



MFIP ES Sanctions Webinar Q & A, 1/21/15

On January 21, 2015, the DHS MFIP Employment Services Unit offered a one hour webinar training session on MFIP ES Sanctions for Employment Services Providers. This document includes Employment Services sanctions questions and responses from the webinar.

ES and Child Care

Question:

Participant does not want to place child in daycare or use licensed provider. Has a friend or family member only and this continues to “fail” as they are unreliable. Participant is not meeting requirements. Sanction -- yes or no?

Answer:

Yes, you can sanction for the participant not complying with or making satisfactory progress in the activities specified in the Employment Plan. Give the participant adequate time to find child care, and determine if the participant meets good cause for inability to obtain child care. Make sure that the Employment Plan clearly specifies the criteria for satisfactory progress. See section 10.3.36 of the Employment Services Manual.

Question:

Participant needs child care to job search/work – has not turned in CCAP application or arranged any child care. I have no verification that she has called providers. Or participant says can't find a provider who can take all 3 children. Sanction yes or no?

Answer:

You can sanction for the participant not complying with or making satisfactory progress in the activities specified in the Employment Plan. However, give the participant adequate time to find child care, and determine if the participant meets good cause for inability to obtain child care. See section 10.3.36 of the Employment Services Manual.

Question:

Can we sanction participants for not following through with locating child care if it is in the EP?

Answer:

Yes, you can sanction a person for not complying with or making satisfactory progress in the activities specified in the Employment Plan. Make a good effort to assist the participant with locating child care and give the participant adequate time to find child care. Determine if the participant meets good cause for inability to obtain child care. See section 10.3.36 of the Employment Services Manual.

Question:

In regards to not sanctioning a parent with a child under 6 even if you have more hours in their plan:

We often write 35-40 hours in a plan due to a daycare provider requiring their child/ren to be in care for that many hours per week (they don't provide part time care, only contract for full time daycare). So in order for daycare assistance to cover those hours, we write the plan for full time job search or work.

So if the client ends up only working/job searching 25 hours per week and we do not sanction, do they still get the 40 hours of daycare? How should we deal with that situation?

Answer:

If the client consistently works/job searches only 25 hours per week, reduce the hours of child care needed to reflect that. The child care worker would then reduce the hours authorized. In some cases, 25 hours per week of child care will actually result in the same payment as 40 hours per week. In other cases, the client may need to find a different provider that accepts part time care. Remember to add in travel time, which could add another 10 hours of child care per week.

FSS**Question:**

If an FSS client is meeting with the counselor but not handing in the activity logs I require, can I still follow the FSS checklist to sanction?

Answer:

Yes, follow the FSS sanction checklist for all FSS participants (or those may meet FSS eligibility). Refer to the MFIP Employment Services Documentation and Verification Guide for verification requirements for FSS participants.

Question:

What do I do when I approve a FVW for 3-6 months and the client does not meet with me or follow any activities in their plan? Do I sanction or do I close the FVW and transfer to job search activities?

Answer:

If an FSS Family Violence Waiver participant is not complying with their plan, and the domestic violence advocate believes the plan is appropriate, the participant loses eligibility for the FVW and FSS. Eligibility for FVW is based on the fact that the participant is following their FVW plan. Even without the FVW, you must follow the FSS pre-sanction checklist to begin the sanction process.

Question:

For FSS, is it correct that I cannot sanction for not following through with mental health appointments or doctor appointments if that is the reason for their illness/incapacitated status?

Answer:

Yes. If the (pre-60 month) participant is not following through or providing required documentation regarding the appointment, invite the participant in to update the Employment Plan. If the person doesn't turn in the paperwork or doesn't call you to schedule a new employment plan, you may begin the FSS pre-sanction checklist. As a condition of a post-60 month extension, you can include and require treatment recommendations in the Employment Plan. See MFIP ES Manual section 13.15.3 (Ill/Injured/Incapacitated Extensions).

Post 60-Months**Question:**

What do we do with a Post 60 client who has a medical for 90 days and they come in for the initial meeting to complete their employment plan but don't follow through with anything and by the time we are able to sanction through the FSS checklist their medical has expired? (case then closes for 30 days and they reapply and the same above scenario plays out).

Answer:

This is a unique situation. Please send this question in to PolicyQuest for a response.

Question:

Compliance question – case closed sanction limit and now has reapplied for MFIP within 11 months of closing. Does participant need to do compliance plan first before opening MFIP? When would a participant not need to do a compliance plan after being closed for sanction limit?

Answer:

Use professional discretion as to whether or not the NOITS activities from 11 months ago are still appropriate or available. Allow the applicant up to 30 days to demonstrate compliance in appropriate activities before MFIP eligibility is regained. Refer to your agency protocol on how long compliance is required. Reopen MFIP from the date the applicant meets the compliance requirement. Applicants would not need to do a compliance plan after being closed for sanction limit if they meet good cause criteria.

Question:

Participant has been closed on MFIP for 1 year. Applied and is now on DWP – but was disqualified early before the 4th month. Does participant just open on MFIP (having done an application) even if they were non-compliant on DWP? Or need to do compliance plan first?

