

PART VIII EMPLOYMENT SERVICES AND VOLUNTARY QUIT/WORK REDUCTION

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A. WORK REGISTRATION AND SNAP EMPLOYMENT AND TRAINING

The EW must evaluate and record each household member's work registration status based on the exemption criteria in Part VIII.A.1. The information must be reviewed and updated as needed at recertification. The EW must explain to the applicant the work registration requirements and the consequences of a mandatory registrant voluntarily quitting a job or reducing work hours without good cause.

Work registration status information in VaCMS is used to register participants for the SNAP E&T component. SNAP E&T is operated through 37 local social services departments. **Participation in SNAP E&T is voluntary, however; the EW should encourage participation in SNAP Employment and Training (SNAP E&T) and review the SNAP E&T script with the applicant, if applicable.**

1. Exemption from Work Registration

The following persons are exempt from the work registration requirement:

- a. Any household member who is younger than 16 years of age or who is 60 years of age or older.
- b. Any household member 16 or 17 years of age who is not the head of the household as defined in Part VI.D.
- c. Employment services program participants. This exemption applies to TANF recipients who participate in the Virginia Initiative for Employment not Welfare (VIEW) or refugee services programs.
- d. A parent/caretaker of a child under 6. Accept the client's statement unless the information given is questionable. The registration requirement must be fulfilled at the next scheduled recertification following the child's 6th birthday, unless otherwise exempt.

In two-parent situations, only one parent may receive the exemption for the children. If more than one family unit exists in the SNAP household, only one adult per family unit may receive the exemption.

When persons who are not siblings are present in the SNAP household, the EW must determine, through client statement, which adults in the home exert parental control over which children for purposes of determining the exemption.

Examples

- 1) A household consists of a married couple and their 4-year old son. Mr. X is disabled and receiving SSI. He is exempt based on his disability. Mrs. X is exempt on the basis of the child under 6.
- 2) A household consists of a married couple and two children, ages 2 and 4. Either parent is exempt on the basis of the children under 6. The other parent must be registered for work if no other exemption exists.
- 3) A household consists of two adult sisters, each of whom has a child under 6. Each sister is exempt

- e. An attendant for an incapacitated person. The incapacitated person is not required to be a SNAP household member. Accept the client's statement unless the information given is questionable.
- f. Applicants for and recipients of unemployment benefits in Virginia. Since persons who apply for unemployment benefits in Virginia (for Virginia benefits) are automatically registered for work for SNAP purposes, no additional registration is necessary except for persons who are on strike. Persons on strike who have applied for, but are not receiving unemployment benefits, are not registered for work by the Virginia Employment Commission (VEC) and, therefore, do not meet this exemption.

If the exemption claimed is questionable, the EW must verify the information with the appropriate VEC Office. Persons who have applied for unemployment benefits in another state and are not yet receiving the benefit however, are not automatically exempt from work registration. The EW must contact the other state to determine if registration for work occurred when the application for unemployment benefits was filed. Persons who have filed an interstate claim in Virginia against the state they have recently left are exempt.

- g. Participants in a drug or alcoholic treatment and rehabilitation program. Accept the client's statement unless the information given is questionable.
- h. Persons employed for cash wages, in any amount, or self-employed and working a minimum of 30 hours per week. This includes migrant and seasonal farm workers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days. In determining whether an applicant is working a minimum of 30 hours per week, fluctuating work hours may be averaged. Since this exemption is tied to a weekly figure, the period for averaging should also be tied to a weekly figure. The number of weeks to be averaged cannot exceed either the length of the certification period or the twelve-month work registration period. The average may be based on any number of weeks less than either of these two periods which will allow a reasonable approximation of the number of hours worked per week. Accept the client's statement unless the information given is questionable.
- i. Persons working less than 30 hours per week, but earning at least the equivalent of the federal minimum wage multiplied by 30 hours.
- j. **Persons who are obviously physically or mentally incapacitated. When disability is not obvious or the individual does not attend the eligibility interview or other office visit, proof of the disability may be established by the approval for or receipt of disability benefits. See Definitions. Also, approval for or receipt of benefits such as TANF, Medicaid, or Workers Compensation based on a disability which has been verified by that program will be considered as proof of disability. Other individuals claiming a disability exemption must substantiate such disability by a medical statement from a licensed medical provider or licensed or certified psychologist or social worker or by approval for or receipt of benefits upon verification of same, such as an insurance company.**

- k. A student, enrolled at least half-time in an institution of higher education, who meets the special eligibility criteria of Part VII.E.
- l. Other persons enrolled, at least half-time in any recognized school or training program, including summer school.

NOTE: Placement in a school or training program by the SNAP E&T will not exempt a person from work registration.

