

10-025 A. Noncompliance Initiation for Welfare to Work Participation

Table of Contents

Sections	Topic
10-025.A.1	Sanction Regulation
10-025.A.2	Sanction Reasons
10-025.A.3	Sanction Review Requirement
10-025.A.4	Sanction Review Denials
10-025.A.5	Noncompliance Initiation Deadline
10-025.A.6	Noncompliance Process for Exempt Volunteers
10-025.A.7	Noncompliance Notices of Action/Forms
10-025.A.8	Noncompliance Process-ECM
10-025.A.9	27-334 Submittal-ECM
10-025.A.10	Noncompliance Process-OSU
10-025.A.11	Sanction Notification
10-025.A.12	NA 840/845 30-Day Notice Period Requirement
10-025.A.13	NA 840/845 Completion
10-025.A.14	Potential Sanction Review Outcomes

CPG Letter 326 (9/14)

10-025.A.1 Sanction Regulation

State regulations require non-exempt individuals to participate in Welfare to Work (WTW) activities.

Financial sanctions are applied when a mandatory WTW participant has failed or refused to comply with program requirements without good cause and compliance efforts have failed.

Note: Sanctions do not apply to participants who are exempt from WTW requirements and are voluntarily participating in the WTW program.

10-025.A.2 Sanction Reasons

A participant is only subject to WTW sanction whenever he/she fails without good cause to:

- Sign a WTW Plan,
- Participate in an assigned program activity, including a Self-Initiated Program (SIP),
- Provide required proof of satisfactory progress in any assigned program activity, including a SIP,
- Comply with a Compliance Plan agreed to between the County and the participant,
- Accept employment,
- Continue employment, or
- Continue employment at the same level of earnings.

Note: Individuals cannot be sanctioned for assignments not provided

in writing.

**10-025 A.3
Sanction
Review
Requirement**

State regulations require that the County is responsible for determining that an applicant or recipient meets the requirements of all necessary eligibility factors. This determination shall be based upon an evaluation of all available evidence.

The review, determination and sanction application for all sanction recommendations is completed by the Overpayment Specialist Unit (OSU) at Eligibility Operations.

Note: WTW Sanctions are not considered valid until OSU reviews and approves the sanction recommendation.

**10-025 A.4
Sanction
Review
Denials**

Reasons for sanction review denials include but are not limited to the following:

- Noncompliance has been initiated for reasons other than those listed in [10-025.A.2 Sanction Reasons](#).
- 10-025.A.5 Noncompliance Initiation Deadline not met.
- All processes listed in [10-025.A.7 Noncompliance Process-ECM](#) and [10-025.A.8 27-334 Submittal-ECM](#) have not been followed.
- All processes listed in CPG 10-025.B.7 21st Day Compliance Review Request-ECM and CPG 10-025 C.3 Compliance Plan Outcome have not been followed.
- CalWIN scheduling notice 002 WTW Orientation/Appraisal Appointment notice or 004 WTW Activity Appointment is incorrect and sent
 - Untimely: To ensure client receives the scheduling notice timely, the Employment Case Manager (ECM) is required to send the notice at least 5 business days prior to the scheduled activity.
 - In language other than preferred language indicated in CalWIN or otherwise documented in Case Comments
 - To address other than address in CalWIN
 - To an individual other than the client
 - With inconsistent information

Note: CalWIN versions of scheduling notice 002 WTW Orientation/Appraisal Appointment notice or 004 WTW Activity Appointment are the only approved notices to be used for scheduling activities. If an emergency situation occurs when a manual notice is needed, Employment Sites should contact Eligibility Operations for the appropriate manual notice.

- Additional requests for clients that were not on the initial request due to lack of timely notice. Example:
 - ECM began NONC on 4/2 and failed to include client on the initial request 27-334 WTW Compliance Tracking Tool.
 - 20-Day Cause Determination appointment was on 4/18.
 - On 4/15, ECM wants to include client on initial request,

however there is not enough time to provide timely notice as the 20-Day cause determination appointment should be no earlier than 10 business days from the date of the noncompliance initiation.

