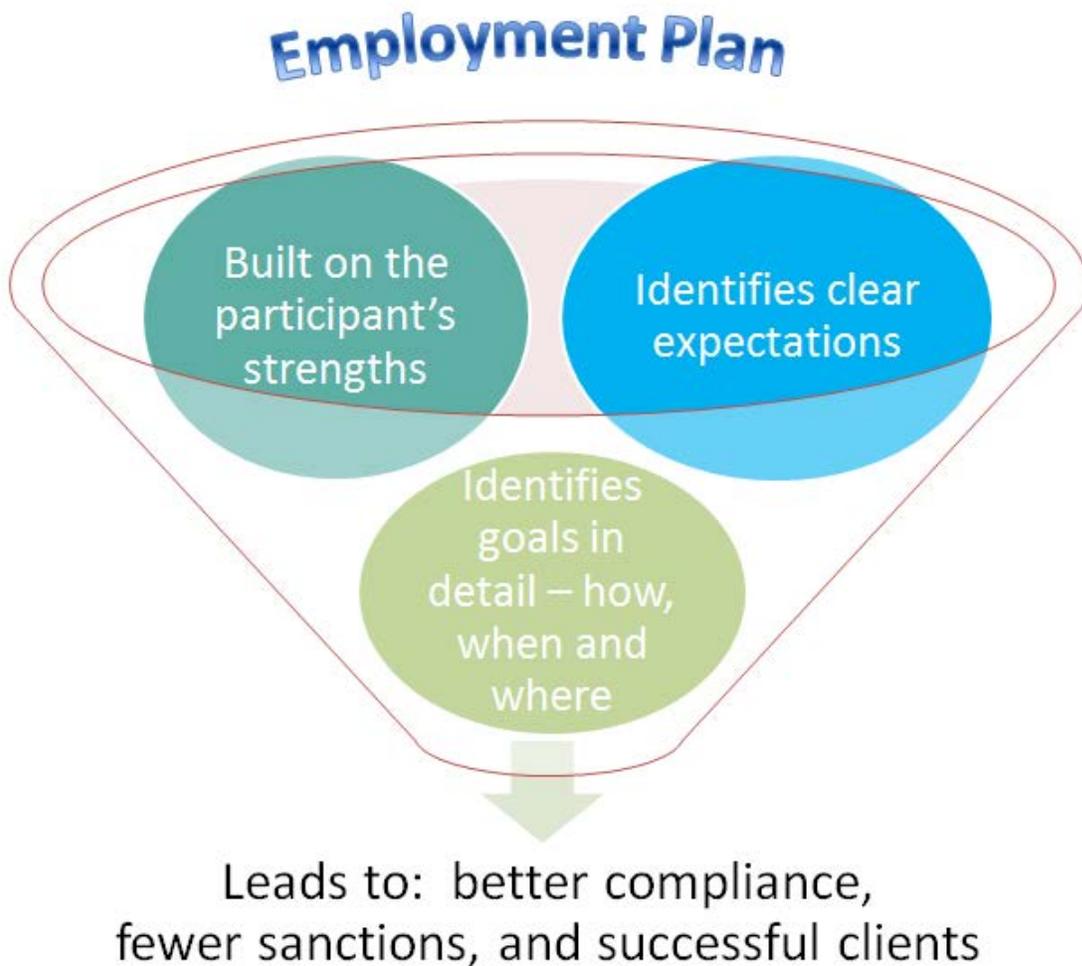


# MFIP Employment Services Sanctions Training

January 21, 2015 Webinar  
Handout Packet



Presented by Susan Seidl and Lynn Dahn

## **SANCTIONS WEBINAR**

### **AGENDA:**

- **Welcome**
- **What can MFIP participants be sanctioned for?**
- **When *not* to sanction**
- **Good cause**
- **Examples: To sanction or not to sanction**
- **Writing the Notice of Intent to Sanction**
- **Support services for clients**
- **The NOITS to sanction process**
- **Sanction occurrences**
- **Two parent households**
- **Dual sanctions**
- **Removal of a sanction**
- **Post 60 month sanctions**
- **“Sum it up” scenarios**



## WHAT IS NON-COMPLIANCE?

“Non-compliance” means the person is not following through with one or more activities in their Employment Plan.

## WHAT IS A SANCTION?

Reduction of a family’s assistance payment by a specified percentage of the MFIP standard because a participant fails to comply with the MFIP Employment Services requirements, the child support enforcement requirements, or other program requirements.

## WHAT CAN AN MFIP PARTICIPANT BE SANCTIONED FOR?



## WHAT IS GOOD CAUSE?

Good Cause is a situation or circumstance beyond a participant’s control which allows the person to be excused from certain Employment Services activities for a certain period of time OR allow for a sanction to be removed retroactively.

