



POLICY

CATEGORY:	Program Operations	No: 4.0.115.05
TITLE:	Program Non-Compliance	
SUPERSEDES:	4.0.115.04 dated December 15, 2017	
EFFECTIVE:	February 21, 2018	
BOARD APPROVAL:	February 21, 2018	
DATE OF LAST REVIEW:	February 21, 2018	

I. PURPOSE:

To outline the responsibilities of the Career Center Service Provider regarding timely and reasonable attempts to contact customers who are in noncompliance of program requirements.

II. DEFINITIONS:

Adverse Action Period – A 13-day waiting period for a TANF or SNAP recipient to contact HHSC after HHSC notice of action which may result in denial, suspension, reduction or termination of assistance.

Choices – employment services available to an adult or teen head of household in a family who is an applicant, conditional applicant, recipient, former recipient or sanctioned family of TANF

Conditional Applicant – an adult or teen head of household in a family who left TANF in a sanctioned status, but reapplies for cash assistance, who must attend a Workforce Orientation for Applicants (WOA) and demonstrate cooperation with Choices work requirements for four consecutive weeks

Contact method – communication via letter, phone call, voice mail, e-mail or in person

Exempt Recipients – individuals who are not required to register for work or comply with Choices or SNAP E&T work requirements but may volunteer to participate.

Good cause – a determination that a mandatory or exempt work registrant is temporarily unable to participate because of individual or family circumstances or a crisis.

HHSC – Texas Health and Human Services Commission who determines eligibility for TANF and SNAP benefits.

Initiating a penalty – Workforce center staff's notification to HHSC that a customer receiving TANF or SNAP is in non-cooperation with Choices (TANF) or SNAP E&T (SNAP).

Mandatory Individual – a Choices adult or teen head of household in a family who is classified as a conditional applicant, mandatory recipient or sanctioned family who is eligible for support services and whose failure to meet participation requirements could result in denial of cash benefits

Mandatory Work Registrant – a SNAP household member who is required to register for SNAP E&T services and is classified as General Population or an Able Bodied Adult Without Dependents (ABAWD).

Noncustodial Parent Choices Program (NCP Choices) –employment program that targets low-income, unemployed, or underemployed NCPs who are behind on their child support payments.

Non-cooperation – Choices or SNAP E&T participant does not respond to outreach notices or other appointments by close of business on date scheduled or fails to participate in accordance to the Employment Plan.

OAG - Office of Attorney General

Sanctioned Family – an adult or teen head of household in a family who must demonstrate cooperation for one program month to have family TANF benefits reinstated, who must participate in Choices services to meet the work requirements, and has the same responsibilities of mandatory individuals

SNAP E&T – Supplemental Nutrition Assistance Program Employment and Training to assist SNAP recipients in obtaining employment.

TANF – Temporary Assistance for Needy Families

III. POLICY STATEMENT:

Compliance of program requirements are required and considered part of all Workforce programs. Participant non-cooperation or non-participation such as missed appointments or failure to complete work activities should be documented and followed up by Workforce Career Center staff in accordance with this policy.

PROGRAM SPECIFICS

CHOICES/TANF – SNAP E&T TIMELY AND REASONABLE ATTEMPT

Career Center staff shall ensure that timely and reasonable attempts are made to contact a TANF or SNAP E&T recipient to obtain the following prior to initiating a sanction and/or removal from the program:

- Determine the reason for the non-cooperation
- Inform the recipient of the violation, if good cause has not been determined by workforce career center staff (Choices) or recommended to HHSC (SNAP E&T)
- Right to appeal, and
- Necessary procedures to demonstrate cooperation (Choices) or reinstate benefits (SNAP E&T).

Workforce Career Center staff must ensure that participants agree to a specific, preferred contact method during the employment planning session and the method is documented in TWIST Counselor Notes.

Choices/TANF and SNAP E&T Outreach All outreach letters must state the consequences of failure to respond to the outreach notice. *Within seven (7) calendar days with day one beginning the day the participant non-cooperates, workforce career center staff must:*

- Reschedule the participant's appointment for intake;
- Ensure the participant resumes cooperation with all program requirements;
- Determine good cause (Choices) or recommend good cause to HHSC (SNAP E&T); or
- Initiate a sanction.

Attempts to contact the customer can be by any contact method.

A second outreach letter is not required for Choices or SNAP E&T.

Choices Outreach – Good Cause

Good cause is determined by workforce career center staff.

