



AFSCME Strongly Opposes Outsourcing SNAP Eligibility Determinations

Merit staff are civil service government workers who act as honest brokers to conduct the people's business transparently, free from political influence and without fear of arbitrary management action or retaliation. Federal law requires that merit staff public employees conduct the essential work of the Supplemental Nutrition Assistance Program (SNAP) to screen for eligibility and determine benefit levels including providing application assistance, answering client questions about missing information, pursuing missing information, and providing verification guidance. Merit staffing ensures that SNAP beneficiaries receive the help they need from a professional workforce, that recipient data remains private, and determinations are based solely on eligibility rather than profit or other motives. AFSCME represents tens of thousands of merit staff employees nationwide.

AFSCME strongly opposes the House's partisan Farm Bill with cuts to future SNAP benefits and multiple privatization provisions. Specifically, AFSCME opposes Sections 4105 and 4111, which would permit the outsourcing of SNAP eligibility determinations and referrals to SNAP Employment and Training (E&T) and any other SNAP state agency function. Stripping merit staffing is an attack on program integrity and unionized workers. Instead of outsourcing or creating an "Office of Program Integrity," AFSCME urges Congress to invest in SNAP program administration so that an adequate level of professional, merit staff is available to serve client caseloads to help beneficiaries navigate the complexities of SNAP in order to receive timely, unbiased assistance, full benefits and any necessary referrals to additional assistance. Merit staff are essential to ensure client confidentiality and program integrity.

Outsourcing SNAP Determinations is Unnecessary

- States already have administrative flexibilities and can outsource responsibilities except for eligibility determination.
- During the pandemic, flexibilities that improved the consumer experience included easing interview requirements, streamlining methods for electronic signatures, extending certification periods, and simplifying reporting requirements. These administrative flexibilities should be allowed to continue, but not privatization or outsourcing.
- United States Department of Agriculture (USDA) Sec. Vilsack pointed out in testimony to Congress recently that many states are not exercising the flexibilities they already have.
- Decisions about assessments and referrals to E&T are intertwined with eligibility decisions.

Outsourcing Eligibility Determination is Prohibited in Federal Entitlement Programs

- Eligibility determinations, including referrals to SNAP E&T, are responsibilities specifically assigned to merit staff.
- Unemployment Insurance (UI), Trade Adjustment Assistance (TAA), the Employment Service, Medicaid and the Children's Health Insurance Program (CHIP) all require merit staffing for eligibility determination without exception.
- Merit staffing is required by statute in UI. During the pandemic, Congress allowed for states to temporarily waive merit-staffing rules through September 2021 due to the unprecedented crush of UI claims. The influx of poorly trained contractors to assist with UI claims contributed to improper and fraudulent UI payments during that time. In the Department of Labor's Employment Service (ES), merit

staffing is required by regulatory authority. The Trump administration finalized a rule in 2020 to allow for waivers of merit staffing, but the Biden administration finalized a rule in November 2023 to restore merit staffing in the Employment Service. Merit staffing in the Employment Service had been the status quo for nearly 90 years before the misguided Trump administration rule.

- The House of Representatives passed, by an overwhelmingly bipartisan vote, H.R. 6655, A Stronger Workforce for America Act – the reauthorization of the Workforce Innovation and Opportunity Act (WIOA), which enshrines merit staffing in the workforce system.

Section 4111 and Section 4105 Strip USDA of Oversight Authority and Provide No Accountability

- USDA would not require waivers for privatization. As such, USDA would have no authority to stop states from privatizing or overseeing the actions of for-profit contractors. Given the failure of privatization experiments in Indiana¹ and Texas², this is irresponsible.
- States could privatize for *any* reason, including the smallest of increases in SNAP applications. SNAP is designed to accommodate economic fluctuations, which may increase applications. Increased demand should not trigger privatization.
- Section 4111 and Section 4105 lack any definitions, nor do they set specific timeframes for periods of privatization. The provisions would permit privatization for indeterminate, prolonged, or even permanent periods.
- Perversely, Section 4111 incentivizes understaffing as a path to privatization and lacks serious protections to maintain the current merit-staff workforce or fill vacancies. It would allow states to use attrition, retirement, other staffing related inaction or direct action to reduce the career merit-based workforce to virtually nothing to make space for a contracted workforce.
- Section 4111 is based upon a distorted and false sense that merit-staffing principles can remain intact with a “blended” workforce. Merit-staffing principles are conceptually incompatible with privatization. Merit staff conduct the people’s business according to transparent standards, free from political influence and without fear of arbitrary management action or retaliation. Staff hired on a merit basis develop a broad knowledge base that benefits those in need who rely upon their strong understanding of the program’s complexities. The bill’s requirement to hire temporary private sector workers to ensure compliance with merit-staffing principles is simply impossible.
- Section 4105 would create duplication, inefficacy and threaten the quality of services by severing the connection between linked assessments related to eligibility.

Section 4111’s Inclusion of Collective Bargaining Agreement (CBA) Language is Meaningless

- It states that privatization “not override any collective bargaining agreements” but fails to impose any penalties or enforcement mechanisms to protect workers or union jobs.
- CBAs typically do not specify the number of full-time workers in a job classification, so a reduction in the SNAP workforce through layoffs, reorganizations or attrition would not be protected.
- The CBA language is narrowly confined to apply only to privatization that is due to “temporary staff shortages.” It would not apply when states privatize for any other reason allowed under the bill.
- The CBA language is misleading and ineffective, providing no real protection to union workforces, and absolutely no protections to workers in states where there are no public sector collective bargaining agreements.

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AFSCME’s 1.4 million members provide the vital services that make America happen. With members in communities across the nation, serving in hundreds of different occupations — from nurses to corrections officers, child care providers to sanitation workers — AFSCME advocates for fairness in the workplace, excellence in public services and freedom and opportunity for all working families.

¹ <https://balkin.blogspot.com/2012/08/indiana-court-autopsies-welfare.html>

² <https://www.govinfo.gov/content/pkg/CREC-2018-05-17/html/CREC-2018-05-17-pt1-PgH4188-2.html>