



Department of  
Job and Family Services

Food Programs Manual  
for the  
Commodity Supplemental Food Program  
and  
The Emergency Food Assistance Program

Rev. April 2019

Ohio Department of Job & Family Services  
Office of Family Assistance

## Table of Contents

<b>Section 1 Introduction</b> .....	<b>3</b>
Purpose of Manual.....	3
Contents of Manual.....	3
Availability of Manual .....	3
<b>Section 2 Definitions</b> .....	<b>4</b>
<b>Section 3 Administration</b> .....	<b>9</b>
State Administration.....	9
State Distribution Plan .....	9
Local Administration .....	9
Federal Allocation to States.....	10
ODJFS Allocation to Regional Agent.....	11
Shipment of Product from USDA to a Regional Agent or Sub-Regional Agent.....	11
Electronic Receipting for USDA Foods .....	12
Inspection of USDA Foods .....	13
Claim Action .....	13
Program Monitoring .....	13
Training and Technical Assistance .....	14
<b>Section 4 Regional Agent and Sub-Regional Agent</b> .....	<b>15</b>
Foodbanks.....	15
Regional Plan .....	15
Review Requirements of IRS Revocation of Tax-Exempt Status .....	15
Limited English Proficiency (LEP) Plan.....	16
Storage and Handling.....	16
Dry Food Storage .....	18
Refrigerated and Frozen Food Storage .....	18
Maintenance of Storage Area .....	18
Damaged and or Out-Of-Condition Product.....	19
Program Monitoring .....	20
Records Maintenance.....	20
Prohibited Activity .....	20
<b>Section 5 Local Distributor</b> .....	<b>21</b>
Food Pantry .....	21
Soup Kitchen and Shelter .....	21

Distribution.....	22
Homebound Participants .....	22
Technology-Based Client Eligibility Process.....	22
TEFAP Eligibility .....	22
Predominately Needy .....	23
Disaster .....	24
CSFP Eligibility .....	24
Certification Transfer .....	25
No-Show Policy .....	26
CSFP Dual Participation .....	26
Program Violations .....	26
CSFP Waiting List Procedures .....	26
CSFP Nutrition Education .....	27
Complaints About USDA Donated Commodities .....	27
Prohibited Activity .....	28
<b>Section 6 Civil Rights .....</b>	<b>29</b>
Written Notice and Referral Requirements for Applicants and Recipients Receiving TEFAP and CSFP Benefits from Faith-Based or Religious Organizations.....	30
<b>Section 7 Records and Reports.....</b>	<b>33</b>
<b>Section 8 USDA Food Distribution National Policy Memoranda .....</b>	<b>36</b>
<b>Appendix .....</b>	<b>37</b>

## **Section 1            Introduction**

### **Purpose of Manual**

The Food Programs Manual is provided by the Ohio Department of Job & Family Services (ODJFS) to clarify program procedures for local agencies participating in the Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP). The intent of this manual is to establish and maintain a consistent statewide minimum level of service for the emergency food provider network distributing CSFP and TEFAP commodities. The manual provides the framework for acceptable compliance to program guidelines established by ODJFS and the United States Department of Agriculture (USDA) federal program regulations found at 7 Code of Federal Regulations (CFR) 250 and 251 for TEFAP and 7 CFR 247 and 250 for CSFP.

### **Contents of Manual**

The manual contains information about the rules, regulations, reports and forms for CSFP and TEFAP incorporated into agreements with program providers. The manual includes a Table of Contents and program terms, definitions and acronyms. Updates to the manual may be made periodically. The 2017 revision affects the entire Food Programs Manual. Please discard all previous versions and updates.

### **Availability of Manual**

The Food Programs Manual is available online at the ODJFS website. All agencies participating in CSFP/TEFAP must have and maintain a manual on site.

The manual will be posted on the ODJFS website under the Food Programs Manual header at <http://jfs.ohio.gov/ofam/foodstamps.stm>

## **Section 2                      Definitions**

The following is a list of federal, state, and local terms, acronyms and definitions used throughout the manual for the program administration in Ohio.

### **Agricultural Marketing Service**

USDA Agency responsible for purchasing food products such as meat, poultry, fruits and vegetables.

### **Back Pack Program**

A method of food distribution to school children for which shelf stable TEFAP commodities may be used provided the child's household is currently certified as eligible for TEFAP. Regional Agents must keep a record, for each day on which they distribute food, of the names of all households that receive food.

### **Carrier**

Commercial enterprise that transports USDA foods from one location to another but does not store such foods.

### **Caseload**

The monthly average number of persons a state agency is authorized by USDA/FNS to serve over a specified period of time by the CSFP. Caseload is allocated to participating foodbanks by ODJFS.

### **Certification Period**

The period of time that a CSFP participant may continue to receive program benefits without a review of his or her eligibility.

### **Client Choice**

Refers to the practice of allowing food pantry clients a choice in determining the content of the food package received at the food pantry. The method of allowing client choice may vary based on product availability and or limited physical space at the pantry.

### **Code of Federal Regulations (CFR)**

Contains the regulations governing all federal programs. Regulations for CSFP are found at 7 CFR 247, for TEFAP at 7 CFR 251 and for both programs at 7 CFR 250, as applicable.

### **Commodities**

Food donated by USDA for distribution through CSFP and TEFAP.

### **Commodity Supplemental Food Program (CSFP)**

CSFP is a federal nutrition assistance program that provides low-income, elderly individuals with a monthly box of food. The box does not contain a complete diet, but provides nutrients typically lacking in the diets of the elderly population. It includes a

variety of foods, such as cheese; nonfat dry and Ultra High Temperature (UHT) milk; juice; oats and ready-to eat cereal; rice and pasta; peanut butter; dry beans; canned meat, poultry or fish; and canned fruits and vegetables.

### **Cooperative Extension Office**

The Cooperative Extension Office system is a nationwide, non-credit educational network. Each U.S. state and territory has a state office at its land-grant university and a network of local or regional offices. These offices are staffed by one or more experts who provide useful, practical, and research-based information to agricultural producers, small business owners, youth, consumers, and others in rural areas and communities of all sizes. Ohio State University Extension connects Ohio State to the people in all 88 Ohio counties. Visit <http://extension.osu.edu/lao#county> to find a local county Extension office.

### **Delivery**

The transfer of commodities from USDA to a Regional Agent or from a Regional Agent to a Sub-Regional Agent or a Local Distributor.

### **Disbursement**

The delivery of commodities from a Regional Agent to a Sub-Regional Agent or Local Distributor or the pick-up of commodities by a Local Distributor from a Regional Agent or Sub-Regional Agent.

### **Distribution**

The actual transfer of commodities from a Regional Agent, Sub-Regional Agent or Local Distributor to a recipient.

### **Elderly**

Persons age sixty (60) and above.

### **Farm Service Agency**

The Farm Service Agency implements agricultural policy, administers credit and loan programs, and manages conservation, commodity, disaster and farm marketing programs through a national network of offices.

### **Federal Fiscal Year (FFY)**

A twelve-month period used for accounting and reporting purposes, October 1 through September 30.

### **Federal Programs Reporting System (FPRS)**

The internet based online reporting system for federal programs.

### **Fiscal Year (FY)**

A twelve-month period used for accounting and reporting purposes.

**Food and Nutrition Service (FNS)**

An agency of USDA responsible for the nationwide administration of several federal nutrition programs including CSFP and TEFAP.

**Foodbank**

A nonprofit, charitable organization qualified under provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, which maintains an established operation involving the provision of food and grocery products to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

**Food Pantry**

A public or private nonprofit organization that is a part of a foodbank network that distributes food and grocery products to low-income households, including food from sources other than USDA, to relieve situations of emergency and distress. It is housed in a standing facility that distributes commodities, among other food and grocery products, on a regular basis.

