

Job Opportunities and Basic Skills

400-20

Table of Contents

Table of Contents

Job Opportunities and Basic Skills (JOBS) 400-20

Legislative and Regulatory Authority 400-20-01

Purpose of JOBS 400-20-01-05

Definitions 400-20-01-10

Staff and Participant Responsibilities 400-20-05

TANF Eligibility Worker - Responsibilities 400-20-05-05

JOBS Coordinator - Responsibilities 400-20-05-10

JOBS Participant - Responsibilities 400-20-05-15

Work Eligible Individuals, Excluded Individuals, and Exempt
Individuals 400-20-10

Verified Provider of Care to a Disabled Family Member 400-20-10-
05

Good Cause for Nonparticipation 400-20-15

Good Cause -- Family Violence Option 400-20-15-05

Good Cause Decisionmaking Principles 400-20-15-10

JOBS Good Cause and the State Review Team 400-20-15-15

Good Cause - Incapacity vs. Incapacity of a Parent/TANF Eligibility
400-20-15-20

TANF Up-front Eligibility, JOBS Referrals, Orientation, and
Participant Transfers 400-20-20

TANF Up-front Eligibility and the JOBS/Tribal NEW Referral Process
400-20-20-05

Participant Transfers from One County to Another 400-20-20-15

Employability Plan (EP) 400-20-25-10

Hours of Participation 400-20-30

Work Activities 400-20-30-05

JOBS Status Change 400-20-35

Supportive Services 400-20-40

Supportive Services - Suspended Case 400-20-40-05

Supportive Services - Proof of Performance 400-20-40-10

Relocation Assistance 400-20-40-15

Transportation Assistance 400-20-40-20

Child Care Assistance 400-20-40-25

Vehicle Repair and Insurance 400-20-40-30

Job Readiness Assistance 400-20-40-35

Tuition Assistance 400-20-40-40

License, Certification, and Examination Fees 400-20-40-45

Tools for Employment 400-20-40-50

Care of Incapacitated Household Members 400-20-40-55

Transitional Supportive Services 400-20-40-60

Transitional Transportation Assistance 400-20-40-60-10

Transitional Discretionary Supportive Services 400-20-40-60-15

Failure or Refusal to Participate 400-20-45

Job Quit or Refusal of Work 400-20-45-05

Good Cause Determination 400-20-50

Good Cause Determination - Responsibility of TANF Eligibility Worker 400-20-50-05

Sanctions for Failure or Refusal to Participate 400-20-55

Sanction Penalties and Processing 400-20-55-05

Sanction Penalties -- General Overview 400-20-55-05-05

Determining That a TANF Sanction is Appropriate 400-20-55-05-10

Notice of Sanction 400-20-55-05-15

JOBS or Tribal NEW Participation During the Sanction Penalty Month 400-20-55-05-20

Curing a Sanction -- General Overview 400-20-55-05-25

Curing Sanctions Prior to Advanced Notice Deadline -- Case Closure 400-20-55-05-35

Curing After Advanced Notice Deadline -- Prior to the End of the Sanction Penalty Month 400-20-55-05-40

Reverting a Sanction Progressed Case to Open 400-20-55-05-45

Curing a JOBS or Tribal NEW Sanction After Case Closure Due to Sanction Progression 400-20-55-05-50

Sanction Penalty Month and Month of Ineligibility Become Fixed in Time 400-20-55-05-60

Imposing a Sanction on a Closed TANF Case 400-20-55-05-65

Impact of a JOBS or Tribal NEW Sanction Upon Reapplication 400-20-55-05-70

A Client's Right to Appeal the Adverse Effects of a Sanction -- Fair Hearings 400-20-55-05-75

Effect of Good Cause, Exemption and Participation Status Changes on the Sanction Process 400-20-55-05-80

Exception to TANF/JOBS Sanction Policy 400-20-55-05-85

Reduction of TANF Grant During Sanction Penalty Month 400-20-60

Fair Hearings 400-20-70

Grievance Resolution Process for JOBS Participants 400-20-75

Disqualification for Intentional Program Violation (IPV) 400-20-80

Tribal Native Employment Works (NEW) Program 400-20-85

Tribal NEW Service Areas 400-20-85-05

Tribal NEW Referrals 400-20-85-10

Tribal NEW Employability Plans 400-20-85-15

Tribal NEW Sanctions 400-20-85-20

Tribal NEW Supportive Services 400-20-85-25

Transportation Assistance for Tribal NEW Participants 400-20-85-25-05

JOBS Forms 400-20-90

SFN 323 - JOBS Status Change 400-20-90-05

SFN 414 - Work Supplementation Agreement 400-20-90-10

DN 1990 - JOBS - Work Requirements for Recipients of the TANF Program 400-20-90-15

SFN 451 - Eligibility Report on Disability/Incapacity 400-20-90-20

SFN 2828 -- First Report of Injury 400-20-90-25

Link up and Lifeline Programs (Tribal) 400-20-90-30

Link up and Lifeline Programs (Non-Tribal) 400-20-90-35

The Family Violence Option (Brochure) 400-20-90-40

SFN 162 -- Request for Hearing 400-20-90-45

Tribal NEW MOU 400-20-90-50

Tribal NEW Coordinators' Directory 400-20-90-55

Pathways to Work 400-20-95

Job Opportunities and Basic Skills (JOBS) 400-20 **(Revised 11/1/07 ML #3114)**

[View Archives](#)

The JOBS Service Chapter 400-20 is designed to establish JOBS policy and provide clarification to those sections of North Dakota Administrative Code (NDAC) related to the JOBS program.

Administrative code governing the JOBS program is found in NDAC § [75-02-01.2](#), Temporary Assistance for Needy Families (TANF) Program.

The text from applicable JOBS related Administrative Code from NDAC § [75-02-01.2](#) has been included in some of the sections of this service chapter and is in bold print to identify it as such.

Service Chapter 400-20 also addresses the Tribal Native American Employment Works (NEW) Program in sections [400-20-85](#), "Tribal Native Employment Works (NEW) Program," through [400-20-85-25-05](#), "Transportation Assistance for Tribal NEW Participants." Additional information including referral criteria for each of the four Tribal NEW programs in the State is contained in the Tribal NEW Memorandum of Understanding.

Legislative and Regulatory Authority 400-20-01

(Revised 12/02 ML #2811)

[View Archives](#)

The Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, created a block grant that provides Temporary Assistance for Needy Families (TANF) benefits. Section 407 of the Act mandates work requirements for adults who receive 24 months of TANF benefits (whether or not consecutive) or when work ready, whichever is sooner. Work requirements are further defined in North Dakota Administrative Code chapter 75-02-01.2.

Purpose of JOBS 400-20-01-05

(Revised 6/1/05 ML #2966)

[View Archives](#)

NDAC 75-02-01.2-83. Job opportunities and basic skills program - Basic requirements. To the extent resources permit, all nonexempt adults, and all children age sixteen or older, who have completed high school or received a general equivalency diploma, or who have neither completed high school nor received a general equivalency diploma and are not attending school shall participate in the job opportunities and basic skills program.

The program combines education, training, and employment components. Its purpose is to enable participants to become self-sufficient.

The North Dakota Department of Human Services (DHS) is the administrative agency for the state's JOBS Program. DHS contracts to provide JOBS case management for referred TANF applicants/recipients. The JOBS contractor is charged with the placement, monitoring and reporting of JOBS participants in federally mandated [work activities](#). The purpose of JOBS is to assist participants to become self sufficient.

For purposes of this chapter, "self sufficiency" means having enough earned income to require closure of the household's TANF case.

The JOBS program assures that participants will not be discriminated against on the basis of race, national origin, religion, age, or handicapping condition in assignment to work activities.

Definitions 400-20-01-10

(Revised 12/02 ML #2811)

[View Archives](#)

NDAC 75-02-01.2-82. Job opportunities and basic skills program - Definitions. For purposes of the job opportunities and basic skills program:

- 1. "Coordinator" means the job opportunities and basic skills program staff person responsible for directing and monitoring a participant's planning and activities that relate to the job opportunities and basic skills program. The coordinator assists the participant in the development and execution of an [employability plan](#) and oversees the participant's involvement in the JOBS Program.**
- 2. "Minimum required hours" means the number of hours per week during which a participant must be engaged in approved work activity.**
- 3. "Participant" means a member of a household who is not exempt from participating in the job opportunities and basic skills program or who, if exempt, has volunteered to participate in that program.**
- 4. "Satisfactory progress" in any post-secondary education or training program means the participant is maintaining progress minimally sufficient to allow continuation of the course of study or training under the standards of the education or training facility.**

An individual is considered a JOBS participant when he or she actually meets with the JOBS coordinator to begin her or his orientation to JOBS.

An individual who contacts the JOBS program to schedule an appointment for orientation, but fails to keep that initial appointment, is not considered a JOBS participant.

Staff and Participant Responsibilities 400-20-05

TANF Eligibility Worker - Responsibilities 400-20-05-05

(Revised 6/1/05 ML #2966)

[View Archives](#)

NDAC 75-02-01.2-83 . . . The eligibility worker shall:

1. Determine eligibility for assistance and determine whether each individual is a member of the household;
2. Determine whether each recipient is **exempt** from participating in the job opportunities and basic skills program; and
3. Refer nonexempt members of the household to the job opportunities and basic skills program.

The TANF Eligibility Worker must stress that TANF is temporary assistance available to needy families and that there are strict work requirements for all non-exempt recipients. It is essential that the TANF Eligibility Worker make certain that all referred individuals clearly understand their responsibilities for participation in the JOBS program.

The TANF Eligibility Worker is responsible to:

1. Present a brief orientation to JOBS during the interview, by completing the following:
 - a. Provide the individual with copy of the "JOBS Work Requirements for Welfare Recipients" [DN-1990](#) brochure and answer any questions they have about the requirements.
 - b. Explain the referral process and the relationship between the county social service board and the JOBS contractor.

- c. Describe how the 60-month Lifetime Limit will affect her or his family. Inform the individual about her or his remaining TANF months under the lifetime limit.
 - d. Explain and emphasize that [work activities](#) are required by law. JOBS must move participants into employment quickly and short-term training is allowed only for those who meet certain criteria. (See section 20-30-05-30, Vocational Education Training; The need for training will be determined as part of the JOBS assessment process.
 - e. Explain the [sanction process](#) and subsequent penalties that may result from noncompliance.
2. Determine if the individual is exempt or has [good cause](#) to postpone the referral to JOBS. Explain that good cause is temporary. The good cause reason or condition must be serious enough to totally prevent any type of participation and requires approval based upon adequate documentation of need.
3. Refer all nonexempt individuals or volunteers to the JOBS program and inform them of their responsibility to: complete the referral by contacting the JOBS program within seven (7) calendar days from the print date on referral form to schedule an appointment for orientation.
4. Process child care reimbursement requests and transportation supplements quickly.
5. Share Information with the JOBS coordinator that is pertinent to the individual's ability to participate or may be helpful in monitoring her or his work activities.
6. Schedule a good cause determination meeting to determine good cause when an individual does not follow through with her or his referral and when requested, provide assistance to the JOBS coordinator in conducting good cause determination meetings.
7. Process all sanction requests from the JOBS coordinator in a timely fashion. Review the documentation provided by the JOBS coordinator to ensure that the proper good cause determination procedure was followed and that the individual failed to demonstrate good cause for her or his noncompliance with JOBS requirements prior to imposing a sanction. (See Section [20-55-05-10](#), "Determining that a TANF Sanction is Appropriate.")

JOB S Coordinator - Responsibilities 400-20-05-10

(Revised 10/1/04 ML #2935)

[View Archives](#)

NDAC 75-02-01.2-95. Job opportunities and basic skills program - Job development and job placement activities. The coordinator may create or discover job openings on behalf of participants. The coordinator may market participants for job openings and may secure job interviews.

The JOBS coordinator is responsible to:

1. Meet with all referred individuals, within seven (7) calendar days of their first contact with JOBS, regardless of their geographic location within the service area. During this initial meeting, the JOBS coordinator shall:
 - a. Provide a comprehensive orientation to JOBS, clearly explaining TANF [work requirements](#), [participant responsibilities](#) and consequences for [non-compliance](#); and
 - b. Complete a work assessment and develop an initial employability plan ([EP](#)).
2. Refer all individuals to one or more appropriate [work activities](#) and/or other appropriate services to prepare them for work.
3. Closely monitor participation and intervene if an individual fails to provide required verification of work, work readiness, or training activities.
4. Share all EPs and other pertinent information with the TANF Eligibility Worker.
5. Facilitate the good cause determination process as appropriate.
6. When appropriate, recommend that the county social service board impose a JOBS Sanction and provide written documentation to support the sanction recommendation, including a detailed chronological history of the individual's failure or refusal to participate, the individual's good cause reason (If a good cause reason was provided.), and any actions taken by the JOBS coordinator.

JOBS Participant - Responsibilities 400-20-05-15

(Revised 6/1/05 ML #2966)

[View Archives](#)

Reference: NDAC § [75-02-01.2-88](#). JOBS Referral; NDAC § [75-02-01.2-89](#). JOBS Orientation, Assessment, and Employability Planning; and NDAC § [75-02-01.2-102](#). JOBS – Failure or Refusal to Participate.

All non-exempt TANF applicants/recipients are required to participate in the JOBS program and are responsible to:

1. Contact the [JOBS coordinator](#) or program within seven (7) calendar days , from the print date on the referral notice, to schedule an orientation appointment;
2. Keep all program related appointments as scheduled;
3. Comply with the goals/objectives/tasks listed on her or his [EP](#);
4. Be present at a worksite when scheduled to be there;
5. Participate in program, worksite, or job readiness activities as required by the EP;
6. Maintain satisfactory progress in all program activities; and
7. Conform with the requirements of her or his EP.

Work Eligible Individuals, Excluded Individuals, and Exempt Individuals 400-20-10

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5044](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

[IM 5073](#)

NDAC 75-02-01.2-87. Job opportunities and basic skills program - Exemptions from participation. An individual is exempt from participation in the job opportunities and basic skills program and work registration if the individual is:

- 1. A parent or other eligible [caretaker relative](#) age sixty-five or older;**
- 2. A dependent child who is under age sixteen or a dependent child who is age sixteen or over and who is enrolled or has been accepted for enrollment as a full-time student for the next school term in an elementary or secondary school or in a vocational or technical school that is equivalent to secondary school and will graduate by the child's nineteenth birthday, unless the child is a single head of household; or**
- 3. A parent or other eligible caretaker relative of a child under age four months who is personally caring for the child full time.**

All TANF applicants/recipients who are considered work eligible individuals (as defined below) shall be referred to the JOBS or Tribal NEW program, as determined appropriate, and required to participate in those programs, to the best of their abilities, unless:

- They are considered exempt under federal or state criteria (See Exempt Individuals below); or

- They are granted temporary good cause for non-participation either by their TANF eligibility worker or their JOBS or Tribal NEW coordinator. See Section 400-20-15 "Good Cause for Nonparticipation".

-

Work Eligible Individuals:

A work eligible individual means an adult (or minor child head-of household) receiving assistance, unless the parent is considered an excluded individual as allowed by federal law. See Excluded Individuals below. Note: A caretaker relative, in a child only TANF case, is not considered a work eligible individual.

The following shall be considered work eligible individuals:

1. Any adult receiving assistance under TANF;
2. Any minor child head of household receiving assistance under TANF;
3. Any non-recipient parent living with a child receiving assistance, including:
 - A parent who is sanctioned due to non-compliance with work requirements
 - A parent who is disqualified due to intentional program violations
 - A parent who is disqualified due to being a fleeing felon
 - A parent who is disqualified due to a drug felony
 - A parent who is disqualified due to parole or probation violation, or
 - A parent who is disqualified for non-compliance with Child Support Enforcement

Excluded Individuals:

The following are excluded from the definition of "work eligible individual" and therefore are not required to participate in the JOBS or Tribal NEW programs and are disregarded when calculating the state's work participation rate:

- A minor parent and not the head-of-household or a spouse of the head-of-household;

- An alien who is ineligible to receive assistance due to his or her immigration status;
- A recipient of Supplemental Security Income (SSI) benefits; or
- A parent providing care for a disabled family member living in the home, who does not attend school on a full-time basis, provided that the need for such care is supported by documentation from a qualified professional. See Section 400-20-10-05 "Verified Providers of Care to Disabled Family Members" for additional information.

Because excluded individuals are not required to participate in TANF work activities and are disregarded or removed from the state's work participation rate, they are also considered exempt individuals as noted below.

Exempt Individuals:

Under federal TANF law there are two groups of individuals who are considered truly exempt, in the sense that they are not required to participate in TANF work activities, and they are disregarded or removed from the state's work participation rate:

- Excluded individuals or non-work eligible individuals, i.e., those who are excluded from the definition of work eligible individual; and
- At state option, single custodial parents caring for children under the age of one. NOTE: Federal TANF law only allows states to disregard such a parent for a lifetime maximum of 12 months.

The following TANF applicants/recipients are considered exempt, even if they are considered work eligible individuals, under federal TANF law, and therefore shall not be required to participate in the JOBS or Tribal NEW programs:

1. Individuals age 65 or older;
2. Children under the age of 16;
3. Children age 16 and older that are currently enrolled or have been accepted as full-time students for the next school term in an elementary or secondary school or in a vocational or technical school that is equivalent to secondary school and who will graduate by their 19th birthday;

4. Parents or caretaker relatives of children under age of 120-days who are personally caring for their children full-time.

NOTE: Such parents or caretaker relatives are considered exempt for 120-days from their child's date of birth. Do not count the child's date of birth as the first day of the exemption period. See Section 400-20-20-05 "TANF Up-front Eligibility and the JOBS/Tribal NEW Referral Process" for additional information.

5. Excluded individuals or non-work eligible individuals, as described above.

Exempt individuals are not required to participate in TANF work activities, however, not all exempt individuals are disregarded or removed from the state's work participation rate.

For example, a 65 year-old work eligible individual is included in the state's work participation rate, even though the individual is considered exempt under North Dakota TANF law, rule and policy.

NOTE: Individuals who are considered non-work eligible or who are exempt under this section of policy, may choose to participate in the JOBS or Tribal NEW program as exempt volunteers.

NOTE: Work eligible individuals who are granted good cause to temporarily postpone a referral to the JOBS or Tribal NEW program or who are granted good cause to reduce expectations for their involvement in work activities are always included in the state's work participation rate. Therefore good cause should be used sparingly. See Section 400-20-15 "Good Cause for Nonparticipation".

Verified Provider of Care to a Disabled Family Member 400-20-10-05

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5040](#)

[IM 5044](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

For purposes of this section:

- "Parent" means a parent or caretaker relative who would otherwise be considered a work eligible individual
- "Disabled" or "Disability" means the existence of a verifiable physical or mental impairment, that substantially limits one or more of a family member's major life activities and is determined, by the State Medical Review Team (SMRT), to be serious enough to justify the need for care by the family member's parent.
- "Family member" means an individual who is within the fifth degree of relationship to the parent
- "Living in the home" means physically residing within the parent's residence

The TANF program shall exclude a parent who is providing care to a disabled family member from the definition of work eligible individual and disregard or remove the parent from the calculation of the state's work participation rate if:

1. The disabled family member is physically residing within the parent's home, is not attending school on a full-time basis; and
2. The SMRT has determined based on medical documentation that the family member's disability is serious enough to justify the parent's need to provide care to the disabled family member.

NOTE: When such a determination is made, the SMRT shall select the Verified Provider of Care (VP) exemption reason on the JOBS window. Only SMRT or Economic Assistance Policy division may select the VP exemption reason.

Requests to have the SMRT grant VP exemption to an individual may be initiated by the disabled family member's parent, the parent's TANF eligibility worker or JOBS coordinator as described below.

Required Process For Determining If A Parent Should Be Considered A Verified Provider Of Care To A Disabled Family Member:

1. The parent must provide medical documentation to verify the family member's disability and support the parent's need to remain at home to provide full-time care to the disabled family member
2. The parent must provide documentation that the disabled family member is not attending school on a full-time basis
3. The TANF eligibility worker or JOBS coordinator shall forward a completed copy of SFN 451 "Eligibility Report on Disability/Incapacity" along with all available medical documentation to the State Medical Review Team (SMRT) requesting that the SMRT determine if VP exemption may be granted to the parent.
4. The SMRT shall determine if the VP exemption shall be granted. If the SMRT grants VP exemption to the parent, the parent shall not be required to participate in the JOBS or Tribal NEW programs and shall be disregarded or removed from the state's work participation rate.
5. The SMRT shall inform the TANF eligibility worker or JOBS coordinator, as appropriate, of the results of its determination and, if VP exemption is granted, when the case must be reviewed next, and what information must be provided to the SMRT prior to the next scheduled review.
6. A case involving a parent who has been granted VP exemption by the SMRT must be reviewed at the beginning of each school term unless the SMRT determines a need for less frequent or more frequent reviews.

