

4. Non-Compliance

A participant who fails or refuses, without good cause, to comply with any of the Vocational Services Program requirements shall be sanctioned and ineligible for General Assistance benefits for a period of one, two or four calendar months.

The length of the sanction period shall be determined by the incidence of non-compliance. The first sanctionable incident shall result in ineligibility for one (1) calendar month, the second for two (2) calendar months, and the third and any additional for four (4) calendar months.

4.1 Vocational Services Sanctionable Reasons

Sanctionable reasons include:

- Failure to:
 - Keep an appointment for an employability assessment.
 - Comply with EDD work registration requirements.
 - Complete Workfare requirements
 - Attend Job Search Training.
 - Accept a referral and/or cooperate with an education or vocational training activity.
 - Go to a job interview.
 - Turn in completed Job Search forms.
 - Accept any bona fide offer of employment.
 - Cooperate with any Vocational Services Program requirement.
- Submission of fraudulent documents.
- Misconduct resulting in termination from a Vocational Services Program activity.

4.2 Non-Compliance Process

The non-compliance process is initiated when a participant fails to or has made no contact with Vocational Services for good cause determination. The non-compliance process will be initiated in the Vocational Services-Appeal System (VSAS) application.

4.2.1 Employment Counselor Responsibility

The Employment Counselor (EC) is responsible for determining if the participant failed to comply with Vocational Services Program requirements.

4.2.2 Failure to Check-in for Vocational Services Program Orientation

The steps below describe the process to be followed when an individual fails to check-in for scheduled VS orientation.

STEP	WHO	ACTION
1.	VS Clerical	<ul style="list-style-type: none"> Notates "Did not Show" (DNS) next to the individual's name on the orientation list. Scans copy of completed orientation list and emails to all eligibility staff for appropriate action.
2.	Referring EW	<ul style="list-style-type: none"> Takes appropriate action on "Showed" and "DNS" individuals' cases.

4.2.3 Failure to Complete Orientation or Intake Assessment

If an individual checks-in for Orientation, but fails to complete the Orientation or the Intake Assessment, the backup EC-Officer of the Day (OD):

- Writes "N/R" (No Response) on the Session Roster (next to the participant's name).
- Updates the Orientation activity status in CalWIN to "No-Show."
- Notifies the assigned EW via email.
- Enters comments in VSAS and in CalWIN **Maintain Case Comments** window.

4.2.4 Non-Compliance in VSAS

The procedure for running non-compliance in VSAS is as follow:

- The first working day of the month following the non-compliance, designated Vocational Services staff access the “Process Non-Compliance” function in VSAS.
- Clicks the [Generate Notice] button which will automatically generate a “Notice of Proposed Action” with an automatically scheduled Fair Hearing date.
- The Appeals Officer reviews the notice of proposed action and follows the appeals process. Refer to [[“Automatic Hearing Process,” page 5-16](#)] in the GA handbook.

4.2.5 Non-Compliance - Manual Process

Manual non compliance may be initiated by the EC when a participant submits fraudulent documents or displays miss-conduct at their assigned activity.

The manual non-compliance is as follows:

- Access VSAS - [Case Management Tracking] tab.
- Search for case.
- Click on Add Manual NOA in [Client] tab.
- Choose appropriate non-compliance reason from drop down menu.
- Enter non-compliance date.
- Enter case comments in VSAS and in CalWIN **Maintain Case Comments** window.



Note:

VSAS will generate a Notice of Proposed Action with a Fair hearing date.

4.2.6 Non-Compliance - Fraud

The steps below are to be followed by the Employment Counselor when fraud is confirmed.

- Contacts the Service Provider for clarification using the Fraud Declaration Affidavit.

- If fraud is confirmed, Initiates a manual non-compliance in VSAS (code 79). Refer to [\[section 4.2.5 on page 3\]](#). VSAS will generate the Notice of Proposed Action with a Fair Hearing appointment date.

NOTE: A participant who provides fraudulent documentation or information to obtain a continuance or increase of GA benefits, or to avoid a reduction in GA benefits, will be ineligible for GA for a period of three (3) calendar months.

4.3 Non-Compliance - Sanctions for Married Couples

Sanctions for married couples are applied as follows.

If...	and	Then...
Both spouses are employable	either one fails to comply,	both are discontinued and sanctioned.
One spouse is employable and the other is unemployable	employable spouse fails to comply,	only the employable spouse is discontinued and sanctioned.