**Homeless Shelter**

A facility where the primary purpose is to provide temporary or transitional shelter for homeless individuals and families in general or for specific group populations (i.e. battered women, run-away youth) of homeless individuals and families.

**Household**

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

**In-Kind Replacement**

The replacement of a loss of USDA Foods with a quantity of the same foods of U.S. origin that are of equal or better quality than the lost foods and that are of at least equal monetary value to the USDA's cost of replacing the lost foods.

**Limited English Proficiency (LEP)**

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

**Local Distributor**

A private or public nonprofit organization, which contracts with a Regional Agent or Sub-Regional Agent to receive and distribute commodities to eligible persons, such as a food pantry, soup kitchen or shelter.

**Midwest Regional Office (MWRO)**

USDA/FNS Region IV, headquartered in Chicago, Illinois, responsible for USDA programs in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

**Multi-Food Shipment**

A shipment from a National Multi-Food Warehouse that typically includes more than one type of USDA Food.

**National Multi-Food Warehouse**

A Federally-contracted storage facility that includes more than one type of USDA Food.

**Network**

Foodbank member agencies responsible for the provision of emergency and supplemental food services.

**Office Family Assistance (OFA)**

The office within ODJFS which administers federal and state food assistance programs.

**Ohio Department of Job & Family Services (ODJFS)**

The state agency which develops and oversees programs that provide employment and economic assistance, child support and services to families and children. The programs and services offered are designed to help Ohioans be healthy and safe, while gaining and maintaining independence, and are delivered at the local level in a manner that recognizes and preserves individual rights, responsibilities and dignity.

**Poverty Guidelines**

Established by the United States Department of Health and Human Services as an indicator of poverty based on income and utilized in establishing income-based eligibility standards for program participants. The guidelines are updated annually.

**Proxy**

Any person authorized in writing by a recipient to obtain supplemental food on behalf of the recipient.

**Recipient**

A person or persons living together in one household who have been determined eligible to receive commodities for consumption or for household use.

**Regional Agent**

A not-for-profit foodbank, which contracts with ODJFS to administer TEFAP and/or CSFP in an assigned service region and to receive commodities directly from USDA.

**Regional Plan**

A document, submitted annually to ODJFS by a Regional Agent, which details the administration of TEFAP and/or CSFP by a Regional Agent.

**Service Region**

An area of the state, determined by ODJFS, served by a Regional Agent or Sub-Regional Agent.

**Soup Kitchen**

A facility that is a clean, secure environment that offers prepared meals free of charge to predominately needy people. A Soup Kitchen serves nutritious meals in a congregate setting or take-home meals without charge, for homeless persons, transient persons and or others in need.

**State Fiscal Year (SFY)**

A twelve-month period used for accounting and reporting purposes, July 1 through June 30.

**Sub-Regional Agent**

A not-for-profit foodbank, which contracts with a Regional Agent to provide service to a designated area within the service region of a Regional Agent. The Sub-Regional Agent may receive commodities directly from USDA and or a Regional Agent.

**Technology-Based Client Eligibility Process**

A client eligibility and delivery documentation method that utilizes a web-based or electronic process resulting in a paperless eligibility and record keeping system.

**The Emergency Food Assistance Program (TEFAP)**

A federal nutrition assistance program which provides government purchased and donated commodities to income eligible households.

**United States Department of Agriculture (USDA)**

Cabinet level agency responsible for federal programs related to agriculture.

**Vendor**

A commercial food company from which USDA purchases food for donation.

**Web Based Supply Chain Management (WBSCM)**

WBSCM is an integrated, food ordering, tracking and procurement system used by USDA and its customers, vendors, suppliers, and transportation personnel. All federal food and commodity orders, solicitations, offers, awards, deliveries, invoices, and payments occur in WBSCM, and all business partners in the commodity program are required to use this system.

## **Section 3 Administration**

### **State Administration**

ODJFS has been designated as the state agency responsible for the administration of CSFP and TEFAP. These two programs are housed within the Office of Family Assistance, Bureau of Cash and Food Assistance Policy and Technical Assistance. ODJFS enters into grant agreements with regional foodbanks for local level administration of the programs. Direct, daily operation is the responsibility of the Food Assistance Section and the Program Agreements/Monitoring Section. Currently, there are two full-time and two part-time staff people who are committed to the programs and are supervised by one Bureau Chief and one Supervisor.

### **State Distribution Plan**

The State agency must submit for approval by the appropriate FNS Regional Office a plan that contains:

- A designation of the State agency responsible for distributing commodities and administrative funds provided under this part, and the address of such agency.
- A plan of operation and administration to expeditiously distribute commodities received under this part.
- A description of the standards of eligibility for Regional Agents, including any sub-priorities within the two-tier priority system.
- A description of the criteria established that must be used by Regional Agents in determining the eligibility of households to receive TEFAP commodities for home consumption.

The plan will be submitted to the Midwest Regional Office within the timeframe established by federal program regulations and will update the plan as necessary.

### **Local Administration**

For program purposes, Ohio's eighty-eight counties are divided into seven regions for TEFAP and thirteen regions for CSFP of varying sizes. A foodbank within each region is designated as a Regional Agent responsible for the administration of the program within the service region. As of December 2016, Ohio foodbanks have an established network of approximately 3,307 member agencies (pantries, soup kitchens and shelters and similar non-profit organizations) responsible for the provision of emergency and supplemental food services, which may include TEFAP and CSFP commodities to recipients and program participants. Foodbank member agencies are referred to as Local Distributors for program purposes.

ODJFS enters into grant agreements with Regional Agents for CSFP and TEFAP local administration. The Regional Agent incorporates TEFAP commodities into their food

banking operations providing an enhanced variety of products available for distribution. A Regional Agent, which administers CSFP prepares the prescribed food boxes at the foodbank for distribution to program participants at designated locations in their service areas or provides appropriate case lot amounts to a contracted local site for packing and distribution.

The following criteria are assessed when determining local level administration of the programs.

- Ability to meet USDA Warehousing Standards for storage of USDA and non-USDA food items and non-food items.
- Ability to provide transportation to agencies in the service area for USDA foods and non-USDA products.
- Ability to obtain non-USDA items and food resources to supplement USDA food products.
- Ability to monitor local network and enforce state and federal guidelines within the required timeframe.
- Ability to maintain an established operation involving the distribution of donated food on a regular basis as an integral part of its normal activities.

## **Federal Allocation to States**

### *TEFAP Entitlement*

For TEFAP purposes, USDA has developed a formula based on 60% poverty and 40% unemployment population to allocate product and funding to the states. Each state's share of commodities and funds shall be based 60 percent on the number of persons in households within the state having incomes below the current poverty level and 40 percent on the number of unemployed persons within the state. This is known as the state's "fair share". Each state is offered its fair share of the entitlement food and storage and distribution funds according to the formula. USDA notifies the state agency when orders are to be placed, the product that is available for ordering and the value of each product. Orders may be placed by the states for monthly delivery. ODJFS orders product based on the entitlement allocation of dollars set by USDA. USDA/FNS makes every effort to fill orders as requested. Occasionally, due to unforeseen circumstances, USDA/FNS will eliminate or substitute products and or change delivery times.

### *TEFAP Bonus*

Bonus products are offered to each state based on the fair share of the federal allocation or on an open order basis. Bonus products are not purchased with entitlement funding. ODJFS may choose to accept all, part or none of the bonus offering.

### *CSFP Allocation*

CSFP allocation is based on caseload assignment as established annually by USDA/FNS. State agencies order product required to meet the prescribed amount of food contained in the monthly food box. Orders are placed for direct shipment and or multi-food shipment.

