

Senior Farmers' Market Nutrition Program



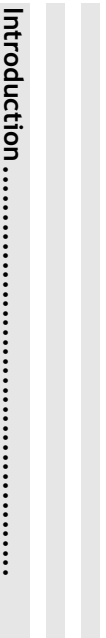
Local Agency Staff Manual

P-02652 (02/2023)

Table of Contents

Introduction	1
Who to Call for Help	2
Definitions	3
Confidentiality	5
SFMNP Applicants and Participants	5
Vendor Information (i.e. Farmers, Market Managers).....	5
Questions	5
Administration	6
Goals	6
Federal, State, Local Agency Roles	6
State/Local Agreement.....	6
Local Agency Agreement with Other Partners/Agencies	6
WIC Farmers’ Market Nutrition Program	7
Commodity Supplemental Food Program (CSFP).....	7
Quick Overview: Local Agency Responsibilities	7
Training Staff and Volunteers	7
Required Civil Rights Training and Documentation.....	7
Nondiscrimination Policy	8
Nutrition Education	9
Complaints	10
USDA Reporting Requirements.....	10
Record Retention.....	10
Surveys.....	10
SFMNP Checks & Distribution Process	11
How SFMNP Check Allocations are Determined	11
SFMNP Check Sample	11
Quick Overview: SFMNP Checks	11
Receiving and Storing Checks.....	11
SFMNP Check Issuance Log.....	11
First Come; First Serve Distribution	12
Who is Eligible to Receive SFMNP Checks.....	12
Authorized Representative (or Proxy).....	12
When to Issue SFMNP Checks	12
Where to Issue SFMNP Checks	12
Notification of Distribution Sites.....	13
Preventing Dual Participation	13
Eligibility Agreement Form	13
Determining Eligibility.....	14
15 Day Notification of Eligibility	14
Ineligibility Notice	14
Waiting List	14
Materials to Provide to SFMNP Participants	15
Verbal Instructions to SFMNP Participants.....	15
Participant Rights and Responsibilities.....	16
Quick Overview: How to Issue SFMNP Checks	16
Mailing SFMNP Checks	16
Checks Issued, But Not Spent.....	17
Lost or Stolen Checks	17
Checks Not Issued	17

Farmers’ Markets, Farmstands, and Farmers.....	18
Vendor Coordination with WIC	18
Farmers’ Market Definition	18
Farmstand Definition	18
Farmers’ Markets and Farmstands Listing for Participants	18
How Can I Help Get a Farmers’ Market or Farmstand Approved?	18
Farmer Eligibility	19
Annual Farmer Authorization Process	19
How New Farmers Apply	19
Farmer Training Materials.....	19
Training Farmers	20
Program Integrity	22
Conflict of Interest.....	22
Monitoring Local Agencies	22
Monitoring Farmers	22
Farmer Violations	22
Participant Violations.....	22
Participant Sanctions	23
Attachment 1: SFMNP Check Issuance Checklist.....	24
Attachment 2: Civil Rights Training Sample.....	25
Attachment 3: Income Eligibility Household Determination	27
Attachment 4: Notice of Ineligibility	29
Attachment 5: Fair Hearing Procedure	31
Attachment 6: Notice of Violation	35
Attachment 7: Notice of Sanction	36



Introduction

Thank you for being a partner with the Senior Farmers' Market Nutrition Program!

As a partner of the Senior Farmers' Market Nutrition Program (SFMNP), your agency will contribute to the well-being of seniors by providing checks to eligible seniors to purchase locally grown fresh fruits and vegetables at local farmers' markets and farmstands.

The SFMNP is funded through the federal Farm Bill and administered by the State of Wisconsin. The program began in 2001.

This manual includes rules that agencies must follow to ensure compliance with federal regulations and state policies.

Introduction

Who to Call for Help

The Local Agency may contact the State Office for questions as follows:

608-609-8240

Wisconsin WIC Program

Division of Public Health

PO Box 2659

Madison, WI 537 01-2659

Fax 608 266-3125

Who to Call for Help.....

Definitions

This section provides definitions of common terms contained in this document:

Applicant means an individual that applied for the Senior Farmers' Market Nutrition Program benefit but has not received checks.

Authorized Representative means an individual authorized by an eligible senior to act on the senior's behalf, including application for certification, receipt of SFMNP checks, and/or use of SFMNP checks at authorized outlets, as long as the SFMNP benefits are ultimately received by the eligible senior. The terms *authorized representative* and *proxy* may be used interchangeably for purposes of this program.

Check means a negotiable financial instrument by which benefits under the program are transferred to program participants.

Eligible foods means fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs for human consumption. Eligible foods may not be processed or prepared beyond their natural state except for usual harvesting and cleaning processes. Dried fruits or vegetables are not eligible. Potted fruit or vegetable plants and potted or dried herbs are also not eligible.

Farmers' market means an association of local farmers who assemble at a defined location for the purpose of selling their produce directly to consumers.

Farmstand means a location at which an individual farmer sells his/her produce directly to consumers. This is in contrast to a group or association of farmers selling their produce at a farmers' market. The term *farmstand* may be used interchangeably with the term *roadside stand* for purposes of this program.

Fiscal year means the period of 12 calendar months beginning October 1 of any calendar year and ending September 30 of the following calendar year.

FNS means the Food and Nutrition Service of the U.S. Department of Agriculture.

Household means a group of related or nonrelated individuals who are living together as one economic unit.

Local agency means any nonprofit entity or local government agency that certifies eligible participants, issues SFMNP checks, and/or provides nutrition education or information on operational aspects of the program to SFMNP participants.

Locally grown means grown within Wisconsin or grown within 50 miles of state borders for purposes of this program.

Nonprofit agency means a private agency that is exempt from the payment of Federal income tax under the Internal Revenue Code of 1986, as amended (26 U.S.C. 1, *et seq.*).

Nutrition education means information provided through individual contact or in group sessions, information that is relevant in keeping with the individual's personal, cultural, socioeconomic preferences and the Dietary Guidelines for Americans, information that emphasizes relationships between nutrition and health, and information that encourages participants to build healthful eating patterns, and to take action for good health.

Participant means an individual that meets the eligibility requirements of the SFMNP and to whom checks have been issued.

Program or SFMNP means the Senior Farmers' Market Nutrition Program.

Definitions.....

Senior means an individual 60 years of age or older, or an individual 55 years of age or older who identifies as Native American for purposes of the program.

State Office means the State of Wisconsin Department of Health Services. The term State Office may be used interchangeably with the term State Agency.

USDA means United States Department of Agriculture; a department of the federal government that manages various programs including the Senior Farmers' Market Nutrition Program.

Vendor means an individual authorized to sell eligible foods at participating farmers' markets and/or roadside stands. Individuals who exclusively sell produce grown by someone else, such as wholesale distributors, cannot be authorized to participate in the SFMNP. The terms *vendor* and *farmer* may be used interchangeably for purposes of this program.

WIC means the Special Supplemental Nutrition Program for Women, Infants and Children.

WIC Farmers' Market Nutrition Program (FMNP) means the nutrition assistance program to provide resources to women, infants, and children who are nutritionally at risk, in the form of fresh, nutritious, unprepared foods (such as fruits and vegetables) from farmers' markets; to expand the awareness and use of farmers' markets; and to increase sales at such markets.

