**THE WORK BOOK**

**CONCILIATION AND SANCTION**

Revised December 2022

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**301 Overview and Definitions**

1. Non-compliance means the customer did not do what was required in order to continue to be eligible to receive TCA.
2. Conciliation:
3. Is a 30-day time period allowed prior to sanctioning to determine why the customer is not complying with Child Support or TCA Work requirements. During this time the case manager will investigate to determine if the customer has any good cause reason for not complying with the Child Support and /or TCA Work requirements. Once a conciliation period is initiated, the caseworker must send a notice of non-compliance to the customer advising them of the following:

○ The reason for non-compliance;

○ Offering a conciliation conference appointment date and time with contact information for the customer to reach the local department;

○ The date at which a customer must either come into compliance or establish good cause with their caseworker.

 The caseworker must make case notes of the following:

 ○ Efforts undertaken to investigate for good cause non-compliance (including, but not limited to personally reaching out to the customer via phone);

 ○ Efforts made to evaluate whether the customer qualified for any good cause reason;

 ○ Efforts in assisting the customer in addressing barriers to participation.

1. Is allowed each time that a customer does not comply with child support and/or work program requirements.
2. Is allowed to establish an exemption or verify good cause or correct the non-compliance to avoid a sanction.
3. Conciliation and non-compliance are not the same thing.
4. If the customer does not comply, the sanctioning process begins.

Note: **Difference in Work and Other Program Requirements**

Other programs also have conciliation periods such as:

 Child Support

 Social Security

 Substance Use Disorder

 Minor Parent School Requirements

Both Child Support and TCA Work conciliations occur each time the customer(s) is non-compliant. All other programs the customer(s) has one conciliation period in the lifetime of receiving TCA benefits. Customers will cure the sanction as soon as they comply with program requirements regardless of how many times the individual or family has been non-compliant. TCA work conciliations are the only conciliations tracked in WORKS.

* 1. Sanctioning
		1. Sanctioning is the penalty imposed when the customer does not have an exemption, good cause reason or does not come into compliance with child support or work program.
		2. A sanction for not complying with the work requirements reduces the **adult’s portion** of the TCA grant amount by 30%. A Sanction for not complying with the child support requirements reduces the **entire** TCA grant by 25%.
			+ E&E will automatically calculate the amount of the reduction. Phantom income does not need to be applied.
		3. Unless the customer complies entirely in the same month the sanction is imposed.
		4. Sanctioning takes place the first month after the Notice of Adverse Action (NOAA) expires.

D. Good Cause

1. Good cause is an **acceptable reason** for a customer not to comply with a program requirement determined and approved by the Agency.
	1. Use the conciliation period each time the customer is non-compliant, to determine if the customer has good cause or an exemption, if the customer is a voluntary participant, **prior to sending the adverse action and imposing a sanction.**
2. Good cause reasons are part of the customer’s Family Independence Plan (FI Plan). Case managers and customers work together to develop strategies to resolve issues that prevent successful participation in work activities.

E. Exemptions

An exemption means that the customer is not required to participate in work activities because they have an approved reason to be exempt. While good cause and exemptions are often the same, an exemption differs from good cause in that good cause is an individual reason that the person can’t comply. An exemption is a legal reason for the customer to not participate. For example:

1. Social Security Administration (**SSI, SSDI**) recipients
2. Child under one for single parent households only, (**First** **12 months, does NOT need to be consecutive nor for the same child**)
3. **Needy** Caretaker Relative
4. Caring for sick relatives **living in the same household**
	* 1. Reasonable Accommodation

Each LDSS has an ADA Coordinator. The ADA Coordinator should help to resolve all reasonable accommodation requests. If the LDSS ADA Coordinator is unable to resolve the request forward the request to Central ADA Coordinator.

<https://kb.dhs.maryland.gov/office-of-employment-and-program-equity/>



* When there is customer contact with the local department regardless of who initiated the contact, the local department must ask the customer if a reasonable accommodation is required because of a disability.
* When the customer is contacted about a required interview, participation in a work activity or for other reasons, the local department must advise the customer that reasonable accommodations will be made to assist the customer.
* Customers who are not able to come to the LDSS or a vendor appointment because of a disability should be offered a phone interview, home visit or other accommodation.

G. E&E Narration/Coding

It is important to narrate in E&E all steps taken during the conciliation and sanctioning process. Good documentation helps support actions taken when there are case record reviews and appeals. Correct coding of the sanctioned individual’s Non-Compliance screen in E&E provides needed information to track the number of instances a sanction is imposed. Reviewing the number of instances of non-compliance also helps the case manager have a better understanding of the customer’s history so targeted case management can take place.

## 302 Family Investment Program (FIP) requirements:

1. Failure to comply with a Family Independence Plan (FIP) requirement triggers a case closure after 10 days adverse action time. These cases close on E&E with code 566. .
2. There is no conciliation procedure for failure to comply with a FIP requirement.
3. Non-compliance with FIP requirements includes:
4. Failure to provide required verification (ex. weekly timesheets, and/or pay stubs, etc.), including verification of attendance
5. Refusing to sign required forms (application, FIP)
6. Not following the FIP.
* This includes not complying with the SSI application process and cooperating with the disability benefits assistance vendor, Maximus.
	1. A customer who has repeated “good cause” issues that are included in the FIP must be working to resolve the issues to be in compliance. It is the Agency’s responsibility to support the customer with resources to address their barriers in an effort to resolve or mitigate the issues for the customer to participate fully.