### **ODJFS Allocation to Regional Agent**

ODJFS determines an allocation of TEFAP food dollars to each Regional Agent based on the percentage of eligible population residing in the Regional Agent's geographic service region. This allocation formula is applied to both entitlement and bonus product. The Regional Agent has the right to accept or decline all or part of the bonus product allocated. Bonus product declined by a Regional Agent will be offered to other foodbanks. Excess inventories may be transferred between foodbanks with prior notice to and the consent of ODJFS. Records documenting the transfer must be maintained by both foodbanks.

ODJFS assigns CSFP caseload to a Regional Agent, who in turn, determines the allocation of caseload throughout the service region. A Regional Agent determines the method of distribution to program participants, either through a Local Distributor or by direct service by the Regional Agent. Food orders are placed for either direct or multi-food shipments. Direct shipments are single product loads. Multi-food shipments are single trucks containing a variety of food items. Orders are placed based on the amount needed to serve caseload. A Regional Agent should maintain between a two and two and one-half month supply of CSFP commodity food.

ODJFS receives allocation notices from USDA/FNS, establishes ordering deadlines and forwards the information on to a Regional Agent. A Regional Agent in turn places orders against their TEFAP entitlement dollar fair-share or for CSFP shipments electronically. If necessary, with or without consultation with the Regional Agent, ODJFS may place orders on behalf of the Regional Agent. Section 4027(a) of the Agricultural Act of 2014 (Farm Bill) included a carryover provision that makes TEFAP entitlement funds available to States for two fiscal years. Effective with FFY 2015, States are able to keep any remaining TEFAP food entitlement balance at the end of the FFY and place orders against it during the subsequent FFY. Each Regional Agent should continue to make reasonable efforts to use their entitlement funds in the FFY initially provided. Reasonable attempts to expend funds could account for situations such as price fluctuations when orders have been placed, but came in lower than anticipated or not having enough funds to complete full orders.

### **Shipment of Product from USDA to a Regional Agent or Sub-Regional Agent**

USDA provides for the transportation of program foods to the Regional Agent and/or Sub-Regional Agent warehouse. Federal program shipping policy allows for two stops and a final drop on loads, unless otherwise stated.

### *Direct Shipments*

The vendor or carrier must arrange direct delivery shipment appointments with the Regional Agent or Sub-Regional Agent at least twenty-four hours before the expected delivery date. For split shipments, the vendor or carrier must arrange for a delivery appointment with each Regional Agent and/or Sub-Regional Agent. The vendor or carrier may make an earlier delivery than scheduled, only if a new delivery date has been arranged that is acceptable to the Regional Agent and/or Sub-Regional Agent. When the vendor or carrier arrives without a delivery appointment or is late for an appointment, the Regional Agent and/or Sub-Regional Agent should accept the shipment, if able, or work with the vendor or carrier to schedule delivery at a later time. When a carrier does not make a delivery appointment in advance, it is recommended that when receipting for the delivery in the Web Based Supply Chain Management System (WBSCM), the Regional Agent or Sub-Regional Agent report the issue in the comment section, along with identifying the carrier.

### *Multi-Food Shipments*

Shipping delivery dates originating from a National Multi-Food Warehouse are set up at the beginning of each calendar year via WBSCM. The shipping delivery dates are agreed upon with each Regional Agent and/or Sub-Regional Agent, who is responsible for accepting shipments on the prearranged delivery dates. If the regularly scheduled delivery must be postponed (e.g., as a result of inclement weather or equipment failure), the National Multi-Food Warehouse will immediately contact the Regional Agent and/or Sub-Regional Agent to determine a revised delivery date that is agreeable to both parties.

Each Regional Agent or Sub-Regional Agent shall inspect each shipment and commercial delivery receipt (e.g., Bill of lading) carefully prior to unloading to ensure that the high security seal(s) is intact, to determine the overall condition of the USDA Foods, the number of units in the shipment, and to ensure the accuracy of the receipt.

### **Electronic Receipting for USDA Foods**

Each Regional Agent or Sub-Regional Agent shall enter all shipping receipts within two calendar days of delivery into WBSCM. This requirement applies to both direct and multi-food shipments of USDA Foods.

## **Inspection of USDA Foods**

All shipments that require inspection (i.e., fresh fruit and vegetables, frozen meats) are scheduled by the vendor (prior to arrival) and should not require the state agency or the Regional Agent and/or Sub-Regional Agent to make the necessary arrangements.

## **Claim Action**

As described in FNS Instruction 410-1, the Regional Agent shall investigate any loss of USDA foods, or any improper use or loss of funds regardless of the value of the loss, in order to determine if a claim must be pursued against the party responsible for the loss. Such claim determination shall be completed within thirty days from the date of discovery of the loss, or from the date that information was first received indicating that the loss had occurred, whichever is later. As part of the claim determination, the Regional Agent shall report any loss of donated foods, or any improper use or loss of funds to ODJFS via the JFS 01433 "Report of Storage Loss and or Damage".

No claim determination shall be required when the value of the lost commodities does not exceed \$500. However, no claim shall be disregarded when the loss occurred as a result of the following:

- Theft;
- Embezzlement;
- Willful misapplication; or
- Fraud

ODJFS shall maintain records and substantiating documents on all claim actions and adjustments including documentation of those cases in which no claim was asserted because of the minimal amount involved. In making final claim determinations for commodity losses incurred by Regional Agents when there is no evidence of fraud or negligence, ODJFS and MWRO shall consider the special needs and circumstances of the Regional Agents, and adjust the claim and/or conditions for claim collection as appropriate. These special needs and circumstances include but are not limited to the Regional Agent's use of volunteers and limited financial resources and the effect of the claim on the organization's ability to meet the food needs of low-income populations.

## **Program Monitoring**

ODJFS is responsible for on-site monitoring of Regional Agents, Sub-Regional Agents and Local Distributors. The purpose of the monitoring process is to evaluate program operations. The process is to include, but not be limited to, a review of:

- Eligibility determination process.
- Food ordering procedures.

- Warehousing and storage facilities.
- Inventory control.
- Distribution and transportation.
- Approval of Local Distributors (member agencies).
- Network training and monitoring.
- Reporting and record keeping.
- Compliance and civil rights.

The review should be used to provide technical assistance for program improvement. The monitoring visit also provides an opportunity for the participating agency to ask questions, discuss concerns and make suggestions about the program. ODJFS will comply with federal program regulations set forth in 7 CFR 251.10(e) and 7 CFR 247.34 when determining the number of reviews conducted annually at participating agencies.

ODJFS will issue a report of review findings detailing recommended and/or required corrective action to the participating agency. The participating agency will have forty-five days to respond to the findings and document compliance with corrective action.

USDA may visit the state agency and any Regional Agent, Sub-Regional Agent or Local Distributor at its discretion for review purposes.

### **Training and Technical Assistance**

The ODJFS Food Programs staff are available to provide training and technical assistance to a Regional Agent, Sub-Regional Agent or Local Distributor throughout the year upon request.

ODJFS is required to provide annual Civil Rights training for Regional Agents in accordance with FNS Instruction 113-1. Regional Agents are responsible for participating in the annual training and training their Sub-Regional Agents and front line staff who interact with program applicants or participants.

Training should be ongoing between a Regional Agent, Sub-Regional Agent and a Local Distributor. Policy changes, updated eligibility guidelines, federal and/or state regulation amendments, or any other pertinent information should be forwarded to each of the Local Distributors in the Regional Agent's service region.

