

This handbook is provided to you by the Nebraska Department of Agriculture (NDA). Contained within this book are the terms and conditions of the SFMNP and WIC FMNP. If you have questions regarding either program, please contact NDA at 800-422-6692.

Name: _____

Vendor Number: _____

NEBRASKA SENIOR FARMERS MARKET NUTRITION PROGRAM AND WOMEN INFANTS AND CHILDREN FARMERS MARKET NUTRITION PROGRAM HANDBOOK

The Senior Farmers Market Nutrition Program (SFMNP) and Women, Infants and Children Farmers Market Nutrition Program (WIC FMNP) are Congressionally authorized programs that are administered by the Nebraska Department of Agriculture (NDA) and the Nebraska Department of Health and Human Services (DHHS). They are jointly funded by the State of Nebraska and the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS). Both programs serve the dual purposes of providing fresh, nutritious, unprepared, locally grown foods for human consumption to nutritionally at risk, low-income seniors, women and children and stimulating the demand for produce sold at NDA certified produce stands.

This handbook sets forth the terms and conditions of the 2016 SFMNP and WIC FMNP. Farmers who have participated in an interactive training session, entered into an agreement with NDA, and completed the certification steps on the Nebraska Farmers Market Online Database within the past three (3) years are automatically enrolled to participate in both programs. Agreements are valid for three (3) years and will expire at the end of the 2018 program year. Neither the farmer nor NDA has an obligation to renew their agreement and either party may terminate it for cause after providing advance written notification to the other party. If there are any changes to either program, they will be reflected in the *SFMNP and WIC FMNP Handbook*, which are sent to certified farmers every year.

SFMNP and WIC FMNP are similar in nature and operate the same way. Therefore, program rules including training, certification, eligible and ineligible food choices (except honey), proper coupon redemption procedures, certified vendor identification, guidelines for storing coupons safely, equitable treatment of participants, guidelines for canceling coupons, Civil Rights compliance, sanctions, disqualifications, and appeal processes are identical to one another. Certification automatically allows farmers to accept any SFMNP or WIC FMNP coupons that are properly presented in exchange for eligible foods. Certification for both programs will expire at the end of the certification period.

Certified farmers are guaranteed payment, so long as they comply with program rules. Certified farmers who handle SFMNP and WIC FMNP coupon transactions must follow certain federal and state regulations. SFMNP and WIC FMNP certified farmers are held accountable for understanding all procedures and rules of both programs and are responsible for training all other persons who will be acting on their

behalf at their farmstand(s). Failure to comply with these rules will result in non-payment, suspension, and/or disqualification from both programs. Compliance with the following rules is required by all Nebraska SFMNP and WIC FMNP certified farmers.

- **Eligible Food Choices.** Only fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, (and honey for SFMNP) for human consumption may be purchased with SFMNP and WIC FMNP coupons. Honey is not an eligible food under WIC FMNP. Eligible foods may not be processed or prepared beyond their natural state except for the usual harvesting and cleaning processes. The term “locally grown” means product grown either in Nebraska or in an adjacent county to Nebraska’s border. There are no exceptions. Certified SFMNP and WIC FMNP farmers must provide eligible foods at the current price or less than the current price charged to other customers. For a complete list of eligible foods, please refer to the part of this document entitled, “Eligible Food List.”

- **Ineligible Food Choices.** Prohibited purchases with SFMNP and WIC FMNP coupons include, but may not be limited to:
 1. Grocery store purchases;
 2. Non-locally grown fresh fruits, vegetables, herbs, and/or honey;
 3. Whipped, sugared, creamed, dried, flavored, fruited, pasteurized, or infused honey;
 4. Processed fruit or vegetable products, such as jams and jellies, popcorn, juices and ciders, and baked goods of any kind, including fruit pies and breads; and
 5. A partial list of other ineligible items include dried fruits or vegetables, prunes (dried plums), raisins (dried grapes), sun-dried tomatoes, and dried chili peppers; potted fruit or vegetable plants; potted or dried herbs; wild rice; nuts of any kind (even raw); maple syrup; cider; seeds; eggs; meat; cheese; seafood; and (under WIC FMNP only, honey).

- **Valid SFMNP and WIC FMNP Coupons.** SFMNP and WIC FMNP coupons may only be accepted for the purchase of eligible foods. SFMNP and WIC FMNP participants or their authorized representative (or proxy) may purchase eligible items

with their coupons. Coupons with missing signatures will not be accepted.