Confidentiality

SFMNP Applicants and Participants

- The local agency will restrict the use or disclosure of information obtained from Senior FMNP applicants and participants to persons directly connected with the administration of the Senior FMNP.
- The applicant or participant may, upon his/her unsolicited request, sign a release or similar document allowing information provided by the applicant to be shared with other organizations or persons. The local agency cannot require the applicant or participant to sign such a release.
- The local agency shall allow the applicant and/or participant access to the information which the applicant/participant has provided to the program.
- Limit personal information in emails/correspondence as much as possible.

Vendor Information (i.e. Farmers, Market Managers)

- Federal regulations allow names and addresses of vendors to be shared with outside agencies in certain circumstances. The State Office recommends using discretion if sharing contact information as the information is usually personal information (i.e. home addresses).
- Federal regulations allow authorization status to be shared. For example, if Farmer Joe is authorized to accept checks, that status can be shared.
- It is not allowed to share information about non-compliance, such as information about violations and sanctions.
- Limit personal information in emails/correspondence as much as possible.

Questions

- Contact the State SFMNP Coordinator at (608) 609-8240 if there are any questions.

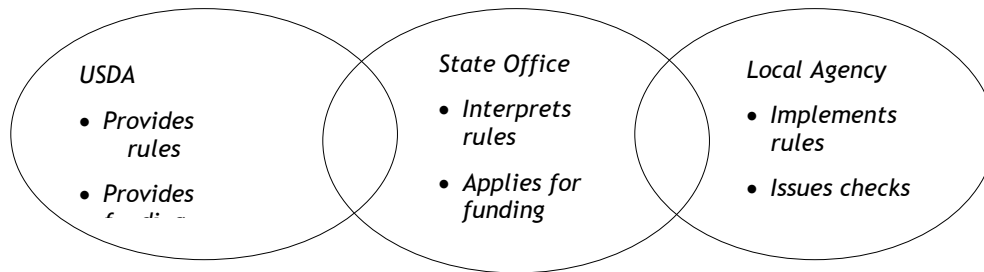
Administration

Goals

The following are goals of the Senior Farmers' Market Nutrition Program. These goals are from federal regulations. Please note: Wisconsin does not authorize CSAs for the SFMNP.

1. To provide fresh, nutritious, unprepared fruits, vegetables and herbs, from farmers' markets, roadside stands and Community Supported Agriculture Farms (CSA) to low income seniors.
2. To increase the consumption of agricultural commodities by expanding or aiding in the expansion of farmers' markets, roadside stands and CSAs.
3. To develop or aid in the development of new and additional farmers' markets roadside stands, and CSAs.

Federal, State, Local Agency Roles



State/Local Agreement

The local agency must enter into a written agreement with the State of Wisconsin before issuing SFMNP checks. The State Office will provide an agreement to the local agency and will initiate the renewal process when the agreement expires.

Local Agency Agreement with Other Partners/Agencies

1. If the local agency works with another agency to issue checks or to carry out responsibilities for the SFMNP, the local agency must “subcontract” with the other agency and provide a copy of the agreement to the State Office. See the State/Local Agreement for details.
2. The SFMNP does **not** need to establish an agreement with the partners below for the particular responsibilities listed:
 - WIC Agency: Vendor Coordination (i.e. working with farmers and market managers)
 - UW Extension: Nutrition EducationIf, for example, a SFMNP local agency asks UW Extension to issue SFMNP checks, an agreement will need to be established.

WIC Farmers' Market Nutrition Program

The SFMNP was patterned from the existing WIC FMNP. The WIC FMNP is funded through the Child and Nutrition Act. WIC serves pregnant, breastfeeding, and post-partum women, infants, and children up to age 5 with healthy foods.

SFMNP local agencies are encouraged to contact the WIC agency in their area for possible collaborations with nutrition education and farmer responsibilities.

Commodity Supplemental Food Program (CSFP)

The Commodity Supplemental Food Program (CSFP) provides food donated by USDA and serves low income seniors aged 60 and over.

If the Local Agency also distributes the (CSFP) benefit, it is expected that if the applicant does not want the CSFP or is ineligible for CSFP, that the participant will be able to apply for the Senior FMNP.

Quick Overview: Local Agency Responsibilities

1. Designate the SFMNP contact person
2. Train staff and volunteers
3. Issue checks
4. Train farmers (if WIC does not train farmers)
5. Monitor farmers (if WIC does not monitor farmers)
6. Report to State Office
7. Maintain records for a period of 3 years
8. Maintain program integrity, including investigating reported participant abuse

Training Staff and Volunteers

1. Each year, prior to SFMNP check issuance, the local agency should train staff and volunteers to review program and confidentiality rules.
2. The State Office will provide training for local agencies new to the SFMNP.
3. If local agency staffing changes, new staff will receive training from the local agency.
4. If there is no one at the local agency familiar with the SFMNP to train new staff, the local agency should call the State Office to schedule training.

Required Civil Rights Training and Documentation

1. The local agency is required to provide an annual civil rights training for staff and volunteers who interact with program applicants or participants (“frontline staff”) and to persons who supervise frontline staff.

2. A record of persons trained and the date of training will be kept at the local agency for a minimum of three years.
3. Training shall include, but not limited to: collection and use of data, effective public notification systems, complaint procedures, compliance review techniques, resolution of noncompliance, requirements for reasonable accommodation of persons with disabilities, requirements for language assistance, conflict resolution, and customer service.
4. Attachment 2 may be used to train staff and volunteers.

Nondiscrimination Policy

1. The local agency shall ensure that no person will be denied benefits, or otherwise discriminated against on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or previous civil rights activity.
2. The local agency shall notify the public, participants, and potential participants of the nondiscrimination policy.
3. All information materials and sources, including websites that are used to inform the public, applicants, or participants about the Senior FMNP and/or how to apply for benefits will include the full nondiscrimination statement. The full statement is also used when an adverse action will be taken.

Full nondiscrimination statement:

“In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

Washington, D.C. 20250-9410;

(2) fax: (833) 256-1665 or (202) 690-7422; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.”

4. If informational material is too small to include the full statement, the material, at a minimum, will include the following statement

“This institution is an equal opportunity provider.”

The font size of the statement must be consistent with the font size used in the document.

5. The local agency will prominently display the USDA nondiscrimination poster “And Justice for All” at the agency where applicants may inquire about the program.

Agencies will bring the poster to distribution sites. The poster will be displayed while the benefit is being issued. When finished with issuance, the poster will be taken down and secured for a future distribution event.

Contact the State Office for posters as needed.