For example: The SMRT may determine that a review needs to take place within three months because the family member's disability is related to a temporary physical or mental impairment. Or, the SMRT may determine that the parent's case be reviewed annually because the family member's disability is based on a permanent physical or mental impairment and the family member is not expected to be attending school on a full-time basis.

When submitting a case to the SMRT to determine if a VP exemption continues to be appropriate, the TANF eligibility worker is to send SFN 451 "Eligibility Report on Disability/Incapacity" along with all available medical documentation to the SMRT requesting that the SMRT conduct a scheduled review on a VP exemption.

Good Cause for Nonparticipation 400-20-15

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5040](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

NDAC 75-02-01.2-103. Job opportunities and basic skills program - Good cause for failure or refusal to comply with a referral, or participate in the job opportunity and basic skills program.

- 1. All nonexempt household members must participate in the job opportunities and basic skills program unless good cause is granted by the eligibility worker. Good cause for failure or refusal to participate in the job opportunities and basic skills program exists when:**
 - a. The household member is incapacitated with a physical or mental impairment verified by reliable medical evidence which, by itself or in conjunction with age, prevents the individual from working or participating in any job opportunities and basic skills program or work activity;**
 - b. An individual whose substantially continuous presence in the household is necessary to care for another member of the household, to whom the individual seeking good cause for non-participation owes a legal duty to provide care, who has a condition, verified by reliable medical evidence, which does not permit self-care, care by another household member, or care provided as supportive services;;**
 - c. An individual has an illness or injury, verified by reliable medical evidence and reviewed every thirty days, which is serious enough to temporarily prevent entry into employment or participation in**

any job opportunities and basic skills program activity; or

- d. In the case of a parent or other eligible caretaker relative of a child under age six, who is personally caring for the child full-time and who demonstrates an inability to obtain needed child care for one or more of the following reasons:
 - i. Child care is unobtainable at a location such that the usual commuting time from the parent's home to the location at which child care is provided, and on to the parent's worksite, is one hour or less;
 - ii. Suitable child care is unobtainable from a relative, from an approved child care provider licensed or registered under North Dakota Century Code chapter 50-11.1, or from a child care provider not required to be licensed or registered under North Dakota Century Code chapter 50-11.1; or
 - iii. Child care is unobtainable, from a child care provider licensed or registered under North Dakota Century Code chapter 50-11.1, at a rate equal to or less than 1.1 times the maximum allowable amount as determined by the child care assistance program.

2. The department may also authorize temporary assistance to needy families eligibility worker to grant good cause for nonparticipation to individuals whenever it becomes necessary to administratively limit the number of individuals being referred to, or participating in, the job opportunities and basic skills program.
3. Claims of good cause must be evaluated using the decisionmaking principles described in section [75-02-01.2-12](#).

A work eligible individual (As defined in Section 400-20-10, "Work Eligible Individuals, Excluded Individuals, and Exempt Individuals") who is unable to work or participate in at least one of the JOBS program activities may be granted good cause to **temporarily postpone** the referral to JOBS, or **temporarily excuse** the individual from participation in JOBS based on any one of the following reasons:

1. Temporary illness or injury (TI) – Refer to NDAC § [75-02-01.2-103\(1\)\(c\)](#);
2. Care of an incapacitated household member. The work eligible individual must have a legal duty to provide care for the incapacitated household member. Refer to NDAC § [75-02-01.2-103\(1\)\(b\)](#). This would include a participant's:
 - a. Incapacitated Spouse (IA); or
 - b. Incapacitated minor child (IL). For the purpose of this section, a work eligible individual will be considered to have a duty to provide care until the child graduates from high school or turns age 19, whichever happens earlier;

The incapacitated spouse (IA) or incapacitated minor child (IL) good cause reasons may be used to **temporarily postpone** a referral to JOBS or **temporarily excuse** a work eligible individual from her or his work requirements within the JOBS program.

3. Lack of child care (CC). Refer to NDAC § [75-02-01.2-103\(1\)\(d\)](#);
4. Incapacity (IC). Refer to NDAC § [75-02-01.2-103\(1\)\(a\)](#);
5. Domestic Violence (DV). Refer to Section [20-15-05](#), "Family Violence Option."
6. Contractor Limit (CL). Refer to NDAC § [75-02-01.2-103\(2\)](#). Contractor Limit good cause may only be used when the Department determines it is necessary to administratively limit the number of individuals being referred to, or participating in, the JOBS program. The Department will inform counties when and how contractor limit good cause may be used.

NOTE: The Incapacitated Spouse (IA) or Incapacitated Child (IL) good cause reason may be used when requesting that the State Medical Review Team (SMRT) determine if an individual can be considered a verified provider of care to a disabled spouse or child.

The Incapacity (IC) good cause reason may be used when requesting that the SMRT determine if an individual can be considered a verified provider of care to a disabled family member, within the fifth degree of relationship, and the incapacitated or disabled family member is not a spouse or minor child. See Section 400-20-10-05 "Verified Provider of Care to a Disabled Family Member" for additional information.

If a work eligible individual is capable of working or participating at any level, in any of the JOBS program activities, good cause should be denied and the individual should be referred to the JOBS program.

If a work eligible individual is not capable of working or participating, at any level, in any JOBS program activities, good cause may be granted and the individual's referral may be postponed or returned to county social service until such time as good cause no longer exists.

Since most work eligible individuals will be capable of working or participating, at least at some level, in one of the JOBS program activities, it is anticipated that a very small number of individuals will be granted good cause for non-participation in the JOBS program.

The majority of work eligible individuals will be referred to the JOBS program, and the majority of individuals currently in JOBS will continue to be responsible to participate in JOBS at a level consistent with each individual's functional capability.

NOTE: A month in which a TANF recipient is granted good cause counts toward the individual's TANF lifetime limit and the individual is included in the state's work participation rate. It is important that an individual with good cause for non-participation in JOBS, be referred to JOBS as soon as good cause is no longer valid.

Good Cause -- Family Violence Option 400-20-15-05 (Revised 6/1/05 ML #2966)

[View Archives](#)

Based on the provisions of the family violence option contained in the Personal Responsibility and Work Opportunity Act of 1996 and North Dakota Century Code, a victim of domestic violence may be granted good cause for non-participation in the JOBS program or may be granted a hardship exemption from the sixty-month TANF lifetime limit.

North Dakota Century Code § 50-09-31 requires that:

1. All TANF applicants and recipients are informed of the family violence option;
2. All applicants are screened to determine if they are past or present victims of domestic violence or are at risk of further domestic violence;
3. Those individuals with positive screening results are referred to a local domestic violence, sexual assault organization (See [DN 1332](#), Family Violence Option brochure, for a listing of available domestic violence resource centers) for safety planning and supportive services; and

NOTE: If a TANF Eligibility Worker refers an individual to a local domestic violence, sexual assault organization for safety planning and supportive services, and the individual refuses to comply with the referral, the TANF Eligibility Worker must document that a referral was offered and declined.

4. A good cause determination is made with respect to TANF work requirements or the TANF sixty-month lifetime limit.

The TANF Eligibility Worker is ultimately responsible to make a good cause determination and should do so with assistance and input from the applicant/recipient and staff from the local domestic violence resource center or other service providers, as appropriate.

In the event that the TANF Eligibility Worker is unable to determine whether a victim of domestic violence should be referred, or not referred, to the JOBS program, the TANF Eligibility Worker may forward the case and all pertinent documentation to the State Exemption Determination Team for assistance in making a good cause determination.

NOTE: Cases involving potential domestic violence are not to be referred to the State Medical Review team.

With respect to an individual's involvement in the TANF Work Program (JOBS or Tribal NEW), if it is determined that involvement is likely to place the individual and their family at risk of further domestic violence, then good cause should be granted, until such time as this is no longer true.

If it is determined that involvement in the TANF work program will not place the individual and their family at risk of further domestic violence, then a referral to JOBS/Tribal NEW should be made.

It is entirely possible, given the circumstances of the case, that an individual's work activity may only involve participation in job readiness activities designed to help the individual address the domestic violence issue. As circumstances change and the individual becomes better able to participate, the individual's EP should be modified to reflect their increased capabilities.

For additional information on the Family Violence Option as it relates to good cause for non-participation in the TANF work program, please refer to [DN 1332](#), The Family Violence Option brochure, developed under a contract, between the Department of Human Services and the North Dakota Council on Abused Women's Services.

For additional information on the Family Violence Option as it applies to hardship exemptions from the TANF 60-month lifetime limit, please refer to SC [400-17-45-15-25](#), "Exemption Criteria."

**Good Cause Decisionmaking Principles 400-20-15-10
(Revised 10/1/04 ML #2935)**

[View Archives](#)

NDAC 75-02-01.2-12. Determining claims of good cause. Determinations concerning claims of good cause require the use of decision-making principles. These principles must be applied to the individual's statements and information to determine if the requirements of good cause are met. The decision-making principles are:

- 1. The individual claiming good cause is responsible to show that good cause exists.**
- 2. Uncorroborated statements of fact are less believable than corroborated statements.**
- 3. Statements by persons with a reputation for being untruthful are less believable than similar statements by persons without that reputation.**
- 4. A reputation for being untruthful exists if the files maintained by the department, the county agency, or the job opportunities and basic skills program coordinator's agency contain evidence of untruthful statements made by the individual, or if the individual has made untruthful statements that are a matter of public record.**
- 5. Statements by individuals with a reputation for failures or delays in furnishing information necessary for official action are less believable than similar statements by individuals without that reputation.**
- 6. A reputation for failures or delays in furnishing information necessary for official action exists if the files maintained by the department, the county agency, or the job opportunities and basic skills program coordinator's agency contain evidence of any failure or delay, without good cause, to furnish reports, including **monthly reports**, or necessary verifications, or a failure or delay in attending meetings or interviews intended to secure information necessary for official action.**
- 7. A statement of fact, made by an individual with something to gain if that statement is regarded as true, is less**

believable than a similar statement made by an individual with little or nothing to gain.

- 8. An individual's explanations or reasons for claiming good cause must be judged by a prudent person standard. A prudent person is one who exercises those qualities of attention, knowledge, intelligence, and judgment that society requires of its members for protection of their own interests and the interests of others.**
- 9. Statements of fact made by the individual claiming good cause, or by other individuals, who support or oppose the claim of good cause, are not presumed to be either truthful or untruthful. Rather, statements of fact must be evaluated to determine if they are more likely than not or less likely than not to be true.**

The TANF Eligibility Worker, using the decision making principles found in NDAC § [75-02-01.2-12](#), is ultimately responsible to determine if:

1. A [non-exempt](#) TANF applicant/recipient has good cause to postpone the referral to JOBS; or
2. A JOBS participant has failed to show good cause for her or his non-compliance in the JOBS program.

Once an individual begins participation in JOBS, the JOBS coordinator has authority to determine if the individual has good cause to temporarily reduce her or his involvement within the JOBS program or to temporarily excuse the individual from participation in JOBS.

See Section 20-50-10 for additional information on granting good cause to an individual who is already in JOBS.

If, based on the results of the good cause determination, the JOBS coordinator believes that an individual has failed or refused to participate in JOBS without good cause, the JOBS coordinator shall make a recommendation to the county that a JOBS sanction be imposed.

Prior to imposing a sanction recommended by a JOBS coordinator, the TANF Eligibility Worker must:

1. Review the individual's case to ensure that he or she was provided an opportunity to present her or his good cause claim;
2. If a good cause claim was made, the TANF Eligibility Worker must determine whether he or she is in agreement with the JOBS coordinator's preliminary determination that the individual failed to show good cause.

JOBS Good Cause and the State Review Team 400-20-15-15

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

If the TANF Eligibility Worker is able to determine, based on her or his review of the medical evidence, that good cause is, or is not, appropriate, the eligibility worker may make that determination without referring the case to the [State Review Team](#) (SMRT).

The TANF eligibility worker may request assistance from the SMRT in determining the appropriateness of granting any of the allowable good cause reasons listed in Section 400-20-15 "Good Cause for Nonparticipation" with the exception that requests for assistance in determining good cause based on the effects of domestic violence must be forwarded to the State Exemption Determination Team.

See Section 400-20-15-05 "Good Cause – Family Violence Option" for additional information.

Depending on the type and severity of a work eligible individual's physical, mental, emotional or intellectual impairment, the individual may be expected to fully participate in the JOBS program, or participate at a reduced level.

If the SMRT determines that an individual's physical, mental, emotional or intellectual impairment could affect the individual's ability to fully participate in JOBS, the SMRT will recommend that the individual's physician, counselor, health care or other qualified professional be contacted to determine: a reasonable level of involvement; and expectations for remediation of the individual's physical, mental, emotional or intellectual impairment.

The TANF eligibility worker shall share the SMRT's recommendation with the individual's JOBS coordinator and the JOBS coordinator shall ensure that appropriate accommodations are made and that

the individual's Employability Plan reflects the individual's functional capabilities and work limitations. See section 400-20-30 "Hours of Participation" for additional information on counting participation for individuals who have a physical, mental, emotional or intellectual impairment or disability.

When contacting an individual's care provider, the JOBS coordinator must:

- First obtain a signed release of information from the individual
- Explain the purpose of JOBS along with allowable work activities
- Ask for the individual's specific activity restrictions or limitations, and
- Ask for specific treatment recommendations

Good Cause - Incapacity vs. Incapacity of a Parent/TANF Eligibility 400-20-15-20

(Revised 10/1/04 ML #2935)

[View Archives](#)

It is important to note that good cause – incapacity is different than the incapacity of a parent as used in NDAC § [75-02-01.2-18](#).

In NDAC § [75-02-01.2-18](#), Incapacity of a Parent, incapacity is used as the basis for determining TANF eligibility for a two-parent family with children in common. If either of the parents is determined to be incapacitated, deprivation exists and the family may receive TANF benefits, if otherwise eligible.

Because a parent is found to be incapacitated for purposes of determining the families' TANF eligibility (NDAC § [75-02-01.2-18](#)) does not automatically mean that the incapacitated parent has good cause for non-participation in JOBS (NDAC § [75-02-01.2-103](#)).

Before an incapacitated parent, in a TANF case, may be considered as having good cause for non-participation in JOBS, a determination must be made that her or his physical or mental condition is serious enough to prevent any involvement in the JOBS program (NDAC § [75-02-01.2-103](#)).

If an incapacitated parent, in a TANF case, is able to work or participate, at any level, in any one of the various [work activities](#) within the JOBS program, he or she should be referred to JOBS. Based on the incapacitated parent's work assessment and recommendations from the TANF Eligibility Worker, the State Review Team or other professionals, the individual will then be required to engaged in a JOBS activity that best matches her or his ability.

Example: A father and mother with young child in common, who have been determined to be otherwise eligible, make a request for TANF benefits based on deprivation

related to the father's depression.

The TANF Eligibility Worker, using SFN 451 -- Eligibility Report On Disability/Incapacity -- along with current medical documentation, e.g., actual copies of clinical visits – medical or psychological reports – refers the father to the State Review Team to determine if the father is incapacitated and, if he is incapacitated, whether good cause for non-participation in JOBS should be granted.

Based on the State Review Team's review of the father's medical records, the Team agrees that he is depressed but does not believe that his depression is serious enough to totally prevent him from working or participating in any JOBS program activities.

The State Review Team believes that the father could participate in JOBS and that, at minimum, he could be required to work on remediation of his condition.

Based on the father's incapacity, the family is determined to be eligible to receive TANF benefits. Since the father's depression is not serious enough to totally prevent him from working or participating in any JOBS program activity, the TANF Eligibility Worker does not grant good cause for JOBS.

The TANF Eligibility Worker then refers both the mother and the father to the JOBS program and relays the State Review Team's recommendation that the JOBS program contact the health care provider to: identify treatment recommendations; and establish reasonable expectations for his involvement in the JOBS program.

The JOBS coordinator then obtains a signed release of information from the father and contacts the health care provider. After explaining the [purpose of the JOBS](#) program, the coordinator and the health care provider identify treatment recommendations that could be supported through inclusion in the father's EP, e.g., meet with psychologist as scheduled, attended weekly support group meetings, and take his antidepressant medication as prescribed.

They also discuss how the father's depression could potentially affect or limit his ability to be involved in other approved work activities within the JOBS program, e.g., the father needs to meet with his psychologist three times per week, and this will limit the number of hours that he can participate in other work activities.

Based on the JOBS coordinator's discussion with the health care provider, an EP is then developed which includes specific treatment recommendations, and other work activities as appropriate.

If, in the above example, the State Review Team had determined that the incapacitated father's physical or mental impairment was serious enough to totally prevent him or her from working or participating in any JOBS program activities, the State Review Team would have recommended that good cause be granted for non-participation in JOBS and would have established future review dates and expectations for remediation of his physical or mental impairment.

TANF Up-front Eligibility, JOBS Referrals, Orientation, and Participant Transfers 400-20-20

(Revised 6/1/05 ML #2966)

[View Archives](#)

NDAC 75-02-01.2-88. Job opportunities and basic skills program - Referral.

1. Any individual [not exempt](#) from the job opportunities and basic skills program and anyone who volunteers must be referred to the program. Referrals may be made only after the individual is determined otherwise eligible for assistance
2. The referred individual shall contact the job opportunities and basic skills program within seven calendar days from the print date of the referral to set up an appointment for program orientation, assessment, and employability planning and shall make a good faith effort to complete program orientation, initial assessment, and employability planning within thirty days of the referral date.

NDAC 75-02-01.2-03.1. Up-front Eligibility

Unless first determined exempt or granted good cause for nonparticipation, the applicant, and any member of the family for whom temporary assistance for needy families is requested, shall, as a condition of eligibility, comply with the requirements of child support enforcement and job opportunities and basic skills or a tribal native employment works program.

TANF Up-front Eligibility and the JOBS/Tribal NEW Referral Process 400-20-20-05

(Revised 8/1/06 ML #3033)

[View Archives](#)

Referral to the JOBS/Tribal NEW program is mandatory unless a TANF applicant/recipient is [exempt](#), or has been granted [good cause](#) for temporary non-participation.

Consistent with [NDAC 75-02-01.2-03.1 "Up-front Eligibility"](#) and Service Chapter 400-17-22, "TANF Up-front Eligibility," some individuals, depending on the specifics of their case, shall be required to comply with the JOBS/Tribal NEW referral process as a condition of up-front eligibility for the TANF program.

- For JOBS/Tribal NEW, up-front requirement eligibility never applies to individuals in ongoing cases, including individuals in cases that have been reverted to open, or exempt volunteers. The up-front eligibility requirement applies to all other types of TANF cases.
- NOTE: When the up-front eligibility requirement applies to a particular TANF case, all non-exempt individuals in that TANF case must be referred to JOBS/Tribal NEW (Unless good cause is granted) and they must comply with the up-front eligibility requirement.
- Based on the up-front eligibility requirement, when an individual in a new TANF case or a non-sanctioned individual in a reapplication case is referred to JOBS/Tribal NEW, the individual is required to: 1) Contact the JOBS/Tribal NEW program within seven days from the print date of the referral and schedule an initial appointment to begin program orientation (This is referred to as the referral compliance time limit); and 2) Complete the orientation as scheduled.

No one in the TANF household is eligible for a TANF benefit until these two tasks are completed. Failure to complete these tasks shall result in the denial of the individual's TANF application.

- When a sanctioned individual reapplies for TANF during a sanction penalty month, the sanctioned individual is required to: 1) Contact JOBS/Tribal NEW within seven days from the referral print date to schedule an appointment to begin a Proof of Performance (POP); 2) Keep the appointment as scheduled; 3) Comply with the requirements of the POP; and, 4) Successfully complete the POP with a cure date equal to the sanction penalty month.

Once these tasks are completed, the other eligible individuals (excluding the sanctioned individual) in the household are able to receive a TANF benefit for that month.

A sanctioned individual remains ineligible for a benefit during the sanction penalty month even if she or he completes these tasks. Failure to complete these tasks shall result in the denial of the individual's TANF application.

