



OFFICE OF POLICY, PROCEDURES, AND TRAINING

POLICY BULLETIN #22-17-EMP

GUIDELINES ON VOLUNTARY QUIT AND GOOD CAUSE DETERMINATIONS IN RELATION TO COVID-19 VACCINATION AND TESTING MANDATES FOR CASH ASSISTANCE (CA) AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) EMPLOYMENT AND WORK ACTIVITIES

Date: March 8, 2022	Subtopic(s): Employment
<p>See PD 01-61-EMP Voluntary Quit</p>	<p>The purpose of this Policy Bulletin is to provide guidance for Cash Assistance (CA), Non-Cash Assistance (NCA) Supplemental Nutrition Assistance Program (SNAP), and HIV/AIDS Services Administration (HASA) staff regarding the determination of “good cause” for employment sanctions for CA and SNAP Applicants and Participants as it relates to employer mandated COVID-19 vaccine and COVID-19 testing.</p> <p>Guidelines for Determining A Voluntary Quit Sanction For Applicants/Participants Receiving Cash Assistance</p> <p>Applicants/Participants who quit or are terminated from a job due to failure or refusal to comply with a COVID-19 vaccine and/or testing mandate may be subject to a voluntary quit sanction for CA. This includes individuals who stopped going to work in advance of the mandate effective date.</p> <p>To determine if implementing a voluntary quit sanction is appropriate, the following steps must be followed by the Worker:</p> <ul style="list-style-type: none"> • The Applicant/Participant must be given the opportunity to demonstrate <u>good cause</u>: <ul style="list-style-type: none"> ▪ Good cause <u>must</u> be evaluated on a case-by-case basis. ▪ Good cause reasons may include, but are not limited to, availability or access to the vaccine or medical reasons. ▪ A refusal to obtain a COVID-19 vaccine or to participate in COVID-19 testing or screening solely due to personal objection to an employer’s requirement shall not be considered good cause.

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The Worker must thoroughly document all evaluations of good cause in the case record.

- Any Applicant/Participant who is found to not have good cause for leaving their job must still be provided a reasonable opportunity to demonstrate that leaving their job was not for the purpose of qualifying for initial or increased CA.

It is required that both the intent to qualify for initial or increased CA and the lack of good cause criteria be met prior to a voluntary quit sanction being implemented.

If the Applicant/Participant can explain or demonstrate that they made reasonable efforts to support themselves prior to applying for CA, then the Worker must determine that the individual did not quit their job with the intent to qualify for initial or increased CA.

Such evidence can include, but is not limited to, job applications or other evidence of reasonable attempts to find alternate means of self-support.

Provoked "Voluntary Quit" by Applicants/Participants

Voluntary quit also includes individuals who provoke their own termination from employment or provoke an employer to reduce their work hours. Therefore, an Applicant/Participant who met the above criteria would be subject to a voluntary quit sanction for CA if they left their job due to failure to comply with a COVID-19 vaccine or COVID-19 testing mandate.

However, the Worker must still evaluate (and document the individuals case record) if the individual had potential good cause for that failure to comply, such as availability or access to the vaccine or medical reasons for their failure to comply, prior to implementing a voluntary quit sanction.

Sanction Process For Cash Assistance Applicants

For CA applicants, the ineligibility following a voluntary quit sanction shall last until 90 days have elapsed from the date the individual left or reduced their employment. The Worker must still determine CA eligibility for the remaining CA household members. When there is an active CA case for other eligible house members, the ineligible household member must apply to be added to the case at the end of the 90-day period of ineligibility.

See PD #19-04-EMP
 Conciliation /
 Reengagement Process
 And Sanctions For Failing
 To Comply

Sanction Process For Cash Assistance Participant

For CA Participants, the Worker must review the case to determine that necessary supportive services were available based on the information available. If the necessary supportive services were available, the Worker must issue a conciliation/re-engagement notice to provide the opportunity for the individual to explain the reason for the voluntary quit or termination of employment and to offer the opportunity to demonstrate compliance to avoid the sanction.

If it is determined a voluntary quit sanction is applicable for the CA Participant, the Worker must implement a non-durational sanction as per current procedure that will remain in place until the CA Participant demonstrates compliance with work requirements or documents that they are exempt from CA work requirements.

At the end of a voluntary quit sanction, the CA Participant can demonstrate compliance by securing employment or participating in work activities as assigned by the Worker.

Guidelines for Determining A Voluntary Quit Sanction For Applicants/Recipients Receiving Supplemental Nutrition Assistance Program (SNAP) Assistance

As per current procedure, a SNAP Applicant/Participant is subject to a voluntary quit sanction if they:

- Voluntarily and without good cause quit a job of 30 hours a week or more or that provided weekly earnings of at least 30 hours times the federal minimum wage (currently \$217.50 per week), or
- Reduced their work effort voluntarily and without good cause and, after the reduction, is working less than 30 hours per week; and,
- The quit occurred within 30 days prior to the date of application or anytime thereafter.

