



**MFIP EMPLOYMENT SERVICES MANUAL  
DESCRIPTION OF CHANGES ATTACHMENT  
REVISED SECTIONS – ISSUED 07/2011**

**1 (Table of Contents)** Removed title 14.30.3 Post 60-Month ES Sanctions - 2-Parent Units as it is no longer necessary due to policy changes effective 8/1/11. Updated section name for section 14.30.3.3 to now say “Post 60-Month Type/Length ES Sanctions – Removing Caregivers.” Updated section name for section 14.30 to “Post 60-Month Type/Length ES Sanctions – General Provisions.”

**3.33 (Glossary: O-Q...)** Added “depending on the extension criteria.” to the end of the Occurrence of Non-Compliance definition.

**4.3 (Client Responsibilities and Rights)** Updated the Employment Services Responsibilities, Rights and Consent form name and link.

**7.30 (Monitoring Employment)** Updated the title and link to the DWP/MFIP Status Update form.

**7.36 (Family Violence Waiver Option)** Updated sentence, “The financial worker must ensure that the participant with access to a person trained in domestic violence.” to “The financial worker must ensure that the participant has access to a person trained in domestic violence.” And updated the sentence, “The job counselor must ensure the participant has access to a person trained in domestic violence.” to “The job counselor must ensure that the participant has access to a person trained in domestic violence.”

**8.6.3 (Self-Employment Earnings & Hours)** Added the following sentence in paragraph three: “This figure is found on the DHS-IX tab in WF1 and Individual Tracking page.” Removed the sentence in paragraph three: “Communicate each month with the financial worker so that you know what earnings figure was used that month in calculating the participant's additional work/job search requirement.” Updated steps and example on how to calculate the number of hours of participation. Added paragraph: “If the number of self-employment hours are less than the number of hours required for the participant to meet minimum hourly requirements, the participant’s employment plan must be revised to include additional activities, such as assessment, job search, training or education, ELL/ESL, basic education, community work experience, social services, unpaid internship, job skills related to employment or other.”

**9.45.3 (Holding & Other Activities Documentation & Verification)** Added the following sentence to second bullet “If the participant meets eligibility criteria for Family Stabilization Services (FSS) there should be a copy of the completed FSS Pre-Sanction Checklist, (DHS-6075).

**10.3.6 (Job Counselor’s Role)** Updated the title and link to the DWP/MFIP Status Update form in entire section.

**11.18 (FSS Sanction Provisions)** Added the following information to section “Once the pre-sanction requirements have been met an ES sanction should be imposed. All FSS cases are sanctioned under pre-60 month sanction policy, regardless if it is a pre or post-60 month case.” And removed sentence

“Sanction policy regarding notices, amounts and closure/counting occurrences are the same for FSS as they are for child support and ES sanctions. However, the FSS sanction requirements prior to imposing a sanction, are different.” due to new sanction policy effective 8/1/11.

**13.3 (60-Month Lifetime Limit)** Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**13.15 (Hardship Extensions)** Added the word “pre” in front of the word sanctions when referring to FSS pre-sanctions throughout section. Added sentence “If it is determined a sanction is appropriate the case should be sanctioned under pre-60 month policy,” to section. Removed words “the ill or incapacitated category.” from first bullet under “Identifying the appropriate extension category” and added the words “more than 20 hours but less than full-time” to the second bullet under “Identifying the appropriate extension category” and removed the words “but only a limited number of hours” in second bullet. Removed the very last sentence “If the family chooses NOT to remove the sanctioned parent, post 60-month sanction provisions apply and could result in a permanent case closure.” from section. Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**13.15.3 (Ill/Incapacitated Extensions)** Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**13.18 (Hard to Employ Extensions)** Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**13.18.3 (Developmental Disability/Mental Illness Extension Criteria)** Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**13.18.15 (Family Violence Extension Criteria)** Added sentences “If the participant is not complying with their Employment Plan, the first step is to meet with the participant and advocate, to ensure the plan is still appropriate. If the advocate believes the plan is still appropriate, and the participant continues to not comply with their plan, the participant loses eligibility for the FVW. Notify the financial worker immediately that the participant has lost their FVW eligibility with the Diversionary Work Program/Minnesota Family Investment Program Status Update Form (DHS-3165). If the participant does not qualify for another extension criteria, their MFIP case will be closed.” and removed sentence “For information on post 60-month sanctions for failure to comply with an Employment Plan for FSS participants, see §14.30 (Post 60-Month ES Sanctions - General Provisions).” from section.

**13.21 (Employed Extensions)** Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**14.3 (Non-Compliance)** Added word “pre” throughout section in reference to FSS pre-sanction provisions and the updated section 11.8 FSS Pre-Sanction Provisions due to policy changes for 8/1/11. Rearranged sentences in the last paragraph in section. Removed reference to section 14.30.3 as this section has been removed. Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**14.3.3 (Pre-60 Month Type/Length of ES Sanctions)** Removed the following sentence from the second to last paragraph in section, “For information on participants who HAVE reached their 60-month lifetime limit and qualify for a hardship extension, see §13.15 (Hardship Extensions).” Changed example dates to be month and day instead of month, day and year. Under 7<sup>th</sup> Occurance of Non-compliance, changed first paragraph from “The financial worker will close the MFIP case (100% sanction). Closure during the 1st 60 months is not permanent. The case must be closed for 1 full month but can be reopened after 1 month if the participant demonstrates compliance.” to “The financial worker will close the MFIP case (100% sanction). Closure under the pre-60 month sanction policy is not permanent. The case must be closed for 1 full month but can be reopened after 1 month if the participant demonstrates compliance.” due to policy changes. And updated first sentence in section to now say:

“The policies in this section apply to participants who:

- Have not reached their 60-month lifetime limit.  
OR
- Are participants in a post-60 month extension who meet Family Stabilization Services criteria.

Due to sanction policy changes for 8/1/11. Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**14.3.6 (Drug Felons Sanctions - Job Counselors Responsibilities)** Updated first paragraph in section to now just say: “There are certain-sanction policies for participants who disclose at financial intake that they have a drug felony.” Added the following text to section: “People convicted of a drug felony that was committed on or after 7-1-97 are subject to random drug testing as a condition of MFIP eligibility. The drug test may be conducted by the county agency, or the county agency may be informed of a test failure by a probation officer or other official entity. If a participant fails a random drug test, before imposing sanction,” and “A caregiver who is sanctioned for failing an initial drug test may cure the 30% sanction by passing a subsequent drug test. If a participant fails a subsequent random drug test the participant is PERMANENTLY disqualified from both the cash and food portions of MFIP, and from MFIP Employment Services (MFIP-ES). Before disqualifying the caregiver and sending a notice of adverse action, the job counselor must:

- Explain the right to appeal. See APPEAL in §3.3 (Glossary: A...).
- Identify other resources that may be available to the family.

And “NOTE: Drug felon sanctions do not count toward the 100% sanction policy.” Removed the following sentences: “Job counselors have responsibilities for working with drug felons.” And “When a sanction for failing a drug test is in effect, prior to disqualifying the caregiver and sending a notice of adverse action for a 2nd failure,” and “Identify other resources that may be available to the family.”

**14.9 (Sanction Provisions for FSS)** Replaced entire section with the following new language: “There are specific provisions that must be followed prior to determining whether a sanction can be imposed on a participant who has been determined eligible for Family Stabilization Services (FSS) OR at the time the provider has information that a participant may meet the eligibility criteria for FSS. See § 11.8 (Pre-Sanction Provisions for FSS).” due to policy clarification.

**14.12 (Communicating with the County Agency)** Updated the title and link to the DWP/MFIP Status Update form in section.

**14.15.6 (Failure to Respond & Notice of Adverse Action)** Updated the DWP/MFIP Status Update form name and link. Updated the Notice of Intent to Sanction form link.

**14.21 (Removal of a Sanction)** Removed the following information “A participant must be in compliance with all program requirements before a sanction can be lifted. A sanction must not be lifted if the participant schedules and attends a meeting with the job counselor unless this meeting was the ONLY thing required for the participant to be considered in compliance. The participant must actually follow through with the original activities before the sanction can be lifted, if no revisions are made to the Employment Plan.” and replaced with the following information “There is some professional discretion for determining when a sanction can be cleared. The Job Counselor may determine that the participant does not have to do everything on the NOITS, if the activity is no longer appropriate. However, the Job Counselor may not require the participant to do more than what is on the NOITS before clearing the sanction. **EXAMPLE:** A participant’s case was closed for 100% sanction. They have been closed for 5 months. They have re-applied. The Job Counselor should use professional discretion as to whether or not the NOITS activities, from 5 months ago, are still appropriate or available. **EXAMPLE:** A case is transferred to your agency and is in a 30% ES sanction. There is not a copy of the NOITS available to review. The Job Counselor should invite the participant in to develop a new employment plan. The sanction would then be cured when they sign and date the new plan.” due to policy clarifications. Updated the title and link to the DWP/MFIP Status Update form.

**14.30 (Post 60-Month Type/Length ES Sanctions – General Provisions)** Removed reference to section 14.30.3, as this section has been removed. Changed section title to “Post 60-Month Type/Length ES Sanctions – General Provisions” from “Post 60-Month ES Sanctions.”

**14.30.3 (Post 60-Month ES Sanctions – 2-parent units)** Removed entire section as this policy no longer applies with the new sanction policy effective 8/1/11.

**14.30.3.3 (Post 60-Month Type/Length of ES Sanctions – Removing Caregivers)** Changed section name from “Post 60-Month ES Sanctions – Removing Caregivers” to “Post 60-Month Type/Length of ES Sanctions – Removing Caregivers.” Removed reference to section 14.30.3, as this section has been removed. Add statement “and both parents are extended under the employed/employed limited hour extension criteria.” to first example and removed sentence “Parent 1 is extended as employed. Parent 2 is extended as hard to employ.” from example. Added the following statement “only if the parent who has reached month 60 is extended under the employed/employed limited hour’s extension criteria. If the parent is extended under any of the other extension criteria pre-60 month sanction policy must be applied because the participant meets Family Stabilization Services (FSS) eligibility criteria.” to the last sentence under **Effective month 61** section due to sanction policy changes effective 8/1/11. Removed example and note under **After month 61** section due to sanction policy changes effective 8/1/11. Updated reference to “See §14.30 (Post-60 Month Type/Length ES Sanctions - General Provisions)” with new title.

**14.33 (Fraud)** Updated link to the DWP/MFIP Status Update form. Added the follow language to section: “A caregiver who is disqualified due to fraud on or after October 1, 2007, is not eligible for MFIP child care assistance. The family may be eligible for Basic Sliding Fee (BSF) Child Care if all eligibility requirements for the BSF program are met however; in many counties there is a waiting list for BSF. If the caregiver needs childcare to participate, and it is not available, they meet good cause and cannot be sanctioned for failure to develop or comply with an employment plan. Note: Transition year child care assistance is not available to families who have been disqualified from MFIP or DWP due to fraud.” due to policy clarifications.

**Appendix B (DHS Forms)** Updated titles on the following forms: DWP/MFIP Status Update form and Employment Services Responsibilities, Rights and Consent form.

**Appendix E1 (Exit Reasons)** Updated sentence from “Exit reasons for MFIP and DWP:” to “Exit reasons for DWP/MFIP when closing a WF1 case record:”

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**OCCURRENCE OF NON-COMPLIANCE :**

A month a participant is not in compliance with MFIP requirements. In post 60-month MFIP, an occurrence of non-compliance refers to non-cooperation with Employment Services and may result in sanction, removal (disqualification) of a household member, or case closure (disqualification of case) **depending on the extension criteria.**

**ON-LINE DIPLOMA :**

For an 18- or 19-year old with an on-line diploma other than from a program approved by the Dept. of Education, explain the MFIP policy and place the teen in the “work option”. See §6.3.9 (Requirements for Teen Parents).

For caregivers under 18 years of age, who are enrolled in an on-line secondary school or GED program, refer to the school district to determine its legitimacy. Each district has a transfer specialist who will sort this out, probably by doing testing.

**ON-THE-JOB TRAINING (OJT) :**

Training in the public or private sector that is given to a paid employee while he or she is engaged in productive work and that provides knowledge and skills essential to the full and adequate performance of the job.

