

## 3.5.2 Ending Non-Compliance Sanction (NCS)

### Non-Compliance Sanction Policy

**Revised on:** September 20, 2021

A note on transition policy: All WorkFirst participants and applicants in any non-compliance sanction status prior to July 1, 2021 have a "clean slate." This means that all WorkFirst recipients/applicants are in good standing without a requirement of a sanction "cure" for any 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* section is divided into the following sub-sections:

- [Section 3.5.1](#) - *Entering Non-Compliance Sanction (NCS)* describes how to make the NCS decision.
- [Section 3.5.2](#) - *Ending Non-Compliance Sanction (NCS)* describes what happens when a participant stays in NCS.

This section includes:

- [3.5.2.1](#) What happens after a case is placed in Non-Compliance sanction (NCS)?
- [3.5.2.2](#) How to complete Monthly NCS Re-engagement Contact?
- [3.5.2.3](#) What are the re-engagement requirements for participants in Non-Compliance Sanction?
- [3.5.2.4](#) How does a participant end a Non-Compliance Sanction?
- [3.5.2.5](#) How a change in circumstance may affect a participant's grant or cure requirements.
- [3.5.2.6](#) What if the participant doesn't re-engage in WorkFirst after 10 months of NCS reduction?
- [3.5.2.7](#) What if the NCS reduction lasts longer than 10 months?
- [3.5.2.8](#) Ending Non-Compliance Sanction - [Step-by-Step Guide](#)[Policy in Practice](#)

Other Related Chapters

- [3.5.3](#)- *NCS Reapplications* describes how to process reapplications from NCS terminations.

## 3.5.2 Ending Non-Compliance Sanction (NCS)

### 3.5.2.1 What happens after a case is placed in Non-Compliance Sanction (NCS)?

The non-compliance sanction policy is designed to provide numerous opportunities for participants to re-engage in appropriate WorkFirst activities and address any barriers to participation. For best results, WorkFirst staff should:

- Intervene early
- Look for opportunities to contact participants in non-compliance and encourage engagement in WorkFirst activities.

Once the non-compliance sanction is approved, the case stays in NCS without reduction for two (2) months, followed by NCS reduction status for ten (10) months, or until the sanction is waived or cured. WorkFirst staff must continue to work with the participant to re-engage in activities and cure the NCS.

### 3.5.2.2 How to complete Monthly NCS Re-engagement Contact?

WorkFirst staff must attempt to contact the participant a minimum of once a month until the NCS is waived, cured or the case closes. This contact may take the form of:

- A phone call
- In-person meeting
- NCS Re-engagement Letter

**Note:** The preferred form of contact is by phone or in-person.

In circumstances where staff attempt contact by phone or by scheduled appointment, but aren't successful, the NCS Re-engagement Letter should be sent in that month to ensure the participant is informed of the option to re-engage in the program. Staff must document monthly NCS re-engagement using the eJAS '**Sanction Re-Engagement Contact**' note type.

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. These efforts must also be documented using the eJAS 'Sanction Re-Engagement Contact' note. If the re-engagement letter is created, the system populates the letter information on the 'Sanction Re-Engagement Contact' note.

The NCS Review Pathway Sanction Re-engagement section on the Caseload Management Report (CLMR) displays participants approved for NCS and tracks staff monthly re-engagement efforts.

### 3.5.2.3 What are the re-engagement requirements for participants in Non-Compliance Sanction (NCS)?

If staff make contact with a participant, the WFPS/WFSSS must offer an opportunity to re-engage with WorkFirst activities and begin their NCS cure during the documented contact.

The re-engagement process when meeting with a participant:

- Complete or update the comprehensive evaluation using the Pathway Development Tool ([WFHB 3.2.3.7](#)) to start an NCS cure,
- Develop an Individual Responsibility Plan (IRP),
  - The IRP must reflect the activities based on current goals and circumstances identified in the comprehensive evaluation and/or assessment.
  - Doesn't require a special "sanction IRP" just because they have entered NCS.
- Review support services to ensure the participant has proper support to engage in required WorkFirst activities.

If the participant agrees to a NCS cure plan, the participant must comply with their existing IRP requirements for four weeks (28 days) to cure the NCS.

### 3.5.2.4 How does a participant end Non-Compliance Sanction (NCS)?

Once the NCS penalty is approved, the participant must start and continue to do required WorkFirst activities, as outlined in their IRP, to cure the NCS. This is true even if the participant was approved for NCS for failure to provide information or for refusing to accept a job.

The length of time required to end a sanction is referred to as the "cure period". The cure period starts on the day the participant updates or completes their comprehensive evaluation and agrees to their IRP activities. **To cure the NCS, the participant must participate for four weeks (28 days) in a row.** After four weeks of satisfactory participation, the NCS penalty is removed the first of the following month.

