

#### **10A NCAC 05C .0215 DUTIES REGARDING DISCRIMINATION**

(a) The Division of Aging administers Older Americans Act, state, and other funds in compliance with 45 C.F.R., Parts 80, 84 and 91, and Title VI of the Civil Rights Act. Each agency, contractor and subgrantee is required to abide by these provisions, which prohibit discrimination in service delivery and employment in division administered programs on the basis of age, race, color, national origin, sex, religion, and handicap.

(b) In carrying out its responsibilities regarding discrimination, the Division of Aging shall perform the following functions:

- (1) Inform and instruct Division of Aging staff regarding their obligations under the aforesaid parts;
- (2) Inform and instruct all agencies and organizations which provide services, financial aid or other benefits under Older Americans Act programs of their necessity to comply with the aforesaid regulations as a condition to initial or continued financial participation in the program;
- (3) Inform beneficiaries, participants, potential beneficiaries and other interested persons that services, financial aid and other benefits of the program must be provided on a nondiscriminatory basis as required by 45 C.F.R., Parts 80, 84 and 91 and Title VI of the Civil Rights Act; and of their right to file a complaint with the Division of Aging if there is evidence of discrimination on the basis of age, race, color, national origin, sex, religion, or handicap.
- (4) Inform division staff, other agencies on aging, and older persons that referrals may not be made to agencies, institutions, organizations, facilities, individual practitioners, etc. that engage in discrimination;
- (5) Inform all grantees that they shall maintain a current properly executed Form 441 as a part of their official files. A copy of Form 441 is available at the Division of Aging.
- (6) Division of Aging and grantee staff members shall conduct periodic reviews, including on-site visits as appropriate, of the agencies and organizations participating in Older Americans Act programs to assure that their practices are in conformity with the Civil Rights Act, state and federal regulations and policies, and executed statements of compliance.

(c) In addition, each agency, contractor and subgrantee that employs 15 or more persons shall:

- (1) adopt grievance procedures that incorporate appropriate due process standards for the prompt and equitable resolution of complaints by recipients of services and employees which allege discrimination in service delivery on the basis of age, race, color, national origin, sex, religion or handicap;
- (2) designate at least one responsible employee to coordinate compliance with this Section; and
- (3) notify recipients of service, applicants for service, applicants for employment and employees that it does not discriminate in admission to or access to, or treatment or employment in, its programs and activities on the basis of age, race, color, national origin, sex, religion or handicap. The notification shall also include an identification of the responsible employee designated pursuant to Subparagraph (2).

*History Note: Authority G.S. 143B-10; 143B-138; 143B-181.1;  
45 C.F.R., Parts 80, 84, 91 and 1321;  
Eff. October 1, 1988;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.*