**EXAMPLES:**

1. The customer has repeated problems getting to her work assignment because her day care is unreliable. The customer and the case manager agree to include finding reliable child care in the FIP, which both sign. The customer continues to not show up at her work assignment claiming child care issues. She has not looked for a new child care provider and has not demonstrated that she is really trying to resolve the problem. She is not in compliance with the FIP requirement. Send a NOAA to close the TCA case after 10 days adverse action. Failure to comply with the agreed upon FIP closes the case and does not require conciliation.
2. A customer is repeatedly late or misses her work assignment because she lost her transportation. Lack of reliable transportation is a good cause reason for not complying. The case manager discusses possible solutions with her. The customer's activity becomes developing a transportation plan including a backup plan. The case manager updates the FIP and includes finding transportation as her activity. The customer indicates she can get a transportation plan in place within 2 weeks. The case manager indicates the agency is able to provide the customer with transportation assistance via bus tokens. Both sign the FIP agreeing that the customer will find transportation and be back in her work assignment by the start of the 3rd week. The customer understands if she does not follow through her TCA case will close.

At the end of the second week the case manager follows up with the customer to make sure she has transportation in place. The customer says she made an arrangement with her neighbor. The customer's work activity assignment is close to the neighbor's work and he agreed to drop her off on his way to work.

A month later the customer misses 3 days of her work activity. The case manager calls and discovers that the place the customer's neighbor worked was closed for 3 days and the customer did not have transportation to work.

The case manager sends an adverse action letter to close the TCA at the end of the adverse action period. The customer agreed to develop a backup plan in case something happened to her transportation and she did not.

1. A customer misses a lot of time from work activities because of illnesses. She has asthma and so does her child. Documented illness is an acceptable good cause reason for not being in compliance with a work activity. As part of the FIP plan, which the customer agrees to and signs, the case manager and the customer discuss ways, with the customer’s doctor’s help, that she and her child may be able to overcome the effects of the illness. Her doctor prescribes a course of treatment that the customer and her child should follow to lessen the number and severity of their asthma attacks. The customer’s activity is wellness rehabilitation.

The customer chooses not to follow her doctor’s advice and continues to miss her activities. She continues to claim good cause because of the illness. The case manager should evaluate this situation carefully to determine why the customer isn’t following the doctor’s treatment plan.

The customer has these choices: following her current doctor’s treatment plan, finding another doctor and following that doctor’s treatment plan, receiving a referral to participate in the work program or not receiving assistance because she is not working to help herself as agreed to in the FIP.

## 303 What is conciliation?

1. Conciliation is a **30-day period** with a primary focus of avoiding a sanction by advising a non-compliant customer of:
2. The non-compliance (what they didn’t do),
3. What steps the customer must take to correct the non-compliance and become re-engaged in an assigned activity,
4. Their appointment date and time to discuss reasons for non-compliance and,
5. Explore good cause reasons
6. Customers are entitled to a 30 day conciliation period for not complying with each instance of non-compliance for child support and work program requirements.
	* 1. The conciliation period may be as little as one day or as many as 30 days.
		2. A customer may have another conciliation period for non-compliance with a different program component (such as not complying with Substance Abuse Disorder requirements, Social Security requirements, etc.).
7. Implement conciliation periods at the same time for non-compliance issues that occurred at the same time. Example: A customer is non-compliant with child support and work requirements at the same time. The 30-day conciliation period runs concurrently for both instances of non-compliance.
8. There is no conciliation for quitting a job. When the FIP is updated to include the requirement to maintain employment or immediately find other employment, quitting a job is non-compliance with the FIP. (Reminder to always explore Good Cause.)
9. The conciliation period can be used each time the customer is non-compliant and there is no maximum number of times it can be used.

**304 Notice of Non-compliance (NONC)**

1. The NONC tells the customer that he or she did not comply with child support or work requirements, the date and time of their appointment to discuss reasons for non-compliance, who to contact to make arrangements to begin complying, and the assistance unit may be subject to reduction in benefits for non-compliance with child support and work activities.
2. A NONC is required for every instance of non-compliance and should be sent for each instance of non-compliance with a program requirement.
* A written NONC is proof the case manager attempted to determine whether the customer had good cause for the non-compliance. The case manager must document all attempts to contact the customer in narration in the E&E and WORKS systems.
1. The NONC marks the instance of non-compliance.
2. Each individual in the assistance unit who has been non-compliant is entitled to a 30-day conciliation period.

**NOTE:** A NONC was created for local department use. This is a manual letter that must be sent to the customer. There are additional examples of what the notice should say included in the section on Free Form Text.

1. The NONC must state:
* Who is not in compliance
* Why the customer is non-compliant
* An appointment date and time to meet with the case manager to discuss any possible good cause reasons
* What the customer must do to be in compliance
* That the household/customer may be subject to sanction for the non-compliance
* The date by which the customer must be in compliance to avoid further action on reducing benefits.
1. In some instances the “30-day” conciliation period may be longer than 30 days. However, the conciliation period is “used up” whether the customer complies by the 5th day or the 15th day or the 30th day of conciliation.

**EXAMPLE:**

* On January 15 the customer is sent a first NONC.
* The customer has 30 calendar days to comply during the conciliation period.
* The 30th day falls in the middle of the next month.
* The customer actually has additional time to comply: until the end of the month when the 10-day adverse action is effective. (Conciliation period is January 15 to February 14; adverse action sent February 4; customer has until February 14 to say he or she will comply and must actually comply by February 28 to prevent a reduced benefit amount).
1. The Notice of Adverse Action (NOAA) advises that the customer’s benefits:
* Will be reduced,
* When the adverse action will happen, and
* Why the customer is non-compliant.

1. The NOAA does not state what the customer can do to correct the non-compliance nor does it provide a date to correct the situation. This information was provided in the conciliation letter (NONC).

**305 When does conciliation begin?**

1. Count conciliation from the date the NONC is sent.
2. Include 10 days adverse action time in the last 10 days of the 30-day conciliation period. (Remember E&E adds 3 days mailing time.)
3. Extend the conciliation period if the customer wants to comply but, through no fault of his or her own, cannot meet the requirements within 30 days.

