

3100 Work Registration Requirements – Summary**Voluntary Quit****3100 Work Registration Requirements – Summary**

SNAP Manual 01/01/17

The Food and Nutrition Act of 2008 requires all able-bodied participating adults, with specific exceptions, to meet certain work-related requirements. These requirements are prerequisites to eligibility and certification that cannot be waived. (See [SNAP 9443](#) for procedures on expedited applications.)

Work registrants must:

- Respond to any requests from an eligibility worker for information regarding employment status or availability for work.
- Accept a bona fide offer of suitable employment at a wage not less than the higher of the applicable state or federal minimum wage.
- Continue employment at a suitable job.
- Avoid reducing one's work effort to less than 30 hours per week.

See [SNAP 3400](#) for additional information.

Voluntary Quit

Any individual who is not otherwise exempt from the work registration requirements will be subject to sanction if he or she voluntarily quits a job without good cause or voluntarily reduces his or her work effort to less than 30 hours per week. See [SNAP 3401.1](#).

Requirement to Work (RTW)

An Able Bodied Adult without Dependents or Able Bodied Adult eligibility is limited to any 3 months in a 3 year period of receiving benefits. Any individual subject to the Requirement to Work (RTW) will be ineligible to receive SNAP benefits if, during a 3 year period, he or she received SNAP benefits for at least three months while he or she did not work at least an average of 80 hours per month or participate in and comply with a specified work program. See [SNAP 3500](#).

The 3 month time limit does not apply to individuals who are: 1) 17 or younger; 2) 50 or older; 3) medically certified as physically or mentally incapacitated for employment; 4) responsible for a dependent child or residing in a SNAP household where a household member is age 17 or younger; 5) pregnant or 6) otherwise exempt from the work registration requirements.

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E&T Program

E&T Program

In certain locations the SNAP E&T Program is available to household members subject to the Requirement to Work. See [SNAP 3600](#).

Workfare Program

Certain non-exempt work registrants may perform public service activities as a condition of receiving SNAP benefits. See SNAP 3700.

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Eligible household members are exempt from work registration if the household member is:

1. Under age 16 or age 60 or older.
2. Age 16 or 17 and living with a parent or attending a school or training program on at least a half-time basis.
3. Receiving TEA Cash Assistance.
4. Caring for a dependent child under age 6 or an incapacitated person.
5. Receiving unemployment benefits.
6. Currently participating in a treatment program for alcoholism or drug addiction.
7. Employed or self-employed on a full-time basis (30 hours or more).
8. A student enrolled at least half-time in any recognized school, training program, or institution of higher education.

A full explanation of each exemption appears below in [SNAP 3210-3290](#).

3210 Under 16 or 60 or Older

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Household members younger than 16 years of age or 60 years of age or older are exempt from the work registration requirements.



NOTE: If a child reaches his 16th birthday within a certification period, he/she will be registered for work at the next scheduled recertification unless he or she qualifies for another exemption.

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3220 Certain Household Members Aged 16 or 17

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A household member who is age 16 or 17 is exempt from the work registration requirements if he or she:

- Is living with a parent or a person who is acting as a parent;
- Is attending a high school or a school of higher education;
- Is enrolled in an employment training program on at least a half-time basis as determined by the school or training program; or
- Is otherwise exempt – e.g. – individuals with disabilities, cares for a dependent child under age six, etc.



NOTE: If a child who is exempt from the work registration requirement solely because he is living with a parent or a person who is acting as a parent reaches his 18th birthday within a certification period, he will be registered for work at the next scheduled recertification unless he qualifies for another exemption.

3230 Individuals with Disabilities

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Household members who are unable to work because of a physical or mental incapacitation are exempt from the work registration requirements.

See the Glossary definition of “an Individual Aged 60 or older and/or Individual Living with a Disability.” In addition to the individuals who meet the definition of individual with disability found in the Glossary, the following individuals may be considered individuals with disabilities:

- Individuals receiving services through Arkansas Rehabilitation Services (ARS).
- Individuals receiving Worker’s Compensation or other “sick pay” type benefits.

When a member is not receiving disability benefits, the worker will determine if the member’s disability is obvious or if verification is required.

An obvious disability is one where the worker can easily determine that the individual is incapable of gainful employment. Individuals with obvious disabilities include, but are not limited to, individuals who are:

1. Recovering from major surgery within the last six weeks; or
2. Housebound or wheelchair bound.

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3240 Household Member Caring for Dependent Child under 6 or Incapacitated Person

When the disability is not obvious or an obvious disability is questionable, the household will be asked to furnish verification. Acceptable verification includes, but is not limited to:

1. A statement from a medical professional indicating the cause of disability and, **if known**, how long the disability is expected to last;
2. A decision by the Medical Review Team that the individual is currently living with disability; or
3. Collateral evidence (written or oral) that the individual receives services through Arkansas Rehabilitation Services.

Documentation should appear in the case record regarding:

- a. The nature of any disability which results in an exemption;
- b. The anticipated length of the disability; and
- c. The type of verification obtained if the exemption was verified.



NOTE: Services for an Individual Living with a Disability are available through Arkansas Rehabilitation Services (ARS). If appropriate, the worker may refer the Individual Living with a Disability to ARS through normal office procedures.

3240 Household Member Caring for Dependent Child under 6 or Incapacitated Person

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An adult household member who is responsible for the care of a dependent child under the age of 6 or is responsible for the care of an incapacitated person of any age is exempt from the work registration requirements. Exemption for the care of an incapacitated person should be fully documented. Documentation must include the name of the person providing care and a description of the incapacitated condition.

If a child reaches his 6th birthday within a certification period, the household member responsible for the care of the child will be work registered during the next scheduled recertification unless the member qualifies for another exemption.

3250 Receiving TEA Cash Assistance

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All able bodied adults (age 18 or older) receiving TEA Cash Assistance are required to work or participate in TEA Program work activities designed to lead to work. These individuals will be

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3260 Receiving Unemployment

exempt from the SNAP work registration requirements due to compliance with TEA work requirements.

3260 Receiving Unemployment

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Household members who are currently receiving unemployment insurance benefits are exempt from the work registration requirements. A household member who has applied for, but not yet begun to receive, unemployment insurance benefits is also exempt if he or she was required to register for work with the state's workforce agency, Department of Workforce Services, as a part of the unemployment insurance application process.

An applicant for unemployment would not be required by DWS to register for work when:

- He or she is job attached and laid off for less than 8 weeks; or
- He or she is a member of a trade union that assists members in finding employment.



NOTE: Verification of whether the individual was registered through DWS may be obtained from Department of Workforce Services. The worker will not contact DWS to determine if a household member is registered for work through DWS. This determination will be based upon correspondence (letters, forms, etc.) from DWS that is provided to the household member, or any information available. In situations where there is no available information, the registrant's statement will be used. The case record will be documented accordingly.

If an individual exempt from work registration solely due to receipt of unemployment benefits fails or refuses to comply with DWS work requirements, a sanction may be imposed. See [SNAP 3414](#).

3270 Addicts and Alcoholics

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Household members who are currently participating in a drug addiction or alcoholism treatment and rehabilitation program on an in-patient or out-patient basis are exempt from the work registration requirements.

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3280 Employed Persons and Self-Employed Persons

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Household members who are employed and either working a minimum of 30 hours weekly (120 hours monthly), or receiving weekly earnings equal to the state or federal minimum wage, whichever is greater, multiplied by 30 are exempt from work registration requirements.

This exemption includes any migrant or seasonal farm worker who is under a contract or similar agreement with an employer or crew chief to begin employment within 30 days. A migrant or seasonal farm worker who does not have such an agreement and is not otherwise exempt will be registered for work.

The number of hours of employment may be verified from:

1. Wage stubs;
2. Employers; or
3. The current amount of verified income divided by 30.

A household member solely engaged in a hobby, volunteer work or another activity for which little or no payment is received is not considered gainfully employed regardless of the length of time spent in such activities.

A self-employed household member who works a minimum of 30 hours per week (120 hours monthly) or who receive weekly earnings equal to the federal minimum wage, multiplied by 30 hours is exempt from the work registration requirements. This exemption may be established through verification of the amount of earnings if the earnings are at least equal to the federal minimum wage, multiplied by 30 hours per week. If the income is not sufficient to conclude full time employment, the household must cooperate with the worker in establishing either that:

1. The gross income reported is at least sufficient to be considered gainful employment ;or
2. The volume of work performed by the household member justifies the self-employment enterprise as a full-time job. For example, some farmers work more than 40 hours per week yet make no profit.

3290 Students

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A student age 18 or older who is enrolled at least half-time as defined by the school in a high school or in a GED program is exempt from the work registration requirements. If a student is enrolled in an institution of post-secondary education at least half-time as defined by the school

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in SNAP 1622.1 and the student is eligible to participate as per SNAP 1622.3, the student is exempt from the work registration requirements. The exemption continues to apply through periods of school recess but is lost when the student graduate, drops out, is expelled, or otherwise terminates enrollment.

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3310 Work Registration at Case Actions

3300 Individuals to be Registered for Work

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All eligible household members who are not exempt for work registration will be registered for work.

3310 Work Registration at Case Actions

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3310.1 Work Registration at Initial and/or Recertification Application

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All eligible, nonexempt household members are automatically work registered when the SNAP application form is signed. A household must be notified which members are subject to the work registration requirements. A *Notification of Work Registration* (DCO-260) must be issued to let the household know which members are subject to the work registration requirements.

The eligibility worker must work register household members for work when:

1. An eligible, nonexempt individual enters a household currently certified to participate in the SNAP; or
2. An eligible household member in a participating household loses an exemption due to a change that must be reported as specified in [SNAP 11200](#).

3310.2 Work Registration at Reported Change

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At the time of a reported change or semi-annual report, work registration must be completed for all nonexempt members who enter the household or for members who lose an exemption as a result of a change which is required to be reported per [SNAP 11200](#).

A *Notification of Work Registration* (DCO-260) must be completed when:

1. A nonexempt member enters the household; or
2. An eligible household member loses an exemption due to a change reported on the semi-annual report; or
3. A nonexempt member turned 16 since the last case action.

If the worker cannot determine based solely on information available on the change report or in the case record that the member must be work registered, the household will be contacted.

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3300 Individuals to be Registered for Work

3310 Work Registration at Case Actions

If the needed information cannot be obtained by telephone, the household will be issued a request for contact using the *Notice of Action* (DCO-1). The request for contact will advise the household that if the information needed to complete the work registration is not provided, the non-compliant household member will be disqualified as per SNAP 3412. See SNAP 12400 for instructions on issuing a request for contact.

3310.3 Work Registration at Periodic Report and Annual Review

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A. Semi-Annual Report

If the worker cannot determine if a member should be work registered based on the information on semi-annual report, the worker should attempt to contact the household by telephone to avoid a delay in form processing. If the needed information cannot be obtained by telephone, a *Notice of Required Verification* (DCO-218) will be issued to the household. The household must have at least 10 days to respond to the request for information; therefore, the DCO-218 must be returned before the end of the report month or within 10 days, whichever is later. The eligibility worker just work register household members for work and a *Notification of Work Registration* (DCO-260) will be completed when:

1. An eligible, nonexempt individual enters a household currently certified to participate in SNAP; or
2. An eligible household member in a participating household loses an exemption due to a change that must be reported as specified in SNAP 11200.

If the household does not return the information requested on the DCO-218 within the specified time frames, the member will be disqualified per [SNAP 3412](#). An adequate notice will be issued to the household to advise the household of the effects of the disqualification.

Once work registration status has been determined, the worker will issue a DCO-260 to the household to advise who will be work registered.

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3300 Individuals to be Registered for Work

3320 Work Registration Priority

B. Annual Review

A household composed entirely of members age 60 or older and/or individuals living with disabilities with minor dependent children age 15 or younger may also be assigned a 36-month certification period if no household members has earnings or a child support deduction.



Note: If an individual who should be work registered is included in a household certified for 36-months then the certification period must be shortened per SNAP 11660. A Notification of Work Registration (DCO-260) must be completed and issued to the household.

