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**GLOSSARY****2****ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD) :**

Able-Bodied Adults Without Dependents. Food Support (FS) participants are limited to receiving Food Support for no more than 3 months in any 36-month period unless exempt from FS eligibility time limits or is meeting monthly work requirements. See [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDS)).

**ABE :**

Adult Basic Education.

**APPLICANT :**

A person who has submitted a request for assistance for whom no decision has been made regarding eligibility, and whose application has not been acted upon or voluntarily withdrawn.

**CAF :**

See COMBINED APPLICATION FORM (CAF) below.

**CLIENT :**

A person who is a PARTICIPANT.

**COMBINED APPLICATION FORM (CAF) :**

The COMBINED APPLICATION FORM ([DHS-5223](#)) is used by people to apply for multiple assistance programs including: CASH ASSISTANCE, FOOD SUPPORT, EMERGENCY PROGRAMS, and Health Care. See [Combined Manual §0005.09 \(Combined Application Form \(CAF\)\)](#). For health care only applications, the Minnesota Health Care Programs Application (HCAPP) ([DHS-3417](#)) form is preferred; see the [Health Care Programs Manual](#). The CAF plus the Combined Application - Child Care Addendum ([DHS-5223D](#)) may be used for Child Care Assistance Programs.

**COUNTY AGENCY :**

County human services agency; the local human services office.

**DEED :**

The Department of Employment and Economic Development. The state agency responsible for the Food Support Employment & Training (FSET) program. DEED oversees many Employment & Training Providers who provide employment and training services to FSET participants.

**DEFER :**

Defer a mandatory FSET participant if all of the FSET funding has been used. See POLI/TEMP Manual TE02.05.70 (FSET Exemption/ Participation Status).

**GLOSSARY****2****DHS :**

The Department of Human Services. The state agency that oversees county staff who determine eligibility for Food Support, Cash and Medical Assistance. County staff make referrals for the Food Support Employment & Training Program.

**DWP :**

DWP is a short-term, work focused program for families applying for cash benefits. It provides a maximum of 4 consecutive months in a 12-month period of necessary services and supports to families which will lead to unsubsidized employment, increase economic stability, and reduce the risk of needing longer term assistance under MFIP. See [Combined Manual](#) §0013.05 (DWP Bases of Eligibility).

**ESL :**

English as a Second Language.

**EMPLOYMENT SERVICES :**

Programs, activities, and services that help clients become employed and self-sufficient. Services may include job search, job placements, client assessments, and training.

**EMPLOYMENT SERVICES PROVIDER (ESP) :**

An agency or organization that operates under formal agreement with the county agency to provide employment services to certain clients on behalf of the county agency. In some instances the ESP is another unit of the county.

**EXEMPT FROM EMPLOYMENT SERVICES :**

A person who is not required to participate in Employment Service activities because he/she meets certain criteria. See [§6.9.3](#) (Who Is Exempt From FSET).

**FOOD SUPPORT EMPLOYMENT AND TRAINING (FSET) :**

An employment and training program for some Food Support recipients.

**FOOD SUPPORT PROGRAM :**

A United States Department of Agriculture program that issues benefits in the form of food coupons or electronic benefits to increase food purchasing power of eligible participants. The program is called Food Stamps by the Federal Nutrition Services (FNS) and most other states. In Minnesota the Food Stamp program is called the Food Support program.

**FS :**

See FOOD SUPPORT PROGRAM.

**GLOSSARY****FSET :**

See FOOD SUPPORT EMPLOYMENT AND TRAINING (FSET) PROGRAM above.

**GA :**

See GENERAL ASSISTANCE (GA) below.

**GED :**

(GENERAL EDUCATION DEVELOPMENT CERTIFICATE):

See (GENERAL EDUCATION DEVELOPMENT CERTIFICATE (GED) below.

**GENERAL ASSISTANCE (GA) :**

A program authorized under Minnesota Statutes [256D.01 through 256D.17](#) providing interim financial assistance to adults who are unable to provide for themselves due to illness, injury, disability or certain other significant barriers to employment.

**GENERAL EDUCATION DEVELOPMENT CERTIFICATE (GED) :**

A certificate issued by the Minnesota Board of Education or a similar certificate from another state equivalent to a secondary school diploma.

**GENERAL EQUIVALENCY DIPLOMA (GED) :**

See GENERAL EDUCATION DEVELOPMENT CERTIFICATE (GED) above.

**IPP :**

Injury Protection Program. Provides medical treatment and compensation for injury or death for participants in a work experience placement.

**MATCHING GRANT PROGRAM :**

The Matching Grant program is administered federally by the Office of Refugee Resettlement. The purpose of the program is to help eligible clients attain self-sufficiency within 120 to 180 days of becoming eligible for the program. The Matching Grant program will provide cash benefits for 4 months. The Matching Grant Program also provides Employment Services.

In Minnesota the Matching Grant Program is administered by the Voluntary Agencies (VOLAGs).

**MAXIS :**

Minnesota's statewide automated eligibility system for public assistance programs administered by DHS.

**MFAP :**

Minnesota Food Assistance Program. Minnesota's state-funded food support

**GLOSSARY****2**

program for certain non-citizens who are ineligible for the federal Food Stamp program because of their non-citizen status.

**MFIP :**

See MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP) below.

**MFIP EMPLOYMENT SERVICES (MFIP-ES) :**

MFIP Employment Services is the name of the program that provides employment services to current and former MFIP participants.

**MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP) :**

Minnesota's TANF program.

**MINNESOTA SUPPLEMENTAL AID (MSA) :**

A state-funded program that provides cash assistance to SSI recipients, blind people, people age 65 or older, and disabled people who are age 18 and older.

**MSA :**

See MINNESOTA SUPPLEMENTAL AID (MSA) above.

**OJT :**

See ON-THE-JOB TRAINING (OJT) below.

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

A program in which people are hired for a job and paid a subsidized wage while they are learning the job.

**PARTICIPANT :**

A person who is receiving Food Support and who is required to participate with FSET .

**PWE :**

The Principal Wage Earner in the Food Support assistance unit.

**RCA :**

See REFUGEE CASH ASSISTANCE (RCA) below.

**RECIPIENT :**

An applicant approved for FS.

**REFUGEE CASH ASSISTANCE (RCA) :**

A program that provides financial help to refugees ineligible for SSI or MFIP for up

**GLOSSARY**

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to 8 months after arrival in the United States. See [Combined Manual](#) §0030.03 (Refugee Cash Assistance).

**TAA :**

See TRADE ADJUSTMENT ACT (TAA) below.

**TANF :**

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) GRANT :  
A federal grant which replaced the AFDC program in Minnesota.

**TRADE ADJUSTMENT ACT :**

Federal law which provides payments to people whose employment was adversely affected by the importation of goods.

**UNEMPLOYMENT INSURANCE (UI) :**

A state insurance benefit paid to unemployed people and considered UNEARNED INCOME for assistance programs. This benefit is more commonly called Unemployment Compensation in other states.

**USDA :**

United States Department of Agriculture.

**VOLAGs****RCA:**

See Voluntary Agencies (VOLAGs).

**VOLUNTARY AGENCIES (VOLAGs):****RCA:**

Voluntary Agencies (VOLAGs) administer the provisions of RCA. VOLAGs are responsible, under contract with the U.S. Department of State, for providing refugees with initial housing, food, clothing and shelter immediately after arrival in the United States.

**WF1 :**

See WORKFORCE ONE (WF1) below.

**WIA :**

Workforce Investment Act. WIA is a national workforce preparation and employment system designed to integrate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs delivered through the 1-stop (WorkForce Center) system. It replaces the JTPA (Job Training Partnership Act) and began in Minnesota on 7-1-2000.

**WORK EXPERIENCE/WORKFARE :**

Paid or unpaid work experience at a designated work site designed to provide work activities to earn additional FSET months.

**WORKFORCE ONE (WF1) :**

A consolidated web-based case management and management information system that enables the delivery of Employment and Training services within the Minnesota workforce development system. WORKFORCE ONE is used by Employment Counselors for the MFIP, DWP, and FSET programs. WORKFORCE ONE is also used by other Employment and Training program staff, DHS staff and DEED staff.

Inform clients orally and in writing of their responsibilities.

Clients must:

- Provide accurate and complete information about financial and non-financial eligibility factors.
- Complete necessary forms truthfully and timely.
- Report any changes truthfully and timely.
- Provide proof needed to determine eligibility.
- Cooperate with FSET program requirements. For information on who must cooperate and who is exempt for the FSET program, see [§6.9](#) (Who Must Participate in FSET), [§6.9.3](#) (Who Is Exempt From FSET).



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Protect clients' individual and civil rights at all times.

At application, recertification, and on request, inform clients of their rights:

- To be told orally and in writing of their responsibilities and rights.
- To receive assistance program informational brochures.
- To an explanation of all the programs, including the benefits and limitations of each.
- To an explanation of eligibility requirements for all programs, including exemptions from program requirements.
- To an explanation that receipt of Food Support has no bearing on any other program's time limits that may apply to the household.
- To review program regulations, manuals, instructions, and state plans.
- To file an application the same day they contact the county agency if they contact the agency during office hours.
- To request a fair hearing through the county agency or the state agency. See [§3.6.15](#) (Client Rights – Appeals).
- To exercise their right to appeal the county agency's decision.
- To have anyone they choose represent or aid them in appeals, or any contact with the county or state agency. The person does not have to be an attorney. See [Combined Manual](#) §0005.06 (Authorized Representatives).
- To apply or re-apply for assistance programs at any time even if they seem to be ineligible.
- To receive prompt action or notification of delay on their application. See [Combined Manual](#) §0005.12.15 (Application Processing Standards).
- To receive written notice of approval or denial of the application and reason for denial. See [Combined Manual](#) §0026 (Notices).

