint, such as information or assistance given to the complainant, and maintain this documentation for three years. Refer to WPPM 120-10.

AUTHORITY:

[7 CFR §246.8 Nondiscrimination](#)

FNS Instruction 113-1

CROSS REFERENCE:

WPPM 510-10 Nondiscrimination/Examples

WPPM 120-10 Access to and Security of Confidential Information