

Chapter 7

Work Requirements

700 Persons Required to Register

Each household member who is not exempt by Section 701 below shall be registered for employment at the time of certification and once every twelve months after initial registration by the county department as a condition of eligibility.

See Forms Manual for work registration forms for respective counties.

701 Exemptions from Work Registration

A. Exemptions

The following persons are exempt from the work registration requirement.

1. A person younger than sixteen years of age or a person sixty years of age or older.
If a child has his 16th birthday within the certification period, the child shall fulfill the work registration requirements as a part of the next scheduled recertification process, unless the child qualifies for another exemption at that time.
2. A sixteen or seventeen year old who meets any one of the following criteria:
 - a) Is not a head of household (as defined in [Section 704A](#)).
 - b) Is attending school.
 - c) Is enrolled in an employment training program on at least a half-time basis.
3. A person physically and mentally unfit for employment.
 - a) If mental or physical unfitness is claimed and the unfitness is not evident to the worker, verification may be required. Appropriate verification may consist of receipt of temporary or permanent disability issued by governmental private sources or a statement from a physician or licensed or certified psychologist.
 - b) Pregnancy is not necessarily a disabling condition. Therefore, before an exemption may be granted due to pregnancy, there must be verification from a physician to establish the claim of disability.
4. A household member subject to and complying with any work requirement under the AFDC program including JOBS.
 - a) If the exemption claimed is questionable, the worker shall be responsible for verifying the exemption.

- b) An exemption from JOBS does not automatically exempt a person from food assistance work registration. Different rules concerning age, language, medical or social characteristics may cause a person to be exempt under JOBS; but unless that person was also exempt under food assistance policies, food assistance work registration would be required.
5. A parent or other household member who is responsible for the care of a dependent child under 6 years of age or an incapacitated person.
- a) If the child has his 6th birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the individual qualifies for another exemption.
 - b) The dependent child or incapacitated person need not be a household member.
6. A person receiving Unemployment Compensation Benefits. A person who has applied but has not yet begun to receive Unemployment Compensation is also exempt from work registration if that person was required to register for work with the Employment Service agency as part of the unemployment compensation application process. If the exemption claimed is questionable, the county department shall be responsible for verifying the exemption with the appropriate Employment Service Office.
7. A regular participant in a drug addiction or alcoholic treatment and rehabilitation program. A regular participant is exempt regardless of whether or not he participates on a resident or nonresident basis.
8. A person who is employed, self-employed and is
- a) Working a minimum of 30 hours weekly or
 - b) Receiving weekly earnings at least equal to the Federal minimum wage multiplied by 30 hours.

The training wages mandated by the Fair Labor Standards Act of 1989 shall be substituted for the minimum wages for persons receiving paid training wage. This training wage is limited to a 90-day period for employees under age 20.

If the household member's hours or wages fluctuate on a weekly basis, an average figure shall be determined by converting the hours or wages into a weekly figure. The specific period of time selected for the averaging shall be done in conjunction with the household and should be tied to the number of weeks best anticipated. This averaging process is for the determination of work registration exemption only. An applicant, not otherwise exempt from the work registration requirement, may be exempt when income from employment consists, in whole or in part, of in-kind benefits which are otherwise excluded as income so long as the number of hours worked or the in-kind and/or wages are equal to the Federal minimum wage multiplied by 30 hours weekly.

9. Migrants or seasonal farm-workers who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days (although this shall not prevent individuals from seeking additional services from the Employment Service Agency).

10. A student enrolled at least half-time in any recognized school (including high school), training program, or institution of higher education, provided those students who are enrolled at least half-time in an institution of higher education had met the eligibility conditions in [Chapter 5](#).
 - a) A student enrolled in any recognized school, training program, or institution shall remain exempt during normal periods of class attendance, vacation and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer).
 - b) Persons who are not enrolled at least half-time or who experience a break in enrollment status due to graduation, expulsion, or suspension, or who drops out or who otherwise do not intend to return to school, shall not be considered students for the purpose of qualifying for this exemption. Persons enrolled in correspondence courses are required to register for employment unless otherwise exempt under any other provisions.

