

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
May 21, 2020**

AMENDED IM 5386

TO: Human Service Zones
Policy and System Support
Economic Assistance Policy Quality Control Reviewers

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: SNAP Employment & Training Program – BEST &
NDWORKS

PROGRAMS: Supplemental Nutrition Assistance Program

EFFECTIVE: April 1, 2020

**SECTIONS
AFFECTED:** **430-05-40-55-15 – Voluntary Participants**
430-05-40-55-40 - Conciliation Procedure
430-05-40-55-45 – Disqualification Time Frames for
BEST
430-05-40-60 NDWORKS SNAP Employment and
Training Program
430-05-40-60-05 Mandatory Participants
430-05-40-60-10 Exemptions from NDWORKS
430-05-40-60-15 Voluntary Participants
430-05-40-60-20 County Procedures
430-05-40-60-25 NDWORKS Case Manager
Responsibilities
430-05-40-60-30 Participant Responsibilities
430-05-40-60-35 Participant Reimbursement
430-05-40-60-40 Good Cause for Non-Compliance –
NDWORKS
430-05-40-60-45 Conciliation Procedure
430-05-40-60-45 Disqualification Time Frames for
NDWORKS

This IM is being amended to clarify a discrepancy in policy 430-05-40-60-20.

Policy is being updated to reflect changes being made to the BEST and NDWORKS program.

Starting April 1, 2020, NDWORKS will become a statewide voluntary program. There will no longer be a mandatory NDWORKS program in Grand Forks and Ramsey Counties, instead it will become a voluntary program.

430-05-40-55-15 – Voluntary Participants

Individuals exempt from the BEST requirements may volunteer to participate. Voluntary participants will be referred to the NDWORKS program. participate in BEST on a voluntary basis. If the NDWORKS program has a waitlist in Burleigh or Cass Counties, the voluntary participant will be referred to BEST. Voluntary participants are not subject to the work disqualification.

~~430-05-40-55-40 – Conciliation Procedure~~

~~The conciliation period is used to provide the mandatory BEST participant with an opportunity to comply with the program.~~

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~~Once it has been determined good cause does not exist for non-compliance, the conciliation period begins for 30 calendar days. The worker must contact the individual by using F803 – BEST Non-Compliance Conciliation Notice.~~

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~~If the individual responds within the 30-day period and it is determined the individual did not comply or is not exempt, begin disqualification procedures by issuing Notice F425 – BEST Non-Compliance or the F733 Decrease in Benefits Non-Compliance with BEST. The reason for noncompliance must be included in the space provided on the notice. The reason for the disqualification must be documented in the case narrative.~~

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~~To avoid Notice of Adverse Action (issuance of Notice F425 or F733), the individual must perform a verifiable act of compliance, by attending the orientation session. Verbal commitment by the individual is not sufficient, unless the individual is prevented from immediately complying by circumstances beyond the household member's control, such as the availability of a suitable component.~~

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~~If it is apparent that the individual will not comply (i.e., the individual refuses to comply and does not have good cause or is not exempt), issue Notice F425 or F733.~~

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~~If Notice F425 or F733 is issued before the end of the 30-day conciliation period and it is verified that the individual complied, has good cause or is exempt, the action indicated on the notice must be canceled.~~

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~~If the individual does not respond within the 30-day period, issue Notice F425 or F733 at the end of the 30-day period. The reason for noncompliance must be included in the space provided on Notice F425 or F733. The reason for the disqualification must be documented in the case narrative.~~

430-05-40-55-45 – Disqualification Time Frames for BEST

The following disqualification time frames apply for failure to comply with BEST. Before disqualifications are applied to BEST participants, the ~~conciliation~~ good cause period must be followed. The disqualification must be entered on the WORS screen in TECS and the reason for the disqualification must be documented in the case narrative.

The disqualification begins the first day of the month after the Notice of Adverse action, Notice F425 - BEST Non-Compliance or the F733-Decrease in Benefits-Non Compliance with BEST was sent to the household, unless the individual requests a fair hearing.

1. First Violation:

A one-month disqualification must be served (from the date the disqualification becomes effective). The disqualification continues until the individual complies with the BEST requirements for which the disqualification was imposed or becomes exempt.

2. Second Violation:

A three-month disqualification must be served (from the date the disqualification becomes effective) and continues until the individual complies with the BEST requirements for which the disqualification was imposed. If an individual becomes exempt during the disqualification period eligibility must be reestablished.

3. Third Violation:

A six-month disqualification must be served (from the date the disqualification becomes effective). The disqualification continues until

the individual complies with the BEST requirements for which the disqualification was imposed or becomes exempt. If an individual becomes exempt during the disqualification period eligibility must be reestablished.