**PARENT :**

A child's natural, step, or adoptive mother or father. Also see STEPPARENTS in §3.39 (Glossary: S...).

**PARTICIPANT :**

A recipient of assistance who participates or is required to participate in the Diversionary Work Program or MFIP Employment Services.

**PATERNITY :**

Legal fatherhood, either adjudicated or established through a Recognition of Parentage.

**PAYMENT MONTH :**

The calendar month for which assistance is paid.

**PERMANENT DISQUALIFICATION :**

For extension purposes, permanent disqualification occurs when 1 or both caregivers are no longer eligible to receive MFIP due to failure to comply with Employment Services. Both caregivers may reach this point in post 60-month MFIP after the 6th occurrence of non-compliance with Employment Services, or 1 caregiver in a 2-parent case may reach this point upon 2nd removal from the MFIP grant due to non-compliance with Employment Services.

**PERSONAL NEEDS ALLOWANCE :**

An allowance of up to \$70 per month for each Diversionary Work Program unit member to pay for expenses such as household products and personal products.

**PERSON TRAINED IN DOMESTIC VIOLENCE :**

An individual who works for an organization designated by the Minnesota Center for Crime Victim Services as providing services to victims of family violence, a county staff person who has received similar training, or any other person or organization designated by a qualifying organization. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option).

**POST-SECONDARY SCHOOL :**

A school serving students beyond the 12th grade, such as a community college, university, or technical college.

**PROSPECTIVE BUDGETING :**

A method of anticipating income and determining benefit levels in which the budget month and payment month are the same. See §4.24 (Budgeting Policies).

**PROTECTIVE PAYMENT :**

Assistance payments made to people outside the unit who receive the entire assistance benefit on behalf of the unit and are responsible for paying for the basic needs of the unit to the extent of the assistance payment.

**PROTECTIVE SERVICES :**

Social service programs designed to prevent abuse or neglect and safeguard dependent children and vulnerable adults.

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**QUALIFIED PROFESSIONAL:**

Licensed physician, a physician's assistant, a nurse practitioner, a certified midwife, or a licensed chiropractor. For qualified mental health professional or qualified professional to determine Developmental Disabilities, see §13.18.3 (Developmental Disability/Mental Illness Extension Criteria). For qualified professional to determine learning disability or IQ, see §13.18.6 (Learning Disabled Extension Criteria). For qualified professional to determine if participant is "unemployable", see §13.18.12 (Unemployable Extension Criteria).

## CLIENT RESPONSIBILITIES AND RIGHTS

4.3

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All clients have responsibilities and rights under various laws. These rights include the right to fair treatment, to privacy and confidentiality, and to information about the programs and client responsibilities. General information about client responsibilities and rights is included in the sections noted below. Use the Employment Services **Responsibilities, Rights and Consent form** ([DHS-3172](#)), to explain Employment Services rights and responsibilities to clients.

These sections detail client responsibilities:

- §4.3.3 Client Rights.
- §4.3.6 Client Rights - Civil Rights.
- §4.3.9 Civil Rights and the Americans With Disabilities Act.
- §4.3.12 Client Rights - Limited English Proficiency (LEP).
- §4.3.15 Client Rights - Data Privacy.



**MONITORING EMPLOYMENT****7.30**

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It is critical to work with participants once they become employed to help ensure job retention and/or job laddering. In the case of part-time workers, help participants develop a plan for full-time employment and self-sufficiency. Consider training as an option.

Participants who are employed part-time must work with you to include enough other activities in the Employment Plan (EP) to meet hourly requirements. Those activities should support obtaining full-time employment as soon as possible or additional training if appropriate.

When the Employment Plan is reviewed after 3 months (all EPs must be reviewed every 3 months), progress toward full-time employment should be gauged and participation in a work experience considered.

**VERIFICATION OF EMPLOYMENT**

When participants accept employment, you will need some form of verification in order to confirm that they meet participation requirements. Some options include telephone verification, a weekly pay stub if available shortly after employment begins, and time cards. Either you or the financial worker (at county discretion) should also send the employer an employment verification form as soon as possible. Counties have the discretion to use current verification forms or to develop something specifically for MFIP.

If the financial worker sends this form, he/she should send a copy to you when it is returned by the employer. If you send the form, provide a copy of the returned form to the financial worker. Note that employer responses to these forms vary. Some employers complete and return the form quickly, others forward the form to their parent office, and some employers may refuse to complete the form. Counties have discretion to determine how to handle these situations.

**HOUSEHOLD REPORT FORMS**

The best record of continued employment and hours worked is pay stubs. Financial workers receive a monthly Household Report Form (HRF) from employed participants (for example: they receive information about August employment on the HRF due in September, including pay stubs to verify employment and hours). You and the financial worker should communicate changes in employment (change in employer, end work, start work, change in hours) as soon as possible. Information from the financial worker is available through the interface from MAXIS to Workforce One (WF1). If you have information to share with financial workers or child care workers, use the **DWP/MFIP** Status Update Form ([DHS-3165](#)).

**MONITORING EMPLOYMENT****7.30**

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As with any other change in status, the person who first becomes aware of the change should communicate the information to all other affected staff. Note that participants are required to report changes that affect their MFIP grant to the county within 10 days of the change (then followed up with the HRF), so information about a change may be received prior to receipt of the HRF. Participants must also inform you within 10 working days regarding any changes related to their employment status.

**ACCEPTABLE PERFORMANCE**

Acceptable performance on the job will ultimately be determined by the employer. This means that working participants are considered to be making satisfactory progress as long as the required level of employment is maintained. However, if you learn that the employer is less than fully satisfied, contact the participant to discuss and resolve the issues before loss of employment results. This intervention could be invaluable in helping clients maintain employment.

**SELF-EMPLOYMENT**

For information on working with self-employed participants and work/job search requirements, see §8.6 (Self-Employment).

**LOSS OF EMPLOYMENT**

Participants must inform you within 10 working days regarding any changes in their employment status. When participants do not maintain employment, the reason for job loss will determine which policy you follow.

- If the participant quits suitable employment without good cause, or is terminated for non-performance, impose a sanction and follow the guidelines for working with sanctioned participants. See §14.36 (Guidelines for Working with Sanctioned Participants).
- In cases where a participant is terminated for reasons over which he/she has less control (for example: job incompatibility, inability to learn job), use professional discretion to determine whether a sanction is appropriate. The appeals process will likely be the arena in which some of these issues are resolved.
- If the participant is laid off, quits for good cause reasons, or is terminated through no fault of his/her own, the participant must contact you within 10 working days and schedule a meeting to revise the plan. Incorporate activities to replace the job in the

revision.

For information on loss of employment or reduction in hours for participants extended as employed, see §13.21.3 (Employed Extension Criteria - 1-Parent Units), §13.21.6 (Employed Extension Criteria - 2-Parent Units).



## FAMILY VIOLENCE WAIVER OPTION

7.36

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The Family Violence Waiver Option stops the MFIP 60-month time clock. Participants who have been determined eligible for the Family Violence Waiver are also considered to meet the eligibility criteria for Family Stabilization Services. To qualify, the participant must take the following steps:

**1. Request a Family Violence Waiver.****- Financial Worker Responsibility**

If a participant reveals to the financial worker that he/she is a victim of family violence and requests a Family Violence Waiver, the financial worker must identify the participant (with the participant's written permission) as someone needing help or assistance to develop an Employment Plan for Victims of Family Violence. For procedures on developing the plan, see §7.12 (Plan for Victims of Family Violence). The financial worker must ensure that the participant **has** access to a person trained in domestic violence. See §7.36.3 (Person Trained in Domestic Violence).

**- Job Counselor Responsibility**

If a participant reveals to the job counselor that she/he is a victim of family violence and requests a Family Violence Waiver, the job counselor must refer the participant to a person trained in domestic violence if the participant is not already working with a domestic violence advocate. The job counselor must ensure **that** the participant has access to a person trained in domestic violence. The job counselor, in collaboration with the person trained in domestic violence, must assist the client in developing an Employment Plan. See §7.12 (Plan for Victims of Family Violence).

Once the plan has been approved, inform the financial worker. Financial workers must enter an approved Family Violence Waiver in MAXIS.

**2. Provide Documentation of Family Violence.**

The financial worker or job counselor must advise the participant about documentation required to substantiate a claim of family violence. Refer to the list below for acceptable documentation. The county must assist the client if she/he has difficulty in securing any of these items. The client may also be referred to a domestic violence advocate or legal services for assistance. **DO NOT** require the participant to comply with regular Employment Services

activities or impose an ES sanction during the period of time that a participant is obtaining documentation.

Consider any 1 of the following items as an acceptable verification of family violence:

- Police, government agency, or court records.
- OR
- Statement from a battered women's shelter staff person or a sexual assault or domestic violence advocate with knowledge of the circumstances.
- OR
- Statement from a professional from whom the client has sought assistance about the abuse.
- OR
- Sworn statement from the participant.
- OR
- Sworn statement from any other person with knowledge of the circumstance.

**NOTE:** A notarized statement is recommended from the participant and other person with knowledge of the circumstances, but it is not required. A sworn statement is needed at the minimum. For the definition of a sworn statement see, §3.39 (Glossary: S...).

SELF-EMPLOYMENT EARNINGS & HOURS

8.6.3

Self-employed participants' monthly earnings are used to determine ongoing exemptions as well as participation requirements for self-employed participants who are not exempt.

A participant's earnings are calculated by taking reported income from self-employment and subtracting reported self-employment expenses. The financial worker will gather and share this information.

Use the actual amount of earnings counted against the participant's grant in a given month to determine participation hours for that month. This figure is taken from the MAXIS system. It can represent either the actual earnings for a previous month or a rolling average of earnings over the year, depending on how the participant's income is counted against the grant. **This figure is found on the DHS-IX tab in WF1 and Individual Tracking page.**

To determine the number of hours of participation:

1. Start with the participant's monthly earnings figure, as calculated by the financial worker. **This figure is found on the DHS-IX tab in WF1 and Individual Tracking page.**
2. Divide the figure from Step 1 by **the federal minimum wage** to arrive at **the number of hours per month for which the participant is earning minimum wage.**

**Note: This figure is the amount of hours for the month that are counted as core hours.**

**EXAMPLE:** A participant's counted earnings are \$460 in a given month.

\$460.00	Earnings
÷ \$7.25	Federal Minimum Wage
63	<b>Hours per month that the participant is earning minimum wage</b>

In this case, the expectation should be that the participant will find additional work or participate in job search for at least **24+** hours per **month** (with a child under 6) or **67+** hours per **month** (with a child over 6), unless there is a compelling reason to expect fewer hours.

**If the number of self-employment hours are less than the number of hours required for the participant to meet minimum hourly requirements, the participant's employment plan must be revised to include additional activities, such as assessment, job search, training or education,**

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ELL/ESL, basic education, community work experience, social services, unpaid internship, job skills related to employment or other.

A participant's income from self-employment will fluctuate. This will be particularly true in the case of people who are seasonally employed and choose not to use the rolling average to calculate their earnings. This means that the required number of hours of work will also fluctuate from month to month.

Participants are required to fulfill this work requirement **regardless** of how many hours they actually work in self-employment. Many small businesses require long hours of work for very little economic return, especially when they are just starting out. Even if a participant is working 60 hours per week in self-employment, if he/she is not earning the equivalent of federal minimum wage for the required number of hours, he/she will be subject to additional work requirements or face sanction. Make this aspect clear to participants who are considering self-employment.



**HOLDING & OTHER ACTIVITIES DOCUMENTATION & VERIFICATION 9.45.3**

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The following is a list of mandatory verification for Holding and Other activities:

- Holding. Document in case notes why the Holding activity is being used. If appropriate open identifier to indicate reason for use of Holding activity.
- Holding Sanction. Copies of the Notice of Intent to Sanction should be in the case as well as any other supporting case notes documenting the reason for the sanction. **If the participant meets eligibility criteria for Family Stabilization Services (FSS) there must be a copy of the completed FSS Pre-Sanction Checklist ([DHS-6075](#)) in the case.** Attempts to contact the participant to discuss how to cure the sanction should also be documented in case notes. Although the participant may choose not to respond to your contacts, continue contact at least once per month.
- Other. Document in case notes why the other activity is being used. Hours of activity should be tracked on an activity log and recorded in Workforce One (WF1). If appropriate open identifier to further identify Other activity.

