

**NORTH DAKOTA DEPARTMENT OF HUMAN SERVICES  
BISMARCK, NORTH DAKOTA  
October 3, 2022**

**IM 5468**

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

**FROM:** Michele Gee, Director, Economic Assistance

**SUBJECT:** SNAP Employment and Training Program

**PROGRAMS:** Supplemental Nutrition Assistance Program

**EFFECTIVE:** October 1, 2022

**SECTIONS  
AFFECTED:** **430-05-40-05 Basic Work Requirements**  
**430-05-40-25 Failure to Comply**  
**430-05-40-40 Disqualifications for Failure to Comply**  
**430-05-40-40-05 Disqualification Time Frames**  
**430-05-40-55 Employment and Training (E&T)**  
**430-05-40-55-05 Mandatory E&T (Basic Employment  
Skills Training Program - BEST)**  
**430-05-40-55-10 Voluntary E&T (NDWORKS)**

The Supplemental Nutrition Assistance Program (SNAP) is taking steps to enhance and grow the SNAP Employment and Training Program (E&T) in North Dakota. As part of this effort, beginning October 1, 2022, the BEST program will transition from a mandatory program to a voluntary program. Changes in SPACES will not take effect until the release on October 12, 2022.

BEST will continue to be available in Burleigh and Cass Counties only.  
NDWORKS will be available to all other areas of the state.

A voluntary program will have significant positive impacts on SNAP participants as it will serve those individuals who are eager to improve their skills, employability and move to self-sufficiency. The voluntary program will also positively impact the zone eligibility workers by eliminating the administrative work involved with non-compliance and disqualifications. Eligibility workers will

continue to be the frontline for screening individuals for appropriate referral along with promoting the employment and training program.

SNAP policy is being updated to reflect these changes to the employment and training program.

### **Basic Work Requirements 430-05-40-05**

All non-exempt SNAP recipients must comply with the basic work requirements, regardless of ~~program design (mandatory vs voluntary E&T) or~~ status (ABAWD vs non-ABAWD). Eligibility workers must verbally inform SNAP recipients of the work requirements using the Work Requirements Verbal Script at the time of application, review/recertification, and status changes. The date of verbal notification must be entered into the eligibility system.

The basic work requirements require all non-exempt SNAP recipients to:

- Register for work at the time of application and every 12 months (see section 430-05-40-05-05), and
- Respond to a request for supplemental information regarding employability status or availability for work, and
- Report to an employer for potential suitable employment, if referred, and
- Seek and accept a bona fide offer of suitable employment (see section 430-05-40-05-10), and
- Not voluntarily quit a job of 30 hours or more a week or reduce work effort to less than 30 hours a week, ~~and~~
- ~~Comply with mandatory E&T, if referred (see section 430-05-40-55-05).~~

### **Failure to Comply 430-05-40-25**

All **non-exempt** individuals between age 16 and 60 are ineligible to participate if the individual:

1. Refuses to register for work by failing to complete the SNAP Work Registration Form.

2. ~~Refuses without good cause to participate in the BEST program (Burleigh and Cass human service zones).~~
3. ~~2.~~ Refuses, without good cause, to accept an offer of employment not subject to strike or lockout at the time of refusal, at a wage equal to the higher of the federal or state minimum wage, or 80% of the wage that would have governed had the minimum hourly rate of the Fair Labor Standard Act been applicable to the offer of employment.

**Example:**

An employer contacts a human service zone with a job opportunity. The human service zone refers an individual who does not contact the potential employer or refuses a job offer of 30 hours or more per week. A disqualification would be imposed.

4. ~~3.~~ Refuses without good cause to provide the eligibility **worker** with sufficient information to allow a determination of the employment status or the job availability of the individual.
5. ~~4.~~ Voluntarily and without good cause:
  - a. Quits a job.
  - b. Reduces work hours and after the reduction, the individual is working less than 30 hours per week. The reduction in hours must be initiated by the individual, not the employer.

**Exception:**

A temporary voluntary reduction in earnings in order to eventually obtain a higher rate of pay at a different job with the same employer or a new employer does not subject the individual to disqualification. Current rules recognize that job changes occur and allows the individual to avoid disqualification.

**Example:**

A gas station attendant quits a 35-hour a week job to accept employment of 20 hours per week as an assistant manager at a retail store. The new employment will become a 40-hour a week position within three months.

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

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

### **Joining Another Household**

If the individual who failed to comply with the basic 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 basic work requirements.

