

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES
BISMARCK, NORTH DAKOTA
September 20, 2021**

IM 5447

TO: Human Service Zones
Economic Assistance Policy Division

FROM: Michele Gee, Director, Economic Assistance

SUBJECT: Work Requirements and Mandatory Employment and
Training Disqualification Periods

PROGRAMS: Supplemental Nutrition Assistance Program

EFFECTIVE: Immediately

**SECTIONS
AFFECTED:** 430-05-40-40 Disqualification for Failure to Comply
430-05-40-40-05 Disqualification Time Frames
430-05-40-55-45 Disqualification Time Frames for BEST

Due to a recent Employment and Training/ABAWD Management Evaluation conducted by FNS, SNAP policy is being updated regarding the disqualification for non-compliance with any work requirement, including work registration and employment and training for mandatory participants to reflect that the disqualifications are progressive based on occurrence.

Disqualification for Failure to Comply 430-05-40-40

An individual who fails to comply with work requirements for participation is ineligible to participate. A disqualification for non-compliance with work requirements and/or mandatory employment and training programs are progressive based on occurrence.

The ~~TECS~~ participation code for that individual on the ~~SSDO~~ screen is "DW".

Joining Another Household

If the individual who failed to comply with the work requirements joins another household, the individual is an excluded household member. The disqualification continues until the individual complies or becomes exempt. The individual may be eligible to participate during the disqualification period by becoming exempt from work requirements.

Moving from a BEST or NDWORKS County

If an individual disqualified from [BEST](#) or [NDWORKS](#) moves from a BEST or ~~NDWORKS~~ county to a non-BEST county or ~~NDWORKS~~ county, the individual is an excluded household member. The disqualification period must be served in its entirety before eligibility can be re-established. If the disqualification wasn't imposed prior to the individual moving, the disqualification must be imposed in the new county the individual moved too.

If the individual becomes exempt from the work requirements, the individual can be eligible beginning the month after the exemption is reported and verified.

If the individual is not [exempt](#) from the work requirements for participation, Form SFN 385 - Affidavit for SNAP Work Requirements must be completed.

Disqualification Time Frames 430-05-40-40-05

A disqualification for non-compliance with work requirements and/or mandatory employment and training programs are progressive and based on occurrence.

For new applicants, the disqualification period will begin with the date of application.

The disqualification time frames are as follows:

1. First Violation:

A one-month disqualification must be served (from the date the disqualification becomes effective). The disqualification continues until the individual complies 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 and any subsequent violations:

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.

Examples:

1. An individual quits a job without good cause for their first offense. The individual is disqualified for 1 month. The individual serves the 1 month disqualification period and regains employment and becomes exempt. Eligibility is reestablished.
2. An individual is exempt from work registration for working more than 30 hours/week. The individual loses the exemption due to a job quit without good cause. The individual is disqualified for failure to comply with work requirements and a 1 month disqualification is imposed. The individual serves the disqualification period and reapplies. The individual work registers and is referred to the mandatory employment and training program but fails to

attend orientation. The second penalty for non-compliance is imposed and the individual is disqualified for 3 months.

3. An individual is exempt from work registration for working more than 30 hours/week. The individual loses the exemption due to a job quit without good cause. The individual is disqualified for failure to comply with work requirements and a 1 month disqualification is imposed. The individual serves the disqualification period and reapplies. The individual work registers and is referred to the mandatory employment and training program but fails to attend orientation. The second penalty for non-compliance is imposed and the individual is disqualified for 3 months. The 3 month disqualification is served. One year later, the individual reapplies but fails to work register. The third penalty for non-compliance is applied and the individual is disqualified for 6 months.

If the worker fails to act timely to disqualify an individual for non-compliance with a work requirement, the worker must implement the full disqualification and establish a [claim](#) based on 10-10-10 procedures.

~~For any individual who fails to comply with the work requirements, the disqualification time frame is one month. This~~ The ~~disqualification continues until the individual complies with the work requirements for participation or becomes exempt. Completion of Form SFN 385, Affidavit for SNAP Work Requirements or SFN 353— Employment and Training Affidavit~~ **does not** negate the disqualification.

A disqualified individual may be permitted to resume participation during the disqualification period (if otherwise eligible) by becoming exempt from work requirements or complying with the work requirements. Completion of ~~Form SFN 385, Affidavit for SNAP Work Requirements or SFN 353—~~ Employment and Training Affidavit **does not** negate the disqualification.

The disqualification continues on closed cases until the individual becomes exempt from the work requirement or complies with the work requirement.

Examples:

1. An individual quits a job without good cause. The individual must obtain employment of at least 30 hours per week, obtain employment that is equal to 30 hours per week times the federal minimum wage or become exempt.
2. An individual initially applied on December 27 and is interviewed on January 15. During the interview it was determined that the individual quit a job without good cause on December 20 but has obtained employment on January 3.

The application must be denied for the month of December as the individual quit a job without good cause and applied in the month of December. As the individual obtained new employment in January, the same application must be used for the month of January.

3. An individual quits a job without good cause and is disqualified. At a later date the household (including the disqualified individual) applies for and is found eligible for TANF. The individual is exempt from the work requirements based on receipt of TANF and may be eligible for SNAP.
4. At the time of review, an individual reports they have quit a job without good cause 10 days prior to the review being filed. The client is not exempt for another reason and is disqualified (~~DW~~). The review is denied.

At a later date, the individual reapplies, is not working, and is not exempt for another reason. During the interview the household reports they had worked a full-time job (40 hours per week) three months ago. The individual remains disqualified (~~DW~~) and the application is denied as the individual is not exempt at the time of application.

5. At the time of review, an individual is required to sign the SFN 385, Affidavit for SNAP Work Requirements and they also report they have quit a job without good cause 10 days prior to the review being filed.

During the interview the client signs the SFN 385, Affidavit for SNAP Work Requirements. The client is not exempt from work requirements or complying with the work requirements. A disqualification is applied and the client is ineligible to participate until they are complying with the work requirements or become exempt for another reason.

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

The following disqualification time frames apply for failure to comply with BEST. Before disqualifications are applied to BEST participants, the good cause period must be followed. Disqualifications for failure to comply with employment and training and/or non-compliance with work requirements are progressive based on occurrence. The disqualification must be entered ~~on the WORS screen in TECS~~ in the eligibility system 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~~ Notice of Eligibility denying for non-compliance in the mandatory E&T program 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 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~~ and any subsequent violations:

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.

If the individual complies with the ~~BEST~~, work registration and or employment and training 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~~, work registration and or employment and training disqualification may be imposed after the end of a review period. A notice of eligibility for

non-compliance in SNAP Employment and Training must be sent whenever the county human service zone becomes aware of a client's noncompliance with the ~~BEST Program~~, work registration and or employment and training, 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.