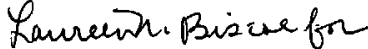


TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 08-09
Date:	March 31, 2009
Keyword:	TANF/Choices
Effective:	May 1, 2009

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers


From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Choices: New Seven-Day Timely and Reasonable Attempt Policy**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on the Texas Workforce Commission's (Commission) new seven-day timely and reasonable attempt policy for Choices.

BACKGROUND:

The 2007 State Auditor's Office (SAO) audit report on the Choices program expressed concern over the response times in requesting sanctions for customers in noncompliance with Choices work requirements. In 43 percent of the cases reviewed during the audit, SAO discovered that caseworkers did not request sanctions for their customers in a timely manner. As a result, customers who were no longer eligible continued to receive Temporary Assistance for Needy Families (TANF) and Choices services. The Commission's Subrecipient Monitoring department also expressed the need for a more clearly defined time frame for a timely and reasonable attempt.

On September 9, 2008, the Commission adopted amendments to Chapter 811, Choices Rules, which include the new statewide timely and reasonable attempt policy at §811.14(c). The amended rules are available at http://www.twc.state.tx.us/twcinfo/rules/20072008/adopch811_090908.pdf.

A workgroup composed of representatives from the Boards and the Texas Workforce Commission met to develop a time frame for the statewide timely and reasonable attempt policy. The goal of the workgroup was to ensure that Choices customers across the state receive the same information about work requirements, the consequences of noncompliance, good cause, and the right to appeal sanctions.

PROCEDURES:

Effective May 1, 2009, Boards must ensure that Texas Workforce Center staff implements the new seven-day timely and reasonable attempt policy for Choices as follows:

NLF

Outreach

- All outreach letters must state the consequences of failure to respond.
- Within seven calendar days following the date of noncompliance, Texas Workforce Center staff must:
 - reschedule the customer's appointment;
 - determine good cause; or
 - initiate a sanction.

However, before initiating a sanction within the seven-day period, Boards must be aware that timely and reasonable attempts to contact the customer can be attempted by phone, e-mail, letter, or in person.

Ongoing Participation

After the date of noncompliance, such as a missed appointment or the discovery of noncompliance by Texas Workforce Center staff, a Choices participant has one business day to contact Texas Workforce Center staff.

- If the Choices participant does not contact Texas Workforce Center staff within one business day of noncompliance, a timely and reasonable attempt to contact the participant by phone, e-mail, letter, or in person must be initiated—within seven calendar days—to determine whether the participant:
 - was in compliance, as evidenced by required verification set forth in WD Letter 62-07, Change 1; or
 - had good cause.
- If the Choices participant is found to be in noncompliance and does not have good cause, a sanction must be initiated.

Boards must be aware that the seven-day time limit begins on the date of noncompliance or the date of discovery of noncompliance, whichever occurs later.

NLF

Attachment 1 is a desk aid displaying the outreach and ongoing participation timelines for the timely and reasonable attempt policy.

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENT:

Attachment 1: Choices Timely and Reasonable Attempt Desk Aid

RESCISSIONS:

None

REFERENCE:

Texas Workforce Commission Choices Rules: 40 TAC, Chapter 811
WD Letter 62-07, Change 1, issued January 11, 2008, and entitled “Acceptable Verification and Required Documentation for Choices and Food Stamp Employment and Training Work Activities”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”