DHR

Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: #10-37

Effective Date: July 1, 2010

Issuance Date: June 25, 2010

TO: **DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES**
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF

FROM: **KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR**

RE: **SANCTION PROCESS FOR CARES AND WORKS 2.0**

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY: The conciliation and sanction process is an involved procedure that requires the case manager to take many action steps and can be error prone. Our systems were not equipped to track and monitor the conciliation and sanction process when it was initially implemented; therefore several workarounds were created to help case managers in day to day case management tasks. System changes have been added to both CARES and WORKS 2.0 to help implement and track the conciliation and sanction process. However, **conciliation and sanction policy has not changed**. This action transmittal outlines the new system process for implementing work sanctions in CARES and WORKS. All prior procedures which make reference to the old conciliation and sanction system process (i.e. recording instances of sanction with the codes: GU, VT, or CZ) are now obsolete.

Review of Conciliation and Sanction policy:

A. Adults in the TCA assistance unit who do not have an exemption and 16 and 17 year old minor children who are not attending school full time must comply with the work requirements.

B. TCA customers who are mandatory to participate in a work activity must comply with the work requirements unless they are exempt or they have good cause.

C. Allow each work mandatory customer in the household **one** 30 day conciliation period, the first time the customer becomes non-compliant with the work program.

D. When the case manager initiates a conciliation period, the case manager must give the customer a written notification of the non-compliant behavior offering an opportunity to get back into the work activity.

E. If the customer does not comply by the 20th day of the conciliation period, initiate adverse action and sanction the case.

F. Sanctions for non-compliance are either full family (TCA case is closed) or individual (a person's needs are removed from the benefit amount.)

G. Sanction penalties are not lifted or "cured" until the day after:

1. One day of compliance for the first instance

2. 10 days of compliance for the second

3. 30 days of compliance for the third or subsequent instances

H. Customers must comply with their assigned work activity for all days the activity is available within the 10 or 30-day cure period.

I. The cure period does not end until the day after the 10th or 30th day.

J. If the customer is non-compliant without good cause, during the cure period, the penalty starts over.

> If the customer has good cause count the absence time as if the customer were there for purposes of curing the non-compliance. *To be countable in the work participation rate (WPR), the customer must use excused absence. If the 16 hours of excused absence for the month have been used or there are insufficient hours remaining, the customer is not countable in the WPR.*

Example: Customer had a 30-day sanction. Ten days into the cure, she missed 3 days because she was sick. The customer verified the illness with a doctor's note. Count the 3 days as if the customer were at the activity **for purposes of curing the non-compliance**. For countable hours for work participation, the case manager allows 16 hours of excused absence for 2 of the 3 days for countable participation in the WPR. The customer is mandatory for 30 hours per week. She is still countable in the activity if she completes 8 hrs each of the 2 remaining days of the week.

K. If the customer's case closes before curing the sanction, the customer **does not** receive benefits during the cure period.

1. If the case is closed before the customer complies, the benefit is prorated from the day after the customer complies.

2. **Benefits lost because of non-compliance and proration are not restored to the customer.**

L. Customers **do not** have to file a new application if the TCA was closed for less than 30 days.

    1. If the case is closed for 30 days or more, the customer must file a new application

    2. Local departments will follow their own established procedures for holding applications filed before the end of the 30-day cure period

ACTION REQUIRED:

Initiating the conciliation period (OTC) in WORKS:

A. Search the non-compliant customer in the WORKS database by name, SSN or customer ID number.

B. Go to the customer's **Activity** screen and click "Add New Activity."

C. Enter the start date of the conciliation period and the activity code, **OTC**. OTC is the code used to indicate that a customer is under conciliation in WORKS. The Activity screen will expand to add information for the Notice of Non-Compliance (NONC). Complete all fields highlighted with a red asterisk. Ensure that:

    1. The conciliation **Start date** is on or after the **Offense date**.
    2. The **Appointment date** is at least 3 days past the **Start date** to allow for mailing time.
    3. The **Appointment date** is Monday through Friday as WORKS does not prevent the user from entering Saturday or Sunday
    4. The **Appointment Time** is during the regular business hours of 8:00 am to 5:00 pm.