**DAILY SUPERVISION**

Daily supervision is not a requirement for these activities.

It is not uncommon for participants in the “Other” activity to have a plan that has multiple activities. Department of Human Services (DHS) recommends follow-up on the “Other” activities at the same time you are checking in with the rest of the plan.

## JOB COUNSELOR'S ROLE

10.3.6

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When a participant has employment included as an approved activity in the Employment Plan (EP), you must:

- Provide participants with information about child care resource and referral agency services.
- Help the participant complete an application for child care assistance if one has not already been completed.
- Identify and verify hours of child care necessary to follow through with activities in the plan.

Clearly note on the county's child care authorization form the following information:

- The hours per day (for example: from 8 a.m. to 4 p.m.) and days per week of participation in authorized activities.
- Whether child care is for:
  - Job search or employment.
  - Education only.
  - Social services.
  - Combination of activities (specify which activities).
  - Pre-employment activities.
- Whether the child care is for **post-secondary** education.

If the county child care authorization form is not designed to record information in the manner described above, you **must** write or type in the correct information.

It is important to provide accurate information to county child care staff for 2 major reasons:

- Child care staff uses the information to complete MFIP child care reports.
- The total time of child care assistance used for education and training is limited. Child care statute restricts total time (including child care used while on MFIP and/or basic sliding fee) to the time necessary to complete an associate or baccalaureate degree as determined by the educational institution, excluding basic or remedial education programs need to prepare for post-secondary education or employment. See §10.3.24 (Child Care for Training and Education).

## JOB COUNSELOR'S ROLE

10.3.6

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Effective provision and monitoring of child care funds requires you, child care workers, and financial workers to be in close and regular contact. Any county or Employment Services agency staff who become aware of a change in the participant's situation that affects the authorization or payment of child care, must notify other affected staff immediately. If notification is verbal, counselors should follow up with a **DWP/MFIP** Status Update form ([DHS-3165](#)).

For information on the job counselor's role with victims of family violence, see §7.12 (Plan for Victims of Family Violence).

**GUIDANCE FOR CHILD CARE ASSISTANCE PROGRAMS (CCAP) SERVICE AUTHORIZATIONS FOR MFIP/DWP CLIENTS WITH EMPLOYMENT PLANS**

An MFIP/DWP client is eligible for CCAP if the client meets all CCAP eligibility requirements. If a CCAP client has an Employment Plan (EP), the **amount of CCAP authorized** must be based on the parents' schedule of participation in the activities identified in the EP, the child's school schedule, the provider's availability, and any other factors that would affect the amount of care that the child needs. The amount of child care authorized should reflect the child care needs of the family and minimize the out-of-pocket child care costs to the family.

CCAP workers and Employment Services (ES) workers have different policies and procedures that they must follow in their work with clients. CCAP and ES workers can work together in ways that support clients. By communicating effectively, understanding CCAP and ES program policies and procedures, CCAP and ES workers can support the family's ability to access the best child care for their family by:

- Preventing initial delays in child care authorizations
- Preventing gaps in child care authorizations or services
- Authorizing the most care possible to provide parents with the most options  
AND
- Clustering EP activities to create blocks of time that fit with child care provider schedules and practices

**CCAP/ES POLICY AND PROCEDURE**

If a MFIP/DWP client has an employment plan (EP), the client is considered to be

## JOB COUNSELOR'S ROLE

## 10.3.6

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participating in the activities identified in the EP until the Employment Services (ES) worker ends or changes the EP.

- All signed EPs are considered to be “approved.”
- The ES worker does not need to indicate a date that the EP or the EP activities will end if the ES worker believes that the family will continue to participate in ES activities.
- There are review dates on EPs that are sometimes interpreted as “end dates.” An EP does not necessarily end on this date. Only an ES worker can determine when and if a plan has ended. Until a plan has ended or is revised, the existing plan should be considered valid and in effect. CCAP should not automatically end when the EP review date has passed and a new EP has not been completed.

The ES worker determines if the client is participating in the activities in the EP and takes appropriate action as necessary. It is the responsibility of the ES worker to: monitor the client's activities on an ongoing basis, to adjust the EP as needed, and to determine if a client is out of compliance with his or her EP.

- The ES worker develops the EP with the client. The ES worker sends the CCAP worker the information required for the CCAP worker to authorize child care for the family. The ES worker can use the DWP/MFIP Status Update Form ([DHS-3165](#)) or a county-created form to transmit the information to the CCAP worker. It is not required that the ES worker send the CCAP worker the EP.
- The CCAP worker can use the DWP/MFIP Status Update Form ([DHS-3165](#)) or a county-created form as the verification of the client's ES activities. The CCAP worker does not need to require additional activity verifications.
- When changes are made to the EP that affect the hours of the activities or the types of activities, an update should be sent to the CCAP worker. If the changes to the EP result in a reduction in the CCAP authorization, the CCAP worker will send a 15 day notice of adverse action to the family and to the child care provider. The ES and CCAP worker should try to ensure that the childcare authorization continues without interruption in these situations.
- When a participant is out of compliance with their EP and the non-compliance results in a sanction, the ES worker should:

**JOB COUNSELOR'S ROLE****10.3.6**

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- Consider whether the participant is working towards curing the sanction, if so CCAP should remain in place. (During the Notice of Intent to Sanction phase, childcare should not be cancelled. Assume childcare is needed to prevent the sanction.)
  - If the participant is not working towards curing the sanction, send a transmittal to CCAP staff to end CCAP for that participant. The CCAP worker will send a 15 day\_closing notice to the participant and the child care provider and close the CCAP case.

**EMPLOYMENT PLANS AND CCAP OVERPAYMENTS**

At the time an EP changes, ends, or the client is sanctioned, the ES worker should contact the CCAP worker to inform the CCAP worker of the EP changes. If the ES worker informs the CCAP worker of the change timely, there is no overpayment to the client. If the ES worker does not notify the CCAP worker timely there could be a possible overpayment to the client (agency error). CCAP policy requires that the change be reported within 10 days. Additionally, there may be a CCAP overpayment if a client does not timely report changes in income, family composition, cooperation with child support, or any other factors that affect the client's CCAP eligibility.

An ES worker may determine that a client has not been in compliance for a prior period of time with some or all of the activities identified in the EP. Just as there is no MFIP overpayment or retroactive adverse action for a client's noncompliance with the activities in his or her EP, there should not be a CCAP overpayment due to lack of or reduced participation in the EP activities, except in cases of fraud.

It is important that ES workers and CCAP workers communicate efficiently and effectively to allow for a timely initial CCAP authorization and to prevent unnecessary breaks in the CCAP authorization so the family can participate in their activities and maintain a consistent relationship with the child care provider and so overpayments are minimized.

The county should develop a process to support communication between the ES worker and the CCAP worker that allows for timely transmission of the information necessary for the CCAP worker to authorize child care assistance. The CCAP worker should not need to re-verify activity information that is held and monitored by the ES worker. The ES worker and CC worker can communicate through a variety of methods (including, but not limited to fax and email) to update EP information.

## FSS SANCTION PROVISIONS

11.18

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There are specific sanction provisions that MUST be followed once a participant has been determined eligible for Family Stabilization Services (FSS), even if the participant has not developed an EP for FSS Participants. For more information, see Appendix H (FSS Sanction Guidance) and the Family Stabilization Services Pre-Sanction Checklist ([DHS-6075](#)). The provisions must also be followed at the time the provider has information that a participant may meet the eligibility criteria. These provisions apply to pre or post 60-month cases.

Examples of what could constitute “information” include:

- Documentation of previous mental health diagnosis.
- Past involvement with other systems; adult or children’s mental health, development disability services, waived services.
- Self-reported attempts to get help for a mental health condition that has impacted their ability to obtain or maintain suitable employment.
- Previously diagnosed with a chronic health condition that has impacted their ability to obtain or maintain suitable employment.

Employment services staff are often aware that something is interfering with a participant’s ability to follow through with program expectations. The precise nature of the barrier is often not clear. Although signals which raise concerns are not necessarily indicators that a participant may meet FSS eligibility criteria, they may be signs that the participant could benefit from a professional assessment or engagement in other social service systems.

**Once the pre-sanction requirements have been met an ES sanction should be imposed. All FSS cases are sanctioned under pre-60 month sanction policy, regardless if it is a pre or post-60 month case.** See Chapter 14 (Non-Compliance & Sanctions).

The provisions also apply to FSS participants who were disqualified from MFIP due to fraud after October 1, 2007. In these cases, if a sanction is imposed, it would be applied against the household’s remaining grant amount.

**60-MONTH LIFETIME LIMIT****13.3**

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Federal rules limit public assistance eligibility for caregivers to 60 months in their lifetime. Minnesota began counting months toward the 60-month lifetime limit 7-1-97.

The 60-month limit is per caregiver receiving MFIP, and the months do not have to be consecutive. Months are counted as noted below. The counted and exempt months include months in which a caregiver received TANF benefits from another state, even if before 7-1-97 (states may have chosen earlier start dates and shorter limits for their TANF programs).

Months are also counted for MFIP cases with a caregiver who has a fraud disqualification beginning on or after October 1, 2007. Note that the same banking and exception policies that apply to MFIP caregivers also apply to disqualified caregivers. For example, months do not count for either an MFIP caregiver or a disqualified caregiver who is age 60 or older.

The following are EXCEPTIONS to counting a month toward the 60-month time limit. If a caregiver meets 1 of the exceptions, that month does NOT count toward the 60-month limit.

- Months in which the caregiver participated in the MFIP Field Trials.
- Months when the caregiver was living on reservations with a “not employed” rate of at least 50% when the grant is issued.
- Victims of family violence who request the Family Violence Waiver Option and are complying with an Employment Plan (EP). The exemption starts the month the EP is approved and ends the month after the participant no longer qualifies for a Family Violence Waiver. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence), §7.36 (Family Violence Waiver Option), §7.36.3 (Person Trained in Domestic Violence).
- Caregivers age 60 or older who have not already exceeded the 60-month time limit. Stop the clock the 1st of the month following the month the participant turns 60. Participants who are age 60 or older will not receive a 60-month warning notice referenced below, unless there is a 2nd MFIP caregiver in the household who is not exempt from the 60-month limit.
- Minor caregivers complying with an education plan. See §6.3.9 (Requirements for Teen Parents).
- Custodial parents age 18 or 19 who have chosen an Employment Plan with an education option and are cooperating with education requirements. See §6.3.9

## 60-MONTH LIFETIME LIMIT

13.3

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(Requirements for Teen Parents).

- Any month the unit chooses to opt out of the cash portion of the MFIP grant. See §4.33 (Opting Out of MFIP Cash Portion).
- Any month the unit receives ONLY the food portion of the grant. This includes if the unit is sanctioned and receives only the food portion. However, see below regarding months that include a vendor payment or a recoupment.
- Any month the unit receives a grant for minor children only. This includes any month caregivers are ineligible or disqualified.
- Any month the unit would have received only the FOOD portion of the grant (prior to recoupment).

Receipt of payments to cover emergency needs or assistance under the Diversionary Work Program, do NOT count toward the 60-month limit.

Months listed below COUNT toward the 60-month limit, unless 1 of the above exceptions applies:

- Minnesota state-funded months for participants receiving Family Stabilization Services (FSS).
- Minnesota state-funded months for caregivers who received Family GA.
- Minnesota state-funded months for certain non-citizens who are ineligible for TANF-funded assistance.
- Minnesota state-funded months for 2-parent households.
- Months of assistance the client received from a Tribal TANF program, whether received in Minnesota or another state.
- A month in which there is a vendor payment or recoupment that reduces the CASH portion of the grant to \$0.
- Months following the month the 19-year old caregiver turns 20.

