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130.1 Purpose

This section describes SNAP general work requirements, exemptions from work requirements, and Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T).

130.2 General Policy

- A. In May 2015, the State of Maryland elected to become a voluntary state for SNAP E&T work participation requirements.
- B. As a voluntary state, SNAP requires that each household member (who is not exempt under section 130.5 below) complete a work registration, but participation in a work activity is voluntary except as noted in 130.2
- C. This manual uses Work Registration in place of general work requirement terminology.
- D. Only Able-Bodied Adults Without Dependents (ABAWDs) who are not exempt and do not meet the requirements for an exception are required to complete SNAP work registration **and** participate in approved work activities, or become employed. (See SNAP Manual section 106 for ABAWD policy).

130.3 Work Registration Procedure

- A. At a customer's initial SNAP certification and at redetermination, an eligibility worker is responsible for:
 - a. Determining which SNAP household members must register for work,
 - b. Registering each individual for work who is not exempt under section 130.5 below, and
 - c. Ensuring that the Work Exemption screen in the Eligibility and Enrollment (E&E) system is updated and correct for each individual at application and recertification.
- B. It is not necessary for work registration to be done in person.

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130.4 Determination of Exemption Status

Screen SNAP household members for potential exemptions from Work Registration at the time of initial certification and at each subsequent redetermination. If an individual qualifies for more than one (1) exemption, the exemption expected to apply for the longest period of time must be selected.

Note: Customers are responsible for registering for work at their next redetermination when they lose an exemption from Work Registration due to a change in circumstances that is not subject to the requirements of Simplified Reporting. (See SNAP Manual section 420.)

130.5 Exemptions from Work Registration

Individuals are exempt from Work Registration by federal statute if they are:

- A. Younger than age 16 or aged 60 or older,
 - a. Individuals aged 16 and 17 are also exempt from work registration if they are:
 - i. Not the head of household,
 - ii. Attending school, or
 - iii. Enrolled in a SNAP E&T program at least half-time.
- B. Physically or mentally unfit for employment. Require verification of the mental or physical disability only if the disability is not evident. Verification includes:
 - a. Receipt of temporary or permanent disability payments issued by public or private sources, or
 - b. A statement from a licensed health care provider, or
 - c. A FIA form 500 completed by a licensed health care provider.
- C. Subject to, and complying with, any work requirement under Title IV of the Social Security Act, including compliance with Temporary Cash Assistance (TCA) work requirements.

Note: Some TCA customers are not subject to TCA work requirements (e.g. caretaker relatives other than parents). If customers are not

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130.5 Exemptions from Work Registration (continued)

exempted from TCA work requirements, then they are subject to SNAP Work Registration.

- D. Responsible for the care of a dependent child under age 6 or an incapacitated individual.
 - a. When the child turns 6 within a certification period, the person responsible for the care of the child must register for work at the next scheduled redetermination unless they qualify for another exemption.
- E. Receiving unemployment compensation.
 - a. A person who has applied for, but has not yet begun to receive benefits is also exempt if that person is complying with work requirements associated with their unemployment application.
 - b. Verify unemployment information using BEACON.
- F. A regular participant in a drug or alcohol treatment or rehabilitation program.
- G. Employed or self-employed working a minimum of 30 hours weekly **OR** earning weekly wages at least equal to the federal minimum wage multiplied by 30 hours.
 - a. This includes migrant and seasonal farm workers who are under contract with an employer or crew chief and who will begin employment within 30 days.
- H. A student enrolled at least half time in any recognized school, training program, or institution of higher education.
 - a. A student enrolled at least half-time in a school of higher education must meet the requirements in Section 102 of this manual.
 - b. The student remains exempt during normal periods of class attendance, vacations, and recesses.
 - c. If the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term

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130.5 Exemptions from Work Registration (continued)

(excluding summer school) the LDSS must register the customer for work.

