
FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

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CHANGE #17-2021

SEPTEMBER 20, 2021

255.00 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

An individual that is required to meet the work requirements described in FNS 240 Work Registration may be disqualified from the Food and Nutrition Services (FNS) program if they:

A. Voluntary Quit:

An individual that voluntarily quits a job that is equal to or greater than 30 hours per week or wages are equal to or greater than the minimum wage times 30 hours per week.

B. Voluntary Reduction:

An individual that reduces their work hours (effort) to less than 30 hours per week or reducing wages to less than minimum wage times 30 hours per week.

255.01 REQUIREMENT FOR DETERMINING VOLUNTARY QUIT AND VOLUNTARY REDUCTION

- A. Determine during the application interview if any FNS member voluntarily quit a job, voluntarily reduced work hours to less than 30 hours per week or reduced wages to less than minimum wage times 30 hours per week during the 30 days prior to the date of application. Determine during the recertification if any FNS member voluntarily quit a job, voluntarily reduced work hours to less than 30 hours per week or reduced wages to less than minimum wage times 30 hours per week at any time during a certification period. The job quit must have been for an average of 30 hours or more per week or have had earnings equivalent to the federal minimum wage multiplied by 30 hours. The job quit does not have to be the most recent job.

The voluntary reduction of work effort applies if, before reduction, the individual was employed 30 hours or more per week or have had earnings equivalent to the federal minimum wage multiplied by 30 hours. The reduction must have been voluntary and without good cause. If the individual reduces work hours to less than 30 a week, but continues to earn weekly wages that exceed the Federal minimum wage multiplied by 30, the individual remains exempt from work requirements.

- B. Unless exempt from the voluntary quit provision as defined in Section 255.02, disqualify a FNS member who voluntarily quits a job without good cause as follows:

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

1. First Offense - One month
2. Second Offense - Three months
3. Third and Subsequent Offenses - Six months

NOTE: No compliance activity (cure) is needed after the penalty ends. Add the individual back to the FNS case once the penalty has ended. If an individual gains a work registration exemption prior to the end of the penalty, the disqualification is ended.

NOTE: The disqualification runs whether the individual receives FNS benefits or not. The proposed period of disqualification runs for a future period, not retroactively.

Example: An individual is disqualified for June, July, and August. The certification period ends in June. The FNS unit does not complete a recertification and the case terminates at the end of July. The FNS unit returns in September to reapply for benefits. Even though the individual did not receive FNS benefits during the months of July and August, those months are still countable as part of the disqualification period. The individual would be eligible September forward as long as all other criteria are met.

- C. If the member finds comparable employment or becomes exempt from work registration before the application is processed or before the Notice of Adverse Action period ends, do not impose the penalty. The FNS member may cure the voluntary quit and lift the penalty without serving the full disqualification period if he finds a comparable job in salary or hours to the job that was quit; if he finds a job that offers benefits that the other job did not offer such as health care; or he becomes exempt from work registration.
- D. If the FNS member leaves the household, the penalty follows him.
- E. If the FNS requests a fair hearing and continued benefits, and the hearing decision upholds the county's decision, begin the disqualification the month following the notice of the hearing decision.

255.02 EXEMPTIONS FROM VOLUNTARY QUIT AND VOLUNTARY REDUCTION

A FNS member is exempt from voluntary quit if:

- A. The individual is **exempt** from work requirements (except due to employment). Refer to FNS 240.02 for the list of work requirement exemptions.

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

EXAMPLE: An individual quits a job where he was working 40 hours per week to accept a job where he will only work 35 hours per week. The individual is not subject to the voluntary quit provisions because he has not reduced his hours to less than 30 hours per week.

- B. The employer initiates a reduction in the employee's number of work hours. An individual that voluntarily and without good cause reduces his work hours to less than 30 hours per week is subject to the voluntary quit provisions.
- C. The individual terminates a self-employment business.
- D. The individual resigns from a job at the demand of the employer.
- E. The individual is fired for absenteeism. Absenteeism is unauthorized absence from work. The employer must be contacted to determine if voluntary quit applies.

EXAMPLE: A FNS applied in April. The individual states that he/she was working 35 hours per week and was fired in March due to absenteeism. The employer verified that the individual was fired for unauthorized absenteeism. This is exempt as the employer fired the individual.

EXAMPLE: A FNS applied in March. The individual states that he/she was working 35 hours per week and was fired in February due to absenteeism. The employer verified that the individual was considered to have abandoned the job because he/she stopped coming to work. This would be subject to voluntary quit. If good cause does not exist then the voluntary quit penalty would be applied.

- F. The individual is on strike. A government employee dismissed because of participation in a strike is not exempt from the voluntary quit provisions.
- G. The individual gets a job comparable to the job which was quit. Comparable employment may be less hours or lower salary than the job which was quit. To be considered comparable, the new job must provide some additional benefit or have the potential for advancement. For example, the new job may pay less but provide health insurance or pay child care expenses or the new job may provide higher wages after a probationary period.

EXAMPLE: A FNS applies in May. An individual is currently employed; however, he voluntarily quit a job in April that was for 40 hours per week. His new job is for 25 hours per week but provides health insurance; the other job did not have this benefit. Do not apply the voluntary quit penalty.

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

EXAMPLE: A FNS applies in June. An individual is currently employed; however, she voluntarily quit a job in May that was for 40 hours per week. The new job is for 20 hours per week. She quit because she did not want to work full time. Apply the voluntary quit penalty.