D. Use all available resources (such as service referrals, emergency assistance and

 community initiative referrals) to help the customer resolve any situation preventing

 compliance with the program.

**EXAMPLES**:

1. Ms. Margaret had a conciliation period for non-compliance with child support requirements (without good cause). Two months later, she was non-compliant with work requirements.
	* + Ms. Margaret is entitled to another conciliation period because there is no limit to the number of conciliations a customer can receive for child support and the work program. Each instance of non-compliance the customer will receive a 30-day conciliation period.
2. Ms. Donald stops going to her work assignment. She does not verify good cause and is sent a NONC that provides a 30-day conciliation period. Ms. Donald corrects her non-compliance status during the conciliation period. Two months later, she stops going again without good cause.
	* Ms. Donald is entitled to another conciliation period. Send a NONC and the NOAA immediately.

**306 Contacting the customer**

1. **At least 1 attempt must be made to contact the customer.**
	1. **System generated letter**
	2. **Email & narration**
	3. **Phone contact & narration**
2. Document the case in E&E and WORKS that the contact was made or attempted.
3. Sending a NONC provides written verification that a customer contact was attempted to determine good cause or an exemption. The NONC also gives the customer an appointment date and time. The responsibility is on the customer to respond.
4. If the customer cannot be contacted, a NOAA providing 10 calendar days of adverse action time is sent.
5. If no response is received from the customer within the 10 days, apply the sanction in E&E (How to Guide in E&E Add and Remove Sanctions).
* The reduction is effective the first of the next month after the adverse action period expires. (If the adverse action period expires Sept. 18th, the reduction is effective October 1st.)

**307 What is a sanction?**

1. A sanction is the penalty customers receive for not complying with a requirement.
2. A sanction is a temporary reduction applied to the TANF/TCA benefit until the customer is in compliance with child support and/or the work program.

 1.Full family sanctions that result in whole case closures no longer exist.

 2. The TCA grant is broken up to assign 75% to child recipients and 25% assigned to adults.

3. A household with only one pregnant individual will be assigned 100% of the grant amount.

4. In the event a recipient does not comply with a **work requirement**, the **adult portion** of the TCA grant is reduced by 30%.

5. In the event a recipient does not comply with **child support requirements**, the **entire** TCA grant amount is reduced by 25%.

 C. An individual sanction is when the individual needs of the non-compliant person are removed from the TCA benefit amount. The individual sanctions can be applied for non-compliance with substance use disorder treatment, for the non-compliance with a work or education requirement of a TCA assistance unit member who is considered a child.

1. Impose a sanction beginning on the first day of the month, after the NOAA expires.
2. Never impose a sanction at application.
3. Deny the application.
4. Refer the customer to SNAP Work, unless not required to be work registered or is exempt or has good cause under SNAP.



1. WORKS now tracks the number of sanctions a customer has had.

# 309 Synopsis of the Steps to Conciliation and Sanction for Work Requirements

**Remember:** TCA customers must meet specific program requirements in order to receive benefits. Now that sanctions are a reduction in benefits and not a full case closure case managers will need to tap into helping the customer discover their own motivation for participation.

# 1st Instance of Non-Compliance with Work Requirements

1. Customer stops going to a program or is otherwise non-compliant.
2. The vendor advises the local department as soon as possible after the non-compliance but no later than 2 working days after.
3. A notice of non-compliance (NONC) is sent to the customer that begins the 30-day conciliation period and advises the customer he or she may be subject to sanction.
4. The NONC gives the customer an appointment date and time for a conference to discuss the reasons for non-compliance over the phone, in person or virtually.
5. Reassess and update the FIP to include problems the customer may be having in meeting program compliance. Include the family’s problems or barriers, what the customer can do to resolve them and what the local department can do to assist the customer.
	1. If the customer has good cause for non-compliance, count the instance of non-compliance, but do not impose a sanction.
	2. Use discretion. If the customer was unable, through no fault of his or her own, to make contact prior to the non-compliance (examples: car accident, documented illness and no access to a phone, in jail) it may be determined that the instance of non-compliance does not count.
6. If the customer has not responded by the 20th day after the NONC, send a Notice of Adverse Action (NOAA) informing the customer their benefits will be reduced for the first month following the expiration of the adverse action period.
7. If the customer does not respond, impose the sanction to reduce the TCA benefits. Refer to the E&E How to Guide: Add and Remove Sanctions.
8. When a customer verifies good cause or an exemption after the NONC has been sent, the customer still has a countable instance of non-compliance.
* Use discretion. If the customer was unable, through no fault of his or her own, to make contact prior to the non-compliance (examples: car accident, documented illness and no access to a phone, in jail) it may be determined that the instance of non-compliance does not count.
1. The customer must comply for **at least 1 day** before benefits are reinstated. Immediately upon compliance with the work activity and/or Child Support, the full grant amount is reinstated effective the next benefit issuance. If the TCA benefit was not reduced because the customer was able to comply before the sanction was imposed, benefits continue uninterrupted. The customer still has an instance of non-compliance

