



**DATE:** March 20, 2024

**SUBJECT:** Supplemental Nutrition Assistance Program—Use of Nonmerit Personnel in SNAP Administration

**TO:** All SNAP State Agencies, All Regions

The Food and Nutrition Service (FNS) seeks to clarify existing policy and flexibilities regarding the use of nonmerit personnel in the administration of the Supplemental Nutrition Assistance Program (SNAP). Accordingly, FNS is issuing a toolkit for States' use of nonmerit personnel in the administration of SNAP, a copy of which is attached to this memorandum. This toolkit elaborates on the previously-issued memorandum dated February 6, 2020, [\*Revised Guidance for Use of Vendor/Private Staff in Call Centers: 2020 Update\*](#).

The attached toolkit clarifies the functions for which States may use nonmerit personnel and the approval and major change reporting requirements for States seeking to use nonmerit personnel in the administration of SNAP. The toolkit does not include any substantive changes from previous FNS guidance.

The toolkit is meant to improve States' understanding of the possibilities and requirements of using nonmerit personnel and expedite State deliberations on employing nonmerit personnel relative to other strategies they are considering. This toolkit addresses the principles and rationale behind the SNAP limitations on the use of nonmerit personnel; provides explanations and examples of activities FNS can approve; and outlines the process for obtaining such approval.

Previous FNS guidance allowed States to test additional capacity for nonmerit personnel with Federal Financial Participation (FFP) and expanded allowable activities by nonmerit personnel in call centers. This toolkit clarifies the guidance on functions nonmerit personnel can perform, regardless of whether nonmerit personnel are employed in a call center or other office involved in program operations. The toolkit addresses three types of functions:

- Functions that do not require FNS approval but do require notification pursuant to major change requirements
- Functions that do require both prior FNS approval *and* notification pursuant to major change requirements
- Functions for merit personnel only

This toolkit also clarifies the approval and major change reporting requirements for implementing changes involving the use of nonmerit personnel in accordance with statutory and regulatory requirements. Depending on the functions States seek nonmerit personnel to perform, multiple approval and reporting requirements may be applicable. This toolkit

outlines the circumstances regarding the use of nonmerit personnel in which a State is required to—

- Request prior approval from FNS to receive FFP.
- Notify FNS pursuant to major change requirements.
- Report the use of nonmerit personnel in a State call center through the annual State Plan of Operations.

Please note, while receipt of an FNS acknowledgement of a report of a major change in program design is not a requirement prior to implementation, States are strongly advised to await FNS acknowledgement first. States implementing a major change without receiving such acknowledgement may be required to reverse the change and risk suspension or disallowance of federal funds if it is determined the change placed the State out of compliance with statute or regulation.

State agencies that would like to use nonmerit staff for functions not mentioned in this toolkit should contact FNS to determine whether the intended use is compliant, requires FNS approval, and/or meets reporting requirements pursuant to major change requirements.

Thank you for your continued commitment to ensuring all those in need of nutrition assistance receive timely and accurate benefits. FNS stands ready to provide technical assistance on policy and operational options available to your State to effectively administer SNAP while providing a higher level of customer service. State agencies should contact their respective FNS Regional Offices with any questions about this memorandum.

Sincerely,

Moira Johnston  
Acting Director  
Program Development Division  
Enclosure

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**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)**

Program Development Division

# **Toolkit for States' Use of Nonmerit Personnel in the Administration of the Supplemental Nutrition Assistance Program (SNAP)**

## **Policy Background**

Section 11(e)(6) of the Food and Nutrition Act (the Act, 7 U.S.C. § 2020(e)(6)) and Federal regulations at 7 CFR 272.4(a) require that States use employees hired under a merit system of personnel administration (as prescribed by the Office of Personnel Management pursuant to 42 U.S.C. § 4728) to conduct Supplemental Nutrition Assistance Program (SNAP) certification functions. SNAP certification functions include—but are not limited to—conducting interviews, determining households' eligibility and benefit levels, and making changes to participants' cases that may affect their eligibility and benefits.