- **Void Dates.** Certified farmers must adhere to the following dates:
 1. SFMNP and WIC FMNP coupons can be accepted from SFMNP and WIC FMNP participants or their authorized representative (proxy) on or before the last valid date (October 31) of each program year. Coupons cannot be accepted after this time. Coupons from previous years are invalid and cannot be used in exchange for produce.
 2. Certified farmers must deposit all SFMNP and WIC FMNP coupons accepted during that program season on or prior to November 30 in order to receive coupon redemption money.
- **Certified Farmer Identification.** While participating in SFMNP and WIC FMNP, certified farmers are responsible for visibly posting their SFMNP/WIC FMNP certified farmer ID stall sign for the current program year. This sign is used to identify farmers who accept SFMNP and WIC FMNP coupons. Signs are available via the Nebraska Farmers Market Online Database. If an ID stall sign is lost or severely damaged, farmers are asked to access their vendor profile on the database to print an additional sign. Certified farmers are also responsible for appropriately entering their farmer's program ID number on the face of each SFMNP and WIC FMNP coupon they deposit. The certification ID number may be entered either at the time of the sales transaction or at a later date, just so long as it is entered prior to the time the coupon is deposited.
- **Storing SFMNP and WIC FMNP Coupons.** Certified farmers will be responsible for safely storing coupons in a secure location. A locked box or cash register is needed in order to meet this requirement.
- **Canceling SFMNP and WIC FMNP Coupons.** Farmers are also responsible for canceling SFMNP and WIC FMNP coupons. There are two options for canceling the coupons. The first option is handwriting the farmer identification number on the coupon. The second option is rubber stamping the farmer identification number on the coupon. Rubber stamps are available from NDA. In either of these options, the farmer identification number must

legibly appear on the face of the coupon. A farmer's individual vendor number will be the same for both programs.

- **Payment.** SFMNP and WIC FMNP coupons may be deposited at any financial institution (bank, savings and loan, or credit union) by appropriately endorsing each coupon. A coupon presented for payment in which the \$3 amount payable has been altered will not be honored by the program's bank. Each transacted SFMNP and WIC FMNP coupon must contain a valid farmer identification number and shall be batched for reimbursement under that identifier. This is required in order for the coupon to be valid and available for redemption. A coupon will be void and not paid, if the valid farmer certification ID number is not appropriately entered on the face of the coupon, is unreadable, or is missing. The coupon will also be void and not paid, if the participant's signature (or authorized representative's signature) on the face of the coupon is missing, is not endorsed, or is deposited after November 30 of the current program year.

A coupon may be resubmitted for payment in the event that the farmer signature or farmer certification identification error can be properly and legally corrected by the farmer. NDA may deny the farmer payment for improperly redeemed SFMNP or WIC FMNP coupons and may demand refunds for payments already made on improperly redeemed coupons.

- **No Cash, Change, Credits, or Refunds.** SFMNP and WIC FMNP coupons may never be exchanged for cash. Change or credit may never be given to a customer using SFMNP or WIC FMNP coupons. SFMNP and WIC FMNP participants may only receive fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, (and/or honey for SFMNP) for human consumption in exchange for SFMNP or WIC FMNP coupons. Credit or refunds may not be issued on items returned that were purchased with SFMNP or WIC FMNP coupons. Farmers are prohibited from cashing coupons accepted by non-certified farmers.
- **Nondiscrimination.** Certified farmers participating in both programs may not refuse to accept properly presented SFMNP or WIC FMNP coupons in exchange for fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs (and/or honey for SFMNP) for human consumption. Farmers must agree to establish and maintain nondiscriminatory sales transaction procedures including, but not limited to:

1. Acceptance of SFMNP and WIC FMNP coupons in the same manner as required of all customers using SFMNP and WIC FMNP coupons;
2. Providing equitable treatment to SFMNP and WIC FMNP participants;
3. Providing eligible foods to SFMNP and WIC FMNP participants that will be of the same quality and cost as that sold to other customers;
4. Charging SFMNP and WIC FMNP participant(s) or their designated proxy a price for an item that is not greater than that charged to non-participants;
5. Will not charge participants for item(s) not received;
6. Offering SFMNP and WIC FMNP participant(s) the same courtesies and providing equal treatment to them as they would to other customers; and
7. Accepting properly presented SFMNP and WIC FMNP coupon(s) in exchange for fresh, nutritious, unprepared, locally grown fruits, vegetables, herbs, (and honey for SFMNP) for human consumption.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html,

and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

- **Civil Rights Compliance.** The State agencies warrant and assure that they will comply, as applicable to it, with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Age Discrimination Act of 1975 (42 U.S.C. 610, et seq.), all provisions required by implementing regulations of the Department of Agriculture, Department of Justice Enforcement Guidelines, and FNS directives and guidelines. They also will comply with the Americans with Disabilities Act of 1990, to the extent that no person shall, on the grounds of race, color, national origin, age, disability, or sex be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any program or activity for which the agency receives federal financial assistance. (Not all prohibited bases will apply to all programs and/or employment activities.)

No person shall be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination under any program or activity for which the agency receives federal financial assistance.

Farmers and the State agencies shall comply with all local, State, and Federal statutes regarding Civil Rights laws and equal opportunity employment. Farmers and their market staff must know where to mail a Civil Rights complaint. Complaints will be accepted orally, written, or anonymously. Any person alleging discrimination on the basis of a protected class can file a complaint within 180 days of the alleged discriminatory action.

- **Other Requirements.** Certified SFMNP and WIC FMNP farmers also agree to the following:
 1. Provide information as NDA may require for its periodic reports to USDA's Food and Nutrition Service;
 2. Accept training on SFMNP and WIC FMNP procedures and provide training to any employees with SFMNP and WIC FMNP responsibilities for such procedures;
 3. Agree to be monitored for compliance with SFMNP and WIC FMNP requirements, including both overt and covert monitoring;
 4. Be held accountable for actions of the farmer and his/her employees in the provision of eligible foods and related activities;
 5. Comply with the nondiscrimination provisions of USDA regulations;
 6. Notify NDA, if the farmer ceases operation prior to the end of the authorization period;
 7. Pay NDA for any coupons transacted in violation of the farmer agreement;
 8. Will not collect sales tax on SFMNP or WIC FMNP coupon purchases;
 9. Will not seek restitution from SFMNP or WIC FMNP participants for coupons not paid;
 10. Will not issue cash change for purchases that are in an amount less than the value of the SFMNP or WIC FMNP coupon(s); and
 11. Will not commit fraud or engage in other illegal activity. If so, the farmer is liable to prosecution under applicable Federal, State, or local laws.
- **Program Violations.** Farmers who do not comply with program rules will receive written notification from NDA. Noncompliance with SFMNP and WIC FMNP rules and regulations will result in a violation. The level of sanction farmers receive will depend upon the severity of the violation. Failure to adhere to program

regulations may result in non-payment, suspension, or even disqualification from both programs. Below, there is a chart showing some of the violations of both programs and the sanctions imposed as a result. The violations and respective sanctions for SFMNP and WIC FMNP are identical.

| Violation | Sanction |
|--|--|
| <ul style="list-style-type: none"> • Accepting SFMNP or WIC FMNP coupons for non-locally grown fruits, vegetables, herbs, and/or honey; • Exchanging ineligible products for coupons; • Accepting SFMNP or WIC FMNP coupons in exchange for cash; • Cashing SFMNP or WIC FMNP coupons for a non-certified farmer; • Refusal to accept valid SFMNP or WIC FMNP coupons for locally grown, fresh fruits, vegetables, herbs (and/or honey for SFMNP); • Failure to permit or comply with procedures regarding on-site inspections; • Charging SFMNP or WIC FMNP participants a price for an item that is greater than that charged to non-participants; • Charging for items not received; • Participating in discriminatory practices; • Abusive or discriminatory treatment of SFMNP or WIC FMNP participants or staff; and • Failure to register and certify scales used in direct sales. Farmers who use a scale to determine the price of a product at the time of the sale must ensure that the scale is a commercial, certifiable scale registered and certified by the Food Safety and Consumer Protection area of NDA. (For more information regarding Nebraska Weights and Measures Act, contact NDA at (866) 471-4292.) | <p>May result in immediate suspension from both programs. If a suspension is issued, it will be followed by disqualification for the remainder of the current year, if the violation is not successfully challenged by the farmer.</p> |
| <ul style="list-style-type: none"> • Noncompliance with SFMNP and WIC FMNP rules and procedures as outlined in the Farmer/NDA agreement not specifically listed as a violation; • Giving change; • Accepting SFMNP or WIC FMNP coupons after the programs' closing dates; and • Failure to appropriately display the SFMNP/WIC FMNP certified farmer ID stall sign for the current program year. | <p>1st and 2nd violation – warning letters. 3rd violation may result in a suspension from both programs. If a suspension is issued, it will be followed by a disqualification for the remainder of the current year, if the violation is not successfully challenged by the farmer.</p> |
| <ul style="list-style-type: none"> • Commit fraud or engage in other illegal activity. | <p>Disqualification without reinstatement and liable to prosecution under applicable Federal, State, or local laws.</p> |