~~Disqualifications imposed because of non-compliance with BEST or NDWORKS program requirements are cumulative.~~

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~~Example:~~

~~An individual living in Cass County was disqualified for failure to comply with the BEST requirements and a one-month disqualification was imposed. The individual moves to Grand Forks County six months later and is required to comply with the NDWORKS program. The individual fails to comply with the NDWORKS program requirements. The individual must be disqualified for 3 months.~~

If the individual complies with the BEST requirements for which the disqualification was imposed, the individual can be eligible after the disqualification time frame has been served.

If the individual becomes exempt during the disqualification time frame, the disqualification time frame must be ended and the individual can be eligible beginning the month following the month they became exempt. The reason the individual became exempt must be documented in the case narrative. Once a disqualification is imposed:

- If an individual in an ongoing case is disqualified and:
 - Complies during the disqualification period, they must serve the one, three or six month disqualification before they can become eligible.
 - Becomes exempt, the individual can be eligible the following month. The reason the individual became exempt must be documented in the case narrative.
- If the case closed and the individual is reapplying and:
 - Has complied, they must serve the one, three or six month disqualification before they can become eligible.
 - Is exempt, the individual is eligible at the point of application. The reason the individual is exempt must be documented in the case narrative.

A BEST disqualification may be imposed after the end of a review period.
~~Notice F425 — BEST Non-Compliance~~ [A notice of non-compliance in SNAP](#)

Employment and Training must be sent whenever the county becomes aware of a client's noncompliance with the BEST Program, even if the disqualification begins after the review period expires and the household has not completed their review. The disqualification must be for non-compliance while the case was open.

NDWORKS SNAP Employment and Training Program 430-05-40-60

The goal purpose of NDWORKS SNAP Employment and Training Program is to provide SNAP households with participating individuals opportunities to overcome barriers, gain skills, training or experience and participate in supervised job search activities that will improve their employment prospects and ~~be supported through job placement and retention services to~~ reduce their reliance on SNAP benefits. DHS contracts for the administration of the NDWORKS SNAP Employment and Training program. NDWORKS is a statewide voluntary program.

Individuals are referred to NDWORKS based on the county in which they reside.

Example:

A household lives in Cass County, but their case is maintained in Richland County. Participating individuals must be referred to BEST as their residence county is Cass

Mandatory Participants 430-05-40-60-05

~~Mandatory work registrants who do not meet the NDWORKS exemption criteria listed in section 430-05-40-60-10 are mandatory participants and must be referred to the NDWORKS program.~~

Exemptions from NDWORKS 430-05-40-60-10

~~The following individuals are not required to participate in NDWORKS:~~

- ~~1. Geographic (individuals not living in Grand Forks or Ramsey Counties) (EX)~~
- ~~2. Migrants in the job stream. (MI)~~
- ~~3. Individuals exempt for good cause as determined by sound, professional judgment of the worker. The case must be thoroughly documented to support the exemption. (GC)~~

4. ~~Individuals who are participating in the Parental Responsibility Initiative for the Development of Employment (PRIDE) Program. (PP)~~
5. ~~Individuals where public transportation is limited because of where and when the public transportation is available. (LT)~~
6. ~~Individuals with a temporary disability such as a broken leg, illness, etc. (DI)~~
7. ~~Individuals who do not have a permanent residence and are 'homeless' (MA)~~
8. ~~Limited or non-English speaking individuals (NE)~~
9. ~~Pregnant Women (PG)~~

Voluntary Participants 430-05-40-60-15

NDWORKS is a statewide voluntary program. ~~Individuals exempt from the NDWORKS may choose to participate on a voluntary basis. Voluntary participants are not subject to the work~~non-compliance ~~disqualification.~~

County Procedures 430-05-40-60-20

County Workers must:

- ~~• Determine if the individual is required to participate in NDWORKS. This must be documented in the case narrative.~~
- Complete the SFN 353— Affidavit for SNAP Employment and Training Registrants. The individual must sign the SFN 353Affidavit for SNAP Employment and Training and a copy must be given to the individual and a copy placed in the case file. The worker must document in the case narrative that the individual was given a signed copy of the SFN 353Affidavit for SNAP Employment and Training.

NOTE:

~~Once the individual is determined to be required to participate in NDWORKS, they are considered a participant in the program.~~

- ~~• If the individual is exempt, enter the exemption reason and the date exempted in the eligibility system. Document in the case narrative the reason the individual is exempt.~~
- If the individual is not exempt, ~~r~~Refer them to the NDWORKS program using Form SFN679—the SNAP Employment and Training Program Referral.

- If a client volunteers in Cass or Burleigh County the worker will refer them to the NDWORKS program. If NDWORKS is serving their max clients and has a wait list, the client will then be referred to the BEST program. NDWORKS is the first referral option for all voluntary clients.

