



# The Emergency Food Assistance Program (TEFAP)

## TEFAP Outlet Manual

Updated June 2018

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## Section 1: Program Information

### Overview

The Emergency Food Assistance Program (TEFAP) is a federal program that helps supplement the diets of low-income residents by providing them with emergency food and nutrition assistance at no cost. Through TEFAP, the United States Department of Agriculture (USDA) purchases USDA Foods and makes them available to state agencies for distribution.

In Pennsylvania, the Department of Agriculture (PDA) is the designated state agency responsible for program administration. The TEFAP contact within PDA is the Bureau of Food Distribution (BFD) and they can be reached at 1-800-468-2433 or RA-Fooddist@pa.gov.

**This manual is intended for TEFAP outlets, which are agencies that have contracts directly with the TEFAP Lead Agency, and not with the Pennsylvania Department of Agriculture, regarding the distribution of USDA Foods for TEFAP.**

### Agreements

PDA has contract agreements with the 67 counties in the state, referred to as County Agencies, which coordinate the program at the local level throughout Pennsylvania. These County Agencies, in conjunction with PDA, have developed a network of contracted Lead Agencies that are responsible for the actual distribution of these foods to needy persons. The Lead Agencies manage program requirements and coordinate USDA Foods distribution with staff and volunteers at food pantries, soup kitchens, and shelters, referred to as TEFAP outlets. All TEFAP outlets must be public or private non-profit organizations, as recognized by the United States Internal Revenue Service with 501(c)(3) status. TEFAP outlets must have a contract on file with the Lead Agency to receive USDA Foods.

### USDA Foods

Each year the USDA provides TEFAP funds to each state for the purchase of USDA Foods. Foods purchased using these funds are referred to as "Entitlement."

USDA Foods, which consist of 100% American-grown foods, may include meats, vegetables, fruit, juices, dairy, beans, cereals and nuts. Each year the USDA releases a menu of available entitlement foods from which states can order. TEFAP agencies are surveyed yearly by PDA for their recommendation on foods to order.

In addition to providing Entitlement TEFAP, which includes non-surplus food products, USDA also periodically makes surplus food products available for TEFAP distribution. These TEFAP foods are referred to as "Bonus." The USDA Agricultural Marketing Service (AMS) purchases these surplus domestic agricultural products as part of its price stabilization program.

Pennsylvania receives a portion of these Bonus products for distribution to contracted TEFAP Bonus agencies.

USDA Foods are high quality, nutritious foods and are an important supplement to existing emergency food assistance resources. The standards in this guide about food storage, distribution, and food safety must be followed to maintain the quality of the USDA Foods for public distribution.

## Section 2: TEFAP Outlets

### Types and Functions of TEFAP Outlets

**Soup Kitchen:** Soup kitchens maintain an established feeding operation to provide food in the form of prepared meals to needy persons on a regular basis as part of their normal activities. Soup kitchens also maintain regular days and hours of operations throughout the month providing privately and federally donated foods.

**Homeless Shelter:** Homeless shelters maintain on-site feeding programs serving the homeless, on regular days and hours of operations throughout the month. Shelters for battered women and children and runaway children may also qualify as homeless shelters.

**Pantry:** Pantries distribute TEFAP, foods purchased using funds from Pennsylvania's State Food Purchase Program, and/or privately purchased or donated food to low income and unemployed households, to relieve food insecurity and emergency distress situations. Pantries maintain scheduled days and hours of operation during the month.

**Needy Feeding Agencies:** Needy Feeding Agencies serve meals to the needy but, not necessarily homeless persons. To receive USDA Foods, a Needy Feeding Agency must document to the satisfaction of their Lead Agency that their organization does serve predominately needy persons. An example is a senior housing complex.

**\*\* Group Home:** A group home is any private or non-public housing corporation or institutional facility for profit that provides living quarters and meals. This also entails a domicile for unrelated persons such as a retirement home or a long-term mental care facility. **Group homes are NOT eligible to participate in TEFAP.**

### TEFAP Outlet Responsibilities

- TEFAP outlets shall distribute food to income eligible households, including food from sources other than USDA/TEFAP to relieve situations of emergency and distress.
- Outlets shall maintain regularly scheduled and consistent operating hours for TEFAP distribution and provide emergency access to food.
- TEFAP outlets may receive USDA Foods from only one Lead Agency. Exceptions can be made for agencies supporting multiple counties.

- Food distribution must take place at least once per month. However, outlets should make every effort to be open at least one day per week to ensure households have reasonable access to food.
- Outlets shall publicize the days and hours of operations. A sign must be posted at the physical location of the site to identify it.
- Outlets should have at least one freezer, one refrigerator, good quality shelving, and an adequate, well-maintained facility, storage area, and equipment.
- Outlets must comply with the Americans with Disabilities Act, which requires places of public accommodation to provide goods and services to people with disabilities on an equal basis with the rest of the general public.
- Outlets must have a geographically defined service area, such as a school district, county, zip code, or neighborhood. Service areas help ensure that as many low-income families as possible in each county have access to emergency food without duplicating services.
- Outlets must properly store, handle and distribute all USDA Foods. Outlets are fully accountable for any loss of product received.
- All USDA Foods must be stored separately from other privately donated or purchased foods and labeled as USDA Foods. A separate inventory record for USDA Foods must also be maintained.

## How to Receive USDA Foods

If an agency meets PDA's definition of a TEFAP outlet and wishes to receive USDA Foods, the organization must sign a contract with only one Lead Agency. This contract should state the responsibilities of the Lead Agency and the TEFAP outlet.

TEFAP outlets are subject to inspection by the Lead Agency, PDA, and USDA staff. All storage facilities for USDA Foods must be located in Pennsylvania. Private residences may not be used for storage and/or distribution of USDA Foods.

## Section 3: USDA Foods Overview

### Volume of USDA Foods

The variety and amounts of TEFAP vary, however, on average, four to six different types of USDA Foods are shipped to the contracted distributors monthly. The distributors receive USDA Foods each month except for June, due to PDA inventory monitoring requirements, and there are generally no deliveries in October-December. This is due to the increase in private donations during these months and the level of funding that is received from the USDA. There is not enough funding to bring in TEFAP each month unless the number of items received each month was significantly reduced or lower cost items were purchased in lieu of higher cost

protein items. Occasionally items will be delivered in October-December if there are delays or cancellations. If a USDA Food is cancelled the Bureau will order another product to ensure that funding is completely utilized. Cancellations have become less frequent as the USDA has increased their communication with vendors to get USDA Foods delivered on time.

## Delivery Calendar

A delivery calendar is emailed by PDA to TEFAP Lead Agencies before the beginning of the year to show the USDA Foods scheduled to arrive each month. The calendar should be used as a guide since product could be cancelled or delayed due to vendor constraints. Products listed on the delivery calendar for a certain month should be anticipated for the following month since there can be delays between the product being received, allocated and transported.

## Section 4: Recipient Eligibility

### Eligibility Determination

Pennsylvania households are eligible to receive USDA Foods at participating TEFAP outlets if the total gross income for the household does not exceed 150% of the federal poverty levels provided on the current year TEFAP Self-Declaration of Need form.

A household is defined as a group of related or non-related individuals, exclusive of boarders, who are not residents of an institution, but who are living as one economic unit and for whom food is customarily purchased and prepared in common. It also means an individual living alone.