130.6 Individual Exemptions

- A. Individuals that are required to register for work because they do not meet any of the statutory exemptions in section 130.6 above may still be individually exempted from work registration.
- B. The fact that the customer meets a condition that **could be** considered an individual exemption does not automatically grant the individual exemption.
 - a. The situation must exist and the case manager must decide that the circumstance makes participation in work program activities impractical.
- C. Determine individual exemptions on a case-by-case basis and review the exemption again at recertification.
- D. Allowable individual exemptions from Work Registration include:
 - a. Older individual – Aged 55 or older with no formal skill training who has not been employed within the last 10 years and has less than a 10th grade education.
 - b. Multiple barriers – There are multiple barriers to employment, including but not limited to, alcohol or drug abuse, or lack of a driver's license (making transportation to the work program site difficult).
 - c. Child care difficulties – Caretaker relatives of a child aged 12 years or under and cannot arrange adequate childcare.
 - d. Family problems – Experiencing domestic abuse and must attend counseling sessions that conflict with employment and training participation.
 - e. Homelessness – Lacking adequate shelter or a permanent home and has one or more other limitations such as, but not limited to,

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130.6 Individual Exemptions (continued)

- a history of alcohol or drug abuse, lack of transportation, or inadequate clothing.
- f. Temporary illness or disability – Resulting in the inability to work for at least 90 days.
- g. Job-related – The registrant has been laid off temporarily with the expectation of returning to the same employer within three months or less, or an individual who has a verifiable offer of employment to begin within 90 days.
- h. Transitional living arrangement – Living in a temporary arrangement such as a shelter for battered women or other temporary housing during a family emergency.
- i. Migrant or seasonal worker – The registrant who moves from one region to another to work or seek work in agriculture or a related seasonal industry, or a registrant who is under contract or has a similar agreement with an employer to begin work within 30 days.
- j. Convicted offender – Performing unpaid work for a minimum of 30 hours weekly in lieu of sentencing.
- k. Pregnancy
- l. Transportation difficulties – No access to any mode of transportation or lives too far away (i.e. a round trip to and from the SNAP E&T program site or potential employer exceeds two hours by reasonable public or private transportation).

130.7 Local Department Responsibility

The Local Department of Social Services (LDSS) will:

- A. Register each household member not exempt under the criteria listed in Section 130.5 for work. Complete the Work Exemption/WORKS Referrals screen in E&E.
- B. Permit the applicant to complete Work Registration for each household member required to register for employment.

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130.7 Local Department Responsibility (continued)

- C. Screen each work registrant to determine whether they are an Able-Bodied Adult Without Dependent (ABAWD). If so, ABAWD work activity requirements apply. See SNAP Manual section 106 for detailed ABAWD policy and procedures.

130.8 SNAP Employment and Training Program Voluntary Participants

- A. In Maryland all E&T participation is voluntary. ABAWDs are not mandatory SNAP E&T participants.
 - a. ABAWDs must participate in work activities but cannot be required to participate in a SNAP E&T program.
 - b. ABAWDs who choose not to participate in a countable SNAP E&T program may meet the work activity requirements in other ways (detailed in SNAP Manual section 106).
- B. SNAP E&T programs are available for any SNAP household members that choose to participate voluntarily.
 - a. Voluntary participants are not subject to sanctions for non-compliance with SNAP E&T requirements.

130.9 SNAP Employment and Training Program Work Requirement

Work Experience and workfare are governed by the Fair Labor Standards Act (FLSA) minimum wage requirements.

130.10 Loss of Exemption Status

Update the Work Exemption/WORKS Referrals screen in E&E when there is a change in circumstances that causes an individual to lose an exemption during the certification period. Otherwise, update individual's registration who lose their exemption status due to a change not subject to the reporting requirements for work at the household's next recertification.

130.11 Failure to Comply

- A. Individuals that are required to register for work are ineligible if they:
 - a. Refuse to register;

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130.11 Failure to Comply (continued)

- b. Voluntarily quit a job without good cause; or
- c. Voluntarily reduce their work hours to less than 30 hours per week without good cause.

