



## **POLICY CHANGE ALERT #15-037F**

**TITLE: ABAWD WAIVER EXPIRATION (AMENDED)**

**ISSUE DATE: 12/08/15**

**EFFECTIVE DATE: JANUARY 1, 2016**

### **Summary**

Programs Impacted: NA

This Policy Change Alert is being issued to inform staff of changes to be implemented due to the 12/31/2015 expiration of statewide Able Bodied Adults Without Dependents (ABAWD) time limit waivers. Due to the current unemployment rates, Maricopa (except Apache Junction), Pima, and Yavapai Counties will no longer be waived from ABAWD time limits.

ABAWD participation in NA is limited to three full months in a 36 month period beginning 01/01/2016, unless the ABAWD participant meets the ABAWD work requirements or qualifies for an exemption based on specific exemption criteria.

ABAWD policy will be implemented on the following schedule:

- Maricopa County (except Apache Junction) - 01/01/2016 (January will be the first countable month toward the 3 month limit.)
- Pima County - 04/01/2016 (April will be the first countable month toward the 3 month limit.)
- Yavapai County - 07/01/2016 (July will be the first countable month toward the 3 month limit.)

All other counties and Reservations will remain waived for ABAWD requirements through 12/31/2016. The unemployment rates are evaluated each year to determine what areas are eligible to remain waived.

FAA Systems will run a mass change to update the system in order to comply with new ABAWD regulations. ABAWD households affected by the policy changes will be notified automatically through notices sent by AZTECS, which will inform participants of their rights and responsibilities. The tentative date for these notices to be mailed is 12/09/2015. AZTECS will also track whether or not work requirements are met, or if the participant qualifies for an exemption, and will send out notices as required.

For instructions on keying procedures, determining countable months, and extensions, see attachments titled ABAWD Policy Implementation and Determining Countable Months.

For questions involving work requirements, please contact SNA E&T at the following numbers:

- Glendale SNA E&T – 623-842-6281
- Mesa SNA E&T – 602-771-6596

For other questions, please see the attached Q&A or contact FAA Policy Support.

### **Revision Details**

The FAA Policy Manual will be updated to include the information in this Policy Change Alert during one of the next bimonthly revisions. Until then, an alert will be placed in each revised section with a link to this document as a reminder of the policy change.



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### **FAA2.P10 – NA - Able Bodied Adult Without Dependents – Overview**

An able bodied adult without dependents is considered an ABAWD participant. Individuals with children in the budgetary unit or who are disabled are not considered ABAWDs. ABAWD certification must not exceed 3 full months unless that person is meeting the ABAWD work requirements (see FAA2.P10A in this document) or qualifies for an ABAWD exemption or extension.

Participants must comply with ABAWD work requirements or meet ABAWD work registration exemptions in order to continue receiving NA beyond the third full month.

### **FAA2.P10A – ABAWD - Work Requirements**

Compliance with ABAWD work requirements means that the participant meets one of the following:

- **Work 80 hours per month.**

The actual, non-converted hours include self-employment, volunteer work, and in-kind work.

Hours earned outside of regular paid employment, such as volunteer work and in-kind work, will be monitored by SNAP Employment and Training (SNA E&T) for compliance. These individuals must be referred for monitoring.

- **Participate in 20 or more hours per week of job search or job search training with one of the following programs:**

**SNAP Employment and Training (SNA E&T)  
Workforce Innovation and Opportunity Act (WIOA)  
Trade Adjustment Assistance Act (TAA) (The SNA E&T Program will coordinate work requirement verification with the WIOA and TAA programs.)**

- **Employment of more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours.**



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### **FAA2.P10B – ABAWD - Exemptions**

**ABAWD participants are not subject to a three month time limit when any of the following work registration exemptions apply:**

