



Food and
Nutrition
Service

1320 Braddock Place
Alexandria, VA
22314

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Subject: Supplemental Nutrition Assistance Program – Questions and Answers, COVID-19, Set #4

To: All State Agency Directors
Supplemental Nutrition Assistance Program

The Food and Nutrition Service (FNS) is issuing the attached set of questions and answers for Supplemental Nutrition Assistance Program (SNAP) State agencies to address inquiries received about the administration of Employment and Training programs in response to the pandemic caused by COVID-19.

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. All of the flexibilities and changes discussed in this document apply only during the public health emergency, unless a different time period is specified.

State agencies should contact their respective FNS Regional Offices with any questions.

Sincerely,

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Enclosure

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A. Program Flexibilities

1. Can a State suspend, or apply for a waiver to suspend, its E&T program due to pandemic-related related shutdowns or quarantines?

Under 7 CFR 273.7(c)(4), the State agency is required to operate an E&T program. However, States have broad discretion in developing criteria for who should and should not be required to participate in E&T. These criteria must include the statutory exemptions from the general work requirements, but may also include criteria the State agency has identified in accordance with 7 CFR 273.7(c)(6). In addition, 7 CFR 273.7(e)(4) allows States to operate E&T programs in which individuals elect to participate. States have flexibility to exempt individuals or categories of individuals from the requirement to participate in SNAP E&T, as they deem appropriate. States should consider the impact of the pandemic caused by COVID-19 on their communities when developing exemptions. States should take into consideration the availability of child care, transportation, or other services directly related to and necessary for participation in an E&T component.

2. Are SNAP E&T contracted providers allowed flexibility in duties performed to assist with the community needs, while still requesting reimbursement?

SNAP E&T funds may only be used to provide allowable E&T services to eligible SNAP participants, as approved in the State SNAP E&T plan, per 7 CFR 273.7(d)(1)(ii). However, in response to the pandemic caused by COVID-19, SNAP E&T providers may want to alter the services they are providing to better meet community needs. For example, a provider may decide to provide additional case management services to SNAP participants who have been laid off due to COVID-19, or to increase participant reimbursements for individuals who need additional support to participate in on-line services.

In such instances, the State agency should work with the provider to ensure that any changes in services are allowable under 7 CFR 273.7 and that the provider has a reasonable implementation plan.

3. May States provide E&T services virtually to limit in-person contact?

Yes. States may provide SNAP E&T services virtually to limit in-person contacts and practice social distancing. For example, if an individual is participating in a community college course, and the school modifies its service delivery to include only on-line classes, this is an allowable E&T activity.

4. Some colleges have moved to on-line classes for the remainder of the semester. How should States handle mandatory SNAP E&T participants who lack proper equipment and/or internet access to engage in on-line classes? Will good cause be granted?

States have broad discretion in developing criteria for who should and should not be required to participate in E&T. These criteria must include the statutory exemptions from the general work requirements, but may also include criteria the State agency has identified in accordance with 7 CFR 273.7(c)(6). States should consider the impact of COVID-19 on their communities and set exemptions as appropriate. In addition, in accordance with 7 CFR 273.7(d)(5), States are required to provide participant reimbursements that are reasonably necessary and directly related to participation in E&T. If the pandemic has impacted the availability of child care, transportation, or other services directly related to and necessary for participation in an E&T component, States should exempt individuals from mandatory E&T.

As provided in 7 CFR 273.7(f), States are required to determine if good cause applies whenever a SNAP recipient fails or refuses to comply with the general work requirements, including mandatory SNAP E&T. Good cause includes circumstances beyond the member's control, such as, but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation, or the lack of adequate child care for children who have reached age six but are under age 12. In addition, good cause includes leaving employment that is unsuitable, for example if the degree of risk to health and safety is unreasonable. The pandemic caused by COVID-19 could cause such circumstances.

B. Use of Funds

1. Can Federal SNAP E&T funds be used to provide supportive services to non-SNAP E&T participants who have temporarily lost employment or who are not able to work due to COVID-19?

No. Under 7 CFR 273.7(d)(4), States are required to provide reimbursements to SNAP E&T participants that are reasonably necessary and directly related to participation in E&T. States have considerable flexibility to assess the circumstances of the individual participant and determine appropriate participant reimbursements. FNS recognizes that the pandemic may have dramatically changed the needs of participants and encourages States to provide a wide range of allowable supports. However, participant reimbursements may only be provided to eligible SNAP participants, per 7 CFR 273.7(d)(4).

2. Several larger, regulated childcare options are closed. Can States use SNAP E&T funds to provide childcare at unregulated childcare options, such as a neighbor who is watching a small number of children during the pandemic?

Under 7 CFR 273.7(d)(4)(i), States may set policies that ensure the childcare provided meets all applicable standards of State and local law, including requirements designed to ensure basic health and safety protections. Depending on the provider, in-home childcare options may meet these requirements. Prior to issuing the reimbursement, 7 CFR 273.7(d)(4)(i) requires the State to verify the need for dependent care, the cost and hours of care, as well as the name and address of the provider. An E&T participant is not entitled to dependent care reimbursements if the childcare is provided by a member of the individual's SNAP household.

3. If a supportive service, such as a bus pass, is sent through the mail and lost, can the State agency reimburse the provider for a replacement supportive service?

