

**Will I receive other Employment First services while I am being sanctioned?**

When you and your caseworker agree on the activities that you will do to lift the sanction, you will get any supportive services you will need to do the activity. For example you may receive help with child care, transportation, or getting a job uniform.

**What if I disagree with why I am being sanctioned, or I feel my caseworker wants me to do something that is not in my or my familys best interest?**

- You can choose to renegotiate your self-sufficiency contract at any time. If something changes and you have a plan that will help you move to self-sufficiency, your caseworker must work with you to change your contract and put in the new goals and activities.
- REMEMBER! If you do not agree with a decision made by your caseworker you have the right to ask for mediation and/or appeal the decision.
- Make the appeal as soon as you can after you get the notice of sanction. If an appeal is filed within 10 calendar days of the date of the notice of sanction, you can choose to keep your benefits until a decision is made on the appeal.

For more information on appeals, please take a look at Nebraska Appleseed's Appeals & Mediation brochure.

**I was sanctioned in the past and I let my Employment First case be closed. Can I reapply for benefits?**

You may reapply for benefits at any time. If your case has been closed for less than six months, you will need to lift the sanction before you will start getting ADC cash assistance. You may still get Food Stamps and Medicaid for your children, no matter what your sanction status is.

**Do I have to do what my caseworker was requiring in the past?**

No. You and your caseworker should look at what your needs and goals are right now and make a self-sufficiency contract that fits with those needs and goals.

**How does the sanction affect my Employment First/ADC time limit?**

- You are able to receive an Employment First/ADC grant for up to 60 months in a lifetime. The months that you

are sanctioned are not counted in your 60-months of eligibility.

- For example: If you are on ADC for 10 months and you are sanctioned for 4 of those months,
- you have only used 6 months of your 60-months of eligibility and you would still have 54 months left.
- You do not have to use all of your 60 months in a row. You can go on and off the program until you have used all 60 months.

**When working with the Department of Health and Human Services remember:**

- Sanctions are serious and should not be put in place without good reason.
- Ask for decisions made by your caseworker to be given to you in writing. Have the caseworker put the reason for the decision in the written notice.
- Keep a record of your discussions with HHS. Keep copies of everything.
- You have every right to ask questions and have decisions explained to you.
- You have every right to disagree with your caseworker without fear of retaliation or punishment.
- If you are having a problem talking with your caseworker, you have the right to talk to your caseworker's supervisor or ask for mediation at any time.

**Do not assume your caseworker understands everything about Employment First.**

**Ask questions.**

**Do not sign anything without knowing what you are signing.**

**Get and keep copies of what you sign and what you are sent in the mail.**

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*Understanding Your Rights in the Welfare System*

*Basic Questions & Answers About*

**Employment First**

**SANCTIONS**

To contact the Nebraska Appleseed Intake Line, call:

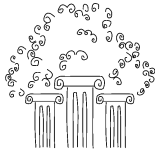
438-8853 ext. 105  
(in Lincoln)

or 1-800-845-3746 ext. 105  
(outside Lincoln)

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NEBRASKA Appleseed

## What is Employment First?

- It is Nebraska's welfare to work program that is part of the Aid to Dependent Children or ADC program, known federally as TANF (Temporary Assistance for Needy Families).
- The goal of the program is to temporarily help meet your family's basic needs and to help you reach economic self-sufficiency.
- The Employment First program is designed to help you do this through individualized planning and intensive support.

## What is an Employment First self-sufficiency contract?

- If you are able-bodied and get ADC cash assistance, you will probably be required to participate in the Employment First program. If you do not get cash assistance, but only get food stamps, child care, or Medicaid, you will not be part of Employment First.
- If you are on Employment First you will be asked to sign a self-sufficiency contract, which is a serious agreement between you and the state. It includes your plan to achieve self-sufficiency.

For more information, please refer to Nebraska Appleseed's Employment First brochure.

