



Food and
Nutrition
Service

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MAY 17 2019

**SUBJECT: Supplemental Nutrition Assistance Program Section 4005 of the
Agriculture Improvement Act of 2018 – Questions and Answers**

**TO: Regional Administrators
Food and Nutrition Service
All Regions**

The attached Questions and Answers are in response to changes made by Section 4005 of the Agriculture Improvement Act of 2018 (the Act) (P.L. 115-334), enacted on December 20, 2018, to the Supplemental Nutrition Assistance Program (SNAP) Employment and Training program and certain Able-bodied Adults without Dependents work policies. Please forward the attached memorandum to your State commissioners.

State agencies should make use of these Questions and Answers, as well as the Informational Memorandum on Section 4005 of the Act issued on March 6, 2019, in developing their approach to implementing the required changes to their SNAP programs. Please keep us advised of any challenges faced by States in implementing these changes.

If you have any questions, please reach out to Moira Johnston at moira.johnston@usda.gov.

Moira Johnston
Director
Office of Employment and Training

Attachment

Questions and Answers on Section 4005 of the Agriculture Improvement Act of 2018

The following questions and answers are in response to changes made by Section 4005 of the Agriculture Improvement Act of 2018 (the Act) (P.L. 115-334), enacted on December 20, 2018, to the Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T) program and certain Able-bodied Adults without Dependents (ABAWDs) work policies.

Consultation and Coordination with Workforce Development Boards

Q1: The Act requires that State agencies consult with the State workforce development board or employers as they design their E&T programs. Does this mean that State agencies must now receive approval from the State workforce development board or employers for their SNAP E&T State plans?

A1: No. State agencies must consult with their State workforce development board, or with private employers or employer organizations, if the State agency demonstrates that doing so would be more effective or efficient, when designing their E&T programs. However, State agencies are responsible for implementing their E&T program and do not need approval of the E&T State plan from the State workforce development board or employers.

Q2: Is the consultation described in the first question a part of the combined State plan with Workforce Innovation and Opportunity Act (WIOA)?

A2: No. The consultation described in the first question is only required for the annual E&T State plans.

Q3: How must State agencies document that they have conducted the consultations described in the first question?

A3: State agencies must describe in their E&T State plan the efforts taken by the State agency to consult with their State workforce development board, or with private employers or employer organizations, if the State agency demonstrates that doing so is more effective or efficient, when designing their E&T program. The Food and Nutrition Service (FNS) will be providing an addendum to the E&T State Plan Handbook with instructions that the State agency can use to document the consultations.

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Q4: As State agencies bring on new E&T providers, do they have to consult with the State workforce development board or employers?

A4: No. The Act requires that State agencies consult with their State workforce development board, or with private employers or employer organizations, if the State agency demonstrates that would be more effective or efficient, when designing their E&T program. State agencies are not required to consult with the State workforce development board every time they make a change to their E&T program, including when they bring on new E&T providers.

Q5: The Act also requires that State agencies document their coordination with activities carried out under title I of WIOA. How must State agencies document this coordination?

A5: State agencies must describe in their E&T State plan the extent to which the State agency is coordinating their SNAP E&T services with WIOA title I services. FNS will be providing an addendum to the E&T State Plan Handbook with instructions that State agencies can use to document how they will coordinate E&T services with WIOA title I services.

Case Management

Q6: What types of services count as case management?

A6: The Act states that case management may include comprehensive intake assessments, individualized service plans, progress monitoring, or coordination with service providers. Until FNS completes rule-making, State agencies have discretion in determining the types of case management services to be provided, so long as they are consistent with the example services provided in the Act.

Q7: To whom must State agencies provide case management services?

A7: The Act provides that case management is a required part of an E&T program. State agencies must provide case management services to all E&T participants. Case management is not required to be provided if a SNAP participant is not enrolled in an E&T program.

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Q8: Can State agencies provide only case management to an E&T participant?

A8: No. Case management is not an E&T component. State agencies must still offer at least one E&T component to every E&T participant, in addition to providing case management.

Q9: Does case management have to be provided by the same provider who is providing the E&T component?

A9: No. State agencies must ensure every E&T participant receives case management and at least one E&T component. State agencies have flexibility in how they manage the delivery of these E&T services.

Q10: Who should have the responsibility for carrying-out case management services?

A10: Until FNS completes rule-making, State agencies have discretion in determining the entities responsible for carrying-out case management services. Examples of individuals who may carry out case management services include State agency staff, E&T providers, or contractors.

Q11: How should State agencies track the case management services provided?

A11: Until FNS completes rule-making, State agencies have discretion in how they will track the case management services provided. The tracking system adopted by a State agency should allow FNS to determine if case management services have been provided to an E&T participant.

Q12: By what date must State agencies implement case management?

A12: All State agencies must provide case management services as part of their E&T program by the start of fiscal year (FY) 2020, and no E&T State plans will be approved for FY 2020 that do not contain case management services.

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Q13: What should a State agency do if it will not be able to provide case management services by October 1, 2019?

A13: If a State agency is unable to provide case management services by October 1, 2019, the State agency should describe in its FY 2020 E&T State plan the actions it has taken and is planning to take to come into compliance, as well as a timeline for completion. FNS will work with the State agency to ensure timely implementation of case management services.

Q14: What information regarding case management should be included in the FY 2020 E&T State plan?

