



The State of Connecticut Emergency Food Assistance Program

ADMINISTERED BY THE DEPARTMENT OF SOCIAL SERVICES
THE TEFAP PROGRAM GUIDE

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Contents

Section 1: Introduction:	4
Acronyms:	4
Definitions:.....	5
Federal & State Regulations (Guidelines & Resources):.....	6
Federal Regulations & Guidelines: (FNS)	6
Resources for Federal Regulation:	6
State Regulations & Guidelines: (DSS)	6
Section 2. Administration of TEFAP: Eligibility Criteria and Responsibilities	7
Federal: (FNS).....	7
State Distributing Agency (SDA):	7
Sub-Distribution Agency: (SUBDA).....	7
Eligible Recipient Agency Criteria (ERA):	9
Households:	9
Section 3. Distribution Information:	10
Ordering:	10
Delivery:.....	10
Section 4. Storage and Inventory Management:	11
Standard Warehouse Storage:.....	11
Storing Dry Food Products:	12
Storing Refrigerated or Frozen Products:	12
Food Bank Storage Guidelines for Stacking Products:	12
Maintenance of Storage Area:.....	12
Rotation of Stock:	13
Out of Condition Foods, Food Recalls and Complaints:.....	13
Section 5. Record Keeping	14
Reporting requirements:	15
Financial reporting:.....	15
Auditing:.....	15
SDA Reviews:	15
Section 6. Civil Rights	15
Discrimination:	15

Complaints: 17
Civil Rights Training:..... 17
Americans with Disabilities Act: 18
Required Forms:..... 19
Attachments:..... 19

Section 1: Introduction:

The purpose of this manual is to serve as a resource for all partners in The Emergency Food Assistance Program (TEFAP) for the State of Connecticut. This resource encompasses the regulations, state procedures, and details for the administration of TEFAP at the state and local agencies.

TEFAP is a federal program that helps supplement the diets of low-income Americans, including elderly people, by providing them with emergency food assistance at no cost. Through TEFAP, the U.S. Department of Agriculture (USDA) purchases a variety of nutritious, high-quality USDA Foods, and makes those foods available to State Distributing Agencies.

The amount of food each state receives out of the total amount of food provided is based on the number of unemployed persons and the number of people with incomes below the poverty level in the state. States provide the food to local agencies that they have selected, usually food banks, which in turn distribute the food to local organizations, such as soup kitchens and food pantries that directly serve the public.

States also provide the food to other types of local organizations, such as community action agencies, which distribute the foods directly to low-income households. These local organizations distribute USDA Foods to eligible recipients for household consumption or use them to prepare and serve meals in a congregate setting. Under TEFAP, states also receive administrative funds to support the storage and distribution of USDA Foods.

(USDA's website: <https://www.fns.usda.gov/tefap/tefap-fact-sheet>) Reference.

Acronyms:

ADA – Americans with Disabilities Act
CFR – Code of Federal Regulations
EFO – Emergency Feeding Organization
ERA – Eligible Recipient Agency
FD – Food Distribution
FIFO – First In, First Out
FPL- Federal Poverty Limit
FPRS – Food Programs Reporting System
FNS – Food and Nutrition Service
FNSRO – Food and Nutrition Service Regional Office
LEP – Limited English Proficiency
ME – Management Evaluation
OMB – Office of Management and Budget
SDA – State Distributing Agency (or DA) Distributing Agency
SUBDA- Sub-Distributing Agency
TEFAP – The Emergency Food Assistance Program
USDA – United States Department of Agriculture
WBSCM – Web-Based Supply Chain Management
DSS- Department of Social Services

Definitions:

ADA – American Disabilities Act - Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from our country's businesses and services and to afford our businesses and services the opportunity to benefit from the patronage of all Americans.

CFR – Code of Federal Regulations - Contains the regulations governing all federal programs. The Emergency Food Assistant Program is covered in Section 7 CFR 250 and 251.

EFO- Emergency Feeding Organization- Food Bank, Soup Kitchen or Food Pantry meant for eligible participants to visit in order to utilize TEFAP and donated foods. Also referred to as a *distribution site*; a location where the eligible recipient agency actually distributes commodities to needy persons for household consumption or serves prepared meals to needy persons under this part.

