

**ISSUE DATE:** April 13, 2015

**TO:** WIC Program Coordinators  
Other WIC Policy and Procedure Manual owners

**FROM:** Holly Wilkalis  
Oregon WIC Program – Nutrition & Health Screening  
OHA Office of Family Health

**SUBJECT:** **WIC Policy Update 2015-02**



**EXPLANATION:**

- ◆ **451 – Change In Guardianship**
  - Updating review date only, no changes to policy
- ◆ **452 – Civil Rights**
  - Updates definition of “disability” to comply with Americans with Disabilities Act changes
  - No longer requires annual Civil Rights training for staff such as county administrators who supervise other WIC staff but do not have direct interaction with participants. (§13.0)
- ◆ **595 – Program Integrity: Separation of Duties**
  - Updating review date only, no changes to policy
- ◆ **596 – Program Integrity: Acknowledgment of Employee Responsibilities**
  - Updating review date only, no changes to policy



**WIC Policy Updates Issued for 2015  
(Year-To-Date)**

Manual Update Number	Policy Number	Policy Title	Manual Page Number(s)	Issue Date
2015-01	485	WIC ID Number and ID Card	485.0 – 485.3	February 9, 2015
2015-01	654	Participant Transfers Within State	654.0 – 654.2	February 9, 2015
2015-01	769	Assigning WIC Food Packages	769.0 – 769.19	February 9, 2015
2015-01	770	WIC Authorized Foods	770.0 – 770.19	February 9, 2015
2015-01	901	TWIST Data System Security	901.0 – 901.1	February 9, 2015
2015-01	145	State Office: Address and Staff	DELETED	February 9, 2015
2015-01	150	Local Program Addresses and State Map	DELETED	February 9, 2015
2015-02	451	Change In Guardianship	451.0 – 451.3	April 13, 2015
2015-02	452	Civil Rights	452.0 – 452.10	April 13, 2015
2015-02	595	Program Integrity: Separation of Duties	595.0 – 595.1	April 13, 2015
2015-02	596	Program Integrity: Acknowledgment of Employee Responsibilities	596.0 – 596.4	April 13, 2015





**SECTION:** Local Program Operations  
**SUBJECT:** **CHANGE IN GUARDIANSHIP**  
**DATE:** March 30, 2015 (*reviewed*)

451

**POLICY:** WIC benefits shall be provided to the legal guardian(s) of a child. Proof of legal guardianship shall be required when guardianship is changed.

**PURPOSE:** The WIC Program's role is only to determine to whom WIC vouchers should be issued based on the information WIC staff have available, not to determine any custody issues.

**RELEVANT REGULATIONS:** 7CFR §246.12 ¶(r)(1)—Food Delivery Systems

**OREGON WIC PPM REFERENCES:**

- ◆450—Confidentiality
- ◆485—WIC ID Number and ID Card
- ◆505—Food Instrument Issuance and Printing
- ◆590—Program Integrity: Participant Violations
- ◆610—Required Proofs—Identity, Residency, Income
- ◆611—Income Eligibility: Determination of Income Eligibility
- ◆635—Participant Notification: Eligibility and Rights & Responsibilities

**TWIST TRAINING MANUAL REFERENCES:** Chapter 3, Lesson 808—Foster Families and Custody Changes

**DEFINITIONS:**

<i>Proof of guardianship</i>	Court documents identifying the legal guardian(s).
<i>Joint guardianship</i>	When the custody of a child is split 50% of the time with each parent or caretaker.
<i>Shared guardianship</i>	When the custody of a child is split between parents or caretakers and the child spends more than 50% of the time with one of those caretakers.
<i>Foster parent</i>	State appointed guardian for children involved in protective services.

**PROCEDURE:**

*Documentation of guardianship* 1.0 Confirm guardianship by obtaining a copy of court or other legal documents whenever possible.