- **Age - under 18 or over 49 (See section FAA2.P10B.01 of this document)**
- **Residing with a minor child - lives with a person under age 18 who is a member of the budgetary unit (See section FAA2.P10B.02 of this document)**
- **Physical or mental disability - either obvious or documented (See section FAA2.P10B.03 of this document)**
- **Geographically exempt area - lives in an area not subject to ABAWD time limits (See section FAA2.P10B.04 of this document)**
- **Caretaker for an individual with a disability (See section FAA2.P10B.05 of this document)**
- **Participation in a drug or rehabilitation program (See section FAA2.P10B.06 of this document)**
- **Pregnant - any trimester (See section FAA2.P10B.07 of this document)**
- **Student (See section FAA2.P10B.08 of this document)**
- **Receipt of Unemployment Insurance (See section FAA2.P10B.09 of this document)**
- **Participant in another work program (See section FAA2.P10B.10 of this document)**
- **Transitional Benefit Assistance (TBA) (See section FAA2.P10B.11 of this document)**
- **Chronic homelessness (See section FAA2.P10B.12 of this document)**

**Consider an entire month exempt when an exemption occurs any time during the month.**

**An ABAWD participant may be determined to have more than one ABAWD exemption. When this occurs, apply the exemption reason that allows the participant an exemption for the longest period of time first. (See Example ABAWD Exemptions in section FAA2.P10B of this document).**



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When an ABAWD participant does not meet any of the previously listed ABAWD exemptions, the participant is referred to SNA E&T and must comply with ABAWD work requirements to receive benefits beyond the 3 countable months.

(See attachment titled ABAWD Exemption Codes for keying instructions.)

### **FAA2.P10B.01 – Age ABAWD Exemption**

Participants are exempt from ABAWD work requirements when they meet either of the following:

- Under 18 years of age - the 18-year old is exempt through the month in which they turn 18.
- Age 50 and over - the 50-year old becomes exempt the month in which they turn 50.

### **FAA2.P10B.02 – Residing With a Minor Child (Under Age 18) Exemption**

Participants who reside with a minor who is a member of the budgetary unit are exempt from ABAWD work requirements. The minor participant is not required to be eligible for NA benefits but is required to be included in the same budgetary unit to qualify for this exemption.

This exemption applies through the month in which the minor turns 18.

### **FAA2.P10B.03 – Disability Exemption**

Participants who have a physical or mental disability and are incapable of working are exempt from the ABAWD work requirements.

Verification sources include, but are not limited to, the following:

- An obvious disability, documented by FAA staff
- Receipt of SSI, SSDI, or Worker's Compensation
- Completed Verification of Disability (FAA-1249A) form
- Receipt of VA disability benefits (Only Veterans rated or paid as totally disabled qualify for this exemption)



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A disabled participant may not be receiving a disability benefit, and the disability may not be obvious. When this occurs, obtain a written statement that supports the extent and anticipated length of the disability from a medically qualified source. (See section FAA6.Q01M.11 in the FAA Policy Manual for more information)

CADO and the case file must be updated with the reason verification of the claimed disability was requested. When the disability is evident, adequate documentation must support the determination.

### **FAA2.P10B.04 – Geographic Exemption**

Participants who reside in a geographically exempt area are exempt from the ABAWD work requirements. This applies to participants who reside in the following geographically exempt areas:

- All American Indian Reservations
- All Arizona counties EXCEPT Maricopa, Pima and Yavapai
- Apache Junction

### **FAA2.P10B.05 – Caretaker for Incapacitated Person Exemption**

Participants who provide care for an incapacitated person are exempt from ABAWD work requirements. The person needing care is not required to reside with the participant.

The participant is not required to verify the person's need for care unless it is questionable.

### **FAA2.P10B.06 – Participation in a Drug & Alcohol Program Exemption**

Participants who are receiving treatment as an inpatient or outpatient in a drug or alcohol treatment or rehabilitation program are exempt from the ABAWD work requirements.

