



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number #05-30

Effective Date: April 1, 2005

Issuance Date: March 15, 2005

**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS/CASE MANAGERS**

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

RE: VOLUNTARY QUIT / REDUCTION OF WORK HOURS

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

TCA customers who are working or go to work are expected to remain employed, and not voluntarily quit their jobs or reduce their work hours, unless there is good cause. Effective **April 1, 2005**, we are implementing a voluntary quit/work reduction provision. TCA applicants and recipients, age 16 and older may not voluntarily quit a job or reduce the number of hours they work without good cause. Applicants or recipients age 16 –18 whose participation requirement is education are exempt from the voluntary quit/work reduction provision provided that the individual is registered in and attending school. Students, age 16-18 not registered in school or attending 80% of the time are subject to Primary Prevention Initiative (PPI) requirements.

Voluntary Quit and Reduction of Effort

A. To be considered a voluntary quit the following conditions must exist:

1. The job was 30 hours or more per week or provided weekly earnings at least equivalent to the federal minimum wage (\$5.15 per hour) multiplied by 30 hours;
2. The quit occurred within 30 days prior to the date the application was filed or anytime thereafter; and
3. The quit was without good cause.

B. The reduction of work effort applies if:

1. Before the reduction, the individual was employed 30 hours or more per week or received weekly earnings at least equivalent to the federal minimum wage (\$5.15 per hour) multiplied by 30 hours;

2. The reduction occurred within 30 days prior to the date the application was filed or any time thereafter; and
3. The reduction was voluntary and without good cause.

Good cause for quitting a job or reducing work hours

Good cause for quitting a job includes one or more of the following:

- Quitting a job to take a new job with another employer;
- Discrimination based on race, sex, disability, religious or sexual orientation;
- Breakdown in transportation arrangements when there is no other accessible means of transportation;
- Breakdown in child care arrangements or lack of child care resources;
- Domestic violence or other family crisis that threatens normal family functioning;
- Hazardous working conditions;
- Documented illness or incapacitation;
- Incarceration;
- Resignation at employer's request;
- Lack of supportive services identified in the initial assessment and agreed upon by the recipient and the local department; and
- Other circumstances determined to be good cause by the local department.

Case managers are advised to accept the best available information to verify good cause. Verification may be available from a variety of sources. However, in some instances the customer's statement is the only verification available and must be accepted. For example, it would be highly unlikely for an employer to acknowledge that he discriminated against an employee. It may also be impossible for a customer to verify family violence.

Applicants

If the mandatory adult head of the TCA assistance unit (or either or both adults in a two parent household), quits a job or reduces his or her work hours, without good cause, within 30 days of filing an application for TCA or from the time the application is filed and the eligibility decision is due, the assistance unit is ineligible for TCA for 30 days following the quit.

The TCA application should be pended the day of the application and then denied. Reopen the application the day after the 30th day following the quit or reduction of effort. Use the date of the day after the 30th day following the quit or reduction of effort as the application date. Narrate CARES very clearly.

Example:

1. Tamara Johnson quit her job at WAWA on December 31. The manager would not give her the evening off and she wanted to go out with her friends.

Ms. Johnson applied for TCA on January 10 for herself and her 18-month-old child. The case manager discusses the situation with Ms. Johnson and explains the voluntary quit policy to her. The case manager advises Ms. Johnson that she is not eligible for TCA until January 31. January 31 is the day after the 30th day following the quit.

2. Margaret Green applied for TCA benefits on January 4. Ms. Green told the case manager she quit her job because the employer wanted her to work more than 40 hours per week but would not pay her for the additional time. The case manager determined the quit was for good cause and did not apply the voluntary quit penalty.

Screen Food Stamp (FS) applications for expedited benefits and process according to FS policy.

When the applicant individual is not the head of household, but is mandatory for work participation, and has reduced his/her work hours or quit a job, the needs of the individual are removed from the TCA benefit until the day after the 30th day following the quit or reduction in work effort.

Recipients

When a customer is working, update the Family Independence Plan (FI) to include the employment and the requirement that the customer must maintain the employment or find equal subsequent employment if the customer quits a job. When the FI plan has been updated properly, the customer's failure to maintain employment or work hours without good cause is non-compliance with the Family Independence Plan. The customer is not entitled to a conciliation period. Contact should be made with the customer to determine whether good cause exists. If good cause does not exist, send adverse action notice to the customer and take the following action:

1. Close the TCA case for 30 days when the head of the household or either parent in a two-parent household quits a job or reduces their work hours without good cause. The household must reapply.
2. Remove from the TCA grant the needs of an individual who is not the head of household and is not a parent in a two-parent household. Do not remove the individual from the Assistance Unit because his or her eligibility for Medical Assistance (MA) continues. At the end of the 30-day penalty the household should be contacted regarding any changes prior to adding the individual back to the TCA benefit.