**60-MONTH LIFETIME LIMIT****13.3**

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- Months following the month the caregiver under 20 obtains a secondary school diploma or GED.
  - Months when minor caregivers are sanctioned for non-cooperation with educational requirements.
  - Months a person receives MFIP cash assistance and later is determined to be ineligible for assistance. That period of time is considered to have been a month of assistance, even if the benefits are subsequently repaid. Repayment for any reason does not change the number of counted months.

Financial workers use the STAT/TIME panel in MAXIS to record the history of a caregiver's receipt of assistance toward the 60-month limit. This tracking triggers MAXIS to mail person-specific notices regarding the limits. See §13.6 (Transition Period - 48 to 60 Months). The 1st notice is sent to participants in the 48th month of cash assistance. Subsequent notices are sent between the 10th and the 15th of each month after that, telling participants the number of cash assistance months they have left.

When clients move to or from Minnesota:

- When a client moves to another state, the other state will call to confirm the number of months of assistance received toward the 60-month limit. Financial workers provide only the number of TANF-funded months a client has used, unless the other state inquires about state-funded assistance.
- When a client moves to Minnesota from another state, only the TANF-funded months on assistance count toward the 60-month limit. Financial workers do NOT count months when the unit received benefits only from a state-funded assistance program in another state.

Certain people who have reached their 60-month lifetime limit may be eligible for an extension of MFIP under a hardship extension category. See §13.15 (Hardship Extensions).

During the last 12 months of MFIP, there are specific requirements for determining whether a participant is eligible for an extension. See §13.6 (Transition Period - 48 to 60 Months), §13.9 (180 to 60 Days Before MFIP Closes).

Financial workers must determine if the family is eligible for other types of assistance, including health care or MinnesotaCare and Food Support when MFIP is closed at the end of 60 months. Families should also receive information on basic sliding fee child care.

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Also see §14.30 (Post 60-Month **Type/Length** ES Sanctions - General Provisions).



## HARDSHIP EXTENSIONS

13.15

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Participants who have reached their 60-month lifetime limit as outlined in §13.3 (60-Month Lifetime Limit) may be eligible for an extension of MFIP if they meet criteria under 1 of the hardship categories listed below:

- **Ill or Incapacitated.** See §13.15.3 (Ill/Incapacitated Extensions).  
Extensions in this category include ill/incapacitated, needed in the home, and special medical criteria. These participants are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an employment plan for FSS participants and follow FSS service requirements.
- **Hard to Employ.** See §13.18 (Hard to Employ Extensions).  
Extensions in this category include developmental disabilities, mental illness, IQ below 80, learning disability, and victims of family violence. These participants are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an employment plan for FSS participants and follow FSS service requirements.
- **Employed.** See §13.21 (Employed Extensions).  
Extensions in this category include employed and employed/limited hours.

Extended participants may continue to receive MFIP as long as:

- State law provides for extensions.
- AND
- The criteria for an extension are met.
- AND
- All other MFIP requirements (including ES) continues to be met.

When the criteria or requirements are no longer met, the participant may be sanctioned, have their case closed, or in the case of a 2-parent household be removed from the grant depending on the extension category. If a participant meets FSS eligibility the FSS pre-sanction provisions must be followed before the participant can be sanctioned. **If it is determined a sanction is appropriate the case should be sanctioned under pre-60 month policy,** See §14.30 (Post-60 Month **Type/Length** ES Sanctions - General Provisions). Also see §13.21.6 (Employed Extension Criteria - 2-Parent Units).

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**REQUIREMENTS COMMON TO ALL EXTENSIONS**

Although there are separate eligibility criteria for each extension under the categories listed above, there are 3 requirements that are common to all extensions:

➤ **Requesting an Extension**

In most cases, participants must request a hardship extension, either verbally or in writing. Counties **MUST** document whether the participant requests an extension or indicates that he/she is not interested in applying for an extension. If you receive the request, notify the county immediately. An extension request form should be completed at the face-to-face meeting, if possible. If the participant does not attend the face-to-face meeting, an extension request form must be sent to the participant telling him or her to notify the county, orally or in writing, if he/she wants to be considered for a hardship extension.

There are 2 instances when participants do not need to request an extension:

- When an extension had been approved but eligibility under the original extension category ends. These participants may have to provide documentation that they are eligible under another category.
- When re-applying for MFIP. As part of the application process, these applicants will be required to provide documentation that they are eligible for a hardship extension.

➤ **Providing Documentation**

Participants must provide the documentation necessary for the county to approve an extension. Participants who need help obtaining verifications may sign a release of information that will allow the county or ES Provider to assist on their behalf.

➤ **Compliance in the 60th Month**

Participants may request a hardship extension in any month before or after month 60. However, they must be (or must have been) in compliance with all program requirements in the 60th month. "In compliance with all program requirements" means that the participant was not in sanction for any reason. See **"Provisions**

**HARDSHIP EXTENSIONS****13.15**

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**for 2-Parent Households”** below for information on how this requirement applies in a 2-parent family.

If a participant who applies for an extension after the 60th month is able to document that a sanction was incorrectly applied, or that the participant had good cause for the non-compliance, the county must consider the participant compliant for the purpose of establishing eligibility for any hardship extension.

**ASSISTING PARTICIPANTS WITH THE EXTENSION PROCESS**

Counties and ES Providers should work with each family to determine eligibility for an extension. Potential eligibility for an extension such as “ill/incapacitated” or “hard to employ” may involve identifying barriers, referring for assessments, and obtaining documentation. Potential eligibility for the “employed” extension may mean helping participants increase work hours or making subsidized work opportunities available. Counties and ES Providers must tell families who do not qualify for an extension that they would continue to receive benefits such as Food Support and Health Care when they are eligible, and receive information about other community resources.

In all cases, it is important to reach out, follow through, and work with each family as intensively as needed. Families must also follow through on appointments, provide the necessary documentation, complete assessments, and attend scheduled meetings. Expectations need to be clearly communicated.

**IDENTIFYING THE APPROPRIATE EXTENSION CATEGORY**

Some participants may meet criteria for an extension in more than 1 category, and others may switch categories over time as their situation and family circumstances change. Counties and Employment Services Providers should make initial extension decisions based on the best available information at that time. As more information becomes available, the category of extension may need to be reviewed and changed.

Listed below are examples of the potential extension categories based on a participant with mental health issues. To determine which category to use, consider the following:

- If the doctor's statement says the participant cannot work 20 or more hours per week or participate in work activities at all, extend under Hard-to-Employ Mentally Ill. See §13.18 (Hard to Employ Extensions).

**HARDSHIP EXTENSIONS****13.15**

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- If the participant can work **more than 20 hours but less than full-time** in an unsubsidized job, extend under the employed/limited work category. See §13.21.9 (Limited Work Due to Illness/Disability Extension Criteria)
  - If the participant has been able to obtain and retain unsubsidized employment at the required number of hours, extend under the regular employed category. See §13.21 (Employed Extensions).

**PARTICIPANTS WHO SPEAK LIMITED ENGLISH**

Counties, and Employment Services Providers under contract with the county, **MUST** follow the county's limited English proficiency (LEP) plan to communicate information about hardship extensions to participants who speak limited English. Employment Services Providers should review the LEP plan to make sure they understand what language assistance resources are available to help participants understand necessary information about hardship extensions and what they need to do to request an extension. The most common language assistance resources will be in-person or telephone interpreters and translated documents. Prior to face-to-face meetings, counties should review MAXIS information about the participant's primary language and the need for an interpreter. If an interpreter is necessary, the county should arrange for one before the interview. Counties must provide meaningful access to the information for clients who speak limited English.

**CASES THAT ARE NOT EXTENDED**

If the case is closed because the parent(s) do not meet extension criteria, a review must be conducted by the job counselor's supervisor or the review team designated in the county's approved Service Agreements to determine if the extension criteria were applied appropriately.

**PROVISIONS FOR 2-PARENT HOUSEHOLDS**

Hardship extension policy for 2-parent units when both parents reach the 60-month lifetime limit at the same time differs from the policy for 2-parent units when 1 parent reaches the 60-month lifetime limit before the other. The differences are outlined below.

**HARDSHIP EXTENSIONS****13.15**

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**WHEN BOTH PARENTS REACH THE 60-MONTH LIFETIME LIMIT AT THE SAME TIME**

BOTH parents must:

- Be in compliance in month 60.

AND

- Meet criteria for an extension or have banked months in order for MFIP to be continued.

If 1 parent is not in compliance, does not meet criteria for an extension, or have banked months, the unit may choose to remove the non-compliant or ineligible parent. See §13.21.6 (Employed Extension Criteria - 2-Parent Units).

Parents being evaluated for the employed extension must be in compliance with all program requirements in at least 10 out of the previous 12 months. If the parent being evaluated for the employed extension does not meet the 10 of 12 criteria, the unit may choose to remove that parent from the MFIP unit.

**WHEN 1 PARENT REACHES THE 60-MONTH LIFETIME LIMIT BEFORE THE OTHER**

The parent who reaches the 60-month limit must:

- Be in compliance in month 60.

AND

- Meet criteria for an extension or have accrued banked months in order for MFIP to be continued.

If the parent who has reached month 60 is not in compliance, does not meet criteria for an extension, or have banked months, the unit may choose to remove that parent. See §13.21.6 (Employed Extension Criteria - 2-Parent Units).

The parent who has less than 60 months does NOT:

- Need to be in compliance in month 60.

OR

- Need to meet an extension criteria.

**HARDSHIP EXTENSIONS**

**13.15**

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The family may choose to remove the sanctioned parent, who HAS NOT used 60 months, in month 61 and extend the case if the parent who HAS reached month 60 meets any extension criteria.



## ILL/INCAPACITATED EXTENSIONS

13.15.3

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**PROVISIONS FOR ALL FAMILIES**

The following 3 groups of participants may be extended in the ill/incapacitated extension category:

- Participants who are ill, injured, or incapacitated. See §13.15.6 (Ill/Injured/Incapacitated Extension Criteria).
- Participants with an adult or child in the unit who meet special medical criteria. See §13.15.9 (Special Medical Criteria Extension). The extension related to special medical criteria applies only when the caregiver has a child or an adult in the household who meets the criteria. When the caregiver receives similar services or has a serious and persistent mental illness, he or she may be extended in the hard to employ/MI category.
- Participants who are needed in the home. See §13.15.12 (Needed in the Home Extension Criteria).

If the participant's health care provider does not provide the information needed to determine whether the participant is eligible for a hardship extension, obtain a release of information from the participant authorizing you to contact the health care provider. Explain to the health care provider that this information is necessary to determine whether the participant is eligible for a hardship extension. If the health care provider still does not respond, contact the consumer representative at the health plan. If the health plan does not respond, contact DHS Health Care Purchasing Division at 651-296-3386 or 1-800-657-3756. Indicate which health plan you have contacted or contact the Office of the Ombudsmen for State Managed Health Care Programs at 651-431-2660 or 1-800-657-3729.

Participants extended in any of the above categories are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements.

**NON-COMPLIANCE WITH TREATMENT RECOMMENDATIONS**

The extension may end for caregivers who do not follow treatment recommendations without good cause. Good cause may be granted when the nature of a caregiver's disability interferes with follow through on treatment recommendations. If a participant meets FSS eligibility the FSS sanction provisions must be followed before the participant can be sanctioned. See §14.30 (Post-60 **Type/Length** Month ES Sanctions - General Provisions). The county may also want to consider changing the extension reason to "unemployable" if this is a better

**ILL/INCAPACITATED EXTENSIONS****13.15.3**

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alternative.

If the treatment recommendations of the health care provider are not followed, the participant is no longer eligible to continue receiving MFIP. However, counties should allow a 30-day grace period for the participant to come back into compliance with the treatment recommendations before ending the extension. If the participant goes in and out of compliance frequently, it may not be necessary to allow a 30-day grace period each time. However, compliance expectations should be reasonable and applied equitably.

Since participants extended in this category are FSS participants, the FSS case manager is responsible for monitoring follow through with treatment recommendations.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions.

**PROVISIONS FOR 2-PARENT FAMILIES**

Parents in a 2-parent family may be extended in different categories, and 1 may reach the 60-month time limit before the other.