**CHANGE IN GUARDIANSHIP, cont.**

*(Documentation of guardianship)*

- 1.1 An official document such as a facsimile from the office of Children, Adults and Families (CAF) showing the new guardian’s name is also acceptable.
- 1.2 Local program staff may accept a written note from the previous guardian regarding the change if there is no official documentation.

**EXAMPLE:** Parent leaves the child with a relative for a specified period of time. Local program staff may accept a signed note from the parent stating the change of guardianship.

***Legal documents are unavailable***

- 2.0 When legal documentation is not available, staff may need to contact the social worker, case manager, public health nurse or other appropriate individual to confirm guardianship.
  - 2.1 If staff is unable to obtain court documents or verify guardianship with outside agencies, the person with physical custody of the child at the WIC appointment is determined to be the guardian for the purpose of issuance of WIC benefits.
    - 2.1.1 Complete the “*No Proof for Special Situations*” affidavit (form 57-633) and have the guardian sign the form.

*Custody dispute*

- 2.2 If there is a custody dispute, issue vouchers to the guardian on record. The person(s) disputing the guardianship must supply records to the clinic that prove that they are the current guardian.
- 2.3 In this situation, issue vouchers for one month at a time until the custody dispute is resolved. See ♦505—Food Instrument Issuance and Printing for more information.
- 2.4 Benefits **cannot** be withheld because of staff suspicions related to a custody dispute.
- 2.5 Local programs may need to consult with their own legal counsel if a situation becomes too difficult or confrontational.

***Documentation in TWIST***

- 3.0 When there is a change in a child’s custody, issue a new WIC ID number in TWIST for the child. **After** the new WIC ID number has been assigned, verify proof of identity and change the guardian name and address. Refer to Chapter 3, Lesson 808 in the TWIST Training Manual for guidance on changing the WIC ID number. Also see ♦485—WIC ID Number and ID Card, and ♦610—Required Proofs—Identity, Residency, Income.
  - 3.1 If the new guardian does not have documents showing the change in custody, issue vouchers for one month at a time until proofs are brought in. See ¶2.0 above for other options.
  - 3.2 Document any guardianship changes or issues in the child’s TWIST record in the WIC Notes. These notes should be marked “Reminder” to ensure confidentiality.



**SECTION:** Local Program Operations  
**SUBJECT:** CIVIL RIGHTS  
**DATE:** April 13, 2015 (*Revised*)

452

**POLICY:** Local WIC programs shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and other applicable laws and regulations.

**PURPOSE:** The Oregon WIC program is available to all and no individual is excluded from participation, denied benefits, or subjected to discrimination on the grounds of race, color, national origin, age, sex or disability.

**RELEVANT REGULATIONS:**

7 CFR §246.6 ¶(b)(10)—Agreements with local agencies  
7 CFR 246.7¶ (j) —Notification of participant rights and responsibilities  
7 CFR §246.8—Nondiscrimination  
7 CFR §246.25 ¶(b)(3)(ii)—Records and Reports, Civil Rights  
7 CFR §16—Equal Opportunity for Religious Organizations  
FNS Instruction 113-1  
Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-6  
American with Disabilities Act (28 CFR Part 35, Public Law 101-336, Title II, Subtitle A)  
Americans with Disabilities Act Amendments Act of 2008  
Title IX of the Education Amendments of 1972, and USDA Implementing Regulation 7 CFR §15(a),(b)  
Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, and USDA Implementing Regulation 7 CFR §15(b)  
Age Discrimination Act of 1975 (45 CFR Part 91)  
The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), and the Dept. of Justice Memorandum dated January 28, 1999 on the Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant Type Programs  
Civil Rights Restoration Act of 1987  
1977 Food and Agriculture Act, Public Law 95-113  
USDA Departmental Regulation 4330-2, Activities Receiving USDA Financial Assistance; 4300-3, Equal Opportunity Public Notification Policy  
Child Nutrition Act of 1966, as amended  
ASM 98-66—Impact of Participation in the WIC Program on Alien Status  
ASM 00-08—Clarification on Civil Rights Issues  
ASM 00-50—Western Region Toll Free Number for Civil Rights Issues/Questions  
ASM 04-34—Final Policy on WIC Racial/Ethnic Data Collection  
ASM 06-21—Nondiscrimination Statement for WIC Materials