The county should complete participant must sign the SFN679 SNAP Employment and Training Program Referral and a copy must be given to the participant, and a copy placed in the case file. The worker must document in the case narrative that the individual was referred to NDWORKS and that a copy of the SFN679 SNAP Employment and Training Program Referral was given to the participant.

- Notify Inform the NDWORKS case manager of the referral by emailing the signed SFN679—SNAP Employment and Training Program Referral to them. The date the SFN679 SNAP Employment and Training Program Referral was emailed to the NDWORKS case manager must be documented in the case narrative.
- ~~If notified by the NDWORKS case manager that a participant has failed to comply with the participant's responsibilities, begin the good cause and conciliation procedures by sending the F851—SNAP Non-Compliance NDWORKS Notice to the participant. Document the date of the NDWORKS case manager notification and the reason for non-compliance in the case narrative.~~
- ~~If the participant is no longer required to participate in the NDWORKS Program, notify the NDWORKS case manager and document the notification and reason in the case narrative.~~
- Notify the NDWORKS case manager if a participants SNAP case closes.

NDWORKS Case Manager Responsibilities 430-05-40-60-25

NDWORKS Case Managers must:

- Contact the participant within 7 days of the receipt of Form SFN679—SNAP Employment and Training Program Referral.
- Schedule the orientation and provide the date and time of orientation to the participant.
- Notify the county worker via email of the date and time the participant is scheduled for orientation.

- Complete a formal assessment and develop an employment plan specific to the participant. The employment plan must be updated monthly, at a minimum.
- Provide monthly case management, including weekly contact with the participant.
- Contact with the county worker monthly to verify a participant continues to receive SNAP. Monthly contact can be via telephone or email.
- ~~Inform the county worker via email of a participant's non-compliance.~~
- Inform the county worker via email when a participant gains employment.
- Track all participation and outcome measures and report these to the State Office no later than 15 calendar days after the end of each calendar monthly.
- Regularly ~~s~~Submit participant reimbursement requests along with receipts to the State Office using the SFN471 – Vendor Payment Authorization and Request For Payment For Goods and Services no later than 15 calendar days after the end of each calendar month.
- If a client become disengaged for a period of 30 days, they will be removed from the NDWORKS SNAP E&T program. If at any point after those 30 days the participant engages, a new referral will be made. If the contractor has a wait list, the re-referred individual will be placed on it.

Participant Responsibilities 430-05-40-60-30

NDWORKS participants must do the following:

- Attend the NDWORKS orientation session on the day and time scheduled.
- Contact the NDWORKS case manager to reschedule if necessary.
- Cooperate and comply in all activities assigned by the NDWORKS case manager.

- Communicate on a weekly and monthly basis with the NDWORKS case manager.
- Report any change in employment or work hours to the NDWORKS case manager.
- Provide receipts to the NDWORKS case manager for any supportive service reimbursements that the participant may be eligible to receive by the close of business on the last working day of the month.

~~Participants failing to comply with these responsibilities will be subject to disqualification in SNAP.~~

Participant Reimbursement 430-05-40-60-35

Participants in the NDWORKS program may be eligible for reimbursement for supportive services. Reimbursements will be made by the State Office directly to participating individuals during the month following participation and are excluded as income.

Allowable expenses include the following:

- Transportation up to \$50/month. Transportation includes the following:
 - Bus fare, voucher or pass (if not provided by NDWORKS);
 - Gas;
 - Taxi, Uber and/or Lyft Fees.
- Up to \$25/month for the following:
 - Grooming and personal hygiene;
 - Clothing or tools needed for employment;
 - Licensing and testing fees necessary for employment;
 - Books/training materials necessary for individuals to complete an educational component.

NDWORKS is required to submit Participant reimbursements for supportive services ~~should be submitted~~ to the State Office via SFN471 – Vendor Payment Authorization and Request For Payment For Goods And Services, along with any receipts provided by the participant, no later than 15 calendar days after the end of each calendar month.

~~Good Cause for Non-Compliance – NDWORKS 430-05-40-60-40~~

The eligibility worker is responsible for determining good cause when the participant has failed to comply with the NDWORKS Program. The NDWORKS case manager may be able to provide reason(s) why the participant failed to participate, however the determination must be made by the eligibility worker.

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When the NDWORKS case manager notifies the eligibility worker of non-compliance, the eligibility worker must send notice F850 – SNAP Good Cause Determination – NDWORKS to the participant. The participant must establish if good cause exists within 10 days of the notice. If good cause does not exist or the participant does not respond, the eligibility worker must begin the conciliation procedure. The eligibility worker must document if good cause exists, the good cause reason or if the participant fails to respond to the F850 in the case narrative.

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Good cause for non-compliance with the NDWORKS Program includes circumstances beyond the participant's control, including but not limited to:

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- a. Illness.
- b. Illness of another household member requiring the presence of the individual.
- c. A household emergency.
- d. Short term or temporary unavailability of transportation.