- When a sanctioned individual reapplies following a month of ineligibility and is referred to JOBS/Tribal NEW the individual must: 1) Contact JOBS/Tribal NEW within seven days from the print date of the referral; 2) Start her or his POP as required; 3) Comply with the requirements of the POP; and 4) Complete the POP within thirty days from the date of application.

No one in the sanctioned individual's TANF case shall be eligible to receive a TANF benefit until the sanctioned individual completes all of these tasks. Failure to accomplish these tasks shall result in denial of the individual's TANF application.

If the sanctioned individual completes these tasks, the sanctioned individual and the other eligible individuals in the household are provided a TANF benefit prorated back to the application date.

The thirty-day time limit for processing an individual's TANF application may be extended if the eligibility worker determines there are extenuating circumstances such as timing delays on the part of county social services, JOBS or Tribal NEW.

NOTE: Some individuals are required to meet the seven-calendar day referral compliance time limit (Contacting JOBS/Tribal NEW to

schedule an appointment for orientation or to begin a POP) even if the up-front eligibility requirement does not apply to them.

Example: An individual who is referred to JOBS/Tribal NEW, after a period of exemption or good cause has expired, is required to contact JOBS/Tribal NEW within seven days from the print date of the referral and schedule an initial appointment.

Failure to contact JOBS/Tribal NEW within that time, complete the orientation as scheduled, or cooperate with program requirements, would result in a sanction (If good cause is not shown). Since this is an ongoing TANF case, an individual's non-compliance would never result in the denial of the individual's TANF application.

All individuals that are required to meet the referral compliance time limit must contact the applicable JOBS/Tribal NEW office prior to the close of business on the agency's last working day within the required seven-calendar day period, and schedule an initial appointment to begin program orientation or a POP period.

The day after the referral print date is considered day one of the seven-calendar day period/referral compliance time limit. The referral compliance time limit shall be extended one working day (Monday - Friday) for each workday an applicable JOBS/Tribal NEW office is closed (during the required seven-calendar day period) due to severe weather or other emergencies.

The seven-calendar day referral compliance time limit shall not be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

Example 1: A new TANF applicant is being referred to the JOBS or Tribal NEW program. The individual's JOBS/Tribal NEW referral form is printed on Friday, June 3.

Based on the seven-calendar day referral compliance time limit, the individual is required to contact JOBS/Tribal NEW by the close of business on Friday, June 10 to schedule an orientation appointment.

Cased on up-front eligibility, the individual must also keep her or his appointment as scheduled.

Example 2:

A new TANF applicant is being referred to the JOBS or Tribal NEW program. The individual's referral is printed on Friday, June 3.

Based on the seven-calendar day referral compliance time limit, the individual is required to contact JOBS/Tribal NEW by the close of business on Friday, June 10, to schedule an orientation appointment.

If the JOBS/Tribal NEW office is closed unexpectedly on Thursday or Friday (June 9 & 10) due to severe weather or some other emergency (broken water main), the individual is allowed two additional working day to contact JOBS/Tribal NEW; i.e., one additional workday for each workday the JOBS/Tribal NEW office was closed unexpectedly during the required seven-calendar day period.

This means the individual must contact JOBS/Tribal NEW prior to the close of business on Tuesday, June 14 to schedule an orientation appointment and must keep the appointment as scheduled.

Example 3:

A new TANF applicant is being referred to the JOBS or Tribal NEW program. The individual's JOBS/Tribal NEW referral form is printed on Friday, June 3.

Based on the seven-calendar day referral compliance time limit, the individual would be required to contact the JOBS/Tribal NEW by the close of business on Friday, June 10 to schedule an orientation appointment.

If the JOBS/Tribal NEW office is closed unexpectedly on Friday, June 10, due to severe weather or some other emergency, the individual is allowed one additional working day to contact JOBS/Tribal NEW and schedule an orientation appointment.

This means the individual must contact JOBS/Tribal NEW prior to the close of business on Monday, June 13 to schedule an orientation appointment and must keep her or his appointment as scheduled.

Example 4:

A new TANF applicant is being referred to the JOBS or Tribal NEW program. The individual's JOBS/Tribal NEW referral form is printed on Monday, June 27.

Based on the seven-calendar day referral compliance time limit, the individual would be required to contact the JOBS/Tribal NEW program by Monday, July 4. However, the JOBS/Tribal NEW office will be closed on Monday, July 4, due to the Independence Day holiday.

Because the referral compliance time limit cannot be extended due to agency closings related to weekends, Federal, State or Tribal holidays, the individual is instead required to contact JOBS/Tribal NEW by the close of business on Friday, July 1 (the last working day within that seven-calendar day period) to schedule an orientation appointment and must keep her or his appointment as scheduled.

A good cause determination meeting is not to be conducted when an individual fails to meet the up-front eligibility requirement, because compliance is required for eligibility and an individual's failure to comply with the requirement results in denial of the TANF application, not in a sanction. See [NDAC 75-02-01.2-80\(1\)](#).

The JOBS/Tribal NEW Referral form tells individuals what tasks they are required to complete and outlines the potential consequences for noncompliance with those requirements; i.e., denial of the TANF application or the possible imposition of a sanction.

Reading the client's JOBS/Tribal NEW referral form is the easiest way to determine if up-front eligibility applies, or does not apply, to an individual.

NOTE: A proof of performance (POP) must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

Required Actions by County, JOBS and Tribal NEW Staff:

1. Because a referred individual may contact JOBS/Tribal NEW in advance of their receipt of the individual's referral form, the eligibility worker must immediately alert JOBS/Tribal NEW of the referral and the referral compliance deadline (if applicable) by either calling or sending them a facsimile copy of the referral form.
2. When an individual fails to complete any of the tasks identified in her or his referral form, the JOBS/Tribal NEW coordinator must immediately notify the TANF eligibility worker.
3. The TANF eligibility worker is then responsible to determine if the Up-front Eligibility requirement applies to the case and whether the individual's TANF application must be denied or if the sanction process has to be initiated; i.e., conduct good cause determination and impose a sanction if good cause is not shown.
4. The TANF eligibility worker must then contact JOBS/Tribal NEW to inform them if the individual's application will be denied or if a sanction will be imposed.

NOTE: The TANF eligibility worker must also contact JOBS/Tribal NEW coordinator when an individual's TANF application has been denied for failure to comply with the Child Support Enforcement portion of the up-front eligibility requirements.

Referral Scenarios

All non-exempt TANF applicants/recipients and exempt TANF applicants/recipients who volunteer to participate in JOBS/Tribal NEW shall be referred to the JOBS/Tribal NEW program as indicated below.

NOTE: Referrals are to be made to the JOBS/Tribal NEW program after an individual has been determined "otherwise eligible for TANF." See Service Chapter 400-17-22.

1. A TANF case involving a new applicant:

The TANF Eligibility Worker must create an emergency JOBS/Tribal NEW referral for each non-exempt individual in the case as soon as the individual(s) have been determined to be otherwise eligible for TANF.

For purposes of this section, an "emergency" referral means a JOBS/Tribal NEW referral that is created prior to authorization of an individual's TANF case.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement applies to all non-exempt individuals in such a case. Non-exempt individuals are required to: 1) Contact JOBS/Tribal NEW within seven-calendar days from the print date of the referral and schedule an orientation appointment, and 2) Keep their appointment as scheduled.

NOTE: For JOBS/Tribal NEW, the TANF Up-front eligibility requirement never applies to exempt volunteers who choose to participate in JOBS/Tribal NEW.

If the individual fails to comply with these tasks, the individual's TANF application shall be denied.

2. An ongoing case involving a sanctioned individual who needs to complete a POP period during a sanction penalty month:

Because this is an ongoing case and the sanctioned individual's referral status remains "Referred," the TANF Eligibility Worker is not to create a new referral.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case. In addition, the individual is not required to contact JOBS/Tribal NEW within seven-calendar days. However, an individual's failure to complete a POP with a cure date equal to the sanction penalty month will result in TANF case closure and a month of ineligibility.

NOTE: A proof of performance (POP) must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

3. An ongoing case involving an individual whose exemption, or good cause status is due to, or has already, expired:

The TANF Eligibility Worker must create a JOBS/Tribal NEW referral for such an individual as soon as the exemption or good cause period has ended and the individual's TANF case has been authorized as eligible for the future month.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case. However, failure to: contact JOBS/Tribal NEW within seven-days from the referral date and schedule an initial appointment; keep the schedule

appointment; complete the orientation; or cooperate with program requirements, could result in a sanction, if good cause is not shown.

4. An ongoing case involving a sanctioned individual who is being referred to JOBS/Tribal NEW to complete a POP after her or his participation status changes from SS, ST, MP, OU, DD, DF, or DA back to DI following the sanction penalty month:

The TANF Eligibility Worker must create a JOBS/Tribal NEW referral for such an individual as soon as the individual's participation changes back to DI.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case. In addition, the individual is not required to contact JOBS/Tribal NEW within seven-calendar days. However, failure to complete a POP within thirty days from the print date of the referral will result in closure of the individual's TANF case.

NOTE: A proof of performance (POP) must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

5. An ongoing case involving an individual whose sanction has been placed "on hold" as a result of a timely request for an appeal:

NOTE: Because this is an ongoing case and the individual's referral status remains "Referred," the TANF eligibility worker is not to create a new JOBS/Tribal NEW referral.

The TANF Eligibility Worker must instead create and send a "TF Benefits pending Hearing Decision" notice. This notice will inform the individual that she or he is still required to complete a POP even though the sanction has been placed "On Hold."

Doing so, will provide official notice to the individual that if she or he completes a POP, prior to the end of the sanction penalty month, it will reduce the financial consequences of the

sanction, if the individual loses the appeal. Failure to do so will result in overpayments as determined appropriate.

NOTE: In this particular scenario, the sanction must remain "on hold" until a decision has been rendered or the individual's even if the individual completes her or his POP as required.

See Section [20-55-05-75](#), "A Client's Right to Appeal the Adverse Effects of a Sanction -- Fair Hearings," for additional information on this issue.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case. Individuals are encouraged to contact JOBS/Tribal NEW "immediately" and are required to complete a POP with a cure date equal to the sanction penalty month.

NOTE: A proof of performance (POP) must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

6. An ongoing case involving anon-sanctioned individual who is being transferred from one JOBS/Tribal NEW office to another in the State:

A new referral/Transfer form must be created once the eligibility worker determines the transfer is appropriate.

If, despite an individual's move, the individual will continue to be served by the same JOBS or Tribal NEW office, a new Referral/Transfer form is not to be created.

The eligibility worker should however, notify the client and the JOBS/Tribal NEW coordinator that continued participation with the same JOBS/Tribal NEW office is required and that a new eligibility worker will be assigned by the receiving county.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case. However, failure to begin participation in JOBS/Tribal NEW within seven-days from the transfer date, will result in a sanction, if good cause is not shown.

7. Re-application during a sanction penalty month:

The TANF Eligibility Worker must create an emergency JOBS/Tribal NEW referral for the sanctioned individual as soon as the individual has been determined to be otherwise eligible for TANF.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement does not apply to an individual in such a case.

The sanctioned individual is required to: 1) Contact JOBS/Tribal NEW within seven days from the referral print date and schedule an appointment to begin a POP; 2) Keep the appointment as scheduled; 3) Comply with the requirements of the POP; and, 4) Successfully complete the POP with a cure date equal to the sanction penalty month.

The otherwise eligible members of the household may not receive a TANF benefit until the sanctioned individual completes all of these tasks. Failure to complete these tasks shall result in the denial of the individual's TANF application.

NOTE: A sanctioned individual remains ineligible for a benefit during the sanction penalty month even when the sanctioned individual completes these tasks.

NOTE: A proof of performance (POP) must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

8. Re-application during the month of ineligibility:

A referral to JOBS/Tribal NEW shall not be made during the month of ineligibility unless the TANF Eligibility Worker determines that the individual meets the criteria listed in

Section [20-55-05-85](#), "Exception to TANF/JOBS Sanction Policy."

If an exception is allowed under [Section 20-55-05-85](#), "Exception to TANF/JOBS Sanction Policy," the TANF eligibility worker must create an emergency JOBS/Tribal NEW referral as soon as the individual has been determined to be otherwise eligible for TANF.

TANF Up-front Eligibility Requirement:

If a referral is allowed under Section [20-55-05-85](#), "Exception to TANF/JOBS Sanction Policy," the sanctioned individual in the case is required to comply with the up-front eligibility requirement.

The sanctioned individual is required to: 1) Contact JOBS/Tribal NEW within seven-calendar days from the print date of the referral and schedule an appointment to begin a POP period; Keep the appointment as scheduled; 3) Comply with the requirements of the POP, and 4) Fully complete the POP within thirty days from the TANF application date.

If the individual fails to complete any of these tasks, the individual's TANF application shall be denied.

If the individual completes all of these tasks, the sanctioned individual and any other eligible members of the household shall receive a TANF benefit prorated back to the application date.

NOTE: Only one POP may be attempted per application when an individual is attempting to cure a JOBS/Tribal NEW sanction after case closure due to sanction progression.

NOTE: The TANF eligibility worker may extend the 30-day timeliness standard for processing a TANF application due to extenuating circumstances, such as timing delays on the part of the county, JOBS or Tribal NEW. See Section 400-17-25-45, Timeliness Standards for processing Request for Benefits."

See Section 20-55-05-50, "Curing a JOBS or Tribal NEW Sanction After Case closure due to Sanction Progression," for additional information on this topic.

9. Reapplication following the month of ineligibility:

The TANF Eligibility Worker must create an emergency JOBS/Tribal NEW referral for such an individual as soon as the individual has been determined to be otherwise eligible for TANF.

TANF Up-front Eligibility Requirement:

The up-front eligibility requirement applies to an Individual in such a case.

The sanctioned individual is required to: 1) Contact JOBS/Tribal NEW within seven-calendar days from the print date of the referral and schedule an appointment to begin a POP period; 2) Keep the appointment as scheduled; 3) Comply with the requirements of the POP, and 4) Fully complete the POP within thirty days from the TANF application date.

If the individual fails to complete any of these tasks, the individual's TANF application shall be denied.

If the individual completes all of these tasks, the sanctioned individual and any other eligible members of the household shall receive a TANF benefit prorated back to the application date.

NOTE: Only one POP may be attempted per application when an individual is attempting to cure a JOBS/Tribal NEW sanction after case closure due to sanction progression.

NOTE: The TANF eligibility worker may extend the 30-day timeliness standard for processing a TANF application due to extenuating circumstances, such as timing delays on the part of the county, JOBS or Tribal NEW. See Section 400-17-25-45, "Timeliness Standards for Processing Request for Benefits."

See Section [20-55-05-50](#), "Curing a JOBS or Tribal NEW Sanction After Case Closure Due to Sanction progression," for additional information on this topic.

Client Referrals/Transfers from JOBS to Tribal NEW

American Indian/TANF applicants/recipients who are initially referred to the JOBS program are to remain with the JOBS program until the TANF case to which they are assigned has closed for a minimum of 30 days unless Tribal NEW, County Social Services, and JOBS staff determine that a referral to the Tribal NEW program would be in the best interest of the individual.

Ultimate authority to approve or deny a JOBS client's request to transfer to the Tribal NEW program rests with the TANF Eligibility Worker.

See Section [20-85-10](#), "Tribal NEW Referrals," for additional information on Tribal NEW referrals. See Service Chapter 400-17-22 for additional information about TANF up-front eligibility.

See Section [400-20-90-50](#), "Tribal NEW Memorandum of Understanding," for the specific referral criteria that are to be used when making referrals to a Tribal NEW program in the State.

For a listing of the Tribal NEW Coordinators', mailing addresses, phone numbers, fax numbers, and email addresses, please see Section [400-20-90-55](#), "Tribal NEW Coordinators' Directory."

Participant Transfers from One County to Another 400-20-20-15

(Revised 8/1/05 ML #2975)

[View Archives](#)

When a JOBS or [Tribal NEW](#) participant transfers from one county to another, the procedure listed below must be followed whether or not the receiving county is served by the same JOBS or Tribal NEW office.

1. Consistent with Service Chapter 449, the TANF Eligibility Worker in the sending county is responsible to complete any unresolved actions in the individual's case file prior to transferring the file to the receiving county. This may include, but is not limited to such things as, imposing a sanction or [job quit](#) penalty when appropriate.
2. To transfer an individual to a new state JOBS or Tribal NEW office, the TANF Eligibility Worker in the receiving county must:
 - a. Determine whether the individual should be transferred to state JOBS or Tribal NEW;
 - b. Create a new referral/transfer by selecting the appropriate provider;

NOTE: The Vision system will automatically populate a "new referral/transfer date" when you create the new referral/transfer notice.

- c. Indicate on the JOBS/Tribal NEW notice that the individual is being transferred to distinguish this action from a new referral; and
 - d. Send copies of the Referral/Transfer form to the client at her or his new address as well as to the new JOBS/Tribal NEW office.
3. Transfers from one JOBS/Tribal NEW program to another are considered a continuation of service and are not treated like a new referral. This means that transferred individuals will be expected to resume their participation in JOBS or Tribal NEW.

4. Individuals that are transferred to a new JOBS/Tribal NEW office are allowed seven (7) calendar days, from the print date of the Referral/Transfer notice, to begin participation with the new JOBS/Tribal NEW office.

NOTE: The day after the referral print date is considered day one of the seven-calendar day period, or "Referral Compliance Time Limit". The seven-calendar day referral compliance time limit shall be extended one working day (Monday through Friday) for each workday an applicable JOBS/Tribal NEW office is closed (during the required seven-calendar day period) due to severe weather or other emergencies. The seven-calendar day referral compliance time limit shall not be extended due to agency closings related to weekends, Federal, State or Tribal holidays.

5. With respect to JOBS transfers, most individuals should be able to resume involvement in JOBS without a significant break in service or a need to go through a new orientation, work assessment, or the development of a new Employability Plan (EP).

If an individual fails to resume participation with the new JOBS office within seven (7) calendar days from the date the transfer form was printed, the JOBS Coordinator in the receiving county is responsible to determine if the individual had good cause or if a sanction is appropriate.

6. With respect to Tribal NEW transfers, the process may require a longer break in service than a JOBS transfer. However, individuals who are transferred from one Tribal NEW program to another are required to contact the new program within this seven (7) calendar day period to schedule an appointment to begin their participation.

If an individual fails to contact the new Tribal NEW program within seven (7) calendar days, the eligibility worker in the receiving county is responsible to determine if the individual had good cause or if a sanction is appropriate.

NOTE: Based on the Memorandum of Understanding between the Department and Tribal NEW, a Tribal NEW coordinator is responsible to inform the county if an individual has failed to make contact within seven (7) calendar days to make arrangements to begin participation in Tribal NEW. The Tribal NEW coordinator is also responsible to send a copy of the individual's new EP to the county within 30 days from the print date of the Referral/Transfer notice.

If an individual's EP is not received within 30 calendar days, it may be presumed that the individual failed to comply with the referral/transfer, and the individual may be sanctioned if it is determined that the individual failed, without good cause, to comply with Tribal NEW requirements.

7. When an individual is transferred, the JOBS or Tribal NEW coordinator should contact the individual's former JOBS or Tribal NEW coordinator to obtain a copy of the individual's last EP and discuss any changes that may be recommended.
8. If changes to the individual's EP are appropriate, the JOBS or Tribal NEW coordinator should meet with the individual as soon as possible to revise the individual's EP.

Employability Plan (EP) 400-20-25-10

(Revised 10/1/04 ML #2935)

[View Archives](#)

The JOBS coordinator, with input from the JOBS participant, and others as appropriate, will develop an EP that establishes the individual's employment goals and plan for obtaining and retaining unsubsidized employment with a wage great enough to enable the individual and her or his family to become self-sufficient.

The initial EP must be completed within seven (7) calendar days from the date of the orientation meeting. Copies of the initial EP and any revisions to the EP should be provided to the participant and the TANF Eligibility Worker as they are completed.

The cooperation and assistance of the JOBS participant is important to the development of the EP, but it is not required. An individual may refuse to sign an EP but is still required to comply with the EP.

