Department of Human Resources 311 West Saratoga Street Baltimore MD 21201	**Family Investment Administration** **ACTION TRANSMITTAL**
Control Number: #11-11	**Effective Date:** IMMEDIATELY **Issuance Date:** November 10, 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: A CHANGE TO TEMPORARY CASH ASSISTANCE VOLUNTARY QUIT POLICY

PROGRAM AFFECTED: TEMPORARY CASH ASSISTANCE (TCA)

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

We recently became aware of inconsistencies between TCA policy and the Code of Maryland Regulations (COMAR) for what to do when a customer voluntarily quits a job or reduces work hours.

According to the TCA policy in section 111.4 of the Work Book, when a person voluntarily quits a job or reduces work hours for a job that is included in the customer's Family Investment Plan (FIP) plan, the case manager closes the case with adverse action for non-cooperation with the FIP plan. The case remains closed for 30 days.

Regulation 07.03.03.07-1H in COMAR requires us to follow the conciliation and sanction process.

This action transmittal gives the correct procedure for applying sanctions when a customer voluntarily quits a job or reduces his or her work hours without good cause.

ACTION REQUIRED:

For applicants:

A. When a TCA applicant voluntarily 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 made, the assistance unit is ineligible for TCA for 30 days following the quit.

B. Pend the TCA application in CARES for the date the application was received in the office and deny it. Repend 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.

For recipients:

A. When an active TCA recipient is working at least 30 hours a week and voluntarily quits his or her job or reduces work hours without good cause, that customer is non-compliant with work requirements.

B. Apply conciliation and sanction. Give the customer a 30 day conciliation period for the first instance of non-compliance.

Applying Conciliation and Sanction:

A. For adults who quit a job or reduce their work hours without good cause, generate the Notice of Non-compliance (NONC) through the WORKS 2.0 system. Use the code OTC for the first instance of non-compliance and OTX for the second or subsequent instance of non-compliance on the **ADD ACTIVITY** screen in WORKS 2.0.

B. For work mandatory minors who quit their job or reduce their work hours without good cause, send a manual NONC to the parent of the minor. To record instances of non-compliance for the minor, go to the **DEM1** screen, in CARES, of the non-compliant minor and manually enter the following codes in the **Place of Birth** field:

- **N1 for the first instance of non-compliance**
- **N2 for the second instance of non-compliance and**
- **N3 for the third of subsequent instance of non-compliance**

C. To cure the sanction, the customer must participate in an activity that simulates work as closely as possible i.e. WEX, WEJ, WEM, OJT etc., for the following sanction cure periods:

- **One day for the first instance of non-compliance**
- **Ten days for the second instance of non-compliance (all the days the activity is available in a 10 day period.)**
- **Thirty days for the third or subsequent instance of non-compliance (all the days the activity is available in a 30 day period.)**

Reminder: The customer becomes eligible for benefits the day after they have completed the one, ten or 30 day compliance period.

D. Use CARES codes 501, 502, or 503 to close a TCA case for the appropriate instance of non-compliance when the head of household recipient quits a job or reduces work hours without good cause while receiving TCA and fails to cure the sanction.

- Apply phantom income to the Food Supplement Program (FSP) when the TCA case closes unless the customer is exempt from FSP work requirements.

E. When the minor who is a child on the TCA case fails to cooperate, apply an individual sanction by removing the needs of the minor in CARES.

Note: For more information on entering instances of non-compliance into WORKS 2.0 see AT 10-37.

Examples:

Scenario # 1

Thom Thumb worked at the Dixie Cup company as a stock clerk. Mr. Thumb was working 40 hours a week making $9.75/hour. He hurt his back shoveling snow one day and took sick leave until it got better. Mr. Thumb returned to work, but he says he continues to have back pain. His doctor says he is healthy and can work. However, Mr. Thumb believes he cannot do his job so he quit September 10th even though his doctor said he is healthy. Mr. Thumb goes to the LDSS September 14th with his family, to apply for TCA because he feels he cannot work.

- Mr. Thumb's case should be considered a voluntary quit because he was earning more than 30 times the minimum wage per week.
- Mr. Thumb's doctor says he is healthy and able to work.
  - The case manager must verify whether or not Mr. Thumb is able to work.
- Mr. Thumb is ineligible for TCA until October 9th. The case manager must deny the case.
- Mr. Thumb and his family can reapply, after October 9th.

Scenario # 2

Shirley Smith receives TCA for herself and 2 children under the age of 6. She was working at Burger King 18 hours per week at minimum wage. Ms. Smith decided she wanted to go to nursing school to become an LPN. She quit Burger King and enrolled in the full time nursing program at 20 credit hours per week. The nursing program has an internship component. She also took a job working 15 hours a week as a nurse's aid at Shady Pines Nursing home making $8.25/ hour. Ms. Smith is compliant with the work program because:

- Ms. Smith is not a voluntary quit because she was not working at least 30 times the minimum wage per week on the job she quit; and
- Ms. Smith self initiated her own countable work activities; and
- She is meeting the sufficient number of hours for work requirements.

Scenario # 3

Gertrude Green receives TCA for her self and 1 child. Ms Green has been on assistance for 27 months preparing to go to work. During her time on assistance the LDSS helped her get a GED and then placed her in an 18 month certificate program to train as a medical technician. Ms. Green completed the program successfully and graduated with her certification. In September, Ms. Green went on a job interview with General Hospital for a job as a medical technician which pays $18/ hour. The hospital was 50 miles away from her home. She got the job, but needed reliable transportation since there was no public transportation to the hospital. The agency referred her to the Cars for Careers program where she was able to get a reliable car to go to work. Ms. Green began the position at General Hospital on October 5th. She worked for 2 weeks and then quit the job on October 20. She told the job specialist in the LDSS that the job was too far away and she had to get up too early to get her child to daycare. She would like to look for a job closer to home so she would not have to travel so far.

- Ms. Green voluntarily quit her job without good cause because she had reliable transportation to get to work and day care was available at the time she had to leave to get to work on time.
- The case manager sends Ms. Green a Notice of Non-Compliance on October 25th and gives her a 30 day conciliation period.
- The case manager finds a work experience position at a nursing home for Ms. Green. She explains that Ms. Green must participate in the activity or she will be sanctioned.
- Ms. Green feels that she is over qualified for the position and believes she can find her own job.
- By November 15th, Ms. Green has not found a job. The case manager sends a Notice of Adverse Action (NOAA) to close Ms. Green's TCA case effective December 1.

ACTION DUE: Immediately

INQUIRIES:
Please direct TCA policy questions to Marilyn Lorenzo at 410-767-7333, or mlorenzo@dhr.state.md.us or to Gretchen Simpson at 410-767-7937 or gsimpson@dhr.state.md.us.

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