# TIPS

* By law, there is a requirement to make a reasonable effort to contact the customer to determine whether good cause exists. The NONC and the NOAA are 2 contacts.
* If a telephone conference is conducted with the customer, make sure to send a copy of the updated FIP and send a written verification of the customer’s new or re-referral; include the date, the time andwhere the customer must go.
* If the customer is non-compliant again without good cause, it is a second instance and the customer is entitled to another 30-day conciliation period.
1. **2nd Instance of Non-Compliance with Work Requirements**
2. Customer stops going to a program or is otherwise non-compliant for a second time**.**
3. The vendor advises the local department as soon as possible after the non-compliance but no later than 2 working days after.
4. The case manager determines the customer has been non-compliant for the second time. A notice of non-compliance (NONC) is sent to the customer that begins the 30-day conciliation period and advises the customer he or she may be subject to sanction.
5. The NONC gives the customer an appointment date and time for a conference to discuss the reasons for non-compliance over the phone, in person or virtually.
6. If contact is made, reassess and update the FIP to include problems the customer has in meeting work requirements. Also include the customer’s plan to resolve the problems and what the case manager/agency can do to assist the customer.
7. If the customer has good cause for non-compliance, do not impose a sanction.
* Use some discretion. If the customer was unable, through no fault of his or her own, to make contact prior to the non-compliance (examples: car accident, documented illness and no access to a phone, in jail) the case manager may determine the instance of non-compliance does not count.
1. If unable to reach the customer, send the NOAA and document in the case record.
2. If the customer does not respond by the expiration of the adverse action period impose the sanction to reduce the TCA benefits. Refer to the E&E How to Guide: Add and Remove Sanctions.
3. The customer must comply for **at least 1 day** before benefits are reinstated. Immediately upon compliance with the work activity and/or Child Support, the full grant amount is reinstated effective the next benefit issuance. If the TCA benefit was not reduced because the customer was able to comply before the sanction was imposed, benefits continue uninterrupted. The customer still has an instance of non-compliance
4. Even if the customer is able to comply before the sanction is imposed and the TCA benefit is reduced, if the customer is non-compliant again, it is a third instance of non-compliance. The conciliation process starts over again.

**EXAMPLE 1:**

* Customer has a second instance of non-compliance and her TCA case is reduced effective November 1.
* On November 4, she agrees to comply with her work activity.
* The activity begins on November 8.
* The customer must comply for **at least 1 full day** beginning on November 8. She attended her work activity on November 8, 9, 10, 12, 15, 16, and 17, all the days her activity was offered.
* The TCA benefits will be restored effective December 1.

**EXAMPLE 2:**

* Customer is mailed a NONC for a 2nd instance of non-compliance. She is also mailed a separate NOAA on October 20 advising that her TCA case will be reduced for a 2nd instance of non-compliance effective November 1.
* On October 28, she calls the case manager and agrees to comply with her work activity.
* The case manager completes an assessment with the customer over the phone and completes an updated FIP and refers her to a new activity that begins on November 4.
* The 30-day conciliation period is now ended because the customer made contact with the agency.
* The customer must comply **for at least one full day** beginning on November 4.
* The customer renrolled in the new work activity on November 4th.
* The customer will not receive a sanction because she came into compliance within her 30-day conciliation period.
* The customer stopped going to her activity on November 10. This is now the 3rd instance of non-compliance. On November 12 the NONC was mailed to customer with an appointment date and time.
* On November 15 the customer called the case manager and requested to return to the work program.
* The case manager referred the customer to a different work activity that began on November 22.
* The customer must now comply **for at least one full day** beginning on November 22.
* The customer complies. No sanction is imposed because the customer complies within the 30-day conciliation period and is able to comply before the end of the month.

**TIPS**

* Customers receive a conciliation period for each instance of non-compliance for child support and work requirements. There is no limit to the number of conciliation periods a customer can receive for work and child support requirements.
* Customers do not have to be re-referred to the same program in which they were non-compliant. They may be referred to the same or another program.

**310 What is good cause?**

1. Good cause is an **acceptable reason** a customer has for not complying with a program requirement.
	* 1. Use the conciliation period to determine if the customer has good cause or an exemption **prior to imposing a sanction.**
2. Good cause issues are part of the customer’s FIP. Customers are expected to develop strategies to resolve the issues preventing them from successfully participating in a work activity in collaboration with their case manager.
3. The case manager is to:
4. **Investigate** the possibility of good cause for non-compliance.
5. **Schedule** a conciliation conference (telephone call, office visit or virtual appointment).
6. To **discuss** the non-compliance with the customer, and
7. **Assist** the customer with correcting the non-compliance.
8. If the customer does not respond to the conference request or refuses to cooperate:
9. Send the Notice of Adverse Action (NOAA) and
10. Impose the sanction to reduce the benefit.

**311 What is an acceptable good cause?**

Customers have a wide variety of barriers that prevent compliance with program requirements. After reviewing the facts, determine whether the reason should be considered good cause. Use the FIP as a tool to resolve good cause issues.

1. **Good cause is not an on-going excuse for non-compliance**.
2. Review each customer’s situation to determine the family’s circumstances. What looks like non-compliance may be a barrier the customer cannot work through alone.
3. Evaluate each situation based on the family’s circumstances.
4. Find out:
5. What is causing the non-compliance?
6. If the customer is trying to find a solution?
7. What is the customer doing to correct the situation?
8. What help does the customer need?
9. Examples of good cause are listed below. This is not an exhaustive list of all good cause reasons. If the case manager is having difficulty determining good cause credibility they should consult with their supervisor.

| Illness or incapacity. | Break down in transportation and no means of access to other transportation. |
| --- | --- |
| Break down in child care arrangements or the lack of child care resources. A single custodial parent of a child or children under age 6 is exempt and may not be sanctioned if child care is unavailable. | Domestic violence or other family crisis that threatens normal family functioning. (Customers should work with a domestic violence counselor when possible.) See section on domestic violence in the Work Participation chapter. |
| Lack of supportive services as specified in the Independence Plan.  | Quitting a job because of discrimination based on race, sex, disability, religious or sexual orientation. |
| Hazardous working conditions. | Other circumstances as determined by the LDSS. |