3320 Work Registration Priority

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Work registration exemptions will be given assigned in the following order:

1. Age.
2. Physically or mentally incapacitated.
3. Care of a dependent child under age 6 or an incapacitated person.
4. In receipt of unemployment compensation.
5. Participating in a drug addiction or alcoholic treatment program.
6. Employed or self-employed full time (30 hours or more).
7. Student age 18 or older.
8. Receiving TEA Cash Assistance.

EXAMPLE: A household member is age 62 and/or Living with Disability. The work registration exemption assigned is for age.

EXAMPLE: A household member who is receiving TEA cash assistance has a dependent child age 2. The work registration exemption assigned is for dependent care.

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3401 Work Registration Violation

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Work registrants must:

1. Participate in a workfare program if referred through the Supplemental Nutrition Assistance Program.
2. Respond to any request from a county office worker for information regarding employment status or availability for work;
3. Accept a bona fide offer of suitable employment at a wage not less than the higher of the applicable state or federal minimum wage.
4. Continue employment at a suitable job.
5. Avoid voluntarily reducing ones work effort to less than 30 hours per week.

An individual who is exempt from work registration solely due to receipt of unemployment benefits (see [SNAP 3260](#)) and who fails to comply with comparable DWS work registration requirements will be subject to sanction in the Supplemental Nutrition Assistance Program.

3401 Work Registration Violation

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A work registration violation is:

1. Refusal, without good cause, to accept an offer of employment at a site or plant that is not subject to a strike or lockout at the time of the refusal at a wage not less than the applicable federal or state minimum wage; or
2. Refusal, without good cause, to provide sufficient information to allow a determination of employment status or job availability; or
3. Voluntarily and without good cause, reducing ones work effort to less than thirty hours per week; or
4. Voluntarily quitting a job without good cause within 30 days prior to the date of application or at any time while the individual who quit was participating in the Supplemental Nutrition Assistance Program.

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3401 Work Registration Violation

3401.1 Special Instructions for Voluntary Quits

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A voluntary quit is defined as the intentional departure of an employee from a suitable job without good cause. The voluntary quit provisions do not apply to changes in employment resulting from:

- Reducing hours of employment while working for the same employer;
- Resignations recognized by the employer as retirement;
- Termination of a self-employment enterprise; or
- Resigning at the demand of the employer.

3401.2 Verification of Voluntary Quit

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When a loss of earned income is reported, the county office worker must verify the last date of employment and the last date of pay. Information provided by the household about the reasons for leaving employment must be verified if questionable.

The household has the primary responsibility for providing verification. However, in situations where it is difficult or impossible for the household to obtain the needed verification in a timely manner, the worker will provide assistance to the household. Acceptable sources of verification include the previous employer, employee associations, union representatives, grievance committees, or other organizations that represent employees who are aggrieved.

The worker may substitute collateral contacts as described in the Glossary under “[Collateral Contacts](#)” when documentary evidence cannot be obtained.

The household will not be denied access to the Program when the requested verification cannot be obtained due to the circumstances surrounding the quit. Examples of such situations are:

1. Resignation from employment as a result of discriminatory practices or sexual harassment;
2. Resignation due to unreasonable demands by an employer; and
3. Being unable to locate the employer.

The case record will be thoroughly documented to reflect all efforts by the household and the county office to obtain the needed verification.

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3410 Sanctions

3410 Sanctions

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The following sanctions will apply to all work registration violations including voluntary quits, intentional work reductions, and failure to comply with a Workfare Program requirement:

First Violation: The individual who failed to comply without good cause will be disqualified from receiving SNAP benefits for three months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

Second Violation: The individual who failed to comply without good cause will be disqualified for six months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

Third Violation: The individual who failed to comply without good cause will be disqualified for twelve months or until he or she complies with or becomes exempt from the work registration requirements, whichever occurs first.

The household's benefits may not increase as the result of a disqualification for a work registration violation. See [SNAP 1623.2](#) for instructions on calculating a budget when there is a disqualified member. If all members are disqualified or if after sanctions are applied, the household's income exceeds the maximum allowed for the eligible household members, the case will close.

3411 Good Cause

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It is not possible to enumerate each individual situation that should or should not be considered good cause for a work registration violation. For this reason, the county office worker should consider all facts and circumstances including information provided by both the household and the employer when determining good cause.

All facts and circumstances, including information submitted by the registrant involved and the employer, will be considered in determining good cause. Good cause includes circumstances beyond the household member's control. Examples of good cause include, but are not limited to a household emergency, the unavailability of transportation, lack of adequate child care for children between the ages of six and twelve, or unsuitable employment.

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3411 Good Cause

Under no circumstances will a work registrant be required to accept or be penalized for failure to accept or continue employment that is determined unsuitable. The case record must contain documentation of the reason the employment was determined unsuitable.

Employment will be considered unsuitable if:

1. The wages are less than the highest of:
 - The applicable Federal minimum wage ; or
 - The applicable State minimum wage ; or
 - 80% of the Federal minimum wage if neither the Federal nor State minimum wage is applicable.
2. The employment offered is on a piece-rate basis and the hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.
3. The registrant, either to be hired or to continue employment, is required to join, resign from, or refrain from joining any legitimate labor organization. This applies to situations where the prospective employer specifically prohibits membership, and also to situations where the registrant will not be able to retain his union membership if a nonunion job is accepted. A union member can be required to accept full-time, nonunion employment if he or she will not be dropped from the union rolls as a result or if he or she voluntarily drops his or her union membership.
4. The employment offer is located at a site subject to a strike or a lockout at the time of the offer. This does not apply when the strike has been enjoined under S208 of the Labor Management Relations Act (29 U.S.C. 78, commonly known as the Taft Hartly Act), or when an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).

Any other employment offered to a particular registrant will be considered suitable unless a registrant can demonstrate or the local office otherwise becomes aware that:

- The degree of risk to health and safety is unreasonable;
- The registrant is physically or mentally unfit (as established by documentary medical evidence or other documented and reliable information) to perform the employment;
- Employment offered within the first 30 days of registration is not in the registrant's major field of employment;
- The working hours or nature of employment interferes with the member's religious observances, convictions, or beliefs - e.g. a Sabbatarian could refuse to work on the Sabbath; or

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3412 Applying Sanctions

- The distance between the registrant's residence and the place of employment is unreasonable considering the expected wage and the time and cost of commuting. In any case, employment will not be considered suitable if daily commuting time exceeds two hours per day not including the transportation of a child to and from a child care facility. Employment is also considered unsuitable if the distance from the registrant's residence is not within reasonable walking distance and neither public nor private transportation is available.

When evaluating a voluntary quit, good cause may also be:

1. Acceptance of any bona fide offer of employment that subsequently fails to materialize.
2. Resignation of a household member when another household member accepts an offer of employment resulting in a need for the household to relocate.
3. Enrollment at least halftime in any recognized school, training program, or institution of higher education.
4. Any resignation recognized by the employer as retirement.
5. Discrimination by the employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs.
6. Work demands or conditions that render continued employment unreasonable such as, but not limited to, working without being paid on schedule.
7. Employment that becomes unsuitable, as defined above, after the acceptance of such employment.
8. Leaving a job in connection with a pattern of employment where a worker frequently moves from one employer to another – e.g., migrant farm labor or construction work.

There will be situations not specifically mentioned where the worker feels that there was good cause for a voluntary quit. In such situations the county office will seek a policy interpretation through the normal chain of command. All such situations will be documented in the case record.

3412 Applying Sanctions

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When an eligible household member fails to comply with a work registration requirement while the household was participating in the Supplemental Nutrition Assistance Program, the county office worker will complete the following steps.

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3413 Applying Sanctions at Voluntary Quit or Reduction of Work Hours

Step 1: Determine if the household member is still subject to the work registration requirements. Use [SNAP 3200 - 3300](#). If no, document this fact in the case record. Document any verification obtained if verification of the exemption is necessary. Take no additional action. No sanction will be applied. If yes, go to Step 2.

Step 2: Determine if the member had good cause for failure to comply. If yes, document the good cause in the case record. Take no additional action. No sanction will be applied. If yes, disqualify the member. See [SNAP 1623.2](#).

3413 Applying Sanctions at Voluntary Quit or Reduction of Work Hours

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Whenever a loss of earned income is reported at initial application, reapplication, reported change, or on a semi-annual report the worker must determine if sanctions are to be applied. Sanctions may be applicable when a household member voluntarily quits a job within 30 days of the date of application or at any time while the individual is participating in the program.



NOTE: A federal, state or local government employee dismissed from a job as the result of a strike is considered to have voluntarily quit the job without good cause.) Sanctions may be applicable when a household member voluntarily reduces his or her work effort to less than 30 hours per week.

If an individual quits employment of 30 hours or more per week secures new employment expected to be 30 hours or more per week and is then laid off or terminated from the new job, the earlier quit will not be used as the basis of a disqualification. This statement is true for both applicant households and participating households.

Sanctions are also applicable when a voluntary quit or voluntary reduction in work hours occurs but is not reported in a timely fashion. This includes, but is not limited to the following instances:

- A voluntary quit or reduction in work hours occurs 30 days or less before the date of application, is not reported at application and is discovered after application approval.
- A voluntary quit or reduction in work hours occurs after the date of the application interview and is reported after the approval notice is issued.
- A voluntary quit or reduction in work hours occurs while the household is participating but is not reported in a timely fashion.

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3414 Applying Sanctions for Failure to Comply with DWS

The following steps must be completed to determine if a voluntary quit has occurred and a sanction should be applied.

- Step 1:** Determine if the employment involved 30 hours or more per week or provided weekly earnings equivalent to the Federal minimum wage multiplied by 30 hours. If yes, go to step 2. If no, the household will not be sanctioned.
- Step 2:** Determine if the member who quit is between the ages of 16 and 60. If this member is less than age 16 or age 60 or older, a sanction will not be applied. If this member is between the ages of 16 and 59, go to step 3.
- Step 3:** Determine if the member who quit or reduced work hours is subject to the work registration requirements. Use [SNAP 3200](#) - [3290](#). If this member was exempt from the requirements at the time the quit occurred (excluding the exemption for employment) or is presently exempt, no sanction will be applied. If the member who quit is subject to work registration, go to step 4.
- Step 4:** Determine if the quit or reduction in hours was for good cause. Use [SNAP 3411](#). If yes, the member will not be sanctioned. If no, the member will be sanctioned. See [SNAP 3420](#) for the applicable sanction.

The period of disqualification will apply only to the individual or individuals who failed or refused to comply. Only if all individuals are disqualified will the worker close the household's SNAP case. To disqualify an individual household member, the worker must recalculate the household's budget as instructed in [SNAP 1623.2](#).

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NOTE: This policy will not apply in situations where DWS benefits are denied or suspended because a household member's employment was terminated by the employer. This policy will apply when a household member has failed or refused to meet a DWS requirement such as, but not limited to, failure to complete the mandatory job search.

When a worker becomes aware that entitlement to unemployment checks has been denied or terminated or that TEA cash assistance has been reduced or terminated, the following steps will be taken:

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3420 When to Impose a Sanction

Step 1: Determine if the member was exempt solely due to receipt of unemployment benefits or TEA cash assistance. If the member is otherwise exempt from the work registration requirements, no action will be taken. (For example, a member responsible for the care of a dependent child age 4 fails to comply with a TEA work requirement. Since the member is exempt under the dependent care provisions, no sanction will be applied to the SNAP household.) If not, go to step 2.

Step 2: If the member was exempt solely due to receipt of unemployment benefits or TEA cash assistance, determine if the registrant had good cause for failure to comply. (See [SNAP 3411](#) for an explanation of good cause.) If the member had good cause for failure to comply, no action will be taken. If not, go to Step 3.

Step 3: If the member did not have good cause, disqualify the member. See [SNAP 1623.2](#).

