



NOV 19 2015

United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

SUBJECT: Supplemental Nutrition Assistance Program – ABAWD Time Limit  
Policy and Program Access

TO: Regional Directors  
Supplemental Nutrition Assistance Program  
All Regions

This memorandum provides guidance to States in taking the balanced approach necessary to properly implement the Supplemental Nutrition Assistance Program (SNAP) time limit for able-bodied adults without dependents (ABAWD). On March 4, 2015, the Food and Nutrition Service (FNS) released a memorandum that anticipated fewer States would qualify for ABAWD time limit waivers and provided guidance in identifying, notifying, and tracking ABAWDs when those waivers expire. To comply with Federal law, States must do more than track ABAWDs. States must also carefully screen for exemption from the time limit and connect ABAWDs to the information and resources necessary to maintain eligibility consistent with Federal requirements.

This memo goes beyond tracking to address screening and other challenges that face States in serving eligible ABAWDs and properly administering the time limit. As predicted, the economy has improved and fewer States and localities now qualify for the ABAWD time limit waivers that were in place during the economic downturn. At the same time, jobs are still scarce in many parts of the country and many ABAWDs continue to face barriers to employment.

Implementation of ABAWD time limit policy not only impacts client eligibility and access, but also has consequences for State administrative measures. Administering the time limit inaccurately, either by failing to apply it to those who meet the time limit or inadvertently applying it to those who are exempt, can impact Quality Control (QC) error rates. Failing to apply the time limit to ABAWDs who have used their three countable months can cause a payment error. Likewise, misapplying the time limit to ABAWDs who are in fact fulfilling the work requirement, or applying the time limit to exempt individuals can cause payment and/or case and procedural errors (CAPER).

In order to ensure accurate application of the time limit while also protecting program access for all eligible individuals, FNS reminds States of the following requirements, flexibilities, and best practices:

### ***Screening for Exemptions and Fitness for Work***

States must screen for exemptions as part of their process to identify ABAWDs. Accurate screening is fundamental to the State's implementation of the time limit consistent with Federal law. Federal law and regulations exempt certain individuals from

the time limit based upon their circumstances<sup>1</sup>, including individuals who may be unable to work due to physical or mental challenges.

State agencies are responsible for assessing an individual's fitness for work methodically and comprehensively. The certification and recertification interview is critical in identifying fitness for work. Many individuals with physical or mental challenges are unfit for work, and must be exempted from the time limit. To be clear, an individual does not need to be receiving disability benefits to be exempted from the time limit under this criterion. States can exempt an individual as unfit for work if they are obviously mentally or physically unfit for employment or, if the unfitness is not obvious, based solely on a statement from a medical professional. If the unfitness is not obvious and verification from a medical professional is unavailable, States should make every attempt to verify the unfitness using an acceptable collateral contact (e.g., medical personnel or social worker). When an individual's unfitness for work is obvious to the eligibility worker, the State should exempt the individual without requiring a statement or verification from medical personnel. For example, a chronically homeless individual who is living on the street may be considered unfit for employment as determined by the State. Federal rules at 273.24(c)(ii) allow States this flexibility to prevent placing unnecessary burden on individuals who are clearly unfit for employment.

### ***Maintaining Eligibility through Work Programs and Workfare***

FNS strongly encourages State agencies to offer qualifying education, training, or work experience placements to ABAWDs through their SNAP Employment and Training (E&T) Programs or other work programs. Following 273.24(a)(1), ABAWDs must work or participate in a work program for 80 hours per month, or participate in workfare. State agencies have a great deal of flexibility to design E&T programs that provide ABAWDs with valuable skills and experience while also meeting the ABAWD work requirement. E&T and other work programs can provide qualifying activities that count toward the 80 hour requirement and may be combined with work hours to meet the 80 hour requirement.

Workfare provides another means by which ABAWDs can maintain eligibility. Unlike participation in a work program, workfare does not require 80 hours of participation each month for fulfilling the ABAWD work requirement. Instead, workfare allows ABAWDs to "work-off" their SNAP benefit amount by requiring an hourly participation equal to the household allotment divided by the minimum wage, which is generally a lower than 80 hours. States may consider offering workfare<sup>2</sup> to ABAWDs as part of their SNAP E&T Program and/or a comparable state or local workfare program.