The Food and Nutrition Service (FNS) has observed difficulties that resulted in systemic failures in the program when States have employed nonmerit personnel, such as private contractors, in aspects of the certification process. States past use of nonmerit personnel in the certification process introduced complex business processes with multiple handoffs. Many nonmerit personnel also lacked sufficient program expertise. These issues caused substantial financial losses to the Federal government and adversely affected many SNAP applicants and households. As a result, FNS established guidelines that identified functions nonmerit personnel can provide to States at any time and functions that require FNS approval before nonmerit personnel can be used in the SNAP certification process.

These guidelines clarified that FNS approval is required to allow States to claim Federal Financial Participation (FFP) for the cost associated with using nonmerit personnel (FFP is the 50/50 Federal reimbursement for State SNAP administration costs). States seeking FNS approval must submit information that enables FNS to determine if the State's preparations for deployment of nonmerit personnel and any revisions to its business process are sufficient to mitigate risks to program integrity and households. States that do not seek prior FNS approval to use nonmerit personnel for designated functions or use nonmerit personnel for tasks reserved exclusively for merit employees may face FNS suspending funds or disallowing costs.

While FNS's [guidance](#) about nonmerit personnel historically focused on deployment within call or contact centers, in practice the guidance has applied to all other offices and operations involved in the administration of SNAP. In this toolkit, FNS is elaborating on prior guidance to facilitate a more comprehensive understanding of the permissibility of States' uses of nonmerit personnel.

## **Categories of the Use of Nonmerit Personnel**

FNS has developed three categories to group functions nonmerit personnel can perform:

1. Functions that *do not* require FNS approval but do require notification pursuant to major change requirements
2. Functions that *do* require both prior FNS approval and notification pursuant to major change requirements
3. Functions for merit personnel only

The following sections explain these three categories to clarify each function and provide relevant examples. Each category indicates if FNS approval is required and if a major change notification is required. For more information on FNS approvals and major change notifications, see [Approval and Notification Requirements](#) below.

## 1. Functions That Only Require State Notification of Major Change

### Allowable Nonmerit Personnel Functions With State Notification of Major Change

Nonmerit personnel can perform these functions after a State submits a major change notification pursuant to major change requirements.

The functions discussed in this section are related to providing the SNAP household with general information about program access (e.g., office location assistance, application provision) and the household's SNAP case, such as the benefit amount.

FNS believes the functions in this section pose a low risk to program integrity and enable States to use nonmerit personnel to provide SNAP participants timely answers to

common questions. Therefore, FNS approval is not required when using nonmerit personnel for these functions. However, States are required to submit a major change notification and meet major change reporting requirements if FNS deems the change as a major change. See [Approval and Notification Requirements](#) below for additional information.

### 1.1. Data Entry Without Household Contact

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This function consists of entering data into various State systems without household contact. **For this function, nonmerit personnel cannot enter data into any fields in the eligibility system that could affect the determination of a household's eligibility or benefit levels.**

**Examples:** Recording information or making notes in the eligibility system's comment or documentation fields and screens, entering data on the average wait time for applicants in a certification office, entering data on the number of calls an office has received requesting information about SNAP, or entering dropped off or mailed applications into the client-facing portal

### 1.2. Document Scanning

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This function consists of scanning documents into the State's document management system.

**Example:** Scanning certification documents such as verifications or applications

### 1.3. Data Matching Without Household Contact

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For each match that nonmerit personnel may work with, the State should review the requirements of its matching agreement to ensure data from sources outside the State agency are handled properly based on Federal privacy and disclosure requirements. This function is limited to conducting data matches and making notes or worker alerts that would then require a merit personnel caseworker to follow up with the SNAP household. Nonmerit personnel are not allowed to make changes to the case records or follow up with SNAP applicants or participants.

**Examples:** Conducting The Work Number data match, checking for duplicate participation, and reviewing Social Security Administration (SSA) data to see if the household receives SSA benefits

### 1.4. Providing General Information, Office Locations, and Referrals

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This function is limited to information that is not case-specific.