2. Frequency of Registration for Work

The EW must register all household members who are not exempted from the work registration requirements at the time of application or reapplication, and every twelve months thereafter. New household members, added during the certification period, must be registered at recertification.

If a household member who is subject to the time-limited benefits of Part XV loses the exemption status within the certification period because of a change in the number of work hours, the EW must register that household member when the change is reported. The EW must explore with the household whether an exemption to the work registration requirements exists.

Household members who lose their exemptions due to a change in circumstances that is not subject to the reporting requirements of Part XIV.A must register for work at the household's next recertification.

3. Method of Registration for Work

Work registration must be identified at:

- a. Initial Application and Reapplication. Registration information will be forwarded to the SNAP E&T worker.
- b. Every twelve months thereafter -
- c. Changes in Work Registration Information - The EW must record changes to the work registration status within 10 days from the date the change becomes known to the EW. Changes include noting that an individual is no longer required to be registered.

The EW must notify the SNAP E&T Worker, through the ESP Communication Form, when there are changes in household or individual circumstances that affect registration or compliance with SNAP E&T requests, such as conversion of the SNAP case to transitional benefits.

- d. Recertification - At each recertification, the EW must evaluate each household member to determine the work registration status of each member.

B. VOLUNTARY QUIT AND WORK REDUCTION (7 CFR 273.7(j))

Individuals who quit a job of 30 hours or more per week or who reduce the work effort so that less than 30 hours per week remain after the reduction are not eligible for SNAP benefits unless the person is exempted from work registration requirements, as outlined in Part VIII.A.1 or unless good cause exists for the quit or reduction. If the person is the head of the household, as defined in Part VI.D, the entire household is ineligible for SNAP benefits. The length of time the individual or household is ineligible will be determined by the number of previous violations for this Part that have been incurred by the individual. The disqualification periods are listed in Part VIII.C.

At application, the local agency must explain the consequences of a household member quitting a job or reducing the number of hours worked without good cause and the consequences of a person joining the household as its head if that individual has voluntarily quit a job or reduced the hours worked. The agency must assess whether voluntary quit or work reduction applies at application. While households are not required to report job losses or reduction of work hours during the certification period, as per Part XIV.A, the agency must evaluate voluntary quit or work reduction when it is discovered. If good cause does not exist, the household or individual is disqualified from receiving future benefits, as allowed in this chapter.

The *SNAP Sanction Notice for Noncompliance with a Work Requirement* must be sent to provide information when a case is negatively affected when one voluntarily quits a job or reduced the hours worked without good cause.

1. Exemptions from Voluntary Quit and Work Reduction Provisions

Most persons who are exempt from the work registration provisions in Part VIII.A.1 at the time of the quit or work reduction will be exempt from the voluntary quit and work reduction provisions. Voluntary quit and work reduction provisions will apply to TANF recipients **and refugees** who are exempted from the work registration provisions because of their employment services registration and persons who are exempted because of employment (Part VIII.A.1.(c and h)),.

For applicants, if the quit or work reduction occurred before the date of application, evaluate work registration on the date of application to determine whether the household is exempt from voluntary quit or work reduction provisions. If the quit or work reduction occurred after the date of application, but before the case was processed, evaluate work registration status on the day of the quit or work reduction to determine whether the household is exempt from voluntary quit or work reduction provisions.

For participating households, evaluate the household member's work registration status on the day of the quit or work reduction to determine whether the household is exempt from voluntary quit or work reduction provisions.

2. Determination of Voluntary Quit or Work Reduction

When a household files an application for participation or when a participating household reports the loss of a source of income or reduced income, the local agency must determine whether any household member quit a job or purposefully reduced the number of hours worked.

a. Voluntary quit provisions apply if:

- 1) the employment involved 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 occurred within 60 days prior to the date of application or any time thereafter; and
- 3) the quit was without good cause.

b. Work reduction provisions apply if:

- 1) the employment involved more than 30 hours per week;
- 2) fewer than 30 hours per week exist after the reduction;
- 3) the reduction occurred within 60 days prior to the date of application or any time afterwards; and
- 4) the reduction was without good cause.

Changes in employment status that result from ending a self-employment enterprise or resigning from a job at the demand of the employer do not count as voluntary quit for purposes of this chapter. Changes in employment status will also include situations in which renewal contracts are not offered or a decision is made not to reenlist in the military. Failure to accept a renewal offer of a contract with comparable terms will count as voluntary quit.

An employee of the federal, state or local government who participates in a strike against that government and is dismissed from the job because of participation in the strike, will be considered to have voluntarily quit the job without good cause.

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 own loses the new job, the earlier quit will not form the basis of a disqualification.

3. Voluntary Quit or Work Reduction at Application

Upon a determination that a household member voluntarily quit employment or reduced the work effort, the local agency must determine if the quit or reduction was for good cause, as defined in Part VIII.B.7.

