

119 – WORK FIRST BENEFITS Change 04-2021 September 1, 2021**I. BACKGROUND**

Effective October 1, 2009, North Carolina implemented a new method for issuing Work First Benefits payments to families that include an adult as a recipient. These families must demonstrate compliance with all provisions of their Outcome Plan/Mutual Responsibility Agreement (MRA) documents prior to receiving benefits. In 2009, the General Assembly established the “pay after performance” method of payment, called Work First Benefits (WFB), for all families that include an adult. Child only families continue to receive their benefits near the beginning of each month, for that month.

II. CASES SUBJECT TO WORK FIRST BENEFITS (WFB)

All Work First cases that include a work-eligible individual (Work First Manual Section 118 IV) are subject to Work First Benefits (pay after performance) payment methodology. Child only cases are not subject to Work First Benefits payment method. Those cases automatically receive payment at the beginning of the benefit month. This includes families where the parents are in the household but are not eligible to be included due to receipt of SSI or non-qualified immigrant status.

III. WFB PAYMENT METHOD

Assistance payments for WFB cases are not automatically issued. Compliance with each element on the Mutual Responsibility Agreements (MRA-A Core Requirements and Outcome Plan) must be evaluated for the benefit month. Case managers must evaluate compliance with each MRA every month prior to issuing the WFB payment. If the family has complied with all provisions of their MRAs or if they have good cause for noncompliance, a payment will be issued.

If the adult in the case does not have a current Outcome Plan (for example if the adult is not currently work eligible and has exemption evidence), at the end of each month prior to issuing the WFB payment, the case manager must verify the family is in compliance with the provisions of the MRA-A Core Requirements or if good cause exists for non-compliance.

IV. INITIAL MUTUAL RESPONSIBILITY AGREEMENTS (MRA-B)/OUTCOME PLAN

For all work-eligible applicants, a MRA-B/Outcome Plan must be developed within five (5) business days of the date of application. The initial Outcome Plan should specify activities to be completed during the month of application. The initial Outcome Plan may be brief and simple, to be followed by a more detailed plan based on a thorough assessment.

V. TIMELY NOTICE REQUIREMENT

The requirement for timely notice of a decrease or loss of benefits applies to WFB cases. The MRA Core Requirements and Outcome Plan contain the timely notice that if the adult does not comply with all provisions of the MRAs they will not receive their assistance payment.

For WFB cases, the Outcome Plan/MRA-B serve as timely notice for non-compliance with participation requirements, a DSS-8110 timely notice is not required when withholding a WFB payment. An adequate notice (DSS-8110-Notice-of-Modification-Termination-or-Continuation-of-Public-Assistance), outlining the participant's rights to a hearing, is required to be sent to all households prior to termination of benefits.

VI. CHILD SUPPORT

In the child support automated system (ACTS), individuals who are included in Work First cases are considered Unreimbursed Public Assistance (URPA) recipients. Support payments paid by a non-custodial parent are subject to being redirected to the state to reimburse WFB payments. Payments will be redirected even when a WFB payment is not issued for the benefit month.

When a case terminates, due to failure to comply with MRA requirements, it then becomes "Non-Public Assistance" for child support purposes, and the caretaker is eligible to receive child support payments processed through Child Support Enforcement. For this reason, it is important that case managers promptly terminate cases for failure to comply with the MRA-A and/or Outcome Plan to prevent the Work First payment from being released

VII. REPORTING PARTICIPATION

Adults included in WFB cases who have an Outcome Plan are required to report their work and work-related activities monthly no later than the fifth business day of the following month to receive the WFB payment. The fifth business day deadline is stated on the Outcome Plan. Documentation requirements for the component activities are described in WF 118 V. and VI.

County agencies or individual case managers may require more frequent reporting, such as weekly or bi-weekly, and this should be noted on the Outcome Plan. Case managers may accept documentation submitted after the fifth business day if good cause exists. Case managers may release the WFB payment at any time compliance is documented. If late documentation is accepted (after the fifth business day) the case manager must document the case record to note good cause for the delay.

VIII. ISSUING PAYMENTS

Due to the Pay After Performance requirement, it is important case managers issue payments as quickly as possible once compliance with the MRA & Outcome Plan has been documented.