**Examples:** Providing phone numbers to call for specific issues, explaining how to find the State's online application system on the internet, helping a household identify the closest SNAP office, or providing referrals to other agencies or benefit programs.

### 1.5. Responding to Requests for Blank Applications or Forms

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This function is limited to information that is not case-specific.

**Example:** Handing out or mailing blank applications when an applicant requests one or providing a blank hearing request form.

### 1.6. Providing Case Information From the System

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Nonmerit personnel may provide certain information to applicants and participants from the eligibility system. While nonmerit personnel can obtain access to this data in the State's eligibility system in a read-only mode, the State must ensure the system has appropriate permissions and restrictions that limit nonmerit personnel from viewing restricted information based on the State's computer/data matching agreements and Federal privacy and disclosure requirements.

The following information may be provided:

- Case status
- Application status
- Receipt of documentation
- Benefit amount and date
- Case denial reason

## 2. Functions That Require Both FNS Approval and State Notification of Major Change

### Allowable Nonmerit Personnel Functions With FNS's Approval and State Major Change Notification

Nonmerit personnel can perform these functions after the State (1) receives FNS's approval and (2) notifies FNS pursuant to major change requirements.

While the Act restricts SNAP certification functions to merit personnel, States may request FNS approval, including notification pursuant to major change requirements, to use nonmerit personnel to interact with SNAP applicants and participants in a **limited capacity**. Experience has shown that with solid State planning and oversight (and FNS review and approval), nonmerit personnel can be successfully integrated into the administration of the certification

process.

Requiring approval of these functions enables FNS to review the State's business processes and management and oversight plans. With this information, FNS can work with the State to reduce the potential for noncompliance with SNAP requirements and related risks to program integrity and customer service.

For the functions in this section, nonmerit personnel may have limited access to the State's eligibility system. This includes read-only access and/or edit access that restricts nonmerit personnel from making changes to fields affecting eligibility determination or certification of benefits. The State must ensure the system has appropriate permissions and restrictions that limit nonmerit personnel from making edits that can affect households' eligibility or benefits or viewing prohibited information based on the State's computer/data matching agreements and Federal privacy and disclosure requirements.

If a State seeks to use nonmerit personnel to perform any of the following functions, the State must first receive FNS approval. The State is also required to submit a major change notification and meet major change reporting requirements if FNS deems the change as a major change. See [Approval and Notification Requirements](#) below for additional information.

### 2.1. Handling SNAP Complaints (not Case-Specific)

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Nonmerit personnel can assist only with complaints that are not case-specific. Nonmerit personnel must receive training and information necessary to handle such complaints. If the complaints are about a specific case, they must be routed to merit personnel to handle.

**Example:** Addressing not case-specific SNAP complaints such as “my wait time is too long” or “the security officer in the certification office was rude to me”

## 2.2. Responding to Requests to Replace or Resend Forms or Letters

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This function involves going into a household's case file to retrieve a saved (or archived) version of a notice or form the household was sent earlier. However, this can only be done by nonmerit personnel if printing or resending the document does not trigger or require changes to the case file that affect SNAP eligibility.

**Example:** Accessing a case's notice repository or archive to print and mail a notice already sent to the household

## 2.3. Providing Program Information

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This function involves answering households' questions about SNAP that may involve various aspects of certification policy. The distinction between this function and the function in *Section 1.4. Providing General Information, Office Locations, and Referrals* is that FNS approval is required for nonmerit personnel to address policy questions as opposed to providing information not specific to a case or policy.

Providing program information involving certification policy requires FNS approval because a certain level of policy knowledge is necessary to answer these questions. When nonmerit personnel perform this function, it is important to ensure they are adequately trained and kept abreast of any certification policy updates to enable them to share accurate information with households.

Because this function requires an in-depth knowledge of complex SNAP certification policies, States must provide sufficient policy oversight of nonmerit personnel performing these functions beyond the supervision a vendor may provide.

