

# **Procedures for Responding to Discrimination Complaints from Employees of the New Hampshire Department of Health and Human Services and the New Hampshire Department of Health and Human Services Contractors and Sub-recipients**

## **I. Purpose**

The purpose of this document is to establish the written procedures for New Hampshire Department of Health and Human Services (Department) employees to follow when they receive a complaint alleging employment discrimination from an employee of the Department, or from an employee of a Department contractor or sub-recipient implementing funding from the United States Department of Health and Human Services, or any other federal agency.

## **II. Policy**

The Department adheres to the policy that all employees and applicants of the Department and the Department's contractors and sub-recipients shall be treated equally regardless of race, color, national origin, sex, religion, disability, age, and disability.

To that end, the Department will ensure that it and its contractors and sub-recipients are in compliance with all applicable laws regarding employment discrimination.

## **III. Definitions**

- A. Contractor means any entity that performs work or services on behalf of the New Hampshire Department of Health and Human Services under a contractual agreement or reimbursement agreement, which includes reimbursements from monies allocated to New Hampshire Department of Health and Human Services as Federal financial assistance from US DHHS.
- B. Sub-recipient means an entity that expends Federal assistance received as a pass-through from New Hampshire Department of Health and Human Services to carry out a federally-funded program, in which the sub-recipient provides services to and has contact with applicants and participants in the same manner as New Hampshire Department of Health and Human Services if New Hampshire Department of Health and Human Services were to administer the program directly, but does not include an individual applicant or participant who is a beneficiary of the program.
- C. Employee means a person who is hired for a wage, salary, fee or payment to perform work for the Department or for a Department contractor or sub-recipient.
- D. Discrimination means the unfair treatment or consideration of, or making a distinction in favor of or against, a person based on that group, class, or category to which that person belongs rather than on individual merit. Discrimination can be the effect of some law or established practice that

- confers privileges on a certain class or denies privileges to a certain class because of race, age, sex, nationality, religion, or handicap.
- E. Retaliation means any adverse action taken by an employer against an employee or former employee because they exercised their rights under anti-discrimination laws, spoke out against discrimination, or assisted someone in exercising their rights

#### IV. **Complaint Procedures**

The following are New Hampshire Department of Health and Human Services procedures for responding to employment discrimination complaints against the Department and the Department's contractors and sub-recipients:

1. The New Hampshire Civil Rights Office located in the Office of the Ombudsman is responsible for coordinating the series of actions described in these procedures.
2. Employees may file a complaint of discrimination with the Civil Rights Office at the Office of the Ombudsman in a variety of ways. These include, but are not limited to, in a letter, in an email, in person, or over the telephone.
3. If a Department employee, contractor or sub-recipient receives a complaint directly from an employee of the Department or a Department contractor or sub-recipient, said individual shall promptly forward the complaint to the Civil Rights Office at the Office of the Ombudsman for investigation and response;
4. The Civil Rights Office or designee will either refer the complaint to the U.S. Office for Civil Rights or conduct an intake interview and make a determination as to the validity of the complaint and whether an investigation is warranted. If the Civil Rights Office determines that an investigation is warranted, the case will be assigned to an investigator for an internal investigation;
5. At the various stages of the investigation, the complainant will be notified in writing of the determination and the next steps, if any;
6. Upon conclusion of the investigation, the Civil Rights Office will issue a report and recommendations based on the facts uncovered, and will notify all parties of the outcome. The Commissioner will issue a ruling based on the investigation report and recommendation.
7. The Civil Rights Office will notify the U.S. Office for Civil Rights of the investigation and outcome.
8. Contractors and sub-recipients are required to notify the Department's Civil Rights Office at the Office of the Ombudsman of any employment discrimination complaints that the contractor or sub-recipient does not forward.
9. Contractors and sub-recipients are required to notify the complainant that he or she may file a complaint directly with the Department's Civil Rights Office at the Office of the Ombudsman, the New Hampshire Commission for Human Rights, the U.S. Equal Employment Opportunity Commission (EEOC) or a state or local fair employment practices agency and/or with the U.S. Office for Civil Rights.

## **V. Notification Procedures**

The Department will notify employees of the prohibited discrimination, and the procedures for filing discrimination complaints by: (1) posting these procedures on its intranet website; (2) posting these procedures in Department workplaces; (3) including reference to the discrimination policy and procedures in new employee orientation materials; (4) including reference to the discrimination policy and procedures in the federal civil rights training, and (5) providing employees, a written copy of these complaint procedures, upon request.

The Department will ensure that contractors and sub-recipients have procedures in place for notifying employees of the prohibited discrimination and for responding to employment discrimination complaints by reviewing the procedures during the annual onsite monitoring visit. To view the list of questions used to assess compliance, please refer to the Federal Civil Rights Compliance Checklist.

## **VI. Training**

The New Hampshire Department of Health and Human Services provides mandatory federal civil rights training to relevant staff, and to all contractors and sub-recipients. The training includes a review of these complaint procedures, including the responsibility of Department and contractor/sub-recipient staff to refer employment discrimination complaints to the Civil Rights Office at the Office of the Ombudsman.

The Department disseminates these procedures to its contractors and sub-recipients by posting the procedures on its agency website, by referencing these procedures in the Bidder Reference Guide for Completing the Culturally and Linguistically Appropriate Services (CLAS) Section of the RFP, by reviewing these procedures during the mandatory training, and by hand delivering a copy of these procedures during initial onsite monitoring visit.