SNAP E&T Outreach – Good Cause Claim Action 18

If a SNAP recipient contacts workforce career center staff by the close of business on the date of the outreach appointment, the recipient may be rescheduled. If no contact is made by the SNAP recipient by the close of business on the date of the outreach appointment, a penalty is initiated. If the SNAP recipient contacts after close of business on the date of the outreach appointment before a penalty has been initiated, workforce career center staff sends Good Cause Claim action 18 - failure to respond to outreach - good cause recommended. Good cause is determined by HHSC.

Choices/TANF and SNAP E&T - Participation

If a participant does not contact workforce career center staff by the close of business on the date of non-cooperation, a timely and reasonable attempt to contact the participant will be by a letter to schedule an appointment within five (5) calendar days. In addition to the letter, concurrent phone calls, voice mail, e-mail, or in person contacts must be initiated.

If the participant is a mandatory individual (Choices) or a mandatory work registrant (SNAP) and is found to be in non-cooperation, a good cause determination by workforce career center staff (Choices) or recommendation to HHSC (SNAP E&T) or a sanction must be initiated by the seventh calendar day from the date of non-cooperation or the date of discovery of non-cooperation, whichever occurs later.

If there is no good cause determined, inform the individual of:

- the violation
- the right to appeal; and
- the procedures to reinstate benefits

Data Entry – Non-cooperation Date

Choices – the non-cooperation date is the *date non-cooperation was determined* after the timely and reasonable attempt.

SNAP E&T – the *actual date* of non-cooperation such as the day of the missed appointment or date requested documents were not turned in.

Refer to Attachment 1 as a desk aid to display the outreach and ongoing participation timelines for the timely and reasonable attempt policy.

Choices – Good Cause - Participation

Good cause is determined by workforce career center staff.

A conditional applicant must be offered an opportunity to determine good cause in every month that their 4 weeks of participation covers. If the 4 weeks fall into an additional month, the 2nd month's opportunity to determine good cause will only require a phone call, voice mail, email or in person contact.

SNAP E&T – Good Cause – Compliance -Temporary Interruption

Workforce Career Center staff may grant good cause for a SNAP recipient without HHSC approval ONLY if the recipient was in compliance prior to the individual or family circumstance or crisis and the temporary interruption is less than 30 days.

SNAP E&T – Good Cause Claim Action 17 – Non-Compliance – Before a Penalty Initiated

Workforce career center staff recommends good cause to HHSC for a mandatory work registrant who provides a reason for failing to participate with SNAP E&T participation requirements after a timely and reasonable attempt before a penalty is initiated with Good Cause Claim Action 17 – Failure to Participate – Good Cause Recommended. HHSC approval is required.

SNAP E&T – Good Cause Claim Action 19 - Non-Compliance – After a Penalty Initiated

Workforce Career Center staff recommends good cause to HHSC for a mandatory work registrant who provides a reason for failing to comply with SNAP E&T participation requirements after a penalty is initiated and the adverse action period has not expired. Good Cause Claim Action 19 – Penalty Reviewed Good Cause recommended.

If the 13-day adverse action has expired, refer the participant back to HHSC and do not send any type of penalty error to HHSC.

Good Cause Data Entry

Good Clause Claim Actions must include a good cause reason in the Good Cause Tab.

SNAP E&T Re-engagement of Participation

After a good cause has been recommended to HHSC for non-cooperation, the participant will not start or resume participation until after a decision is made by HHSC that good cause is granted. Until that good cause decision is received, workforce career center staff will keep the customer engaged, at a minimum, by a weekly appointment. An agreed specific, preferred contact method will be agreed upon with the participant. Workforce career center staff will check daily for a response from HHSC on the good cause determination and make contact efforts prior to the weekly appointment if good cause is granted so that participation can start immediately.

NCP CHOICES – PLANNED GAP IN SERVICE

Individuals served with an OAG issued consent order and a corresponding court order mandating participation in the NCP Choices Program mirror program requirements of 30 hours per week for custodial parents receiving TANF (Choices).

NCP Choices Outreach

NCP Choices Workforce Career Center staff are present at the court hearing for on-site enrollment once the NCP has been court ordered. NCP Choices participants are scheduled their first appointment the following day.

Ongoing Participation

After the date of noncompliance with participation requirements, such as a missed appointment or the date of discovery of noncompliance by Workforce Career Center staff, a NCP Choices participant has one business day to contact.

