

Department of Social and Health Services
Olympia, Washington
EAZ Manual

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Category WorkFirst - Sanctions
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Summary

The Community Services Division, WorkFirst program policy unit has updated information in the EA-Z Manual under **WorkFirst – Sanctions** to reflect that effective December 1, 2011 parents with three or more WorkFirst Non-compliance Sanction terminations since March 1, 2007 will be permanently disqualified from receiving TANF/SFA benefits.

WORKFIRST SANCTIONS - PARTICIPATION

Revised ~~March 25~~ December 1, 2011

Purpose: This section describes the penalties that a TANF recipient will experience if the person fails or refuses to participate, without good cause, in the activities identified on their WorkFirst Individual Responsibility Plan (IRP).

[WAC 388-310-1600](#)

WorkFirst-Sanctions.

WAC 388-310-1600

WAC 388-310-1600 WorkFirst-Sanctions.

1. What WorkFirst requirements do I have to meet?

You must do the following when you are a mandatory WorkFirst participant:

- a. Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC [388-310-0500](#));
- b. Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;
- c. Go to scheduled appointments listed in your individual responsibility plan;
- d. Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and
- e. Accept available paid employment when it meets the criteria in WAC [388-310-1500](#).

2. **What happens if I don't meet WorkFirst requirements?**

- a. If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do, and inviting you to a noncompliance sanction case staffing.
 - i. A noncompliance case staffing is a meeting with you, your case manager, and other people who are working with your family, such as representatives from tribes, community or technical colleges, employment security, the children's administration, family violence advocacy providers or limited-English proficient (LEP) pathway providers to review your situation and compliance with your participation requirements.
 - ii. You will be notified when your noncompliance sanction case staffing is scheduled so you can attend.
 - iii. You may invite anyone you want to come with you to your case staffing.
- b. You will have ten days to contact us so we can talk with you about your situation. You can contact us in writing, by phone, by going to the noncompliance sanction case staffing appointment described in the letter, or by asking for an individual appointment.
- c. If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation. We will use existing information to decide whether:
 - i. You were unable to do what was required; or
 - ii. You were able, but refused, to do what was required.
- d. If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.

3. **What is considered a good reason for not doing what WorkFirst requires?**

You have a good reason if you were not able to do what WorkFirst requires (or get an excused absence, described in WAC [388-310-0500\(5\)](#)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited

to:

- a. You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;
- b. You were threatened with or subjected to family violence;
- c. You could not locate child care for your children under thirteen years that was:
 - i. Affordable (did not cost you more than your co-payment would

under the working connections child care program in chapter [170-290](#) WAC);

- ii. Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and
- iii. Within a reasonable distance (within reach without traveling farther than is normally expected in your community).
- iv. You could not locate other care services for an incapacitated person who lives with you and your children.

d. You had an immediate legal problem, such as an eviction notice; or

e. You are a person who gets necessary supplemental accommodation (NSA) services under chapter [388-472](#) WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

4. **What happens in my noncompliance sanction case staffing?**

a. At your noncompliance case staffing we will ensure you were offered the opportunity to participate and discuss with you:

i. What happens if you are sanctioned and stay in sanction;

ii. How you can participate and get out of sanction;

iii. How you and your family benefit when you participate in WorkFirst activities;

iv. That if you continue to refuse to participate, without good cause, your case may be closed after you have been in sanction status for four months in a row;

v. How you plan to care for and support your children if your case is closed. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44.030; and

vi. How to reapply if your case is closed; and-

vii. That upon your third noncompliance sanction case closure after March 1, 2007, you may be permanently disqualified from receiving TANF/SFA. If you are permanently disqualified, your entire household is ineligible for TANF/SFA.

b. If you do not come to your noncompliance sanction case staffing, we will make a decision based on the information we have.

5. **What if we decide that you did not have a good reason for not meeting WorkFirst requirements?**

a. Before you are placed in sanction, a supervisor will review your case to make sure:

i. You knew what was required;

ii. You were told how to end your sanction;

iii. We tried to talk to you and encourage you to participate; and

iv. You were given a chance to tell us if you were unable to do what we required.

b. If we decide that you did not have a good reason for not meeting WorkFirst requirements, and a supervisor approves the sanction, we will send you a letter that tells you:

i. What you failed to do;

- ii. That you are in sanction status;
 - iii. Penalties that will be applied to your grant;
 - iv. When the penalties will be applied;
 - v. How to request a fair hearing if you disagree with this decision; and
 - vi. How to end the penalties and get out of sanction status.
- c. We will also provide you with information about resources you may need if your case is closed. If you are sanctioned, then we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

6. What is sanction status?

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't do what is required and you can't prove that you had a good reason, you do not qualify for your full grant. This is called being in WorkFirst sanction status.

