

## 3.5.1 Entering Non-Compliance Sanction (NCS)

# Non-Compliance Sanction ~~(NCS)~~ Policy

Revised ~~March 15XXXX~~ xx July 1, 2021

*A note on transition policy*~~Note: All WorkFirst participants and applicants in any non-compliance sanction status prior to July 1, 2021 have a “clean slate.” This means all WorkFirst recipients/applicants are in good standing without a requirement of a sanction “cure” for any sanction statuses prior to July 1, 2021.~~⓪

Effective March 16, 2020, due to the COVID-19 outbreak, WorkFirst participants are temporarily suspended from:

- ~~—Mandatory participation~~
- ~~Home visits~~
- Non-Compliance Sanction (NCS) penalties~~Sanction and sanction termination.~~

Legal References:

- RCW 74.08.090; 74.08A.260 & .270
- WAC 388-310-1600

The ~~Non-Compliance Sanction Policy~~ section is ~~divided in~~ has three separate sub-sections:

- Section 3.5.1 - Entering Non-Compliance Sanction (NCS) describes how to make the ~~sanction~~ NCS decision.
- ~~—Section 3.5.2 - Ending Non-Compliance Sanction (NCS) describes what happens after when a participant is in sanction NCS grant reduction and if they stays in NCS sanction grant reduction for ten months.~~
- ~~—Section 3.5.3 - NCS Reapplications describes how to process reapplications from non-compliance NCS sanction terminations.~~
- This section focuses on Entering Sanction includes:

~~3.5.1.12 What are Non-Compliance Sanctions (NCS)?~~

- ~~3.5.1.1~~ 3.5.1.21 What is the Non-Compliance Sanction (NCS) policy?
- 3.5.1.2 What are Non-Compliance Sanctions (NCS)?
- ~~3.5.1.2~~ What are sanctions?
- 3.5.1.3 How long does NCS without grant sanction reductions last?
- 3.5.1.4 How long does NCS grant reduction last?
- 3.5.1.54 Scheduling When do I send a good cause appointment/NCS case staffing letter.?
- 3.5.1.65 What is the good cause 10-day period?
- 3.5.1.76 What if the post office returns the participant's mail? How do I set up the good cause/NCS case staffing?
- ~~3.5.1.7~~ How do I set up the home visit (or alternative meeting)?
- ~~3.5.1.8~~ 3.5.1.8 What happens at the good cause/NCS case staffing? What if the post office returns the participant's mail?
- ~~3.5.1.9~~ 3.5.1.9 What happens at the good cause/NCS case staffing?
- ~~3.5.1.10~~ 3.5.1.940 How do I determine ide if the participant has good cause?
- ~~3.5.1.10~~ 11 What if I determine the participant doesn't have good cause?
- ~~3.5.1.12~~ 3.5.1.112 What if the participant fails to attend the good cause/NCS case staffing?
- ~~3.5.1.13~~ 3 What is the NCS case staffing documentation standard?
- ~~3.5.1.14~~ 3.5.1.1423 What do I do after the NCS case staffing?
- ~~3.5.1.15~~ What if no contact is made with the participant at the home visit (or alternative location meeting)?
- ~~3.5.1.16~~ What happens at the home visit (or alternative meeting)?
- ~~3.5.1.15~~ 347 What if the supervisor disagrees with the recommendation for sanction/sanction penalty NCS reduction or termination?
- ~~3.5.1.16~~ 458 When do I send the adverse action notice?
- ~~3.5.1.17~~ 569 eJAS/ACES Codes
- 3.5.1.186720 Entering Non-Compliance Sanction - Step-by-Step Guide

#### Other Related Chapters

- Section 3.5.2 - Ending Non-Compliance Sanction (NCS) describes what happens when a participant stays in NCS.
- Section 3.5.3 - NCS Reapplications describes how to process reapplications from NCS terminations.
- 5
- 

### ~~3.5.1.1~~ What are Non-Compliance Sanctions (NCS)?

~~A sanction is a penalty that may result in the reduction and termination of a family's TANF cash assistance. WFPS/WFSSS imposes a sanction penalty when a participant is able, but refuses without good cause to:~~

- ~~• Provide information needed to develop the Individual Responsibility Plan (IRP), including completing any required Comprehensive Evaluation(s);~~
- ~~• Show up for scheduled appointments with the people who provide WorkFirst services and follow participation and attendance rules;~~
- ~~• Participate in agreed to IRP activities, or~~
- ~~• Accept a job (that meets the criteria in WAC 388-310-1500);~~

~~If the WFPS/WFSSS discovers a participant is unable to participate in the current activities in the IRP, they may:~~

- ~~• Revise the IRP to an appropriate activity;~~
- ~~• Defer; or~~
- ~~• Exempt the person from participation.~~

#### Other Related Chapters

- ~~• 3.5.2 *Ending Sanction* describes what happens after a participant is in sanction grant reductioned and if they decide to stay in sanction grant reduction for ten two months.~~
- ~~• 3.5.3 *NCS Reapplications* describes how to process reapplications~~

### ~~3.5.1 Entering Sanction~~

#### ~~3.5.1.121~~ What is the Non-Compliance Sanction (NCS) policy?

~~When a WorkFirst participants does not actively prepare for and seek employment, or otherwise participate satisfactorily in their mandatory WorkFirst required activities, following two months in a row of non-compliance, TANF will be reduced. TANF must be terminated following twelve months in a row of non-compliance. The goal of this year-long process is to provide ample time for participants to re-engage or document good cause and ample opportunity for WorkFirst staff to assist them in doing this.~~

~~The goal of the NCS policy is to re-engage WorkFirst families and encourage them to take full advantage of the opportunities offered by the program.~~

~~the participant is at risk of a non-compliance sanction (NCS). The current (The non-compliance sanction (NCS) policy has three phases: requires:~~

- ~~— NCS without grant reduction: Two continuous TANF months without grant reduction following supervisor approval for NCS Establishing non-compliance with WorkFirst activities without good cause;~~
- ~~— NCS grant reduction: Reduction of or terminates TANF after two months of continuous non-compliance; and~~
- ~~— NCS Termination of TANF following twelve continuous total months of non-compliance when participants refuse to do their part to actively prepare for and seek employment, or otherwise participate, for~~

~~two months in a row (grant reduction for 10 months). Dependent teens are not required to participate in WorkFirst activities and can't be sanctioned for failure to participate.~~

~~The non-compliance sanction policy also terminates TANF when mandatory WorkFirst participants fail to attend a non-compliance case staffing and/or make contact with their WFPS/WFSS at the subsequent home/alternative site visit.~~

~~The goal of the NCS policy is to re-engage WorkFirst families participants currently facing or in sanction status and to encourage them to take full advantage of the opportunities offered by the program. Sanction is a tool to promote accountability and responsibility.~~

~~The sanction policy WorkFirst staff must provides numerous opportunities for the participant(s) in NCS to re-engage in appropriate WorkFirst activities and address any barriers to participation. WorkFirst staff should intervene early to and take any opportunity to and contact the participants in NCS monthly who are in non-compliance to encourage them to take full advantage of the opportunities offered by the WorkFirst program.~~

~~Note: Dependent teens aren't required to participate in WorkFirst activities and can't be sanctioned receive an NCS penalty for failure to participate with their WorkFirst requirements.~~

### 3.5.1.21 What are Non-Compliance Sanctions (NCS)?

A non-compliance sanction (NCS) is a penalty that may result in the reduction and termination of a family's TANF cash assistance. WFPS/WFSSS imposes an NCS sanction penalty when a participant is able, but refuses, without good cause, to:

- Provide information needed to develop the Individual Responsibility Plan (IRP), including completing any required Comprehensive Evaluation(s).
- Show up for scheduled WorkFirst appointments with the people who provide WorkFirst services and follow participation and attendance rules.
- Participate in agreed to IRP activities, or
- Accept a job (that meets the criteria in WAC 388-310-1500).

There are three phases of NCS:

- NCS *without* reduction: Two TANF months in a row without ~~grant~~ reduction of cash assistance following supervisor approval for NCS;
- NCS reduction: Reduction of cash assistance after two TANF months in a row of NCS *without* reduction; and
- NCS termination: Termination of cash assistance following ten TANF months in a row of NCS reduction.

If the WFPS/WFSSS discovers a participant is unable to participate in the current activities in the IRP, they may:

- Revise the IRP to an appropriate activity;
- Defer; or
- Exempt the person from participation.