If you are aware that good cause applies, do not impose a sanction.

## LOSS OF EMPLOYMENT

Participants must inform you within 10 working days regarding any changes in their employment status. When participants do not maintain employment, the reason for job loss will determine which policy you follow:

- If the participant quits suitable employment **without** good cause, or is terminated for non-performance, impose a sanction and follow the guidelines for working with sanctioned participants.
- In cases where a participant is terminated for reasons over which he/she has less control (for example: job incompatibility, inability to learn job), use professional discretion to determine whether a sanction is appropriate. The appeals process will likely be the arena in which some of these issues are resolved.
- If the participant is laid off, quits for good cause reasons, or is terminated through no fault of their own, that person must contact you within 10 working days and schedule a meeting to revise the plan.

## PAID EMPLOYMENT DOCUMENTATION AND VERIFICATION

Financial Workers are responsible for obtaining documentation for participants who are engaged in **paid employment** and verifying the number of hours. MFIP participants submit a monthly Household Report Form (HRF) to the county and attach the following documentation:

- Pay stubs that include hours worked.
- Employer reports that list hours worked.
- Employer time and attendance records.
- Employer statement of hours worked.

Employment Services Providers cannot require additional verification of hours in paid employment. Check with the Financial Worker or look in WF1 for verification of work hours.

### ***“Known to the Agency” Policy***

*Per DHS policy, if verification information such as paycheck stubs is known to the agency, the job counselor cannot require that the participant submit the verification again (e.g. requiring participants to provide paycheck stubs to the job counselor AND a HRF violates this “known to the agency” policy). When a participant submits a HRF and accompanying paycheck stubs by the 8th of the month, this is sufficient notice for both job counselor and financial worker. As soon as the HRF is processed, this information comes across on the WF1/MAXIS interface.*

## **GOOD CAUSE EXISTS WHEN:**

Caregivers may claim the following good cause reasons for failure to comply with the expectations of MFIP Employment Services. Good cause exists when:

- Appropriate child care is not available.
- The job does not meet the definition of suitable employment.
- The participant is ill or injured.
- A member of the unit, a relative in the household, or a foster child in the household is ill and needs care by the participant that prevents the participant from complying.
- The participant is unable to secure needed transportation.
- The participant is in an emergency situation that prevents compliance with the Employment Plan.
- The schedule of compliance with the Employment Plan conflicts with judicial proceedings.
- A mandatory MFIP meeting is scheduled during a time that conflicts with a judicial proceeding or a meeting related to a juvenile court matter, or a participant's work schedule.
- The participant is already participating in acceptable work activities.
- The Employment Plan requires an educational program for a participant under the age of 20, but the educational program is not available.
- Activities identified in the Employment Plan are not available.
- The participant is willing to accept suitable employment, but employment is not available.
- The participant documents other verifiable impediments to compliance with the Employment Plan beyond the participant's control.
- The documentation needed to determine if a participant is eligible for family stabilization services is not available, but there is information that the participant may qualify and the participant is cooperating with the county or employment services provider's efforts to obtain the documentation necessary to determine eligibility.

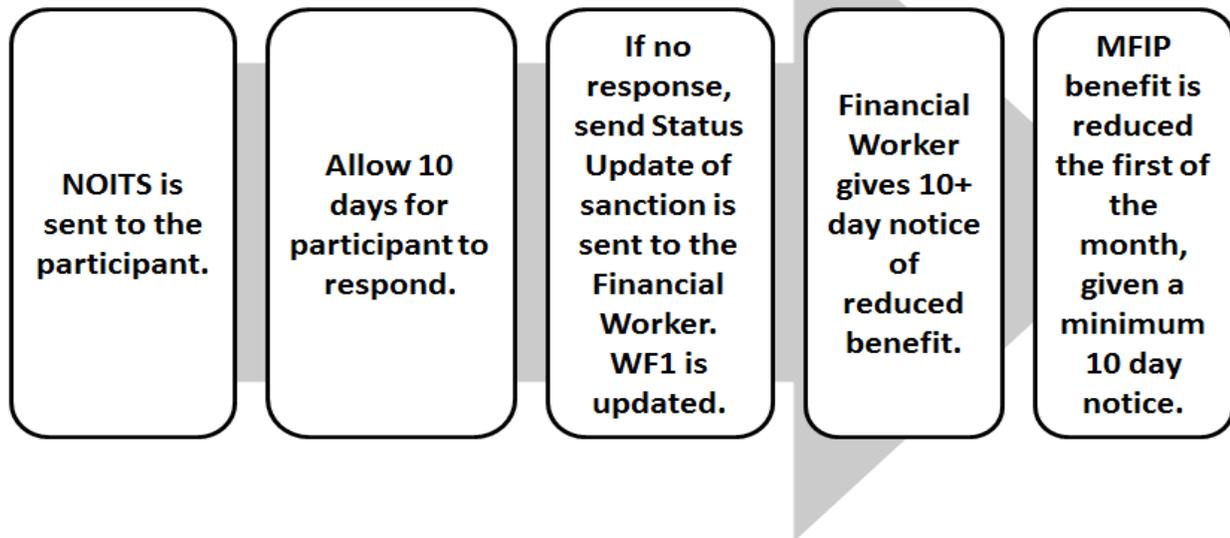
***Refer to MFIP ES Manual Section 14.6.***

