

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

General Questions

- 1 We have followed the 25% rule when (QC) all cases; however, when it comes to applications the last 3 months has extremely increased for WF applications. Is it still expected to complete 25% QC for these months?

Work First policy as outlined in Administrative Letter 7-2018, regarding second party reviews has not changed. Counties should continue to conduct monthly second party reviews on 25% of all applications, recertifications, and MRA-B/Outcome Plan updates.

- 2 OVS does not show incarceration results will this be added to OVS eventually?

Currently, OVS results include applicable DOC information.

- 3 For applications received very close to end of Public Health Emergency (PHE), May 1 - May 11 should we approve with waiver but also send the DSS 8189?

WF applications received until 5/11/2023 should be processed according to the COVID flexibilities. If the application is processed after 5/12/2023 the county would follow up using the guidance provided in DCDL EFS-WF-02-2023 and Work First policy.

- 4 Please email out the Power-Point after the presentations. Will the PowerPoint be available to the agencies? Can you include slides with the answers to the 3 scenarios?

The Power-Point presentations will be made available to counties with all relevant notes included.

- 5 The DCDL states applications received after May 11, 2023, must follow Work First policy. What about applications received before 5/11 but they are still pending?

WF applications received until 5/11/2023 should be processed according to the COVID flexibilities. If the application is processed after 5/12/2023 the county would follow up using the guidance provided in DCDL EFS-WF-02-2023 and Work First policy.

- 6 Will the policy and manual for WF be updated to reflect these changes? And if so, when?

Work First policy is under continual review and updates to the manual are incorporated accordingly.

- 7 I realize we will be emailed a copy of these PowerPoints, but will they also be loaded into the Learning gateway? Possibly with a recording attached along with the Q & A for both FNS and WF.

These presentations will be made available to counties with relevant notes included. The presentations, resource guide, and question and answer document will be located on the DHHS training website for future county use. <https://www.ncdhhs.gov/divisions/social-services/county-staff-information/training#WorkFirst-995>

- 8 Is job quit penalty back now?

Under the Federal Public Health Emergency, case managers were to initiate future dated sanctions for cases when job quit was applicable. The guidance in DCDL EFS_WF-02-2023 outlines the appropriate steps for canceling or editing sanction start dates.

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Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

9 Are we implementing job quit penalty?

Under the Federal Public Health Emergency, case managers were to initiate future dated sanctions for cases when job quit was applicable. After May 11, 2023, case managers should follow guidance from Work First policy section 104.

Payment Question

1 How will the Division handle the release of WF payments after the PHE ends in May 2023?

NC FAST will be doing the last automatic release for June 2023 to be released in July 2023. Case managers will be responsible for releasing July 2023 benefits in August 2023.

Recertification Question

1 We have a case who is due to review in May 2023 of which is also the month she stops receiving WFFA due to reaching the State 60-month time limit. (April 2023 is the last month) Would we re-evaluate based on the COVID waivers for May and June?

Case Managers must utilize the Work First Participation Summary (DSS-5292) and conduct a desk review. Then Case Managers should follow Work First policy Section 105.

Report Questions

1 Will counties receive reports needed to identify cases impacted by the PHE lifting?

Yes, NC FAST will generate a report with cases listed with future sanction dates of 1/1/9999. A report will also be generated reflecting cases with extension evidence entered to extend time limits. Reports will be available on the home page in NC FAST Help.

2 Will the sanction report be updated monthly until the end of the PHE?

Yes, sanction reports will continue to be updated on a monthly basis and posted to the NC FAST Help home page. NC FAST weekly communications will outline when the reports have posted.

Residency Question

1 Did WF residency change to only 1? Will this change like Medicaid to only needing proof of 1 for residency?

Medicaid and Work First are de-linked and are governed by two different Divisions. There have been no changes to Work First policy regarding residency requirements.

Sanction Questions

1 What options are available for cases that have a future sanction date of 1/1/9999 and client has complied?

If the participant has come back into compliance from the suspended sanctions, there should be case note entered documenting what actions were taken and when the case came into compliance. The sanction date of 1/1/9999 should be canceled. The sanction will continue to show in the compliance tab; however, with "canceled" status.