Food bank - A non-profit/not-for-profit organization that can be a member of Feeding America, is an independent agency that distributes USDA food products and privately donated food within a designated service area.

Food pantry - A non-profit organization that provides donated food in sufficient variety and quantity in order to meet some of the nutritional needs for a family or individual. The pantry maintains regularly scheduled hours. Food products and non-food products must be available on a continual basis and must be distributed with privately donated products.

Soup kitchen –a facility that offers a prepared meal in a clean and secure environment without charge to recipients. Soup kitchens serve prepared nutritious meals in a congregate setting or take-home prepared meal(s) without charge, for homeless persons, transient persons and/or others in need.

Client Choice – Allows clients to choose from all the food products and non-food products that are available in a pantry

ERA- Eligible Recipient Agency- A public or private entity, not a penal institution, which provides food assistance exclusively to needy persons. An ERA must enter into an agreement with SUBDA's to administer the distribution of USDA food products.

First-In-First-Out: Concept for storage and distribution using the oldest product first for ensuring freshness, and inventory flow.

FNS – Food and Nutrition Service – A Division of the United States Department of Agriculture responsible for the nationwide administration of several federal nutrition programs including TEFAP.

FY - Fiscal Year – A twelve-month period used for accounting and reporting purposes. The Fiscal Year for TEFAP is October 1 to September 30.

State Distributing Agency (SDA) or (DA)- The State of Connecticut Department of Social Services is responsible for ensuring compliance with the Federal Regulations in the distribution, and control of donated foods.

Sub- Distributing Agency (SUBDA)- Contracted with the DA to execute the distribution, storage and administration of TEFAP and USDA foods. SUBDA's contract with ERA's to deliver the USDA foods to the eligible households.

Federal & State Regulations (Guidelines & Resources):

Federal Regulations & Guidelines: (FNS)

Within the United States Department of Agriculture (the "Department"), the Food and Nutrition Service (FNS) shall have responsibility for the distribution of food commodities and allocation of funds.

Title 7 Parts 250 and 251 under the USDA's Code of Federal Regulations identifies the rules for the participation and the administration of the TEFAP program. USDA regulations require that states set standards for determining the eligibility of households to receive USDA food products through TEFAP. The standards are based on income and household size. The federal regulations allow state standards to include a requirement that the household live in the state, but the length of residency in the state cannot be considered when determining eligibility.

Resources for Federal Regulation:

https://www.ecfr.gov/cgi-bin/text-idx?SID=95616af4e652e371fe394b0f376c8f72&mc=true&tpl=/ecfrbrowse/Title07/7cfrv4_02.tpl#0

<http://www.fns.usda.gov/tefap/emergency-food-assistance-program-tefap>

State Regulations & Guidelines: (DSS)

The Department of Social Services is appointed by the Governor or other appropriate State Executive authority and is responsible to oversee the TEFAP program. DSS must enter into a written agreement with the local agencies who meet the eligibility criteria, in order to administer the program effectively. The SDA may delegate authority to the ERA for the storage and distribution of commodities and administrative funds.

DSS contracts with **Connecticut Food Bank, Inc.** and **Foodshare, Inc.** to distribute (USDA) commodities to eligible food pantries, shelters and soup kitchens that serve meals and provide food to households. These commodities include items such as canned vegetables, fruits, meat, cereals, etc. The amount of funding received by each state depends on its low-income and unemployed population.

