



Requirements and recommendations
for food pantries, soup kitchens and
shelters that distribute USDA
Commodity Foods

*For Federal Fiscal Year 2023
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Introduction to The Emergency Food Assistance Program

Wisconsin has a network of more than 353 food pantries, soup kitchens, and emergency shelters that participate in The Emergency Food Assistance Program (TEFAP). Volunteers are its primary labor force; each year they invest thousands of hours as they gather, sort, and distribute food for their neediest neighbors. This "Wisconsin TEFAP Outlet Operator's Manual is intended to help outlets successfully meet the requirements of their TEFAP site agreements and support volunteers and they distribute food in Wisconsin.

Operated by the United States Department of Agriculture (USDA) in partnership with states and the territories of Puerto Rico and Guam, TEFAP supplies approximately 18-40 percent of the food distributed at Wisconsin's emergency food outlets. Depending on market conditions, it represents an annual food value of approximately \$12 million. *TEFAP commodities are a public resource, intended to be easily accessible to all qualified persons and households in need.* Congress created TEFAP in 1981 to help supplement the diets of low-income Americans while simultaneously supporting farm prices in commodities markets. To accomplish this, USDA contracts with American growers to produce and package commodity foods. It purchases meats, vegetables, fruits, juices, beans, cereals, grains, and nuts. States and territories then select from among these offerings, order their proportional shares, and provide them to pantry networks for household distribution and to shelter networks for use in congregate meals. USDA also provides a grant to each state and territory to support the costs of shipping and storing food commodities. USDA calculates state and territorial allocations on overall population, adjusted to the proportion of residents who are living in poverty or who are unemployed. USDA makes annual revisions to allocations that reflect demographic changes in poverty, employment, and population.

In Wisconsin, the Department of Health Services (DHS) Division of Public Health (DPH) administers TEFAP and establishes uniform, statewide eligibility criteria for participants. DPH has three statewide TEFAP partnerships to help it manage these resources efficiently:

The Wisconsin Community Action Program Association (WISCAP) surveys regions of the state to choose USDA foods to order. It places the orders and tracks inventory down to the local level.

The Wisconsin Department of Public Instruction (DPI) provides for the shipping and storage of TEFAP food; DPI is responsible for accepting USDA shipments, assembling food orders, making a monthly delivery to each county, and tracking inventory in warehouses.

A network of 17 regional, nonprofit agencies, Emergency Feeding Organizations (EFOs) contract with DHS to provide technical assistance and monitoring to pantries, soup kitchens, and shelters to ensure that:

- 1) TEFAP outlets distribute food only to qualifying individuals and households.
- 2) TEFAP outlets store food safely and manage inventory correctly.
- 3) People distributing TEFAP foods respect the dignity and protect the civil rights of people they serve.

A TEFAP outlet must be either:

- 1) A charitable organization with tax-exempt 501(c)(3) status provided by the Internal Revenue Service;
OR
- 2) A program housed within such agency; OR
- 3) A county or local government.

The TEFAP food pantry application is intentionally simple and purposely spare for ease of access by consumers; eligibility is determined by self-declaration. Applicants must attest that their combined, household incomes are at or below 200 percent of the federal poverty level, and they must provide the information requested on the TEFAP form (F-40059 and F-40059A (mobile pantries only). Eligibility

determination in soup kitchens and shelters is simpler; these organizations must demonstrate that they serve predominantly needy persons (for which they may use census data). All TEFAP outlets should encourage participants to apply for other food assistance programs. (See Page 23 for web links to other food programs.) Outlets must follow the requirements in this manual and in the TEFAP Site Agreements with their respective EFOs. The following one-page summary is a simple description of most TEFAP outlet requirements (and prohibitions).

I. Summary of TEFAP Requirements in Wisconsin

1. Follow policies and practices in this manual as you pledged in your annual Site Agreement.
2. Serve a defined geographic territory (such as a county, school district, zip code, city, or township).
3. Distribute food on a walk-in basis, at least once per month for at least two hours per day.
4. Post signage near the entrance identifying: a) the location as a food pantry or soup kitchen; b) days and hours of service; and c) an after-hours, emergency phone number to find food when the outlet is closed.
5. Promote your outlet, including hours of operation, location, and contact information.
6. Use self-declared income eligibility based on annually adjusted income limits.
7. Serve every eligible applicant on their first visit, regardless of their address or lack of identification.
8. Keep participant records in pantries, including dates of distribution by household (all outlets).
9. Reasonably accommodate people with disabilities or Limited English Proficiency.
10. Offer the option of proxy pick-up for participants who cannot visit the pantry.
11. Abide by Civil Rights requirements. Participate in annual EFO training. Provide training for staff and volunteers with public contact. Post required Civil Rights language.
12. Respect and protect confidentiality and Personally Identifiable Information (PII).
13. Match TEFAP food with an equal amount (or more) of nutritious donated or purchased food.
14. Manage inventory first-in, first out (FIFO); distribute before “use-by” date.
15. Maintain freezers and dry goods storage areas within temperatures; maintain cleanliness in storage and pest control, and log the maintenance of these temperatures and activities.
16. Report any damaged, spoiled or lost commodities to EFO and DPH immediately.
17. Report your outlet’s food usage and service data to your EFO by the required deadline.
18. Retain records for current Federal Fiscal Year (FFY) — **plus the three prior years**.
19. Maintain on site a copy of this manual, your site agreement and the most recent TEFAP site review.
20. Monitor food recalls; designate a responsible contact person reachable by email.
21. Cooperate with formal and informal site reviews of your program; allow unannounced visits.

TEFAP Outlets May Not:

- Distribute TEFAP commodities to persons ineligible to receive them.
- Request data other than what is requested on form F-40059/A *without DPH permission*.
- Request participant waivers to release personal information not required by TEFAP.
- Require proof of income or an applicant’s Social Security Number.
- Share information about pantry users or usage with other food pantries.
- Repackage USDA commodities.

II. Recommendations and requirements that apply to all TEFAP Outlets

A. Recommendation: Develop a customer service policy and standards for your outlet.

Develop a customer service policy that includes a process for bringing concerns or complaints to your attention, and post it prominently in your outlet (along with the required “And Justice for All” and Civil Rights posters). This helps ensure a common understanding of your expectations. *It will help you and your volunteers manage challenging or difficult participants with greater consistency and fairness.* (See Appendix A. for a sample policy.)

B. Recommendation: Develop standards for your outlet. Share them with volunteers and the public.

Standards should include the manner in which you treat participants, volunteers, and people, business and nonprofit agencies that support your work. Here are some current practices in Wisconsin TEFAP outlets. Choose from among these and/or develop your own.

- Train volunteers in customer service.
- Greet people upon arrival. If the pantry is busy, indicate how long their wait may be.
- Offer evening and/or weekend hours for working households.
- Provide seating in an indoor waiting area; provide toys or games for children.
- Survey customers for food allergies or to gain feedback on their overall experience.
- Provide personal care or cleaning products.
- Partner with UW-Extension to promote healthy cooking and eating.
- Offer recipes, cooking demonstrations or samples (TEFAP food may be used for this).
- Assist (pantry) customers as they select food or load their groceries into their vehicles.
- Provide carts (pantry).
- Ask customers to bring bags, baskets or containers to pack food (pantry).
- Offer public restroom facilities.
- Deliver food to homebound customers.
- Mail or email food selection menus to customers who obtain food by proxy (pantry).
- Provide “security” (a visible, physical presence) in challenging neighborhoods.
- Glean produce from local growers.
- Clean and bundle locally grown produce.
- Solicit donations from local food retailers, wholesalers, growers or processors.
- Prohibit participants from carrying firearms or weapons while in the pantry.

C. Requirement: Refer households to FoodShare and other programs to improve food security.

Needy households may simultaneously participate in TEFAP AND other food programs. Your TEFAP outlet should promote enrollment in FoodShare (food stamps) and direct people to resources for application. If your outlet has a computer, Internet access, and a volunteer able to help TEFAP participants apply for FoodShare, your pantry can strengthen food security for TEFAP households and reduce their reliance on your pantry.

(<https://access.wisconsin.gov/access>.) If applicants have documentation available, it can take as little as 15 minutes to determine FoodShare eligibility. If a TEFAP applicant is a pregnant woman or she has a child (or children) less than five years of age, she and her child may also qualify for

Women, Infants and Children (WIC) benefits as well as WIC Farmers' Market checks. Households with older children may qualify for the National School Lunch Program (NSLP); Summer Food Service Program (SFSP); and the Child and Adult Care Food Program (CACFP). Seniors may qualify for Senior Farmers' Market checks, and for the Commodity Supplemental Food Program (CSFP). (See Page 23 for web links to other food programs for low-income households.)

D. Requirement: Promote public awareness.

TEFAP commodities are a public resource and public outreach is required (excluding domestic abuse shelters). It is especially important when there is minimal public access (such as the counties in which there may be only one or two commodity distributions per month) to publicize the dates, times, location, and hours of TEFAP distribution and meals. Promotional information must note that your pantry or meal site is an Equal Opportunity Provider. Outlets may choose methods of providing the information; these may include posters, fliers, a Facebook page, web site, Twitter, and/or community presentations at:

- Head Start centers; congregate soup kitchens serving seniors
- County human services offices and websites
- Job centers
- County offices for the Women, Infant and Children (WIC) Program
- Local health departments and community health clinics
- School guidance offices
- Public facilities such as libraries, laundromats, municipal and county buildings
- Churches (and church bulletins), social service and community action agencies
- Community calendars in newspapers, local radio stations, and public access on cable television
- Section 8 and low-income housing units

E. Requirement: Provide Civil Rights training for staff and volunteers who have direct contact with TEFAP applicants and participants.

Volunteers operate most TEFAP outlets. For consistent service and volunteer safety, train them in their respective roles (whether that is sorting food, unloading trucks, or taking TEFAP applications). *The outlet must provide annual Civil Rights training to any volunteer or paid employee who interacts with the public.* Outlets must use the training materials provided by DHS. Outlets may choose to invite TEFAP participants to volunteer for any duty open to a volunteer. Such invitations must be objectively free of coercion. TEFAP participants who volunteer must receive the same volume and quality of food distributed to any other TEFAP participant with the same household size. Certain organizations prohibit participants from volunteering; that is their choice.