Foster children or wards of the state living with and under the charge of related or unrelated individual(s) are included as members of the household with which they reside, and do not qualify as separate households. TEFAP eligibility guidelines do not require the host family to include, in their total household income, funds received for keeping foster children.

### Documentation

TEFAP regulations do not allow agencies to collect income documentation from program participants. Instead, individuals and families establish their eligibility for annual enrollment through self-declaration that they meet the income guidelines. Households are also not required to show proof of dependents. The participants must sign to self-validate that they meet the program guidelines annually.

Recipients of prepared meals are considered needy and are not subject to income requirements.

If the agency collects income information for other services and/or programs, forms must identify the information as “not required for TEFAP participation” or “optional.”

Social security numbers may not be collected as part of the TEFAP eligibility screening, in compliance with the Privacy Act of 1974.

## Residency

Participants must reside in the state of Pennsylvania to be eligible for TEFAP. Participants should also live within the geographic area supported by the TEFAP outlet. Those who live outside of the TEFAP outlet’s serving area, but are still PA residents, may be served if the agency has sufficient product, but the client should be advised of the correct location for future reference. Residency is based on self-declaration. No identification is needed as the physical presence in the area supports statement that they live in the area.

If any homeless person or those with disabilities lack documentation of identity or residence, the distribution site may indicate “NONE” in the address section. Individuals fitting these criteria are still eligible to receive TEFAP. Staff and volunteers are encouraged to refer any homeless person to the local social services agencies which may assist the individual with obtaining documentation or other needed services.

## Identification

TEFAP outlet staff and volunteers should request ID from the household member who is providing the signature for the receipt of USDA Foods. If the recipient does not have identification they are still eligible for TEFAP and should receive the USDA Foods. Proxies are required to show identification prior to picking up the USDA Foods. An acceptable ID can be a driver’s license, state ID card, form of picture ID, or any other form that proves identity. PDA does not require households to provide documentation for proof of their dependents.

If any homeless person or those with disabilities lack documentation of identity or residence, the distribution site may indicate “NONE” in the address section. Individuals fitting these criteria are still eligible to receive TEFAP. Staff and volunteers are encouraged to refer any homeless person to the local social services agencies which may assist the individual with obtaining documentation or other needed services.

## Section 5: TEFAP Applications

### Self-Declaration of Need Forms

PDA updates these forms every June 1<sup>st</sup> with the new income guidelines. The forms are available on the PDA website. New forms must be in use by the beginning of the new state fiscal year, July 1<sup>st</sup>. All participants are required to sign the updated Self-Declaration of Need

form after July 1<sup>st</sup> even if a Self-Declaration of Need form was already completed in the past year.

### Application Process

The application process requires the participant to complete the Self-Declaration of Need form with their name, household address, and the number of people residing in their household on an annual basis. The participants self-declare eligibility upon signing the application.

Households must not be required to show proof of income. Households are also not required to show proof of dependents.

### Signature Logs

The participants must sign for the receipt of TEFAP products each time they receive food. The participants take responsibility for compliance with income guidelines when they sign for receipt of USDA Foods. Signature logs are legal documents and must be kept on file for three years plus the current fiscal year.

### Proxies

Family or friends may pick up food for ill and/or housebound participants with proper identification. This is known as a “proxy.” Approved methods to allow a proxy include:

- Presenting identification and a signed note or proxy form from the participant; or
- Previously designated proxy with identification.

### Participant Confidentiality

It is required that participant confidentiality is acknowledged and maintained at all times. Participants seeking food assistance are providing household information at the time they complete the Self-Declaration of Need form. This information is confidential and every step should be taken to ensure that the information is protected. Only immediate staff and volunteers should have access to this information. Outlets must ensure that there are procedures in place to respect participant confidentiality when seeking food assistance. Participant names should not be yelled out during the food distribution process, nor should participants’ names be visible to others during the signing in process. Participants’ files must be maintained in locked files and/or in rooms that can be locked and are secure from unauthorized entry. Files must not be taken home or to other locations except as required for travel to TEFAP distribution sites. During such travel, files should be transported in such a way to maintain confidentiality and must be in the possession of staff at all times.

## Section 6: TEFAP Distribution

### Food Packages vs Participant Choice

Food products may be pre-packaged or made available to participants through a client choice procedure. With client choice, clients are able to choose from a variety of options which foods to include in their food package. With either option, participants may choose to decline food that will not be consumed by the household in a timely manner. It is up to the TEFAP outlet to determine which option works best for their operation.

### Guidelines for Food Packages

Food packages should be as nutritionally balanced as possible and should ideally contain a 3-5 day supply that is adjusted for the size of the household. The actual amount and type of food in each package will depend on exactly what and how much food is in storage. Outlets should ask whether participants have dietary restrictions and, to the extent possible, provide foods that meet the cultural, dietary, and religious needs of the household. Appropriate foods should be considered for individuals with reduced ability to prepare foods (i.e., persons with disability), inadequate cooking facilities, and for homeless individuals.

USDA Foods are generally distributed based on the size of the household, as shown below:

- 1-4 family members: 1 package
- 5-8 family members: 2 packages
- 9-12 family members: 3 packages

For additional recommendations, see the "Suggested Distribution Guide" in the Appendix.

### TEFAP Restrictions

No USDA Foods available through TEFAP shall be sold or otherwise disposed of in commercial channels in any form. Volunteers may not take USDA Foods unless they are eligible to receive foods through TEFAP. They must complete the Self-Declaration of Need form like any other participant. They cannot receive preferential treatment or larger food packages than others. Staff and volunteers at meal sites and shelters may receive meals prepared with TEFAP products if it is the outlet's practice to serve meals to workers and the site serves predominately low-income people.

## Section 7: Food Storage and Handling

### Basic Storage Requirements

All TEFAP outlets must:

- Maintain food within optimal storage conditions, including monitoring and logging temperatures of freezers, refrigerators, and dry storage.
- Store food on racks or pallets that keep it at least eight inches off the floor, six inches from the wall, and one foot from the ceiling.
- Keep rooms and shelving clean, well-maintained, and free of toxic items (cleaning supplies, paint, hazardous chemicals) that could contaminate food.
- Keep storage areas free of pests such as rodents and insects. Outlets must either contract with a professional pest control company or regularly inspect storage areas themselves, taking all necessary steps to prevent and safely control any infestations that might occur.
- Insulate any heat generating pipes or ducts.
- Ensure the food storage area is secure to prevent access by unauthorized persons.
- Notify the Lead Agency of any USDA Foods lost due to power outages or stolen due to theft for instructions on proper procedures.
- Store USDA Foods separately from other privately donated or purchased foods and label the product as such.
- Keep a separate inventory record of USDA Foods.

### Temperature

To maintain quality, food must be stored at the proper temperatures. The [USDA FNS “What’s Cooking”](#) site contains product information sheets for USDA Foods available to households through The Emergency Food Assistance Program (TEFAP). Included on these sheets are specific storage recommendations.

Thermometers are required for dry, cooler, and freezer storage. Temperatures of all storage areas should be checked and recorded frequently on temperature logs.

