

RIDER I
MAINE STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES
ASSURANCE OF COMPLIANCE

The Provider provides this Assurance of Compliance in consideration of and for the purpose of obtaining Federal and/or State funds from the Maine Department of Health and Human Services.

A. THE PROVIDER HEREBY AGREES THAT IT WILL COMPLY WITH THE FOLLOWING FEDERAL LAWS AND REGULATIONS¹:

1. Titles VI of the Civil Rights Act of 1964 (42 U.S.C. ch. 21), as amended, and all requirements imposed by or pursuant to the following regulations:
 - a. The U.S. Department of Health and Human Service (45 C.F.R. Part 80);
 - b. The U.S. Department of Justice (28 Part 42, subpts. C & D);
 - c. The U.S. Department of Agriculture (7 C.F.R. Part 15);
 - d. The U.S. Department of Housing and Urban Development (24 C.F.R. Parts 1, 100, and 121); and
 - e. The U.S. Environmental Protection Agency (40 C.F.R. Part 7)

(hereinafter collectively referred to as “Regulations”), to the end that, in accordance with Title VI of that Act and the Regulations, no person in the United States, shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the Provider receives Federal/State financial assistance from the Department. In addition to all other requirements of the Act and the Regulations, providers of client services shall: develop clear, written communication plans; provide and document training in order to ensure that staff can communicate meaningfully with applicants/clients and/or family members who are limited English proficient (LEP); determine the primary language or communication preference of applicants/clients and/or family members; and ensure that bi-lingual workers, qualified interpreters, and appropriate auxiliary aids will be provided at no cost to the applicant/client and/or family members.

2. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. ch. 16), as amended, and all requirements imposed by or pursuant to the following regulations:
 - a. U.S. Department of Health and Human Services (45 C.F.R. Part 84);
 - b. U.S. Department of Justice (28 C.F.R. Part 42, subpt. G);
 - c. U.S. Department of Agriculture (7 C.F.R. Part 15 b);
 - d. U.S. Department of Housing and Urban Development (24 C.F.R. Part 8); and

¹ With respect to the federal regulations listed in Section A, subsections 1, 2, 4, 5, and 6 the Provider only provides an Assurance of Compliance regarding the regulations of the federal agency or agencies whose financial assistance is provided to the Provider by the Department pursuant to this Agreement.

e. U.S. Environmental Protection Agency (40 C.F.R. Part 7)

hereinafter collectively referred to as “Regulations”), to the end that, in accordance with Section 504 of that Act and the Regulations, no otherwise qualified handicapped individual in the United States shall, solely by reason of his/her handicap be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity for which the Provider receives Federal/State financial assistance from the Department. Specifically, providers shall develop clear, written communication plans, provide and document training in order to ensure that staff can communicate meaningfully with applicants/clients and/or family members who are deaf, hard of hearing, late deafened, speech impaired and/or nonverbal. The Provider will provide visible or tactile alarms for safety and privacy, telecommunications devices for the deaf (TTY), amplified phone or fax machine, and train staff in the use of adaptive equipment. The Provider shall obtain the services of a qualified, licensed sign language interpreter or other adaptive service or auxiliary aid, such as CART or C-Print at no expense to the applicant/client or family member.

3. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. ch. 126), and all requirements imposed by or pursuant to the regulations of the U.S. Department of Justice (28 C.F.R. Part 35) (“Regulations”), to the end that, in accordance with the ADA and the Regulations, no qualified individual with a disability shall, on the basis of said disability, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Provider receives Federal/State financial assistance from the Department².
4. Title IX of the Educational Amendments of 1972 (20 U.S.C. ch. 38), as amended, and all requirements imposed by or pursuant to the following regulations:
 - a. U.S. Department of Health and Human Services (45 C.F.R. Part 86);
 - b. U.S. Department of Justice (28 C.F.R. Part 42, subpt. D and Part 54);
 - c. U.S. Department of Agriculture (7 C.F.R. Part 15a);
 - d. U.S. Department of Housing and Urban Development (24 C.F.R. Part 3); and
 - e. U.S. Environmental Protection Agency (40 C.F.R. Part 5)

(hereinafter collectively referred to as “Regulations”), to the end that, in accordance with Title IX and the Regulations, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or activity for which the Provider receives Federal/State financial assistance from the Department.

5. The Age Discrimination Act of 1975 (42 U.S.C. ch. 76), as amended, and all requirements imposed by or pursuant to the following regulations:
 - a. U.S. Department of Health and Human Services (45 C.F.R. Part 91);

² Technical assistance and information related to the requirement of the Americans with Disabilities Act is available at <https://www.ada.gov/index.html>.