B. Losing Exemption Status

Changes required to be reported

For semi-annual reporting households, persons losing exemption status due to any change in circumstances that is subject to the reporting requirements in [Chapter 17](#) shall register for employment when the change is reported.

For non-semi-annual reporting households, persons losing exemption status due to any change in circumstances that are subject to the reporting requirements in [Chapter 12](#), such as loss of employment that also results in a loss of income of more than \$25 a month, or departure from the household of the sole dependent child for whom an otherwise nonexempt household member was caring, shall register for employment when the change is reported.

The county department shall be responsible for providing the participant with a work registration form when the change is reported. The participant shall be responsible for returning the form to the county department within 10 calendar days from the date the form was handed to the household member reporting the change in person, or the date the county department mailed the form. If the participant fails to return the form, the county department shall issue a notice of adverse action stating that the participant is being terminated and why, but that termination can be avoided by returning the form prior to the effective date of the adverse action. (The return of the form thus voids the notice of adverse action).

Changes Not Required To Be Reported

Those persons who lose their exemption status due to a change in circumstances that is not required to be reported shall register for employment at their household's next recertification.

702 County Department Responsibilities

The county department shall

1. Register for work each member not exempt ([Section 701, A.](#)), using the DHR-WR-1802A. Upon determining an applicant or a member of the applicant's household is required to register, explain to the applicant:
 - a) The pertinent work requirements, which may include, but are not limited to:

- ❖ Report for an interview upon the reasonable request of the appropriate State Employment Service Office or employment and training program.
 - ❖ Respond to a request from the State Employment Service Office or Employment and Training Program for supplemental information regarding employment status or availability for work.
 - ❖ Report to an employer to whom referred by the State Employment Service Office or employment and training program, if the potential employment meets the suitability requirements (see Suitable Employment).
 - ❖ Accept a bona fide offer of suitable employment to which referred by the State Employment Service Office or the employment and training program.
- b) The rights and responsibilities of work registered household members.
 - c) The consequences of failure to comply.
2. Provide a written statement (Work Registrant Rights and Responsibilities) for each work registrant in the household.
 - a) This statement shall also be provided when a previously exempt member or new household member becomes subject to the work requirement.
 - b) This statement shall also be provided for each work registrant at recertification.
 3. Permit the applicant to complete a form for each household member required to register.

Household members are considered to have registered when:

- a) An identifiable work registration form has been completed and filed in the record. At certification, the work registration form will be submitted to the Employment Service in counties containing this program and services.
- b) The registration is otherwise annotated or recorded by the county department in counties with whom the State has no contract with Alabama Department of Industrial Relations to provide services through the local Employment Service office.

Coding the PSD-BFA-1139 with the work registration code satisfies the above requirement. The county department shall inform the household that refusal by any member required to work register or accept an offer of suitable employment may result in sanctions against the individual.

4. Take appropriate action within ten working days after learning of noncompliance.

Counties should ensure that the lines of communication between the units responsible for certification and the units responsible for the employment and training program be efficient and that noncompliance be reported within ten working days after such noncompliance is determined.

703 Work Registrant Requirements

Work registrants shall:

1. Complete the work registration process as outlined in [Section 702](#).
2. Provide sufficient information to allow the state agency to determine employment status or job availability.
3. Participate in a component of the employment and training program as assigned.
4. Accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable State or Federal minimum wage.

Such offers must be accepted whether the offer was through the Employment Service, employment and training program or the individual's own efforts.

704 Failure to Comply

A. Failure to Comply with Food Assistance Work Requirements

When the county department learns a household member has failed to comply with the work requirements outlined in [Section 703](#), the county department must take action to disqualify that individual.

The county department must issue a notice of adverse action which advises the household of the following:

1. The act of noncompliance.
2. The minimum period of disqualification.
3. The actions which may be taken to end the disqualification after serving the minimum disqualification period.

Fair Hearing

Each individual has a right to appeal a denial, reduction, or termination of benefits due to a determination of nonexempt status or failure to comply with a work registration or employment and training program requirement.

Individuals may appeal county department actions such as:

1. Non-exemption status.
2. Type of work registration requirement imposed.
3. County department's finding of "without good cause".