3420 When to Impose a Sanction

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At application, the sanction will be imposed effective with the month of application regardless of whether the application is approved. For a participating household, a notice of adverse action must be issued to the household prior to the imposition of a sanction. See [SNAP 3430](#). Unless the household is in the last month of certification and has not been recertified, the sanction will be imposed beginning the month following the month in which the notice of adverse action expired.

EXAMPLE: A household is certified for July through December. On August 16, the county office worker becomes aware of a voluntary quit. On August 23, the worker issues a ten-day advance notice of adverse action expiring on September 2. The disqualification period will be October, November and December.

If a household is subject to semi-annual reporting (SR), and is in the sixth month of the certification period, the sanction will be imposed beginning the following month if possible. If the semi-annual report has been received but not processed when the worker learns of the noncompliance, the semi-annual report will not be processed until the ten-day period has lapsed. If the semi-annual report has already been processed, an advance notice of adverse action must be issued. The sanction will be imposed beginning the month following the month in which the notice of adverse action expired.

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3430 Notices

If the household is in the last month of certification and an application for recertification has not been approved, the sanction will be imposed for the first month of the certification period. This is true even when the household has not submitted an application for recertification.

EXAMPLE: A household is certified for July and August. On August 28, the worker becomes aware of a voluntary quit. On August 31, the worker approves the household's application for recertification but disqualifies the noncompliant member for the months of September, October and November. A manually issued *Notice of Action* (DCO-1) is used so the household may be advised of the disqualification.

3430 Notices

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Within 10 days of establishing that any participating household member who failed or refused to comply with a work registration requirement without good cause, a notice must be issued to the household.

Unless the household is in the last month of certification, the notice must be sent at least ten days before the effective date of the imposition of the sanction. If the household is in the last month of certification, the timing of the notice will depend on the case's status.

If the household has submitted an application for re-certification that has already been approved, a ten-day advance notice of adverse action must be sent. If the household has submitted an application for re-certification that has not yet been approved, the sanction will be imposed before action is taken on the application and a *Notice of Action* DCO-1 manually issued to explain the effects of the sanction. Even if no application has been submitted, a DCO-1 must be issued to the household to explain the sanction period and the effects of the sanction.

If the household is composed entirely of noncompliant members, the notice will specify:

1. That the entire household is being disqualified;
2. Why the household is being disqualified;
3. When the disqualification will be imposed;
4. The months to be included in the period of disqualification; and
5. Any action which the household may take to avoid or to end the disqualification. (See [SNAP 3441](#).)

If only the individual who failed to comply is to be disqualified, the notice will specify:

1. That only one member is being disqualified;

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3400 Compliance with Work Registration

3440 Avoiding or Ending a Disqualification through Compliance

2. Why this member is being disqualified;
3. How this disqualification will affect the household's SNAP benefit amount (See [SNAP 1623.2](#));
4. When this disqualification will be imposed;
5. The months to be included in the period of disqualification; and
6. Any actions which the member may take to avoid or to end the disqualification.

3440 Avoiding or Ending a Disqualification through Compliance

SNAP Manual 11/01/02

A disqualification due to failure to comply with a work registration requirement may be avoided or ended if the individual becomes exempt from work registration or complies with the requirement. A list of actions that cause disqualification is shown below. Also shown is the action which the individual may take to avoid or to end the disqualification.

NON-COMPLIANCE	TO END DISQUALIFICATION
Failure or refusal to respond to a request from a county office worker for supplemental information regarding employment status or availability for work.	Provides needed information.
Failure or refusal to accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable state or federal minimum wage.	Acceptance of any other employment which yields earnings per week equivalent to the refused job, or securing any other job of at least 30 hours per week or less than 30 hours with earnings equivalent to the federal minimum wage multiplied by 30 hours.
Voluntary quit	Becomes exempt from the work registration requirements Secures new employment of at least 30 hours per week or with earnings at least equivalent to the federal minimum wage multiplied by 30 hours.
Voluntarily reducing one's work effort to less than 30 hours per week.	Resumes working at least 30 hours per week at any job.

3441 Ending a Disqualification When Household Composition Changes

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See [SNAP 3520](#) for an explanation of the sanctions imposed for a work registration violation.

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3400 Compliance with Work Registration

3442 Reestablishing Eligibility

If a sanctioned member leaves a household, the member's income and/or resources will be dropped from the original household's SNAP budget. However, the sanction does not end. The member who refused or failed to comply continues to be disqualified. If he or she joins another household, he or she will remain disqualified for any months remaining in the original disqualification period. See [SNAP 1622.2](#) for instructions on handling the income and resources of ineligible household members.

3442 Reestablishing Eligibility

SNAP Manual 1/01/99

After the disqualification has ended, eligibility may be re-established. A disqualified household member may be re-added to the household's case effective for the month following the last month of the disqualification period if currently eligible.

At the beginning of the last month of the disqualification period, the worker will issue a DCO-1 to the household. The household will be advised to contact the worker to clarify the disqualified member's current status and/or to be work registered before the member can be re-added. If the requested information is not provided by the last day of the last month of the disqualification period, the member will not be re-added. The worker will shorten the household's certification period as instructed in [SNAP 11320](#).

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3500 The SNAP Requirement to Work (RTW)

3442 Reestablishing Eligibility

3500 The SNAP Requirement to Work (RTW)

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Unless exempt, Able Bodied Adults without Dependents or able bodied adults, are ineligible to receive SNAP benefits if, during a designated 3 year period, they received SNAP benefits for at least three months (consecutive or otherwise) while they did not:

- Work at least 20 hours per week (or an average of 80 hours a month); or
- Participate in and comply with a Workforce Investment Opportunities Act (WIOA) Program (see Note 1 below); or
- Participate in a SNAP Employment and Training (E&T) Program 20 hours per week (or an average of 80 hours a month unless the individual is assigned to Work Experience (see Note 2 below); or
- Participate in and comply with a Workfare Program (see Note 2 below); or
- Participate at least half-time (as defined by the program) in a recognized refugee training program approved, funded, or operated by the Office of Refugee Resettlement (ORR) under section 236 of the Trade Adjustment Act of 1974.



NOTE 1: WIOA is a qualifying component for an Able Bodied Adult, therefore if the individual is participating in any WIOA component, he or she is considered to meet the RTW.



NOTE 2: For E&T Work Experience and Workfare Programs, the household's obligation of work hours required to meet the RTW will be calculated by dividing the household's authorized monthly SNAP benefits amount (before recoupment) by the current state or federal minimum wage, whichever is greater. Fractions are rounded down.

EXAMPLE: The household receives \$194 monthly SNAP benefits $194 \div \$8$ (2016 State Minimum Wage) = 24.25

The individual needs 24 hours **per month** to meet the RTW rather than 80.

An individual who is self-employed and actually works at this enterprise for an average of 80 hours per month or more, meets the RTW. There is no requirement that the self-employment enterprise show a profit. The decision about whether an individual is self-employed will be made on a case by case basis. See [SNAP 5516](#) for general explanation of what a self-employment enterprise is. When an individual declares that he or she is self-employed but maintains no records of his or her income and expense, the county office worker may ask for some type of collateral verification. For example, if an individual claims to be self-employed collecting and

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3500 The SNAP Requirement to Work (RTW)

3501 Waivers

selling cans, the household may be asked to furnish a collateral contact from the company or person who buys the cans.

Working as a volunteer will not satisfy the RTW unless it is through an approved Workfare component. Working without compensation will not satisfy the RTW. An individual who is employed by a company or another individual must be compensated although there is no minimum wage amount the individual must earn. An individual who receives in-kind benefits for work is considered to be compensated.

EXAMPLE: An individual works 20 hours each week in a coin laundry. In return, the individual is allowed to live in an apartment above the laundry free of charge. This person meets the RTW.

Anyone who is currently employed by a company or an individual and who annually works at least 80 hours per month has complied with the RTW. This includes people whose work is seasonal, those who cannot work due to extended periods of bad weather and school employees who do not work in the summer or other periods of school vacation.

3501 Waivers

SNAP Manual 01/01/17

The state of Arkansas is currently not under a waiver and RTW applies as of January 1, 2016. The Department of Agriculture, Food and Nutrition Service, may grant permission for the states to waive the SNAP (RTW) in certain areas where the current unemployment rate is higher than 10 percent.

3502 Exemptions

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3502.1 Exemptions from RTW

The following individuals are exempt from the RTW.

1. Anyone age 17 or younger.
2. Anyone age 50 or older.
3. Anyone medically certified as physically or mentally unfit for employment. This includes any individual who:
 - Meets the definition of an individual aged 60 or older and/or individual living with a disability as provided in the Glossary definition of Individual [aged 60 or older and/or](#) living with disability; or

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3500 The SNAP Requirement to Work (RTW)

3501 Waivers



NOTE: Homeless individuals may be considered to be mentally incapacitated for work if they meet the definition of homeless as outlined in the Glossary at Appendix B.

- Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - Was found to be individuals with disabilities through a decision of the Medical Review Team (MRT); or
 - Provides a statement from a physician, licensed psychologist or other licensed healthcare provider indicating the cause of the disability and anticipated duration of the disability. A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than four months.
4. If there is a dependent child under 18 residing in the SNAP household with the able bodied adult then all adults are exempt. Parental control has nothing to do with this exemption. Just the fact that there is a minor in the SNAP household exempts all adults in RTW (Requirement to Work).
 5. Is pregnant. This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
 6. Anyone who is otherwise exempt as outlined at SNAP 3200.

The Work Registration and Requirement to Work (RTW) Exemption Checklist Tool should be utilized to make exemption determinations. This is located in the on-line SNAP policy in the SNAP Toolkit.

3502.2 15% Exemptions

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FNS provides for each state agency to be allotted exemptions equal to 14% of the State's caseload that is ineligible for program benefits because of the able bodied adult RTW time limit. These exemptions allow State agency to extend SNAP eligibility to able bodied adults who would otherwise be ineligible because of the 3 in 3 year time limit. Each 15 percent exemption extends eligibility to 1 able bodied adult for 1 month.

States do not earn exemptions in areas that are covered by the time limit waivers. FNS considers a State's time limit waiver status as of approximately July 1 of each year when allotting annual exemptions.

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3500 The SNAP Requirement to Work (RTW)

3502.3 Assignment of 15 Percent Personal Exemptions

DHS is required to track the number of personal exemptions used since these exemptions must be reported quarterly from the Division of County Operations via the FNS-583 form. Exemptions do not expire and State agencies can carry over unused exemptions from year to year. The FNS national office provides data annually on the number of exemptions each State has used and the new exemptions earned by each state agency during the year.

The decision to exempt an individual from the RTW must be documented in the case record. Personal RTW exemptions must be tracked for submission of quarterly reports for FNS. The report must include the total number of exemptions granted, the name, and SSN of the individual granted the exemption.

3502.3 Assignment of 15 Percent Personal Exemptions

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In order to allow certain individuals an opportunity to establish or to re-establish themselves into the community, 15% Personal Exemptions may be assigned to the following groups.

- Individuals who are currently in Foster Care
- Individuals who are exiting Prison and/or Half-Way Houses
- Individuals who are exiting Drug and/or Alcohol Rehabilitation Centers
- Individuals who are in Battered Women's Shelters

Individuals who are currently in Foster Care or Battered Women's Shelters may be exempt from the RTW until they exit Foster Care or the Battered Women's Shelter.

Individuals who are exiting Prison and/or Halfway Households and Drug/Alcohol Rehabilitation Treatment Centers may be granted a 15% Personal Exemption from the RTW for 3 months.

3503 Able Bodied Adult Work Requirements and SNAP Work Requirement

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SNAP participants who are specifically exempted by law are subject to work requirements as a condition of eligibility. Able bodied adults are a subset of this population and must meet additional requirements in order to continue receiving SNAP benefits beyond the 3-month time limit. Able bodied adults must meet all the general SNAP work requirements (like registering for work and not voluntarily quitting a job) as well as the additional requirements for able bodied adults. The table below compares general SNAP work requirements to the additional responsibilities placed only on able bodied adult participants.