### **Moving from a BEST or NDWORKS Human Service Zone**

~~If an individual disqualified from BEST moves from a BEST human service zone to a non BEST human service zone, 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 human service zone the individual moved too.~~

~~If the individual becomes exempt from the basic 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 basic work requirements for participation, the SNAP Work Registration Form must be completed.~~

### **Disqualification Time Frames 430-05-40-40-05**

A disqualification for non-compliance with basic work requirements ~~and/or mandatory employment and training programs~~ are is 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 requirements for which the disqualification was imposed.

If an individual becomes exempt during the disqualification period eligibility must be reestablished.

3. Third 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 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 basic 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 basic 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 eligibility worker fails to act timely to disqualify an individual for non-compliance with a work requirement, the eligibility worker must implement the full disqualification and establish a claim based on 10-10-10 procedures.

The disqualification continues until the individual complies with the basic work requirements for participation or becomes exempt. Completion of the SNAP Work Registration Form **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 basic work requirements or complying with the basic work requirements. Completion of the SNAP Work Registration Form **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 basic 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. 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 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 SNAP Work Registration Form 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 SNAP Work Registration Form. The client is not exempt from basic work requirements or complying with the basic work requirements. A disqualification is applied, and the client is ineligible to participate until they are complying with the basic work requirements or become exempt for another reason (see Basic Work Requirements 430-05-40-05).

### **Employment and Training (E&T) 430-05-40-55**

The E&T program provides participating individuals opportunities to overcome barriers, gain skills, training or experience and participate in activities that will improve their employment prospects and reduce their reliance on SNAP benefits. **All E&T participants must receive case management services, participate in at least one E&T component, along with the receiving supportive services.** There are two E&T programs BEST and NDWORKS.

- BEST is a **voluntary**~~mandatory~~ program operated in Cass and Burleigh human service zones (~~see section 430-05-40-55-05~~).
- NDWORKS is a statewide voluntary program (~~see section 430-05-40-55-10~~).

### **Voluntary E&T Programs**

**A voluntary E&T Program provides individuals the opportunity to voluntarily participate in activities to improve their employment prospects by gaining skills through education, training, experience, and supervised job search activities. Individuals may volunteer to be referred and participate. An individual who is referred as a voluntary participant that then chooses not to participate, will not be subject to the non-compliance disqualifications.**

Individuals who volunteer for E&T are referred to a voluntary E&T program based on the human service zone in which they reside. Those in Cass and Burleigh County should be referred to BEST, unless they request to participate in NDWORKS. All other counties will be referred to NDWORKS, since BEST is only available in Cass and Burleigh County.

### **Screening for E&T Referrals**

Eligibility workers are responsible for screening individuals to ensure they are a fit for an E&T program. Screening individuals should consist of an overview of the E&T program along with the types of training they can receive while attending an E&T program. Below are points of discussion and questions to ask the individual to learn if they are a fit for E&T:

- Training opportunities fall into three major areas: help looking for a job, basic education classes to improve reading and writing or to get a GED, and training for specific job types.
  - Ask the individual if any of these training opportunities interest them.
- Inform the individual that the State will reimburse them for expenses relating to their participation in E&T.
- Explain that E&T can help ABAWDs maintain eligibility.
- Ask the individual if they would like to participate and be referred and inform them that they cannot be disqualified for failure to comply.
- Once it is determined the individual is a good fit for E&T and volunteers to be referred, provide the participant with the verbal and written explanation of their work requirements.

### **Written and Verbal Rights and Responsibilities**

Eligibility workers must notify all individuals in a household who are required to comply with the Basic Work Requirements (see section 430-05-40-05). The Work Requirements Verbal Script must be used at the time of application, review/recertification and at case status changes and during interviews. This serves as the verbal notification of individuals rights and responsibilities of the basic work requirements. The date of verbal notification must be entered into the eligibility system. The SNAP Consolidated Work Notice is sent as the written notification.

## **Eligibility Worker Responsibilities Procedures**

Eligibility workers must carry out the following procedures for all E&T BEST participants:

- Determine if the work registrant is required to participate.
- If the work registrant is exempt, enter the exemption reason in the SNAP Work Registration—Details screen in the eligibility system.
- If the work registrant is not exempt, refer them using the SNAP Employment and Training Orientation Referral. The date, time and place of orientation sessions are listed on the SNAP Employment and Training Orientation Referral notice.
- If notified by the BEST case manager that an individual has failed to comply with BEST participant responsibilities determine if the participant has good cause, if good cause cannot be determined send the Notice of Eligibility indicating the disqualification for failure to comply with BEST to the client (see section 430-05-40-25-10 for Good Cause).
- Notify the BEST case manager via email if the work registrant is no longer required to participate in the BEST Program.