2 How long does a client have to comply?

The PHE ends 5/11/2023. Participants have until 5/31/2023 to come into compliance. If participants are non-compliant after this date the waivers will lift 6/30/2023 with a sanction date of 7/1/2023. Workers should follow the "Creating or Disregarding and Active Sanction" Job Aid and use a start date of 7/1/2023 for cases that are not in compliance.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

3 If a customer does not come into compliance by 6/30/2023, what do we do?

The case manager will send an Appointment Notice (DSS-8189) outlining the information needed to come into compliance. The participant must provide the requested information to regain compliance no later than 5/31/2023. If the participant fails to provide the information by the established deadline, the case manager must impose the sanction effective 7/1/2023. Workers should follow the "Creating or Disregarding an Active Sanction" Job Aid and use a start date of 7/1/2023 for cases that are not in compliance.

4 Sanctions due to immunization non-compliance: The NC DHHS Social Services Guidebook for COVID-19 Waiver Ending states those with immunization non-compliance have until the next recertification to meet this requirement. Does this mean we will extend cases until the end of the next recertification?

Guidance has changed and the DCDL WF-02-2023 outlines the action case managers should take. If participants have not come into compliance by 5/31/2023 the case manager should follow the "Creating or Disregarding an Active Sanction" Job Aid and use a start date of 7/1/2023 for cases not in compliance.

5 After the PHE has ended will NC FAST send the appropriate notice for cases in which sanctions are updated from 1/1/9999? Or will the worker have to send the notice?

NC FAST will not send notices regarding sanctions. If the sanction remains in place the case manager would issue an adequate notice.

6 How will Child Support Sanctions be handled?

Case Managers will receive a task from ACTS identifying noncompliance. After 5/31/2023 customers who are noncompliant with child support will have a child support sanction imposed as outlined in WF policy. If the customer has complied the sanction must be canceled. If the customer has not complied a sanction with the effective date of 7/1/2023 would be necessary. The family may reapply if they wish to continue to receive cash assistance. However, the family is ineligible for a Work First payment for one month or until compliance, whichever is later.

7 Counties have completed recertifications on cases that may have been in non-compliance in one certification period but have since become compliant in a different certification period. Does it make sense to sanction them now? Are there timeframes for customers to remain compliant before voiding a previous future sanction action?

If the customer is now in compliance the case manager will cancel the future dated sanction as outlined in the DCDL EFS_WF-02-2023. The case manager would enter documentation in NC FAST to support why the sanction was canceled.

8 When the PHE ends in May 2023, would June 2023 be the first month we would have to schedule in person interviews?

Yes, the expectation is to schedule the interview to be completed in June 2023. The case manager would follow WF policy Section 201.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

- 9** Can you give examples of WFES those who fail requirements listed on the MRA- B (DSS-6963B). What is sanctioned?

Work First participants may be sanctioned for several reasons related to non-compliance with program requirements. The four categories of non-compliance are:

1. Failure to cooperate with Child Support Enforcement
2. Non-compliance with the provisions of the MRA-A or MRA-B
3. Failure to participate in required substance use treatment (See Section 104B)
4. Intentional Program Violation (IPV) (See Section 207)

- 10** Do all sanctions need to be updated to 7/1/2023 start date?

If participant is still out of compliance, the case manager should send an Appointment Notice (DSS-8189) outlining the information needed to come into compliance. Participant must provide requested information by 5/31/2023 to establish compliance. If participant fails to provide the information by the deadline, the case manager must impose the sanction effective 7/1/2023.

- 11** What about cases that are terminated with a future dated sanction 1/1/9999? Do we need to fix these?

These cases would be addressed if participant re-applies.

- 12** If we have a sanction on a case but terminated the case because of a missed appointment; do we need to do anything with these cases?

These cases would be addressed if participant re-applies.

- 13** Well check-up sanctions. Mom makes an appointment for well check-up but can't be seen until November 2023. Would this be good cause? Should we ask for verification the earliest appointment is Nov 2023?

The case manager should verify and document that the appointment date is the earliest per the medical practice and document the county determination regarding good cause. Please reference policy section 120 regarding good cause reasons.