Once the sanction request has been denied, the instance of noncompliance has been resolved and the ECM is required to reengage the client in appropriate WTW activities.

**10-025 A.5
Noncompliance
Initiation
Deadline**

ECMs are required to initiate the noncompliance process no later than 10 calendar days following the date of the determination each month that either:

1. The participant did not show for their assigned activity or
2. Participation hours in an assigned activity have not been met for the prior month in accordance with the verification timelines established in: [CPG 10-300 E. WTW Activity Documentation and Reporting Requirements](#)

Examples:

Activity/ Start Date	Activity Verification Due Date	ECM Determination	Noncompliance Initiation Deadline
ORE/APR 4/10	4/10	Client did not show for ORE	No later than 4/20
VTR 3/1	4/5 5 th of the month following report month	Client either <ul style="list-style-type: none"> • Did not provide documentation of participation hours <u>or</u> • Did not provide documentation that participation hours were met in the report month <u>or</u> • Provided documentation or participation hours that is incomplete/invalid 	No later than 4/15

Important:

- Noncompliance is required to be initiated by the Noncompliance Initiation Deadline for the activity the client failed to perform which is identified based upon the verification of monthly participation hours as required in [CPG 10-300 E. WTW Activity Documentation and Reporting Requirements](#). Continual assignment to Reassessment does not take the place of starting the noncompliance process for a failed activity, as listed in [Sanction Reasons](#).
- Participation documentation for assigned activities received and verified after noncompliance has been initiated can be evaluated during the 20-day compliance appointment.

10-025 A.6

Individuals who are exempt from WTW Participation may volunteer to

Noncompliance Process for Exempt Volunteers

participate in WTW activities, however, are not subject to WTW sanctions.

Exempt WTW participants, however, can be excluded from participation in WTW and returned to exempt mandatory status in the WTW program if they are noncompliant with participation requirements after signing a WTW plan.

ECMs are required to follow all the same noncompliance initiation procedures for exempt volunteers as for non-exempt participants **except for** sending the 27-334 WTW Compliance Tracking Tool to OSU to let them know the noncompliance process has started and to start the NA 840 Completion process.

When an exempt volunteer fails to meet participation requirements after signing a WTW Plan The ECM is required to:

1. Initiate the noncompliance process in CalWIN per [Noncompliance Process-ECM](#), **with the exception of Step 3-Completion of 27-334.**
2. Send Notice of Action: NA 841 Exclusion of Volunteer which provides the participant with a cause determination appointment.
3. End all supportive services provided to the exempt volunteer.

Refer to 10-025 B. WTW Cause Determination for WTW Noncompliance for outcomes of the compliance appointment for exempt volunteers.

Note: NA 841 does not affect a participant's grant therefore can be sent by the ECM.

10-025 A.7 Noncompliance Notices of Action/Forms

When noncompliance is initiated, there are specific Notices of Action (NOA) and WTW forms which are required to be completed by both ECM and OSU staff.

These NOAs and forms provide specific information to the participant related to the noncompliance process, including but not limited to, case information, specific actions taken and effective date, how to correct the compliance problem and hearing rights information.

Note: Unless otherwise instructed, all NOAs and WTW forms are required to be generated out of CalWIN.

The following are mandatory NOAs and forms pertaining to the WTW noncompliance process:

Notice of Action (NA) Form Name	Purpose	Responsible Staff
Initiating Noncompliance		
NA 840 Sanction of Mandatory Participant	This notice informs the participant of a participation problem.	OSU
(one-parent household	It provides the cause determination	