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- To receive written notice of how the agency calculated their benefits and why benefits increased, decreased, or ended. See [Combined Manual](#) §0020 (Net Income Limits), [Combined Manual](#) §0026 (Notices).
  - To other services and programs offered by the county agency.
  - To be told that notice of approval of Employment Plans are sent to the client's residence and this may impact the client's safety.
  - To special help, if needed to understand and provide information. For example, interpreters for participants with limited English language proficiency or hearing impaired clients. See [§3.6.12](#) (Client Rights - Limited English Proficiency).
  - To services and programs offered by other agencies, when appropriate.
  - To fair treatment under federal and state law and to file a complaint if they feel they have been treated unfairly. See [§3.6.3](#) (Client Rights - Civil Rights).
  - To have information collected kept private by the county agency. See [§3.6.9](#) (Client Rights - Private and Confidential Data).
  - To protection. If there is a reason to suspect abuse or neglect of children or vulnerable adults, refer the information to social services. The client's cooperation with social services is not a condition of eligibility.

## CLIENT RIGHTS - CIVIL RIGHTS

## 3.6.3

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Treat clients fairly and with understanding. Inform people of their civil rights at application and recertification.

All applicants for and participants of assistance are entitled to information about their civil rights. They are also entitled to information about how to file a complaint if they believe they have been subjected to discriminatory treatment by a human services provider.

The civil rights protections that clients have depend upon the applicable law or laws. For example, under state human rights law, you may not discriminate against applicants or participants of assistance on the basis of race, color, creed, religion, national origin, disability (including ensuring physical and program access for people with disabilities), sex, sexual orientation, or public assistance status.

Under federal civil rights law, you may not discriminate on the basis of race, color, national origin, age, sex, religion, or disability. Unlike state law, federal law does not protect applicants or participants of public assistance from discrimination based on sexual orientation or on receipt of public assistance.

In addition, the Food Support (FS) program has specific civil rights protections of its own. Under the federal FS program, you may not discriminate against an applicant or participant of FS on the basis of age, sex, color, race, handicap/disability, religious creed, national origin, or political beliefs.

In January 2001, the [Office of Civil Rights \(OCR\) of the U.S. Dept of Health and Human Services](#) issued a policy guidance prohibiting discrimination against people with disabilities. This guidance was based on Title II of the [Americans with Disabilities Act of 1990 \(ADA\)](#) and on [Section 504 of the Rehabilitation Act of 1973](#).

The concepts central to compliance are:

- Individualized treatment (disabled participants should be treated on a case-by-case basis consistent with facts and objective evidence).

AND

- Effective and meaningful opportunity (disabled participants must be afforded the opportunity to benefit from programs that is as effective as the opportunity afforded to participants without disabilities).

A participant with disabilities, for purposes of compliance with ADA and Section 504 of the Rehabilitation Act, means a participant with a physical or mental impairment that substantially limits 1 or more major life activity, a record of such an impairment, or being regarded as having such an impairment. This definition is different than that typically used

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to determine eligibility in programs that provide cash assistance based upon disability, such as SSI and SSDI.

County and Employment Services staff are required to inform all participants of their right to equal access to all services and benefits regardless of a physical or mental disability. This means that Employment Plans (EP) for all caregivers with documented disabilities must take into consideration any/all limitations due to a disability. For many participants, this means developing a modified EP. See [§5.12](#) (Employment Plan (EP)).

DHS has developed a brochure, “Do you have a disability?” ([DHS-4133-ENG](#)), which provides job seekers with information about the Americans with Disabilities Act (ADA). This form is for applicants and participants in any program.

#### **WHERE TO FILE CIVIL RIGHTS COMPLAINTS:**

There are several agencies that people may contact to file a complaint if they believe they have been subjected to discrimination by a human services provider. Under certain circumstances a person may file the same complaint with more than 1 agency. However, some agencies do not have authority to accept certain types of civil rights complaints.

Always give clients enough information about filing complaints so they can decide for themselves which agency (or agencies) to contact. After a client contacts an agency, that agency will inform the client about whether it is the appropriate agency to receive the complaint.

The Minnesota Department of Human Rights enforces the state human rights law. The agency will assist people with the complaint filing process. Clients may file a public services discrimination complaint by contacting this agency directly:

[Minnesota Department of Human Rights](#)

190 E. Fifth Street  
St. Paul, MN 55101  
(800) 657-3704 (Voice)  
(651) 296-1283 (TTY/TDD)

People may also file a discrimination complaint with the Minnesota Department of Human Services (DHS). Upon receiving a complaint, DHS will determine whether or not it has authority to investigate the complaint and notify the person. Clients must contact DHS to file the complaint.

[DHS Civil Rights Coordinator](#)

## CLIENT RIGHTS - CIVIL RIGHTS

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Department of Human Services  
Office for Equal Opportunity  
P.O. Box 64997  
St. Paul, MN 55164-0997  
(651) 431-3040 (Voice)  
(651) 431-3041 (TTY)  
(651) 431-7444 (Fax)

In addition to the state agencies listed above, applicants and participants of federally-funded assistance programs who believe they have been discriminated against may also file complaints directly with the federal agencies administering those programs. They may file complaints directly with the U.S. Department of Health and Human Services or the U.S. Department of Agriculture. They must file the complaint within 180 days of the alleged discrimination.

**NON-FS RELATED COMPLAINTS:**[Office for Civil Rights - Region V](#)

U.S. Department of Health and  
Human Services  
233 N. Michigan Ave., Suite 240  
Chicago, Illinois 60601  
312-886-2359 (voice)  
312-353-5693 (TDD/TTY)

**FS COMPLAINTS:**[USDA](#)

Director - Office of Civil Rights  
Room 326-W, Whitten Building  
1400 Independence Ave. SW  
Washington, D.C. 20250-9410  
202-720-5964 (voice, TTY/TDD)

The written complaint should include the following information:

- Name, address, telephone number of complainant.
- Name and address of county agency delivering the benefits, including names of any employees accused of wrongdoing.
- Type of discrimination alleged.
- Brief description of the alleged discriminatory act(s).
- If a policy or procedure had a discriminatory effect on applicants or clients, identify the policy/procedure and describe the discriminatory effect it had.

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- Identify any witnesses to the alleged discrimination. Witnesses are people who observed the alleged discrimination. Provide their names, addresses, telephone numbers and titles.
  - Give the dates when the alleged discrimination happened and if it was continuing, give the duration of each incident.
  - Investigation findings.
  - If applicable, corrective action recommended and taken.

Also, see DHS Bulletin [#06-89-01](#), Attachment F (County Human Service Agency Complaint Notification Form, Complaints Alleging Discrimination in Service Delivery).

When you ask people to provide private or confidential data about themselves, you must tell them:

- The purpose and intended use of the requested data.
- Whether they may refuse or if the law requires them to supply the data.
- The consequences of supplying or refusing to supply the data.
- The identity of other people or entities authorized to receive the data.

The Combined Application Form (CAF) ([DHS-5223](#)) contains some of this information. More information is on the form "Notice of Privacy Practices" ([DHS-3979](#)).

Include a signed copy of the Combined Application Form (CAF) in the case file to document that you gave the client a Notice of Privacy Practices.

**For other questions related to data practices, write to the Data Practices Attorney.**

DHS Data Practices Attorney  
P.O. Box 64998  
St. Paul, Minnesota 55164



**CLIENT RIGHTS - PRIVATE AND CONFIDENTIAL DATA****3.6.9**

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Data collected and maintained by county agencies about people are private, unless specifically classified otherwise by law. Private data are accessible to the subject of the data or the subject's authorized representative.

State law classifies some data collected and maintained by county agencies as confidential. Confidential data is not accessible to the subject of the data.

County human services, corrections, public health, and veterans' services agencies within a county may inform each other when a person or family is currently being served by the county unit, without the consent of the subject of the data. Beyond informing of involvement with these county units, data sharing is limited to name, telephone number, and last known address of the data subject, and the identification and contact information regarding personnel of the county unit responsible for working with the person or family. If additional information is needed, the county may share if the unit is authorized by state statute or federal law, or if the person gives written, informed consent.

Refer to the [DHS Data Practices Manual](#) for further information.

Clients may review private records which contain information on them. Only the information classified as private or public is available for review by the client. Private or public data must be actually shown to the subject of the data and not summarized.

Honor requests for review as soon as possible, but no later than 10 days following the request. Do not count weekends and holidays in the 10-day period. When the county agency tells the client during the initial 10 days it needs more time, it may take up to an additional 10 days with a mutual agreement with the client. The county agency may set the place and time of review.

Data on 2 or more people maintained in a common file because of family relationships are "joint records". Delete material in joint records about the person not requesting the review to protect that person's privacy. Parents may view records of their minor children, unless:

- There is a court order preventing access to the data.
- OR
- The minor children request in writing that the agency deny parental access to the data, and the agency determines that accessing the data by the parent(s) is not in the best interest of the children.

Provide copies of original documents when requested by the subject of the data or the subject's authorized representative. Provide 1 free copy of a document and additional copies at the cost of reproduction.



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People with limited English language proficiency (LEP) often face unique challenges due to their inability or limited ability to speak, read, write, or understand English. Lack of English proficiency can limit people's access to public services programs to which they may be **eligible**, such as financial, medical, educational, health, and social services. Federal and state civil rights laws prohibit discrimination on the basis of national origin, as it affects people with limited English language proficiency.

All applicants for and participants of public assistance who have limited English language proficiency are entitled to **FREE and TIMELY** language assistance services. The burden of providing language assistance services must never be on the person with LEP. It is always on the agency or service provider.

The agencies must ensure that all clients **with LEP** are given adequate information and are able to understand the services and available benefits, and receive the benefits for which they are eligible. Counties must also ensure that clients **with LEP** are able to communicate the relevant circumstances of their situation to the county.

Each county is required to develop and implement an LEP plan. The LEP plan must include policies and procedures for providing language assistance, including a range of oral language assistance options, and in certain circumstances, translation of written materials. The plan should also include procedures for providing notice to people with LEP of the rights to language assistance **FREE** of charge and in a timely manner during all hours of the agency's operation. Agency staff should follow the provisions of their county LEP plan for dealing with LEP participants to provide meaningful access.

For more information about county LEP plans, contact the county LEP coordinator or county director.