1. Customers who have good cause from participation in a federally defined work activity (FDWA) are identified by placing them in a State defined activity. The State Defined activities that identify good cause reasons are below:

| **Reason** | **WORKS code** | **Reason** | **WORKS code** |
| --- | --- | --- | --- |
| Postpartum (12 weeks)  | **OTP** | Seeking transportation or experiencing trans. problems (30 days max.) | **OTT** |
| Disabled for less than 12 months | **OTM** | Seeking or experiencing child care problems (30 days max. in most instances) | **OTZ** |
| Ill or incapacitated-Wellness Rehabilitation | Being referred for substance abuse/wait list | **OTS** |
| Court ordered Appearance  | **OTO** | Being treated for substance use disorder (After the 4 consecutive or 120/180 hrs max is exhausted. This is system generated). | **OBT** |
| Temporarily Incarcerated | **OTJ** | Pursuit of Income Supports | **OTL** |
| Experiencing a family crisis | **OTF** | In conciliation (max. 30 Days)  | **OTC** |
| Lacking support services | Other reasons at the discretion of the LDSS | **OTF** |
| Experiencing or under going counseling for family violence | **OTV** | Under appeal for a sanction | **OTU** |
| Transferring customer | **OTQ** |  |

E. Do not impose a sanction when a verified reason for good cause exists.

**312 What are Exemptions?**

1. An exemption means that the customer is not required to participate in work activities because they have an approved reason to be exempt. While good cause and exemptions are often the same, an exemption differs from good cause in that good cause is an individual reason that the person can’t comply. An exemption is a legal reason the person does not have to participate. Exemptions are very limited. The following are the only exemptions:
2. **TCA customers who have not received 6 months of TCA benefits.** TCA customers with 1 month through and including 6 months of TCA benefits are exempt from participating in the work program. This is a State exemption.
3. **Single custodial parents of a child under age one** in the assistance unit may claim an exemption until the child turns one year old.

**Federal Exemption:**

* The very first time a TCA customer uses the child under one exemption will be considered the federal exemption.
* Once 12 months have been exhausted the federal exemption can no longer be used.
* The federal exemption excludes the TCA customer from our Work Participation Rate calculation.

 .**State Exemption:**

* The state exemption begins only **after** the initial federal 12-month exemption period expires.
* There is no limit to the number of state child under one exemptions a TCA customer can receive.
* TCA customers are only eligible to receive additional 12-month exemptions if they have a child under the age of 1 year.
* TCA customers who are in a state exemption are included in the Work Participation Rate calculation.

**Example 1:**

 Ms. Cox applies for TCA. She has a 3 month old baby and a 10 year old child. Ms. Adams has received TCA before and her TCA counter is 34. She is not exempt under the “NEW” exemption but does qualify for the federal child under one exemption. Ms. Cox previously used 6 months of her federal child under one exemption in the past. Ms. Cox can receive the federal child under one exemption for an additional 6 months until the 3 month old baby turns 9 months old.

**Example 2:**

 Continued from the example 1. Ms. Cox can use the state child under one exemption until the 9 month old turns 1 year old. After the federal exemption has been exhausted, we can now use the state exemption to cover Ms. Cox for the three months until her 9 month old turns one year.

1. **Individuals needed in the home to care for a severely disabled family member** living in the home. The care provided for the severely disabled person may be considered the individual’s work activity.
2. The disabled individual must live in the TCA head of household’s home.
3. The caregiver must provide a statement from the disabled individual's doctor that the caregiver is needed in the home to provide care.
4. For a disabled child, the parent must complete a 434-C stating why they are needed in the home.
5. **Adults or children in the assistance unit who are severely disabled** require a medical form 500 that indicates a disability that is permanent or 12 months or more and the individual cannot work. (for more on TCA recipients with disabilities see the TCA for Disabled section of this manual)
	1. The customer must apply for all benefits for which the individual may be entitled to receive and follow through on the SSI application and appeal process with the Social Security Administration.
	2. If the disabled person receives SSI, SSDI or other federal or State disability benefits no 500 form is needed.
6. **A child under 16 years of age**.
7. **Children 16-19 years of age enrolled in school full time** and attending school the equivalent of 80% of the time. Education is their activity.
8. **Victims of family violence** (See the section on domestic/family violence in the Work Participation section of THE WORK BOOK.)
9. Victims of family violence are exempt from work participation requirements.
10. When participation will not endanger the customer or the children in the household, victims of family violence should be in counseling with Family Services or other family violence counseling services. Refer the customer to the Family Violence Specialist.
11. Documented instances of stalking, harassment, and mental or physical abuse are all considered forms of family violence.
12. If a customer cannot document the family violence, case managers should allow the work participation exemption and make a referral to the Family Violence Specialist.
13. The case manager, Family Violence Specialist and the customer should be in contact at 30-day intervals to discuss the family’s status, FIP and the customer’s ability to participate in a work activity.
14. Count participation in counseling and/or cooperating with a service worker as their activity. Code WORKS with OTV and narrate the customer is participating in counseling.
15. Do not impose a sanction when an exemption exists.
16. Do not count an instance of non-compliance or impose a sanction when the customer is determined to have an exemption.

**313 Instance of non-compliance with a work requirement**

1. The notice of non-compliance (NONC)identifies the non-compliance/non-cooperation and begins the 30-day conciliation period.
2. Make sure to narrate fully in E&E.
3. If the customer does not comply, send the NOAA allowing 10 days adverse action time.
4. Begin the 10-calendar day adverse action time on the day following the date the NOAA is mailed.
5. If the customer does not comply, the adult portion of the TCA grant is reduced by 30% for work program requirements. The entire TCA grant is reduced by 25% for child support requirements.
	1. The TCA grant is reduced the first day of the month following the expiration of the adverse action period.
6. Mail the NOAA on the 20th day of the conciliation period**.**
7. Make sure to narrate in E&E.