**WHEN BOTH PARENTS REACH THE 60-MONTH LIMIT AT THE SAME TIME**

If both parents reach the 60-month limit at the same time, and they are both extended as ill/incapacitated, both are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements.

**WHEN 1-PARENT REACHES THE 60-MONTH LIMIT BEFORE THE OTHER**

When the parent who reaches the 60-month limit is extended as ill/incapacitated, that parent is considered an FSS participant and IS REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. The parent who has not reached the 60-month limit MUST continue to meet Employment Services requirements.

## HARD TO EMPLOY EXTENSIONS

13.18

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MFIP participants who have reached their 60-month life time limit may be extended if they meet eligibility criteria for 1 of the following categories:

- Developmental Disability or Mental Illness. See §13.18.3 (Developmental Disability/Mental Illness Extension Criteria).
- Learning Disabled. See §13.18.6 (Learning Disabled Extension Criteria).
- IQ below 80. See §13.18.9 (IQ Below 80 Extension Criteria).
- Unemployable. See §13.18.12 (Unemployable Extension Criteria).
- Family Violence. See §13.18.15 (Family Violence Extension Criteria).

Participants who are extended in any of the Hard to Employ categories are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. The Employment Plan should be developed in consultation with other professionals who work with the individual, and incorporate activities and hours appropriate to each person's abilities and overall family circumstances. Hourly requirements must be written into the Employment Plan and non-compliance may result in sanction, however, FSS sanction provisions must be followed prior to imposing a sanction. Once it has been determined that a participant can be sanctioned disqualification is part of the post 60-month sanction process. See §14.30 (Post 60-Month Type/Length ES Sanctions - General Provisions). For information on Employment Plans, see §7.3 (Employment Plan (EP)).

**NOTE:** Victims of family violence are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. See §7.12 (Plan for Victims of Family Violence), §13.18.15 (Family Violence Extension Criteria).

Counties may extend MFIP benefits for participants in the above categories after 60 months when documentation is not available by the 60th month. Participants must cooperate with efforts to obtain the documentation, and they may be responsible for an overpayment if they are later determined to not qualify for an extension. Also see §13.6 (Transition Period - 48 to 60 Months).

**WHEN BOTH PARENTS REACH MONTH 60 AT THE SAME TIME**

When both parents reach month 60 at the same time, evaluate both adults for an extension. If both parents qualify for 1 or more of the hard-to-employ categories, both must participate in and comply with an Employment Plan. Review to determine whether revisions are necessary if 1 or both parents have an existing plan.

**WHEN 1 PARENT REACHES MONTH 60 BEFORE THE OTHER**

If 1 parent reaches month 60 before the other, evaluate the parent who has reached 60 months for an extension. Participants who meet the hard to employ extension criteria are considered FSS participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS service requirements. If this parent has an existing plan, it should be reviewed to determine whether revisions are necessary. The Employment Services status and Employment Plan of the parent who has not reached month 60 should also be reviewed at this time.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions. Also see §13.15.3 (Ill/Incapacitated Extensions), §13.21 (Employed Extensions).

**DEVELOPMENTAL DISABILITY/MENTAL ILLNESS  
EXTENSION CRITERIA****13.18.3**

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MFIP participants with mental illness or developmental disabilities are eligible for an extension of their benefits when the condition severely limits the participant's ability to obtain or maintain suitable employment.

**NOTE:** A participant is considered to have met the employment related criteria for this category if the qualified professional determines that the participant's condition prevents him/her from working 20 or more hours per week. These participants are considered Family Stabilization Services (FSS) participants and **ARE REQUIRED** to develop an Employment Plan for FSS participants and follow FSS service requirements.

Employment Plans developed for participants who are extended due to mental illness or developmental disabilities should be developed in consultation with other professionals working with the participant. The plan should include only activities and hourly requirements appropriate to that person's abilities and current situation.

**DETERMINATION OF MENTAL ILLNESS**

The determination of mental illness must be made by a licensed physician or a qualified mental health professional. Qualified mental health professional means:

- **In psychiatric nursing, for children:** A registered nurse who is licensed under Minnesota Statutes, Sections 148.171 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization, or who has a master's degree in nursing or 1 of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.
- **In psychiatric nursing, for adults:** A registered nurse who is licensed under Minnesota Statutes, Sections 148.171 and who is certified as a clinical specialist in adult psychiatric and mental health nursing by a national nurse certification organization or who has a master's degree in nursing or 1 of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

**DEVELOPMENTAL DISABILITY/MENTAL ILLNESS  
EXTENSION CRITERIA****13.18.3**

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- **In clinical social work:** A person licensed as an Independent Clinical Social Worker (LICSW) under Minnesota Statutes, Section 148D.050, subdivision 6, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.
  - **In psychology:** An individual licensed by the board of psychology under Minnesota Statutes, Sections 148.90, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness.
  - **In psychiatry:** A physician licensed under Minnesota Statutes, chapter 147, and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry.
  - **In marriage and family therapy:** A marriage and family therapist licensed under Minnesota Statutes, Sections 148B.29, with at least 2 years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

**DETERMINATION OF DEVELOPMENTAL DISABILITY**

The determination of developmental disability must be made by a professional qualified by training and experience to administer the tests necessary to make such a determination (tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function). These professionals include licensed psychologists, certified school psychologists, or a certified psychometrist working under supervision of a licensed psychologist.

Person with developmental disabilities means a person who has been diagnosed as having substantial limitations in present functioning, manifested as significantly sub-average intellectual functioning, existing concurrently with demonstrated deficits in adaptive behavior and who manifests these conditions before the person's 22nd birthday.

Deficits in adaptive behavior means a significant limitation in an individual's effectiveness meeting the standards of maturation, learning, personal independence, and social responsibility expected for the individual's age level and culture group, as determined by clinical assessment and generally standardized scales.

**DEVELOPMENTAL DISABILITY/MENTAL ILLNESS  
EXTENSION CRITERIA****13.18.3**

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Significantly sub average intellectual functioning means a full scale IQ score of 70 or less based on assessment that includes 1 or more individually administered standardized intelligence tests developed for the purpose of assessing intellectual functioning. Errors of measurement must be considered.

**WHEN THE PARTICIPANT SPEAKS LIMITED ENGLISH**

Listed below is guidance to counties and Employment Services Providers to use when the participant speaks limited English:

- Consider other categories of extension 1st before requesting a mental health diagnostic for purposes of determining developmental disability or IQ below 80.
- For purposes of an extension, counties may accept a statement from a qualified professional regarding IQ that identifies a range instead of a specific score. Professionals qualified to administer tests of intellectual functioning, assessment of adaptive behavior, adaptive skills, and developmental function include licensed psychologists, certified school psychologists, or certified psychometrists working under supervision of a licensed psychologist. Counties and Employment Services Providers should make every effort to ensure that professionals making these determinations have experience conducting cross-cultural evaluations.
- Request that the assessment report include a discussion of the limitations of testing.
- Request that the assessment report include a statement of the clinician's confidence in the results.
- Request that the assessment report related to developmental disability or low IQ include a description of the participant's functional level and functional restrictions.
- Request that the assessment report identify the interpreter, his or her qualifications and relationship to the assessor, the participant, and anyone else involved in the process.

Verification of developmental disabilities or mental illness should include a statement that the person is unable to obtain or retain unsubsidized employment. Participants in this

**DEVELOPMENTAL DISABILITY/MENTAL ILLNESS  
EXTENSION CRITERIA****13.18.3**

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category must participate in ES. The Employment Plan should be developed with input from other professionals working with the participant and should include activities and hours approved to their ability. See §7.3 (Employment Plan (EP)), §14.30 (Post 60-Month **Type/Length** ES Sanctions - General Provisions).

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for an explanation of the requirements for hardship extensions. Also see §13.18.6 (Learning Disabled Extension Criteria), §13.18.9 (IQ Below 80 Extension Criteria), §13.18.12 (Unemployable Extension Criteria), §13.18.15 (Family Violence Extension Criteria).

## FAMILY VIOLENCE EXTENSION CRITERIA

13.18.15

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MFIP participants who are victims of family abuse may be eligible for an extension of benefits. Participants who request this extension must verify the abuse. See §7.36 (Family Violence Waiver Option) for a list of acceptable forms of verification. Participants with a family violence extension are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS requirements.

These participants MUST work with a job counselor and/or FSS case manager and a person trained in domestic violence (if they are not already working with a domestic violence advocate) to develop the EP. The primary goal of an Employment Plan for Victims of Family Violence is to ensure the safety of the caregiver and the children. The job counselor or FSS case manager has the final approval of an Employment Plan, see §7.12 (Plan for Victims of Family Violence). The Employment Plan must be approved prior to approval of the extension, and participants must comply with activities in their plan to continue receiving the extension.

If the participant is not complying with their Employment Plan, the first step is to meet with the participant and advocate, to ensure the plan is still appropriate. If the advocate believes the plan is still appropriate, and the participant continues to not comply with their plan, the participant loses eligibility for the FVW. Notify the financial worker immediately that the participant has lost their FVW eligibility with the Diversionary Work Program/Minnesota Family Investment Program Status Update Form (DHS-3165). If the participant does not qualify for another extension criteria, their MFIP case will be closed.

See §3.18 (Glossary: F...) for the definition of family violence. Also §7.36 (Family Violence Waiver Option), §7.36.3 (Person Trained in Domestic Violence), §13.3 (60-Month Lifetime Limit), §13.15 (Hardship Extensions).



## EMPLOYED EXTENSIONS

13.21

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MFIP participants may be eligible for an extension of benefits in the employed category if they:

- Were in compliance 10 of the last 12 months immediately preceding month 61, including month 60.

AND

- Meet the hourly requirements. Counties must provide the opportunity for subsidized employment to participants needing that type of employment in order to be extended.

Compliance means the participant was not in sanction for any reason (for example, Employment Services (ES), child support, financial orientation, convicted drug felon). Participants extended in this category **MUST** participate in Employment Services.

Hourly requirements vary for 1-parent and 2-parent families, and for participants who are able to work only a limited number of hours. For hourly requirements, see §13.21.3 (Employed Extension Criteria - 1-Parent Units), §13.21.6 (Employed Extension Criteria - 2-Parent Units), §13.21.9 (Limited Work Due to Illness/Disability Extension Criteria).

When the participant has accepted a job that begins during the 60th or 61st month, there must be a reasonable expectation that the participant will work an average of at least the number of hours required for the extension in the coming month. DHS recommends that the decision be based on the participant's current employment situation and/or employment offer.

For purposes of the employed extension category, employment means:

- Subsidized private sector or public sector employment, including Grant Diversion.
- Unsubsidized employment.
- On-The-Job Training.
- Apprenticeship.
- Supported work. See SUPPORTED WORK in §3.39 (Glossary: S...).
- Work study.

OR

- A combination of any of the bulleted items above.

OR

- Providing child care services to another participant who is working in a community service program, if it is in combination with paid employment.

**EMPLOYED EXTENSIONS****13.21**

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**NOTE:** Participants who are complying with a child protection plan may count hours required in their plan toward the requirement for the employed extension.

See §13.3 (60-Month Lifetime Limit) for an explanation of the 60-month lifetime limit and exceptions. See §13.15 (Hardship Extensions) for general information and requirements for hardship extensions.

**LOSS OF EMPLOYMENT/REDUCTION IN HOURS**

Whenever there is a loss of employment or a reduction in hours, you should assist the participant to return to work or increase their hours as soon as possible. Counties/job counselors should consider referring participants to employers they know are hiring, temporary agencies, or placing the participants in a work experience when appropriate.

If the loss of employment or reduction in hours is involuntary (laid off or lose a job through no fault of their own), the participant is not subject to the hourly employment requirement for 1 month but must meet all remaining requirements in the Employment Plan. The 1-month period begins the day after the employment ended or hours were reduced. In cases where involuntary loss of employment or involuntary reduction in hours is claimed but not documented, have participants sign a statement that this occurred through no fault of their own. Counties and ES Providers have flexibility to do as much verification as they deem necessary.

The 1-month exemption from meeting work requirements is available to each client extended as employed twice (non-consecutive) in a 12-month period. The 1-month grace periods are person-based, and apply separately to each parent in a 2-parent household (each employed parent is allowed 2 grace periods).