Contact the center to verify the anticipated length of participation in the program. From their response, determine the length of the exemption from ABAWD work requirements. When the length of time is not known or cannot be anticipated, the participant is exempt until the next NA review. If the exemption period is expected to end prior to review, set an ACTS alert and document the case file.



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### **FAA2.P10B.07 – Pregnancy Exemption**

**Participants who are pregnant, in any trimester, are exempt from ABAWD work requirements.**

**The participant is not required to verify the pregnancy unless it is questionable.**

### **FAA2.P10B.08 – Student Exemption**

**Participants who attend a school, training program or college at least half time are exempt from ABAWD work requirements.**

**Half-time attendance in high school or college is defined by the institution. Half-time attendance in trade or technical schools involving shop is 15 hours a week. A program without shop practice is 12.5 hours a week.**

**Verification of attendance at least half-time may be obtained as follows:**

- **Collateral contact documentation that includes the date of contact, name and title of the informant.**
- **Completion by the institution of the Verification of School Registration (FA-075) form.**
- **Completion by the institution of the School Attendance Verification (C014) notice sent to the participant.**

### **FAA2.P10B.09 – Receipt of Unemployment Insurance Exemption**

**Participants who have applied for, or are receiving, Unemployment Insurance (UI), are exempt from ABAWD work requirements.**

**Participants who have applied for UI, and whose application is in pending or appeal status, are required to register for work with the Employment Service Program office as part of the UI application process.**



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### **FAA2.P10B.10 – Participant in Other Work Program Exemption**

**Tribal NEW and Jobs participants** - CA participants who are mandatory Jobs (See section FAA5.A04.D in the FAA Policy Manual) or Tribal NEW (See section FAA5.A06.A03 in the FAA Policy Manual) referrals are exempt from ABAWD work requirements due to meeting the work requirements for these programs.

**Refugee Resettlement Program participants** - Refugees participating in approved training programs offered by the Refugee Resettlement Program (RRP) are exempt from ABAWD work requirements (See FAA2.N09 in the FAA Policy Manual for more information).

### **FAA2.P10B.11 – NA Transitional Benefit Assistance (TBA) Exemption**

Participants who are receiving NA TBA benefits are exempt from ABAWD work requirements. (See section FAA5.Q06 in the FAA Policy Manual for more information.)

### **FAA2.P10B.12 – Homelessness Exemption**

Participants who are chronically homeless may be considered unfit for employment and are exempt from the ABAWD work requirements.

A person or budgetary unit is considered homeless when the participant has as their primary nighttime residence one of the following:

- A supervised shelter designed to provide temporary shelter to homeless persons.
- A halfway house or similar institution that provides temporary residence.
- A rent-free accommodation in the residence of another person for not more than 90 days.
- A place not designed, or ordinarily used, for sleeping. This includes, but is not limited to, a car, bus station, hallway, park, sidewalk, etc.



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When considering a budgetary unit homeless due to temporarily living with others, have the applicant sign a statement regarding the following:

- The temporary nature of the residence.
- The date they expect to get their own residence.

Consider a residence temporary when the budgetary unit lives there for 90 days or less.

Homeless applicants may claim to purchase food and prepare it separately from those with whom they live. Require that the applicant sign a Separate Household Status Statement (FA-255).

### **FAA2.P10C – ABAWD - Countable Months**

An ABAWD participant may receive only three countable months (See section FAA2.P10C.02 of this document) in the 36-month period unless the participant qualifies for an exemption or receives an extension. A countable month occurs when an ABAWD participant receives NA from any State without meeting an exemption.

Contact the state agency that provided NA services when the budgetary unit includes an ABAWD participant who received NA in another state. (See State Contacts in section FAA6.M09 of the FAA Policy Manual).

ABAWD work requirements apply to participants who DO NOT meet an ABAWD exemption.

AZTECS deauthorizes NA and sets an ACTS alert when the three countable months limit is reached. The case must then be reviewed to determine if the budgetary unit qualifies for an ABAWD extension or exemption

Countable months must be reviewed at each interview or reported change to determine whether the participant received three countable months of NA in a 36-month period.