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3500 The SNAP Requirement to Work (RTW)

3502.3 Assignment of 15 Percent Personal Exemptions

	General SNAP Work Requirements	Additional Able Bodied Adult Work Requirements
The Work Registration requirement or the RTW does not apply to SNAP participants who are:	<ul style="list-style-type: none"> Under the age of 16 or over the age of 60; Physically or mentally disabled; Complying with the work requirements of another program; Responsible for a child under the age of six; Already working more than 30 hours per week; Participating in a drug or alcohol rehab program; Students enrolled at least half time 	<ul style="list-style-type: none"> Exempt from general SNAP work requirements; Age 17 or younger or age 50 or over; Living in a household with a child age 17 or younger; Physically or mentally incapacitated for employment; Pregnant
Activities that meet the requirements are:	<ul style="list-style-type: none"> Register for work; Participate in an SNAP E & T program to the extent required (up to 120 hours); Participate in workfare if assigned; Accept suitable employment if offered; and Do not voluntarily quit a job of 30 or more hours a week or reduce work effort to less than 30 hours per week 	<ul style="list-style-type: none"> Working an average of 20 hrs/week (or an average of 80 hours per month); Participating in a work program for 20 hrs/week (or an average of 80 hours per month); Combination of working and participating in a work program for 20 hrs/week (or an average of 80 hours per month); or Participating in a workfare program
The penalty for failure to comply with the requirements is:	Ineligible for SNAP benefits anywhere from one month to indefinitely depending on the number of occurrences (see SNAP 3410)	Ineligible for SNAP for the remainder of a 36-month period after exhausting the 3-months of time limited eligibility. Unless an exemption or work requirement is met.

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3500 The SNAP Requirement to Work (RTW)

3504 Establishing the RTW 3 Year Compliance Period

3504 Establishing the RTW 3 Year Compliance Period

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The 3 year RTW compliance period must be established for each SNAP recipient unless the individual is exempt (see SNAP 3502). Once established, the 3 year RTW compliance period runs continuously regardless of whether the individual participates in the Supplemental Nutrition Assistance Program.

3505 3 Year Compliance Period

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The state has elected to use a fixed time period of 3 years. The 3-year period will start on January 1, 2016 and runs continuously for 3 years even if there are breaks in the individual's SNAP participation. At the end of the 3-year period, the count is reset and a new compliance period will begin.

EXAMPLE 1: An individual applies for SNAP on January 4, 2016. His 3-year compliance period began on January 1, 2016 and runs continuously through December 31, 2018 (3 years). A new 3-year compliance period will begin on January 1, 2019.

EXAMPLE 2: An individual applies for SNAP on May 18, 2018. Her 3-year compliance period began on January 1, 2016 and runs continuously through December 31, 2018 (3 years). A new 3-year compliance period will begin on January 1, 2019.

3506 Countable Months

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A countable month is any month in which an able bodied adult receives a full month of SNAP benefits. Any months that a household received partial month's benefits including prorated and retroactive benefits, unless the retroactive months are not prorated, are not included in the 3 month requirement. State Agencies must track countable months over the 3 year period even if there are breaks in an able bodied adult's participation.

EXAMPLE: John applies for SNAP on January 2, 2016. He received SNAP benefits for January. Since January was a partial month, it will not be counted as a participating month for RTW purposes. The 3 month count for John begins February 2016 and ends April 2016.

Beginning May 2016, John is no longer eligible for SNAP benefits since he has received 3 full months of benefits without meeting an exemption. He will

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3500 The SNAP Requirement to Work (RTW)

3506 Countable Months

remain ineligible until December 31, 2018 unless he later meets an exemption or can reestablish eligibility by meeting the RTW.

The following Chart provides explanation of John's RTW Status:

[illegible]

W = Working at least 20 hours; **ET** = Participating in qualifying work activity; **B1, B2, B3** = Bonus months; **M1, M2, M3** = Countable month; **N** = Not participating in SNAP; **I** = Ineligible for SNAP because able bodied adult is not meeting work requirements and has used countable months. **P**=Partial month of benefits. **EX** = Exemptions.

EXAMPLE:

It's now July 2017 and John reapplies for SNAP benefits. We discover that he has a temporary disability due to a surgery he had earlier this month. His doctor provided a statement that he will be able to return to work on October 1, 2017.

Since John now meets an exemption due to a disability, he will be able to receive SNAP benefits for July-August-September-October 2017 (he will become ineligible the month after it has been established that the disability has ended). John will not be eligible for SNAP benefits again until January 2019 because he has already exhausted his 3 months out of 36 months based on the date established back in January 2016. He could only be eligible before January 2019 if he meets another RTW exemption or complies with the RTW.

[illegible]

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3500 The SNAP Requirement to Work (RTW)

3506 Countable Months

W = Working at least 20 hours; **ET** = Participating in qualifying work activity; **B1, B2, B3** = Bonus months; **M1, M2, M3** = Countable month; **N** = Not participating in SNAP; **I** = Ineligible for SNAP because able bodied adult is not meeting work requirements and has used countable months. **P**=Partial month of benefits. **EX** = Exemptions.

For individuals who have been living in another state, the RTW compliance period will be the same as if they were residing in the State of Arkansas. Their participation in SNAP in the state in which they resided will have to be verified before the individual is certified to receive SNAP benefits in Arkansas. This applies regardless of whether the individual received or did not receive SNAP benefits. It also applies to individuals who previously lived in Arkansas and had a 3 year period established during the previous Arkansas residency.

EXAMPLE 1: Sally lived in Hawaii until June 13, 2016 then she moved to Arkansas and applied for SNAP. She received SNAP benefits in Hawaii for the months of January, February and March 2016 and was subject to the RTW in Hawaii and met no exemptions. Since Sally already received 3 months of benefits from another state while not meeting an exemption, she is not eligible for SNAP in Arkansas until she meets an RTW exemption, complies with RTW, or a new 3-year compliance period begins.

EXAMPLE 2: Bob lived in Arkansas January through June 2016 and received SNAP benefits. He was subject to the RTW and had a 3-year compliance period established beginning January 1, 2016. He received 3 countable months for January through March 2016. Bob moved out of the state and returned in July 2017. He applied for SNAP benefits and does not meet the RTW or any exemption. Since Bob has already received 3 months in the 3-year compliance period, he will not be eligible until he does meet the requirement or an exemption or the compliance period ends.

For individuals added to existing SNAP cases, the caseworker will have to check for any previously countable months within the current 3-year compliance period before the individual may be added to the existing SNAP case. If an individual moves from one household to another, any countable months within the current compliance period will move with the individual.

The Chart below describes when to begin considering the 3 countable months when an exemption changes or when an individual is added to an existing SNAP case.

Situation	RTW Compliance Period
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3500 The SNAP Requirement to Work (RTW)

3530 Disqualifying Individuals Who Fail to Comply

Situation	RTW Compliance Period
Individual turns 18.	The month after the 18th birthday.
Individual's dependent turns 18 or all dependent children leave the home.	The month after the child turns 18 or leaves the home.
Individual no longer disabled.	The month after it has been established that the disability has ended.
Woman no longer pregnant but there is not a dependent child in the home.	The month after the woman becomes able to work.

3520 Establishing Good Cause

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If an able bodied adult's circumstances change that potentially causes them to lose their eligibility, good cause must be determined. The eligibility worker should consider all facts and circumstances including information provided by both the household and or the employer when determining good cause.

- If the individual would have worked 20hrs/week (or an average of 80 hours per month) but missed work for good cause, the individual shall be considered to have met the work requirement if the absence from work is temporary and they intend to return to work.
- Good cause includes circumstances beyond the household member's control, such as, but not limited to illness, household member illness requiring the presence of the member and or household emergency or the unavailability of transportation. The individual is considered to have met the work requirement if the circumstance is temporary and they intend to return to work, including lack of transportation.

Good cause will be determined on a case-by-case basis.

3530 Disqualifying Individuals Who Fail to Comply

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At application, at recertification, or when processing a semi-annual report or reported change, the eligibility worker must evaluate the Requirement to Work (RTW) status of all nonexempt household members. See SNAP 3502 for an explanation of RTW exemptions. Any nonexempt member who has participated in the Supplemental Nutrition Assistance Program for three month, consecutive or not, since the beginning of the 3-year RTW compliance period without meeting the RTW will be ineligible to participate in the Supplemental Nutrition Assistance Program.

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3500 The SNAP Requirement to Work (RTW)

3521 Evaluating Whether to Impose a Penalty

If the individual who is disqualified due to failure to comply with the Requirement to Work (RTW) is the only household member, the SNAP case will be closed. If other household members remain eligible, the instruction in SNAP 1623.2, items 1-3, will be used to determine the household's monthly SNAP benefits amount. The disqualification will continue until the end of the designated 3-year period or until the member regains eligibility. See SNAP 3520-3530.

3521 Evaluating Whether to Impose a Penalty

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The following checklist may be used to evaluate whether a penalty must be imposed against an individual for failure to comply with the Requirement to Work (RTW).

Step 1: Identify RTW/Able Bodied Adult Individuals:

Use the checklist below to help determine RTW/Able Bodied Adult Status for each household member between and including the ages of 18-49 (members 17 or younger or 50 or older are not subject to RTW or the time limit or any penalty:

If a "YES" is answered to any of the questions below, that individual is exempt from the RTW and no penalty should be imposed.

- ☐ Is this individual exempt from normal Work Registration Requirements? (See SNAP 3200)
- ☐ Is there a child in the SNAP household age 17 or under?
- ☐ Is this individual mentally or physically unable to work? (If so, ask for a statement from a healthcare provider.)
- ☐ Is this individual pregnant?

The individual is also exempt if he/she is already meeting one of the work requirements below.

If the answer to any of the questions below is "YES," the individual meets the RTW and no penalty should be imposed.

- ☐ Is this individual already working at least 80 hours per month?
- ☐ Is this individual participating in a work program for at least 80 hours per month?
- ☐ Is this individual doing a combination of work and a work program at least 20 hours per week (or an average of 80 hours/month)?

If none of the above are checked and he or she has already received the 3 countable months. Go to Step 2:

Step 2: Impose the penalty and notify the household.

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3500 The SNAP Requirement to Work (RTW)

3522 Notices

3522 Notices

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If any member is disqualified for failure to comply with the RTW, the household will be notified via a DCO-1 Notice of Action and the notice will include:

- Why the member has been disqualified;
- How the member may comply with the RTW;
- That the household must advise the county if this member complies with the RTW;
- Who is exempt from the RTW; and
- That the household must advise the county if this member becomes exempt from the RTW.

If any member is disqualified presumptively, the household will also be notified via DCO-1 Notice of Action and the notice will include:

- When the disqualification will be imposed; and
- That the disqualification may be avoided if the household member complies with the RTW or becomes exempt from the RTW before the specified date.

3530 Regaining Eligibility

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Individuals who have used their 3 countable months may regain eligibility at any time by:

- Meeting the RTW for 30 days or it is anticipated they will meet the RTW within 30 days,
- Meeting an exemption from the RTW, or
- The 3 year period ends.

SNAP eligibility may be regained for an additional three countable Bonus months (months must be consecutive) if during a 30-day period the individual has 80 hours of work within a 30 day period.

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3500 The SNAP Requirement to Work (RTW)

3530 Regaining Eligibility

3530.1 Meeting an Exemption

Individuals who have used their 3 countable months may regain eligibility at any time by meeting an exemption from the RTW. See SNAP 3200 for a list of individuals who are exempt from RTW.

3530.2 Three Consecutive Bonus months

Individuals who have already received 3 countable months may regain eligibility if during any 30 consecutive day period he or she worked 80 hours or more.

If the individual has worked 80 hours or more during any 30 day consecutive period then he or she is eligible for an additional 3 consecutive bonus months regardless of whether he or she is currently fulfilling the RTW.

The individual is only eligible to receive the 3 consecutive bonus months once during any 3-year period.

Example: Bill applied for SNAP on October 10, 2016 and is determined expedited. October is not a countable month since he only received a partial benefit amount.