The following temperatures are acceptable:

- Dry: 50F - 70F degrees (best conditions)
- Cooler: 35F - 41F degrees (no variations)
- Freezer: -10F - 0F degrees (no variations)

## Air Circulation

USDA Foods must be stacked on pallets or shelves with at least six inches of wall clearance, eight inches of floor clearance, and one foot of ceiling clearance. USDA Foods should not be stored on the floor.

## Distribution Day Food Storage

If food is delivered to the site for only the day of distribution, food must be accounted for by the Lead Agency and the site. USDA Foods must be kept in a manner that maintains temperature, as needed, and must be safeguarded against theft.

## Section 8: USDA Foods Complaints

### What to Report

Any out of condition TEFAP products should be reported to the Bureau of Food Distribution.

Out of condition products include:

- Contamination/spoilage (odor, texture, mold, discoloration, flavor, etc.)
- Foreign material (bugs, metal, etc.)
- Defective packaging (leaking cans, rust, dented boxed, crushed cans, etc.)
- Poor quality

### How to Report

Any complaints regarding TEFAP product should be submitted to the Bureau of Food Distribution. A Commodity Complaint Form should be completed and pictures should be taken. The pictures should include the reported issue as well as the box and packaging. Any identifying information that can be submitted is extremely helpful. The complaint will be sent to the USDA for resolution. The product should not be disposed of until approval is received from the USDA. Exceptions can be made if the product is leaking and would attract mold or bugs.

## Section 9: Monitoring Requirements

### Lead Agencies

To meet USDA monitoring requirements, PDA conducts annual reviews of at least 25% of the agencies that have a signed agreement with PDA to participate in TEFAP. Each agency must be reviewed at least once every four years. Lead agencies must review their distribution sites and pantries at least once annually. The purpose of the on-site visit is to ensure the establishment

complies with all food storage, record keeping, and program operation requirements identified in this manual, as well as state and federal regulations.

## TEFAP Outlets

USDA regulations require PDA to review 20 or 10%, whichever is fewer, of all outlets that receive USDA Foods through an agreement with a Lead Agency.

## Section 10: Outreach & Referral

### Outreach

TEFAP outlets should partner with Lead Agencies to conduct outreach that includes the program name (TEFAP), the site's name, address, distribution dates, and hours of operation. Posters, pamphlets, and public service announcements, including newsletters, can be used to make potential participants aware of the availability of USDA Foods. Word-of-mouth should not be the only method of public outreach. The USDA nondiscrimination statement must be included on all printed materials. Outreach to potential participants is especially important when an outlet has a large service area or serves people in more than one community.

### Referral

Households seeking food assistance are frequently eligible for other assistance programs that may provide much needed resources, and reduce the need for emergency food. This includes nutrition programs (SNAP, WIC, school meals, meals-on-wheels) as well as non-nutrition programs like health care, energy assistance, W-2 cash assistance, child care, disability assistance, and tax credits. Participation in non-nutrition programs can improve household food security by reducing other expenses and leaving more money in the household budget to purchase food.

## Section 11: Prohibited Activities

### Political Activities

TEFAP outlets may not engage in political activities when distributing food. Political candidates may not make appearances at these times and campaign signs and materials may not be evident. Bags or boxes advertising candidates or political causes may not be used for food

packages that contain USDA Foods. Outlets may not require or pressure participants to attend political meetings or to join an organization as a condition of receiving assistance.

## Religious Activities

TEFAP outlets may not engage in religious activities when distributing food. Outlets may not require or pressure participants to attend religious meetings or to join an organization as a condition of receiving assistance. The “Written Notice of Beneficiary Rights” poster must be displayed prominently where clients sign in and receive food. The purpose of the sign is to notify each participant that (1) they may not be discriminated against because of their religion, (2) they are not required to participate in religious activities, and (3) if they object to the religious character of the site, they can request a referral to another location. If this occurs, the site will complete the Beneficiary Referral Request.

## Donations

Outlets that receive USDA Foods may not ask participants to donate money, materials, or services in exchange for food. Outlets may not post signs requesting “voluntary” donations nor place donation containers in the area where participants are served.

## Discrimination

Federal and state laws prohibit discrimination on the basis of race, color, national origin, sex, age, religion, political beliefs or affiliations, disability, or association with a person with a disability, or if the person is a Limited English Proficient applicant. All outlets must display the poster “And Justice for All” where it can be seen by all participants. It is reasonable to decline services to an otherwise eligible participant if they behave in a belligerent or threatening fashion or appear to be intoxicated or using illegal drugs.

## Disaster Assistance

TEFAP requirements are not to be waived or modified by a TEFAP outlet in the event of a natural disaster. Any variations from normal distribution must come from the Federal level in the event of such emergency. USDA Foods may not be distributed as part of a disaster food distribution without permission from the State and Federal level.

## Selling USDA Foods

USDA Foods are intended solely for private consumption by eligible recipients. The sale, trade, exchange, or other disposal of TEFAP products or use of TEFAP products for personal gain is strictly prohibited and subject to federal and/or state prosecution.

## Printed Material

Information unrelated to TEFAP may not be placed in or printed on TEFAP bags or boxes. The only exception is for information regarding government sponsored programs that help the needy.

## Section 12: Civil Rights

### Requirements

TEFAP is open to all eligible persons regardless of race, color, national origin, sex, age or disability. The current USDA nondiscrimination statement must be included, in full, on all materials that are produced about the program for public information, public education, or public distribution. An “And Justice for All” poster must be prominently displayed at all sites during USDA Foods distribution. The “Civil Rights Discrimination Complaint Form” must be displayed and easily accessible to all participants. Civil rights training for all staff and volunteers must be completed and documented annually.

### Training

A civil rights training must be completed and documented annually by all staff and volunteers who interact directly with participants. Lead Agencies are required to offer civil rights training to their TEFAP outlets once a year. The training should be in the form of the “Civil Rights Training” PowerPoint which is found at the Department of Agriculture website ([www.agriculture.pa.gov](http://www.agriculture.pa.gov)) or in the Appendix. All volunteers and staff must sign that they have received civil rights training and the signed documentation must remain on file for at least three years. Acceptable documentation is the “Department of Agriculture Self-Certification: Civil Rights Training” form. The outlet should either keep the individual signed forms on file or maintain a list of names (names should be printed and signed) attached to the form indicating that each signatory completed their self-certification.

### Day of Distribution Training

Many outlets work with volunteers that help on an occasional basis. Day of distribution training must inform and direct volunteers how to follow civil rights requirements during distribution. The six topics that must be covered are:

- Respect of all participants regardless of race, color, age, sex, nationality, gender, or disability. Equal treatment for all participants.
- Confidentially with participant information or program participation.

- No reprisal or unfair treatment for any reason.
- Complaints are to be handled by the person in charge.
- Language needs are to be handled by the person in charge.
- Who to report to if assistance is needed during distribution.

By covering these topics, an occasional volunteer has the information needed for the day of distribution. All volunteers must sign that they have received civil rights training.

# Appendix

## Glossary of Terms

**Distribution:** Handing out USDA Foods to participants. This requires documentation of the food reaching the intended participants.

**Household:** A participant or group of participants. Participants can be related or non-related but are considered a household if they purchase and prepare food together. This term is the measuring unit for amount of distribution.