**Example:** Answering questions such as "what are the SNAP work requirements," "who can be in my SNAP household," and "does my household's vehicle count as an asset?"

## 2.4. Scheduling and Rescheduling Appointments

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This function involves scheduling and rescheduling phone and/or in-person interviews for initial certification or recertification.

To perform this function, nonmerit personnel can assist households with scheduling and rescheduling interview appointments using a system separate from the eligibility system or in the eligibility system if access by nonmerit personnel is limited to areas that are outside the eligibility workflow and do not affect eligibility or benefits.

This function does not include issuing notices, such as the Notice of Missed Interview or other eligibility-related notices. Those functions are reserved for merit personnel.

**Example:** Using a client-facing interview scheduling portal to help the household reschedule an interview



## 2.5. Screening for Eligibility

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This function involves assisting in screening households to assess their eligibility for SNAP.

To perform this function, nonmerit personnel should use an electronic screening or paper-based screening tool to ensure consistent screening. Nonmerit personnel cannot have write access to the eligibility system to perform this function if the access would affect the household's eligibility. Regardless of the screening results, the household must be informed that they may still apply for SNAP.

**Example:** Using an online screening tool on the State's public website to help a household determine if they will likely be eligible for SNAP once they complete the full application

## 2.6. Providing Application Assistance

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This function involves assisting an applicant in person, over the phone, or virtually through the application process. Assistance can include the following tasks:

- Answering questions about the application form
- Walking the applicant through the application form
- Providing information on acceptable forms of verification
- Entering information provided by the applicant on a paper or online application form
- Recording a telephonic signature
- Submitting a completed online application form

Nonmerit personnel cannot register or enter an application directly into the eligibility system, process the application, interview households, or make changes to the case that affect eligibility or benefits.

These functions require familiarity with the State's applications and the application process. Nonmerit personnel in these roles would need initial and ongoing training and periodic monitoring from State policy personnel.

**Example:** Using the online application to complete and submit the application with a telephonic signature from an applicant over the phone

## 2.7. Answering Household Questions About Missing Information

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This function involves looking into a household's case file to determine what items merit personnel has determined are needed to satisfy an outstanding verification requirement.

Nonmerit personnel can have limited system access to see what information has been requested and is still outstanding and relay this information to the household. Nonmerit personnel cannot make a determination if all information needed for the case has been

received; they are limited to what merit personnel have already determined is still missing.

**Example:** Pulling up a SNAP case in the eligibility system to see if all the paystubs requested have been received and relaying to the household how many paystubs have been received and how many are outstanding

## 2.8. Pursuing Missing Information

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This function involves assisting households in obtaining missing information, such as verifications, required for an application or case action, as determined by merit personnel.

Nonmerit personnel can have limited system access to view case notes, notices, and other screens to identify what information has been requested by merit personnel that is still outstanding. They can then assist the household in pursuing this information when the household indicates they are having trouble obtaining the verification. Nonmerit staff can assist with documentation, but only merit staff can process the information.

**Example:** Conducting a three-way call with household and household's landlord to obtain the household's monthly rent amount, or running a data match that can verify requested information

## 2.9. Providing Verification Guidance

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This function involves providing guidance to a household regarding the type of document they can provide to fulfill a specific verification requirement. Nonmerit personnel can explain to the household the type of documents that it can provide to fulfill a specific requirement or what verification may be required (based on what merit personnel have requested).

**Example:** Providing the household with a list of acceptable documents when an applicant contacts the office to ask what kinds of verification documents they can provide to verify identity

## 2.10. Collecting Households' Reported Changes

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Nonmerit personnel can assist households that contact the State with changes and then submit the changes to merit personnel for processing.

While nonmerit personnel cannot make changes to fields in the eligibility system that affect eligibility determination or benefits, nonmerit personnel approved for this function may enter case comments or input details into a documentation screen for merit personnel to process. Only merit personnel can review the change to determine if it affects household eligibility or benefit levels and act on the change as appropriate.