Resources for State Regulations:

The Nutrition Assistance Programs administered by the State of Connecticut including forms, related laws, and regulations can be found by visiting: <https://portal.ct.gov/DSS/SNAP/Nutrition-Assistance-Programs>

Section 2. Administration of TEFAP: Eligibility Criteria and Responsibilities

Federal: (FNS)

Food and Nutrition Service. Within the USDA, Food and Nutrition Service (FNS) must act on behalf of the USDA to administer the distribution of donated foods to distributing agencies for further distribution and use at the State level. FNS may audit or inspect all parties to verify proper administration of the TEFAP program. Whenever it is determined that a distributing agency has materially failed to comply with the provisions of this part, or with other applicable Federal regulations, FNS may suspend or terminate the distribution of donated foods, or the provision of administrative funds, to the distributing agency

State Distributing Agency (SDA):

DSS established uniform criteria for all participants, at each level to ensure the Federal regulations are carried out appropriately. The SDA manages each participating SUBDA by executing a written agreement. The ERA must meet specific criteria in order to be considered 'eligible' for the delegated responsibility of distribution, storage and administration of USDA foods. Currently DSS contracts with two SUBDA's, The CT Food Bank Inc. and CT Foodshare . Prior to making donated foods or administrative funds available, State agencies must enter into a written agreement with eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds. State agencies must ensure that eligible recipient agencies in turn enter into a written agreement with any eligible recipient agencies to which they plan to distribute donated foods and/or administrative funds before donated foods or administrative funds are transferred between any two eligible recipient agencies. Any agreement entered into with the sub-distributing agency must indicate the specific activities for which the sub-distributing agency is responsible.

Sub-Distribution Agency: (SUBDA)

DSS reviews potential candidates who have the capacity to uphold the responsibilities delegated to them, and who meet all of the outlined criteria by the federal regulations.

The following criteria must be met for a contractor to be considered for a SUBDA contract with DSS as the SDA:

- The Contractor shall abide by the criteria established in 7 CFR Part 250 and 251, FNS Instruction 113-1 and the State of Connecticut's TEFAP plan of operations.
- The Contractor must satisfy the definition of emergency feeding organization adopted by the USDA at 7 CFR 251.3.
- The Contractor must be a public or private non-profit entity filing federal taxes using a (501)C3.
- The Contractor must not be a penal institution.
- The SUBDA must have the infrastructure in place for the storage, distribution, administration, and management of TEFAP products. The SUBDA must be able to support the capacity of the product within the existing infrastructure.

Once the criteria have been met, then SUBDA's delegated responsibilities include but are not limited to:

- Participating food networks shall distribute all TEFAP commodities for household consumption or use to prepare and serve meals in a congregate setting free of charge to clients.
- The contractor shall provide program services to the appropriate location during specified hours and within approved warehouse sites. The name and address of the eligible recipient agency receiving commodities and/or administrative funds must be included.
- Storage of USDA foods in an alternate location(s) to that listed above is prohibited unless this arrangement has been approved in advance by the Department.
- Should the food bank, for any reason, be unable to store any or all of a USDA food scheduled for delivery, it shall notify the Department thirty (30) days prior to delivery
- It is agreed by the food bank that upon receiving notice from the agent of the delivering carrier, it will promptly unload and store such USDA foods in its warehouse, and will immediately send the car arrival report for each shipment which will include any discrepancies.
- The food bank agrees to place such USDA foods in dry, refrigerated or frozen storage in accordance with the nature of the product, accepted practice and any instructions forwarded by the Department with each advice of shipment.
- The food bank agrees to maintain physical segregation of all USDA foods received. These lots must be rotated on a first-in first-out basis.
- The food bank agrees to keep the premises clean and protected from infestation. Food products must not be stacked closer than 12" from any wall or partition or closer than 6" from the floor.
- The food bank agrees not to leave any damaged product exposed in rooms where food product is stored. Floors must be swept and kept free of debris and dust.
- The food bank agrees to forward to the Department a monthly inventory report of all USDA foods received and distributed each month.
- The food bank further agrees to distribute the USDA foods through designated recipient agencies. Recipient agencies must have a signed agreement which incorporates TEFAP eligibility criteria and should be kept on file with the food bank. Any changes in recipient agency agreements must be reviewed by DSS prior to implementation.
- DSS shall be notified as recipient agencies are added and has the right to deny the addition of any recipient agency.
- The food bank shall also annually review IRS revocation status of all recipient agencies.
- The food bank shall have a written procedure in place for notifying eligible recipient agencies of any USDA food recalls or holds placed on USDA products.
- In addition, it is agreed that the food bank will collect and maintain records identifying the number of households and individuals receiving USDA foods as well as records identifying numbers of persons served by each participating soup kitchen.
- Records must be maintained for a period of three years. The food bank agrees to monitor sites receiving and distributing USDA foods. The food bank will submit to the Department an annual listing of all sites, noting sites reviewed, at the end of the federal fiscal year.
- The food bank shall contact eligible recipient agencies for feedback on commodity needs and preferences.
- Federal grant funds made available to the food bank pursuant to this agreement shall be expended only for allowable purposes and costs.
- The food bank agrees to investigate promptly all complaints received in connection with the distribution or use of USDA foods

