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Field Operations Memo 2004-37 A
September 24, 2004

To: Transitional Assistance Office Staff

From:  Cescia Derderian, Assistant Commissioner for Field Operations

Re: **TAFDC – Work Program Requirement Expansion: Revised Sanction Process and Good Cause Reasons**

Background

Field Operations Memo 2004-37 tells TAO Staff about:

- a follow-up mailing to recipients about changes to the Work Program requirement;
- the Work Program requirement changes;
- how to process nonexempt recipients impacted by these changes;
- how to process new applications as of September 27, 2004; and

Field Operations Memo 2004-37 B tells TAO Staff about a “Meets Compliance” clean-up project.

The Department is committed to ensuring that TAFDC recipients who are subject to the work requirement participate in an appropriate activity. However, it is equally important that recipients who have a legitimate barrier to participation not be subjected to inappropriate sanctions.

The FY05 budget included legislative changes which broaden the description of good cause and which require changes to our procedures. In particular, a new good cause review process has been created to remind recipients about good cause reasons and provide them with a formal way to request consideration of good cause. This Field Operations Memo explains these changes to good cause and the sanction procedures.

Purpose of Memo

This memo informs AU Managers about:

- the revised Sanction process and the good cause reasons;
 - removing sanctions with “good cause;” and
 - preventing sanctions with “Meets Compliance.”
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Changes to Good Cause Reasons and Notices Impact

The specifically defined good cause reasons for not meeting the Work Program requirement have been expanded and language about good cause has been added to regulations and the appropriate recipient notices. The good cause reasons are as follows:

- lack of appropriate and available child care;
- lack of affordable and reliable transportation;
- lack of an available and appropriate community service site identified by the Department;
- a disability or illness;
- participating in housing search; or
- other reasons established by the Department (including a family crisis, emergency or other compelling circumstances or that the job violates state or federal laws or is available due to a strike or a lockout).

The following changes have been made to notices regarding good cause:

- a paragraph has been added to the Mandated EDP (EBC Level 2 sanction notice);
- a new Warning Notice has been created and will be generated between Sanction Level 2 and Sanction Level 3 (Attachment A); and
- language has been added to the current Warning Notice (Attachment B) generated between Sanction Level 3 and Sanction Level 4.

Note: No Community Service Referral and Response form needs to be generated between these two levels for the sanction process to proceed.

**Changes to
Good Cause
Reasons and
Notices Impact
(continued)**

Each Warning Notice now includes language telling the recipient:

- the good cause reasons for not meeting the Work Program requirement;
- to circle the good cause reason(s) that applies to his or her situation; and
- follow-up for providing verifications.

If after receiving either of the Warning Notices the recipient requests and verifies good cause, see the chart on page 6 of this memo for procedures.

**Revised
Sanction
Process**

The Work Program sanction process has changed with Increment 2.1.11. The process is as follows for the recipient who has not met the Work Program requirement during the 60-day work search period and fails to respond to the Department's efforts to help the recipient meet the Work Program requirement:

Day 61 - The mandated EDP is automatically mailed and the recipient is now "TEMP mandated." The recipient will appear in the "Mandated TEMP - Site Referral Required" View.

Day 62 - (Day after Level 2 sanction) For the sanction process to continue, the AU Manager **must** send the recipient a mandated Community Service Referral and Response form as stated on the mandated EDP. The recipient appears on the Clients With Sanctions view.

Note: The next two steps are changes to the sanction process.

20 Days after the AU Manager sends the referral referenced on the Mandated EDP –

In the overnight batch process, a Warning Notice is produced and mailed to the recipient (see Attachment A).

10 Days after first Warning Notice –

During the overnight batch process, the request to sanction the AP is created with a pending release date and a reduction notice is sent to the recipient for failure to comply with the Work Program requirement. (Level 3 sanction).

Revised
Sanction
Process
(continued)

Day after Level 3 Sanction Notice was sent –

For the sanction process to continue, the AU Manager **must** send the recipient a mandated Community Service Referral and Response form as referenced on the Level 3 reduction notice. The recipient appears on the Clients With Sanctions view.

20 Days after the AU Manager sends the referral that follows the Level 3 reduction notice –

During the overnight batch process, a Warning Notice is produced and mailed to the recipient (see Attachment B).

20 Days after second Warning Notice –

During the overnight batch process, the request to close the AU is created with a pending release date and a closing notice is sent to the recipient for failure to comply with the EDP (Level 4 sanction).