6. Persons seeking to file a discrimination complaint may complete Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, or call (866) 632-9992 to request the form. Individuals who speak Spanish may contact the USDA through the Spanish Relay Service at (800) 845-6136. Individuals who are deaf, hard of hearing or have speech disabilities may contact the USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

Nutrition Education

1. Nutrition education shall emphasize the relationship of proper nutrition to the total concept of good health, including encouragement to build healthful eating patterns and to take action for good health.
2. Examples of nutrition education include written materials, such as recipes or other information, poster displays, and/or cooking demos at distribution sites.
3. The local agency will provide nutrition education to SFMNP participants through individual contact or in group sessions.
4. Materials should be relevant to the individual’s personal, cultural, and socioeconomic preferences and the Dietary Guidelines for Americans.
5. If the local agency develops their own materials, keep the following health literacy guidelines for seniors in mind:
 - a. Use a 13 - 14 point sized font for text
 - b. Use contrast such as black ink on white or yellow paper

- c. Consider graphics and pictures to illustrate important points

Complaints

1. Discrimination: See *Nondiscrimination Policy* section.
2. Farmers: Refer complaints about farmers or from farmers to the State Office. The Complaint Form [F-02622](#) may be used to document the complaint.
3. Applicants/Participants: Local agencies typically resolve participant complaints by listening to the complaint and providing an explanation. For example, an individual may call because a distribution site was not scheduled for their area. The Complaint Form, [F-02622](#), may be used to document participant complaints.

Applicants/participants may want the local agency to forward the complaint to the State Office. The participant should complete the Complaint Form, [F-02622](#), (the local agency may assist with completion of the form), and send the Complaint Form to the State Office. The State Office will investigate the complaint and respond to the applicant/participant.

USDA Reporting Requirements

To meet USDA reporting requirements for the SFMNP, the State Office may require the following information from the Local Agency. Keeping a database that collects this information is recommended.

1. Number of individuals served age 60 and above
2. Number of individuals served who are under 60 (Native Americans may receive checks beginning at age 55)
3. Address of Distribution Sites
4. Value of in-kind contributions
5. USDA and the State Office recommend to be prepared to provide a count of each participant's race/ethnicity and/or applicants' primary language spoken in the event that the information is requested.

Please wait for notification from the State Office before providing the information.

Record Retention

Records will be kept for a minimum of three years. The local agency shall retain Eligibility Agreement forms and any other records relating to the Senior FMNP including, but not limited to, documentation of persons served, and farmer training/monitoring records. Farmer training and monitoring records do not need to be retained if the original record has been sent to the State Office.

Surveys

The State Office may survey both farmers and seniors about their participation in the program. The State Office will provide instructions if a survey will be distributed.

SFMNP Checks & Distribution Process

How SFMNP Check Allocations are Determined

1. The State Office will estimate how many checks can be allocated to local agencies based on funding available.
To distribute checks equitably among local agencies, the State Office uses county population data.
2. Checks will be delivered to the local agency prior to the first day of issuance.
3. Second allocations may be available if the State receives more money than expected (final funding is not always known by the time checks need to be ordered).
4. The State Office may reallocate checks to other local agencies if local agencies are not able to issue a significant number of checks assigned to their agency.

SFMNP Check Sample



Quick Overview: SFMNP Checks

- State orders checks
- Local agency receives checks
- Local agency issues checks
- Seniors spend checks
- Farmers deposit checks
- Checks are preprinted
- Must be given as a set; no partial issuance!
- The printer will ship the checks directly to local agencies

Receiving and Storing Checks

1. Upon receiving the checks, the local agency must provide confirmation to the State Office that the checks were received; the serial numbers received must match those on record with the State Office.
2. Agencies must store checks in a secure (locked) area.
3. While issuing checks, agency personnel must not leave checks unattended in the open for any reason.

SFMNP Check Issuance Log

Check numbers given to SFMNP participants will be recorded on the Eligibility Agreement Form; the form that applicants complete to determine eligibility.

In addition, it is highly encouraged that the local agency maintain an issuance log listing the following:

1. Check number
2. Status of the check (i.e. issued, lost, returned, destroyed)
3. Participant Name and Address (to help in preventing dual participation)
4. Race and ethnicity and/or primary language spoken (in the event that USDA or the State Office requests this information)

First Come; First Serve Distribution

SFMNP checks will be issued on a first come, first serve basis within the targeted delivery areas. The expectation of “first come, first serve” is that the participant or proxy must visit the distribution site in person to receive the checks.

An example of how to implement “first come, first serve” is to designate a number to individuals on a card upon arrival at the distribution site. Applicants would then be called in order of their numbered cards.

Who is Eligible to Receive SFMNP Checks

1. Seniors age 60 years and above or Native Americans age 55 years and above, AND
2. Are at 185% of poverty or below.
3. Local agencies will issue checks to seniors who reside in the county for which the local agency is responsible.
4. Checks will be issued to individuals. All individuals in the household are eligible for checks if the above criteria are met. See Attachment 3 for determination.

Authorized Representative (or Proxy)

1. An authorized representative (or proxy) may be designated to apply for certification and to purchase SFMNP foods on behalf of the participant.
2. A proxy can represent up to four (4) individuals.
3. The local agency must obtain a signed statement from the eligible senior designating another individual as his/her authorized representative. The senior may either use the Eligibility Agreement form for this purpose or the local agency can attach the signed statement to the Eligibility Agreement form that the authorized representative will complete.

When to Issue SFMNP Checks

1. Checks can be issued from June 1 to September 30. It is recommended that local agencies wait to issue checks until a good selection of produce is available; mid- to late-June.
2. Local agencies are encouraged not to enroll participants at more than one location on the same day. This way, agencies have more time to cross check enrollment.
3. Seniors cannot spend checks after October 31.

Where to Issue SFMNP Checks

1. The local agency will target areas of higher concentrations of low income seniors that are located near farmers’ markets and farmstands.

2. The local agency will determine where to distribute checks. Some agencies choose to issue checks at their office and other agencies schedule several dates and different locations to issue checks.

Notification of Distribution Sites

1. When informing the public about where SFMNP checks will be issued, include the following information:
 - a. Address of the distribution site
 - b. Dates and Times
 - c. Eligibility Requirements
 - d. Authorized Representative (or Proxy) information
 - e. Non-Discrimination Statement
 - f. Only _____ County residents can apply
2. Other helpful information may include:
 - a. Advising seniors to be prepared to wait
 - b. Only a limited amount of checks are available (first come/first served)
3. Publicize with Caution: The SFMNP is a very popular program. There are not enough checks to serve all eligible seniors.

Preventing Dual Participation

Every SFMNP applicant or proxy must be informed of the illegality of dual participation, i.e., obtaining SFMNP benefits from more than one service delivery area.

1. Local agencies must ensure that participants are certified only for the current year's SFMNP period of operation.
2. Local agencies are encouraged to maintain a database of all participants, which will help prevent dual participation.
3. Local agencies are encouraged not to enroll participants at more than one location on the same day. This way, agencies have more time to cross-check enrollment information.
4. Local agencies may ask for proof of residency if dual participation is suspected.
5. In the event that a participant moves from the area and there is a question as to whether that participant received farmers' market checks, the local agency from the participant's current residence should contact the agency from which the participant moved for verification.

Eligibility Agreement Form

1. The SFMNP Eligibility Agreement form will be used to determine eligibility and to record check numbers given to participants.
2. The form is available in English, Spanish, and Hmong.
3. Local agencies may not produce their own form except to translate the form in another language besides Spanish and Hmong.

4. The State Office will provide information about ordering the Eligibility Agreement forms. The form is revised most years to update the poverty guidelines which usually change each year.

