

KERN COUNTY DEPARTMENT OF HUMAN SERVICES
POLICY IMPLEMENTATION MEMORANDUM NO. 12-35

DATE : **October 29, 2012**
RE : **CalWORKs: Sanction and Compliance Process in the Welfare-to-Work Program**

Purpose of Memorandum: The purpose of this Memorandum is to provide the policy and procedures when Welfare-to-Work participants fail or refuse to comply with the Employment Services WTW program requirements.

INTRODUCTION

Adult cash-aid recipients, unless exempt, must participate in CalWORKs WTW activities and meet Employment Services program requirements as a condition of receiving aid.

A Welfare-to-Work sanction occurs when a nonexempt individual is removed from the assistance unit for failing or refusing, without good cause, to comply with the WTW program requirements and efforts to resolve the participation problem have failed.

Upon discovery or notification that an individual is not cooperating with the WTW program, the Employment Social Service Worker (SSW) attempts an initial contact with the individual to resolve the non-participation problem and also contacts the Human Services Technician (HST).

If the problem is not resolved, the Employment SSW sends a Notice of Action to the individual to schedule a "Cause Determination Appointment". The NOA gives the individual an appointment to meet with the SSW and provide a "good cause" reason for not cooperating. The SSW attempts to resolve any problems before the sanction is imposed. A sanction will not be imposed if:

- The individual has a "good cause" reason for not participating, or
- The individual does not have a "good cause" reason and the individual signs a Compliance Plan listing the activity he/she must participate in to avoid the sanction

REASONS FOR A SANCTION

An individual who is required to participate in WTW program activities as a condition to receive aid shall be subject to sanctions whenever "he or she fails or refuses without good cause to comply with program requirements; and subsequently fails or refuses without good cause to agree to a Compliance Plan or comply with a Compliance Plan".

Failing or refusing to comply with program requirements means failing or refusing to:

- Sign a Welfare-to-Work Plan
- Participate in any assigned WTW program activity, including a Self-Initiated Program (SIP)
- Provide regular proof of satisfactory progress in any assigned activity, including a SIP
- Accept employment

- Continue employment
- Continue employment at the same level of earnings

SANCTION PROCESS

I. **EMPLOYMENT SSW: Attempt to resolve the non-participation problem before scheduling a Cause Determination (CD) appointment.**

Upon discovery or notification that an individual is not meeting the WTW participation requirements, the Employment SSW contacts the individual to resolve the non-participation problem before scheduling a Cause Determination (CD) appointment

☒ First contact method: Telephone call.

☒ If the individual cannot be contacted by telephone: Appointment letter or home visit, as appropriate.

IF	THEN
Individual is contacted <u>and</u> is willing to resolve the problem:	• Depending on client's reason for non-participation, SSW may need to reschedule a WTW activity; sign/amend an Activity Agreement. • <u>Do not begin the sanction process.</u> • Continue to monitor the individual's WTW participation.
Individual cannot be contacted; or the individual is unwilling to resolve the problem:	• Contact HST to determine if there are extenuating circumstances that prevented the individual from participating in the WTW program • Consult with other persons working with the individual, if appropriate. • Send the Notice of Action (NA 840/845) to schedule the "Cause Determination" appointment.

II. **EMPLOYMENT SSW: Schedule Cause Determination (CD) Appointment**

The purpose of the Cause Determination (CD) appointment is to encourage cooperation and resolve the problems which resulted in non-participation.

A. Notices for the Cause Determination Appointment

To schedule the Cause Determination appointment, the following forms are completed in C-IV and sent to the client:

- Notice of Action – NA 840 or NA 845
- Request for Good Cause Determination (WTW 27)
- WTW 4 - send to second parent when the NA 840 is sent to first parent

B. Employment SSW completes the following actions in C-IV:

- Change WTW Status from "Active" to "Non-Comp".

- Close WTW activities.
- Complete notices and send to client.
- Discontinue transportation benefits. Send appropriate NOA.
- Send KCDHS 1000 to Community Connection for Child Care.
- Complete Journal.

