

**NEW JERSEY DEPARTMENT OF HEALTH  
WIC PROGRAM**

**POLICY AND PROCEDURE MANUAL**

**Policy & Procedure Number: 1.33**

**Effective Date: July 7, 2023**

---

**Functional Area: I. FOOD DELIVERY SERVICE**

---

**SUBJECT: COMPLAINTS**

---

**A. POLICY:**

The State Agency (SA) shall maintain a system of handling complaints. The complaints may be made by and/ or against Retail Vendors, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies (LA), Participants or an Anonymous source.

This policy outlines the process for any non-discrimination complaints. For any complaint that does contain discrimination for any protected class, and civil rights are violated the applicant/recipient should be directed to completed civil rights complaint form or advise them that a complaint can be filed electronically: <https://www.ascr.usda.gov/filing-program-discrimination-complaint-usda-customer>. (P &P 11.00)

**B. PROCEDURE:**

**Local Agency (LA):**

1. The LA shall provide a Complaint Report (Attachment 1.33A, WIC-32) to anyone who would like to address serious concerns related to:
  - a. the misconduct or neglect toward Retail Vendors, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies and/ or Participants.
  - b. a programmatic policy, procedure or practice is not being adhered to.
  - c. the standard of service was not received at a Retail Vendor, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors or Local Agency.
2. All Complaints must be documented on the Complaint Report Attachment 1.33A (WIC-32).
3. Instructions that appear on the form must be followed. All Sections must be completed to ensure the SA can accurately conduct follow up.

This P&P Supersedes P&P 1.33 dated January 9, 2018

4. Complaint Reports (Attachment 1.33A, WIC-32) made by a Retail Vendors, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies and/ or Participants must be reported to the SA within 24-48 hours.
5. If the complainant discusses a concern which violates Federal Regulations and / or State Policy, and chooses not to complete the Complaint Report, the LA/ SA representative must complete and submit the form on their behalf.
6. The LA must complete the form on behalf of the complainant should the complainant telephone the LA or the LA may provide an alternate method for submission.
7. The LA shall assist a Retail Vendor, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies and/ or Participants in completing the Complaint Report if needed. The complainant shall not be required to sign and shall remain anonymous if he/she prefers not to do so.

**State Agency (SA):**

1. The SA must complete the form on behalf of the complainant should the complainant telephone the SA or provide an alternate method for submission. All Complaints must be documented on the Complaint Report (Attachment 1.33A, WIC-32)
2. Instructions that are on the Complaint Report must be completed to ensure the SA representative can accurately conduct follow up.
3. The SA representative shall conduct follow up on all complaints forwarded by USDA, Retail Vendors, NJ DOH Feedback, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies, other states and/or Participants and anonymous sources.
4. The SA shall initiate an investigation within 14 business days for all Complaints.
5. All complaints received at the SA will be logged in the Food Delivery Services electronic complaint log.
  - a. All complaints will be identified by the Federal Fiscal Year (FFY) followed by a unique identifying complaint number. The following abbreviations will be used along with the unique identifying complaint number to identify the SA unit conducting the investigation:

- i. Retail Vendor (V)
  - ii. Commodity Supplemental Food Programs (CSFP)
  - iii. Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors (FM)
  - iv. Local Agencies (FD) and/ or Participants (FD)
6. A designated SA representative will communicate with the LA via email to confirm the receipt of the Complaint Report. The SA will provide the LA the assigned complaint number for the Complaint Report submitted.
7. The SA unit supervisor/manager will assign a SA representative to investigate the complaint along with a due date.
8. The assigned SA representative must make attempts to conduct follow up with all parties noted on the complaint. Follow up activities may include, but are not limited, telephone communication, email, follow up letter, participant counseling, an onsite agency visit(s), Vendor monitoring, Compliance Buy(s) and /or training.
9. The SA representative must document all investigative activities on the State Agency Complaint Follow up Form (Attachment 1.33B).
- 10 The SA representative must reference, reinforce and document the applicable Federal Regulations, programmatic policy, procedures and practices for corrective action and technical support.
11. The SA will determine the follow-up action required and will initiate such action, including, but not limited to, a Vendor monitoring and/ or Compliance Buy investigation, training, sanction levied against the vendor, and referral of the complaint to USDA for a civil rights compliance investigation.

-----  
Attachment(s):

1.33A Complaint Report WIC-32

1.33B State Agency Complaint Follow up Form

Reference:

Policy and Procedure 11:00-Civil Rights

This P&P Supersedes P&P 1.33 dated January 9, 2018