

# Clear Statement of Workforce Solutions Policy for Appeal Hearings

## TANF Recipient Failure to Respond to Recruitment/Outreach Letter

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 Respond to Recruitment/Outreach Letter

Workforce Solutions will initiate a penalty for a TANF recipient who does not respond within our required timeframe to our outreach/recruitment letter.

#### ▪ **We will demonstrate:**

- It is the policy of Workforce Solutions to mail outreach/recruitment letters to SNAP recipients who are required to cooperate with Workforce Solutions to find a job.
- Workforce Solutions mailed a recruitment letter to the customer on a specific date.
- Workforce Solutions mailed the recruitment letter to the customer's current mail address, which is the same mail address used by HHSC.
- In the letter we informed the customer he or she must respond to Workforce Solutions by a certain date or we would notify HHSC of his or her non-cooperation and HHSC will stop benefits.
- Workforce Solutions initiated a penalty for one of the reasons listed below:
  - The customer failed to respond to the recruitment letter by the date required, or
  - the customer responded, but chose not to cooperate and didn't offer a good cause for not cooperating.

#### ▪ **We will present the following evidence:**

1. **The recruitment letter mailed to the customer.** The recruitment letter mailed by Workforce Solutions to the appellant customer. The letter is dated and informs the customer of cooperation requirements, the consequences for noncooperation and who to contact if working or unable to cooperate.
2. **TWIST Counseling Record.** The counseling note is a system entry, automatically created by our MIS system. The note documents the mailing address and the mail date. The mailing address is the same address listed for the customer in HHSC's database.
3. **Workforce Solutions Policy Regarding Recruitment.**

## Policy Regarding Recruitment

Source: Texas Workforce Commission Choices Rules: 40 TAC Chapter 811, Section 811.13.

### **§811.13. Responsibilities of Mandatory Individuals, and Exempt Recipients Who Voluntarily Participate.**

- (a) A Board shall ensure that mandatory individuals, and exempt recipients who voluntarily participate in Choices services, comply with the provisions contained in this section.
- (b) Mandatory individuals, and exempt recipients who voluntarily participate in Choices services, shall:
  - (1) accept a job offer at the earliest possible opportunity;
  - (2) participate in or receive ancillary services necessary to enable mandatory individuals to work or participate in employment-related activities, including counseling, treatment, vocational or physical rehabilitation, and medical or health services;
  - (3) report hours of participation in component activities, including hours of employment; and
  - (4) attend scheduled appointments.
- (c) Within two-parent families, mandatory individuals, and exempt recipients who voluntarily participate in Choices services, shall participate in assessment and family employment planning appointments and assigned employment and training activities as follows:
  - (1) participate in Choices employment and training as specified in §811.25(c)-(d) of this chapter;
  - (2) comply with requirements regarding core and non-core activities, as specified in §§811.25-811.32 of this chapter;
  - (3) comply with all requirements specified in the family employment plan; and
  - (4) sign a form that contains all the information identified in the Commission's Family Work Requirement form, as described in §811.24 of this chapter.
- (d) Within single-parent families, mandatory individuals, and exempt recipients who voluntarily participate in Choices services, shall participate in assessment and employment planning appointments and assigned employment and training activities as follows:
  - (1) participate in Choices employment and training activities as specified in §811.25(b) of this chapter;
  - (2) comply with requirements regarding core and non-core activities, as specified in §§811.25-811.32 of this chapter; and
  - (3) comply with all requirements specified in the family employment plan.
- (e) A Board shall ensure that recipients who elect to receive the EID through TDHS:
  - (1) report actual hours of work to a Board; and
  - (2) are provided with information on available post-employment services.

*The provisions of this §811.13 adopted to be effective November 18, 2003, as published in the Texas Register, November 14, 2003, 28 TexReg 10261.*

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

### **No Response to a Recruiting Letter**

Workforce Solutions mails recruiting letters to TANF and SNAP recipients who are required to cooperate with us and haven't yet received an orientation.

We tailor the letter for each customer group, state the consequences for failing to respond, and give a timeframe for responding.

**Customers must respond to our letter no later than seven calendar days from the date of the letter.**

Our procedures for initiating penalties when a customer doesn't respond to a recruiting letter are:

- **On the eighth day** from the date of our recruiting letter, a Tracker checks the customer record in TWIST to determine if she or he responded to our letter. The Tracker looks for one of the following as evidence:
  1. A record that the customer participated in an orientation;
  2. A rescheduled orientation appointment; or
  3. A record of Good Cause.
- If the customer hasn't responded, the Tracker initiates a penalty in the customer's record in TWIST **on the eighth day**.

Example: If the date of the letter is Monday February 14<sup>th</sup> – we expect the customer to respond by Monday February 21<sup>st</sup>. (In this example: Mon = day 0, Tues = day 1, Wed = day 2, Thurs = day 3, Fri = day 4, Sat = day 5, Sun = day 6, Mon = day 7).

In TWIST, initiate a penalty on Tuesday February 22<sup>nd</sup> and enter the non-cooperate date as Monday February 21<sup>st</sup>.