



TEFAP (The Emergency Food Assistance Program) Training

The Emergency Food Assistance Program (TEFAP) helps supplement the diets of low-income Americans by providing them with emergency food and nutrition assistance at no cost. This program originated in the early 80's as a short-term program to disburse huge quantities of butter, cheese and other surplus items that had been held in storage by the USDA. These items were distributed to needy people through a network of volunteer organizations. After the stocks of the surplus items were depleted, the program was changed to one that primarily assisted those with the greatest need. The commodities are now distributed to shelters, soup kitchens, pantries and other emergency feeding organizations. These foods are packaged in household sizes and depend on agricultural conditions, but usually include a variety of canned fruits, vegetables, peanut butter, pasta, cereals and meat and poultry items.

For agencies interested in being able to distribute TEFAP product, they must complete the following steps:

- Fill out a USDA Pre-Award Questionnaire form (Appendix 1)
- Fill out a USDA Sub-Distribution Agency form, including Memorandum of Agreement (Appendix 2)
- Person(s) distributing food reviews Civil Rights Training PowerPoint
- Person(s) signs off on the Civil Rights Training confirmation form (Appendix 4) and returns to the Food Bank of Delaware – please return to Naty Moreta-Wright at nmoreta@fbd.org
- Site orders boxes as needed for distribution from Customer Service Representative at the Food Bank of Delaware (New Castle County - cservice@fbd.org and Kent and Sussex Counties – csmilford@fbd.org)
- Site is provided a USDA Civil Rights poster (sent with first delivery)
- As individuals are given boxes the Eligibility To Take Home Food Form (Appendix 5) is complete

APPENDIX 1

PRE-AWARD CIVIL RIGHTS QUESTIONNAIRE – THE EMERGENCY FOOD ASSISTANCE PROGRAM

Instructions

The following questionnaire must be submitted by all applicant agencies. The questionnaire must be answered in its entirety and signed by an authorized official prior to submission. Please be informed that failure to comply with this procedure may delay the application process.

Purpose

Civil rights laws and regulations ensure equal access to federally assisted programs regardless of a person's race, color, national origin, age, sex or disability. Organizations that apply for the opportunity to operate federally assisted programs must demonstrate their ability to comply with such civil rights laws and regulations *prior* to receiving approval to conduct the programs.

Questions

1. **What method(s) will be used to recruit participants? (Some examples may include, but are not limited to, applications, open enrollment, referrals from social welfare, courts, etc.)**

2. **Is the FNS nondiscrimination statement appropriately included in the agency's admissions requirements? Please provide a sample document.**

3. **Provide examples of how the program will be publicly announced to all potential participants regardless of race, color, national origin, age, sex or disability. Attach copies of relevant brochures, news articles, bulletins, television and/or radio ads, etc. Include documentation of efforts to inform community organizations about the program, including copies of letters, lists of organizations contacted.**

4. **Does the present location of the facility deny potential participants access to benefits on the basis of race, color, national origin, age, sex or disability?**

5. **Using the following definitions of ethnicity and race, provide an estimate (in percentages) of the ethnic and racial makeup of the population to be served. This data can be obtained online at <http://quickfacts.census.gov/gfd>.**

Ethnicity

- *Hispanic or Latino.* A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."
- *Not Hispanic or Latino.*

Race

- *American Indian or Alaskan Native.* A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- *Asian.* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- *Black or African American.* A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to 'Black or African American.'
- *Native Hawaiian or Other Pacific Islander.* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- *White.* A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Ethnicity

Hispanic or Latino	Not Hispanic or Latino

Race

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

6. Provide the ethnic and racial makeup of any planning or advisory committees.

Ethnicity

Hispanic or Latino	Not Hispanic or Latino

Race

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

7. How will the organization handle applicants and participants who do not speak English as their primary language and who have a limited ability to read, write or understand English?

8. Has there ever been a complaint or civil rights lawsuit filed against the organization? If so, explain the nature of the complaint, how it was resolved and how the proper Federal authorities were notified.

9. Has the organization ever been found out of compliance with civil rights requirements? If so, explain the area of noncompliance and how it was resolved.