Note: An individual is exempt from Work Registration as long as they earn at least the equivalent of the 30 hours pay at the hourly federal minimum wage.

130.12 Failure to Comply with a Work Requirement under TCA or Unemployment Insurance

- A. When a TCA customer fails to comply with a TCA work requirement and is sanctioned, add TCA phantom income on the SNAP case.
- B. Do not impose a sanction on the SNAP case for non-compliance with TCA requirements.
- C. Do not use phantom income when a customer's unemployment insurance (UI) benefits are terminated for failure to comply with UI work requirements (because unemployment insurance is not a means-tested public benefit).

130.13 Ending a Disqualification

- A. A disqualification period is a period of time where the customer is ineligible for SNAP benefits. The disqualification period begins on the date of the quit. The length of time disqualification period is in effect is determined by the violation instance:
 - i. First violation - one month or the date of compliance, whichever is later.
 - ii. Second violation - three months or the date of compliance, whichever is later.
 - iii. Third or subsequent violation - 6 months or the date of compliance, whichever is later.
- B. Following the end of the disqualification period for non-compliance with Work Registration, voluntary quit, or voluntary reduction in work

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130.13 Ending a Disqualification (continued)

hours, participation may resume if a disqualified individual applies again and is determined eligible.

- C. Eligibility may be re-established during a disqualification period if the disqualified household member becomes exempt from Work Registration.

130.14 Suitable Employment

Employment is considered suitable if the following conditions exist:

- A. Earnings
 - a. Must be equal to or more than the federal minimum wage, or
 - b. The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably expect to earn is equal to or more than the federal minimum wage.
- B. Union Membership - The household member, as a condition of employment, or continuing employment, is not required to join, resign from, or refrain from joining any legitimate labor organization.
- C. Strikes - The work offered is not at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under §208 of the Labor-Management Relations Act (29 U.S.C. 78 commonly known as the Taft-Hartley Act), or unless an injunction has been issued under § 10 of the Railway Labor Act (45 U.S.C. 160).

130.15 Registrant Proof of Unsuitability for Voluntary Quit or Reduction of Work Hours

Employment is considered suitable unless the household member can demonstrate, or the case manager becomes aware that:

- A. The degree of risk to health and safety is unreasonable;
- B. The member is physically or mentally unfit to perform the employment, as established by documentary medical evidence or reliable information obtained from other sources;

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130.15 Registrant Proof of Unsuitability for Voluntary Quit or Reduction of Work Hours (continued)

- C. The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting. Employment is not suitable if:
 - a. Daily commuting exceeds two hours per day, not including transporting children to and from daycare facilities; or
 - b. The distance to employment prohibits walking and neither public nor private transportation is available to transport the member to the job site; or
- D. The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

130.16 Participation of Strikers

Strikers whose households are eligible under SNAP Manual section 101 are subject to Work Registration unless exempt under section 130.5.

130.17 Voluntary Quit and Reduction of Work Effort

- A. An individual is ineligible if, without good cause, the individual:
 - a. Voluntarily quit a job of 30 hours per week or more; or
 - b. Voluntarily reduce their work effort to less than 30 hours per week without good cause.
- B. To be considered a voluntary quit the following conditions must exist:
 - a. The job was 30 hours or more per week or provided weekly earnings at least equivalent to the federal minimum wage multiplied by 30 hours;
 - b. The quit happened within 30 days prior to application or anytime thereafter; and
 - c. The quit was without good cause.
- C. To be considered a voluntary reduction of work effort the following conditions must exist:

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130.17 Voluntary Quit and Reduction of Work Effort (continued)

- a. Before the reduction, the individual was employed 30 hours or more per week;
- b. The reduction occurred within 30 days prior to the date the application was filed or any time thereafter; and
- c. The reduction was without good cause.