On 11/3/2016 Bill is recertified however, he reports he is now working 20 hours/week making minimum wage/hr. Since he meets RTW then he will be eligible to participate in SNAP.

In February 2017, Bill's case closes because he failed to complete his recertification. He reapplies for SNAP on July 2, 2017 and reports that he is no longer working and meets no other exemption. Bill receives a partial month of benefits in July and full benefits for August-September-October. He has received his 3 countable months as of October 2017. However, he's eligible for 3 consecutive bonus months of November, December and January because he had 80 hours of work for 30 consecutive days within the compliance period. His case will close effective February 2018 and he will be ineligible until January 2019 unless he complies with the RTW or meets an exemption.

The following Chart provides explanation of Bill's RTW Status:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	N	N	N	N	N	N	N	N	N	P	W	W

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3500 The SNAP Requirement to Work (RTW)

3530 Regaining Eligibility

2017	W	W	N	N	N	N	P	M1	M2	M3	B	B
2018	B	I	I	I	I	I	I	I	I	I	I	I

W = Working at least 20 hours; ET = Participating in qualifying work activity; B1, B2, B3 = Bonus months; M1, M2, M3 = Countable month; N = Not participating in SNAP; I = Ineligible for SNAP because able bodied adult is not meeting work requirements and has used countable months. P=Partial month of benefits. EX = Exemption; B=3 Consecutive Months Bonus

3530.3 Qualifying Work Activity

The household must notify the county office when a disqualified individual goes to work or otherwise meets RTW. The household is the primary source of information about any member meeting RTW. The worker must determine compliance within 10 days from the date of the reported change. If the individual has complied with the RTW or has met an exemption, then the individual will be added back to the case.

If during a 30-day period the individual has:

- Worked at least 80 hours per month; or
- Participated in and complied with a Workforce Investment Opportunity Act (WIOA) Program 80 hours per month; or
- Participated in a SNAP Employment and Training (E&T) Program.
- Participated in and complied with a Workfare Program; or
- Participated and complied with a program under section 236 of the Trade Adjustment Act of 1974 at least half-time (as defined by the program) in a recognized refugee training program approved, funded, or operated by the Office of Refugee Resettlement.

NOTE: If an individual is participating in a Workforce Investment Opportunity Act Program (WIOA), then he/she is considered to be meeting the RTW regardless of the number of hours he/she is completing.

Example: Judy applied January 3, 2016 and received SNAP for January. She participated in a qualifying RTW activity for February, March and April and reported she went to work in May and worked thru August 16. She did not participate September thru December 16. She reapplied on January 15, 2017 and received a partial month of benefits for January. January did not count as one of her 3 months. She received February, March and April which counted as her M1, M2 & M3. We verify that she had 80 hours of work within 30 days back in May through August 2016

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3500 The SNAP Requirement to Work (RTW)

3530 Regaining Eligibility

so she is eligible for 3 consecutive Bonus Months for May-July 2017. She is ineligible effective September 2017 until January 1, 2019 unless she meets an exemption or she participates in RTW.

The following chart provides explanation of Judy's RTW status.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Year 1	P	WIOA	WIOA	WIOA	W	W	W	W	N	N	N	N
Year 2	P	M1	M2	M3	B1	B2	B3	I	I	I	WIOA	WIOA
Year 3	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA	WIOA

W = Working at least 20 hours; **ET** = Participating in qualifying work activity; **M1, M2, M3** = Countable month; **B1, B2, B3** = Bonus months; **N** = Not participating in SNAP; **I** = Ineligible for SNAP because able bodied adult is not meeting work requirements and has used countable months; **P**=Partial month of benefits. **EX** = Exemptions. **WIOA**=Workforce Innovation and Opportunity Act

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3600 SNAP E&T Programs

3530 Regaining Eligibility

3600 SNAP E&T Programs

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The Food and Nutrition Act of 2008 requires all states to operate an Employment and Training (E&T) Program to assist eligible recipients in obtaining skills necessary in order to gain employment. In Arkansas, SNAP recipients who are subject to the requirement may participate in a SNAP Employment and Training (E&T) Program operated by the Arkansas Department of Workforce Education. Participation in the SNAP E&T Program is voluntary. No individual will be penalized for failure or refusal to participate in the SNAP E&T Program.

Clients who are referred to the E&T Program may participate in one or more of the following components:

Independent Job Search – Participants make a pre-determined number of inquiries to prospective employers over a specified period.

Job Search Training – Participants undergo a job skills assessment. Resume development, interview coaching and job leads may be provided. Skills testing may be conducted. Participants may be provided employment counseling, motivational techniques, and effective job search method and instructions in a group setting. Participants may be assigned an employment counselor or case manager who works with the participant on a one-to-one basis.



NOTE: Placement in Independent Job Search and Job Search Training are not qualifying components on their own and must not be combined to meet total hours needed to meet the E&T requirement. Each can only account for less than half the total hours needed to meet the requirement for able bodied adults.



Education – Participants may be enrolled in education programs or activities designed to help the participant improve basic skills including reading and math, acquire a high school diploma or GED, learn the English language, or gain occupational skills including but not limited to work keys and self-guided computer-assisted learning programs. Participants may also be enrolled in programs such as, but not limited to, certified nursing assistant training or post-secondary vocational training.



NOTE: Placement in a post-secondary component is limited to 24 months.

Work Experience– Participants participate in unpaid or subsidized work experience or on-the-job training to prepare them for unsubsidized employment.

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3600 SNAP E&T Programs

3610 Registration

On the Job Training—Participants receive training that provides knowledge or skills pertaining to a specific job. Under OJT, participants can be hired by a private or public employer and will be paid at the same rate as other employees performing the same or similar jobs.

Job Retention—Participants who find employment, which makes them ineligible for the E&T program, will be placed in the Job Retention Component for a period of ninety days commencing when employment is verified and be eligible for the services outlined in SNAP 3632.

3610 Registration

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Work registration of SNAP recipients is completed at initial certification and at each recertification when the SNAP application form is signed. Registration must also occur at the time of a reported change, semi-annual report, or recertification when a member of an active case loses an exemption. Household members subject to the work registration requirement will be notified via a *Notification of Work Registration* (DCO-260).

3620 E&T Program Referral

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All SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the E&T Program. This includes all able-bodied adults without dependents who are not employed at least 80 hours per month.

Specifically, able-bodied adults age 18 through age 49 will be referred to the E&T Program if none of the following four conditions are met:

1. The able-bodied adult resides in the same SNAP household with a minor age 17 or younger; or
2. The able-bodied adult is a pregnant woman; or
3. The able-bodied adult is working 20hrs/week (or an average of 80 hours per month); or
4. The able-bodied adult is otherwise exempt from the work registration requirements of [SNAP 3100](#).

An able-bodied adult may be otherwise exempt if he or she cares for an incapacitated person of any age, receives unemployment benefits, participates in a drug addiction or alcoholism treatment and rehabilitation program, or attends a high school or an institution of post-secondary education on at least a half-time basis.

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3600 SNAP E&T Programs

3620 E&T Program Referral

See [SNAP 3500](#), item 3 for a definition of an individual with disabilities as applicable to the RTW.

Volunteers: Any other household member who is subject to the Supplemental Nutrition Assistance Program work registration requirements of [SNAP 3100](#) may be referred to the E&T Program as a volunteer unless he or she receives TEA or Unemployment Insurance.

EXAMPLE 1: A mother or a father of minor children may volunteer to participate in the E&T Program. An E&T volunteer will be offered assistance with finding a job or may be able to secure education or job skills training. The eligibility worker will offer to refer all work-registered SNAP participants who are not subject to the RTW. There will be no penalty imposed if this individual refuses the referral or fails to participate in the E&T Program.

EXAMPLE 2: A 35 year old woman has a 1 year old child. She is exempt from the RTW and from work registration but she will be asked if she wishes to volunteer for E&T. If so, then she will be allowed to volunteer. An E&T volunteer will be offered assistance with finding a job or may be able to secure education or job skills training. The eligibility worker will offer to refer all work-registered SNAP participants who are not subject to the RTW. There will be no penalty imposed if this individual refuses the referral or fails to participate in the E&T Program.

EXAMPLE 2: A 52 year old man who is exempt from the RTW wishes to volunteer for E&T. He will be allowed to volunteer. An E&T volunteer will be offered assistance with finding a job or may be able to secure education or job skills training. The eligibility worker will offer to refer all work-registered SNAP participants who are not subject to the RTW. There will be no penalty imposed if this individual refuses the referral or fails to participate in the E&T Program.

Referrals will be made at application (initial and recertification), semi-annual report and reported change. Referrals will also be made at reported change or semi-annual report if a household member has become subject to the requirement to work (RTW).

Eligibility workers will use the *Employment and Training Program Routing Form* (DCO-205) to manually refer volunteer household members to the E&T Program. A *Notification of Work Registration* (DCO-260) will be given to the household to serve as the registrant's "notice" and to explain the E&T Program to the registrant. The DCO-205 will be sent to the E&T Provider.

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3600 SNAP E&T Programs

3621 Automated Referrals

3621 Automated Referrals

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DHS provides the E&T Provider a system-generated list of able bodied adults who are subject to the requirement to work (RTW) each week. E&T referrals occur at certification, recertification and reinstatement of SR cases. Household members with the work participation code “Mandatory – SNAP” are selected for automated referral if none of the following General Client Characteristics were selected:

- Felony Drug Conviction, Fleeing Felon, Fraud-IPV Conviction, Ineligible Student, Parole Violator, or Probation Violator;
- The member status code is “Active”;
- No disability indicator has been selected for the member;
- The member is at least age 18 but no older than age 49; and
- There are no household members age 17 or younger.

DCO county office workers must use the proper characteristic for work registrants who are not subject to the RTW. The characteristics to be used are shown in following chart:

<u>Work Participation Characteristic</u>	<u>Description</u>
<u>RTW 50-60 yrs old</u> Indicates a mandatory work registrant who is not subject to the RTW.	<ul style="list-style-type: none">• Use this characteristic in all counties.• Use this characteristic for work registrants who are at least age 50 but no older than age 59.• They are not subject to the RTW. They are not automatically referred to the E&T Provider
<u>RTW 15% Exemption</u> Indicates a mandatory work registrant who is subject to the RTW but is granted an exemption.	<ul style="list-style-type: none">• Use this characteristic for able bodied adult work registrants who are granted a 15% Personal Exemption from the RTW.• 15% Personal Exemptions are assigned by priority and on a case by case basis
<u>RTW-Pregnant Woman</u> Indicates a mandatory work registrant who is exempt from the RTW	<ul style="list-style-type: none">• Use this characteristic to exempt a woman from the RTW due to pregnancy (regardless of trimester).
<u>SNAP/RTW-Work 20 no 30 hrs</u> Indicates a mandatory work registrant who is subject to the RTW but exempt due to employment.	<ul style="list-style-type: none">• Use this characteristic in all counties.• Use this characteristic for a work-registrant who is working at least 20 hours per week but less than 30

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3600 SNAP E&T Programs

	hours per week.
<u>RTW – Minor Child in the SNAP HH</u> Indicates an able bodied adult who is subject to the RTW but is exempt because he or she lives in a SNAP HH with a minor child regardless of dependency of the minor on the individual.	<ul style="list-style-type: none">This characteristic is to be used to exempt an able bodied adult when he or she resides in the same SNAP household with a minor child regardless of the child's dependency or relationship to the able bodied adult.
<u>Mandatory SNAP</u> Indicates that an individual is participating in and complying with an E&T Program.	<ul style="list-style-type: none">This code should be used when an individual meets no Work Registration or RTW exemptions.These individuals are automatically referred to the E&T Program in E&T counties.
<u>RTW/Workfare</u> Indicates that an individual subject to the RTW is participating in and complying with Workfare.	<ul style="list-style-type: none">This code is to be used when an individual is assigned to Formal Workfare or is participating in an Informal Workfare position.
<u>SNAP E&T Participating</u> Indicates that an individual is participating in and complying with an E&T Program.	<ul style="list-style-type: none">This code is used to show that an individual is participating and complying with a SNAP E&T Program.

