

**POLICY**

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<b>CATEGORY:</b>	<b>Program Operations</b>	<b>No: 4.0.115.09</b>
<b>TITLE:</b>	<b>Program Non-Compliance</b>	
<b>SUPERSEDES:</b>	<b>4.0.115.08 dated</b>	
<b>EFFECTIVE:</b>	<b>May 10, 2024</b>	
<b>BOARD APPROVAL:</b>	<b>May 9, 2024</b>	
<b>DATE OF LAST REVIEW:</b>	<b>May 8, 2024</b>	

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**I. PURPOSE:**

To outline the responsibilities of the Contracted 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 participation 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 Solutions Coastal Bend (WFSCB) staff’s notification to HHSC that a customer receiving TANF or SNAP is in non-compliance 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-compliance – Choices or SNAP E&T participant does not respond to outreach notices or other appointments by close of business on date scheduled or failure to meet participation requirements which is day one of the timely and reasonable attempt timeframe.

*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-compliance or non-participation such as missed appointments or failure to complete work activities should be documented and followed up by WFSCB 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 – Choices and SNAP E&T**

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. Outreach letter must state the day the ABAWD reports to the Workforce Solutions Office is the first day of job search.
3. A second outreach letter is not required.

###### **B. Timely and Reasonable Attempt – Choices**

1. Timely and Reasonable for a Choices participant is a 7-day time period and is conducted by WFSCB staff,
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 five (5) calendar days. If a Choices mandatory individual is in noncompliance, a penalty must be initiated by the seventh (7) calendar day unless there is a good cause determination or recipient resumes cooperation with all program requirements,
4. 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. Timely and Reasonable Attempt – SNAP E&T**

1. Timely and Reasonable for a SNAP E&T participant is conducted by HHSC.
2. SNAP recipients have a three-day grace or compliance period beginning Day 1. Day 1

of the compliance period begins the day the recipient is in non-compliance with SNAP E&T requirements. Staff must not penalize a participant during this initial three-day compliance period. If there is no contact made with the participant on the fourth day, a penalty is initiated with HHSC.

3. Boards must use business days to calculate the compliance period. Holidays are excluded from the compliance period calculations.
4. After a penalty is initiated on the fourth day, HHSC conducts the timely and reasonable attempt prior to imposing a penalty,

D. Data Entry – Choices and SNAP E&T

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.

E. WFSCB staff must ensure that participants agree to a specific, preferred method of contact. Voice mail or text is considered appropriate only if the participant indicated that this was his or her preferred method of contact.

F. Good Cause

1. Good cause claims for SNAP recipients before and after a penalty is initiated will be processed per TWC rules,
2. A Choices conditional applicant must be offered an opportunity to determine good cause in every month their 4 weeks of participation covers,
3. SNAP E&T - 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, WFSCB staff will keep the customer engaged, at a minimum, by a weekly appointment. WFSCB 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 WFSCB 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 WFSCB, an NCP Choices participant has one business day to contact.

If the NCP Choices participant does not contact WFSCB 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, WFSCB will use 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**

WFSCB 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, WFSCB 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, WFSCB will close all services and program details, including 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 a WorkInTexas(WIT) or a Board approved Case Management System in Case Notes to justify the determinations made and actions taken.

##### Choices

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

##### SNAP E&T

The 3-day grace period is when the participant is in compliance and may not be penalized.

##### 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 Sections 811.13, 811.14, 811.15, 811.16

WD Letter 18-14 dated 7/12/2014 entitled Planned Gap in Service for Noncustodial Parent Choices Program TWC Choices Guide, revised March 2024, and all subsequent revisions

TWC Noncustodial Parent Choices: A Comprehensive Guide revised February 2020 and all subsequent revisions

TWC Supplemental Nutrition Assistance Program Employment and Training Guide revised March 2024 and all subsequent revisions

40 TAC §800.58, .79, .92©, .121

TWC WIOA Guidelines for Adult, Dislocated Worker, and Youth revised August 2023 and all subsequent revisions.

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.

#### **VI. 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. DISTRIBUTION:**

Board of Directors     Board Staff     Contracted Career Center Staff

**VIII. SIGNATURES:**

Ricardo Munoz  
Reviewed by EO Officer

5/23/2024  
Date

  
President/CEO

6/7/2024  
Date