D. Click the **Submit** command to enter the data into the database.

E. Click on the **Narration** tab and enter narration regarding the action taken.

F. Once the case manager completes the **Activity** screen, the information goes into overnight batch and uploads into CARES. CARES sends the NONC to the customer.

G. When the OTC information is entered into the database from the Activity screen in WORKS:

    1. The **OTC used** indicator and the **Date of OTC** field populate on the Non-compliance Screen in WORKS.
    2. The information uploads into CARES in overnight batch and populates on the WORK screen in the **Activity Start Date**, **Concil Start Date**, **Number of Offenses** fields and the **NC Reason** field. These are new fields in

CARES which were designed to capture conciliation and sanction data.
3. The NONC goes out in overnight batch, and the **# of instances from CARES** field on the Non-compliance screen, increases by 1.

Note: An OTC or OTX record can be deleted from the **Activity** screen in WORKS, only by Data Managers, at the discretion of the local department administrators or if a conciliation period was initiated in error. Supervisors can also reduce or increase the number of **converted** offenses in CARES upon administrative discretion.

Sending Alerts

A. When the case manager initiates an instance of non-compliance in WORKS, the case manager of record needs to know that an action has been initiated. Send a 745 alert in CARES, to the case manager of record to inform him or her of the instance of non-compliance. Alert the case manager of record to follow up on the customer's compliance before the end of the conciliation period.

B. If the case manager initiating the instance of non-compliance does not have clearance to get into CARES, send an email to the case manager of record informing him or her of the instance of non-compliance.

Entering compliance data in WORKS for an (OTC)

A. When a customer goes back to the work activity, record the customer's attendance information in WORKS on the Attendance screen.

B. Once the customer completes the cure, go to the **Activity** screen and click on the **Edit** command, next to the OTC activity code.

- Enter the date the customer completed compliance in the **Actual End Date** field.

- If the customer has <u>not</u> been sanctioned, complete the last 3 fields at the bottom of the screen entitled, **Has Customer Been Sanctioned?** (with an "N"), **Good Cause Reason For Non-Compliance**, and **Good Cause Reason Category**.

- If the customer has been sanctioned complete the **Has Customer Been Sanctioned?** field with a "Y"**,** and leave the last 2 fields blank.

- Click the Update command. The information entered updates in the system and the list of activities displays on the Activity screen.

C. Go to the Non-Compliance screen. Complete the **Date Compliance Began**, **Compliance Status**, **Date Compliance Completed** fields on the Non-

Compliance screen and click the SAVE command. When the case manager clicks on the Compliance History tab, the compliance information displays. There is an edit feature on the Compliance History screen, where only data managers can edit compliance information.

D. If the customer starts complying but does not complete the cure for the instance of non-compliance, do not put a date in the **Actual End Date** field on the Activity screen for the OTC.

E. If the customer did not respond to the NONC or did not begin to cure the non-compliance, do not enter any compliance information on the Non-Compliance screen. Initiate adverse action in CARES to close the case.

F. Narrate all actions taken.

Generating additional contact letters (OTX)

A. Once the customer uses the one time only 30 day conciliation period, the case manager may not give another conciliation period and is not required to send another written contact. However many local departments of social services choose to send another written contact to the customer. WORKS allows for this to happen. Local departments who choose not to generate a written contact in WORKS must still explore good cause before sending the Notice of Adverse Action.

B. If the customer is non-compliant for a second or subsequent time, the case manager can send a second contact letter by going to the **Activity** screen. Click the **Add Activity** command and enter the activity code **OTX**. OTX is the code used to indicate that a customer is under sanction in WORKS. Complete all highlighted fields and click **Submit** to enter the information into the database.