Participants who fail to meet the hourly requirements for this extension, without good cause, should be sanctioned or permanently disqualified. See §14.30 (Post 60-Month **Type/Length** ES Sanctions - General Provisions).

**GOOD CAUSE FOR NOT MEETING HOURLY REQUIREMENTS - INVOLUNTARY LOSS OF EMPLOYMENT**

Good cause for not meeting hourly employment requirements may only be granted for the portion of the month in which good cause applies. Participants must meet all remaining requirements in the Employment Plan. This provision may also be applied if good cause for

**EMPLOYED EXTENSIONS****13.21**

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not meeting hourly requirements continues beyond a 1-month exemption from hourly meeting employment requirements (involuntary loss of employment/reduction in hours). Good cause provisions in statute may be applied to extended cases. Good cause is used in cases when a drop below hourly requirements is temporary and intermittent. An example would be a participant who misses a few hours or days of work due to illness, child care or transportation problems, or some other emergency.

The same grace period also applies to cases where participants are willing to accept suitable employment but none is available. The participant is exempt from the hourly employment requirement for 1 month. Participants must meet all remaining requirements in the approved Employment Plan or be subject to sanction or permanent disqualification. This exemption is available to each participant 2 times in a 12-month period.



## NON-COMPLIANCE

14.3

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UNLESS THERE IS GOOD CAUSE, consider a participant out of compliance with the requirements of MFIP Employment Services under these circumstances:

- The participant fails to attend the overview. See §5.12 (Employment Services Overview).
- The participant fails to conduct the required job search. See §9.12 (Job Search Activities).
- The participant fails to cooperate in the development of an Employment Plan. See §7.3 (Employment Plan (EP)), §7.12 (Plan for Victims of Family Violence). This includes failure to attend the initial appointment with the job counselor, or failure to attend all sessions necessary to develop a signed Employment Plan.
- The participant fails to comply with or make satisfactory progress in the activities specified in the Employment Plan. The Employment Plan must clearly specify the criteria for satisfactory progress.
- The participant fails to accept or terminates suitable employment. See §7.30 (Monitoring Employment), §13.21.3 (Employed Extension Criteria - 1-Parent Units), §13.21.6 (Employed Extension Criteria - 2-Parent Units).
- The participant fails to meet school attendance requirements. See §6.3.9 (Requirements for Teen Parents).

Do not sanction a Family Stabilization Services (FSS) participant, unless all FSS pre-sanction provisions have been met. See §11.18 (FSS Pre-Sanction Provisions).

Do not sanction a participant if there is information that the participant may meet FSS eligibility, unless all FSS pre-sanction provisions have been met. See §11.18 (FSS Pre-Sanction Provisions).

Do not sanction a participant if the participant is unable to meet participation hours because their place of employment is closed and the participant is not eligible for holiday pay. In addition, do not increase the hours of participation to offset hours that were missed due to the holiday.

## NON-COMPLIANCE

14.3

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Do not sanction a participant if the participant is meeting minimum hourly activity requirements for the participant's family composition even if the employment plan is written for more than the minimum. See §7.6 (Minimum Hourly Activity Requirements). If the plan requires more hours than the participant is achieving, the job counselor should explore the reason for the difference and consider revising the plan.

“First” and “subsequent” occurrences of non-compliance with program requirements are subject to different sanctions, see §14.3.3 (Pre 60-Month Type/Length of ES Sanctions). For information on drug felons that are non-compliant, see §14.3.6 (Drug Felons Sanctions - Job Counselor Responsibilities). For information on good cause, see §14.6 (Good Cause for Non-Compliance). For post 60-month sanctions, see §14.30 (Post 60-Month **Type/Length** ES Sanctions - General Provisions).

For non-compliance with an Employment Plan for victims of family violence, see §7.12 (Plan for Victims of Family Violence).



## PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

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The policies in this section apply to participants who:

- Have **not** reached their 60-month lifetime limit.
- OR
- **Are participants in a post-60 month extension who meet Family Stabilization Services criteria.**

Employment Services (ES) sanctions and child support sanctions both count towards closure of the MFIP financial case. Closure under this sanction policy is not permanent as participants may reapply for MFIP at any time.

Refer to the DHS Information Exchange/MAXIS summary page located on the DHS-IX tab in Workforce One for sanction count occurrences and contact the financial worker immediately if there is a discrepancy.

The count toward closure does **NOT** start over, even if the participant goes off assistance, comes into compliance, and remains in compliance.

Each month that a participant fails to comply with a requirement is considered a separate occurrence of non-compliance. However, if both parents in a 2-parent assistance unit are out of compliance in the same month, it counts as 1 occurrence. The financial worker will close the MFIP financial case in the participant's 7th occurrence of non-compliance. The Employment Services case should be closed on Workforce One (WF1).

➤ **FOR THE 1ST OCCURRENCE OF NON-COMPLIANCE**

The financial worker reduces the family's grant by 10% of the MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant. This sanction applies when a participant in a single-parent household or 1 participant in a 2-parent household does not comply. The grant reduction must be in effect for a minimum of 1 month and must be removed in the month after the month the participant returns to compliance. For more information, see §14.18 (Time Lines for Curing the Sanction).

**EXAMPLE:**

Household size = 3  
MFIP standard of need = \$1005 (10/1/09 standards)  
Cash portion = \$532  
Food portion = \$473

## PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

Rent: \$400 per month

County has chosen to vendor utilities, which are \$50 per month.

10% of the MFIP standard of need (10% of \$1005) = \$101

Total grant after sanction (\$1005-\$101) = \$904

Cash portion = \$431 (\$904-\$473 (food portion) = \$431)

Food portion = \$473

➤ **FOR THE 2ND THROUGH THE 6TH OCCURRENCE OF NON-COMPLIANCE**

For the 2nd occurrence of non-compliance with MFIP Employment Services, review the participant's case file to determine if:

- The Employment Plan is still appropriate.
- OR
- The continued non-compliance can be cured by providing a needed pre-employment activity. This includes activities such as volunteer work, literacy programs and related activities, citizenship and English as a second language classes, chemical dependency treatment, mental health services, peer group networks, displaced homemaker programs, strength-based resiliency training, parenting education, or other programs designed to help families reach their employment goals and enhance their ability to care for their children.
- OR
- The participant meets a good cause criterion.

If the lack of an identified activity can explain the non-compliance, the provider must work with the participant to provide the activity. Also, the county must restore the participant's grant amount to the full amount retroactive to the 1st day in which the participant was found to lack pre-employment activities or qualifies for good cause. If the participant's grant is restored, the vendor payment of shelter (and utilities, if applicable) is removed.

The reduction in the grant must be in effect for a minimum of 1 month and must be removed the month after the month the participant returns to compliance. For more information, see §14.18 (Time Lines for Curing the Sanction). If both parents in a 2-parent household are out of compliance, the grant reduction is removed in the month following the month both participants return to compliance.

The financial worker continues to vendor pay the shelter (and utilities, if applicable) for 6 months after the month in which the participant(s) return to compliance.

## PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

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The shelter costs are vendor paid up to the amount of the cash portion of the grant. At county option, the financial worker may also vendor pay utilities up to the amount of the cash portion of the grant.

The residual amount of the cash grant after vendor payment, if any, and the food portion must be reduced by an amount equal to 30% of the MFIP standard of need for an assistance unit of the same size with the residual grant paid to the participant.

**EXAMPLE:**

1. Vendor rent up to the CASH portion of grant (subtract \$400 from \$532).
2. At county option, vendor utilities out of any remaining CASH portion of the grant. (In this example, \$50 is also vendored for utilities.)
3. Reduce remaining grant ( $\$1005 - \$400 - \$50 = \$555$ ) by 30% of the MFIP standard of need ( $\$555$  minus  $\$302$  (30% of  $\$1005$ ) =  $\$253$ ).
4. Total grant amount for this example is \$253. The family will only receive \$253 in MFIP food benefits due to cash benefits being vendor paid. But participant's rent and utilities will be paid for the upcoming month.

**➤ 7th OCCURRENCE OF NON-COMPLIANCE**

The financial worker will close the MFIP case (100% sanction). Closure **under pre-60 month sanction policy** is not permanent. The case must be closed for 1 full month but can be reopened after 1 month if the participant demonstrates compliance.

The Employment Services Provider must attempt a face-to-face meeting prior to case closure, see §14.24 (Case Review Requirements for Occurrences of Sanctions).

A case review is required when the case is sanctioned at 30% and an attempt at a face-to-face meeting is required prior to case closure, see §14.24 (Case Review Requirements for Occurrences of Sanctions).

If a case that has been closed for the 7th occurrence of non-compliance is reopened and has another occurrence of non-compliance, the case will be sanctioned at 30%. A 2nd occurrence of non-compliance for a case reopened after closure for non-compliance will result in case closure.

## PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS

14.3.3

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A 2-parent assistance unit gets a **total** of 6 occurrences before closure. For example: if Mom has 3 occurrences and Dad has 3 occurrences in different months from Mom, the next (7th) occurrence results in case closure. However, if both parents in a 2-parent assistance unit are out of compliance during the same month, it counts as 1 occurrence.

If a case that has been closed for the 7th occurrence of non-compliance is reopened and has another occurrence of non-compliance, sanction the case at 30%. A 2nd occurrence of non-compliance for a case reopened after closure for non-compliance will result in case closure.

Closure for non-compliance does **not** make the participant ineligible for Food Support, if otherwise eligible. Case closure also does not affect health care eligibility. When an MFIP case is closed 100% in MAXIS, a status update will come across the WF1 interface notifying the ES worker that the case is closed and the closure reason.

➤ **REGAINING ELIGIBILITY**

Once a case has been closed due to 7<sup>th</sup> occurrence sanction, a new MFIP application must be filed with the county. The county must coordinate with Employment Services to develop an Employment Plan for the applicant that identifies the specific activities and time frames required to be considered compliant. It **may** include activities that last between 1 and 30 days.

**EXAMPLE:** A case is closed effective **February** 1, after a 6th occurrence of non-compliance. If the applicant reapplies on **February** 5, and meets with ES on **February** 10, schedule any activities the applicant must complete in order to come into compliance between **February** 10 and **March** 10. Once the participant comes into compliance, notify the financial worker immediately of the date of compliance. The case may not be reopened in February (unless good cause is determined) as this is the 1-month mandatory closure period.

**EXAMPLE:** Alternatively, if the application is filed **March** 1, and the applicant meets with ES on **March** 5, the activities must be scheduled between **March** 5 and **April** 5. The compliance date would be no sooner than **March** 5, depending on what the Employment Plan required the applicant to do. For example, if the applicant is required to participate in 2 weeks of structured job search beginning **March** 8 and ending on **March** 19, the case may be reopened on **March** 19 if all requirements in the EP were met. Once the participant comes into compliance, notify the financial worker immediately of the date of compliance.

**PRE 60-MONTH TYPE/LENGTH OF ES SANCTIONS****14.3.3**

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While it is more likely that the 1st step in the process to regain MFIP eligibility is for a client to file an application with the county, it is possible that a client may meet with Employment Services BEFORE filing an application. For example, if a case is set to close for non-compliance on March 1st, but the client makes direct contact and meets with Employment Services on February 26th, and THEN applies a week later on March 3rd, the 30-day compliance period could begin on 2/26 when the client met with ES.

The application may pend longer than 30 days if the scheduled activities run longer than the average 30-day MFIP processing period.

**NOTE:** Subsequent case closings and reopens due to non-compliance with ES should follow the same process and guidance as described above.

➤ **DUAL SANCTIONS OF NON-COMPLIANCE**

Sanctions are imposed, as follows, for participants who do not comply with child support requirements AND have a concurrent sanction for failure to attend orientation, or to develop or to comply with their Employment Plan:

1. If a child support non-compliance and another program non-compliance occur in the SAME month, the financial worker will reduce the family's grant by 30% of the MFIP standard of need for the 1st month, and then will vendor pay shelter costs (and utilities, if applicable) for the 2nd month.
2. The participant remains subject to vendor payments and 30% sanction until BOTH issues of non-compliance have been resolved.

