



WORKFORCE SOLUTIONS
of the Coastal Bend

POLICY

CATEGORY:	Program Operations	No: 4.0.115.03
TITLE:	Program Non Compliance	
SUPERSEDES:	4.0.115.02 dtd March 4, 2010	
EFFECTIVE:	August 29, 2014	
BOARD APPROVAL:	August 28, 2014	
DATE OF LAST REVIEW:	August 28, 2014	

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:

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 – communication via letter, phone call, 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 made by workforce center staff that a mandatory or exempt work registrant’s lack of participation is warranted by illness, court appearance, no available transportation, etc.

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 noncompliance

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 food stamp 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.

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. Non-compliance 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 – TIMELY AND REASONABLE

Career Center staff shall ensure that timely and reasonable attempts are made to contact a TANF 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
- Right to appeal, and
- Necessary procedures to demonstrate cooperation.

Workforce Career Center staff must ensure that participants agree to a specific, preferred contact method – phone, text, e-mail, letter, or in person – during the employment planning session and the method is documented in TWIST Counselor Notes.

Choices/TANF Outreach

All outreach letters must state the consequences of failure to respond. Within seven (7) calendar days following the date of noncompliance, workforce center staff must:

- Reschedule the customer's appointment for intake;
- Ensure the Choices participant resumes cooperating with all program requirements;
- Determine good cause; or
- Initiate a sanction.

For outreach, timely and reasonable attempts to contact the customer can be attempted by phone, e-mail, letter, or in person.

Ongoing Participation

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

If the Choices participant does not contact Workforce Center staff within one business day of noncompliance, a timely and reasonable attempt to contact the participant will be by a letter to schedule an appointment within five (5) calendar days to determine whether the participant was in compliance or has good cause. In addition to the letter, concurrent phone calls, e-mail, text or in person contacts must be initiated.

If the Choices participant is a mandatory individual found to be in noncompliance and does not have good cause, a sanction must be initiated by the seventh calendar day from the date of non-compliance or the date of discovery of noncompliance, 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 TANF benefits

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

In addition, 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, email or in person contact.

SNAP E&T – 3 DAY RULE

There is no timely and reasonable attempt for SNAP participants that fail to cooperate with SNAP requirements.

SNAP E&T Outreach

The SNAP E&T outreach letter must contain:

- Notice that this is only notice they will receive and
- Consequences for failure to respond and comply with SNAP requirements.

A sanction request must be initiated *within three working days* if the mandatory work registrant does not respond to the outreach letter. The request must be entered into TWIST within three working days of a mandatory work registrant failing to cooperate, unless the SNAP recipient indicates that he or she was unable to participate based on an extenuating circumstance and

Workforce Career Center staff grants good cause. Day one of the three-day period begins the day after the recipient non-cooperates with SNAP E&T requirements.
Example: Customer missed a scheduled orientation -December 1. -December -2 is the first day of non-compliance and a sanction will be initiated by -December 4.

Ongoing Participation

When a mandatory work registrant fails to cooperate with SNAP E&T requirements, Workforce Career Center staff will initiate a sanction request. The request must be entered into TWIST *within three working days* of a mandatory work registrant failing to cooperate, unless the SNAP recipient indicates that he or she was unable to participate based on an extenuating circumstance and Workforce Career Center staff grants good cause. Day one of the three-day period begins the day after the recipient non-cooperates with SNAP E&T requirements.

Example: Customer missed a scheduled appointment or other requirement on December 2. December 3 is the first day of non-compliance and a penalty will be initiated by December 7. (Note: 3rd day, December 5th, was a Saturday)

Working days do not include weekends or holidays.

Mandatory work registrants who are penalized for non-cooperation must not receive SNAP services or support services until the penalty period has ended and the individual has reapplied and begun receiving SNAP benefits again.

Note: SNAP Rule 813.14 establishes a maximum monthly participation requirement of 120 hours for the SNAP General Population. SNAP General Population mandatory work registrants who are scheduled to participate more than 120 hours per month must not be penalized for non-cooperation after 120 hours have been reached. The 120-hour monthly cap does not apply to ABAWD.