- **Suspensions.** If a certified farmer is suspended, the suspension period will become effective from the date of receipt of certified mail notification. During the suspension time, the farmer's

certified SFMNP and WIC FMNP farmer identification number will become temporarily disabled, preventing the farmer from redeeming SFMNP and WIC FMNP coupons. During the suspension period, the farmer must refrain from participation in both programs. Suspension in SFMNP will result in an automatic suspension from WIC FMNP and vice versa.

The suspension penalty will be in effect for a maximum of thirty (30) days, during which time the farmer may appeal the suspension notice. If no appeal is made, the farmer will be automatically disqualified at the conclusion of the suspension period. If the incident leading to the suspension is successfully challenged by the farmer, the suspension will be immediately lifted.

- **Disqualification.** Disqualification will follow the suspension period. Disqualified farmers may not continue participating in either program. In the event a farmer is disqualified, the certified farmer identification number will become permanently disabled preventing the farmer from redeeming SFMNP and WIC FMNP coupons.

If the farmer wishes to continue participation in both programs, he/she must attend a training session hosted by NDA the following year. This will allow the farmer to re-enroll in both programs as a certified farmer. If he/she is recertified, he/she will be on probationary status for one full season. As a result, the farmer will receive either an overt or covert on-site monitoring investigation during the year to ensure he/she is complying with SFMNP and WIC FMNP rules and regulations.

- **Appeals.** Farmers who wish to appeal a decision, which resulted in a suspension or disqualification, may make a written request for administrative appeal to NDA. He/she may also appeal the denial to participate in SFMNP and WIC FMNP and any action imposing a sanction. However, he/she must make this appeal within thirty (30) days of the date of receipt of certified mail notification.

NDA will set a date for the hearing fifteen (15) days after the appeal. Hearings will be conducted by telephone or in person in Lincoln, Nebraska, at the Nebraska State Office Building or at another suitable location, as determined by NDA. If the farmer is requesting a hearing, he/she will receive written notice of the time and the place of the hearing at least thirty (30) days prior to the date of the hearing. The appellant will have one opportunity

to reschedule the hearing date. He/she is also given an opportunity to examine, prior to and during the decision, the documents and records that support the decision under appeal.

At a minimum, the farmer, or his/her representative, will have the opportunity to:

1. Present their case;
2. Question or disprove any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses;
3. Be represented by counsel;
4. Bring witnesses;
5. Review the case record prior to the hearing;
6. Submit evidence to establish all pertinent facts and circumstances in the case; and
7. Advance arguments without undue interference.

An adverse action may, at NDA's option, be postponed until a decision in the appeal is rendered. In a case where an adverse action affects the farmer, a postponement is appropriate where NDA finds that participants would be unduly inconvenienced by the adverse action. In addition, NDA may determine other relevant criteria to be considered in deciding whether or not to postpone an adverse action.

The NDA hearing procedure shall provide the farmer with written notification of the adverse action, the cause(s) for the action, and the effective date of the action, including NDA's determination of whether the action shall be postponed under Section 249.16 (c) of SFMNP Regulations or Section 248.16 (b) of the WIC FMNP Regulations, if it is appealed, and the opportunity for a fair hearing. Such notification will be provided fifteen (15) days before the effective date of the action. The hearing official will be an impartial decision maker.

The decision of the hearing official is given, in writing, to the farmer within fifteen (15) days of the date of the hearing, or within sixty (60) days from the date of receipt of the request for a hearing by NDA.

All records of the hearing and the decision are available for public inspection for a period of three (3) years. If dissatisfied with the hearing decision, the farmer may appeal to the State Director of Agriculture for further State level review of the decision and a possible rehearing. This appeal must be made within fifteen (15) days of the contested decision of the previous hearing. The same procedures as outlined above are followed.

