



POLICY

CATEGORY:	Program Operations	No: 4.0.115. 06
TITLE:	Program Non-Compliance	
SUPERSEDES:	4.0.115.05 dated December	February 21, 2018
EFFECTIVE:	September 18, 2020	
BOARD APPROVAL:	September 17, 2020	
DATE OF LAST REVIEW:	September 3, 2020	

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

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

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 and SNAP E&T

A recipient's non-cooperation of program requirements shall be handled by the following criteria and guidelines to adhere to the Texas Workforce Commission's program rules and guides:

A. Outreach

1. Recipients shall be informed of required information such as the right to appeal and consequences of failure to respond to the outreach notice,
2. A second outreach letter is not required.

B. Timely and Reasonable Attempt

1. Timely and Reasonable is a 7-day time period,
2. Day 1 is the close of business on the date of non-cooperation or discovery of non-compliance, whichever occurs later,
3. A letter will be mailed to schedule an appointment within 5 calendar days along with concurrent phone calls, voice mail, email or in person contact,

4. SNAP recipients have a three-day grace period in the first 3 days of the seven-day period and are still considered in compliance,
 5. If a Choices mandatory individual or a SNAP mandatory work registrant non-cooperates, a penalty must be initiated by the seventh calendar day unless there is a good cause determination or recipient resumes cooperation with all program requirements,
 6. If no good cause is determined, the recipient must be informed of the violation, the right to appeal and the procedures to reinstate benefits,
- C. Data Entry
1. The non-cooperation date for a Choices recipient is the date non-cooperation was determined after the timely and reasonable attempt,
 2. The non-cooperation date for a SNAP recipient is the *actual* date of non-cooperation.
 3. Good Clause Claim Actions must include a good cause reason in the Good Cause Tab.
- D. Workforce staff must ensure that participants agree to a specific, preferred method of contact.
- E. Good Cause
1. Determination of good cause is determined by HHSC for SNAP recipients in non-compliance and by workforce center staff for Choices,
 2. Good cause claims for SNAP recipients before and after a penalty is initiated will be processed per TWC rules,
 3. A Choices conditional applicant must be offered an opportunity to determine good cause in every month their 4 weeks of participation covers,
 4. 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 the good cause decision is received, workforce staff will keep the customer engaged, at a minimum, by a weekly appointment. 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

Choices Guide , Texas Workforce Commission

Noncustodial Parent Choices: A Comprehensive Guide

Supplemental Nutrition Assistance Program Employment and Training Guide

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(I) 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:

x Board of Directors ☒ Board Staff ☒ Contracted Career Center Staff

IX. SIGNATURES:

Larry Peterson
Reviewed by EO Officer

09/17/2020
Date

Ken Trevino
President/CEO

09/17/2020
Date