F. Requirement: Keep current records on site; keep records for three years beyond current year.*

On site, each outlet must have a copy of its Site Agreement, this manual, its most recent site review, current applicant and participant records, commodities receipts, inventories, and logs. Copies may be paper or electronic. Records from three preceding years may be stored securely off site.

G. Requirement: Match TEFAP foods with an equal amount of food of similar quality, and offer an equal amount of food to equivalent-sized households on distribution days.

- An outlet can determine the proportion of TEFAP food it will provide at each household distribution *if it provides a comparable volume of food of comparable quality to each household on each distribution day*. It need not distribute TEFAP commodities each day, but overall, it must meet or exceed the 100 percent match requirement during the course of a year.
- An outlet may meet its match requirement through donation or purchase. Match may include donations from businesses, charities, community food drives, or any combination of sources.
- Food must be in good condition (undamaged; within recommended “use by” dates) and of a variety of types of *nutritious food similar in quality to USDA commodities* (not bread alone).
- Outlets must document match by a reasonable, replicable method acceptable to the EFO (weight, product count, cost, etc.).
- TEFAP match foods must be produced by a qualified processor. (Home-canned or baked goods may not be used as match.)

III. Required Food Pantry Practices

A. Eligibility Determination at Application

1. **Post** the current TEFAP income eligibility ranges. This one-page document is emailed annually to each TEFAP outlet in early spring. To qualify, applicants self-declare that their income is within the eligible range for their household size, and that they live in the Pantry's service area.
2. **Provide** a TEFAP application form F-40059/A and as much privacy as possible for the application process.
3. **Review the participant pledge (DHS form F-40059/A) with each applicant.** If records are paper, obtain a signature from the applicant on that form. If records are electronic, ensure that all the applicant data on F-40059/A are captured and retained in each participant record. Ensure the pantry has a means to record the date of each household food distribution.
4. **Review required documentation.***
 - a) Applicants must provide one form of ID or documentation for **each member** of the household **once**. Participants without documentation for one or more members *by the time of their third visit will be limited to a TEFAP food supply matching the number of household members for whom documentation **has** been provided.* (Example: If a participant claims a household of four but provides documents for themselves and two members. At the third visit, TEFAP distribution will be for a household of three, unless or until the participant produces documentation for the fourth household member.)
A wide range of documents are acceptable. Use your judgment and be flexible. If in doubt, contact the Wisconsin TEFAP Coordinator with questions. Photo ID is preferable but it is not required. *Serve every qualified household on their first and second visits, regardless of their ability or inability to produce required household documentation.*
 - b) **Applicants must verify their addresses.** Acceptable documents include (but are not limited to) first-class mail received within 30 days; a utility bill, lease, rent receipt, deed, or mortgage. If in doubt about acceptable address verification, contact the Wisconsin TEFAP Coordinator.
5. At each subsequent food distribution:
 - a) Require ONE form of ID or documentation for the individual who directly receives the food. (Panttries may create their own ID cards.)
 - b) Inquire whether there are changes in the participant's household size or address. Require documentation of a new household member or address by the third visit following the change (unless exempt as described below*).

B. Annual Renewal

1. **Review** financial eligibility guidelines (F-40059I) and the Participant Pledge.
2. Ask participants to **verify names and birthdates of household members.**
3. Require **proof of address for the renewing participant only.** Documentation of other household members is not required at annual renewal. It is required once for any member subsequently added.

* TEFAP applicants and participants who are homeless, or who have an undocumented status, who are migrant workers, or who are experiencing domestic abuse are exempt from documentation requirements if the requirement would prevent them from obtaining food. If you know or believe that an applicant or participant is living in any of these circumstances, do not require documentation for the applicant or household.

C. Collect household information and obtain participant agreement to honor the program rules.

A household is defined as a group of people who live at the same address AND share food preparation and usage. Members of a household may or may not be related. There are circumstances in which there may be more than one household living at the same address.

The TEFAP application form, F-40059/A, contains a **participant pledge**. The pledge language places the burden of responsibility for program compliance on the shoulders of the applicant. Applicants self-declare that their household is income eligible; that the food received will be used only by that household; that the USDA, State of Wisconsin, and pantry are not liable for food distributed; and that she/he/they may face consequences for breaching this pledge.

All participating TEFAP food pantries must verbally review the pledge with each applicant during application to ensure that the household agrees to TEFAP provisions.

Pantries that maintain paper records use the state's TEFAP form, F-40059/A, (or on an alternate form approved by DHS) to obtain and store the information required of every participant. The F-40059/A contains a field for the applicant's signature, fields for annual signature renewals, and signature/date fields for recording receipt of each food distribution. Proper use of this form creates a simple but effective record that meets program requirements.

Pantries that maintain electronic records are not required to use the F-40059, *but they must collect all the information contained on the form, create and maintain a record for each household, and ensure that participants are aware of and agree to the participant pledge*. If a pantry meets these requirements, it need not obtain signatures at application, annual renewal, or for receipt of food.

Pantries that maintain electronic records must post the Participant Pledge in a prominent location (adjacent to current income limits so it can be seen by all participants at each visit) in English—as well as any other language(s) required for service to households with Limited English Proficiency. (EFOs have poster copies of the pledge in English, Spanish, Russian and Hmong for this purpose.) Electronic records may be stored in a spreadsheet or database, as long as the pantry can retrieve the required application record and participation history of each household. A pantry that maintains paper records but wishes to convert to electronic records should consult with its EFO to ensure its new system will meet TEFAP requirements. Records storage for the current FFY must be accessible onsite. If records are stored in the “cloud” allowing remote access, only authorized persons may access them via protected password. If records are stored on a hard drive or disc, backup is required following each distribution, and the backup should be stored in a secure location off-site. Pantries must securely destroy outdated records when they are removed from storage.

Whether paper or electronic, TEFAP records must be retained for three years beyond the current year.

Without written authorization from DHS, TEFAP pantries may not collect information that is not required on DHS F-40059/A.

In addition, the F-40059A is intended for use at mobile pantry sites only. The F-40059 is meant for all food pantries that are not mobile pantry sites.

D. Distribute food in an accessible, appropriate location at a time convenient for participants.

- Pantries may operate from dedicated facilities, from designated space in a church or public building, or make a once-a-month distribution from a hosted location. Pantries that provide greater access (e.g., weekly hours; open evenings and/or weekends) are preferable.
- Service must be available on a “walk-in” basis. Appointments cannot be required.
- Pantries may determine how to provide food to participants. “Choice” invites participants to select their own food from shelves, or from a written “menu.” Other pantries prepackage a portion and offer “Choice” in the remaining portion. Still others prepackage all food. “Choice” is most desirable; it prevents distribution of products that a household will not consume. It also offers greater dignity to and involvement from the participants. Space and volunteer limitations may determine which distribution method works best.
- Pantries must have a freezer and dry goods storage; they may choose to have one or more refrigerators. Though TEFAP occasionally offers refrigerated products (and pantries lacking refrigeration cannot accept it), refrigerator space in pantries is used most often to store donated or purchased matching food. Refrigeration increases capacity for fresh produce storage.
- TEFAP requires food distribution a *minimum* of one day per month for a *minimum* of two hours. *There is no maximum limit on the number of times a pantry may distribute food.*
- Though pantries typically distribute a three- to five-day food supply, they may increase the volume. DPH recommends a nutritionally balanced food package containing protein, fruit and fruit juice, vegetables, and grain (bread, rice, cereal or pasta). Best practice is to consider breakfast, lunch, and dinner foods and reflect that consideration in food distribution.
- Pantries can address special needs if they know consumers have special dietary restrictions, such as diabetes; lactose, gluten or nut intolerance; or other food allergies. They can also stock options for people who have cultural or religious restrictions. Pantries should stock food that does not require a can opener or cooking for individuals or households who are homeless.
- Pantries may *serve* persons whose annual household income exceeds 200 percent of the federal poverty level, *but must not provide TEFAP commodities to applicants whose self-declared income exceeds this amount.*
- After initial service, a pantry may decline service to households outside its service area if the households have access to a closer pantry. Understand needs and situations before declining.

E. Serve participants by proxy.

Eligible applicants and participants are sometimes unable to go to a TEFAP food pantry. Reasons may include infirmity, lack of transportation, and scheduling conflicts with work or other obligations. Pantries must provide TEFAP applicants an option to obtain their TEFAP food by allowing them to designate a proxy to pick up the household’s food for them. A pantry may:

- Mail the F-40059/A form to a homebound individual for completion and signature.
- Request that a homebound individual provide a letter or written note for proxy delivery.
- Develop its own proxy application form specifically for food delivery.

- Accept a referral from a county human service agency or other service provider.
- Deliver to homebound participants. (Delivery volunteers must sign the confidentiality form.)

IV. Determining Eligibility at Soup Kitchens and Shelters

No TEFAP application is required. Guests at soup kitchens who consume meals prepared with TEFAP Foods *are presumed eligible* if the hosting organization can demonstrate that it predominantly serves persons with low incomes. (Check with your EFO to see how this determination is made.) A similar presumption is made for guests at shelters. Shelters and soup kitchens must count and report the meals/persons served each day. Staff and volunteers at these facilities may participate in meals prepared with TEFAP foods if it is outlet practice to serve the workers along with guests.

V. Customer Service and Civil Rights Requirements for All TEFAP Outlets

In 1964, the Civil Rights Act outlawed discrimination in federal programs. Since then, at least six laws and executive orders have expanded protections to inclusively prohibit discrimination against individuals because of race, color, religion, country of national origin, gender, marital status, familial status, disability, age, gender identity, and sexual orientation, discrimination because a part or all of an individual's income is from public assistance; and reprisal for having previously filed a discrimination complaint. Outlets that offer excellent customer service are unlikely to violate Civil Rights laws. Outlets must take meaningful steps to provide reasonable accommodation for people with disabilities. Outlets must be prepared to assist people with the following challenges.