The EP must:

1. Contain an employment goal and plan to place the individual in unsubsidized employment or another federal or state approved work activity;
2. Describe the steps to be taken by the individual to obtain and maintain quality employment prior to the termination of TANF benefits (60-month lifetime limit);
3. Specify the individual's obligation to maintain and report specific levels of performance, including grades, hours, and attendance. The performance standards must be precise and measurable;
4. Describe the steps to be taken to assess potential employment or participation barriers;
5. Incorporate service or care recommendations for the remediation of identified employment or participation barriers including reasonable accommodations suggested by a comprehensive assessment/service provider which are intended to help ensure the participant's success within the JOBS program;

6. Identify the supportive services needed by the individual to obtain and maintain employment; and
7. Identify the individual's approved work activity.

The EP should be a fluid document that reflects changes in the JOBS participant's life. The EP must be reviewed a minimum of two times per year with relevant changes made based on the individual's progress and needs.

For information regarding a Tribal NEW participant's EP, please refer to [Section 20-85-15](#), "Tribal NEW Employability Plans."

Hours of Participation 400-20-30

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

Reference: NDAC §§ 75-02-01.2-87. JOBS – Exemptions From Participation; and NDAC 75-02-01.2-84. JOBS – Satisfactory Participation.

All work eligible individuals (See Section 400-20-10 for a definition of work eligible individual) are required to participate in approved and countable work activities within the JOBS program, unless they are:

1. Considered exempt – See Section 400-20-10 “Work Eligible Individuals, Excluded Individuals and Exempt Individuals”
2. Granted good cause for non-participation – See Section 400-20-15 “Good Cause for Nonparticipation”; or
3. Referred to one of the Tribal NEW programs in the state. See Sections 400-20-85 through 400-20-85-25-05 for information on the Tribal NEW program.

It is expected that most individuals, who are referred to the JOBS program, will meet their minimum average hours of participation, as indicated below. However, some individuals may be unable to meet the required minimum work hours as a result of physical or mental impairments or disabilities.

In such cases, the JOBS coordinator, TANF Eligibility Worker, the SMRT, and other professionals may need to be involved to determine if an individual has good cause for not meeting the required work hours or if reasonable accommodations need to be made due to an individual’s physical or mental impairment or disability.

NOTE: Individuals who have a physical, mental, emotional or intellectual impairment or disability, verified by a qualified professional, and are meeting the

expectations of their modified employability plans, shall be considered to be fully meeting their TANF minimum work requirement consistent with the state's current TANF Work Verification Plan. A qualified professional means an individual, who is certified, registered or licensed to assess an individual's physical, mental, emotional or intellectual impairments or disabilities.

Refer to Section 400-20-15, Good Cause For Non-Participation, through Section 400-20-15-20, Good Cause – Incapacity vs. Incapacity of a Parent/TANF Eligibility, for additional information on this issue.

Non-exempt, work eligible individuals who are involved in the JOBS program shall complete a minimum average of 30 hours per week in approved work activities with the following exceptions:

1. A single parent or caretaker relative of a child under age six, who is personally caring for that child, and is the only parent or caretaker relative in the household, is deemed to meet the work participation requirement if engaged in an approved work activity for a minimum average of 20 hours per week.

Example 1: A single mother and her five-year-old child apply for TANF benefits. The mother is referred to the JOBS program and because her child is under the age of six, she is required to complete a minimum average of 20 hours per week in an approved work activity.

Example 2: A single mother and her 10-year old child apply for TANF benefits. The household also includes her boyfriend and their 4-year old child in common who are not eligible for TANF. The mother is referred to the JOBS program.

Even though this JOBS participant has a child under age six, and is personally providing care for that child, she is required to

complete a minimum average of 30-hours per week because she is not the only parent (of the four-year old child) living in the household.

2. A single head-of-household, under age 20, counts as engaged in work in a month if she or he maintains satisfactory attendance at secondary school or its equivalent during the month.

A single head-of-household, under age 20, counts as engaged in work in a month if she or he participates in education directly related to employment for an average of at least 20 hours per week during the month.

3. A teen parent, over age 16, counts as engaged in work in a month if she or he is currently enrolled or accepted for enrollment as a full-time student for the next school term in an elementary or secondary school or in a vocational or technical school that is equivalent to secondary school.

NOTE: Additional hours may be required beyond the minimum weekly requirement to ensure that an individual meets the minimum average work hours over the course of the month.

Participation in multiple work activities may also be required to ensure that an individual meets the minimum average work hours. The JOBS coordinator may require participation in multiple activities.

Work Activities 400-20-30-05

(Revised 11/1/07 ML #3114)

[View Archives](#)

NDAC 75-02-01.2-85. Job opportunities and basic skills program - Work requirements.

- 1. The work activities of the job opportunities and basic skills program include:**
 - a. Unsubsidized Employment;**
 - b. Subsidized public or private sector employment;**
 - c. On the Job Training;**
 - d. Public or private work experience;**
 - e. Job Search and job readiness activities;**
 - f. Community Service;**
 - g. Vocational Training;**
 - h. Education directly related to employment for a participant who has not completed high school or received a general equivalency diploma;**
 - i. Satisfactory attendance at secondary school or in a course of study leading to a general equivalency diploma (GED);**
 - j. Provision of Child Care services to another participant engaged in a community service program; and**
 - k. Job skills training directly related to employment.**

- 2. Work requirements include participation in work activities for periods of time necessary to allow a participant to complete tasks that will move the participant directly into employment.**

JOBS Status Change 400-20-35

(Revised 6/1/05 ML #2966)

[View Archives](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

The JOBS Status Change Form may be used by the TANF Eligibility Worker and the JOBS coordinator to communicate and document pertinent information regarding a JOBS participant. The JOBS Status Change Form may be used when a permanent record is needed to document approval for adjustments in [supportive services](#) or verification of employment or other status changes. See [SFN-323--](#) JOBS Status Change.

Supportive Services 400-20-40

(Revised 8/1/05 ML #2975)

[View Archives](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

NDAC 75-02-01.2-90. Job opportunities and basic skills program - Supportive services and transitional supportive services.

1. Within the limits described in this section, supportive services may be made available to a participant who, but for supportive services would be unable to enter into or remain in an allowable [work activity](#). No supportive service may be provided without approval from the coordinator or eligibility worker.
2. Transitional supportive services may be provided to assist former temporary assistance for needy families recipients to succeed in the workforce and thus avoid the need to receive further temporary assistance for needy families benefits.
3. Supportive services may include:
 - a. [Relocation assistance](#) provided to a job opportunities and basic skills participant if:
 - i. The individual has a bona fide offer of employment, verified by the coordinator, which will increase the individual's potential for increased earnings, job advancement, or permanent employment; or
 - ii. The individual requests and receives approval from the coordinator to move from an area of the state with few employment opportunities to another area of the state with greater employment opportunities.
 - b. A monthly [transportation allowance](#) provided to participants in an approved work activity, if necessary for continued participation.

- c. **Child Care** U.S.C. 9858]. expense reimbursement in amounts consistent with the provisions of the state child care and development fund plan submitted under the Child Care and Development Block Grant Act of 1990 [42
- d. Assistance in the purchase of **care for an incapacitated or disabled** adult member of the participant's household, to whom the participant owes a legal duty to provide care, provided:
 - i. There is no other individual in the household who can provide the care; and
 - ii. The incapacitated or disabled household member cannot provide self-care.
- e. Assistance in the purchase of **employment related** clothing or personal needs determined by the coordinator to be reasonable and necessary for the participant to enter employment.
- f. Assistance in the purchase of **tools or equipment** determined by the coordinator to be required for the participant to accept employment.
- g. Assistance in the **cost of repairs** determined by the coordinator to be reasonable and necessary to return a participant's vehicle to operable condition, provided:
 - i. The vehicle is registered to a member of the household; and
 - ii. The vehicle is needed by the participant to get to work or another approved work activity; and
 - iii. The general condition and value of the vehicle justifies repairs.
- h. Assistance for defraying the **cost of books, tuition and fees** associated with an allowable work activity, provided:
 - i. Other educational fund sources have been explored and are exhausted; and
 - ii. The participant is a member of a household and eligible for assistance at the time funds are paid or obligated.

- i. Assistance with payment for [professional license fees](#) and professional examination fees, where there is no other available source of funding, including fee waivers, and the professional license or examination is necessary to achieve an employment-related goal.
- j. Assistance with expenses determined by the coordinator to be reasonable and necessary for employment interviews, including transportation, lodging, grooming, and clothing.

4. The maximum expenditures permitted for supportive services, and transitional supportive services are limited to amounts and availability as the department may by order determine.

Authorized supportive services, with the exception of Child Care Assistance, may be paid, directly to an individual for reimbursement of actual or anticipated expenses related to the individual's involvement in the JOBS program.

Transportation and Child Care Assistance may be provided through the County/State. All other approved JOBS supportive services are paid directly to the participant or vendor, as appropriate, by the JOBS coordinator in accordance with the policy for each of those specific supportive service categories. Please refer to the specific supportive service category sections for additional information on providing supportive services to JOBS clients.

If a JOBS sanction is imposed against an individual, the individual may continue to receive authorized supportive services for allowable activities until such time as the sanction becomes effective.

JOBS supportive services are not to be provided to a sanctioned individual during the sanction penalty month unless the TANF Eligibility Worker authorizes transportation assistance to help ensure the individual will be able to complete her or his proof of performance.

If an individual is provided transportation assistance during a sanction penalty month, and then fails to complete the proof of performance, the transportation assistance payment will not be considered an overpayment. However, the TANF Eligibility Worker

may decide not to allow another transportation assistance payment to the individual until the outstanding sanction is cured.

If a child support sanction is imposed against a JOBS participant, the individual shall continue to receive authorized supportive services until such time as the child support sanction progresses to closure of the entire TANF case.

Approval of Supportive Services:

To obtain approval for a supportive service, an individual must demonstrate, in addition to meeting the requirements for each of the specific supportive service categories, that:

1. The expense is directly related to an approved work activity or self-initiated education activity;
2. The expense is necessary; and
3. The cost is reasonable.

Following case closure, the individual may continue to be eligible for Transitional Supportive Services. See Section [20-40-60](#), "Transitional Supportive Services."

For information about supportive services available to Tribal NEW participants, please refer to Section [400-20-85-25](#), "Tribal NEW Supportive Services."

For information about providing supportive services to an individual who chooses to participate in JOBS/Tribal NEW pending the outcome of a Fair Hearing, please refer to Section [400-20-55-05-75](#), "A Client's Right to Appeal the Adverse Effects of a Sanction -- Fair Hearings."

Supportive Services - Suspended Case 400-20-40-05 **(ML #2811 Rev. 12-02)**

[View Archives](#)

A [suspended](#) TANF case is considered to be TANF eligible and the non-exempt individual remains responsible to comply with the JOBS program. A JOBS participant remains eligible for [supportive services](#) in the suspend month.

Supportive Services - Proof of Performance 400-20-40-10

(Revised 10/1/04 ML #2935)

[View Archives](#)

[Supportive services](#) are normally paid when an individual successfully completes a proof of performance, unless the individual could not complete the proof of performance without such assistance being provided in advance.

Relocation Assistance 400-20-40-15

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

NDAC 75-02-01.2-90(3). Job opportunities and basic skills program -- Supportive services and transitional supportive services.

Supportive services may include:

Relocation assistance provided to a job opportunities and basic skills participant if:

- 1. The individual has a bona fide offer of employment verified by the coordinator which will increase the individual's potential for increased earnings, job advancement, or permanent employment; or**
- 2. The individual requests and receives approval from the coordinator to move from an area of the state with few employment opportunities to another area of the state with greater employment opportunities.**

The relocation should be accomplished in the most economical manner possible, taking into consideration the physical abilities of the participant and the participant's family. In most instances, the use of a rental truck or van would be preferred to accomplish the relocation.

A relocation plan is required from the participant and expenses must be approved before they are incurred and may include but are not limited to:

1. Transportation of household goods via the most economical source;
2. Transportation costs including fuel and other mileage related costs;
3. Relocation of a mobile home; and
4. Utility hook-up or security deposits for essential services; e.g., heating, lights, rent, and telephone. Returned deposits from rentals and utility companies are considered excluded income for the TANF program. See [NDAC § 75-02-01.2-45](#). Excluded income.

The participant is responsible to provide the following documentation to the JOBS coordinator to justify the proposed relocation expenses:

1. Two estimates of the household moving cost. An estimate for the use of a non-commercial personal vehicle is allowed; and
2. A letter from the employer confirming the individual's employment start date and beginning wage if the relocation request is based on an offer of employment.

The JOBS coordinator must agree that the relocation will increase the individual's potential for: becoming employed; obtaining higher wages; job advancement; or permanent employment.

Transportation Assistance 400-20-40-20

(Revised 8/1/07 ML #3101)

[View Archives](#)

[IM 5039](#)

[IM 5076](#)

A transportation allowance of up to \$125.00 per month may be paid to a JOBS participant or Tribal NEW participant in orientation, assessment, a self-initiated educational activity, or any approved [work activity](#) including paid employment.

NOTE: Once a transportation assistance payment has been provided (check printed) to an individual, overpayments are not to be established.

Advance Transportation Assistance Payments:

- A. The TANF Eligibility Worker is not to provide a transportation assistance payment to an individual who is being referred to JOBS/Tribal NEW until the individual's case has been approved as being TANF eligible unless the TANF Eligibility Worker determines that a sanctioned individual would be unable to complete her or his proof of performance without receiving a transportation assistance payment.
- B. Following authorization of an individual's TANF case, the Eligibility Worker may also provided an advance transportation assistance payment to a referred individual if the Eligibility Worker determines that the individual would be unable to comply with the referral to the JOBS/Tribal NEW program without an advance payment.

When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a proof of performance or is provided to a non-sanctioned individual following authorization of the individual's TANF case, the advance payment

should be sufficient to cover the individual's transportation expenses from the time of the referral (or case approval) until the payment can be included in the regular TANF grant or is provided through Tribal NEW as appropriate.

When a TANF Eligibility Worker authorizes an advance transportation payment, the Eligibility Worker is to inform the JOBS/Tribal NEW coordinator that an advance payment was made.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in JOBS, the JOBS coordinator is responsible to determine the participant's anticipated transportation needs and to document the anticipated need on the EP. Any changes in the participant's anticipated transportation needs should be communicated to TANF Eligibility Worker in writing.

This same process is to be followed by a Tribal NEW coordinator if the Tribal NEW participant will be receiving transportation assistance through the county/state. See Section [400-20-85-25-05](#), "Transportation for Tribal NEW Participants," for additional information.

A transportation allowance is calculated by multiplying the number of actual or estimated miles required to support the individual's approved work activity or a self-initiated educational activity, by \$0.45, the State's current reimbursement rate for travel. A monthly stipend, or flat amount, is not allowed.

When public transportation or informal transportation arrangements are used, the participant must review her or his transportation needs and plan with the JOBS coordinator, and the coordinator must approve the individual's plan.

Child Care Assistance 400-20-40-25

(Revised 11/1/07 ML #3114)

[View Archives](#)

Assistance with child care expenses is made available to allow referred individuals to participate in approved work activities or self-initiated educational activities.

A JOBS participant in any approved work activity (including paid employment) or a self-initiated education activity, may receive 100% reimbursement of child care expenses up to the monthly maximum limit set by the Child Care Assistance Program guidelines found in Service Chapter 400-26.

In keeping with TANF program rules, a participant who is engaged in paid employment may choose to have their child care expenses treated as an income disregard rather than an expense reimbursement.

Child care for required JOBS activities or self-initiated educational activities may be allowed for any child living within the household as long as the participant is responsible for the care of that child and no other legally responsible adult is in the home (ineligible parent or legal guardian).

If the ineligible parent or legal guardian is incapable of providing child care or if there is suspected abuse, supporting documentation verifying that claim must be provided to the JOBS coordinator and alternative child care arrangements should be made.

Vehicle Repair and Insurance 400-20-40-30

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

Financial assistance for necessary vehicle repair and auto insurance for basic liability coverage may be provided to participants in the JOBS program.

Normal maintenance such as oil changes, tune-ups, or nonessential vehicle repairs are not allowed. The JOBS coordinator may approve the purchase of tires or pay for wheel alignments and other repairs considered essential for the safe operation of a vehicle.

Auto insurance for basic liability coverage not to exceed one-fourth of the annual premium may be paid to the insurance provider.

The following conditions must be met prior to approval for assistance:

1. The vehicle is registered to a member of the participant's TANF household;
2. The vehicle is needed by the participant to get to work or an approved work activity; and
3. The general condition of the vehicle justifies the repair cost.

Two estimates should be obtained. The JOBS coordinator may request additional information/documentation to justify/verify the need for repair. JOBS funds may not be used to purchase a car.

Job Readiness Assistance 400-20-40-35 **(Revised 11/1/07 ML #3114)**

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

Job readiness assistance is intended to reimburse participants for expenses associated with their preparation for work. Assistance may only be approved by the JOBS coordinator when the expenses are necessary to help the individual achieve her or his employment goal.

Job readiness assistance may be used to reimburse: expenses related to the participant's purchase of employment related clothing; expenses for obtaining a drivers license or reinstatement of a driver license; and other expenses determined by the JOBS coordinator to be reasonable and necessary for employment interviews, including transportation, lodging, grooming and clothing.

Job readiness assistance may not be used to pay a participant's fines. For example: Job readiness assistance should not be used to pay an individual's speeding tickets or a DUI fine. It could, however, be used to pay the registration fee for a DUI seminar or a defensive driver's class that the individual is required to attend prior to reinstatement of her or his driver's license.

Travel and per diem (at current state rates) may be allowed when travel is required for interviews or job seeking activities. The individual must provide accurate documents for all reimbursable expenses.

Job readiness assistance may be used to help cover the cost of phone installation charges but may not be used to pay delinquent phone bills. Participants should contact their local telephone

company to apply for the Link Up and Lifeline telephone assistance programs.

The Link Up program can reduce an eligible individual's initial charges to hookup primary telephone service by up to 50 percent. The Lifeline program can reduce an individual's monthly phone bill for local service.

Persons qualified for TANF, Food Stamps, LIHEAP, or Medicaid are eligible for the Link Up or Lifeline programs if the service is made available by the local telephone company.

For additional information regarding the Link Up and Lifeline programs, please refer to:

[Link Up and Lifeline Programs for Tribal Areas](#) (76kb pdf)

OR

[Link Up and Lifeline Programs](#) (71kb pdf)

Tuition Assistance 400-20-40-40
(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

Reimbursement for expenses associated with approved or self-initiated training including tuition, books and fees may be allowed. Applicable grants and scholarships must be explored and exhausted before the use of JOBS support services may be considered. The participant must be eligible for TANF at the time funds are approved. Tuition assistance may not exceed actual costs. The participant must submit a copy of the financial aid award and an itemized listing of costs for tuition, books, and fees.

License, Certification, and Examination Fees 400-20-40-45

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

Assistance with professional license, certification, or examinations fees may be allowed when a license, certificate, or examination is necessary for the participant to become employed. License, certification, and examination fee assistance cannot exceed actual cost.

Tools for Employment 400-20-40-50 **(Revised 11/1/07 ML #3114)**

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

The JOBS coordinator may approve direct vendor payments for the purchase of tools and/or equipment required for a participant to accept or retain employment. If tools are lost or stolen, it is the individual's responsibility to replace them. The tools become the property of the participant. Assistance for tools cannot exceed actual cost.

Care of Incapacitated Household Members 400-20-40-55

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

NOTE: The JOBS coordinator is not to provide any supportive services to a referred individual until the individual's TANF case has been approved as being TANF eligible.

The JOBS coordinator may approve assistance to purchase care for a JOBS participant's incapacitated or disabled household member to whom she or he owes a legal duty to provide care. Assistance is limited to once a month per incapacitated or disabled household member.

Based on NDCC §§ 14-10-01 and 14-09-08, an individual's legal duty to provide support or care only extends to her or his spouse or minor child. A minor child is a person under the age of eighteen.

Prior to approving care for an incapacitated household member, it must first be verified that: the caretaker has a legal duty to provide support or care to the individual in question; the individual is incapacitated, disabled, and in need of care; and that no other source of care is available or appropriate.

Refer to [400-20-15-10](#), JOBS Good Cause and the State Review Team, for additional information on how the State Review Team can provide assistance in determining whether an individual is incapacitated, disabled, and in need of care.

Transitional Supportive Services 400-20-40-60 (Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5039](#)

There are two supportive services that may be provided to former TANF recipients on a transitional basis: transitional transportation assistance, and discretionary supportive services.

If an individual is currently disqualified due to an intentional program violation (IPV), the individual will not be eligible to receive either of these transitional supportive services. This applies even if the disqualification occurs after the individual's TANF case has been closed.