or for one of two parents in a two-parent household)	appointment date, sanction effective date and information on how to resolve the participation problem and avoid a sanction.	
NA 845 Sanction of Second Parent (second parent of two-parent household)	This notice is sent to the second parent when the first parent is sanctioned. It provides the second parent with the cause determination appointment interview date, sanction effective date and information on how to resolve the participation problem and avoid a sanction.	OSU
WTW 4 Notice to Other Parent	On a two-parent case, when the NA 840 is sent to the first parent, this form is sent to the second parent. The WTW 4 informs the second parent of a participation problem involving the first parent and notifies them of the opportunity to participate.	<ul style="list-style-type: none"> • ECM Completes • OSU sends
NA 841 Suspension of Volunteer/Good Cause/Compliance Notice	This notice is sent to the exempt volunteer when he/she fails to meet participation requirements after signing a WTW plan.	ECM
Cause Determination		
WTW 26 Good Cause Determination Guidelines	This form is used in determining Good Cause when conducting the Cause Determination appointment with the participant. The form lists common Good Cause reasons for nonparticipation.	ECM
WTW 27 Request for Good Cause Determination	This form is sent concurrently with the NA 840 and NA 845. It provides the participant with information on the Good Cause process. This form is used to initiate discussions between the participant and the ECM to identify and resolve barriers to encourage participation.	<ul style="list-style-type: none"> • ECM Completes • OSU sends
NA 840A Determination of Good Cause/No Good Cause	This notice is sent to the participant after a determination of Good Cause or no Good Cause has been made to inform the participant of the decision.	ECM
Compliance Plan		
WTW 32 Compliance Plan	Informs the recipient of the steps they need to take to comply with program requirements to avoid a sanction.	ECM
NA 816 Sanction of Second Parent After Failed Compliance Plan	This notice is sent to the second parent when the first parent is sanctioned and the second parent fails to complete their Compliance Plan.	OSU
NA 817 Sanction of Participant After Failed Compliance Plan	This notice is sent to the first parent when the first parent fails to complete the Compliance Plan.	OSU
NA 818 Suspension of Volunteer After Failed Compliance Plan	This notice is sent to an exempt volunteer when he/she fails to complete the Compliance Plan after signing a WTW plan.	ECM
Curing a Sanction		
WTW 29 Plan to Stop a WTW Sanction	This form is provided in person or mailed to the participant when they elect to cure a WTW sanction.	ECM
WTW 31 Request to Stop a Sanction	This form instructs participants on the steps required to cure the sanction, have their aid restored, and begin participation in WTW. This form was developed to improve communication between the ECM and the participant.	ECM
27-337 Get Your CalWORKs Benefits Back	This letter can be sent to sanctioned participants as a part of monthly reengagement strategies.	ECM

27-338 Get Your CalWORKs Benefits Back-Home Visit	This letter can be sent to sanctioned participants as a part of monthly reengagement strategies.	ECM
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**10-025 A.8
Noncompliance
Process-ECM**

Within the [Noncompliance Initiation Deadline](#), ECMs are required to initiate the noncompliance process in the following manner:

Step	Action						
1	<p>Provide the noncompliance recommendation to the ECM Supervisor for review and approval.</p> <p>The ECM Supervisor:</p> <ul style="list-style-type: none"> Reviews the noncompliance issue and automation entries. Approves or rejects the sanction request. Documents the review in Case Comments. <table border="1"> <thead> <tr> <th>If the noncompliance request is</th> <th>then the ECM is required to</th> </tr> </thead> <tbody> <tr> <td>not approved by the ECM Supervisor</td> <td>Take steps to re-engage the client in WTW activities.</td> </tr> <tr> <td>Approved by the ECM Supervisor</td> <td>Proceed to Step 2.</td> </tr> </tbody> </table>	If the noncompliance request is	then the ECM is required to	not approved by the ECM Supervisor	Take steps to re-engage the client in WTW activities.	Approved by the ECM Supervisor	Proceed to Step 2.
If the noncompliance request is	then the ECM is required to						
not approved by the ECM Supervisor	Take steps to re-engage the client in WTW activities.						
Approved by the ECM Supervisor	Proceed to Step 2.						
2	<p>Start the noncompliance process in CalWIN, following the procedures outlined in CalWIN online help and available on the CalWIN Intranet.</p> <ul style="list-style-type: none"> CalWIN On-Line User Manual (OLUM) and How To #208: Compliance Process for Welfare-To-Work Participation 208 Initiate Non Compliance Process ES Staff read more... 						
3	<p>Submit the 27-334 WTW Compliance Tracking Tool (27-334 Submittal) to OSU via secure email to let them know the noncompliance process has started and to start the NA 840 Completion process.</p> <p>Note: The 20-Day cause determination appointment date indicated on the 27-334 should be no earlier than 10 business days from the date of the noncompliance initiation.</p>						
4	Send a WTW Transportation Discontinuance NOA (NA 821 Disc) to the participant to discontinue transportation supportive services.						
5	Send the WTW Child Care Communication Form (27-128) to the Childcare Case Manager to stop paid childcare arrangements. CPG 10-010 B. Communication and Reporting Changes for Child Care						
6	Document the actions taken, including the date and time of the cause determination appointment, in Case Comments.						