Determining Eligibility

1. Age: Age will be **self-declared** by the applicant while completing the Eligibility Agreement form.
2. Income: Income will be **self-declared** by the applicant while completing the Eligibility Agreement form. Sometimes the applicant may be unsure of income eligibility and will ask the local agency for assistance. The following may help:
 - a. Gross income is used to determine income eligibility.
 - b. If verification of income is needed, the applicant may provide notice of eligibility or participation in other programs for which income eligibility is set at or below 185% of the poverty income guidelines.
 - c. A pay stub or other statement of earnings, and W-2 or other tax forms may also be used to verify income.
 - d. See Attachment 3 for examples in determining income eligibility for individuals within a household.
3. Residency: Residency will be **self-declared** by the applicant while completing the Eligibility Agreement form. The applicant must live in the area that the local agency is responsible for.
4. If there is reason to doubt the information provided, the local agency may ask for proof of age, income, and/or residency.
5. The applicant must be notified of their eligibility, ineligibility, or their placement on a waiting list, within 15 days from the date of application.

15 Day Notification of Eligibility

Applicants must be notified of their eligibility or ineligibility for benefits, or of their placement on a waiting list, within 15 days from the date of application.

Ineligibility Notice

1. If an applicant is found ineligible to participate in the SFMNP, the applicant must be notified in writing of the reason for ineligibility and the right to a fair hearing. See Attachment 4.
2. Such notice is not required when participation is denied solely due to lack of funding to provide SFMNP benefits to all eligible applicants or if there are not enough checks for everyone at the distribution site.

Waiting List

Local agencies are required to maintain a waiting list when all available program benefits have been allocated, and it is likely that additional participants may be served. The State Office will notify the local agencies of the likelihood of serving more participants.

Instructions for maintaining a waiting list:

1. If the applicant is present, the applicant will complete an Eligibility Agreement form. The form will be kept in a "Waiting List" file.

2. If the applicant is not present, the following must be documented and kept in a “Waiting List” file:
 - a. Name of the applicant,
 - b. Date placed on waiting list, and
 - c. Address or telephone number of the applicant.
3. The applicant must be notified within 15 days after they contact the local agency that they have been placed on a waiting list. This can be done verbally or in writing.

Materials to Provide to SFMNP Participants

At the time checks are issued, participants should be given the following information:

1. Brochure explaining program (provided by the State Office)
2. List of authorized markets and stands including address and hours of operation (prepared by the local agency)
3. Nutrition information
4. Handout listing other types of services that are available
 - a. Federal regulations require that during the initial certification visit, each participant is informed about the availability of other types of services that are available to SFMNP participants, where such services are located, how they may be obtained, and why they may be useful.
5. See the ***Nondiscrimination Policy*** section for instructions about including the non-discrimination statement on materials.

Verbal Instructions to SFMNP Participants

Local agencies should also explain verbally the information in the printed pieces, paying special attention to the following:

1. Participant Rights and Responsibilities (see ***Participant Rights and Responsibilities*** section).
2. Locally grown, fresh fruits, vegetables, and herbs can be purchased with SFMNP checks as specifically stated on the checks. In addition, point out the list of approved produce in the participant brochure.
3. Explain what foods may **not** be purchased with SFMNP checks (i.e. honey, eggs, etc.).
4. The denominations are preprinted on the checks.
5. No change will be given for purchases less than the value of the check. If a participant would like to purchase more than the value of the check, they can make up the difference with cash, Quest Card (if the farmer accepts Quest Card purchases), or another SFMNP check.
6. SFMNP checks can be used only at approved farmers' markets and approved farmstands listed (show the list); not grocery stores.
7. SFMNP checks may be redeemed between June 1 and October 31.
8. SFMNP checks require no signature or ID.
9. Participants do not have to use all of their SFMNP checks with a single farmer and do not have to use all their checks at one market or at one visit to the market.

10. A certified farmer participating in the SFMNP should not refuse to accept properly presented SFMNP checks in exchange for eligible produce.
11. Not all farmers can accept SFMNP checks; look for the yellow sign.
12. SFMNP farmers are identified by a number written on the yellow sign. Participants should be aware of this number in case there is a problem during the transaction.
13. There is a procedure to follow if the participant has a complaint about the program or a farmer.
14. Ask a client if they've ever been to a Farmers' Market. If not, explain Farmers' Markets and how they work. For example:

Farmers gather to sell their produce directly to consumers and are only available to do business a limited number of days and hours. Types and quantities of available produce vary during the season.

Participant Rights and Responsibilities

Each participant must read or have read to him or her the following statements (also stated on the Eligibility Agreement form):

I have been advised of my rights and obligations under the Senior FMNP. I certify that the information I have provided for my eligibility determination is correct, to the best of my knowledge. This certification form is being submitted in connection with the receipt of Federal assistance. Program officials may verify information on this form. I understand that intentionally making a false or misleading statement or intentionally misrepresenting, concealing or withholding facts may result in paying the State agency in cash, the value of the food benefits improperly issued to me and may subject me to civil or criminal prosecution under State and Federal Law. Standards for eligibility and participation in the Senior FMNP are the same for everyone, regardless of race color, national origin, age, disability or sex (including gender identity and sexual orientation). I understand that I may appeal any decision made by the local agency regarding my eligibility for the Senior FMNP.

Quick Overview: How to Issue SFMNP Checks

1. Checks will be issued on a first come, first serve basis.
2. The applicant will apply in person and complete an Eligibility Agreement form.
3. The applicant may assign a proxy to apply on their behalf. See "Authorized Representative (or Proxy)" for more information.
4. The SFMNP applicant will "self-declare" all information provided on the Eligibility Agreement form. The local agency cannot ask for additional information for the purpose of determining eligibility unless there is a reason to believe the information provided is false.
5. The local agency will review the Eligibility Agreement form, sign the form, record the check numbers on the form, and issue the checks.
6. The participant will receive materials and verbal instructions on how to use the checks.
7. If there is a delay in issuing checks (i.e. the applicant and local agency is not sure of eligibility), the applicant must be notified of their eligibility or ineligibility for benefits, or of their placement on a waiting list, within 15 days from the date of application.

Mailing SFMNP Checks

Mailing SFMNP checks is allowed, in person distribution is not a federal requirement. Senior Farmers' Market Nutrition Program Local Agency Staff Manual

Checks Issued, But Not Spent

1. Checks that are issued, and returned to the local agency unspent, cannot be re-issued unless the State Office has given the local agency authorization to re-issue checks.
2. In the event that the State Office gives authorization to re-issue checks, the local agency must update any issuance records noting that the checks were returned, and document re-issuance of the checks.

Lost or Stolen Checks

1. Checks that are damaged, lost or stolen may be replaced if checks are available. The local agency may contact the State Office for checks.
2. The local agency must update any issuance records noting that the checks were damaged, lost or stolen, and document re-issuance of the checks.
3. When a participant reports a lost or stolen check, the local agency must immediately contact the SFMNP Coordinator and provide the serial numbers.

Checks Not Issued

It is expected that the local agency will issue all of the checks they receive. If circumstances prevent the local agency from doing this, the local agency should contact the State Office no later than August 15 to give enough time to find another agency to issue the checks.

If a local agency does have checks left over at the end of the issuance period (September 30):

1. The number of check packages not issued will be reported to the State Office.
2. The check numbers will be noted on the issuance log as being destroyed.
3. The local agency will destroy the checks.

