



The Emergency Food Assistance Program (TEFAP)

TEFAP Outlet Manual

Updated November 2017

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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: 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 4: TEFAP Applications

Self-Declaration of Need Forms

PDA updates these forms every June 1st 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 1st. All participants are required to sign the updated Self-Declaration of Need form after July 1st 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 5: 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 6: 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 six inches of the floor, four inches from the wall, and two feet 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 publication *FNS 251, “Facts about USDA Commodities”* specifies the proper storage temperatures for USDA

Foods. 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 - 45F degrees (no variations)
- Freezer: -10F - 0F degrees (no variations)

Air Circulation

USDA Foods must be stacked on pallets or shelves with at least two inches of wall clearance, four inches of floor clearance, and two feet 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 7: 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 8: 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 9: 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 10: 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 11: 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) 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 product passes its expiration date, contact the Lead Agency for guidance. All outlets should carefully inspect non-USDA donated food products to make sure they are not outdated. However, outdated USDA Foods can continue to be distributed as they do not pose a food safety risk. 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 (#300 or #303 Can)	1	2	3	4	5
Canned Vegetables (#300 or #303 Can)	1	2	3	4	5
Fruit Juice, Canned (46 oz. Can)	1	2	3	4	5
Beef/Pork /Chicken, Canned (29 oz. Can)	1	2	3	4	5
Macaroni (1 lb. Package)	1	2	3	4	5
Raisins/Prunes/Figs (1 lb. Package)	1	2	3	4	5
Cereal (15 - 18 oz. Box)	1	2	3	4	5
Peanut Butter (2 lb. Can)	1	1	2	2	3
Rice/Dry Beans/Spaghetti (2 lb. Package)	1	1	2	2	3
Grits (5 lb. Package)	1	1	2	2	3
Frozen Meat Products (3 - 5 lb. Boneless Roasts)	1	1	2	2	2-3
Instant Non-Fat Dry Milk (4 Lb. Pkgs.)	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

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

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 2nd page.*

Remember to include pictures of the commodity and box!

Commodity Complaint Form: Food Safety

Establishment Number:

Do you have the original packaging? Yes 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.

THIS INSTITUTION IS AN EQUAL OPPORTUNITY PROVIDER

**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, 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.

This institution is an equal opportunity provider.



**Civil Rights Compliance in the
Child Nutrition Programs**

AND HOUSEHOLD PROGRAMS

Agenda

- ▶ Overview/refresher on Civil Rights (CR) topics
- ▶ General State and local-level CR compliance

What are Civil Rights?

- ▶ Civil rights are the nonpolitical rights of a citizen; the rights of personal liberty guaranteed to U.S. citizens by the 13th and 14th Amendments to the U.S. Constitution and Acts of Congress.



Civil Rights Concepts

- ▶ Stereotyping
- ▶ Prejudice
- ▶ Discrimination



Federal Civil Rights Laws and Regulations

- ▶ Title VI and subsequent legislation defined federal authority to protect against discrimination in our programs
- ▶ USDA codified these laws into departmental civil rights regulations at 7 CFR 15

FOR MORE INFO

·US Dept of Justice website:
www.usdoj.gov

·US Dept of Agriculture Office of Assistant Secretary for Civil Rights website:
www.ascr.usda.gov

Civil Rights Laws

- ▶ Title VI - Civil Rights Act of 1964
 - ▶ Race, color, national origin
- ▶ Title IX of the Education Amendments of 1972
 - ▶ Sex
- ▶ Section 504 of the Rehabilitation Act of 1973
 - ▶ Disability
- ▶ Americans with Disabilities Act
 - ▶ Disability

Civil Rights Laws

- ▶ Age Discrimination Act of 1975
 - ▶ Age

- ▶ Civil Rights Restoration Act of 1987
 - ▶ Race, color, national origin

- ▶ Program statutes and regulations
 - ▶ Race, color, national origin, sex, age and disability

USDA and FNS CR Authority *Regulations*

- ▶ FNS followed by writing assurances into program regulations and FNS CR Instruction 113

- ▶ List of federal CR authorities in FNS 113 Section II

- ▶ SNP CR regulatory citations in FNS 113 Appendix B

For More Info...