Cooperative Extension Offices are a good training resource for all participating agencies. The Cooperative Extension Office staff can provide training on health and safety procedures, instructions on the use of USDA food products and other pantry items in food preparation, and recipes and nutritional information. Local county health departments may also provide information on food safety policies pertaining to food distributors and preparers. Regularly scheduled training is beneficial to keep the network current on policies and procedures in all areas of food handling and distribution.

## **Section 4                    Regional Agent and Sub-Regional Agent**

### **Foodbanks**

Foodbanks that have a Regional Agent grant agreement with ODJFS or a Sub-Regional Agent agreement with a Regional Agent vary in size and scope of operation, but they are all required to meet obligations based in federal program regulations. The obligations include the establishment and maintenance of a member agency network, product ordering system, monitoring procedure, reporting and recording keeping systems and training. The criteria include the following:

- Have 501(C)(3) status.
- Abide by applicable federal and state program regulations.
- Properly store and distribute donated food.
- Have adequate refrigeration and freezer capacities.
- Maintain the required records and submit records to ODJFS on a timely basis.
- Maintain an emergency food provider network.
- Comply with the terms of the grant agreement.

### **Regional Plan**

A Regional Agent must develop a regional plan for the assigned service region, which shall include, but not be limited to:

- Criteria for soliciting and maintaining pantries/agencies for network.
- Procedure for the distribution of product throughout region.
- Procedure for inventory control.
- Procedure for Local Distribution delivery and/or pick-up.
- Procedure for informing a Sub-Regional Agent and/or a Local Distributor of Regional Agent, ODJFS, or USDA policy changes.
- Procedure for funding a Sub-Regional Agent and or a Local Distributor, if applicable.

Regional Agent shall submit the regional plan for its service region to ODJFS at the beginning of each federal fiscal year and shall update as necessary.

### **Review Requirements of IRS Revocation of Tax-Exempt Status**

Regional Agents that have contract agreements with a Sub-Regional Agent and/or Local Distributor shall review, at least annually, the IRS Automatic Revocation of Exemption List to ensure that its member agencies do not appear on the revocation listing. Documentation of the review shall be retained on file. The Regional Agent must determine what is considered acceptable documentation for this review. The list is found at:

<https://www.irs.gov/charities-non-profits/automatic-revocation-of-exemption-list>.

For further information, refer to Policy Memorandum FD-118 “Automatic Revocation of Tax Exempt Status”.

### **Limited English Proficiency (LEP) Plan**

Regional Agents and Sub-Regional Agents must develop a plan to ensure the LEP population has meaningful access to all USDA and/or state funded programs. The plan shall include:

- A determination of the language(s) other than English that is/are most likely to be encountered at the facility(ies).
- An explanation of the methodology used to make the languages determined to be LEP.
- The methods for providing service to the LEP population. Examples include, but are not limited to:
  - Bi-lingual or multi-lingual staff employed by the agency.
  - Contract with a third-party entity who provides interpreting and/or translation services.
  - Other methods.

Regional Agents and Sub-Regional Agents shall review their LEP Plan every two years and update accordingly.

### **Storage and Handling**

Every shipment of USDA commodities shall be inspected upon delivery for possible shortages, overages and/or damage before the product is accepted. A Regional Agent or Sub-Regional Agent may not accept damaged product or sign the Bill of Lading until the Regional Agent or Sub-Regional Agent warehouse agrees with the amount stated on the Bill of Lading. Once the Bill of Lading is signed, title is transferred to the Regional Agent or Sub-Regional Agent. By signature of the Regional Agent or Sub-Regional Agent warehouse representative, the Regional Agent or Sub-Regional Agent assumes liability and will be held financially responsible for product shown on the Bill of Lading. The truck driver and Regional Agent or Sub-Regional Agent warehouse representative must sign, date and note any differences or concerns about the product on the Bill of Lading. A Regional Agent or Sub-Regional Agent will document receipt of shipment via WBSCM.

A Regional Agent or Sub-Regional Agent becomes responsible for USDA product when physical delivery is taken. Liability for loss, theft or damage due to negligence is the sole responsibility of the Regional Agent or Sub-Regional Agent. All USDA commodities carry an assigned value based on USDA’s cost of purchasing, processing and distribution of the food products to states. In order to guarantee its quality and safety, each Regional Agent or Sub-Regional Agent is responsible for the proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper

storage conditions and practices. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures quality products being distributed but also protects the Regional Agent or Sub-Regional Agent from claim action by ODJFS to recover the value of the spoiled or lost product.

Food storage areas shall provide protection from weather, fire, theft and pests. Aisles between pallets shall be wide enough to provide easy access for inspection, inventory and pulling of product. All USDA food products are to be stored at the Regional Agent or Sub-Regional Agent warehouse or at a storage facility contracted for by the Regional Agent or Sub-Regional Agent. A Regional Agent and Sub-Regional Agent must follow good warehouse and storage practices. Functional thermometers must be present and visible in all storage areas. Temperature logs shall be maintained for all storage areas. The log shall document the date and time, the registered temperature and signature or initials of person checking the temperatures. This log is an important document to support the ongoing maintenance of proper storage conditions and shall be maintained on file in accordance with record retention requirements. These practices include, but are not limited to:

- Keeping all food no less than 4" off floor, stored on pallets, platforms or shelves.
- Keeping all food no less than 4" away from walls. This promotes air circulation and accommodates pest control.
- Keeping all non-food items separate from food. Toxic items (soap, bleach, cleaning supplies, etc) must be kept away from food items.
- Keeping floors, pallets and shelving clean.
- Keeping doors, windows and roofs well sealed to prevent pest entry and water damage.
- Maintaining proper temperatures.
- Maintaining a good pest control system.
- Having a qualified person on staff or a contract with a licensed firm to handle pest control management.
- Maintaining equipment including: regularly checking for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.
- Maintaining thermometers in all freezer and refrigeration units and dry storage areas.
- Maintaining temperature logs for each area.
- Assuring that all Local Distributors have thermometers in place and that freezer, refrigeration units are adequate, operative, and temperature logs are utilized.

To assure the quality and freshness of USDA food products, the inventory practice of first in first out must be followed. Food must be stored so cases with the oldest pack dates are used first. All USDA food products have the pack date on the cases. A Regional Agent or Sub-Regional Agent warehouse and contracted storage facilities shall maintain a running inventory of all USDA food products. ODJFS staff shall routinely assess foodbank inventory levels to assure that TEFAP product inventories are not excessive.

## **Dry Food Storage**

Dry food products shall be stored:

- At 50 - 70 degrees F,
- Away from direct sunlight,
- A minimum of no less than 4" off the floor,
- A minimum of no less than 4" away from walls, and
- In a clean and secure storage area that is inspected regularly.

The basic rules for stacking food products are:

- Limit the height of the stack so cases of food on the bottom layers will not be crushed; cross-stack cases on pallets to ensure the stack will be sturdy and solid and will not tip when being moved.
- Shrink wrapping provides added stability.
- Stack cases away from potential damage by heat, steam or water.

## **Refrigerated and Frozen Food Storage**

Food products requiring refrigeration shall be:

- Refrigerated at temperatures of 35 - 40 degrees F,
- Stored to allow for proper air circulation, and
- In a refrigerator that is clean and inspected on a regular basis.

Frozen food products shall be:

- Stored in a freezer that can maintain a temperature at 0 degrees F or below,
- Stored to allow for proper air circulation, and
- Stored in a freezer unit that is clean, secure and regularly inspected.

## **Maintenance of Storage Area**

- An ongoing system of pest control is required. Pest controls such as traps and glue boards are recommended. Place traps along walls and near doorways, moving the traps monthly.
- Pest control poisons must be approved by USDA for use in food storage and distribution facilities.
- Poisons may only be used by a licensed professional.
- Ensure there is a cleaning schedule established listing the necessary frequency of cleaning for each location. Floors, including under pallets, should be swept and cleaned at least monthly. Floors in high traffic areas require regular cleaning. Area

soiled by spillage or breakage must be cleaned immediately. Broken pallets should be discarded and dirty pallets cleaned.