- If the Department, after investigation, reasonably determines that a claim be made against the food bank for failure to have complied with this agreement or applicable regulations, then the food bank shall promptly pay any such claim presented.
- No warranty, either expressed or implied, in law or in fact, is to be deemed to exist from the Department to any persons, groups or to their recipients, with respect to the USDA foods distributed under this agreement. No liability upon the part of the Department shall arise under or by virtue of this agreement.
- Target Population - The Contractor agrees to provide program services to nutritionally needy clients who have reported incomes at or below 235% of the Federal Poverty income guidelines.
- The food bank agrees to comply with **FNS Instruction 113-1**.
- USDA foods received under this agreement will be used solely for the benefit of those persons served or assisted by the food bank and will not be traded or sold; and will not be otherwise disposed of without prior written approval of the Department.

Eligible Recipient Agency Criteria (ERA):

SUBDA's contract with ERA's in the local distribution and storage of food. The ERA's consists of local food pantries, and soup kitchens who have been approved to administer the TEFAP foods to eligible households directly. The contracts with the ERA's are executed between the SUBDA's and overseen by the SDA. The criteria SUBDA's set forth for the ERA is similar that of the SDA, but with additional detail as it relates to distributing food to an individual. ERA's must agree not to impose additional restriction for receiving USDA commodities or limited distribution of TEFAP products to the public. Food pantries are encouraged to give donated foods based on the size of the household.

The following Criteria must be met for the ERA to be subcontracted:

- The ERA must meet the criteria of an emergency feeding organization
- The ERA must be a non-profit with a 501c3 tax filing status.
- The ERA must NOT be a penal institution.

When all criteria are met, the ERA will be given a set of responsibilities, which they will be required to uphold within the contract. ERA's must agree not to impose additional restrictions for receiving USDA commodities or limited distribution of TEFAP products to the public.

Households:

Eligibility criteria for the households utilizing TEFAP resources must meet specific guidelines. The guidelines are outlined by DSS, and enforced by the ERA's who serve the public. Participants will attest to their income and household size and will then be given a self-attestation form. Staff will capture their general information including name, self-attestation of the income guidelines and Connecticut residency for ease of access at their next visit. The general criteria that households must meet to receive TEFAP foods:

- The household must be at or below 235% of the Federal Poverty Limit for their household size.
- The household must be a resident of CT.

The participants are also required to report any changes they have to their circumstances at any future visits to a pantry. The participants can then utilize the resources available through the pantry based on client choice and collect the appropriate items for their household size.

Section 3. Distribution Information:

The SDA puts forth a distribution plan, approved by FNS whereby the SDA is responsible for the distribution of commodities, and administrative funds. The state plan outlines the operation and administration to efficiently distribute commodities, identifies eligible recipient agencies and criteria for households to receive TEFAP. The state TEFAP plan of operations includes a list of SUBDA' sand ERA's who the SDA is in partnership with. Once approved, State plans are permanent. State agencies must submit amendments to the distribution plan when necessary to reflect any changes in program operations or administration as described in the plan, or at the request of FNS, to the appropriate FNS Regional Office.

The DSS does not expect to meet all of the eligible recipient agencies' requests for TEFAP commodities. Therefore, the first priority will be given to emergency feeding organizations that provide nutrition assistance to relieve situations of distress, e.g. food banks, pantries, soup kitchens, etc. (7 CFR 251.3(e)). Additional site distribution may include but is not limited to drive up distributions, tailgate distributions, and delivery to isolated or homebound individuals. If after 60 days, TEFAP commodities have been distributed in sufficient quantities to meet the needs of all emergency feeding organizations, commodities will then be made available to the **second priority** of TEFAP eligible recipient agencies; other public or private non-profit organizations that serve needy people, but do not relieve situations of emergency and distress (7 CFR 251.4(h)(ii)).