### 3.5.2.5 How does a change in circumstance may affect a participant's cure requirements.

If a participant reports a change of circumstance that prevents them from participating that hasn't been previously reported, then, once verified, the NCS cure requirement may be waived. For participants receiving the NCS reduction penalty, it must be removed the first of the following month after the change of circumstances was reported.

If WorkFirst staff receive information that would warrant reversing the NCS decision, then the NCS must be removed back to the original date it was imposed. Each case should be reviewed for

supplements as appropriate and must be issued following the established procedures in the EAZ Manual under ["Benefit Errors: WAC 388-410-0040 Cash and food assistance underpayments."](#)

### **Cure Requirement Exceptions**

Waive the four-week cure requirement when the participant:

- Enters the third trimester of pregnancy if they've completed a Pregnancy to Employment assessment and aren't required to participate in mental health and/or chemical dependency treatment.
- Has a family, personal, or health issue that is severe enough that they can't participate.
- There's family violence that's directly or significantly contributing to their inability to participate - for additional guidance, see WorkFirst Handbook 6.5.18 - Family violence and sanctions.

**Example:** A participant is in NCS for refusing to do job search. Below are two different scenarios with responses for each.

1. After receiving an NCS penalty, the participant is in a car accident and is hospitalized.

***In this scenario, after the comprehensive evaluation is reviewed and updated, WorkFirst staff work with the participant to verify the circumstances, waive the four-week sanction cure requirement, and remove the NCS penalty the first of the following month.***

2. The participant enters the third trimester of pregnancy.

***In this scenario, the Pregnancy to Employment assessment is completed and there were no mandatory requirements. WorkFirst staff waive the four-week cure requirement and remove the sanction penalty the first of the following month.***

### **3.5.2.6 What if the participant doesn't re-engage in WorkFirst after 10 months of NCS reduction?**

If the participant doesn't re-engage in WorkFirst and cure their sanction after 10 months of NCS reduction, their cash assistance may be terminated after the supervisor approves the NCS termination.

The WFPS closes WorkFirst cash assistance by:

- Taking actions in ACES 3G as outlined in the ACES manual WorkFirst Non-Compliance Sanction (NCS).
- Sends the adverse action notice (**06-02 Termination of TANF/SFA**) letter following the [adverse action rules](#) in the EAZ Manual and add the following information to the notice:
  - Who is receiving an NCS termination (specific participant)

- What they didn't do
- Adds the following text:
  - *On (date), you've ~~were been~~ placed in sanction because you didn't have good cause for (fill in what they didn't do). You've been ~~and~~ receiving a reduced grant for at least 10 months without meeting WorkFirst requirements. This is why your case is closing.*
  - Update the NCS Termination Actions section of the eJAS NCS tool.

Staff must also make sure that the family receives other types of public assistance benefits they may qualify for, like Basic Food or Washington Apple Health. Encourage participants who file an administrative hearing and request continued benefits to re-apply and meet participation requirements in case they lose the hearing.

### 3.5.2.7 What if the NCS reduction lasts longer than ten months?

If an NCS reduction penalty goes beyond 10 months, input the appropriate "delay reason" code in ACES 3G.

- FH is used when a case closure is delayed by an administrative hearing request.

### 3.5.2.8 Ending Non-Compliance Sanction (NCS) [Step-by-Step Guide](#)[Policy in Practice](#)

When the participant agrees to engage in WorkFirst activities to cure their sanction, WorkFirst staff:

1. Completes the NCS re-engagement interview.
2. Reviews and updates the comprehensive evaluation.
3. Opens appropriate component(s) in eJAS based on the comprehensive evaluation. Keep the SA or SN code in place if requiring a four week (28 day) cure.
4. Updates an IRP based on current goals and circumstances identified in the comprehensive evaluation/assessment.
5. Authorizes any needed support services.
6. Documents the contact in the eJAS Sanction Re-Engagement Contact note type.
7. After four weeks (28 days) of satisfactory participation is verified:
  - Updates participation status in ACES 3G from *Refused - Mandatory Participant (RE)* to *Mandatory Participant (MP)* on the Work Registration Screen
    - Enters the sanction cure date in the 'Re-qualifying Date' field.

- Closes the SA or SN code in eJAS by entering the CS closing code.
8. Completes or closes the eJAS NCS Tool.

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 Sections

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

### Forms & Other Resources

- [EA-Z Manual - Benefit Errors: Cash and food assistance underpayments](#)
- [EA-Z Manual - Basic Food - Work Requirements](#)
- [WorkFirst Opportunities Brochure \(DSHS 22-1125\)](#)