The county department or representative from the employment and training program or the Employment Service shall receive sufficient advance notice to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of the appropriate agency shall be available through one of these means.

A household shall be allowed to examine its employment component case file at a reasonable time before the date of the fair hearing, except for confidential information (which may include test

results) that the appropriate agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing.

The results of the fair hearing shall be binding on the county department.

B. Failure to Comply with Unemployment Compensation Work Registration Requirement

When a household member, whose only exemption from work registration is because that individual is subject to the work registration requirements associated with the application for and receipt of Unemployment Compensation Benefits, fails without good cause to comply with a UCB work registration requirement, such failure to comply shall be treated in the same manner as noncompliance with food assistance work requirements.

Within 10 days of learning of such a noncompliance, the policies in [Section 704\(D\)](#) shall be followed to disqualify the individual.

C. Failure to Comply with a Jobs Program Requirement

When a household member, whose only exemption from work registration is because that individual is subject to and complying with the requirements of the JOBS Program, fails without good cause to comply with a JOBS requirement, such failure to comply shall be treated in the same manner as noncompliance with food assistance work requirements.

Within 10 days of learning of such noncompliance, the policies in [Section 704\(D\)](#) shall be followed to disqualify the individual.

If the noncompliant household member loses the ability to comply with the requirements of the JOBS Program, the individual may again be determined eligible to participate in the Food Assistance Program at the point that it is determined that the ability to comply no longer exists, or at the end of the appropriate minimum disqualification period, whichever is later.

If the inability to comply is for reasons other than ineligibility for Family Assistance, it is the JOBS worker who makes the determination that the individual no longer has the ability to comply.

D. Disqualification

Disqualification periods for failure to comply with the provisions of this chapter will be imposed as follows:

For the first violation or failure without good cause, the noncompliant individual shall be disqualified for one month or until compliance, whichever is later, unless the individual becomes exempt from work registration during the disqualification period.

The second violation or failure without good cause, the noncompliant individual shall be disqualified for three months or until compliance, whichever is later, unless the individual becomes exempt from work registration during the disqualification period.

For the third or subsequent violation or failure without good cause, the noncompliant individual shall be disqualified for six months or until compliance, whichever is later, unless the individual becomes exempt from work registration during the disqualification period.

If an individual has failed to comply at the end of the minimum disqualification period, the disqualification shall continue until the individual complies, unless the individual becomes exempt from work registration or loses the ability to comply.

Compliance with Food Assistance E&T, Employment Service, JOBS or UCB requirements is determined by the appropriate worker in that area.

The food assistance worker must determine compliance as follows:

For refusal to accept a bona fide offer of suitable employment, the household member must accept the employment if still available to him/her or secure other employment which either yields earnings equivalent to the earnings offered on the refused job or is for at least 30 hours per week. Refer to [Section 708](#) for good cause determination to be made by the eligibility/certification worker.

1. Imposing the Disqualification Period:

An individual will be disqualified effective the month following the expiration of the notice of adverse action or, effective the month following the date the hearing decision can be placed into effect if the household appeals and elects to have benefits continued and subsequently loses the appeal.

An individual, who complies after the notice of adverse action, is issued but before the effective date of the disqualification period, will not be disqualified. The household will be notified that the proposed action was cured by the compliance. This noncompliance is not counted in determining the number of occurrences of noncompliance for the purpose of establishing the appropriate disqualification period based on the number of violations.

Applicant households containing a member who failed to comply shall have the appropriate disqualification period applied to that individual at the time of application disposition.

- a) The disqualification period shall be imposed and the household notified even if the application is denied for another reason.
- b) A notice of adverse action is not required before disqualifying an individual at recertification if the disqualification period will begin the first month of the new certification period.
- c) If the noncompliance occurs during the application processing timeframe, but the worker does not receive notification until after approval, the household shall be considered a participating household when imposing the disqualification.

The disqualification period is imposed on an individual even if the household is not certified at the time the notice of noncompliance is received, if the noncompliance occurred during a time the individual was certified. In this situation, the household will be notified that a disqualification is being imposed.