Farmers' Markets, Farmstands, and Farmers

Vendor Coordination with WIC

1. Farmers and farmers' markets are authorized/approved for both SFMNP and the WIC FMNP.
2. Each WIC agency designates a "Farmer Contact". The Farmer Contact trains farmers and monitors farmers.
3. The WIC agency may work with the SFMNP local agency to share farmer responsibilities (i.e. WIC trains farmers, SFMNP monitors farmers).
4. SFMNP local agencies may train and monitor farmers independently by following the instructions provided in this manual.

Farmers' Market Definition

1. A farmers' market is a group of farmers who gather to sell produce directly to consumers. The FMNP approves farmers markets that meet the following criteria:
 - a. There must be an established site or sites of operation.
 - b. There must be established days and hours of operation.
 - c. There must be at least three farmers present during market hours, including at least one seller eligible for FMNP authorization

Farmstand Definition

1. A farmstand is where one, single farmer sells at a location, such as at their farm. Farmstands are also called roadside stands. The SFMNP approves farmstands that meet the following criteria:
 - a. There must be an established site or sites of operation
 - b. There must be established days and hours of operation
 - c. A SFMNP trained seller must be present at the stand

Farmers' Markets and Farmstands Listing for Participants

1. The local agency must be sure that the farmers' markets and farmstands are approved each year prior to placing on the list for participants.
2. The State Office will email a listing of approved farmers' markets and farmstands each month. The listing will change as markets and stands are approved ongoing throughout the season.
3. The local agency may contact their area's WIC Office for information about markets and stands. The web-based system used by WIC has current information about markets, stands, and farmers.
4. The listing must include the address and hours of operation of the market/stand.

How Can I Help Get a Farmers' Market or Farmstand Approved?

Contact the WIC local agency to see if they have contacted the manager or farmer about approval. If additional assistance is needed, contact the State Office.

Farmer Eligibility

To be eligible for the SFMNP, farmers must:

1. Sell SFMNP approved foods that the farmer has grown
2. Sell at an approved SFMNP location
3. Out-of-state farmers may participate if their farm is within 50 miles of the state border and they sell in a Wisconsin county as described in the FMNP Approved Foods section of the Farmers' Training Manual. Out-of-state farmers' markets and farmstands cannot be approved.

Annual Farmer Authorization Process

1. All farmers will receive a packet of information from the State Office each year by April 30. The packet will contain instructions for the farmer.
2. Most farmers will not have to return any paperwork to participate during the season. The agreements are in effect for three years. Not all farmer agreements expire at the same time.
3. Farmers who operate a farmstand are required to return a Farmstand Application to the State Office each year to confirm information about the stand.

How New Farmers Apply

1. New farmers will call the State Office or local agency to ask about the program.
2. The agency will ask the farmer two questions to determine eligibility:
 - a. Do you grow your own fruits and vegetables? To be eligible to participate in the farmers' market program, the farmer *MUST* be a farmer. That is, the farmer must grow food.
 - b. Where do you sell your produce? The farmer must sell at an approved site (or at a site that meets criteria and will likely be approved).
3. If the farmer is eligible, the agency will refer the farmer to the WIC Farmer Contact, or the local agency will schedule a time to meet with the farmer for training. It is a requirement to train new farmers, and farmers who were not authorized during the previous year, face-to-face.

Farmer Training Materials

The following is a description of materials that should be on hand when meeting with the farmer for training.

1. Farmers' Training Manual: The Farmers' Training Manual is the guide to use when training farmers. The manual is available in Spanish and Hmong.
2. Agreement: The agreement is a legal document between the farmer and the State Office. All farmers will complete an agreement to participate.
3. Training Verification Sheet: The trainer and farmer will complete the Training Verification Sheet to document the face-to-face training.
4. Farmstand Application: Not all farmers will complete a farmstand application. The farmstand application provides the location and hours of farmstands where a single farmer sells their produce at their farm or other roadside location. Not all farmers sell at a farmstand.

5. SFMNP Check: If a check packet is available, it is helpful for the farmer to see what the checks look like. In addition, WIC FMNP and SFMNP checks are pictured at the back of the Farmers' Training Manual.
6. Yellow Sign: Show the farmer the yellow sign that they are required to post at the market or at their farmstand. Do not give the sign to the farmer; the State Office will do that when the farmer is certified.

Training Farmers

1. Farmers who did not participate with the FMNP during the previous year will need to be trained before becoming certified to accept SFMNP checks.
2. If the farmer does not speak English, an interpreter should be present to train the farmer. Use a professional interpreter, such as interpreters who assist other agency clients. It is not recommended to use the farmer's spouse or other family member or friend to act as an interpreter.
3. Prior to training farmers, be sure the local agency has the most current forms and farmer agreements (see *Farmer Training Materials*). Contact the State Office if not sure.
4. Everyone present at the training should have a copy of the Farmers' Training Manual. Take time to read the manual before training a farmer for the first time.
5. The trainer will verbally review all sections of the Farmers' Training Manual putting special emphasis on the following sections in the manual:
 - a. FMNP Farmer Requirements
 - b. FMNP Approved Foods
 - c. Rejected Checks
 - d. WIC and Senior FMNP Rules
 - e. Attachment 2; Pictures of SFMNP checks. Be sure the farmer understands to not allow eWIC card transactions; the farmer will not be paid.
6. After reviewing the training manual with the farmer, the farmer will complete the first and last page of the agreement. The local agency will **not** sign the agreement; the farmer and State Office will sign the agreement.
7. Show the farmer the expiration date on the front page of the agreement. Explain that the State Office will send a new agreement to the farmer to participate when the agreement expires.
8. Assure the farmer that they will receive a copy of the agreement from the State Office.
9. The trainer and farmer will complete the Training Verification Sheet. If an interpreter is present, be sure to have the interpreter sign the form also.
10. If applicable, the farmer may complete the Farmstand Application, if they have established business hours at their farm or another roadside stand. If the farmer sells at farmers' markets only, they should **not** complete the Farmstand Application.
11. Collect the completed agreement, training verification sheet, and farmstand application (if applicable) and review the forms before the farmer leaves to be sure the forms are complete and signed as necessary.

12. Local agency staff should not give the farmer a yellow sign. The State will mail the sign to the farmer along with other certification materials.
13. Email the agreement, training verification sheet, and farmstand application (if applicable) to the State Office.
14. The farmer should not accept checks until the farmer receives approval from the State Office. It may take up to two weeks for the farmer to hear from the State.

Program Integrity

Conflict of Interest

1. The local agency must ensure that there is no conflict of interest between the local agency and any participating vendor, farmers' market, or roadside stand.
2. The responsibility of the SFMNP local agency is to be sure that staff is aware of how conflict of interest incidents can occur with the SFMNP, and to prevent such occurrences.
3. A conflict of interest can occur when an employee has competing interests or loyalties that either are, or potentially are, at odds with each other. For example:
 - a. A staff member is a spouse of a certified SFMNP farmer, and arranges for the spouse to sell at a farmstand near or at a distribution site during distribution dates.
4. Ways to prevent conflict of interest incidents include:
 - a. Communicating to staff that giving a FMNP vendor, farmers' market, and/or roadside stand preferential treatment due to their involvement or relationship to the vendor/market/stand is not allowed.
 - b. Considering the SFMNP when reviewing your organization's conflict of interest policy. Most organizations have a conflict of interest policy.
5. If a conflict of interest incident occurs that directly involves a FMNP vendor, it must be reported to the state SFMNP coordinator.

