

NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor

DEVDUTTA SANGVAI • Secretary

MICHAEL LEIGHS • Deputy Secretary for Opportunity and Well-Being

December 3, 2025

Re: Merit Based Requirements for Eligibility Determination Functions for FNS SNAP

Dear County Directors of Social Services:

We are aware of the continued workforce struggles that our county departments of social services continue to experience. As counties evaluate staffing needs, we want to provide you with the most updated information regarding the federal merit requirements and flexibilities for staff performing eligibility determinations for Food and Nutrition Services (FNS). This memo serves as an update to the [February 21, 2023 memo Re: Merit Based Requirements for Eligibility Determination Functions](#).

Prior guidance issued by the federal Office of Personnel Management, publication 89 FR 48821 (June 10, 2024), required that state and local agencies receiving federal grants were “limited to utilizing state and local government personnel in the administration of the grant-aided program.”

On March 11, 2025 the federal Office of Personnel Management (OPM) in response to Executive Order 14192 entitled “Unleashing Prosperity Through Deregulation” overturned the June 10, 2024 guidance regarding the available range of staffing options for federally funded and state-administered low-income programs that are required to comply with the Intergovernmental Personnel Act of 1970 (IPA) and its implementing regulations.

The new guidance reads in part: “The IPA and its implementing regulations do not prescribe the use of a particular staffing method such as utilizing state employees or contract employees. Accordingly, in the absence of any other statutory or regulatory requirement to use a specific staffing method, OPM advises that the state or local agency has the discretion to determine the most appropriate staffing method to best and most efficiently carry out its services for the American people. Regardless of the staffing method chosen, the state or local agency must certify that it is using a merit personnel system that meets the standards outlined in 5 CFR 900.603.” The full updated guidance can be found at the [Federal Register. Vol. 90, No. 46](#).

The March 11, 2025 OPM guidance allows for staff hired in one county for FNS through a merit based system to be considered a merit based employee for FNS if hired in another county through a contract agency and/or on a temporary basis. This could also apply to retired merit based staff. These employees may be able to conduct the full range of FNS eligibility

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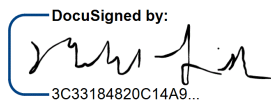
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determination activities. TANF and refugee cash assistance can use temporary staff or retirees who are or were employed by another county as a merit based employee as TANF or refugee cash assistance staff, respectively. **As the updates outlined in this memo are specific to FNS, it is the responsibility of the county to ensure segregation of duties for Medicaid, inclusive of ensuring that these staff do not make eligibility determinations or changes that impact eligibility for Medicaid.**

Questions regarding meeting merit requirements and delineating tasks that can be performed by non-merit employees can be directed to [Yvonne Copeland](#), Division Director, Division of Child and Family Well-Being.

Sincerely,

DocuSigned by:

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Michael Leighs
Deputy Secretary, Opportunity and Well-Being