The disqualification follows the household member if he moves from one household to another within the county or from one E&T county to another. If the disqualified member moves from an E&T county to a non E&T county and loses the ability to comply, the individual may again be determined eligible to participate at the point it is determined that the ability to comply no longer exists, or at the end of the minimum disqualification period, whichever is later. The income and resources of a disqualified household member are treated in accordance with the policy found in [Section 1102](#).

2. Delays in Imposing the Disqualification Period:

If the worker does not take timely action to impose the disqualification penalty, the following procedures shall be followed.

- a) If it had been previously determined that the failure to comply was without good cause, but no notice of adverse action had been sent, the worker shall send the notice of adverse action within 10 calendar days of discovering this error.
- b) If a good cause determination has never been made, the county shall determine whether good cause for the noncompliance exists. The worker shall send the notice of adverse action within 10 days of determining the noncompliance was without good cause.

The disqualification period shall begin with the first month following the expiration of the notice period, unless a fair hearing is requested, and shall continue for the appropriate period, or until compliance, whichever is later. The disqualification, although delayed, shall continue to be imposed whether or not the disqualified individual is certified during the disqualification period.

3. Re-establishing Eligibility:

The county department shall add a disqualified household member back into the food assistance budget the month following notification of compliance, the month following the determination of work registration exemption, or the month following the end of the minimum disqualification period. The household does not have to be contacted prior to adding the member back into the food assistance household as an eligible member, unless there are questions about the disqualified member's continuing eligibility requiring a contact with the household to clear up questionable information.

If the disqualified individual was the only household member and the case was denied or terminated at disqualification, reapplication is required. A disqualified member shall be removed from the household when it is determined that he/she is no longer residing with the household.

705 Suitable Employment

An individual who refused to accept a bona fide offer of suitable employment to which referred shall be disqualified as noted above.

Any employment shall be considered unsuitable if:

1. The wage offered is less than the highest of:

The applicable federal minimum wage.

The training wage shall be substituted for persons receiving the training wage mandated by the Fair Labor Standard Act of 1989.

(Limited to 90 day period and under age 20.)

The applicable state minimum wage or

The training wage shall be substituted for persons receiving the training wage mandated by the Fair Labor Standard Act of 1989.

(Limited to a 90 day period and under age 20.)

Eighty percent (80%) of the federal minimum wage, if neither the federal nor the state minimum wage is applicable.

2. The employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.

3. The household member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.
4. The work offered is at a site subject to a strike or lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 U.S.C. 78) which is known as the Taft-Hartley Act, or unless an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).
5. In addition, employment shall be considered suitable unless the household member involved can demonstrate or the county department otherwise becomes aware that:
 - a) The degree of risk to health and safety is unreasonable.
 - b) The member is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources.
 - c) The employment offered within the first 30 days of registration is not in the member's major field of experience.
 - d) The distance from the member's home to the place of employment is unreasonable considering the expected wage and the time and cost of commuting.

Employment shall not be considered suitable if daily commuting time exceeds two hours per day not including the transporting of a child to and from a child care facility. Nor shall employment be considered suitable if the distance to the place of employment prohibits walking and neither public nor private transportation is available to transport the member to the job site.

- e) The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

For example, a Sabbatarian could refuse to work the Sabbath and not affect the household eligibility.

706 Participation of Strikers

Strikers whose households are eligible under the criteria in [Section 106](#) shall be subject to the work registration requirements unless exempt under [Section 701](#) at the time of application.

707 SSI Households

Households whose members are applying for SSI and food assistance in accordance with [Section 210](#) shall have the work registration requirement waived until they are determined eligible for SSI and thereby become exempt from work registration or they are determined ineligible for SSI and, where applicable, a determination of their work registration status is then made through recertification procedures or through other means.

708 Determining Good Cause

In those county departments which administer an employment and training program, such as JOBS, the employment and training worker will make the determination of whether or not an individual who failed to comply with the requirements of the employment and training program did so with good cause.

In counties in which Job Search programs are administered by the Employment Service, the Employment Service worker will make the determination of whether or not an individual who failed to comply with the requirements of Job Search did so with good cause.