Monitoring Local Agencies

As required by federal regulations, at least every two years, the State Office must review all local agencies. The local agency will receive adequate advance notice of the review.

Monitoring Farmers

1. The WIC agency will monitor farmers.
2. If the SFMNP has an arrangement with WIC to monitor farmers, the WIC Office will forward instructions from the State Office to the SFMNP agency.
3. The SFMNP local agency may need to assist with monitoring when WIC is not available. The State Office will provide instructions and forms as necessary.
4. Compliance activities are confidential.

Farmer Violations

Report farmer violations to the State Office.

Participant Violations

1. The local agency is responsible for conducting the initial investigation of suspected or reported participant fraud or abuse, in order to assign the appropriate action (i.e. warning, sanction).

2. Begin the investigation within two days of being notified of the alleged violation.
3. Notify the individual of what you believe has occurred and determine if the abuse was intentional or a result of a misunderstanding or error.
4. If concluded that intentional abuse occurred, the appropriate action may be taken, such as disqualification and/or repayment of funds. See ***Participant Sanctions*** section.
5. If concluded that the abuse was unintentional, it may be sufficient to provide an explanation of the issue and warning that future problems can result in disqualification from the program.
6. When dual participation occurs, contact the participant as soon as it is discovered to arrange for checks to be returned. If abuse is intentional and checks were spent, see ***Participant Sanctions*** section.
7. See Attachment 6 for a sample notification of violation letter.
8. Resolution should occur within 30 days.
9. If additional guidance is needed, contact the State Office.

Participant Sanctions

1. Intentionally providing false or misleading statements, misrepresenting, concealing, or withholding facts, and obtaining benefits from more than one location can result in sanctions, such as disqualification and/or repayment of benefits.
2. If a sanction is appropriate, send a notification of sanction letter to the applicant/participant/proxy. See Attachment 7 for a sample letter.
3. Appeal rights must be provided to the participant who is receiving a sanction.
4. Letters with sanctions must be mailed certified for proof that the letter was received.
5. It is advised to contact the State Office prior to sanctioning a participant.
6. A copy of the sanction letter must be sent to the State Office.
7. See Attachment 7 for a sample of a notification of sanction letter.

Attachment 1: SFMNP Check Issuance Checklist

The following should be in place prior to issuing checks with participants:

- Determine Issuance Plan
 - *Determine sites*
 - *Determine allocations for each site*
- Determine method for notification of distribution sites
 - *Remember the non-discrimination statement on written notices*
 - *Inform applicants about procedures to assign a proxy (Remember, a proxy can represent up to four applicants.)*
- Determine method that will be used to advise SFMNP seniors of other services that SFMNP seniors may be eligible for, including where such services are located, how they may be obtained, and why they may be useful
- Determine method that will be used for nutrition education (written material, cooking demonstration, video, etc.)
- Review Staff Manual and train staff and volunteers
 - *Remember that all staff and volunteers must receive civil rights training on an annual basis. Dates of training must be recorded.*
- State office has informed local agencies if a waiting list is required

The following materials should be available when checks are issued:

- Eligibility Agreement Form
 - *State produced*
 - *Revised most years*
- Income Eligibility Table
 - *State produced*
- Participant Brochure
 - *State produced*
- Ineligibility Form
 - *Sample provided by State Office (local agency fills in the form)*
- Yellow Vendor Sign
 - *State produced*
- Listing of Farmers' Markets
 - *Local Agency produced*
- "And Justice for All" poster
 - *Available through State Office*

Attachment 2: Civil Rights Training Sample

The following information can be used as content to meet the training requirement for the Senior Farmers' Market Nutrition Program (SFMNP).

1. Individuals who interact with program applicants or participants, and those who supervise these individuals, must be provided civil rights training annually.
2. A written record of the training will be maintained at the local agency.
3. During a compliance review, materials will be reviewed for the non-discrimination statement and records of training may be reviewed.
4. If found non-compliant, corrective actions will be issued. Failure to respond can result in loss of funding.

Goals of Civil Rights

1. Equal treatment for all applicants and beneficiaries
 - All applicants and beneficiaries, including vendors who apply to accept checks, will receive equal treatment regardless of race, color, national origin, age, sex (including gender identity and sexual orientation), and disability.
2. Knowledge of rights and responsibilities
 - It is a citizen right to be protected by civil right laws.
 - The “And Justice for All” poster, provided by the State Office, must be prominently displayed where potential participants may inquire about the Senior FMNP, and must also be displayed at benefit distribution sites.
 - It is highly encouraged to verbally state the full rights and responsibility statement to Senior FMNP applicants. The statement is included on the Senior FMNP Eligibility Agreement form.
 - Vendors receive information about civil rights when they are trained to participate in the program and there are clauses in the vendor contract.
3. Elimination of illegal barriers that prevent or deter people from receiving benefits
 - Language: Assistance must be provided. If there is no assistance, assistance must be provided within 15 days of when the applicant contacted the local agency.
 - Accessibility: To possible extents, distribution sites and markets/stands should be accessible. It is acceptable for someone else, an authorized representative, to apply or shop for the participant if needed.
4. Dignity and respect for all
 - Treat others the way that they want to be treated.
 - If a conflict arises, stay calm, listen to understand, explain, and discuss possible solutions. Get help especially if threats or violence is possible.

Protected Classes

1. Protected classes, under SFMNP regulations, include race, color, national origin, age, sex (including gender identity and sexual orientation), and disability.
2. In addition, discrimination is prohibited against an organization on the basis of religion.

3. USDA funds cannot be used to support religious activities/worship.

Discrimination Complaint Process

1. Vendors, applicants, and participants must know how to file a complaint if they feel that they are being discriminated against.
2. Information about filing a complaint is included in the nondiscrimination statement.
3. The nondiscrimination statement must be stated on all information materials and sources, including websites that are used to inform the public, applicants, or participants about the Senior FMNP and/or how to apply for benefits.

Data Collection

- USDA requires the agency working with applicants and recipients to ask all program applicants and participants to identify their ethnicity and race. The Eligibility Agreement form is used to collect the information. Additional information:
 - The applicant can choose multiple races.
 - If an applicant wishes to not identify their race or ethnicity, the applicant should be informed that a visual identification of race and ethnicity will be made and recorded.
 - The information is requested by federal authority to ensure program compliance with civil rights.
 - Information is kept confidential.
- Individuals under 60 years old who apply must identify their own race to receive the SFMNP benefit. The race selected must be “American Indian or Alaska Native.” (Source FNS Instruction 113-1 XII A 6).

Attachment 3: Income Eligibility Household Determination

Income eligibility is determined when the SFMNP applicant self-declares on the Eligibility Agreement form that they are eligible. SFMNP benefits will be issued to individuals rather than households, however a household table will still be used for determination.

If the household income is under 185% of the federal poverty level, then each senior is eligible to receive a check booklet.