**Nondiscrimination Statement:** The written description of the protection of all people regarding their rights. It lists protected groups and describes how to file a complaint if rights are violated. The “And Justice for All” poster contains this information and must be posted in a publicly visible location during distribution.

**Outreach:** An outlet’s active effort to publicize programs to its service area through advertising, events, and relationships with other organizations. The goal of outreach is to ensure a high level of program awareness and participation in the outlet’s assigned area of service.

**Participant:** A person that enrolls in TEFAP. A participant is sometimes referred to as a recipient.

**Proxy:** Someone who has officially been given permission, in writing, to pick up TEFAP food on behalf of another participant. The proxy is commonly used by seniors to allow others to pick up food on their behalf.

**Self-Declaration:** A statement that shows a participant understands that they need to meet income requirements to be eligible to take part in TEFAP. Self-Declaration places the responsibility for accuracy on the participant and removes verification responsibility from staff and volunteers.

**Signature Sheet:** The sheet that participants sign to declare they meet TEFAP income requirements and to show that they received TEFAP food.

**USDA Foods:** Food distributed by USDA programs, including TEFAP. USDA Foods were formerly known as “commodities.”

## Frequently Asked Questions

**Can TEFAP outlets impose other eligibility criteria?** TEFAP outlets that distribute USDA Foods agree to use only household income and residency as the basis for determining eligibility for all food they distribute. Civil Rights Laws prohibits discrimination in the delivery of services on the basis of race, color, age, national origin, sex, or disability. The only time it is reasonable to decline food assistance to a person who is otherwise eligible is if they act in a belligerent or threatening fashion, appear to be intoxicated, or appear to be using illegal drugs. Persons exhibiting irresponsible behavior may be invited to return when they can be cooperative.

**Are migrant families eligible for TEFAP?** Yes, migrant families that meet TEFAP income limits are eligible. Because migrant earnings fluctuate widely throughout the year, migrant households may use either monthly or annual gross income to meet income limits.

**How do TEFAP outlets serve non-English speaking people who request food assistance?** Generally, services must be provided—but there can be flexibility in how it is provided. Volunteers may be used, but make sure they understand participant confidentiality. Contact the regional Lead Agency if an interpreter is needed for a participant.

**How can TEFAP outlets serve home-bound participants and determine eligibility?** TEFAP outlets shall allow authorized persons (proxies) to pick up food for participants if they present a valid proxy note. The note, signed by the participant, indicates that they are eligible for TEFAP and indicates the proxy name. The proxy must show identification and sign attesting the receipt of food on the participant's behalf. For outlets that make home deliveries, the participant simply signs the eligibility form.

**Can outlet staff receive TEFAP products?** Outlet staff and volunteers may receive TEFAP products if they meet TEFAP income and residency requirements. They must complete the Self-Declaration of Need form like any other participant. They cannot receive preferential treatment or larger food packages than others. Staff and volunteers at meal sites and shelters may receive meals prepared with TEFAP products if it is the outlet's practice to serve meals to workers and the site serves predominately low-income people.

**What if a participant lives outside a TEFAP outlet's service area?** If participants are income eligible and seek food assistance at TEFAP outlets, they must be provided food assistance at the first visit. At that time, they should be given information about TEFAP outlets serving the area where they live for the second visit. If they return the following month, they may be declined service at the site's discretion.

**When a TEFAP outlet prepares food packages can USDA Foods be mixed with private food or should it be bagged separately?** It may be done either way. However, unless there are numerous participants served whose income exceeds TEFAP income limits, there is no reason to bag TEFAP products separately from private food. There is also no requirement that individuals receive a certain percentage of USDA Foods or private food in a food package. The important thing to consider is that packages are nutritionally balanced and contain a variety of foods. However, USDA Foods must be stored separately from other privately donated or purchased foods and labeled as such.

**When should temperatures be reviewed and recorded?** Check temperatures and record in the log at the beginning of the day when the outlet is first opened and before food distribution begins. Many

outlets may be closed for days or even weeks in between open hours of operation. If the outlet is open every day, it is still necessary to check and record temperatures daily. Refrigerators and freezers must be checked for appropriate temperatures.

**What if the storage area gets warmer than 70 degrees in the summer?** The site may need to increase ventilation, install air conditioning, or add fans. If the refrigerators and/or freezers are in the same room as dry storage, they may be contributing to the problem due to the large amount of heat they give off. If possible, keep refrigerators and freezers in a different room than dry storage, and make sure heat generating pipes and ducts are fully insulated.

**What is FIFO?** Inventory should be managed so that food received first is the first to be distributed. This is referred to in warehouse management as FIFO—First In, First Out. The best way to ensure this happens is to mark cases when they arrive with the month & year of receipt. It also helps to rotate the oldest stock to the front where it will be used first and place recently received food above, below, or to the back.

**How long may USDA Foods be kept in storage?** USDA Foods should be distributed promptly. A two or three month supply based upon the numbers of people served is an appropriate inventory. Outlet coordinators should manage their inventory carefully so that products are distributed promptly. Clearly marking cases with the month and year of receipt will help ensure food is distributed in a timely manner. If the inventory is becoming too large, ask the Lead Agency to reduce the volume of deliveries.

**What if products pass their expiration dates?** Cases of USDA Foods may contain an expiration date. If a USDA Foods product passes its expiration date, the ERA or Lead Agency should notify PDA and seek further guidance for possible distribution in non-federal programs. All outlets should carefully inspect non-USDA donated food products to make sure they are not outdated. The primary concern with expired or outdated food products is not with food safety, but rather concern that food may lose optimal flavor, color, texture or nutrition. If there are concerns regarding a specific product, contact the local food safety representative for clarification.

**Can outlets repackage USDA Foods?** TEFAP products must be distributed only in their original package to ensure food safety. Repackaging in any form is prohibited.

**Can outlets give or trade TEFAP products among themselves?** A TEFAP outlet may only transfer USDA Foods to another TEFAP outlet with approval of the Lead Agency. A TEFAP outlet may never transfer or trade USDA Foods with another outlet that has not been approved to distribute TEFAP.

**Can a household be given more than the standard package if they have an exceptional need for food?** Yes, the household may be given a larger quantity of food than the standard package or they can be invited to return later in the month. TEFAP outlets that provide extra food in the same month to families in crisis should have some criteria for deciding if a household's financial situation warrants extra food. All households should be made aware of this policy and outlets should be careful to apply it in a fair and non-discriminating manner.

**What if a household needs food assistance but their income is too high for TEFAP?** The outlets may serve households whose income levels are higher than 150% of the poverty level, but should not include TEFAP items in the food package.

**The Emergency Food Assistance Program (TEFAP)  
Pennsylvania TEFAP Proxy Form**

I, \_\_\_\_\_, hereby authorize  
\_\_\_\_\_ to pick up my TEFAP Food Package and  
deliver it to me.

