F. Participation, Cooperation and Re-Engagement

Program participants, including both parents in a two-parent household, are required to participate in activities deemed necessary by the department. These may include family stability activities, medical-related activities, employment-related activities and activities related to the SSI process.

SFPSS program participants have access to the entire range of activities offered to TANF participants, and may in fact benefit from work-related activities.

The worker and disability analyst will develop an individualized case plan in partnership with the SFPSS participant.

In the event a participant is not cooperating with their individual case plan, the situation will need to be reviewed. This review is referred to as the “Re-Engagement” process.

The re-engagement will be led by the worker in partnership with the disability analyst. They will consult with qualified and appropriate medical professionals during the re-engagement process.

The re-engagement process is used to determine if the participant had good cause for not cooperating with their individualized case plan.

**Good cause** is what the department considers as valid reasons or circumstances that keep a participant from cooperating with elements of their individualized case plan. It is the participant’s responsibility, with the assistance of the department, to provide evidence to establish good cause for noncooperation and to work with the SFPSS program staff to try to resolve problems that interfere with cooperation. It is important to determine whether the participant is unable or unwilling to cooperate with their case plan.

1. Good cause for noncooperation with activities

Good cause for noncooperation with activities include:

- Cooperation or placement at a particular job site would place the participant at risk of domestic violence;
• Participation in a required activity would have an adverse effect or risk on the participant’s physical or mental health:
  
  – Documentation from a qualified and appropriate professional is required.

• The SFPSS program failed to provide a needed support service payment in time for the participant to participate;

• Noncooperation is caused by an aspect of the participant’s disability;

• The SFPSS program failed to provide a needed accommodation or modification in order for the participant to participate;

• The work site violates established health and safety standards;

• A pregnant participant is in her seventh or eighth month of pregnancy and either works in a job that requires her to work more than 10 hours each week or has a case plan that requires her to participate more than 10 hours each week;

• A pregnant participant has reached the first of the calendar month prior to the month in which the due date falls and is now considered JOBS-exempt;

• Appropriate child care (or day care for an incapacitated person in the household) is not available or there is a breakdown in child care arrangements for a child in the household. The participant must attempt to get child care from another provider;
  
  – “Appropriate child care” means that:

  (a) Both the provider and the place where care is provided meet health, safety, and provider requirements as defined in OAR 461-165-0180;

  (b) The care accommodates the parent’s work schedule; and

  (c) The care meets the specific needs of the child, such as age and special needs requirements.

• The work attachment position or employment offered is vacant due to a strike, lockout or other labor dispute;

• The work attachment position or employment requires a participant to join a union and the participant has religious objections to unions;

• The participant belongs to a union and the employment goes against the conditions of the participant’s membership in that union. Good cause does not exist if the employment is not governed by the rules of the union to which the participant belongs;
The job referral or employer is discriminatory in terms of age, sex, race, religious or political belief, marital status, disability or ethnic origin. Age, sex and disability requirements are allowable when there are valid or legal reasons for the requirements;

The person’s participation in Grand Ronde Tribe NEW program activities prevents or interferes with participation in SFPSS assigned activities or completion of assignments;

The participant’s failure to participate is due to a circumstance beyond his/her reasonable control;

The wage for the participant’s current or potential job is:

- Less than minimum wage; or
- If minimum wage laws do not apply, the wage (rate for piecework) is less than that normally paid for similar work.

2. **Good cause for missing appropriate medical appointments**

Good cause for missing appropriate medical appointments (including mental health and substance treatment, SFPSS program appointments and appointments required by the Social Security Administration) includes:

- A mental or physical illness, impairment or condition preventing compliance;

<table>
<thead>
<tr>
<th>NOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>For good cause related to Alcohol and Drug (A&amp;D) treatment:</strong> Good cause for a missed A&amp;D treatment appointment must be granted if an aspect of a disability related to A&amp;D caused the client to miss the appointment. For example, if memory loss caused by past methamphetamine use caused the client to miss an appointment, good cause must be granted. However, workers are not required to grant good cause when a client reports they missed an appointment because they were using alcohol or drugs at the time.</td>
</tr>
</tbody>
</table>

- A verified court appearance or temporary incarceration (30 days or less);

- A verified breakdown in transportation with no readily accessible alternative;

- Inclement weather that prevented the client and others similarly situated from traveling;
• Family problems, including medical, legal, domestic violence or school problems with other family members;

• Verified adverse circumstances that affected the participant’s ability to attend, as determined by the department;

• A legitimate breakdown in communication, such as the department or contractor failure to inform the client of an appointment;

• Due to an aspect of a known or previously unknown disability;

• Department or contractor failed to provide a needed accommodation or modification.

3. **Good cause for noncooperation with substance abuse or mental health treatment**

A participant who is identified in need of mental health or substance abuse treatment must cooperate and follow through with the treatment program requirements. The treatment services must be provided to the participant at no cost. Participants may have good cause for missing scheduled appointments or activities because of the circumstances specified under item above. Also, good cause exists if a domestic violence victim fails to cooperate with a treatment plan when the batterer is also receiving treatment from the same provider.

