

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) MANUAL	
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130.1 Purpose

This section describes SNAP work requirements, exemptions from work requirements, and Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T).

130.2 General Policy

- A. In May 2015, the State of Maryland elected to become a voluntary state for work participation requirements.
- B. As a voluntary state, SNAP requires that each able-bodied adult household member, who is not exempt under 130.5, complete a work registration, but participation in a work activity is voluntary except as noted in 130.2C below.
- C. Only Able-Bodied Adults Without Dependents (ABAWDs) are required to complete SNAP work registration **and** participate in approved work activities or become employed.
- D. While self-employed work for an average of 20 hours a week meets the ABAWD work requirement, self-employed ABAWDS who work less than 30 hours a week must complete SNAP work registration.
- E. The statewide ABAWD waiver expired December 31, 2015.

130.3 Registration Procedure

- A. The LDSS case manager:
 1. Determines which household members must register for work;
 2. Work registers each individual who is not exempt under 130.5 using the CARES Work screen, and
 3. Registers each mandatory individual at initial certification and at every recertification as a condition of eligibility.
 5. Ensures that the CARES WORK screen is updated and correct for each individual at application and recertification.
- B. It is not necessary for work registration to be done in person.

130.4 Determination of Exemption Status

- Make a determination of which household members do not have to be work registered at the time of initial certification and at each subsequent recertification.

Note: Register individuals who lose an exemption, but are not subject to reporting requirements at their next redetermination.

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130.4 Determination of Exemption Status (continued)

After applying the statutory exemption criteria in 130.5, determine if there is a reason to grant an individual exemption based on the circumstances described in 130.6.

130.5 Statutory Exemptions from Work Registration

The following individuals do not have to be work registered:

- A. **A child younger than age 16.** Individuals age 16 and 17 are exempt if they are not the head of household or if they are attending school or are enrolled in an employment training program at least half-time.
 - B. **A person 60 years of age or older.**
 - C. **A person physically or mentally unfit for employment.** Require verification of the mental or physical disability only if the disability is not evident.
 - Appropriate verification consists of receipt of temporary or permanent disability payments issued by public or private sources or
 - A statement from a health care provider.
 - D. **A household member subject to, and complying with, any work requirement under Title IV of the Social Security Act.** This includes compliance with Temporary Cash Assistance (TCA) work requirements.
- Note:** Some TCA customers are not subject to TCA work requirements (i.e. needy caretaker relative). If not exempt, they are subject to SNAP E&T.
- E. **A parent or other household member who is responsible for the care of a dependent child under age 6 or an incapacitated individual.**
 - If the child has his or her 6th birthday within a certification period, the individual responsible for the care of the child must fulfill the work registration requirement at the next scheduled recertification unless the individual qualifies for another exemption.
 - F. **A person who is receiving unemployment compensation.** A person who has applied for, but has not yet begun to receive benefits is also exempt if that person was required to register for work as part of the unemployment compensation application process.
 - Verify the application for or receipt of unemployment through MABS

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G. **A regular participant in a drug addiction or alcoholic treatment program.**

130.5 Statutory Exemptions from Work Registration (continued)

H. **A person who is employed 30 hours weekly or is self-employed and working a minimum of 30 hours weekly**, receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

- This includes migrant and seasonal farm workers who are under contract with an employer or crew chief to begin employment within 30 days.
- A person must be self-employed at least **20** hours per week, averaged monthly, to meet the **ABAWD** requirement.

I. **A student enrolled at least half time with any recognized school, training program, or institution of higher education.**

1. A student enrolled at least half-time in a school of higher education must meet the requirements in Section 102 of this manual.
2. The student remains exempt during normal periods of class attendance, vacations, and recesses, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).
3. Persons who are not enrolled at least half time or experience a break in enrollment status due to graduation, expulsion or suspension, or who drop out or do not intend to return to school are not considered students for the purpose of qualifying for this exemption.

130.6 Individual Exemptions

- A. Household members who must be work registered may still be individually exempted.
- B. The fact that the customer has a condition that **could be** considered an individual exemption does not automatically grant the individual exemption.
 - The situation must exist and the case manager must decide that it makes participation in work program activities impractical.
- C. Determine individual exemptions on a case-by-case basis and review the exemption again at recertification.