### ~~3.5.1.2 What are sanctions?~~

A sanction is a penalty that ~~can~~ may result in the reductiones or and termination of a family's TANF cash assistance. WFPS/WFSSS imposes a sanction penalty when a participant is able, but refuses without good cause to:

- ~~Provide information needed to develop the Individual Responsibility Plan (IRP), including completing any required Comprehensive Evaluation(s),~~
- ~~Show up for scheduled appointments with the people who provide WorkFirst services and follow participation and attendance rules;~~
- ~~Sign the IRP;~~
- ~~Participate in agreed to IRP activities, or~~
- ~~Accept a job (that meets the criteria in WAC 388 310 1500).~~

~~If the WFPS/WFSSS discovers a participant is unable to participate in the current activities in the IRP, they may:~~

- ~~Revise the IRP to an appropriate activity;~~
- ~~Defer; or~~
- ~~Exempt the person from participation.~~

• ~~\_\_\_\_\_~~

~~There are three two types phases of sanction penalties:~~

~~—NCS without grant reduction: Following supervisor/designee approval for sanction, a participant will receive two full benefit months of TANF cash assistance in a row.~~

~~• NCS Sanction grant reduction penalty: the WFPS/WFSSS reduces the family's TANF cash assistance by the participant's share, or 40%, whichever is more, when the participant is in non-compliance for two full benefit months in a row following supervisor/designee approval doesn't have good cause and attends their NCS case staffing or home visit.~~

~~—Sanction case closure penalty NCS Termination: TANF cash assistance is terminated when the participant doesn't have good cause and fails to attend their NCS case staffing and home visit receives the NCS grant reduction for ten months in a row.~~

### 3.5.1.3 How long does NCS *without* grant reduction last?

~~will be eligible receives for two months of.~~ WorkFirst staff must allow a participant to have two TANF months of NCS *without* reduction before applying an NCS reduction.  
~~prior to receipt of may receive an NCS grant reduction.~~

• **Examples:**

~~#1: If a participant stops their activity participating and does not provide good cause at the case staffing scheduled August 12<sup>th</sup>. and WorkFirst staff refer the case to their supervisor for NCS. complete and submit the NCS Sanction tool.~~

- ~~• A supervisor/designee approves a participant's NCS grant reduction on 8/15/21, August 15th. the NCS grant reduction is scheduled for 11/1/2021.~~
- ~~• 9/1/21 will be the first month of NCS without grant reduction is September (09/01) and 10/1/21 October (10/01) will be the second month of NCS without grant reduction.~~
- ~~• The NCS grant reduction is anticipated for November (11/01).~~

#2:

**Examples:** If a participant receiving the NCS grant without reduction exits TANF for any reason other than NCS termination, and then reapplies for TANF, the sanction count resumes.:

**If #1: TANF Terminated/closed/terminated for any another reason following supervisor/designee approval, but before the first month of NCS grant without reduction: :**

- ~~• A supervisor/designee approves a participant's NCS grant reduction on 8/15/21, the NCS grant reduction is scheduled for 11/1/2021.~~
- ~~• 9/1/21 will be the first month of NCS without grant reduction. 10/1/21 will be the second month of NCS without grant reduction.~~
- The participant's TANF closes August (terminates 08/31)/21 for no Eligibility Review (ER) before the first month of NCS without grant reduction.
- ~~If the~~WhenIf the participant reapplies for TANF, they will return in month one of NCS without grant reduction.:

**#3: If #2-TANF Terminated/closed/terminated for any another reason during month one of NCS without grant-reduction::**

- ~~— A supervisor/designee approves a participant's NCS grant reduction on 8/15/21, the NCS grant reduction is scheduled for 11/1/2021.~~
- ~~— 9/1/21 will be the first month of NCS without grant reduction. 10/1/21 will be the second month of NCS without grant reduction.~~
- The participant's first NCS month without grant reduction is September (09/01) and TANF terminates/closes in- September (09/30)/21 for no Eligibility Review (ER) -during the first month of NCS without grant reduction.
- ~~If the participant reapplies for TANF on October~~November 8<sup>th</sup>, ~~Octo~~November will be the second month of NCS without reduction, they will return in month two of NCS without grant reduction.
- 

### 3.5.1.43 How long does NCS grant sanction reductions last?

~~Months of sanction count because Pparticipants who have received two months of were in NCS sanction without grant reduction for two TANF months in a row will be eligible for receive an stay in NCS grant reduction. An NCS reduction can lastsanction for a maximum of tentwo months in a row within a row ut good cause may lose their cash assistance may receivebefore potential an NCS tTermination.~~

**Examples:**

**#1: If the a sanctioned participant ~~receiving the~~ was in NCS *without grant* reduction for September (09/01) and October (10/01), the NCS ~~grant~~ reduction will begin in November (11/01).**

- ~~The participant can is eligible to receives up to ten total months of NCS reduction if the without a sanction isn't cured.~~
- ~~If participant remains on TANF for the ten consecutive months in a row, the case would be reviewed for receive an NCS Termination in August (08/31). exits TANF for a reason other than NCS termination, and then reapplies for TANF, the sanction count will resumes.~~

**#2: ~~#1: TANF closed/tTerminated for any other another reason following supervisor/designee approval, but before NCS ~~grant~~ reduction is applied.~~**

~~—A supervisor/designee approves a participant's NCS ~~grant~~ reduction was on August 15th 8/15/21, the NCS ~~grant~~ reduction is scheduled for November (11/01) as September (09/01) and October (10/01) were the two months of NCS *without grant* reduction. 11/1/2021.~~

- ~~9/1/21 will be the first month of NCS *without grant* reduction. 10/1/21 will be the second month of NCS *without grant* reduction.~~

~~—~~  
• ~~The participant's TANF ~~terminated~~ closed in October (10/31)/21 for no Eligibility Review (ER) before the NCS ~~grant~~ reduction was applied imposed. :~~

- ~~If the participant reapplies for TANF, they will return in month one of the NCS ~~grant~~ reduction, provided the participant received advance and adequate notice of NCS reduction prior to TANF closure. :~~

~~—#3 In month one of sanction if TANF closed after sanction was approved but before the month benefits were scheduled to be reduced,~~

~~—In month two of of the next month of sanction if TANF closed while the participant was receiving a reduced grant due to sanction.~~

**For example, #2: TANF terminated for another reason while a participant is in NCS ~~grant~~ reduction**

~~—The participant has received a NCS ~~grant~~ reduction in November (11/01) and December (12/01) A a supervisor/designee approves a participant's participant's NCS ~~grant~~ reductionsanction was approved on 8/15/2116, the ~~reduced~~sanctioned grant scheduled for 11/9/1/202116.~~

- ~~9/1/21 will be the first month of NCS *without grant* reduction. 10/1/21 will be the second month of NCS *without grant* reduction.~~

• ~~Theis participant's TANF ~~terminated~~ closed in December (12/31)/2116 for no Eligibility Review (ER) while in month two of NCS ~~grant~~ reduction.~~



- ~~If the participant reapplies for TANF in March (03/07), they will open in month three of NCS grant reduction continues they will return in month three on making March the third month. of NCS grant reductionsanction. If this same participant closed 9/30/16 for no ER after receiving a sanctioned grant, they would return in month two of sanction.~~

### 3.5.1.54 When do I send a Scheduling a good cause appointment/NCS case staffing letter?

~~A good cause/NCS case staffing is scheduled wWhen a participant doesn't show up for a scheduled WorkFirst appointment, doesn't isn't participating in activities required in their IRPAs required, or doesn't accept a job. the WFPS/WFSSS receives a n immediate notification from the service provider. When this occurs, the WFPS/WFSSS does a Continuous Activity Planning (CAP) staffing with the provider, and if the provider refers the participant back to the CSO, determines whether or not they had a good reason for not participating. (See 3.7.1.5 How do we treat excused and unexcused absences step by step.)~~

The WFPS/WFSSS must:

- Schedule a good cause appointment/NCS case staffing with the participant to find out if there is a good reason for not participating.
- Provide the WorkFirst Non-Participation (ACES letter 085-01) appointment letter to the participant, with the appointment date as close to the 10th day as possible while allowing for 10-day notice.
- Document in eJAS other relevant professionals invited to the case staffing including WFSSS and applicable persons from other agencies involved with the participant. Child Welfare (CW) social workers or representatives must be invited if they are currently/recently worked with the participant.

~~WAC 388-310-1600(2) states Pparticipants have 10 days to contact their WFPS/WFSSS when they don't meet WorkFirst requirements to discusscommunicate with their WFPS/WFSSS anyabout their situation that might create a barrier to participationone. Participants can contact their WFPS/WFSSS; in writing, by phone, by going to the appointment scheduled set in their good cause letter, or by asking for a different appointment time. The WFPS/WFSSS must provide a good cause letter to the participant allowing 10 calendar days, for the participant to provide information about why there may be "good cause" for not complying. Participants can contact their WFPS/WFSSS in writing, by phone, by going to the appointment scheduled in their good cause letter, or by asking for a different appointment time. The non-compliance period begins the day a WFPS/WFSSS sends the WorkFirst Non-Participation Appointment Letter (85-01) scheduling a good cause/NCS case staffing appointment.~~

This ensures:

- Policy and legal requirements are met,

- All parties are involved in making the NCS sanction decision, and
- The participant has an opportunity to bring someone with them to their good cause/NCS case staffing appointment.