A. Serving people who have physical disabilities or limited mobility

TEFAP outlets must provide access to food for people with limited mobility. Pantries and soup kitchens that have steps at their main entrances usually have alternative, wheelchair-accessible entrances if they are public facilities. If building limitations are insurmountable, pantries must take reasonable steps to provide applicants and participants with access to food by providing a menu of available food and assembling the order. Or it may provide food at an alternative, accessible location, or package and provide emergency food by proxy. Contact your EFO if you need help accommodating people with limited mobility. You must allow people who use a service animal to bring that animal with them into your facility.

B. Serving people who have behavioral health challenges

According to the National Institute of Mental Health, one in four adult Americans suffers from some form of a diagnosable mental health disorder in a given year. Your TEFAP outlet is likely to serve people who exhibit symptoms of mental health disorders, or who have experienced brain injury or addiction. An individual may be especially challenging if his/her condition causes him/her to compromise personal hygiene or be belligerent. Do your best to serve them with patience and kindness. You have the right to refuse service to people who are uncooperative or belligerent, but someone with a mental illness may be a challenge one day and completely cooperative at their next visit. *Do not prohibit participants from future access without consulting your EFO.* Please see Appendix D for further guidance to address challenging situations. If you find consistent, unmanageable difficulty serving an individual, determine whether another household member could assume responsibility for picking up food, or supply the household by proxy. ***In the rare event of a credible threat of violence or actual violence (including self-harm), call the local police department or county sheriff immediately.***

C. Serving people who have visual impairments or who seem limited in their ability to read

Interview TEFAP applicants and complete the application form for them. Offer them a volunteer to help them “shop”—to describe available foods, read ingredient labels, and help them select their food to the degree that such service is needed. Thoughtful assistance protects participant dignity.

D. Serving people with hearing impairments

Pantries and soup kitchens can best assist people with hearing impairments by *speaking directly to them* (to enable participants who can lip read), in writing, through American Sign Language, or a combination of these methods.

E. Serving applicants and participants who have Limited English Proficiency (LEP)

TEFAP participants who are unable to speak English, or who describe themselves as speaking English at a level they consider “less than well” are considered LEP and need language accommodation. Because all TEFAP outlets **must have the capacity to interpret in any language at any time for any participant who speaks English “less than well,”** TEFAP outlets **MUST** have available access to a telephone interpretation service that can be used as needed. Beyond that requirement, pantries may:

- Provide an individual on-site to interpret;
- Recruit persons reliably reachable by phone during outlet hours (at the local high school, the county human services office, the Hmong-American Friendship Association, or other charitable or government agency that has bilingual staff who can interpret); or
- Use participant family or friends to interpret. (This alone, with no other provision for language interpretation in place, is insufficient to meet Civil Rights requirements. However, it is an option on a case-by-case basis if your outlet has a plan in place that includes other options. You cannot require someone to bring an interpreter, but you can let people know how you provide interpretation services, and if they choose to bring someone instead, they may. Avoid using minor children as language interpreters.)

In Wisconsin, TEFAP outlets that have 1,000 LEP participants in their designated service territory, or that have 5 percent of an LEP group as participants in their designated service territory, must translate signage and have forms available in the specific LEP language.

1. **If your outlet serves an entire county** that has an identified LEP population, it **must** have application forms and **all** required signage in English **and** the indicated language(s):
 - a) Pantry sign (exterior)
 - b) Hours of service (exterior, near or on entrance)
 - c) After hours, emergency contact number for access to food (exterior)
 - d) “And Justice for All” poster
 - e) “Notice of Beneficiary Rights for Persons Receiving Food from Religious Organizations”
 - f) TEFAP application forms (F-40059/A) in the 1000/5% language(s)

Domestic violence shelters that participate in TEFAP must post anti-discrimination items d) and e) above, but are exempt from posting other TEFAP signage.

2. **If your outlet’s service area is smaller than the county** (e.g., zip code(s); school district(s); cities, villages, or towns), the 1,000/5% rule **applies only to that designated service area**. If your service area is smaller, use the DHS website, <http://www.dhs.wisconsin.gov/civilrights/CRC/index.htm> to help determine if a specific language requirement applies to your service area.

F. Post required Civil Rights language

- All TEFAP outlets (pantries, meal site and shelters) must display the “And Justice for All” poster. Ask your EFO for the current version, or go to: <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-translations>
- All food pantries affiliated with religious organizations, whether housed in, operated by or covered under a religious 501(c)(3) must display “Notice of Beneficiary Rights for Persons Receiving Food from Religious Organizations” (See Appendix L.)
- Printed materials and broadcast messages must contain the short version of the USDA-approved, Civil Rights statement: “*This institution is an equal opportunity provider.*”

G. Identify food for LEP (and all) participants

Because USDA commodities often arrive in generic packaging, food pantries may wish to post translated product names (or images) near the food so recipients know what the pantry is offering.

H. Identify food by its actual content (and not by its presumed ethnicity)

Foods that may be more closely associated with particular traditions, cultures, or ethnicities may be consumed and enjoyed by anyone. While food pantries should ensure that their food selection suits community tastes, they should avoid labeling food by culture or ethnicity.

I. Provide Civil Rights training

Whether they work for an EFO or for a TEFAP outlet, all individuals who work directly with participants of Federal Nutrition Service programs must receive annual training in Civil Rights. Training must be provided using the DHS Civil Rights Requirements for the Emergency Food Assistance Program (Appendix O PowerPoint slides) which address these topics:

- Customer service
- General complaint procedures and conflict resolution process
- Knowledge of protected classes
- Serving people who have Limited English Proficiency
- The importance of language assistance and physical accommodation
- Examples of the type of treatment that constitutes discrimination
- Procedure for filing a formal Civil Rights complaint
- Public notice requirements for printed, electronic and broadcast materials

J. Recognizing and responding to a Civil Rights complaint

Outlets should establish a process for managing occasional complaints. (See II.A.) It may be as simple as referring the complainant to the outlet manager, who listens and addresses concerns objectively. The situation may require further inquiry and action. *If an outlet manager has any doubt* about how to handle a complaint, s/he should contact the EFO. Responsiveness is best practice, but your response is independent of an individual's right to file a formal Civil Rights complaint. If a TEFAP participant expresses desire to file a formal complaint, the outlet manager may certainly explain what distinguishes a Civil Rights complaint. *However, you should not attempt to dissuade someone from filing a formal complaint if s/he believes service or food has been denied, delayed, deferred, deterred, or dissuaded because of his/her membership in a protected class.* If you are aware that a participant has filed a Civil Rights complaint, notify your EFO immediately. Complaints may be written or verbal; they include the person who allegedly discriminated; the date, time and location; a description of what happened; a statement as to the reason the complainant believed they were the subject of discrimination; and the remedy the complainant seeks.

VI. Confidentiality: Data Collection and Storage

TEFAP confidentiality requirements apply at all TEFAP outlets, but since only food pantries collect and retain personally identifiable information (PII), the following is most directly applicable to them.

A. The only information required of TEFAP applicants is found on the DHS form, F-40059/A.

With the exception of B (below), *no information may be added to a TEFAP record* unless it relates directly to nutritional needs of the participants (i.e., food allergies or dietary restrictions).

B. Outlets may ask (but not require) TEFAP applicants to voluntarily provide veteran status, ethnicity, race and gender information.

Organizations that provide charitable funds to food pantries sometimes request these data as a condition for financial support of the food program. Understandably, food pantries wish to cooperate. But because TEFAP does not require applicants to provide these additional data, outlets that wish to collect it *must* inform applicants and participants (verbally AND posted in writing) that cooperation (or refusal) to provide other information will not affect the volume or quality of the food their household receives.

With these stated exceptions, no other information may be solicited from TEFAP participants during application and/or food distribution without prior approval from the EFO and DPH. This does not prevent a charitable organization from requesting other information from TEFAP participants at another time for another program. It does ensure that needy households will have swift access to emergency food, avoids even the appearance of coercion for cooperation, and ensures that eligibility criteria for the program are uniform across the state as required.

C. PII collected for TEFAP records is exclusive to each TEFAP outlet.

A TEFAP outlet may not share PII. Volunteers and/or staff may not discuss individual TEFAP recipients unless there is a legitimate business reason to do so. Volunteers and staff may not discuss TEFAP recipients outside the outlet; they may not share PII or pantry usage information with other pantries. Volunteers who interact with program participants (or their records) must sign and honor an annual confidentiality agreement (Appendix C). Staff members who have signed an employer confidentiality agreement governing the entire period of their employment are adequately covered. Any staff that has not signed such an agreement should also sign the form.

D. Volunteers or employees who encounter a TEFAP participant in the community may extend greetings.

but should not identify how or why they recognize the individual. (This does not inversely apply to participants; they are free to acknowledge their connection to you.)

E. TEFAP outlets may not retain PII.

Without written authorization from TEFAP participants, PII collected while assisting participants with enrollment in other food programs is not to be retained. (See VII.A)

F. PII must be secure from unauthorized access.

Participant records may not be removed from the outlet without written permission from the EFO. If physical or electronic transport of records is legitimately necessary, files must be stored and/or relayed to protect confidentiality. Outdated files must be securely destroyed.

G. Privacy during application and check-in is important.

Outlets should provide a location or means for participants to have private conversations with outlet workers.

H. Aggregate data is public information and may be shared.

Information that does not contain PII but represents the performance of the program is public information. This is primarily limited to the number of adults/children/households served and the volume of food provided.

VII. “Unrelated Activities” and determining allowable and unallowable activity

A. Certain “Unrelated Activity” is prohibited during TEFAP application or distribution.

1. Campaigning by or on behalf of political candidates or ballot initiatives (examples include political printing on bags and wearing campaign buttons or shirts during distribution).
2. Engaging, approaching, or soliciting individuals to participate in religious practices.
3. Soliciting or suggesting contributions; offering items for purchase.
4. Requesting information not on the TEFAP application form, F-40059/A (unless an outlet has received authorization from DHS as described in VI. B.).
5. Agencies may not request TEFAP applicants or participants for permission to release confidential information during TEFAP application or distribution. A consent waiver for release of information, if essential for participation in an unrelated program, must be requested in conjunction with THAT program, not in conjunction with food distribution.
6. Requests for information that is expressly prohibited by state and/or federal law and/or by TEFAP agreement. Information that must not be requested includes (but is not limited to) Social Security Numbers and cards; proof of income (payroll records, tax records, check stubs); income amounts and sources; household expenses; information about medical and mental health conditions and treatment; prescription and nonprescription drug use; religious affiliation; criminal justice history or status; and gender identity or sexual orientation.