4.4 Participant Responds to Non-Compliance NOA

If the participant contacts VS regarding the Non-Compliance NOA, the following actions **MUST** be taken.:

Step	Who	Action						
1.	EC	Reviews to determine if the participant was discontinued due to Agency Error.						
		<table border="1"> <thead> <tr> <th>If Agency Error is determined. . .</th> <th>Then. . .</th> </tr> </thead> <tbody> <tr> <td>Before the Fair Hearing date</td> <td> <ul style="list-style-type: none"> Contacts the Appeals Officer to stop the non-compliance process and to cancel the Fair Hearing and Enters case comments in VSAS and in CalWIN Maintain Case Comments window. <p>Note: For those cases that were appropriately discontinued, the Fair Hearing process applies. [Refer to “Appeals Overview,” page 5-1] in the GA handbook.</p> </td> </tr> <tr> <td>After the Fair Hearing date</td> <td> <ul style="list-style-type: none"> Deletes sanction in CalWIN. Changes disposition code in VSAS to Agency Error (H3) NOTE: With this action VSAS automatically schedules a VS appointment if not previously scheduled. Instructs VS clerk to create a TMT for EW to restore benefits and Enters case comments in VSAS and in CalWIN Maintain Case Comments window. </td> </tr> </tbody> </table>	If Agency Error is determined. . .	Then. . .	Before the Fair Hearing date	<ul style="list-style-type: none"> Contacts the Appeals Officer to stop the non-compliance process and to cancel the Fair Hearing and Enters case comments in VSAS and in CalWIN Maintain Case Comments window. <p>Note: For those cases that were appropriately discontinued, the Fair Hearing process applies. [Refer to “Appeals Overview,” page 5-1] in the GA handbook.</p>	After the Fair Hearing date	<ul style="list-style-type: none"> Deletes sanction in CalWIN. Changes disposition code in VSAS to Agency Error (H3) NOTE: With this action VSAS automatically schedules a VS appointment if not previously scheduled. Instructs VS clerk to create a TMT for EW to restore benefits and Enters case comments in VSAS and in CalWIN Maintain Case Comments window.
		If Agency Error is determined. . .	Then. . .					
Before the Fair Hearing date	<ul style="list-style-type: none"> Contacts the Appeals Officer to stop the non-compliance process and to cancel the Fair Hearing and Enters case comments in VSAS and in CalWIN Maintain Case Comments window. <p>Note: For those cases that were appropriately discontinued, the Fair Hearing process applies. [Refer to “Appeals Overview,” page 5-1] in the GA handbook.</p>							
After the Fair Hearing date	<ul style="list-style-type: none"> Deletes sanction in CalWIN. Changes disposition code in VSAS to Agency Error (H3) NOTE: With this action VSAS automatically schedules a VS appointment if not previously scheduled. Instructs VS clerk to create a TMT for EW to restore benefits and Enters case comments in VSAS and in CalWIN Maintain Case Comments window. 							
2.	EW	Receives TMT Request with the attached GA 53. <ul style="list-style-type: none"> Restores the CalWIN case and sends the appropriate restoration NOA to the participant if applicable. Forwards the GA 53 to IDM. Enters case comments in CalWIN Maintain Case Comments window 						

Note: If there is no response to the Non-Compliance NOA, then the failure to comply will be presumed to have been without good cause. [Refer to “Good Cause,” section 4.5].

4.5 Good Cause

“Good Cause” refers to circumstances in which it would be impossible or unreasonable to have expected the participant to have fulfilled his/her program obligations.

Lack of “good cause” may be demonstrated by either:

- Three separate acts of negligent failure to follow program requirements; or
- Willful failure or refusal of the participant to follow program requirements.

4.5.1 Overview

The provisions of this section apply to discontinuances and sanctions related to non-compliance with Vocational Services Program requirements.

4.5.2 Good Cause Criteria

The Employment Counselor is responsible to determine good cause for all Vocational Services Program related requirements provided the participant contacts VS prior to the assignment date.

“Good Cause” may include, but is not limited to:

- Verification of a medical emergency, hospitalization, or doctor's appointment on the day of the assignment.
- Verification of attendance at the funeral of a close family member on the day of the assignment.
- Verification of incarceration or arrest.
- Verification of required court related appointments.
- Verification of a pre-arranged job interview.
- Verification that the participant started a job or paid training.
- Verification that the participant was employable with limitations and that the activities assigned were beyond the physical or mental capacity of the participant.
- The participant is a past or present victim of domestic violence and going to work represents a risk.

Note: Individuals may be provided with information on the Santa Clara County Domestic Violence Crisis Line (408) 279-2962.

- The participant is experiencing a family crisis due to the death of a spouse.
- Other verified circumstances indicating good cause, must be reviewed by the Vocational Services Program Supervisor.

Note: The above reasons require written verification and are only valid for the days specified.

4.5.3 Good Cause Requirement

In all instances, prior to the decision to discontinue and sanction a participant for failure to comply with Vocational Services Program related requirements, a cause determination must be made. Since automatic hearings (due to Jennings vs. Jones) are scheduled prior to the discontinuance date, this determination will normally be made by the Fair Hearing Officer at the Fair Hearing.

- A finding of “good cause” for a failure to comply with program requirements will result in continued eligibility, without change in status or grant amount (unless other program requirements are not met).
- Finding of “no good cause” may result in a sanction leading to the discontinuance of aid.