**OREGON WIC PPM REFERENCES:**

- ◆215—Local Program Monitoring and Review
- ◆230—Civil Rights
- ◆400—Local Program Overview: Responsibilities & Communications
- ◆425—Ordering State Produced Materials
- ◆426—Record Retention Period
- ◆450—Confidentiality
- ◆470—Local Program Outreach
- ◆588—Program Integrity: Complaints
- ◆635—Participant Notification: Eligibility and Rights & Responsibilities

**APPENDICES:** Appendix A 452.10 Required USDA Nondiscrimination Statements

<b>DEFINITIONS:</b>	<i>Applicant</i>	An individual who contacts the WIC clinic requesting WIC services.
	<i>Complainant</i>	Any individual or group of individuals alleging discrimination in the delivery of WIC program benefits or services.
	<i>Disability</i>	The Americans with Disabilities Act defines disability as an impairment that substantially limits major life activities such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working, or major bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.
	<i>Discrimination</i>	The act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by the effect of actions or lack of actions based on a protected class.
	<i>Limited English Proficiency (LEP) persons</i>	Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English.
	<i>Minorities</i>	Individuals or groups of individuals belonging to the protected classes and all under-served populations covered by Title VI of the Civil Rights Act of 1964.
	<i>Participant</i>	An individual who meets all eligibility criteria and is enrolled in the WIC program.
	<i>Protected classes</i>	The prohibited bases and nondiscrimination categories under the civil rights law(s). For WIC, the protected classes are race, color, sex, age, national origin, and disability.
	<i>Reasonable accommodation</i>	The removal of barriers in order to allow all individuals to participate in the WIC program.

**PROCEDURE:**

***Contract to the  
Financial  
Assistance Award***

1.0 Local WIC programs agree to abide by civil rights laws and regulations by signing the contract to the Financial Assistance Award with the Oregon Health Authority. Please refer to ♦400—Local Program Overview: Responsibilities & Communications.

***Public  
notification***

2.0 Local WIC programs are required to inform potential WIC applicants and participants of:

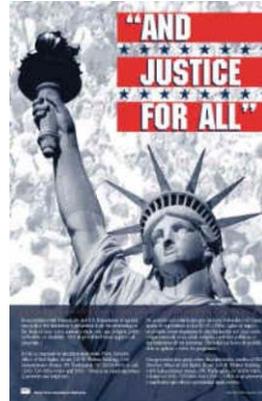
- program rights and responsibilities and the steps necessary for WIC participation
- the right to file a complaint, how to file a complaint and the complaint procedure
- USDA’s nondiscrimination policy

***“And Justice For  
All” poster***

2.1 The “And Justice For All” poster must be posted in **all** WIC offices and satellite clinics. USDA’s non-discrimination statement is on these posters in English and Spanish. See Appendix A for the full text of the non-discrimination statement.

***Posting locations***

2.1.1 Display this poster in prominent places such as waiting rooms or other locations frequented by WIC applicants and participants.



*Display this poster in an obvious place for all to see.*

***Ordering posters***

2.2 “And Justice for All” posters (form AD-475C) are available from the OHA Health Services Mail Center. Please refer to ♦425—Ordering State Produced Materials.

*Protected classes for the WIC program*

3.0 The federally protected classes that apply to the WIC program are:

- race
- national origin
- age
- color
- sex
- disability

3.1 There are other protected classes that do not apply to WIC. If you have questions about these, contact your local legal counsel for advice.