B. Non-food service is “Unrelated Activity” but some may be allowable with DHS approval.

Most “Unrelated Activity” is unallowable during TEFAP application and distribution. However, both USDA and DHS recognize that low-income individuals might benefit from offers of service, provided such offers do not *interfere with food distribution, and provided they do not entice, coerce or give the impression that TEFAP participants must “cooperate” in exchange for food*. For that reason, the following protocol was approved by USDA for situations in which Wisconsin TEFAP outlets wish to extend non-food offers of service to TEFAP participants. Outlets must:

1. **Offer access to food first.** Outlets must offer TEFAP participants the opportunity to select their household’s emergency food package *before engaging in non-food discussions*. Participants must be offered the choice to collect their food first; select their food basket and have the pantry hold it; or defer their food procurement until they conclude other business.
2. **Communicate the distinction between requirements and options.** In both verbal and posted information, all TEFAP applicants and participants must be informed that they have the option to accept or decline offers unrelated to food assistance. *Recipients must be able to simply obtain emergency food for their households and exit the premises if they wish.*
3. **Obtain prior approval from DHS to extend non-food offers during TEFAP application and distribution.** Agencies wishing to extend unrelated service offers to TEFAP applicants and participants must contact the TEFAP Coordinator at 608-867-4666 and request a review of the offer and presenting language.

C. Institutional or individual display of religious symbols is allowable.

Nothing in this manual prevents display or wearing of religious symbols in the course of TEFAP service. Organizations may provide literature where food is distributed; it may contain information about an organization’s mission, services, and/or theology, *provided it is not included in food*

packages, or presented to TEFAP recipients during application or food distribution. Note that TEFAP requirements do not govern activity at times when TEFAP application and distribution do not occur.

D. Provision of information about unrelated agency or community resources is allowable.

A TEFAP outlet may offer additional (non-food) services to help low-income households improve their economic status. It may offer an assessment or schedule a meeting with a TEFAP participant to discuss available services and related details (after food has been provided as described above). It may offer presentations, demonstrations, or one-on-one conversations about services. Outlets may determine the scope and content of material as long as:

1. TEFAP participants choose it (e.g., pantries do not insert it in food packages).
2. Its content is not inconsistent with the policy described in this manual.
3. It does not violate state and federal laws and local ordinances.
4. It does not impede or delay participant access to emergency food.

Such meetings or assessments may occur sequentially with TEFAP application and distribution—but not simultaneously with it. (See B. above. Contact the DHS TEFAP Coordinator to ensure your approach to offering non-food services is consistent with TEFAP requirements.)

VIII. USDA Food Management

A. Ordering: Timely response to ordering questions; timely reporting of usage data

TEFAP food ordering is a complex task because the food environment is constantly changing. USDA offers to purchase “Entitlement” food and offers to provide “Bonus” food can happen at any time and often with little prior notice. Offers of “Bonus” food are generally good news, but Wisconsin does not receive additional funds for shipping and storing bonus food. It must do so within a set budget, and it must make decisions quickly. *Wisconsin’s capacity to accept, store, and distribute food to each county is a complex, dynamic proposition that requires cooperation from every outlet.*

When USDA determines which commodity foods it will offer, the Wisconsin Community Action Program Association (WISCAP) is responsible for placing the food orders for the entire State of Wisconsin. USDA offers come on unpredictable schedules driven by market conditions. When USDA announces an offer, WISCAP swiftly consults with the EFOs to determine *what* to order and *in what quantity*. ***If your EFO asks you for ordering input, respond immediately.*** This gives us the best opportunity to maximize efficiency and minimize waste and cost. We need to know how much capacity your outlet has to store frozen food, in dry storage, and sometimes in refrigeration. *We need to know it quickly.*

B. When the WISCAP food orders arrive at the Wisconsin Department of Public Instruction (DPI) warehouses

DPI sends a monthly email to EFOs asking them how much of which foods it should ship to each county. Some EFOs then survey their outlets to determine how best to allocate product. Food that may be undesirable in one community may be highly desirable in another, so outlets that do not respond to food surveys in a timely manner cause unnecessary accumulation of an aging product, AND waste shipping and storage dollars. ***If your EFO asks for your order preferences, respond immediately.*** *Failure to respond may result in termination from participation as a TEFAP outlet.*

C. Delivery to counties

Like food ordering, delivery is a dynamic process. Wisconsin receives shipments throughout the year because USDA food delivery schedules are set on a commodity-by-commodity basis, with a shipping food surveys in a timely manner each time a product is offered (once or more annually, depending on the food). Schedules are subject to change. Weather conditions affect growth and harvest, and may delay or even cancel orders. Quality standards in product and packaging are required, and producer failure to meet standards may delay or cancel orders. Problems may occur in shipping that delay or reroute delivery. Management requires vigilance.

1. Wisconsin has three designated warehouse destinations for USDA commodities:

- a. The Hunger Task Force (Milwaukee), which stores and distributes food to approximately 70 TEFAP outlets in Milwaukee County
- b. The Northern Warehouse (Eau Claire), which ships food monthly to La Crosse, Monroe, Wood, Waushara, Outagamie and Calumet Counties and all counties to the north
- c. The Southern Warehouse (Madison), which ships monthly to Vernon, Juneau, Adams, Marquette, Green Lake, Winnebago, Fond du Lac, Sheboygan and counties south (except Milwaukee)

2. Surveys influence the content of county food orders:

Based on warehouse inventory, DPI surveys the EFOs to determine which foods to pull from storage and pack on trucks for county delivery. Through EFOs, DPI offers each county a percentage of the commodities available to the entire state based on the number of low-income and unemployed people who live there. Regional EFOs will usually give food to outlets based on the number of people served monthly or similar criteria. EFOs also may adjust the amount of food for an outlet based on the outlet's inventory, local demand, availability of private food, and storage capacity.

3. Generally, DPI makes one monthly shipment to each county, except occasionally during summer months when Wisconsin sometimes receives "Bonus" offers of fresh produce. Such offers are separate shipments. When USDA offers such bonuses to Wisconsin, *WISCAP extends these "bonus" offers only to counties in which this perishable food can be quickly distributed or properly stored for rapid, subsequent distribution.*

4. Outlets receive monthly food allocations in one of five ways:

- a. *Outlets meet the DPI truck on delivery day at the county's designated drop site, immediately load their share, return to their outlets and unload.*
- b. *Outlets retrieve their allocation from the designated county drop site on delivery day or soon after (at either an EFO warehouse or another TEFAP outlet willing to temporarily store food for other outlets) and load their designated portions of the shipment.*
- c. *On delivery day, the county shipment goes directly to the only outlet in the county, where the manager is responsible for verifying the order and unloading with help from staff/volunteers.*
- d. *The EFO receives one or more county shipments at its own warehouse, then loads outlet allocations and trucks them to their final destination outlets on a preset schedule. The EFO bears the extra expense of loading/unloading, warehousing, and transportation. Staff and volunteers at the receiving sites are responsible for unloading.*
- e. *The EFO rents warehouse space and accepts shipment for one or more counties. The EFO then allows outlets to retrieve their food order within a predetermined window of time. The EFO bears the extra cost of warehousing. Outlets are responsible for loading and unloading.*

D. Delivery discrepancies for outlets that pick up their monthly commodity allocations

Your EFO will provide you with a monthly list of products and expected amounts you will be receiving (or will give you a list of selections you've made). When you receive your order:

1. Have a copy with you (or obtain a receipt after you have selected your order).
2. Check that your order is complete. Be sure that your allocation does not contain:
 - a. Less product than your order indicates.
 - b. Product that appears to have been damaged in shipping.
 - c. Product that appears to be "out-of-condition" (see E. below).

If any part of your order is short, damaged or "out-of-condition," write a *brief description* of the problem and the *amount* of the product missing or compromised. Record the product name, product brand, product weight/size, lot code, and date code. Send it to your EFO immediately.

E. Addressing delivery discrepancies for outlets that directly receive a county shipment

1. Have a copy of the DPI order with you.

2. Check that the county order is complete. Be sure that your order does not contain:
 - a. **Excessive product.** The driver should take the excess.
 - b. **Incorrect product.** The driver should remove product not included in the written order.
 - c. **Less product than the order indicates.** If the order is short, on your copy and the driver's copy of the orders, *you should write the number of missing cases next to each product, have the driver initial next to each product and then have the driver sign and date the copies.* The driver will take his/her copy; relay yours to your EFO immediately.
 - d. **Product that appears to have been damaged in shipping:** If you see the damage at delivery, on your copy and the driver's copy of the delivery order, ***you should write the visible damage to the product next to each product, have the driver initial next to each product and then have the driver sign and date the copies.*** The driver will take his/her copy. Relay a copy to your EFO immediately. *Despite damage, you must accept the entire shipment.* Your EFO will provide guidance for documenting damage and disposing of the product. Record the product description, description of problem, date of delivery, quantity of product, quantity of product remaining from that particular delivery, sales order number and purchase order number. Include the "establishment number," which is the USDA code that indicates the source of the product.
 - e. **Be sure your order does not contain product that appears to be "out-of-condition."** If any part of the order is "out-of-condition," you may not be aware of it at the time it arrives. As soon as you find a problem, follow the instructions below (See 2.E.)
3. **Your EFO must enter loss/shortage into the Wisconsin USDA Foods Ordering System** operated by DPI **by the 15th of the month** following a food shortage, damage, or "out-of-condition" loss of product, *or DPH will not receive a fiscal adjustment and your outlet will not be eligible for replacement product.* Based on the submitted adjustments, DPI will reconcile discrepancies with the trucking company and warehouse. If the trucking company disagrees with the discrepancy, it will provide a proof of delivery document to DPI. *If you and the EFO follow protocol correctly, your outlet may receive replacement product and DPH will recoup storage/shipping costs associated with the mistake or damage.*

F. "Out-of-condition" food (food production defects or improper storage)

Examples of "out-of-condition" product include leaking or bulging cans, frozen product with freezer burn or failed packaging, and dry goods infested with insects. *"Out-of-condition" defects are not the responsibility of the driver, trucking company, or warehouse. Do not dispose of these products without instruction.* Record the package information and quantity of the ruined portion. Photograph (quantity and visible detail), then follow EFO instruction for disposal. The EFO will file form F-40063 (Commodity Complaint) with DPH within 15 days and WISCAP will report losses to USDA on WBSCM. You *may* receive replacement product (if it is available).