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Proxy Signature

\_\_\_\_\_  
Pantry Representative

Proxy ID Verified

## SUGGESTED PANTRY DISTRIBUTION GUIDE RATE

(This Guide Rate can be adjusted based on supplies available)

Pantries are encouraged to consider family size when including TEFAP commodities in food packages to eligible recipients. The following guide rate is suggested:

COMMODITY / PACK SIZE	NO. UNITS PER FAMILY SIZE				
	1-3	4-6	7-9	10-12	13 PLUS
Canned Fruits (15.5 oz. can)	1	2	3	4	5
Canned Vegetables (15.5 oz. can)	1	2	3	4	5
Fruit Juice, Canned (64 oz. bottle)	1	2	3	4	5
Beef/Pork, Canned/Pouch (24 oz. package)	1	2	3	4	5
Chicken, Canned (15 oz. can)	1	2	3	4	5
Egg Noodles/Macaroni/Spaghetti (1 lb. box)	1	2	3	4	5
Raisins (15 oz. box)	1	2	3	4	5
Cereal (12 - 18 oz. package)	1	2	3	4	5
Peanut Butter (18 oz. jar)	1	1	2	2	3
Rice/Dry Beans/Spaghetti (2 lb. Package)	1	1	2	2	3
Grits (5 lb. bag)	1	1	2	2	3
Frozen Meat Products (1 - 5 lb. package)	1	1	2	2	2-3
Shelf-Stable Milk, 1% (32 oz. carton)	1	1	2	2	3

\*Note: Availability of foods is determined by the United States Department of Agriculture. Varieties and pack sizes of foods available will vary as USDA buying patterns adjust to commodity market conditions.

### Commodity Complaint Form

<b>Complaint Description:</b>	
<b>Incident Date:</b>	<b>Date Product Received:</b>
<b>Contact Name:</b>	<b>Contact Organization:</b>
<b>Phone Number:</b>	<b>Email Address:</b>
<b>Quantity Affected:</b>	<b>Quantity Remaining:</b>

Please select all that apply from one or more of the problem categories described below:

**Quality of Product:**

- Taste/Odor  Defects  Appearance/Color  Taste/Odor  Mold
- Excess liquid by volume (canned products)  Other

**Foreign Material in Product:**

- Bones  Insects/Insect Parts  Rock  Metal/Machine Parts  Glass
- Plastic/Rubber  Stems, Leaves, etc.  Other

**Object Dimension:**

*\*Required if foreign material is present*

**Packaging Conditions**

- Cans dented beyond use  Leaking cans  Possible evidence of tampering
- Corrosion in cans  Bags tear/pin holes  Exposure to contaminant  Bulging cans
- Not properly sealed  Other

**Cooking or preparation issues:**

- Wrong color when cooked  Undercooked  Excess breading
- Product does not perform well  Other

**Commodity Caused:**

- Allergic Reaction  Illness  Injury

**Do you feel this complaint raises a food safety concern?**

- Yes  No

*\*If yes, please fill out the 2<sup>nd</sup> page.*

**Remember to include pictures of the commodity and box!**

### Commodity Complaint Form: Food Safety

Establishment Number:	Do you have the original packaging? <input type="checkbox"/> Yes <input type="checkbox"/> No
Brand Name:	Lot Number:

If the suspected commodity causes illness or injury, please enter all information that applies.

Number of people reporting illness:	When was the onset of symptoms:
-------------------------------------	---------------------------------

**Reported Symptoms:**

- Vomiting     Headache     Nausea     Dizzy/Fainting     Abdominal Pain     Choking
- Bleeding-sputum     Laceration     Bleeding-vomit     Broken tooth     Bleeding stool
- Fever (temp>101.4)     Numbness     Difficulty breathing     Muscle pain     Rash
- Muscle weakness     Other

**Did this person seek medical assistance?**

- Yes     No

**Did the Health Department investigate?**

- Yes     No

**Were lab tests ordered?**

- Yes     No

**Additional Comments:**

**Remember to include pictures of the commodity and box!**

## **The Emergency Food Assistance Program (TEFAP) – Written Notice of Beneficiary Rights**

**This written notice is being provided to you before you enroll in TEFAP or receive services from TEFAP, as required by 7 CFR Part 16.**

**Because TEFAP is supported in whole or in part by financial assistance from the Federal Government, we are required to let you know that—**

- **We may not discriminate against you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice;**
- **We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary;**
- **We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance;**
- **If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and**
- **You may report violations of these protections (including denials of services or benefits) by an organization to the State agency (<http://www.fns.usda.gov/fdd/food-distribution-contacts>). The State agency will respond to the complaint and report the alleged violations to their respective USDA FNS Regional Office (<http://www.fns.usda.gov/fns-regional-offices>).**

**Alternate Service Referral Location(s) are available upon request.**

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**The Emergency Food Assistance Program  
and the Commodity Supplemental Food Program  
Beneficiary Referral Request**

Name of Organization: \_\_\_\_\_

Contact information for program staff (name, phone number, and email address, if appropriate):  
\_\_\_\_\_  
\_\_\_\_\_

If you object to receiving services from us based on the religious character of our organization, please complete this form and return it to the program contact identified above. Your use of this form is voluntary.

If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available.

Participant name: \_\_\_\_\_

Best way to reach you (phone/address/email): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR STAFF USE ONLY**

1. Date of objection: \_\_\_/\_\_\_/\_\_\_

2. Referral (check one):

\_\_\_\_\_ Individual was referred to (name of alternate provider and contact information):  
\_\_\_\_\_

\_\_\_\_\_ Individual was given TDA-provided referral information (such as a website, hotline, or list of other service providers funded by TDA)

\_\_\_\_\_ Individual left without a referral

\_\_\_\_\_ No alternate service provider is available. On the lines below, summarize below the efforts you made to identify an alternate provider (for example: contacted another food pantry, soup kitchen, or distribution site; contacted TDA; contacted the food bank; etc).  
\_\_\_\_\_  
\_\_\_\_\_

**This institution is an equal opportunity provider.**

July 2016

## **USDA Food and Nutrition Service Nondiscrimination Statement**

**In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.**

**Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.**

**To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:**

**(1) mail: U.S. Department of Agriculture**

**Office of the Assistant Secretary for Civil Rights**

**1400 Independence Avenue, SW**

**Washington, D.C. 20250-9410;**

**(2) fax: (202) 690-7442; or**

**(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).**

***This institution is an equal opportunity provider.***



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## CIVIL RIGHTS TRAINING

### Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP)

Civil Rights Division  
USDA, Food and Nutrition Service

June 2018

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United States Department of Agriculture

## Agenda

- Civil Rights Coverage and Legal Authorities
- Areas of Compliance
  - Assurances
  - Public Notification
  - Racial and Ethnic Data Collection (**CSFP only**)
  - Limited English Proficiency (LEP)
  - Disability Discrimination
  - Equal Opportunity for Religious Organizations
  - Civil Rights Training
  - Complaints of Discrimination
  - Compliance Reviews
  - Resolution of Noncompliance
- Questions

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## Civil Rights Legal Authorities

Title VI of the Civil Rights Act of 1964

- Race, Color, and National Origin

Civil Rights Restoration Act of 1987

- Clarifies the scope of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973; Americans w/Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008

- Disability

Title IX of the Education Amendments of 1972

- Sex

Age Discrimination Act of 1975

- Age

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## Civil Rights Legal Authorities

7 CFR Part 15

- Gives USDA agencies authority to develop Civil Rights requirements and prohibits discrimination in Federally assisted programs or activities

7 CFR Part 16, "Equal Opportunity for Religious Organizations"

- Gives equal footing to religiously affiliated organizations

7 CFR Parts 247 and 250 (CSFP)

7 CFR Parts 250 and 251 (TEFAP)

Sections 4(a) and 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86), as amended (CSFP)

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## Civil Rights Legal Authorities

28 CFR Part 35

- Covers nondiscrimination on the basis of disability by State/local governments

Executive Order 13166 - "Improving Access to Services for Persons with Limited English Proficiency" (August 11, 2000)

"Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons With Limited English Proficiency" (79 Fed. Reg. No. 229, Friday, November 28, 2014) **USDA LEP Policy Guidance**

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## Civil Rights Legal Authorities

USDA Departmental Regulation 4330-2

- Prohibits discrimination in programs and activities funded in whole or in part by the USDA

FNS Instruction 113-1 and Appendix C

- Provides information on Civil Rights compliance and enforcement

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## What is discrimination?