- 14** How much time does the participant have to come into the agency for the appointment (assigned by the DSS-8189) if they also have to comply with a third party i.e., Child Support Enforcement, QPSA, or drug testing before May 31?

Participants have until 5/31/2023 to come into compliance with Work First requirements. If the participant remains non-compliant the sanction will be effective 7/1/2023. The case manager should assist the participant and use best prudent judgement and document findings in the case record. Some clients may have to meet with worker, some may just need the notice to outline what they must provide to be in compliance by 5/31/2023.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

- 15** For voluntary job quit penalty: If in compliance with Employment Services now would we cancel the future sanction? If in non-compliance, would we apply job quit sanction 7/2023, 8/2023, & 9/2023?

Yes, if a participant is in compliance with the job quit sanction dated 1/1/9999, then the sanction would be canceled. If the participant is not in compliance with a job quit sanction, the future sanction date of 1/1/9999 should be end dated with a date of 6/30/2023 and a new sanction applied 7/1/2023. The Mutual Responsibility Agreement Plan of Action DSS 6963B (MRA-B) informs participants that they have agreed not to quit a job as a requirement of Work First. The participant also acknowledges that if they do not meet this requirement listed on the MRA-B, their Work First payment will stop and that the MRA-B serves as their notice or termination. The sanction would be imposed immediately as the customer has already received the notice of termination via the MRA-B.

- 16** For substance use suspended sanctions/postponed disqualifications: When sending the DSS - 8189 should we refer to QPSA/drug testing at that time or send the DSS - 8189 to meet with DSS, then at the appointment refer to testing/QPSA? How much time for each? Do we give DSS -8146 at appointment if needed?

All sanctions must be cleared by 5/31/2023 following the guidance provided in DCDL WFS-WF-02-2023.

- 17** Child Support Sanctions. If still in non-compliance, are we sending DSS-8189 to refer them to comply with Child Support or do they meet with DSS first then we refer?

All sanctions must be cleared by 5/31/2023 following the guidance provided in DCDL WFS-WF-02-2023. The Child Support sanction continues until the case manager verifies compliance using the Inquiry into Data sent from ACTS or using OVS that the client cooperation status is Y or YES.

- 18** The training stated if clients are still in non-compliance to impose the sanction effective 7/1/2023. Are we still sending the DSS-8189 to all clients in non-compliance first then imposing sanction if not complied by 5/31/2023?

Per DCDL WF-02-2023, if participant is still out of compliance, the case manager will send an Appointment Notice (DSS-8189) outlining the information needed to come into compliance. The participant must provide the requested information to gain compliance no later than 5/31/2023. If the participant fails to provide information by the deadline, the case manager must impose the sanction effective 7/1/2023.

- 19** The training stated if clients are still in non-compliance to impose sanction effective 7/1/2023 with adequate notice. When sending DSS - 8189, if still in non-compliance can we refer to 3rd party such as Child Support Enforcement, QPSA, or drug testing.

Yes, case managers would refer participants to 3rd party Vendors to meet the 5/31/2023 compliance deadline.

- 20** Is it necessary to put a note in sanction box when editing COVID sanctions.

Yes, it is required for the case manager to provide a case note supporting case action.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

- 21** Is a beneficiary eligible for job bonus if they have reached the 24 - month limit in January. Exemption was keyed based on the PHE through May. Beneficiary got a job in March and became self-sufficient in March. No longer eligible for WF Cash Assistance in April.

Based on Work First policy Section 114 X.B. if earnings were reported timely and case managers took appropriate action job bonus would be allowable under the PHE.

- 22** Family has been sanctioned due to child not attending school. School ends May 2023. Would the family be imposed the sanction 6/1/2023 or wait until 8/2023 since child will not be able to comply again until school starts.

See WF manual Section 103. Unless the caretaker has good cause for the child not attending school, continue the sanction through 5/31/2023. If the caretaker remains non-compliant through 5/31/2023 the sanction will be effective 7/1/2023.

- 23** Are we to sanction, due to lack of immunizations after the PHE is lifted?

Per DCDL WF-02-2023 all PHE waivers will end 6/30/2023. Case managers should resume to following the MRA Core requirements that all children receive their immunizations unless exempt for medical or religious as stated in WF Section 103 V: C.