The MAXIS system issues all notices of adverse action. A Food Support (FS) applicant or recipient may appeal any notice of adverse action within 30 days from the date of being notified of the action. If the person can show good cause for not appealing within 30 days, the appeal can be accepted for up to 90 days from the notice of adverse action.

Refer all appeal requests to the State Appeals Office. Do this regardless of when you receive the request, and regardless of the client's reason for making a late appeal request. The Appeals Office will convene a hearing and decide the issue of timeliness or good cause at that time.

The appeal may be made to the county agency or directly to the State Appeals Office at the Department of Human Services. For written appeals, clients may use the Appeal to State Agency form ([DHS-0033](#)) or may send a letter indicating disagreement with the county agency's decision to:

Minnesota Department of Human Services Appeals Office  
PO Box 64941  
St. Paul, MN 55164-0941  
Metro: (651) 431-3600 (Voice)  
Outstate: (800) 657-3510  
TTY/TDD: (800) 627-3529  
Fax: (651) 431-7523

People may request an appeal hearing orally or in writing. They must state what county agency action they are appealing.

The recipient may request that Food Support benefits continue pending appeal. However, if the recipient loses the appeal, the FS benefits issued during appeal process will need to be returned/repaid.

Most Food Support appeals are decided within 60 days of the date of the request for a hearing.

Refer people with further questions about appeals to county FS staff for more information.



The United States Department of Agriculture (USDA) administers and funds the Food Support Program, and requires that states operate an employment and training program for certain Food Support participants. Federal laws and regulations specify the basic structure of the program, the people to be served, the scope of program services, and the programs' relationship to other public assistance programs.

The program operates under [Code of Federal Regulations \(CFR\) 7, Section 273.7](#) and [Code of Federal Regulations \(CFR\) 7, Section 273.24](#).



## STATE FUNDING/RESPONSIBILITIES

4.6

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The Minnesota Legislature annually appropriates state funding to Department Human Services (DHS) to operate the FSET program. The federal government matches this funding, in effect doubling the money available. State and federal funds available for FSET operations are then allocated to county agencies based on the county's Food Support (FS) caseload on March 31, June 30, September 30, and December 31 of the previous calendar year.

Within the limits of available funding, DHS reimburses monthly the county agency's actual costs (including Employment Services Provider (ESP) actual costs) of providing FSET program services, including participant support services, direct program services, and program administrative costs.

The purpose of the FSET program is to assist members of FS households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

State statutes implement federal laws and regulations and establish the framework for Minnesota's FSET program. FSET program operations in Minnesota are supervised by the Department of Human Services (DHS) in partnership with the Department of Employment and Economic Development ([DEED](#)). The program operates under Laws of Minnesota 2005, Sections [256D.051](#) and [256D.052](#).

State functions include:

- Issuing of guidelines, regulations, and procedures governing statewide service provision.
- Allocation of program funding and tracking of expenditures.
- Operation and management of an automated participant tracking and reporting system.
- Federal program reporting.
- Monitoring of local service provision.

State statutes require that FSET services be provided through a Workforce Center system unless such services are not available through the local Workforce Center. The county agency may choose to use the same or different providers for each employment services activity, but must ensure that ESP's follow all program requirements, policies, and guidelines.

DHS may reallocate unexpended money from a county that cannot use all of its allocation to

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another county or counties that demonstrate a need for additional funds. The reallocation process is not performed until the end of the fiscal year when the total amount of funds expended statewide is known.

## COUNTY AGENCY FUNCTIONS

4.9

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Food Support (FS) participants receive employment services through the county's FS Employment and Training (FSET) program. FSET provides services to mandatory non-public assistance FS participants (Able-Bodied Adults Without Dependents (ABAWDs)). See [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDs)).

In addition to administering the Food Support (FS) program, each county human services agency and reservation is required to operate an FSET program if it has not been granted a waiver. See TEMP Manual TE02.05.68 (ABAWD FSET Exempt Reservations), TE02.05.69 (ABAWD FSET Exempt Counties).

The county agency either directly provides these services, or contracts with 1 or more ESPs to provide local FSET services and activities.

County agencies and FSET providers each have certain functions/responsibilities. For provider responsibilities, see [§4.12](#) (Employment Services Provider (ESP) Functions).

The purpose of this program is to assist members of FS households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment.

Each county agency must provide Food Support Employment and Training (FSET) services or contract for FSET services with outside providers. County agency administrators must ensure that FSET services providers follow FSET services requirements. The county agency is ultimately responsible for the operation of FSET and clients' participation in the program.

County agency procedures and interactions with FSET providers may vary depending on how the county sets up its FSET services. Follow your county agency's procedures.

County agency functions may include:

➤ **ADMINISTER FOOD SUPPORT PROGRAM ELIGIBILITY AND WORK REQUIREMENTS:**

- Determine FS eligibility.
- Determine which FS participants must be registered for work and which are exempt from work registration.
- Determine which FS participants are required to participate in FSET and which are exempt or deferred from mandatory participation. You must record this information in MAXIS on the Work Registration (WREG) panel.

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- Upon notification from the ESP that a participant failed to comply with FSET, determine if the participant had good cause.
  - Implement FS sanctions for participants who failed without good cause to cooperate with or participate in FSET.

➤ **CLIENT NOTIFICATION:**

- Inform FS Able-Bodied Adults Without Dependents (ABAWDs) that they are only eligible for 3 months of FS benefits in a 36-month period, but that they can “earn” additional months of benefits by working or participating in work program activities.
- Inform FS participants about the FSET program.
- Inform ABAWDs of the requirement to participate and the consequences of failing to comply.

➤ **REFERRAL/COMMUNICATION WITH ESP:**

- Refer mandatory participants to the ESP as soon as FS eligibility is approved. A referral to the ESP will be done via the Workforce One (WF1) System automatically when FS benefits are approved in the MAXIS system.
- Notifying the ESP when referring an ABAWD so the provider is aware of the participant’s time-limited FS eligibility and can quickly develop potential work or work program activities that will help the participant “earn” additional months of benefits.
- Notify the ESP of the following changes.
  - Exemption status.
  - Deferral status.
  - Mandatory participant status.
  - Circumstances that indicate good cause for failure to cooperate.
  - Start of employment.
  - Hours of employment.
  - End of employment.
  - Address.
  - Telephone number.
  - Household composition.
  - Amount of assistance payment.

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- Suspension or closing of financial assistance case.
  - Other changes in status that affect employment and training or support services (for example, changes in the amount of child care or transportation provided).

Use the Food Support Employment and Training Status Update Form (DHS-3165A) to report changes.

➤ **OPERATE AND MANAGE FSET SERVICES:**

- If either the County agency or ESP becomes aware of circumstances that indicate a participant's exemption status has changed, inform the other of the change. The county agency should then review the participant's exemption status. If the participant has become exempt, the county must notify the participant and the ESP, update the MAXIS exemption code on the WREG panel and redetermine if the ABAWD months were counted properly.
- At the time the county agency notifies the household that it is eligible for Food Support, notify all non-exempt participants that they must attend an orientation and comply with the FSET program each month. The county worker will issue the FSET Orientation notice through the MAXIS system.
- Operate an FSET program in compliance with state and federal laws, regulations, and guidelines.
- Provide an orientation and FSET services to all FS participants who are required to participate. See [§5.6](#) (FSET Orientation).
- Provide needed support services so that participants are capable of participating in FSET without out-of-pocket costs.
- Assess, monitor, evaluate, and manage service delivery by the county agency's ESPs.
- Complete program funding requirements.

When a client moves to a different county or there is a change in service provider, the former county or former service provider who performed the initial assessment and Employment Plan (EP) or has the pertaining documents must make those documents available to the new county or the new provider.

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DHS retains ownership of any FSET document for which it has reimbursed the cost. This declaration must be incorporated in any service contract between the county and a service provider.

**EMPLOYMENT SERVICES PROVIDER (ESP) FUNCTIONS****4.12**

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FSET providers have certain functions/responsibilities. Follow the provisions of this section for FSET provider responsibilities. For information on county agency responsibilities, see [§4.9](#) (County Agency Functions).

Each Employment Services Provider (ESP) operates under a formal written agreement with the county agency to provide FSET services to Food Support (FS) participants. Services may begin as early as the date FS eligibility is approved, but must start no later than the 1st day of the month after the month FS eligibility is approved. Under county agency administration, ESPs provide the following services:

➤ **ORIENTATION AND ASSESSMENT:**

- Orient participants to the FSET program.
- Assess the participant's literacy level and refer the participant to local literacy programs when appropriate.
- Complete an individual assessment and an Employment Plan (EP) for each participant.
- Identify Able-Bodied Adults Without Dependents (ABAWDs) who have time-limited FS eligibility, so that potential work or work program activities can be quickly developed to help them earn additional months of FS benefits.
- Identify the need for and coordinate support services such as transportation, purchase of equipment or tools.

➤ **IMPLEMENTING THE EP:**

- Implement the participant's EP, whether through direct service provision or referral to other agencies for services that are needed, so that the participant can successfully complete the plan and find employment.
- Monitor participant performance and participation.
- Modify the participant's EP as necessary.

➤ **NOTIFICATION:**

- Provide notices to the participant and county agency when the participant has failed to participate or comply with FSET program requirements.

**EMPLOYMENT SERVICES PROVIDER (ESP) FUNCTIONS****4.12**

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- Provide the county agency with information that may affect a participant's program eligibility, or benefit amount. The ESP must notify the county agency anytime a participant's employment status changes.
  - If either the County agency or ESP becomes aware of circumstances that indicate a participant's exemption status has changed, inform the other of the change. The county agency should then review the participant's exemption status. If the participant has become exempt, the county must notify the participant and the ESP, update the MAXIS exemption code on the WREG panel and redetermine if the ABAWD months were counted properly.

Use the [Food Support Employment and Training Status Update Form \(DHS-3165A\)](#) to report changes.

➤ **COORDINATION AND PROGRAM RECORDS:**

- Coordinate with the county agency regarding program activities and outcomes, expenditures, individual participant services and progress, and participant sanctions.
- Maintain needed program files and documentation, and record relevant participant data on the Workforce One (WF1) system as necessary. When a participant moves to a different county or there is a change in service provider, the former county or service provider that initially provided services must make program documents and information available to the new county or the new provider.