Guidelines for Employment SSW when individual returns the WTW 27:

- > *Individual keeps CD appointment. Brings WTW 27 to CD appointment or mails prior to appointment. Use WTW 27 to discuss individual's reason for good cause.*
- > *Individual completes WTW 27 and returns it within the 20-day period, but does not keep CD appointment or contact SSW: Employment SSW will attempt to contact individual by telephone. If the individual cannot be contacted, the good cause determination will be based on the WTW 27.*
- > *Individual completes and returns WTW 27 after the 20-day period, but does not contact SSW. Individual is sanctioned.*

III. EMPLOYMENT SSW:

A	Client attends the CD Appointment within 20-calendar day period
Determine if individual has "Good Cause" for non-cooperation.	
• Use the WTW 26 – "Good Cause Determination Guidelines" and the WTW 27 (if provided). Discuss participant's rights and responsibilities. • If the individual does not have a good reason for not participating, the client must agree to sign a Compliance Plan to resolve the issue of non-participation. The Compliance Plan explains the steps to cooperate with the WTW program. • If additional verification is needed to determine good cause, the individual is given ten (10) calendar days to provide information.	
YES – Individual has "Good Cause".	
1	Evaluate the individual's situation to determine if the current activity assignment is beneficial and meets the individual's needs. If not, refer to an alternate activity.
2	Update WTW Status from Non-Comp to Active.
3	Complete the following forms. • NA 840A – Determination of Good Cause, No Good Cause • WTW 2 - Activity Assignment (if needed)
4	Complete the Journal.
NO – Individual does not have "Good Cause". Signs Compliance Plan.	
1	Evaluate the individual's situation to determine if the current activity assignment is beneficial and meets the individual's needs. If not, refer to an alternate activity

2	Explain the Compliance Plan. This plan informs the individual of the participation requirements that must be followed to avoid a sanction being imposed and lists the activity(ies) in which the individual will participate. ➤ The individual must participate in the activity until it is completed or up to a maximum of 60 calendar days from the date the individual begins the activity, whichever is less. ➤ <i>The individual cannot be placed on a Compliance Plan for a period of time longer than the length of the activity that led to the non-participation.</i>
3	Update C-IV.
4	Complete the following forms. 1) WTW 32 - Welfare to Work Compliance Plan 2) NA 840A - Determination of Good Cause, No Good Cause 3) WTW 2 - Activity Agreement (if needed)
5	Complete the Journal.
6	Monitor the Compliance Plan. See the steps below to follow if the client completes or does not complete the Compliance Plan. • Completes Compliance Plan: Sanction is not imposed • Does not complete Compliance Plan: Send Notice of Action to impose sanction (unless individual has a “good cause” reason for not meeting terms of Compliance Plan).
NO – Individual does not have “Good Cause”. Does not sign Compliance Plan.	
	• The individual is sanctioned.

B	Client returns the WTW 27 within the 20 calendar day period; <u>does not</u> attend CD Appointment or contact SSW.
	If the WTW 27 is returned and the client does not attend the CD appointment or contact the Employment SSW within the 20-day period, the Employment SSW attempts to contact the individual by telephone on the next business day after the CD appointment.
1	If the individual is contacted by telephone and wants to participate: Employment SSW schedules an office appointment as soon as possible to determine good cause or have the individual sign a Compliance Plan. If individual is employed full-time and the client cannot come into the office, conduct CD appointment by telephone.

2	If individual cannot be contacted by telephone: Employment SSW makes a good cause determination based on the information provided on the WTW 27. • If the WTW 27 does not contain sufficient information and verification to determine good cause, the sanction is imposed. • If the WTW 27 provides sufficient information to determine good cause, send the NA 840A. If necessary, schedule an appointment for individual to meet with SSW.
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C	Client <u>does not</u> return the WTW 27 within the 20 calendar day period; <u>does not</u> attend CD appointment or contact SSW.
	• The Employment SSW must attempt to telephone the individual the next business day after he/she fails to attend the CD appointment. • If the individual is contacted by telephone and wants to participate: Employment SSW schedules an office appointment as soon as possible to determine good cause or have the individual sign a compliance plan. • If individual is employed full-time and the client cannot come into the office, the CD appointment can be conducted by telephone. • If the individual cannot be contacted by telephone, the sanction is imposed.

IV. EMPLOYMENT SSW and HST: Procedures for Employment SSW and HST to impose the sanction:

A. Employment SSW Procedures: Send an e-mail to request the HST to impose the sanction in C-IV.

1. Complete the Journal.
2. Send e-mail to advise the HST to impose the sanction in C-IV:

B. HST Procedures: Impose the sanction in C-IV

Instructions when the e-mail to impose the sanction is received from the Employment SSW.