- b. U.S. Department of Justice (29 C.F.R. Part 42, subpt. I);
- c. U.S. Department of Agriculture (7 C.F.R. Part 15c); and
- d. U.S. Department of Housing and Urban Development (24 C.F.R. Part 146)

(hereinafter collectively referred to as “Regulations”); to the end that, in accordance with the Act and the Regulations, no person in the United States shall, on the basis of age, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity for which the Provider receives Federal/State financial assistance from the Department.

- 6. Executive Order 13279, Equal Protection of the Laws for Faith-Based and Community Organization (67 C.F.R. 77141 (2002)), and Executive Order 13559, Fundamental Principles and Policymaking Criteria for Partnerships With Faith-Based and Other Neighborhood Organizations (75 C.F.R. 71319 (2010)), and all requirements imposed by or pursuant to the following regulations:

- a. U.S. Department of Health and Human Services (45 C.F.R. Part 87);
- b. U.S. Department of Justice (28 C.F.R. Part 38);
- c. U.S. Department of Agriculture (7 CFR Part 16); and
- d. U.S. Department of Housing and Urban Development (24 C.F.R. Part 5).

(hereinafter collectively referred to as “Regulations”), to the end that, in accordance with Executive Orders and the Regulations, no person in the United States shall, on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any social service programs³ for which the Provider receives Federal/State financial assistance from the Department.

- 7. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (65 C.F.R. 50121 (2000)) and all requirements imposed by or pursuant to the following regulations and guidance:
 - a. SNAP regulations provided by 7 C.F.R. Part 272.4(b), “Bilingual requirements”;
 - b. DOJ policy guidance titled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons”, published in 67 F.R. 41455-41457 (June 18, 2002); and
 - c. USDA policy guidance titled, “Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination

³ The definition of “social service program” is found at <https://www.gpo.gov/fdsys/pkg/FR-2002-12-16/pdf/02-31831.pdf>

Affecting Limited English Proficient Persons”, published in 79 F.R. 70771-70784 (November 28, 2014).

(hereinafter collectively referred to as “Regulations”), to the end that, in accordance with Executive Orders and the Regulations, that programs and activities that are normally provided in English, for which the Provider receives Federal/State financial assistance from the Department, are accessible to Limited English Proficient Persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations.

B. THE PROVIDER HEREBY AGREES THAT IT WILL COMPLY WITH THE FOLLOWING STATE LAWS AND EXECUTIVE ORDER:

1. The Maine Human Rights Act (5 M.R.S. ch. 337), to the end that, in accordance with the Maine Human Rights Act, no person in the State of Maine shall be discriminated against: in employment, housing or access to public accommodations on account of race, color, sex, sexual orientation, physical or mental disability, religion, ancestry or national origin; in employment on account of age or because of the previous assertion of a claim or right under former Title 39 or Title 39-A; in housing because of familial status; in the extension of credit on account of age, race, color, sex, sexual orientation, marital status, religion, ancestry or national origin; or in education on account of sex, sexual orientation or physical or mental disability⁴.
2. The Code of Fair Practices and Affirmative Action (5 M.R.S.A. § 781 *et seq.*), to the end that, in accordance with the Code of Fair Practices and Affirmative Action, no state or state related agency contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement will discriminate because of race, color, religious creed, sex, national origin, ancestry, age, or physical or mental disability while providing any function or service to the public, in enforcing any regulation, or in any education, counseling, vocational guidance, apprenticeship and on the job training programs, unless based upon a bona fide occupational qualification. During the performance of this contract, the Provider agrees as follows:
 - a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religious creed, sex, national origin, ancestry, age, physical handicap or mental handicap. Such action shall include, but not be limited to, the following: Employment, upgrading, demotions, transfers, recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
 - b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration

⁴ Technical assistance and information relating to the requirements associated with the Maine Human Rights Act is available at <http://www.maine.gov/mhrc/laws/index.htm>.

for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical handicap or mental handicap.