7. Are there penalties when you or someone in your household goes into sanction status?

- a. When someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements.
- b. Your grant is reduced by one person's share or forty percent, whichever is more.

8. How do I end the penalties and get out of sanction status?

To stop the penalties and get out of sanction status:

- a. You must provide the information we requested to develop your individual responsibility plan; and/or
- b. Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days).
- c. When you leave sanction status, your grant will be restored to the level you are eligible for beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

9. What if I reapply for TANF or SFA and I was in sanction status when my case closed?

If your case closes while you are in sanction status and is reopened, you will start out where you left off in sanction. That is, if you were in month two of sanction when your case closed, you will be in month three of sanction when you are approved for TANF or SFA.

10. What happens if I stay in sanction status?

- a. We will send information to a supervisor or designee with a recommendation to close your case.
- b. A supervisor or designee will make the final decision.
- c. If the supervisor or designee approves case closure, your case will be closed after you have been in sanction for four months in a row.

11. What happens when a supervisor or designee approves closure of my case?

When a supervisor or designee approves closure of your case, we will send you a letter to tell you:

- a. What you failed to do;
- b. When your case will be closed;
- c. How to request a fair hearing if you disagree with this decision;
- d. How to end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and
- e. How your participation before your case is closed can be used to meet the participation requirement in subsection (12).

12. What if I reapply for TANF or SFA after a supervisor or designee approved case closure and my case was closed?

If a supervisor or designee approves case closure and we close your case, you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

13. What happens if a supervisor or designee approves case closure for the third time?

If we close your case at least three times after March 1, 2007, you will be permanently disqualified from receiving TANF/SFA. If you are permanently disqualified, any household you are in will also be ineligible for TANF/SFA.

This is a reprint of the official rule as published by the [Office of the Code Reviser](#). If there are previous versions of this rule, they can be found using the [Legislative Search page](#).

CLARIFYING INFORMATION

1. Mandatory TANF / SFA WorkFirst participants are sanctioned when the person has failed or refused WorkFirst activities. The WorkFirst Program Specialist or Social Worker determines no good cause exists for not participating in required WorkFirst activities.

NOTE: For further information on WorkFirst sanction process see the [WorkFirst Handbook](#) .

2. Review the WorkFirst sanctioned case to see if the Basic Food Benefits should be sanctioned under the Basic Food Program rules for failure or refusal to comply with the Food Stamps E&T requirements. This applies only to non-exempt Basic Food recipients.

NOTE: For further information on the FS E&T sanction process see the [Food Stamp E/T Section G. - Disqualifications](#)

WORKER RESPONSIBILITIES

Non-Compliance Sanction (NCS)

See the [WorkFirst Handbook - Non-Compliance Sanction Policy](#) on how to process the sanction including

e-JAS instructions.

1. Determine if the person has refused or failed to participate in WorkFirst activities identified on the IRP without good cause. This determination is made during the good cause and case staffing process.
2. If good cause is not approved, review the case using the NCS case staffing and review criteria tool in eJAS then impose the sanction. (For the entire process, see note below).
3. Complete the coding in ACES and eJAS.
4. Refer sanctioned cases in second consecutive month to a supervisor or designee.
5. If the sanction will exceed four months, see ACES instructions below.
6. If [an SRPa supervisor or designee](#) agrees with the recommendation for case closure, follow the eJAS and ACES instructions below.

Non-Compliance Sanctions (NCS) Re-Applicants

A person may re-apply for WorkFirst cash assistance (TANF) or State Family Assistance (SFA) after NCS termination at any time by submitting a new application. There are different processing instructions depending when the application is received.

1. Applications received prior to the effective date of NCS termination

Since the case is still open on the current WorkFirst cash assistance (TANF) AU through the end of the month, you must follow the following steps:

- a. Set a tickler in DMS to track the application.
- b. Refer the applicant to the WorkFirst Program Specialist (WFPS) or WorkFirst Social Worker (WFSW) to determine whether the person must meet WorkFirst participation requirements before s/he receives cash.
- c. Input the application on the 1st of the following month.
- d. If the WFPS/WFSW determines the person is no longer able to participate, deny the application, lift the sanction and re-instate benefits from the first of the following month.

2. Applications received after the effective date of NCS termination

- a. Schedule intake interview.
- b. Refer the applicant to the WFPS/WFSW to determine whether the person must meet WorkFirst participation requirements before s/he receives cash.

3. Approving applicants whose assistance was terminated under the NCS policy.

Applicants must participate for 28 days unless they have a good reason to interrupt participation. The WorkFirst Program Specialist or Social Worker will make the participation requirement determination and will communicate the outcome to the application worker.

