

# 3.5.1 Entering Non-Compliance Sanction (NCS)

## Non-Compliance Sanction Policy

Revised on: ~~September 20, 2021~~ July 21, 2023

A note on transition policy: All WorkFirst participants and applicants in WorkFirst 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 WorkFirst sanction statuses prior to July 1, 2021.

*Legal References:*

- [RCW 74.08.090; 74.08A.260 & .270](#)
- [WAC 388-310-1600](#)

The *Non-Compliance Sanction Policy* has three separate sub-sections:

- Section 3.5.1 - *Entering Non-Compliance Sanction (NCS)* describes how to make the NCS decision.

This section includes:

- [3.5.1.1](#) What is the Non-Compliance Sanction (NCS) policy?
- [3.5.1.2](#) What are Non-Compliance Sanctions?
- [3.5.1.3](#) How long does NCS *without* reduction last?
- [3.5.1.4](#) How long does NCS reduction last?
- [3.5.1.5](#) Scheduling a good cause appointment/NCS case staffing.
- [3.5.1.6](#) What is the good cause 10-day period?
- [3.5.1.7](#) What if the post office returns the participant's mail?
- [3.5.1.8](#) What happens at the good cause/NCS case staffing?
- [3.5.1.9](#) How do I determine if the participant has good cause?
- [3.5.1.10](#) **Undefined hardships that would reasonably prevent participation**
- [3.5.1.11](#) What if I determine the participant doesn't have good cause?
- [3.5.1.12](#) What if the participant fails to attend the good cause/NCS case staffing?
- [3.5.1.13](#) What do I do after the NCS case staffing?

- [3.5.1.143](#) What if the supervisor disagrees with the recommendation for NCS reduction or termination?
- [3.5.1.154](#) When do I send the adverse action notice?
- [3.5.1.165](#) eJAS/ACES Codes
- [3.5.1.176](#) Entering Non-Compliance Sanction - Step-by-Step Guide

#### Other Related Chapters

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

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

When a WorkFirst participant doesn't participate satisfactorily in their 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 opportunity for WorkFirst staff to assist them in doing this.

WorkFirst staff must provide opportunities for participant(s) in NCS to re-engage in appropriate WorkFirst activities and address any barriers to participation. WorkFirst staff should intervene early and contact participants in NCS monthly 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 receive an NCS penalty for failure to participate.

### 3.5.1.2 What are Non-Compliance Sanctions?

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 impose an NCS penalty when a participant is able, but refuses without good cause to:

- Provide information needed to develop the Individual Responsibility Plan (IRP), including completing a required comprehensive evaluation,
- Show up for scheduled WorkFirst appointments,
- 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 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.

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

WorkFirst staff must allow a participant to have two TANF months of NCS *without* reduction before applying an NCS reduction.

#### **Examples:**

**#1: A participant stops their activity and doesn't provide good cause at the case staffing scheduled August 12th. WorkFirst staff refer the case to their supervisor for NCS.**

- A supervisor/designee approves a participant's NCS on August 15th.
- The first month of NCS *without* reduction is September (09/01) and October (10/01) is the second month of NCS *without* reduction.
- The NCS reduction is anticipated for November (11/01).

**#2 If TANF closed/terminated for any other reason following supervisor/designee approval, but before the first month of NCS *without* reduction.**

- The participant's TANF closes August (08/31) for no Eligibility Review (ER) before the first month of NCS *without* reduction.
- If the participant reapplies for TANF, they will return in month one of NCS *without* reduction.

**#3 If TANF closed/terminated for any other reason during month one of NCS *without* reduction:**

- The participant's first NCS month *without* reduction is September (09/01) and TANF closes in September (09/30) for no Eligibility Review (ER) during the first month of NCS *without* reduction.
- If the participant reapplies for TANF on November 8th, November is the second month of NCS *without* reduction.

### 3.5.1.4 How long does NCS reduction last?

Participants who were in NCS *without* reduction for two TANF months receive an NCS reduction. An NCS reduction can last for a maximum of ten months before NCS termination.