Note: This pending request will not take place until the sanctioning of the recipient (Level 3 sanction) has occurred.

REMEMBER: The sanction process is stopped at anytime the recipient is marked with a “Meets Compliance” reason (other than “Participation”), cooperates by meeting the Work Program requirements or the AU Manager does not generate a Community Service referral.

**Meets
Compliance vs.
Good Cause**

To prevent a sanction from occurring after the Warning Notice is issued and prior to the sanction occurring, the AU Manager must use the “Meets Compliance” functionality on the TAFDC tab of the Work Requirements window.

If the AU Manager wants a sanction to occur, but does not want any future sanctions to occur, he or she must use the “Meets Compliance” functionality on the TAFDC tab of the Work Requirements window.

For example: A recipient uses the 60-day work search period, has not found a job, nor enrolled in an approved activity. The Level 2 sanction occurs mandating Community Service. The AU Manager generates a Community Service referral. 10 days later, the recipient comes to the TAO to say that she cannot get to the community service site because her car is in the shop and needs repairs. It will be ready in a week’s time. There are no other transportation options for the recipient. The AU Manager goes to the TAFDC tab, clicks on the “Meets Compliance - Yes” radio button and selects “No Transportation Available” and enters a date one week from the current date as the “End Date.” This will stop the sanction process from continuing.

To remove a sanction that has occurred, once good cause is verified by the recipient, go to the Sanction tab of the AU Composition Results window, highlight the sanction and give the recipient good cause (ensuring the End Date field is filled in). Once the good cause reason has ended, the recipient will appear on the “Clients with Expiring Good Cause Reasons” view.

**Meets
Compliance vs.
Good Cause
Chart**

This chart assumes the recipient verifies his or her good cause request within 10 days.

If, after the recipient ...	And ...	Then, the AU Manager ...
Gets a Mandated EDP (Level 2) followed by a Site Referral form	Verifies good cause	Updates meets compliance to stop further sanctions.
Gets the Warning notice - not meeting WP Requirement	Verifies good cause	Updates meets compliance. to stop further sanctions.*
Gets the Reduction notice (Level 3) followed by a Site Referral form	Verifies good cause	Gives good cause to remove the Reduction Notice (Level 3) sanction AND Updates meets compliance to stop another Level 3 reduction notice AND further sanctions, AND ensures the AP remains active.*
Gets the Warning notice - not meeting EDP Requirement	Verifies good cause	Updates meets compliance to stop Level 4 sanction.*
Gets the Closing notice (Level 4)	Verifies good cause	Gives good cause to remove the Closing Notice (Level 4) sanction AND Updates meets compliance to stop further sanctions, AND ensures AU remains active.*

* If the good cause reason was valid but no longer exists, you still must update meets compliance to prevent the next level of sanction from occurring. Enter 20 days from the current date in the Compliance End Date field.

**Preventing
Sanctions with
“Meets
Compliance”**

AU Managers are reminded that there are situations in which an applicant or recipient will be unable to obtain a placement in a TEMP Community Service site or otherwise comply with the Work Program requirement within the specified time frames.

Additionally, if the recipient returns one of the Warning Notices (Attachment A or Attachment B) with a good cause reason(s) circled and the recipient has **not** provided verification of the good cause reason(s) with the returned Warning Notice, the AU Manager must generate a VC-1 requesting verification. The verification required will depend upon the good cause reason claimed.

If the recipient can't comply with the Work Program requirement within the specified time frames **or** returns the Warning Notice with the good cause reason(s) circled but no verification returned, the AU Manager must:

- set the “Meets Compliance” radio button on the TAFDC tab to “Yes;”
- select the appropriate Compliance Reason (other than “Participation”) from the drop-down box; and
- enter the date the situation will be resolved in the Compliance End Date field based on the chart on the next page.

BEACON Increment 2.1.11 made the Compliance End Date field a mandatory fill with a pop-up message reminding AU Managers to complete the field before exiting the window. There is also a hard edit if the date entered is more than six months in the future.

AU Managers can access the report “WP Compliance End Date” found in the “Field Ops Staff TAO Reports” folder of Actuate to track the Compliance End Date for their AUs. Once the End Date has passed the AU Manager must update the “Meets Compliance” reason on the TAFDC tab of the Work Requirements window.