**314 Sanctions Are Not Imposed at Application**

* 1. When there is an existing full family sanction, do not issue benefits until the adult assistance unit member causing the sanction complies. This applies to non-compliance in all areas.
	2. Do not add the needs of the sanctioned individual back into the assistance unit until the individual complies.

When a customer reapplies for TCA and has a preexisting sanction, the case manager must review the customer’s history during the time the TCA case was closed to determine if the sanction has been cured.

Note: Any countable work activity in which the customer participated while the TCA case was closed may be used to cure the TCA sanction. See section 400 of the TCA manual to confirm if an activity is considered countable for the specific household.

**316 Curing An Instance of Non-Compliance with Work Requirements**

A. If the customer was non-compliant without good cause the customer uses the 30-day conciliation period.

* If the adult portion of TCA benefits were reduced by 30%, due to santion, immediately upon compliance with the work activity the full TCA grant is reinstated effective the next issuance month.

**EXAMPLE:**

John and Margaret Johnson receive TCA as a two-parent household. Mr. Johnson stopped going to his work assignment without good cause. The case manager unsuccessfully attempted to contact John by phone on October 1. He left a message for Mr. Johnson to call him by October 10. The case manager issued an NOAA on October 16 because Mr. Johnson failed to respond. The adult portion of TCA benefits will be reduced by 30% and is scheduled to take effect on November 1.

The Non-Compliance screen is addressed (see E&E How to Guide Add/Remove Sanctions). E&E will calculate TCA income that will be added to the SNAP benefits.

* On October 18, Mr. Johnson decides he will comply and returns to his assignment.
* The TCA is not sanctioned because Mr. Johnson was able to return to his assignment and comply in the same month (see E&E How to Guide Add/Remove Sanctions).

**EXAMPLE 2:**

Sherry Timmons receives TCA as the work eligible head of household. Ms. Timmons stopped going to her work assignment for the 2nd time. On November 19 she was sent a NONC to start the 30-day conciliation period.

* Ms. Timmons decides she will comply and calls her case manager on November 25. She cannot get into a new work assignment until December 1.
* On December 13, the case manager narates in E&E indicating the compliance/cure and includes in narration no sanction (30% reduction of adult portion) will take place because the customer cured the non-compliance within the 30 day concilliation period.

**319** **Teenagers Aged 16-17 Not Married and Not Parents**

Part of the FI Plan for children and teenagers in the family is to keep them in school with regular attendance, working for their high school diploma. The goal is for all teens to stay enrolled in school and attend a minimum of 80% of the time.

1. Teens aged 16-18, included in the TCA benefit of their parent or caretaker relative, who are not married, not parents and not the head of household must be:
2. Registered in school and attending 80% of the time, or
3. Working with the school system or other service agency with a goal of returning to school, or
4. In a work activity program.
5. Teens who are registered in school, but not attending 80% of the time must have a $25 PPI disallowance imposed.
* Verify that students with school attendance problems are working with the school system or a social worker to resolve them.
1. Teens who withdraw from school should be given a choice of:
2. Going back to school,
3. Being in an alternative education program,
4. Working toward a GED
5. In vocational or technical training; or
6. Working or being referred to a work program.
7. Impose a $25 PPI disallowance for failing to be registered in school and attending 80% of the time
8. Verify re-enrollment,
9. Follow up within 30 days of school re-enrollment to verify attendance.
10. Refer the teen that chooses not to return to school to work, a work activity program, an alternative education program or a counseling program.
11. At application and at redetermination, verify school registration and attendance for teens age 16-18.
12. Remove the teen, age 18 or 19 who is not enrolled in and attending school 80% of the time from the TCA grant, as no longer meeting technical eligibility. Close the TCA if this is the only child.
13. Remove only the individual’s needs from the grant if younger than 18. Follow appropriate E&E procedures.

**320 Minor Parents**

1. Minor parents are:
2. Unmarried children (younger than 18) included in a related adult’s TCA assistance unit (coded as child in E&E) who are:
	1. Pregnant girls who may or may not have other children living with them, or
	2. Childrenrls who have their own children living with them who are included in the TCA unit or who receive SSI.
3. Unmarried individuals under 18, who are the head of household (HOH) for the assistance unit and:
	1. Have children of their own living with them, or
	2. Are pregnant girls with or without other children of their own living with them.
4. There are two categories of minor parents that we look at:
5. Minor parents who reside with their custodial parent or non-parent caretaker relative and are part of that TCA household as a child and
6. Minor parents who are living on their own as heads of household (HOH).
7. A minor parent with a child older than 12 weeks, who does not have a high school diploma or GED, **must** be enrolled in:
	* + 1. School full time **and** attending 80% of the time in educational activities leading to a diploma, **or**
			2. A State approved alternative education or training program.
8. There are **no exemptions** for minor parent school enrollment requirements**.**

**321 Minor Parent at Application**

A Verify the minor parent’s school enrollment at application.

1. If the minor parent (HOH) is not enrolled, deny the application.
2. If the minor parent (non-HOH) is not enrolled, remove the needs of the minor parent from the grant.

**322 Minor Parent Recipient**

1. **Verify** minor parent school enrollment and attendance at redetermination.
2. If the minor parent is not in compliance with requirements:
3. Send a Notice of Non-Compliance.
4. Implement a 30-day conciliation period for instance of non-compliance.
5. Send adverse action after the 20th day of the conciliation period or immediately if a conciliation was previously allowed.
6. If the minor parent does not comply:
* Remove the needs of the minor parent non-HOH from the grant.
1. The adult portion of the TCA grant (minor parent HOH) is reduced by 30%.sanctioned non-HOH minor parent becomes mandatory for work activity participation, unless there is good cause or an exemption.
2. PPI requirements do not apply to minor parents.