To ensure that this criteria is not overlooked, the TANF Eligibility Worker should alert the JOBS coordinator, as appropriate, when an individual is disqualified due to an IPV at the time of case closure or when an individual receives an IPV following case closure.

To be considered eligible for Transitional Transportation or Transitional Discretionary assistance, the former North Dakota TANF recipient must reside in the state and be engaged in an allowable activity.

Allowable activities for Transitional Transportation and Discretionary assistance include paid employment or a combination of paid employment and any education/training.

The TANF Eligibility Worker or JOBS coordinator, as appropriate, should require verification from the individual that these criteria are met.

To be considered eligible for transitional transportation and discretionary assistance the former TANF recipient's household must contain at least one deprived child, as defined in NDAC § [75-02-01.2-14](#). JOBS coordinators are expected to make a reasonable

effort to determine if a former JOBS participant is eligible for transitional assistance. Reasonable efforts include asking the former JOBS participant if there have been any changes in the household's composition or contacting the individual's former TANF Eligibility Worker for help in determining that there is at least one deprived child in the household.

Transitional Transportation Assistance 400-20-40-60-10

(Revised 7/1/07 ML #3091)

[View Archives](#)

[IM 5039](#)

Transitional transportation assistance may be provided to eligible individuals for up to six months following the closure of their TANF case regardless of the closing reason.

The six-month window of opportunity for transitional transportation assistance begins on the first day of the first month following case closure.

The maximum, monthly, transitional transportation allowance is \$125.00.

Transitional Discretionary Supportive Services 400-20-40-60-15

(Revised 10/1/04 ML #2935)

[View Archives](#)

[IM 5039](#)

Transitional discretionary supportive services may be provided to eligible individuals for up to six months following the closure of their TANF case, regardless of the closing reason.

The six-month window of opportunity for discretionary supportive services begins on the first day of the first month following case closure.

At the discretion of the JOBS coordinator or the TANF Eligibility Worker, a maximum of \$400 may be used to meet legitimate supportive service needs of the client, over the course of the six-month transitional supportive service period. No more than \$400 may be authorized per case, per state fiscal year (July 1 – June 30).

Examples of the appropriate use of transitional discretionary supportive services include but are not limit to such things as: vehicle repair and insurance; relocation assistance; additional assistance with transportation costs; purchase of employment related clothing; and, tools for employment; etc.

The JOBS coordinator or TANF Eligibility Worker may authorize the use of discretionary funds to meet legitimate supportive service needs that exceed the monthly or yearly limit for that particular supportive service category. For example, if a former TANF recipient has a legitimate need for additional car repairs during the transitional supportive service period and the individual has already used the full amount allowed for vehicle repair for that state fiscal year, the JOBS coordinator or TANF Eligibility Worker may authorize the use of discretionary assistance to make the needed repairs.

Failure or Refusal to Participate 400-20-45

(Revised 6/1/05 ML #2966)

[View Archives](#)

NDAC 75-02-01.2-102. Job opportunities and basic skills program - Failure or Refusal to Participate. A failure or refusal to participate in the job opportunities and basic skills program occurs any time the participant:

- 1. Misses a scheduled appointment for any program or approved work activity;**
- 2. Is absent from a program or approved work activity when scheduled to be there;**
- 3. States an unwillingness to participate in any program or approved work activity;**
- 4. Fails to contact the coordinator, within seven calendar days from the print date of the referral, to set up an appointment to begin involvement in the program;**
- 5. Refuses, despite apparent ability, to maintain satisfactory progress in any program or approved work activity; or**
- 6. Fails to comply with the requirements of the participant's [employability plan](#);**

When a participant fails or refuses to participate in the JOBS program, the JOBS coordinator shall offer the participant an opportunity to show good cause for her or his failure or refusal to participate. See Section [20-50](#) through Section 20-50-10 for additional information regarding the good cause determination process.

Job Quit or Refusal of Work 400-20-45-05
(Revised 6/1/05 ML #2966)

[IM 5091](#)

[View Archives](#)

A JOBS participant who quits a job or refuses a bona fide job offer, without good cause, as described in [NDAC § 75-02-01.2-52\(4\)](#), "Voluntary quit or refusal of employment" shall be subject to the penalties described in that section in addition to being sanctioned for non-cooperation in JOBS, unless:

1. The JOBS coordinator provided prior approval for doing so based on a plan for the participant to be involved in vocational education training or other education activities; or
2. The TANF Eligibility Worker determines that a job quit penalty should not be imposed based on his or her approval of a plan of refer/transfer an individual to Tribal NEW for involvement in vocational education training or other education activities.

When the JOBS coordinator grants prior approval, the coordinator should immediately inform the TANF Eligibility Worker to ensure that a job-quit penalty is not imposed against the participant.

Good Cause Determination 400-20-50 (Revised 6/1/05 ML #2966)

[IM 5058](#)

[View Archives](#)

NDAC 75-02-01.2-80. "Good cause determination".

1. Except with respect to a sanction imposed for failure to obtain child support, or establish paternity, an individual shall be provided an opportunity to present the good cause reason for a failure or refusal to cooperate prior to the imposition a sanction.
2. The eligibility worker or the individual's job opportunities and basic skills coordinator may oversee the good cause determination process.
 - a. If the individual refuses to complete the social contract, refuses to sign the social contract, or refuses to comply with a referral to a service agency, the eligibility worker is responsible to oversee the good cause determination process.
 - b. If the individual is not cooperating with the job opportunities and basic skills program, the coordinator is responsible to oversee the good cause determination process and must inform both the individual and the eligibility worker of the outcome of the good cause determination process.
3. Within ten days following the date of a failure or refusal to comply, the eligibility worker or coordinator, as appropriate, shall send written notice to the individual to offer an opportunity to show good cause. A good cause determination must state that:
 - a. The individual is responsible to call or meet with the coordinator or eligibility worker within seven days, from the print date of the notice, to show good cause; and
 - b. **A sanction will be imposed if the individual does not contact the coordinator or eligibility worker, as appropriate, within the required time or does not**

show good cause for the individual's failure or refusal to comply.

4. If an individual fails or refuses to participate in the good cause determination process, or if it is determined that the individual did not show good cause for the initial failure or refusal to participate as required in the temporary assistance for needy families program, the eligibility worker shall notify the individual of the sanction.
5. Claims of good cause must be evaluated using the decision-making principles described in section [75-02-01.2-12](#).

Good Cause Determination - Responsibility of TANF Eligibility Worker 400-20-50-05

(Revised 6/1/05 ML #2966)

[IM 5058](#)

[View Archives](#)

A TANF applicant, or recipient, who is referred to JOBS or Tribal NEW and: fails or refuses to contact the JOBS/Tribal NEW program within seven (7) calendar days, from the print date on the referral form, to schedule an appointment for orientation; or fails or refuses to keep the orientation appointment, is not considered a JOBS/Tribal NEW participant.

When an individual is required to contact JOBS/Tribal NEW (as noted on the JOBS/Tribal NEW Referral form) and then fails to comply, the JOBS/Tribal NEW coordinator is responsible to either: notify the TANF Eligibility Worker in writing or by returning the referral to the TANF Eligibility Worker. The Eligibility Worker is then responsible to either: deny the individual's TANF application, if the TANF up-front eligibility requirement applies (See Section [20-20-05](#) to determine if the TANF up-front eligibility requirement applies) or oversee the good cause determination process and impose a sanction, if good cause is not shown.

NOTE: The seven-calendar day time limit for contacting JOBS or Tribal NEW does not apply to an individual who is being referred for a Proof of Performance (POP) during a sanction penalty month. It is in the sanctioned individual's best interest to contact JOBS/Tribal NEW immediately. However, it is the individual's responsibility to make this contact as soon as possible and to complete the POP with a cure date equal to the sanction penalty month.

When an individual fails to contact JOBS/Tribal NEW as required, and the TANF up-front eligibility requirement applies, the individual's TANF application shall be denied. A good cause determination meeting does not need to be held in this instance, since compliance is required for eligibility and an individual's failure to comply with this requirement does not result in a sanction. See [NDAC 75-02-01.2-80\(1\)](#).

When an individual fails to contact JOBS/Tribal NEW as required, and the TANF up-front eligibility requirement does not apply, the TANF Eligibility Worker is responsible to send a Good Cause Determination notice to the individual within ten (10) days from the receipt of the returned referral form. The individual is then required to meet with the TANF Eligibility Worker, by phone or in person, within seven (7) calendar days from the print date of the good cause determination notice, to show good cause for the failure or refusal to participate.

The TANF Eligibility Worker will review the individual's [good cause](#) claim, if presented, and determine if a sanction is appropriate. After assessing the good cause claim, the TANF Eligibility Worker has the following options for action:

1. When good cause for non-cooperation is determined, based on evidence provided, refer the individual back to JOBS/Tribal NEW and enter a new referral date;
2. When good cause exists for continued (temporary) non-participation in JOBS/Tribal NEW, a review date must be established to re-evaluate the basis for good cause; or
3. When it is determined that good cause does not exist, the TANF Eligibility Worker is to begin the sanction process.

Sanctions for Failure or Refusal to Participate 400-20-55

(Revised 6/1/05 ML #2966)

[View Archives](#)

75-02-01.2-79. Sanctions for noncompliance with temporary assistance for needy families program requirements.

- 1. Temporary assistance for needy families participants who fail or refuse to comply with program requirements, without good cause, may be sanctioned. Actions or failures to comply that may result in sanctions include:**
 - a. Failure or refusal to participate in the job opportunities and basic skills or tribal native employment works programs;**
 - b. Failure or refusal to cooperate in obtaining child support or establishing paternity;**
 - c. Not completing a social contract;**
 - d. Not signing a social contract;**
 - e. Not completing the goals or tasks listed on a social contract; and**
 - f. Not cooperating with an agency providing services to meet goals or tasks listed in the social contract, including goals identified as mandatory or nonmandatory referrals and goals that are nonmandatory and identified in the assessment.**
- 2. All sanctions are first imposed against the responsible individual and will result in removal of the individual's financial needs from the household's temporary assistance for needy families grant, for a period of one month.**
- 3. If the sanctioned individual does not cure the sanction prior to the end of the sanction penalty month, the sanction may progress to closure of the entire temporary assistance for needy families case.**

- a. A sanction penalty month runs from the effective date of a sanction through the last day of that month.
 - b. If a sanction, based on non-cooperation with the job opportunities and basic skills program leads to closure of the entire temporary assistance for needy families case, the household shall, at a minimum, be ineligible for assistance in the month following the sanction penalty month, and until the responsible individual cures the sanction.
 - c. If a sanction, based on non-cooperation with child support enforcement leads to closure of the entire temporary assistance for needy families case, the household shall be ineligible for assistance in the month following the sanction penalty month.
4. Sanctions under temporary assistance for needy families follow a noncooperating individual.
 5. A job opportunities and basic skills program sanction, a tribal employment works program sanction, or a sanction for failure to comply with the social contract requirements, is cured only when the responsible individual demonstrates, to the satisfaction of the county agency, that the failure to cooperate or participate, as required, has been corrected for at least ten consecutive days.
 6. A child support enforcement sanction may only be considered cured upon notification from the child support enforcement agency to the eligibility worker that the sanctioned individual is cooperating in obtaining child support and, if necessary, establishing paternity.

75-02-01.2-102. Job opportunities and basic skills program – Failure or refusal to participate. A failure or refusal to participate in the job opportunities and basic skills program occurs any time the participant:

1. Misses a scheduled appointment for any program or approved program activity;
2. Is absent from a program or approved work activity when scheduled to be there;
3. States an unwillingness to participate in any program or approved work activity;

- 4. Fails to contact the coordinator, within seven calendar days from the print date of the referral, to set up an appointment to begin involvement in the program;**
- 5. Refused, despite apparent ability, to maintain satisfactory progress in any program or approved work activity; or**
- 6. Fails to comply with the requirements of the participant's employability plan.**

Sanction Penalties and Processing 400-20-55-05

Sanction Penalties -- General Overview 400-20-55-05-05 (Revised 11/1/07 ML #3114)

[View Archives](#)

When an individual fails to show good cause for her or his failure or refusal to participate, as required, a sanction may be imposed. A sanction serves as a natural and logical consequence for an individual's noncompliance with TANF program requirements.

When an individual is sanctioned for non-cooperation with JOBS or Tribal NEW, the sanctioned individual's financial needs are removed from the household's TANF benefit for one month. This is referred to as the Sanction Penalty Month.

Once a JOBS/Tribal NEW sanction is imposed (entered into the Vision system), the sanctioned individual must serve the one-month penalty, even if the individual becomes exempt, is granted good cause or cures the sanction. See Section [20-55-05-80](#) for additional information regarding the effect of good cause, exemption, and changes in participation on the sanction process.

In some instances, a JOBS or Tribal NEW sanction will result in the creation of an overpayment instead of an immediate reduction in the household's TANF benefit. The overpayment will be equal to the sanctioned individual's financial needs during the sanction penalty month. See Section [20-55-05-15](#) for an example of how a JOBS or Tribal NEW sanction can result in the creation of an overpayment.

If a sanctioned individual fails to cure a sanction in the sanction penalty month, by completing a Proof of Performance (POP), the entire TANF case will close at the end of the sanction penalty month. This is referred to as Sanction Progression.

If a sanction progresses to case closure, the sanctioned individual and her or his household will be ineligible for TANF in the month

following the sanction penalty month. This is referred to as the Month of Ineligibility.

Example: An individual is sanctioned effective 01/01. The individual's financial needs are removed from the household's January TANF benefit. The individual makes no attempt to cure the sanction in the sanction penalty month (January) and the entire TANF case closes 01/31.

If the sanctioned individual and her or his household reapply for TANF during the month of February (the month of ineligibility), the application is denied. The sanctioned individual and her or his household are ineligible for TANF during the month of February.

The consequences of a TANF sanction are the same regardless of how many times an individual may have been previously sanctioned.

Effective June 1, 2005, once a JOBS/Tribal NEW sanction takes effect, it will remain in effect forever or until:

1. It is cured, as required, by the sanctioned individual;
2. The sanctioned individual becomes exempt; or
3. The sanctioned individual is granted good cause for JOBS/Tribal NEW.

JOBS/Tribal NEW sanctions that were effective prior to June 1, 2005, are to be end-dated by the TANF Eligibility Worker if: 1. The sanctioned individual reapplies for TANF; and 2. More than twelve-months have passed since the individual's outstanding sanction took effect.

NOTE: When imposing a JOBS/Tribal NEW sanction for a current month (i.e., sanction imposed in January to be effective for the month of January), the sanction must be imposed prior to the end of the "Monthly Report Late-Date", which usually occurs on the 15th of a month. If the sanction is not imposed prior to that deadline, the

Eligibility Worker must disregard the sanction. See Section 20-55-05-65 for an example.

Determining That a TANF Sanction is Appropriate 400-20-55-05-10

(Revised 4/1/08 ML #3163)

[View Archives](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

In most instances, a recommendation for sanction comes from the JOBS coordinator. When recommending a sanction, the JOBS coordinator must provide the TANF Eligibility Worker with written documentation supporting the sanction recommendation, including a detailed chronological history of the individual's failure or refusal to participate along with any action(s) taken by the JOBS coordinator.

Prior to imposing a sanction, the TANF Eligibility Worker must determine that: the individual was properly notified of her or his opportunity to show good cause; the results of the good cause determination were documented; and, the individual failed to show good cause (or failed to take advantage of the opportunity to show good cause).

NOTE: When a sanction has been recommended by the JOBS coordinator, the TANF Eligibility Worker is not required to conduct another good cause determination, but is responsible to review the case (as described in the previous paragraph) to determine if a sanction is appropriate.

The TANF Eligibility Worker must make a sanction determination within five (5) working days from the receipt of the sanction recommendation.

NOTE: An exempt volunteer may not be sanctioned for non-cooperation with JOBS, but will lose her or his status as a JOBS participant and shall not be referred to JOBS again, until the 120-day exemption status ends and the individual has been authorized eligible for the future month.

Please see Section [20-10](#), "Exemptions," and [20-20-05](#), "TANF Up-front Eligibility and the JOBS/Tribal NEW Referral Process" for additional information regarding the 120-day exemption period and making referrals after the end of an exemption period.

Notice of Sanction 400-20-55-05-15
(Revised 11/1/07 ML #3114)

[View Archives](#)

Once a TANF Eligibility Worker has determined that a sanction is appropriate, the Eligibility Worker should impose the sanction as soon as possible keeping in mind that adequate notice of the sanction must be provided before the household's TANF benefit is actually reduced.

To ensure that the household is provided adequate notice of the sanction prior to the reduction of the TANF benefit, the TANF Eligibility Worker must send a TANF Sanction Notice no later than the close of business on the third to the last working day of a month. This will allow the household to receive the sanction notice no later than the date it would normally receive its TANF benefit.

If there is not enough time to provide adequate notice of a JOBS or Tribal NEW sanction and reduce the household's next TANF benefit, the TANF Eligibility Worker must wait until the first day of the next month to impose the sanction.

NOTE: When imposing a JOBS/Tribal NEW sanction for a current month, (i.e., a sanction imposed in January to be effective for the month of January), the sanction must be imposed prior to the end of the "Monthly Report Late Date," which is usually the 15th of the month. If the sanction is not imposed prior to that deadline, the eligibility worker must disregard the sanction. See 20-55-05-65 for an example.

In this instance, the JOBS or Tribal NEW sanction will result in an overpayment instead of the reduction of the household's TANF benefit during the sanction penalty month and the TANF Sanction Notice will provide the household with adequate notice of the future adverse action, i.e., the fact that recoupment of the overpayment will begin with the household's next TANF benefit.

Example 1: A sanction recommendation is received from

JOBS/Tribal NEW on the third to the last working day in the month in January.

After reviewing the case, the TANF Eligibility Worker makes a determination that a sanction is appropriate and that there is sufficient time to provide adequate notice and reduce the household's February, TANF benefit.

The TANF Eligibility Worker enters the sanction prior to the close of business on the third to the last working day of that month and immediately sends a TANF Sanction Notice. The sanction is effective February 1st.

The sanction results in the removal of the sanctioned individual's financial needs from the household's February TANF benefit.

Example 2:

A sanction recommendation is received from JOBS or Tribal NEW on January 30th. The TANF Eligibility Worker determines that a sanction is appropriate but there is not enough time to reduce the household's February benefit with adequate notice.

-

The TANF Eligibility Worker waits until the first working day of the next month (February) to impose the JOBS or Tribal NEW sanction, effective February 1st. The TANF Eligibility Worker creates and sends both a TANF Sanction Notice and an Overpayment Notice to the sanctioned individual and her or his household.

-

In this instance, the JOBS or Tribal NEW sanction results in an overpayment equal to the financial needs of the sanctioned individual in the sanction penalty month. Recoupment of the February overpayment will begin with the household's next TANF benefit.

NOTE: If the Eligibility Worker had failed to impose the above-mentioned JOBS/Tribal NEW sanction prior to the end of February's Monthly Report Late-Date, the Eligibility Worker would disregard the sanction and notify the JOBS/Tribal NEW coordinator that the sanction will not be imposed. If the individual continues to be out of compliance, a new recommendation for sanction should be made and the sanction process is to start over.

JOBS or Tribal NEW Participation During the Sanction Penalty Month 400-20-55-05-20

(Revised 11/1/07 ML #3114)

[View Archives](#)

An individual who is sanctioned for non-cooperation with JOBS or Tribal NEW remains in JOBS or Tribal NEW during the sanction penalty month, unless the individual's TANF case closes. A new JOBS or Tribal NEW referral is not required, unless the TANF case closes and reapplication is made.

Example 1:

A TANF Sanction Notice is sent to an individual on 01/17 informing the individual that she or he will be sanctioned effective 02/01 due to non-cooperation with JOBS or Tribal NEW.

The sanction notice instructs the individual to contact her or his JOBS or Tribal NEW coordinator immediately to begin a Proof of Performance (POP) and outlines the consequences for non-compliance. A new JOBS/Tribal NEW referral is not required since the individual's case has not closed.

Example 2:

A TANF Sanction Notice is sent to an individual on 01/17 informing the individual that she or he will be sanctioned effective 02/01 due to non-cooperation with JOBS or Tribal NEW.

On 01/25 the individual requests that her or his TANF case be closed at the end of the month. The TANF case closes on 01/31.