~~WFPS/WFSSS must follow all of the steps of the good cause process, even if the participant is reached by phone to discuss their situation. The WFPS/WFSSS completes a thorough review of the case and documents the details of the staffing was conducted with the participant.~~

If a participant calls or comes in prior to the scheduled good cause appointment and wants to participate – the WFPS/WFSSS can do the following options:

- ~~• Canceled the good cause appointment, completes a new IRP and pursues sanction if the participant fails to comply with the new IRP; or~~
- If the participant waives their 10-day notice for good cause, ~~c~~Conducts a good cause determination ~~right then~~with participant and at *least one other professional*, ~~(if the participant waives their 10 day notice)~~following established guidelines, refers for NCS reduction sanctions ifas appropriate, and uses their new IRP as the start of the participant’s cure, ~~or~~
- ~~• Canceled the good cause appointment, if good cause is determined and completes a new IRP. If the participant does not comply with this IRP, a new good cause appointment must be scheduled; and pursues sanction if the participant fails to comply with the new IRP; or~~
- ~~•~~
- If the participant doesn't wish to waive their 10-day notice for good cause, advise the customer of the time and date of the good cause appointment. Any attempt to re-engage them will need to be completed at the scheduled good cause ~~NCS case staffing.~~
- ~~• WFPS/WFSSS must follow all of the steps of the good cause process, even if the participant is reached by phone to discuss their situation.~~

During any contact, ~~if~~ the participant wasn't given 10 calendar days to establish good cause; or ~~if~~ the good cause determination wasn't offered, ~~over the phone without sending a letter to the participant,~~ the case isn't procedurally correct and the non-compliance sanction is invalid.

### 3.5.1.65 What is the good cause 10-day period?

In counting the 10 days, day one begins when the participant is mailed or given, the "good cause" letter. This is the same as how we count the 10-day period for adverse action notices. Allow for an additional business day when the letter isn't mailed out the same day that it generates (either locally or centrally printed in Olympia by state office). If the 10th day falls on a weekend or holiday, the participant has until the following business day to provide the information requested.

-

The WFPS/WFSS documents in eJAS how the letter ~~was sent~~ is presented to the participant (in-person delivery, locally mailed, or centrally printed/mailed)

The following scenarios are examples of how to count the 10-day good cause period. ~~All scenarios assume that today's date is 8/4/2021~~:

*Day 1 is 8/4/~~2110~~ and Day 10 is 8/13/~~2110~~*

- The WFPS/WFSS locally prints and hands the good cause letter to the participant in the office. The date on the letter is 8/4/~~2110~~. Documents in eJAS the letter was handed directly to the participant on 8/4/~~2110~~.
- ~~The~~ WFPS/WFSS locally prints and places the good cause letter in outgoing ~~CSO~~ mail from office before the afternoon local mail cutoff. The date on the letter is 8/4/~~2110~~. Documents in eJAS the letter was locally mailed on 8/4/~~2110~~ before the afternoon cutoff.

•

*Day 1 is 8/4/~~2110~~ and Day 10 is 8/16/~~2110~~*

- The WFPS/WFSS locally prints and places the good cause letter in outgoing ~~CSO~~ mail after the afternoon local mail cutoff. The letter will go out the next business day. The date on the letter is 8/4/~~2110~~. ~~Since~~ If 8/14/~~2110~~ falls on a ~~weekend~~ Saturday, the participant has until the end of the next business day (8/16/~~2110~~) to provide good cause.
- The WFPS/WFSS chooses central print to mail the good cause letter to the participant. The letter will go out the next business day. The date on the letter is 8/4/~~2110~~. Since 8/14/~~2110~~ falls on a weekend, the participant has until the end of the next business day (8/16/~~2110~~) to provide good cause.

### 3.5.1.76 What if the post office returns the participant's mail?

~~A WorkFirst participant needs to know what is required of them of them. their participation. When mail is returned, the opportunity to engage participants is missed. If a participant's mailed IRP returns, they have good cause for failure to participate because they didn't know the requirements. The NCSsanction process can't be followed if the postal service returns the good cause interview appointment letter because they have a right to attend their case staffing.~~

~~However, once a sanctionNCS decision is made, per WAC 388-458-0025 and 388-310-1600(4), the obligation is to send out a 10-day change in benefits letter. There are no provisions to lift NCS reductionsanction/reinstate full benefits if the post office returns the change in benefits letter.~~

~~In these cases, the casegrant likely closes for loss of contact. If the participant reapplies, staff should reissue the adverse action notice and open the case in sanction.~~

## ~~How do I set up the good cause/NCS case staffing?~~

~~The first step is to set up scheduled a good cause appointment/NCS case staffing with the participant to find out if there is a good reason for not participating. Provide the Mail a good cause (*WorkFirst Non-Participation* (ACES letter 085-01) appointment letter to the participant, with the appointment date as close to the 10th day as possible while allowing for 10 day notice. The WFPS/WFSSS schedules the participant's home visit (or alternative meeting) in case the participant doesn't attend the scheduled non-compliance case staffing in the space provided in the letter.~~

### ~~The WFPS/WFSSS:~~

- ~~— Arranges the good cause/NCS case staffing in compliance with any limited English proficiency (LEP) and Equal Access (EA) plans to communicate effectively with the non-participating parent/caregiver. Follows the procedures in section 3.4 Case Staffing to set up the staffing.~~
- ~~— Conducts an NCS case staffing during the good cause appointment to decide whether to initiate a sanction for refusal to participate without good cause. Follows the procedures in section 3.4 Case Staffing to set up the staffing. Documents any information the participant provides about the non-participation (phone calls or documents) before the case staffing occurs.~~
- ~~— Includes the following people in the case staffing:
  - ~~• The non-participating parent/caregiver (if they show up for the good cause appointment).~~
  - ~~• Anyone the non-participating parent/caregiver brings with them.~~
  - ~~• Two other relevant professionals, such as a Social Service Specialist or applicable persons from other agencies involved with the participant, which may include tribal representatives, WorkFirst partners, family violence advocates, or LEP pathway providers.~~
  - ~~• Department of Children, Youth and Families (DCYF) Child Welfare (CW) social worker or representative Program (CWP) staff if they currently work/recently worked with the family. Incorporate supported activities DCYF CWP may require the participant to engage in activities such as counseling or substance abuse treatment in their IRP. DCYF CWP staff can help re-engage the participant in activities to support barrier reduction. The WFPS/WFSSS documents in the participant's case if there is DCYF CW involvement and if the CW/DCYF social worker or representative partner was invited to the case staffing.~~~~

~~Note: A minimum of two professionals must attend the case staffing. The WorkFirst assigned worker scheduled in case staffing (WFPS or WFSSS) counts as one professional. In **no** case instances, can a case manager be the only one making a decision to sanction.~~

## ~~3.5.1.7 How do I set up the home visit (or alternative meeting)?~~

The WFPS or WFSSS completes the following steps:

- Schedules the home visit (or alternative meeting) for a time no more than seven days after the noncompliance case staffing, but may be the same day.
- Schedules the two meetings at least one day apart if it's an alternative meeting instead of a home visit, and both meetings are at the CSO.
- Notifies the participant of the date, time and location of the home visit (or alternative meeting) in the good cause (WorkFirst Non-Participation 085-01) appointment letter discussed in 3.5.1.6.
- Explains in the 085-01 that the WFPS or WFSSS shows for a home visit (or alternative meeting) if the participant doesn't attend the noncompliance case staffing.

Note: Please see 6.5.12 for more information about what to include in letters to a participant in the Address Confidentiality Program (ACP).

The address for the home visit is the participant's residential address. In some circumstances, an alternate location (and an alternative meeting) may be advisable. If homelessness or safety for the family or the case manager prevents the completion of a home visit, the WFPS/WFSSS may complete the alternative location meeting at the CSO or at an alternate location. The WFPS/WFSSS must clearly document the reason for using an alternative location meeting in eJAS sanction case notes. Make sure any meeting at an alternative location is easily accessible for the participant. It should be as close to the participant's home as possible. Only use the CSO when it's the best or only option for the participant.

### 3.5.1.88 What if the post office returns the participant's mail?

A WorkFirst participant needs to know what is required of their participation. When mail is returned, the opportunity to engage participants is missed. If a participant's mailed IRP returns, they have good cause for failure to participate because they didn't know the requirements. The sanction process can't be followed if the postal service returns the good cause interview appointment letter because they have a right to attend their case staffing.

However, once a sanction decision is made, per WAC 388-458-0025 and 388-310-1600(4), the obligation is to send out a 10-day change in benefits letter. There are no provisions to lift sanction/reinstate full benefits if the post office returns the change in benefits letter.

In these cases, the grant will likely close for loss of contact. If the participant reapplies, staff should reissue the adverse action notice and open the case in sanction.

### 3.5.1.899 What happens at the good cause/NCS case staffing?

There are two stages at the NCS case staffing. First, listen and collect information from the participant to determine if there is participant has good cause for not failure to meeting WorkFirst requirements. Second, determine if whether the participant does or doesn't have good cause, and

then use the eJAS Non-Compliance Case Staffing & Review Criteria tool to determine the next appropriate step for the participant. Additionally, the WFPS/WFSSS must:

- Complete the good cause/NCS case staffing in compliance with any limited-English proficiency (LEP) and Equal Access (EA) plans to communicate effectively with the non-participating parent/caregiver. Follows the procedures in section 3.4 Case Staffing to set up the staffing.
- Conducts an NCS case staffing during the good cause appointment to decide whether to refer a participant ~~initiate a sanction~~ for refusal to participate without good cause.
- Documents any information the participant provides about the non-participation (phone calls or documents) before the case staffing occurs.
- Includes the following people in the case staffing:
  - The non-participating parent/caregiver (if they show up for the good cause appointment).
  - Anyone the non-participating parent/caregiver brings with them.
  - Other relevant professionals, such as a WFSSS or applicable persons from other agencies involved with the participant, which may include tribal representatives, WorkFirst partners, family violence advocates, or LEP pathway providers.
  - Child Welfare (CW) social worker or representative if they currently work/recently worked with the family. Incorporate supported activities CW may require the participant to engage in activities such as counseling or substance abuse treatment in their IRP. CW staff can help re-engage the participant in activities to support barrier reduction. The WFPS/WFSSS documents in the participant's case if there is CW involvement and if the CW social worker or representative was invited to the case staffing.