*Non-discrimination statement*

4.0 The USDA non-discrimination statement must be included on all WIC program materials that are produced for public notification. These materials may include: outreach letters and brochures; program information; newspaper, television or radio announcements; posters; newsletters; referral materials; internet websites, application forms; or certification forms that are signed by participants. See Appendix A for the full text of the non-discrimination statement.

*Shorter non-discrimination statement*

4.1 There is a short form of the non-discrimination statement that may be used on materials with limited space. These materials may include:

- postcards;
- flyers of less than a page;
- newspaper articles, radio and television public service announcements that are generally short in duration.

4.1.1 Refer to Appendix A for the short form of the nondiscrimination statement:

*Guidelines for using the non-discrimination statement*

4.2 The nondiscrimination statement should be:

- in long form whenever possible (see Appendix A);
- on **all** WIC outreach materials;
- on program application materials provided to applicants;
- on materials that the WIC program produces for public information, public education or public distribution;
- large enough to be legible (*at least 10 point font size for both the long and short forms*);
- in English and in other languages appropriate to the local population; and
- in an alternative means of communication such as large print, Braille, audio, etc, when requested.

*Statement not required*

4.3 Materials specific to **nutrition education** or **breastfeeding** that strictly provide a nutrition message and do not mention the WIC program are not required to contain the USDA nondiscrimination statement.

- Local agency non-discrimination statements*
- 4.4 Some local agencies may recommend or require the use of non-discrimination statements specific to their own programs and facilities. These may be included on materials in addition to the required USDA statement but are not a substitute for it.
- Outreach***
- 5.0 Local programs are required to do outreach activities at least annually in order to inform eligible individuals, particularly minorities, of the availability of the WIC program. Please refer to ♦470—Local Program Outreach.
- 5.1 Provide printed materials such as pamphlets and outreach brochures containing information on where WIC services are available. See ♦470—Local Program Outreach for guidelines on what should be included in printed materials.
- Requests from the public*
- 5.2 Local programs shall make program regulations and guidelines available to the public upon request.
- Limited English Proficiency (LEP)***
- 6.0 Where a significant number of potentially eligible individuals have Limited English Proficiency (see Definitions), the WIC program shall take reasonable steps to provide these individuals with meaningful access to WIC program services and information.
- 6.1 The state WIC program will provide outreach and program information in other languages as is reasonable and necessary.
- 6.2 Local WIC programs must take reasonable steps to provide WIC services in other languages as necessary. This may include working with interpreters, using a language line, and providing printed materials in appropriate languages.
- 6.3 State and local WIC programs can take the following steps to help determine when it is necessary to provide language services:
- 6.3.1 Determine the number or proportion of LEP persons who are being served or who are in the eligible population.
- 6.3.2 Consider the frequency with which WIC staff should have contact with LEP persons.
- 6.3.3 Consider the importance of the information or service being provided.
- 6.3.4 Consider the available resources and costs of providing language services.
- 6.4 Contact the state WIC Civil Rights representative if you have questions about providing services to LEP individuals.
- Participant rights and responsibilities***
- 7.0 Inform applicants and participants of their rights and responsibilities at every certification and recertification visit. Rights and responsibilities must include program-specific information and WIC’s nondiscrimination policy and complaint process. Please refer to ♦635—Participant Notification: Eligibility and Rights & Responsibilities.

*“My Rights and Responsibilities” form*

7.1 At each certification and recertification visit, local programs must provide the individual with a copy of *“My Rights and Responsibilities”* (form 57-630).

7.1.1 Ensure that the individual is informed of rights and responsibilities in the appropriate language and understands the content of the form.

*“Participant Signature Form”*

7.2 Have the individual sign the *“Participant Signature Form”* (form 57-629) to show that they were informed of and understood their rights and responsibilities as a WIC participant.

*Retention*

7.2.1 File and retain the signed *“Participant Signature Form.”* Local programs may use an aggregate filing system. See ♦426—Record Retention.