The E&T Provider will be provided a list of referrals containing the following information about each household member selected as a Mandatory – SNAP referral:

- Member Name
- Member SSN
- Casehead Name
- Casehead SSN
- Address
- Telephone Number (If available)
- Beginning month in certification period
- Ending month in certification period
- Total by county

Each County Office will be provided a list of the Mandatory - SNAP

A list of individuals who are no longer Mandatory - SNAP referrals will be provided to each E&T Provider. This list will be compiled by comparing the list of current SNAP recipients to the current file of E&T referrals. If a member who was a mandatory referral no longer appears on the list of current SNAP recipients OR a member no longer meets the criteria to be a mandatory

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3600 SNAP E&T Programs

referral, that member will be listed as an “E&T Closure” on the list of closures. This information will appear on the list of closures:

- Member SSN
- Casehead Name
- Casehead SSN
- Beginning month in certification period
- Ending month in certification period
- Total by county

The report will be provided to the Supplemental Nutrition Assistance Program Section and to the DHS County Office.

3621.1 County Office Responsibilities

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The E&T Provider will not be reimbursed for costs incurred by an E&T Program participant who is no longer participating in the Supplemental Nutrition Assistance Program. Therefore, it is extremely important that the E&T Provider be notified when a SNAP case containing an E&T Program participant is closed because the household is ineligible, because the semi-annual report was not processed, or for any other reason. A list of closures is provided to the E&T Provider as described in [SNAP 3621](#). The following changes must be reported to the E&T Provider:

- Address changes must be reported if a household member is participating in the E&T Program and the household reports the address change during the household’s certification period. (This includes address changes reported on the semi-annual report.)
- Changes in household composition must be reported if an E&T Program participant, either a mandatory referral or a volunteer, is dropped from an active case during a certification period. (This includes individuals whose status is changed from an eligible to an ineligible member due to disqualification, etc.)

The DHS eligibility worker will use the *Employment and Training Program Routing Form* (DCO-205) to notify the E&T Provider within 10 days of these changes.

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3600 SNAP E&T Programs

3630 Reimbursement/Payments

DHS eligibility workers must continue to manually refer the following individuals to the E&T Provider:

- Able bodied adults added to a SNAP case as the result of a reported change including those changes reported on the Semi-Annual Report.
- Able bodied adults who live in a household that contains a minor household member if the individual chooses to volunteer. During the automated referral selection process, these members are by-passed and will not be automatically referred to the E&T Program. The worker must do this manually.

Any SNAP recipient who is work registered but not classified as an able bodied adult may participate in the E&T Program as a volunteer. For example, a parent of a minor child could be referred to the E&T Program if he or she is work-registered and wishes to volunteer. A child age 16 or 17 who is not in school and who is work registered could be referred to the E&T Program if he or she wishes to volunteer. Volunteers who are work registered may be reimbursed for any expenses related to E&T participation. The reimbursement rate for work-registered volunteers is the same as the reimbursement rate for able bodied adults who participate in the program: a maximum of \$50.00 per calendar month for all reimbursements. County offices must continue to manually refer work registrants other than able bodied adults to the E&T Program if the individual wishes to volunteer.

3630 Reimbursement/Payments

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Each E&T participant will be eligible to receive reimbursement for transportation necessary to enable the individual to comply with required component activities. Reimbursement for transportation will be based on actual expenses of the current allowable state mileage reimbursement rate or the actual costs (e.g., for bus service or transportation provider) whichever is greater but not to exceed the maximum of \$50 allowed per calendar month per participant.

Other expenses related to E&T Program participation such as uniforms, boots, tuition, may be reimbursed when such reimbursements are requested by the local E&T Provider. These requests must be handled on a case-by-case basis. Payment must be authorized through the Wise system and paid directly to the vendor, unless verification is provided by the E&T Provider that this was indeed an out-of-pocket expense paid by the participant. The worker will utilize instructions contained in the *On Line Wise Help* when authorizing reimbursement payments and generating checks for customers and providers for expenses other than transportation. See [SNAP 3631](#) for

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3600 SNAP E&T Programs

3631 Transportation Reimbursement Payments

instructions on authorizing transportation costs. If a provider is providing services for more than one participant, a separate entry for each person must be keyed to RSRP in order for a check to be generated.

Total monthly E&T reimbursement may not exceed \$50 per client per calendar month. This includes both transportation costs and other costs. This reimbursement will not be counted as income in the SNAP budget. See [SNAP 5411](#).

Questionable claims for reimbursement should be referred to the Supplemental Nutrition Assistance Program Manager for resolution.

3631 Transportation Reimbursement Payments

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Each month that an E&T Program participant incurs a transportation expense, the E&T Program participant must complete a *Travel Reimbursement Documentation* (DCO-243) and page one of the Billing and Routing Sheet (DHS-0187). It will not be necessary to complete page 2 of the DHS-0187. The DCO-243 and DHS-0187 may be completed in the E&T Provider's office when the client goes there for E&T Program services.

When an E&T Program participant uses his or her own car for E&T related travel, sections A, B, and C of the DHS-0187 must be completed by the participant. The DCO-243 will be attached as documentation of the travel. When an E&T Program participant pays someone else to transport him or her, Sections A, B and C of the DHS-0187 must be completed and documentation of transportation cost must be attached. If public transportation is used, a copy of the bus ticket or a receipt should be attached. If the participant pays another individual to furnish transportation, that individual must provide a signed statement indicating the dates on which transportation was provided and the amount paid for the transportation.

The E&T Provider will not sign or date the DHS-0187. Instead, the form will be forwarded to the DHS county office. The DCO eligibility worker will sign the form in the area entitled "DHS Authorized Signature" and will authorize the payment via the Wise system. Instructions may be accessed via *Online Wise Help*.



NOTE: Each time a reimbursement is to be authorized, the worker must check the client's mailing address displayed on WISE to be sure it is the current/correct one. The Wise mailing address needs to be corrected before a reimbursement check is authorized.

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3600 SNAP E&T Programs

3640 Information Supplied to DHS by the Provider

3640 Information Supplied to DHS by the Provider

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Participation in the SNAP E&T Program is voluntary. No individual will be penalized for failure or refusal to participate in the SNAP E&T Program even if the E&T Provider furnished this information to the DHS county office.

When an E&T Provider becomes aware that an E&T Program participant has gone to work, the provider will notify the DHS county office via the DCo-205. The E&T Provider will transmit this information to the designee at the local DHS County Office within 10 days of the reported change. This information will be processed according to the household's reporting requirements.

3650

DELETED EFFECTIVE 06/01/05

3700 Workfare

SNAP Manual 01/01/17

Workfare allows certain non-exempt work registrants to perform public service activities as means to fulfill the Requirement to Work (RTW) and as a condition for receiving SNAP benefits. The primary goal of Workfare is to improve employability, thereby enabling individuals to move into regular employment.

Arkansas operates a volunteer Workfare program therefore there are no penalties or individual sanctions for failure to comply with a Workfare activity. However, an individual subject to the 3 month time limit may lose eligibility for failure to meet a work requirement unless exempt from the RTW.

Arkansas operates two types of Workfare programs; Formal Workfare and Informal Workfare.

Formal Workfare is operated jointly by a state or political subdivision and the Food and Nutrition Service (FNS) of the USDA. A political subdivision is any local government, including but limited to, any county, city, or town. FNS must approve Formal Workfare plans prior to implementation of the program.

Political subdivisions approved to operate Formal Workfare are called Workfare sponsors.

Fifty percent of all administrative costs incurred by the Formal Workfare sponsor will be funded by the federal government. Participant's costs will be reimbursed up to, but not in excess of, \$25.00 per month (see [SNAP 3751](#)). Costs that are not reimbursable include: equipment; capital expenditures; tools or materials used in connection with the work; the costs of supervising Workfare participants; and the costs of reimbursing participant's meals or participant expenses in excess of \$25.00 per month.

The State will disburse federal funds used for the Workfare Program. The State will assure that records to support these financial claims are being maintained by the Workfare sponsor.

The Workfare sponsor is responsible for interviewing and assessing eligible recipients, establishing job sites, assigning recipients to appropriate job sites, and making referrals to the eligibility worker for initial determinations of good cause or no good cause for failure to comply with Workfare obligations. Formal Workfare job sites may only be located in public or private non-profit agencies. Contractual agreements must be established between the Workfare sponsor and the job site.

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3700 Workfare

3710 Conditions of Formal & Informal Workfare Employment

The Informal Workfare program establishes a means by which an able bodied adult who is subject to the 3 month time limit may fulfill the work requirement in order to remain eligible for SNAP benefits.

Informal Workfare providers are limited to churches, local government agencies, such as any federal, state, county, city, or town, and other non-profits who are willing to meet the reporting requirements to establish the individual's participation and supervision. In addition, an Informal Workfare program may operate in any county.

The DCO eligibility worker may refer individuals for Informal Workfare if work sites are known or the individual may find his or her own placement with an authorized agency.

Participation in a Workfare program must be monitored to assure that an able bodied adult who is subject to the RTW does not receive additional months of SNAP benefits while not meeting the RTW.

3710 Conditions of Formal & Informal Workfare Employment

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3710 Conditions of Formal Workfare

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All persons employed in Formal Workfare must receive job-related benefits to the same extent as others who are similarly employed. These are benefits related to the actual work being performed, such as worker's compensation. These are not benefits related to employment such as health benefits. Of those benefits required to be offered, any elective benefit that requires a cash contribution will be optional to Formal Workfare participants.



NOTE: The cost of Worker's compensation or comparable protection provided to participants by the Workfare sponsor is a matchable cost. However, whether or not this coverage is provided, in no case is the federal government considered to be the employer in a Workfare Program, unless a federal agency is the job site. The Department of Agriculture does not assume liability for any injury to or death of a Workfare participant while on the job.

Formal Workfare participants must be provided the same working conditions as others who are similarly employed. Health and safety conditions must conform with Sec. 2(a) (3) of the Service Contract Act of 1965 (P.L. 89-286)

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3700 Workfare

3710 Conditions of Formal & Informal Workfare Employment

Formal Workfare participants will not be assigned work that has the effect of replacing or preventing the employment of an individual not participating in Formal Workfare. This means that vacancies due to hiring freezes, terminations, or layoffs will not be filled by a Workfare participant unless such vacancies are a result of funds insufficient to sustain former staff levels. Workfare jobs must not in any way infringe on the promotional opportunities that would otherwise be available to regular employees.

Formal Workfare jobs will not be related in any way to partisan political activities. Although Workfare participants may be assigned to work for an elected official, they may not engage in work that could be construed as political, such as campaign work.

Formal Workfare assignments will take into consideration previous training, experience and skills of participants. This information shall be obtained from the participant during the initial interview with the Formal Workfare coordinator.

3710.2 Conditions of Informal Workfare

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Informal Workfare participants will not be assigned work that has the effect of replacing or preventing the employment of an individual not participating in Informal Workfare. This means that vacancies due to hiring freezes, terminations, or layoffs will not be filled by an Informal Workfare participant unless such vacancies are a result of funds insufficient to sustain former staff levels. Informal Workfare jobs must not in any way infringe on the promotional opportunities that otherwise may be available to regular employees.

Informal Workfare jobs will not be related in any way to partisan political activities. Although Informal Workfare participants may work for an elected official, they may not engage in work that could be construed as political, such as campaign work.

Workfare assignments will take into consideration previous training, experience and skills of participants. This information shall be obtained from the participant during the initial interview with the Workfare Coordinator.

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3700 Workfare

3720 Who is Subject To Workfare

3720 Who is Subject To Workfare

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The DCO county office worker will determine at certification, recertification or submission of a completed semi-annual report which household members are required to participate in the Workfare Program

3720 Who is Subject To Workfare

SNAP Manual 10/01/03

The DCO eligibility worker will determine at certification, recertification or submission of a completed semi-annual report, annual review or reported change which household members may participate in the Workfare Program

Any household member who is not exempt from the RTW as specified in [SNAP 3500](#) may participate in the Workfare Program.