**Example:** Using the change report form on a State’s online portal to complete and submit the form on a household’s behalf as reported over the phone

**Note:** Some States are using nonmerit staff in the administration of other programs within the same State agency. Please see previous guidance for more information regarding address or other changes known to the agency through other programs: “[SNAP Use of Information Received from Other Public Assistance Programs](#)”.

### 2.11. Data Entry With Household Contact

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In contrast to the data entry function described in [Section 1.1. Data Entry Without Household Contact](#), FNS approval is required if the data entry takes place while nonmerit personnel interact with the household.

**Example:** Entering data into the public-facing application portal to help a household that needs assistance with application submission

## 3. Functions for Merit Personnel Only

The functions in this section are core functions of SNAP certification and are reserved for merit personnel. These functions deal directly with determining eligibility for SNAP benefits and/or making changes to a household’s case that could affect their eligibility or benefit level. Beyond the requirements of the Act and SNAP regulations, keeping these roles exclusively with merit personnel reduces the risk of noncompliance with SNAP requirements. These functions include the following:

- Interviewing
- Determining eligibility
- Accepting and processing household appeals about case eligibility/benefits
- Accepting and managing household complaints about specific case eligibility/benefits
- Acting on reported changes or household information that could affect eligibility and/or benefit levels

### Approval and Notification Requirements

This section outlines the approval and notification requirements based on the functions States seek nonmerit personnel to perform in the administration of SNAP. States that seek to use nonmerit personnel to perform functions outlined in this toolkit are subject to notification pursuant to major change requirements and may also be subject to FNS’s approval. These requirements include the following:

- FNS approval to receive FFP
- Major change notification requirements
- State Plan of Operations reporting

### ***FNS Approval to Receive FFP***

On a case-by-case basis, FNS may approve a State's request to use FFP for nonmerit personnel for one or more functions listed in [Section 2. Functions That Require Both FNS Approval and State Notification of Major Change](#) (see [Major Change Notification Requirement](#)).

To seek FNS approval, a State must submit a formal request in writing to its FNS Regional Office. This request can be combined with the major change notification.

The State's request must include the following information:

- Identify and describe, in detail, the specific function(s) nonmerit personnel will perform.
- Provide the rationale/justification for hiring nonmerit personnel instead of merit personnel.
- Provide the number of nonmerit personnel working on SNAP.
- Indicate whether the use of nonmerit personnel will reduce the number of merit personnel working on SNAP.
- Describe, if applicable, the mechanism by which household calls will be transferred from nonmerit personnel to merit personnel when necessary (e.g., when issues arise requiring performance of functions only merit personnel may perform). Describe measures the State will take to maintain customer service (e.g., call consistency).
- Outline the organizational structure through which nonmerit personnel will be employed (e.g., State, temporary personnel agency, contractor).
- Indicate how long the State expects to use nonmerit personnel.
- Explain the level of expertise and/or training nonmerit personnel will have.
- Describe State oversight and supervision nonmerit personnel will receive. Outline metrics the State will use to monitor nonmerit personnel performance. Explain what actions the State will take if the performance of nonmerit personnel is less than satisfactory.
- Describe the risks to customer service or SNAP program performance the proposed use of nonmerit personnel will create.
- Explain how nonmerit personnel will be funded.

Depending upon the information provided, FNS may request follow-up details or clarifications.

### ***Major Change Notification Requirement***

Section 11(a)(4) of the Act (7 U.S.C. § 2020(a)(4)) and Federal regulations at 7 CFR 272.15 require States to notify FNS of major changes in the operation of SNAP. States must submit a major change notification at least 120 days before implementing a major change. FNS will review the submission and provide acknowledgment of the notification. The acknowledgment will include a determination on whether the reported change is considered a major change subject to the reporting requirements specified in 7 CFR 272.15(b).