4.5.4 Determining Good Cause

If the participant contacts Vocational Services **PRIOR** to the non-compliance action being taken, the EC will make a cause determination based on the good cause criteria.

The EC must consider whether the participant:

- Had reasonable cause for the failure to comply,
- Took reasonable and prudent steps to remedy the failure, and/or
- Provided verification for the failure to comply.

Good cause should only be determined through discussion with the participant.

4.5.5 Good Cause Process

If the participant is granted good cause (excused for not participating) the EC must:

- Process good cause in the VSAS System. To add the current good cause status in VSAS - click the activity assigned and select Good Cause from the drop down menu.
- Document the good cause in VSAS and in CalWIN **Maintain Case Comments** window.

Note: If the participant contacts Vocational, Services AFTER the non-compliance action has been taken, the participant will be instructed to appear at the Fair Hearing for a cause determination UNLESS there is an Agency Error.

4.6 Agency Error

An Agency error occurs when agency staff fails to take action or takes incorrect action. If an Agency Error is determined the following steps must be taken by the EC:

If the EC determines. . .	Then. . .
BEFORE the hearing that an Agency Error occurred,	<ul style="list-style-type: none"> • Contacts the Appeals Officer to cease the non-compliance process and to cancel the Fair Hearing and • Enters comments in VSAS and in CalWIN Maintain Case Comments window.
AFTER the Fair Hearing that an Agency Error occurred,	<ul style="list-style-type: none"> • Deletes the sanction in CalWIN, • Change the disposition code in VSAS, • Complete GA53 and forwards to clerical staff to create TMT for EW to take appropriate action and • Enters case comments in VSAS and CalWIN Maintain Case Comments window.

4.7 Administrative Review

A participant who is dissatisfied with the decision made by the Fair Hearing Officer may request an Administrative Review by the Director of the Social Services Agency. The request must be filed within 15 days after the notification of the decision made by the Fair Hearing Officer.

4.7.1 Administrative Review Process

The following steps are taken when processing Administrative Reviews:

STEP	WHO	ACTION
1.	EC	<ul style="list-style-type: none"> • Completes back of the form "General Assistance Administrative Review by the Director" (GA 40). • Issues GA 40 to the participant. • Enters case comments in VSAS and in CalWIN Maintain Case Comments window.
2.	Participant	<ul style="list-style-type: none"> • Completes front of GA 40 • Submits GA 40 with supportive documents (if any) to VS clerical staff
3.	Clerical	<ul style="list-style-type: none"> • Accepts and date stamps GA 40 • Makes two copies of GA 40 and all supportive documents. • Gives one copy to the participant and one to be filed in VS/AR binder. • Forwards original GA40 and supportive documents to Appeals unit, IMMEDIATELY.

4.7.2 Approval of Administrative Review

The steps below are followed by the VS Lead if the Administrative Review request is approved by the SSA Director/Designee:

- Receives the e-mail from the Appeals Officer with AR approvals.
- Lifts sanction in CalWIN
- Takes all other appropriate actions in CalWIN and VSAS.
- Requests clerical to create TMT to notify EW.
- Enters case comments in VSAS and in CalWIN **Maintain Case Comments** window.



Note:

Benefits must NOT be restored until the participant complies with Vocational Services.

4.8 Closed Case Transfers

When the non-compliant participant receives a sanction on his/her General Assistance benefits and if there is no indication of an Agency Error or Administrative Review, or if the Fair Hearing Officer upholds the county's position, the General Assistance benefits are put in discontinuance status on the same month the sanction is effective. However, the case will remain in a General Assistance Office caseload for thirty (30) calendar days before it transfers out to a non-GA office. The GA/GR portion of the case will remain in a Vocational Services Program caseload number for the same period of time.

If the participant contacts the Vocational Services Program during the 30 day period, Vocational Services staff must continue to assist the participant with any questions or provide guidance for achieving self sufficiency.

4.9 Vocational Services and Appeals System

Vocational Services participant's compliance with the required activities is tracked and monitored by the Vocational Services Employment Counselors and clerical staff through the Vocational Services and Appeals System (VSAS) web-based application.

The following links provide access the VSAS Manuals located in the Staff Development website.

All Staff

http://intranet.ssa.co.santa-clara.ca.us/department/p2k/documents/qrg_vsas_all_staff.pdf

Clerical

http://intranet.ssa.co.santa-clara.ca.us/department/p2k/documents/qrg_vsas_clerical.pdf

Appeals Officers

http://intranet.ssa.co.santa-clara.ca.us/department/p2k/documents/qrg_vsas_ee.pdf

Employment Counselors

http://intranet.ssa.co.santa-clara.ca.us/department/p2k/documents/qrg_vsas_ec.pdf

The Quick Reference Guide (QRG) for VSAS is located in the VSAS folder in the Vocational Services folder under Employment Services on the "S" drive.