If the NCP Choices participant does not contact Workforce Career Center staff within one business day of noncompliance, the participant will be mailed a letter to schedule an appointment within five (5) calendar days. In addition to the letter, concurrent phone calls, emails, text or in person contacts will be initiated. If no contact is made by the NCP Choices participant for the scheduled appointment, continued efforts to engage the participant will be continued weekly up to 30 days from date of non-compliance. At the end of 30 days, Workforce Career Center staff will use TWIST service code 11 – Planned Gap in Service to track cases that are pending approval from OAG or the court of a request to remove a noncompliant NCP Choices participant from the program.

30 day Request to Remove

Workforce Career Center staff cannot close a noncompliant NCP Choices participant's case until receiving approval from the OAG or the court. Timely removal, through administrative or court proceedings, ensures that the NCP Choices program maintains swift and certain consequences for noncompliant NCP Choices participants.

A request to remove the noncompliant NCP Choices participant will be sent to the OAG on the same date TWIST service code 11 is opened. While the request to remove is pending and upon initiation by the noncompliant NCP Choices participant, Workforce Career Center staff will allow the noncompliant participant to resume participation in services, close service code 11 and withdraw a request to remove from the OAG. .

Upon approval to remove from the OAG or the court, Workforce Career Center staff will close all services and program details, including TWIST service code 11 – Planned Gap in Service.

All Other Workforce Programs

Individuals participating in programs, other than Choices, SNAP E&T and NCP Choices, who are in noncompliance, shall be removed from the program if all attempts to re-engage fail.

IV. PROCEDURES:

Documentation

All actions taken with participants that are in program noncompliance must be documented in counselor notes to justify the determinations made and actions taken.

Choices and SNAP E&T

The seven (7) day timely and reasonable attempt policy will be followed for non-compliance.

NCP Choices

30 day Request to remove will be followed using TWIST service code 11 – Planned Gap in Service to track cases pending approval from OAG or the court to remove the noncompliant NCP Choices participant from the program.

V. RELATED POLICY INFORMATION:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
(Public Law 104-193); House Bill 2292;

40 TAC Chapter 811.14, 811.15, 811.16

TAC Section 813.13WD Letter 18-14 dated 6/12/2014

ChoicesGuide , Texas Workforce Commission

NCP Choices: A Comprehensive Guide January 2016

Supplemental Nutrition Assistance Program Employment and Training Guide, Texas Workforce Commission

40 TAC §800.58, .79, .92©, .121

Workforce Investment Act of 1998

Farm Security & Rural Investment Act of 2002 (Public Law 107-161)

United States Department of Agriculture Food and Nutrition Services Rules & Regulations, 7 CFR Part 273(l) issued June 19, 2002VI.

RESPONSIBILITIES:

Board staff shall ensure that the Workforce Career Center Service Provider is aware of and complies with this policy.

The Workforce Career Center Service Provider shall train all applicable staff on this policy and implement procedures that comply with this policy.

VII. FORMS AND INSTRUCTIONS:

Attachment 1: Choices and SNAP E&T Timely and Reasonable Attempt Desk Aid

VIII. DISTRIBUTION:

Policy Title: Program Non Compliance
Policy Number: 4.0.115.05

Date: 02/21/2018
Last Review: 02/21/2018

Board of Directors Board Staff Contracted Career Center Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

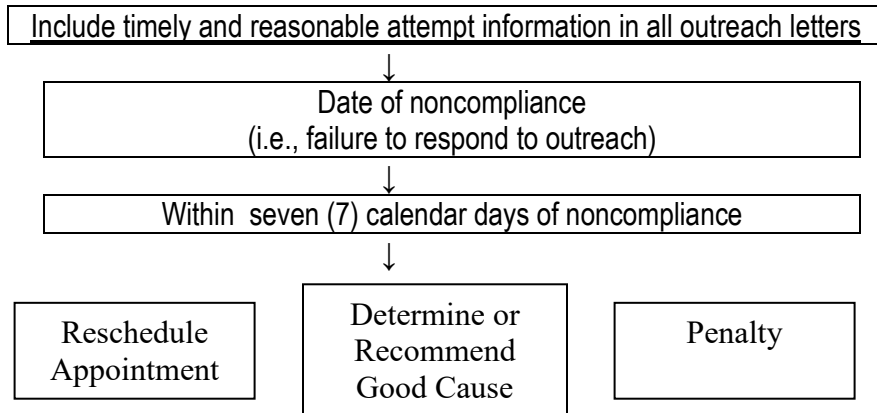
President/CEO

Date

Attachment 1

Choices and SNAP E&T Timely and Reasonable Attempt Desk Aid

Outreach



Ongoing Participants