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 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

The five (5) day timely and reasonable attempt policy will be followed for non-compliance.

SNAP E&T

The 3 day rule will be followed for noncooperation or 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;

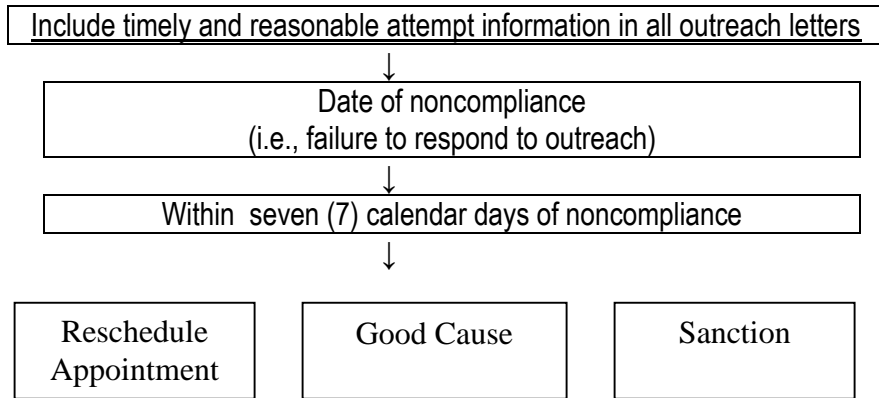
40 TAC Chapter 811.14

40 TAC Chapter 3

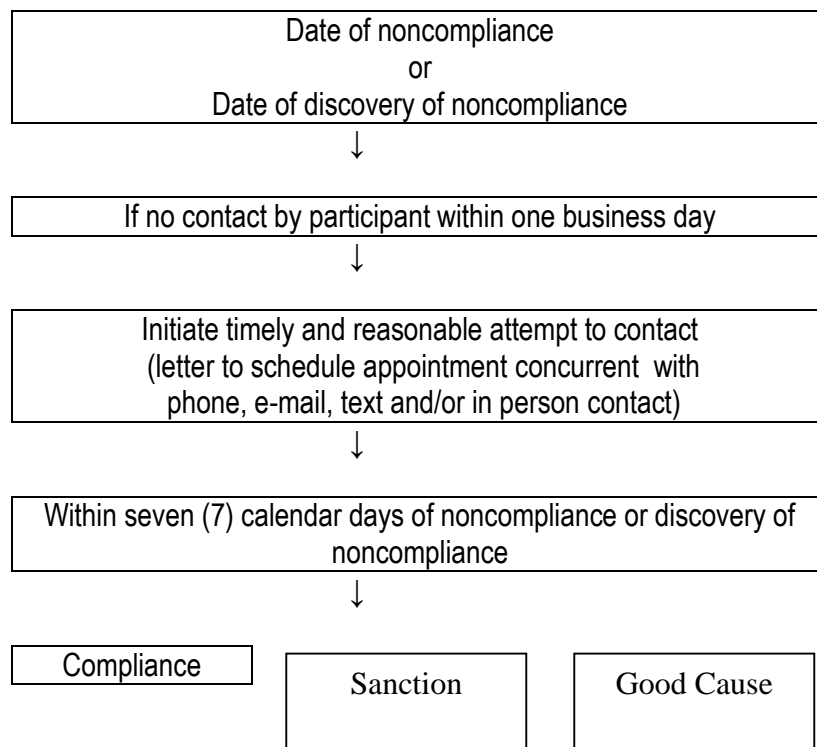
Texas Workforce Development Letters (WD), 36-07 Change 1, WD 23-07 dtd 3/28/2007, WD 36-07, dtd 6/22/2007, WD 08-09 dtd 3/31/2009, WD 09-09 dtd 4/3/2009 and WD Letter 18-14 dtd 6/12/2014

Choices Timely and Reasonable Attempt Desk Aid

Outreach



Ongoing Participants



Attachment 1