Examples A:

- A household size of two, both over 60, with a combined income of less than 185% of the federal poverty level (using the provided income eligibility table and household size of 2) is eligible and should each receive benefits (2 booklets).
- A household size of two, both over 60, with a combined income **over** 185% of the federal poverty level (using provided table and household size of 2) is not eligible and will receive no benefits. Dividing the household income by the number of individuals (2) is not appropriate. There may be instances where two people would not be considered a household of two, see Examples C.

There may be households with both eligible and non-eligible people.

Examples B:

- Mother and Father over 60 and adult son under 60, this is a household size of three, if the combined income is less than 185% of the federal poverty level (using the provided income eligibility table and household size of 3), the household should receive two booklets, one for each senior.
- If a couple with one person over 60 and the other under 60, this is a household size of two, has a combined income less than 185% of the federal poverty level (using the provided income eligibility table and household size of 2), the household should receive one booklet.

When the SFMNP applicant is living with other persons, other than or in addition to their spouse, the applicant may need assistance in determining if the household income meets eligibility requirements.

“Household” is defined as a group of related or non-related individuals who are living together as one economic unit. There could be more than one “economic unit” living in the same home.

These questions may help think the situation through:

- **Is the applicant being supported by other income?** Shared food, finances, rent, or bills.
- **Is the applicant’s income independent from the other people in the household?** Does not share food, finances, rent, or bills.

Examples C:

- Anne Brown has moved in with her friend, Lily. Lily lives with her husband and two children. Anne and Lily decided that Anne’s income will be combined with Lily and her husband’s income to pay for the household’s living expenses. The household is one economic unit with a household size of 5.

- Mr. and Mrs. Smith are a husband and wife who are living together. They both receive income that is used to support both of them. Uncle Joe has moved in with Mr. and Mrs. Smith. Uncle Joe has agreed to pay rent and do home maintenance work to pay for living in the home. Because he is compensating Mr. and Mrs. Smith to live in their home, Uncle Joe is independent. He is a separate economic unit. In this example, Mr. and Mrs. Smith are one economic unit with a household size of 2. Uncle Joe is a separate economic unit with a household size of 1.

Attachment 4: Notice of Ineligibility

Use Local Agency Letterhead

Date:

Participant Name
Address
City State Zip

Dear:

This letter is to notify you that the following applicant/participant is not eligible for the Senior Farmers' Market Nutrition Program (FMNP). Listed is the date the applicant/participant becomes ineligible and the reason for the ineligibility.

Applicant/Participant	Effective Date	Reason
-----------------------	----------------	--------

You have the right to appeal this decision by writing, phoning, or visiting the Senior FMNP agency before [provide date] (30 days). If you ask for an appeal, a hearing will be scheduled to give you the chance to present your case. The following is contact information to request the appeal:

[Contact Name], [Local Agency Name], [Local Agency Address], [Local Agency Phone Number]

Your appeal rights are explained in an attachment to this letter. Please read them carefully.

If you believe we missed some important information about your eligibility, or if you wish to discuss this notice, please contact the Senior FMNP agency.

If your situation has changed since you received this notice, please call to reapply. Please call us if you need information on other health services.

Senior FMNP Staff Signature

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

Notice of Ineligibility

RIGHT TO APPEAL

1. You may request a hearing if you disagree with the decision.
2. You may request a hearing if you believe you have been treated unfairly.
3. A request for a hearing must be made within 30 days of the date of this notice.
4. Applicants who are denied benefits at the initial certification may appeal the denial, but will not receive benefits while awaiting the hearing.
5. If you have received Senior FMNP benefits and the decision is appealed by you within 30 days of this notice, you will continue to receive program benefits. Benefits will stop if the hearing examiner rules in favor of the Senior FMNP agency, or when your certification period is completed, whichever comes first.
6. If you request a hearing, you will have the following rights:
 - To attend the hearing.
 - To speak for yourself or to have a lawyer, relative, friend, or other person speak for you at the hearing.
 - To request a language or sign language interpreter, or other accommodations for a disability be provided during the hearing. Notify Senior FMNP staff when you request a hearing.
 - To present oral or written evidence at the hearing to support your side.
 - To bring witnesses or present arguments to support your side.
 - To read all documents on file, both before and during the hearing, which concern your case that are not confidential.
 - To have an impartial decision maker whose decision will be based solely on the evidence presented at the hearing and provisions governing the Senior FMNP.
 - To question any evidence.
 - To meet and question witnesses.
 - To withdraw the request in writing.
7. If the request for a hearing is received after 30 days of the date of this notice, the hearing request is untimely, and you will receive the action imposed by the local agency.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
 2. **fax:**
(833) 256-1665 or (202) 690-7442; or
 3. **email:**
Program.Intake@usda.gov
- This institution is an equal opportunity provider.

Attachment 5: Fair Hearing Procedure

The Local Agency will provide a hearing process through which a Farmers' Market Nutrition Program (FMNP) applicant/participant/vendor may appeal a State Agency or Local Agency action which results in an adverse action against the applicant/participant/vendor.

What May be Appealed

An applicant may appeal denial of certification of benefits. The Local Agency will coordinate the hearing.

A participant may appeal disqualification/suspension of benefits. The Local Agency will coordinate the hearing.

A vendor may appeal an action of the State Agency denying its application, imposing a sanction, or disqualifying the vendor from participating in the FMNP. Vendor sanctions will be administered through the State Agency. The Local Agency will coordinate the hearing.

Lack of sufficient funding to serve participants/vendors cannot be appealed, and expiration of a contract or agreement will not be subject to appeal.

Notification of Appeal Rights

The State Agency or Local Agency will inform the applicant/participant/vendor in writing of the right to a fair hearing and how to request a fair hearing by certified mail or personal delivery. In addition to the notification written in English, an additional copy translated in the applicant/participant's language or another format such as Braille will be included if applicable.

The notification will instruct the applicant/participant/vendor to request a hearing within 30 days of receiving written notification of the adverse action or denial of certification.

Participants/vendors who are receiving a sanction such as termination of benefits will receive notification of the adverse action not less than 15 days prior to the effective date of the adverse action.

Applicants whose application is denied will receive notification of the denial within 15 calendar days of the agency receiving the application. Applicants may appeal the denial, but must not receive FMNP benefits while awaiting the hearing.

The notification will provide written notification of the adverse action, the cause(s) for the action, and the effective date of the action, including the determination of whether the action shall be postponed¹, and the opportunity for a hearing. The State Agency and Local Agency will receive a copy of the letter.

The agency name, contact person, phone number and address that the applicant/participant/vendor should contact to request a hearing will be stated in the letter. The applicant/participant/vendor will also be instructed to, if needed, request a language or sign language interpreter, or other accommodations for a disability while making the request for a hearing.

¹ A postponement is appropriate when the State determines that recipients would be unduly inconvenienced by the adverse action.

Request for Hearing

A request for a hearing is defined as any clear expression by the applicant/participant/vendor or other legal representative, that he or she desires an opportunity to present his or her case to a higher authority. The State Agency and Local Agency staff will not limit or interfere with an individual's freedom to request a hearing.