Note: A minimum of two professionals must attend the case staffing. The WorkFirst worker scheduled in case staffing counts as one professional. In **no** instances, can a case manager be the only one making a decision to refer for NCS ~~sanction~~.

Comply with any LEP and EA plans in the case staffing to communicate as effectively as possible with the non-participating parent/caregiver. Use the case staffing guidelines established under 3.4.1

What is a Case Staffing?

Once a decision is made, document any barriers discussed and the results of the case staffing. Explain why the department determined good cause or decided to refer for NCS ~~reduction~~ ~~sanction~~, using the NCS Case Staffing Documentation Standard. The participant must be sent a case staffing results letter.

3.5.1.91010 How do I ~~decide~~ determine if the participant has good cause?

The goal is to involve participants in WorkFirst activities to increase their ability to earn a living and provide support for their children, not to place their case in NCS sanction status. It's very important to determine and document whether a participant is refusing, ~~or~~ rather than unable to comply. If a participant is unable to comply and explains we are able to determine why, then we can work more effectively with them and their family.

WFPS/WFSSS needs to be particularly careful not to place participants in non-compliance sanction ~~status~~ who don't comply because they don't have affordable or appropriate child care, and don't know what help is available. There is a special brochure ([WorkFirst Opportunities Brochure DSHS 22-1125](#)) that you can use to give basic child care information to all participants who face non-compliance sanction.

Anyone who isn't fully participating as required has good cause if there are a significant barrier or combination of barriers outside of their control that prevent full participation. Some areas ~~problems~~ to review with every participant that may prevent compliance include having:

- An unmet need for Equal Access services (EA).
- Limited-English Proficiency (LEP), not addressed through interpreters or translations that result in the participant not understanding WorkFirst requirements.
- An emergent or severe medical condition (verified by health care professional) of the participant or a family member in the participant's care.
- Mental health or chemical dependency issues.
- Family violence.
- Immediate legal concerns.
- Homelessness.
- ~~A combination of barriers adding up to an inability to meet WorkFirst requirements.~~

~~Don't~~ Consider non-participation due to unexcused absences good cause if ~~unless~~ there ~~i's~~ a significant circumstance outside of the participant's control, such as but not limited to, family violence or hospitalization that made it impossible difficult for the participant to call in to get the absence excused.

If there isn't enough information to make a good cause decision, give the non-participating parent/caregiver a written request for any needed additional proof. For example, if the participant reports a new barrier, ~~it's critical to~~ give/send them a letter requesting documentation or verification of the barrier, if needed. U~~You may use the good cause case staffing results letter adding the date the participant has agreed to provide verification of good cause (allowing at least 10 days).~~ Don't send a recommendation to impose ~~a sanction~~ NCS until a decision ~~is~~ made based on the verification provided.

If ~~the~~ WFPS/WFSSS determines the participant had good cause for failure to participate in their assigned activities;



- Complete NCS eJAS Tool 1-14;
- Answer 'No' to question 15;
- Document the decision in eJAS sanction case notes.

~~using the NCS documentation standard. When there is a determination of good cause, WFPS/WFSSS must requires a change in the IRP to reflect the appropriate activities and level of services the participant needs to successfully participate in the program. In addition, they may need to and may require:~~

- ~~Completeing or reviewing the~~ comprehensive evaluation;
- ~~Modifying~~ participation requirements and/or support services ~~and afor~~ a new IRP;
- ~~Provide a~~ deferral from a specific activity, or an exemption.
- ~~Answer 'No' to question #15 the NCS eJAS Tool.~~

Note: PRISM is a useful tool to identify potential issues that prevent participation; however, use of PRISM to gather information for purposes of imposing sanctions for failure to follow through with requirements is prohibited.

### 3.5.1.1011 What if I determine the participant doesn't have good cause?

~~The purpose of the NCS eJAS tool is to document that the WFPS/WFSSS followed the non-compliance sanction process, gave the participant every opportunity to participate, reviewed the case with others, and agreed with the NCS referral. It also helps to determine the next appropriate step based on all available information. The participant could be referred for NCS reduction and/or be re-engaged.~~

~~If it's determined the participant doesn't have good cause for failure to participate, complete the eJAS Non-Compliance Sanction Case Staffing & Review Criteria tool (NCS eJAS tool) questions 1-15 during the good cause/NCS case staffing appointment.~~

~~The purpose of the NCS eJAS tool is to document that the WFPS/WFSSS followed the non-compliance sanction process, gave the participant every opportunity to participate, and reviewed the case with others, and agreed with the sanction decision. It also helps to determine the next appropriate step based on all available information. The participant could be placed in sanction reduction, sanction termination, and/or be re-engaged.~~

~~In addition, if the participant attends their NCS case staffing and does not meet good cause, the WFPS/WFSSS follows the NCS case staffing & review eJAS tool:~~

- Discusses how participation ~~will~~ helps participants and their family.
- Makes sure the participant has an opportunity to participate, which may include:



- Changing IRP requirements if different WorkFirst activities will may help the participant move towards independence and employment sooner.
- Provides support services the participant needs to participate.
- Describes the non-compliance sanction penalties, what happens if a participant stays in non-compliance sanction, and how to end the non-compliance sanction.
- Explains continued refusal to non-participation without good cause, may result in a decision to close the cash grant once the participant has been in NCS grant reduction sanction status for ten months in a row;
- Explores how the participant plans to care for and support their children, (this is called the Child Safety Review) if their case closes, including local resources that may help meet their needs. This can include Food, BFET, WIC, Childcare, Head Start etc.;
- Explains to the non-participating parent/caregiver that they may be able to receive CEAP if the supervisor or designee approves their case for closure (see [Section 3.5.3.2](#))
- Documents barriers discussed and the results of the case staffing in the NCS eJAS tool, using the NCS Case Staffing Documentation Standard.
- Provides an eJAS NCS case staffing results letter.

### 3.5.1.1 ~~122~~ What if the participant fails to attend the good cause appointment/NCS case staffing?

If the participant fails to attend the good cause appointment/NCS case staffing, the WFPS/WFSSS:

- Conducts the appointment with at least one other relevant professional.
- Determines whether the participant was able to participate (in the required activities as outlined in the IRP) during the NCS sanction case staffing based on available whatever information is available (such as case notes, information from other professionals and medical records).
- Documents the following:
  - Issues discussed and the results of the case staffing in the NCS eJAS tool, using the NCS Case Staffing Documentation Standard.
  - Uses the Case Staffing Result Letter to Document that they The participant waived the opportunity to attend and to describe the outcome of the staffing.
- ~~If the case staffing results in a finding of no good cause, attempts to contact the participant via the scheduled home visit or alternative meeting.~~
- Mails the following to the participant:
  - the participant iInformation about resources the family may need if their TANF grant is reduced or closed. This qualifies as the Child Safety Review if the participant does not show up for their NCS case staffing.
  - Mails the The participant eJAS the NCS case staffing results letter. that explains:
  - If the participant did or didn't attend.
  - The results of the NCS case staffing.
  - Recommendations to impose non-compliance sanction as appropriate.

- NCS penalties.
- o What they may need to do to end their sanction.

•

### ~~3.5.1.133~~ What is the NCS case staffing documentation standard?

In addition to any eJAS Case Staffing documentation, the WFPS/WFSSS who conducted the staffing must document the following:

- ~~All available information was reviewed and discussed, including strengths and barriers, with one or more professionals.~~
- ~~An explanation of the decision to pursue or not pursue sanction.~~
- ~~The sanctioned participant is provided information about resources they may need if their case closes.~~

### 3.5.1.12344 What do I do after the NCS case staffing?

~~After the NCS case staffing is approved by the supervisor, send the case staffing result letter explaining:~~

- ~~If the participant did or didn't attend. What the participant failed to originally do.~~
- ~~The results of the NCS case staffing.~~
- ~~Recommendations to impose non-compliance sanction as appropriate.~~
- ~~NCS penalties.~~
- ~~What they may need to do to end their sanction if they reapply.~~
- ~~The date and time of the scheduled home visit/alternative meeting (if the participant didn't attend the staffing and good cause wasn't found).~~

~~If the participant attended the staffing, and good cause wasn't found, the WFPS/WFSSS determines if the participant meets question 15 NCS Case Staffing sends a NCS grantsanction reduction referral/sanction criteria:~~

- ~~If good cause is found, do not request supervisor approval and complete the eJAS NCS tool questions 1-15.~~
- If good cause wasn't found, request supervisor or designee approval in the NCS eJAS tool. penalty recommendation to the supervisor or designee for for sanction approval.
- If a participant hasn't ended their non-compliance sanction following ten months of NCS reduction a WFPS/WFSSS will complete a NCS termination referral.

