



**FSET MANUAL
DESCRIPTION OF CHANGES ATTACHMENT
REVISED SECTIONS – ISSUED 04/2009**

The following sections contain the statewide ABAWD waiver and American Recovery and Reinvestment Act (ARRA) related changes. The statewide ABAWD waiver information was previously relayed in Bulletin #09-01-02 and is effective from January 1, 2009 through December 31, 2009. The American Recovery and Reinvestment Act (ARRA) information was relayed in Bulletin #09-01-03 and is effective from April 1, 2009 through September 30, 2010.

§4.9 (County Agency Functions)

§4.12 (Employment Services Provider (ESP) Functions)

§5.3 (FSET Services)

§5.6 (FSET Orientation)

§5.12 (Employment Plan (EP))

§6.6 (Able-Bodied Adults Without Dependents (ABAWDS))

§6.15 (Sanctions for Failure to Comply)

§3.6.3 (Client Rights - Civil Rights) updates language throughout the section and also updates address information. It deletes the last paragraph that references Bulletin #06-89-01 as this Bulletin is obsolete.

CLIENT RIGHTS - CIVIL RIGHTS

3.6.3

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, disability, 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 OCR guidance may be found at <http://www.hhs.gov/ocr/prohibition.html>.

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 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.

CLIENT RIGHTS - CIVIL RIGHTS

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[DHS Civil Rights Coordinator](#)

Department of Human Services
Office for Equal Opportunity
P.O. Box 64997
St. Paul, MN 55164-0997
(651) 431-3040 (Voice)
(866) 786-3945 (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
1400 Independence Ave. SW
Washington, D.C. 20250-9410
800-795-3272 (voice)
202-720-6382 (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.

Due to the American Recovery and Reinvestment Act (ARRA) and statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), there are no mandatory FSET requirements from January 1, 2009 through September 30, 2010. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)).

The ARRA and the statewide ABAWD waiver supersede the policy in this section.

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.

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- 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.
 - 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.

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- Start of employment.
 - Hours of employment.
 - End of employment.
 - Address.
 - Telephone number.
 - Household composition.
 - Amount of assistance payment.
 - 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.

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.

Due to the American Recovery and Reinvestment Act (ARRA) and statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), there are no mandatory FSET requirements from January 1, 2009 through September 30, 2010. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)).

The ARRA and the statewide ABAWD waiver supersede the policy in this section.

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.
- 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.

Due to the American Recovery and Reinvestment Act (ARRA) and statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), there are no mandatory FSET requirements from January 1, 2009 through September 30, 2010. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)).

The ARRA and the statewide ABAWD waiver supersede the policy in this section.

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:

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- **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.
 - **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.

Due to the American Recovery and Reinvestment Act (ARRA) and statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), there are no mandatory FSET requirements from January 1, 2009 through September 30, 2010. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)).

The ARRA and the statewide ABAWD waiver supersede the policy in this section.

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.

Due to the American Recovery and Reinvestment Act (ARRA) and statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), there are no mandatory FSET requirements from January 1, 2009 through September 30, 2010. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)). Develop an EP if an ABAWD volunteers to participate with an employment service provider.

The ARRA and the statewide ABAWD waiver supersede the policy in this section.

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.

ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

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Due to the American Recovery and Reinvestment Act (ARRA) and the statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), beginning January 1, 2009 through September 30, 2010 there are no mandatory FSET requirements.

An ABAWD who has used his/her 3 months of eligibility in the past 36 months may re-apply, and if all other eligibility factors are met, can receive Food Support (FS) benefits through the end of the waiver.

FSET participation is **VOLUNTARY** during the waiver period. There are no sanctions for employment and training non-compliance. ABAWDs should continue to be made aware of the employment and training services that are available from Employment Service Providers and be encouraged to participate with the Food Support Employment & Training (FSET) program.

ABAWDs who are serving an Employment and Training (E&T) sanction must complete the sanction period before they can reapply for FS benefits, See §6.15 (Sanctions for Failure to Comply). ABAWDs removed from FS due to an E&T sanction need to contact their financial worker to be added back to the FS unit once the sanction period is over.

The ARRA and the current statewide ABAWD waiver supersede the policy below.

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.

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

ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

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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).

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:

ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

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- 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 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.

SANCTIONS FOR FAILURE TO COMPLY

6.15

Due to the American Recovery and Reinvestment Act (ARRA) and the statewide ABAWD waiver approval from the Food and Nutrition Service (FNS), from January 1, 2009 through September 30, 2010 there are no FSET Employment and Training sanctions. However, any sanction imposed due to a non-compliance which occurred prior to January 1, 2009, must be served before eligibility under the waiver can be assessed. The waiver of sanctions does NOT include sanctions imposed due to non-compliance with Food Support eligibility criteria. For more information on the statewide ABAWD waiver, see §6.6 (Able-Bodied Adults Without Dependents (ABAWDS)).

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.

SANCTIONS FOR FAILURE TO COMPLY

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- 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:

- **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.

SANCTIONS FOR FAILURE TO COMPLY

6.15

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.