- Empty pallets should be stored apart from food products.
- Maintenance of the exterior of the warehouse must not be overlooked. The building and grounds should be inspected regularly for signs of fire hazard, pest infestation, security problems and needed repairs. An eighteen-inch exterior barrier of weed and grass control must be maintained to facilitate inspections. Garbage, waste or rubbish must be disposed of frequently and not allowed to become nesting areas for pests.

### **Damaged and or Out-Of-Condition Product**

Out-of-condition products are USDA foods that are no longer fit for human consumption as a result of spoilage, contamination, infestation, adulteration, or other damage. Bulging cans or cans with sharp dents and rust on the seams are examples of out-of-condition products. Hidden damage may be found after the product has been accepted into the warehouse. All incidents of damaged and/or out-of-condition product must be reported to ODJFS on the Report of Storage Losses and or Damages. (See Section 7.) The information required is:

- Regional Agent or Sub-Regional Agent name,
- Address,
- USDA product information (material number, amount, date received),
- Type of damage or loss,
- Contact Person, and
- Date damage/loss discovered.

Before disposing of USDA commodity that is infested or spoiled a Regional Agent or Sub-Regional Agent shall contact ODJFS staff for further instruction. Product must be disposed of through a contracted service which provides a disposal or dump certificate. All information is to be forwarded to ODJFS for claim resolution, if applicable.

A Regional Agent or Sub-Regional Agent is required to establish a procedure to record instances of damage and/or loss of commodities by a Local Distributor. The procedure shall include the collection of the following information:

- Local Distributor name, address, contact person and phone number,
- Product name, delivery order number and quantity affected,
- Date damage/loss discovered,
- Explanation of damage/loss, and
- Disposition of product.

## **Program Monitoring**

A Regional Agent or Sub-Regional Agent will complete an annual monitoring review of one-tenth, or twenty, whichever are fewer of all TEFAP Local Distributors in their network. A Regional Agent will complete an annual monitoring review of all CSFP Local Distributors in their network, if applicable. The review will include, but not be limited to:

- Recipient eligibility process,
- Nutrition education, if applicable,
- Food ordering procedures,
- Storage and warehousing practices,
- Inventory controls,
- Reporting and record keeping, and
- Compliance and civil rights.

A copy of the report of review findings for completed reviews and documentation ensuring compliance with corrective action will be maintained by the Regional Agent or Sub-Regional Agent for review by ODJFS at the time of the foodbank site review. USDA may visit the state agency and any Regional Agent, Sub-Regional Agent or Local Distributor at their discretion for review purposes.

## **Records Maintenance**

All program records are to be maintained for a period of five years from the close of the federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress. The records must be reasonably accessible at all times for use during management evaluations, site reviews, audits or investigations. The records are subject to be reviewed and audited by the ODJFS and or USDA during normal business hours or be sent to ODJFS and or USDA upon request.

## **Prohibited Activity**

A Regional Agent and their network understand that program commodities are not to be sold, exchanged or used for personal gain. All Regional Agents, Sub-Regional Agents and Local Distributors are prohibited from repackaging USDA commodities. No commodities are to be opened, altered or removed from the unit containers except for meal preparation at Local Distributor meal sites.

## **Section 5                    Local Distributor**

A Local Distributor may be a food pantry, soup kitchen or shelter. A Local Distributor of federal program foods must follow the same storage and warehousing requirements as a Regional Agent or Sub-Regional Agent. A Local Distributor becomes responsible for USDA product when physical delivery is taken. Liability for loss, theft or damage due to negligence is the sole responsibility of the Local Distributor. All USDA commodities carry an assigned value based on USDA's cost of purchasing, processing and distribution of the food products to states. In order to guarantee its quality and safety, each Local Distributor is responsible for the proper storage and handling of USDA food products. Premature deterioration of food products is often the result of improper storage conditions and practices. Every effort must be made to reduce loss due to spoilage, pest infestation and theft by following accepted warehousing methods. This action not only ensures quality products being distributed but also protects the Local Distributor from claim action by ODJFS to recover the value of the spoiled or lost product. See Section 4 for specific storage guidelines.

A Regional Agent or Sub-Regional Agent may establish a geographic service area for a Local Distributor. A client may access food at a Local Distributor designated to serve the area in which the client resides. A client will need to provide proof of residency within the service area.

### **Food Pantry**

A food pantry is an integral component to the success of the federal food programs. Distribution of program foods may vary from site to site. TEFAP commodities are to be incorporated into the food pantry inventory and provided to all eligible clients as part of the food package. TEFAP commodities are not to be the singular source of food supply at a food pantry. Other sources of food may include foodbanks, donated food, food drives or food purchase plans. All food pantries are encouraged to establish a client choice model of distribution, permitting the client to have input into the food package they receive.

### **Soup Kitchen and Shelter**

A soup kitchen and shelter provides regularly scheduled on-site or home-delivered meals which may use TEFAP commodities in the meal preparation. TEFAP commodities must not be the singular source of food supply at a meal site. Other sources may include foodbanks, donated food, food drives or food purchase plans. A soup kitchen may be open to the general public or be located in a shelter that provides meals to only sheltered individuals or families. They may provide up to three regularly scheduled meals and a snack each day. Eligibility determinations are not required at meal sites.

## **Distribution**

A food pantry receiving TEFAP commodities must allow clients to access food, at a minimum, on a monthly basis. **While a once-a-month food give-away is discouraged, a once-a-month give-away of only TEFAP commodities is prohibited.** A food pantry must establish and post regular hours of operation and may establish a procedure for on-call access. This policy will help to establish and maintain a statewide minimum level of service.

Regional Agents may, at their discretion, develop distribution rates for their service territory. Among the factors that may be considered are: the amount of food available in inventory, number of persons in the household, number of clients served by the food pantry, and frequency of distribution.

## **Homebound Participants**

A client or program participant who is unable to visit a TEFAP food pantry or attend a CSFP distribution may designate a relative, friend or care-giver as their proxy for receipt of the food package. The proxy must provide appropriate identification to receive the client's benefit and must provide a signature on the client's behalf.

## **Technology-Based Client Eligibility Process**

A client eligibility and delivery documentation method, which utilizes a web-based or electronic process resulting in a paperless client eligibility and record keeping system shall be approved by ODJFS for use by the Local Distributor. A Local Distributor shall request approval from a Regional Agent, and the Regional Agent, if approved, shall request approval from ODJFS to implement a paperless client eligibility and record keeping system by submitting a written description of the process, which must incorporate the current eligibility criteria and record keeping requirements. Pantry-Trak, Virtual Case Manager™ and VESTA are examples of technology-based systems that have been approved.

Regional Agents, who have been granted a waiver to implement an electronic client eligibility and record keeping system by ODJFS, should consider the cost to their member agencies for the equipment and the expense for maintenance, repair or upkeep of the equipment.

## **TEFAP Eligibility**

Eligibility for receipt of USDA foods for home consumption is established at up to 200% of the current federal poverty level as established by the United States Department of Health and Human Services. Ohio uses the method of self-declaration to determine

income eligibility. **No verification for proof of income can be requested or required.** The individual, who signs the JFS 04221 “Eligibility to Take Food Home” form or an ODJFS approved electronic equivalent, is certifying that the combined gross household income is at or below the income listed on this form.