## Examples:

**#1: If the participant was in NCS *without* reduction for September (09/01) and October (10/01), the NCS reduction begins in November (11/01).**

- The participant can receive up to ten total months of NCS reduction.
- If participant remains on TANF for ten months in a row, the case would receive an NCS Termination in August (08/31).

**#2: TANF closed/terminated for any other reason following supervisor/designee approval, but before NCS reduction is applied.**

- A supervisor/designee approves a participant's NCS reduction on August 15th, the NCS reduction is scheduled for November (11/01) as September (09/01) and October (10/01) were the two months of NCS *without* reduction.
- The participant's TANF closed in October (10/31) for no Eligibility Review (ER) before the NCS reduction.
- If the participant reapplies for TANF, they return in month one of the NCS reduction, provided the participant received advance and adequate notice of NCS reduction prior to TANF closure.

**#3 TANF terminated for another reason while a participant is in NCS reduction**

- The participant received a NCS reduction in November (11/01) and December (12/01)
- The participant's TANF closed in December (12/31) for no Eligibility Review (ER) while in month two of NCS reduction.
- If the participant reapplies for TANF in March (03/07), they open in month three of NCS reduction.

### 3.5.1.5 Scheduling a good cause appointment/NCS case staffing

A good cause/NCS case staffing is scheduled when a participant doesn't show up for a scheduled WorkFirst appointment, doesn't participate in activities required in their IRP, or doesn't accept a job.

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 85-01) 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. Child Welfare (CW) social workers or representatives must be invited if they are currently/recently worked with the participant.

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 send 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 decision, and
- The participant has an opportunity to bring someone with them to their good cause/NCS case staffing appointment.

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:

- If the participant waives their 10-day notice for good cause, conduct a good cause determination with participant and at *least one other professional*, following established guidelines, refer for NCS reduction if appropriate, and use their new IRP as the start of the participant's cure, or
- Cancel the good cause appointment, if good cause is determined and complete a 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.

During any contact, if the participant wasn't given 10 calendar days to establish good cause or the good cause determination wasn't offered, the case isn't procedurally correct and the non-compliance sanction is invalid.

### 3.5.1.6 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 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/WFSSS documents in eJAS how the letter 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.

#### ***Day 1 is 8/4 and Day 10 is 8/13***

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

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

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

### 3.5.1.7 What if the post office returns the participants mail?

A WorkFirst participant needs to know what is required of them. 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 NCS 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 NCS 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 reduction/reinstate full benefits if the post office returns the change in benefits letter.

In these cases, the case likely closes for loss of contact.

### 3.5.1.8 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's good cause for not meeting WorkFirst requirements. Second, determine if the participant doesn't have good cause, 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 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 counts as one professional. In **no** instances, can a case manager be the only one making a decision to refer for NCS.

### 3.5.1.9 How do I 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. It's very important to determine and document whether a participant is refusing, rather than unable to comply. If a participant is unable to comply and we are able to determine why, then we can work more effectively with them and their family.

WFPS/WFSSS need to be particularly careful not to place participants in non-compliance sanction 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 is a significant barrier or combination of barriers outside of their control that prevent full participation. Some areas 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.

Consider non-participation due to unexcused absences good cause if there's a significant circumstance outside of the participant's control, such as but not limited to, family violence or hospitalization that made it 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 give/send them a letter requesting documentation or verification of the barrier. Don't send a recommendation to impose 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 questions 1-14;
- Answer 'No' to question 15;
- Document the decision in eJAS sanction case notes.

When there is a determination of good cause, WFPS/WFSSS must change the IRP to reflect the appropriate activities and level of services the participant needs to successfully participate. In addition, they may need to:

- Complete or review the comprehensive evaluation (e.g. Pathway Development Tool);
- Modify participation requirements and/or support services for a new IRP;
- Provide a deferral from a specific activity or an exemption.

### 3.5.1.10 Undefined hardships that would reasonably prevent participation

The WorkFirst program is committed to providing comprehensive support to participants facing significant hardships. In ongoing efforts to enhance inclusivity and address unique circumstances, a new good cause hardship reason has been introduced to include *any* hardship(s) that would reasonably prevent participation. This refers to a significant challenge that may not fall within the explicitly defined program guidelines but have reasonable impact on an individual's ability to engage in WorkFirst activities.