Example:

Garrett and Sarah Washington applied for TCA for themselves and two children on July 9. Mr. Washington quit his job on June 28. He knew he was going to get fired because he was always late for work. The case manager discusses the voluntary quit policy with Mr. and Mrs. Washington. Mr. Washington is not eligible for unemployment insurance. The case manager determines the quit to be without good cause and advises the Washingtons that they can reapply on July 29, the day after the 30th day following the quit.

For additional information on work participation and conciliation and sanctioning please review the TCA manual or the **Work Book**, issued April 2005.

CARES:

Denying the TCA application

Use CARES code 566 to deny a TCA **application** when the head of household applicant quit a job without good cause within 30 days prior to the TCA application date or eligibility decision date.

CARES lists **COMAR citation 07.03.03.04** "You did not do what you needed to do according to regulations" on the notice. Add customer specific free-form text to explain why the application is being denied.

Reducing the assistance unit because of individual non-compliance

Reduce the TCA grant because of the non-compliant actions of an individual in the household who is not the head of household.

1. Reduce the grant amount by the difference between the grant for the full household size and the grant for the household size without the sanctioned individual.
 - Enter the difference between the grant for the full household size and the grant for the household size without the sanctioned individual on the sanctioned individual's CARES unearned income (UINC) screen.
 - CARES will remove the individual's needs from the TCA.
2. Do not remove the individual from the TCA household. The individual remains part of the TCA assistance unit.

Restoring the individual after the 30 day penalty

The day after the 30th day from the voluntary quit or reduction of work hours without good cause, the individual can be added back to the household.

Follow these CARES procedures to prorate the benefit when the needs of the non-compliant individual are added back to the grant.

1. Remove the unearned income that was previously added to the CARES UINC screen as the individual's needs in both the **current month** and **the ongoing** month.
2. That action creates an underpayment BEG in the current month. Remove the underpayment BEG on the CAFI screen by coding it **PA**.
3. The amount that was removed from the CARES UINC screen is the amount that is to be prorated when restoring the individual. Using the proration chart find the amount equal to the individual's needs that were removed from the UINC screen. Follow the chart over to the day the individual is being restored to the TCA. That is the prorated amount of the BEG that needs to be issued.
4. Go to the CARES Welcome Screen and enter: **"K- Financial Mgmt Issn"**
5. Enter **"M-manual ISSN Request"**
6. Create the BEG for the prorated amount.
7. The supervisor approves the BEG.

Closing the TCA assistance unit

Use CARES code 566 to close a TCA case when the head of household recipient quits a job or reduces work hours without good cause while receiving TCA.

CARES lists **COMAR citation 07.03.03.04** "You did not do what you needed to do according to regulations" on the notice. Add customer specific free-form text to explain why the TCA benefit is being closed and the 30 day penalty.

EXAMPLES

Example 1: Martha Johnson sent in her case information form (CIF) on herself and her three children for her TCA redetermination on April 17. Ms. Johnson reported that her oldest child, Susan, who is 17, quit her job on March 28 because of an argument with her boss. Susan had previously quit school and was mandatory for the work program. The case manager had updated the Family Investment Plan identifying Susan's job as her work activity. Susan and her mother had both agreed to the Plan.

The local department determined that there was no good cause for Susan quitting her job. Susan's needs are removed from the TCA grant after 10 days adverse action.

Example 2: Steuart Hill has been receiving TCA for himself and his son. On March 25 Mr. Hill reported that his son quit his job at McDonald's on February 18. Mr. Hill's son is age 17 and a senior in high school. He attends school

regularly. The voluntary quit penalty does not apply.

Example 3: Tanya Spring applied for TCA on May 10 for herself and her daughter. Ms. Spring reported that she quit her job on April 27 because her supervisor was harassing her. Ms Spring indicated she filed for unemployment (UI) benefits on May 2. Unemployment denied her benefits indicating the employer stated she quit her job. Ms. Spring filed an appeal. The case manager inquired on MABS and verified UI status was under appeal because Ms. Spring is disputing what the employer reported. Ms. Spring is eligible for TCA (as long as she meets all other eligibility factors).

On June 20, the case manager follows up on a 745 alert. Ms. Spring lost her UI appeal. Ms. Spring remains eligible for TCA (it is past 30 days after she quit) and she is not required to pay back any of the TCA benefits she received during May and June.

Example 4: Dorothy has received TCA for herself and 2 children for 2 years. Her oldest son, Michael (age 17) quit school before graduating and started working at the local grocery store. The case manager added the requirement that Michael remain employed or return to school to the FIP plan. On June 10, Dorothy reported that Michael quit his job. The case manager determined the quit, which occurred on June 9, was without good cause. Michael does not intend to return to school.

A Notice of Adverse Action was sent to Dorothy advising her that Michael's needs were being removed from the TCA for 30 days from the date of the quit. Michael's needs are removed from the grant until July 10th.

The difference between the TCA for 3 people and the TCA for 2 people is the amount that would be prorated for restoring Michael to the TCA after 30 days.

INQUIRIES

Please direct questions to Marilyn Lorenzo at (410) 767-7333 or Gretchen Simpson at 410-767-7937.

cc: FIA Management Staff
DHR Executive Staff
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