10. Provide a brief description of any pending applications to other Federal agencies for assistance. Include a description of any Federal assistance being provided at the time of application.

Signature and Title of Authorized Official

Name of Agency

Agency Address

FOR STATE AGENCY USE ONLY

Date: _____

Approved () Disapproved ()

Reviewed by: _____

Appendix 2

The Emergency Food Assistance Program
TEFAP

State of Delaware

Sub-distribution Agency Application
FOR U.S. DEPARTMENT OF AGRICULTURE COMMODITIES

Sub-Agency Name _____
Address _____
City/State/Zip _____
Mailing Address (if different) _____
Sub Agency Director _____ Phone _____
TEFAP Contact Person _____ Phone _____

Date sub-agency began operation _____
Days of operation (Circle) S M T W T H F S
Number of days a month you are open? _____
Hours of operation _____
Does your sub-agency accept requests for food without referrals? _____
Main sources of referrals _____
Average number of meals served per month _____
Do the numbers of meals served fluctuate during the year? _____ If so, how?

Number of paid staff _____ Number of volunteer staff _____
Describe the geographic area you serve _____

Are there any restrictions on whom your sub-agency will serve?

What are your other food resources besides TEFAP?

What are your sources of funding for sub-agency food? _____

Does your sub-agency have?

Commercial freezer	_____	yes	_____	no
Commercial refrigeration	_____	yes	_____	no
Shelving to store food off floor	_____	yes	_____	no
Equipment to unload trucks	_____	yes	_____	no
Bookkeeping/accounting system	_____	yes	_____	no
Records of people served	_____	yes	_____	no
Adequate security against theft	_____	yes	_____	no

Does your sub-agency post a non-discrimination statement where recipients can see it? _____

Do you post the federal non-discrimination poster, "And Justice for All"? _____

If your site participated in TEFAP in the past, do you capture the following information on the recipients (check off)

Name _____ Address _____ Signature _____ How Income Eligible _____ Amount of Food Given _____ Type of Food Given _____

Is your sub-agency under a non-profit tax-exempt institution? If so, please provide your IRS Determination number.

Signature of Sub-Agency Director

Date

State of Delaware
Approved
MEMORANDUM OF AGREEMENT
Between

Food Bank of Delaware
and

Emergency Food Sub-Agency

The Emergency Feeding Organization (EFO) and the Emergency Food Sub-Agency have a common interest and goal of providing nutritious food to feed the hungry in their jurisdiction. In order to distribute USDA commodities, the EFO and the Emergency Food Sub-Agency must adhere to federal regulations and state guidelines.

The Sponsoring Agency agrees to:

- a. Allocate food to the sub-agency based on the numbers of meals served.
- b. Provide materials needed to keep track of the people served i.e. Approved Delaware application.
- c. Provide the non-discrimination poster, "And Justice for All".
- d. Provide current eligibility guidelines.
- e. Provide a system in which the sub-agency can access the food in a timely manner.

2. The Emergency Food Sub-agency agrees to:

- a. Store the commodities six inches off the floor and six inches off the wall in a clean facility free of infestation and separate from other donations, purchased products and other Food Bank of Delaware products.
- b. Store food at proper temperatures (see Appendix 3)
- c. Store the commodities in a secure manner where unauthorized persons do not have access to it.
- d. Report any food loss to the Sponsoring Agency, including loss by fire, theft, equipment failure or infestation/spoilage/contamination.
- e. Maintain records of food received and inventory on hand (delivery receipts).
- f. Accept responsibility for any loss of commodities due to negligence. If negligence is determined the sub-agency is responsible for food or reimbursing the Sponsoring Agency for the value of the food loss.
- g. Receive and distribute the food in accordance with current government regulations.
- h. Distribute to only Delaware residents who are income eligible persons, or those who participate in one or more local, State or Federal means-tested

programs, for household consumption, based on current State of Delaware approved eligibility guidance given by the Sponsoring Agency. There is no minimum time limit for a person to have been a resident of Delaware.