Ordering:

DSS as the SDA provides the opportunity to SUBDA's to give feedback about what products are necessary for their operations. The distributing agency must also ensure that donated foods are ordered and distributed only in amounts that may be utilized efficiently and without waste. FNS notifies the SDA of the availability of foods, the SDA then notifies the SUBDA's of the availability of these products and asks for the SUBDA to respond with their order. The SUBDA, is responsible for managing their intake and notifies the SDA of their order. FNS provides information for the cost of the product, which is available, the budget it comes from, and the projected shipping dates. The SDA places orders through the WEBSCM system.

Delivery:

FNS provides delivery notifications for donated foods from the vendor or Federal storage to the SDA/SUBDA.

Once product has been accepted at the delivery site, the o the SUBDA takes on responsibility for the donated food. The SUBDA must provide notification of the receipt of donated food shipments to the SDA, through electronic means, and must maintain an electronic record of receipt of all donated food shipments. The SDA must receive notification of deliveries within 48 hours to ensure timely reporting in WBSCM. Once received, FNS is responsible for the payment of processing, transporting and handling during the scheduled delivery time. The SUBDA upon receipt, must comply with all applicable Federal requirements in receiving shipments of donated foods, including procedures for the disposition of any donated foods in a shipment that are out-of-condition. The SUBDA also assumes liability for the value of the food products should a loss occur due to negligence in storage, theft, and/or handling. Although food products are provided without cost by

USDA, there is a value assigned to each product that includes USDA's cost of purchasing, processing and distribution of the food products to states. For current food product values and other product information, refer to WBSM.

Section 4. Storage and Inventory Management:

In order to guarantee its quality and safety, each SUBDA and its ERA's are 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 the quality of products being distributed but also protects the SUBDA from claims action by the SDA or USDA to recover the value of the spoiled or lost product.

SUBDA's and ERA's will not be held liable for product quality except in cases of negligence on their part. SUBDA's and ERA's will be held liable if they knowingly distribute food products that are spoiled, especially if the spoilage occurred because of negligence on their part. Generally, storage of USDA foods should not exceed the food supply needed for 6 months.

Standard Warehouse Storage:

The ERA will assure that all food products are held in a secure, adequate, and proper storage facility prior to distribution, in accordance with 7 CFR 250.14(b). Storage is to be rodent and insect free.

SUBDA's and ERA's shall provide facilities for the handling, storage and distribution of donated foods in a manner to protect them from spoilage, infestation, damage, or other condition that may jeopardize the wholesomeness or safety of the foods.

Food storage areas should provide protection from weather, fire, theft and pests. Aisles between pallets should be wide enough to provide easy access for inspection, inventory and pulling of product. All USDA food products are to be stored at the SUBDA or at a storage facility contracted by the SUBDA. SUBDAs and their ERAs must follow standard warehouse and storage practices. Those practices include, *but are not limited to*:

- keeping food 6" off floor, stored on pallets, platforms or shelves
- keeping food 4 inches away from walls; this will allow good air circulation and for pest control
- food not remaining in storage for a period longer than six (6) months unless authorized by DSS Program Staff
- keeping non-food items separate from food
- toxic items (soap, bleach, cleaning supplies, etc.) must be kept completely 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 (freezer 0 degrees Fahrenheit and below, refrigeration 35 – 40 degrees Fahrenheit, and dry storage 45 – 70 degrees Fahrenheit)
- maintaining good pest control
- having a staff person in charge of pest control that maintains a service log or having a contract with a licensed firm to handle pest control management

- maintaining equipment; regularly checking for leaky compressors in freezer and refrigeration units, hydraulic forklift leaks, etc.
- keeping thermometers in freezers, refrigeration units and dry storage areas
- maintaining temperature logs for all storage areas
- TEFAP foods should not be repackaged

Storing Dry Food Products:

Dry food products must be stored:

- away from direct sunlight
- a minimum of 6 inches off the floor for circulation
- at least 4 inches away from walls for circulation
- at least 2 feet from the ceiling to avoid high temperatures
- in a clean, secure area that is inspected regularly
- A thermometer is required and must be in all dry storage areas.