In all counties, the determination of good cause for a household member who fails to be registered for work (whether JOBS, Job Search, or other) will be done by the eligibility/certification worker.

Good Cause

Good cause shall include circumstances beyond the individual's control, such as, but not limited to:

1. Illness
2. Illness of another household member requiring the presence of the individual.
3. A household emergency.
4. The unavailability of transportation.

In determining whether or not good cause exists, the county department shall consider the facts and circumstances, including information submitted by the household member involved and, if appropriate, the employer.

709 Disqualification for Voluntary Quit or Voluntary Reduction of Work Effort

Household members determined to be mandatory work registrants, will be disqualified if they voluntarily quit a job of at least 30 hours per week, or voluntarily reduce their work hours to less than 30 hours per week without good cause.

If a household member voluntarily quits a job involving less than 30 hours of work per week, the disqualification applies if the weekly earnings were at least equivalent to the federal minimum wage multiplied by 30 hours. The penalties for voluntary quit or reducing work hours should be explained to households at application and recertification.

The provisions of this section do not apply in the following circumstances:

1. For applicant households, a voluntary quit or voluntary reduction which occurred more than 30 days prior to the date of application, unless the household was receiving benefits at the time of the quit or reduction, but the county department did not learn about it until reapplication.

2. Temporary leave from a paid position of employment pursuant to the provisions of the Family Medical Leave Act of 1993. The provisions may apply if the individual does not return to work at the end of the leave period.
3. Involuntary reduction of work hours.
4. Termination of a self-employment enterprise.
5. Resignation from a job at the demand of the employer.
6. If a household member quits a job to take new employment at comparable wages or hours and is then laid off, or through no fault of his own loses the new job, the earlier quit will not form the basis of a disqualification. "Comparable" does not require that the new job pay equal wages or provide equal hours of work; consideration must be given to new employment which might entail fewer hours or a lower salary, but which offers greater chances to improve job skills or achieve future advancements.

Good Cause Determination

Upon determination that a household member voluntarily quit employment or voluntarily reduced work hours, the county department must determine if good cause exists. In determining whether or not good cause exists, the county department must consider the facts and circumstances, including information submitted by the household member involved as well as information obtained from the employer concerning the circumstances of the quit or reduction of work hours.

Good cause includes, but is not limited to:

1. Leaving a job that does not meet the criteria for suitable employment listed in [Section 705](#).
2. Circumstances beyond the member's control, such as illness, illness of another household member requiring the presence of the member, a household emergency, the unavailability of transportation.
3. Discrimination by an employer based on age, sex, race, color, handicap, religious beliefs, national origin or political beliefs.
4. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule.
5. Enrollment of at least half-time in any recognized school, training program or institution of higher education that requires the household member to leave employment or reduce work hours.
6. Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the household to move and thereby requires the household member to leave employment.
7. Lack of adequate child care for children who have reached age six but are under age 12; adequate child care shall be defined as care provided by a licensed daycare center/home, or an individual who is responsible for caring for the child.
8. Resignation by persons under the age of 60 which are recognized by the employer as retirement.

9. Acceptance of a bona fide offer of employment of more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours which, because of circumstances beyond the control of the head of household, either does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the Federal minimum wage multiplied by 30 hours.
10. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work.

There may be some circumstances where households will apply for food assistance benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

An employee of the Federal Government, or of a State or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike, shall be considered to have voluntarily quit his or her job without good cause.

Verification of Good Cause

To the extent that the information given by the household is questionable, county departments shall require verification of the household's statements.

The primary responsibility for providing verification rests with the household. If it is difficult or impossible for the household to obtain documentary evidence in a timely manner the county department shall offer assistance to the household to obtain the needed verification. Acceptable sources of verification include but are not limited to:

1. The previous or current employer.
2. Employee associations.
3. Union representatives.
4. Grievance committees and organizations.

Whenever documentary evidence cannot be obtained, the county department shall substitute a collateral contact. The county department is responsible for obtaining verification from acceptable collateral contacts provided by the household.