Please see 3.5.1.167 Entering Non-Compliance Sanctions - Step-by-step guide below for additional details.

- ~~The WFPS/WFSSS will monitor the NCS Review Pathway Pending Supervisor Approval section in the Caseload Management Report (CLMR) for a decision.~~
- ~~If the supervisor or designee approves NCS grant sanction reduction/sanction penalty, the WFPS/WFSSS will monitor the 'NCS Review Pathway Reduction Pending' section of the CLMR to apply NCS grant reduction following two benefit months of non-compliance.~~
- ~~WFPS/WFSSS will also monitor the 'Clients in Sanction' section of the CLMR to monitor the entire NCS sanction process following supervisor or designee approval of NCS grant reduction.~~

~~reduced grant sanction and sends an adverse action notice.~~

~~If the participant didn't attend the staffing, the WFPS/WFSSS will attempt to contact them at the previously scheduled home visit (or alternative meeting). If the participant makes contact with their WFPS/WFSSS before the home visit occurs, treat this as an alternative meeting and complete the home visit in the office or over the phone. Document when and where the meeting occurred in the NCS tool.~~

### ~~3.5.1.15 What happens at the home visit (or alternative meeting)?~~

~~The WFPS/WFSSS attempts to contact the participant at the date, time and address specified on the 085 01 for the home visit (or alternative meeting).~~

~~If contact is made with the participant at the home visit (or alternative meeting), the WFPS/WFSSS explains to them that no good cause was found at the noncompliance case staffing and that they will be referred for a reduced grant sanction unless it's determined that they have good cause.~~

~~If the participant is willing to discuss the case, the WFPS/WFSSS uses the NCS Home Visit Summary form to take the actions below. If the participant doesn't have good cause, when the WFPS/WFSSS returns to the office, they enter this information into eJAS and send the NCS Home Visit Summary to DMS stamped "completed".~~

~~Note: Be sure to document any reason for delay.~~

~~The WFPS/WFSSS:~~

- ~~Reviews the good cause decision with the participant.~~
- ~~Discusses how participation will help their family.~~

- ~~Makes sure the participant has an opportunity to participate, which may include:~~
- ~~Changing IRP requirements if different WorkFirst activities will help the participant move towards independence and employment sooner.~~
- ~~Providing support services the participant needs to participate.~~
- ~~Describes the sanction penalties; what happens if a participant stays in sanction and how to end the sanction.~~
- ~~Explains that continued refusal to participate without good cause, may result in a decision to close the TANF cash grant once the participant has been in sanction status for two months in a row;~~
- ~~Explores how the participant plans to care for and support their children (this is called the Child Safety Review) if their case is closed, including local resources that may help meet their needs;~~
- ~~Explains to the sanctioned participant that they may be able to receive CEAP if the supervisor or designee approves their case for closure (see Section 3.6.3.2);~~
- ~~Offers to start the sanction cure if the participant has decided to reengage in WorkFirst activities by completing the sanction reengagement portion of the CE and the IRP. Staff can use the NCS Home Visit Summary form to document participant CE responses and the IRP activities if they don't have access to eJAS during the home visit, and then document the results in eJAS and mail the IRP to the participant when they return to the office.—~~
- ~~Schedules an in-person CE at the CSO if the participant chooses to engage and needs a new CE.~~

~~If contact is made with the participant at the home visit (or alternative meeting), and there is no reason to change the good cause decision, the WFPS/WFSSS recommends sanction reduction and termination after two months of sanction. If the supervisor/designee approves the sanction and subsequent termination, the WFPS/WFSSS applies the reduced grant sanction and sends an adverse action notice.~~

~~The WFPS/WFSSS closes out the NCS eJAS tool, updates the IRP and re-engages the participant in appropriate WorkFirst activities if they determine good cause at the home visit (or alternative meeting).~~

### ~~3.5.1.16 What if no contact is made with the participant at the home visit (or alternative location meeting)?~~

~~The WFPS/WFSSS documents in the NCS eJAS tool the reason that contact wasn't possible and sends any sanction penalty recommendation to the supervisor or designee for approval. The WFPS/WFSSS applies the sanction case closure penalty (without a reduced grant period) and sends an adverse action termination notice when the supervisor/designee approves the sanction penalty.~~

~~The WFPS/WFSSS:~~

- Documents the reason under #15 in the Sanction Review tool if the home visit/alternative meeting is rescheduled.
- Documents under the appropriate confidential note if the home visit is rescheduled due to an unsafe location.
- Sends an 85-01 with the new home visit date/time and location (if applicable), allowing adequate mailing time.

**Note: Contact, defined as a conversation about the sanction/termination between the sanctioned participant and a WFPS/WFSSS, either in person or by phone, must be made before reinstating TANF/SFA. A voicemail, receipt of an application, or some other message doesn't qualify as contact. Contact with anyone other than WF staff won't qualify for the purpose of reinstatement.**

A WFPS/WFSSS takes the following steps if contact happens after completing an approval of sanction case closure penalty and sending the notice of proposed termination, but prior to the effective date of termination:

1. Removes the NCS termination;
2. Determines whether to open the TANF grant effective the beginning of the month using the reinstate function, without requiring participation for the 4 week cure period. The case won't be reinstated if the participant received 10-day notice of case closure for sanction and for another reason, unless they resolve the other reason for case closure prior to termination, and;
3. Determines whether to code the sanction grant reduction penalty so the month after the proposed termination will be month one of a two month reduced grant sanction. A sanction grant reduction penalty won't be coded when the participant is unable to participate.
4. The WFPS/WFSSS must offer the participant an opportunity to reengage in WorkFirst, just as would have been done had they been available at the home visit.

#### **Example:**

Amber didn't attend her NCS staffing March 19 and wasn't available for her home visit March 22. Sanction was approved, and her TANF termination would be effective April 30.

On March 31, a WFPS returns a call and speaks with Amber. No evidence is provided that would reverse the good cause decision made at the staffing and Amber is currently able to participate.

The WFPS:

- Reinstates TANF as of May 1,
- Removes the NCS termination,
- Codes the sanction reduction penalty. May will be month one of a two month reduced grant sanction, and

- Offers Amber an opportunity to reengage in WorkFirst and start her sanction cure.

If the participant is willing to engage in WorkFirst, complete a reengagement interview including the REIN tool and Part Four of the CE. Note: The original NCS tool would have been completed when the proposed termination notice was sent.

If the participant is not willing to engage in WorkFirst, track the sanction in the CLMR by completing the first two questions in the REIN tool, using the date of the reinstatement letter in the field for the approval letter date.

---

### 3.5.1.1~~3457~~ What if the supervisor disagrees with the recommendation for NCS sanction reduction or termination/sanction penalty?

When a participant is referred for a NCS ~~grant~~ sanction reduction or NCS termination penalty, the supervisor/designee will review the NCS eJAS tool to determine whether the NCS ~~sanction~~ policy and process was correctly followed.

There are two types of supervisor/designee denials:

**Pending Correction**stop: A supervisor/designee may deny the NCS ~~grant~~ reduction or NCS termination and send the recommendation back to the WFPS/WFSSS for correction by selecting the following reason in the NCS eJAS Tool:

- Needs correction-NCS Review Criteria sent back for correction.

The WFPS/WFSSS will have the option to correct necessary actions and resubmit the NCS ~~grant~~ reduction or termination recommendation.

**Final Denial Decision**denial: The supervisor/designee may deny the NCS ~~grant~~ sanction reduction or termination and stop the NCS ~~sanction~~ process/sanction penalty recommendation. The supervisor/designee will provide the appropriate denial reason from drop down menu (the denial reasons can be procedural or missed barrier based on barrier concerns). When a hard denial reason is selected by the supervisor/designee, this will close the NCS eJAS Tool.