   Note: **Do not give the customer an additional 30 days to respond to the notice.**

C. Once the information goes out in overnight batch, the **# of Instances from CARES** counter on the Non-Compliance screen increases. If the customer fails to respond to the contact letter by the date specified on the letter, initiate adverse action in CARES immediately.

Sending Alerts

A. Send a 745 alert in CARES, to the case manager of record to inform him or her of the instance of non-compliance and that adverse action should follow.

B. If the case manager initiating the instance of non-compliance does not have clearance to get into CARES, send an email to the case manager of record informing him or her of the instance of non-compliance.

Entering Compliance data in WORKS for an (OTX)

A. Once the customer begins complying during the 10 or 30 day sanction cure period, enter the begin date on the Non-Compliance screen, in the **Date Compliance Began** field. If the customer is still in the process of completing the sanction cure, select "In Process" in the **Compliance Status** field. Click on the Submit command and enter the data in the database. Once the customer has completed the sanction cure, enter the completion date in the **Date Compliance Completed** field, on the Non-Compliance screen.

B. If the customer never began a sanction cure do not enter any compliance information on the Non-Compliance screen. Do not enter an **Actual End Date** for the OTX activity on the Activity Screen.

C. Narrate all actions taken.

Tracking attendance during the sanction cure process

A. Once the customer has agreed to return to their work activity, the case manager should track attendance during the cure period. The customer must continue to verify weekly attendance.

B. Track attendance in WORKS on the Attendance screen. Enter the number of hours the customer participates during the cure period under the activity code in which they are scheduled to participate.

C. If the customer is curing the sanction with a new work activity, add the new work activity on the Activity screen. If the customer is not going back to the old work activity where they became non-complaint, enter the **Actual End Date** for the old work activity. Narrate the change in activity on the Activity screen.

Conciliation and sanction for:

Non-Parent Minors

A. 16 and 17 year old children in the AU who are not parents are required to attend school 80% of the time. When the 16 or 17 year old does not fulfill these requirements, apply a PPI disallowance and refer the child to a work activity.

B. If the child becomes non-compliant with the work activity, the case manager must implement the conciliation and sanction process.

C. When initiating the conciliation period for a non-parent minor, send a manual NONC. Address the NONC to the parent of the minor, referencing the minor as the individual who is non-compliant.

D. Local departments must create their own NONC to send for the non-compliant

minor, since the notice can not be generated in the WORKS system for them.

E. If the child fails to cooperate with the work activity during the conciliation period, remove the PPI disallowance for the child and then after adverse action, remove the needs of the minor to reduce the grant.

Minor Parents

A. All minor parents **must** be enrolled full-time and maintaining 80% attendance in educational activities leading to a high school diploma, or in an alternative education or training program approved by the state, if they do not have a high school diploma or GED.

B. If the minor parent, who is the **head of household (HOH)**, is not in compliance with the education requirements, generate a NONC in WORKS (see instructions for initiating the conciliation period) and implement a 30-day conciliation period if this is a first instance of non-compliance for the minor parent **HOH** only.

C. If the minor parent is a child on the case living with a parent, send a manual NONC.

D. If the minor parent refuses to comply, impose:

1. A full family sanction for the minor parent head of household
2. An individual sanction for the minor parent who is a child on the case living with a parent, by removing the needs of the minor parent.

CARES changes

CARES WORK Screen Modifications:
A. Modifications have been made to the Number of Offenses field on the WORK screen to display the total number of offenses a customer has incurred in his/her lifetime. The total number of offenses displayed will be reported through the new daily WORKS to CARES interface.

B. A new field will display the date the instance of non-compliance was entered in WORKS. It will display for the benefit month shown on the screen, the date of the latest non-compliant activity at that point in time.