Counties and ESPs may employ whatever combination of skilled staff is necessary to provide FSET services.

Employment Service Providers (ESP) must notify the financial worker whenever they have reason to believe a participant intentionally misled the county or provider to receive public assistance payments or services including Food Support.

The county may conduct a fraud investigation and/or initiate the process of recovering fraudulently obtained payments. Fraud and recovery actions are the responsibility of the county agency. The financial worker will notify ESP staff if a participant is found guilty of fraud and is disqualified from receiving benefits for a period of time.

The ESP must notify the county agency any time there is a change in circumstances that will affect a participant's public assistance eligibility, benefit amounts, or services. This includes notifying the county agency when a participant starts, stops, or changes employment. Use the Diversionary Work Program/Minnesota Family Investment Program Status Update Form ([DHS-3165](#)) to do this.



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Food Support (FS) provides Employment Services (ES) to program participants. FS participants are served by the Food Support Employment and Training (FSET) program. FSET provides services to Non-Public Assistance FS participants whose participation is mandatory (Able-Bodied Adults Without Dependents (ABAWDs) between the ages of 18 and 50). For those who are not exempt or do not meet an exception criteria, participation in Employment Services is mandatory. See [§6.9](#) (Who Must Participate in FSET), [§6.9.3](#) (Who Is Exempt From FSET).

Some FS participants are required to register for work. The client registers all assistance unit members who are required to be work registered by signing the Combined Application Form ([DHS-5223](#)) or the Combined Application - Addendum ([DHS-5223C](#)). Some FS participants are NOT required to be referred for work, see [§6.3.3](#) (Who Is Exempt From FS Work Registration).

Sanction or disqualify people if they do not cooperate with Employment Services requirements. See [§6.12](#) (Failure to Comply with FSET Requirements).

An orientation must be provided to all FSET participant's, see [§5.6](#) (FSET Orientation).

Each county must provide an Employment Services component or contract with Employment Services Providers (ESPs) for such services. The county agency may choose to use the same or different providers for each Employment Services activity. FSET services must be provided through a Workforce Development Center unless such services are not available through a local Workforce Development Center.

The ESP and the county agency must develop procedures to ensure that clients comply with Employment Services requirements. The county agency must refer, exempt, and sanction clients when they do not comply with the requirements, and oversee the ESPs.

Employment Services programs may pay for some client Employment Services related expenses. See [§5.23](#) (Support Services Allowed).

The following services may be provided and funded with the county's FSET allocation:

- **FSET Orientation and mandatory responsibilities:** Includes notices, contacts, and other activities needed to schedule newly referred FSET participants. Provide to all FSET participants.
- **Counseling services:** Includes individual assessment, testing, development of the Employment Plan (EP), vocational counseling, encouragement and support, placement assistance, referrals, and coordination of services.

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- **Training and education services:** FSET participants may participate in short-term technical or post-secondary education (up to 2 years). The ES Provider must approve the program as part of the participant's Employment Plan.

Training/education services may include:

- English as a Second Language (ESL) classes for participants who do not speak English well enough to obtain employment.
  - Adult basic education (ABE) for participants who need remedial education in order to obtain employment.
  - High school education or equivalent programs for participants who have not completed high school.
  - Post-secondary education or training of 2 years or less in duration.
- On-the-job training (OJT).
  - Job search, job search training, and job club
  - Workforce Investment Act (WIA) programs.
  - Work experience placements (Workfare). Work experience is unpaid work in a public or private non-profit agency. See [§7.3](#) (Work Experience/Workfare).

When circumstances require intervention in areas outside the expertise of the ES Provider or require other resources, make referrals to the appropriate county or community agency.

Issues, which often require a referral, include:

- Chemical dependency.
- Mental or emotional health problems.
- Family violence.
- Physical health problems.
- Legal problems.

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The county agency or its Employment Services Provider (ESP) must provide an orientation to the FSET program for each Able-Bodied Adult Without Dependents (ABAWD) referred to the program. The purpose of the orientation is to explain participation requirements, describe available services, identify the ESP, explain that FSET can help ABAWDs meet their eligibility and work requirements, and encourage the participant to move to self-sufficiency through employment.

Mandatory participants must be notified of the requirement to participate in an orientation. The county agency must send the FSET Orientation Notice from the MAXIS system to the FSET participant. The FSET Orientation notice must contain the following information:

- The requirement that the participant attend an orientation.
- Date of the orientation.
- Time the orientation.
- Place of the orientation.
- Name and telephone number of an ESP contact person.
- A statement that Food Support (FS) assistance will end if the mandatory participant fails, without good cause, to comply with FSET requirements.

An orientation must be provided to mandatory participants within 30 days of the county approving FS eligibility. Mandatory participants who fail to attend or comply with the orientation are subject to FSET program sanctions. See [§6.12](#) (Failure to Comply With FSET Requirements), [§6.15](#) (Sanctions For Failure To Comply).

An orientation must be provided at least once during any 12 consecutive calendar month period. The 12 consecutive calendar month period begins on the 1st of the month after the month of eligibility, and ends on the last day of the 12th consecutive month.

The orientation may be done either individually or in a group setting. It may be provided through audio-visual methods as long as the participant has the opportunity for face-to-face questions and answers.

The orientation must include:

- Work or work program activities that may enable ABAWDs to earn more than 3 months of FS benefits in a 36-month period.

- The requirement to participate in FSET program activities and services.
- The name, address, and telephone number of the ESP.
- The services, including support services, available through FSET and from other providers of similar services.
- The date, time, and address to report for FSET services.
- The consequences for failing, without good cause, to participate in FSET services or to comply with program requirements, including accepting suitable employment.
- Encouragement to view public assistance as a temporary means of supplementing the family's needs as the family moves toward self-sufficiency through employment.

**EMPLOYABILITY ASSESSMENT****5.9**

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FSET services may begin as early as the date you approve Food Support (FS) eligibility, but no later than the 1st day of the month after the month eligibility is approved. FSET services must include an employability assessment and Employment Plan (EP). The assessment and EP must be done in consultation with the client. Development of an EP is required only once in any 12 consecutive months. The client must sign the EP and receive a copy of the signed EP.

The purpose of an employability assessment is to collect and evaluate information to identify a participant's employment capabilities, barriers, and support service needs. It should be individualized and completed in an interactive face-to-face meeting with the participant. The information collected from this assessment is the basis for the EP. The employability assessment must be completed within 30 days of the referral to FSET and must examine:

- The participant's literacy level.
- The participant's ability to communicate in the English language.
- The participant's education and employment history.
- The estimated length of time it will take the participant to obtain employment.
- The participant's employment-related skills and abilities, barriers to employment, steps necessary to overcome the participant's barriers to employment and any special services needed to meet the participant's needs.

The state does not require that a particular form be used for recording the results of the employability assessment. County agencies and Employment Service Providers (ESPs) may develop and utilize their own forms for this purpose or may record relevant information in a standard location in the case notes. Each topic area above should be dealt with on the assessment form or in the case notes.

**NOTE:** Literacy testing may be routinely included as part of the assessment but is not required for all participants. The ESP should use available information about the participant (for example, how applications and other forms are completed, the participant's speech, participant disclosure, reports from other sources) to form an opinion of the participant's literacy and reading capabilities. The participant's literacy capabilities should be tested if a problem is perceived. The ESP should record each participant's perceived and tested literacy and reading capability in the case record.

Development of an employability assessment is required only once in any 12 consecutive month period.

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**Client-Specific EP Components:** The following items must be addressed and provided for in the EP if they apply to the participant:

- Referral as necessary to available accredited remedial training programs designed to address barriers to employment. This may include placement in:
  - English as a Second Language (ESL) skills programs.
  - Literacy training programs.
  - Adult Basic Education (ABE) or secondary education programs.
  - Other remedial or skill enhancement programs.
  
- Referral to other available programs that provide subsidized or unsubsidized employment. This may include:
  - Workforce Investment Act (WIA) programs.
  - Job Service.
  - Local agencies or programs geared to help the participant become employable.
  
- Other activities designed by the county or the ESP to prepare the participant for permanent employment.

**Intermediate Steps:** When developing a participant's EP, it is important to break each employment goal into intermediary steps with specific, easily measured activities which will move the participant along the path toward employment and self-sufficiency. The clearer these intermediary steps are to both the participant and ESP, the less likely it is that there will be disputes about satisfactory progress.

**Maximum and Minimum Participation:** The EP must be designed so that the participant is not required to participate in FSET activities more than 32 hours per week. It also should not place any requirement on a participant that interferes with employment which the county agency has determined can lead to self-sufficiency.

**EMPLOYMENT PLAN (EP)****5.12**

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The Employment Plan (EP) is a written plan specifying in detail the services to be provided to a participant, the requirements with which the participant must comply and the consequences for failure to comply. An EP must be developed within 30 days of the person being referred to FSET and must be based on the employability assessment conducted for the participant. The employability assessment and EP must be done in consultation with the participant. The participant must sign and receive a copy of the EP. Participants who refuse to cooperate with development of the plan or to sign the plan are considered non-compliant with FSET.

The county designed EP form must contain these standard components:

- A specific employment objective that the participant is working toward.
- The specific services to be provided that will lead to that objective.
- The dates, times, and locations of where services will be provided.
- The hours of activity required each week.
- Requirements for daily activity.
- Job search, job acceptance, and job retention requirements.
- Information about the consequences of failing to comply with the EP.
- The name and telephone number of an Employment Service Provider (ESP) contact person.

The plan of services must address the need to work or participate in work activities at least 80 hours per month in order to earn additional months of Food Support eligibility. Except for FSET job search and job club, all FSET activities count toward the 80-hour per month Able-Bodied-Adults Without Dependents (ABAWD) work requirement. Participation in Workforce Investment Act (WIA) job search WILL count toward the 80-hour requirement, if participants are co-enrolled in WIA for job search. The ESP is responsible for co-enrolling a participant.

An EP must be developed for each episode of Food Support eligibility.