Yes. State agencies are required to provide participant reimbursements to participants for expenses that are reasonably necessary and directly related to participation in the E&T program. Participant reimbursements include, but are not limited to, such supportive services as transportation, dependent care, and other work, training or education related expenses, in accordance with 7 CFR 273.7(d)(4). The State agency or E&T provider should exercise due diligence by taking necessary safety precautions when transmitting participant reimbursements through the mail, such as tracking the receipt and cancelling the payment when a loss has been identified. The loss of the supportive service, such as a bus pass or a gas card, in the mail would not negate the responsibility of the State agency to ensure these payments were provided. A replacement for the needed participant reimbursement is an allowable reimbursement under SNAP E&T.

4. A SNAP E&T participant in job retention was told not to return to work due to COVID-19 related closures. Once the participant becomes employed or re-employed, does their 90 days of job retention begin over again?

There is no limit to the number of times an individual may receive job retention services under 7 CFR 273.7(e)(1)(viii) as long as the individual re-engaged with E&T prior to obtaining new employment. If an individual temporarily loses their job due to pandemic-related closures or interruptions and then participates in E&T in order to find a new job or gain new job skills, they would again be eligible for up to 90 days of job retention services when the individual secures employment. States also have flexibility to determine the start date for job retention services, provided that the individual is participating in SNAP in the month of or the month prior to beginning job retention services. For example, if an individual begins a new job but is still receiving SNAP and participating in an education component through E&T, the State may decide to instead continue to provide supportive services to the individual because they are in the education component, rather than place the individual in job retention.

In addition, the *Agricultural Improvement Act of 2018* (P.L. 115-334) established a new requirement at section 6(d)(4)(B)(i)(VII) of the Food and Nutrition Act (7 U.S.C. 2015(d)(4)(B)(i)(VII)) that States choosing to offer job retention services must do so for a minimum of 30 days. States agencies should make a good faith effort to provide at least 30 days of job retention services to E&T participants enrolled in the job retention component. Good faith efforts may include informing participants in the job retention component of the 30 day minimum and developing a case management plan for each job retention program participant that extends at least 30 days.

5. Can a State use E&T funds to purchase laptops and peripheral equipment necessary for remote learning for their E&T participants if colleges or other E&T providers suspend in-person classes and move to on-line services?

Yes. States may use SNAP E&T funds —50 percent Federal reimbursement funds or direct Federal grant funds — to purchase laptops or other computer equipment that may be loaned to E&T participants. In addition, States must follow Federal cost principles regarding disposition of equipment.

6. Can States' E&T providers, including third-party providers, claim costs even when services are not taking place or when participants cannot attend because of social distancing requirements?

Generally, if providers are unable to provide and deliver program services and no benefit has been derived by the participant and the program, they could not submit costs for reimbursement as federal financial participation funds under 7 CFR 273.7(d)(1)(ii) and (d)(2). However, in situations where providers can document that they are delivering partial services, they may submit costs associated with those partial services for payment, including for reimbursement, as long as they are clearly allocable to the program.

Please note that States must consider their specific agreements with providers, including third-party providers, and obligations under the terms negotiated in these agreements.

7. Many SNAP agencies and E&T provider offices are closed due to COVID-19. Can direct Federal grants be used to offer supplemental paid leave related to COVID-19 to employees of State agencies and E&T providers, including instances where E&T providers' staff may not have annual or sick leave?

State agencies may use SNAP E&T funds for supplemental paid leave to their own employees consistent with their existing policies. Such policies could not be newly established as a result of the pandemic caused by COVID-19. States must maintain appropriate records and cost documentation as required by 2 CFR 200.302 and 2 CFR 200.333 to substantiate the charging of any salaries and other project activity costs related to interruption of operations or services.

This flexibility to use Federal funds for supplemental paid leave to employees does not extend to contracts awarded by the State agency, such as a contract with a SNAP E&T provider. However, State agencies are subject to the terms and conditions of their contracts and may be responsible for payment during a situation such as COVID-19, should the contract terms require such.

8. Will there be some emergency funding for the E&T program supporting participants during COVID-19?

Neither the FFCRA or the Coronavirus Aid, Relief, and Economic Security Act (CARES) provided additional emergency funding for SNAP E&T.

C. State E&T Plans

1. Do States need to submit a State E&T plan amendment for program changes as a result of COVID-19?

States may be required to submit amendments to their SNAP E&T State plan as a result of COVID-19. States are required to submit amendments for approval if they make major changes to the nature or location of the components or the number or characteristics of persons served as per 7 CFR 273.7(c). Minor changes that do not affect participation levels or component costs do not need prior approval. Revisions affecting program funds must be submitted for prior approval in accordance with 7 CFR 272.2(f) if they meet the following criteria:

- They indicate the need for additional Federal funding -100 percent or 50 percent;
- The SNAP E&T budget exceeds \$100,000 and there is a change in activities that result in a change of 5 percent or greater of the total program budget; or
- They involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs.

States should notify their FNS regional office as soon as possible if they anticipate amending their State E&T plans because of COVID-19, and consult the *SNAP E&T Plan Handbook* for more information. States must submit an amendment as an addendum to the State plan document. In accordance with 7 CFR 273.7(c)(8), States must submit amendments 30 days prior to implementation in order to provide FNS 30 days for review. Given the unprecedented situation resulting from COVID-19, FNS will expedite the review process and States may implement as soon as practicable after approval.

2. If a State wants to use discretionary exemptions for ABAWDs in response to COVID-19, would they need amend their E&T State Plan?

No. States are not required to include information in their E&T State Plan regarding the criteria they use for the discretionary exemptions for ABAWDs. However, States may inform the appropriate FNS Regional office if they will use their exemptions for this purpose.