7.3 These forms are available in print in English and Spanish. Additional languages can be downloaded from the Clinic Forms page of the state website at <http://public.health.oregon.gov/HealthyPeopleFamilies/wic/Pages/clinicforms.aspx>

***Reasonable accommodation and program accessibility***

8.0 Local WIC programs shall provide reasonable accommodation to ensure that the WIC program is equally accessible to all eligible individuals. Examples of reasonable accommodation include but are not limited to the following:

- Provide wheelchair access to WIC service locations. This accommodation provides equal access individuals using wheelchairs.
- Where a significant portion of WIC participants need service in a language other than English, have bilingual staff or translators available who speak the same language as the participant.
- Have bilingual staff or a translator read the *“Rights and Responsibilities”* form or other program materials to individuals who are not able to read the information.
- Make efforts to find resources for translation of program materials into the appropriate language(s).
- Make reasonable modifications to policies, practices or facilities as needed to address accessibility and avoid discrimination.

**NOTE:** Reasonable accommodation is the removal of barriers to allow individuals to participate equally in WIC. In some cases, what is considered “reasonable accommodation” may be different from what an individual requests.

<i>Alternate formats</i>	8.1	When requested, provide program information in alternate formats (i.e. large print, Braille, electronic format or audio). It is the WIC program’s responsibility to ensure effective communication of program information to individuals who require materials in an alternate format and to meet the requirements for reasonable accommodation under the American with Disabilities Act.
<i>Alien status</i>	9.0	<p>Inform individuals of alien status that receiving WIC benefits:</p> <ul style="list-style-type: none"> <li>• <b>will not</b> affect their application for immigration or citizenship benefits, and</li> <li>• <b>does not</b> render them a public charge.</li> </ul>
<i>USCIS</i>	9.1	The US Citizenship and Immigration Services (USCIS) <b>should not</b> request a WIC participant of alien status to repay any WIC benefits they have received when they apply for immigration or citizenship benefits.
	9.2	Local programs shall not give participant enrollment information to USCIS staff. If a participant wants the local program to provide information to USCIS staff, they must request and complete a Release of Information.
	9.3	If a subpoena is received from USCIS or other agencies, refer to Policy 450—Confidentiality, Appendix A, for the procedure to follow in responding.
<i>Civil rights complaint process</i>	10.0	There are specific reporting and timeline requirements for all civil rights complaints. Refer to ♦588—Program Integrity: Complaints for information on how to handle civil rights complaints.
<i>Racial/ethnic data collection and reporting</i>	11.0	Local programs shall collect and document racial/ethnic data during certification in TWIST.
	11.1	Explain to the individual that the data collection is for statistical purposes only and that it is a USDA requirement as part of the certification process.
	11.2	Inform the individual that it does not affect their eligibility for the program.
	11.3	Request that the participant self-identify their racial/ethnic background. Participants may choose to select more than one racial category (see ¶12.1).
	11.3.1	If a participant chooses not to self-identify a race and/or ethnicity, WIC staff must use visual identification to determine the participant’s racial and ethnic categories and should inform participant of this. Selection of one race is acceptable when local staff must make this decision.
	11.3.2	If an applicant is being pre-screened over the phone and chooses not to self-identify a race and/or ethnicity, chose “White” and “Not Hispanic or Latino.” When the applicant

comes in for an appointment, review all the prescreen information and update, if needed.