- 24** What if a sanction was applied for non-compliance with the MRA-B. Job search activity not completed, and no job search logs, or hours provided. There is no way for the client to comply. How should this be handled?

Sanctions applied for non-compliance with the MRA-B must provide requested information for compliance by 5/31/2023. If the participant fails to provide information by the deadline, the case manager must impose a sanction effective 7/1/2023. If the client is now in compliance with their MRA-B and completing current work activities as agreed, the sanction will be canceled.

- 25** Now that COVID policy is over can we deny an application for non-cooperation with Child Support if the sanction is in place?

Follow Work First policy Section 104 and 120.

- 26** Do you have to send an appointment notice to every client on the active WF Sanction report or just to those clients with MRA sanctions?

If the customer is still out of compliance, the case manager will send an Appointment Notice (DSS-8189) outlining the information needed to come back into compliance. Customer must provide the requested information by 5/31/2023 to regain compliance. If the customer fails to provide the information by the deadline, the case manager must impose the sanction effective 7/1/2023.

- 27** Are we contacting clients to determine if they have good cause? If so, how, when and what form is needed?

If the customer is still out of compliance, the case manager will send an Appointment Notice (DSS-8189) outlining the information needed to come back into compliance. Good Cause should be discussed with the customer during this appointment. Customer must provide the requested information by 5/31/2023 to regain compliance.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

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April 2023

- 28** If the 1/1/9999 sanction has not been entered due to non-compliance with WFES is there a report where we can track active employment cases?

If sanctions were not entered as a result of noncompliance, county staff would need to review the all families included in the denominator report in client services data warehouse (CSDW). Due to transition in Federal reporting, this report has not been updated and counties will need to manually track cases.

- 29** Is the DSS 8189 required or can a DSS-8146 be sent requesting the needed information?

Per DCDL WF-02-2023, the case managers will send an Appointment Notice (DSS-8189) outlining the information needed to come into compliance.

- 30** If a child support referral was submitted an application but CSE closed case out for unable to locate; will a new IV-D referral be required if no new information can be obtained on Absent Parent and CSE is still unable to locate?

Determination of noncooperation is always made by the Child Support Enforcement (CSE) Unit. Since the case was closed by CSE, a new IV-D referral will not be required until the participant submits a new application for Work First.

- 31** In WF case scenario 2, based on the answer provided is the client never sanctioned because they never missed a month of benefits? Is this correct?

Since the family is now in compliance, the case manager will cancel the future dated sanction and enter the documentation in NC FAST to support why the sanction was canceled.

Telephonic Signature Questions

- 1** Now that we counties have the ability to do applications via telephone when will we be allowed to do recertifications by telephone?

Work First manual section 104 has been updated to include telephonic signatures at application as a part of ongoing policy. A telephonic signature may be accepted for all Work First forms. Work First manual section 201 remains current policy and policy requires an annual face to face interview for recertifications.

- 2** (1) Is the telephonic signature now permanent policy for WFFA? (2) Will telephonic signatures still be accepted after the PHE ends?

Work First manual section 104 has been updated to include telephonic signatures at application as a part of ongoing policy. Work First manual section 201 remains current policy and policy requires an annual face to face interview for recertifications.

- 3** When the PHE is lifted can counties still take phone applications or do they HAVE to be face to face?

Yes, Work First applications may be taken by phone. Work First manual section 104 has been updated to include telephonic signatures at application as a part of ongoing policy.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

Time Limit Questions

- 1 Will NC FAST automatically terminate cases with exhausted time clocks that have the "Temporary Suspension of Time Limit Terminations Due to COVID-19" verbiage in the narrative? (That was the idea at the beginning of the PHE/COVID procedure).

No, the case manager needs to end date the Extension evidence, apply changes, accept the changed decision and send an adequate notice. Once the decision is accepted, System (Batch) will auto close the case.

- 2 Should the time clocks be adjusted from the PHE from March 2020 through May 2023 regardless of compliance?

