

# Clear Statement of Workforce Solutions Policy for Appeal Hearings

## TANF Recipient Failure to Cooperate as Required

The purpose of this document is to provide hearing officers with a clear statement of Workforce Solutions policy for use in appeals hearings.

### Failure to Cooperate as Required

- **Workforce Solutions Policy:**  
Workforce Solutions will initiate a penalty for a TANF recipient who fails to cooperate as required and agreed or who doesn't offer a good cause for non-cooperation by the due date provided in our Non-Cooperation letter or in our Make-Up Hours Agreement.
  
- **We will demonstrate the customer**
  - was required to cooperate a specific number of hours,
  - was informed about cooperation requirements and the requirements for reporting hours of cooperation to Workforce Solutions,
  - agreed to cooperate a specific number of hours,
  - didn't present a good reason for non-cooperation, and
  - didn't cooperate as required or did not report hours of cooperation as required.
  - A non-cooperation letter was mailed to the customer on a specific date.
  - The letter was mailed to the customer's current address.
  - The letter instructed the customer to respond within 7 calendar days of the date on the letter.
  - The customer did not respond and penalty was initiated on the 8<sup>th</sup> calendar day.

**Or,**

  - The customer responded within 7 calendar days of the letter, but didn't offer a good cause for non-cooperation within the required timeframe and a penalty was initiated on the 8<sup>th</sup> calendar day.
  
- **We will present the following evidence:**
  - A copy of the Family Employment Plan. The customer signs a statement of agreement to acknowledge she understands she must cooperate with the requirement of the Family Employment Plan or she will lose her TANF benefits.
  
  - A copy of Workforce Solutions Policy Regarding Cooperation Requirements.

## Workforce Solutions Policy – TANF/Choices Cooperation

Source: Texas Workforce Commission Choices Rules: 40 TAC Chapter 811, Section 811.14.

### **§811.14. Noncooperation.**

- (a) A Board shall ensure that cooperation by Choices participants is verified each month to ensure that the Choices participants:
  - (1) comply with work requirements as set forth in the family employment plan; or
  - (2) have good cause as described in this chapter.
- (b) If Choices participants have not cooperated with work requirements and do not have good cause, a Board shall ensure that:
  - (1) a penalty is requested for mandatory Choices participants; or
  - (2) Choices services, including support services, are terminated for exempt Choices participants.
- (c) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a mandatory Choices participant prior to requesting a penalty to:
  - (1) determine the reason for noncooperation and whether good cause is applicable, as described in §811.16(c);
  - (2) inform the mandatory Choices participant of:
    - (A) the violation, if good cause has not been determined;
    - (B) the right to appeal; and
    - (C) the necessary procedures to demonstrate cooperation.
- (d) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a sanctioned family and conditional applicants upon discovery of noncooperation during their demonstrated cooperation period to determine if good cause exists.
- (e) A Board shall ensure that the reasonable attempts to contact a mandatory Choices participant are documented.
- (f) A Board shall ensure that:
  - (1) HHSC is notified of a mandatory Choices participant's failure to comply with work requirements; and
  - (2) the notification of noncooperation is submitted as early as possible in the same month in which the noncooperation occurs.

*The provisions of this §811.14 adopted to be effective September 29, 2008, as published in the Texas Register, September 26, 2008, 33 TexReg 8192.*

## Workforce Solutions Policy – TANF/Choices Cooperation

Source: **Workforce Solutions Operations Policies and Procedures, Expanded Service Standard, VII. Information Resources for Staff, H. Cooperation Rules & Procedures**

### **No Cooperation**

During an orientation, we give customer instructions about how to report his or her cooperation to Workforce Solutions. The customer must submit her proof of cooperation each Monday unless the office is closed for holiday/emergency. If the office is closed on Monday the customer's proof of cooperation is due on Tuesday and all our tracking entries move forward one day. Customers sign family employment plans to show they agree to the plans' requirements and that they will cooperate by following instructions provided by staff.

A customer cooperates with Workforce Solutions by participating in the activities she or he has agreed to carry out for the number of required hours, or by reporting back to us – and receiving approval from us – for good cause, a short-term excused absence, reduced requirements or reconsideration.

For each instance of non-cooperation, we must make an attempt to contact the customer about her non-cooperation. We do this with a non-compliance letter or with the Make-Up Hours Agreement.

TANF/Choices – Mandatory – The customer does not comply

1. When the customer does not comply with requirements, and she has not already signed a Make-Up Hours Agreement, the Tracker sends a non-compliance letter by Wednesday of the week after she does not prove compliance. This letter warns the customer she must comply within six calendar days or we will initiate a penalty and she will lose her benefits.

Again, *comply with requirements* means the customer provides to us, on the date we specify (e.g. Monday, unless the office is closed), and in the format we have requested, a record and proof that he is engaging in the activities required as a part of his employment plan for the required number of hours.

2. You might send several non-compliance letters during a 12-month period year if a customer returns to cooperating with us after receiving a non-compliance letter, but then some point in the future again fails to cooperate.