~~\_due to:~~

- ~~• Inadequate or untimely notice for the good cause/NCS case staffing appointment~~
- ~~• Case staffing done incorrectly (such as one participant did the staffing and made the decision)~~
- ~~• DCYF involvement, but failed to invite DCYF~~
- ~~• Failure to do a Child Safety Review (or send out material to no shows)~~

~~The supervisor/designee may also deny the sanction/sanction penalty recommendation when the participant:~~

- ~~• Didn't know what their IRP required~~
- ~~• Was sanctioned for an activity not in their IRP~~
- ~~• Had unaddressed barriers to participation~~
- ~~• Reported a barrier and we failed to respond~~
- ~~• Had good cause for failure to participate~~

~~A denial will send the case back to the case manager to review and correct. The case manager can make necessary corrections and send the case back for a decision or close out the tool when the sanction or case staffing was invalid.~~

### 3.5.1.14568 When do I send an adverse action notice?

~~The department can't sanction apply an NCS sanction grant reduction to a participants until a 10-day notice of adverse action is sent to the participant. The NCS grant reduction notice will be sent following supervisor approval of NCS grant reduction and two benefit months of NCS without grant reduction.~~

~~For example:~~

- ~~• 8/15 - /21 aA participant is referred back from Community Jobs.~~
- ~~• 8/16/21 - †The WFPS/WFSSS sends a WorkFirst Non-Participation Appointment letter (085-01) scheduling a good cause/NCS Case Staffing appointment with at least in-10 calendar days days' notice to find out if there is good cause for non-compliance.~~
- ~~• 8/27 - †The WFPS and WFSSS meet with the participant and determineds that good cause doesn't exist and submits sanctionreferred the participant's case to the supervisor for NCS-grant reduction for supervisor review.~~
- ~~• 8/29/21 - aA supervisor/designee approved the NCS-grant reduction penalty.~~
- ~~• 9/1 - /21 †Is the first month of NCS without grant reduction.~~
- ~~• 10/1/21 - †Is the second month NCS without grant reduction.~~
- ~~• 10/1/21 – Is would be the first day an adverse action notice could be mailed to a participant following two months of NCS without-grant reduction.~~

~~—11/1/21- Is would be the first month (of a possible ten months) of NCS grant reduction.~~

- ~~• The earliest date sanction grant reduction decision can be made and send out the adverse action notice sent depends on whether the participant contacts their WFPS/WFSSS within the 10-day good cause period. If the participant does not show up for their NCS case staffing, do not send the notice until after an attempt at the follow-up home visit/alternative meeting.~~

~~• **Note: Contact from participant within the 10 days good cause period:** When participants contact the WFPS/WFSSS to explain that they woill no't participate or do no't have a good cause anytime during the 10-day period, the notice of adverse action can be issued. The department does no't have to wait until the 10th day to issue the adverse action notice. Document the contact and the participant's statements in eJAS.~~

~~• **Incomplete information from participant within the 10 days:** When a participant provides some information but not everything needed to make a good cause determination, the department must inform the participant in writing what else is needed and allow a reasonable amount of additional time to respond. A reasonable amount of time is no't necessarily 10 days. This second request does no't make the first good cause letter invalid. Send an updated good cause letter with the date this information is due.~~

~~• **No contact within the 10 days:** When a participant does no't respond at all and does no't attend the scheduled good cause meeting, the department must wait until the 10th day to send the adverse action notice. However, if the participant contacts their WFPS/WFSSS and establishes good cause by the end of the 10th day, the adverse action letter must be rescinded.~~

~~• **Simultaneous notice of non-participation and intent to not participate:** A participant may tell you that they do no't intend to participate at the same time you find out that they have no't been participating. When this occurs, hand the participant a good cause letter or mail the letter. See 3.5.1.4, *When do I send a good cause appointment/NCS case staffing letter?* for more information.~~

~~• The adverse action letter addressed to head of household must specify the name of the participant in the household who is being placed in non-compliance sanctionreceiving the NCS penalty.~~

- ~~• This applies for both one and two-parent households.~~

~~WAC 388-310-1600(5) states Once the WFPS/WFSSS determines a participant did no't have a good reason for failing not to meeting their WorkFirst requirements, the WFPS/WFSSS must advise:~~

~~—Who didn't do the activity, as there may be more than one mandatory participant in the family.~~



- ~~— the WFPS/WFSSS must advise tell the participant what they failed to do. This must be added to the participant's adverse action notice. The participant must be also be told how to cure their sanction.~~
- ~~— The participant needs to know wWhat specific activity in the Individual Responsibility Plan they did no't follow through with. This is particularly important when there i's more than one activity. The WFPS/WFSSS must state who did no't do the activity, as there may be more than one mandatory participant in the family. This must be added to the participant's adverse action notice.~~
- ~~— The participant must be also be told hHow the participant can to cure their sanction.~~

To summarize, include the following information in the adverse action letter:

- Who is being placed in NCSsanction (specific participant)
- ~~What they failed to do~~How the participant did-n'ot meet- (specific activity in IRPWorkFirst requirements)
- That the ~~specific~~ participant is in sanction-NCS status
- The penalties that will be applied to the grant
- When the penalties will be applied
- Administrative hearing rights
- How to end the penalties and get out of sanction-NCS status

Please note that on the 08-01 Change in Benefits letter and 06-02 Termination of TANF/SFA letter, WorkFirst staff only need to enter the information corresponding to the first three bulletssecond bullet. The rest of the information is automatically printed on the letter. For additional details please see 3.5.1.16 Entering Non-Compliance Sanction - Step-by-step guide.~~However, on the 06-02 Termination of TANF/SFA letter for those receiving the case closure sanction penalty, staff must enter the information corresponding to the first three bullets and also add the following text, including appropriate dates:~~

~~The penalty for this sanction is case closure because you did not attend your staffing appointment scheduled on \_\_\_\_\_.~~have received ten (10) months of a sanction reduction without meeting WorkFirst requirements to cure the sanction.

- ~~• A sanction cure is 4 weeks of compliance with WorkFirst requirements. and you were not available for your home visit or alternative meeting scheduled on \_\_\_\_\_.~~
- ~~• If your case is closed, you will need to reapply and may need to follow your IRP for 4 weeks in a row before you can receive a grant.~~

If these points are ~~no't~~ met in the notice of adverse action, then the requirements have ~~no't~~ been met, and the participant can't be placed in non-compliance sanction-status.

### 3.5.1.15679 eJAS/ACES codes

When ~~following the NCS process a participant is sanctioned~~, use the following ACES and eJAS codes:

- **SA** (eJAS code indicating the participant is in non-compliance sanction)-
- **IC** (eJAS closure code showing that a component has been closed incomplete)
- **RE** (ACES WORK screen non-compliance sanction code for households 60 months or less on WorkFirst cash assistance)
- **SN** (eJAS non-compliance sanction code for households 61 or more months on WorkFirst cash assistance)
- **PR** (code indicating a NCS case staffing has been scheduled)

### 3.5.1.167820 Entering Non-Compliance Sanctions - Step-by-step guide

Note: The NCS process ~~is and has automation that is supported and tracked in eJAS~~ is each participant through the specific incidence phases of their non-participation. If future incidences of non-participation require pursuing the sanction pathway occur, is reconsidered again based on another incidence of non-participation, new appointments must be conducted and a separate NCS eJAS tool created.

#### A. **Setting up the good cause/NCS case staffing appointment**

The WFPS/WFSSS identifies participants who aren't complying with program requirements and sends the participant the WorkFirst Non-Participation Appointment letter (085-01) scheduling a good cause/NCS Case Staffing appointment ~~within~~ with a minimum of 10 calendar days to find out if there is good cause for non-compliance.

- The WFPS/WFSSS:
  1. Addresses the letter to the ~~non-participating parent/caregiver~~ compliant participant.
  2. Specifies ~~in the body of the letter~~ who is in non-compliance.
  3. Adds the required text explaining ~~what how~~ the participant ~~failed to do~~ didn't meet requirements. This can be vague such as For example, "You didn't meet with your provider on [date] at the scheduled time [time]."
  4. ~~Tells~~ Advises ~~them they can choose to bring anyone they want to the appointment.~~
  5. ~~Adds the following text to the letter regarding the case staffing and who has been invited to attend.~~ "At this appointment, we will also be reviewing your participation in the WorkFirst program with other involved agency staff. I have invited (list agency staff) to this appointment."
  6. ~~Adds the date, time and location of the home visit (or alternative meeting) that will be attempted if the participant doesn't attend the good cause/NCS Case Staffing appointment.~~
  7. ~~4.~~ Closes affected component code(s) with IC and contractor code(s) with actual ending date.

~~8.5.~~ Enters PR component code in eJAS with a scheduled end date that coincides with the good cause appointment date, ~~not to exceed~~ between 10 and 14 calendar days.

~~9.6.~~ Invites and documents in eJAS at least two other relevant professionals, such as a social service specialist or someone from another agency who is working with the participant, to the good cause/NCS case staffing appointment. A minimum of two professionals is required with the assigned worker (WFPS or WFSSS) counting as one professional.

~~10.7.~~ Documents whether the ~~Department of Children, Youth and Families (DCYF) Child Welfare Programs Division (CW)PD~~ -were or are involved with the family, and if so, if ~~DCYF-CWPD~~ was invited to the good cause/NCS case staffing appointment.

## **B. Conducting the good cause/NCS case staffing interview appointment:**

At the good cause/NCS case staffing appointment when the participant attends. W, with appropriate professionals, the WFPS/WFSSS:

1. Determines whether good cause exists by:

1. Listening to the participant and collecting any new information.

~~1.2.~~ Reviewing available information and determining if activities were appropriate.

3. Discussing the following with the participant:

~~2.1.p~~ Program requirements with the participant and what they failed to do, why/how they have not been meeting WorkFirst requirements.

2. Discussing sStrengths and barriers ~~with the participant.~~

3. ~~Discussing and considering o~~Overall progress towards program participant goals.

~~3.~~ Share benefits and opportunities within WorkFirst programs, including support services available. when participating.

~~—~~ At the good cause/NCS case staffing appointment when the participant doesn't attend. With appropriate professionals, the WFPS/WFSSS:

Determines if good cause exists by reviewing all available information. Each participant has their own history, patterns of behaviors and WorkFirst staff have many options to assess potential good cause. Here is a list of potential items that can be considered in review:

Attempt to reach participant by phone to conduct staffing by phone while partners are available.

The information directly from the participant in this process is always most accurate way to explore good cause.