## TO SANCTION OR NOT TO SANCTION?

Scenario:	Sanction	Do Not Sanction
Participant meets what is minimally required but the EP contains more hours than the minimum. (Think child under 6 or child over 6.)		
Participant did not meet with job counselor/ case manager as requested/scheduled.		
MFIP participant with child under 6 has EP in place. Activity is to Job Search 108 hours/month. They have turned in their weekly documentation for job search. A month goes by and they show a total of 95 hours of job search for the month.		
Participant is unable to meet participation hours because their place of employment is closed and the participant is not eligible for holiday pay.		
Participant has not shown up for work or has quit employment that was obtained.		
Participant was unable to meet participation hours because school was not in session at that time.		



## NOITS TO SANCTION PROCESS



### SANCTION TIMING EXAMPLE:

- Sept. 23: Financial Worker receives Status Update form from Employment Services Counselor.
- Oct. 30: Participant comes into compliance.
- Nov. 1: Sanction is imposed.
- Dec. 1: Effective date that sanction is lifted.

If the non-compliance occurs in July and the FW receives a Status Update from you on September 23rd, it is too late for the FW to give your participant a 10-day notice of adverse action for October 1st. In this example, the sanction cannot be imposed until November 1st.

*If the participant comes into compliance on or before October 20th (or the cutoff date), he/she will not be sanctioned in November. This is assuming that timely updates have been sent to the FW.*

### NOTE:

- A sanction will last a minimum of one month.
- The financial worker must lift sanction in the month after the month the participant complies.
- The financial worker must apply the sanction for the 1st possible month following the 10-day notice requirement.

# PRE AND POST 60-MONTH ES SANCTION POLICY

ESM 14.3.3

Pre 60-Month Sanction Policy	Post 60-Month Sanction Policy																
<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">1<sup>st</sup> occurrence</td> <td style="text-align: right;">10%</td> </tr> <tr> <td>2<sup>nd</sup> – 6<sup>th</sup> occurrence</td> <td style="text-align: right;">30%*</td> </tr> <tr> <td>7<sup>th</sup> occurrence</td> <td style="text-align: right;">100% Sanction</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>CASE CLOSED</b></td> </tr> </table> <p>(No permanent closure in pre 60-month sanctions!)</p>	1 <sup>st</sup> occurrence	10%	2 <sup>nd</sup> – 6 <sup>th</sup> occurrence	30%*	7 <sup>th</sup> occurrence	100% Sanction	<b>CASE CLOSED</b>		<table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">1<sup>st</sup> occurrence</td> <td style="text-align: right;">10%</td> </tr> <tr> <td>2<sup>nd</sup> occurrence</td> <td style="text-align: right;">30%*</td> </tr> <tr> <td>3<sup>rd</sup> occurrence</td> <td style="text-align: right;">30%*</td> </tr> <tr> <td>4<sup>th</sup> occurrence</td> <td style="text-align: right;"><b>CASE CLOSED</b></td> </tr> </table> <p>(1<sup>st</sup> disqualification from MFIP for the case)</p>	1 <sup>st</sup> occurrence	10%	2 <sup>nd</sup> occurrence	30%*	3 <sup>rd</sup> occurrence	30%*	4 <sup>th</sup> occurrence	<b>CASE CLOSED</b>
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<p><b>Reapplying after 100% Case Closure:</b>  <i>MFIP case must be closed for 1 full month. Participant must file a new application and demonstrate compliance for <b>up to 30 days</b>. MFIP case is opened effective the date of compliance.</i></p>	<p><b>Reapplying for MFIP:</b> <i>Participant must demonstrate compliance for <b>up to 30 days and must meet the criteria for an extension category</b>. MFIP case is opened effective the date of compliance.</i></p>																
<p><b>Non-compliance after 100% closure:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">8<sup>th</sup> occurrence</td> <td style="text-align: right;">30%*</td> </tr> <tr> <td>9<sup>th</sup> occurrence</td> <td style="text-align: right;">CASE CLOSED</td> </tr> </table> <p><b>Reapplying after Case Closing:</b> Again, participant must reapply and demonstrate compliance before MFIP case can be opened.</p> <p>Pre-60 month occurrences do not carry into post-60 month MFIP cases.</p>	8 <sup>th</sup> occurrence	30%*	9 <sup>th</sup> occurrence	CASE CLOSED	<p><b>Non-compliance after 1<sup>st</sup> Disqualification:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">5<sup>th</sup> Post-60 occurrence</td> <td style="text-align: right;">10%</td> </tr> <tr> <td>6<sup>th</sup> Post-60 occurrence</td> <td style="text-align: right;"><b>PERMANENT DISQUALIFICATION</b></td> </tr> </table> <p>Extended 2-parent families have the option of removing the non-compliant parent from the MFIP grant. Only 1 parent may be removed at a time. MFIP is still available for the other family members.</p>	5 <sup>th</sup> Post-60 occurrence	10%	6 <sup>th</sup> Post-60 occurrence	<b>PERMANENT DISQUALIFICATION</b>								
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*\*All 30% sanctions should include vendor payment of shelter costs out of the cash portion of the MFIP grant.*