• FNS CR Instruction 113 can be found under "laws and regulations" on the USDA Food and Nutrition Service Office of Civil Rights website:

www.fns.usda.gov/cr

Who's Obligated to Comply

- ▶ All programs and activities of a recipient of Federal financial assistance, whether those programs are federally funded in whole or not.



CR Compliance in FNS Programs

- ▶ CR laws and regulations define eight areas of compliance
 - ▶ Today we'll discuss these as they apply in the FD programs

8 AREAS OF COMPLIANCE

1. Assurances
2. Public Notification System
3. Data Collection
4. Training
5. Compliance Reviews
6. Civil Rights Complaints
7. Limited English Proficiency
8. Equal Opportunity Rule

Assurances

- ▶ Required for agreements at every operating level
 - ▶ Retailer
 - ▶ Federal
 - ▶ State
 - ▶ Local
 - ▶ Subrecipient

- ▶ Additional information in program appendices

[For More Info...](#)

- FNS CR Instruction 113 Section X and Appendix B



Public Notification

- ▶ All FNS assistance programs must include a public notification system with three elements:
 1. Program availability
 - ▶ Applicants, participants, potential eligibles, community leaders, grassroots and referral organizations
 - ▶ Rights/Responsibilities/Steps needed to participate
 2. Complaint information
 - ▶ At service delivery point
 3. Nondiscrimination statement
 - ▶ Brochures, websites, on anything that mentions the program

[For More Info...](#)

- FNS CR Instruction 113 Section IX and Appendix B



Public Notification

- ▶ Methods of public notification
 - ▶ "...And Justice for All" poster
 - ▶ Inform potentially eligible persons in under-represented categories
 - ▶ Provide information in alternative formats
 - ▶ Include the nondiscrimination statement on publications, including websites
 - ▶ Use graphics to communicate equality

For More Info...

- FNS CR Instruction 113 Section IX and Appendix B
- MARO SNP Policy Memo 08-008 - 5/27/08 (email update 11/30/11)

Nondiscrimination Statement

In accordance with Federal law and U.S. Department of Agriculture (USDA) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint alleging discrimination, write USDA, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call, toll free, (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay at (800) 877-8339 or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

For More Info...

- Policy Memo 08-008: 5/27/08; Email update 11/30/11
- FNS CR Instruction 113 Section IX *Public Notification*

'...And Justice for All' Poster

- ▶ Reprinted posters available in limited supply
 - ▶ Contact Michele with request (contact information on last slide)
- ▶ Can download and print from the FNS CR website
 - ▶ Preferable to print in 11"x 17" format
- ▶ Phone numbers on poster are outdated but will redirect to correct number

For More Info...

- FNS CR Instruction 113 Section IX *Public Notification*
- Policy Memo 08-008: 5/27/08 & 11/30/11
- Poster website: http://www.fns.usda.gov/cr/justice_printing.htm. Includes printing instructions and languages other than English.

Limited English Proficiency (LEP)

- ▶ *Assess for language needs in your population*
- ▶ *Make sure all staff know what to do when an LEP client needs help*
- ▶ *Provide translated materials if there are many people who speak another language*
- ▶ *Hire bilingual staff when possible*
- ▶ *Use professional or certified interpreters*
- ▶ **Do not ask clients to bring their own interpreters.**

For More Information

- ▶ FNS Instruction 113 Section VII, *Limited English Proficiency*
- ▶ U.S. Department of Justice's LEP website: <http://www.lep.gov/>
"I Speak" materials available here

Data Collection

- Mandatory (except TEFAP)
- Helps determine disparities between participating and non-participating
- Also used for outreach
- Aggregated for analysis
- Self-identification must be used
 - Visual observation only with advise to applicant
- Can identify more than one race
- Available upon request to authorized persons

Data Collection

- Use 2-part question
 - ▶ Hispanic or Latino
 - ▶ Non-Hispanic or Latino
- Categories

American Indian or Alaskan Native	Asian
Black or African American	Native Hawaiian or Other Pacific Islander
White	

For More Info...