"Different treatment which makes a distinction of one person or a group of persons from others; either intentionally, by neglect, or by the actions or lack of actions..."

- 1) Race
- 2) Color
- 3) National Origin
- 4) Age
- 5) Sex
- 6) Disability

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## Assurances

To qualify for Federal financial assistance, an application must be accompanied by a written assurance that the entity to receive financial assistance will be operated in compliance with all nondiscrimination laws, regulations, instructions, policies, and guidelines.

A Civil Rights assurance statement must be incorporated in all agreements between

- Federal and CSFP/TEFAP State agencies (FNS Form 74)
- CSFP/TEFAP State agencies and subrecipient agencies
- Subrecipient agencies and their local sites (if applicable)

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## Public Notification

All FNS assistance programs must include a public notification system.

The purpose of this system is to inform applicants, participants, and potentially-eligible persons of:

- Program Availability
- Program Rights and Responsibilities
- The Policy of Nondiscrimination
- The Procedure for Filing a Complaint

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## Elements of Public Notification

### Program Availability

Inform applicants, participants, and potentially eligible persons of their program rights and responsibilities and the steps necessary for participation

### Complaint Information

Must advise applicants and participants at the service delivery point of their right to file a complaint, how to file a complaint, and the complaint procedures

### Nondiscrimination Statement

All information materials and sources, including websites, must contain a nondiscrimination statement. The statement is not required to be included on every page of the program website. At a minimum the nondiscrimination statement or a link to it must be included on the home page of the program information.

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## Elements of Public Notification

State agencies and their subrecipients must:

- Make program information available to the public upon request
- Prominently display the "And Justice for All" poster
- Inform potentially eligible persons, applicants, participants and grassroots organizations of programs or changes in programs
- Convey the message of equal opportunity in all photos and other graphics that are used to provide program or program-related information
- Provide appropriate information in alternative formats for persons with disabilities and in the appropriate language(s) for LEP persons

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## Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#) (AD-1027) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410,
- (2) fax: (202) 690-7442, or
- (3) email [program.intake@usda.gov](mailto:program.intake@usda.gov)

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## Nondiscrimination Statement (Spanish)

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el [Formulario de Denuncia de Discriminación del Programa del USDA](#) (AD-3027) que está disponible en línea en [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por

- (1) correo U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410.
- (2) fax (202) 690-7442, o
- (3) correo electrónico [program\\_intake@usda.gov](mailto:program_intake@usda.gov)

Esta institución es un proveedor que ofrece igualdad de oportunidades.

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## Nondiscrimination Statement

### USDA Nondiscrimination Statement (NDS)

#### Short versions

- > **This institution is an equal opportunity provider.**
- > **Esta institución es un proveedor que ofrece igualdad de oportunidades.** (Spanish)
- > \*Can be used in special circumstances only

#### Translations

- > 22 Non-English Languages at:  
<https://www.fns.usda.gov/fns-nondiscrimination-statement>

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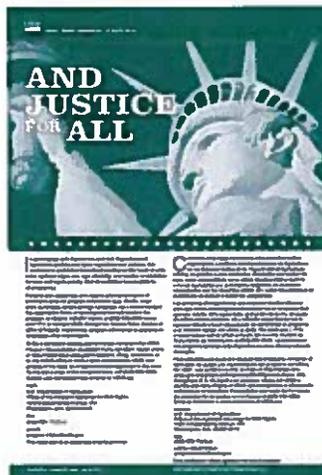


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## "And Justice For All" Poster

Display the poster in a prominent location for all to view

AD-475A  
New required version for CSFP  
and TEFAP



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## Race/Ethnicity Data Collection (CSFP only)

State agencies and local agencies or other subrecipients that operate CSFP must collect and maintain racial or ethnic data to determine how effectively FNS programs are reaching potentially eligible persons and beneficiaries.

State agencies must establish a system for the collection of racial/ethnic data of each person applying for and receiving benefits as a means of monitoring Civil Rights compliance.

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## **Race/Ethnicity Data Collection (CSFP only)**

Data should be collected at the point of application and retained at the service delivery area.

Applicants shall be assured that the information is required for and used for statistical purposes only and has no effect on eligibility criteria.

If an applicant does not consent to the self-identification method, staff will determine the applicant's race or ethnicity through visual observation and mark the applicable category.

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## **Race/Ethnicity Data Collection (CSFP only)**

State agencies must ensure that documentation for the data collected by the local agency or other subrecipient is on file and maintained for the required 3 years.

Ensure that access to data is limited to authorized personnel.

Use Form FNS-191, Racial or Ethnic Group Participation – Commodity Supplemental Food Program, to record and submit to FNS racial or ethnic participation data for CSFP households.

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## Race and Ethnicity Categories - Two Question Format (CSFP only)

### 1. Ethnicity

*Hispanic or Latino*

*Not Hispanic or Latino*

### 2. Race (may select one or more of the following)

*American Indian or Alaskan Native*

*Asian*

*Black or African American*

*Native Hawaiian or Other Pacific Islander*

*White*

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## LEP Requirements

Title VI and its implementing regulations, Executive Order 13166, and USDA LEP guidance require Federal agencies and recipients (State agencies, local agencies, or other subrecipients), to take reasonable steps to ensure "meaningful" access to their programs and activities by Limited English Proficient (LEP) persons.

(FNS Instruction 113-1, Section VII)

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## LEP Requirements

### ➤ **Who are persons with LEP?**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English because of their national origin

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## What is Meaningful Access?

- Meaningful access is accomplished by providing competent, accurate, timely and effective language services at no charge to individuals with LEP when accessing recipient programs and activities.
  
- Failure to provide "meaningful" access to persons with LEP could be discrimination on the basis of national origin.

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## LEP and Program Access

### Factors to consider in when ensuring “meaningful” access:

- Number or proportion of LEP persons eligible to be served or likely to be encountered within the area serviced by the recipient
- Frequency with which LEP individuals come in contact with the program
- Nature and importance of the program, activity, or service provided by the program
- Resources available and their costs

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## LEP and Program Access

- State agencies must conduct assessments to determine language profile for their State, taking into account regional differences and updating as appropriate.
- Translation of vital documents is required.
- Oral translations and notification of free interpretation services is required.
- Staff training regarding how to provide LEP populations with meaningful access is paramount (frontline staff).