- i. Complete the Eligibility To Take Home Food Form (Appendix 4) on each household and submit to the Sponsoring Agency the numbers of households served. All forms must be kept on file for four years.
- j. Inspect all deliveries immediately for accuracy and quality.
- k. Request food based on historical information of households served.
- l. Post the non-discrimination poster "And Justice for All" where the sub-agency recipients can see it. Complaint form and procedure must also be posted.
- m. All printed materials must include this benefit/services statement: "USDA prohibits discrimination in all programs & activities on the basis of race, color, national origin, age disability and sex.
- n. Identify and accommodate language needs
- o. Accommodate persons with disabilities.
- p. Guarantee that no USDA foods will be traded, sold, transferred or otherwise disposed of without prior approval of the Sponsoring Agency.
- q. Notify the Sponsoring Agency of any leftover foods in excess of what can be safely stored or utilized within the distribution period.
- r. Have regular business hours that recipients can be served, or otherwise operate by appointment.
- s. Allow inspection by federal and/or state monitors of facility, records and process of people served.
- t. Serve recipients in a respectful and courteous manner.

TEFAP State Monitors and FBD Monitors may visit any site participating in this program to prove compliance with record keeping and food storage.

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, Room 326-W, Whitten Building, 1400 Independence Ave, Washington DC 20250-9410 or call (202) 720-5964. USDA is an equal opportunity provider and employer.

Sponsoring Agency Representative

Date

Emergency Food Sub-Agency Representative

Date

Appendix 3

USDA Donated Foods Storage Guide

Commodity	Type of Storage	Commodity	Type of Storage
Beef, Frozen Ground	Zero or below	Beans, Green Canned	Cool & dry; below 70° F
Beef, Frozen VPP	Zero or below	Beans, Green Frozen	Zero or below
Beef, Patties	Zero or below	Beans, Vegetarian	Cool & dry; below 70° F
Beef, Patties VPP	Zero or below	Corn, Canned	Cool & dry; below 70° F
Beef, Canned	Cool & dry; below 70° F	Corn, Frozen	Zero or below
Chicken, Breaded	Zero or below	Peas, Green Canned	Cool & dry; below 70° F
Chicken Cutup	Zero or below	Peas, Green Frozen	Zero or below
Chicken Nuggets	Zero or below	Potatoes, Dehydrated	Cool & dry; below 70° F
Fish Nuggets	Zero or below	Potatoes, French Fries	Zero or below
Hams, Cooked	Zero or below	Potatoes, Rounds	Zero or below
Pork, Canned	Cool & dry; below 70° F	Potatoes, Sweet	Cool & dry; below 70° F
Pork, Frozen	Zero or below	Tomatoes, Canned	Cool & dry; below 70° F
Salmon	Cool & dry; below 70° F	Tomatoes, Crushed	Cool & dry; below 70° F
Tuna	Cool & dry; below 70° F	Tomato Paste	Cool & dry; below 70° F
Turkey, Frozen	Zero or below	Mixed Vegetables, Frozen	Zero or below
Turkey, Roasts	Zero or below	Corn Meal	Cool & dry; below 70° F
Apples, Fresh	33° F to 35° F Preferred	Flour, All Purpose	Grain products are subject to deterioration or damage
Apple Juice, Canned	Cool & dry; below 70° F	Flour, All Purpose	from moisture, heat, infestation and absorption
Apple Slices	Cool & dry; below 70° F	Flour, Whole Wheat	from other products. Store in cool, dry place.
Applesauce, Canned	Cool & dry; below 70° F	Macaroni	Cool & dry; below 70° F
Apricots, Canned	Cool & dry; below 70° F	Macaroni (Rotini)	Cool & dry; below 70° F
Blueberries, Frozen	Zero or below		Cool & dry; below 70° F
Cherries, Frozen	Zero or below	Oil, Vegetable	Cool & dry; below 70° F
Date Pieces	33° F to 35° F Preferred	Rolled Oats	Cool & dry; below 70° F
Figs	33° F to 35° F Preferred	Rolled Wheat	Cool & dry; below 70° F
Mixed Fruits	Cool & dry; below 70° F	Shortening, Liq. Veg.	Cool & dry; below 70° F
Peaches, Canned	Cool & dry; below 70° F	Shortening, Vegetable	Cool & dry; below 70° F
Pears, Canned	Cool & dry; below 70° F	Walnuts	32° F to 35° F preferred
Pears, Fresh	33° F to 35° F Preferred	Honey	Cool & dry; below 70° F
Pineapple, Canned	Cool & dry; below 70° F	Peanut Butter	Cool & dry; below 70° F
Grape Juice, Canned	Cool & dry; below 70° F	Peanut Granules	Cool & dry; below 70° F
Plums, Canned	Cool & dry; below 70° F	Peanuts, Roasted	Cool & dry; below 70° F
Raisins	33° F to 35° F Preferred		
Butter	Zero or below		
Cheese, Cheddar	Zero or below		
Cheese, Mozzarella	Zero or below		
Cheese, Processed	35° F to 45° F		
Dry Milk	Cool & dry; below 70° F		