#### Examples:

#### #1: Digital Divide and Housing Instability:



A participant is experiencing homelessness and lacks access to affordable hygiene facilities, such as showers and laundry services for themselves and their children. The participant also resides in a remote area with limited or no access to reliable internet connection. The absence of stable internet connectivity along with housing instability makes it challenging to participate in virtual meetings, online trainings, and other activities that require internet access. WFPS/WFSSS reviews participation and updates the IRP with an XH (housing) and provides support service options to supplement participation.

### #2: Personal Trauma

A participant has experienced a recent traumatic event, such as the loss of a loved one or accident that directly impacted their well-being. The emotional and psychological impact of the trauma hinders their ability to focus, participate fully, and benefit from all of the WorkFirst program offerings. WFPS/WFSSS reviews participation and updates the IRP with an XG (Mental Health) and provides support service options to supplement participation.

### #3: Health-related Challenges and Legal Obligations

A participant has ongoing health-related challenges that impact day-to-day living. They are also required to fulfill legal obligations, such as court-ordered appointments or probationary requirements. The reasonable hardship resulting from their health challenges along with legal obligations prevents active, consistent engagement in program activities. WFPS/WFSSS reviews participation and updates the IRP with an XM (Temporary Physical Disability), reduces participation requirements due to legal obligations, and provides support service options to supplement participation.

These hardships are evaluated on a case-by-case basis, considering their reasonableness and validity in preventing participation. This rule affords WorkFirst staff additional flexibility to consider unique circumstances and clearly document good cause reasons while providing appropriate support to accommodate their needs.

## 3.5.1.1~~0~~ 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.

If the participant attends their NCS case staffing and does not meet good cause, the WFPS/WFSSS follows the NCS eJAS tool:

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

- Changing IRP requirements if different WorkFirst activities 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 non-participation without good cause, may result in a decision to close the cash grant once the participant has been in NCS reduction for ten months;
- 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.
- Provides an eJAS NCS case staffing results letter.

### 3.5.1.1~~21~~ 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 case staffing based on available information (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.
  - The participant waived the opportunity to attend and to describe the outcome of the staffing.
- Mails the following to the participant:
  - Information about resources the family may need if their TANF grant is reduced or closed. This qualifies as the Child Safety Review if the participant doesn't show up for their NCS case staffing.
  - The eJAS NCS case staffing results letter.

### 3.5.1.1~~32~~ What do I do after the NCS case staffing?

The WFPS/WFSSS determines if the participant meets NCS reduction referral criteria:

- If good cause wasn't found, request supervisor or designee approval in the NCS eJAS tool.

- 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 3.5.1.1~~76~~<sup>73</sup> Entering Non-Compliance Sanction - Step-by-step guide below for additional details.

### 3.5.1.1~~43~~<sup>43</sup> What if the supervisor disagrees with a recommendation for NCS reduction or termination?

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

There are two types of supervisor/designee denials:

**Pending Correction:** A supervisor/designee may deny the NCS 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 has the option to correct necessary actions and resubmit the NCS reduction or termination recommendation.

**Final Denial Decision:** The supervisor/designee may deny the NCS reduction or termination and stop the NCS process. The supervisor/designee provides the appropriate denial reason from drop down menu (the denial reasons can be procedural or missed barriers). When a hard denial reason is selected by the supervisor/designee, this closes the NCS eJAS Tool.

### 3.5.1.1~~54~~<sup>54</sup> When do I send an adverse action notice?

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

For example:

- 8/15 - A participant is referred back from Community Jobs.
- 8/16 - The WFPS/WFSSS sends a WorkFirst Non-Participation Appointment letter (085-01) scheduling a good cause/NCS Case Staffing appointment with at least 10 calendar days' notice to find out if there is good cause for non-compliance.
- 8/27 - The WFPS and WFSSS met with the participant and determined that good cause doesn't exist and referred the participant's case to the supervisor for NCS reduction.
- 8/29 - A supervisor/designee approved the NCS reduction penalty.
- 9/1 - Is the first month of NCS *without* reduction.
- 10/1 - Is the second month NCS *without* reduction.