On February 11 the otherwise eligible individual reapplies for TANF. Since the case was closed on 01/31, a new JOBS or Tribal NEW referral must be created before the individual can complete a

POP.

**Curing a Sanction -- General Overview 400-20-55-05-25
(Revised 11/1/07 ML #3114)**

[View Archives](#)

NDAC § 75-02-01.2-79 (3). If the sanctioned individual does not cure the sanction prior to the end of the sanction penalty month, the sanction may progress to closure of the entire temporary assistance for needy families case.

NDAC § 75-02-01.2-79 (5) & (6). A job opportunity and basis skills program sanction, a tribal native employment works sanction, or a sanction for failure to comply with the social contract requirements, is cured only when the responsible individual demonstrates, to the satisfaction of the county agency, that the failure to cooperate or participate, as required, has been corrected for at least ten consecutive days.

To cure a sanction and avoid case closure based on sanction progression, a sanctioned individual must successfully complete a Proof of Performance (POP) in JOBS or Tribal NEW, as appropriate, with a cure date equal to the sanction penalty month.

To have a cure date equal to the sanction penalty month a sanctioned individual must: (a) Start and fully complete a POP prior to the end of the sanction penalty month; (b) Begin a POP in the sanction penalty month and subsequently complete it in the next month.

When appropriate, the expectations for the POP should be based on the individual's most recent EP. The expectations for the POP, as well as the expected end-date for the POP, shall be outlined on the individual's EP. A copy of the EP shall be provided to the participant as well as to the TANF Eligibility Worker.

For a JOBS or Tribal NEW sanction, the start date of a successfully completed POP is used as the cure date. A POP is considered "started" the day an individual meets with the JOBS or Tribal NEW

coordinator, in person or by phone, to modify the EP and outline the expectations for the POP.

If an individual fails or refuses to immediately and fully comply with the expectations of the POP, over the course of the entire required period of times (a minimum of ten days), the POP is considered to be incomplete. In this instance, an individual must begin and complete a new POP in order to cure the sanction.

Example 1: A sanctioned individual meets with her or his JOBS or Tribal NEW coordinator on 01/03 to modify the EP and outline the expectations for the POP. The individual successfully completes the POP on 01/13. The start date for the successfully completed POP is 01/03.

Example 2: A sanctioned individual meets with her or his JOBS or Tribal NEW coordinator on 01/03 to modify the EP and outline the expectations for the POP. The individual complies with the expectations of the POP for five days and then fails or refuses to continue. The POP is considered to be incomplete. The individual must begin and complete a new POP in order to cure the sanction.

Curing Sanctions Prior to Advanced Notice Deadline -- Case Closure 400-20-55-05-35

(Revised 11/1/07 ML #3114)

[View Archives](#)

If a sanctioned individual completes her or his Proof of Performance (POP) prior to the advanced notice deadline, the TANF case will not be set to auto-close at the end of the sanction penalty month. The individual's TANF case will remain open and the individual will be expected to continue participating in JOBS or Tribal NEW.

Example 1: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01. The individual meets with her or his JOBS or Tribal NEW coordinator on 01/06 and the expectations for the POP are listed on the EP. The individual successfully completes the POP on 01/16.

The TANF Eligibility Worker enters 01/06 as the sanction cure date. Since the sanction was cured prior to advanced notice deadline, the case will not be set to auto-close. The TANF case will remain open. The individual will be expected to continue her or his involvement in JOBS or Tribal NEW.

Curing After Advanced Notice Deadline -- Prior to the End of the Sanction Penalty Month 400-20-55-05-40

(Revised 11/1/07 ML #3114)

[View Archives](#)

If a sanctioned individual has not fully completed her or his Proof of Performance (POP) prior to the advanced notice deadline, the TANF case will be set to auto-close at the end of the sanction penalty month.

If a sanctioned individual completes her or his POP after advanced notice deadline but prior to the end of the sanction penalty month, the TANF Eligibility Worker enters the appropriate cure date. Entering a cure date, equal to the sanction penalty month, will prevent the sanction from progressing to case closure as long as the cure date is entered into the Vision system prior to, or on, the last day of that month.

Example 1: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01. The individual meets with her or his JOBS or Tribal NEW coordinator on 01/17 and the expectations for the POP are listed on her or his EP.

Based on the start date of the POP (01/17) it is impossible for the individual to fully complete a POP prior to advanced notice deadline. On advanced notice deadline, the TANF case is set to auto-close, effective 01/31.

On 01/31 the TANF Eligibility Worker is informed that the individual successfully completed the POP on 01/27.

The TANF Eligibility Worker immediately enters 01/17 (the start date of the successfully completed POP) as the sanction cure date. Since the cure date is equal to

the sanction penalty month, and was entered on, or prior to, the last day of the month, the TANF case does not close and the individual is expected to continue her or his involvement in JOBS or Tribal NEW.

If the TANF Eligibility Worker had failed to enter the cure date into the automated computer system prior to case closure, the TANF Eligibility Worker would need to revert the case to open and enter the appropriate cure date. See Section 400-20-55-05-45 for information regarding reverting a sanction progressed case to open.

Reverting a Sanction Progressed Case to Open 400-20-55-05-45

(Revised 11/1/07 ML #3114)

[View Archives](#)

The TANF Eligibility Worker may revert a sanctioned progressed case to open, if the TANF Eligibility Worker is informed by JOBS or Tribal NEW that:

1. An individual started a Proof of Performance (POP) during the sanction penalty month and subsequently completed it, as required, in the following month; or,
2. The sanctioned individual and her or his household remain otherwise eligible for TANF.

Once the TANF case has been reverted to open the TANF Eligibility Worker must enter the sanction cure date. A new JOBS or Tribal NEW referral does not need to be created when a case is reverted to open. However, the TANF Eligibility Worker should contact the JOBS coordinator immediately to let the coordinator know that the individual's case was reverted to open and that the individual is expected to continue her or his involvement in JOBS. The Eligibility Worker may share this information with JOBS by telephone, email, or through the use of an SFN 323 – JOBS Status Change.

Example: A sanction is imposed against an individual for non-cooperation with JOBS or Tribal NEW and will take effect on 01/01. The individual begins a POP on 01/19. Based on this start date, it will be impossible for the individual to complete a POP by advanced notice deadline

Since the sanction is not cured by advanced notice deadline, the case is set to auto-close, effective 01/31.

On 02/03 the TANF Eligibility Worker is informed that the individual successfully completed the POP that was started on 01/19 prior to the end of (January) the sanction penalty month.

If the sanctioned individual and her or his household remain otherwise eligible for TANF, the TANF Eligibility Worker reverts the case to open and enters the sanction cure date (the date the POP was started - 01/19).

Curing a JOBS or Tribal NEW Sanction After Case Closure Due to Sanction Progression 400-20-55-05-50

(Revised 11/1/07 ML #3114)

[View Archives](#)

If a TANF case progresses to close due to a JOBS or Tribal NEW sanction, an otherwise, eligible sanctioned individual will be required to cure the outstanding JOBS or Tribal NEW sanction (following the month of ineligibility) before the sanctioned individual and her or his household may be considered eligible for TANF.

NOTE: A sanctioned individual is not allowed to cure a sanction during the month of ineligibility unless the individual meets the criteria for allowing an exception, to the sanction policy, as outlined in Section 20-55-05-85.

After being determined otherwise eligible for TANF, the sanctioned individual is to be referred to the JOBS/Tribal NEW program, as soon as possible, to complete a Proof of Performance (POP).

Only one POP may be attempted per application when an individual is attempting to cure a JOBS or Tribal NEW sanction, after case closure, due to sanction progression.

A sanctioned individual (JOBS or Tribal NEW) must: (1) Contact the JOBS/Tribal NEW program within seven days from the print date of the referral and schedule an appointment to begin a POP period; (2) Start the POP as scheduled; and (3) Comply with the requirements of the POP; and (4) Fully complete the POP within 30 days from the date of the application.

If the individual fails to complete these tasks, the individual's application shall be denied.

NOTE: The TANF Eligibility Worker may extend the 30-day time limit for processing a TANF application due to extenuating circumstances, such as timing delays on the part of the county, JOBS, or Tribal NEW. See Section 400-17-25-45 for additional information on this topic.

Example 1: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01. The individual fails to cure the JOBS or Tribal NEW sanction in the sanction penalty month (January) and the entire TANF case closes 01/31. As a result, February becomes the month of ineligibility.

The otherwise eligible, sanctioned individual and her or his household reapply for TANF on 02/14. Since February is the month of ineligibility, the February application is denied.

Example 2: An individual is sanctioned for non-cooperation with JOBS/Tribal NEW effective 01/01. The individual fails to cure the sanction in the sanction penalty month (January) and the entire TANF case closes 01/31. Since February is the month of ineligibility, the February application is denied.

The otherwise eligible, sanctioned individual and her or his household reapply for TANF on 03/26. The sanctioned individual is referred to JOBS/Tribal NEW on 03/26.

The individual fails to contact JOBS/Tribal NEW within seven (7) calendar days from the print date on the referral letter and the individual's application for TANF is denied.

If this same individual had contacted JOBS/Tribal NEW as required but then failed to: (1) Start the POP as scheduled; or (2) Failed to comply with the requirements of the POP; or (3) Failed to fully complete the POP within 30 days from the individual's application would be denied unless there were extenuating circumstances.

NOTE: The TANF Eligibility Worker may extend the 30-day time limit for processing a TANF application due to extenuating circumstances, such as timing delays on the part of the county, JOBS, or Tribal NEW. See Section 400-17-25-45, "Timeliness Standards for Processing Request for Benefits," for additional information on this topic.

Example 3: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01. The individual fails to cure the JOBS or Tribal NEW sanction in the sanction penalty month (January) and the entire TANF case closes the end of January. As a result, February becomes the month of ineligibility.

The otherwise, eligible sanctioned individual and her or his household reapply for TANF on 03/26. A referral to JOBS or Tribal NEW is made on the same day.

The individual: (1) Contacts JOBS or Tribal NEW within the referral compliance deadline (seven days from the referral print date) to schedule a time to start a POP; (2) Starts the POP as scheduled; (3) Complies with the requirements of the POP; and (4) Successfully completes the POP on 04/14.

The TANF eligibility worker enters the referral date (03/26) as the sanction cure date. Based on the successful completion of the POP, the individual and her or his household are eligible for TANF beginning on 03/26 (Reapplication date).

Example 4: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01. The individual fails to cure the JOBS or Tribal NEW sanction in the sanction penalty month (January) and the entire TANF case closes at the end of that month. As a result, February becomes the month of ineligibility.

The otherwise, eligible, sanctioned individual and her or his household reapply for TANF on 03/26. A referral to JOBS or Tribal NEW is not made until March 30.

The individual contacts JOBS/Tribal NEW on April 6 (within the seven-day referral compliance deadline) to schedule a time to start a POP. Due to temporary staffing problems, JOBS/Tribal NEW is unable to meet with the client to develop an employability plan and start the POP until April 21.

The individual meets with JOBS/Tribal NEW as scheduled and starts her or his POP on April 21.

Based on the fact that a POP must be a minimum of 10-days in length, the earliest potential completion date for the client's POP will be May 1.

Due to this extenuating circumstance, the eligibility worker takes no action on the individual's TANF application until word is received on the outcome of the client's POP.

If the client successfully completes the POP as required, the eligibility worker changes the individual's sanction from "Active" to "Cured" using the individual's referral date (March 30) as the cure date.

The individual and her or his household are then provided a TANF benefit prorated back to the March 26 application date.

Example 5:

Example 5: An individual is sanctioned for non-cooperation with JOBS or Tribal NEW effective 01/01.

The individual fails to cure the JOBS or Tribal NEW sanction in the sanction penalty month (January) and the entire TANF case is closed at the end of that month.

- As a result, February becomes the month of ineligibility.

- The otherwise eligible, sanctioned individual and her or his household reapply for TANF eighteen months following the 01/01 JOBS or Tribal NEW sanction.

- The otherwise, eligible sanctioned individual is required to cure the outstanding JOBS or Tribal NEW sanction (no matter how long ago it was imposed) before the individual and her or his household may be considered eligible for TANF, unless the individual is now exempt or has been granted good cause.

- This means the individual must: (1) Contact the JOBS/Tribal NEW program within seven days from the print date of the referral and schedule an appointment to begin a POP period; (2) Start the POP as schedule; (3) Comply with the requirements of the POP; and (4) Fully complete the POP within 30 days from the date of the TANF application, unless the eligibility worker determines there are extenuating circumstances, such as timing delays on the part of the county, JOBS or Tribal NEW. See Section 400-17-25-45, "Timeliness Standards for Processing Request for Benefits," for additional information on this topic.

- NOTE: Only one POP may be attempted per application when an individual is attempting to cure after the TANF case has closed due to sanction progression.

Sanction Penalty Month and Month of Ineligibility Become Fixed in Time 400-20-55-05-60

(Revised 11/1/07 ML #3114)

[View Archives](#)

Once a JOBS or Tribal NEW sanction becomes effective, the sanction penalty month and month of ineligibility become fixed in time.

If an individual's TANF case is reverted to open, the sanction penalty month and month of ineligibility are applicable and become fixed in time. See Service Chapter 400-17-75-35 for a list of revert to open reasons.

Example 1: An individual requests to have her or his TANF case closed at the end of January, prior to the 02/01 effective date of a JOBS or Tribal NEW sanction. The case is closed on 01/31. The JOBS or Tribal NEW sanction becomes effective on 02/01 and February becomes the sanction penalty month.

The otherwise eligible, sanctioned individual reapplies for TANF on 02/14. The remaining household members are allowed to receive a prorated TANF benefit for February, but the sanctioned individual's financial needs will not be included in the household's benefit because February is the sanction penalty month.

The individual must successfully complete a Proof of Performance (POP) with a cure date equal to the sanction penalty month, or the entire TANF case will be closed. If the sanction progresses to case closure, the sanctioned individual and her or his household will be ineligible for TANF in March (Month of ineligibility).

Example 2: An individual requests to have her or his TANF case closed at the end of January, prior to the 02/01 effective date of a JOBS or Tribal NEW sanction. The TANF case is closed on 01/31. The JOBS or Tribal NEW sanction becomes effective 02/01 and February becomes the sanction penalty month.

The sanctioned individual reapplies for TANF on 03/01. Since the JOBS or Tribal NEW sanction was not cured in the sanction penalty month, March becomes the month of ineligibility. The March application is denied because the sanctioned individual and her or his household are ineligible for TANF during the month of March.

Imposing a Sanction on a Closed TANF Case 400-20-55-05-65

(Revised 1/1/06 ML #3004)

[View Archives](#)

In the month immediately following case closure, a JOBS or Tribal NEW sanction should be imposed against an individual if all of the following criteria are met:

1. The TANF Eligibility Worker received the recommendation for a JOBS or Tribal NEW sanction prior to case closure;
2. Good cause determination was offered with proper notice provided, i.e., the individual was properly notified of her or his opportunity to show good cause for the failure or refusal to participate; and
3. The JOBS or Tribal NEW participant either failed to show good cause for her or his noncompliance with JOBS or Tribal NEW or the participant failed to contact her or his coordinator to share their good cause reason within the allowed time period (seven calendar days from the print date of the good cause determination notice).

After determining that the above criteria have been met, either for a JOBS or Tribal NEW sanction, the TANF Eligibility Worker should revert the case to open and then impose the sanction.

NOTE: Use the notice entitled "TANF Sanction Notice – Closed TANF Case". Do not use the regular TANF Sanction Notice when imposing a sanction on a TANF case that has closed, since the regular sanction notice does not accurately explain the impact of the sanction on a closed TANF case. See Section 20-55-05-70 – Impact of a JOBS/Tribal NEW Sanction Upon Reapplication.

If you are unable to revert the case to open, contact the Help Desk for assistance.

NOTE: When imposing a JOBS/Tribal NEW sanction for a current month (i.e., sanction imposed in October to be effective for the

month of October), the sanction must be imposed prior to the end of the "Monthly Report Late-Date," which usually occurs on the 15th of a month. If the sanction is not imposed prior to that deadline, the Eligibility Worker must disregard the sanction.

Example: An individual requests to close her or his case at the end of September. On September 29, the TANF Eligibility Worker receives a recommendation to sanction the individual for October.

The Eligibility Worker reviews the case and determines that the individual was properly notified of the opportunity to show good cause and that the individual either failed to show good cause, or failed to keep her or his good cause determination appointment.

Since the individual's TANF case will be closed on September 30, the Eligibility Worker waits until the first working day in October to impose the sanction to be effective October 1.

The Eligibility Worker correctly uses the notice entitled "TANF Sanction Notice – Closed TANF Case" since that notice accurately describes the effect of a sanction on a closed TANF case.

If the Eligibility Worker had not imposed the October sanction, described above, prior to October's Monthly Report Late-Date, the Eligibility Worker would have had to totally disregard the sanction per policy.

Impact of a JOBS or Tribal NEW Sanction Upon Reapplication 400-20-55-05-70

(Revised 8/1/06 ML #3033)

[View Archives](#)

When a sanctioned (JOBS/Tribal NEW) individual's TANF case closes, the sanction will have the following impact upon the individual's reapplication:

1. Sanction Impact When Reapplication Occurs During the Sanction Penalty Month – JOBS or Tribal NEW Sanctions.

If an otherwise eligible, sanctioned individual and her or his household reapply for TANF during the sanction penalty month, the sanctioned individual's financial needs will not be included in the household's prorated TANF benefit for that month (sanction penalty month).

The sanctioned individual is required to successfully complete a Proof of Performance (POP); with a cure date equal to the sanction penalty month, or the entire TANF case will close at the end of the sanction penalty month. If the JOBS or Tribal NEW sanction progresses to case closure, the sanctioned individual and her or his household will be ineligible for TANF in the month following the sanction penalty month (month of ineligibility).

Since the individual's TANF case closed, a new JOBS or Tribal NEW referral will need to be created and sent. A new CSE referral is automatically created unless it is determined that the individual now has good cause.

NOTE: During the sanction penalty month, the time limit for contacting JOBS within seven (7) calendar days is not applicable. It is in the sanctioned individual's best interest to contact JOBS or Tribal NEW immediately to cure the sanction. The sanctioned individual must successfully complete a POP with a cure date equal to the sanction penalty month. If the

individual fails to cure the sanction, in the sanction penalty month, the entire TANF case will be closed at the end of the sanction penalty month.

2. **Sanction Impact When Reapplication Occurs During the Month of Ineligibility -- JOBS or Tribal NEW Sanctions.**

If a sanctioned individual and her or his household reapply for TANF during the month of ineligibility, the application shall be denied, unless the individual meets the exception criteria listed in Section [20-55-05-85](#).

NOTE: If an exception is allowed under Section 20-55-05-85 and the individual is referred to JOBS/Tribal NEW program, the outstanding sanction will have the same impact on the individual as it would if she or he had reapplied following the month of ineligibility. See subsection 3 below for details on the impact of a sanction when reapplication occurs following the month of ineligibility.

3. **Sanction Impact When Reapplication Occurs Following the Month of Ineligibility – JOBS or Tribal NEW Sanctions.**

If a sanctioned individual and her or his household reapply for TANF following the month of ineligibility, the sanctioned individual must complete a Proof of Performance (POP) before anyone in the household may be eligible for a TANF benefit.

Since the sanctioned individual's case was closed, a new JOBS or Tribal NEW referral must be created and sent. A new CSE referral will be automatically created unless it is determined that the individual now has good cause.

The sanctioned individual is required to: (1) Contact JOBS/Tribal NEW within seven days from the print date of the referral and schedule an appointment to begin a POP; (2) Begin the POP as scheduled; (3) Comply with the requirements of the

POP; and (4) Fully complete a POP within 30 days from the date of application.

If the individual fails to complete these tasks, the JOBS/Tribal NEW coordinator is to notify the county, and the individual's application shall be denied.

NOTE: The TANF Eligibility Worker may extend this 30-day time limit due to extenuating circumstances such as timing delays on the part of the county, JOBS, or Tribal NEW.

Only one POP (JOBS or Tribal NEW) may be attempted per application. NOTE: A POP must be a minimum of ten days in length. However, more than ten days may be required when determined appropriate.

A Client's Right to Appeal the Adverse Effects of a Sanction -- Fair Hearings 400-20-55-05-75

(Revised 8/1/06 ML #3033)

[View Archives](#)

TANF clients are informed, via the TANF Sanction Notice, of their right to appeal the adverse effects of a sanction. Clients have the right to make a written request for a Fair Hearing within thirty calendar days from the print date of the sanction notice.