## What is an Employment First Sanction?

- A sanction is a temporary denial of benefits.
- A sanction is meant to be a "last resort" penalty after efforts have been made by the caseworker and the client together to fix any problems that caused you to not follow your contract.
- Sanctions are very serious!
- When you are sanctioned, you and your family will lose your full ADC check, your Employment First supportive services (such as transportation), your food stamps will be reduced, and the adults in your family will lose Medicaid benefits.
- Your children will keep their Medicaid and food stamps.

## How long does a sanction last?

- The first time your family is sanctioned, it will last 1 month. The sanction will keep going after 1 month unless you do an agreed upon activity for one week.
- The second time you are sanctioned it will last for 3 months. The sanction will keep going after 3 months unless you do an agreed upon activity for one week.
- The third time you are sanctioned it will last for 12 months. The sanction will keep going after 12 months unless you do an agreed upon activity for one week.

- You must do the agreed activity for one week before your caseworker will restart your benefits.

## When is it possible for someone on Employment First to be sanctioned?

- Sanctions can happen only when a person fails to follow their contract on an on-going basis.
- You cannot get an Employment First sanction if you have not signed a self-sufficiency contract. This means that you cannot be sanctioned for asking for education or job training to be included in your contract.
- You cannot be sanctioned at any point during the contract negotiation period as long as you are negotiating in good faith and going to your appointments. If your caseworker does not negotiate with you in good faith you may file an appeal.
- Sanctions can only be put in place by your HHS caseworker. If your caseworker has referred you to an agency like Arbor, the person working with you at Arbor will have to get approval from your HHS caseworker.

## What if I don't have a contract?

You cannot be sanctioned if you don't have a signed contract. However, your caseworker can close your case during the negotiation period if you don't give your caseworker needed documents, don't fill out and return paperwork or negotiate in good faith. If this happens, you can reapply at any time and start the negotiation process again. At this time you must give your caseworker the needed documents or start negotiating in good faith or you will not be found eligible for ADC benefits.

## What has to happen before a sanction is put in place?

- Before a sanction is put in place, you and your HHS caseworker must go over the activities in your contract to make sure that you are physically and mentally able to do them.
- You should get notices and phone calls from the caseworker about your ability to do what is outlined in your Employment First self-sufficiency contract.
- If you have been referred to an agency like Arbor, the worker from that agency (rather than the DHHS caseworker) must, make sure that you are able to carry out the required activities. The Arbor caseworker will also tell your HHS caseworker about any possible sanctions for failing to cooperate or participate.
- It is important that your caseworker and other people working with you know how to get in touch with you at all times. Make sure all your workers and agencies have your correct and current address and phone number. If you feel like you

are in danger of being sanctioned, or if at any time you have questions about your case, be sure your HHS caseworker and other people working with you are getting your messages and paper work.

- Before a sanction is imposed, the caseworker must work with you and your family to help you in fixing any problems that are keeping you from doing the activities in your contract.
- Before a sanction is put in place, your caseworker must talk with you and see whether there were "good cause" reasons why you couldn't do the activities in your contract. Also, your caseworker must give you the opportunity to resolve the problem through the mediation process before you receive a sanction.
- If you fail to cooperate or do anything after you talk to your caseworker, the caseworker will talk with his or her supervisor to put a sanction in place. The supervisor must look at your case to make sure the caseworker has done all of the things listed above to try and fix the problem.
- After the sanction is approved by the caseworker's supervisor, you must get a timely and adequate notice that the sanction will be going into effect.

## What is timely and adequate notice of a sanction?

- The notice must be dated at least ten calendar days before the date the sanction goes into effect.
- The notice must tell you why you are being sanctioned, and must specify the exact rule that you have allegedly broken. A sample rule number is 468 NAC 2-020.08.
- The notice must tell you what benefits you will lose.
- The notice must tell you how long the sanction will last.
- The notice must tell you what you are required to do in order to end the sanction.

## Can I be sanctioned for missing one appointment?

- No. The law says that a sanction may be applied only when a client demonstrates continued noncompliance with the contract.
- It is still very important to talk to your caseworker if you are going to miss a meeting or if you are not going to be able to do something that is in your contract.
- For example: tell your caseworker when you or your family members are sick, if you have transportation problems, if your housing changes, or anything else that will make it hard for you to do what is in your contract.