**323 Non-HOH Minor Parent Curing an Education Sanction**

To cure the non-compliance sanction and be included in the TCA grant, the minor parent must:

### Enroll full-time in an educational activity leading to a diploma or enroll in an alternative education or training program approved by the State, and attend at least 80% of the time.

1. Enroll and attend a GED program and participate in a work activity for the required hours of the program and activity.
2. The case manager sets an alert to review compliance for school or work activity attendance for the minor parent. The review should be within 60 days.

## EXAMPLE

Sarah Johnson is 16 years old. She lives with her mother who receives TCA for herself, Sarah and Sarah’s 12-month-old child. Sarah is not married. Sarah is enrolled in school but she misses a lot of time. The records indicate Sarah missed school more than 40% of the time.

The case manager sends Sarah’s mother a Notice of Non-Compliance indicating that Sarah is not in compliance with school attendance requirements. Sarah and her mother are asked to contact the case manager. This is Sarah’s first instance of non-compliance.

Sarah tells the case manager that she does not like school and does not want to go. The case manager explains the consequences, and Sarah decides she would rather go to school than a work activity. She goes back to school the next day. The case manager sets an alert to check Sarah’s school attendance in 60 days. If Sarah has missed more than 20% of the time, the case manager sends an NOAA to remove Sarah’s needs from the grant.

**324 Teen parents –Age 18-19- Head of Household**

* 1. Teen parents, age 18-19, who are head of household, who **do not** have a high school or GED are required to be in high school working toward a high school diploma or in a GED program as their activity.
	2. Teen parents whose requirement is high school working for a high school diploma or a GED program are not eligible for the child under 1 exemption.
* They are eligible for 12 weeks post partum.
1. Teen parents who have a high school diploma or GED are subject to normal work requirements.
2. Implement conciliation and a full family sanction for any teen parent who does not comply.

## 325 TCA Work Sanctions

TCA work sanctions are no longer full case closures but now a 30% reduction of the adult portion of benefits.

1. **At Application**
2. Recipient reapplies after TCA is closed for non-cooperation with work requirements. The full family sanction occurred prior to the new law to impose a 30% reduction on the adult portion of the benefit.
3. The customer will receive a clean slate at application. Complete the assessment and FIP to determine the customer’s ability to participate in the work program and make the appropriate referrals.
4. Conciliation is only applied to **active cases** for instances of non-compliance.
5. If there appears to be a prior instance of non-compliance, the case manager must review the narrative and the case records including the E&E Non-Compliance screen to determine:
	* + - 1. What was the customer non-compliant with (e.g. Minor Child School Attendance, DEAP/TCA, child support, work requirements, etc.);
				2. Which eligibility requirement the customer did not meet; and
				3. Any previous instances of non-compliance the customer had (i.e. none, 1, 2, etc.)
6. Remove the needs of the non-exempt child, age 16 or 17, (not a parent and not the head of the household) from the grant when the child is not attending school.
7. Consider the non-compliant child a member of the TCA assistance unit. (Follow instructions in the E&E Individual Sanction section.)
8. The child becomes mandatory for work requirements.
	1. **Active/Recipient Cases**
9. When the adult assistance unit member (including either of the able-bodied parents in a two-parent assistance unit) **fails to** **comply with the FI Plan** agreed upon by the local department and the adult, close the TCA for non-compliance with the FI Plan. **It is not considered a sanction.**
10. When the adult who is mandatory for work programs (including either of the able-bodied parents in a two-parent assistance unit) fails to comply with a work requirement, customer is sent NONC and the start of the 30-day conciliation periods begins. If customer is still non-compliant the adult portion of the TCA grant is reduced by 30% the next benefit issuance month.
11. When a school-aged child, age 16 or 17, (who is not a parent and not the head of household) is not attending school 80% of the time but does not withdraw from school impose a PPI disallowance.
12. Provide a choice to the non-parent, 16-17 year old that withdraws from school; either going back to school (or alternative program) or going to work or participating in a work activity.
13. Follow up in 30 days to determine whether the teen is meeting the school attendance requirement if the teen chose to return to school.
14. Impose a PPI disallowance when the teen is registered but not attending school 80% of the time.
15. Follow up with the vendor to determine whether the teen who chose a work program is complying.
16. If not complying, impose an individual sanction.

**Reminders;**

1. At application, when there is an existing sanction for non-compliance with TCA work requirements, process the Supplemental Nutrition Assistance t Program (SNAP) benefits and medical assistance applications according to the eligibility requirements of those programs, including SNAP Employment and Training.
2. E&E will calculate income to the SNAP case if the TCA is reduced by 30%.
3. The Medical Assistance (MA) must be determined separately as a MAGI (modified adjusted gross income case) in Maryland Health Connection.

**326 24 and 60 MONTH CUSTOMERS**

Maryland has Time Limited Eligibility (TLE) for Temporary Cash Assistance (TCA in MD). The counter began in January 1997 and includes months the customer received Temporary Assistance to Needy Families (TANF) or TCA benefits in another state. It is no longer necessary to specifically monitor customers who have received 24 months of benefits. Customers should be monitored throughout the time they receive assistance with the goal of assisting them to become ecomoically independent of TCA before they reach 60 months of assistance.

**Case Review**

LDSS must periodically review TCA cases in order to make every attempt to prevent households from needing TCA beyond 60 months. The following case management actions should be completed at the following countable-month intervals.