**10-025 A.9
27-334
Submittal-
ECM**

The ECM is responsible for submitting the 27-334 WTW Compliance Tracking Tool in the following manner:

Step	Action
1	Complete the 27-334 WTW Compliance Tracking Tool, on a daily

	basis , to list cases in which a noncompliance has been determined by the ECM and initiated in CalWIN.
2	Complete the WTW 27 Request for Good Cause Determination for all cases on the 27-334.
3	Complete a WTW 4 for all cases with a second parent where the first parent is placed in noncompliance. Note: WTW 4 replaces the 27-40 Notice to Other Parent.
4	Submit the 27-334 WTW Compliance Tracking Tool (27-334 Submittal) to OSU along with the WTW 27 and WTW 4, if applicable, via secure email . The OSU email address is: EligibilityOperationsSanctionReviewer.HHSA@sdcounty.ca.gov The daily 27-334 WTW Compliance Tracking Tool email sent to OSU should include requests for all regions and should only be sent once per day via secure email . Reminders: <ul style="list-style-type: none"> • Only the ECM can determine noncompliance with the WTW program. • All staff are required to follow Electronic Communication protocol as stated in CPG 10-300 E. WTW Activity Documentation and Reporting Requirements.
5	Complete a CalWIN Case Comment for each case listed on the 27-334 including elements in the following Case Comment example: Case Comment Example: 'Noncompliance process was initiated for (client) on (date). Client has failed to comply with (Sanction Reason). All CalWIN entries related to the noncompliance process have been completed. 20-day deadline for cause determination is (date). Cause determination appointment is scheduled for (date/time). Notification sent to OSU on (date) to inform them that the noncompliance process has started and that they need to send the NA 840/845 (NA 840/845 Completion). NA 821 sent to the client on (date) to discontinue transportation supportive services. 27-128 completed and sent to child care staff to stop paid childcare arrangements on (date). Sanction recommendation was e-mailed via secure means to the OSU via the 27-334 on (date).'
6	Monitor the participant's noncompliance process.

**10-025 A.10
Noncompliance
Process-OSU**

Upon receipt of the 27-334 from the ECM, OSU is required to complete the following action **within 3 business days**:

Step	Action
1	Perform a case review in CalWIN including client correspondence.
2	Determine if CalWORKs Program Guide regulations are applied in regard to the sanction issue(s).
3	After completion of the sanction review, OSU provides the determination outcome via the 27-334 to the ECM via secure means and enters a Case Comment in CalWIN.

	If the Sanction Request is...	Then OSU...
	Approved	Proceeds to Step 4.
	Denied	Proceeds to Step 6.
4	Complete and send shelf-stock NA 840/845 and associated budget notification, <u>along with</u> WTW 27 Request for Good Cause Determination completed by the ECM.	
5	Impose the sanction in CalWIN, following the procedures outlined in CalWIN online help and available on the CalWIN Intranet. <ul style="list-style-type: none"> • CalWIN On-Line User Manual (OLUM) and • How To 242 Impose a WTW Financial Sanction-HSS Staff Note: The WTW Registration status will remain in Noncompliance until all cause determination efforts are finalized.	
6	Update and send the 27-334 via secure means to the ECM with the determination outcome.	
7	Update CalWIN Case Comment with the result of the initial sanction review and any further case actions required.	

Note: Sanction review will not be considered complete until all cause determination efforts are finalized.

10-025.A.11 Sanction Notification

The NA 840, or NA 845 for a second parent, are the only required notifications to inform WTW participants of a WTW sanction, replacing the need for the 27-43 Sanction of Mandatory Participant/Compliance.