130.18 Determination of Voluntary Quit

A. Participant Households

- a. When a participating household loses a source of income, determine if any currently unemployed household member quits their job under the conditions described in section 130.17 above. Do not delay benefits pending this determination.
 - i. The eligibility worker may use an unemployment benefit determination as the basis for establishing whether a job was voluntarily quit.
- b. An employee of the federal, state, or local government who participates in a strike against the government and is dismissed from his or her job because of participating in the strike is considered to have voluntarily quit the job without good cause.
- c. The following situations are not considered a voluntary quit:
 - i. If an individual quits a job, secures new employment at comparable wages or hours, and is then laid off or, through no fault of their own, loses the new job, then the earlier quit will not form the basis for disqualification.
 - ii. Changes in employment status resulting from an employer initiated reduction in hours of employment, termination of a self-employment enterprise, or a resignation from a job at the demand of the employer.
 - iii. Quitting a job that paid less than 30 times the hourly federal minimum wage.

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130.18 Determination of Voluntary Quit (continued)

- d. Determine if any household member voluntarily quit in the time between application and certification. If the household member is already participating in SNAP when a quit that occurred prior to certification is discovered, consider the individual as participating in SNAP for the purpose of imposing the penalty.
 - i. Upon a determination that an individual voluntarily quit employment, determine if the voluntary quit was with good cause as defined in section 130.20.
 - ii. If the voluntary quit was not for good cause, the individual is ineligible for the following disqualification periods of time from beginning the date of the quit:
 - iii. First violation - one month or the date of compliance, whichever is later.
 - iv. Second violation - three months or the date of compliance, whichever is later.
 - iii. Third or subsequent violation - 6 months or the date of compliance, whichever is later.
- e. If an individual in a participating household is found to have voluntarily quit a job without good cause, provide a notice of adverse action within 10 days after determination of the quit. The notice must:
 - i. Contain the particular act of non-compliance;
 - ii. Contain the proposed period of ineligibility;
 - iii. Contain the actions that may be taken to end or avoid the disqualification;
 - iv. Contain information to request a fair hearing; and,
 - v. Specify that the individual may reapply at the end of the disqualification period.
- f. Voluntary Quit at the end of a Certification Period
 - i. If a voluntary quit occurred in the last month of a certification period or is determined in the last 30 days of

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130.18 Determination of Voluntary Quit (continued)

the certification period, do not include the individual in the household for the corresponding period of time beginning with the day after the last certification period ends.

- ii. **Example:** Mr. A's certification period is scheduled to end April 30. He completes his redetermination interview on April 15 for himself and two children ages 14 and 15. At that time the case manager finds that he voluntarily quit his job on April 3 and there is a voluntary quit disqualification from 6 months ago. Since this is his second work requirement sanction, he is ineligible for three months or until the date of compliance, whichever is later.
- g. If the household does not reapply for SNAP benefits by the end of the certification period after a member voluntarily quits a job, establish an overpayment claim for the SNAP benefits received by the household for the length of the penalty, as described in section 130.12(B), beginning the first of the month after the month in which the quit occurred
- i. **Example:** On May 15 the case manager discovered that Mr. B quit a job on March 4. This is his second violation. Mr. B's certification period ended May 31 and he did not reapply. Mr. B would not be eligible for April or May benefits. The penalty for a 2nd voluntary quit is three months or until compliance. The case manager establishes an overpayment claim for the SNAP benefits received in April and May. Mr. B is not eligible until July 1 or until he complies with the work requirements whichever is later. If Mr. B reapplies in July, if he is not working another job of 30 hours a week or equivalent to 30 times the federal minimum wage, he remains ineligible.
 - ii. **NOTE:** If the participating household's SNAP benefits continue pending a fair hearing SNAP benefits do not extend past the end of the certification period and the local department determination is upheld, the disqualification period begins the first of the month after the hearing decision is rendered.