- FNS Civil Rights Instruction 113 Section XII *Data Collection and Reporting* and Appendix B
- White House Office of Management and Budget website: http://www.whitehouse.gov/omb/fedreg_race-ethnicity/

Reasonable Accommodation

Ensure access for people with disabilities!

- ▶ Parking lots, entrances and exits, halls, elevators, restrooms, sign language interpreters, Braille signage, service animals, special diet requests
 - ▶ Alternative arrangements for service
-

Equal Opportunity for Religious Organizations

FBOs and CBOs have equal footing as long as:

- ▶ Discrimination prohibited against an organization on the basis of religion, religious belief or character in the distribution of funds
 - ▶ FBOs can use space in their facilities without removing religious art or symbols
-

Equal Opportunity for Religious Organizations

Beneficiaries also protected!

- No organization that receives direct assistance from the USDA can discriminate against a beneficiary or prospective beneficiary on the basis of religion or religious belief
- FBOs retain their independence and carry out their mission, as long as USDA funds or activities do not support worship, religious instruction or proselytizing.

Complaints of Discrimination

- ▶ Allege that the applicant or participant was treated differently because of
 - ▶ Race
 - ▶ Color
 - ▶ National origin
 - ▶ Age
 - ▶ Sex
 - ▶ Disability



Complaints of Discrimination

- ▶ Right to File
 - ▶ 180 days within date of alleged action
 - ▶ Assure confidentiality
 - ▶ Encouraged to resolve at lowest level
- ▶ Acceptance
 - ▶ All complaints forwarded to FNS Regional OCR ASAP!
- ▶ Complaint Forms
 - ▶ Not mandatory but encouraged
 - ▶ Appendix E sample complaint form (long version)
- ▶ Written/Verbal complaints
 - ▶ Person receiving complaint must write up
 - ▶ Include necessary information



Processing and Resolving Complaints of Discrimination

- ▶ Must be processed within 90 calendar days of receipt
- ▶ USDA CR regulations require states to have a complaint processing system so that
 - ▶ Subrecipients recognize a CR complaint
 - ▶ Subrecipients know State CR contacts
 - ▶ Everyone understands importance of timeliness in processing

Civil Rights Complaint Form

In accordance with Federal law and U.S Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (800) 795-3272. Individuals who are deaf, hard of hearing or have speech disabilities and wish to communicate with USDA may call the Federal Relay at (800) 877-8339 (TTY) or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

Complaints can also be sent to Regional Director, Civil Rights, Mercer Corporate Park, 300 Corporate Blvd, Robbinsville NJ 08691.

- ▶ NAME OF COMPLAINANT:
- ▶ ADDRESS: TELEPHONE #:
- ▶ NAME AND TITLE OF PERSON/PERSONS RESPONSIBLE FOR DISCRIMINATION:
- ▶ ADDRESS: DATE OF INCIDENT:
- ▶ PLEASE INDICATE BASIS FOR DISCRIMINATION: RACE ___ COLOR ___ AGE ___
SEX ___ NATIONAL ORIGIN ___ DISABILITY ___
- ▶ PLEASE DESCRIBE BRIEFLY THE BASIS OF YOUR COMPLAINT:
- ▶ NAMES/ADDRESSES OF ANY WITNESSES:

Civil Rights Training

- ▶ All State and local staff – especially frontline staff should receive civil rights training appropriate to her/his position.
- ▶ All staff should be informed annually:
 - ▶ What to do if an LEP person requests assistance
 - ▶ What to do if someone requests reasonable accommodation
 - ▶ How to recognize and handle a civil rights complaint
- ▶ Share “Quick Guide to Civil Rights”

Civil Rights Training

Required Subjects




- ▶ Collection and use of data
- ▶ Effective public notification systems
- ▶ Complaint procedures
- ▶ Compliance review techniques
- ▶ Resolution of noncompliance
- ▶ Requirements for reasonable accommodations for people with disabilities
- ▶ Requirements for language assistance
- ▶ Conflict resolution
- ▶ Customer service