Due to the inclusion of budget information, NA 840/845 must be sent out by OSU.

The NA 840/845 informs participants of their responsibility to:

- Attend a scheduled cause determination appointment, or
- Contact the ECM within 20-calendar days of the notice, and
- Provide information that leads to the finding of good cause, or agree to a compliance plan to correct the failure or refusal to comply.

When a second parent in a two-parent case is noncompliant, OSU is required to send NA 845 to the second parent instead of the NA 840. The NA 845 provides the same information as the NA 840 except that the NA 845 also informs the second parent about how the first parent can restore his or her aid.

OSU is required to complete the NA 840/845 based on the information provided by the ECM on the 27-334, **which includes the 20-day cause determination appointment.**

Reminder: The 20-Day cause determination appointment date indicated on the 27-334 should be no earlier than 10 business days from the date of the noncompliance initiation.

**10-025.A.12
NA 840/845
30-Day
Notice Period
Requirement**

The NA 840/845 must be sent by OSU at least 30 days prior to the effective date of the sanction. It notifies the participant that they are in noncompliance with program regulations and that if they do not show good cause or agree to a compliance plan by the end of the 20-day compliance period, their cash aid will be reduced effective the first of the following month.

The NA 840/845 is sufficient notice to a participant, and a second notice with a 10-day notice period is not required for WTW sanctions.

**10-025.A.13
NA 840/845
Completion**

The NA 840/845 is automatically generated by CalWIN however it does not generate with correct information.

OSU is required to:

- Change the print mode of the NA 840/845 from batch to online;
- Complete a shelf-stock NA 840/845 and the appropriate budget continuation page with complete and accurate information;
- Send both the NA840/845, WTW 27 and WTW 4 (if applicable) to the client; and
- Scan both the NA840/845, WTW 27 and WTW 4 (if applicable) into the electronic case record

**10-025.A.14
Potential
Sanction
Review
Outcomes**

The following are examples of WTW activities for which the noncompliance process was initiated and potential Sanction Review outcomes.

Note: This information applies to any valid WTW activity is not limited to these specific activities only.

Activity	Activity Outcome	Potential Sanction Review Outcome
ORE/APR	<ul style="list-style-type: none"> • No show 7/1 • ECM starts the noncompliance process 7/11 	<p>Approved – Sanction proceeds Reason: ECM started the noncompliance process 10-calendar days after no show was determined</p>
ORE/APR	<ul style="list-style-type: none"> • Completed 7/1 • No new activity assigned thereafter • ECM starts noncompliance 9/3 	<p>Denied – Sanction rescinded Reason: There is no valid basis for the noncompliance as client completed the assigned activity and was not scheduled to another.</p> <ul style="list-style-type: none"> • Client should have been assigned to a subsequent activity at time of ORE/APR such as JCL • ECM should schedule to JCL • ECM may start noncompliance process if client fails to attend subsequent activity JCL
ORE/APR	<ul style="list-style-type: none"> • Completed 7/1 • Client states they have a 	<p>Denied – Sanction rescinded Reason: There is no valid basis for the noncompliance as client completed the</p>

	<p>medical disability</p> <ul style="list-style-type: none"> • ECM provides CW-61 to client • ECM starts the noncompliance process 8/25 	<p>assigned activity and was not scheduled to another (only provided with CW-61).</p> <ul style="list-style-type: none"> • Client should have been assigned to a subsequent activity at time of ORE/APR such as JCL concurrently when provided the CW-61 • Client should have been expected to attend the assigned activity JCL or provide valid CW-61 by the same date to be eligible for exemption (or noncompliance if no-show)
VTR	<ul style="list-style-type: none"> • ECM receives client's participation hours for the month of July on 8/5 • Hours received do not meet participation requirements • ECM starts noncompliance process on 10/8 	<p>Denied– Sanction rescinded <u>Reason:</u> Noncompliance was not initiated within Noncompliance Initiation Deadline.</p> <p>ECM should have initiated noncompliance no later than 8/15 which is 10-calendar days after determining participation was not met on 8/5.</p>