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D. The individual exemptions include:

130.6 Individual Exemptions (continued)

1. Older individual – Registrant is age 55 or older with no formal skill training and has not been employed within the last 10 years and has less than a 10th grade education.
2. Multiple barriers – Registrant has multiple barriers to employment, including but not limited to, alcohol or drug abuse or lack of a driver's license (making transportation to the work program site difficult).
3. Child care difficulties – Registrant is the caretaker relative of a child aged 12 years or under and cannot arrange adequate childcare.
4. Family problems – The registrant is experiencing domestic abuse and must attend counseling sessions that conflict with employment and training participation.
5. Homelessness – The registrant lacks adequate shelter or a permanent home and has one or more other limitations, such as but not limited to, a history of alcohol or drug abuse, lack of transportation, or inadequate clothing.
6. Temporary illness or disability – The registrant has a temporary illness or disability and is unable to work for at least 90 days.
7. Job-related – The registrant has been laid off temporarily with the expectation of returning to the same employer within three months or less or a registrant who has a verifiable offer of employment to begin within 90 days.
8. Transitional living arrangement – The registrant is living in a temporary arrangement such as a shelter for battered women or other temporary housing during a family emergency.
9. Migrant or seasonal worker – The registrant who moves from one region to another to work or seek work in agriculture or a related seasonal industry, or a registrant who is under contract or has a similar agreement with an employer to begin work within 30 days.
10. Convicted offender – The registrant is performing unpaid work for a minimum of 30 hours weekly in lieu of sentencing.
11. Pregnancy
12. Transportation difficulties – The registrant has no access to any mode of transportation or lives too far away (i.e. a round trip to and from the SNAP

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E&T program site or potential employer exceeds two hours by reasonable public or private transportation).

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130.7 Local Department Responsibility

The LDSS will:

- A. Register for work each household member not exempt under the criteria listed in Section 130.5. Complete the work register fields on the CARES Work screen.
- B. Permit the applicant to complete work registration for each household member required to register for employment.
- C. Screen each work registrant to determine Able-Bodied Adult Without Dependent (ABAWD) status. ABAWDS are covered more fully in SNAP Manual Section 106.
- D. Issue a notice of adverse action no later than 10 days before the end of the certification period.

130.8 Supplemental Nutrition Assistance Program Employment and Training Program Voluntary Participants

- A. As a voluntary state, Maryland has only voluntary E&T participants. ABAWDS are not mandatory SNAP E&T participants.
 - ABAWDs are mandatory for work participation but cannot be required to participate in a Supplemental Nutrition Assistance Program Employment and Training Activity (SNAP E&T).
 - ABAWDS who choose not to participate in a countable SNAP E&T activity or work at least 80 hours each month are eligible for only 3 months of SNAP benefits. See Section 130.25 for details.
- B. For customers wanting to be voluntary participants, advise the individual of the services the SNAP E&T program provides.
- C. Volunteers are not subject to sanctions for non-compliance with SNAP E&T requirements.

130.9 SNAP Employment and Training Program Work Requirement

- Work Experience and workfare are governed by the Fair Labor Standards Act (FLSA) minimum wage requirements

130.10 Loss of Exemption Status

- A. Update the work registration section of the CARES Work screen when the change becomes known, for any individual who loses exempt status due to any change in circumstances, such as loss of employment or change in household composition.

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130.10 Loss of Exemption Status (continued)

- B. Register individuals who lose their exemption status due to a change not subject to the reporting requirements at the household's next recertification.

130.11 Failure to Comply

- A. **Individuals** who are required to be work registered are ineligible if they:

1. Refuse to be work registered;
2. Voluntarily and without good cause quit a job; or
3. Voluntarily and without good cause reduce their work hours and after the reduction work less than 30 hours per week.

Note: If the individual continues to earn at least 30 times the federal minimum wage he or she is exempt from work requirements.

130.12 Failure to Comply with a Work Requirement under TCA or Unemployment Insurance.

- A. When a TCA customer fails to comply with a TCA work requirement and is sanctioned, add TCA phantom income on the SNAP case.
- B. TCA phantom income can only be removed from the SNAP case if the TCA sanction has been cured.
- C. Do not impose a sanction on the SNAP case for non-compliance with TCA requirements.
- D. Do not use phantom income when a customer's unemployment insurance (UI) benefits are terminated for failure to comply with UI work requirements.
 - Unemployment insurance is not a means-tested public benefit.

130.13 Ending a Disqualification

- A. Following the end of the disqualification period for noncompliance with work registration requirements, voluntary quit, or reduction in work hours, participation may resume if a disqualified individual applies again and is determined eligible.

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B. Eligibility may be established during a disqualification period if the disqualified household member becomes exempt from the work requirements.

130.14 Suitable Employment

Employment is considered suitable if the following conditions exist:

A. Earnings

1. The wages offered are equal to or more than the federal minimum wage;
2. The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably expect to earn is equal to or more than the federal minimum wage.

B. Union Membership

The household member, as a condition of employment, or continuing employment, is not required to join, resign from, or refrain from joining any legitimate labor organization.

