




HUMAN SERVICES
DEPARTMENT

Susana Martinez, Governor
Sidonie Squier, Secretary
Marilyn Martinez, Acting Director

Interim Policy & Procedure Memorandum

ISD-IPP 14-10

TO: ISD Employees

FROM:  Marilyn Martinez, Acting Director, Income Support Division

RE: Civil Rights/Rude Treatment Complaints Procedures

DATE: September 12, 2014

This memorandum rescinds ISD-IPP 10-07 procedures for handling complaints. These procedures supplement the General Provisions manual section 8.100.100.16B NMAC Right to File a Complaint and includes information contained in the HSD Code of Conduct. This memorandum is intended to ensure compliance with federal regulations.

A Civil Rights Complaint, for purposes of the Supplemental Nutrition Assistance Program (SNAP), is defined as any complaint involving the protected classes: Age, Race, Color, Sex, Disability, National Origin, Religious Creed, and/or Political Beliefs.

Rude behavior is of great consequence because it promotes inferior services, diminishes agency effectiveness in the delivery of services, impacts program access to timely accurate benefits and has a direct relationship with Civil Rights. The HSD Code of Conduct 041.4 Standard of Service strictly prohibits rude treatment. Rude or discourteous treatment may be directed toward an individual, a group, or a class of individuals. Often personal biases and prejudices based on Age, Race, Color, Sex, Disability, National Origin, Religious Creed, and/or Political Beliefs can be manifested through rude behavior. The Quality Improvement Section (QIS) will work with Human Resources on all complaints of rude treatment for resolution.

HSD/ISD may receive a complaint from various sources, directly or indirectly, either verbal or in written form. Occasionally, the complaint is referred to another State or Federal Agency, which initially receives the complaint. **Any HSD employee who receives the complaint alleging a civil rights violation is required to report the complaint.** If unsure whether or not the complaint constitutes an alleged violation of civil rights, treat the complaint as if it does.

The following procedure shall apply to all allegations of Civil Rights violations:

1. Upon receipt of the complaint, the employee must provide the complainant with the appropriate ISD-416 Complaint Form or ISDSP-416 Complaint Form in Spanish.
Do not scan the Complaint Form into ECF or make any case comments related to the complaint.
2. The employee must offer assistance in filling out the form and consider possible actions that can remedy the situation expediently including the option to speak to a supervisor.
3. If the applicant/recipient does not want to complete the form but has made a complaint, the employee receiving the complaint must complete the ISD-416 on their behalf.
4. The employee must then notify his/her immediate supervisor.
5. **The receiving supervisor/manager must immediately report the alleged Civil Rights complaint to the County Director. The CD is responsible for tracking and submitting the ISD-416 form to the QIS within 24 hours by FAX (505) 827-7241 or email HSD.QIS@state.nm.us**
6. Should the complainant desire to file a complaint with someone, other than ISD, refer the complainant to the United States Department of Agriculture (USDA) Director for the Office of Civil Rights, 1400 Independence Avenue SW, Washington, D.C. 20250-9410.
7. All Civil Rights Complaints must be held in strict confidence. Please mark all correspondence "Confidential".
8. Program related issues shall be resolved by the county to ensure timeliness and accuracy while the QIS reviews the complaint.
9. County Office Management Staff must maintain a log to track all complaints and/or concerns.
10. QIS will request documentation or evidence needed during the course of the investigation of each allegation, from the county office.

Civil Rights Training is required annually by Federal Law and is provided to ISD employees by the Regional Training Staff. Trainers are required to monitor and ensure all staff in their region have attended ISD Civil Rights Training yearly. Trainers are responsible for tracking and submitting completion reports to QIS each month.

The ISD-416 and ISDSP-416 Complaint forms have been revised. Please refer to MR 14-13.

Please contact Kathy A. Blea with any questions relating to this IPP at (505) 827-7760 or via email at HSD.QIS@state.nm.us.