When the Employment Service Provider (ESP) determines that the lack of English proficiency is a significant barrier to obtaining suitable employment, the ESP must address the issue when developing the participant's Employment Plan (EP) and should consider including participation in an English as a Second Language (ESL) program.

**ESL Classes:** While it may sometimes be more difficult to find work with a limited ability to speak English, there are jobs that are available to participants with limited English language abilities. Participants who are not proficient in English should be informed of the opportunity to increase their income through work, and should be encouraged and assisted with job search if they are able to work immediately.

The ESP may encourage participants with limited English proficiency to access English as a Second Language (ESL) classes on their own, or may include ESL participation when developing the participant's EP. If transportation support services will be required, participation must be included in the EP.

Participants must make satisfactory progress toward completion of their overall employment goals, including ESL activities. Participants will vary in their ability to benefit from the classes, and ESL programs will vary in their definitions of satisfactory progress. Participants with little or no formal education may have the most difficult time improving their English proficiency through classes, but at the same time, they are likely to be the people most in need of ESL.

The ESP should become familiar with the standards for satisfactory progress in the program the participant plans to attend. If the program has no explicit standards, the participant, ESP, and ESL instructor should draw up goals and objectives to be included in the EP. For example, a participant's plan may include the objective: "Improve English proficiency." A progress step might be: "Regularly attend ESL classes for 'x' (a specific number) hours per week for 'x' (a specific number) of weeks and miss no more than 'x' (a specific number) classes per month."

ESP's should be in regular contact with the ESL instructor. In addition to frequent contacts with the participant, the ESP should regularly review each participant's progress in ESL activities.

If the participant fails without good cause to attend ESL class or make satisfactory progress, the participant will be subject to sanction. If the participant had good cause for failing to attend or make satisfactory progress, the EP should be revised if necessary.

Documentation of the good cause, lack of good cause, sanction, or FSET termination must be documented in the Workforce One (WF1) and MAXIS systems. The ESP's record and the

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County's record for the participant must contain the paper documentation.

**Job Development for ESL Participants:** Participants with limited English may require additional assistance from the ESP to locate and retain employment. Job development is an effective strategy in placing participants with limited English. ESPs should work to develop relationships with employers to facilitate the placement of participants with limited English proficiency. By providing ongoing counseling to assist both the participant and the employer as problems arise, the ESP can ease an employer's fears about hiring non-English speaking people.

Assist both the employer and the participant to provide more intensive support for participants with limited English when they first start a job. Most people who start a new job understand what the employer expects of them or are able to ask questions when they do not.

This is not the case with participants who may not have any experience in the American labor market and who may have a difficult time communicating in English. Job developers may want to assist in orienting a participant with limited English to a new work site, shadowing them on their 1st days at work, answer questions, and ensuring comfortableness. Ongoing follow-up with the participant and the employer may be needed.

Job development services can be provided by ESP, counselors, specialized job developers, or may be subcontracted to agencies with more experience with refugee and limited English speaking populations. Consider the best resources to help participants become employed.

The ESP must notify the county agency immediately when a participant's employment status changes.

Use the [Food Support Employment and Training Status Update Form \(DHS-3165A\)](#) to report changes.

**ADULT BASIC EDUCATION (ABE) AND GED****5.18**

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When participants enter the program, the Employment Services Provider (ESP) must assess them to determine if they can find a job with the skills they possess.

If the lack of basic education is a barrier to obtaining suitable employment, it will generally be identified during the individual assessment. In other cases, this issue may present itself during job search or job club. In still other cases, it may not be identified until an ESP or another professional works more closely with the participant. Regardless of when the lack of basic skills is identified as an issue, the ESP may include Adult Basic Education (ABE) or General Education Development Certificate (GED) course work in the Employment Plan (EP). Examples of when to include basic education or GED course work in an EP include:

- GED course work or ABE is considered the best path to employment.
- Low skill levels make it difficult to complete job applications, interfere with the ability to get, keep, or advance on the job, or block movement toward self-sufficiency.
- The participant is very close (1 to 3 months) to completing a GED at the time of the individualized assessment.

Prior to including ABE in an EP, the ESP should consider:

- The participant's interest and motivation to be in school.
- The participant's history of participation and progress in similar educational activities.
- Whether there is a reasonable expectation that the participant will make sufficient improvement in a short time to noticeably increase his/her marketability.
- Any intellectual impairments or learning disabilities which may indicate the need for more specialized services or referrals to other community resources.

The ESP should approve ABE in blocks of 3 months or less to allow for a progress review prior to continuation of the activity.



**POST-SECONDARY TRAINING AND EDUCATION****5.21**

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Post-secondary training and education activities may be included in an Employment Plan (EP) and are generally limited to 1 year. A 2nd year may be approved in limited circumstances. In order for a post-secondary education program to be approved, the participant or the Employment Services Provider (ESP) must document that:

- The goals in the participant's EP can only be met with the post-secondary training.
- There is a market for full-time employees with the proposed training where the participant will (or is willing to) reside upon completion of the program.
- The average wage level for employees with this training is significantly greater than the participant can earn without this training.
- The participant can meet the requirements for admission into the program.
- There is a reasonable expectation that the participant will complete the training program based on such factors as his/her current assessment, previous education, training, and work history, current motivation, and changes in previous circumstances.

The ESP must ensure that the participant is making satisfactory progress in the program. Satisfactory progress must be defined in the participant's EP. The ESP may accept or modify the definition of satisfactory progress used by the educational institution where the participant is enrolled.

The ESP may not be charged more than the general public would pay for education. Federal regulations require that federal funds used for an educational component must not be used to supplant non-federal funds for existing educational services and activities.



**SUPPORT SERVICES ALLOWED****5.23**

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The county agency must arrange for or provide support services needed to enable participants to participate in FSET, within the limit of available funds. Support services include, but are not limited to:

- Transportation, unless free transportation is available.
- Tools, equipment, and supplies such as personal safety items or other necessary books and training materials.
- Uniforms.
- Clothing suitable for job interviews.
- Licensing and bonding fees for a work experience or workfare placement in FSET.
- Vision correction such as eyeglasses, bifocals, eye exam.
- Dental work, such as teeth cleaning, bridge.
- Legal Services.
- Housing Assistance.
- Dependent Care.

The county agency and the Employment Service Provider (ESP) shall not sanction participants for failure to comply if needed support services or funds to pay for them are unavailable or if the participant would have to incur these expenses out-of-pocket without being reimbursed.

Transportation costs for clients to participate in FSET activities are reimbursable expenses. Transportation costs would not be reimbursable if they are associated with a client's job.

The following guidelines should be used to assess whether a participant's expense is an approvable reimbursement:

- Participant's expense must be a necessary and reasonable FSET program component.
- Participant's expense must not be used to overcome barriers to participation

that would make the participant exempt from Work Registration.

- Payment for the expense may not be available through another government program or available at no cost to the participant through private sources such as charitable donations.
- The expense cannot be for a participant's regular employment that is not part of an FSET component.

State agencies receive a 50 % reimbursement for the allowable support service costs.

**SUPPORT SERVICES NOT ALLOWED****5.23.3**

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No FSET funds can be used to determine an exemption from participation. The following expenses are NOT allowed:

- Medical Expenses.
- Mental Health treatment.
- Drug and alcohol counseling.
- Automobile purchase.
- Automobile Insurance.
- Automobile ownership and operator taxes (license tabs, title, license).
- Automobile repairs.
- Transportation costs for clients who are employed.
- Meals away from home.

Employment Services Providers (ESPs) cannot claim the following items as Support Service Expenses:

- Processing “No Show” applicants.
- Support Services after the Food Support participant’s case is closed.
- Reimbursement for Support Services after the participant begins employment.



**JOB SEARCH AND JOB CLUB****5.26**

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The county agency and the Employment Services Provider (ESP) may require participation in job search and/or a job club when completing the participant's Employment Plan (EP). Satisfactory progress criteria and requirements must be clearly specified so the participant knows and understands all mandatory provisions.

Job search means actively looking for a position of employment, with specific criteria to be met regarding the number of hours the participant must search, the number of verified employment contacts made, or some other measure(s) of participant effort that is required.

A job club means services supportive of a participant's job search, and may provide a job bank listing of available job openings, structured assistance in interviewing or making employer contacts, group support for job searching, and other employment-related assistance.

The following items should be included in job search training, at a minimum:

- Where to look for jobs, including both traditional resources such as newspapers and Job Service offices, as well as less traditional methods such as networking, informational interviewing and computer web sites.
- How to cold-call.
- How to complete an application and resume.
- How to interview.
- How to maintain employment, including employer expectations, conflict resolution and problem solving.

Participants may search for any currently available job that matches their skills and abilities. For example, a graphic artist may limit his/her job search to businesses that hire graphic artists, as long as there are current jobs available in those firms. The ESP must make clear to participants when the job search must be expanded to include other employers and what constitutes "suitable employment".

If a participant accepts part-time employment that is insufficient to exempt the person from mandatory FSET participation, the person must continue FSET participation in order to continue striving toward full-time employment.

The number of hours of participation must be adjusted to take into consideration the participant's part-time employment. A participant who loses employment should be helped

to move quickly back into the labor market.

The ESP provider should have weekly contact with the participant to determine progress, compliance, and any counseling or service needs. The ESP must have at least a monthly contact with each participant for these purposes.

**NOTE:** The hours of participation in an FSET job search or job club do not count toward Able-Bodied Adults Without Dependents (ABAWD) monthly 80-hour work requirements (unless the participant is co-enrolled in a Workforce Investment Act (WIA) program). See [§5.12](#) (Employment Plan (EP)), [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDs)).

**FS WORK REGISTRATION REQUIREMENTS****6.3**

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Federal regulations require that all non-exempt adult Food Support (FS) participants register for work. In Minnesota, work registration is automatically accomplished when a household member signs the Combined Application Form (CAF) ([DHS-5233](#)) when applying for the FS program. The adult who signs the CAF registers all adults in the FS household who are required to register for work. For information on who is exempt from FS Work Registration, see [§6.3.3](#) (Who Is Exempt From FS Work Registration).

