



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive

Alexandria, VA  
22302-1500

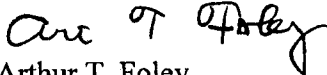
APR 08 2009

SUBJECT: Employment and Training Questions FY 2009

TO: Regional Directors  
Supplemental Nutrition Assistance Program (SNAP)  
All Regions

Attached are questions and answers on the SNAP Employment and Training (E&T) Program in response to questions raised by the States in various discussions about E&T requirements.

Please direct any questions to Moira Johnston or Dale Walton.

  
Arthur T. Foley  
Director  
Program Development Division

Attachment

AN EQUAL OPPORTUNITY EMPLOYER

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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

### Questions and Answers

**Question 1.** What in E&T must be voluntary? What must be mandatory? Can the State make the decision independently?

**Answer** All SNAP recipients not exempted by statute must comply with SNAP work requirements, one of which is participation in E&T if offered and if mandated by a State agency. Each State agency establishes requirements for participation by non-exempt individuals in one or more E&T components, including the extent to which individuals are required to participate. State agencies determine who they will exempt from E&T participation, and they are authorized to operate any E&T program in which individuals elect to participate on a voluntary basis.

In the beginning of the Program, E&T rules required State agencies to serve as many mandatory participants as possible to meet performance standards imposed by law. Eventually, performance requirements were eliminated by Congress and State agencies were given much more latitude to determine which mandatory recipients they would serve in E&T. Voluntary E&T participation has always been a part of the Program, and if the available funding or services are limited, State agencies tend to give preference to more motivated volunteers. Today, a few State agencies, such as Wisconsin, Arkansas, Alabama, and Oklahoma, serve only volunteers.

**Question 2.** Does anyone need to be assigned to mandatory ET?

**Answer** No. The Food and Nutrition Act (the Act) at section 6(d)(4)(G) provides that "The State agency may operate any program component under this paragraph in which individuals elect to participate." Likewise, section 6(d)(1)(A)(ii) of the Act provides for ineligibility only for individuals who refuse to participate in an E&T program "to the extent required by the State agency."

**Question 3.** How does Federal law treat TANF recipients who are exempt from mandatory work registration? Can SNAP impose a sanction on a recipient who is exempt from mandatory work registration but is sanctioned under TANF?

**Answer:** Generally, SNAP cannot impose a sanction on an individual for failure to comply with E&T if that individual is exempt from the work requirements. However, there are situations where a SNAP recipient who is exempt from mandatory work registration can incur a SNAP sanction because of failure to comply with a TANF work requirement or other rule. For example, a recipient is exempt from SNAP work requirements if he is already subject

to and complying with a TANF work requirement. However, in accordance with section 6(d)(2) of the Act, if the recipient fails to comply with the TANF work requirement, the failure must be treated the same as a failure to comply with SNAP work requirements. Therefore the State must sanction the recipient as if he failed to comply with SNAP work requirements.

In addition, section 6(i) of the Act gives State agencies the option to disqualify a household member if he is disqualified from TANF for failure to perform an action required under TANF. This is called a "comparable disqualification." Therefore, if a recipient is exempt from E&T, but is subsequently disqualified for failure to perform a required action in TANF, the State agency may also disqualify him from SNAP. See section 6(i) below.

**Section 6(i): COMPARABLE TREATMENT FOR DISQUALIFICATION.—**

(1) **IN GENERAL.**—If a disqualification is imposed on a member of a household for a failure of the member to perform an action required under a Federal, State, or local law relating to a means-tested public assistance program, the State agency may impose the same disqualification on the member of the household under the supplemental nutrition assistance program.

(2) **RULES AND PROCEDURES.**—If a disqualification is imposed under paragraph (1) for a failure of an individual to perform an action required under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the State agency may use the rules and procedures that apply under part A of title IV of the Act to impose the same disqualification under the supplemental nutrition assistance program

**Question 4.** Is there any reason why someone assigned as a SNAP E&T volunteer would be sanctioned for non-participation?

**Answer** SNAP does not sanction E&T volunteers for non-participation in an E&T program. However, as discussed above, in accordance with section 6(i) of the Act the State agency may elect to impose a comparable disqualification on a household member for failure to take a required action under TANF. Refer to section 6(i) of the Act, above.

**Question 5.** Is there any reason why a State agency that requires an individual to participate in E&T in order to receive Public Assistance (PA) or General Assistance (GA) must sanction in SNAP if the individual fails to participate in that program?

**Answer** No, someone could be sanctioned for GA but be a volunteer for SNAP purposes.