When an individual submits a written appeal, in a timely manner (either prior to the effective date of the sanction or within ten-calendar days from the print date of the sanction notice, whichever is later), any action to reduce the individual's TANF benefit (based on the sanction penalty) must be placed on hold pending the outcome of the Fair Hearing, unless the individual requests to have her or his benefits reduced. See Service Chapters [400-20-70](#) (JOBS), "Fair Hearings," and 400-17-105-20 (TANF), "Fair Hearings."

NOTE: When a sanctioned JOBS/Tribal NEW participant in an ongoing TANF case requests a Fair Hearing in a timely manner, the Eligibility Worker must create and a "TF Benefits Pending Hearing Decision" notice immediately after placing the individual's sanction on hold.

Doing so will provide official notice to the individual that if she or he completes a POP, prior to the end of the sanction penalty month, it will reduce the financial consequences of the sanction, in the event that the individual loses the appeal.

If an individual's hearing request is not considered timely but is received within 30 days from the print date of the sanction notice, the hearing request will be honored, but the sanction will not be placed on hold and benefits will not be paid, pending the outcome of the hearing. If there is no cure date equal to the sanction penalty month, the sanctioned individual's case will fail at the end of the sanction penalty month.

If an individual submits a written appeal, in a timely manner, and the individual's needs have already been removed from the household's TANF benefit, the TANF Eligibility Worker shall create an underpayment for that month and issue a supplemental payment to the household. An otherwise eligible individual and her or his household shall continue to receive a monthly TANF benefit pending the outcome of the Fair Hearing.

Even though an individual's sanction may have been placed on hold, as a result of a timely appeal (submitted prior to the effective date of the sanction or within ten-calendar days from the date of the sanction notice, whichever is later), it is in the sanctioned individual's best interest to cure the sanction during the sanction penalty month. Doing so will reduce the consequences of the sanction in the event the individual loses the appeal.

If the individual wins the appeal, the sanction is removed and a financial penalty is not applied to the case.

An otherwise eligible individual may choose to participate in JOBS or Tribal NEW during the appeals process. If the individual loses the appeal, any benefits paid, which the individual was not actually eligible to receive, will be considered overpayments and will be recouped from any future TANF benefit months.

Example 1: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual voluntarily participates in JOBS or Tribal NEW and completes a POP with a cure date equal to the sanction penalty month.

On 03/28 the administrative law judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active and enters a cure date equal to the sanction penalty month.

As a result, it is determined that the individual received an overpayment equal to her or his financial needs during the sanction penalty month only. The case does not fail at the end of March and the

individual is expected to continue participation in JOBS or Tribal NEW.

Example 2: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW at any time during the appeal process.

On 03/28 the administrative law judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active. Because the sanction was not cured in the sanction penalty month or any subsequent months, the TANF Eligibility Worker processes the appropriate overpayments through March and the case fails at the end of March.

Example 3: An individual is sanctioned effective 01/01. The individual appeals in a timely manner and the sanction is placed on hold. The individual chooses to not participate in JOBS or Tribal NEW during the sanction penalty month.

On 02/15 the individual volunteers to begin participating in JOBS or Tribal NEW. No referral is needed if the individual is in an ongoing case. Even though a referral is not required, the TANF Eligibility Worker contacts JOBS or Tribal NEW to let them know that the individual is asking to return and asks the coordinator to keep them informed of the individual's involvement.

On 03/02 the administrative law judge upholds the county's decision to impose the sanction. The TANF Eligibility Worker changes the sanction to active.

The TANF Eligibility Worker contacts JOBS or Tribal NEW and is told that the individual resumed their participation on 02/18 and that the individual has been cooperating with program requirements since that time.

The TANF Eligibility Worker decides that since the goal

of JOBS/Tribal NEW is to help individuals become self-sufficient, and the individual has been cooperating in JOBS or Tribal NEW for at least 10 consecutive days, the sanction should be cured effective 03/02.

In this particular case, the start-date of the POP (02/18) cannot be entered as the cure date because an individual is not allowed to cure a sanction during the Month of Ineligibility.

NOTE: Refer to Section 20-55-05-85 for information regarding an exception to this policy.

Because the sanction was cured effective 03/02, the sanction will result in an overpayment equal to the sanctioned individual's financial needs for the sanction penalty month, plus a total overpayment for the month of ineligibility.

The March benefits are not considered an overpayment. The case does not fail at the end of March and the individual is expected to continue participating in JOBS or Tribal NEW.

An individual who chooses to participate in JOBS or Tribal NEW during the appeal process will continue to receive authorized supportive services payments (paid through the county/state) as reimbursement for expenses related to actual participation in JOBS.

If an individual chooses not to participate in JOBS or Tribal NEW during the appeal process, JOBS supportive services payments, with the possible exception of childcare assistance, are not to be made available to the individual.

In the event that an individual loses the appeal, the individual's portion of the TANF grant paid during the appeal process will always be considered an overpayment, subject to recoupment. Supportive services paid during the appeal process are not to be considered an overpayment and are not to be subject to recoupment.

To provide transportation assistance to an individual who has chosen to participate in JOBS during the appeal process, and avoid having that payment later be viewed as an overpayment if the individual

loses the appeal, the TANF Eligibility Worker should go into the benefit month prior to the appeal to process the transportation assistance payment.

Refer to Section [400-20-70](#), "Fair Hearings," for additional information on Fair Hearings.

Effect of Good Cause, Exemption and Participation Status Changes on the Sanction Process 400-20-55-05-80

(Revised 11/1/07 ML #3114)

[View Archives](#)

Once a JOBS/Tribal NEW sanction is imposed (entered into the automated computer system), the sanctioned individual must serve the one-month sanction penalty, even if the individual becomes exempt, is granted good cause, or has a change in participation status.

If an individual becomes exempt (system determined) or is granted good cause (worker determined) for JOBS in the sanction penalty month, or in the month prior to the sanction penalty month, the TANF Eligibility Worker shall end the JOBS sanction with an end date equal to the last day of the sanction penalty month. The individual remains sanctioned for JOBS (DI) during the sanction penalty month, but the case will not close due to progression of the JOBS sanction.

If an individual's participation status changes prior to the effective date of a JOBS sanction, the JOBS sanction will remain in effect.

Exception to TANF/JOBS Sanction Policy 400-20-55-05-85

(Revised 11/1/07 ML #3114)

[View Archives](#)

Under the TANF/JOBS sanction policy, if a sanctioned individual fails to complete a proof of performance (POP), with a cure date equal to the sanction penalty month, the individual's TANF case will close at the end of the sanction penalty month and the sanctioned individual and her or his household will be ineligible for TANF in the month immediately following the sanction penalty month.

If the sanctioned individual and her or his household reapply for TANF in the month of ineligibility, the application is denied and the sanctioned individual is not allowed to cure her or his sanction during the month of ineligibility.

In some instances a sanctioned individual may actually be prevented, through no fault, action, or inaction of her or his own, from completing a proof of performance with a cure date equal to the sanction penalty month.

This subsection of policy has been created to allow a TANF Eligibility Worker, in the specific situation listed below, to make an exception to the regular sanction policy and allow the sanctioned individual an opportunity to cure her or his JOBS or Tribal NEW sanction, in the month of ineligibility.

The Department authorizes TANF Eligibility Workers to allow an exception to the sanction policy in the following situation:

A sanctioned individual and her or his household are ineligible for TANF in the sanction penalty month due to excess income and ineligibility is not related to the financial penalty of the sanction. The sanctioned individual and her or his household reapply for TANF in the month of ineligibility. In this situation, the sanctioned individual was prevented, through no fault, action, or inaction of her or his own, from curing a JOBS or Tribal NEW sanction as required.

Before allowing an exception to policy, the TANF Eligibility Worker must first determine that the individual and her or his household would have been income ineligible, even if a sanction had not been imposed.

If reapplication for TANF is made in the month of ineligibility and the TANF Eligibility Worker determines that the sanctioned individual and her or his household would have been income ineligible, even without being sanctioned, the following process must be used:

1. The TANF Eligibility Worker shall refer (emergency referral) the sanctioned individual to the JOBS or Tribal NEW program.
2. The sanctioned individual is required to fully complete a proof of performance within 30 days from the date of application, unless it is determined that there are extenuating circumstances, such as timing delays on the part of the county, JOBS, or Tribal NEW.

If the TANF Eligibility Worker determines there are extenuating circumstances, the TANF Eligibility Worker may allow the individual additional time to fully complete the proof of performance.

3. If the sanctioned individual successfully completes the proof of performance, as required, the TANF Eligibility Worker must enter a cure date equal to the last day of the sanction penalty month.

NOTE: In this instance, you may not use the start date of the proof of performance as the cure date because the Vision system will not allow you to enter a cure date equal to the month of ineligibility.

An exception to the sanction policy may only be made in the specific situation discussed above. Examples of situations in which an exception may not be made include:

1. If a sanctioned individual and her or his household reapply following the month of ineligibility, there is no need to make an exception to the sanction policy. If a sanctioned individual and her or his household reapply for TANF following the month of ineligibility, no one in the sanctioned individual's household is eligible for a TANF benefit until the sanctioned individual

completes a proof of performance. See Section 400-55-05-70(3) for additional information on the impact of a sanction following the month of ineligibility.

2. If an individual's case closes prior to the effective date of a JOBS or Tribal NEW sanction and the closing reason is related to the action or inaction of the sanctioned individual, such as an individual's request to close her or his case, income ineligibility that is related to the sanction, an individual's failure to turn in a completed monthly report, an exception to policy is not allowed or necessary.

If an otherwise eligible, sanctioned individual's case closes prior to the effective date of a JOBS or Tribal NEW sanction and the closing reason is related to the action or inaction of the sanctioned individual, the otherwise eligible, sanctioned individual is allowed to reapply for TANF in the sanction penalty month.

In this instance, the financial needs of the sanctioned individual are not included in the TANF benefit (sanction penalty month) but the other eligible individuals in the household are eligible for a full or prorated TANF benefit, based on the date of application. The sanctioned individual is then required to complete a proof of performance with a cure date equal to the sanction penalty month.

Failure to complete a proof of performance with a cure date equal to the sanction penalty month will result in the sanction progressing to case closure at the end of the sanction penalty month.

It is the sanctioned individual's responsibility to reapply early enough in the sanction penalty month to allow sufficient time to complete a proof of performance with a cure date equal to the sanction penalty month. If the sanctioned individual does not reapply early enough in the sanction penalty month to complete a proof of performance with a cure date equal to the sanction penalty month, the individual's TANF case will be closed at the end of the month.

Reduction of TANF Grant During Sanction Penalty Month 400-20-60

(ML #2858 Rev. 3-03)

[View Archives](#)

During the sanction penalty month, the needs of the sanctioned individual will not be taken into account when determining the family's need for assistance and the amount of the TANF benefit.

A sanctioned individual's income and assets must be considered when determining eligibility. Income disregards and employment incentives are applied to the income of the sanctioned individual.

If the sanctioned individual is the only [dependent](#) child in the TANF case, the family may still be eligible for TANF assistance. Only the needs of the dependent child are removed in determining the assistance payment.

If the sanctioned individual is a parent or other caretaker relative, assistance payments for the remaining members of the TANF case may be in the form of protective payments. However, if the eligibility worker, after a reasonable effort, has been unable to locate an appropriate individual to whom the protective payment can be made, the assistance payment may be made to the sanctioned caretaker.

Fair Hearings 400-20-70

(Revised 8/1/05 ML #2975)

[View Archives](#)

When adverse action is taken against an individual in the TANF/JOBS Program and the individual requests a fair hearing, the fair hearing will be conducted by the Office of Administrative Hearings in accordance with NDAC § [75-01-03](#).

The TANF Eligibility Worker must arrange to have appropriate JOBS staff testify at the fair hearing. The TANF Eligibility Worker must notify the DHS Appeals Supervisor if the appellant is represented by legal counsel to ensure that legal counsel is also provided for the county.

If the TANF Eligibility Worker believes that legal counsel is necessary in cases where the appellant is not represented, a request with rationale for counsel must be sent to the DHS Appeals Supervisor at 600 East Boulevard Avenue, Dept. 325, Bismarck, ND 58505-0250.

The JOBS coordinator and/or the TANF Eligibility Worker are responsible to compile a chronological written history of the individual's involvement and non-compliance with JOBS program requirements.

The following procedure should be followed when an individual requests a fair hearing:

1. If the individual mails the [SFN 162](#) -- Request for Hearing -- to the county social service office, the request form envelope should be date stamped upon receipt. The postmarked envelope is needed to determine the timeliness of the individual's request. The Request for Hearing form should be immediately mailed to the DHS Appeals Supervisor at the address noted above;
2. If the individual hand delivers the SFN 162 -- Request for Hearing -- to the county, the request form should be:

- a. Date stamped upon receipt, with a notation made on the form that it was hand delivered;
 - b. Immediately mailed to the DHS Appeals Supervisor at the address noted above; and
3. The DHS Appeals Supervisor will then send a copy of the SFN 1784 -- Appeal Background Report -- to the TANF Eligibility Worker and request that he or she complete the report and mail it along with all pertinent documents relating to the appeal, such as Good Cause Determination notices, sanction notices, etc., to the DHS Appeals Office at the address noted above.

NOTE: An individual is not required to use SFN 162 – Request for Hearing – when filing an appeal. However, the individual's request for a hearing must be made in writing. A request for a fair hearing must be submitted within 30 days from the print date of the sanction notice.

When an individual appeals the adverse effects of a sanction in a timely manner (either prior to the effective date of the sanction or within ten-calendar days from the print date of the sanction notice, whichever is later) any action to reduce the individual's TANF benefit (based on the sanction penalty) must be placed on hold pending the outcome of the Fair Hearing, unless the individual requests to have her or his benefit reduced. See Service Chapter 400-17-105-20, "Benefits to Continue Pending Fair Hearing Decision."

If an individual submits a written appeal, in a timely manner, and the individual's needs have already been removed from the household's TANF benefit, the TANF Eligibility Worker shall create an underpayment for that month and issue a supplemental payment to the household. An otherwise eligible individual and her or his household shall continue to receive a monthly TANF benefit, as appropriate, pending the outcome of the Fair Hearing.

NOTE: For information about providing supportive services to an individual who chooses to participate in JOBS during the appeal process, please refer to Sections [400-20-40](#), "Supportive Services," and [400-20-55-05-75](#), "A Client's Right to Appeal the Adverse Effects of a Sanction."

Grievance Resolution Process for JOBS Participants 400-20-75

(ML #2811 Rev. 12-02)

[View Archives](#)

The grievance resolution process is designed to allow a JOBS participant an opportunity to resolve complaints or grievances separate from the [Fair Hearing](#) process. Grievance resolution may involve, but is not limited to, participant disputes over work assignments, allegations of discrimination, or inappropriate treatment by program staff.

Procedure

1. A JOBS participant who is dissatisfied with the adequacy or appropriateness of services should first attempt to resolve her or his complaint or grievance by speaking with the JOBS coordinator.
2. If a satisfactory solution is not reached, the JOBS participant may submit a written request, to the JOBS coordinator, to meet with the coordinator's supervisor to attempt to resolve the complaint or grievance.
3. If a JOBS participant requests a grievance resolution meeting, arrangements must be made to hold the meeting as soon as possible and at such a time and place that will allow the participant the opportunity to attend and present evidence of her or his complaint or grievance.

The JOBS participant must be provided a written notice of the date, time, and place of the grievance resolution meeting at least seven (7) calendar days in advance of the meeting.

4. Within ten (10) calendar days following the grievance resolution meeting, the JOBS participants must be provided a written decision regarding her or his complaint or grievance along with the objective reasons for the decision.

In keeping with the equal opportunity provisions of Title VI of the Civil Rights Act of 1964, if a JOBS participant's grievance, involving potential discrimination, cannot be resolved informally by the local

JOBs staff, the participant's case should be referred to the Department's Civil Rights Officer.

Disqualification for Intentional Program Violation (IPV) 400-20-80

(Revised 10/1/04 ML #2935)

[View Archives](#)

An individual who is disqualified from TANF due to an Intentional Program Violation (IPV) is not allowed to participate in JOBS or receive transitional supportive services.

When an individual is disqualified from TANF due to an IPV, either before or after case closure, the TANF Eligibility Worker should contact the JOBS coordinator and the Child Care Assistance coordinator, as appropriate, to inform them of the IPV.

Tribal Native Employment Works (NEW) Program 400-20-85

(ML #2811 Rev. 12-02)

[View Archives](#)

NDAC 75-02-01.2-86. Job opportunities and basic skills program- Tribal native employment works program. Tribal native employment works programs are available to enrolled or enrollable members of tribes who live in that tribe's service area, who receive a temporary assistance for needy families cash grant, and who reside in a county within which there is a tribal native employment works program. An individual who participates in a tribal native employment works program shall meet all work requirements described in this chapter. The county agency shall:

- 1. Refer [nonexempt](#) eligible individuals to the tribal native employment works program based on referral criteria established by a memorandum of understanding between the tribe and the department;**
- 2. Provide child care payments to authorized tribal native employment works program participants, for activities which may be approved under the state child care and development fund plan submitted under the Child Care and Development Block Grant Act of 1996 [42 U.S.C. 9858], based on information furnished by the tribal program; and**
- 3. Upon notification from the tribal program, consider sanctioning individuals for failure or refusal to participate in the program without [good cause](#).**

Tribal NEW Service Areas 400-20-85-05

(Revised 4/1/08 ML #3163)

[View Archives](#)

The Tribal Native Employment Works (NEW) Programs may provide services to Native Americans who reside within the Tribal Service Area as defined in the Memorandum of Understanding (MOU) between the Department of Human Services, the Tribe, and the applicable county social service board(s).

Based on NDAC § [75-02-01.2-86](#) and the States TANF plan, participants in the Tribal NEW program are considered to meet all TANF work requirements. Tribal NEW participants are excluded in the work participation rate calculation, or included if the work eligible individual meets the minimum number of required hours in a federal work activity and meets the verification requirement attached to federal reporting of hours of participation in a federal work activity.

Tribal NEW Referrals 400-20-85-10

(Revised 8/1/05 ML #2975)

[View Archives](#)

The MOU between the Department, the County Director's Association, and the four Tribal NEW programs in the State, defines the criteria for referral to Tribal NEW.

TANF Eligibility Workers from any county in the state are now to refer [non-exempt](#) TANF applicants/recipients, along with exempt volunteers, to Tribal NEW, in accordance with Section 400-20-20-05, and the referral criteria contained in the MOU.

Individuals who are referred to Tribal NEW must comply with "Up-front Eligibility" requirements as outlined in Section 20-20-05. Those individuals, who are required to contact Tribal NEW within seven (7) calendar days to schedule an appointment to begin involvement in Tribal NEW and fail to do so, will have their TANF application denied.

Individuals who comply with the "Up-front Eligibility" requirement but who do not follow through with their initial appointment with Tribal NEW shall be sanctioned if good cause is not shown.

Client Referrals/Transfers from Tribal NEW to JOBS

TANF applicants/recipients who are initially referred to the Tribal NEW program are to remain with the Tribal NEW program until the TANF case to which they are assigned has closed for a minimum of 30 days; or until they have completed the goals and objectives identified in their Tribal NEW employability plan; or the goals and objectives of their Tribal NEW employability plan are no longer applicable.

When a Tribal NEW participant has completed the goals and objectives listed on her or his Tribal NEW employability plan (i.e., the client has completed her or his two or four year degree) or the goals and objectives listed on her or his Tribal NEW employability

plan are no longer applicable (i.e., the individual has dropped out of school or no longer plans on completing the educational program) the individual should be referred to the state JOBS program unless:

1. The individual is now exempt; or
2. The individual has been granted good cause for non-participation in the JOBS program.

See Section [400-20-90-50](#), "Tribal NEW Memorandum of Understanding," for the specific referral criteria that are to be used when making referrals to one of the four Tribal NEW programs in the State.

For a listing of the Tribal NEW Coordinators' names, mailing addresses, phone numbers, fax numbers, and email addresses, please see Section [400-20-90-55](#), "Tribal NEW Coordinators' Directory."

Tribal NEW Employability Plans 400-20-85-15

(Revised 10/1/04 ML #2935)

[View Archives](#)

Tribal NEW must provide the TANF Eligibility Worker with an initial Employability Plan (EP) for all Tribal NEW participants within 30 calendar days from the date of referral. Copies of updated EPs must be provided to the TANF Eligibility Worker as specified in the MOU. The county will not pay [supportive services](#) without a copy of the most recent approved EP.