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130.18 Determination of Voluntary Quit (continued)

B. Applicant Households

- a. Determine whether any unemployed household member who is required to register for work or who is exempt because the individual is working a minimum of 30 hours weekly or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours, has voluntarily quit a job within the last 30 days. If the case manager learns that a household member has lost a source of income after the date of application but before the household is certified, the case manager must determine whether a voluntary quit occurred.
 - i. Advise the household of:
 1. The reason for the denial of benefits for the individual;
 2. The length of the disqualification period;
 3. The individual's right to reapply at the end of the disqualification period; and
 4. The individual's right to a fair hearing.
 - ii. The individual disqualified for quitting a job will remain ineligible for the length of the disqualification period even if the individual joins a new household.

- H. If an application for SNAP benefits is filed in the last month of the disqualification period, use the same application for denial of SNAP benefits in the remaining month of the disqualification and certification for any subsequent eligible months.

130.19 Exemptions from Voluntary Quit Provisions

Voluntary quit provisions do not apply to persons who are exempt from Work Registration (as described in Section 130.5) at the time of the quit **except** when the individual is exempt because they are working a minimum of 30 hours per week or receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

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130.20 Good Cause for Voluntary Quit

Good cause for leaving employment includes the good cause provisions found in Section 130.13 and resigning from a job that does not meet the suitability criteria in Section 130.15. Good cause for leaving employment also includes:

- A. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs.
- B. Work demands or conditions that make continued employment unreasonable, such as working without being paid on schedule.
- C. Acceptance of employment or enrollment of at least half time in any recognized school, training program, or institution of higher education that requires the individual to leave employment.
- D. The household needs to move, causing the individual to leave employment when a household member accepts employment or enrolls at least half time in any recognized school, training program, or institution of higher education in another jurisdiction.
- E. Resignations by persons under the age of 60 that are recognized by the employer as retirements.
- F. Employment that becomes unsuitable by not meeting the criteria specified in Section 130.15 after acceptance of the employment.
- G. Acceptance of a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by 30 hours which, because of circumstances beyond the control of the wage earner, either does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the federal minimum wage multiplied by 30 hours.
- H. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work. There may be some circumstances where households will apply for SNAP benefits between jobs particularly in cases where work may not yet be available at a new

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130.20 Good Cause for Voluntary Quit (continued)

job site. Even though employment at the new site has not begun, leaving the previous employment is considered good cause if it is a part of the pattern of that type of employment.

130.21 Verification for Good Cause

- A. When the information given by the household is questionable, request verification of the household's statements indicating good cause.
- B. The household has the primary responsibility for providing the verification. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, offer assistance to the household to obtain the verification.
- C. Acceptable sources of verification include, but are not limited to, the previous employer, employer associations, union representatives, and grievance committees or organizations. When documentary evidence cannot be obtained, substitute a collateral contact. The local department is responsible for obtaining verification from acceptable collateral contacts provided by the household.
- D. Do not deny SNAP eligibility if a quit resulted from circumstances that cannot be verified such as discrimination or for unreasonable work demands.

130.22 Ending a Voluntary Quit Disqualification

- A. Following the end of the disqualification period, an individual may begin participating in SNAP if the individual applies again and is determined eligible.
- B. The individual may re-establish eligibility during a disqualification period if the violator becomes exempt from Work Registration, except if the exemption is for TCA work registration or receipt of unemployment compensation.

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130.23 Fair Hearings/Appeals

- A. Each individual or household has the right to request a fair hearing to appeal a denial, reduction, or termination of SNAP benefits.

Note: In general, the only negative action case managers will take is when a customer refuses to register for work without good cause, or a customer voluntarily quits or reduces work without good cause.

- B. Individuals may also appeal local department actions such as the determination of exemption status, the type of requirement imposed, or local department refusal to make a finding of good cause when the individual believes that a finding of failure to comply resulted from an improper decision.