- 10/1 – Is the first day an adverse action notice could be mailed to a participant following two months of NCS without reduction.
- 11/1- Is the first month (of a possible ten months) of NCS reduction.

Note: The adverse action letter addressed to head of household must specify the name of the participant in the household who is receiving the NCS penalty. This applies for both one and two-parent households.

Once the WFPS/WFSSS determines a participant didn't have a good reason for not meeting their WorkFirst requirements, the WFPS/WFSSS must advise:

- Who is being placed in NCS (specific participant)
- How the participant didn't meet specific WorkFirst requirements
- That the participant is in 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 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 *second bullet*. The rest of the information is automatically printed on the letter. For additional details please see 3.5.1.1~~76~~ Entering Non-Compliance Sanction - Step-by-step guide.

If these points aren't met in the notice of adverse action, then the requirements haven't been met, and the participant can't be placed in non-compliance sanction.

### 3.5.1.1~~65~~ eJAS/ACES codes

When 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)

### 3.5.1.1~~76~~ Entering Non-Compliance Sanction - Step-by-step guide

Note: The NCS process is supported and tracked in eJAS. ~~each~~ If future incidences of non-participation occur, 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 10 calendar days to find out if there's good cause for noncompliance.

The WFPS/WFSSS:

1. Addresses the letter to the non-compliant participant.
2. Specifies who is in non-compliance.
3. Adds the required text explaining how the participant didn't meet requirements. For example, "You didn't meet with your provider on [date] at the scheduled time [time]."
4. Closes affected component code(s) with IC and contractor code(s) with actual ending date.
5. Enters PR component code in eJAS with a scheduled end date that coincides with the good cause appointment date, between 10 and 14 calendar days.
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.
7. Documents whether the Child Welfare (CW) were or are involved with the family, and if so, if CW was invited to the good cause/NCS case staffing appointment.

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

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

1. Determines whether good cause exists by:
  - a. Listening to the participant and collecting any new information.
  - b. Reviewing available information and determining if activities were appropriate.
  - c. Discussing the following with the participant:
    - i. Program requirements and why they have not been meeting WorkFirst requirements.
    - ii. Strengths and barriers.
    - iii. Overall progress towards participant goals.
    - iv. Share benefits and opportunities within WorkFirst programs, including support services available.
2. If the participant doesn't have good cause:

- a. Ensures the participant was given 10 days to contact the office and establish good cause.
- b. Explains why the department is recommending NCS reduction.
- c. Conducts a Child Safety review to help the participant plan for case closure, including:
  - i. How the participant plans to support their family once they lose cash assistance.
  - ii. Explaining the possible continuation of Washington Apple Health and Basic Food Assistance.
  - iii. Providing a list of community resources (like WIC) that are available to help meet the family's need.
  - iv. Explaining that they may be able to apply for CEAP at reapplication if the case is closed for non-compliance sanction.
- d. Offers re-engagement.
- e. If the participant agrees to participate, completes/reviews comprehensive evaluation (e.g. Pathway Development Tool - see [WFHB 3.2.3.7](#)) and modifies the IRP, as required.
- f. Closes the PR and updates all needed components.

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

1. Bases the decision on all available information, such as case notes or medical records.
2. Attempts to reach participant by phone to conduct staffing by phone while partners are available.
3. 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.

### C. Processing good cause determinations

1. When it's determined the participant has good cause, the WFPS/WFSSS:
  - a. Enters the appropriate codes for the required activities.
  - b. Adjusts the IRP.
  - c. Makes appropriate referrals.
  - d. Authorizes support services as needed.
  - e. Completes the eJAS NCS tool questions 1-14.

- f. Answers 'No' to question 15.
  - g. Documents the decision in eJAS.
2. During the good cause/NCS case staffing appointment when it's determined the participant doesn't have good cause, the WFPS/WFSSS:
    - a. Completes the NCS eJAS tool questions 1 through 15, and refers to the supervisor or designee for an NCS reduction determination.
    - b. Prints and sends the case staffing results letter.
    - c. Mails a local resource list if the participant doesn't show up for the NCS case staffing (which counts as a Child Safety Review).
    - d. Enter PR for seven days allowing for supervisor/designee review.