For an applicant household, if the quit or reduction was without good cause, the household's application must be denied and a sanction imposed in accordance with Part VIII.C. The sanction period will be from the date of the quit or work reduction. The local agency must provide the household with a *Notice of Action* to deny the application. The notice must inform the household of the proposed disqualification period, its right to reapply at the end of the disqualification period, and of its right to a fair hearing. For voluntary quits or work reductions that occur after the date of application but before the application is processed, the household may be eligible for benefits for the period of time prior to imposition of the sanction. See Part XIII.D.2. for information on prorating benefits in these situations.

An application filed in the last month of disqualification must be used for the denial of benefits in the remaining month of disqualification and for certification for any subsequent month(s), if all other eligibility criteria are met.

4. Voluntary Quit or Work Reduction for Participating Households

If the local agency determines that a member of a participating household voluntarily quit a job or voluntarily reduced the work effort without good cause while participating in the program, or discovers a quit or reduction that occurred within 60 days prior to application for benefits or between application and certification, and the individual is not otherwise exempt from work registration at the time of the action, the individual or household will be disqualified. The local agency must provide the household with an Advance Notice of Proposed Action within 10 days after the determination of a quit or reduction. The notice must include the particular act of noncompliance committed, the proposed period of ineligibility, and it must specify that the household may reapply at the end of the disqualification period. The period of ineligibility will be assigned according to Part VIII.C and will run continuously beginning with the first of the month after all normal procedures for taking adverse action have been followed.

If a voluntary quit or work reduction occurs in the last month of a certification period, or is discovered in the last month of the certification period, the procedure the agency follows depends on whether or not a recertification application is filed.

If a recertification application is filed by the end of the certification period, the household shall be denied or the individual will be disqualified beginning with the day after the certification period ends.

If the household does not apply for recertification by the end of the certification period, establish a claim for benefits received for up to the number of months for the penalty, beginning the first of the month after the month in which the quit or reduction occurred. If there are fewer than the number of months for the penalty from the first of the month after the quit or work reduction occurred to the end of the certification period, the claim is filed and the household remains ineligible for the balance of the disqualification period. If no claim is warranted, the household is ineligible for the number of months for the penalty, beginning with the first month following the end of the certification period.

Example

Certification period ends March 31. The agency discovers on March 4 that a quit or work reduction occurred January 22. This is the second violation incurred by the household member.

- a. A recertification is filed March 15. Deny the recertification for three months, from April through June.
- b. No recertification is filed by March 31. Establish a claim beginning February 1, the first of the month following the quit.

There are two months from February to March, the last month of the certification period. Consider the period of ineligibility to extend through April to complete the three month period of ineligibility.

Each household has a right to a fair hearing to appeal a termination or reduction of benefits due to a determination that the household's head or other household member voluntarily quit a job or reduced the work effort without good cause. If the participating household requests a hearing and receives continuation of benefits and the local agency determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

5. Changes in Household Composition After a Sanction Has Been Determined

A sanction will follow an individual who voluntarily quit or reduced employment when the person leaves the household of which he/she was a member when the quit or reduction occurred. The sanction will follow such a member who joins another participating household as its head if the original sanction period has not yet expired. The *Advance Notice of Proposed Action* must be sent to close the case if the household is currently certified. If the individual files an application alone or with persons who are not receiving SNAP benefits, the application must be denied if the original sanction period has not yet expired. The new household remains ineligible for the remainder of the sanction period. If an individual who voluntarily quit or reduced work joins a new household and is not its head, the individual remains disqualified for the balance of the sanction period.

If a participating household reports the addition of a person who quit a job within 60 days of the report, and that individual meets the definition of the head of the household, voluntary quit provisions must be evaluated.

6. Ending a Voluntary Quit or Work Reduction Disqualification

Following the end of the disqualification period, a household may reapply and be eligible for SNAP benefits.

Eligibility may be reestablished during a disqualification period and the household is allowed to resume participation if the member who caused the disqualification leaves the household.

Eligibility may also be reestablished if the violator becomes exempt from the work registration requirements under Part VIII.A.1 except for TANF Employment Services Program registration (Part VIII.A.1.c) or application for or receipt of Unemployment Compensation (Part VIII.A.1.f).

A household determined ineligible because of a voluntary quit may reestablish eligibility if a new and otherwise eligible member joins as its head, provided the original head has left the household.

If the member who caused the disqualification leaves the household or becomes exempt from work registration before the effective date of the case closure or while an application is still pending, the agency must reestablish eligibility without requiring another application, provided the household is otherwise eligible. For currently eligible households, the action to reestablish the case may be taken in the month following the effective date of the closure as long as the member left before the effective date.