Storing Refrigerated or Frozen Products:

Food products requiring refrigeration must be stored:

- to allow for proper air circulation
- in a refrigeration unit that is clean and inspected on a regular basis
- a thermometer is required in all refrigeration areas.
- Frozen food products must be stored:
- to allow for proper air circulation
- in a freezer unit that is clean and inspected on a regular basis
- A thermometer is required in all freezers.
- TEFAP foods should not be repackaged

Food Bank Storage Guidelines for Stacking Products:

The basic rules for stacking food products include:

- stretch wrapping to provide added stability
- limiting the height of the stack so cases of food on the bottom layers will not be crushed
- cross-stacking cases on pallets to ensure the stack will be sturdy and solid and will not tip when being moved
- stacking cases away from potential damage by heat, steam or water

Maintenance of Storage Area:

An ongoing system of pest control is required. Rodent controls such as traps and glue board are recommended. Place traps along walls and near doorways, moving the traps monthly.

Poisons must not be used except by a licensed professional. Prevent rodent infestation by thorough cleaning and maintenance of the warehouse.

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. Garbage, waste or rubbish must be disposed of frequently and not allowed to become nesting areas for pests.

Rotation of Stock:

To help ensure the quality and freshness of USDA food products, the practice of First In/ First Out (FIFO) must be followed. Food must be stored so cases with the oldest pack dates are used first. Most USDA food products have the pack date on the cases. Pack dates or lot numbers are also printed, stamped or embossed on individual cans or containers. In instances where pack dates are not visible, it is the responsibility of warehouse staff to ensure rotation of stock occurs. Simply marking cases with a delivery date will work. SDA staff will routinely assess inventory levels to ensure that supplies are reasonable and appropriate for distribution activities.

Out of Condition Foods, Food Recalls and Complaints:

Out of condition foods need to be reported to the SDA within 24 hours of discovery. The SDA will instruct the food bank regarding the proper disposal of out of condition food items. Guidance will be provided, including procedures or instructions for all parties in responding to a food recall, replacement of recalled donated foods, and reimbursement of specific costs incurred as a result of such actions.

Lost or damaged foods:

In the event there is a loss or damage to food products the following instructions are intended to provide guidance. (see procedure for filing a complaint in this section) The following are considered losses:

- A 'loss' or 'damage' resulting in a claim for TEFAP foods is determined when TEFAP foods are deemed no longer fit for human consumption as a result of spoilage, contamination, infestation or damage, or when the result of an investigation by Federal, state or local health authorities deems them no longer fit for human consumption.
- TEFAP foods are not stored or managed according to the provisions outlined in the contract or agreement.
- TEFAP foods are stolen, willfully misapplied, obtained by fraud or improperly distributed and are therefore not available for the appropriate recipients.
- The processor fails to meet the required processing yield of TEFAP food or fails to produce the products that meet the required specifications.
- Administrative funds are stolen, embezzled, willfully misapplied or obtained by fraud. Or the funds are misused in accordance with the federal regulations.

Procedure for handling recalled or held TEFAP foods:

- 1.SDA notifies SUBDA in writing immediately (or by the next business day) following notice from vendor/ FNS of potential food recall.
- 2.SUBDA notifies ERAs immediately (or by the next business day) of potential food recall.

3.All affected TEFAP products subject to recall are held at the SUBDA for review before further distribution to ERA. In turn ERA is to hold potential recalled food products once notified of a possible recall on the product.

4.Procedures for the disposition of all TEFAP foods subject to a recall are processed in accordance with FNS's instructions during the recall process. The SDA will notify the SUBDA on how to disposition recalled food products, in turn the SUBDA will notify the ERA. Confirmation that all notice has been given will be submitted to the SDA immediately to ensure that all recalled products are accounted for and have not been distributed.

