

**DEPARTMENT OF HUMAN SERVICES**  
**FAMILY PROGRAM POLICY ADMINISTRATION**  
**EMPLOYMENT AND TRAINING PROGRAM**

(By authority conferred on the Department of Human Services by section 6 of 1939 PA 280, MCL 400.6.)

**R 400.3601 Definitions.**

Rule 1. As used in these rules:

(a) "Begin date" means the first day for which the family independence group is eligible for benefits.

(b) "Employment and training components" includes both of the following:

(i) Work activities defined in section 407(d) of Public Law 104-193, 42 U.S.C. §607(d).

(ii) Job club, internship, and postsecondary education.

(c) "Department" means the Michigan department of human services.

(d) "Employment-related activities" means those activities which are operated or contracted by the department, are employment and training programs, and serve applicants and recipients of financial and food assistance.

(e) "Minimum wage" means the lesser of the legal applicable state or federal minimum wage.

(f) "Noncompliance" means action or inaction of a client in failing to meet assigned employment related activity requirements.

(g) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).

(h) "Reasonable cost" means the rate of payment or reimbursement by the department for supportive services costs.

(i) "Suitable employment" means employment that meets minimum employment standards. Employment is not suitable employment if any of the following provisions apply:

(i) With the exception of sheltered workshops, the wage offered is less than minimum wage, including tips, as applicable.

(ii) The client is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.

(iii) The working hours or nature of the employment interferes with the client's religious observances, convictions, or beliefs.

(iv) The degree of risk to health and safety is unreasonable.

(v) The employment results in the family experiencing a net loss of cash income.

(j) "Support services" means services provided, as needed and to specified limits, to support employment and training program participation requirements. Support services may include any of the following if the services are determined by the department to enhance a client's ability to obtain and retain employment:

- (i) Counseling.
- (ii) Child day care.
- (iii) Information and referral services.
- (iv) Medical services.
- (v) Moving services.
- (vi) Special clothing purchases.
- (vii) Transportation allowance.
- (viii) Automotive repair.
- (ix) Special purchases.

(k) "Willingness to comply test" means participation in an activity or component for 5 working days for a total of 20 hours and/or attendance at an orientation conducted by the Department.

History: 1997 AACS; 2014 AACS.

#### **R 400.3602 Employment expectations.**

Rule 2. (1) A non-deferred client shall accept suitable employment up to 40 hours per week.

(2) A client who is deferred on the basis of working the minimum number of hours required to meet the federal work requirement shall accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved.

History: 1997 AACS; 2014 AACS.

#### **R 400.3603 Support services.**

Rule 3. Support services may be provided to applicants and recipients who are required to participate in employment related activities.

History: 1997 AACS.

#### **R 400.3604 Special program groups.**

Rule 4. Selected family independence program groups may be served by programs other than the employment and training program. R 400.3602, R 400.3603, and R 400.3606 to R 400.3612 apply to the following selected program groups:

(a) Refugees served by the Michigan works association (MWA) with the assistance of refugee contractors.

(b) Persons in transitional housing programs designated by the Michigan state housing development authority and funded by the United States department of housing and urban development, Michigan state housing development authority, or entitlement community block grants.

(c) Active Michigan rehabilitation services participants.

(d) Active job corps, volunteers in service to America, and AmeriCorps participants.

History: 1997 AACCS; 2014 AACCS.

**R 400.3605 Required participation in unpaid work experience prohibited; exception.**

Rule 5. Except for an internship, a client shall not be required to participate in unpaid work experience in the private for-profit sector.

History: 1997 AACCS.

**R 400.3606 Noncompliance with employment and training requirements.**

Rule 6. The following conduct constitutes noncompliance with employment and training requirements for applicants and recipients of the family independence program:

- (a) Failing or refusing to appear for a scheduled appointment or meeting.
- (b) Failing or refusing to participate in an assigned activity or component.
- (c) Stating orally or in writing a definite intent not to comply with program requirements.
- (d) Refusing supportive services if the refusal prevents participation in employment and training requirements.
- (e) Exhibiting disruptive behavior that prevents others from pursuing their employment and training requirements.
- (f) Threatening or physically abusing department or program staff or other program participants.
- (g) Failing or refusing to accept a job referral.
- (h) Failing or refusing to complete a job application.
- (i) Failing or refusing to appear for a job interview.
- (j) Refusing an offer of suitable employment.
- (k) Voluntarily leaving a job.
- (l) Being terminated from employment for misconduct or absenteeism.
- (m) Voluntarily reducing hours of employment or otherwise reducing earnings.
- (n) Refusing to accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.

History: 1997 AACCS; 2014 AACCS.

**R 400.3607 Good cause reasons for noncompliance with employment and training requirements.**

Rule 7. The following are good cause reasons for noncompliance with employment and training requirements that apply to applicants and recipients of the family independence program:

(a) The applicant or recipient suffers from a temporary debilitating illness or injury or an immediate family member has a debilitating illness or injury and the applicant or recipient is needed in the home to care for the family member.

(b) The applicant or employee lacks child care as defined in section 407(e)(2) of Public Law 104-193, 42 U.S.C. §607(e)(2).

(c) Either employment or training commuting time is more than 2 hours per day or is more than 3 hours per day when there are unique and compelling circumstances, such as a salary at least twice the applicable minimum wage or the job is the only available job placement within a 3 hour commute per day, not including the time necessary to transport a child to child care facilities.

(d) Transportation is not available to the participant at a reasonable cost.

(e) The employment or participation involves illegal activities.

(f) The applicant or recipient is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.

(g) The applicant or recipient is illegally discriminated against on the basis of age, race, disability, gender, color, national origin, or religious beliefs.