Only the State 24-month time clock can be adjusted. The 60-month time clock cannot. Counties have some discretion in adjusting the family's State 24-month time limit. Adjust, if needed, after completion of the DSS-5292 for months in which the county was not able to provide services needed in order to participate. The Federal 60 - month time limit cannot be adjusted. Participants have the right to request a hardship extension hearing.

- 3 Will there be a requirement to review the Employment cases as described in Section 105 that would have occurred before the time limit was exhausted if it had not been for the suspended termination waiver? Will it be a requirement for the Employment Social Workers to complete these interviews prior to terminating the case?

Yes, it is required that the Employment cases be reviewed as outlined in WF policy section 105. The termination of the case will be contingent upon the findings from the review.

- 4 How do you handle out of state 60-month hardship hearings? Best Practice.

Case Managers must follow Work First policy outlined in Section 105 for hardship hearings.

- 5 Are there resources available or being created to share time clocks from state to state to verify time clock usage nationwide?

Case Managers must follow Work First policy outlined in Section 105 to contact the other state(s) Commonwealth, Territory or "Federally Recognized" Tribes.

- 6 Is it possible for a non-citizen to receive 60 months of state time limit then become a citizen and use 60 months of the Federal time limit in addition to the first 60 - month state time limit?

Yes, WF policy Section 105 states If a custodial parent previously not included becomes eligible to be included on the case, the 60-Month State time clock must stop, and the 60-Month Federal time clock begins. The 60-Month Federal and 60-Month State time clocks are tracked separately and do not run simultaneously.

- 7 If you have a client on Pandemic extension that is under exemption and under doctor's care, unable to work or do anything, and has applied for disability and is awaiting a decision. Is a DSS-5292 still needed before sending a DSS 8110 proposing termination on 6/30/2023?

Yes. DCDL EFS_WF- 2-2023 issued April 12, 2023, outlines any case which has exhausted time limits must follow WF manual Section 105 and complete the DSS - 5292. Participants have the right to request a hardship exemption hearing.

Continuous Quality Improvement Training

Lifting of the Federal Public Health Emergency

Question and Answer

April 2023

- 8** Do months received during PHE as an extension count on the Federal 60 - month time limit, the State 24 - month time limit or the State 60 - month time limit?
- Yes, months received on the PHE count toward the Federal 60-month time limit, State 60-month time limit, and State 24-month time limit. Only the State 24-month time limit can be adjusted.
- 9** Is the DSS - 5292 desk review needed for all exhausted time limits or just the 24 - month State time limit? If so, is an interview and/or office visit required?
- Yes, a DSS-5292 desk review is required for all exhausted time limits, per DCDL EFS-WF-02-2023. An interview is required.
- 10** Help Desk tickets have been sent to the state about cases where the timeclocks have not been ticking. How timely is the state going to respond to these help ticket requests?
- The Help Desk is addressing help tickets as quickly as possible and is aware of the need of a timely response. Counties should follow the escalation process when necessary, regarding Help Desk tickets if there is a delayed response.
- 11** Who should be on the hardship committee? How many people?
- WF policy section 105 outlines recommended hardship committee members to include: WF case managers, child welfare social worker, Vocational Rehabilitation counselor, FNS case worker, Child Support agent, and Qualified Professional in Substance Abuse. The total number of individuals on the committee would be determined by the local agency.
- 12** What are the guidelines for the hardship hearing?
- County staff are encouraged to review WF policy section 105 along with the web-based training, Work First Federal 60-Month Time Clocks, located in NC FAST Learning Gateway for detailed information on the guidelines for hardship hearings.
- 13** For counties that are consolidated and have a combined Health and Human Services board, does that board determine the hearing committees for hardship hearings or does the DSS director need to appoint a hardship hearing appeal committee?
- Work First policy section 105 outlines the recommended committee members for Social Service/Human Service agencies. The participants on the committee could include: WF case managers, child welfare social worker, Vocational Rehabilitation counselor, FNS case worker, Child Support agent, and Qualified Professional in Substance Abuse. Who designates the hardship committee would be determined by the agency's governing board.
- 14** Program Integrity does the appeal hearings for CIP/LIEAP etc. can we continue that process for the hardship hearings, or must there be a new board?
- The process for program integrity hearings and hardship extension hearings are different. WF policy section 105 discusses the recommended committee members.