

**NEW JERSEY DEPARTMENT OF HEALTH  
WIC PROGRAM**

**POLICY AND PROCEDURE MANUAL**

**Policy & Procedure Number: 1.33**

**Effective Date: January 9, 2018**

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

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**SUBJECT: COMPLAINTS**

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**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.

**B. PROCEDURE:**

**Local Agency (LA):**

1. The LA shall provide a Complaint Reports (Attachment 1.33A) 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 (also known as WIC-32). Instructions that appear on the form must be followed.
3. All Sections (I-V) on the Complaint Report must be completed to ensure the SA can accurately conduct follow up.
4. Complaint Reports (Attachment 1.33A) 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 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.
2. The SA must complete the form on behalf of the complainant should the complainant telephone the SA or provide an alternate method for submission.
3. All Complaints must be documented on the Complaint Report Attachment 1.33A (also known as WIC-32). Instructions that appear on the form must be followed.
4. All Sections (I-V) on the Complaint Report must be completed to ensure the SA can accurately conduct follow up.
5. The LA must submit all Complaint Reports (Attachment 1.33A) made by a Retail Vendors, Commodity Supplemental Food Programs, Farmers Market Nutrition Program-Senior Farmers Market Nutrition Program Vendors, Local Agencies and/ or Participants within 24-48 hours to the SA.
6. The SA shall initiate an investigation within 14 business days for all Complaints.
7. 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)
  - b. The internal SA Food Delivery Services electronic complaint log will capture the following information:

- i. Date Received, Complaint Source
  - ii. Complaint Against, Vendor Id# (if applicable)
  - iii. Peer Group (if applicable)
  - iv. Agency (if applicable)
  - v. Name & title of Agency Staff (if applicable)
  - vi. SA Staff Assigned to complaint
  - vii. Secondary SA Staff Assigned to complaint (if applicable)
  - viii. Date Complaint Assigned
  - ix. Date Complaint Due
  - x. Date Complaint Completed
  - xi. Participant Name (if applicable)
  - xii. Type of Complaint and the outcome
8. A designated SA staff 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.
  9. The SA unit supervisor/manager will assign a SA staff to investigate the complaint along with a due date.
  10. The assigned SA staff 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, a onsite agency visit(s), Vendor monitoring, Compliance Buy(s) and /or training.
  11. The SA staff must document all investigative activities on the State Agency Complaint Follow up Form (Attachment 1.33B).
    - a. The name and title of the SA staff who makes the call
    - b. The name and title of the vendor staff who is interviewed
    - c. The date(s) and time(s) of the conversation
    - d. Outcome of investigation
    - e. The policy, procedure or practices discussed with the complainant.
  12. The SA staff must reference, reinforce and document the applicable Federal Regulations, programmatic policy, procedures and practices for corrective action and technical support.
  13. 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.

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Attachment(s):

1.33A Complaint Report

1.33B State Agency Complaint Follow up Form