USDA
United States Department of Agriculture

Food and Nutrition Service

Park Office Center

3101 Park Center Drive
Alexandria
VA 22302

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SUBJECT: Supplemental Nutrition Assistance Program – Clarifications on Work Requirements, ABAWDs, and E&T – May 2018

TO: All Regional Directors
Supplemental Nutrition Assistance Program

The Office of Inspector General's (OIG) 2016 Audit Report, *Food and Nutrition Service Controls over Supplemental Nutrition Assistance Program (SNAP) Benefits for Able-Bodied Adults without Dependents (ABAWD),* recommended that the Food and Nutrition Service (FNS) perform analysis to identify problematic areas for States in terms of ABAWD policy and then provide States with additional best practices to address those areas. FNS has performed the recommended analysis and has determined that States and other stakeholders would benefit most from additional guidance in two general areas: ABAWD policy's interaction with other SNAP work-related policies and "tracking" participation for ABAWDs.

## 1. ABAWD policy's interaction with other SNAP work-related policies

SNAP work-related policies are best understood as three distinct, but interrelated and mutually supportive areas: the general work requirements, the ABAWD time limit (the time limit) and work requirement, and SNAP Employment and Training (SNAP E&T) programs. These work-related policies, the people they affect, and the ways in which they interact are summarized below in order to contextualize the policies. For exact requirements and exemptions, please review the relevant laws, regulations, and FNS policy memorandums.

### The General Work Requirements – section 6(d) of the Food and Nutrition Act of 2008, as amended (the Act), and 7 CFR 273.7

The general work requirements apply to people ages 16 through 59, except for those who are physically or mentally unfit for employment, care for a child under age 6 or an incapacitated person, are already employed 30 hours or more per week or earning weekly wages at least equal to the Federal minimum wage multiplied by 30 hours, are regularly participating in a drug addiction or alcoholic treatment and rehabilitation program, are already participating in certain work programs or complying with certain work requirements, or are students in school half-time or more. People who are subject to the general work requirements must register for work, take a suitable job if offered, and participate in a SNAP E&T program or a workfare program if assigned by the State agency. They are also prohibited from voluntarily quitting a job of 30 or more hours per week or reducing work hours to less than 30 hours per week without good cause (unless their weekly wages continue to exceed the Federal minimum wage multiplied by 30 hours). People subject to the general work requirements are commonly called "work registrants."

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Work registrants who do not comply with the general work requirements without good cause are disqualified from receiving SNAP for a period of time. The Act provides disqualification periods depending on how many times the person has failed to comply and offers States options therein. With each disqualification period chosen by the State, the person is considered disqualified until the person's monthly disqualification period is over *and* the person has come into compliance (whichever happens later). At the first occurrence of non-compliance, the State can choose a disqualification period of 1 to 3 months. At the second occurrence, the State can choose a disqualification period of 3 to 6 months. At the third or subsequent occurrence, the State can choose a disqualification period of 6 months to permanent disqualification.

When a person does not comply, the State must determine whether the person has good cause before imposing any disqualification. Examples of good cause include illness, household emergency, lack of transportation, or other circumstances beyond the person's control. In accordance with the Act, if the State finds that a person has good cause, it must not disqualify the person.

**The ABAWD Time Limit and Work Requirement – section 6(o) of the Act and 7 CFR 273.24**

The ABAWD time limit and work requirement apply to people ages 18 through 49, unless they are already exempt from the general work requirements, medically certified as physically or mentally unfit for employment, sharing a household with a child under 18, or pregnant. ABAWDs are also work registrants and must meet the general work requirements. In addition, ABAWDs subject to the time limit must work and/or participate in a work program 80 hours per month or more, or participate in and comply with workfare in order to receive SNAP for more than 3 months in a 36-month period, unless they become exempt. Participation in SNAP E&T, which is a type of work program, is one way a person can meet the 80 hour per month ABAWD work requirement, but participating in qualifying activities in other work programs is acceptable as well. State agencies can request to waive the time limit if an area has an unemployment rate of over 10 percent or the State can meet one of the regulatory options to show a requested area does not have a sufficient number of jobs to provide employment. If the time limit is waived, individuals are not required to meet the ABAWD work requirement in order to receive SNAP for more than 3 months in a 36-month period. However, even if the time limit is waived, ABAWDs remain subject to the general work requirements, as ABAWDs are work registrants, and the general work requirements cannot be waived. State agencies also have discretion to exempt, on a month-to-month basis, 15 percent of the individuals who would otherwise be subject to the time limit as estimated by the Department each year. Each 15 percent exemption extends eligibility to one ABAWD for 1 month.