G. Food storage requirements

Food storage requirements are universal and apply to TEFAP commodities AND matching food. EFOs are responsible for inspecting food storage areas and ensuring that all food distributed by TEFAP outlets is safely and appropriately stored.

1. **Outlets must record storage temperatures.** Recording dates may vary, depending on the frequency with which the outlet is open, but at minimum, all outlets should record temperatures on distribution days. Equipment temperatures should be taken and recorded before public food distribution begins.

Frozen = 0 degrees Fahrenheit or cooler. (A minimum of one freezer is required.) Even if freezers have external thermometers, adding an internal thermometer is recommended, because in the event of a power failure, you can still determine whether the interior temperature has held. Gaskets and seals must be clean and functional; if they are cracked, they must be replaced.

Refrigerated = within the range of 35 to 41 degrees Fahrenheit. (Refrigerators are not required by TEFAP but are recommended.)

Dry storage (all shelf or bin-stored food) = between 50 and 70 degrees Fahrenheit. Storage areas that are climate-controlled may use the thermometer in the thermostat that controls the space. Dry storage areas that are not climate-controlled tend to be the most common storage challenge among food distribution outlets. These areas also have uncontrolled fluctuations in humidity; increases in humidity accelerate mold and spoilage. *This is usually exacerbated if the heat generated by refrigerators and freezers is not exhausted to the building exterior.* In these situations, temperatures near the ceiling tend to be measurably higher in warm weather. *Dry storage temperatures in uncontrolled areas should be taken at the hottest times of day, using a thermometer within two feet of the ceiling* to record temperature spikes to which the food is subjected. Dry storage temperatures should not vary more than 10 degrees from the accepted range, and food should not be subject to changes in humidity that support mold growth and accelerate decomposition. Outlets with temperature swings greater than 10 degrees must demonstrate they are taking reasonable steps to address the problem, such as:

- Move highly temperature-sensitive products (such as UHT milk, raisins, dried fruit, and bread mix containing yeast) to a cooler location. Raisins and dried fruit are warehoused in refrigerated areas and it is advisable to provide them with similar storage in food pantries.
- Increase ventilation using fans.
- Install exhaust fans near refrigerators and freezers.
- Quickly distribute food and minimize storage time.

Long-term measures may require installation of air conditioning and insulation, or relocation of food storage. Your EFO will work with you on solutions.

2. **Practice “first in; first out” (FIFO) inventory, distributing oldest product first.**

Outlets should not exceed a two- to three-month supply of most products. If inventory of a TEFAP product exceeds that amount, the EFO may adjust subsequent orders.

3. **Separate certain products to prevent potential contamination.** In refrigerators and freezers, separate prepared foods from raw foods that require cooking. Contaminants from package exteriors can be transmitted to the exteriors of packaged foods that may be eaten raw. For example, products such as frozen raw chicken and frozen blueberries (which are usually consumed without cooking) should be separated in a freezer with a barrier between them, or stored in separate freezers. Similarly, prepared refrigerated products (such as ready-to-eat sandwiches) should not be stored in a refrigerator adjacent to or on shelves below raw product that requires cooking.
4. **Maintain required circulation space around stored food.** Food in dry storage as well as food stored in walk-in refrigerator and freezer units must be at least six inches from the floor, four inches from the walls, and two feet from the ceiling. This enables air circulation (necessary for efficient equipment function), prevents cold/humidity in dry storage areas from transferring through walls and floors to food, and keeps food out of the hottest part of storage

areas (ceilings). EFOs may make exceptions to these requirements based on particular situations. (Example: A climate-controlled pantry with very limited storage may be allowed to store food closer than two feet from the ceiling.)

5. **Separate cleaning supplies and chemicals from food.** Shelves must be free of toxic items.
6. **Walls, ceilings, and floors must be free of hazards.** Peeling paint or asbestos wrapping around pipes is unacceptable in food storage areas or areas in which the public, volunteers, or staff are working. Standing water and slick floor finishes pose a hazard. Pipes that generate heat or cold must be insulated, and insulation must be intact.
7. **Pest control strategies must be in place.** This includes regular inspections and treatment (rodent traps/fly strips/insect traps). Outlets may contract with a pest control service or perform the function with staff and/or volunteers, and log inspection dates.
8. **Produce may not be stored outside a pantry;** it attracts vermin. Dumpsters and garbage should be emptied frequently.
9. Protect commodities from access and theft by unauthorized persons.

H. The USDA offers guidance on “sell-by,” and “best-if-used-by” dates on consumer products available in retail stores. (Appendix G.)

Because TEFAP requires *a match of food of equivalent value*, purchased or donated food that is past its “sell-by” or “use-by” date may not be used as match (unless fresh product was frozen on or before its “sell-by” or “use-by” date and is subsequently distributed before freezer storage causes damage). TEFAP outlets that distribute outdated products do so at their own risk. If a USDA product contains a “use-by” date and the outlet fails to distribute the product before that date, the EFO will reduce food shipments to that outlet, and in the case of egregious or continuing failure to distribute product quickly, an outlet may lose its TEFAP agreement.

I. Commodity loss (at the outlet or EFO warehouse)

Acts of nature (such as storms, lightning strikes, flash floods) may result in a loss of USDA commodities. Sometimes, human failure causes food loss (over-packing a freezer; negligence in replacing failing equipment, knowingly storing food in high or low temperatures; equipment inexplicably unplugged; or theft due to negligence). *Immediately notify your EFO of ANY TEFAP commodity loss, regardless of the cause or the value of the lost product.* The EFO must then file form F-40062 (Commodity Loss Report) with DPH within 15 days of the loss discovery. The EFO will work with DPH to recover the value of food lost due to fraud, theft, or negligence.

J. Transferring commodities between TEFAP outlets

Transferring commodities between TEFAP outlets may be facilitated by your EFO if such transfer is necessary to use products in a timely manner. Such transfer most often occurs if an outlet fails to provide the EFO with its monthly information on product usage and service to households. Transfer adds shipping costs and additional labor to the program, and occurs only to avoid waste. If your outlet is offered additional product that is surplus from another outlet, be sure that you have the capacity to distribute the additional product.

IX. Resources

As a member of the TEFAP network, your first contact with questions or concerns should be the EFO with which you signed your TEFAP Outlet's Site Agreement.

For additional assistance, you may contact Wisconsin Food Security Unit Supervisor, Jennifer Putzer at:
Wisconsin Department of Health Services
1 West Wilson Street, Room 243, Madison, WI 53701-2659
Office phone: 608-867-4666
Email: jennifer.putzer@dhs.wisconsin.gov

- For TEFAP operations, go to: <https://www.dhs.wisconsin.gov/nutrition/tefap/forms.htm>
- For information on USDA Food and Nutrition Services: <http://www.fns.usda.gov/tefap> and <http://www.fns.usda.gov/cr/and-justice-all-posters>
- For links to food safety information: <http://www.foodsafety.gov>
- For information on FoodShare, go to: <https://access.wisconsin.gov>
- For information on school nutrition programs, go to: <http://dpi.wi.gov/school-nutrition>
- For information on Women, Infants and Children (WIC), go to: <https://www.dhs.wisconsin.gov/wic/index.htm>
- For information on Senior Dining sites, go to: <https://www.dhs.wisconsin.gov/aging/nutrition.htm>
- For information on the Senior Farmers' Market program, go to: <https://www.dhs.wisconsin.gov/wic/fmnp/senior.htm>
- For information about improving the quality of nutrition and food safety in food pantries and soup kitchens, go to <http://fyi.uwex.edu/safehealthypantries>
- For information on the Commodity Supplemental Food Program (CSFP), go to: <https://www.dhs.wisconsin.gov/nutrition/csfp.htm>

Appendix A: To Our Pantry Participants:

Our Mission:

Our mission is to supplement food for your household by offering you nutritious, healthy food at no cost to you while you are in need.

Our Pledge:

We hope a day will come when affording food is no longer a challenge for you. Until then, we will do our best to help by providing supplemental food for your household.

Because we cannot be your sole source of food, we recommend you explore eligibility for FoodShare; school breakfast and lunch; the Women, Infants and Children (WIC) Program; Senior Dining, or other resources to make your household more food secure. You may use our pantry while you are enrolled in other programs.

Your Responsibilities as a Pantry Participant:

1. Provide proof of address when you apply and an ID each time you pick up food.
2. Provide documentation for each member of your household at application or as soon as possible thereafter (by no later than the third visit).
3. Take only what you need. Check your food before you leave and please don't go home with food you know you won't use.
4. Be honest about your household size. Tell us if someone has moved out. When someone joins your household, provide their name, birthdate and bring a copy of their documentation as soon as you can.
5. Keep us up to date with your address and contact information.
6. Be kind and courteous to everyone while you are here.
7. Children are welcome; you are responsible for them while they are here.
8. Please don't use your cell phone while you are here.
9. If you have a concern about something we do or don't do, please speak to our manager in private. We may ask you to leave if your conduct is inappropriate.
10. Please do not bring pets, alcohol, drugs, or weapons to the pantry with you.
11. Notify us immediately if there are any problems with the food we provided.

Appendix B: TEFAP LEP Assessment Summary for Food Pantries, Soup Kitchens and Shelters

Determining where TEFAP outlets are likely to require signage and F-40059 and F-40059A (mobile pantries only) forms in specific languages in FFY 2023.

All TEFAP outlets must have capacity to provide language interpretation services for any individual who does not speak or understand English. In addition, service areas in which, 1,000 or more people are members of an LEP language group, **or** areas in which 5 percent or more of the population is in a particular LEP group, the outlet must also ensure that signage and essential documents (TEFAP Application—form F-40059/A, civil rights postings, and exterior and interior signage and notices must also be available and posted in that language.

Review the table below. Determine whether your service county is included as an LEP county for a particular language. If your outlet serves the entire county, ensure that your outlet has TEFAP applications in the corresponding languages. Then check your signage to ensure that your posted hours, after-hours contact information, and exterior sign identifying your outlet as a pantry or meal site is posted in those languages.