***Racial/ethnic categories***

12.0 Racial/ethnic data collection consists of a category for race and a category for ethnicity. The definitions of categories for documentation and reporting of racial/ethnic data are as follows:

12.1 Racial Categories:

- **American Indian/Alaskan Native** (American Indian includes North, Central and South American Indians; Alaskan Native includes Eskimo and Aleut)
- **Asian** (includes the Far East, Southeast Asia, and the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, Vietnam)
- **Black or African American** (associated with the black racial groups of African descent and migration patterns)
- **Native Hawaiian or Other Pacific Islander** (includes natives of the Hawaiian Islands, Guam, Samoa and other Pacific Islands including the Caroline Islands, Fiji Islands, French Polynesia, Northern Mariana Islands, Palau Islands, Papua New Guinea, Solomon Islands, and Tokelau Islands)
- **White** (associated with European, Middle Eastern and North African descent and migration patterns, including the Arabian peninsula)

12.2 Ethnic categories:

- Not Hispanic or Latino
- Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, Central or South American, or other Spanish origin or culture, regardless of race)

***Civil rights training for WIC staff***

13.0 All WIC employees must receive civil rights training **annually**. It is recommended that new WIC staff complete civil rights training within **30 days** of employment as part of their orientation.

13.1 WIC staff should have a basic knowledge of the following areas of civil rights compliance:

- collection and use of data;
- effective public notification systems;
- complaint procedures;
- compliance review techniques;
- resolution of noncompliance
- requirements for reasonable accommodation of persons with disabilities;
- requirements for language assistance;
- conflict resolution; and
- customer service.

*(Civil rights training for WIC staff:)*

**NOTE:** Although administrative supervisors do not have direct contact with participants, they supervise staff who do and therefore should have knowledge of all the required areas of the civil rights complaint process. The administrative supervisors should be able to help answer questions relating to civil rights issues and the complaint process from staff they supervise.

13.2 WIC staff may use a variety of methods to increase knowledge on civil rights. Training may be formal or informal and may include but is not limited to the following:

- attending any county health department sponsored civil rights training;
- discussing civil rights issues at a staff meeting;
- reading up on civil rights articles or policies;
- checking the internet for civil rights regulations and updates;
- assigning civil rights questions for staff to research and report back; or
- developing questionnaires to measure the staff's level of knowledge on discrimination and civil rights issues.

***Staff training record***

14.0 Each local WIC program is required to maintain a record of staff training, including civil rights training. This record must be available for state WIC staff to review during the required biennial WIC program review.

***Faith-based organizations***

15.0 If a faith-based organization uses space in their facility to provide WIC services, the facility is not required to remove religious art, symbols, etc.

15.1 No USDA funds may be used to support any inherently religious activities.

15.2 No organization that receives USDA funds to offer WIC services can discriminate against an applicant or participant on the basis of religion. ★

**RESOURCES:** For additional information on civil rights regulations and resources visit the following websites:

1. USDA Office of the Assistant Secretary for Civil Rights: <http://www.usda.gov/cr>
2. USDA Office of Civil Rights: <http://www.fns.usda.gov/cr/default.htm>
3. USDA Directives system: <http://www.ocio.usda.gov/directives/>
4. Limited English Proficiency interagency website: <http://www.lep.gov>
5. <http://www.hhs.gov/ocr/civilrights/resources/specialtopics/lep/>
6. [Information and Technical Assistance on the ADA: http://www.ada.gov/](http://www.ada.gov/)

**If you need this in large print or an alternate format,  
please call (971) 673-0040.  
WIC is an equal opportunity program and employer.**

## **Required USDA Nondiscrimination Statement**

### **English—long form**

In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Ave, SW, Washington DC 20250-9410 or call toll free (866) 632-9992 (voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity employer and provider.

### **English—short form**

USDA is an equal opportunity employer and provider.

### **Spanish—long form**

Para más información o para solicitar esto en un formato diferente, llame al 971-673-0040. TTY 1-800-735-2900.

De acuerdo con la ley federal y las políticas del Departamento de Agricultura de los EE.UU. (USDA, sigla en inglés), se le prohíbe a esta institución que discrimine por razón de raza, color, origen, sexo, edad, o discapacidad. Para presentar una queja sobre discriminación, escriba a USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, o llame gratis al (866) 632-9992 (voz). Personas con discapacidad auditiva o del habla pueden contactar con USDA por medio del Servicio Federal de Relevos (Federal Relay Service) al (800) 845-6136 (español) o (800) 877-8339 (inglés). USDA es un proveedor y empleador que ofrece oportunidad igual para todos.