At application and reapplication, an applicant is required to provide some form of picture identification, proof of residency that is within the Regional Agent’s service territory, and the number of household members. There is no requirement for length of residency. No verification for proof of citizenship or the number of household members shall be requested or required. Migrant and seasonal farm workers entering a TEFAP service area will be considered as meeting the residency requirement. Homeless individuals may utilize the address of a shelter or pantry.

At every distribution, the household member or proxy is required to show picture identification and sign for the receipt of commodities. Participants are required to reapply at least annually based on the current application standards income eligibility guidelines. The Regional Agent, Sub-Regional Agent or Local Distributor is not liable for an ineligible client who receives a federal food benefit by improperly self-declaring eligibility. The JFS 04221 form is provided for use at the food pantry and may be found in Section 7 of this manual.

Food pantries shall not charge participants any fees, require membership or require individuals to obtain a referral for service from another social service agency, church or referral service as a condition for receipt of commodities. Although, referral services may be utilized to maintain a flow of clients to geographic areas within the service territory, it cannot be used to screen clients or to make eligibility determinations. The food pantry is responsible for the client eligibility screening. A client shall not be denied service for lack of a referral or an appointment. An individual, who walks in to a food pantry requesting food must be served in the same manner as one with a referral or an appointment and, if applicable, be advised of the appropriate geographic location for future service.

### **Predominately Needy**

Organizations providing prepared meals shall demonstrate, to the satisfaction of the Regional Agent to which they have applied for the receipt of TEFAP commodities, that they predominately serve a needy population.

- Individuals, who are in receipt of food assistance or their income is at or below 200% of poverty, are considered needy.
- Predominantly means that at least half of the individuals served by the organization.

Regional Agents shall not require organizations to employ a means test to determine that participants are needy, or to keep records solely for the purpose of demonstrating that its participants are needy. This includes having participants sign the JFS 04221 “Eligibility to

Take Food Home” form. Regional Agents may consider the socioeconomic data of the area where the organization is located, or from which it draws its participants.

## **Disaster**

There are certain restrictions for disaster victims receiving Disaster Supplemental Nutrition Assistance Program (D-SNAP) benefits and disaster household distribution of USDA Foods. Households *may* participate in both TEFAP and D-SNAP or SNAP in the same month. However, if the TEFAP site offers an FNS approved disaster household distribution of USDA Foods, a household *may not* simultaneously receive D-SNAP benefits and a disaster household food package. FNS regulations addressing USDA Foods for disasters can be found at 7 CFR 250.69 and 250.70. Additional information regarding United States Department of Agriculture Food Distribution Division disaster and emergency policies and procedures, may be found online at <http://www.fns.usda.gov/fdd/programs/fd-disasters/>.

## **CSFP Eligibility**

CSFP in Ohio targets the elderly category of participation. Elderly people, age sixty and above, who meet income guidelines and reside in a Regional Agent’s designated service area are eligible for the program. Eligibility requires proof of age and residency of the applicant within the service area. Age is established by a birth certificate, baptismal certificate, state identification or driver’s license. Residency is established by recent utility bills, driver’s license, state identification card or other proof of residency. Migrant and seasonal farm workers entering a CSFP service area will be considered as meeting the residency requirement. Homeless individuals may utilize the address of a shelter or pantry. Program eligibility for seniors is established at 130% of the current federal poverty level. **No verification for proof of income can be requested or required.** Applicants self-declare income eligibility when signing the CSFP application. The Regional Agent or Local Distributor is not liable for ineligible clients who receive a federal food benefit by improperly self-declaring eligibility. **Eligibility does not guarantee the receipt of a food package.** See “CSFP Waiting List Procedures” on page 26.

When a participant has authorized a proxy to obtain supplemental foods on their behalf, Local Distributors are required, at minimum, to do the following:

- Obtain proxy designations in writing, including the period of time the designations are intended to cover;
- Maintain files of all written proxy designations; and
- Review proxy identification prior to each certification, recertification, and food package distribution.

Eligibility determinations shall be conducted at each site by trained personnel. All certification data shall be recorded on the JFS 04220 “Commodity Supplemental Food Program (CSFP) Certification” form or an ODJFS approved electronic equivalent.

Certification information includes the applicant's name, address and phone number; income, household size, race and/or ethnicity; the name and address of the proxy authorized to receive food on the participant's behalf; the date of the application received; the timeframe of the certification period; the applicant's certification that he or she is eligible for the program, and the signature and title of the person making the eligibility determination. The form also details the CSFP appeals process. The applicant must sign that they have read the form or have had it read to them and that they understand their rights. When an applicant needs to correct information on the application, the applicant shall strike the incorrect information and initial next to the correction.

The Regional Agent or Local Distributor shall notify applicants determined to be eligible for CSFP benefits or being placed on a waiting list within ten days from the date of application. If in active status, the client shall receive a notice with the location and scheduled dates for distributions. The notice shall include the name, contact person, and phone number of the Regional Agent or Local Distributor responsible for the distribution.

A recertification interview shall occur by the end of the last month of the participant's 12-month certification period.

Applicants found ineligible for participation at the time of certification, recertification or due to reported changes in household income shall receive a written notice of their ineligibility indicating the reason for the determination and their rights regarding the appeal process as detailed on the certification form.

Additionally, applicants shall be informed of the following:

- The standards for participation in the program are the same for everyone regardless of race, color, national origin, sex, age or disability,
- Nutrition education is available to them.
- Report changes in household income or household composition within 10 days after the change becomes known to the household.

### **Certification Transfer**

A participant, whose certification period has not expired, moves from one CSFP territory into another participating CSFP territory, must be given the opportunity to continue to receive CSFP benefits for the remaining duration of their certification period. When the Local Distributor has a waiting list, the participant must be placed on its waiting list ahead of all other waiting applicants. The Local Distributor that determined the participant's eligibility must provide verification of the expiration date of the certification period to the participant upon request. Participants may voluntarily withdraw from the program at any time during the certification period.

## **No-Show Policy**

Regional Agents or Sub-Regional Agents *may* discontinue an individual from participation when two consecutive distributions have been missed with no communication. The participant shall receive a written notification of discontinuance of benefits within *15 days* prior to the effective date of termination. The notification of discontinuance shall include the effective date of discontinuance, the reason for the participant's discontinuance, a statement of the individual's right to appeal the discontinuance through the fair hearing process, and a statement that informs the applicant that program standards are applied without discrimination by race, color, national origin, age, sex, or disability.

## **CSFP Dual Participation**

The JFS 04220 informs CSFP applicants that it is a program violation to participate at multiple CSFP sites. Simultaneous participation in CSFP at more than one distribution site will result in immediate elimination from the CSFP site where the participant does not reside. If dual participation has occurred due to a client's fraudulent information or action, the Local Distributor shall initiate claim action against the client to recover the value of the benefits improperly received. Applicants are required to certify on the application that they understand the consequences of dual participation. This information is read to the participant or to the participant's representative if they are unable to read the information on their own.

## **Program Violations**

Program violations are an action taken by a CSFP applicant or participant, or caretaker of an applicant or participant, to obtain or use CSFP benefits improperly. Program violations include the following actions:

- Intentionally making false or misleading statements, orally or in writing;
- Intentionally withholding information pertaining to eligibility in CSFP;
- Selling commodities obtained in the program, or exchanging them for non-food items;
- Physical abuse, or threat of physical abuse, of program staff; or
- Committing dual participation.

## **CSFP Waiting List Procedures**

Certification workers at each of the distribution sites will have a maximum caseload based on the number of slots funded for the program year. When a maximum caseload is reached, a waiting list shall be established. In establishing the waiting list, certification workers must include the date of application and information necessary to allow the Local Distributor to contact the applicant when caseload space becomes available. Unless the

applicant has been determined ineligible, the person shall be notified of their placement on a waiting list within 10 days of the request. For an individual, who has remained on the waiting list for greater than six months, the Regional Agent or Local Distributor shall perform a full certification prior to providing that individual with CSFP benefits.

