



Food and
Nutrition
Service

DATE: February 6, 2020

SUBJECT: Revised Guidance for Use of Vendor/Private Staff in Call Centers:
2020 Update¹

TO: All State Agencies
Supplemental Nutrition Assistance Program

1320 Braddock Place
Alexandria, VA
22314

As part of the U.S. Department of Agriculture's (USDA's) continuing collaborative effort with States to enhance customer service, I would like to clarify existing policy and inform you about additional Supplemental Nutrition Assistance Program (SNAP) flexibilities to assist in streamlining program administration in call centers. As you know, many States are moving toward greater integration among human service programs and are looking for better ways to merge their operations across programs to improve administrative efficiency and customer service. USDA's Food and Nutrition Service (FNS) supports these innovative approaches.

SNAP is unique among Federal programs in that the law requires States to use merit system employees to certify applicant households. Specifically, the Food and Nutrition Act of 2008, as amended, and SNAP regulations require SNAP certification interviews and eligibility determinations to be conducted by State agency employees that were hired under a merit system ("State agency employees"). FNS is aware of Office of Personnel Management (OPM) guidance that was published in the Federal Register on April 19, 2019, entitled "Certifying the Use of a Merit Personnel System as Required by the Intergovernmental Personnel Act of 1970". While this notice explains that a State or Local agency has the discretion to determine the most appropriate staffing method (in regard to utilizing State employees or contract employees) for a merit system required to be established by a federally funded program, the notice clarifies that the flexibility only applies in the absence of any other statutory or regulatory requirement to use a specific staffing method. As SNAP has both statutory² and regulatory³ requirements to use State agency employees for the interview and certification, State agencies must follow SNAP policy with regard to these activities. As outlined in the attached *SNAP Call Center Support Policy*, FNS has identified activities that may impact client eligibility and the amount of benefits a household receives as "certification" functions to be performed only by State agency employees.

While these specific responsibilities remain the role of State agency employees, FNS guidance released in recent years has allowed States to test additional capacity for vendor/private staff with Federal Financial Participation (FFP), as State business processes and technology evolve. The most recent guidance released in December

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memo as not major, as defined by 5 U.S.C. § 804(2).

² Section 11(e)(6) of The Food and Nutrition Act, as amended (7 USC 2020(e)(6))

³ 7 CFR 272.4(a)

2017 permitted States to use vendor/private staff, with FNS approval, for a limited set of functions related to the SNAP certification process such as providing basic case information from the eligibility system to a SNAP applicant or participant.

Seven States have requested and been approved for some of these flexibilities since the December 2017 policy revision. These efforts have so far proven successful and FNS has identified a few best practices, including:

- The State should hold regularly scheduled trainings and refresher courses for vendor/private staff regarding SNAP case processing, with a focus on tasks for which States must have FNS approval for vendor/private staff to perform.
- State phone systems should include a customer satisfaction survey at call completion, including the data points that will be requested in the Call Center Major Change Reporting Template.
- States should include clear, measurable metrics for vendor/private staff performance in call center contracts. These could include, but are not limited to, call wait times, call drop and block rates, trend analyses, and/or error rate comparisons.

FNS recommends that States incorporate these best practices where appropriate into their ongoing call/contact center operations.

Building on best practices to date and consistent with USDA's efforts to improve customer service and increase State flexibility within the bounds of the law, while continuing to encourage States as laboratories of innovation, FNS is once again expanding allowable activities for States seeking to use vendor/private staff in call centers. The additional functions for which States may use, with FNS approval, vendor/private staff to perform are:

- screening for eligibility;
- providing application assistance;
- answering client questions about missing information;
- pursuing missing information; and
- providing verification guidance.

States have indicated that these additional flexibilities will provide improved customer service, reduce applicant and participant wait times, decrease workload on State agency employees, and allow for better coordination across multiple human service programs. In addition to these activities requiring FNS approval, FNS has also expanded the tasks that vendor/private staff can perform without FNS approval. The additional tasks include:

- providing general information;
- providing locations and referrals;
- responding to requests for blank applications; and
- providing the following read-only information from the system: case status, application status, receipt of documentation, benefit amount and date, and case denial reason.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Accordingly, we are issuing a 2020 revision of the *SNAP Call Center Support Policy*, a copy of which is attached to this document. Please note that States must continue to request FNS approval to use non-State agency employees in any of the indicated capacities, in order to ensure continued FFP support⁴. In accordance with 7 CFR 275.3(a), for States that are requesting to have vendor/private staff conduct one of the new functions (indicated by an * in the *SNAP Call Center Support Policy*), FNS intends to designate call/contact centers as areas required to be reviewed in the State's Management Evaluation (ME) for the first two years following implementation of the requested flexibility. FNS also intends to require that States submit these ME report to FNS for review under 7 CFR 272.15(b)(4). In addition, beginning with submissions for Fiscal Year 2021, States will be expected to include as part of their State Plans of Operation⁵ details of how non-merit staff are being used as part of SNAP call center operations. Additional information on this update to the State Plans of Operation Guidance will be shared with States in the near future. FY21 State Plans of Operation will be due to FNS on August 15, 2020

Please note that, as before, vendor/private staff will not be allowed to alter a SNAP applicant or participant's case in a way that could affect their eligibility or benefit level, regardless if the vendor/private staff is working in a call center or in some other role. As noted above, the SNAP interview and certification/eligibility determination process remain a State agency employee responsibility, consistent with statute and regulation. Under Section 17(b) of the Food and Nutrition Act, as amended, FNS may consider State requests for demonstration projects that would permit vendor/private staff to perform the SNAP interview and certification/eligibility determination. Any proposed demonstration projects must have clearly stated objectives and a robust evaluation component.

FNS would also like to remind States that the Major Changes Rule at 7 CFR 272.15 may apply to the implementation of a call center or changes in the use of State agency merit system personnel.

Please note that this revised guidance is subject to the Paperwork Reduction Act. The potential Information Collection Burden that could be imposed upon States by this guidance will be included as a part of the Information Collection entitled "Supplemental Nutrition Assistance Program (SNAP): Operating Guidelines, Forms and Waivers" (OMB Control No. 0584-0083) which is currently approved through spring 2020.

FNS looks forward to reviewing any requests from States and working to ensure that our programs are run in the most efficient manner while maintaining a high level of customer service for SNAP households. SNAP State agencies should contact their respective FNS Regional Offices with any questions about this memorandum.

⁴ As discussed later in this memo, details regarding non-merit staff in call centers are required to be included as part of State Plans of Operation beginning in FY21. Per 7 CFR 277.16, FNS has the right to suspend or disallow FFP if a State fails to comply with their FNS-approved State Plan of Operation.

⁵ Required per 7 CFR 272.2

Sincerely,

**SASHA
GERSTEN-PAAL**

Digitally signed by
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Sasha Gersten-Paal
Director
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Attachment

CC:

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SNAP Call Center Support Policy

Policy Statement for Call or Contact Centers

The Food and Nutrition Act¹ and Federal regulations² restrict Supplemental Nutrition Assistance Program (SNAP) interviews and certification/eligibility determination to State agency employees hired under a merit system (“State agency employees”). Current Federal guidance (updated in February 2020) defines certification functions to include making any changes to client case files that may impact client eligibility and/or the amount of benefits a client receives, and thus restricts these activities to State agency employees. States may seek approval from FNS to use Federal Financial Participation (FFP)³ for vendor/private staff to interact with SNAP applicants or participants in a limited capacity (see chart below). In accordance with 7 CFR 275.3(a), State agencies should be aware that if a State is requesting to use vendor/private staff to conduct one or more of the newly added activities where FNS approval is required for FFP, then FNS intends to designate call/contact centers as areas required to be reviewed in the State’s Management Evaluation (ME) for the first two years following implementation of the requested flexibility and, per 7 CFR 272.15(b)(4), intends to require submission of these ME reports to FNS for review. Activities where this requirement is applicable are annotated with an asterisk (*) in the chart below. In addition, States are expected to include as part of their State Plans of Operation⁴ details of how non-merit staff are being used as part of SNAP call center operations. Additional information on this requirement can be found within the FY21 State Plans of Operation Guidance⁵.

As a reminder, States who use vendor/private staff for allowable vendor/private tasks without required FNS approval or who use vendor/private staff for tasks designated as only for State agency employees only may risk losing Federal funding to support State SNAP operations.

Also please note, the contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

(Continued on next page)

¹ Section 11(e)(6) of the Food and Nutrition Act (7 USC 2020(e)(6))

² 7 CFR 272.4(a)

³ As discussed further on in this document, details regarding non-merit staff in call centers are required to be included as part of State Plans of Operation beginning in FY21. Per 7 CFR 277.16, FNS has the right to suspend or disallow FFP if a State fails to comply with their FNS-approved State Plan of Operation.

⁴ Required per 7 CFR 272.2

⁵ This document is anticipated to be released in spring 2020.

