

90-700.19. EMPLOYABLE PROGRAM SANCTIONS

**A.
General**

This section provides information on the GR Employable Program sanctions.

**B.
Policy**

Applicants/recipients who fail, without good cause, to cooperate with Employable Program requirements (WP, JS, or JC) shall be temporarily ineligible for further GR as an employable individual from the date following the effective date of discontinuance, when it has been determined that the failure was willful.

**C.
Definition of
Willful Non-
Compliance**

Willful non-compliance is defined as failure to comply with published and signed expectations when there was no good cause for the failure as determined by the CalFresh E&T SW. It is an intentional refusal to comply and/or an indifferent disregard of the duty to comply with program requirements. The CalFresh E&T SW will check the case to be sure there is a completed and signed 11-49 HHSA or 11-49M HHSA on file, since this is the published statement of program expectations for employable recipients. Willful non-compliance will result in a sanction.

GRPG Letter #65 (6/11)

**D.
Timely Notice**

When the CalFresh E&T SW notifies the worker of a program violation subject to sanctions, a NOA will be issued prior to discontinuance and imposition of the sanction.

This NOA will serve two purposes. First, it will inform the recipient to contact the E&T Social Worker within five days to explain the failure to complete the program requirements. Secondly, it will be a notice that the case will close in 10 days.

GRPG Letter #73 (1/14)

Continued on next page

90-700.19. EMPLOYABLE PROGRAM SANCTIONS, Continued

**E.
Client Does
Not Respond**

If the recipient does not respond, the case will be closed with a sanction. A recipient may later present information which shows there was good cause for the non-cooperation, and that no sanction should have been imposed. The new intake worker must then forward the information to the CalFresh E&T SW to make a determination of good cause. If good cause is found, the sanction will be lifted.

GRPG Letter #65 (6/11)

**F.
Client
Responds**

If the recipient responds, the worker will forward the information to the CalFresh E&T SW to evaluate the information presented to determine if there was good cause. If good cause exists, the case will continue and the termination will not occur. Use Form 11-67 HHSa to determine good cause.

GRPG Letter #65 (6/11)

**G.
Sanction
Periods**

Periods of ineligibility as an Employable Program recipient shall include:

- One month for returning the JS Verification Form after the indicated due date. (Note: The one month sanction period for failure to cooperate in returning form 11-7 HHSa on time, shall not result in any cumulative penalty. The penalty shall be a one month sanction period for each separate non-cooperation regardless of how often the non-cooperation occurs.)
 - One month for employable students failing to attend school, having more than two unexcused absences, or returning school verifications after they are due.
 - Three months for failure to return or failure to submit the required job applications, failure to attend orientation or failure to attend and complete the Work Test, WP, or JC assignment.
 - The employable sanctions listed above shall apply only so long as the recipient is employable.
 - The sanction period runs from the date imposed and automatically expires at the end of the period.
 - Once the sanction period is imposed, applications as an UE or IP applicant shall not be affected, nor shall the sanction period be extended during such periods of unemployability.
-

Continued on next page

90-700.19. EMPLOYABLE PROGRAM SANCTIONS, Continued

Sanction Periods (continued)

- Applicants who claim to be Incapacitated during part of the employable aid cycle shall be required to provide evidence of unemployability or shall have the previous employable aid discontinued.
 - Applicants on the first sanction in a six-month period may receive aid under MAPC after a 30-day waiting period, regardless of the length of the sanction. Refer to [90-700.22](#) for MAPC requirements.
-

H. Sanctions for Married Couples

Because of the spouse for spouse responsibility, each Employable spouse is responsible for cooperating with all Employable Program requirements.

If ...	Then ...
either employable spouse is non-cooperative,	both spouses shall be ineligible for further aid as Employable applicants during the sanction period.
one spouse is UE or IP,	that spouse shall continue to be eligible for GR as UE or IP, regardless of the cooperation of the employable spouse.
the employable spouse is non-cooperative,	only the employable spouse is ineligible during the sanction period.