A participant's work registration exemption status must be redetermined at least annually, and must be coded on the MAXIS system. The State then reports to the Federal government the number of participants who are exempt from work registration and the number who are not exempt. The federal government uses this information to determine the amount of federal funding Minnesota receives for FSET services.

Although work registration is not a component of the FSET program (it is a national FS program requirement), there is a close relationship between work registration and FSET. FS participants who are exempt from work registration are also exempt from FSET participation. See [§6.9](#) (Who Must Participate in FSET), [§6.9.3](#) (Who Is Exempt From FSET). However, some people are required to register for work even though they are exempt from participating in FSET.

A participant becomes exempt from FS work registration and from mandatory FSET participation when he/she meets the provisions of an exemption as provided in [§6.3.3](#) (Who Is Exempt From FS Work Registration).

A participant who no longer meets the provisions of an exemption from work registration becomes mandatory for FSET the beginning of the next month.

If the Employment Services Provider (ESP) becomes aware that the participant is exempt from work registration, the ESP must notify the county financial worker of the change. The county financial worker will make the appropriate changes to the MAXIS system and when the work registration exemption is verified, stop counting the Able-bodied-Adults Without Dependents (ABAWD) months.



**WHO IS EXEMPT FROM FS WORK REGISTRATION****6.3.3**

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See Food Support (FS) program work registration requirements in [§6.3](#) (FS Work Registration Requirements).

Food Support participants who meet 1 or more of the following conditions are exempt from FS work registration:

- Having a mental or physical illness, injury, or incapacity which is expected to continue for at least 30 days, and which impairs the participant's ability to obtain or retain employment as evidenced by professional certification or the receipt of temporary or permanent disability benefits issued by a private or government source. Professional certification means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician, psychological practitioner, or licensed psychologist, qualified by professional training and experience to diagnose and to certify the person's condition. It also means a statement about a disability involving a spinal subluxation condition that is signed by a licensed chiropractor qualified by professional training and experience to diagnose and certify the condition. Pregnancy does not routinely exempt a participant unless professional certification specifies that the person is incapacitated.

**NOTE:** FS applicants or participants may have their FS work requirements waived if they apply for SSI and provide proof of the SSI application. The work requirements will be waived until a determination about the SSI eligibility has been made. The determination of ineligibility for SSI will require a re-evaluation of the FS work requirements for each FS recipient. The determination of eligibility for SSI will require a review of the exemptions from the Work Registration requirements. See [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDs)).

- Responsible for the care of a household member who is professionally certified as having a mental or physical illness, injury, or incapacity. Usually, only 1 unit member may claim exemption under this provision. However, there may be an exception with medical documentation which specifies that more than 1 person is needed to provide the required care.
- Age 60 or older.
- Under age 16.
- Age 16 or 17 and living with a parent or caregiver, or attending school or enrolled in an employment training program at least half-time.

## WHO IS EXEMPT FROM FS WORK REGISTRATION

## 6.3.3

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- Responsible for the care of a dependent child under age 6 (even if child care is available). In most instances only 1 unit member may claim exemption under this provision. However, there may be an exception with medical documentation which specifies that more than 1 person is needed to provide care.

When the child turns 6, the exemption ends at the unit's next annual FS program recertification. The household members may designate which person will use this exemption, but may not change the person designated until the next recertification period.

- Employed or self-employed and meets 1 of the provisions below:
  - Working at least 30 hours per week (regardless of wage level).
  - Receiving earnings at least equal to 30 hours a week at the federal minimum wage.

This provision includes migrant or seasonal farm workers under contract to begin employment within 30 days. The county agency may use a monthly average of these weekly requirements. For self-employed persons working less than 30 hours per week, the county agency will use the person's net weekly income (net profit after expenses).

- Receiving or have applied for Unemployment Insurance (UI) and registered for work with Department of Employment and Economic Development (DEED). The participant must show proof of receipt of UI or documentation of application for UI.
- Enrolled as a student at least half-time in a recognized school, training program, or institution of higher learning. This includes recipients attending high school at least half-time, but does not include recipients attending General Education Development Certificate (GED) or English as a Second Language (ESL) training only. When determining if the person is enrolled half-time, the school's or program's criteria for being enrolled half-time is used. An FSET participant who is placed in a training program under the provisions of an Employment Plan (EP) may not then use this provision to be exempt from FSET or ABAWD provisions.
- Participating regularly in a drug addiction or alcohol treatment and rehabilitation program. There is no minimum weekly amount of time that a person must be attending. If the person attends 1 hour or more per week, the exemption is available. **This does NOT include participants in Alcoholics Anonymous (AA) or Narcotics Anonymous (NA).**

WHO IS EXEMPT FROM FS WORK REGISTRATION

6.3.3

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- Refugees receiving the Matching Grant Program. For additional information about the Matching Grant Program, see MATCHING GRANT PROGRAM in §2 (Glossary).

Participants who are exempt from FS work registration are also exempt from mandatory FSET participation. See [§6.9](#) (Who Must Participate in FSET), [§6.9.3](#) (Who Is Exempt From FSET).



**ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)****6.6**

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Unless exempt from Food Support (FS) eligibility time limits or is meeting monthly work requirements, Able-Bodied People Without Dependents (ABAWDs) are eligible for FS for only 3 months in any 36-month period. The 36-month period begins the 1st **full** month FS are received. Once started, the 36-month period continues to run uninterrupted, even during times the participant does not receive FS or is exempt from the time limit.

The 3 entitled months do not have to be consecutive. Do not count a month if for that month the person meets the 20-hour per week (80 hours per month) work requirement, is exempt from the 3-month time limit, or receives only prorated (partial month) benefits.

The 3-month entitlement limit applies only to adults receiving FS.

**NOTE:** FS applicants or recipients may have their FS work requirements waived if they apply for SSI and provide proof of the SSI application. The work requirements will be waived until a determination about the SSI eligibility has been made. The determination of ineligibility for SSI will require a re-evaluation of the FS work requirements for each FS recipient. The determination of eligibility for SSI will require a review of the exemptions from the Work Registration requirements. See [§6.3.3](#) (Who Is Exempt From FS Work Registration).

A person meeting any of the following exemptions is not subject to the 3-month limit:

- Receiving cash assistance.
- Under age 18, or age 50 or older.
- Responsible for the care of a child under age 18 in the household. If there are 2 parents in the unit, both are exempt. If there is doubt as to whether non-parents should be given this exemption, determine if the child is under the parental control of the non-parent. An adult who has parental control of the child is entitled to this exemption.
- Medically certified as pregnant.
- Exempt from work registration. Code his/her work registration status carefully on the MAXIS STAT/WREG panel. This information is used by MAXIS when sending workers appropriate DAIL messages. It is also used for reporting and funding purposes.

Lives in any of the counties or Indian reservations where all participants are exempt from ABAWD provisions. See TEMP Manual TE02.05.68 (ABAWD FSET Exempt Reservations), TE02.05.69 (ABAWD FSET Exempt Counties).

## ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

6.6

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The county worker must retroactively count (or uncount) an ABAWD's month of benefits as 1 of the 3 months of entitlement to FS benefits if you later learn that your determination of the ABAWD's exemption status, or whether or not the ABAWD met monthly work requirements, was incorrect. You must make this change in MAXIS.

As long as the participant meets an exemption for some part of the month, he/she is exempt for the entire month.

ABAWDs may "earn" ADDITIONAL MONTHS of eligibility, or avoid using 1 of their 3 entitled months, when they work or participate in work activities an average of 20 hours per week (80 per month). These do not have to be consecutive months. For each month that the participant works or participates in work activities at this level, the participant "earns" a month of FS benefits. Countable work or work program activities are:

- Working in paid employment, including self-employment. This includes use of accrued sick or vacation time, if available.
- Participating in Workforce Investment Act (WIA) services.
- Participating in Trade Adjustment Act (TAA) services.
- Participating in FSET activities. **NOTE:** FSET job search and job search training do not count toward the 20 hour per week/80 hour per month requirement unless the participant is co-enrolled in WIA.
- Participating in Work Experience. However, instead of averaging 20 hours a week, the required number of hours of participation is the household's monthly FS allotment divided by the HIGHER of:
  - The state minimum wage.OR
  - The federal minimum wage.

An ABAWD who has used up the initial or subsequent 3 months of FS eligibility can "earn" an additional month of benefits by working or participating in approved work activities for 80 hours in a calendar month. The ABAWD need not be a current FS participant to regain eligibility. (**NOTE:** FSET is available only to current FS participants.) The hours must be completed before eligibility can be granted. Once the participant has worked the required number of hours, eligibility can be granted back to the beginning of the month or the date of application, whichever is later. Once eligibility is granted, eligibility will continue as long as you prospectively anticipate that the participant will work the required number of hours for

**ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)****6.6**

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the next month. Track work hours per month. The Employment Services Provider (ESP) will track hours of participation in work program activities.

A participant who has re-established FS eligibility by working or participating in work activities for 80 hours in a month, as described above, can qualify for 1 additional 3-month period of eligibility. If the participant's job or work activity ends, or if the hours are reduced below 80 hours per month, the participant qualifies for the additional 3-month period of eligibility. This provision does not apply if the participant voluntarily quits the job without good cause.

The new 3-month period of eligibility starts the 1st day of the 1st month in which FS benefits are provided under this 2nd 3-month eligibility period. It runs uninterrupted until the 3-month period is completed, regardless of whether the participant received benefits all 3 of those months. This 2nd 3-month period is only available once in any 36-month period.

The county or the ESP must explain these provisions to ABAWDs during the intake and eligibility determination process.

All ABAWDs are mandatory participants and must be referred to FSET when FS eligibility is determined or when the participant's exemption from ABAWD provisions ends. You must inform the ESP of the participant's ABAWD status so that this can be taken into consideration when determining the FSET services needed.



**WHO MUST PARTICIPATE IN FSET****6.9**

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Unless exempt, each Able-Bodied Adult Without Dependent (ABAWD) Food Support (FS) participant must participate in and cooperate with FSET each month that person receives FS benefits. Non-exempt FS participants must begin FSET participation no later than the 1st day of the month after the month FS eligibility is approved. The county agency may choose to require that people begin participating as soon as FS eligibility is approved.

