

**MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (MDHHS)
DIVISION OF VICTIM SERVICES (DVS)**

EMPLOYMENT DISCRIMINATION COMPLAINT POLICIES AND PROCEDURES

**Policy for Responding to Discrimination Complaints from Employees of
DVS Subrecipient Organizations**

I. PURPOSE

The purpose of this policy and procedure is to outline the process that an employee or applicant for employment at a Division of Victim Services (DVS) subrecipient organization should follow who has reason to believe that they have been unlawfully discriminated against or experienced discriminatory harassment.

The policy further establishes a written process for the Michigan Department of Health and Human Services (MDHHS) and Division of Victim Services (DVS) to follow when they receive a complaint from the employees or applicant for employment of DVS subrecipients.

This policy and procedure is applicable to DVS subrecipient organizations who receive grant funds from DVS including Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) grant funds from the U.S. Department of Justice and Family Violence Prevention and Services Act (FVPSA) grant funds from the U.S. Department of Health and Human Services.

II. POLICY

MDHHS and subrecipients will not discriminate on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.

Subrecipients are also required to comply with MDHHS contract provisions and applicable federal laws regarding discrimination including but not limited to:

- Section 601 of Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C and D.
- Section 809(c) of The Omnibus Crime Control and Safe Streets of Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (34 U.S.C. 10228(c));

see also 34 U.S.C. § 11182(b)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D.

- VOCA Subrecipients: Section 1407(e) of the Victims of Crime Act (VOCA) of 1984, which prohibits discrimination on the basis of race, color, national origin, handicap or sex in VOCA funded programs or activities (34 U.S.C. § 20110(e)) and DOJ implementing regulations at 28 C.F.R. Part 9 Subpart B.
- VAWA Subrecipients: Section 40002(b)(13) of the Violence Against Women Act (VAWA) of 1994, which prohibits discrimination on the basis of actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity in programs or activities, both in employment and in the delivery of services, including a limited exception for sex-specific programming (34 U.S.C. § 12291(b)(13)).
- FVPSA Subrecipients: The Fair Housing Act which prohibits discrimination in housing because of race, color, national origin, religion, sex, familial status, and disability (42 U.S.C. §§ 3601-3619); Section 109 of Title I of the Housing and Community Development Act of 1974 which prohibits discrimination on the basis of race, color, national origin, sex or religion in programs and activities receiving financial assistance from HUD's Community Development Block Grant Program (42 U.S.C. § 5309); or any other applicable nondiscrimination law, including the FVPSA provisions enunciated in 42 U.S.C. § 10406.
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G.
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35.
- Title I of the Americans with Disabilities Act of 1990 prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including State and local governments.
- Section 901 of Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681-1683, 1685-1686), and the DOJ implementing regulations at 28 C.F.R. Part 54. 28 C.F.R. Part 42 Subpart D

- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
- The DOJ regulations on the Partnerships with Faith-Based and Other Neighborhood Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibits organizations from using DOJ funding on and prohibits organizations from using DOJ funding on explicitly religious activities (28 C.F.R. Part 38).
- The Drug Abuse Prevention, Treatment, and Rehabilitation Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse.
- The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- Sections 523 and 527 of the Public Health Service Act of 1944 (42 U.S.C. §290 dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- Michigan Elliot-Larsen Civil Rights Act (1976 PA 453, as amended; MCL 37.2101 *et seq*) which prohibits discrimination in program areas based upon religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, familial status, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result. *(Act 453 of 1976 THIS TITLE, BEGINNING WITH THE FIRST INSTANCE OF "AN ACT", IS AMENDED EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2023 REGULAR SESSION SINE DIE; THIS AMENDED TITLE, BEGINNING WITH THE SECOND INSTANCE OF "AN ACT", IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2023 REGULAR SESSION SINE DIE)*
- Michigan Persons with Disabilities Civil Rights Act (MCL 37.1101-37.1607) prohibits discrimination based on Disability and Genetic Information.
- Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and,
- The requirements of any other nondiscrimination statute(s) which may apply to the application.

These laws prohibit any agency from retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

III. DEFINITIONS

Recipient. A non-federal entity that receives federal funding directly from a Federal awarding agency to carry out an activity under a Federal program.

Subrecipient. A non-Federal entity that receives a sub-award Agreement from the recipient to carry out part of a Federal program. Subrecipient does not include an individual that is a beneficiary of such a program.