APPENDIX 4
CIVIL RIGHTS TRAINING & INFORMATION RELEASE

Food Bank of Delaware Partner Name

To ensure equal access to programs, I have received Civil Rights training in the following areas:

- ❖ Letting people know how to apply for the TEFAP and how to file a Civil Rights complaint
- ❖ Identifying and accommodating language needs
- ❖ Accommodating persons with disabilities
- ❖ Providing USDA product to Delaware residents only
- ❖ Storage and handling of product
- ❖ Participation requirements
- ❖ Resolving issues if a client states that he/she has been treated differently because of 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.

Please choose method of training (circle one):

Self training kit

Training session

Name (Print): _____

Signature: _____

Date: _____



Household Size	Annual income	Monthly Income	Weekly Income
1	23,107	1,926	445
2	31,284	2,607	602
3	39,461	3,289	759
4	47,638	3,970	917
5	55,815	4,652	1,074
6	63,992	5,333	1,231
7	72,169	6,015	1,388
8	80,346	6,696	1,546
For each additional family member add:	+8,177	+682	+158

Income guidelines Effective July 1, 2019 to June 30, 2020 (185% poverty guidelines)

Please read the following statement carefully. Then sign the form and write in today's date.

Signature

Date

I certify that my annual gross income is at or below the income listed on this form for households with the same number of people as my household, OR that my household participates in the program that I have checked on this form. I also certify that, as of today, my household lives in the area served by the Delaware Emergency Food Assistance Program.

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-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 provide



United States Department of Agriculture

CIVIL RIGHTS TRAINING

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

Civil Rights Division

USDA, Food and Nutrition Service

June 2019



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



United States Department of Agriculture

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

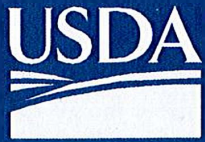
- Disability

Title IX of the Education Amendments of 1972

- Sex

Age Discrimination Act of 1975

- Age



United States Department of Agriculture

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)



United States Department of Agriculture

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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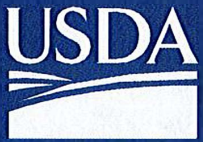
Civil Rights Legal Authorities

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**



United States Department of Agriculture

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...”

- Race
- Color
- National Origin
- Age
- Sex
- Disability



United States Department of Agriculture

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



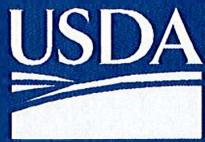
United States Department of Agriculture

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.



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-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.



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Nondiscrimination Statement (*Spanish*)

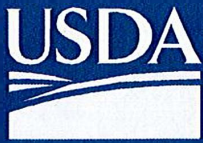
De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del 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 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.

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

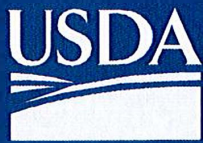
- 22 Non-English Languages at:
<https://www.fns.usda.gov/fns-nondiscrimination-statement>



United States Department of Agriculture

“And Justice For All” Poster

- Display the poster in a prominent location for all to view
- AD-475A
 - Required version for CSFP and TEFAP

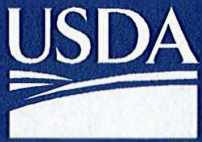


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Race/Ethnicity Data Collection (CSFP only)

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.