For information on FSET Participation Exemptions, see [§6.9.3](#) (Who Is Exempt From FSET). People who are exempt from FSET are also exempt from attending an FSET orientation, see [§5.6](#) (FSET Orientation).

At the time the county agency notifies the household that it is eligible for FS, it must notify all non-exempt participants that they must participate in and comply with the FSET program each month, and that the participants must attend an orientation. The FSET Orientation notice is issued by the county worker through the MAXIS system.

The county agency will also issue all participant notices dealing with FS eligibility, benefit amounts, benefit reductions, and terminations, including those due to FSET non-compliance. These notices will be issued through MAXIS.

Either the county agency or the Employment Services Provider (ESP) may issue other FSET participant notices as documented in the county agency's formal agreement with the ESP.



## WHO IS EXEMPT FROM FSET

## 6.9.3

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The following people are exempt from mandatory FSET participation:

- People exempt from Food Support (FS) work registration. See [§6.3.3](#) (Who Is Exempt From FS Work Registration).
- Recipient's of any of the following cash assistance programs:
  - Minnesota Family Investment Program (MFIP).
  - Minnesota Supplemental Aid (MSA).
  - Diversionary Work Program (DWP).
  - Refugee Cash Assistance (RCA).
  - General Assistance (GA).
- People under age 18.
- People age 50 or older.
- People providing home schooling to a child in compliance with state reporting requirements for home schooling. If compliance is questionable, contact the local school district to verify.
- People who reside on an Able-Bodied Adults Without Dependents (ABAWD) exempt reservation or reside in an ABAWD exempt county. See [§6.6](#) (Able-Bodied Adults Without Dependents (ABAWDs)), TEMP Manual TE02.05.68 (ABAWD FSET Exempt Reservations), TE02.05.69 (ABAWD FSET Exempt Counties).
- People who are responsible for a unit member under the age of 18, even if the unit member is not eligible for FS.

Redetermine the participant's exemption status at least annually.



## FAILURE TO COMPLY WITH FSET REQUIREMENTS

6.12

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When the Employment Service Provider (ESP) determines that a mandatory participant has failed, without good cause, to participate in and cooperate with FSET or to accept any bona fide offer of suitable employment, the ESP must provide timely notice to the participant. Use the Notice: Failure to Comply - Food Support Employment & Training Program (FSET) ([DHS-3227](#)). The ESP must mail or hand deliver the notice to the participant within 24 hours of the determination of non-compliance. See [§6.12.3](#) (Good Cause for Failure to Comply).

The ESP must also send a copy of this notice to the county agency at the same time it is provided to the participant. The ESPs and county agencies must establish and maintain effective communication regarding FSET program operations and sanction procedures to assure that both are informed of all relevant facts and circumstances.

If the ESP is unable to use the ([DHS-3227](#)) and instead uses an alternate notice, the alternate notice must be approved through the county plan process and must contain all of the following:

- The specific requirement(s) that were not complied with.
- The factual basis for determining that the participant failed to participate or comply with the requirement(s).
- A statement that the county agency will terminate Food Support benefits due to the failure to participate or comply.
- A request that the participant explain his/her failure to participate or comply.
- A statement that a sanction will not be imposed or will be lifted if the participant had good cause for failing to participate or comply.
- A request that the participant inform the county agency or ESP if he/she had good cause for failing to participate or comply.
- A statement of the participant's appeal rights.

Using information provided by the ESP and any information the participant presents, the county agency must make the final determination of good cause for non-compliance with FSET requirements. If the county agency determines that the participant had good cause for failing to participate or comply, or for refusing to accept suitable employment, a sanction must not be imposed.

If the county agency determines that the participant did not have good cause for failure to

**FAILURE TO COMPLY WITH FSET REQUIREMENTS****6.12**

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participate or comply or for refusing to accept suitable employment, the county agency must send or give the participant a 10-day notice of termination from assistance. The Notice: Failure to Comply - Food Support Employment & Training Program (FSET) ([DHS-3227](#)) completed by the ESP and the 10-day termination notice developed by the county agency may be issued at the same time. See [§6.12.3](#) (Good Cause for Failure to Comply).

**GOOD CAUSE FOR FAILURE TO COMPLY****6.12.3**

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A participant will not be sanctioned for failing to participate or cooperate with FSET if he/she had good cause for the failure.

Good cause for not cooperating with FSET or for not participating means circumstances beyond the participant's control, including:

- Participant illness or injury.
- Illness or injury of another unit member that requires the participant's presence.
- A household emergency.
- Inability to obtain transportation needed to participate in FSET.

Good cause for leaving or not accepting employment includes:

- Participant illness or injury.
- Illness or injury of another unit member that requires the participant's presence.
- A household emergency.
- Inability to obtain child care for a child age 6-11.
- Inability to obtain needed transportation.
- The job did not meet suitable employment requirements.
- Employer discrimination based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.
- Work demands or conditions that make working unreasonable, such as working without being paid on schedule.
- The participant accepts a new job of at least 30 hours per week at federal minimum wage, or fewer hours which are at least equal to the pay of 30 hours per week at federal minimum wage.
- The employment patterns of employment in which workers frequently move from 1 employer to another such as migrant farm work or construction work. There may be some circumstances where units will apply for Food Support (FS)

**GOOD CAUSE FOR FAILURE TO COMPLY****6.12.3**

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between jobs particularly in cases where work may not be available at the new job site. Even though employment at the new site has not begun, the quitting of the previous job must be considered as having good cause if it is a pattern of that type of employment.

- The Principal Wage Earner (PWE) quits work so another unit member can accept employment or enroll at least half-time in any recognized school, training program, or institution of higher education.
- The PWE enrolls at least half-time in any recognized school, training program, or institution of higher education that requires the PWE to leave employment.
- A participant under age 60 resigns and the employer recognizes it as retirement.

## SANCTIONS FOR FAILURE TO COMPLY

6.15

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For information on whether or not to sanction clients, see [§6.12](#) (Failure to Comply With FSET Requirements), [§6.9.3](#) (Who Is Exempt From FSET). For information on sanctions for refusing or quitting suitable employment, see [§6.15.6](#) (Refusing or Terminating Employment), [§7.6](#) (Suitable/Unsuitable Employment).

The following sanction provisions apply to non-Public Assistance mandatory FSET participants who fail to participate, comply, accept employment, or voluntarily quit suitable employment while participating in FSET. When a mandatory participant fails, without good cause, to comply with these requirements, the county agency must determine if it must sanction the participant or the entire Food Support (FS) unit.

- If the participant is the Principal Wage Earner (PWE), the county agency will sanction the ENTIRE UNIT. **NOTE:** During a sanction the unit cannot designate someone else as the PWE simply to avoid the sanction.
- If the participant is NOT the PWE, the county agency will sanction ONLY the PARTICIPANT.

The county agency determines the Principal Wage Earner (PWE) at the time of application, recertification, and when unit composition changes.

If there is more than 1 adult, the county agency will give the adults in the unit the option to designate which adult is the PWE.

- For units with NO CHILDREN in the unit who do NOT designate which adult is the PWE: The PWE is the unit member with the most earned income in the 2 months before the date of application, voluntary quit, or work registration non-compliance.
- For units that include an adult parent(s) with children in the home OR an adult unit member(s) with parental control over children in the home who do NOT designate which adult is the PWE: The county will designate the PWE.
- If you cannot determine who to designate as the PWE based on the information above, the primary contact person is the PWE.

As a result of the sanction, the participant's or household's Food Support benefits will be terminated starting on the date specified in the county agency's 10-day notice to the participant.

Apply the length of the sanction for each occurrence as follows:

## SANCTIONS FOR FAILURE TO COMPLY

6.15

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- **FOR THE 1ST OCCURRENCE:** Loss of FS for 1 month or until compliance, whichever is longer.
  - **FOR THE 2ND OCCURRENCE:** Loss of FS for 3 months or until compliance, whichever is longer.
  - **FOR THE 3RD AND ANY SUBSEQUENT OCCURRENCE:** Loss of FS for 6 months or until compliance, whichever is longer.

Apply the sanction policy until the client does 1 of the following:

- Serves the minimum sanction period, requests resumption of benefits, and complies with the requirement(s).
- Leaves the unit's home.
  - If a unit member who failed to comply joins another unit as that unit's PWE, the entire new unit is ineligible for the remainder of the sanction period.
  - If a unit member who failed to comply joins another unit where that person is NOT the PWE, ONLY that person is ineligible for the remainder of the sanction period.
  - If a unit is disqualified because the PWE failed to comply and a new person who is not under FSET sanction joins the unit as the PWE, the county agency will end the sanction for the other unit members. The county will require a new application and prorate benefits from that date.
- Becomes exempt from work registration or FSET participation. However, the sanction will not end for this reason until the minimum sanction period has been served.

Applicants for Food Support who have been in FSET sanction status continuously for at least 1 year do not have to comply with the previous requirements that caused the sanction.

After continuously being in FSET sanction status for at least 1 year, a participant who meets all other eligibility conditions qualifies for reinstatement of benefits by reapplying for Food Support.

## REFUSING OR TERMINATING EMPLOYMENT

6.15.6

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Federal regulations specify that households will be subject to disqualification from receipt of Food Support (FS) benefits if the Principal Wage Earner (PWE), without good cause, quits employment of 30 or more hours per week (or employment that weekly paid a wage equal to 30 hours times federal minimum wage) within 60 days of applying for FS benefits.

Disqualify only the client when a non-PWE fails to participate, cooperate, accept employment, or voluntarily quits suitable employment within the 60 days before application or while receiving FS.

In the case of an **applicant** PWE who is determined to have quit employment without good cause, the household's eligibility will be denied and the household will be disqualified from receiving Food Support benefits for 90 days, starting from the date of quit. For a non-PWE applicant, disqualify only the individual for 90 days from the date of quit.