Denial or Dismissal of the Request

The hearing request may be denied or dismissed if:

- The request is not received within the 30 day time limit,
- The request is withdrawn by the applicant/participant/vendor or representative,
- The applicant/participant/vendor or representative, without good cause, failed to appear at the scheduled hearing, or
- The applicant/participant/vendor has been denied certification by a previous hearing and cannot provide evidence that circumstances relevant to eligibility have changed in such a way to justify a hearing.

If the Local Agency decides the request is to be denied or dismissed, the Local Agency must notify the applicant/participant/vendor in writing within 15 days of receiving the applicant/participant/vendor's written request for a hearing the reason for denial or dismissal.

Notification of the Scheduled Hearing

The local agency shall offer a fair hearing that is no more than three weeks (15 working days) from the date of the receipt of the request for a fair hearing.

The Local Agency will provide at least 10 working days advance written notice of the time and place of the hearing. The time and location of the fair hearing will be accessible to the applicant/participant/vendor, and consider work schedules as needed. The written notice will include the following information:

Applicant/Participant/Vendor Rights: The applicant/participant/vendor or representative will be provided the opportunity to:

- Review the case record prior to the hearing,
- Have an impartial decision maker,
- Be assisted or represented by counsel or by a representative designated by the applicant/participant/vendor,
- Have a language or sign language interpreter, or other accommodations for a disability during the hearing, as requested,
- Bring witnesses,
- Present his/her points without interference,
- Question or refute any testimony or evidence, including an opportunity to confront or cross-examine adverse witnesses,
- Submit evidence to establish all pertinent facts and circumstances in the case,
- Request to reschedule the hearing once, and
- Have written notification of the decision within 60 days from the date of receipt of the request for a hearing.

Continuation of Benefits: Participants/vendors who are receiving a sanction such as termination of benefits may continue to participate in the FMNP until a final administrative hearing decision is issued or the contract period expires, whichever occurs first. The participant/vendor must continue to be responsible for compliance with the terms of the written agreement or contract with the State agency.

Conducting the Hearing

A sign-in form should be used at the hearing to document who was present. Everyone in attendance should print and sign their name with their title. The form should be dated.

Depending on the severity of the case, consider tape recording the hearing. The recording would not necessarily need to be transcribed.

In general, the hearing official has authority over the hearing ensuring professionalism, an impartial point of view, and keeping to the facts of the case.

The Local Agency will annually designate a Hearing Official to preside at hearings.

The Hearing Official will be an impartial official who does not have any personal stake or involvement in the decision and who was not directly involved in the initial determination of the action being contested. The duties of the hearing official are:

- Administer oaths or affirmations. Before the hearing, the examiner asks all witnesses to raise their right hand at once and then asks them "Do you swear or affirm, under the penalty of perjury, that the testimony you are about to give in this case will be truthful and accurate." They must respond 'yes' on record.
- Ensure that all relevant issues are considered,
- Request, receive, and make part of the hearing record, evidence determined necessary to decide the issues being raised,
- Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing, and
- Render a hearing decision exclusively based on the evidence presented at the hearing and the statutory and regulatory provisions governing the FMNP.

Hearing Decision

The Local Agency will notify the applicant/participant/vendor or representative in writing of the decision and the reasons for the decision within 60 days from the date the request for the hearing was received. The State Agency will receive a copy of the hearing decision notice.

The notice will summarize the facts of the case, specify the reasons for the decision, and identify the supporting evidence and the pertinent regulations or policy.

If the hearing decision is in favor of the applicant/participant/vendor and certification was denied or discontinued, benefits from participating in the FMNP will begin immediately, but are not retroactive.

If the applicant/participant/vendor is found to be non-compliant and is terminated from the program, the termination period will not exceed three years.

The notice will include instructions on how to appeal the Local Agency decision.

The notice will include an effective date of the adverse action.

In addition to the notification written in English, an additional copy translated in the applicant/participant/vendor's language or another format such as Braille will be included if applicable.

Official Hearing Record

The official hearing record consists of all documents relating to the hearing and any supporting documents presented to the hearing official that were used in making a final decision.

The local agency will retain the hearing record and make these available for copying and inspection to the applicant/participant/vendor or representative at any reasonable time.

The official hearing record and decision will be made available for public inspection and copying; however, the names and addresses of participants and other members of the public will be kept confidential.

State Agency Actions After the Hearing Decision

If the decision is in favor of the agency, the State Agency will take appropriate action as decided by the hearing official.

If the decision requires repayment of benefits by the applicant/participant/vendor in favor of the agency, the State Agency will resume its efforts to collect the claim.

If the decision is in favor of the applicant/participant and benefits were denied or discontinued, benefits shall begin immediately, but are not retroactive.

Appeal of Local Agency Decision

If the applicant/participant/vendor expresses an interest in pursuing a further review of the decision, the applicant/participant/vendor may appeal a Local Agency hearing decision.

The applicant/participant/vendor's request must be made in writing and will be submitted to the Department of Administration, Division of Hearings and Appeals, PO Box 7875, Madison, WI 53707-7875.

The decision of a hearing official at the local level is binding unless it is overturned by the Division of Hearings and Appeals Administrative Law Judge.

Continuation of Benefits: If the decision being appealed concerns disqualification, termination or suspension from the Program, the participant/vendor will not continue to receive benefits while an appeal to the Division of Hearings and Appeals of a decision rendered on an appeal at the local level is pending.

Decision is in Agreement with the Local Hearing Decision: If the Division of Hearings and Appeals' decision upholds the local action, and the applicant/participant/vendor wishes to pursue a higher review of the decision, the Division of Hearings and Appeals will explain the applicant/participant/vendor's right to appeal the decision further.

Attachment 6: Notice of Violation

Use Local Agency Letterhead

Date:

Participant Name

Address

City State Zip

Dear:

This letter is to notify you that a violation of Senior Farmers' Market Nutrition Program (SFMNP) has occurred.

Description of Violation:

Please review the rules and regulations of the SFMNP to avoid any future problems which could result in disqualification from the SFMNP.

If you have any questions, please contact:

[Contact Name], [Local Agency Name] [Local Agency Phone Number]

Senior FMNP Staff Signature

Notice of Violation

Attachment 7: Notice of Sanction

Use Local Agency Letterhead

Send Certified Mail

Date:

Participant Name

Address

City State Zip

Dear:

This letter is to notify you that you are being [disqualified or other sanction] due to violations of Senior Farmers' Market Nutrition Program (SFMNP) rules.

Reason for Sanction:

[The local agency will describe the appropriate sanction(s)]

The disqualification begins on [date] and ends on [date].

You will have to repay the SFMNP \$[amount]. This is the cost of the checks or food improperly received and/or used. Bring a certified check or money order to this local agency made out to the Wisconsin WIC Program for the full amount or contact me to set up a repayment schedule.

You have the right to appeal this decision by writing, phoning, or visiting the Senior FMNP agency before [provide date] (30 days). If you ask for an appeal, a hearing will be scheduled to give you the chance to present your case. The following is contact information to request the appeal:

[Contact Name], [Local Agency Name], [Local Agency Address], [Local Agency Phone Number]

Your appeal rights are explained in an attachment to this letter. Please read them carefully.

If you have any questions about this matter, please call [Contact Name] at [Local Agency Phone Number]

Senior FMNP Staff Signature

Notice of Sanction



Wisconsin Department of Health Services
Division of Public Health
P-02652 (02/2023)