I. Orange County Sanctions

All GR applicants who apply in San Diego County and are found to be within the timeframe of Orange County's sanction period, whether discovered through the Orange County data match, the MEDS/IEVS system, or any other verifiable method, will be denied GR benefits in San Diego County through the end of the period of ineligibility in Orange County. Applicants who become Incapacitated are exempt from an employable sanction imposed in Orange County, but remain ineligible if under a system abuse penalty, for the full period of the penalty period of Orange County. If cases are denied, workers must clearly state on the NOA that the applicants were sanctioned in Orange County.

Continued on next page

90-700.19. EMPLOYABLE PROGRAM SANCTIONS, Continued

J. Sanctions and TMP/POE Workers must apply sanctions as appropriate upon notification from the CalFresh E&T SW. A sanctioned month within the three-month POE will count as one of the months meeting the POE. There is a maximum of three sanctioned months that can be applied to the POE without extending the TMP. Adequate and timely notice must be given. If the worker could have taken timely action but did not, the TMP will be extended and the month of aid will not be considered an overpayment. The table below shows some examples.

Situation	Original TMP	Revised TMP	POE
<p>Recipient is granted AB aid effective January 1, 2007. On February 16, 2007, it is determined that the recipient should have a one-month sanction. This sanction can be applied, with timely and adequate notice, in March 2007.</p> <p>Apply the sanction in March. March will count as one of the three months of the POE. Do not extend the TMP and the recipient will not be eligible to any more AB aid during the TMP.</p>	January – December 2007	N/A	January – March 2007 (March counts as one month of assistance which was not issued due to the sanction)
<p>Recipient is approved AB aid effective January 1, 2007. On February 26, 2007, it is determined that the recipient should have a one-month sanction. Since timely and adequate notice cannot be given, this sanction cannot be applied in March 2007.</p> <p>Apply the sanction by extending the TMP for one month.</p>	January – December 2007	January 2007 – January 2008 (one month extension for sanction)	January – March 2007
<p>Recipient is approved AB aid effective March 1, 2007. The case is discontinued April 30, 2007. The recipient reapplies and is granted AB aid effective January 20, 2008 and is discontinued February 29, 2008 with a three-month sanction.</p> <p>Apply the sanction by extending the TMP by three months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended three months due to sanction)	March and April 2007 and February 2008

Continued on next page

90-700.19. EMPLOYABLE PROGRAM SANCTIONS, Continued

Sanctions and TMP/POE (continued)

Situation	Original TMP	Revised TMP	POE
<p>Recipient is approved AB aid effective April 2, 2007. The case is discontinued April 30, 2007 with a three-month sanction.</p> <p>Apply the sanction for the months of May, June and July 2007 (April is a partial month). Do not extend the TMP. However, consider the months of May – July as the POE and the recipient will not be eligible for AB aid again until April 2008.</p>	May 2007 – April 2008	N/A	May – July 2007 (no aid due to sanction)
<p>Recipient is approved AB aid effective March 4, 2007. The case is discontinued April 30, 2007, with a three-month sanction.</p> <p>Apply the sanction for the months of May and June 2007 and extend the TMP one month to meet the three-month sanction.</p>	April 2007 – March 2008	April 2007 – April 2008 (extended due to sanction)	April – June 2007 (no aid May or June 2007 due to sanction)
<p>Recipient is approved AB aid February 14, 2007. On April 18, 2007, it is determined that the recipient should have a three-month sanction. However, the worker did not take action to close the case April 30, 2007, and aid is issued for May.</p> <p>Apply the sanction by extending the TMP for three months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended due to sanction)	March – May 2007 (May 2007 is not considered an overpayment because the TMP is being extended)
<p>Recipient is approved AB aid February 14, 2007. On May 31, 2007, case closed for the end of the POE. E&T SW sends sanction request in June 2007 for failure of the recipient to cooperate with the Work Project in May.</p> <p>Apply the sanction by extending the TMP for three months.</p>	March 2007 – February 2008	March 2007 – May 2008 (extended due to sanction)	March – May 2007