1. HST notifies the Employment SSW if there is a reason the sanction should not be imposed.
2. HST completes the action in C-IV to impose the sanction by 10-Day Notice.
3. Complete the Journal.

C. Employment SSW: Transfer the case to the Sanctions Caseload after the sanction has been imposed by the HST.

➤ Mail the following forms to the client:

- Flyer for Sanction Orientation
- Flyer for Child Care

CURE (END) THE SANCTION

V. INDIVIDUAL CONTACTS THE COUNTY TO START THE PROCESS TO CURE (END) THE SANCTION

A. IF: Individual contacts the County prior to the sanction being imposed:

- The Employment SSW schedules an appointment with the individual to start the sanction curing process.

B. IF: Individual contacts the County on the first day of the month he/she is removed from the grant or anytime after that date:

To start the process to end the sanction, individuals attend a group Sanction Orientation conducted by Employment Services staff.

1. When individuals contact their HST or Employment SSW to ask about curing their sanction:
 - Advise the client to attend the next scheduled Sanction Orientation so they can start the process to be added back to the cash grant as soon as possible.
 - Inform client of the Sanction Orientation dates and time.
2. Complete the Journal.

C. Assign Clients Attending Sanction Orientation to Employment SSWs to Sign a Curing Plan.

VI. DETERMINE THE “CONTACT DATE” TO RESTORE CASH AID

- A. The Employment SSW is responsible for determining the Contact Date. The SSW provides the Contact Date to the HST when sending the e-mail advising the client has cured his/her sanction.
- B. The HST will restore cash aid on the first of the month following the “Contact Date”.

(In some instances, QR/PB rules will require the HST to add the client the first month of the next payment quarter.)

VII. INDIVIDUAL MEETS WITH EMPLOYMENT SSW TO SIGN THE CURING PLAN

Cure the sanction when the individual satisfactorily participates as follows:

- If the activity is less than 30 days: Cure when individual completes activity, or
- If the activity is more than 30 days: Cure when individual participates for 30 calendar days from the date the Curing Plan is signed, even if the activity is longer.

A. Employment SSW completes the following forms:

1. WTW 29: Plan to Stop a WTW Sanction.
2. WTW 2: Activity Agreement

Note: For purposes of curing the sanction, the individual cannot be assigned to an activity for a longer period of time than the length of the original failed activity.

B. After the individual completes the Curing Plan:

1. Change WTW Status from “Noncomp” to “Active-Cured Sanction”.
2. Complete the Journal.
3. Notify the HST that the sanction is cured by sending an e-mail.

C. Instructions for individuals who begin participating in the Curing Activity and then stop participating without good cause before the Curing Activity is completed:

- Sanction continues and the Welfare-to-Work program is transferred back to the Sanction Caseload.

VIII. HST INSTRUCTIONS TO RESTORE THE CLIENT’S CASH AID

The HST receives an e-mail from the Employment SSW advising that the individual has cured the sanction and can be added back to the cash grant.

TWO-PARENT ASSISTANCE UNITS

IX. ADDITIONAL INFORMATION FOR TWO-PARENT ASSISTANCE UNITS

This section applies to two-parent cases in which the basis for aid is unemployment.

Once the first parent is sanctioned, the second parent, *unless exempt*, must begin to participate in the WTW program (or increase hours of participation if already in the WTW program) to avoid his/her own sanction.

Two-Parent Participation Rules	
IF	THEN
First parent meets 35 hour/week requirement <u>and</u> fails to participate:	Second parent must begin participating 35 hours per week
Both parents split the 35 hour/week requirement <u>and</u> first parent fails to participate:	Second parent must increase hours to participate 35 hours per week.
Both parents split the 35 hour/week requirement <u>and</u> both parents fail to participate:	Both parents are sanctioned.

VOLUNTEERS

X. INFORMATION FOR VOLUNTEERS IN THE WTW PROGRAM

An individual who is exempt from the WTW program requirements can volunteer to participate in the WTW program.

Volunteers cannot be financially sanctioned.

Volunteers not complying with the WTW program can be removed from being able to participate in the WTW program.

XI. ATTACHMENT

- WTW 27: Request for Good Cause Determination