If the situation preventing participation no longer exists or if the verification of the good cause reason(s) was not provided timely, the compliance reason (other than “Participation”) must be changed to the compliance reason “Participation” for the Work Program referral process to continue.

If the situation exists beyond the date entered in the “End Date” field, the “Meets Compliance” period may be extended for the time frame listed in the chart on the next page.

The chart on the next page also lists the valid “Meets Compliance – Yes” reasons with their corresponding end dates. The end dates should not exceed the time frame listed in the column on the right.

Preventing Sanctions with “Meets Compliance” (continued)

Meets Compliance Reason	End Date Not to Exceed...
Meeting WPR* through SJS**	90 days from date entered.
Meeting WPR through WTW***	6 months from date entered.
No Child Care Available	30 days from date entered.
No Transportation Available	30 days from date entered.
No TEMP Site Available	30 days from date entered.
Other: Conversion	No longer valid reason as of September 20, 2004.
Domestic Violence Waiver	Actual end date of waiver not to exceed 6 months from date entered.
Temporary Health Problem	90 days from date entered.
Meeting WPR w/ Housing Search	6 months from date entered.
New Ed/Training Requirement	No longer valid reason as of September 20, 2004.
Site orientation >15 days	30 days from date entered.
CORI Check	30 days from date entered.
Participation	No End Date needed.

* = Work Program Requirement

** = Structured Job Search

*** = Welfare to Work

Tracking Good Cause and Meets Compliance End Dates

AU Managers must track the end dates of Good Cause and Meets Compliance reasons to ensure accurate processing of their AUs.

- Good Cause end dates are found in the “Clients with Expiring Good Cause Reasons” view.
- Meets Compliance reasons end dates are found in the “WP Compliance End Date” report found in the “Field Ops Staff TAO Reports” folder of Actuate.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at 617-348-8478.

Attachment A

Dear -----:

Our records show that you failed to meet the TAFDC work program requirement.

Unless you have a good cause reason for not meeting this requirement, your benefits will be lowered.

If you feel you have good cause, circle the good cause reason(s) below and mail or bring this notice to your worker within ten days of the date on this notice. Good Cause includes (circle one or more):

- **lack of appropriate and available child care;**
- **lack of affordable and reliable transportation;**
- **lack of an available and appropriate community service site identified by the Department;**
- **a disability or illness;**
- **participating in housing search; or**
- **other reasons established by the Department (including a family crisis, emergency or other compelling circumstances).**

You MUST provide verification of this reason(s). You may include verification with this notice. If you do not include verification with this notice or if the verification you include is not enough, your worker will contact you to tell you what verification is needed.

Your Transitional Assistance (TAFDC) benefits will **not** be affected by this warning notice. But, if you do not return this notice within **ten days** of the date on this notice about any good cause reason you have for not meeting your Work Program requirement, we will send you a notice telling you that the benefits you receive for yourself will be stopped. That notice will give you a right to appeal.

You are still mandated to meet the Work Program requirement. You may ask your worker for ways to meet the Work Program requirement or to explain good cause.

Attachment B

Dear -----:

The Department's records show that you have again failed to comply with your Employment Development Plan (EDP) in the following way: You failed to **{Warning Reason}**.

Unless you have a good cause reason for not meeting this requirement, your family's benefits will be stopped.

If you feel you have good cause, circle the good cause reason(s) below and mail or bring this notice to your worker within ten days of the date on this notice. Good Cause includes (circle one or more):

- **lack of appropriate and available child care;**
- **lack of affordable and reliable transportation;**
- **lack of an available and appropriate community service site identified by the Department;**
- **a disability or illness;**
- **participating in housing search; or**
- **other reasons established by the Department (including a family crisis, emergency or other compelling circumstances).**

You MUST provide verification of this reason(s). You may include verification with this notice. If you do not include verification with this notice or if the verification you include is not enough, your worker will contact you to tell you what verification is needed.

Your Transitional Assistance (TAFDC) benefits will **not** be affected by this warning notice. But, if you do not return this notice within **ten days** of the date on this notice about any good cause reason you have for not meeting your Work Program requirement, we will send you a notice telling you that your family's benefits will be stopped. That notice will give you a right to appeal.

You are still mandated to meet the Work Program requirement. You can ask your worker for ways to meet the Work Program requirement or to explain good cause.

You will receive a separate notice if your Transitional Assistance (TAFDC) benefits are going to be stopped. That notice will give you a right to appeal.