EXCEPTION 1: Recipients of TEA cash assistance that are not otherwise exempt from the work registration requirements may be required to participate in a Workfare Program if he or she participates less than 20 hours per week in a TEA work requirement activity.

EXCEPTION 2: Unemployment benefit recipients who are not otherwise exempt from the work registration requirements may participate in a Workfare Program.

If a Workfare Program participant is unable to report for job scheduling, to appear for scheduled Workfare employment or to complete their entire Workfare obligation due to compliance with an unemployment or TEA Program work requirement, that inability will not be considered as a refusal to accept Workfare employment. The Workfare sponsor must reschedule the missed activity. If the rescheduled activity cannot be completed before the end of the month, that must not be considered as cause for non-compliance..

3730 Determining Formal and Informal Workfare Hours

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Normally, Workfare begins when the eligibility worker determines that a certified household contains an able bodied adult member who is subject to the RTW. Formal Workfare ends when the able bodied adult household member becomes exempt from the RTW or when the

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3700 Workfare

3740 Referral of Workfare Eligibles

household moves from a Formal Workfare county, or when the SNAP case is closed for any reason.

Only one member per household will be required to participate in Workfare at a given time. If there is more than one able bodied adult household member who is subject to the RTW, the household selects which able bodied adult member will participate in the Workfare Program. This individual is considered to be the household's prime designee. In households having more than one member subject to the RTW, another household member who is also subject to the RTW may fulfill the Workfare hours if the original designee does not. (See [SNAP 3760](#).) The Formal Workfare office should report a change in designees to the local DHS county office. However, it is not necessary that the DHS county office be notified prior to the work obligation being completed by another able bodied adult in the home.

The household's obligation of work hours each month will be calculated by dividing the household's authorized monthly SNAP benefit amount (before recoupment) by the current state or federal minimum wage, whichever is greater. Fractions are rounded down.

The maximum number of hours worked **weekly** in a workfare activity, combined with any other hours worked during the week by a participant for compensation (in cash or in kind) in any other capacity, must not exceed 30.

The household's hours of obligation for any given month will not be carried over into another month except when the household wishes to end a disqualification due to noncompliance with Workfare as explained in [SNAP 3760](#).

3740 Referral of Workfare Eligibles

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3740.1 Referral of Formal Workfare Eligibles

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In counties that operate a Formal Workfare Program, the eligibility worker determines who is subject to the RTW and makes referrals. The worker will determine at certification, recertification, or any other case action which household members are subject to or become subject to the RTW as per [SNAP 3200-3290](#). Once these persons are identified, the worker will:

1. Notify the household of the RTW via DCO-260 *Notification of Work Registration and Requirement to Work* if necessary. See [SNAP 3300-3310.2](#).
2. Determine if a household member is subject to the RTW using the criteria in [SNAP 3710](#). If more than one member is subject to Workfare, the household must designate the

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3700 Workfare

3740 Referral of Workfare Eligibles

member who will be responsible for the Workfare obligation. This member, who is the prime designee, does not have to be interviewed in the county office. However, when the household makes a change in designee, the DHS County Office should be notified.

3. Complete the *DCO-207 Workfare Referral for able bodied adults* in accordance with instructions on the form. Calculate the Formal Workfare hours needed to meet the RTW in accordance with [SNAP 3730](#). This will be done at certification, recertification or submission of a semi-annual report, or reported change if the change will affect the SNAP benefit amount and the Workfare hours. The DCO-207 will be scanned and emailed to the Workfare Office within ten days of date of completion. The original will be issued to the household and a scanned copy will be retained in the case file.
4. Establish a job search period of 10 days. The job search period must follow certification and must end before the Workfare assignment is made. Job search periods are only established when an individual is referred to Workfare for the first time or when an individual is referred again following a period of nonparticipation in Workfare. A job search period is established at application but not at recertification or submission of quarterly report.
5. Advise the household of the responsibilities listed below:
 - a. The able bodied adult should look for a job if a job search period is established.
 - b. The able bodied adult should report to scheduled appointments and participate in Workfare activities as directed by the Workfare Sponsor in order to meet the RTW.
 - c. The able bodied adult should advise the Workfare sponsor's office in advance if he or she is unable to keep scheduled appointments due to unavoidable circumstances such as illness, household emergency, etc.

These responsibilities are explained on the DCO-207.

6. Inform the household of the effect of any changes on Workfare hours.
7. Advise the Workfare sponsor within 10 days of the date a change was processed and how this change will affect a household's Workfare hours. This also includes changes in head of household and case closures.
8. Provide the following information to the Workfare sponsor when the sponsor reports a participant has obtained employment:
 - a. The SNAP benefit amount prior to the change; and
 - b. The SNAP benefit amount after the change.

The information will be used by the Formal Workfare Sponsor to calculate the amount of enhanced reimbursement as instructed in [SNAP 3710](#).

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3700 Workfare

3750 Workfare Sponsor Responsibilities

9. Make final determination on good cause requests as explained in [SNAP 3763](#).
10. Act on reports of noncompliance as described in [SNAP 3750-3753](#). The worker will need to determine how many, if any, countable months the individual has accumulated.

3740.2 Referral of Informal Workfare Eligibles

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The eligibility worker will determine at certification, recertification or any other case action who is subject to the RTW. The eligibility worker will:

1. Advise the household that Informal Workfare is a means to meet the RTW through volunteering.
2. Notify the household who is subject to the RTW and issue the DCO-260 *Notification of Work Registration and Requirement to Work for able bodied adults* and the DCO-207 *Workfare Referral for able bodied adults*.
3. Advise the household of the hours needed to fulfill the RTW.
4. If more than one member is subject to Workfare, the household must designate the member who will be responsible for the Workfare obligation. This member, who is the prime designee, does not have to be interviewed in the county office. However, when the household makes a change in designee, the DHS County Office should be notified.
5. Issue the DCO-261 *Volunteer Agreement* to be completed by the Informal Workfare entity/individual who will supervise any volunteer activity.

The eligibility worker may assist individuals in locating an Informal Workfare position to known eligible entities in the county or the individual may find his or her own placement with one of the allowable entities:

- churches,
- local government agencies, such as any federal, state, county, city, or town, and
- other non-profits.

3750 Workfare Sponsor Responsibilities

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[SNAP 3700-3710](#) gives a general explanation of the Workfare sponsor's responsibilities for administering the Workfare Program.

Specific Workfare sponsor responsibilities and the policy section in which they are explained are listed below:

- Assigning participants.....[SNAP 3751](#)

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3700 Workfare

3751 Beginning Workfare Participation

- Monitoring the program[SNAP 3752](#)
- Making reports[SNAP 3752](#)
- Reporting noncompliance[SNAP 3752](#)
- Determining good cause[SNAP 3763](#)
- Reestablishing eligibility after sanction.....[SNAP 3766](#)

3751 Beginning Workfare Participation

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3751.1 Beginning Formal Workfare

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The Formal Workfare sponsor will be notified via a *DCO-207 Workfare Referral for Able Bodied Adults* of the household's Workfare hours needed to fulfill the RTW. The form will be scanned and emailed to the Workfare Office.

An interview with the able bodied adult will be scheduled by the Workfare sponsor to obtain information regarding the training, experience and skills of the individual. These factors will be taken into account when the individual is assigned to a job site.

The Workfare sponsor will notify the individual of where and when to report to the Workfare site. Additionally, he/she must be given:

1. The name of the person to whom the able bodied adult is to report;
2. A description of the duties for the worksite; and
3. A statement of the number of hours to be worked each month.

Participants may be reimbursed (not to exceed \$25 per month) for transportation and other costs that are reasonable, necessary and directly related to Formal Workfare. This includes costs of personal safety items or equipment required for performances of the work if also purchased by regular employees. Reimbursements for transportation may include, but are not limited to, use of participant's private vehicle and public transportation provided cost per month does not exceed \$25.

Participants who fail to report to scheduled interviews or to assigned job sites or who otherwise fail to comply with proper instructions from the Workfare sponsor will be advised by letter to contact the Workfare sponsor to make arrangements to complete their hours.

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3700 Workfare

3751.2 Beginning Informal Workfare

If a participant fails or refuses to comply with the Formal Workfare requirements, the Workfare sponsor must submit the information to the DHS County Office for an eligibility worker to make a Good Cause determination as outlined in [SNAP 3763](#).

3751.2 Beginning Informal Workfare

SNAP Manual 8/01/16

The Informal Workfare participation will begin with the entity and the date shown on the DCO-261.

Participants may be reimbursed (not to exceed \$25 per month) for transportation. Reimbursements for transportation may include, but are not limited to, use of participant's private vehicle and public transportation provided cost per month does not exceed \$25.

If the eligibility worker becomes aware that a participant, at any time failed to comply with the RTW without good cause as outlined in SNAP 3762-3763, the worker must determine if any past months should have been considered as one of the 3 countable months in the 3 year period. If so then the eligibility worker will request that the Program Eligibility Analyst (PEA) make a correction to the individual's countable months in the eligibility system.

3752 Monitoring and Reporting

SNAP Manual 01/01/17

3752.1 Formal Workfare Monitoring and Reporting

SNAP Manual 8/01/16

The Formal Workfare sponsor will monitor participation and provide supervision as needed to participants placed on each job site.

1. The Formal Workfare sponsor must maintain records of Workfare activity for each participant. At a minimum, these records must contain job sites, hours assigned and hours completed.
2. The Formal Workfare sponsor must maintain records of monitoring activity. These records must include:
 - a. The date of each monitoring visit and the name of the job site visited;
 - b. Any discrepancies discovered through monitoring;
 - c. The corrective action prescribed; and
 - d. The results of follow up monitoring to insure corrective action was implemented.

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

The Informal Workfare sponsor must maintain records of Workfare activity for each participant. At a minimum, these records must contain job sites, hours assigned and hours completed.

Each job site will be provided with a copy of the monitoring report.

3. The Formal Workfare sponsor must maintain verification of:
 - a. Direct reimbursement to participants; and
 - b. Travel claimed by the Workfare Coordinator/transportation director as a reimbursement for job related costs.
4. The Formal Workfare sponsor must report to the DHS County Office on a monthly basis the following information:
 - a. The number of individuals referred for Workfare;
 - b. The number of individuals assigned to job sites;
 - c. The type of job sites and work each individual is assigned (i.e. construction, office, maintenance);
 - d. The total number of hours each individual works;
 - e. Skills/progress gained over time by each individual; and
 - f. The total number of hours worked by all participants.

This information is used by the DHS County Office to complete the *Quarterly Report* (DCO-210).

3752.2 Informal Workfare Monitoring and Reporting

SNAP Manual 01/01/17

In order for an individual to participate in Informal Workfare with any church, local government agency, or other non-profit organization, the entity must be willing to supervise the individual's work and be willing to be responsible for verifying hours and participation as needed.

The Informal Workfare sponsor must maintain records of Workfare activity for each participant. At a minimum, these records must contain job sites, hours assigned and hours completed.

3753 Optional Grievance Procedures

SNAP Manual 1/01/99

The Workfare sponsor has discretion to establish a grievance procedure system to handle complaints filed by participants regarding working conditions or any other complaint related to Workfare participation - e.g. job duties assigned.

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3700 Workfare

3760 Sanctions for Noncompliance With Workfare

This procedure need not handle complaints that can be pursued through an administrative hearing as explained in [SNAP 3800](#). A participant who chooses not to use the optional grievance procedures may request an administrative hearing. A description of any optional grievance system must be included in the Workfare plan, and Workfare participants must be informed of the grievance procedure.