A. When documentation has been submitted:

1. Case managers must issue WFB payments within three (3) business days following the participant’s submission of adequate documentation.

B. When no or incomplete documentation has been submitted:

1. Case managers should make an effort to contact the participant to determine if good cause exists or if help is needed to obtain documentation. If the participant has not provided all the necessary documentation by the fifth business day of the following month, document efforts to contact the participant in the case details.
2. If required documentation has not been received by the 15th of the month following the report month, and good cause has not been determined, the case manager must terminate the case.

On hold payments must be released or canceled within 2 months of payment generation. Use the following chart to determine the reimbursement period:

If current reporting month falls in this Quarter:	Reimbursement is allowable 2 years back from this Month:
January-March	April payment month
April-June	July payment month
July-September	October payment month
October-December	January payment month

Note: On-hold payments must be canceled or issued prior to termination of the WFB case.

IX. FAILURE TO COMPLY WITH MRAs

If a participant fails to meet their required hours of work activities or other Outcome Plan requirements, without good cause, the MRA-B/Outcome Plan serves as notification that their Work First case will be terminated, and the family will not be eligible to receive a WFB payment for that month. A re-application will be required before the family may receive WFB again.

An adequate notice (DSS-8110 Notice of Modification Termination or Continuation of Public Assistance), outlining the participant's rights to a hearing, is required to be sent to all households prior to termination of their case.

A. Non-Cooperation with Child Support Enforcement

When an adult in a Work First Benefits case fails to cooperate with child support enforcement, as indicated by a client cooperation status of "No" in ACTS, the WFB payment for the month of non-cooperation will not be issued. Additional steps to be taken are described in WF 120 II.

B. Good Cause

It is the primary responsibility of the participant to communicate why participation requirements were not met for the case manager to determine if good cause exists. When participants do not comply with their MRA-B/Outcome Plan during the participation month, their Work First Cash Assistance benefit will not be released for that month and they will not count in the Work Participation Rate. If the participant has good cause for failing to meet their required hours of work activities or for not complying with other MRA-B/Outcome Plan requirements, their Work First Cash Assistance benefit will be released. The case manager must document the good cause reason in the case details. Good cause is defined as but not limited to:

- A significant family crisis or change;
- Illness of the caretaker or child, including participation in substance abuse treatment or medical appointment;
- Civil leave, including jury duty, or a required court appearance.
- A significant change in the participant's work schedule by the employer.
- Disruption in childcare arrangements.
- Loss of transportation.

Good cause reasons for noncompliance are of limited duration. It is important to determine whether the situation should be considered a "good cause" or an "excused absence."

The case manager must ensure reasonable accommodations are available to all individuals with disabilities who need assistance to meet their requirements.

It is also important in determining good cause that the case manager review the participant's case record and MRAs as well as discussing with the participant their reasons for failure to meet the MRA/Outcome Plan requirements.

If there is an indication that existing or new disabilities are a factor in noncompliance, the case manager must conduct a thorough assessment, and/or revise the MRAs and if appropriate release the WFB payment.

Case managers must review cases to identify previous good cause reasons to determine if there is a pattern and document the case file. Good cause must be evaluated monthly on a case-by-case basis.

Case managers must have frequent contact with the participant to monitor MRA compliance. Case managers must document in the case record all efforts and contacts with the participant.

To ensure appropriate good cause determinations, it is recommended that agencies develop a protocol for consultation by case managers with a supervisor when determining good cause.

C. Substance Use Treatment

Individuals referred for substance abuse treatment by a Qualified Professional Substance Abuse (QPSA) worker as described in WF 104B, failure to participate in treatment is penalized as described in WF 104B IV. Failure to participate in substance use treatment does not result in non-issuance of the WFB payment. See WF 104B for detailed instructions.

X. REAPPLICATIONS

When a WFB case has terminated due to non-compliance with MRA provisions or due to non-cooperation with child support enforcement, a re-application is required if the family wants to again receive WFFA.

The administrative re-open process, as described in WF 203, may be used if the family wants to reapply within the first ten calendar days of the first month after the month of termination. This may be done if no changes have occurred that would affect eligibility and the family has provided documentation of compliance with their MRA-A and Outcome Plan.