Hours devoted to job search or job search training, when offered as part of other E&T components, are acceptable for the purpose of fulfilling the work requirement as long as those activities comprise less than half of the total required time spent in the

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<sup>1</sup> 7 CFR 273.24(c) details the criteria for exemption from the time limit.

<sup>2</sup> 7 CFR 273.7(m) details the rules and flexibilities on workfare.

components. Hours devoted to job search or job search training, when operated by a program under the Workforce Innovation and Opportunity Act or Section 236 of the Trade Act of 1974, are also acceptable and could represent more than half of the required time spent in the component. In addition, State agencies may establish a job search period of up to 30 days following initial SNAP certification prior to making a workfare assignment. This job search activity is part of the workfare assignment. Therefore, participants are considered to be participating in and complying with workfare requirements during this job search period and are meeting the ABAWD work requirement. This job search period of workfare may only be conducted at certification, not at recertification.

### ***Maintaining Eligibility through Unpaid or Volunteer Work***

In addition to paid or in-kind work, unpaid or volunteer work also counts for the purposes of fulfilling the ABAWD work requirement. It is often difficult for people with few job skills or no significant job history to obtain paid employment. In some cases, volunteer work may be the only way for these individuals to obtain needed job skills. ABAWDs may volunteer with religious or community organizations. For these reasons, Federal rules provide that individuals can fulfill the ABAWD work requirement through unpaid or volunteer work, provided that it is verified under standards set by the State agency<sup>3</sup>. Moreover, States have the flexibility to consider unpaid or volunteer work performed at a public or private non-profit institution as workfare or comparable workfare. As explained above, workfare presents a lower hourly burden and may be a better fit for certain ABAWDs, especially those facing high barriers to obtaining paid employment.

### ***Good Cause for Failure to Meet the ABAWD Work Requirement***

The regulations at 273.24(b)(2) also allow States to determine good cause for failure to fulfill the ABAWD work requirement. When an ABAWD has good cause for failure to fulfill the required number of hours in a given month, it does not count toward the time limit. Good cause applies to situations in which an individual would have normally met the ABAWD work requirement by working or participating in a work program, but does not due to circumstances beyond the individual's control. In cases where an individual is fulfilling the ABAWD work requirement through participation in SNAP E&T or workfare, but fails to meet the 80 hour or workfare requirement in a given month, States would determine good cause under 273.7(i) rather than under 273.24(b)(2).

### ***Regaining Eligibility***

ABAWDs who have used their three countable months can regain eligibility at any time. ABAWDs regain eligibility by fulfilling the ABAWD work requirement for 30 consecutive days, by meeting a criterion for exemption, or when their 36-month clock is reset. ABAWDs that regain eligibility by working during a break in SNAP participation

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<sup>3</sup> 7 CFR 273.24(a)(iii) provides that unpaid work, verified under standards established by the State agency, meets the definition of work for the purpose of fulfilling the work requirement.

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need not be working at the point of reapplication. Moreover, ABAWDs that regain eligibility by working are entitled to an additional set of three consecutive countable months. These three months go into effect immediately when the ABAWD first notifies the State that they are no longer fulfilling the ABAWD work requirement. In addition, they must be used consecutively and can only be granted once in a 36-month period.

We encourage States to contact FNS with any questions and for additional technical assistance on ABAWD policy and program access. As with any administrative change that may affect a significant number of households, we also encourage States to communicate with their partner agencies and food banks to ensure they are aware of how the time limit may affect those in need of food assistance. More details on the above described best-practices and flexibilities can be found in the *Guide to Serving ABAWDs Subject to Time-Limited Participation*, available on the FNS PartnerWeb and at <http://www.fns.usda.gov/node/9310>.

If you have any questions concerning this memorandum, please contact Casey McConnell at [casey.mcconnell@fns.usda.gov](mailto:casey.mcconnell@fns.usda.gov).



Lizbeth Silberman  
Director  
Program Development Division