As it relates to the State's use of nonmerit personnel in the operation of SNAP, 7 CFR 272.15(a)(2) defines the following three major changes that may trigger a major change notification:

- Any reduction or change of the functions or responsibilities currently assigned to SNAP merit personnel (7 CFR 272.15(a)(2)(iv))
- A reduction of 5 percent of merit personnel from one year to the next or a reduction by 8 percent over a 2-year period (7 CFR 272.15(a)(2)(v))
- Changes in operations that potentially increase the difficulty of households reporting required information (e.g., using a call center or web portal for change reporting) (7 CFR 272.15(a)(2)(iii))

States **must** submit, and FNS will acknowledge, a major change notification for any functions in Section 1 and Section 2 of this toolkit that the State intends nonmerit personnel to perform. For functions in *Section 2. Functions That Require Both FNS Approval and State Notification of Major Change*, States may submit their major change notification and request for approval to receive FFP for nonmerit personnel (see *FNS Approval to Receive FFP*) in one document.

States that are required to notify FNS of a major change must follow current FNS guidance for reporting major changes at <https://www.fns.usda.gov/snap/fr-011916>.

### ***State Plans of Operations Reporting***

States using nonmerit personnel as part of their SNAP call center operations must specify this information in their annual State Plan of Operation. These States must provide a description of the functions that nonmerit personnel perform in the call center. For any functions nonmerit personnel have been approved by FNS to perform, States are encouraged to include a copy of the FNS approval letter.

This reporting requirement applies to the use of nonmerit personnel in any function in the call center, regardless of whether the functions require FNS approval.

Reporting the use of nonmerit personnel in a State's call center is not a substitute for the standard approval and notification requirements outlined in this section. States must follow the approval and notification requirements in this section, as appropriate.

Per 7 CFR 277.16, FNS has the right to suspend or disallow FFP if a State fails to comply with its FNS-approved State Plan of Operation.

### Summary of Approval and Notification Requirements by Function

Function Category	Approval and Notification Requirements
Functions that do not require FNS approval but require State major change notification (discussed in Section 1)	<ul style="list-style-type: none"> <li>• Major change notification is required</li> <li>• State Plan of Operations Reporting is required if using nonmerit personnel in call center operations</li> </ul>
Functions that require both FNS approval State major change notification (discussed in Section 2)	<ul style="list-style-type: none"> <li>• FNS approval to receive FFP is required</li> <li>• Major change notification is required</li> <li>• State Plan of Operations reporting is required if using nonmerit personnel in call center operations</li> </ul>

### Summary of Functions Performed by Merit and Nonmerit Personnel

<p><b>Merit Personnel Only</b></p> <p><i>The following functions are reserved for merit employees only.</i></p>
<ul style="list-style-type: none"> <li>• Interviewing</li> <li>• Determining eligibility</li> <li>• Accepting and processing household appeals about case eligibility/benefits</li> <li>• Accepting and managing household complaints about specific case eligibility/benefits</li> <li>• Acting on reported changes or household information that could affect eligibility and/or benefit levels</li> </ul>
<p><b>Nonmerit Personnel With FNS Approval and Major Change Notification</b></p> <p><i>The following functions may be performed by nonmerit personnel with prior FNS approval and State notification pursuant to major change requirements. Approval is granted on a case-by-case basis.</i></p>
<ul style="list-style-type: none"> <li>• Handling complaints (not case-specific)</li> <li>• Responding to requests to replace or resend forms or letters</li> <li>• Providing program information</li> <li>• Scheduling and rescheduling appointments</li> <li>• Screening for eligibility</li> <li>• Providing application assistance</li> <li>• Answering household questions about missing information</li> <li>• Pursuing missing information</li> <li>• Providing verification guidance</li> <li>• Collecting households' reported changes</li> <li>• Data entry with household contact</li> </ul>

### **Nonmerit Personnel With Major Change Notification**

*The following functions can be performed by nonmerit personnel without FNS approval but do require State notification pursuant to major change requirements.*

- Data entry without household contact
- Document scanning
- Data matching without household contact
- Providing general information, office locations, and referrals
- Responding to requests for blank applications
- Providing the following case information from the system:
  - Case status
  - Application status
  - Receipt of documentation
  - Benefit amount and date
  - Case denial reason