Procedure for filing a product complaint:

Product complaints may be filed with the SDA. Pictures should be provided to show any product issues or defects. Any complaints regarding product quality or specifications, or suggested product improvements, must be submitted to FNS through the established FNS donated foods complaint system for tracking purposes.

The process for the SUBDA notifying SDA for lost or damage foods - In accordance with FNS Instruction 410-1, Rev 2

SUBDA must notify the SDA regarding lost or damaged food no later than 24 hours from the time of occurrence.

The SUBDA will include the following information:

Date the loss or damaged food occurred

Name of the product and sales order #

Total amount of loss (how many cases/single item)

Detailed description of what occurred

The following is the SDA process for lost or damaged foods or improper use or loss of funds - In accordance to FNS Instruction 410-1, Rev 2

When the SDA is notified that food is lost or damaged, the SDA will take the following actions: Assign a value to the loss based on information from WBSCM. The SDA will make a determination if the lost or damaged food was due to negligence. The SDA will pursue a claim if the loss was a result of action or negligence by the SUBDA. The SDA (DSS) must also pursue a claim if the value of the donated food loss, or improper use of funds, exceeds \$500. When DSS receives documentation regarding lost or damaged food DSS will determine the amount of the loss based on FNS Instruction 410-1 VI (C) and will notify you if a claim will be pursued. See the attached FNS instruction - 410-1 REV 2 for details. When pursuing a claim, SDA will notify SUBDA in writing within 30 days from the date of the notification of food loss and include the demand for payment. The SDA will notify the FNSRO regarding the lost or damaged foods along with the determination.

Section 5. Record Keeping

Distributing agencies, recipient agencies, and other entities must maintain records of the agreements and contracts, funds obtained, reports, audits and claim actions, and other records pertaining to TEFAP. Records must be retained for a period of 3 years. If an audit goes beyond this period, then they must hold the records until such actions have been resolved.

Reporting requirements:

The SDA must submit FNS reports relating to the inventory and distribution of donated foods applicable to TEFAP. Each report has different timeframes. For donated foods received in TEFAP, NSLP, or other child nutrition programs, the distributing agency must submit form FNS-155, the *Inventory Management Register*. ERA's are responsible to report the number of households and meals served each month to the SUBDA. The SUBDAs are responsible to submit the reports to the SDA quarterly within 30 days of the end of each quarter. The SUBDAs are responsible for submitting the monthly inventory reports by the 15th of every month for the prior month to the SDA.

At the beginning of each fiscal year, a list of all ERA's must be provided to the SDA by October 15th. In addition, if there are changes within the year, an updated list needs to be provided to SDA promptly following the change.

Financial reporting:

The SUBDA's must submit a quarterly financial report in the DSS Financial Management System (CoreCT) within thirty (30) days of the end of each quarterly reporting period. Failure to submit such required reports and information will result in disallowance of associated expenses.

Auditing:

FNS may require audits of SDA and SUBDA's. The value of donated foods must be considered as part of the Federal grants or awards in determining if an audit is required. Annually, if it receives, on average, more than \$5,000,000 in donated foods for processing per year; every two years, if it receives, on average, between \$1,000,000 and \$5,000,000 in donated foods for processing per year; or every three years, if it receives, on average, less than \$1,000,000 in donated foods for processing per year.

SDA Reviews:

The distributing agency must ensure that SUBDA, recipient agencies, and other entities comply with all appropriate federal regulations. On site reviews must be done when deficiencies are found and corrective action plans must be implemented for cooperation by all SUBDA's, and ERAS.

Section 6. Civil Rights

Discrimination:

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity

conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

For all other FNS nutrition assistance programs, State or local agencies, and their subrecipients, must post the following 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: [How to File a Complaint](#), 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.

The Department of Social Services wants to eliminate discrimination without the need to respond to complaints. If anyone identifies a Department of Social Services program, practice, service or activity that is operating in a discriminatory manner, he or she is urged to contact the DSS Affirmative Action Division at (860) 424-5040.