Check the ECR for any new documents or return mail.

Is EBT usage still in the local area

Review the CAL Tab for any recent contact

Within ACES:

When is the last time they had contact with the department, did they report a new phone number or address.

Within eJAS:

Assessments for potential barriers not addressed:

Notes:

Did partners who completed referral back make recommendations or provide any indication of new barrier:

Has the participant made contact any recent with the department

Medical records:

Is there an indication of medical conditions that prevent participant from participating

Is the EA plan updated to reflect these concerns

4.

2. If the participant doesn't have good cause:

1. Ensures the participant was given at least 10 days to contact the office and establish good cause.

2. Explains why the department is recommending NCS grant reduction/sanction.

3. Conducts a Child Safety review to help the participant plan for case closure, including:

1. How the participant plans to support their family once they lose cash assistance/aid.

2. Explaining the possible continuation of Washington Apple Health and Basic Food Assistance.

3. Providing a list of community resources (like WIC) that are available to help meet the family's need.

4. Explaining that they may be able to apply for CEAP at reapplication if the case is closed for non-compliance sanction.

~~3. Ensures the participant knows how many NCS closures they have had.~~

4. Offers re-engagement.

5. ~~If the participant agrees to participate, c~~Completes/reviews or schedules the Sanction Reengagement CE interview/Comprehensive Evaluation (CE)w and modifies the IRP, as required, based on the CE outcome, modifies the IRP, as required.~~and the participant agrees to participate~~

~~6.1. Conducts a Child Safety review to help the participant plan for case closure, including:~~

~~1. How the participant plans to support their family once they lose cash aid.~~

~~2.1. Explaining the possible continuation of Washington Apple Health and Basic Food Assistance.~~

~~3.1. Providing a list of community resources (like WIC) that are available to help meet the family's need.~~

6. ~~Explaining that they may be able to apply for CEAP at reapplication if the case is closed for non-compliance sanction.~~Closes the PR and updates all needed components.

~~, including SA.~~

~~At the good cause/NCS case staffing appointment when the **participant doesn't attend**. With appropriate professionals, the WFPS/WFSSS:~~

- ~~— Determines if good cause exists by reviewing all available information. Each participant has their own history, patterns of behaviors and WorkFirst staff have many options to assess potential good cause. Here is a list of potential items that can be considered in review:~~
  - ~~— Attempt to reach participant by phone to conduct staffing by phone while partners are available:
    - ~~— The information directly from the participant in this process is always most accurate way to explore good cause.~~~~
  - ~~— Check the ECR for any new documents or return mail:
    - ~~— Is EBT usage still in the local area~~
    - ~~— Review the CAL Tab for any recent contact~~~~
  - ~~— Within ACES:
    - ~~— When is the last time they had contact with the department, did they report a new phone number or address.~~~~
  - ~~— Within eJAS:
    - ~~— Assessments for potential barriers not addressed.~~
    - ~~— Notes:
      - ~~— Did partners who completed referral back make recommendations or provide any indication of new barrier.~~
      - ~~— Has the participant made contact any recent with the department~~~~~~
  - ~~— Medical records:
    - ~~— Is there an indication of medical conditions that prevent participant from participating~~
    - ~~— Is the EA plan updated to reflect these concerns and was EA plan followed.~~~~
  - ~~— Within FamLink:
    - ~~— Any new reports or contact that impacts ability to participate.~~~~

3.—~~At the good cause/NCS case staffing appointment when the **participant doesn't attend**. With appropriate professionals, the WFPS/WFSSS:~~

4.—~~If the participant doesn't attend, B~~ases the decision on all available information, such as case notes or medical records.

3.—

5.—~~Attempts to reach participant by phone to conduct staffing by phone while partners are available.~~

4.

~~6.5.~~Closes the PR component code.

Note: PRISM is a useful tool to identify potential issues that prevent participation; however, use of PRISM to gather information for purposes of imposing non-compliance sanctions for failure to follow through with requirements is prohibited.

### CDC. Processing good cause determinations

~~1.~~ When it's determined the participant has good cause, the WFPS/WFSSS:

1. Enters the appropriate component codes for the required activities.
2. Adjusts the IRP.
3. Makes appropriate referrals.
- ~~4.~~ Authorizes support services as needed.
4. Documents the decision in eJAS client notes.
5. Completes the eJAS NCS tool questions 1-145.
6. Answers 'No' to question 15.
- ~~5.7.~~ Documents the decision in eJAS. sanction case notes using the NCS documentation standard.

~~2.~~ During the good cause/NCS case staffing interview appointment, wWhen it's determined the participant doesn't have good cause, the WFPS/WFSSS:

1. Completes the NCS eJAS tool questions 1 through 15, ~~using the NCS documentation standard,~~ and refers to the supervisor or designee for an NCS grant reduction determination approval.
- ~~2.~~ Prints and sSends the case staffing results letter, ~~with required text from the Sanction Letters and Documentation Resource including:~~
  - ~~1.~~ Who attended the good cause/NCS case staffing,
  - ~~2.~~ What the participant failed to comply with originally,
  - ~~3.~~ The results of the NCS staffing,
  - ~~4.~~ A reminder of the scheduled home visit (or alternative meeting) if the participant didn't show up for the noncompliance case staffing, and
- ~~5.2.~~ Any recommendation to impose sanction.
3. Mails a local resource list if the participant doesn't show up for the NCS case staffing (which counts as a Child Safety Review).
- ~~4.~~ Enter PR for ~~Completes question 15 on the NCS eJAS tool if the participant does show up for the noncompliance case staffing, and refers to the supervisor or designee for approval of a sanction/sanction penalty.~~
- ~~5.~~ Monitors the NCS Review Pathway report in the Caseload Management Report (CLMR) for supervisor/designee decision if a referral to supervisor was done.

~~6.4. Enters PR component code in eJAS with a scheduled end date in seven days allowing for supervisor/designee review. that coincides with the home visit/alternative meeting appointment date.~~

**~~D. Conducting the home visit (or alternative meeting)~~**

~~When the participant no shows for the noncompliance case staffing and no good cause was found, the WFPS/WFSSS will attempt to make contact with the participant at the date, time and address specified on the 085-01 for the home visit (or alternative meeting).~~

~~1. If contact is made with the participant at the home visit (or alternative meeting), the WFPS/WFSSS:~~

- ~~1. Reviews the good cause decision.~~
- ~~2. Uses the NCS Home Visit Summary form to cover the other topics required during good cause case staffing and offer to start a sanction cure. The form can be accessed on the CSD-WF SharePoint Sanction Documents page. Document this discussion and send a copy of the completed form to be scanned into the participant's Electronic Case Record (ECR) in Barcode as 'completed' after transferring the information to eJAS and sending the participant the new IRP (if a new plan was agreed upon).~~
- ~~3. Completes questions 15 and 16 on the NCS eJAS tool, and refer to the supervisor or designee for sanction/sanction penalty approval.~~
- ~~4. Monitors the NCS Review Pathway report in the Caseload Management Report (CLMR) for supervisor/designee decision.~~

~~2. If contact isn't made with the participant, the WFPS/WFSSS:~~

- ~~1. Documents why contact wasn't possible in the NCS eJAS tool.~~
- ~~2. Completes question 15 and 16 on the NCS eJAS tool, and refers to the supervisor or designee for sanction/sanction penalty approval. If approved, the case will close without a grant reduction.~~

**DE. Processing NCSSanction Without Grant ReductionDecisions**

~~1. The CSO Supervisor/designee routinely monitors the Clients Awaiting Sanction/Term Approval report in eJAS for participants newly referred for NCS grant-reductionsanction. When a participant is referred for NCS grant-reductionsanction, the supervisor/designee:~~

- ~~1. Reviews the NCS eJAS tool questions 1 through 15 (and 16 on home visit cases) to ensure:
  1. Policy was followed.
  2. Entries are accurate.
  3. Documentation is complete.
  4. There is no issue with returned mail, such as the IRP, eJAS appointment letters, or the good cause appointment letter (85-01).~~



2. Completes question 16 (or 17 for home visit cases) of the NCS eJAS tool to document the ~~sanction/sanction~~ NCS reduction supervisor ~~penalty~~ decision.
  1. A denial ~~coupled with a final denial decision~~ selected ~~will stop~~ the NCS ~~sanction~~ process and closes the NCS eJAS ~~sanction~~ tool.
  2. A denial with the ~~pending correction stop denial~~ reason selected (needs correction-NCS Review Criteria sent back for correction) returns the NCS eJAS tool ~~document~~ (monitored through the CLMR NCS Review Pathway reports) to the WFPS/WFSSS for further action. ~~Supervisors/designees will add comments in the question 16 text box regarding what further actions the WFPS/WFSSS must take.~~ The WFPS/WFSSS can either modify the NCS ~~Review Criteria~~ eJAS tool and resend it to the supervisor/designee for review, or ~~cancel~~ ~~complete~~ the review ~~ending the sanction-NCS process by clicking the 'Complete' button.~~
  2. An approval approves ~~sanction~~ and the NCS ~~grant~~ reduction ~~penalty~~.
  3. Entry of ~~brief~~ additional comments in the NCS eJAS tool is optional.