United States Department of Agriculture

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.



United States Department of Agriculture

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



United States Department of Agriculture

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)

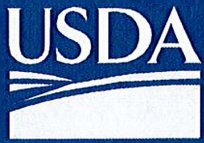


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LEP Requirements

➤ **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



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

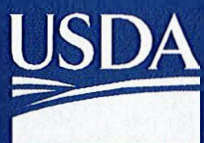
Factors to consider when ensuring “meaningful” access:

- 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



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

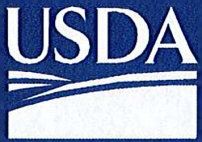


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LEP Population and Data Sources

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)



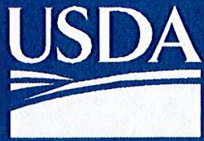
Disability Discrimination

- 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.



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.



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.

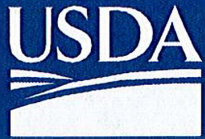


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Equal Opportunity for Religious Organizations

7 CFR Part 16

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



Civil Rights Training

- State agencies are responsible for training subrecipient agencies on an **annual basis**.
- 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.

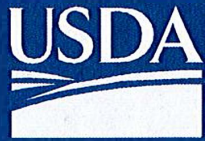


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Civil Rights Training

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

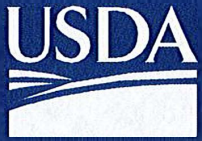
- Collection and use of data
- Effective public notification system
- Complaint procedures
- Compliance review techniques
- Resolution of noncompliance
- Requirements for reasonable modifications for persons with disabilities
- Requirements for language assistance
- **Conflict resolution**
- **Customer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



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Customer Service

Service is
Effectively communicating with customers,
Responding to their needs,
Valuing their worth, and
Instilling excellence through
Courtesy, confidence, and
Enthusiasm.



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Conflict Resolution

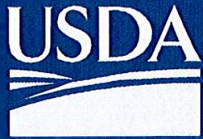
IDENTIFY THE PROBLEM. Identify the problem based on the information the customer gives you.

DETERMINE A SOLUTION. Depending on the specifics of the conversation and your knowledge of your organization, the solution may involve calling the customer again.

GAIN APPROVAL FROM THE CUSTOMER. If the customer does not agree to the proposed solution, it will resolve nothing!

MAKE AN AGREEMENT. You and the customer should determine what is to be done, when it is to be done, and by whom. If it is not possible, suggest an alternative.

FOLLOW UP. Personally make sure that the customer has been satisfied; and provide feedback.



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 be 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.

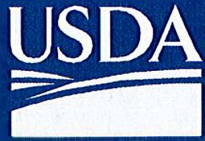
➤ **USDA discrimination complaint form**

- English

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



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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?



Special Compliance Reviews

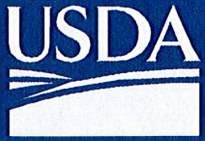
- May be scheduled or unscheduled
- To follow-up on previous findings of noncompliance
- To investigate reports of noncompliance by other agencies, media, or grassroots organizations
- May be specific to an incident or policy
- History of statistical underrepresentation of particular group(s)
- Pattern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



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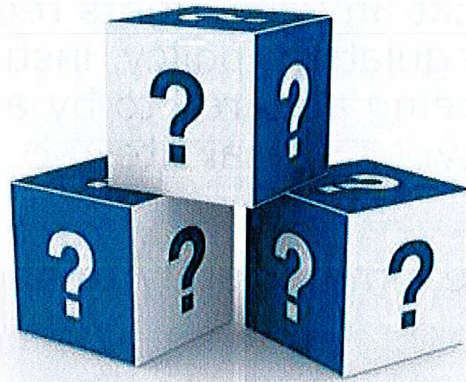
Resolution of Noncompliance

- 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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Questions





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