Imposing the Disqualification Period

When the county department determines that good cause did not exist for the voluntary quit or reduction, the household shall be sent a notice of adverse action to disqualify the individual. Disqualification periods will be imposed as follows:

For the first violation or failure without good cause, the individual shall be disqualified for one month unless the individual becomes exempt from work registration which ends the disqualification.

The second violation or failure without good cause, the individual shall be disqualified for three months unless the individual becomes exempt from work registration which ends the disqualification.

For the third and subsequent violation or failure without good cause, the individual shall be disqualified for six months unless the individual becomes exempt for work registration which ends the disqualification.

Applicant households containing a member who voluntarily quit or reduced work hours without good cause shall have the appropriate disqualification period applied at the time of application disposition. For participating households, the disqualification action is effective the month following the expiration of the notice of adverse action.

The notice of adverse action should advise the household of the following:

1. The reason for the disqualification.
2. The minimum period of disqualification.
3. If the individual cures the disqualification prior to the effective date of the disqualification, no disqualification is imposed and the occurrence is not counted as a violation.

Reestablishing Eligibility

The county department shall add a disqualified household member back into the food assistance budget the month following the determination that the disqualification is no longer appropriate or the month following the end of the stated penalty period. The household does not have to be contacted prior to adding the member back into the food assistance household as an eligible member, unless there are questions about that member's continuing eligibility requiring a contact with the household to clear up questionable information.

If the disqualified individual was the only household member and the case was denied or terminated at disqualification, reapplication is required. A disqualified member shall be removed from the household when it is determined that he is no longer residing with the household.

710 Work Requirements for Able-Bodied Adults without Dependents (ABAWDS)

A. General

Unless exempt from this provision, any household member is ineligible to continue to receive food assistance for more than 3 months (consecutive or otherwise) out of 36 months during which the household member did not either (a) work at least 20 hours a week (averaged monthly), (b) for at least 20 hours a week, participate in and comply with a Workforce Innovation and Opportunity Act (WIOA) program, Trade Adjustment Assistance Act (TAA) program or an employment and training program (other than Job Search or Job Search training), or (c) a combination of the two activities above for a total of at least 20 hours a week.

To qualify as work under this provision, an individual must be doing one or a combination of two or more of the following for a total of at least 20 hours a week, averaged monthly (for the purposes of this provision, 20 hrs. per week averaged monthly means 80 hours a month).

1. Performing work for which payment is received.
2. Performing work in exchange for in-kind benefits which represents a gain or benefit to the individual, such as free or reduced housing and/or utilities, clothing, or other tangible non-monetary benefits.
3. Performing beneficial and verifiable unpaid volunteer work for a program or project which serves a useful public purpose; such volunteer work may include but is not limited to

providing improvements to public facilities or performing work in fields such as health, social service, environmental protection, education, urban or rural development, welfare, recreation, public safety or daycare.

The first full month during which an individual receives benefits while not exempt or working at least 20 hours shall be considered the first month of the 36-month period, as determined by the appropriate work registration code "J". Any month in which benefits are prorated must not be counted toward the time limits.

A notice of adverse action must be provided to all households prior to termination or removal of a household member after three months of eligibility in which the work/training requirements are not met. The resources, income and deductions of the ineligible household member are treated in accordance with the provisions of Section 1102, Treatment of Resources, Income and Deductions of Other Non-household Members.

For households containing a member subject to this provision, the household is required to report if the member's work hours drop below 20 hours per week (averaged monthly). However, if it is determined that the member would have worked an average of 20 hours per week but missed some work for a good cause, s/he will be considered to have met the work requirements if the work absence was temporary and s/he retains the job. Good cause for missing work includes circumstances beyond the member's control such as illness, illness of another household member requiring the presence of the member, a household emergency or unavailability of transportation. (If good cause is determined, the month shall not be counted toward the time limits for receipt of benefits under this provision and the case record should be documented accordingly).

B. Exemptions

Individuals are exempt from this provision during the time they are:

Under age 18 or at least age 50.

- a) An individual who becomes 18 after the first day of the month remains age exempt through that month.
- b) An individual becomes exempt the month of the individual's 50th birthday.

Medically certified as physically or mentally unfit for employment as determined by the certification worker.

