

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 10001

FINAL

ORDER

Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), specifically, to clarify policy and define terms. The Department's proceedings to amend its regulations were initiated pursuant to 29 Delaware Code Section 10114 and its authority as prescribed by 31 Delaware Code Section 512.

The Department published its notice of proposed regulation changes pursuant to 29 Delaware Code Section 10115 in the February 2020 Delaware *Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by March 2, 2020 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after April 11, 2020 Delaware Health and Social Services/Division of Social Services proposes to amend Division of Social Service Manual to Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), specifically, to clarify policy and define terms.

Statutory Authority

- 7 CFR § 273.7
- 7 CFR § 271.2

Background

DSS is proposing to change the name of policy section DSSM 10000 from "Food Stamp Employment and Training (FS E&T)" to "Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)". This change will align with federal terminology and remove the outdated term "food stamp".

DSS is proposing to amend policies DSSM 10001 and 10001.1 to reflect the current operations of the SNAP E&T program and to improve the formatting of the policies. DSS modified DSSM 10001.1 by adding new program terms and removing program terms that are no longer relevant.

Purpose

The proposed rules explain the purpose of Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) services provided to food benefit recipients and define SNAP E&T program terms.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 447.205 and the *state* public notice requirements of Title 29, Chapter 101 of the Delaware Code, Delaware Health and Social Services (DHSS)/Division of Social Services (DSS) gives public notice and provides an open comment period for thirty (30) days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on March 2, 2020.

Fiscal Impact Statement

There is no fiscal impact associated with this policy change.

Summary of Comments Received with Agency Response and Explanation of Changes

The following summarized comments were received:

Comment: One commenter suggested the term 'custodial parent' does not define what it means by 'custody.'

Agency Response: DSSM 10001.1 "Defining SNAP E&T Program Terms" contains condensed explanations of the program terms to be used as a simple reference for DSS staff and the public. The definitions are not a comprehensive explanation of DSS policy. Since different custody situations may arise, DSS has elected to use a general definition for

“custodial parent”. The meaning and use of “custody” are further explained in DSSM 9013.1 “Household Definition”.

Comment: One commenter requested clarity on the term ‘suitable employment’.

Agency Response: DSSM 10001.1 “Defining SNAP E&T Program Terms” contains condensed explanations of the program terms to be used as a simple reference for DSS staff and the public. The definitions are not a comprehensive explanation of DSS policy. DSS staff are advised to review other sections of policy to make accurate eligibility determinations.

Comment: Several commenters requested clarity on the term “good cause”.

Agency Response: DSSM 10001.1 “Defining SNAP E&T Program Terms” contains condensed explanations of the program terms to be used as a simple reference for DSS staff and the public. The definitions are not a comprehensive explanation of DSS policy. Good cause can relate to many different situations that a client might experience. Good cause is further defined in DSSM 10004.2 “Good Cause”. The good cause policy lists examples of client circumstances (based on federal guidance) that constitute a determination of good cause. The good cause policy is under revision.

DSS is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- Community Legal Aid Society, Inc. (CLASI)
- Governor’s Advisory Council for Exceptional Citizens (GACEC)
- State Council for Persons with Disabilities (SCPD)

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the February 2020 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Division of Social Services Manual regarding Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), specifically, to clarify policy and define terms, is adopted and shall be final effective April 11, 2020.

3/11/2020

Date of Signature

Kara Odom Walker, MD, MPH, MSHS,
Secretary, DHSS

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

10000 ~~Food Stamp~~ Supplemental Nutrition Assistance Program Employment and Training (FSE&T) (SNAP E&T)

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

10001 ~~Purpose and Definitions~~ Defining the SNAP E&T Program

7 CFR 273.7

~~The Delaware Division of Social Services (DSS) administers a statewide employment and training program for Food Stamp only recipients under the umbrella of the Food Stamp Employment and Training Program. The purpose of the FSE&T Program is to assist capable mandatory and voluntary Food Stamp only recipients gain skills and receive training or experience that will lead to regular, paid employment. By so assisting Food Stamp households, we hope to help increase the purchasing power of low-income families and thereby, contribute to raising the overall levels of nutrition among the population of Delaware.~~

~~The Food Stamp Employment and Training Program for Delaware began on April 1, 1987. From the beginning, this program combined the activities of both the Division and local service providers in giving Food Stamp recipients needed~~

~~encouragement, counseling and academic/life skills training to enhance employability. In addition, the Program has been run in concert with our Temporary Assistance to Needy Families (TANF) Program. Together, these two programs have increased the opportunities for the economically disadvantaged population of Delaware and enabled portions of this population to become self-sufficient.~~

The statewide SNAP E&T program supports SNAP recipients by providing skill development, training, and work experience opportunities that can lead to self-sustaining employment.