The LEP requirement applies only to your designated service area.

If your designated service area is a portion of a county, such as one or more zip codes, school districts, cities, or towns, the LEP rule of 1,000 person or 5 percent of the population speaks English “less than very well” may (or may not) exempt your service area. To determine, go to

<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

Spanish	Hmong	Russian
Brown	Brown	
Dane	Dane	
Dodge		
	Eau Claire	
Fond du lac		
Jefferson		
	La Crosse	
Kenosha		
	Manitowoc	
	Marathon	
Milwaukee	Milwaukee	Milwaukee
Outagamie		
	Portage	
Rock		
Sauk		
Sheboygan	Sheboygan	
Walworth		
Washington		
Waukesha		
Winnebago	Winnebago	

Appendix C: TEFAP Confidentiality and Non-Disclosure Agreement

Staff and/or Volunteer working at TEFAP Distribution Outlets

As a staff member, or volunteer at a food distribution site that participates in The Emergency Food Assistance Program (TEFAP), I understand that I am working in a program operated under the authority and policies of the Wisconsin Department of Health Services. As I assist qualifying individuals with access to federal commodities and matching food, I understand that I must maintain in strict confidence all of the Personally Identifiable Information (PII) that belongs to individuals and households receiving food assistance. I have a legal and ethical responsibility to protect the confidentiality and security of all persons and their protected information as

I carry out my duties. I understand that PII may include (but is not limited to) names of participants; information about their household compositions, dates of birth, addresses, and telephone numbers. I understand that confidential information may be oral, printed or electronic and that I may not identify food pantry participants to others or discuss their usage of the food pantry with others. I understand that both state and federal law and the policies of the Department protect the confidentiality of TEFAP participants and members of their households.

I will keep confidential individual and household information that I may obtain either directly or indirectly during the course of my work as I support distribution of TEFAP commodities.

Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed
Print name	Signature	Date signed

Outlet Managers should keep this document on file and obtain an annual signature to renew awareness of the importance of confidentiality.

Appendix D: Guidelines for Managing Concerns about Possible Pantry Misuse: Wisconsin TEFAP Outlet Operator's Manual 2022-2023

When Congress created The Emergency Food Assistance Program (TEFAP), it intended to provide simple access and minimal bureaucracy to quickly distribute food commodities to qualifying, low-income households. Recipients self-declare income to establish eligibility; USDA prohibits participating pantries from requiring proof of income, requesting social security numbers or personal information not found on the TEFAP form. Wisconsin also protects the confidentiality of TEFAP recipients; **information about individual pantry users may not be shared among pantries**. Most TEFAP recipients are honest persons struggling with food insecurity, but occasionally you may encounter a situation that causes concern. It is never appropriate for volunteers to “investigate” situations; please consult with your Pantry Coordinator if issues arise. The following chart guides appropriate responses.

What Should I Do If...	Volunteer Response
A. I believe someone is selling food they received from my pantry?	If you witness a specific incident (or one is reported to you by an eyewitness), immediately communicate the details (who, what, where and when) to the Pantry Coordinator, who will relay it to their EFO, and then work with the EFO to determine appropriate follow up. They may have a conversation with the person who observed the incident; they may talk with the pantry user. It may result in a warning letter or a report to the Department of Health Services and/or law enforcement. You will be asked for detailed facts. Avoid speculation or rumor. Report what you know and let management handle it.
B. I believe that someone serving as proxy is taking food that is intended for a homebound person?	If a homebound TEFAP recipient reports that they've not yet received an expected food package that has already been picked up and signed for by their Proxy, you should communicate this to your Pantry Coordinator. They will follow up with the homebound individual to determine if there is a problem, and if there is, work with the homebound TEFAP recipient to determine whether the current Proxy should continue or be replaced.
C. I believe that someone is misrepresenting their income?	TEFAP income is self-declared based on current income (of up to 185% of the federal poverty level). People's circumstances may suddenly change (job change or loss, death, divorce, illness causing depletion of assets, expansion of household—or a combination of factors). <i>This may not be apparent by simply looking at someone.</i> Individuals may have assets but not income. So for example, a late model car driven to the pantry may not be an indication of the person's current financial circumstances. Communicate your concerns to the Pantry Coordinator; they may choose to privately review the TEFAP form with the pantry patron, including the language that certifies the individual is accurately representing their current income.
D. I believe that someone may be misrepresenting the number of members in their household? Their address? Their identity?	Families experience fluctuations in the number of people living in their households. If you have concerns, have the participant tell you the names and ages of the people who live in their household, and check it against the application form. Perhaps their household needs more food than you offer. Ask if their needs have increased, and whether they are eligible for other nutrition programs (such as FoodShare, WIC, school nutrition, community meals). If they need more food and the pantry, you can choose to increase their supply. Conversely, if your pantry's supply is limited and running low, you may determine that you need to reduce the size of household food allocations to respond to the limits. You can post information for pantry users that reminds them that they are on the honor system—and if they misrepresent their household size, address or identity—it may affect your pantry's ability to provide food to others.
E. I am asked for more food?	Acknowledge their need and give them more food if that is possible. Ask them if have applied for FoodShare. If they have children under the age of five years, they may be eligible for WIC. If there are free meals in your community, give them information about the times and locations. See if you can offer them other options.

F. I believe that someone has very recently obtained food from other pantries?	People who visit multiple pantries generally do so because the 3-5 day per month package is insufficient to meet their needs. Begin with this assumption. If you want to help, take them aside and ask them if they need more food. If they do and if you are able, give them more. Talk to them about FoodShare and other sources of food. If they are truly in need, this may help them; if not, talking may effectively discourage this. If your concern continues, tell your pantry coordinator but do not attempt to “investigate.” In keeping with TEFAP confidentiality policies, no food pantry may share Personally Identifiable Information (PII) about any individual participants with any person or organization—including but not limited to—another food pantry.
G. I believe that pantry users are trading food themselves?	Unless you feel someone is coercing someone else, ignore it. If your pantry patrons find a way to use their food that suits them better than the package you’ve prepared for them, don’t worry about it.
H. I believe that someone is selecting my pantry instead of using their local pantry because we have better food or service?	First, congratulations! You’re volunteering for a pantry that people clearly like. Find out why they are using your pantry instead of one closer to home. If your pantry hours and location are more convenient for them, you can choose to continue serving them. If you feel that their choice to use your location is adversely affecting others, you can choose to redirect them to their “home” pantry and cease serving them in future.
I. I see someone taking more food than they’re supposed to take? Taking food without asking?	Keeping in mind that hungry people are sometimes desperate, you have several options. You could take that individual aside ask them if they need more food. You could tell them what you thought you saw and ask them to stop. Or you could simply ignore it. Talk to your Pantry Coordinator about the best approach.
J. Someone refuses a food?	Take it back. If they will not use it, now is the best opportunity to divert the food back into the pantry.
K. I believe someone is intoxicated or high?	People who have addictions and behavioral health issues need to eat like everybody else. Members of their household—including children—need to eat too. Unless they are a threat to you, serve them. It would be appropriate for the Pantry Coordinator to take them aside and tell them that you would prefer they not come in high or intoxicated. If they have driven to the pantry, recommend to them that they NOT drive home; find them a ride if you can. If you are concerned they might injure themselves or someone else by driving, the Pantry Coordinator may (or may not) warn them that s/he will call law enforcement if they attempt to drive.
L. Someone swears at me or is rude to me? Someone threatens me?	If you encounter threatening or obnoxious behavior, you have the right to ask that person to refrain from it. If they will not, you can ask them to leave. If you feel uncomfortable doing that, call in the Pantry Coordinator to assist you. If you are alone or feel physically threatened, call 911. Whether the individual has a mental illness, is abusing a substance or simply ornery, you have the right to be safe. The Pantry may choose to send a warning letter that any such behavior in the future may result in denying them access to the Pantry. A food pantry must not permanently deny access to any individual without first consulting with your EFO.
M. Someone refuses to fill out the form?	There are reasons someone may refuse. They may not be literate. They may be undocumented. They may have a mental health problem. If they are willing to provide you with the information you need to serve them, read the form to them and complete it on their behalf. Applicants MUST sign, initial or mark the application form to indicate that they understand the rules of the program and the disclaimers on the application.

Appendix E: Temperature Log

DEPARTMENT OF HEALTH SERVICES

Division of Public Health

F-01658 (11/2015)

STATE OF WISCONSIN

TEMPERATURE LOG

[illegible]

Appendix F: Food Pantry Maintenance Log

DEPARTMENT OF HEALTH SERVICES

Division of Public Health

F-01659 (11/2015)

STATE OF WISCONSIN

FOOD PANTRY MAINTENANCE LOG

As maintenance is performed enter date completed, name of person completing, and put an 'X' in the maintenance done.

[illegible]

Appendix G: USDA Guidance: Dates on USDA Foods for Use in Inventory Control

Q: How can I effectively manage my inventory to ensure quality products are being served?

A: The most basic rule of inventory management is first-in-first-out (FIFO)...foods delivered to the warehouse first (first in) should be the first items distributed to recipient agencies (first out).

You can achieve an acceptable level of accuracy by **marking the pallets, or cases if you receive mixed pallets, with the date you receive them and practicing FIFO**. This will significantly reduce the risk of product going out of condition. Also, consider the amount of product already in inventory. Excessive inventory increases the risk of product going out of condition.

Storage conditions have a significant impact on the quality of food products. The same product will last for different periods of time depending on the temperature of the warehouse, the humidity level, and air circulation. In general, cool temperatures and low humidity provide the best storage conditions. Store food off the floor and away from contact with walls and ceilings.

Q: How can I tell when a product has gone out of condition? Is there a single date I can refer to?

A: Experts disagree how long a product can be kept in storage before it goes out of condition. There is no single date before which most products must be used, and after which they must not be used. Unfortunately, it's not that simple. The exception is infant formula. Infant formula and some baby foods are unique in that they must not be used after the "use-by" date that appears on the case and unit.

Some commercial products may display recommended quality dates.