Eligibility workers must carry out the following procedures for individuals volunteering to participate in NDWORKS:

- If the participant is not exempt from Basic Work Requirements (See section 430-05-40-05), **Complete** the SNAP Work Registration Form. A copy must be given to the individual and a copy placed in the case file.
- **If an individual wants to volunteer for E&T Refer them to the appropriate E&T program using the program specific referral: NDWORKS program using the SNAP—**
  - NDWORKS Employment and Training Orientation Referral, **or**
  - **BEST Employment and Training Orientation Referral.**
- If an individual volunteers in Cass or Burleigh human service zones, the eligibility worker will refer them to the **BEST** NDWORKS program, **unless they specifically request to volunteer for NDWORKS.** If NDWORKS is serving their maximum participant slots and has a wait list, the individual will then be referred to the BEST program. NDWORKS is the first referral option for all voluntary clients.
- **All individuals volunteering outside of Cass or Burleigh human service zones will be referred to NDWORKS.**

- Notify the E&T case manager if a participant's SNAP case closes, along with adding a narrative to the case.

### **Participant Responsibilities**

Voluntary participants must do the following:

- Attend the orientation session on the day and time scheduled.
- Contact the E&T case manager to reschedule if necessary.
- Cooperate and comply in all activities assigned by the case manager.
- Communicate on a weekly and monthly basis with the case manager.
- Report any change in employment or work hours to the case manager.
- Provide receipts to the 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.

### **E&T Case Manager Responsibilities**

E&T case managers must:

- Conduct orientation sessions.
  - BEST orientations are held on a weekly basis.
  - NDWORKS case managers will contact the participant within 7 days of the receipt of Form SNAP Employment and Training Program Referral to schedule the orientation and provide the date and time of orientation to the participant.
- Inform the eligibility worker when a participant gains employment.
- Submit monthly program tracking spreadsheets to the State Office no later than 15 calendar days after the end of each calendar month.
- 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.

- Part of case management is ensuring an individual is placed in a component within a timely manner and always participating in a component.
- Contact with the eligibility worker monthly to verify a participant continues to receive SNAP. Monthly contact can be via telephone or email.
- Submit monthly participant reimbursements requests along with receipts to the State Office using the SFN471 – Vendor Payment Authorization and Request for Payment for Goods and Services to the State Office 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 BEST SNAP E&T program. If at any point after those 30 days the participant engages, a new referral will be required.
- E&T case managers also have the authority and responsibility to determine if an individual is ill-suited for E&T services. If a case managers determine an individual is ill-suited, they can refer the individual back to the human service zone office. Eligibility workers will reevaluate the individual and take appropriate action on the SNAP case. This process is referred to as a provider determination.

### **Written and Verbal Rights and Responsibilities**

~~Eligibility workers must notify all individuals in a household who are required to comply with the Basic Work Requirements (see section 430-05-40-05). The Work Requirements Verbal Script must be used at the time of application, review/recertification and at case status changes and during interviews. This serves as the verbal notification of individuals rights and responsibilities of the basic work requirements. The date of verbal notification must be entered into the eligibility system. The SNAP Consolidated Work Notice is sent as the written notification.~~

### **Participant Reimbursements**

Participants in the E&T 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 income.

Allowable expenses include the following:

- Up to \$150/month for transportation. Transportation includes the following (receipts are not required):
  - Bus fare, voucher, or pass (if not provided by NDWORKS)

- Gas
- Taxi, Uber and/or Lyft Fees.
- Up to \$25/month for the following (receipts required):
  - Grooming and personal hygiene
  - Job Readiness
    - Phone cards, employment related clothing, work boots/shoes
- Up to \$50/month for License/Certification/Examination fees (receipts required)
  - GED, CAN, Professional
- Up to \$75/month for books and training materials (receipts required)

### **Mandatory E&T (Basic Employment Skills Training Program BEST) 430-05-40-55-05**

The Employment Skills Training (BEST) Program is intended to expose participating individuals to job seeking and retention skills. It is operational in Burleigh and Cass human service zones. Mandatory work registrants who do not meet the BEST exemption (see section 430-05-40-55-10) criteria are mandatory participants for BEST. Individuals exempt from the BEST requirements may volunteer to participate. Voluntary participants will be referred to the NDWORKS program. If the NDWORKS program has a waitlist in Burleigh or Cass human service zones, the voluntary participant will be referred to BEST. Voluntary participants are not subject to the work disqualification.