For post 60-month sanction information, see §14.30 (Post 60-Month **Type/Length** ES Sanctions - General Provisions).

For information on preventing, starting, stopping, and removing sanctions, see §14.15.3 (Options for Preventing a Sanction), §14.6 (Good Cause for Non-Compliance), §14.21 (Removal of a Sanction).

**DRUG FELONS SANCTIONS - JOB COUNSELOR RESPONSIBILITIES 14.3.6**

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There are certain sanction policies for participants who disclose at financial intake that they have a drug felony.

People convicted of a drug felony that was committed on or after 7-1-97 are subject to random drug testing as a condition of MFIP eligibility. The drug test may be conducted by the county agency, or the county agency may be informed of a test failure by a probation officer or other official entity.

If a participant fails a random drug test, before imposing a sanction, the job counselor must:

- Attempt to meet face-to-face with the caregiver. See §14.24 (Case Review Requirements for Occurrences of Sanctions).
- Explain the consequences of failing a subsequent drug test. (A participant who fails a subsequent drug test is permanently disqualified from MFIP cash and food.) For the definition of DISQUALIFICATION, see §3.12 (Glossary: D...).
- Explain the right to appeal. See APPEAL in §3.3 (Glossary: A...).

If a face-to-face meeting is not possible, let the county know so the county can provide the above information in writing.

A caregiver who is sanctioned for failing an initial drug test may cure the 30% sanction by passing a subsequent drug test.

If a participant fails a subsequent random drug test, the participant is PERMANENTLY disqualified from both the cash and food portions of MFIP, and from MFIP Employment Services (MFIP-ES).

Before disqualifying the caregiver and sending a notice of adverse action, the job counselor must:

- Explain the right to appeal.
- Identify other resources that may be available to the family.

Note: Drug felon sanctions do not count toward the 100% sanction policy.



There are specific provisions that must be followed prior to determining whether a sanction can be imposed on a participant:

- Who has been determined eligible for Family Stabilization Services (FSS).  
OR
- At the time the provider has information that a participant may meet the eligibility criteria for FSS.

For information on specific provisions for FSS, See § 11.8 (Pre-Sanction Provisions for FSS).

Employment Services Providers and the county including child care, should establish clear and consistent procedures to make sure that all workers coordinate their actions. The **DWP/MFIP** Status Update Form ([DHS-3165](#)) is available to facilitate communication.

Good communication between all staff working with the same participant is critical to ensure that all sanctions are imposed and lifted correctly and consistently. If there is an unclear case situation, workers and counselors should contact their counterparts immediately to make sure they understand the situation fully.



**FAILURE TO RESPOND & NOTICE OF ADVERSE ACTION****14.15.6**

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Send a **DWP/MFIP** Status Update Form ([DHS-3165](#)) notifying the financial worker to impose a sanction if the participant does not respond to the MFIP Notice of Intent to Sanction ([DHS-3175](#)) within the time allowed.

A list of reasons to impose a sanction is printed on the back of the **DWP/MFIP** Status Update Form ([DHS-3165](#)). The reason given to the participant for imposing a sanction should correspond with 1 of these options. It is important that the financial worker gets this information in order to code MAXIS correctly.

Upon receipt of the **DWP/MFIP** Status Update Form ([DHS-3165](#)), the financial worker must send the caregiver a notice of adverse action.



## REMOVAL OF A SANCTION

14.21

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There is some professional discretion for determining when a sanction can be cleared. The Job Counselor may determine that the participant does not have to do everything on the NOITS, if the activity is no longer appropriate. However, the Job Counselor may not require the participant to do more than what is on the NOITS before clearing the sanction.

**EXAMPLE:** A participant's case was closed for 100% sanction. They have been closed for 5 months. They have re-applied. The Job Counselor should use professional discretion as to whether or not the NOITS activities, from 5 months ago, are still appropriate or available.

**EXAMPLE:** A case is transferred to your agency and is in a 30% ES sanction. There is not a copy of the NOITS available to review. The Job Counselor should invite the participant in to develop a new employment plan. The sanction would then be cured when they sign and date the new plan.

Notify the financial worker with the **DWP/MFIP** Status Update Form ([DHS-3165](#)), as soon as the participant comes into compliance. The financial worker must lift the sanction the 1st of the month following the month in which the participant came into compliance, and must lift the vendor payment sanction beginning with the 7th month after the participant has come into compliance.

If there is a dual sanction for non-compliance with both Employment Services and child support or another program requirement, each sanction is lifted separately.

- If the child support sanction is cured but the Employment Services sanction is not, the grant reduction remains at 30% of the grant remaining after vendor payments.
- If the Employment Services sanction is cured but the child support sanction is not, the 30% child support sanction remains until the month following compliance with child support requirements.

In either case, the vendor payment sanction is lifted only after the participant has been in compliance with BOTH Employment Services and child support for 6 months. See §14.18 (Time Lines for Curing the Sanction) for information about curing sanctions.

## REMOVAL OF A SANCTION

14.21

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**ONE MONTH MINIMUM SANCTION**

MFIP statutes require a minimum 1-month sanction for failure to comply with Employment Services program requirements. The sanction is normally imposed in the month following non-compliance and lifted in the month after compliance.

However, an EXCEPTION may occur when the sanction is not imposed until the 2nd month after non-compliance because of a delay in sending a 10-day notice of adverse action, and the participant complies before the effective date of the sanction.

**EXAMPLE:** If the non-compliance occurs in January and the financial worker receives the Status Update Form on January 21st, it is too late for the financial worker to give the participant a 10-day notice of adverse action for February 1st. In this example, the sanction cannot be imposed until March 1st. If the participant actually comes into compliance on or before February 18th, he/she will not be sanctioned in March.

**POST 60-MONTH TYPE/LENGTH ES SANCTIONS -  
GENERAL PROVISIONS****14.30**

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**This section applies ONLY to post-60 month cases where a 1-parent unit has been granted an extension under the employed/employed limited hours criteria or in a 2-parent unit when BOTH participants have been extended under the employed/employed limited hours criteria.**

All extended participants, excluding those extended as employed, are considered Family Stabilization Services (FSS) participants and ARE REQUIRED to develop an Employment Plan for FSS participants and follow FSS requirements. Participants extended as employed are also required to participate with Employment Services but are not considered FSS.

Although general sanction policies are the same in FSS, requirements prior to imposing a sanction differ. See §14.9 (Sanction Provisions for FSS), Appendix H (FSS Sanction Guidance).

Once the FSS sanction provisions are met the post 60-month Employment Services sanction policies apply to all extended cases.

Post 60-month sanctions differ from action taken during the 1st 60 months in several important ways:

- Non-compliance may result in permanent closure of MFIP.
- Pre-60 month occurrences do not carry into extended MFIP.
- Two-parent provisions are more complex.

**SANCTION SEQUENCE**

When an extended participant is out of compliance, send an MFIP Notice of Intent to Sanction (DHS-3175) (NOITS). Notify the financial worker if the participant does not respond within 10 days or does not follow through with steps necessary to comply as listed on the NOITS. See §14.15 (Notifying the Participant). The financial worker will issue a notice of adverse action.

Participants may claim good cause for not complying as outlined in §14.6 (Good Cause for Non-Compliance).

**POST 60-MONTH TYPE/LENGTH ES SANCTIONS -  
GENERAL PROVISIONS****14.30**

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Participants who do not respond or take steps necessary to comply will be sanctioned as follows:

➤ **1st Occurrence of Non-Compliance:**

- MFIP Notice of Intent to Sanction (DHS-3175) (NOITS).
- Notice of Adverse Action (NOAA), MAXIS generated.
- 10% **grant reduction** of the **MFIP standard of need**.

➤ **2nd Occurrence of Non-Compliance:**

- Case review.
- NOAA, MAXIS generated.
- Vendor pay rent, and utilities (at county option).
- 30% **grant reduction** of the **MFIP standard of need** after vendoring.

➤ **3rd Occurrence of Non-Compliance:**

- Vendor pay rent, and utilities (at county option).
- 30% **grant reduction** of the **MFIP standard of need** after vendoring.

➤ **4th Occurrence of Non-Compliance:**

- Case closed (1st disqualification from MFIP for the case). If the family reapplies, participant(s) must comply with ES for up to 1 month BEFORE the case is reopened.

**For more information on MFIP standard of needs, see §4.21 (Grant Standards) and Appendix A (MFIP Assistance Standards).**

**DISQUALIFICATIONS**

Participants who have been removed from the MFIP assistance unit or whose MFIP case has been closed under the 4th occurrence of post 60-month sanction policy above may reapply for assistance one time. In order to be reopened, the participant(s) must demonstrate compliance with Employment Services for up to 1 month, OR meet criteria for another extension category before the participant may be added back to the unit or the MFIP case may be reopened. If the participant(s) demonstrates compliance with Employment Services, the effective date must not be prior to the date of cooperation.

**POST 60-MONTH TYPE/LENGTH ES SANCTIONS -  
GENERAL PROVISIONS****14.30**

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When the participant is added back into the MFIP assistance unit or the MFIP case is reopened, the participants must remain in compliance. When an extended participant is out of compliance, send an MFIP Notice of Intent to Sanction (DHS-3175). Notify the financial worker if the participant does not respond within 10 days, or does not follow through with steps necessary to comply as listed on the NOITS. See §14.15 (Notifying the Participant). Participants who do not respond or take steps necessary to comply will be sanctioned as follows:

➤ **5th Occurrence of Non-Compliance:**

- NOITS.
- NOAA.
- 10% **grant reduction** of the **MFIP standard of need**.

➤ **6th Occurrence of Non-Compliance:**

- Case closed. Permanent disqualification of the case/MFIP unit, or the individual participant.

**NOTE:** Before disqualifying a participant under the above policy, the county must review the participant's case to determine if the Employment Plan is still appropriate and must make a good faith effort to meet with the participant face-to-face. If the participant does not comply, the county agency must send a notice of adverse action informing the participant that the MFIP case will be permanently closed or the MFIP participant will be permanently disqualified.

During the face-to-face meeting, the county agency must:

- Determine whether continued non-compliance can be explained and mitigated by providing a pre-employment activity or services.
- Inform the participant that non-cooperation with Child Support does not result in permanent case closure.
- Determine whether the participant qualifies for a good cause exception.
- Inform the participant of the sanction status and explain the consequences of continuing non-compliance.

**POST 60-MONTH TYPE/LENGTH ES SANCTIONS -  
GENERAL PROVISIONS**

**14.30**

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- Identify other resources that may be available to meet the needs of the family.
  - Inform the participant of the right to appeal.
  - Inform the participant of the family violence waiver criteria and make appropriate referral if the participant requested for a waiver.

For information on Employment Services sanctions for pre 60-month time limit participants, see §14.3.3 (Pre 60-Month Type/Length of ES Sanctions).

For information on post 60-month removing a caregivers see §14.30.3.3 (Post 60-Month ES Sanctions - Removing Caregivers).

## POST 60-MONTH ES SANCTIONS - 2-PARENT UNITS

14.30.3

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For information on the general sequence of sanctions, see §14.30 (Post 60-Month ES Sanctions - General Provisions).

In addition to those sanction policies, there are provisions which apply when 1 or both parents in an extended 2-parent family are out of compliance. Some of these provisions apply to all 2-parent families, and some will differ depending on whether both parents reach month 60 at the same time or 1 reached month 60 before the other. Information in this section is divided into 3 parts:

- Policies for all 2-parent cases.
- Policies when both parents reach month 60 at the same time.
- Policies when 1 parent reaches month 60 before the other.

**POLICIES FOR ALL 2-PARENT CASES**

- Pre 60-month occurrences do not carry into extended MFIP for purposes of counting occurrences toward permanent disqualification.
- ES sanction occurrences are counted against the **INDIVIDUAL** for purposes of determining when that **individual** is permanently disqualified.
- ES sanction occurrences are counted against the **CASE** for purposes of determining when the **family** is permanently disqualified.
- If both participants are in sanction at the same time, it counts as 1 occurrence of non-compliance for the case.
- Two-parent families have the option to remove a non-compliant parent from the grant. A parent who is removed from the grant may reapply once. A subsequent removal of this parent from the grant for non-compliance will result in permanent disqualification from MFIP for that parent. See §14.30.3.3 (Post 60-Month ES Sanctions - Removing Caregivers) for information about removing a non-compliant parent from MFIP.
- Only 1 parent may be removed at a time. Removals are counted per **CAREGIVER** for purposes of determining permanent disqualification of the individual caregiver from the MFIP unit. See §14.30.3.3 (Post 60-Month ES Sanctions - Removing Caregivers) for information about removing a non-

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compliant parent from MFIP.