A "**best-if-used-by**" date means that the manufacturer recommends using the product by this date for the best flavor or quality. At some point after that date, the product will change very gradually in taste, color, texture, or nutrient content. But, the product may be wholesome, nutritious, and safe long after that date. You may also see a "**sell-by**" date on a food product. This means the manufacturer recommends that a store sell the product by that date. It is assumed that the product may then be stored for some period of time before it is used. Therefore, a "sell-by" date would be reached earlier in the life of a product than a "best-if-used-by" date.

A "**pack date**" indicates when the product was packaged and processed. It is important to understand that a "pack date" several months old does not mean the product is old. For example, peas - which are generally harvested and processed during June and July - may reflect one of those months plus the year of pack. Therefore, if a shipment arrives in March, the "pack date" will be from the previous year. Recipients may think they are getting an old product because of the 9-month-old date, but the product is wholesome and of good quality. In fact, it is the same domestic product that would be found on the grocer's shelf at that time. This is true for most domestic fruit and vegetable products because they are harvested during the spring and summer months.

These various dating systems do not represent expiration dates, and they do not indicate when product safety becomes an issue. However, these dates can affect your customer's willingness to accept the product. Your inventory should be managed to prevent products that have reached their "best-if-used-by" or "sell-by" dates from being offered to your customers.



My pledge in exchange for the food I receive today:

- I declare that the combined, gross income of all the members of my household is less than the income limits posted by this pantry; and
- I declare that the names I provided as my household members are the persons actually living in my house and that they are the only persons with whom I will share the food that I receive from this pantry; and
- I release this pantry, the USDA, the State of Wisconsin and its agents from any liability resulting from my receipt and use of this food; and
- I declare that the information I provided is true and correct; and
- I understand that false certification may require me to repay the value of the benefits I receive, and may also cause me to be charged and prosecuted under state and federal laws.



Mi promesa a cambio por la comida que recibo hoy:

- Declaro que la combinada, los ingresos brutos de todos los miembros de mi familia es inferior a los límites de ingresos publicados por este despensa; y
- Declaro que los nombres provisto como los miembros de mi hogar son las personas que realmente viven en mi casa y son las únicas personas con quien comparto el alimento que recibo de esta despensa; y
- Libero a esta despensa, el USDA, el estado de Wisconsin y sus agentes de cualquier responsabilidad derivada de mi recibo y uso de este alimento; y
- Declaro que la información que he proporcionado es verdadera y correcta; y
- Entiendo que la certificación falsa me puede requerir para pagar el valor de los beneficios que recibo, y también puede causar que me van a cobrar y procesado bajo las leyes estatales y federales.



Kuv cog lus nyob rau hauv pauv rau cov zaub mov uas kuv tau txais hnuv no:

- Kuv lees tias lub neej coj, tag nrho cov nyiaj tau los ntawm tag nrho cov neeg hauv kuv tsev neeg yog tsawg tshaj li cov nyiaj tau los txwv muab tso rau ntawm no pantry; thiab
- Kuv lees tias cov npe kuv muab raws li kuv tsev neeg yog cov neeg ua tau nyob rau hauv kuv lub tsev thiab hais tias lawv yog cov tsuas neeg uas kuv yuav qhia cov zaub mov uas kuv tau txais los ntawm qhov no pantry; thiab
- Kuv tso no pantry, lub USDA, lub xeev Wisconsin thiab nws cov neeg ua hauj los ntawm tej kev lav los ntawm kuv tau txais daim ntawv thiab siv cov khoom noj no; thiab
- Kuv lees tias cov lus qhia txog kuv muab yeej muaj tseeb thiab muaj tseeb; thiab
- Kuv to taub hais tias tsis muaj tseeb ntawv pov thawj yuav tsum tau them rov qab rau kuv tus nqi ntawm cov kev pab uas kuv tau txais, thiab tej zaum yuav kuj ua rau kuv yuav tsum tau them thiab raug plaub ntug raws li lub xeev thiab tsoom fwm teb chaws cov cai lij choj.



Мой залог в обмен на еду, которую я получаю сегодня:

- Я заявляю, что в сочетании валовой доход всех членов моей семьи меньше, чем пределы доходов, размещенные в этой кладовой; и
- Я заявляю, что имена я, предоставляемые в моих членов семьи являются лица, на самом деле, живущих в моем доме, и что они являются единственными лицами, с которыми я поделюсь пищу, я получаю от этой кладовой; и
- Я освобождаю эту кладовую, Министерство сельского хозяйства США, штат Висконсин, и его агенты от любой ответственности в результате моего получения и использования этой пищи; и
- Я заявляю, что информация, которую я при условии, верно и правильно; и
- Я понимаю, что ложная сертификация может потребовать, чтобы я погасить стоимость льгот, которые я получаю, а также может заставить меня быть заряжен и судебному преследованию в рамках государственных и федеральных законов

from Religious Organizations

The Emergency Food Assistance Program (TEFAP)

TEFAP Provider (Outlet Name): _____

Name of Contact: _____

Phone: _____

Email/ mailing address for TEFAP Contact: _____

- Because TEFAP is supported part by financial assistance from the Federal Government, as required by Title 7 CFR part 16., we must provide this written notice that:
- We may not discriminate against you on the basis of religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice; and
- We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary; and
- We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance; and
- If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and
- You may report violations of these protections (including denials of services or benefits) by a food pantry or meal site to the Wisconsin Department of Health Services (below), which will respond to the complaint and report the alleged violations to the USDA FNS Regional Office in Chicago (<http://www.fns.usda.gov/fns-regional-offices>).

Alternate Service Location with address, hours of operation and contact information:

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Questions? Contact DHSTEFAP@dhs.wisconsin.gov

This institution is an equal opportunity provider.

Appendix M: Posted Information Required of Wisconsin TEFAP Outlets: Federal Fiscal Year 2023

This is a complete list of all required postings at TEFAP outlets for Federal Fiscal Year 2023.

Posting for Shelters (all postings are interior):

1. The “**And Justice for All**” poster for Civil Rights in a location visible to the public
2. **New: Notice of Beneficiary Rights** for Persons Receiving Food from Religious Organizations

(This is required only if the meal site is hosted in or affiliated with a religious organization. In that case, post Appendix L of this manual.) Shelters must add alternative service information at the bottom.




Posting for Meal Sites: (exterior and interior postings):

1. On the exterior, on or near the entry door
 - a) **Emergency phone number** for people seeking food when the meal site is not open (In English and any LEP languages that apply to the population of the service area. Can be 211)
 - b) **Days and hours of service** (In English and any LEP languages that apply to the populations of the service area)
 - c) **Signage indicating that this is a meal site** — sign should be visible from the street. (In English and any LEP languages that apply to the population of the service area)
2. On the interior, visible to the public
 - a) The “**And Justice for All**” poster for Civil Rights in a public location
 - b) **New: Notice of Beneficiary Rights** for Persons Receiving Food from Religious Organizations (This is required **only** if the meal site is hosted in or affiliated with a religious organization. In that case, post Appendix L of this manual, and add an alternate service location at the bottom.)

Postings for Food Pantries:

1. On the exterior, on or near the entry door
 - a) **Emergency phone number** for people seeking food when the food pantry site is not open (In English and any LEP languages that apply to the population of the service area, can be 211)
 - b) **Days and hours of service** (In English and any LEP languages that apply to the populations of the service area)
 - c) **Signage indicating that this is a food pantry** — sign should be visible from the street. (In English and any LEP languages that apply to the population of the service area)
2. On the interior in a publicly visible location
 - a) **Current household income limits** for participation (EFOs email to pantries in early spring)
 - b) Green “**And Justice for All**” poster
 - c) **Pantry Pledge** (In English and any LEP languages that apply to the population of the service area. This is required **only** if the Pantry maintains electronic records and does not obtain a participant signature during its application process. Pantries with paper records may opt to post this.)
 - d) **Notice of Beneficiary Rights** for Persons Receiving Food from Religious Organizations (This is required **only** if the meal site is hosted in or affiliated with a religious organization. In that case, post Appendix L of this manual, and add an alternate service location at the bottom.)

