

Public/Client Grievance Policy

I. Purpose

Federal regulations require subrecipients of federal funds to adopt policies and procedures to address discrimination complaints made by their employees, clients, customers or program participants. The purpose of this document is to establish written procedures for County of Merrimack employees to follow when they receive a complaint alleging discrimination from clients, customers, program participants, or consumers of County of Merrimack programs funded through the US Department of Justice and/or the NH Department of Justice. The following is a step-by-step, written grievance procedure addressing how a complaint may be filed, how County of Merrimack investigates a complaint, who is responsible for conducting the investigation, who is responsible for making findings, and the timeframe for issuing findings.

II. Policy

All individuals have the right to participate in programs and activities operated by County of Merrimack regardless of race, color, national origin, sex, religion, disability, age, sexual orientation, and gender identity. This policy is in compliance with the following statutes and regulations:

- A.** Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. C;
- B.** Applicable program statutes, including the Omnibus Crime Control and Safe Streets Act of 1968, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, and sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. D; the Violence Against Women Act of 1994, as amended, which prohibits discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual

orientation, and disability in the delivery of services and employment practices (42 U.S.C. § 13925(b)(13)); the Victims of Crime Act of 1984, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, sex, and handicap in the delivery of services and employment practices (42 U.S.C. § 10604(e)); and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination on the basis of race, color, national origin, religion, and sex in the delivery of services and employment practices (42 U.S.C. § 5672(b)).

C. 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. pt. 42, subpt. G;

D. 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. pt. 35;

E. Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. pt. 54;

F. The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. pt. 42, subpt. I; and

E. The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. pt. 38).

These laws prohibit County of Merrimack agencies and departments from retaliating against an individual for taking action or participating in action to

secure rights protected by these laws. Civil rights laws prohibit agencies receiving US and NH DoJ funding from retaliation. A retaliation claim stands independent from the underlying discrimination claim.

III. Definitions

For purposes of the County of Merrimack discrimination complaint policy and procedure, the following terms shall have the meanings listed below:

- A.** The term “Complaint Coordinator” shall mean the person designated by County of Merrimack to ensure that complaints received are acted upon in a timely manner.
- B.** The term “discrimination” shall mean an unlawful and intentional act of unfair treatment of a person based on actual or perceived race, color, sex, religion, national origin, age, physical or mental disability, sexual orientation and/or gender identity.
- C.** The term “retaliation” shall mean the act of harassing, threatening, demoting, firing or otherwise negatively targeting a complainant as a direct result of the complainant opposing unlawful discrimination.

IV. Complaint Procedures

A. Eligibility to File a Discrimination Complaint with County of Merrimack

Any person who believes that they have been excluded from participation in, denied benefits or services of, subjected to discrimination under, or denied employment in connection with, any federally funded programs or activity administered by County of Merrimack because of actual or perceived race, color, sex, religion, national origin, age, physical or mental disability, sexual orientation and/or gender identity may file a discrimination complaint with County of Merrimack in accordance with the policy and procedures described herein. Complaints shall be filed with County of Merrimack Human Resources within 180

days of the occurrence of discrimination.

B. Content of Discrimination Complaint

The complainant must submit the complaint in writing to County of Merrimack Department of Human Resources. The complaint must be signed, and contain the following information:

1. Complainant's name and contact information
2. Name of the entity against whom the complaint is made
3. Contact information for the entity, including name of contact person (if possible)
4. Basis for the complaint (actual or perceived race, color, sex, religion, national origin, age, physical or mental disability, sexual orientation and/or gender identity)
5. Date(s) discrimination occurred
6. Description of events or circumstances that caused complainant to believe that they were discriminated against.

Please access the complaint form here:

<https://www.merrimackcounty.net/departments/administration>

C. Processing of Complaint by County of Merrimack

1. Upon receipt of the complaint, the County of Merrimack Complaint Coordinator in consultation with County of Merrimack's counsel, will review the complaint to ensure that the relevant information is provided, the complaint is timely and meets jurisdictional requirements for a discrimination complaint, i.e., it must involve a claim of discrimination based upon actual or perceived race, color, sex, religion, national origin, age, physical or mental disability, sexual orientation and/or gender identity.

2. Within 15 business days after receipt of the complaint, County of Merrimack will acknowledge receipt and inform the complainant that appropriate action has been taken.

3. If the complaint involves a program funded through the US Department of Justice, County of Merrimack will forward the complaint to the NH Department of Justice, which will notify the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice (hereinafter "OCR") and coordinate with OCR on appropriate steps to be taken. An explanation of how County of Merrimack will investigate and resolve the complaint, such as whether it will conduct an internal investigation, or whether it will refer the complaint to an appropriate external agency for investigation, such as the NH Commission on Human Rights, the NH Department of Justice, or the Office for Civil Rights (OCR), Office of Justice Programs, US Department of Justice.

4. A discrimination complaint may be dismissed by County of Merrimack for the following reasons:

a. The complainant requests the withdrawal of the complaint.

b. The complainant fails to respond to repeated requests for information needed to process the complaint.

c. The complainant cannot be located after reasonable attempts.