#### **D. Processing NCS *Without* Reduction**

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

1. Reviews the NCS eJAS tool question 1 through 15 to ensure:
  - a. Policy was followed.
  - b. Entries are accurate.
  - c. Documentation is complete.
  - d. 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 of the NCS eJAS tool to document the NCS reduction supervisor decision.
  - a. A denial with a final denial decision selected stops the NCS process and closes the NCS eJAS tool.
  - b. A denial with the pending correction reason selected (needs correction - NCS Review Criteria sent back for correction) returns the NCS eJAS tool (monitored through the CLMR NCS Review Pathway reports) to the WFPS/WFSSS for further action. Supervisors/designees 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 eJAS tool and resend it to the supervisor/designee for review, or cancel the review ending the NCS process.
3. An approval approves the NCS reduction. Entry of additional comments in the NCS eJAS tool is optional.

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. Makes the necessary corrections and resubmits to the supervisor/designee if the case was returned for work.
2. If the NCS reduction recommendation is denied with a final denial decision:
  - a. Schedules/contacts the participant for IRP development.
  - b. Closes the PR component code.
3. If the NCS reduction recommendation is approved:
  - a. Monitors the Caseload Management Report 'NCS Review Pathway-Reduction Pending' report to track when the reduction penalty will be applied.
  - b. 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.
  - c. Actively attempts monthly follow-up and re-engagement contacts with the participant until their case is closed, to discuss the benefits of participation and explain how to end their non-compliance sanction.
  - d. Contact is 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 re-engagement contact letter.
  - e. If a participant is actively engaged in WorkFirst activities to end their non-compliance sanction WFPS/WFSSS aren't required to send a NCS 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 also satisfies the monthly contact requirement.
  - f. Document the contact with participant noting by phone, in-person, or letter and summarize the contact using the *NCS Re-engagement* eJAS note type.

### E. Processing NCS Reduction

If the supervisor or designee approves the NCS reduction and the participant has received two continuous months of NCS *without* reduction, the WFPS:

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

**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 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:

- a. Who is being placed in NCS (specific participant).
- b. What they did not do (specific activity in IRP unless the activity is confidential). Add the following text including appropriate dates.
  - i. 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).
- c. That the specific participant is in NCS status.
- d. The penalties that will be applied to the grant.
- e. When the penalties will be applied.
- f. Administrative hearing rights.
- g. How to end the penalties and get out of NCS status.

**Note:** Staff only need to enter the information corresponding to #2. The remaining information is automatically printed on the letter.

3. Completes the 'NCS Case Staffing-Reduction Actions' section of the NCS eJAS Tool

4. Monitors Caseload Management Report (CLMR):

- a. 'Clients in Sanction' report to track the NCS process.
- b. 'NCS Review Pathway-Sanction Reengagement' to track monthly contact efforts.

#### **F. Processing NCS Termination Referral**

If a participant doesn't have good cause following 10 months of NCS 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 not 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.
  - a. A denial with a final denial decision selected stops the NCS process and closes the eJAS NCS tool.
  - b. A denial with the pending correction 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 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.
  - c. An approval approves the NCS termination.

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

If the supervisor or designee approves the NCS Termination, the WFPS:

1. During month 10 of NCS reduction, checks the box on the Work Registration screen for "Closed while in Non-Compliance Sanction", and;
2. Sends the adverse action notice, Termination of TANF/SFA (06-02) allowing for 10 day advanced notice:
  - a. 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.

**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 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.
  - a. 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.

- b. Proceeds to completing the section if no “Sanction cured or lifted prior to NCS Termination” reason is identified.
- c. Denies any support services requests until the participant starts curing the non-compliance sanction.

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](#)

## Resources

### Related WorkFirst Handbook Chapters

- [3.1 Tools - Overview](#)
- [3.2.1 Comprehensive Evaluation](#)
- [3.2.3 Pathway Development Tool](#)
- [3.4 Case Staffing](#)
- [6.1 Resolving issues](#)

### Forms & Other Resources

- [EA-Z Manual - Food Stamp E & T Chapter](#)
- [WorkFirst Opportunities Brochure \(DSHS 22-1125\)](#)