C. A new field will display the start of the conciliation period for the first OTC activity. This will represent the start of the conciliation period.

```
>>>>>>>>        WORK REGISTRATION/PARTICIPATION - WORK      ++++ ++ +
Month ++ ++          >>>>>>  >> >> >>
Client Name >>>>>>>>>>> > >>>>>>>>>>>>>>>>>> >>>>  Client ID >>>>>>>>>
TCA                                      Follow-up Interview? +  Del: +
------- WORK -------            Number      Frequency: +  Next Appt: >>>>>>
Requirement  Status  Date   Offenses     Next Schd
Appt:>>>>>>>>>>>>>>>>>>
   ++          ++  ++ ++ ++   >>>       Interviewer: ++++++
Activity Start Dt  Concil Start Dt    NC Rsn      Notice Text:
+++++++++++++++++++++
 >> >> >>          >> >> >>        >>>>
++++++++++++++++++++++++++++++++
Food Stamp Employment/Training
  Certification Date  Exempt  Reg  Registration  Viol  Del  Ref
   Begin      End  Reason  Status  Begin Date  Type  Ind  code
  >> >> >>  >> >> >>  ++       ++     ++ ++ ++      +++    +    +
   Compliance Date (mm dd ccyy) ++ ++ ++++  Ver ++
ABAWD Information              Countable Status >>
Curr Stat >>    Work >>      Override >> Override Worker >>>>>> Bnft Ctr >
Refugee/GPA/PAA/RP Work Registration
 Exempt  Participation  Participation Date  Number
 Reason   Status        Begin    End   Offenses
  ++         ++        ++ ++ ++ ++ ++ ++     +
Message ++++ >>  ++++ >>  ++++ >>  ++++ >>  ++++ >>  ++++ >>  ++++ >>
>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>>
>>>  >>>>>>>>>>>>  >>>>>>                  23-alau  24-delete
```

New edits on the STAT screen:

➢ Hard edits have been added to the STAT screen to enforce the correct entry of manual closing codes that will be determined by the number of offenses for a customer as follows:

▪ When the calculated number of offenses displayed on the WORK screen is 1 for the offending customer, the case worker must use a 501 closing code.

▪ When the calculated number of offenses displayed on the WORK screen is 2 for the offending customer, the case worker must use a 502 closing code.

▪ When the calculated number of offenses displayed on the WORK screen is 3 or more for the offending customer, the case worker must use a 503 closing code.

New Notice of Non-Compliance

➢ CARES will now create and automatically generate a Notice of Non-Compliance

(NONC) (Attachment A).

- CARES will generate the NONC for all LDSS offices when OTC activity is reported through the new interface.

- CARES will identify the LDSS offices that request that the NONC be sent for instances of OTX activity.

- Some of the text in the NONC that will be generated by CARES will be variable based on the number of offenses, appointment, reason for non-compliance, non-compliant individual, and any dates sent to CARES via the new WORKS to CARES interface.

- Any NONC generated by CARES will be stored in the CARES Notice History and will be available for display in the CARES on-line System.

New sanction fields in CARES

- ➢ **Number of Offenses:**
  - **Conv** – Records the converted number of work sanctions (501, 502, 503), from CARES and instances of non-compliance recorded in WORKS.

  - **Curr** – Records the number of instances of non-compliances recorded in WORKS upon implementation of the CARES/WORKS system changes.

  - **Total** – Total number of converted sanction instances and current number of instances of non-compliance.

- ➢ **Activity Start Dt** – The date that the NONC was sent from WORKS

- ➢ **Concil Start Dt**- the date that the conciliation period started (this should match the Activity Start Date)

- ➢ **NC Rsn** – Non-compliance Reason why the customer did not comply with the work activity. Press PF1 to find the meaning for the reason code.

ACTION DUE: Effective July 1, 2010.