Example

- a. The head of household quit a job without good cause on May 2. The agency takes action to close the case effective May 31. On May 27 the household reports that the individual who quit the job has left the household. The case must be reestablished without requiring a new application.
- b. The head of household reduced the number of hours worked without good cause on May 2. On June 3, the household reports that the head left the household that morning. The household must reapply.

For pending applications, the application must be denied for the period of time the disqualification is appropriate, and certified from the date the disqualification can end.

For applications that have already been denied, a reapplication is needed.

If a sanctioned household splits into more than one household, the sanction will follow the member who caused the disqualification.

7. Good Cause

Good cause for leaving employment may include but is not limited to the following:

- 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 render continued employment unreasonable, such as working without being paid on schedule;

- c. Enrollment of the head of household or other individual required to register at least half-time in any recognized school, training program, or institution of higher education that requires the household member 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 county or similar political subdivision that requires the household to move and thereby requires the head of household or other individual required to register for work to leave employment;
- e. Resignations by persons under the age of 60 that are recognized by the employer as retirement;
- f. Acceptance of a bona fide offer of employment of 30 hours or more a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 30 hours by the head of household or other individual required to register. Good cause will also include acceptance of such employment which, because of circumstances beyond the control of the household member, subsequently 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;
- g. 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 job site has not actually begun, the quitting of the previous employment will be considered as good cause if it is part of the pattern of that type of employment.
- h. Leaving a job because of other circumstances beyond the member's control, such as, illness, illness of another household member requiring the presence of the person claiming good cause, a household emergency, or the unavailability of transportation.
- i. Employment which is considered unsuitable by not meeting the following criteria:
 - 1) The employment pays less than the federal minimum wage or, if the employment does not fall under federal guidelines, pays less than 80% of the federal minimum wage.
 - 2) The employment is on a piece-rate basis and earnings are expected to be less than the federal minimum wage or, if the employment does not fall under federal guidelines, pays less than 80% of the federal minimum wage.
 - 3) The employment would require joining, resigning from, or refraining from joining any legitimate labor organization.

- 4) The work offered is at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under the Taft-Hartley Act or an injunction has been issued under Section 10 of the Railway Labor Act.
- 5) The employment would be hazardous to the registrant's safety and/or health.
- 6) The registrant is physically or mentally unfit to perform the employment, as documented by a medical statement provided by a physician or licensed or certified psychologist or information from another reliable source.
- 7) Daily travel to and from work will exceed two (2) hours round trip, exclusive of time necessary to transport children to and from a child care facility. Employment will not be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport persons to the job site.
- 8) Working hours or the nature of the employment would conflict with the registrant's religious convictions, beliefs or observations.

It is the responsibility of the EW to investigate any allegations of employment unsuitability. The case record must contain the facts regarding a determination of unsuitable employment, the date of substantiation and the method of securing the information.

8. Verification

To the extent that the information given by the household is questionable, local agencies must request verification of the household's statements. The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the local agency must offer assistance to the household to obtain the needed verification. Acceptable sources of verification include, but are not limited to, the previous employer, employee associations, union representatives, farm worker service organizations, and grievance committees or organizations. Whenever documentary evidence cannot be obtained, the local agency must substitute a collateral contact. The local agency is responsible for obtaining verification from acceptable collateral contacts provided by the household.

If the household and the local agency are unable to obtain requested verification from these or other sources about the cause for the quit or work reduction, the household will not be sanctioned. This may include instances when the employer cannot be located or when the employer refuses to address requests about the job quit.

C. SANCTION PERIODS FOR NONCOMPLIANCE

Individuals or entire households will be barred from receiving SNAP benefits for periods when household members quit a job or reduce work efforts without good cause. Only the person who quits or reduces work will be disqualified unless that person is the head of the household. See Part VI.D to determine the head of household. The disqualification procedures of Part XII.E must be followed to attribute income and resources to the remaining household members. The entire household will be ineligible for the sanction period for the time listed below if the person who quit or reduced work is the head of household.

The duration of the disqualification period is dependent on the number of times the household member fails to comply. For each act of noncompliance by an individual, the length of the disqualification is increased. Violations by one household member must not be added to actions by another member to determine the sanction period.

The individual or household sanction periods are:

	Participating Household Voluntary Quit/Reduction	Applying Household Voluntary Quit/Reduction
Violation 1	One month	30 days
Violation 2	Three months	90 days
Violation 3 or more	Six months	180 days

For applying households, the penalty period is assessed from the day of the quit or work reduction.

The sanction period must be served before the individual or household regains eligibility except in instances when an individual who causes the action leaves the household or becomes exempt from work registration and related requirements. After the sanction period has been served, eligibility may be regained by the individual or household for voluntary quit or work reduction violations.

See Part XIII.D.2 for a discussion of prorating benefits for households that reapply before the sanction period expires.