

DWP/MFIP ES POLICY

DATE ISSUED: May 31, 2018

FROM: DWP/MFIP/SNAP ES Division Manager

SUBJECT: Policy Regarding the Fit of Sanction and WFS Philosophy

PURPOSE: The purpose of this policy memo is to provide information on how a participant-driven, family centered approach in the public assistance program and sanctions co-exist to build engagement, and to clarify the expected management of sanctions and in-active, non-sanctioned cases.

BACKGROUND: The Ramsey County Workforce Solutions (WFS) philosophy is to create an environment where each participant might strive for, and reach, their dreams and goals. This approach is an intentional move from long-held MFIP philosophy of system driven “core” activities. The process is driven by participant dreams and ideas about solutions to his or her problems, rather than core activity requirements being the driver.

There are steps to be taken to manage the process of sanction and engagement. These are outlined in the Policy Requirement section.

DHS MFIP Employment Services Manual Section 5.15 points out that MFIP Participants have 2 basic requirements:

1. **Develop a plan:** Which requires meeting with a counselor for an assessment and to develop an employment plan;
2. **Comply with the plan:** Participants must comply with terms of their employment plan.

Embracing a participant driven goal setting philosophy does not relinquish adherence to DHS expectations about creating and complying with employment plan and supports idea of the goal setting and personal accountability for the goal achievement.

When the participant does not take steps, either through willingness or ability issues, the counselor needs to use available tools: LLI, MI, coaching or sanction, etc.

The participant does not benefit by doing nothing. The employment counselor role is to provide motivation, coaching, and support for participant actions.

The WFS philosophy gives participant's more opportunity to pursue dreams while satisfying the two MFIP requirements listed above.

Balancing this participant centered approach with MFIP requirements means using a variety of tools including MI, coaching, goal achievement planning, sanction, etc. Be careful to not use sanction too early before other options are sufficiently pursued.

Pursuit and achievement of a goal requires time and effort. The counselor helps the participant plan and allocate time that she/he will need to invest to achieve her or his goals.

The employment counselor supports the participant in this process.

POLICY REQUIREMENTS:

1. Enroll new (or refreshing staff) into the DHS on-line sanction training http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=dhs16_178691
2. Immediately, each agency's counselors and supervisors should review together [*Bulletin #18-11-02 Sanctions and mothers with newborns: Presumptive Medical Disability*](#). This is the DHS policy and procedural guide to sanction policies in MFIP and DWP mothers who give birth. The Supervisor confirms the completion of this team review with WFS Planner liaison.
3. Annually, or more frequently as necessary, each agency's counselors and supervisors should review together, in their entirety, the sanction sections in the DHS MFIP Employment Services Manual. These include, minimally, Section 14.3 through Section 14.39, Section 7.12, and Section 11.18. The Supervisor confirms the completion of this team review with WFS Planner liaison.
4. Annually, or more frequently as necessary, each agency's counselors and supervisors should review together, the sanction sections of the [*FAS Coding Tips for Employment Services policy*](#) (found in Policy tab of WFS Provider webpage).

5. Annually, or more frequently as necessary, each agency's counselors and supervisors should review together, the sanction related points in Items 3, 4, and 5 on page 2 of the *Protocol for Communication between ES and FAS Staff jointly serving MFIP Participants* (found in Policy tab of WFS Provider webpage).
6. Monthly, supervisors and staff will review the participant Sanction Report to confirm whether sanction is appropriate, still necessary, and to strategize ways to engage participant and cure sanction.
7. Quarterly, supervisors and staff will review the Zero Hour Report, a list of individuals with no activity hours who are not in sanction, to determine course of action to sanction, to engage, or create another avenue for engagement.
8. If, in the course of reviewing sanctions, the supervisor and counselor note active Child Support sanctions, the counselor will communicate that information to the participant and provide information on whom the participant could contact in Child Support to learn about curing any Child Support sanctions.
9. If a participant is not developing a plan/meeting with counselor, or complying with the EP, the counselor must take action (coaching, MI, sanction, etc.). The counselor must do so thoughtfully to determine the root of the non-engagement: is it a willingness issue or an ability issue? Remember that under-developed executive skills or a scarcity mindset are ability issues and may have a good cause definition. Willingness, on the other hand might not be covered by a good cause principle.
10. WFS believes that a counselor's creativity in fostering participant engagement is the more effective tool. Counselors are encouraged to explore alternates of engagement. Counselors are expected to regularly attempt, at minimum monthly, to re-engage participants even while involved in the sanction process.
11. Do not sanction participants who are in school and showing progress. Do not sanction participants who are working and submitting required information to FAS. If in either instance the participant is unable to come in to meet with the counselor, sanction is not an option. The counselor must find a way to accommodate the participant. If an exception to this policy is to be made, the Supervisor should inform or consult the WFS Planner liaison before sanctioning the participant.

12. Section 14.3 of the DHS MFIP Employment Services Manual includes a list of four instance to not sanction. These are:

- Do not sanction a Family Stabilization Services (FSS) participant, unless all FSS pre-sanction provisions have been met. See 11.18 (FSS Pre-Sanction Provisions).
- Do not sanction a participant if there is information that the participant may meet FSS eligibility, unless all FSS pre-sanction provisions have been met. See 11.18 (FSS Pre-Sanction Provisions).
- Do not sanction a participant if the participant is unable to meet participation hours because their place of employment is closed and the participant is not eligible for holiday pay. In addition, do not increase the hours of participation to offset hours that were missed due to the holiday.
- Do not sanction a participant if the participant is meeting minimum hourly activity requirements for the participant's family composition even if the employment plan is written for more than the minimum. See 7.6 (Minimum Hourly Activity Requirements). If the plan requires more hours than the participant is achieving, the job counselor should explore the reason for the difference and consider revising the plan.

13. For unique sanction situations, see the following:

- "First" and "subsequent" occurrences of non-compliance with program requirements are subject to different sanctions, see 14.3.3 (Pre 60-Month Type/Length of ES Sanctions).
- For information on drug felons that are non-compliant, see 14.3.6 (Drug Felons Sanctions – Job Counselor Responsibilities).
- For information on good cause, see 14.6 (Good Cause for Non-Compliance).
- For post 60-month sanctions, see 14.30 (Post 60-Month Type/Length ES Sanctions - General Provisions).
- For non-compliance with an Employment Plan for victims of family violence, see 7.12 (Plan for Victims of Family Violence).
- For information on FSS sanctions, see 11.18 (FSS Pre-Sanction Provisions).

EFFECTIVE DATE: May 31, 2018

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