In addition, if an individual quits a job, secures new employment at comparable wages or hours, and is then laid off or, through no fault of their own, loses the new job, the individual must not be disqualified from receiving SNAP benefits for the earlier quit.

Federal regulations prohibit the implementation of a voluntary quit sanction for SNAP Applicants/ Participants who resign due to an unreasonable demand of an employer.

Employer mandated COVID-19 vaccination and/or testing is not an unreasonable demand. A refusal to obtain a COVID-19 vaccine and/or comply with testing solely due to personal objection will not be considered good cause. Good cause reasons must be evaluated on a case-by-case basis and shall include, but are not limited to, availability or access to the vaccine or medical reasons.

If the Applicant/Participant left their job due to failure to comply with an employer mandated COVID-19 vaccination/testing policy, that individual would be potentially subject to a voluntary quit sanction if:

- They met the voluntary quit criteria stated above; and,
- The individual was terminated or placed on unpaid leave due to failure to comply with an employer's COVID-19 vaccine or testing mandate, or
- The individual stopped going to work in anticipation of being terminated or placed on unpaid leave as a result of a failure to comply with an employer's COVID-19 vaccine or testing mandate.

See PD #19-04-EMP
Conciliation /
Reengagement Process
And Sanctions For Failing
To Comply

The Worker must issue a conciliation notice, when a SNAP Participant voluntarily quits a job or reduces their earning capacity and evaluate whether the SNAP Participant willfully and without good cause voluntarily quit their job or reduced their earning capacity or documents that they were exempt from SNAP work requirements at the time that the individual voluntarily quit their job or reduced their earnings.

The conciliation notice must also offer the SNAP Participant the opportunity to demonstrate compliance to avoid a SNAP sanction.

The offer of conciliation and the opportunity to demonstrate compliance to avoid a SNAP sanction may be combined with the conciliation/reengagement notice issued for CA purposes.

Sanction For SNAP Applicants who receive a Voluntary Quit Determination

For Applicants, the disqualification resulting from a voluntary quit determination is effective as of the date of application for SNAP, whether or not the remaining household members are certified, or the application is denied.

The following SNAP durational sanction periods must be implemented by the Worker for a non-exempt SNAP Applicant who without good cause has voluntarily quit employment or has voluntarily reduced earnings/work effort:

Note: The number of SNAP violations does not include any SNAP violations initiated between August 3, 2009 and December 14, 2012.

- The first instance of voluntary quit or reduction in work effort without good cause, the Worker will implement a SNAP durational **sanction a period of 30 days** and thereafter until the individual complies with SNAP requirements as determined by the Worker.
- For the second instance of voluntary quit or reduction in work effort without good cause, the Worker will implement a SNAP durational **sanction a period of 90 days** and thereafter until the individual complies with SNAP requirements as determined by the district.
- For the third and all subsequent instances of voluntary quit or reduction in work effort without good cause, the Worker will implement a SNAP durational **sanction a period of 180 days** and thereafter until the individual complies with SNAP requirements as determined by the district.

The sanction period for Applicants is counted by number of days, (i.e., 30 days from the date of Application and thereafter until the individual complies.)

Sanction For SNAP Recipients who receives a Voluntary Quit Determination

For Participants, the sanction period will begin the first month after all normal procedures for taking adverse action occurred (including a fair hearing, if applicable).

The sanction period for Participant is counted by months, (i.e., 1 month beginning with the first month following the expiration of the 10-day adverse action notice period, and thereafter until the individual complies.)

The ineligibility lasts until the sanction period has elapsed and until the Participant:

- Complies with employment requirements as assigned by the district, or
- Becomes exempt from work registration, or
- Secures a comparable job.

Eligibility may be re-established during a disqualification and the Participant, if otherwise eligible, may be permitted to resume participation in the SNAP program if the Participant documents they have become exempt from SNAP work registration requirements.

A Participant who is or would have been exempt from work registration at the time of the voluntary quit, except in the case of an exemption for full time employed, is not subject to voluntary quit provisions.

Effective Immediately

References:

14-ADM-06, Supplemental Nutrition Assistance Program (SNAP) Conciliation with Option to Avoid a SNAP Work Sanction through Demonstrated Compliance
19-ADM-01, Changes to Conciliation and Sanction Procedures for Noncompliance with Temporary Assistance Employment Requirements in New York City
GIS 22 TA/DC009
7 CFR 273.7
18 NYCRR 385.2, 385. 11, 385.12, and 385.13

Related Items:

PD #01-61-EMP
PD #19-04-EMP