When certifying a participant for only one month, the Regional Agent or Local Distributor shall provide the participant notification of placement back on the waiting list at the time of issuance. The individual, who was temporarily certified, should not have any expectation that he or she will receive benefits for successive months, when the Local Distributor does not expect to have caseload open to do so.

### **CSFP Nutrition Education**

The goal of the nutrition education component is to enable food program participants to obtain better nutritional status through increased understanding of basic nutrition principles and through effective use of food products. The following are essential to achieving that goal:

- Reinforcement of basic nutrition instruction,
- Instruction on the use of commodity supplemental foods including food preparation techniques, recipes, meal frequency and food cost savings,
- Recognition of the special health and nutritional problems of low-income individuals such as high blood pressure, sodium/potassium ratios, anemia and obesity,
- Dissemination of information on preventive health care and on community programs such as food conferences, food cooperatives, and health fairs,
- Consumer resource information and assistance, and
- Other program information (Supplemental Nutrition Assistance Program, HEAP, etc.).

### **Complaints About USDA Donated Commodities**

USDA makes every effort to ensure that commodities provided through CSFP and TEFAP are nutritious and of the highest quality. However, if there are concerns with the quality or safety of any commodity food, a client may file a complaint. ODJFS has developed a Commodity Complaint Form “JFS 01432” to be used by a Regional Agent, Sub-Regional Agent and/or Local Distributor when filing a complaint or receiving a commodity complaint by a program recipient. The form is to be submitted to ODJFS, Electronic Benefit Transfer Section who will then forward the complaint to USDA/FNS. Complaints are registered via WBSCM. **If replacement product is being sought, the recipient must keep the defective product until ODJFS provides instructions on what to do with it.**

The information needed to complete the form is the:

- Product material number,

- Notice to deliver number,
- Contract number (may be stenciled on the outer carton),
- A description of the problem,
- Date the product was received,
- Location of the product, and
- Quantity of product involved.

The product material number and notice to deliver number will be on the paperwork that is received with the commodity, or ODJFS may be contacted to obtain it. USDA needs the numbers to determine which vendor produced the product and to resolve the complaint.

### **Prohibited Activity**

TEFAP and CSFP commodities are not to be sold, exchanged or used for personal gain. A Local Distributor is prohibited from repackaging USDA commodities. No commodities are to be opened, altered or removed from the unit containers except for meal preparation at a Local Distributor meal sites.

## Section 6                      Civil Rights

All agencies must have posted at their facility, in plain sight, Form AD-475A “And Justice For All” poster available on the web at <http://www.fns.usda.gov/cr/justice.htm>. All information materials and sources, including websites, used by Regional Agents, Sub-Regional Agents and Local Distributors to inform the public about FNS programs shall contain the full non-discrimination statement. It is not required that the non-discrimination statement 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. When the material is too small to permit the full non-discrimination statement to be included, the material shall, at a minimum, include the following statement in print size no smaller than the text: “This institution is an equal opportunity provider”.

The following non-discrimination statement applies to ODJFS and its Regional Agents, Sub-Regional Agents and Local Distributors:

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](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1)     mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;

(2)     fax: (202) 690-7442; or

(3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).  
This institution is an equal opportunity provider.

As a condition of receipt of commodities, Regional Agents, Sub-Regional Agents and Local Distributors cannot require or coerce clients to:

- Attend a religious service,
- Participate in prayer,
- Join a counseling group,
- Attend budgeting, parenting or job training classes, and or
- Do odd jobs.

Activities unrelated to the distribution of CSFP or TEFAP foods or meal service may be conducted at sites as long as:

- The person(s) conducting the activity makes it clear that the activity is not part of CSFP and or TEFAP and is not endorsed by USDA and or ODJFS.
- Cooperation in the activity is not a condition of the receipt of program commodities.
- Information about the activity is not placed in or printed on bags or boxes in which commodities are distributed.
- Program participants cannot be solicited to contribute money, sign petitions or converse with the persons conducting the activity.
- The activity is not conducted in a manner that disrupts the distribution or meal service.

### **Written Notice and Referral Requirements for Applicants and Recipients Receiving TEFAP and CSFP Benefits from Faith-Based or Religious Organizations**

In accordance with the requirements under 7 CFR Part 16.4(f), any faith-based or religious organization that receives USDA foods or administrative funds for TEFAP or CSFP shall provide written notice to all applicants and recipients of their right to be referred to an alternate provider when available. The written notice shall state the following:

1. The organization may not discriminate against applicants and recipients 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;
2. The organization may not require applicants or recipients to attend or participate in any explicitly religious activities that are offered by the organization, and any participation by applicants and recipients in such activities must be purely voluntary;
3. The organization must separate in time or location any privately funded explicitly religious activities from activities supported by direct Federal financial assistance;

4. If an applicant or recipient objects to the religious character of the organization, the organization will undertake reasonable efforts to identify and refer the individual to an alternate provider to which he or she has no objection; the organization may not be able to guarantee, however, that in every instance, an alternate provider will be available; and
5. Applicants and recipients 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>).

For faith-based or religious organizations providing TEFAP services, in lieu of providing a written notice of rights to applicants at application and recipients at distribution, the service provider may post the written notice in a prominent place visible to all upon entrance into the distribution site. ODJFS is not requiring the method of providing written notice; Regional Agent foodbanks will decide which of the two methods is preferable.

Unlike TEFAP, posting the written notice of rights at the entrance of the distribution site is not a permissible alternative for faith-based or religious organizations operating CSFP; written notice shall be given to all applicants at the time they apply for CSFP benefits. Due to the small number of faith-based or religious organizations administering the CSFP program in Ohio, ODJFS will not amend the JFS 04220 (CSFP application) to include this language. At the time an individual applies, faith-based or religious organizations administering the CSFP program shall provide the written notice as a separate document in conjunction with the application.

*Referrals to Alternate Provider:*

When an applicant or recipient of TEFAP or CSFP objects to the religious character of an organization that provides services under the program, that organization shall promptly undertake reasonable efforts to identify and refer the individual to an alternate provider, within reasonable geographic proximity to the provider, if available, to which the applicant has no objection. In accordance with 7 CFR 16.4(g), when making a referral, the provider must comply with the following requirements:

- (1) In making the referral, the organization must comply with all applicable state and local privacy laws and regulations.
- (2) A referral may be made to another faith-based organization, if the applicant or recipient has no objection to that provider. But if the applicant or recipient requests a secular provider, and a secular provider is available, then a referral must be made to that provider.
- (3) The referral must be to an alternate provider that is in reasonable geographic proximity to the organization making the referral and that offers services that are similar in substance and quality to those offered by the organization, if one is available. The alternate provider also should have the capacity to accept additional clients, if one with capacity to accept additional clients is available.

A referral may be made to non-USDA funded organizations if necessary and available.

- (4) If the organization determines that it is unable to identify an alternate provider, the organization must promptly notify their Regional Agent. The Regional Agent must determine whether there is any other suitable alternate provider to which the applicant or recipient may be referred. The Regional Agent that receives a request for assistance in identifying an alternate provider may request assistance from ODJFS.
- (5) The organization shall record any successful or unsuccessful referrals to alternate providers and shall maintain on file in accordance with record retention requirements. (See Section 4.)

ODJFS, Regional Agents, Sub-Regional Agents and Local Distributors must promptly investigate discrimination complaints received in connection with the distribution of program commodities. All agencies shall maintain a record of complaints, investigations and resolutions. USDA reserves the right to conduct investigations and make the final determination on the proper handling of all complaints.