2. The WFPS/WFSSS can monitor the decision of the supervisor/designee on the NCS Review Pathway Pending Supervisor Approval report. Once a decision has been made, the WFPS/WFSSS:

1. ~~If the case is returned for rework, M~~ makes the necessary corrections and resubmits to the supervisor/designee if the case was returned for work.
2. If the ~~NCS grant sanction reduction /sanction recommendation penalty~~ is denied with a hard stop reason final denial decision:
  1. ~~Completes the NCS eJAS tool, and~~
  1. Schedules/contacts the participant for IRP development.
  2. Closes the PR component code.
3. If the ~~NCS grant sanction reduction recommendation/sanction penalty~~ is approved:
  1. Monitors the Caseload Management Report 'NCS Review Pathway-Reduction Pending' report to track when the reduction penalty will be applied. ~~Processes the sanction in ACES and eJAS,~~
  2. Opens the SA component code with a scheduled end date in the middle of the next month as a reminder to attempt monthly re-engagement follow-up.
  3. Actively attempts monthly follow-up and re-engagement contacts with the ~~sanctioned~~ participant until their case is closed, to discuss the benefits of participation and explain how to ~~endeure~~ their non-compliance sanction.
  4. Contact ~~will be~~ made either using the eJAS NCS Monthly Re-engagement contact letter, by phone, or in-person (if a participant walks into a CSO). If a phone/in-person contact is unsuccessful, sends the NCS ~~r~~Re-engagement contact letter ~~and attach the PDT self assessment.~~
  5. If a participant is actively engaged in WorkFirst activities to end their non-compliance sanction WFPS/WFSSS are n'ot required to send a NCS ~~r~~Re-



engagement letter, however, are required to attempt a phone call each month to discuss community resources, successes, or potential barriers to required participation. An in-person conversation will also satisfy the monthly contact requirement.

6. Document - using (Note type), the contact with if the participant is contacted noting -by phone, in-person, or letter and summarize the contact using the *Sanction Monthly Contact* eJAS note type.

2. —

#### **EF. ACES/3G Processing for Approved NCS Grant Sanction Reductions**

If the supervisor or designee approves the NCS ~~grant~~sanction reduction penalty and the participant has received two continuous months ~~in a row~~ of NCS *without grant* reduction, the WFPS:

1. —

1. Changes the Participation Status on the ~~sanctioned~~ participant's **ACES/3G** Work Registration screen to Refused – Mandatory Participant (RE). The effective date will auto populate to the first of the following month, allowing for advance notice.

4- Note: Review the case receiving the NCS reduction to see if the Basic Food Benefits should be penalized under the Basic Food Program rules for failure or refusal to comply with the Basic Food ~~E&T~~Work Requirements. Please refer to WorkFirst Sanctions-Participation in the EA-Z manual for more details.

2. Sends the adverse action notice, Change in Benefits (08-01) allowing for 10 day advanced notice and adding required text:
  1. Who is being placed in NCSsanction (specific participant).
  2. What they ~~failed~~ did not do (specific activity in IRP unless the activity is confidential). Add the following text including appropriate dates:
    - 2-• You receive a TANF grant and you must participate in the WorkFirst program. You've been in non-compliance status for the past two months. You were placed in sanction on (date) because you didn't have good cause for (fill in what they didn't do).
  3. That the specific participant is in NCSsanction status.
  4. The penalties that will be applied to the grant.
  5. When the penalties will be applied.
  6. Administrative hearing rights.
  7. How to end the penalties and get out of NCSsanction status.

Note: Staff only need to enter the information corresponding to ~~the 1-3#2~~. The ~~remaining~~st of the information is automatically printed on the letter.

The WFPS/WFSSS:

3. Completes the “NCS Case Staffing-Grant Reduction Actions” section of the NCS eJAS Tool
4. Monitors Caseload Management Report (CLMR):
  1. ‘Clients in Sanction’ report to track the NCSsanction process.
  2. ‘NCS Review Pathway-Sanction Reengagement’ to track monthly reengagementcontact efforts.

**F. Processing NCS Termination Referral**

If a participant doesn’t have good cause following 10 months of a NCS grant reduction, the WFPS/WFSSS:

1. Completes the “NCS Case Staffing- NCS Termination Referral” section of the NCS eJAS tool.
2. Monitors Caseload Management Report (CLMR) ‘Clients in Sanction’ report for supervisor/designee decision.
3. If the case is returned for further action, makes the necessary corrections and resubmits the NCS Case Staffing-NCS Termination Referral to the supervisor/designee.

Note: †The NCS Termination Referral option in the NCS eJAS tool will-one’t available to staff until “months in sanction” in ACES are at least 8.

**G. Processing NCS Termination Supervisor Decision**

The CSO Supervisor/designee routinely monitors the Clients Awaiting Sanction/Term Approval report in eJAS for participants newly referred for NCS Termination. When a participant is referred for NCS termination, the supervisor/designee:

1. Completes “NCS Case Staffing-NCS Termination Supervisor Decision” section of the NCS eJAS tool.
  1. A denial with a final denial decision-de selected will-stops the NCSsanction process and closes the eJAS NCSsanction tool.
  2. A denial with the pending correctionstop denial-reason selected (needs correction-NCS Review Criteria sent back for correction) returns the NCS eJAS tool to the WFPS/WFSSS for further action. Supervisors/designees will-adds comments in the free form text box regarding what further actions the WFPS/WFSSS must take before resubmitting the NCS Case Staffing-NCS Termination Referral.

3. An approval approves the NCS termination.

## H. Processing NCS Termination Actions-ACES 3G

4. If the supervisor or designee approves the NCS Termination~~sanction case closure~~  
~~penalty~~, the WFPS:

1. ~~During month 10 of NCS reduction, Leaves the Mandatory Participant (MP) code on  
the sanctioned participant's Work Registration screen;~~

2.1.c Checks the box on the Work Registration screen for "Closed while in Non-Compliance  
Sanction", and;

3. ~~Sends the adverse action notice, Termination of TANF/SFA (06-02) allowing for 10 day  
advanced notice and adding the required text:~~

1. ~~Who is being placed in sanction (specific participant),~~

2. ~~What they failed did not do (specific activity in IRP unless the activity is confidential),~~

3.2. ~~That the specific participant is in sanction status, and~~

4.1. Add the following text including appropriate dates;

- You've been in sanction and receiving a reduced grant for at least 10  
months without meeting WF requirements. This is why your case is  
closing. The penalty for this sanction is case closure because you didn't  
attend your staffing appointment scheduled on \_\_\_\_\_ and you  
weren't available for your home visit or alternative meeting scheduled  
on \_\_\_\_\_.
- ~~If your case is closed, you will need to reapply and may need to follow  
your IRP for 4 weeks in a row before you can receive a grant.~~

Note: Administrative hearing rights are automatically printed on the letter.

## I. Processing NCS Termination Actions-eJAS

The WFPS/WFSSS monitors the decision of the supervisor/designee on "CLMR-Clients in  
Sanction" report. Once the "NCS Case Staffing-NCS Termination Supervisor Decision" section of  
the NCS eJAS Tool has been completed, the ~~and~~ a participant has been approved or NCS  
Termination, and the participant's case has been Terminated in ACES due to NCS, the  
WFPS/WFSSS:

1. Completes the “NCS Case Staffing-NCS Termination Actions” section of the NCS eJAS Tool.

1. Reviews the case to see if good cause was established during the non-compliance period. If good cause is identified selects “Sanction cured or lifted prior to NCS Termination” and the system closes the NCS eJAS Tool.

2. Proceeds to completing the section if no “Sanction cured or lifted prior to NCS Termination” reason is identified.

~~—G. eJAS Processing for Approved Sanction/Sanction Penalties  
—The WFPS/WFSSS:~~

3. Denies any support services requests ~~being received~~ until the participant starts curing the non-compliance sanction.

Note: For further information about processing non-compliance sanctions see:

- [ACES manual-WorkFirst Non-Compliance Sanction \(NCS\)](#)
- [EA-Z Manual-WorkFirst Sanctions](#)
- [EA-Z Manual-Basic Food Work Requirements-Disqualification](#)

~~1.~~

~~2. Depending on how long the participant has been on WorkFirst cash assistance, enter the SA or SN component through the end of month 1 of the sanction reduction penalty or through the end of the month after the paid through date of the sanction case closure penalty and update the codes in monthly increments for the sanction reduction penalty.~~

~~3. Completes NCS eJAS tool question about the adverse action letter:~~

- ~~1. Enters the Change in Benefits letter (08-01) or the Termination of TANF/SEA letter (06-02) date.~~
- ~~2. Enters the sanction effective date.~~
- ~~3. Selects one sanction reason.~~

## Resources

### Related WorkFirst Handbook Chapters

- [3.1 Tools - Overview](#)
- [3.2 Comprehensive Evaluation](#)
- [3.4 Case Staffing](#)
- [6.1 Resolving issues](#)

### Forms & Other Resources

- EA-Z Manual - Food Stamp E & T Chapter
- WorkFirst Opportunities Brochure (DSHS 22-1125)
- ~~2-Month Sanction~~-Non-Compliance Sanction Case Staffing and Review Criteria Reference Guide