C. Strikes

The work offered is not at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under §208 of the Labor-Management Relations Act (29 U.S.C. 78 commonly known as the Taft-Hartley Act), or unless an injunction has been issued under § 10 of the Railway Labor Act (45 U.S.C. 160).

130.15 Registrant Proof of Unsuitability for Voluntary Quit or Reduction of Work Hours

Employment is considered suitable unless the household member can demonstrate, or the case manager becomes aware that:

- A. The degree of risk to health and safety is unreasonable;
- B. The member is physically or mentally unfit to perform the employment, as established by documentary medical evidence or reliable information obtained from other sources;
- C. The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment is not considered suitable if:

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1. Daily commuting exceeds two hours per day, not including transporting children to and from daycare facilities; or

130.15 Registrant Proof of Unsuitability for Voluntary Quit or Reduction of Work Hours (continued)

2. The distance to employment prohibits walking and neither public nor private transportation is available to transport the member to the job site; or
- D. The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

130.16 Participation of Strikers

Strikers whose households are eligible under Section 101 are subject to work registration requirements unless exempt under Section 130.5.

130.17 Voluntary Quit and Reduction of Work Effort

- A. An individual is ineligible if, without good cause, the individual:
1. Voluntarily quit a job of 30 hours per week or more; or
 2. Reduces his or her work effort voluntarily and without good cause and, after the reduction, is working less than 30 hours per week.
- B. To be considered a voluntary quit the following conditions must exist:
1. The job was 30 hours or more per week or provided weekly earnings at least equivalent to the federal minimum wage multiplied by 30 hours;
 2. The quit happened within 30 days prior to application or anytime thereafter; and
 3. The quit was without good cause.
- C. The reduction of work effort applies if:
1. Before the reduction, the individual was employed 30 hours or more per week;
 2. The reduction occurred within 30 days prior to the date the application was filed or any time thereafter; and

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3. The reduction was voluntary and without good cause.

130.18 Determination of Voluntary Quit

- A. When a household files an application or when a participating household loses a source of income, determine if any currently unemployed household member quit his or her job under the conditions described in Section 130.18. Do not delay benefits pending this determination.
 - The case manager may use an unemployment benefit determination of status as a voluntary quit as basis for the case manager's decision.
- B. An employee of the federal, state, or local government who participates in a strike against the government and is dismissed from his or her job because of participating in the strike is considered to have voluntarily quit the job without good cause.
- C. The following situations are not considered a voluntary quit:
 1. If an individual quits a job, secures new employment at comparable wages or hours, and is then laid off or, through no fault of his or her own, loses the new job, the earlier quit will not form the basis for disqualification.
 2. Changes in employment status resulting from an employer initiated reduction in hours of employment, termination of a self-employment enterprise, or a resignation from a job at the demand of the employer are not considered voluntary quit.
 3. Quitting a job that paid less than 30 times the hourly federal minimum wage.
- D. For an applicant household, determine whether any unemployed household member who is required to register for work or who is exempt because the individual is working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours, has voluntarily quit a job within the last 30 days. If the case manager learns that a household member has lost a source of income after the date of application but before the household is certified, the case manager must determine whether a voluntary quit occurred.
- E. Determine if any household member voluntarily quit a job within 30 days prior to SNAP application, or in the time between application and certification. If the household member is already participating when a quit that occurred prior to certification is discovered, consider the individual as participating in the SNAP for the purpose of imposing the penalty.

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130.18 Determination of Voluntary Quit (continued)

F. Applicant Households.

1. In the case of an applicant, upon a determination that an individual voluntarily quit employment, determine if the voluntary quit was with good cause as defined in section 130.20. If the voluntary quit was not for good cause, the individual is ineligible for the following periods of time from the date of the quit:
 - (a) First violation - one month or the date of compliance, whichever is later.
 - (b) Second violation - three months or the date of compliance, whichever is later.
 - (c) Third or subsequent violation - 6 months or the date of compliance, whichever is later.
2. Advise the household of :
 - (a) The reason for the denial of benefits for the individual;
 - (b) The length of the disqualification;
 - (c) The individual's right to reapply at the end of the disqualification period; and
 - (d) The individual's right to a fair hearing.

G. Participating Households.

1. If an individual in a participating household is found to have voluntarily quit a job without good cause, provide a notice of adverse action within 10 days after determination of the quit. The notice must:
 - (a) Contain the particular act of non-compliance;
 - (b) Contain the proposed period of ineligibility;
 - (c) Contain the actions that may be taken to end or avoid the disqualification;

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- (d) Contain information on requesting a fair hearing; and,
- (e) Specify that the individual may reapply at the end of the disqualification period.