* 42-48 Month Review
	+ Issue a notice to the customer requesting an interview.
	+ The purpose of this interview will be to review the customer’s case in preparation of the household exiting TCA.
	+ Note: This review may be completed during redetermination if the household redetermination is within six months of the 48th month (12 months left of TCA). We want to minimize the times the customer has to complete a face-to-face interview.
	+ During the interview, the case manager must review the most recent assessment and FIP and update both with the customer.
* 58-Month Review
	+ There are only two months of TCA before the household has reached its 60 month maximum. At this time, the case manager must issue a notice to the household instructing them to complete a face-to-face interview within 30 days of the notice.
* 59-60 Month Review
	+ The household should complete their last interview. Failure to do so will result in implementing the case closure process, which includes issuing a notice of adverse action.
	+ If the household complies and comes in for their interview, this is the time the case manager must evaluate whether the household meets the requirements to continue their TCA benefits past the 60 month time limit.
	+ Again, an assessment and FIP must be updated. Additionally, a Hardship Exemption form must be completed.
	+ This form is required for all households that have reached their 59th-60th month of TCA and the completed form needs to be uploaded into ECMS.
	+ An Assessment and FIP may be combined into one document.

 Remember policy requires that the customer be reassessed at any point the FIP plan is updated.

### Customers who have received 60 months of benefits

The population that reaches the 60 month time limit are the households that experience the most barriers and obstacles to self-sufficiency and are the most difficult to assist. Allow a hardship exemption when a family reaches the 60-month time limit if they are currently meeting the terms of their Family Independence Plan (FIP) even though one or two work sanctions have been imposed. Additionally, those barriers and obstacles are often the main contributors to non-cooperation with the FIP. The policies are:

* Upon the customer reaching 60 months, case manager must assess the TCA case for a hardship exemption
* Prior TCA sanctions no longer automatically disqualify a household from being granted a hardship exemption.
* Case managers should no longer review for a pattern of non-cooperation that occurred during the time prior to the 59-60 month interview when assessing whether to grant a hardship exemption.

Requirements After a Hardship Exemption is Granted:

* Once a hardship exemption has been granted, the case manager must ensure the customer remains compliant with all TCA requirements and must ensure a periodic review of the TCA case and associated documents. See TCA Manual Section 313.8 for specific information related to reviewing cases after a hardship exemption has been granted.

Case Closures Following Hardship Exemption

* After a hardship exemption has been granted a TCA case may close because LDSS determines the exemption is no longer needed.
* A new 60-Month Hardship Exemption form must be completed and signed if a case will be closed because a hardship exemption has ended. See TCA Manual Section 313.9 for information related to case closures after a hardship exemption has been granted.

Close the TCA case when the customer has received 60 months of benefits and:

* 1. The customer did not meet the criteria for a hardship exemption therefore the hardship exemption was not granted, and

2. The local department has offered or provided all services to the customer as agreed upon in the FI Plan and the customer did not comply.

Once a TCA case is closed because the customer receives 60 months of benefits and no hardship exemption was granted, the family is not eligible for assistance again.

**EXAMPLE:**

The Smith family has received TCA for 65 months. Ms. Smith is the mother and head of the household. She has always cooperated with all requirements including her work participation activity. She has not been able to find a lasting job. Ms. Smith’s previous work activity placement ended because the company closed. She was assigned to a new placement.

The case manager was notified that Ms. Smith missed 1 day of her new assignment. This was the first time she was non-compliant. The case manager sent Ms. Smith a conciliation notice and during the conciliation conference she determined that Ms. Smith did not have good cause for missing her assignment. Ms. Smith just did not go because she was sad and angry about the other assignment ending.

Ms. Smith tells the case manager that she will go back to the activity. Ms. Smith is re-referred to the activity. Ms. Smith complies and no sanction is imposed. Her TCA is continued.

Do not count any month as part of the 60 months in which the customer:

1. Is a minor child as long as the minor child is not the head of household or married to the head of household.
2. Receives counseling or is actively participating in services to overcome family violence. This includes counseling for a child victim of family violence.
3. Lived on an Indian Reservation or Alaskan village with 50% unemployment.
* Maryland does not have an Indian Reservation within its borders. You may have customers who move here from a state that does.
1. Received state-funded TCA because of a disability lasting 12 or more months or a child in the household has a disability lasting 12 or more months.
2. Was a caretaker relative who had no children of his or her own included in the TCA.
3. Has countable earned income and unearned income.

7. Child only cases and cases in which the customer only received a Welfare Avoidance Grant (WAG) or Emergency Assistance to Families with Children (EAFC) are not time limited.

Months are still considered countable months if the needs of an individual were removed from the grant because of a sanction.

**Appendix 2**

**Examples of Notification to Customers**

### 1. Notice of Non-Compliance (NONC) With Work Requirements

### Case managers must send the customer a manual written notice that the customer has not complied with a FDWA or SDA program requirement. The following is an example of what to use as customer notification for failure to participate in a FDWA.

Dear Mary Smith:

### I have been advised by NAME of PROGRAM that you have not been going to your work program as required by TCA program requirements and as agreed upon in your Family Independence Plan. You need to call me at Case Manager’s Number so that we can discuss why you didn’t go to the program and I can help you get back into a program. Please call me by \_\_DATE\_.

### Mary Smith is subject to sanction for non-cooperation with her work activity.

## Work Sanction For Non-compliance

Mr. Ross did not do his job search activity at Martins on November 10 or keep a November 18 appointment with me. No one answered at your home when I called on November 19 and 24 or returned my call after I left a message on your answering machine. Mr. Ross is subject to sanction for not complying with his job search activity.

* **Two Adult Assistance Unit**

Mr. Keith did not keep his July 8 appointment with People's Job Center or a July 21 appointment with me. I left two messages (July 21 and July 22) on your answering machine and no one has called me back. Mr. Keith is subject to sanction for keeping his work activity appointment.

* **Minor Parent School Requirements**

We do not have proof that Kay is going to school 80% of the time. You and Kay did not keep a March 10 appointment with me. Starting April 1, we will not pay you TCA for Kay. Kay is subject to sanction for not attending school.