

Department of Public Health and Human Services	SECTION: SANCTIONS
WoRC GUIDELINES MANUAL	SUBJECT: Policy and Process

GENERAL RULE: Before recommendation for a sanction as a result of non-compliance with WoRC, the WoRC Case Manager should attempt to contact the participant (i.e., by phone or letter) and inquire as to the reasons for non-compliance and determine whether or not good cause for non-compliance exists. If there is no response from the participant within three days and/or good cause for non-compliance is not proven, the sanction review process is initiated.

REASONS FOR SANCTION:

1. Failure to accept or maintain employment, without good cause (Section 2.3).
2. If there is loss of contact with the participant and the WoRC Case Manager has attempted repeatedly to contact (i.e., phone or letter).
3. If the participant does not comply with activities as outlined on the negotiated/signed Employability Plan.

SANCTION REVIEW PROCESS:

The Sanction Review Process begins with the WoRC Case Manager/Supervisor. The WoRC Case Manager completes Parts I and II of the HCS 766-Sanction Recommendation form stating the specifics of the non-compliance that triggered the sanction recommendation. The HCS 766 and all supporting documentation are submitted to the Sanction Review Committee and OPA. The WoRC Case Manager must complete section V of the HCS 766 if good cause has been stated by the participant.

The HCS 766 must be submitted to the OPA anytime a participant is out of compliance. The form must be submitted even if the TANF case is closed.

SANCTION REVIEW FORM (HCS 766):

At least 10 days after action is taken on the case, OPA must send the **completed** HCS 766 to Jody Frank, 2121 Rosebud, Suite D Billings, MT 59102 regardless of the committee's decision. Waiting 10 days but no more than 30 days, allows time for the participant to present good cause.

Effective 1/1/08, current sanction policy and process is as follows:

- 1st sanction = penalty month equal to a reduction in benefits for a one month period. The reduction in benefits would equal one individual's share of the TANF grant.
- 2nd sanction = one month ineligibility period for all required filing unit members (total

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household ineligibility).

- 3rd sanction = three (3) month ineligibility period for all required filing unit members (total household ineligibility).
- 4th and subsequent sanction = six (6) month ineligibility period for all required filing unit members (total household ineligibility).

NOTE: The ineligibility period applies to anyone who is a required filing unit member at the time of the sanction or individuals who would have been a required filing unit member at the time of the sanction, if they were in the household i.e., newborn children.

Exceptions to total household ineligibility:

- If the children who are under a sanction ineligibility period are removed from the home by Child and Family Services and placed in another household, they may be eligible for child only TANF cash assistance during the ineligibility period, provided all other eligibility criteria is met, i.e., living with a specified caretaker relative within the 5th degree of kinship.
- If a specified caretaker relative, who is within the 5th degree of kinship, makes application for child only TANF cash assistance for children who are under a sanction ineligibility period, the children who are under a sanction ineligibility period may be eligible, provided all other eligibility criteria is met, i.e., child support enforcement referrals on both absent parents.

NOTE: In addition to child only TANF, other services may be available to the specified caretaker relatives i.e., Supplemental Nutrition Assistance Program (SNAP) benefits, child support supplemental payments and child care for employment hours.

SANCTION & TIME CLOCK

Individuals who are sanctioned are considered to be receiving benefits and their clock will advance during the sanction penalty month if benefits are issued.

If a participant is sanctioned two (2) or more times after 1/1/08 please refer to the Intensive Case Management Meeting section of this manual (5.2).

When should a sanction not be recommended?

A WoRC Case Manager should **not** recommend sanction in the following situations:

1. There is conclusive evidence that the participant has moved, (e.g. returned mail, reliable collateral contact, etc.);

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2. The participant has gained and verified employment as long as **that employment meets the participant's required weekly participation hours or will cause case closure;**
3. A participant is coded NPI, NIH or NCC; or
4. If a participant's TANF application has not been approved.

NOTE: If the employment does not meet the required weekly participation or case closure, a sanction recommendation can be submitted.

► Example: Johnny negotiates and verifies 20 hours of employment and 7 WEX hours weekly. The employment does not cause case closure and does not meet his required participation hours. Johnny does not complete the WEX hours. Sanction can be recommended.

► Example: Johnny negotiates 27 hours of employment per week which is verified with an Employer Verification Form. The employment does not cause case closure. Sanction cannot be recommended because the employment meets his required hours.