### **POLICIES WHEN BOTH PARENTS REACH MONTH 60 AT THE SAME TIME**

- If both caregivers reach month 60 and are extended under a category that requires an Employment Plan, post 60-month sanction provisions apply.

**EXAMPLE:** Both parents reach month 60 and are extended under the employed category. Parent 2 is out of compliance with his or her Employment Plan. Apply post 60-month sanction or removal/disqualification provisions.

- If the household is mixed and 1 is extended under a category that requires an Employment Plan and 1 is extended under a category that does not require a plan, post 60-month sanction provisions apply.

**EXAMPLE:** Both parents reach month 60. Parent 1 is determined “unemployable”. Parent 2 meets criteria for “ill or incapacitated”. Parent 1 must develop and follow an Employment Plan. Parent 2 is not required to follow an Employment Plan. Post 60-month /disqualification policies apply if parent 1 is out of compliance.

**NOTE:** If both caregivers are extended under a category that does not require an Employment Plan, post 60-month policies do NOT apply.

**EXAMPLE:** Both parents reach month 60. Parent 1 meets criteria for “ill or incapacitated”. Parent 2 meets criteria for “needed in the home”. Neither parent is required to develop and follow an Employment Plan. Post 60-month sanctions do NOT apply. However, the ill/incapacitated parent must follow treatment recommendations to continue receiving MFIP.

### **POLICIES WHEN 1 PARENT REACHES MONTH 60 BEFORE THE OTHER**

- If the caregiver who has reached month 60 is extended under a category that requires an Employment Plan, post 60-month sanction provisions apply.

**EXAMPLE:** Parent 1 has reached month 60 and is extended under the employed category. Parent 2 has not reached month 60, and is not exempt from Employment Services requirements. Parent 2 is out

of compliance with his or her EP. Apply post 60-month sanction or removal/disqualification provisions.

- If Parent 1 has reached month 60 and is being extended under a category that doesn't require an Employment Plan, and Parent 2 has not reached month 60 but is required to participate in Employment Services, pre 60-month sanction provisions apply. See §14.3.3 (Pre 60-Month Type/Length of ES Sanctions).

**EXAMPLE:** Parent 1 has reached month 60 and is extended under the ill/incapacitated category. Parent 2 has not reached month 60, and is not exempt from Employment Services requirements. Parent 2 is out of compliance with his or her Employment Plan. Apply pre 60-month sanction provisions.



**POST 60-MONTH TYPE/LENGTH OF ES SANCTIONS -  
REMOVING CAREGIVERS****14.30.3.3**

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Two-parent families have the option to remove a non-compliant parent from the grant. The option to remove the non-compliant parent must occur as part of a discussion and decision-making process between the county/Employment Services Provider and the participants. The county **MUST NOT** automatically remove a non-compliant parent.

A parent who is removed from the grant may reapply once. A subsequent removal of this parent from the grant for non-compliance will result in permanent disqualification from MFIP. Only 1 parent may be removed at a time. Removals are counted per CAREGIVER for purposes of determining permanent disqualification of that caregiver from the MFIP unit.

Before removing a participant under this policy, the county agency must review the participant's case to determine if the Employment Plan is still appropriate and must make a good faith effort to meet with the participant face-to-face. If the participant does not comply, the county agency must send the participant a notice of adverse action.

**WHEN BOTH PARENTS REACH MONTH 60 AT THE SAME TIME:**

When BOTH parents reach month 60 at the same time, there are 2 situations when 1 of the parents may be removed from the grant and the remainder of the family continued on MFIP:

- **Effective month 61:** If 1 of the parents does not meet an extension category, or is in sanction in month 60, that parent may be removed from the grant upon request, effective month 61. Either parent may make the request. If the remaining parent is extended as employed, the single parent hourly requirement applies (30/25 hours). The Shared Household Standard and deeming provisions apply. Only 1 parent may be removed from the MFIP unit under this provision.
- **After month 61:** After an extension has been approved, either parent may request removal of a non-compliant parent from the MFIP grant. Pre 60-month notice requirements apply.

**EXAMPLE:** Both parents reach month 60 **and both parents are extended under the employed/employed limited hour extension criteria.** Parent 2 is out of compliance with Employment Services. You must send an MFIP Notice of Intent to Sanction (DHS-3175) (NOITS) and allow 10 days for a response. If either caregiver responds with a request to remove parent 2, the financial worker removes the non-compliant parent the 1st of the month after 10-day legal notice is sent from MAXIS. If no response to the NOITS is received, a

**POST 60-MONTH TYPE/LENGTH OF ES SANCTIONS -  
REMOVING CAREGIVERS****14.30.3.3**

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status update is sent to the financial worker to impose a sanction.

**WHEN 1 PARENT REACHES MONTH 60 BEFORE THE OTHER:**

There are situations when 1 parent in a 2-parent family can be removed from the grant when 1 parent reaches month 60 before the other:

- **Effective month 61:** The parent who has reached month 60 is requesting an extension and is in compliance with MFIP requirements, but the parent who has not reached month 60 is NOT in compliance. The non-compliant parent, at either caregiver's request, can be removed (disqualified) effective month 61. This parent may reapply and be removed 1 additional time before he/she is permanently disqualified from MFIP. If the non-compliant parent (who has not reached month 60) is not removed, post 60-month ES sanctions apply **only if the parent who has reached month 60 is extended under the employed/employed limited hour's extension criteria. If the parent is extended under any of the other extension criteria pre-60 month sanction policy must be applied because the participant meets Family Stabilization Services (FSS) eligibility criteria.**

**EXAMPLE:** Parent 1 reaches month 60 and is employed the minimum hourly requirement to be extended (30/25). Parent 2 reaches month 40 and is in sanction with Employment Services. Parent 1 requests removal of parent 2 effective month 61 and the case is extended under the employed category. If parent 1 is out of compliance with ES requirements, the post 60-month sanction sequence is applied.

- **Effective month 61:** The parent who has reached month 60 and requesting an extension is NOT in compliance with MFIP requirements, but the parent who has not reach month 60 IS in compliance. The non-compliant parent, at either caregiver's request, can be removed (disqualified) effective month 61 and the shared household standard applied. This family is considered a pre-60 month case, which means the 60 months clock is ticking according to the number of months used by the parent who remains on the grant, pre-60 month sanctions apply. Since the parent who reach 60 months was disqualified because of non-compliance in the 60th month, this parent may not reapply or be added back onto the grant at any point in the future.
- **After month 61:** After an extension is approved, either caregiver may request removal of a non-compliant caregiver, regardless of who reached month 60 first. Pre 60-month notice requirements apply.

**POST 60-MONTH TYPE/LENGTH OF ES SANCTIONS -  
REMOVING CAREGIVERS**

**14.30.3.3**

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See §14.30 (Post 60-Month Type/Length ES Sanctions - General Provisions).



**FRAUD****14.33**

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Notify the financial worker whenever you believe a participant intentionally misled the county or provider to get payments or services. The county may conduct a fraud investigation and/or initiate the process of recovering fraudulently obtained payments.

Recovery actions are the responsibility of the county agency. The financial worker will notify Employment Services staff through a Status Update Form ([DHS-3165](#)) if a participant is found guilty of fraud and is disqualified from receiving a grant for a period of time.

Caregivers who are disqualified due to fraud on or after October 1, 2007, must participate in MFIP Employment Services during the disqualification period. Failure to comply could result in sanctioning of the MFIP grant issued for the remaining members of the household, unless good cause is determined. Months during the disqualification period count toward the caregiver's 60-month time limit.

A caregiver who is disqualified due to fraud on or after October 1, 2007, is not eligible for MFIP child care assistance. The family may be eligible for Basic Sliding Fee (BSF) Child Care if all eligibility requirements for the BSF program are met however; in many counties there is a waiting list for BSF. If the caregiver needs childcare to participate, and it is not available, they meet good cause and cannot be sanctioned for failure to develop or comply with an employment plan.

Note: Transition year child care assistance is not available to families who have been disqualified from MFIP or DWP due to fraud.



## DHS FORMS

## APPENDIX B

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**DHS Required Forms:**

Do NOT use any alternative form developed by the county, tribe, or ES provider in place of a DHS required form. This is not a list of what is required to be kept in a case file.

- Assessor/Treatment Provider Report (DHS-4316).
- \* Notice of Requirement to Attend MFIP Overview (DHS-2929).
- \* Employment Service **Responsibilities**, Rights and **Consent** (DHS-3172).
- \* MFIP Notice of Intent to Sanction (DHS-3175).
- \* MFIP Self-Screen (DHS-3482).
- Brief Screening Tool for Special Learning Needs (DHS-3504).
- Injury Protection Program (IPP) - Participant Information & Authorization to Release Medical Information (DHS-3994).
- Injury Protection Program (IPP) - First Report of Injury (DHS-3995).
- Injury Protection Program (IPP) - Participant Medical Referral and Medical Care Provider Information Letter (DHS-3996).
- Injury Protection Program (IPP) - Participant Injury Status Report (DHS-3997).
- Notice of Privacy Practices (DHS-3979).
- MFIP/DWP Employment Plan – Either the paper version or the electronic employment plan on Workforce One (WF1) is required.
  - MFIP/DWP Employment Plan (DHS-4209)
  - Employment (DHS-4209A)
  - Job Search Requirements (DHS-4209B)
  - Unpaid Work Activities (DHS-4209C)
  - Education (DHS-4209D)
  - Family Safety (DHS-4209E)
  - Child Care or Transportation (DHS-4209H)
  - Health (DHS-4209I)
  - Housing (DHS-4209J)
  - Personal/Family Activity (DHS-4209K)
  - Legal Issues (DHS-4209L)
  - County/State Social Services (DHS-4209M)

**DHS Required OR the County/ES Provider Must Develop an Alternative:**

- **DWP/MFIP** Status Update Form (DHS-3165). A paper version is not necessary, if the electronic status update is on WF1.
- Diversionary Work Program/Minnesota Family Investment Program Employment Services Referral (DHS-3166). A paper version is not necessary, if the electronic status update is on WF1.
- \* Family Violence Referral (DHS-3323).
- Request for Verification of School Attendance/Progress (DHS-2883).
- DWP/MFIP Observation Checklist (DHS-3483).
- MFIP Self-Screen Scoring Form (DHS-3482A).
- MFIP Special Learning Needs Scoring Form (DHS-3504A).

\* Available in many languages.

See DHS forms on the Internet at [http://www.dhs.state.mn.us/id\\_000100](http://www.dhs.state.mn.us/id_000100)

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**Exit reasons for DWP/MFIP when closing a WF1 case record:**

- **Entered Unsubsidized Employment**  
Participant is working and the case is closed due to earnings, or a combination of unearned income (such as child support) and earnings.
- **Moved from the Area**  
Moved to another county within the state in which case the income maintenance case remains open. This code is also used when participants move out of state.
- **Voluntarily Separation**  
Participant requests closure of their MFIP (cash/food) case.
- **Sanction/Closed**  
Participant closes due to the 100% sanction.
- **60 months/Not Extended**  
Participant closes because they reach the 60 month limit and either do not request or do not qualify for an extension.
- **Extended ill/incapacitated**  
Participant qualifies for an ill/incapacitated extension and is no longer working with employment services.
- **No eligible child**  
Case closes because there are no eligible children in the household.
- **Fraud**  
Case is disqualified due to fraud.
- **Other**  
Reasons not specified above, for example closing because the participant is now eligible for SSI and no longer eligible for MFIP/DWP.
- **DWP closes.**  
DWP 4-month eligibility period ends or client loses DWP eligibility. Participant must apply for MFIP.