EXAMPLES:

- 1. The bus was behind schedule.
- 2. The participant's car broke down.

- e. Short term or temporary unavailability of child care for children who have reached age six but are under age 12.

EXAMPLE:

- 1. The participant did not have daycare on a specific day.

- f. Acceptance of employment of more than 30 hours a week which doesn't materialize or results in employment of less than 30 hours a week.

Transportation, dependent care or other necessary participation expenses that are a more chronic issue may be reason to exempt a participant from NDWORKS.

~~Good cause for non-compliance can also include good cause reasons as outlined in Good Cause 430-05-40-25-10.~~

~~Conciliation Procedure 430-05-40-60-45~~

~~The conciliation period is used to provide the mandatory NDWORKS participant with an opportunity to comply with the program. Once it has been determined good cause does not exist for non-compliance, the conciliation period begins for 30 calendar days. The eligibility worker must contact the participant by using F851—SNAP Non-Compliance—NDWORKS Notice and use the following steps to determine the next action to take:~~

- ~~• If the participant responds within the 30-day period and it is determined the participant did not comply or is not exempt, begin disqualification procedures by issuing Notice F450—SNAP Closing Non-Compliance with NDWORKS or the F743—SNAP Decrease in Benefits Non-Compliance with NDWORKS. The worker must enter the reason for noncompliance in the space provided on the notice. The reason for disqualification must be documented in the case narrative.~~
- ~~• If it is apparent that the participant will not comply (i.e. the participant refused to comply and does not have good cause or is not exempt), issue Notice F450 or F743.~~
- ~~• If Notice F450 or F743 is issued before the end of the 30-day conciliation period, and it is verified that the participant complied, has good cause or is exempt, the 30-day conciliation period ends.~~
- ~~• To avoid Notice of Adverse Action (issuance of Notice F450 or F743), the participant must perform a verifiable act of compliance, such as attending the orientation session or NDWORKS activity assigned to the participant. Verbal commitment by the participant is not sufficient commitment, unless the participant is prevented from immediately complying by circumstances beyond their control. The eligibility worker must document the verifiable act of compliance in the case narrative.~~
- ~~• If the participant does not respond within the 30-day period, issue Notice F450 or F743 at the end of the 30-day period. The eligibility worker must enter the reason for noncompliance in the space provided on Notice F450 or F743. The eligibility worker must document in the case narrative the reason for non-compliance.~~

~~Disqualification Time Frames for NDWORKS 430-05-40-60-50~~

~~The following disqualification time frames apply for failure to comply with NDWORKS. Before disqualifications are applied to NDWORKS participants, the conciliation period must be followed. The disqualification must be~~

~~entered in the eligibility system and documented in the case narrative.~~

~~1. First Violation:~~

~~A one-month disqualification must be served (from the date the disqualification becomes effective). If the participant complies or becomes exempt during the disqualification period, the disqualification can be ended, and eligibility re-established the first day of the month following compliance.~~

~~2. Second Violation:~~

~~A three-month disqualification must be served (from the date the disqualification becomes effective). If the participant complies with the NDWORKS requirements for which the disqualification was imposed, the disqualification period must be served. If a participant becomes exempt during the disqualification period eligibility must be reestablished.~~

~~3. Third Violation:~~

~~A six-month disqualification must be served (from the date the disqualification becomes effective). If the participant complies with the NDWORKS requirements for which the disqualification was imposed, the disqualification period must be served. If a participant becomes exempt during the disqualification period, eligibility must be reestablished.~~

~~Disqualifications imposed because of non-compliance with BEST or NDWORKS program requirements are cumulative.~~

Example:

~~An individual living in Cass County was disqualified for failure to comply with the BEST program requirements and a one-month disqualification was imposed. The individual moves to Grand Forks County six months later and is required to comply with the NDWORKS program. The individual fails to comply with the NDWORKS program requirements. The individual must be disqualified for 3 months.~~

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~~Once a disqualification is imposed:~~

- ~~• If a participant in an ongoing case is disqualified and:~~
- ~~• Complies during the disqualification period, they must serve the one, three or six-month disqualification before they can become eligible.~~
- ~~• Becomes exempt, the participant can be eligible the following month.~~
- ~~• If the case closed and the participant is reapplying and:~~
- ~~• Has complied, they must serve the one, three or six-month disqualification before they can become eligible.~~

- ~~• Is exempt, the participant is eligible at the point of application.~~

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~~A NDWORKS disqualification may be imposed after the end of a review period. Notice F450 – SNAP Closing Non-Compliance – NDWORKS must be sent whenever the county becomes aware of a participant's noncompliance with the NDWORKS Program, even if the disqualification begins after the review period expires and the household has not completed their review.~~