MDHHS Equal Employment Opportunity (EEO) Officer. The MDHHS EEO Officer is the designated Civil Rights Complaint Coordinator to handle the discrimination complaint process and maintain the files.

Complainant. An individual who alleges they are the subject of discrimination.

Accused. An employee or individual who allegedly committed the discriminatory behavior.

Discrimination. Refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs rather than on individual merit.

Retaliation. An individual being treated differently, in a negative manner, as a result of being involved in a discrimination complaint process such as filing a complaint or being a witness to the complaint.

IV. COMPLAINT PROCEDURES

Any applicant for an employment position with or employee of a DVS subrecipient organization who has reason to believe that they have been unlawfully discriminated against or experience discriminatory harassment on the race, sex, religion, age, national origin, color, height, weight, marital status, gender identification or expression, sexual orientation, partisan considerations, history of alcohol or drug use, arrest record, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position by a DVS subrecipients of federal funds may contact the MDHHS EEO Officer.

The following complaint policies and procedures will be adhered to:

- A. If an employee of subrecipient can file a discrimination/discriminatory harassment complaint with the subrecipient, the employee shall use their employer's complaint form or prepare a written statement containing the name, address, and telephone number of the individual or authorized representative filing the complaint; a thorough and specific description of the situation, incident, or condition; indicate discriminatory factors such as race, sex, disability, genetic information, etc.; identity of witnesses, if any; the resolution the individual is seeking; and the signature of the individual filing the complaint properly dated by the complainant, including those protected above.

- B. Complaints should be sent to the MDHHS EEO Officer as well as DVS. If DVS receives a complaint from an employee of a subrecipient that has not been sent to EEO Officer, that complaint shall be forwarded to MDHHS EEO Officer within two (2) business days.

Michigan Department of Health and Human Services

Mr. Jimmy Waters- Civil Rights Complaint Coordinator

235 South Grand Avenue, Suite 708

P.O. Box 30037

Lansing, MI 48909

E-Mail: WatersJ@michigan.gov

Division of Victim Services

Gail Krieger- Director of Operations

Grand Tower, Suite 1108

PO Box 30037

Lansing, MI 48909-7537

E-mail: KriegerG@michigan.gov

- C. The MDHHS EEO Officer will provide the complainant written acknowledgement of the complaint within three (3) business days of receiving the complaint.
- D. The MDHHS EEO Officer will promptly conduct a review of the issues involved in the complaint to ascertain whether or not an informal resolution of the complaint can be achieved. If an informal resolution is possible and mutually agreeable by the parties involved, the MDHHS EEO Officer will facilitate arrangement of the resolution and make a record of this agreement. If no informal resolution is possible, the MDHHS EEO Officer will forward the complaint to the appropriate federal or state enforcement agency such as U.S. Equal Employment Opportunity Commission (EEOC) or Michigan Department of Civil Rights (MDCR). This process will occur within thirty (30) days of receiving the complaint.
- E. MDHHS EEO Officer will notify employees of subrecipient and the subrecipient's in writing, if the complaint is forwarded to EEOC or MDCR.
- F. MDHHS EEO Officer will also inform the employee of the subrecipient to follow-up with EEOC or MDCR regarding their complaint.
- G. MDHHS EEO Officer will document complaint information in a database and/or file.
- H. Record Keeping:

- a. MDHHS EEO Officer is to maintain records of all complaints received including complaints forms, supporting documentation, acknowledgement of complaint receipt letters and resolution letters. All complaint records will be filed in a secured cabinet and access will be restricted to the MDHHS EEO Officer.
- b. MDHHS EEO Officer shall preserve all records from all investigative steps for seven (7) years (three years at the worksite and then four years in the archives) after the final decision is issued.
- c. Any requests for documents from the investigation file must be requested under the Freedom of Information Act (FOIA). Send FOIA requests to:

Michigan Department of Health and Human Services
ATTN: FOIA Coordinator
P.O. Box 30195
Lansing, Michigan, 48909
Fax: (517) 241-7340
or file online [here](#)

V. CONTACT

If you have any questions regarding this policy, you may contact:

Michigan Department of Health and Human Services
Mr. Jimmy Waters- Civil Rights Complaint Coordinator
235 South Grand Avenue, Suite 708
P.O. Box 30037
Lansing, MI 48909
Phone: (517) 335-4722
<https://www.michigan.gov/mdhhs/inside-mdhhs/legal/equal-opp>