(h) Credible information or evidence establishes 1 or more unplanned or unexpected events or factors that reasonably could be expected to prevent, or significantly interfere with, the individual's compliance with employment and training requirements.

(i) The applicant or recipient quit employment to obtain comparable employment.

History: 1997 AACS; 2014 AACS.

#### **R 400.3608 Financial assistance penalties.**

Rule 8. (1) A noncompliance penalty is imposed in the following situations:

(a) A non-deferred group member fails, without good cause, to participate in employment related activities as required.

(b) A group member who is meeting the federal work requirements by working the minimum number of hours and any of the following provisions apply:

(i) The group member fails to accept suitable employment up to 40 hours per week without good cause, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.

(ii) The group member voluntarily leaves a job without good cause.

(iii) The group member voluntarily reduces hours of employment without good cause.

(iv) The group member is terminated from employment for misconduct or absenteeism without good cause.

(2) If the noncompliance is based on 1 or more of the following instances, then the group is ineligible for the family independence program and related food assistance for 30 days:

(a) Voluntarily leaving a job.

(b) Being terminated from employment for misconduct or absenteeism without good cause.

(c) Voluntarily reducing hours of employment or otherwise reduce earnings.

(d) Refusing to accept suitable employment up to 40 hours per week, unless the department determines that the employment would interfere with the individual's attendance at, or successful completion of, a self-initiated education or job training program that the department has approved and the client is meeting the federal work requirement.

(3) The department shall impose a penalty described in sub rule (1) of this rule for at least 1 month or 2 pay periods.

History: 1997 AACCS; 2014 AACCS.

**R 400.3609 Member removal and case closure; effect on employment related activities penalty.**

Rule 9. (1) If a noncomplying person leaves the home while a penalty is imposed, then the remaining group members are not subject to the penalty.

(2) If the group becomes ineligible for family independence assistance while a penalty is imposed, then the penalty is reinstated if the group reapplies and the noncomplying person still refuses to participate. A penalty will not be reinstated if the family can demonstrate that the noncomplying individual was employed and meeting the federal participation standard while the case was closed. The penalty is reinstated as follows:

(a) If the first 2 months of eligibility or 4 consecutive months, whichever is applicable, have not expired since the initial implementation of the penalty, then the penalty is reinstated using the original begin date.

(b) If the first 2 months of eligibility or 4 consecutive months, whichever is applicable, have expired since the initial implementation of the penalty, then the group is ineligible for family independence assistance. A penalty will not be reinstated if the family can demonstrate that the noncomplying individual was employed and meeting the federal participation standard while the case was closed.

History: 1997 AACCS; 2014 AACCS.

**R 400.3610 Noncompliance with employment related activities requirements; food assistance disqualification.**

Rule 10. (1) The department shall impose a noncompliance disqualification for food assistance if a food assistance group member, who is not also an applicant for or recipient of cash assistance, fails, without good cause, to comply with the employment and training program. Noncompliance with family independence program requirements shall be counted when determining the disqualification period.

(2) The department shall apply a disqualification for food assistance as follows:

(a) The noncomplying group member is removed from the eligible group for 1 month for a first instance of noncompliance.

(b) The noncomplying group member is removed from the eligible group for 6 months for each instance of noncompliance after the first instance.

(c) Once imposed, a disqualification continues in consecutive months even if the case is closed or the disqualified person is subject to another ineligibility disqualification.

(d) A disqualification ends if the disqualified person becomes deferred under food assistance deferral rules for any reason other than application for, or receipt of, unemployment compensation.

(3) To reestablish eligibility at the end of the disqualification period, a group member shall complete the willingness to comply test unless the member is working 20 hours or more per week.

(4) An applicant for or a recipient of family independence program benefits will have the same disqualification or penalty that is applicable to the family independence program applied to his or her food assistance case for noncompliance with employment-related activities requirements in the case of the family independence program and for noncompliance with the requirements of 45 C.F.R. §400.82.

History: 1997 AACS; 2014 AACS.

**R 400.3611 Subsequent applications for food assistance benefits after application denial or case closure due to comparable penalty.**

Rule 11. If a group whose food assistance benefits were denied or whose case was closed due to the imposition of a comparable family independence program penalty or disqualification applies for food assistance benefits, but not cash assistance, then the following provisions apply:

(a) If the denial or closure was due to the failure to meet a family independence employment-related activities requirement, then the mandatory food assistance participant who caused the penalty for disqualification shall complete a willingness to comply test. If the mandatory food assistance participant does not complete the willingness to comply test, then he or she is disqualified as specified in R 400.3610.

(b) If the group is eligible, then the begin date for benefits shall be set to assure 1 month's loss of benefits.

History: 1997 AACS; 2014 AACS.

**R 400.3612 Willingness to comply test.**

Rule 12. (1) If noncompliance without good cause results in a reduction or termination of department financial assistance or food assistance benefits, then, at the client's request, the department shall offer a willingness to comply test.

(2) If a person completes the willingness to comply test, then the group's benefits are restored as follows:

(a) If the penalty is a 25% reduction in the payment standard, then benefits are restored effective with the pay period in which the person agreed to comply, but not before the minimum penalty period of 1 month or 2 pay periods has expired.

(b) If the penalty is group ineligibility, then benefits are restored as set forth in R 400.3611, but not before the minimum penalty period of 1 month or 2 pay periods has expired.

History: 1997 AACS; 2014 AACS.

**R 400.3613 Rescission.**

Rule 13. R 400.3591 to R 400.3596 of Michigan Administrative Code, appearing on pages 690 to 692 of the 1985 Annual Supplement to the 1979 Michigan Administrative Code, are rescinded.

History: 1997 AACS.