Individuals are referred to NDWORKS based on the human service zone in which they reside.

### **Exemptions from BEST**

The following individuals are not required to participate in BEST

1. Geographic (individuals not living in Burleigh and Cass human service zones)
2. Migrants in the job stream.
3. Individuals exempt for good cause as determined by sound, professional judgment of the eligibility worker. The case must be thoroughly documented to support the exemption.
4. Individuals who are participating in the Parental Responsibility Initiative for the Development of Employment (PRIDE) Program.

5. Individuals where public transportation is limited because of where and when the public transportation is available.
6. Individuals with a temporary disability such as a broken leg, illness, etc.
7. Individuals who do not have a permanent residence and are 'homeless'
8. Limited or non-English speaking individuals
9. Pregnant Women

### **Participant Responsibilities**

BEST participants must do the following:

- Attend the orientation session assigned.
- Contact the BEST case manager to reschedule if necessary.
- Participate and follow the BEST responsibilities provided by the BEST case manager on the BEST Responsibilities form.

Participants failing to meet these responsibilities will be subject to program disqualification.

### **BEST Case Manager Responsibilities**

The local BEST case manager must:

- Conduct orientation sessions.
- Inform the eligibility worker of participant non-compliance.
- Inform the eligibility worker when a participant gains employment.
- Submit monthly program tracking spreadsheets to the State Office.
- Submit monthly participant reimbursements to the State Office.

### **Good Cause for Non-Compliance — BEST**

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

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When the BEST case manager notifies the eligibility worker of non-compliance, the eligibility worker must send notice Supplemental Nutrition Assistance Program (SNAP) — E&T Good Cause Determination to the individual. The individual must establish if good cause exists within 10 days of the notice. If good cause does not exist or the individual does not respond, the eligibility worker must begin the disqualification process found in "Disqualification Time Frames for BEST 430-05-40-55-45".

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

- ~~a. Illness.~~
- ~~b. Illness of another household member requiring the presence of the individual.~~
- ~~c. A household emergency.~~
- ~~d. Unavailability of transportation.~~
- ~~e. Lack of adequate childcare for children who have reached age six, but are under age 12.~~
- ~~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.~~

~~Good cause is appropriate for instances where the lack of transportation or dependent care is short term or temporary.~~

**~~EXAMPLES:~~**

- ~~1. The bus was behind schedule~~
- ~~2. The individual's car broke down~~
- ~~3. The individual did not have adequate childcare to participate.~~

~~Transportation, dependent care or other necessary participation expenses that are a more chronic issue may be reason to exempt an individual from BEST.~~

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

**~~Disqualifications for 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 basic work requirements are progressive based on occurrence. The disqualification must be entered in the eligibility system and the reason for the disqualification **must** be documented in the case narrative.~~

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~~The disqualification begins the first day of the month after the Notice of Eligibility denying for non-compliance in the mandatory E&T program was sent to the household, unless the individual requests a fair hearing. For the disqualification time frames see section 430-05-40-40-50.~~

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~~If the individual complies with 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.~~

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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 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 human service zone becomes aware of a client's noncompliance with 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.

### **Non-Compliance Notices for BEST**

Burleigh and Cass human service zones must use the following notices generated out of the eligibility system when a SNAP disqualification is being imposed:

- SNAP Employment and Training Good Cause Determination
- SNAP Employment and Training Non-Compliance

BEST notices must be sent to households as they are automatically counted and reported to USDA — Food and Nutrition Services.

## **Voluntary E&T (NDWORKS) 430-05-40-55-10**

The purpose of the NDWORKS Program is to provide 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 reduce their reliance on SNAP benefits. NDWORKS is a statewide voluntary program. Voluntary participants are not subject to the non-compliance disqualification.

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Individuals are referred to NDWORKS based on the human service zone in which they reside.

## **NDWORKS Case Manager Responsibilities**

NDWORKS Case Managers must:

- Contact the participant within 7 days of the receipt of Form SNAP Employment and Training Program Referral.
- Schedule the orientation and provide the date and time of orientation to the participant.
- Notify the eligibility 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 eligibility worker monthly to verify a participant continues to receive SNAP. Monthly contact can be via telephone or email.
- Inform the eligibility 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 month.
- 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**

~~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.~~