1. The SNAP E&T program promotes the self-sufficiency of SNAP recipients by:

- Offering education and training to increase knowledge and skills;
- Assisting with job search methods;
- Removing barriers to employment; and
- Increasing the employability of SNAP recipients.

POLICY – AMENDMENT

Delaware Department of Health and Social Services
Division of Social Services
Policy and Program Development Unit

10001.1 Programmatic Terms and Definitions Defining SNAP E&T Program Terms

~~The Food Stamp Employment and Training Program has a list of commonly used terms and definitions. Below is a list of these commonly used terms. Please note that the definition of some terms provides important policy information.~~

- ~~A. ABE – Adult Basic Education.~~
- ~~B. Component – An allowable activity under Food Stamp Employment and Training.~~
- ~~C. Custodial Parent – A parent who lives with a child.~~
- ~~D. DCIS – Delaware Client Information System.~~
- ~~E. Dependent Care – Same as child care.~~
- ~~F. DHHS – Department of Health and Human Services (federal).~~
- ~~G. DHSS – Delaware Health and Social Services.~~
- ~~H. DOE – Department of Education.~~
- ~~I. DOL – Department of Labor.~~
- ~~J. DPIC – Delaware Private Industry Council: Representatives of the public and private (PIC) sector appointed to plan job training and employment service programs at the Service Delivery Area (SDA).~~
- ~~K. DSS – Division of Social Services.~~
- ~~L. E & T – Employment and Training.~~
- ~~M. E & T MIS – Employment and Training Management Information System.~~
- ~~N. ESL – English as a Second Language.~~
- ~~O. Exempt – Not required to participate in Food Stamp Employment and Training as a condition of continuing eligibility.~~
- ~~P. FNS – Food and Nutrition Services – The federal agency responsible for administration of the Food Stamp Program.~~
- ~~Q. FY – Fiscal Year: The Delaware State Fiscal Year is July 1 through June 30; the Federal Fiscal Year (FFY) is October 1 through September 30.~~
- ~~R. GED – General Equivalency Diploma.~~
- ~~S. Mandatory/Nonexempt – A Food Stamp recipient who, as a condition of **continuing** eligibility for assistance, is required to participate in Food Stamp Employment and Training.~~
- ~~T. MCI – Master Client Index.~~
- ~~U. NOAA – Notice of Adverse Action, the notice used to inform registrants who will be sanctioned.~~

~~V. Sanction – Excluding a non-exempt or mandatory participation from the Food Stamps Program for failure to participate in Food Stamp Employment and Training without good cause.~~

~~W. TANF – Temporary Assistance To Needy Families – A state/federal funded financial assistance program for families and their dependent children.~~

~~X. VR – Vocational Rehabilitation.~~

~~Y. WIA – Workforce Investment Act.~~

~~Z. Work Registrant – a Food Stamp applicant or recipient who is registered for the Food Stamp Employment and Training Program.~~

7 CFR 271.2, 7 CFR 273.7

This policy contains terms and definitions for the SNAP E&T program.

“**ABAWD**” means an able-bodied adult without dependents. An ABAWD is a SNAP applicant or recipient who is:

- Age 18 to 49;
- Physically and mentally capable of employment; and
- Not responsible for or living in a household with a minor child.

“**ABAWD Work Requirement**” means a mandatory condition that an ABAWD client must comply with to maintain eligibility for food benefits that includes completing 20 or more hours per week in one or a combination of the following activities:

- Working;
- Participating in and complying with the requirements of the SNAP E&T program; or
- Participating in and complying with the requirements of a work program approved by DSS.

“**Adult Basic Education**” or “**ABE**” means academic instruction in basic skills to improve an individual’s employability.

“**Adverse Action**” means a negative action to a client’s benefit case.

“**Application for Social Services and Internet Screening Tool**” or “**ASSIST**” means an online self-service portal that allows individuals to apply for health and social service benefits in Delaware.

“**Assessment**” means an in-depth evaluation of an individual’s skills and employment interests.

“**ASSIST Worker Web**” or “**AWW**” means the system that DSS uses to screen and determine benefit eligibility.

“**At-risk ABAWD**” means an ABAWD client who is in the third month of the three-month time limit for receiving food benefits while not complying with the ABAWD work requirement.