- a. Follow these procedures to process an application:
 - i. Give the person a pending letter for financial eligibility if needed and the WorkFirst participation requirement.
 - ii. Refer the person (with a copy of the pending letter) to the WorkFirst Program Specialist / Social Worker to discuss the WorkFirst participation requirement.
 - iii. Once the person meets financial eligibility, provide them with an updated pending letter with

the following free form text:

"You have met the financial eligibility requirement. You must still meet the WorkFirst participation requirement to regain your WorkFirst cash assistance (TANF)."

- iv. If the application will exceed beyond the 30th day (standard of promptness), then enter a Delay Reason Code of WF (WorkFirst Participation) on the MISC screen in ACES. The SOP Extension Date field on the MISC screen should be updated with the date the client is expected to complete the participation requirement.
 - v. After participation requirements have been met, cash benefits start from the date the person was otherwise financially eligible.
 - vi. Prior to opening the case, check to see if the person received child support or CEAP that must be budgeted against the grant. We budget CEAP as countable unearned income for Cash (OA on the UNER screen) for the month they received the benefit.
 - vii. The TANF open effective date cannot be earlier than the NCS termination effective date.
 - viii. After participation requirements have been met, cash benefits start from the date the person was otherwise financially eligible.
- b. If the WorkFirst Program Specialist / Social Worker determines that participation is not required, they will communicate that information to the intake worker.
- i. Enter the re-qualifying code WP on the ACES WORK screen to remove the 28 day participation requirement.
 - ii. Update the pending letter for any remaining financial eligibility items still needed or approve the application (if the financial eligibility criteria have been met).
 - iii. After participation requirements have been met, cash benefits start from the date the person was otherwise financially eligible.
 - iv. Prior to opening the case, check to see if the person received child support or CEAP that must be budgeted against the grant. We budget CEAP as countable unearned income for Cash (OA on the UNER screen) for the month they received the benefit.
 - v. The TANF open effective date cannot be earlier than the NCS termination effective date.

4. Denying an NCS application

- a. If the intake worker is notified that participation has stopped, then:

Deny the application (leave the re-qualifying reason field blank on the WORK screen). Finalize the application and add the following free form text to the denial letter:

"You haven't completed the WorkFirst 4-week participation requirement as described in your IRP. To request reconsideration, contact your WorkFirst Program Specialist or WorkFirst Social Worker."

- b. If the client requests reconsideration, then:

Instruct the person to contact their WorkFirst Program Specialist / Social Worker if they want a reconsideration. If the WorkFirst Program Specialist / Social Worker reports that there has been client contact, follow these steps depending on the information received.

- i. Deny the reconsideration if no good reason was determined.
- ii. Re-screen and approve the application (or update the pending letter if other financial eligibility elements are still needed) if no further participation is required.
- iii. Re-screen the application with SOP code if the reconsideration is granted. The Delay Reason Code field on the MISC screen in ACES should be coded with "WF" (WorkFirst Participation) if the case will exceed the 30 day standard of promptness. The SOP Extension Date field on the

MISC screen should be updated with the date the client is expected to complete the participation requirement.

5. Applicants who have three or more prior NCS closures

A person with three or more NCS closures since March 1, 2007 will be permanently disqualified from receiving TANF/SFA. If a person is permanently disqualified, that person's entire household is ineligible to receive TANF/SFA.

a. Applicants for TANF/SFA or DCA who have had three or more NCS case closures will be denied because they are permanently disqualified from receiving TANF/SFA.

b. Before denying the application, follow this procedure to review the case to ensure the three NCS terminations listed on the ACES WORK screen are accurate.

i. Review the NCS termination dates listed on the ACES WORK screen for accuracy

ii. Go into "B" inquiry for the TANF AU for the month/year following each NCS termination listed

iii. Review the reason code for the termination to ensure the case closed for NCS (252)

iv. Review the narrative to ensure that the NCS wasn't overturned in administrative hearing

v. Document that the NCS termination dates have been reviewed and confirmed.

NOTE: Permanent TANF Disqualification

See the [WorkFirst Handbook – Permanent TANF Disqualification](#) ^[n1] for more information.

NOTE: Non-Compliance Sanction (NCS)

See the [WorkFirst Handbook - Non-Compliance Sanction Policy](#) on how to process the sanction including eJAS instructions.

ACES PROCEDURES

For ACES processing on NCS cases, see [ACES instructions](#).

See [Disqualified or Sanctioned Assistance Unit or Client - Canceling a Sanction](#)

E-JAS PROCEDURES

See the [WorkFirst Handbook](#) for information on Sanctions in eJAS.

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