A14: State agencies should include in their FY 2020 E&T State Plan information sufficient for FNS to ascertain that they are complying with the statutory requirement to provide case management services to all E&T participants. Examples of such information include: who has the responsibility for carrying-out case management services; the types of case management services that will be provided; and how case management service providers will coordinate with E&T providers, the State agency, and other community resources, as appropriate. FNS will be providing instructions in the addendum to the E&T State Plan Handbook that State agencies can use to help describe their case management services.

Job Retention

Q15: The Act requires that State agencies that offer a job retention component as part of their E&T program, must offer a minimum of 30 days of job retention services and not more than 90 days. What should a State agency do if a participant becomes unable to complete job retention services before meeting the 30-day minimum threshold?

A15: State agencies should make a good faith effort to provide at least 30 days of job retention services to E&T participants enrolled in the job retention component. Good faith efforts may include informing participants in the job retention component of the 30-day minimum and developing a job retention case management plan that extends at least 30 days.

Supervised Job Search

Q16: The Act requires that the supervised job search component must occur at State-approved locations. What counts as a State-approved location?

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A16: Until FNS completes rule-making, State agencies choosing to offer the supervised job search component have discretion in determining what constitutes a State-approved location. In the guidelines developed by the State agency to implement supervised job search, the State agency should identify the State-approved locations and describe how they were selected as State-approved locations. These guidelines should be included with the E&T State plan.

Q17: The Act requires that the activities of individuals participating in a supervised job search component must be directly supervised, and the timing and activities of participants tracked in accordance with guidelines issued by the State agency. What does that mean?

A17: Until FNS completes rule-making, State agencies choosing to offer the supervised job search component have discretion in determining how activities of participants will be directly supervised, and the timing and activities of participants tracked. In the guidelines developed by the State agency to implement supervised job search, the State agency should specify how the supervised job search component meets the statutory requirements to directly supervise the activities of participants and track the timing and activities of participants. These guidelines should be included with the E&T State plan.

Q18: May State agencies offer job search activities that do not meet the definition of supervised job search if they are part of another component?

A18: Yes. For example, a State agency offers a six-week nursing assistant program. During the last week, students are afforded a certain amount of time to look for a job using the school's computer lab or resource room. This would be an allowable E&T activity.

Q19: Can job search offered through the State E&T program count as a qualifying activity for ABAWDs?

A19: Job search hours – whether supervised or not – offered through an E&T program count toward meeting the ABAWD work requirement, so long as they are part of another E&T component and make-up less than half of the total required time spent in the component. This has been long-standing FNS policy at 7 CFR 273.7(e)(1) and 273.24(a)(3)(iii).

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Q20: If the State agency provides workfare as an E&T component, does the job search period of up to 30 days occurring prior to the workfare assignment have to be supervised?

A20: No. The job search activities that may precede a workfare assignment are considered part of the workfare component and do not have to be supervised.

Apprenticeships

Q21: What types of apprenticeships are permitted as an allowable E&T activity?

A21: The Act specifies that apprenticeships are allowable activities. State agencies can find additional information about types of apprenticeships at www.apprenticeship.gov, the U.S. Department of Labor's apprenticeship website. State agencies are also encouraged to work with their State workforce agencies to determine what types of apprenticeship programs may already be operating in their States.

Q22: Can wages earned through an E&T program, such as an apprenticeship or subsidized employment program, be excluded from the SNAP income eligibility determination?

A22: No. Section 5(d) of the Food and Nutrition Act of 2008 (FNA) requires that, for the purposes of determining eligibility, household income must include all income from any source that is not otherwise excluded in the FNA. Wages earned through an E&T program cannot be excluded from the income eligibility determination.

Employability Assessments

Q23: The Act replaces jobs skills assessments with employability assessments. What is the difference between job skills assessments and employability assessments?

A23: The Department of Education defines employability skills as general skills that are necessary for success in the labor market at all employment levels and in all sectors. Assessments to identify employability skills ("employability assessments") should help determine an individual's readiness for employment, which includes a set of cross-cutting skills such as applied academic skills, interpersonal skills, critical thinking skills, communication skills, and barriers to work. Job skills assessments may be one piece of an employability assessment that determine whether an individual has the skills appropriate for a specific job.

Advisement of Employment and Training Opportunities

Q24: Who are State agencies required to advise regarding available employment and training services?

A24: State agencies are required to advise all household members who are subject to the general work requirements, if these individuals are also members of households containing at least one adult, with no elderly or disabled individuals, and with no earned income at their last certification or required report.

Q25: How are State agencies required to advise household member of available employment and training services?

A25: State agencies must advise certain household members at recertification. Until FNS completes rule-making, State agencies have discretion in how they meet the new requirement to advise certain household members about the availability of employment and training services. For example, State agencies may advise in writing, orally, or both.

Q26: The March 6, 2019, Informational Memorandum says that when the State agency advises household members at recertification about employment and training services, this information is not limited to SNAP E&T. Does this mean that States agencies must know all employment and training services in the area and be able to provide this to the household members?

A26: No. State agencies are not required to know all employment and training services in the area and be able to provide this information to the household members. However, State agencies should make a good faith effort to identify as many employment and training services in the area as possible that may be suitable for SNAP participants. State agencies should use their best judgment to advise household members of employment and training services that may be reasonably accessed by the household members. In advising household members, State agencies may consider factors like the location of employment and training services in relation to the household members served, and other factors that may best target services to SNAP participants.