**SNAP Employment and Training Programs – section 6(d) of the Act and 7 CFR 273.7**

SNAP E&T programs are intended to help SNAP recipients gain skills, training, work, or experience that will increase their ability to obtain regular employment and become economically self-sufficient. The State agency must operate an E&T program, though it has significant flexibility in program design. The State determines who to serve through its E&T programs, what kind of activities to provide, and where to provide them. The State may provide other wrap-around services such as on-going case management, job coaching, or job retention services. The State is required to provide participant reimbursements for things that are necessary for participation in SNAP E&T such as transportation, books, safety equipment, or other items or services.

The State has the option to offer E&T on a voluntary basis to certain or all SNAP participants; or, the State can require all or certain work registrants to participate in E&T as a condition of eligibility, often referred to as "mandatory E&T". If a work registrant is required to participate in E&T and does not comply without good cause, he or she is disqualified from receiving SNAP as explained above under *The General Work Requirements*. In deciding whether to require E&T participation, the State must carefully consider its capacity to serve E&T participants and provide reimbursements for participants with access barriers such as lack of transportation or child care. The State is not required to serve ABAWDs with E&T or to require ABAWDs to participate in E&T. If the State does require ABAWDs subject to the time limit to participate in E&T, it must administer both the time limit and disqualification periods for failure to comply.

States have several options to provide qualifying work program opportunities for ABAWDs who are subject to the time limit. These options include work programs outside of SNAP E&T, such as State or local programs or programs operated through the Workforce Innovation Opportunity Act (WIOA) American Job Centers (AJCs). States may provide ABAWDs a slot in a workfare program. States may also provide ABAWDs a slot in a SNAP E&T Program. However, all of these options have their own limitations such as funding, capacity, or competing State priorities. Notably, States are eligible for a portion of a pool of $20 million in additional E&T funds if they pledge to offer all ABAWDs who are in the last month of their 3-month time limit a slot in an E&T component that fulfills the work requirement. These 100 percent federal funds are allocated across all pledge States based on the number of ABAWDs in each participating State, as a percentage of ABAWDs in all of the participating States.

**2. "Tracking" participation for ABAWDs**

FNS and State agencies typically use the term "ABAWD tracking" as shorthand for the overall functional process and requirements of identifying ABAWDs and administering the time limit. In order to administer the time limit accurately and consistent with Federal law, States must:

- Identify household members who do not meet any exemptions from the time limit (screen for exemptions). These individuals are typically referred to as "ABAWDs subject to the time limit" or "non-exempt ABAWDs".

- Measure the continuous 3-year period, and track whether ABAWDs subject to the time limit are or are not meeting the work requirement each month. This can include periods of time when the individual is in an area with a waiver of the time limit, or when the individual temporarily meets an exemption from the time limit. Any month in which an individual receives SNAP benefits for full benefit month while not exempt from the time limit, meeting ABAWD work requirement, or living in an area with a waiver of the time-limit, is considered a countable month against the individual's ABAWD time limit.

The State agency needs to measure the 3-year period and track ABAWDs on a continuous basis. Even while under a waiver, the State must continue tracking, so that it will be ready transition off-of the waiver when it expires and reintroduce the time limit. For example, the State may have a waiver one year but not the next, or the waived areas within the State may change.

Please distribute the attached memorandum to your respective States and contact Sasha Gersten-Paal at sasha.gersten-paal@fns.usda.gov with any questions. For more information on ABAWD and E&T policies, please refer to the ABAWD Policy resources and the E&T Policy and Guidance pages on the FNS website.

Lizbeth Silbermann
Director
Program Development Division