The State of Nebraska shall follow the Administrative Procedure Act, Neb. Rev. Stat. §§84-901 through 84-920, to allow for due process to local agencies, certified farmers, and participants.

Expiration of the agreement with the farmer and claims actions under the SFMNP and WIC FMNP rules and regulations are not appealable.

If the farmer appeals an adverse action (and is permitted to continue in SFMNP and WIC FMNP while his/her appeal is pending), he/she will continue to be responsible for compliance with the terms of the agreement.

The farmer is required to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the state of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1998, U.S.C. 1324a, known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security, or other federal agency authorized to verify the work eligibility status of a newly hired employee.

Eligible Food List:

Fruits (raw or fresh only): apples, apricots, blackberries, blueberries, cantaloupes, cherries, chokecherries, crabapples, currants, elderberries, gooseberries, grapes, melons, muskmelons, mulberries, raspberries, strawberries, pawpaws, peaches, pears, plums, persimmons, watermelons.

Vegetables (raw or fresh only): arugula, asparagus, artichokes, beans, beets, broccoli, broccoli raab, brussel sprouts, cabbage, calabasa, carrots, cauliflower, celeriac, celery, chayote, swiss chard, collards, mustard, turnip greens, sweet corn, Indian corn, cucumbers, dandelion greens, eggplant, epazote, garlic, green onions, horseradish, Jerusalem artichokes, kale, kohlrabi, leeks, lettuces, mushrooms, okra, onions, oriental vegetables (bitter melons, wax melons), specialty greens, squash tips, parsnips, peas, pea shoot tips, peppers, potatoes, pumpkins, radishes, rhubarb, sprouted seeds (beans, peas, sunflowers), shallots, salad mixes, spinach, squash, squash blossoms, vine tips, sweet potatoes, tomatoes, tomatillos, turnips, vegetable amaranth, watercress, zucchini.

Herbs (fresh only): anise, basil, bay leaves, borage, calamints, camomile, chervil, chives, cilantro, corianders, dill, fennel, germander, hyssops, lemongrass, laurels, lavender, lemon balms, lovage, marjoram, mints, nasturtium, parsley, pennyroyals, plectranthus, oregano, rosemary, sage, santolina, savory, silver beauties, sorrel, thyme, tarragon, fresh locally produced oriental herbs.

Honey is an eligible food for SFMNP, but not WIC FMNP. Below are the eligibility requirements for honey to be considered as an eligible food under Nebraska's SFMNP.

Honey (pure only): Must be unprocessed and locally produced. Allowable forms of honey include the following:

- Comb Honey – honey that comes exactly as it was produced in the hive.
- Cut Comb Honey – liquid honey that may have added chunks of the honey in the jar.
- Liquid Honey – honey that is 100 percent pure is free of visible crystals and has been extracted directly from the honey comb.
- Naturally Crystallized Honey – honey that has spontaneously crystallized.

- Kosher / Wild / Organic Honey – 100 percent pure, conventionally produced honey which is free of chemicals, drugs, and antibiotics.
- Honey Sticks – liquid honey in a straw. Unflavored variety only.

Whipped, sugared, creamed, dried, flavored, fruited, pasteurized, or infused honey is not allowed.

SFMNP and WIC FMNP Program Contact Information

For questions on SFMNP or WIC FMNP farmer certification:

Casey Foster
Nebraska Department of Agriculture
Ag Promotion and Development Division
P.O. Box 94947
Lincoln, NE 68509-4947
Phone: (402) 471-4876 or (800) 422-6692
Fax: (402) 471-2759
E-mail: casey.foster@nebraska.gov
Web sites: www.nda.nebraska.gov;
www.ourbesttoyou.nebraska.gov
www.ne.gov/go/neproduce

For questions on SFMNP coupon distribution:

Erik White
Nebraska Department of Health and Human Services
Division of Medicaid and Long-Term Care
State Unit on Aging
P.O. Box 95026
Lincoln, NE 68509-5026
Phone: (402) 471-4732 or (800) 942-7830
E-mail: erik.white@nebraska.gov
Web site: www.dhhs.ne.gov

For questions on WIC FMNP coupon distribution:

Douglas County Health Department
1111 South 41st St
Omaha, NE 68105
Phone: (402) 444-1770

This institution is an equal opportunity provider.