Answer:

A participant who has been disqualified from DWP due to non-compliance with Employment Services may regain eligibility by complying with program requirements. A participant that has been disqualified from DWP due to non-compliance is not eligible for MFIP for the remainder of the 4-month DWP period. The disqualification for a DWP does not carry over to MFIP and the applicant does not need to come into compliance to be eligible for MFIP after DWP has closed.

Job Search and Verifications**Question:**

If a client meets their required number of job search hours weekly but does not turn in verifications of job search activity that was a requirement in their plan, do I still sanction them?

Answer:

You can sanction for failure to provide verification of a job search activity. If you know that the participant is meeting the required hours, make a good faith effort to assist them in providing the verification.

Question:

If a client is sent a NOITS for not submitting monthly tracking, but meets with ES worker to also update the EP but does not submit tracking at that time, should the client be sanctioned for missing tracking the month before?

Answer:

Use your own professional judgment in this situation. If the participant has good cause for not submitting the tracking, this requirement is no longer appropriate, and/or you have re-engaged the participant by meeting with them to develop a revised Employment Plan, a sanction is not required. Allow the applicant up to 30 days to demonstrate compliance in appropriate activities. The desired result of the NOITS is re-engaging the participant and revising the Employment Plan for more appropriate activities.

Question:

Participant claims doing job search but there are no verifications or applications done but has turned in activity log showing "job search" 30hrs. Sanction -- yes or no?

Answer:

You can sanction for failure to provide verification of a job search activity and for not doing activities required in the Employment Plan. Refer to the MFIP Employment Services Documentation and Verification Guide for verification requirements.

Other**Question:**

When sanctioning a participant with a child under 6, are the 87 hours required to be all core hours?

Answer:

They should be core hours whenever appropriate. The participant would need 87 core hours to meet the participation rate. However, if such activities are not appropriate for the participant, they can meet the 87 hours requirement with core, non-core, and/or allowable activities.

Question:

Can we sanction a participant for agreeing to develop an EP but refusing to sign the EP?

Answer:

Yes. MFIP participants are required to sign their Employment Plan.

Question:

Who is responsible for curing the sanction if the participant transfers out of the county while in sanction?

Answer:

The new county that the participant has transferred to is responsible for curing the sanction. You have discretion when deciding to clear the sanction when you think an activity isn't necessary. If someone else wrote the sanction/NOITS, use your own professional discretion on when to clear it.

Question:

Are you able to NOIT a client to turn in a Medical Opinion Form?

Answer:

See next question and answer.

Question:

Can I get a copy of Sue's response to the medical information?

Answer:

Do not write the reason the case will be sanctioned is "failure to turn in a doctor's note." If you have a plan that says "turn in updated medical opinion" or something along that line, that the person doesn't do, it is recommended that a letter be sent. You could say something like:

"Your medical opinion form has expired. We need to update your plan. Please attend a meeting on xx/xx/xx at x:xx. If you have an updated medical opinion, we can incorporate any restrictions into your plan. If not, we will revise the employment plan to include the regular job search track (or whatever makes sense for this person)."

If the person doesn't turn in the paperwork and/or doesn't call you to schedule a new employment plan, then send a NOITS and write the reason "failed to develop an employment plan on xx/xx/xx". In the list of tasks write something like: "call employment counselor and schedule employment plan meeting;" and "meeting must be held by xx/xx/xx (at least 10 days after the date of the NOITS)."

Question:

For those with holiday or excused hours, how do we enter those hours for their participation (those with employment hours that don't get entered)?

Answer:

You can find information about applying holiday hours and excused absences in Employment Services Manual section 9.48.

Question:

Could you expand on the removal of a non-compliant parent? When is it allowed?

Answer:

You can find information about disqualification of one parent in a 2 parent unit in section 14.30.3 of the Employment Services Manual.

Question:

For a youth under 20 in a school plan, if they refuse to participate in youth program and are in no other activity for the summer, can I sanction?

Answer:

Work with the participant to establish and agree upon an Employment Plan that is appropriate for their situation. Require teens who do not attend school over summer break to participate in work activities and send a Notice of Intent to Sanction if they fail to comply. Refer to Requirements for Teen Parents, ESM 7.38.

Question:

Under what circumstances would a custodial parent be excused from cooperating with Child Support?

Answer:

Check with your Child Support office for this information.

Question:

In a two-parent family. One parent is using the child under 12 months old exemption. How many hours must the other parent participate at? 87 hours or 130 hours per month?

Answer:

Consider this a single-parent family with a child under six years of age; 87 hours per month are required.

Question:

Could you review how the vendor payment guidelines work during sanctions.

Answer:

For information on vendoring during a sanction month, consult the Financial Worker or refer to the Combined Manual section 0028.30.03 – Pre 60-Month Type/Length of ES Sanctions or the Employment Services Manual, section 14.3.3 Pre 60-Month Type/Length of ES Sanctions.

Question:

I'm not familiar with PolicyQuest. What is it and how do I use it?

Answer:

PolicyQuest allows county and tribal staff to submit program eligibility policy questions to the department that are case-specific. Only county and tribal employees with access to this system are granted permission to submit questions to DHS. If you are unsure as to your access, talk to your supervisor. Your ES provider may have access to it, otherwise the County has access. Ask your supervisor or manager to find out the process used by your agency.