(See attachment titled Determining and Keying Countable Months for ABAWDs for keying procedures.)



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### **FAA2.P10C.01 – No Countable Months**

When it is determined that the participant has no countable months, the eligibility determination is made through FSAD and authorized as appropriate. The approval period of nonexempt ABAWD participants must be limited to separate eligibility periods of three full months unless the participant qualifies for an exemption.

If no exemption exists, the participant is provided with a PRA that informs them of work requirements and provides contact information for SNA E&T so the participant can begin complying as early as possible before compliance becomes mandatory.

### **FAA2.P10C.02 – Three Countable Months**

When it is determined that the participant has received three countable months, determine whether the participant meets an ABAWD Exemption for any of the months. Ensure CODF reflects countable or not countable coding correctly. When the participant meets any of the following, the participant is eligible for any remaining months:

- HAS NOT received three full months of NA
- Meets exemptions
- Has not had months counted correctly

Approve the NA benefits for remaining months and assign the applicable approval period, depending on the circumstances of the case.

When the participant HAS received three full months, see ABAWD Extensions (Section FAA2.P10E of this document) when one of the following is reported:

- Loss of employment
- Loss of participation in a work program



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Complete the following when the participant has a total of three countable months and does not meet ABAWD exemptions or qualify for an ABAWD extension:

- Inform the PI of ABAWD work requirements and the importance of maintaining compliance to be eligible for NA.
- Issue and ask the PI to review the ABAWD Personal Responsibility Agreement (PRA) (FAA-1029A) form.
- Send the F001 notice to the PI no later than the beginning of the third full month of benefits. The F001 informs the PI of the following:

The three month ABAWD time limit

The ABAWD 80 hour work or training requirement

Where to receive assistance to complete the 80 hour requirement for continuing NA eligibility

That the participant has 5 days to report to SNA E&T for assistance in complying with work requirements

Participants must be given the opportunity to comply with ABAWD work requirements with the Supplemental Nutrition Assistance Employment & Training (SNA E&T) program. SNA E&T staff will notify FAA of the ABAWD participant's compliance within 30 days of the ABAWD participant's interview. SNA E&T staff notifies FAA of compliance status via alerts in ACTS. The two available alerts are as follows:

- ABAWD WORK REQ MET
- ABAWD WORK REQ NOT MET

When the participant does not contact the SNA E&T program, the participant assumes the responsibility to notify FAA that they are meeting ABAWD work requirements.

Complete the following when the local office receives notification that the ABAWD work requirement is met:

- Use appropriate keying procedures to document compliance, process the determination through FSAD, and authorize approval when the participant is otherwise eligible.
- Send the appropriate approval notice.



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Complete the following when the local office receives notice that the ABAWD work requirement is not met:

- When the budgetary unit is limited to the noncompliant ABAWD participant, deny the application or close the case. When the budgetary unit is not limited to the ABAWD participant, disqualify the ABAWD participant allowing for NOAA
- Send the appropriate notice (See FAA6.L in the FAA Policy Manual) allowing for NOAA.

### **FAA2.P10D – ABAWD - Personal Responsibility Agreement (PRA)**

The ABAWD PRA (FAA-1029A form or FXXX notice) is used to introduce the ABAWD participant to the Supplemental Nutrition Assistance Employment & Training (SNA E&T) staff. SNA E&T staff may assist the ABAWD participant in meeting the ABAWD work requirements. The ABAWD PRA informs the ABAWD participant of the following:

- The ABAWD time limited eligibility period is three full months.
- Eligibility may extend beyond the three month time limit. Continuing eligibility is granted to ABAWD participants who complete 80 hours of employment or 80 hours of approved training within 30 days of their NA application date.
- The SNA E&T office is ready to help participants satisfy the ABAWD work requirement.