### **Spanish—short form**

USDA es un proveedor y empleador que ofrece oportunidad igual para todos.



**SECTION:** Local Program Operations 595  
**SUBJECT:** **PROGRAM INTEGRITY: SEPARATION OF DUTIES**  
**DATE:** March 30, 2015 (*Reviewed*)

**POLICY:** Local WIC programs shall separate staff activities (duties) of determining participant eligibility from the issuance of food instruments (FIs).

**PURPOSE:** To ensure program integrity and prevent program abuse by assigning certification and FI issuance functions to more than one staff at the local level.

**RELEVANT REGULATIONS:** ASM 99-94—Separation of duties in WIC clinic operations  
7 CFR 246.4(a)(25)—State plan

**OREGON WIC PPM REFERENCES:** ♦215—Local Program Monitoring and Review  
♦596—Program Integrity: Acknowledgement of Employee Responsibilities  
♦620—Certification and Issuing Food Instruments to Relatives, Friends and Coworkers

**DEFINITIONS:** *Food Instrument (FI)* “Food instrument” or “FI” means a negotiable financial instrument by which WIC benefits are provided to participants. Food instruments can provide either specific amounts of WIC authorized foods or formulas or a fixed-dollar amount for participants to obtain WIC authorized fruits and vegetables (referred to as a “Cash Value Voucher” or “CVV”). Food instruments are also referred to as “checks” or “vouchers.” Cash Value Vouchers are also referred to as “Fruit and Vegetable Vouchers.”

*Separation of duties* A standard accountability/security practice to separate certification from food instrument issuance responsibilities between more than one person when possible.

**PROCEDURE:**

- Separation of duties*
- 1.0 Local programs shall establish and maintain a standard system for separation of staff duties at the clinic level as a security feature against program abuse.
    - 1.1 Assign certification and FI issuance duties to different staff members to avoid a single staff doing all functions of the certification process.

**EXAMPLE:** The Competent Professional Authority (CPA) determines the participant’s eligibility and prescribes the food package. The clerical staff person issues the FIs.

**PROGRAM INTEGRITY: SEPARATION OF DUTIES, cont.**

- |                                                   |     |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Exception</i>                                  | 1.2 | In small clinics or satellite clinics where only one person is staffing a clinic, separation of duties may not always be possible.<br><br>1.2.1 In this instance, each local program will establish quality assurance standards or a regular monitoring system.<br>1.2.2 The state WIC program will review for compliance during the biennial WIC program review. See ♦215—Local Program Monitoring and Review. |
| <i>WIC staff who are also WIC participants</i>    | 2.0 | Local staff who are also WIC participants may not certify themselves. See ♦620—Certification and Issuing Food Instruments to Relatives, Friends and Coworkers.                                                                                                                                                                                                                                                  |
| <i>Certifying relatives, friends or coworkers</i> | 3.0 | Refer to ♦620—Certification and Issuing Food Instruments to Relatives, Friends and Coworkers for guidelines on certification of relatives, friends or coworkers. ★                                                                                                                                                                                                                                              |

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please call 971-673-0040.  
WIC is an equal opportunity program and employer.**



**SECTION:** Local Program Operations 596  
**SUBJECT:** **PROGRAM INTEGRITY: Acknowledgment of Employee Responsibilities**  
**DATE:** March 30, 2015 (*reviewed*)

**POLICY:** All WIC program employees shall be informed of their responsibilities regarding program rules and regulations, including confidentiality, conflict of interest, and employee fraud and abuse.

**PURPOSE:** To provide specific references and guidelines for use when informing employees of their responsibilities regarding program rules and regulations and documentation requirements to demonstrate WIC program employee receipt and understanding of the information provided.

