



July 1, 2023

Food Assistance Change Transmittal No. 96

TO: All Food Assistance Manual Holders

FROM: Matt Damschroder, Director Ohio Department of Job and Family Services

SUBJECT: **Supplemental Nutrition Assistance Program Employment & Training Program – Corrective Action Compliance**

**Background:**

The United States Department of Agriculture, Food and Nutrition Service (FNS) conducts management evaluation (ME) reviews of Ohio's Supplemental Nutrition Assistance Program (SNAP) Employment & Training (E&T) program each year. The SNAP E&T ME review focuses on several areas of SNAP E&T eligibility and compliance as well as Ohio's mandatory population of able-bodied adults without dependents (ABAWDS).

When States choose to operate mandatory E&T programs, as Ohio does, they must comply with all federal requirements. Given that penalties for failure to comply with mandatory SNAP E&T requirements can result in individuals and families losing SNAP benefits, it is critical that States properly implement policies and processes that afford recipients all the benefits and protections to which they are entitled.

FNS has notified Ohio that areas of its SNAP E&T implementation at the county level have been consistently out of compliance with federal and Ohio rules during the last three SNAP E&T ME reviews. The deficiencies found and continue to be the following:

**1.) Screening for Referral to E&T:** Eligibility workers are not adequately screening each work registrant to determine appropriateness, based on Ohio's criteria, to refer individuals to the E&T program.

**Insufficient Screening for ABAWD Exemptions:** Eligibility workers are not screening each individual subject to the general work requirement rules to determine if they are exempt from the ABAWD work requirement.

- 2.) **Participant Reimbursements:** Clients are not being adequately screened for participant reimbursement needs. As a result, counties are not able to accurately assess whether the client should be given good cause from E&T because the county cannot meet those needs.
- 3.) **Good Cause:** Eligibility workers are not determining if good cause for noncompliance exists *before* issuing a notice of adverse action.
- 4.) **Provider Determination:** County workers and E&T provider staff are still unclear about the provider determination process.
- 5.) **Oral Explanation of Work Requirements:** Eligibility workers are not providing a comprehensive oral explanation of all work requirements that pertain to a household.
- 6.) **Case Management and Employability Plans:** County agencies are not consistently providing case management services, such as comprehensive appraisals; individualized employability plans; and ongoing progress monitoring.

In order to remedy previous ME review findings, ODJFS has consistently provided SNAP E&T and ABAWD trainings statewide and targeted to specific counties (in addition to its annual training), provided desk aides and template forms to assist counties with implementing the rules. FNS has made it clear that continually retraining on the rules will no longer suffice to bring Ohio into compliance. FNS remains concerned that SNAP recipients in Ohio are being required to participate in SNAP E&T as a condition of eligibility without being properly screened, without adequate supports, and at risk of failure to comply, thereby being disqualified from the SNAP E&T program and from the SNAP program overall, through no fault of their own.

***Therefore, FNS issued a written directive that stated, “until Ohio is in full compliance with regulations affecting program access, the State must take steps immediately to ensure that SNAP E&T participants are not improperly sanctioned” and must “clearly describe how the State will halt improper sanctions and how they are actively working to ensure the State’s E&T program will come into compliance.”***

As a result of this directive, ODJFS is implementing the new policy outlined below which has been approved by FNS. This policy is effective beginning July 1, 2023. This new policy will help ensure all policy requirements are being met prior to sanctioning an individual who is non-compliant with SNAP E&T.

**New Policy:**

*Screening Tool*

During the SNAP eligibility interview, for any individual in receipt of SNAP who is either (1) an adult or (2) a 16 or 17 year old who is the assistance group name and is not in school or in the SNAP E&T program, the caseworker must use the JFS 07208 “Supplemental Nutrition Assistance Program Employment Program Work Registration, ABAWD and Employment and Training Screening Tool” to determine if an individual is a work registrant and/or an ABAWD and is

appropriate to refer for SNAP E&T. This screening tool also includes the oral rights and responsibilities that must be read to the individual based on whether or not they are subject to the work registration requirements, ABAWD work requirements, and/or SNAP E&T requirements. The JFS 07208 must be kept in the case record.