“**Case Management**” means a process that includes assessment, planning, monitoring, and service coordination to assist an individual in achieving employment goals.

“**Component**” means an approved element or activity for SNAP E&T participants.

“**Custodial Parent**” means a parent who has custody of a child and is primarily responsible for the daily care of the child.

“**Delaware JobLink**” means a web-based employment and labor market information system maintained by the Delaware Department of Labor. Delaware JobLink provides job postings, employment resources, and training opportunities.

“**Department of Education**” or “**DOE**” means the Delaware agency that the SNAP E&T program collaborates with to provide basic education programs to SNAP E&T participants.

“**Department of Health and Social Services**” or “**DHSS**” means the Delaware agency that administers services that promote health and well-being, foster self-sufficiency, and protect vulnerable populations.

“**Department of Labor**” or “**DOL**” means the Delaware agency that the SNAP E&T program collaborates with to provide employment and training resources to SNAP E&T participants.

“**Dependent Care**” means child care or adult care.

“**Division of Social Services**” or “**DSS**” means a division within DHSS that is responsible for administering certain public assistance programs, including SNAP food benefits and the SNAP E&T program.

“**Education**” means educational programs intended to enhance an individual’s employability and includes:

- Basic and foundational skills instruction;
- Work readiness trainings;
- Vocational trainings; and
- Career and technical education programs.

“**English as a Second Language**” or “**ESL**” means the study of the English language by individuals who have a limited ability in speaking, reading, writing, or understanding the English language.

“Exempt” means a SNAP applicant or recipient is not required to comply with SNAP work requirements or with the SNAP E&T program.

“Federal Fiscal Year” or **“FFY”** means the period of October 1 through September 30.

“Food and Nutrition Service” or **“FNS”** means the federal agency within the United States Department of Agriculture (USDA) that is responsible for the administration of SNAP.

“Food Supplement Program” or **“FSP”** means Delaware’s nutrition assistance program that provides SNAP food benefits to eligible individuals.

“General Educational Development” or **“GED”** means a credential that certifies that an individual has academic knowledge and skills equivalent to a high school graduate.

“Good Cause” means an adequate or substantial reason why an individual has not taken an action. DSS will determine good cause on a case-by-case basis.

“Job Retention” means services intended to help an individual maintain employment.

“Job Search” means job-seeking activities intended to enhance an individual’s employability.

“Sanction” means a penalty for failing to comply with SNAP work requirements without good cause.

“SNAP Employment and Training” or **“SNAP E&T”** means the DSS program that supports food benefit recipients by providing skill development, training, and work experience opportunities that can lead to self-sustaining employment. This program is also known as Food Benefit Employment and Training (FB E&T).

“SNAP Work Requirements” mean mandatory conditions that a work registrant must comply with to maintain eligibility for food benefits that include:

- Registering for work;
- Providing DSS with information regarding employment status and work availability;
- Accepting a referral or an offer of suitable employment;
- Agreeing to not voluntarily and without good cause quit a job of 30 or more hours per week or reduce the amount of work hours to less than 30 hours per week; and
- Participating in the SNAP E&T program if it is deemed mandatory by DSS.

“Suitable Employment” means employment that has an adequate wage and acceptable working conditions. DSS will determine the suitability of employment on a case-by-case basis.

“Supplemental Nutrition Assistance Program” or **“SNAP”** means the federal program that provides nutrition assistance to low-income individuals and families so they can purchase healthy food and move toward self-sufficiency.

“Supportive Service” means a service provided to an individual that is necessary for participation in the SNAP E&T program or for employment.

“Temporary Assistance for Needy Families” or **“TANF”** means a state and federally funded program established by Title IV-A of the Social Security Act and authorized by Title 31 of the Delaware Code to provide benefits to low-income families with dependent children.

“Vocational Rehabilitation” or **“VR”** means a program that helps individuals with physical or mental disabilities to obtain and retain employment.

“Work Experience” means activities such as on-the-job training, pre-apprenticeship, apprenticeship placements, and internships that allow an individual to learn vocational skills.

“Work Registrant” means a non-exempt SNAP applicant or recipient mandated to comply with SNAP work requirements.

“Workfare” means supervised work performed at a public or private non-profit organization in which an individual receives compensation in the form of a monthly food benefit allotment instead of wages. Workfare is for ABAWD clients only.

“Workforce Innovation and Opportunity Act” or **“WIOA”** means federal legislation that coordinates workforce development programs and funding streams.