- c. The contractor will send to each labor union or representative of the workers with which he has a collective or bargaining agreement, or other contract or understanding, whereby he is furnished with labor for the performances of his contract, a notice, to be provided by the contracting department or agency, advising the said labor union or workers' representative of the contractor's commitment under this section and shall post copies of the notice in conspicuous places available to employees and to applicants for employment.
 - d. The contractor will cause the foregoing provisions to be inserted in all contracts for any work covered by this agreement so that such provisions will be binding upon each subcontractor.
 - e. Contractors and subcontractors with contracts in excess of \$50,000 will also pursue in good faith affirmative action programs.
3. State of Maine Executive Order 17 FY 04/05⁵ which provides that all contractors entering into contracts for services to be provided to or on behalf of the State of Maine not discriminate against any employee or applicant for employment because of that employee's or applicant's sexual orientation. Solicitations or advertisements for employment by the Provider or subcontractor shall state that all qualified applicants will receive consideration for employment without regard to sexual orientation. Provider will notify each labor union or workers' representative of the contractor's obligations under State of Maine Executive Order 17 FY 04/05 and post such notice in conspicuous places available to employees and applicants for employment. The Provider will cause the requirement of State of Maine Executive Order 17 FY 04/05 to be inserted in all contracts for work covered by a State contract for services such that the requirements will be binding on any and all subcontractors. The Provider further stipulates that services will be provided in a culturally sensitive and age appropriate manner.

C. THE PROVIDER HEREBY AGREES THAT IT WILL COMPLY WITH THE FOLLOWING FEDERAL LAWS AND REGULATIONS WHEN RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, OFFICE OF JUSTICE PROGRAMS, OFFICE OF VICTIMS OF CRIME AND/OR OFFICE ON VIOLENCE AGAINST WOMEN⁶:

1. The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. §3789d(c) and §3782(a)), and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 C.F.R Part 42, subpt. D), to the end that, in accordance with the Act and the regulations, no person in the United States shall, on the basis of race, color, national origin, sex, or religion, be discriminated against in

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http://www.maine.gov/tools/whatsnew/index.php?topic=Gov_Executive_Orders&id=21355&v=article2011

⁶ Technical assistance and information related to the requirements associated with these funding sources is available at <https://ojp.gov/about/offices/ocr.htm>

employment, or the delivery of services or benefits, under any program or activity funded under the Act.

2. The Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 U.S.C. § 5601 *et seq.*), and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 C.F.R. Part 31), to the end that, in accordance with the Act and the regulations, no person in the United States shall, on the basis of race, color, national origin, sex, or religion, be discriminated against in employment, or the delivery of services or benefits, under any program or activity funded under the Act.
 3. The Victims of Crime Act of 1984, as amended (42 U.S.C. § 1604(e)), and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 C.F.R. Part 94), to the end that, in accordance with the Act and the regulations, no person in the United States shall, on the basis of race, color, national origin, sex, religion, or disability, be discriminated against in employment, or the delivery of services or benefits, under any program or activity funded under the Act.
 4. The Violence Against Women Act of 1994, as amended (42 U.S.C. § 13925(b)(13)), and all requirements imposed by or pursuant to the regulations of the Department of Justice (28 C.F.R. Part 90), to the end that, in accordance with the Act and the regulations, no person in the United States shall, on the basis of race, color, national origin, sex, religion, disability, sexual orientation, or gender identity, be discriminated against in employment, or in the delivery of services or benefits, under any program or activity either funded under the Act or administered by the Office of Violence Against Women.
- D. The Provider agrees that compliance with this Assurance constitutes a condition of continued receipt of Federal/State financial assistance, and that it is binding upon the Provider, its successors, transferees and assignees for the period during which such assistance is provided. The Provider also agrees that the Department may withhold financial assistance to any recipient found to be in violation of the above listed state and federal laws and regulations or State of Maine Executive Order 17 FY 04/05. If any real property or structure thereon is provided or improved with the aid of Federal/State financial assistance extended to the Provider by the Department, this assurance shall obligate the Provider, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal/State financial assistance is extended or for another purpose involving the provision of similar service or benefits. If any personal property is so provided, this assurance shall obligate the Provider for the period during which it retains ownership or possession of the property. The Provider further recognizes and agrees that the United States shall have the right to seek judicial enforcement of this Assurance.
- E. Technical assistance and information relating to the requirements of Section A above is available as follows:
1. U.S. Department of Health and Human Services - <https://www.hhs.gov/civil-rights/for-individuals/index.html>;
 2. U.S. Department of Justice - <https://ojp.gov/about/ocr/statutes.htm>;

3. U.S. Department of Agriculture - <https://www.ascr.usda.gov/directives-and-regulations>;
4. U.S. Department of Housing and Urban Development - https://www.hud.gov/program_offices/fair_housing_equal_opp/FHLaws;
5. U.S. Environmental Protection Agency - <https://www.epa.gov/ocr/external-civil-rights-compliance-office-title-vi#overview>; and
6. U.S. Equal Employment Opportunity Commission - www.eeoc.gov.