Each month that a participant fails to comply with a requirement is considered a separate occurrence of non-compliance.

The count towards 100% closure does **NOT** start over, even if the participant goes off assistance, comes into compliance, and remains in compliance.

If both parents in a 2-parent assistance unit are out of compliance in the same month, it only counts as 1 occurrence.

## ES Sanction Policy on Prevention/Cure of Sanctions (pre-60 months)

Note: Each month that a participant fails to comply with a requirement is considered a separate occurrence. The count towards 100% closure does NOT start over, even if the participant goes off assistance, comes into compliance, and remains in compliance. If both parents in a two-parent assistance unit are out of compliance in the same month, it only counts as one occurrence.

Sanction Occurrences	Sanction Percentages	Procedures	Prevent/Cure Timeframes
<b>1st Occurrence</b>	10% of MFIP Standard.	Invite the participant in for a meeting to review and/or revise the Employment Plan.	On or before 10 days prior to the effective date of sanction.
<b>2nd Occurrence</b>	Vendor shelter costs PLUS 30% of MFIP Standard.	Call participant and schedule face-to-face meeting for case review.	On or before 10 days prior to the effective date of sanction.
<b>3<sup>rd</sup> – 6<sup>th</sup> Occurrences</b>	Vendor shelter costs PLUS 30% of MFIP Standard.	Continue to communicate with participant to assist in resolving the sanction.	Up to the day prior to the effective date of sanction unless a notice is required, then on or before 10 days prior to the effective date of sanction.
<b>7th Occurrence</b>	MFIP Case is CLOSED.	Before case is closed, review EP & hold a face-to-face meeting. MFIP case must be closed for 1 full month before reapplying. Participant must file a new application & demonstrate compliance for up to 30 days. Open MFIP case effective the date of compliance.	On or before 10 days prior to the effective date of sanction.
<b>8th Occurrence (1st month Sanction after 100% Case Closure)</b>	Vendor shelter costs PLUS 30% of MFIP Standard.	Invite the participant in for a meeting to review or revise the Employment Plan.	On or before 10 days prior to the effective date of sanction.
<b>9<sup>th</sup> Occurrence (2nd month Sanction after 100% Case Closure)</b>	MFIP Case is CLOSED.	Participant must reapply and demonstrate compliance before MFIP case can be opened.	On or before 10 days prior to the effective date of sanction.

## **MFIP EMPLOYMENT SERVICES MANUAL REFERENCES**

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### **CHAPTER 7 EMPLOYMENT PLAN**

7.12 Plan for Victims of Family Violence

### **CHAPTER 14 NON-COMPLIANCE & SANCTIONS**

14.3 Non-Compliance

14.3.3 Pre 60-Month Type/Length of ES Sanctions

14.3.6 Drug Felons Sanctions - Job Counselor Responsibilities

14.6 Good Cause for Non-Compliance

14.9 Sanction Provisions for FSS

14.12 Communicating With the County Agency

14.15 Notifying the Participant

14.15.3 Options for Preventing a Sanction

14.15.6 Failure to Respond & Notice of Adverse Action

14.18 Time Lines for Curing the Sanction

14.21 Removal of a Sanction

14.24 Case Review Requirements for Occurrences of Sanctions

14.27 Reduction or Discontinuation of Support Services

14.30 Post 60-Month Type/Length ES Sanctions - General Provisions

14.30.3.3 Post 60-Month Type/Length ES Sanctions - Removing Caregivers

14.33 Fraud and EBT Misuse

14.36 Guidelines for Working with Sanctioned Participants

14.39 Dispute Resolutions