255.03 GOOD CAUSE FOR VOLUNTARY QUIT AND VOLUNTARY REDUCTION

Good cause reasons for voluntarily quitting a job include:

- A. Discrimination by an employer based on race, color, national origin, gender, religion, age, disability, or political beliefs.
- B. Work demands or conditions that render continued employment unreasonable, such as not being paid on schedule or being required to work overtime and not being paid for it.
- C. Acceptance of another offer of employment as long as the new job meets the minimum requirement of this provision (30 or more hours per week or earnings equivalent to federal minimum wage times 30 hours).
- D. Enrollment at least half-time in any recognized school, training program, or institution of higher education which requires the FNS to move.
- E. Resignation by the member under the age of 60 which is recognized by the employer as retirement.
- F. Acceptance of an offer of employment of 30 hours or more per week (or equivalent earnings) which because of circumstances beyond the control of the member does not materialize or results in employment which does not meet the suitability criteria specified in 255.04.
- G. Leaving a job in connection with patterns of employment. For example, migrant farm laborers or construction workers often go from one employer to another. If this type of FNS unit applies for FNS benefits between jobs because work is not yet available at the new work site, consider this good cause for quitting the last job if it is the pattern of that type of employment.
- H. Circumstances beyond the member's control. This includes, but is not limited to, illness of the member or another family member requiring the member's presence, household emergency, or unavailability of transportation.

255.04 SUITABILITY OF EMPLOYMENT

Employment is not considered suitable if:

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

- A. The wages are less than the highest of the federal minimum wage, State minimum wage, training wage, or 80% of the federal minimum wage if others do not apply.
- B. Employment is on a piece rate basis and the average hourly yield reasonably expected by the employee is less than the applicable hourly wage.
- C. The member, as a condition of employment or continuing employment, is required to join, resign from, or refrain from joining any legitimate labor organization.
- D. 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) (commonly 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).

NOTE: The Labor Management Relations Act (or Taft-Hartley Act) was passed by Congress in 1947. The act prohibits unions from coercing employees to join the union and requires unions to participate in collective bargaining.

- E. The degree of risk to health and safety is unreasonable.
- F. The member is physically or mentally unfit to perform the employment. Verify by medical evidence or reliable information from other sources.
- G. The employment offered within the first 30 days of registration is not in the members major field of experience.
- H. The distance from the member's home to the place of employment is unreasonable, considering the expected wage, time, and cost of commuting. Distance is unreasonable when commuting exceeds two hours per day, not including the transportation of a child to day care. Employment is also unsuitable if neither public nor private transportation is available and walking distance to the job is in excess of two miles round trip.
- I. The working hours or nature of the employment interferes with the member's religious observances, convictions, or beliefs.

255.05 DETERMINING VOLUNTARY QUIT AND VOLUNTARY REDUCTION FOR APPLICANTS

- A. During the application interview, ask whether any member quit a job in the 30 days prior to the date of application. Determine if the member who quit is exempt from the voluntary quit provisions. If he is exempt, voluntary quit does not apply.

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

- B. Contact the employer to verify voluntary quit. Verify the number of hours worked per week and the weekly earnings. Average fluctuating hours worked in the 30 calendar days prior to the date the individual quit the job to determine if the job was for 30 hours or more per week.
- C. Determine if the quit was for good cause and the employment was suitable. If the voluntary quit was not for good cause and the employment was suitable, disqualify the member using the time frames defined in 255.01.
- D. Continue to count the disqualified member's entire income and resources and allow full deductions.
- E. If it is a one-person FNS, deny the application and mail a manual DSS-8551 Notice of Denial and the DSS-8642 Explanation of Disqualification to the applicant. Refer to 255.01 for disqualification time frames.
- F. If the applicant FNS reports that a member lost a source of earned income or he changed jobs after the interview but before the application is processed, determine if this results in a voluntary quit. If the quit was for good cause, do not impose the penalty. If the quit was not for good cause, disqualify the member, refer to 255.01 for disqualification time frames.

NOTE: When good cause determination for voluntary quit cannot be completed on an emergency case, certify the FNS with postponed verification of good cause. If you later determine that the quit was not for good cause, terminate the case.

255.06 DETERMINING VOLUNTARY QUIT AND VOLUNTARY REDUCTION FOR PARTICIPATING FNS UNITS

- A. When a participating FNS reports that any member has lost his source of earned income or has changed jobs, determine if voluntary quit provisions apply. Determine if the member is exempt from voluntary quit. If he is exempt, voluntary quit does not apply.
- B. Contact the employer to determine if the job was for 30 hours or more per week. Verify the reason for the quit with the employer. Determine if the quit was for good cause or if the employment was unsuitable. If the quit was for good cause or the employment was unsuitable, do not impose a penalty. Unless the cause for the quit can be determined and verified, do not impose a penalty. If the employer refuses to cooperate, do not impose the penalty. If discrimination is alleged, accept a collateral as verification. If a collateral is not available, accept client's statement.
- C. If the employer provides information that indicates voluntary quit, attempt a telephone call to the FNS to explain good cause and suitability criteria. If the FNS cannot be reached by phone, send a DSS-8650 Notice of Information Needed to Complete your Food and Nutrition Services. Advise the FNS that it

FOOD AND NUTRITION SERVICES CERTIFICATION

ELIGIBILITY REQUIREMENTS

FNS 255 VOLUNTARY QUIT AND VOLUNTARY REDUCTION

- must contact the agency within ten calendar days to establish good cause. Failure to do so may result in the member's disqualification based on the employer's statement.
- D. When the FNS responds, explain the good cause reasons and criteria for suitability of employment. Determine if the individual's reason for quitting was for good cause. Request verification of the household's statement of good cause only if the information given is questionable. The FNS has primary responsibility for providing verification. Acceptable sources of verification include the previous employer, employee associations, union representatives, grievance committees and organizations, documentary evidence, or a collateral.
- E. If the FNS does not respond to the DSS-8650 send a DSS-8553 Notice of Adverse Action to impose a penalty or terminate a one-person household.