- a) Receipt of any type of disability payment qualifies a household member for this exemption; the expected date of recovery is needed if the disability payments are short-term.
- b) If the physical or mental unfitness is evident to the worker, no further verification is required; documentation in the case record is sufficient.
- c) If the unfitness is not apparent to the worker, medical evidence or a statement from a physician or other health professional is required which includes the reason for the unfitness and the date of expected recovery if the unfitness is not considered permanent.

Parents (natural, adopted or step) and other adult household members (regardless of the relationship) living in the household with a member under the age of 18. This exemption

applies if the member under age 18 is not himself eligible for food assistance because s/he is disqualified/ ineligible or resides in the household only part-time.

Pregnant

Meets one of the exemptions from the work registration requirements as stated in [Section 701](#).

C. Regaining Food Assistance Eligibility

After an individual, subject to this provision, has received food assistance for 3 months during which he was not working, participating in a qualifying work program or exempt, and has become ineligible, he may regain eligibility if during a 30 day period he works either 80 hours or more, or participates in and complies with a WIA, TAA program, or allowable employment and training program for at least 80 hours (as determined by that program). This 80-hour requirement becomes a condition of eligibility for food assistance.

1. The 80 hours of work or participation must occur in a consecutive 30-day period, to be determined on a case-by-case basis. If the individual has just begun working or participating, the 30-day period may extend into but not beyond the application processing timeframe.
2. This employment or participation does not have to occur during the time the individual is receiving food assistance, nor does the individual have to be working or participating at the time of reapplication or request to add the household member.

Once an individual has regained eligibility by working or participating the required 80 hours as stated above, he remains eligible under these provisions for any period of time during which he works 20 hours a week (averaged monthly) or for at least 20 hours a week, participates in and complies with WIA, TAA or allowable employment and training program.

D. Subsequent Loss of Eligibility Regained in C above

If eligibility is regained by working or participating the required 80 hours, the individual is entitled to eligibility for one additional 3 consecutive month period, after losing employment or ceasing to participate in a required work program, beginning the first full month following the date the county office receives notification that work or work program participation has ended. If the individual failed to report timely, or the county failed to act timely, any benefits received while not meeting the requirements of this provision are considered an overpayment and subject to the policy for claims determination and repayment.

Once this additional three-month period of eligibility is over, the only way to resume eligibility during the 36-month period is to comply with the 20-hour per week work requirement, participate in an allowable employment and training program or become exempt from the provisions as stated above.

E. Other Actions

During the 36-month period, any requests to add the ineligible household member back into the household, or any applications filed by ineligible household members must be evaluated to see if the work requirements remain applicable to the case. If the member or household is now exempt from the requirements or has worked or participated in an allowable work and training program for the required hours; eligibility should be determined and the appropriate action taken to add the household member or approve the application if otherwise eligible. If however, the household

member or household remains subject to the ABAWDS requirement and the household member has not worked the required 80 hours or participated in an allowable work and training program, the request or application must be denied.

The 36-month period is a set period of time as determined in [Section 710 A](#). Once begun, it cannot be interrupted or stopped, even if the individual leaves the program for a period of time. After the 36 month period ends, the household member or household may again be determined eligible under normal procedures. If the member or household remains subject to the ABAWD provisions a new 36-month period is determined.

These work requirements continue to apply for individuals moving from one county to another within the state, except for any period of time the individual resides in a county for which these provisions are waived.

1. The 36-month period cannot begin while an individual is residing in an exempt county.
2. If an individual moves into an exempt county and the 36-month period began while the individual was residing in a non-exempt county, the 36-month period continues although his participation in the exempt county does not count toward the 3-month limit.

When an individual moves to Alabama from another state and gives an indication (s)he received benefits in that state, the county office should make an effort to contact the other state to determine if ABAWD months have been used.

ABAWD provisions will continue to apply if the worker is aware of the individual's receipt of benefits in the other state in sufficient detail to determine months of eligibility used in the other state and other pertinent information as it relates to these provisions, including the 36-month period established by the other state. Months where benefits were received in waived ABAWD states/counties will not be counted in the state of Alabama.

The effort should be documented in the case file. Application processing should not be held if this the only information needed to approve the client's case.