In the case of a **participant** PWE who is determined to have quit employment without good cause, the household must be disqualified from receiving Food Support benefits for 3 calendar months, starting with the 1st of the month following timely notice. If you are unable to disqualify the unit for 3 months because the quit or determination of the quit occurs in the last month of the certification, cite overpayments for Food Support issued the month following the month the PWE quit. Apply this provision to non-PWE participants but only disqualify the individual.

This provision does not apply if the client meets any of the following:

- The PWE is exempt from work registration or FSET participation, EXCEPT that the exemption for a person working 30 or more hours per week may not be used in this situation.
- The PWE quits self-employment.
- The PWE reduced his/her hours while working for the same employer, or quits a job at the employer's demand. However, a federal, state, or local government employee who is dismissed because of participating in a strike is considered to have quit employment.
- The PWE accepted equivalent employment.

A PWE disqualified for quitting a job carries the sanction from 1 assistance unit to another if the person joins another unit as that unit's PWE.

Once started, the disqualification period runs without interruption unless any of the following happen:

- The PWE returns to the same job.
- The PWE accepts equivalent employment.
- A new member joins the unit as the unit PWE.
- The PWE becomes exempt from work registration or FSET participation, for a reason other than receiving unemployment compensation.

A leave of absence is NOT considered refusing or terminating employment.

**SATISFACTORY PROGRESS****6.18**

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Participants must make satisfactory progress toward their overall employment goals and on the intermediate activities that lead toward those goals. The employment goal, intermediate activities, and standards for satisfactory progress should all be specified in the participant's Employment Plan (EP).

Participants are expected to participate in and complete the activities specified in their EP. When a participant fails to participate or make satisfactory progress without good cause, the participant will be subject to sanction. For information on failure to comply and sanctions, see [§6.12](#) (Failure to Comply with FSET Requirements) and [§6.15](#) (Sanctions for Failure to Comply).

Participants enrolled in and complying with services offered by Voluntary Agencies (VOLAGs) are considered to be making/maintaining satisfactory progress towards fulfilling FSET employment and training requirements. See [§2](#) (Glossary) for information on Voluntary Agencies (VOLAGs).

There are no specific state standards for establishing or monitoring satisfactory progress in FSET. Include other agencies or service organizations that help provide the services specified in the participant's EP when establishing satisfactory progress criteria.

Frequent contact between participants and staff to coordinate workshops and job search activities will help ensure that job search requirements are met.

The need for monitoring job search progress will differ depending on the activities in the EP and the individual participant. Possible methods of monitoring include, but are not limited to, job logs, requiring verification of contacts or copies of completed applications, and calling personnel offices to verify that participants have applied and/or interviewed.

When appropriate, the Employment Services Provider (ESP) may also wish to get feedback from employers after an interview is completed. The ESP must comply with [Chapter 13 of the Data Practices Act](#).



**WORK EXPERIENCE/WORKFARE****7.3**

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The county agency must establish, operate or provide work experience work sites for participants who are subject to the 3-month Food Support (FS) eligibility time limit for Able-bodied Adults Without Dependents (ABAWDs). The purpose of work experience placements is to enhance the participant's employability and self-sufficiency, and to provide meaningful, productive work activities for participants who require them in order to "earn" additional months of FS eligibility.

Work experience is unpaid work at:

- A work site selected by the participant. It is possible that the participant may locate a volunteer position to obtain work experience. The work site must be approved by the county agency or Employment Services Provider (ESP) and must provide structured, supervised work duties for the required number of hours. The ESP must monitor the work site.
- An ESP-located work site/placement in an ESP developed work slot which provides the required number of hours of supervised work.

Work sites developed under this section are limited to projects that serve a useful public service, such as health, social service, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety, community service, services to aged or disabled citizens, and child care organizations.

A contractual agreement is required between the county agency or the ESP and the agency providing the work experience slot. The participant's previous training, experience, and skills should be considered when making a placement in a work experience position.

The county agency or ESP must obtain the written or oral agreement of the appropriate exclusive bargaining unit representative with respect to the job duties covered under collective bargaining agreements, and must ensure that no work assignment results in:

- Termination, layoff, or reduction of work hours of an employee for the purpose of hiring a work experience participant.
- The hiring of a work experience participant if any other person is on layoff, including seasonal layoff, from the same or a substantially equivalent job.
- Any infringement of the promotional opportunities of any currently employed individual.

**WORK EXPERIENCE/WORKFARE****7.3**

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- The impairment of an existing contract for services or a collective bargaining agreement.
  - A participant filling an established unfilled position vacancy.

Notice must be provided to the exclusive bargaining unit representative at least 14 days prior to placing participants in a work experience position. The notice must include the number of participants involved, their work locations and anticipated hours of work, a summary of the tasks to be performed, and a description of how the people will be trained and supervised.

The employer must provide the same or equivalent working conditions to work experience employees as it does to non-work experience but similarly situated employees. The job slot cannot involve political or partisan activities. FSET funds may not be spent on capital expenditures, equipment, tools, or materials used in connection with the work performed, supervision, or participant meals.

Participation in a work experience work site is voluntary for all participants. No participant shall be required to participate in a work experience work site. Priority for work site placement should be given to participants who have limited potential for suitable employment and who cannot “earn” additional months of Food Support benefits in another way. Within the limits of program funding, participants must be reimbursed for any out-of-pocket costs of participating.

Upon request, the county agency or public service employer must make available to the affected exclusive bargaining unit representative, a report of hours worked by participants in temporary public service or community service jobs.

As a condition of placing a person receiving Food Support benefits in a work experience placement under this section, the county agency and ESP must first provide the participant the opportunity for placement in:

- Suitable subsidized or unsubsidized employment through participation in job search.
- OR
- Suitable employment through participation in an on-the-job training (OJT) if such employment is available.

The maximum monthly number of hours that any participant may work in a work experience placement is determined by dividing the monthly Food Support allotment by the federal minimum wage.

**WORK EXPERIENCE/WORKFARE****7.3**

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The county agency may round the number of hours arrived at through this computation down to the next full hour. Participants cannot be placed in a work experience placement for more than 8 hours per day or for more than 30 hours per week. When added together with any hours of paid employment, the total of work experience hours plus paid employment hours cannot exceed 30 hours per week.

It is recommended that job seeking be continued in addition to the work experience placement so that suitable employment is located early.

The participant's ESP must include the length of time needed in the work experience program, the need to continue job seeking activities while participating in work experience, and the participant's employment goals. After each 6 months of a person's participation in a work experience job placement, and at the conclusion of each work experience assignment under this section, the county agency shall reassess and revise, as appropriate, the participant's EP.

The ESP must maintain records of hours worked, work sites, and hours assigned, and must maintain communications with the county agency regarding work site operations. All records must be maintained for a minimum of 3 years after termination from the program.

After a participant has been assigned to a work experience position for 9 months, the participant may not continue in that assignment, unless the maximum number of hours the participant works does not exceed the Food Support benefit divided by the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site.

A participant has good cause for failure to cooperate with a work experience job placement if, in the judgment of the county agency or ESP, the reason for failure is reasonable and justified.

FSET participants may refuse a work experience job slot if:

- Participation requires joining, resigning from, or refraining from joining a legitimate labor union.
- Work site is subject to a strike or lockout.
- Work site presents an unreasonable degree of risk to health or safety.
- The participant is physically or mentally unfit to perform the employment, as documented by medical evidence.

**WORK EXPERIENCE/WORKFARE****7.3**

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- The work experience requires round-trip commuting of more than 2 hours per day, not including time to transport a child to and from child care.
  - The distance to the work site prohibits walking and neither public nor private transportation is available.
  - The working hours or nature of the employment interferes with the participant's religious observances, convictions, or beliefs.

Work experience participants who are in an ESP-approved work site qualify for the Injury Protection Program (IPP). This state-funded program provides payment for medical treatment, permanent partial disability compensation, and compensation for injuries resulting in death for people who are injured while performing work under the work experience program.

Compensation under the IPP is limited to reimbursement for reasonable medical expenses and permanent partial disability compensation in amounts comparable to those allowed under the state's Workers' Compensation program. Compensation for injuries resulting in death includes reasonable medical expenses and burial expenses, in addition to payment to the participant's estate in an amount up to \$200,000. Payments made by the IPP are reduced by any proceeds received from any insurance policy covering the loss (excluding Medical Assistance and General Assistance Medical Care).

The IPP does not provide payment for pain and suffering, lost wages, or other benefits provided under Workers' Compensation.

A participant who has failed without good cause to participate in or comply with the work experience job placement shall be terminated from participation in work experience job activities. No sanction shall be imposed on Food Support benefits. The participant will be assigned to other mandatory program activities.

**SUITABLE/UNSUITABLE EMPLOYMENT****7.6**

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The primary objective of FSET is to help participants become self-sufficient by securing suitable employment. Participants must accept any bona fide offer of suitable employment, and must not quit suitable employment without good cause.

Work is unsuitable when:

- The work is temporary day labor.
- The wages are less than the highest of:
  - The applicable federal or state minimum wage. See the minimum wage figures in TEMP Manual TE12.05 (Minimum Wage).
  - 80% of the federal minimum wage if neither the federal or state minimum wage applies.
  - The work is offered on a piece-rate basis and hourly yield is likely to be less than the applicable minimum wage listed above.
- The participant is required to do any of the following as a condition of employment:
  - Join a union.
  - Resign from a union.
  - Refrain from joining a labor organization.
- The work offered is at a site undergoing a strike or lockout. (However, consider work offered at a site undergoing a strike or lockout as suitable if the court issues an injunction.
- The degree of risk to health and safety is unreasonable when compared to federal, state, and local health and safety regulations.
- The person is physically or mentally unfit to perform the work as documented by medical evidence or by other reliable information.
- The work offered within the 1st 30 days of registration is not in the person's major field of experience. After 30 days, a job need not be in the major field of experience.

**SUITABLE/UNSUITABLE EMPLOYMENT**

**7.6**

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- The round trip commuting time from the person's residence to the place of work is more than 2 hours by available means of transportation, excluding transporting children to and from child care.
  - The working hours or nature of the work interfere with the person's religious observances, convictions, or beliefs.