4. **Good cause for not pursuing assets**

A participant may have good cause for not pursuing assets if any of the following is true:

• The assets are unavailable because:
  
  − They are not in the participant’s possession (e.g., a participant has title to a car, but the car is stolen); or

  − They are jointly owned with others who are not in the financial group, who are unwilling to sell, and the participant’s interest is not reasonably saleable.

• The participant is incompetent and there is no legal representative to act on behalf of the participant. The participant’s condition must be verified by a doctor or other authorized person on the form designated by the department;

• The participant is a victim of domestic violence and pursuing the asset will put the participant or the participant’s children at risk of further, future violence;

• The asset is an irrevocable or restricted trust and cannot be used to meet the basic monthly needs of the financial group.
5. **What is noncooperation?**

Noncooperation exists when a participant fails to complete the assigned activities as specified on their individualized case plan, which was developed in partnership with the department, without good cause. The assigned activities may include cooperating with family stability requirements, cooperating with activities in pursuit of SSI/SSDI, cooperating with medical appointments, cooperating with alcohol and substance abuse or mental health treatment program requirements, pursuing available assets, etc.

Additionally, participants who are in the SFPSS program are considered not cooperating if they fail to do the following without good cause:

- Meet the requirement to keep appointments and interviews;
- Attend all scheduled classes and activities;
- Spend a SFPSS support service payment on the goods or services the payment was intended to cover, or fail to return an unused payment to the department or the department contractor;
- Inform their child care provider that they were not participating in authorized activities and as a consequence the department is billed in error.

6. **What is re-engagement?**

Re-engagement is a process intended to determine good cause for failure to cooperate with necessary activities assigned by the SFPSS program, and to help participants and potential participants resolve disputes and misunderstandings. This includes disputes about case plans, SFPSS program support service payment amounts, irregular attendance at assigned activities, missed appointments and failure to participate in an activity.

Re-engagement is an opportunity offered to participants and not a required activity. It can be requested by the client, the department or a community partner. It is conducted by the case manager; disability analyst; and qualified, appropriate professional. It can be conducted by a face-to-face meeting or phone call between the participant and the conciliator or conciliation team.

Re-engagement includes informing the participant of their rights and responsibilities under the SFPSS program and informing them of the potential for removal from the program and return to the TANF/JOBS program. It may also include establishing good cause, modifying an individualized case plan or taking other remedial actions.
Re-engagement may end under any of the following conditions:

- A decision is made as to whether the participant had good cause for not cooperating with the requirements of the SFPSS program;
- The department and the participant agree on modifications to the disputed individualized case plan;
- No agreement is reached during the re-engagement call or at the re-engagement meeting;
- The participant expresses or otherwise clearly indicates the intent not to cooperate in the re-engagement process.

Re-engagement must end before a decision notice is sent. All re-engagement efforts and activities must be documented in TRACS using the Re-Engagement Page. Unresolved issues can be addressed through the hearing process only after the decision notice has been sent.

The department is required to review all noncooperation for known or unknown disability issues prior to applying a disqualification. This is to be accomplished by a team consisting of the case manager, disability analyst and appropriate medical professionals. This process must be recorded on the TRACS Re-Engagement Page.

7. **SFPSS Re-engagement Review Process**

   (A) The SFPSS program arranges re-engagement meeting to discuss noncooperation.

   (B) The SFPSS program staff (worker, disability analyst, appropriate medical professional) will use the following to determine if there is “good cause”:

   (1) Review all evidence for good cause explained in items 1 (PSS F.1), 2 (PSS F.2), 3 (PSS F.3), and 4 (PSS F.4) of this section.

   (2) Review known disability issues for cause of noncooperation.

   (3) Review results of formal evaluations or assessments to determine if an aspect of a previously unknown medical, mental health, learning disability, cognitive, addiction issue, etc., caused the noncooperation.

   (4) Review accommodations and modifications for the following:

      (a) Were all needed accommodations or modifications offered to the participant?

      (b) Did the participant accept the accommodations or modifications?
(c) Were the accommodations or modifications appropriate?

(d) Are there alternative accommodations or modifications to consider?

(C) If the SFPSS program staff review determines “good cause,” the participant will remain in the SFPSS program.

(D) If the SFPSS program staff review determines there was “no good cause” for the noncooperation, the participant will be removed from the SFPSS program. They will return to the TANF program as a JOBS-eligible participant and be engaged in a JOBS case plan.

(E) Document all findings in TRACS using the Re-Engagement Page. Remember that certain A&D and mental health information narrated in TRACS needs to be placed in the A&D/MH narrative.

Remember, the participant has the right to ask for a hearing if a decision to remove them from the program was determined by the SFPSS staff review.
This page intentionally left blank.