INQUIRIES: Please direct all TCA inquiries to Marilyn Lorenzo at 410-767-7333 or mlorenzo@dhr.state.md.us or Gretchen Simpson at 410-767-7937 or gsimpson@dhr.state.md.us. Direct CARES questions to Fern Hill at 410-767-7064 or fhill@dhr.state.md.us

cc: DHR Executive Staff   FIA Management Staff   Constituent Services
        DHR Help Desk

Attachment A

Notice of Non-Compliance – First Occurrence

LDSS or VENDOR OFFICE NAME
ADDRESS
CITY, STATE   ZIPCODE

DISTRICT NAME
CUSTOMER CLIENT ID: (offending customer)
LDSS or VENDOR CASE MANAGER NAME:
LDSS or Vendor CASE MANAGER PHONE #:
DATE:

HOH Name
HOH Address
HOH City, State   Zip Code

Dear _____,

NOTICE OF NON-COMPLIANCE

We have received the information below that you (or person named above) are not following the work activity as agreed upon, to help you to be independent from receiving Temporary Cash Assistance (TCA):

You (or _____) did not begin/or stopped going on _____ / _____ / _____ to the work program at _(free

form text)_____.

You (or _____)___(information from WORKS drop down)_____.

Please call me at the number below to discuss what you need to do to get back into the program and to stay in the program. **If I do not hear from you by _____, you will get a notice that YOUR CASH BENEFITS WILL STOP. Your food supplement (food stamp) benefits may also be reduced.**

Unless there is a good reason for not cooperating with your activity, your benefits may be reduced or ended. This is called a sanction. If your benefits stop or are reduced you will not get them back unless you follow the work requirements.

This is the **1st time** you have not met the work requirement. For this reason we are offering you 30 days to get back into an activity. We will work with you during this period to assist you with getting back into the work program as soon as possible so your case is not closed.

An appointment has been scheduled below to discuss your return to the work activity **or the reason(s) why you are not able to return.**

Date ____/____/_____ Day of Week ___(WORKS will auto fill)____ Time: _____

LDSS or Vendor Address _____

City, State, Zip Code _____

If cash benefits are stopped**,** they will not begin again until the day after 1, 10 or 30 days of perfect attendance in the program is met. You must go to the activity everyday. If there is a good reason for not doing the above work activity and help is needed, please call me immediately so we can help.

_____(WORKS will auto fill)_____   _____(WORKS will auto fill_____
     LDSS or Vendor Case Manager   LDSS or Vendor Office Name   LDSS or Vendor Case manager Phone

Notice of Non-Compliance – Second occurrence or greater

LDSS or VENDOR OFFICE NAME DISTRICT NAME
ADDRESS CUSTOMER CLIENT ID: (offending customer)
CITY, STATE   ZIPCODE LDSS or VENDOR CASE MANAGER NAME:
  LDSS or Vendor CASE MANAGER PHONE :
  DATE:

HOH Name
HOH Address
HOH City, State   Zip Code

Dear _____,

NOTICE OF NON-COMPLIANCE

We have received the information below that you (or person named above) are not following the work activity as agreed upon, to help you to be independent from receiving Temporary Cash Assistance (TCA):

You (or _____) did not begin/or stopped going on _____ / _____ / _____ to the work program at _(free

form text)_____.

You (or _____)___(information from WORKS drop down)_____

It is important that I discuss your non-compliance with you and possible reasons for good cause. Unless there is a good reason for not cooperating with your activity, your benefits may be reduced or ended. This is called a sanction. If your benefits stop or are reduced you will not get them back unless you follow the work requirements.

You must keep the scheduled appointment indicated below or call me at the number at the bottom of this notice before your appointment to discuss what you need to do to return to good standing.

Date ____/____/_____ Day of Week ___(WORKS will auto fill)____ Time: _____

LDSS or Vendor Address _____

City, State, Zip Code _____

If your cash benefits stop**,** you will not get benefits for at least 10 or 30 days. Benefits will not begin again unless you go to your activity. You must go to the activity everyday.   If there is a good reason for not going to your work activity and you need help, please call me immediately so we can help.

_____ ____(WORKS will auto fill)___ ____(WORKS will auto fill____
        LDSS or Vendor Case Manager LDSS or Vendor Office Name LDSS or Vendor Case manager
Phone