In accordance with 7 CFR Part 16.4(f), faith-based or religious organizations that receive USDA Foods or administrative funds for TEFAP must give written notice to all beneficiaries and prospective beneficiaries of the right to be referred to an alternate provider when available. If ERA is a religious organization, written notice of beneficiary protections must be posted where it is visible for recipients. "And Justice For All" posters are required to be prominently posted at all sites where TEFAP activities are conducted.

Complaints:

If an individual wishes to file a Civil Rights program complaint of discrimination to FNS/USDA, complete the [USDA Program Discrimination Complaint Form](http://www.ascr.usda.gov/complaint_filing_cust.html), (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.

The complainant has the right to file a civil rights complaint with the Federal government (USDA) at any time within 180 calendar days from the event that is the basis of their complaint. Provide the following information to the complainant.

Procedure for SUBDA, and ERA's: (see TEFAP DSS Civil Rights Desk Guide for more information)

1. State Agencies, ERA's, and SUBDA's will provide information at the program delivery site for filing a complaint with the Secretary of Agriculture, FNS' Administrator, or the State agency.
2. If a complaint is filed with the state agency then the State agency will ensure that the complainant is given information for the filing process in accordance with **FNS 113-Complaint Processing Procedures and timeline**. The State agency will also request any additional information needed for clarification.
3. All complaints alleging discrimination on the basis of age, except as noted in program appendices, will be forwarded to the appropriate FNS Regional OCR by the State agency within 5 working days after receipt.

Civil Rights Training:

SDA's are required to provide annual training for SUBDA's. SUBDA's are responsible to provide local sites, including frontline staff annual civil rights training. New employees are required to complete the training prior to participating in program activities. Volunteers must receive training appropriate to their roles and responsibilities. The curriculum for training, and all content is provided by the DSS for consistency. The following is a list of topics covered under the mandatory civil rights training in accordance with the federal regulations:

- Collection and use of data;
- effective public notification systems;
- complaint procedures;
- compliance review techniques;
- resolution of noncompliance;

- requirements for reasonable modification of persons with disabilities;
- requirements for language assistance;
- conflict resolution;
- and customer service.

Americans with Disabilities Act:

The potential impact the Americans with Disabilities Act (ADA) may have on not-for-profit organizations has been a concern for many agencies. Homeless shelters, soup kitchens and food pantries that are covered under Title III of the ADA as “places of public accommodation” and that lease or occupy donated space from a religious organization remain subject to ADA. Accordingly, a distribution site that occupies leased or donated space in a church, synagogue or temple or facilities owned by a church, synagogue or temple is subject to the ADA and Section 504 of the Rehabilitation Act of 1973.

Removal of architectural and structural barriers such as stairs or narrow doorways in existing buildings is required when such removal is “readily achievable”, that is when the modifications can be easily accomplished without great difficulty or expense. A variety of factors are considered in making this determination, including the overall financial resources of the organization and the extent of the action required. Also included is the impact of the action on the continued operation of the facility.

If the expense of removing the structural barriers will prove too costly for the distribution site, other ways to comply with ADA still exist. The installation of a buzzer or intercom at a stairway would still allow the client access to the services of the site. The recruitment of additional volunteers to provide home delivery through use of the proxy system is acceptable. The “readily achievable” removal of barriers might include installing grab bars, ramps for steps, adding Braille marking to existing signs, rearranging tables or chairs, and making other modest adjustments. All of the above can be accomplished with little or no expense to the site. The primary goal should be to allow access to the services provided by the site if access to the facilities cannot be achieved. For information regarding a survey of your facilities and what could be done to make a site more accessible, contact the Disability and Business Center at 1-800-949-4ADA.

Required Forms:

FNS-155 Inventory Management Register Form

Attachments:

1. FNS instructions: 113-1

<https://fns-prod.azureedge.net/sites/default/files/113-1.pdf>

2. The Emergency Food Assistance Program (TEFAP) DSS Civil Rights Desk Guide Procedures



TEFAP Civil Rights
final Desk Guide to be

3. FNS Instruction 410-1 Rev 2



instruction 410.pdf