U.S. DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE

A QUICK GUIDE TO CIVIL RIGHTS

To ensure equal access to our programs, participating entities MUST:

1. Let people know how to apply for the TEFAP and how to file a Civil Rights complaint:
 - Place the "And Justice For All" poster where it can easily be seen.
 - Use the Nondiscrimination Statement on all materials and websites that mention FNS Programs.
 - Notify community groups that the Program is available.
 - Provide information when an individual or group requests it.
 - Schedule hours of operation according to the needs of the community.
2. Identify and accommodate language needs:
 - Find out what languages are spoken in your service area.
 - Make sure that everyone knows what to do when a Limited English Proficient client needs help.
 - Provide translated material if there are many people who speak another language.
 - Hire bilingual staff when possible; otherwise, use certified interpreters or contract services (i.e. Language Lines).
 - Do not ask clients to bring their own interpreters.
3. Accommodate persons with disabilities:
 - Accommodate persons with disabilities by allowing them to use pre-designated proxies.
 - Provide clients with hearing and vision impairments the accommodations that they need.
4. If a client states that he/she has been treated differently because of race, color, national origin, age, sex, or disability:
 - Try to resolve issues as quickly as possible.
 - Refer the client to the Civil Rights contact, or to the address provided on the poster; and
 - Offer the client a civil rights complaint form.

Compliance Reviews *Preaward*

- ▶ New applicant entities
 - ▶ Documentation and assurances of compliance
- ▶ Returning entities
 - ▶ Assurances, demographics, use of bilingual staff, accessibility of locations, makeup of boards, CR impact analysis when needed

For More Info...

- FNS Civil Rights Instruction 113 Section XIII *Compliance Reviews and Appendix B*

Compliance Reviews *Postaward*

- ▶ Coverage and frequency
 - ▶ Appendices have details
- ▶ Selection criteria outside of schedule
 - ▶ Unusual number of complaints, concerns from advocates, unresolved findings
- ▶ Review content
 - ▶ 11 specific areas to review in State agencies
 - ▶ 8 areas in locals/subrecipients

For More Info...

- FNS Civil Rights Instruction 113 Section XIII *Compliance Reviews and Appendix B*
- *Next few slides – questions to be asked during CR postaward reviews*

Public Notification Review Questions

- ▶ Do printed materials contain the nondiscrimination statement?
- ▶ Do graphic materials reflect equality?
- ▶ Do public announcements contain the nondiscrimination statement?



Public Notification – Review Questions

- ▶ Are AJFA posters appropriately displayed?
- ▶ Is program information available in alternative formats and languages?
- ▶ Are program information materials available to all?
- ▶ Are relevant minority groups appropriately included in outreach efforts?



Data Collection – Review Questions

- ▶ Does entity collect and maintain racial and ethnic data appropriately?
- ▶ Review data for trends, training and outreach information.
- ▶ Ethnicity
 - ▶ Hispanic
 - ▶ Not Hispanic
- ▶ Race
 - ▶ American Indian/Alaskan Native
 - ▶ Asian
 - ▶ Black
 - ▶ Native Hawaiian/Pacific Islander
 - ▶ White

Reasonable Accommodations

- ▶ How does the entity accommodate persons with disabilities?





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**

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

6. Remedies: How would you like to see this complaint resolved?

7. Have you filed a complaint about the incident(s) with another federal, state, or local agency or with a court?

Yes: _____ No: _____

If yes, with what agency or court did you file? _____

When did you file? _____
Month Day Year

Signature: _____

Date: _____

Mail Completed Form To:

USDA
Office of the Assistant Secretary for Civil Rights
1400 Independence Ave, SW, Stop 9410
Washington, D.C. 20250-9410

E-mail address:
program.intake@usda.gov

Telephone Numbers:

Local area: (202) 260-1026
Toll-free: (866) 632-9992
Local or Federal relay: (800) 877-8339
Spanish relay: (800) 845-6136
Fax: (202)690-7442

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.