TEFAP Wisconsin Household Income Eligibility Guidelines

<h2>English and Spanish</h2> <div> <div> DEPARTMENT OF HEALTH SERVICES Division of Public Health P-400591 (09/05/22) </div> <div>  </div> <div> <p>The Emergency Food Assistance Program (TEFAP)</p> <h3>Wisconsin Household Income Eligibility Guidelines 2022/2023</h3> <h3>Patras de Elegibilidad de Ingresos del Hogar de Wisconsin 2022/2023</h3> <p>TEFAP Applicants will declare income eligibility by determining that their combined household income is equal to or less than the amounts shown in the table below. Proof of income is not required or allowed to enroll in TEFAP.</p> <p>Los solicitantes del TEFAP declaran por sí misma elegibilidad de ingresos al determinar que sus ingresos combinados del hogar son iguales o inferiores a las cantidades que figuran en la tabla siguiente. No se requiere ni se permite la prueba de ingresos para inscribirse en TEFAP.</p> </div> </div> <table> <tr> <th>Household Size Tamaño del Hogar</th><th>Combined Household Annual Income Ingresos Anuales Combinados del Hogar</th><th>Combined Household Monthly Income Ingresos Mensuales Combinados del Hogar</th><th>Combined Household Weekly Income Ingresos Semanales Combinados del Hogar</th></tr> <tr> <td>1 person/1 personas</td><td>\$27,180</td><td>\$2,265</td><td>\$523</td></tr> <tr> <td>2 people/2 personas</td><td>\$36,520</td><td>\$3,052</td><td>\$764</td></tr> <tr> <td>3 people/3 personas</td><td>\$46,060</td><td>\$3,838</td><td>\$988</td></tr> <tr> <td>4 people/4 personas</td><td>\$55,500</td><td>\$4,625</td><td>\$1,067</td></tr> <tr> <td>5 people/5 personas</td><td>\$64,940</td><td>\$5,412</td><td>\$1,249</td></tr> <tr> <td>6 people/6 personas</td><td>\$74,380</td><td>\$6,198</td><td>\$1,430</td></tr> <tr> <td>7 people/7 personas</td><td>\$83,820</td><td>\$6,985</td><td>\$1,612</td></tr> <tr> <td>8 people/8 personas</td><td>\$93,260</td><td>\$7,772</td><td>\$1,793</td></tr> <tr> <td>9 people/9 personas</td><td>\$102,700</td><td>\$8,558</td><td>\$1,975</td></tr> <tr> <td>10 people/10 personas</td><td>\$112,140</td><td>\$9,345</td><td>\$2,157</td></tr> <tr> <td>11 people/11 personas</td><td>\$121,580</td><td>\$10,132</td><td>\$2,338</td></tr> <tr> <td>12 people/12 personas</td><td>\$131,020</td><td>\$10,918</td><td>\$2,520</td></tr> </table> <p>To determine eligibility for households of more than 12 members, add \$9,440 per additional person per year. This value equals an additional \$787 per additional person per month.</p> <p>Para determinar la elegibilidad en los hogares de más de 12 miembros, añada \$9,440 dólares por persona adicional por año; este valor equivale a \$787 dólares adicionales por persona adicional por mes.</p>	Household Size Tamaño del Hogar	Combined Household Annual Income Ingresos Anuales Combinados del Hogar	Combined Household Monthly Income Ingresos Mensuales Combinados del Hogar	Combined Household Weekly Income Ingresos Semanales Combinados del Hogar	1 person/1 personas	\$27,180	\$2,265	\$523	2 people/2 personas	\$36,520	\$3,052	\$764	3 people/3 personas	\$46,060	\$3,838	\$988	4 people/4 personas	\$55,500	\$4,625	\$1,067	5 people/5 personas	\$64,940	\$5,412	\$1,249	6 people/6 personas	\$74,380	\$6,198	\$1,430	7 people/7 personas	\$83,820	\$6,985	\$1,612	8 people/8 personas	\$93,260	\$7,772	\$1,793	9 people/9 personas	\$102,700	\$8,558	\$1,975	10 people/10 personas	\$112,140	\$9,345	\$2,157	11 people/11 personas	\$121,580	\$10,132	\$2,338	12 people/12 personas	\$131,020	\$10,918	\$2,520	<h2>Hmong</h2> <div> <div> DEPARTMENT OF HEALTH SERVICES Division of Public Health P-400591 (09/05/22) </div> <div>  </div> <div> <p>The Emergency Food Assistance Program (TEFAP)</p> <h3>Wisconsin Household Income Eligibility Guidelines</h3> <h3>(Kev Tsim Nyog Tau Kev Pab Tsey Neeg Nyiaj) Tau Hauw Wisconsin)</h3> <h3>2022/2023</h3> </div> </div> <p> Cen Nyog Tau TEFAP nyiaj qhia nyiaj tau kev baw nyog tau kev pab cavc uab tawv neeg qhov nyiaj tau ua ka ka tau ho ua tau muaj D yam los yug muaj hmuaj qhia cov nyiaj kev law rau xwm tau. 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TEFAP Eligibility Certification (Mobile Pantries)

[illegible]

[illegible]



Civil Rights Requirements for The Emergency Food Assistance Program (TEFAP)

Jennifer Putzer

Food Security Unit Supervisor

For Federal Fiscal Year 2023

October 1, 2022 through September 30, 2023



Civil Rights Goals

- Equal treatment for all applicants and beneficiaries
- Knowledge of rights and responsibilities
- Elimination of illegal barriers that prevent or deter people from receiving benefits
- Dignity and respect for all



What is discrimination?

The intentional or negligent act of treating an individual or a group of individuals differently than others are treated, because of the individual's or group's actual or perceived membership in a protected class.



What is a protected class?

Any person or group of people who have characteristics for which discrimination is prohibited based on a law, regulation, or executive order.

TEFAP specifically prohibits discrimination for these protected classes:

- Race
- Color
- National Origin (includes Limited English Proficiency)
- Disability
- Age
- Gender identity and sexual orientation
- Having filed a prior civil rights complaint
- Religion



Discrimination = One or More of “The 3 Ds”

To avoid discrimination, avoid creating situations in which, *because of their membership in a protected class*, the people you serve could experience a:

1. **Denial** of benefits or services that others receive; or
2. **Delay** of benefits/services others receive; or
3. **Disadvantage due to different treatment** that creates a delay, denial, reduced or lesser service or benefits than others receive.



Examples of Discrimination Include Failure to:

- ♦ Provide reasonable accommodation to people with disabilities.
- ♦ Provide food and courtesy to all people at a time, place, or in a manner that treats them equally regardless of their perceived membership in a “protected category.”
- ♦ Provide the equal information, eligibility criteria and access to all participants and the public.
- ♦ Provide language interpretation for people who have Limited English Proficiency (LEP).



Essentials of Your Civil Rights Compliance

- Public notice that public food is available to people who qualify
- Reasonable accommodations for people who have disabilities
- Language assistance for individuals with limited English proficiency
- Civil rights complaint procedures
- Training for people serving customers
- Solid customer service
- Conflict resolution methods and skills



Civil Rights Posting at TEFAP Outlets

- Exterior: Post the hours and emergency contact number in English **and additional language(s) if the population in your service area** meets the threshold to trigger the Limited English Proficiency (LEP) requirement.
- Notice of beneficiary rights for person receiving benefits from religious organization.
- “And Justice for All” Poster (Green poster, AD-475A)



Civil Rights Posting at TEFAP Outlets (continued)

The USDA Nondiscrimination Statement for TEFAP is on the “And Justice for All” poster, the TEFAP application and page two of:
[Nondiscrimination Statement | Wisconsin Department of Health Services](#)

The “And Justice For All” Required Poster





Limited English Proficiency (LEP)

- Part of the National Origin protected category under Title VI of the Civil Rights Act of 1964
- Refers to individuals who do not speak English as their primary language and who speak and understand English “less than well”
- Need **capacity** to communicate in the native language of any person speaking English “less than well”
- Set-up an account in advance with a language assistance service that gives you that **capacity** (even if you never need to use it)

This “Notice of Beneficiary Rights” poster is required in TEFAP Outlets operated in a religious facility or operated under the 501(c)(3) IRS status held by a religious organization.

Appendix L: Notice of Beneficiary Rights for Persons Receiving Food from Religious Organizations

The Emergency Food Assistance Program (TEFAP)

TEFAP Provider (Outlet Name): _____

Name of Contact: _____

Phone: _____

Email/mailling address for TEFAP Contact: _____

- Because TEFAP is supported part by financial assistance from the Federal Government, as required by Title 7 CFR part 16., we must provide this written notice that:
- We may not discriminate against you ~~on the basis of~~ religion or religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice; and
- We may not require you to attend or participate in any explicitly religious activities that are offered by us, and any participation by you in these activities must be purely voluntary; and
- We must separate in time or location any privately funded explicitly religious activities from activities supported with USDA direct assistance; and
- If you object to the religious character of our organization, we must make reasonable efforts to identify and refer you to an alternate provider to which you have no objection. We cannot guarantee, however, that in every instance, an alternate provider will be available; and
- You may report violations of these protections (including denials of services or benefits) by a food pantry or meal site to the Wisconsin Department of Health Services (below), which will respond to the complaint and report the alleged violations to the USDA FNS Regional Office in Chicago (<http://www.fns.usda.gov/fns-regional-offices>).

Alternate Service Location with address, hours of operation and contact information:

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Questions? Contact DHSTEFAP@dhs.wisconsin.gov

This institution is an equal opportunity provider.



Best Practices for Serving Households with LEP

- Have language assistance service available.
- Use bilingual volunteers (from community-based organizations) or bilingual staff on-site.
(Confidentiality agreement and civil rights training required)
- Use interpreter from a public service that you arrange in advance, such as high schools, county human services, etc.
(Confidentiality agreement and civil rights training required)
- Participants may use a family member or friend, but outlets who receive TEFAP **should not rely on this as a strategy**; the TEFAP outlet must offer an interpreter free of cost to the person with limited English proficiency.



The Right to File a Complaint

- Any person believing they (or someone they know) has been discriminated against may file a complaint within 180 days of the alleged discriminatory action.
- Complaints should be filed directly with the United States Department of Agriculture (USDA). Complaints filed with DHS will be forwarded to the USDA.
- There are no “magic words.” A complaint may be verbal or written. It may be anonymous or self-identified.
- TEFAP Outlets aware a complaint has been filed **must** immediately notify both the EFO and DHS.



What happens with a filed complaint?

- Complaints alleging discrimination because of membership in a protected class must be forwarded **within three days to:** USDA Director Office of Civil Rights, 1400 Independence Avenue, SW Washington, DC 20250
- Outlets must provide complainants a *Civil Rights Complaint form* to complete (available on-line).
<https://www.ascr.usda.gov/ad-3027-usda-program-discrimination-complaint-form>
- Document civil rights complaints and notify your EFO and DHS of such a complaint.



Civil Rights Training for Personnel

- **All** persons with direct contact with TEFAP applicants or participants **must** receive **annual** training on all aspects of civil rights compliance.
- The content of this presentation meets the volunteer training requirement.
- Retain a dated record of the people who receive civil rights training, a copy of your training materials and agenda.



Questions on a Civil Rights Complaint Form Include:

- Who do you believe discriminated against you? (Person's name)
- What program? (Name and address of organization)
- What happened to you?
- When did the discrimination occur? (Date or dates)
- How would you like to see this problem resolved?
- Have you filed a complaint about this same incident with another federal, state or local agency, or a court of law? If yes, with which one(s) and when?



Each Time You Interact With Participants, Ask Yourself...

- Am I treating this person the way I want to be treated?
- Am I treating this person the same way that I treat other people?
- Have I explained the pantry rules or customer service policy so the participant knows what to expect?



Additional Resources

- Wisconsin Department of Health Services:
Civil Rights Compliance
<https://www.dhs.wisconsin.gov/civil-rights/index.htm>
- U.S. Department of Agriculture, Food and
Nutrition Service: Civil Rights
[Civil Rights | Food and Nutrition Service \(usda.gov\)](https://www.ams.usda.gov/civil-rights)



Thank you for your commitment and your service to your community!

For questions and feedback related to this presentation or to the TEFAP Program, contact your Emergency Feeding Organization (EFO); or contact Jennifer Putzer, Food Security Unit Supervisor at jennifer.putzer@dhs.wisconsin.gov