3760 Sanctions for Noncompliance With Workfare

SNAP Manual 01/01/17

This section has been deleted as of 01/01/17

3762 Good Cause for Workfare Noncompliance

SNAP Manual 01/01/17

3762 Good Cause for Workfare Noncompliance

SNAP Manual 11/01/02

If an able bodied adult's circumstances change that potentially cause them to lose their eligibility, good cause must be determined. The eligibility worker should consider all facts and circumstances including information provided by both the household and or the Workfare sponsor when determining good cause. *The Work Registration and Requirement to Work (RTW) Exemptions Checklist Tool* located in the SNAP Toolkit on DHS Share should be utilized to assist in making exemption and/or good cause determinations.

- If the individual would have participated in Formal or Informal Workfare but missed some work for good cause, the individual shall be considered to have met the work requirement if the absence is *temporary and they intend to return*.
- Good cause includes circumstances beyond the household member's control, such as, but not limited to illness, household member illness requiring the presence of the member or household emergency or the unavailability of transportation.

A Workfare participant is considered to have good cause for failing to complete his/her workfare hours in the following situations:

- The participant is not yet available for scheduling due to the job search requirement cited in [SNAP 3740](#).
- The referral was received too late to schedule an interview for the current month.
- The participant never received an interview and/or work notice.

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3700 Workfare

3762 Good Cause for Workfare Noncompliance

- The participant was interviewed too late in the month to be scheduled to work in the same month.
- The requirement is for too few hours to schedule.
- The household is currently under sanction.
- An administrative error resulted in the noncompliance.
- A worksite is not available.

A participant is also considered to have good cause for failure to complete Workfare hours when:

- The participant is ill.
- The illness or incapacitation of another household member requires the presence of the Workfare participant.
- A household emergency requires the presence of the participant.
- The participant would have been required to join, resign or refrain from joining any legitimate labor organization.
- The work offered is at a site subject to a strike or lockout unless the strike has been enjoined under section 208 of the Labor-Management Relation Act (commonly known as the Taft-Hartley Act) but no injunction has been issued under section 10 of the Railway Labor Act.
- The degree of risk to health and safety is unreasonable.
- The Workfare designee is physically or mentally unfit to perform the employment as documented by medical evidence or by reliable information from other sources.
- The distance to the job site is unreasonable because daily commuting time exceeds two hours per day.
- The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.
- The participant has no transportation and transportation is not provided by the Workfare sponsor.
- The participant lacks adequate child care for children who have reached the age of six but are under the age of 12.
- The costs of transportation and other costs have exceeded \$25 per month and the excess amounts are not reimbursed by the Workfare sponsor.
- There is no longer a Workfare eligible in the home.
- The participant's obligation to the SNAP E&T Program has prevented the completion of the Workfare obligation.

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3763 Determining Good Cause

- For unemployment insurance applicant or recipient, the participant's obligation to DWS has prevented the completion of the Workfare obligation.
- The Workfare sponsor notifies the county of the noncompliance more than 15 days following the date on which the noncompliance occurred.

If a pregnant woman or an individual who has a partial disability volunteers for Formal Workfare, he or she will be referred to the Workfare sponsors. However, the Workfare sponsor must be made aware of the pregnancy or partial disability via email communication to the Workfare Sponsor. The work assignment should be appropriate for the person's condition. If there is no appropriate assignment then the individual who has volunteered must not be penalized for non-compliance.

If a participant develops a disabling condition whether obvious (e.g. - broken leg) or not obvious, the sponsor will make a referral to the to the DHS County Office so the eligibility worker may determine good cause and document the reason in the case record and notify the Workfare Sponsor via email if good cause has been established. If the disabling condition is not obvious, a doctor's statement must be obtained as explained in [SNAP 3230](#). The *Work Registration and Requirement to Work (RTW) Exemptions Checklist Tool* may be used to assist in making exemption and/or good cause requests determinations.

3763 Determining Good Cause

SNAP Manual 01/01/17

3763 Determining Good Cause

SNAP Manual 11/01/02

Good cause must be determined by the DCO eligibility worker.

If the participant contacts the Formal Workfare sponsor or the Informal Workfare supervisor to report that he or she will not be able to complete his or her volunteer hours the Workfare sponsor or supervisor will report the information to the local DHS county office and request a good cause determination. This communication may occur via email to the DHS County Administrator or designee. The DCO eligibility worker will review the information and make a final good cause determination.

When information is received from the Workfare sponsor or supervisor that indicates the individual did not volunteer the required hours to meet the RTW, the DCO eligibility worker must review the circumstances to determine if good cause exists. If the DCO eligibility worker

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3763 Determining Good Cause

determines that the participant had good cause for the not completing the hours necessary to meet the RTW, the worker will email the decision to the Workfare sponsor. No additional action will be required.

If good cause cannot be established through a review of the case record, the household must be given the opportunity to establish good cause. The DCO eligibility worker will send a notice to the household requesting verification of the good cause claim.

If the DCO worker determines that the participant did not have good cause, the worker will review the case to determine if the able bodied adult has received any countable months within the designated 3 year period. If the able bodied adult has received 3 countable months while not meeting the RTW then a notice of adverse action will be sent to the household. See [SNAP 3764](#) for instructions.

When the Workfare sponsor receives a report that a Workfare participant is employed, this information must be reported to the DHS county office via email to the DHS County Administrator or designee. If the name of the employer is known, this information will be included in the email.

If employment has not been reported by the household, the DHS worker will attempt to confirm the reported employment by contacting the employer or other collateral contact. Reports of earned income from Workfare sponsors will be handled in the same way as reports of earnings from field investigators. See [SNAP 12440](#) for details. If the DHS worker is not able to confirm the report of earned income, then the household will be issued a notice of adverse action as outlined in [SNAP 3764](#) if the able bodied adult has received 3 months of SNAP while not meeting the RTW.

If the able bodied adult has begun working 80 or more hours per month then he or she is meeting the RTW and is no longer subject to the work requirement as outlined in [SNAP 3500](#). The eligibility system will be updated to reflect these changes.

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3764 Notice of Adverse Action

3764 Notice of Adverse Action

SNAP Manual 11/01/02

A Notice of Adverse Action must be issued to the household within 10 days if any able bodied adult member is to be disqualified for failure to comply with the RTW.

When the prime designee or other Workfare eligible has failed to comply with Workfare without good cause, the notice of adverse action must specify:

- Who failed to comply with Workfare;
- That as a result, the household will be disqualified;
- How long the disqualification will last; and
- How he or she may avoid the sanction by working off the outstanding obligation. The notice must provide a name and telephone number for the household to contact about working off the obligation.

If it has not been established whether the Workfare eligible had good cause for the noncompliance, the notice must state:

1. Who failed or refused to complete the Workfare obligation;
2. That this person has not established good cause for the noncompliance;
3. That the household must contact the DHS worker within 10 days to establish if the Workfare participant had good cause for the noncompliance; and
4. That unless good cause is established, the non-compliant household member will be disqualified for two months for each month of noncompliance.



NOTE: The notice must specify any information needed to establish good cause.

3765 Consequences of Non-compliance with Workfare

SNAP Manual 01/01/17

Both Formal and Informal Workfare are voluntary programs. There are no sanctions for non-compliance. However, if the individual is an able bodied adult who has received 3 months of SNAP benefits while not meeting the RTW then he or she will no longer be eligible to participate in SNAP until they meet the RTW, become exempt from the RTW, meet an exemption from the RTW, or the current 3 year compliance period ends.

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3766 Ending a Sanction

The eligibility worker will take the appropriate action to either close or reduce the household's SNAP benefits as outlined in [SNAP 3521](#). The household must also be notified via instructions at [SNAP 3764](#).

3766 Ending a Sanction

SNAP Manual 01/01/17

This section deleted as of 01/01/17.

3770 Reports to be Submitted by the DHS County Office

SNAP Manual 1/01/99

Each quarter, the DHS county office must submit to the Supplemental Nutrition Assistance Program Section in Central Office, a *Workfare Quarterly Report* (DCO-210.) Reports are due within 30 days of the end of the quarter.

3780 Sharing Formal Workfare Savings - Enhanced Reimbursement

SNAP Manual 01/01/17

A Formal Workfare sponsor may share in benefit reductions that occur when a Formal Workfare participant begins employment while participating in Workfare for the first time or within thirty days of ending the first participation in Formal Workfare.

- To begin employment means to appear at the place of employment and to begin working.
- First participation in Formal Workfare means performing work for the first time in a particular Workfare Program. The only break in participation which will not end a first participation is a break due to the participant's taking a job that: a) does not affect the household's monthly SNAP benefits by an entire month's wages; and b) that is followed by a return to Formal Workfare.

The Formal Workfare sponsor must calculate benefit reductions from each Formal Workfare participant's employment as follows:

1. Unless there are household changes known to the Workfare sponsor, the benefit reduction will be based on the difference between the household's SNAP benefit amount the month before the job began and the first monthly benefit amount that reflects a full month's income from the job.

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3780 Sharing Formal Workfare Savings - Enhanced Reimbursement

2. If the Workfare sponsor is aware of household changes that occurred after the job began or if SNAP benefits were not issued after the job began, a SNAP budget must be calculated to reflect the effects of the new job without regard to the other changes. To calculate such a budget the worker must recalculate the budget used the month before the new job began and add the earnings from the new job. For this budget, the earned income deduction must reflect the earnings from the new job plus any pre-existing employment. Any dependent care costs incurred as a result of the new job will be allowed. If TEA cash assistance decreased as a result of the new job, the reduced TEA cash assistance amount will be shown in the budget. The benefit reduction will be the difference between the original benefit amount and the recalculated benefit amount. If the household is ineligible, the reduction will equal the household's entire benefit amount.
3. The political subdivision's share of the benefit reduction is three (3) times the difference, divided by two.
4. If, during these procedures, an error is discovered in the last SNAP benefit amount issued before the new employment began, then those benefits must be corrected before the savings are calculated.

To claim and receive the enhanced reimbursement, the procedure for reimbursing Formal Workfare's regular expenses will be used. Totals of benefit reductions for the period covered by the claim will be entered in the miscellaneous section of the claim document. The Workfare sponsor must be prepared to make available for review all documentation to support each claim.

Enhanced reimbursement is limited to the amount of the actual unreimbursed costs for the fiscal year in which the participant began the job which resulted in the savings.

EXAMPLE 1: The household's monthly SNAP benefits at the time the Workfare participant went to work were \$240. The monthly benefit amount is reduced to \$93 as a result of the earnings.

The enhanced reimbursement is calculated as follows:

$$\$240 - 93 = \$147 \times 3 = 441 \div 2 = \$220.50.$$

The amount claimed as enhanced reimbursement is \$220.50.

EXAMPLE 2: The household's monthly benefits at the time the Workfare participant went to work were \$83. Two additional household members were added prior to

SNAP CERTIFICATION MANUAL – SECTION 3000

3700 Workfare

3780 Sharing Formal Workfare Savings - Enhanced Reimbursement

earnings. After changes were made, the benefits increased to \$102. There would be no enhanced reimbursement.

SNAP CERTIFICATION MANUAL – SECTION 3000

3800 Appeal of County RTW Decisions

3780 Sharing Formal Workfare Savings - Enhanced Reimbursement

3800 Appeal of County RTW Decisions

SNAP Manual 01/01/17

All decisions regarding work registration, Requirement to Work (RTW) or Informal or Formal Workfare determinations may be appealed through the administrative hearing process explained in [SNAP 16300](#) - [16330](#).

When a participating household appeals the county's decision regarding failure or refusal to comply with work registration or the RTW within the notice period, benefits will be continued providing:

- The household did not waive continuation of benefits; and
- The household's certification period has not expired. (Certification periods cannot be extended to accommodate continuation of benefits.)

The eligibility worker will restore lost benefits to the household if the hearing decision is in the household's favor and continued benefits were waived. If the hearing decision is in the county's favor and the household's benefits were continued during the hearing process, the disqualification will be imposed as soon as possible.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Human Services
DIVISION County Operations
PERSON COMPLETING THIS STATEMENT Donna DuMond
TELEPHONE NO. 501-682-8276 **FAX NO.** 501-682-1597 **EMAIL:** donna.dumond@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE SNAP Work Requirements

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0 _____

Total 0 _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0 _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total 0 _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.