130.18 Determination of Voluntary Quit (continued)

2. Voluntary Quit at the end of a Certification Period.

- (a) If a voluntary quit occurred in the last month of a certification period or is determined in the last 30 days of the certification period, do not include the individual in the household for the appropriate period of time beginning with the day after the last certification period ends.

Example: Mr. A's certification period ends April 30. He reapplies on April 15 for himself and two children ages 14 and 15. At that time the case manager finds that he voluntarily quit his job on April 3. Since this is his second work requirement sanction, he is ineligible for three months or until the date of compliance, whichever is later.

- (b) If the household does not reapply for SNAP benefits by the end of the certification period after a member voluntarily quits a job, establish an overpayment claim for the SNAP benefits received by the household for the length of the penalty, as described in section 130.12 B, beginning the first of the month after the month in which the quit occurred.

Example: On May 15 the case manager discovered that Mr. B quit a job on March 4. This is his second violation. Mr. B's certification period ended May 31 and he did not reapply. Mr. B would not be eligible for April or May benefits. The penalty for a 2nd voluntary quit is three months or until compliance. The case manager establishes an overpayment claim for the SNAP benefits received in April and May. Mr. B is not eligible until July 1 or until he complies with the work requirements whichever is later.

If Mr. B reapplies in July, if he is not working another job of 30 hours a week or equivalent to 30 times the federal minimum wage, he remains ineligible.

NOTE: If the participating household's SNAP benefits continue pending a fair hearing SNAP benefits do not extend past the end of the certification period and the local department determination is upheld, the disqualification period begins the first of the month after the hearing decision is rendered.

- H. The individual disqualified for quitting a job will remain ineligible for the length of the disqualification period even if the individual joins a new household.

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- I. If an application for SNAP benefits is filed in the last month of the disqualification period, use the same application for denial of SNAP benefits in the remaining month of the disqualification and certification for any subsequent eligible months.

130.19 Exemptions from Voluntary Quit Provisions

Voluntary quit provisions do not apply to persons who are exempt from the work registration as described in Section 130.5 at the time of the quit.

Exception: The provisions **do** apply when the individual is exempt because the person is working a minimum of 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

130.20 Good Cause for Voluntary Quit

Good cause for leaving employment includes the good cause provisions found in Section 130.13 and resigning from a job that does not meet the suitability criteria in Section 130.15. Good cause for leaving employment also includes:

- A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs.
- B. Work demands or conditions that make continued employment unreasonable, such as working without being paid on schedule.
- C. Acceptance of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education that requires the individual to leave employment.
- D. Acceptance by any other household member of employment or enrollment at least half time in any recognized school, training program, or institution of higher education in another jurisdiction, which requires the household to move and the individual to leave employment.
- E. Resignations by persons under the age of 60 that are recognized by the employer as retirements.
- F. Employment that becomes unsuitable by not meeting the criteria specified in Section 130.15 after acceptance of the employment.
- G. Acceptance of a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the federal minimum wage

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multiplied by 30 hours which, because of circumstances beyond the control of the wage earner, either does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the federal minimum wage multiplied by 30 hours.

130.20 Good Cause for Voluntary Quit (continued)

- H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for SNAP benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, leaving the previous employment is considered good cause if it is a part of the pattern of that type of employment.

130.21 Verification

- A. When the information given by the household is questionable, request verification of the household's statements.
- B. The household has the primary responsibility for providing the verification. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, offer assistance to the household to obtain the verification.
- C. Acceptable sources of verification include, but are not limited to, the previous employer, employer associations, union representatives, and grievance committees or organizations. Whenever documentary evidence cannot be obtained, substitute a collateral contact. The local department is responsible for obtaining verification from acceptable collateral contacts provided by the household.
- D. Do not deny SNAP eligibility, if a quit resulted from circumstances that cannot be verified such as discrimination or for unreasonable work demands.

130.22 Ending a Voluntary Quit Disqualification

- A. Following the end of the disqualification period, an individual may begin participation in SNAP if the individual applies again and is determined eligible.
- B. The individual may re-establish eligibility during a disqualification period if the violator becomes exempt from work registration except for reasons of TCA work registration or receipt of unemployment compensation.

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130.23 Fair Hearings/Appeals

- A. Each individual or household has the right to request a fair hearing to appeal the denial, reduction, or termination of SNAP benefits.

Note: In general, the only negative action that case managers will take is for refusal to be work registered without good cause, voluntary quit without good cause, or reduction of work hours.

130.23 Fair Hearings/Appeals (continued)

- B. Individuals may also appeal the local department actions such as the determination of exemption status, the type of requirement imposed, or local department refusal to make a finding of good cause if the individual believes that a finding of failure to comply has resulted from improper decisions in these matters.