

SUBCHAPTER a: SERVICE DELIVERY
PROCEDURES 308 NONDISCRIMINATION REQUIREMENTS OF
DEPARTMENT SERVICE PROVIDERS
JULY 1, 1981

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308.1 Purpose

308.2 Definitions

308.3 The Department's Nondiscrimination Policy with Respect to Private Purchase of Service Providers

- a) Whenever the Department enters into a contractual agreement with a Purchase of Service provider, the provider must initially complete all of the Affirmative Action Exhibit forms attached to the contract and submit them to the Office of Affirmative Action. The exhibit forms to be submitted are: E-3A, Workforce Analysis Sheet, E-3B, Employment Transactions, E-4A, DCFS Client Service Data Form, and E-4B, Non-Discrimination Compliance Questionnaire.
- b) Upon receipt of the exhibit forms a desk audit will be conducted by the Office of Affirmative Action to determine compliance with Civil Rights rules and regulations in accordance with Titles VI and VII of the Civil Rights Act of 1964, as amended, and Sections 503 and 504 of the Rehabilitation Act.
- c) Whenever a discrimination complaint is filed against a Purchase of Service provider, the provider is to provide written notification to the Department's administrator responsible for affirmative action and indicate the nature of the complaint and disposition of the complaint.

308.4 Affirmative Action and Civil Rights Compliance

- a) Affirmative Action Exhibits
Semi-annually, barring a preliminary finding of non-compliance, service providers are to submit Exhibit E-3A and E-4A forms.
- b) Civil Rights Compliance Review
 - 1) In addition to the quarterly reports, an on-site compliance review may be conducted by the Office of Affirmative Action. The Department of Health and Human Services also has the authority to initiate and conduct periodic compliance reviews to review the practices of Purchase of Service Providers. Other appropriate

governmental agencies may also conduct compliance reviews of providers, if a complaint of discrimination is received.

- 2) In instances where there is a preliminary finding of non-compliance, the Department will require documentation from the provider of all efforts undertaken to correct the employment/service delivery conditions. If the documentations is determined by the Office of Affirmative Action to be less than a "good faith effort" (efforts insufficient to lead toward correction of the employment/service delivery problems within a reasonable time period, subject to the nature and area of noncompliance), the Office of Affirmative Action will offer suggestions and recommendations for correcting the problem(s).

The service provider will be expected to comply with the recommendations, or identify other alternatives that will be utilized in correcting the problem(s). If the provider fails to take the necessary action to correct the problems by the time the compliance period has expired, action will be taken to terminate the contract in accordance with Section 308.7, Contract Termination, of the rule and procedures.

- 3) Other agencies conducting compliance reviews in accordance with this section and section b) 1) above, will be accompanied by the Office of Affirmative Action
- 4) Should the DCFS Client Service Data Form (E-4A) or the Non-Discrimination Compliance Questionnaire (E-4B) reflect a preliminary finding of noncompliance in areas of Admissions, Referrals, Discharges, or general service delivery, the service provider will be required to submit Exhibit E-4A on a quarterly basis to the Office of Affirmative Action.

c) Workforce Analysis

Should the Workforce Analysis (E-3A) or Employment Transactions (E-3B) reflect an underutilization of any of the protected classes (Blacks, Hispanics, Native Americans, Asian Americans, and women) in a particular job category or classification compared to what would reasonably be expected by their presence, with requisite skills in the labor market, the service provider would be required to submit on a quarterly basis Exhibit E-3A.

308.5 Compliance Alleging Discrimination in Service Delivery
and

308.6 Complaints Alleging Discrimination in Employment

Filing of Complaints

In instances where an employee or applicant for employment or a recipient of service feels he/she has been discriminated against by a service pro

vider, the individual may file a complaint with the Office of Affirmative Action within 30 days of the alleged discriminatory act(s).

Receipt of Complaints and Notification

Within five working days of receipt of a written complaint, a staff person from the Office of Affirmative Action will be assigned to investigate the complaint. Written notification of receipt of the complaint will be sent to the service provider's Executive Director and to the individual who filed the complaint. This notification will state the nature of the complaint and indicate that an investigation is being initiated. Notification will also be provided to the Director of DCFS of his designee and other appropriate Department staff.

Substantial Complaints

When the investigation conducted by the Office of Affirmative Action provides evidence to substantiate the complaint, a written report of the findings will be provided to the Director of DCFS or his designee and other appropriate personnel. This report will include recommendations for conciliation efforts. The service provider and the complainant will be notified of the results of the investigation. The Department will work with the service provider and the complainant to resolve the matter through advice and conciliation.

If the service provider will not conciliate or if the complainant is not satisfied, he/she will be informed of his/her right to file with the Department of Human Rights, the Equal Employment Opportunity Commission, the Department of Health and Human Services, and/or the Office of Federal Contract Compliance.

Unsubstantiated Complaints

When an investigation does not provide evidence to substantiate the complaint, a written report will be provided to the Director of DCFS or his designee, and other appropriate Department staff. Notification of the findings will be provided to the service provider and the complainant. If the complainant does not agree with the findings, he/she may pursue the matter through other channels as indicated above.

Disposition of Complaint Material

Any written material or other information gathered and/or compiled as part of any investigation shall be handled in a confidential manner. Such materials will be made a part of the complainant's files. It will be the responsibility of the staff person assigned to the complaint to assure that materials in the file represent all pertinent activities relevant to the complaint and the investigation.

308.7 Contract Termination

If the service provider fails to take the necessary action to correct the problem by the time the compliance period has expired, the Director of the Department will terminate the contract, unless the provider can document that due to extenuating circumstances beyond the provider's control, the

problem(s) could not be corrected. Should that be the case, a new compliance period will be established to allow the provider time to correct the problem(s).

Termination of contracts shall be conducted in accordance with Section 357.9 of rules and procedures 357, Purchase of Service.