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## LEP and Program Access

### > Language services:

- Applicants and participants cannot be asked to bring their own interpreters
- Children should **not** be used as interpreters
- Use qualified, competent language resources

### > Examples of language services:

- Qualified, competent bilingual staff
- Telephone interpreter lines
- Oral interpretation services
- Written language services
- Qualified, competent community organizations and volunteers

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## LEP Population and Data Sources

### Population data sources:

- Department of Justice site: LEP.GOV  
<http://www.lep.gov/maps/>
- US Census Data  
<http://www.census.gov/2010census/data/>
- American Community Survey  
<http://www.census.gov/acs/>
- Migration Policy Institute's National Center on Immigrant Integration Policy  
<http://www.migrationpolicy.org/>

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## Disability Discrimination

What is the definition of disability?

A person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

Major life activity means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

(ADA Amendments Act of 2008)

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## Disability Discrimination

- Section 504 states that "no otherwise qualified individual with a disability in the United States... shall solely by reason of his or her disability, be excluded from, denied the benefits of, or be subjected to discrimination under" any program or activity that either receives Federal financial assistance or is conducted by any Executive agency or the United States Postal Service."
- The ADA has similar nondiscrimination requirements that prohibit discrimination on the basis of disability in services, programs, and activities provided by State and local government entities.

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## Disability Discrimination

- There is an obligation to ensure that members of the public are provided reasonable modifications in order to access program information, applications and assistance (i.e. Braille, large print, and audio tape).
- Providing qualified sign language interpreters or other auxiliary aids and services for persons with hearing disabilities may be necessary to effectively communicate with these applicants and participants.

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## Disability Discrimination

- As programs and offices modernize, it is imperative that websites, including State and local agency websites, and online application systems are readily accessible to and useable by persons with visual impairments and other disabilities.
- In addition, programs must ensure physical accessibility for buildings and facilities, particularly to persons in wheelchairs and with mobility disabilities.
- Programs must permit service animals to accompany people with disabilities in all areas where the public is allowed to go.

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## Equal Opportunity for Religious Organizations

### 7 CFR Part 16

Ensures a level playing field for the participation of faith-based organizations and other community organizations in USDA programs.

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## Civil Rights Training

- Subrecipient agencies are responsible for training their local sites, including "frontline staff" who interact with applicants or participants on an **annual basis**.
- New employees before participating in Program activities must receive training.
- Volunteers must receive training appropriate to their roles and responsibilities.

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## Civil Rights Training

All staff should receive training on all aspects of Civil Rights compliance, including, but not limited to:

- Collection and use of data
- Effective public notification system
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable modifications for persons with disabilities
- Requirements for language assistance
- Conflict resolution
- Customer service

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## Complaints of Discrimination

- Complaints must be filed within 180 days from the alleged act of discrimination, with exceptions.
- Complaints may be written, verbal, or anonymous.
- State agencies or subrecipient agencies may develop their own complaint forms, but the use of such forms cannot be a pre-requisite for acceptance.
- A separate Civil Rights complaint log shall maintained by the State & subrecipient agency;
- Confidentiality is extremely important and must be maintained.

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## Complaints of Discrimination

- Complaints based on all protected bases
  - Must be forwarded to FNS Civil Rights Division within 5 calendar days.

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## Civil Rights Complaints Process

USDA Discrimination Complaint Form

English

[http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf)

Spanish

[http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish\\_Form\\_508\\_Compliant\\_6\\_8\\_12\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Spanish_Form_508_Compliant_6_8_12_0.pdf)

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## Compliance Reviews

Examine the activities of State agencies, subrecipients, and local sites to determine Civil Rights compliance.

- FNS Civil Rights and Program staff review State agencies.
- State agencies review their subrecipients.
- Subrecipients review their local agencies.

Significant findings must be provided in writing to the reviewed entity and to FNS.

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## Compliance Reviews

There are three types of compliance reviews:

- Pre-Award Compliance Reviews
- Routine (Post-Award) Compliance Reviews
- Special Compliance Reviews

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## Pre-Award Compliance Reviews

State agencies, subrecipient agencies, and local sites must be in compliance with Civil Rights requirements prior to approval for Federal financial assistance.

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## Routine/Post-Award Reviews

FNS and State agencies must conduct routine compliance reviews as identified by FNS Instruction 113-1 and program-specific regulations and policies.

Assess all of the Civil Rights compliance areas.

Sample post-award review questions:

- Do printed materials contain the nondiscrimination statement?
- Is the "And Justice For All" poster displayed appropriately?
- Are program informational materials available to all?
- Is data on race and ethnicity collected appropriately? (CSFP only)
- How are applicants and participants advised of their right to file a Civil Rights complaint of discrimination?
- Are reasonable modifications appropriately made for people with disabilities?

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## Special Compliance Reviews

- May be scheduled or unscheduled
- To follow-up on previous findings of noncompliance
- To investigate reports of noncompliance by other agencies, media, or grassroots organizations
- May be specific to an incident or policy
- History of statistical underrepresentation of particular group(s)
- Pattern of complaints of discrimination

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## Resolution of Noncompliance

- A factual finding that any civil rights requirement, as provided by law, regulation, policy, instruction, or guidelines, is not being adhered to by a State agency, subrecipient agency, or a local site.
- Steps must be taken immediately to obtain *voluntary* compliance.
- A finding's effective date is the date of notice to the reviewed entity.

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## Customer Service

- Making a difference
  - Treat all people with dignity and respect
  - Answer questions in a voice that is non-threatening
  - Clearly explain to everyone the rules as well as their rights and responsibilities
  - Recognize when stress creates a problem in giving excellent service
  - Recognize that participants have varied needs and (sometimes) few resources
  - Notice when a person feels that they have been treated in a rude manner
  - Develop good listening skills

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United States Department of Agriculture

## Conflict Resolution

- How is your attitude?
  - Always clearly introduce yourself when answering the telephone and do not interrupt the caller.
  - Be patient. Give the client every opportunity to explain the issue.
  - Be understanding. Of all the communications situations that you encounter, angry clients require the most empathy.
  - Do not be judgmental.
  - Talk calmly and slowly; in a well-modulated voice (low pitch). This should help relax the person and allow you to address the facts, not cater to emotions.
  - Be sincere. Even if you sense that the problem is not the fault of your organization and clearly not your fault, it is ok to apologize to the client for his or her inconvenience; not necessarily the actions by your agency.
  - Be aware. Get help if threatened or if violence is possible.

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United States Department of Agriculture

## Conflict Resolution

- What Steps to you need to take?
  - Remain calm
  - What is the problem? Using information provided, determine what the issue is
  - Determine a solution. Know your organization's policy on handling situations and information needed to offer a solution
  - Gain approval from the client. Check with the client for their approval on a solution
  - Make an agreement. You and the client should determine what is to be done, when it is to be done, and by whom and alternatives if needed.
  - Follow up. Personally make sure that the client has been satisfied, and provide feedback.