The ABAWD PRA is provided to all NA participants for whom all of the following apply:

- Meet the ABAWD definition
- Do not qualify for an ABAWD work exemption

Provide the ABAWD PRA to all nonexempt ABAWD participants at every new or renewal application. When used as a voluntary referral form, the ABAWD PRA expedites satisfaction of the 80 hour requirement for participants who have received three countable months.

The PRA must be explained to the PI. Document that ABAWD requirements were explained.



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An ABAWD participant who has previously received three full months of NA benefits may decide NOT to go to an SNA E&T office for their assistance. Compliance is voluntary so that the participant can meet ABAWD work requirements and continue to receive NA benefits.

Failure to comply with ABAWD work requirements results in NA ineligibility for the ABAWD participant.

### **FAA2.P10E – ABAWD - Extension Period**

The three month extension is allowed only ONE TIME in a 36-month period. The extension is a three CONSECUTIVE month period when the participant meets Extension Period Requirements. (See Attachment titled ABAWD Extension Period for keying procedures.)

#### **FAA2.P10E.01 – Extension Period Requirements**

Able bodied participants may be eligible for an additional three months of NA benefits when all of the following apply:

- They became ineligible due to receiving three countable months of NA in a 36-month period.
- They reestablished NA eligibility after being closed for not meeting ABAWD work requirements.
- They report a loss of employment or training.

Complete the following when the participant reports loss of employment or training:

- Determine whether the loss is due to voluntary quit. (See section FAA3.H03.C of the FAA Policy Manual.)
- Determine whether good cause exists for voluntary quit when this is the case. (See VQ Good Cause, section FAA3.H03.E of the FAA Policy Manual.)
- Impose a mandatory disqualification period when the participant voluntarily quit or reduced work efforts without good cause.



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**Consider extension months used when the participant is ineligible due to disqualification. Document the Case File History (FA-015) form and CADO to indicate the one time extension has been used.**

**When the loss of employment or training is not a result of voluntary quit, document CADO and determine the extension months.**

### **FAA2.P10.02 – Extension Authorization**

**Complete the following when it has been determined the participant meets the ABAWD extension requirements:**

- **Determine whether the participant has received three full months of benefits.**
- **Determine and process each participant individually when the budgetary unit contains more than one participant.**
- **Determine the first eligible extension month.**

**NOTE:** Regardless of the date the change is reported, the first eligible month of the extension period is the first month NA benefits are issued after the loss of employment or training.

- **Process the determination through FSAD and approve NA.**
- **Send an NA approval notice to the PI indicating the extension has been approved.**
- **Document the case file with the reasons for approval.**

**When the participant's three extension months have expired, appropriate procedures should be used to deny or close benefits for the ABAWD participant.**



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**When a loss of employment or a loss of participation in a training program is discovered, determine any eligible extension months as follows:**

- **Determine whether three full months of NA benefits were paid for months in which the participant did not meet ABAWD work requirements.**
- **Update the code in CADO for each month the participant received a full month of NA benefits that should have been countable as ABAWD extension months (See attachment: ABAWD Extension Months).**

**Complete the following when the participant has received the additional three months extension:**

- **Close or deny the case using appropriate keying procedures when the only participant is an ABAWD. When the budgetary unit includes other non-ABAWD participants, disqualify the ABAWD participant using the appropriate keying procedures.**
- **Send an NOAA. (See section FAA6.Q01.N11 of the FAA Policy Manual.)**

**An overpayment exists when a participant does not meet the ABAWD Work Requirements or ABAWD Exemptions and receives NA more months than they were eligible to receive.**

**When the approval period ends before the participant's or budgetary unit's third full benefit month, an application must be turned in for the remaining months of the extension.**

Please contact the FAA Policy Support Team by phone at (602) 774-5523 or by e-mail at [FAAPolicyMgmt@azdes.gov](mailto:FAAPolicyMgmt@azdes.gov) with any questions or concerns regarding this broadcast.

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