**RELEVANT REGULATIONS:** 7CFR §246.2 General Definitions  
 ORS 179.505, as amended—Inspection of patient records; consent; exceptions; scope of use; release to others; penalty  
 ASM 99-94 Separation of Duties  
 7 CFR §246—Subpart E-State Agency Provisions  
 7 CFR §246.23 ¶(d) Penalties  
 7 CFR §246.26 ¶(d) Confidentiality of Applicant and Participant Information  
 7 CFR §246.26 ¶(e) Confidentiality of Vendor Information

**OREGON WIC PPM REFERENCES:** ♦400—Local Program Overview: Responsibilities and Communications  
 ♦450—Confidentiality  
 ♦595—Program Integrity: Separation of Duties  
 ♦620—Certification & Issuing Vouchers to Co-workers, Relatives and Friends

**APPENDIX:** 596.4 Appendix A WIC employee signature form template

**DEFINITIONS:**

<i>Confidentiality</i>	The preservation, in confidence, of all information concerning program applicants, participants, farmers, and/or vendors that may be disclosed to WIC employees where release of said information would constitute an invasion of privacy.
<i>Conflict of interest</i>	Any relationship, real or apparent which jeopardizes the fair and objective administration of the program, as identified between the WIC program employee and an applicant, participant, staff member, farmer or vendor.
<i>WIC employee signature form</i>	A form an agency creates and WIC program employees sign to document the employee has been advised and understands WIC policies and regulations about confidentiality, conflict of interest and employee fraud and abuse. A form template is included at the end of this policy to assist local agency staff when developing a form for use in their agency.

**PROGRAM INTEGRITY: ACKNOWLEDGEMENT OF EMPLOYEE RESPONSIBILITIES, cont.**

<b>(DEFINITIONS:)</b>	<i>Vouchers</i>	“Vouchers” means a negotiable financial instrument by which WIC benefits are provided to participants. Vouchers can provide either specific amounts of WIC authorized foods or formulas or a fixed-dollar amount for participants to obtain WIC authorized fruits and vegetables (referred to as a “Cash Value Voucher” or “CVV”). Vouchers are also referred to as “checks,” “food instruments,” or “FIs.” Cash Value Vouchers are also referred to as “Fruit and Vegetable Vouchers” or “FVV.”
	<i>WIC program employee</i>	Any person(s) associated directly or indirectly with a Local WIC Agency to provide services related to the WIC Program. Persons acting under contract, as an intern, or as a volunteer in a Local Agency are included under this definition.
	<i>Employee fraud and abuse</i>	Any act taken by a WIC program employee that intentionally and deliberately violates program regulations, policies or procedures.

**PROCEDURES:**

- |                                        |     |                                                                                                                                                                                                                                                                          |
|----------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>WIC program employee signatures</i> | 1.0 | WIC program employees are required to sign an agency document to acknowledge receipt of information regarding employee responsibilities concerning WIC program rules and regulations. This includes confidentiality, conflict of interest, and employee fraud and abuse. |
|----------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**NOTE:** See Appendix A of this policy for a template you can use to create a WIC program employee signature form for your agency.

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|-------------------------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Signing the form</i> | 1.1   | The employee signature acknowledging receipt of this required information shall be obtained at initial employment and it is recommended it be obtained annually thereafter.                                                                                                                                                                                                                                                   |
|                         | 1.2   | The WIC program employee and the supervisor must sign the form confirming that the employee has read and understood the relevant policies.                                                                                                                                                                                                                                                                                    |
|                         | 1.2.1 | The WIC program employee shall complete the form in the presence of the local agency WIC coordinator, clinic supervisor, or other local agency designee; print his/her name and his/her job title; and sign and date the form to indicate he/she has been informed of the program rules and regulations as they pertain to the form (this may include adding his/her initials and signature by each section where indicated). |