Tribal NEW may approve an EP for a Tribal NEW participant to complete education outside the Tribal NEW service area if the following conditions are met:

1. The individual is a Tribal NEW participant; and
2. Tribal NEW provides an EP to the county where the individual will reside prior to relocation for school. The EP must specify the approved training, beginning and ending dates, and include a class schedule at the beginning of each school term.

Tribal NEW must advise the county immediately if there is any change in school status. If a Tribal NEW participant withdraws from school and continues to reside in a non-tribal NEW area, the individual may continue to be a Tribal NEW participant if the EP is revised and received by county social services within 30 calendar days of the date of her or his withdrawal from school.

If the EP is not revised within 30 calendar days or if Tribal NEW terminates the individual's participation in Tribal NEW, the individual shall be referred to the State JOBS Program.

Tribal NEW Sanctions 400-20-85-20

(Revised 4/1/08 ML #3163)

[View Archives](#)

Tribal NEW may request that county social services impose a sanction against a Tribal NEW participant. The process for imposing a sanction against a Tribal NEW participant is the same as that described in Section [400-20-55-05](#), "Sanction Penalties and Processing."

A sanction recommended by Tribal NEW will have the same impact on an individual and will be processed by the TANF eligibility worker in the same manner as a sanction recommended by the state JOBS program.

When action is taken to reduce a Tribal NEW participant's TANF grant, the individual has a right to appeal the adverse action. An appeal regarding a TANF grant reduction will be heard by the Office of Administrative Hearings in accordance with NDAC § 75-01-03. See Section [20-70](#), "Fair hearings," for additional information regarding the appeal process.

A Tribal NEW participant may also have appeal rights with respect to decisions or actions made within the Tribal NEW program. Tribal NEW participants should be encouraged to speak with the Director of their respective Tribal NEW program to determine their right to and process for appeals within Tribal NEW.

Tribal NEW Supportive Services 400-20-85-25

(Revised 11/1/07 ML #3114)

[View Archives](#)

A Tribal NEW participant may choose to receive Child Care Assistance and transportation assistance through the county/state instead of receiving those supportive services through the Tribe. All other available supportive services are to be provided through the Tribal NEW program.

Consistent with Service Chapter 400-26-10-03-01, the individual's need and eligibility for Child Care Assistance will be determined and authorized by county social services, based on the activities identified on the individual's Tribal NEW Employability Plan (EP).

NOTE: Child Care Assistance for an activity not listed on the individual's Tribal NEW EP is only allowable when coverage for that activity would normally be provided to non-TANF families by the CCAP.

Transportation assistance for authorized activities may be provided through the county/state when requested by the Tribal NEW coordinator and approved by the TANF Eligibility Worker.

Please refer to Section [400-20-85-25-05](#) for additional information regarding transportation assistance provided to Tribal NEW participants.

If a Tribal NEW sanction is imposed against an individual, the individual may continue to receive authorized supportive services (through the county/state) for allowable Tribal NEW activities until the sanction becomes effective.

NOTE: Following case closure, the individual may continue to be eligible for transitional supportive services. See Section [400-20-40-60](#), "Transitional Supportive Services."

An individual who chooses to participate in Tribal NEW during the appeal of a sanction may continue to receive authorized supportive services (through the county/state) related to her or his actual involvement in Tribal NEW.

See Section [400-20-55-05-75](#), "A Client's Right to Appeal the Adverse Effects of a Sanction -- Fair Hearings," for additional information on providing supportive services to a Tribal NEW participant during the appeal process.

Transportation Assistance for Tribal NEW Participants 400-20-85-25-05

(Revised 8/1/07 ML #3101)

[View Archives](#)

[IM 5039](#)

[IM 5076](#)

A transportation allowance of up to \$125.00 per month may be paid to a Tribal NEW participant, for approved Tribal NEW activities, when requested by the Tribal NEW coordinator and approved by the TANF Eligibility Worker.

NOTE: Once a transportation assistance payment has been provided (check printed) to a Tribal NEW participant, overpayments are not to be established.

Advance Transportation Assistance Payments:

- A. The TANF Eligibility Worker is not to provide a transportation assistance payment to an individual who is being referred to the Tribal NEW program until the individual's TANF case has been authorized as TANF eligible unless the Eligibility Worker determines that a sanctioned individual would be unable to complete her or his proof of performance without receiving an advance transportation assistance payment.
- B. Following authorization of an individual's TANF case, the Eligibility Worker may also provide an advance transportation assistance payment to a referred individual if the Eligibility Worker determines that the individual would be unable to comply with the referral to the Tribal NEW program without an advance payment.

When an advance transportation assistance payment is provided to a sanctioned individual who needs to complete a proof of performance, or is provided to a non-sanctioned individual following authorization

of the individual's TANF case, the advance payment should be sufficient to cover the individual's transportation expenses from the time of the referral until the payment can be included in the regular TANF grant or can be provided by Tribal NEW as appropriate.

When a TANF Eligibility Worker authorizes an advance transportation payment, the Eligibility Worker is to inform the Tribal NEW coordinator that an advance payment was made.

NOTE: Except as noted in paragraphs A and B above, the participant is not allowed to receive transportation assistance from both the county/state and the Tribal NEW program during the same month.

Once an individual's TANF case has been authorized as TANF eligible and the individual is participating in Tribal NEW the Tribal NEW coordinator is responsible to either pay the individual's transportation assistance through the Tribal NEW program or request payment from the County/State.

Transportation Assistance paid through the County/State:

With respect to transportation assistance provided through the county/state, the Tribal NEW coordinator shall:

1. Assess the transportation needs of each TANF applicant/recipient who is referred to the Tribal NEW program;
2. Calculate and document the amount of transportation assistance requested on each Tribal NEW participant's Employability Plan (EP).

The amount requested on the EP must reflect the individual's actual transportation needs and may not exceed the maximum monthly allowance.

The transportation allowance is to be calculated by multiplying the number of actual or estimated miles, required to support the individual's approved activities, by \$0.45, the State's current reimbursement rate for travel.

NOTE: When public transportation or informal transportation arrangements are used, the participant must review her or his transportation needs and plan with the Tribal NEW coordinator, and the coordinator must approve the individual's plan.

3. Submit a copy of the completed EP to the appropriate county social service office for processing; and
4. Notify county social services immediately, in writing, if a Tribal NEW participant completes or withdraws from the Tribal NEW program or if there is a change in the individual's transportation needs.

When the county social service office receives a copy of the Tribal NEW participant's EP, the requested transportation allowance will be included in the Tribal NEW participant's TANF benefit, after the TANF Eligibility Worker approves the request.

JOBS Forms 400-20-90

SFN 323 - JOBS Status Change 400-20-90-05

(ML #2811 Rev. 12-02)

[View Archives](#)

This form is available through the Department of Human Services and may also be obtained electronically via [E-Forms](#). (60kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 414 - Work Supplementation Agreement 400-20-90-10

(Revised 11/1/07 ML #3114)

[View Archives](#)

This form is available through the Department of Human Services. The form is not available on E-Forms as it is a NCR (no carbon required) carbonless form.

**DN 1990 - JOBS - Work Requirements for Recipients
of the TANF Program 400-20-90-15**

(Revised 6/1/05 ML #2966)

[View Archives](#)

[JOBS Brochure](#) (108kb pdf)

This brochure is available through the Department of Human Services. It may also be printed locally using the link shown above.

The JOBS brochure is presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

**SFN 451 - Eligibility Report on Disability/Incapacity
400-20-90-20**

(ML #2811 Rev. 12-02)

[View Archives](#)

This form is available through the Department of Human Services and may also be obtained electronically via [E-Forms](#). (180kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 2828 -- First Report of Injury 400-20-90-25
(Revised 1/1/06 ML #3004)

[View Archives](#)

[First Report of Injury](#) (34 kb pdf)

This form is available electronically by using the link shown above. The form is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

**Link up and Lifeline Programs (Tribal) 400-20-90-30
(Revised 6/1/05 ML #2966)**

[View Archives](#)

[Link Up and Lifeline Programs for Tribal Areas](#) (76kb pdf)

This document is available electronically by using the link shown above. This document is presented in Adobe Acrobat and requires Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Link up and Lifeline Programs (Non-Tribal) 400-20-90-35

(Revised 6/1/05 ML #2966)

[View Archives](#)

[Link Up and Lifeline Programs](#) (71kb pdf)

This document is available electronically through the link shown above. This document is presented in Adobe Acrobat and requires Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

**The Family Violence Option (Brochure) 400-20-90-40
(Revised 6/1/05 ML #2966)**

[View Archives](#)

[The Family Violence Option Brochure](#) (82 kb pdf)

This brochure is available through the Department of Human Services. It may also be printed locally using the link shown above. The brochure is presented in Adobe Acrobat and requires the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

SFN 162 -- Request for Hearing 400-20-90-45

(ML #2811 Rev. 12-02)

[View Archives](#)

This form is available through the Department of Human Services and may also be obtained electronically via [E-Forms](#). (54kb pdf)

E-Forms are presented in Adobe Acrobat and require the Adobe Acrobat reader. If you do not currently have Adobe Acrobat reader installed, you may download a free copy by clicking the Get Adobe Reader icon below.

Tribal NEW MOU 400-20-90-50

(Revised 4/1/08 ML #3163)

[View Archives](#)

[IM 5096](#)

[IM 5096 Attachment Tribal NEW MOU](#)

This document is available electronically through the link shown above. A signed copy of the document is maintained by the Department of Human Services and is effective as of April 1, 2008.

The Tribal NEW MOU outlines the interaction between, the Department, county social services, and the four Tribal NEW programs in the State. The MOU contains the specific referral criteria that are to be used when making referrals to Tribal NEW.

Tribal NEW Coordinators' Directory 400-20-90-55
(Revised 6/1/05 ML #2966)

[View Archives](#)

[Tribal NEW Coordinator Directory \(7 kb rtf\)](#)

This Directory is available electronically through the link shown above and may be printed locally.

For a listing of the Tribal NEW Coordinators' names, mailing addresses, phone numbers, fax numbers, and email addresses, see Section 400-20-90-55.

Pathways to Work 400-20-95

(Revised 11/1/07 ML #3114)

[View Archives](#)

[IM 5044](#)

[IM 5064](#)

[IM 5064 Attachment 1](#)

[IM 5064 Attachment 2](#)

[IM 5064 Attachment 3](#)

General Overview:

The goal of the Pathways to Work (PtW) program is to help all referred caretakers reduce barriers to employment, prepare for and obtain paid employment and thereby reduce or eliminate their future need for cash assistance from either Diversion Assistance or Temporary Assistance for Needy Families programs. A JOBS contractor under a contract with the Department of Human Services administers the program.

Pathways to Work coordinators shall provide individualized, intensive case management services to all work ready and non-work ready individuals who are referred to the program. Pathways to Work coordinators shall conduct an orientation and an initial assessment of all referred individuals, within seven calendar days from the date of first contact, to determine participant work histories, personal strengths and barriers to employment.

Based on the initial assessment, coordinators shall assist participants in developing an individualized employability plan. The employability plan must outline the specific tasks and objectives that participants shall be required to complete.

Copies of all initial and updated employability plans shall be forwarded to the appropriate eligibility workers and shall be considered a part of an individual's Diversion Assistance Action Plan which was completed by the eligibility worker. The Diversion Assistance Action Plan outlines the tasks and objectives a recipient is required to meet in addition to participating in the Pathways to Work program.

Coordinators shall be responsible to provide frequent monitoring/assessment of participant success in completing or not completing the tasks and objectives outlined on their employability plan.

Participants who are determined to be work ready, shall be required to participate in job skills training, job search or job retention activities (as determined appropriate by their coordinator). Required activities shall be designed to help participants prepare for, find, and maintain paid employment.

Participants who are determined not to be work ready shall be required to participate in a variety of work readiness, skill building or work experience activities (as determined appropriate by their coordinator). Required activities shall be designed to help participants overcome barriers to employment, gain necessary work skills and work experiences to prepare them for work.

Program Requirements:

Initial Compliance Requirements:

Individuals who are referred to the Pathways to Work program shall be required to:

- a. Contact the coordinator within seven days after the date of their referral and schedule an appointment to start the program; and
- b. Keep their initial appointment as scheduled.

If a referred individual fails to comply with these initial requirements, the coordinator shall immediately notify the individual's eligibility worker (using SFN 738, "Pathways to Work Status Change" form, or other mutually acceptable method of written communication) that the individual failed to comply with the referral.

- Close the individual's case (if the case has already been authorized);
- Deny the individual's application (if the case has not yet been authorized); or

- Refer the individual back to the PtW program (if it is determined that the individual had a reasonable explanation for the failure or refusal to comply with the PtW referral).

Referrals to Pathways to Work:

Prior to referring an individual to the Pathways to Work (PtW) program, the eligibility worker must determine that the individual is:

- Appropriate for involvement in the Diversion assistance program per Section 400-17-12-01 "Diversion Assistance Factors of Eligibility" and
- Otherwise eligible for assistance. Reference Section 400-17-22 "Up-front Eligibility".

Example: An individual applies for assistance on 10/20. The worker reviews Section 400-17-12-01, "Diversion Assistance Factors of Eligibility," and determines the individual is appropriate for Diversion assistance; processes the individual's Diversion assistance application on 10/26, and denies October for excess income. The worker uses the same application to process November and because the individual is not otherwise eligible for October waits until November to refer the individual to the Pathways to Work program.

In most instances, new applicants will be referred to the PtW program prior to authorization of their Diversion assistance case and will be required to comply with the referral prior to having their case authorized. Referred individuals are required to contact the Pathways to Work coordinator within seven days from the date on the referral and schedule an initial appointment to begin program orientation and complete the orientation as scheduled. Failure to comply with the referral will result in denial of their application. This is similar to up-front eligibility in the JOBS program.

In most instances, individuals who are reapplying after having their Diversion assistance case closed due to noncompliance will be referred to the PtW program and required to comply for a specific period of time (10-days for example) prior to authorization of their

Diversion assistance case. The eligibility worker, in consultation with the PtW coordinator may determine the length of time an individual must comply with PtW requirements before the individual's Diversion assistance case is authorized.

Failure to comply with the referral or PtW requirements for this specified period of time will result in denial of their application. This is similar to a proof of performance in the JOBS program.

However, eligibility workers may authorize an individual's Diversion assistance case immediately, when determined appropriate. This enables eligibility workers to make appropriate case management decisions, on a case-by-case basis, consistent with the specifics of an individual's case and need for assistance.

In some instances, an eligibility worker may decide to delay an individual's referral to the PtW program or even decide not to refer the individual to the PtW program to allow the individual to focus on the other tasks listed on the Diversion Assistance Action Plan, if determined appropriate.

Other Considerations:

Even though there is not a specific list of good cause reasons that have been developed to formally excuse an individual from participation in the Pathways to Work (PtW) program, there may in fact be instances when an individual has a good reason for not participating in the program and special accommodations should be made for that individual.

Diversion assistance eligibility workers and PtW coordinators may use prudent judgment to excuse individuals from participation, or to reduce an individual's level of involvement, as determined appropriate.

Example: A women in her third trimester of pregnancy is referred to the PtW program. During her first month of involvement in PtW, the women gives birth to her child. Under TANF, this women would be exempt for 120-days from the date of her child's birth.

Under Diversion Assistance there is not a caretaker exemption provision. However, the individual's PtW coordinator uses discretion to excuse the women from participation in the PtW program for a specific period of time, as determined appropriate by the coordinator, and documents that action in the women's case file.

The coordinator then contacts the individual and develops a plan for re-engaging her in the PtW program or for preparing her for eventual involvement in the TANF program; e.g., making sure she has applied for child care assistance, locating a child care provider, developing a current resume, identifying a list of potential employers in her community, etc.

Depending on the circumstances surrounding this case, the Diversion assistance eligibility worker may also have determined that it would have been more appropriate to delay the referral to the PtW program and instead included similar requirements on the individual's Diversion Assistance Action Plan.

Ongoing Compliance Requirements:

When a participant fails to comply with ongoing program requirements, the individual's coordinator shall offer the individual an opportunity for conciliation. See Pathways to Work Conciliation Period section below for additional information on this issue.

Examples of noncompliance with program requirements may include but are not limited to such things as: not completing an initial assessment, not completing an employability plan or not completing the tasks and objectives outlined on the employability plan.

When a coordinator notifies a participant's eligibility worker that the participant has failed to comply with program requirements, the eligibility worker shall close the individual's case for noncompliance

with program requirements. See 400-17-12-20, "Diversion Assistance Closure," for additional information on this issue.

Pathways to Work Conciliation Period:

For purposes of this section, a conciliation period means a formal offer or attempt by a coordinator to help the participant meet the goals of the program. The purpose of the conciliation period is to encourage compliance and to develop an appropriate plan for getting the participant back on track with the employability plan and the goal of the program.

When a participant fails or refuses to comply with the requirements of the program, the PtW coordinator shall offer the participant an opportunity for conciliation. The coordinator shall document: the circumstances that lead to the conciliation, the conciliation plan, the length of the conciliation period, how the offer for conciliation was made (i.e., by phone, email or U.S. mail, etc.); the participant's response to the conciliation offer, if a response was provided; along with the outcome of the conciliation process. If a conciliation plan is made and the individual complies with that plan, the participant shall be allowed to continue involvement in the program.

If a participant fails to respond to the conciliation offer, or fails or refuses to comply with the conciliation plan, the coordinator shall immediately notify the eligibility worker of the outcome (using SFN 738, "Pathways to Work Status Change" form, or other mutually agreeable method of written communication) and the eligibility worker shall then close the individual's case for noncompliance with program requirements.

There is no specified limit on the number of times an individual may be involved in conciliation during involvement in the program. Rather, the coordinator shall determine whether conciliation is achieving its intended purpose.

If (based on conciliation attempts that followed prior non-compliance), the coordinator determines that the conciliation process has not been or is no longer expected (based on previous noncompliance and conciliation attempts) to achieve positive reengagement in the program, the coordinator shall immediately notify the eligibility worker of that fact. The eligibility worker shall

then close the individual's Diversion Assistance case for noncompliance with program requirements.

Factors to be Considered when Allowing JOBS Sanctions to be Cured by PtW Participation:

If a person with an outstanding JOBS sanction complies with Pathways to Work (PtW) requirements, the outstanding Job Opportunities and Basic Skills (JOBS) sanction may be cured if/when the individual reapplies for TANF. The following factors must be considered:

- Was the participation of the same quality as would be expected during a JOBS Proof of Performance (POP)?
- Was the participation of the same duration as would be expected during a JOBS POP?
- Was the participant in compliance at the time PtW involvement ended?

NOTE: The above determination is to be made by the PtW coordinator and communicated in writing to the individual's eligibility worker at the end of the individual's involvement in the PtW program.

Pathways to Work Supportive Services:

During an individual's participation in Diversion Assistance and Pathways to Work program, the individual may be eligible to receive special allowances and supportive services. Pathways to Work coordinators shall be responsible to determine if participants need transportation assistance and shall document and communicate that need to the eligibility worker by sending a completed SFN 738, "Pathways to Work Status Change."

Coordinators are also responsible for determining a participant's other supportive service needs not covered by special allowances. If other supportive service needs are identified, the coordinator may use discretion in deciding which of the participant needs will be met through the use of discretionary supportive services and the dollar amount of support to be provided.

NOTE: A participant shall not be provided more than \$400 in discretionary supportive services per state fiscal year (July 1st through June 30th). Discretionary supportive services shall be paid through the Department's Pathways to Work contract with the JOBS contractor.

Example:

On November 1st, a participant meets with the coordinator and requests \$300 to replace badly worn tires on a vehicle owned by the participant.

The coordinator reviews the participant's case file to determine if the participant received any supportive service payments beginning July 1st of the current year through the current application date (July 1st is the beginning of the new fiscal year), and if so, the amount provided.

The coordinator determines that the participant was involved in the program during the months of May and June of the current year and that a total of \$200 in supportive services payments were provided to the participant during that time.

Based on this review and the fact the supportive service payments made in May and June of the current year occurred in the prior fiscal year, the coordinators determined that the participant's need is legitimate for the current fiscal year beginning July 1st. The coordinator authorizes a vendor payment of \$300 to cover the cost of new tires for the participant's vehicle.