## **Section 7   Records and Reports**

### **Regional Agent and Sub-Regional Agent Reports to ODJFS**

A Regional Agent, Sub-Regional Agent or Local Distributor must maintain records to document the receipt, disposal and inventory of commodities that they, in turn, distribute to eligible Local Distributors or program participants. A Local Distributor must sign a receipt for program commodities, which they receive for distribution to households or for use in preparing meals. A Client must sign for the receipt of TEFAP and/or CSFP commodities. Records of all such receipts must be retained by the Regional Agent, Sub-Regional Agent and the Local Distributor, respectively. **A Regional Agent is required to submit a monthly report of all commodity activity to ODJFS.** A Sub-Regional Agent may be required to submit a monthly report to the Regional Agent for this purpose. All reporting is encouraged to be submitted via electronic means.

#### **TEFAP Inventory**

The TEFAP inventory report is due to ODJFS no later than the second Friday of the month following the month to which the report pertains and must include the beginning inventory, receipts, distribution amounts, gains, losses and reconciliation to physical count. A Regional Agent may develop a report of its own design as long as all pertinent information is captured and submitted as email attachment. The USDA short title and material number must be referenced for each commodity on the report.

#### **CSFP Inventory**

The CSFP inventory report is due to ODJFS no later than the second Friday of the month following the month to which the report pertains. ODJFS has developed a state replicated version of the federal FNS-153 report for Regional Agent use. This report contains inventory activity as well as participation data. In addition, CSFP local agencies complete an annual report, FNS-191, which profiles racial and or ethnic group participation in the program. See Section 7, Report Forms, for description.

### **Local Distributor Reports to Regional Agent or Sub-Regional Agent**

A Local Distributor must sign a receipt for program commodities that they receive for distribution to households or for use in preparing meals. A Local Distributor must submit a monthly activity report, which provides statistical information on the number of individuals and households with and without children served as detailed on the form designed by ODJFS.

The Local Distributor reports will be consolidated by the Regional Agent or Sub-Regional Agent into one statistical report form providing a compilation of the local agency data. The consolidated report must be submitted to ODJFS by the end of the month following the month to which the report pertains. Reports designed for this purpose are described in Section 7 Report Forms.

## **Records Retention**

All program records are to be maintained for a period of five years from the close of the federal fiscal year to which they pertain, or longer if related to an audit or investigation in progress. The records must be reasonably accessible at all times for use during management evaluations, site reviews, audits or investigations.

## **Report Forms**

The following is a list and description of all CSFP and/or TEFAP reports. (Links to all forms available online may be found in the Appendix.)

### **FNS-7 Destination Data for Delivery of Donated Foods**

Federal form to be completed by ODJFS for the assignment of an entity code number, which details delivery instructions for a specific destination.

### **FNS-153 Report**

Federal report which details the monthly inventory and distribution of CSFP commodities, submitted electronically by ODJFS to USDA/FNS, Midwest Regional Office. ODJFS also enters the report data into the Federal Program Reporting System.

### **FNS-155 Report**

The report that provides detail of ODJFS TEFAP excess inventory.

### **FNS-191 Racial/Ethnic Group Participation Report**

This federal report compiles the racial/ethnic group participation in CSFP for the month of April in any given year. A Regional Agent completes the report, profiling all participants receiving a food box in the month of April and submits the report to ODJFS no later than May 31. ODJFS submits all of the reports via the Federal Program Reporting System.

### **JFS 04220 CSFP Certification**

State form developed by ODJFS for use by a client in making application for participation in CSFP.

### **JFS 01426 CSFP and TEFAP Site Review Foodbank**

### **JFS 01427 CSFP and TEFAP Site Review Local Agency**

State forms developed by ODJFS for site review purposes at foodbanks and local agencies.

### **JFS 01432 Commodity Complaint**

State form developed by ODJFS to report instances of commodity complaints.

### **JFS 01433 Report of Storage Loss and or Damage**

State report form to be used when reporting incidents of storage loss and/or damage.

**JFS 01431 CSFP State 153 Report**

State report form, developed by ODJFS, for use by a Regional Agent or Sub-Regional Agent in reporting monthly CSFP commodity inventory and distribution. The form is in electronic spreadsheet format detailing on-hand inventory, monthly receipts, distribution, gain and or loss and ending balances. Statistical data on elderly participants served is included on the report. The report is submitted electronically by Regional Agent and/or Sub-Regional Agent to ODJFS. A compilation of all reports is completed by ODJFS and submitted to FNS as the state agency FNS-153 Report.

**JFS 04221 TEFAP Household Eligibility**

State form developed by ODJFS based on sample provided by USDA/FNS to be used by food pantries for clients receiving benefits at the food pantry, available in English, Chinese, Russian, Somali, Spanish and Turkish.

**JFS 01428 Foodbank Monthly Statistical Report**

State form designed by ODJFS for use by a Regional Agent, Sub-Regional Agent and Local Distributor in reporting monthly participation statistics. The form for Regional Agent and Sub-Regional Agent use is in electronic format.

**JFS 01429 Local Agency Monthly Statistical Report**

State form designed by ODJFS for use by a Local Distributor in reporting monthly participation statistics to a foodbank. The form is offered in both electronic and word document formats.

## **Section 8                    USDA Food Distribution National Policy Memoranda**

USDA continually issues administrative guidance via policy memorandum for all food distribution programs. Copies of the memoranda can be obtained online at the USDA website: <https://www.fns.usda.gov/fdd/policy>

## Appendix

The Appendix includes a list of federal and state forms. The USDA FNS forms may be found online at the USDA website: <http://www.fns.usda.gov/fns/forms.htm> The “And Justice for All” poster may be found online at: <http://www.fns.usda.gov/cr/justice.htm> The JFS forms for Regional Agent, Sub-Regional Agent and or Local Distributors as described in Section 7 may be found online at the JFS Forms Central website: <http://www.odjfs.state.oh.us/forms/inter.asp>

- A. Form AD-475A “And Justice For All” Poster
- B. JFS 04224 TEFAP Household Eligibility Guidelines
- C. JFS 04224-ZHO TEFAP Household Eligibility Guidelines (Chinese)
- D. JFS 04224-RUS TEFAP Household Eligibility Guidelines (Russian)
- E. JFS 04224-SOM TEFAP Household Eligibility Guidelines (Somali)
- F. JFS 04224-SPA TEFAP Household Eligibility Guidelines (Spanish)
- G. JFS 04224-TUR TEFAP Household Eligibility Guidelines (Turkish)
- H. JFS 04222 CSFP Household Eligibility Guidelines
- I. FNS-7 Destination Data for Delivery of Donated Foods
- J. FNS-153 Report
- K. FNS-155 Inventory Management Register Report
- L. FNS-191 Racial/Ethnic Group Participation Report
- M. JFS 04220 CSFP Certification
- N. JFS 01426 CSFP and TEFAP Site Review Foodbank
- O. JFS 01427 CSFP and TEFAP Site Review Local Agency
- P. JFS 01432 Commodity Complaint
- Q. JFS 01433 Report of Storage Loss and or Damage
  - R. JFS 01431 CSFP State 153 Report
  - S. JFS 04221 TEFAP Household Eligibility

- T. JFS 04221-ZHO TEFAP Household Eligibility (Chinese)
- U. JFS 04221-RUS TEFAP Household Eligibility (Russian)
- V. JFS 04221-SOM TEFAP Household Eligibility (Somali)
- W. JFS 04221-SPA TEFAP Household Eligibility (Spanish)
- X. JFS 04221-TUR TEFAP Household Eligibility (Turkish)
- Y. JFS 01428 Foodbank Monthly Statistical Report
- Z. JFS 01429 Local Agency Statistical Report