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## Questions



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## Contact Information

### **Michele Sazo**

USDA, Food and Nutrition Service  
Mid-Atlantic Regional Civil Rights Director

Telephone: (609) 259-5061

Email: [michele.sazo@fns.usda.gov](mailto:michele.sazo@fns.usda.gov)



**pennsylvania**  
DEPARTMENT OF AGRICULTURE

BUREAU OF FOOD DISTRIBUTION

**SELF-CERTIFICATION: CIVIL RIGHTS TRAINING**

I hereby certify that I have reviewed and understand the civil rights training as required by United States Department of Agriculture regulations relative to my duties as staff for:

- |   |  |
|---|--|
| <input type="checkbox"/> a charitable institution (residential facilities, nursing homes, county/state correctional facilities) | <input type="checkbox"/> National School Lunch Program (NSLP)                                |
| <input type="checkbox"/> Child & Adult Care Feeding Program (CACFP)   | <input type="checkbox"/> Summer Food Service Program (SFSP)                                  |
| <input type="checkbox"/> Commodity Supplemental Food Program (CSFP) Lead Agency   | <input type="checkbox"/> The Emergency Food Assistance Program (TEFAP) Lead Agency           |
| <input type="checkbox"/> Commodity Supplemental Food Program (CSFP) Sub-Agency  | <input type="checkbox"/> The Emergency Food Assistance Program (TEFAP) County Representative |
| <input type="checkbox"/> Soup Kitchen   | <input type="checkbox"/> The Emergency Food Assistance Program (TEFAP) Pantry                |
|   | <input type="checkbox"/> The Emergency Food Assistance Program (TEFAP) Food Bank             |

I TOOK THIS TRAINING ON: \_\_\_\_\_  
Month/Date/Year

NAME: \_\_\_\_\_

AGENCY: \_\_\_\_\_

**PRINT & RETAIN A COPY OF THIS SELF-CERTIFICATION FOR PRESENTATION  
WHEN REQUESTED DURING A FIELD STAFF MONITORING REVIEW**

**THANK YOU!**

**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)  
Office of the Assistant Secretary for Civil Rights**

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**USDA Program Discrimination Complaint Form Instructions  
(The complaint form is below the instructions)**

**PURPOSE:** The purpose of this form is to assist you in filing a USDA program discrimination complaint. For help filling out the form, you may call any of the telephone numbers listed at the bottom of the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter it must contain all of the information requested in the form and be signed by you or your authorized representative. Incomplete information will delay the processing of your complaint.

You may also send a complaint by FAX or e-mail. We must have a signed copy of your complaint, so if you send your complaint by e-mail, be sure to attach the signed copy to your email. Incomplete information or an unsigned form will delay the processing of your complaint.

**FILING DEADLINE:** A program discrimination complaint must be filed not later than 180 days of the date you knew or should have known of the alleged discrimination, unless the time for filing is extended by USDA. Complaints sent by mail are considered filed on the date the complaint was signed, unless the date on the complaint letter differs by seven days or more from the postmark date, in which case the postmark date will be used as the filing date. Complaints sent by fax or email will be considered filed on the day the complaint is faxed or emailed. Complaints filed after the 180-day deadline must include a 'good cause' explanation for the delay. For example, you may have "good cause" if:

1. You could not reasonably have been expected to know of the discriminatory act within the 180-day period;
2. You were seriously ill or incapacitated;
3. The same complaint was filed with another Federal, state, or local agency and that agency failed to act on your complaint.

**USDA POLICY:** Federal law and policy prohibits discrimination against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs).

USDA will determine if it has jurisdiction under the law to process the complaint on the bases identified and in the programs involved. Reprisal that is based on prior civil rights activity is prohibited.

**PROPERTY ADDRESS:** If this complaint involves a farm or other real estate property that is not your current address, write in the address for that farm or real estate property. Otherwise, this part of the form can be left blank.

**PLEASE READ IMPORTANT LEGAL INFORMATION BELOW  
CONSENT**

This USDA Program Discrimination Complaint Form is provided in accordance with the Privacy Act of 1974, 5 U.S.C. §552a, and concerns the information requested in this form to which this Notice is attached. The United States Department of Agriculture's Office of the Assistant Secretary for Civil Rights (USDA) requests this information pursuant to 7 CFR Part 15.

If the completed form is accepted as a complaint case, the information collected during the investigation will be used to process your program discrimination complaint.

Disclosure is voluntary. However, failure to supply the requested information or to sign the form may result in dismissal of your complaint. If your complaint is dismissed you will be notified. The information you provide in this complaint may be disclosed to outside parties where USDA determines that disclosure is: 1) Relevant and necessary to the Department of Justice, the court or other tribunal, or the other party before such tribunal for purposes of litigation; 2) Necessary for enforcement proceedings against a program that USDA finds to have violated laws or regulations; 3) In response to a Congressional office if you have requested that the Congressional office inquire about your complaint or; 4) To the United States Civil Rights Commission in response to its request for information.

**REPRISAL (RETALIATION) PROHIBITED:**

No Agency, officer, employee, or agent of the USDA, including persons representing the USDA and its programs, shall intimidate, threaten, harass, coerce, discriminate against, or otherwise retaliate against anyone who has filed a complaint of alleged discrimination or who participates in any manner in an investigation or other proceeding raising claims of discrimination.



**UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)  
Office of the Assistant Secretary for Civil Rights  
Program Discrimination Complaint Form**

First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

E-mail address (if you have one): \_\_\_\_\_

Telephone Number starting with area code: \_\_\_\_\_

Alternate Telephone Number starting with area code: \_\_\_\_\_

Best Time of the Day to Reach You \_\_\_\_\_

Best Way to Reach You, (check one): Mail \_\_\_ Phone \_\_\_ E-mail \_\_\_ Other: \_\_\_\_\_

Do you have a representative (lawyer or other advocate) for this complaint? Yes \_\_\_ No \_\_\_

If yes, please provide the following information about your representative:

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

1. Who do you believe discriminated against you? Use additional pages, if necessary.

Name(s) of person(s) involved in the alleged discrimination (if known):

Please name the program you applied for (if known/if applicable): \_\_\_\_\_

Please check (✓) the USDA Agency below that conducts the program or provides Federal financial assistance for the program (if known):

Farm Service Agency

Food and Nutrition Service

Rural Development

Natural Resource Conservation Service

Forest Service

Other: \_\_\_\_\_

2. What happened to you? Use additional pages, if necessary, and please include any supporting documents that would help show what happened.

3. When did the discrimination occur?

Date: \_\_\_\_\_  
          Month                  Day                  Year

If the discrimination occurred more than once, please provide the other dates:

4. Where did the discrimination occur?

Address of location where incident occurred:

\_\_\_\_\_  
Number and street, PO Box, or RD Number

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

5. It is a violation of the law to discriminate against you based on the following: race, color, national origin, religion, sex, disability, age, marital status, sexual orientation, family/parental status, income derived from a public assistance program, and political beliefs. (Not all bases apply to all programs) Reprisal is prohibited based on prior civil rights activity.

I believe I was discriminated against based on my



**PAPERWORK REDUCTION ACT AND PUBLIC BURDEN STATEMENTS:**

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to ensure that your complaint contains all the information required to file a complaint. The Office of the Assistant Secretary for Civil Rights will use the information to process your complaint of program discrimination.

Response to this request is voluntary. The information you provide on this form will only be shared with persons who have an official need to know, and will be protected from public disclosure pursuant to the provisions of the Privacy Act, 5 U.S.C. § 552a(b).

The estimated time required to complete this form is 60 minutes. You may send comments regarding the accuracy of this estimate and any suggestions for reducing the time for completion of the form to USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave, SW, Washington, DC 20250-9410.

An Agency may not conduct or sponsor, nor is a person required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for this form is 0508-0002.