SNAP Call Center Support Policy

SNAP Intake and Certification Functions

<p>State Agency Merit System Employees Only (“State agency employees”)⁶ <i>The following functions are reserved for State agency employees only.</i></p> <ul style="list-style-type: none"> • Interviews • Determining Eligibility • Handling Client Appeals Regarding Case Eligibility/Benefits • Handling Client Complaints Regarding Case Eligibility/Benefits • Recording Client Information or Accepting Reported Changes (that could impact client eligibility and/or benefit level) 	<p>Vendor/Private Staff with Approval <i>The following functions may only be performed by vendor/private staff with prior FNS approval. Approval is on a case-by-case basis.</i></p> <ul style="list-style-type: none"> • Handling Complaints (non-case specific) <ul style="list-style-type: none"> ○ “Wait time is too long” ○ “I want a new case worker” • Taking Requests to Replace Forms or Letters • Providing General Program Information • Scheduling and Rescheduling of Appointments • Screening for Eligibility* • Providing Application Assistance* • Answer Client Questions about Missing Information* • Pursuing Missing Information* • Providing Verification Guidance*
<p>Vendor/Private Staff <i>The following functions can be performed by vendor/private staff and do not require FNS approval.</i></p> <ul style="list-style-type: none"> • Data Entry (that does not require client contact) • Document Scanning • Data Matching (that does not include follow-up with SNAP applicants or participants) • Ancillary Support (e.g. building security, maintenance, technology support) • Providing General Information such as <ul style="list-style-type: none"> ○ Office Location ○ Contact Details ○ How to Receive an Application • Provide Locations and Referrals • Responding to Requests for Blank Applications • Provide the Following Read-Only Information from the System: <ul style="list-style-type: none"> ○ Case Status ○ Application Status ○ Receipt of Documentation ○ Benefit Amount and Date ○ Case Denial Reason 	

⁶ On April 19, 2019 the Office of Personnel Management (OPM) released guidance in the Federal Register entitled “Certifying the Use of a Merit Personnel System as Required by the Intergovernmental Personnel Act of 1970”. While this notice explains that a State or Local agency has the discretion to determine the most appropriate staffing method (in regard to utilizing State employees or contract employees) for a merit system required to be established by a federally funded program, the notice clarifies that the flexibility only applies in the absence of any other statutory or regulatory requirement to use a specific staffing method. As SNAP has both statutory and regulatory requirements to use State agency employees for the interview and certification, State agencies must follow SNAP policy with regard to these activities. FNS has identified activities that may impact client eligibility and the amount of benefits a household receives as “certification” functions to be performed only by State agency employees.

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SNAP Call Center Support Policy

Seeking FNS Approval to use Vendor/Private Staff

On a case-by-case basis, FNS may approve a State's request to use FFP for vendor/private staff in a call or contact center for the allowable functions listed above. To seek FNS approval, States must submit a formal request in writing to their FNS Regional Office. The State's request should include answers to the following questions (*these questions are subject to change*).

- Identify and describe, in detail, the specific function(s) vendor/private staff will perform.
- Provide the rationale/justification for hiring vendor/private staff instead of State agency employees.
- How many vendor/private staff will be working on the SNAP?
- Will the use of vendor/private staff result in a reduction in the number of State agency employees working on SNAP?
- Describe, if applicable, the mechanism by which client calls will be transferred from the vendor call center to State agency employees when necessary (e.g. when issues arise requiring performance of functions that may only be performed by State agency employees). Describe measures the State will take to ensure customer service (e.g. call consistency) is maintained.
- Through what organizational structure will the vendor/private staff be employed (e.g. State, temporary staffing agency, contractor, etc.)?
- How long does the State expect to use the vendor/private staff?
- What level of expertise and/or training will the vendor/private staff have?
- Describe State oversight and supervision the vendor/private staff will receive. What metrics will the State use to monitor vendor/private staff performance? If performance of the vendor/private staff is less than satisfactory, what action(s) can the State take?
- What risks to customer service or SNAP program performance does the proposed use of vendor/private staffs create?
- How will the vendor/private staff be funded?

As each State's purpose for using vendor/private staff varies, additional information will likely be requested by the Regional Office after the initial formal request is submitted by the State.

Please note that the implementation of a call center, as well as any change in the functions or responsibilities currently assigned to State agency employees, is considered a major change under 7 CFR 272.15. States are required to submit a Major Changes Notification at least 120 days prior to implementing a major change. FNS will review the submission and, if the change is considered to be a major change under the rule, respond with the State's necessary reporting requirements.