

### 3.5.1.11 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.
- Completes mandatory text and Pp provides an eJAS NCS case staffing results letter.

### 3.5.1.12 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 which must include what the participant failed to do.

### 3.5.1.13 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 3.5.1.16 Entering Non-Compliance Sanction - Step-by-step guide below for additional details.

### 3.5.1.14 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.

### 3.5.1.15 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 3.5.1.16 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.

### 3.5.1.16 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)

### 3.5.1.17 Entering Non-Compliance Sanction - Step-by-step guide

**Note:** The NCS process is supported and tracked in eJAS. 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. Completes required text, 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.