In lieu of using the JFS 07208, a county agency can create an automated system equivalent, but must have it approved by ODJFS prior to implementation. A county-created automated system screening tool must capture the same information outlined in the JFS 07208, including the appropriate oral noticing requirements based on the individual's status. Additionally, the automated system equivalent must be able to save a summary of the screening into a document management system to be retrievable by a third-party reviewer. Existing electronic tools must be sent to ODJFS at [WACTA@jfs.ohio.gov](mailto:WACTA@jfs.ohio.gov) for review and approval. The county agency must continue to use the JFS 07208 until approval is received from ODJFS for the county-created automated system equivalent.

In either instance of the JFS 07208, or automated system equivalent, use of the screening tool must be clearly documented in journal notes.

If your county agency has opted into waiving the recertification interview requirement as outlined in [FACT 92](#), and you are unable to adequately determine if an individual meets a work registration or ABAWD exemption from the information provided on the JFS 07204, you must contact the individual to screen for work registration exemptions and appropriateness for referral to the SNAP E&T program. If you determine that the individual is work required and an appraisal is scheduled, you must notify the individual during the appraisal that supportive services are available and complete the JFS 07208.

#### *Notice of Alleged Failure*

Prior to this letter, a county agency could notify an individual of their failure to comply with the appraisal or SNAP E&T assignment with either a letter, phone call, email or other communication method chosen by the agency. ODJFS is now requiring the JFS 07209 "Supplemental Nutrition Assistance Program Notice of Alleged Failure" to be used to notify all individuals of their failures and their right to provide good cause. The county agency must allow at least 7 days from the mailing date of the notice for good cause to be provided before it can determine there was no good cause for the failure. A copy of the JFS 07209 sent to the client must be kept in the case record and documented in journal notes.

#### *Pre-sanction Checklist*

Prior to proposing a sanction for failing to attend a SNAP E&T appraisal or assignment without good cause, the county agency must complete the JFS 07210 “Supplemental Nutrition Assistance Program Employment Program Employment and Training Pre-Sanction Checklist.” All answers on the JFS 07210 must be “yes” to all questions, and the supplemental questions must be answered before a worker can proceed with proposing a sanction. If any of the questions are answered with “no”, then not all policies were implemented correctly, and the sanction cannot be proposed. The JFS 07210 must be saved in the case record and emailed to ODJFS within 2 business days of proposing the sanction at [JFS.Sanction@jfs.ohio.gov](mailto:JFS.Sanction@jfs.ohio.gov) . If these actions are not completed, the sanction is invalid, and you will be required to remove the sanction and reinstate SNAP benefits.

### **Monitoring**

As part of the compliance with plan, ODJFS must monitor county agencies’ compliance with this new policy. ODJFS will be reviewing the JFS 07210 sent to the [JFS.Sanction@jfs.ohio.gov](mailto:JFS.Sanction@jfs.ohio.gov) email box and compare to the cases proposed for sanction to ensure the JFS 07210 was completed, and all questions were answered with a “yes”. If not, then the county agency will be required to remove the sanction and reinstate SNAP benefits.

Additionally, ODJFS’s Bureau of Fiscal and Monitoring Services will be reviewing for compliance with this new policy, and FNS will return to Ohio for a targeted review in August-September 2023. If FNS observes continued non-compliance with the rules, Ohio’s FFY 2024 SNAP E&T plan may not be approved, resulting in no SNAP E&T funding for FFY 2024.

If you have any questions regarding any of these changes, please contact Program Policy and Systems at [OFA-PPS@jfs.ohio.gov](mailto:OFA-PPS@jfs.ohio.gov).

