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Reach First

2100 Reach First (04/01/2008, 08-02)

The purpose of the Reach First program is to stabilize families experiencing a short-term crisis, assess their strengths and needs, and orient them to available programs, services, assistance, and participant's responsibilities. The goal is to improve family self-sufficiency, economic independence, and ensure the well-being of children. Reach First helps to stabilize the family by providing monetary payments and support services of limited duration while the family regains its independence and stability, or is assessed and transitions to an appropriate alternative program.

A family that meets eligibility criteria for Reach Up financial assistance and has needs that can be fully addressed by Reach First payments and support services may be eligible for Reach First. Financially eligible families not appropriate or qualified for Reach First shall be referred to other programs available to assist the family in obtaining the opportunities and skills necessary to gain self-sufficiency and economic independence.

Definitions

2101 Definitions (04/01/2008, 08-02)

The definitions applicable to Reach First rules are the definitions at rule 2301 and are incorporated into Reach First rules by this reference.

INTERPRETIVE MEMO

Reach First Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2110 **Effective date of this memo** 3/1/2010 **Page** _____

This memo: **is new** **Replaces one dated** _____

UPDATE:

The rule at 2110 requires that specified adults (mandatory reporters) must report to the Department of Labor (DOL) for job search within two working days of having filed an application for Reach Up financial assistance.

For the purposes of this rule, the two working days within which an adult must report to DOL shall be the two working days following an eligibility interview when the ESD worker determines and advises the applicant of the mandatory reporter status and reporting requirement.

Eligibility

2110 Eligibility (05/01/2014, 13-42)

To qualify for Reach First, the applicant family must qualify for Reach Up using Reach Up financial eligibility rules. The 60-month time limit (rule 2238) does not apply to Reach First eligibility. In addition to qualifying for Reach Up financial assistance, the applicant family must meet the Reach First eligibility criteria and, if it has no members who are mandatory applicants (rule 2117), must choose to participate in Reach First. Mandatory applicants must report to the Vermont Department of Labor within two working days of filing an application for assistance to be eligible for Reach First.

Families who qualify for and participate in Reach First are initially certified as eligible for a four-month period (certification period) that commences with the first day of the first calendar month in which the family receives a Reach First payment or support service. The certification period may be shortened if changes in the family's circumstances make them no longer eligible.

Personal Interview

2112 Personal Interview (04/01/2008, 08-02)

A personal interview shall be conducted in accordance with Reach Up rule 2211.2. At the personal interview, or sooner, the department shall provide the following to all applicants(s):

- A. Orientation to Reach First and other program alternatives;
- B. Financial and self-sufficiency screening;
- C. Determination of Reach First eligibility related to past receipt of Reach First payment and to the need for ongoing assistance;
- D. Determination of appropriateness for Reach First referral and;
- E. Determination of whether the family chooses to participate in Reach First, if it is a family with no Reach First mandatory applicants.

Orientation

2113 Orientation (04/01/2008, 08-02)

- A. The department shall provide, and work-eligible adults in a Reach First applicant family must attend, an orientation to Reach First and other program alternatives.
- B. The orientation shall provide the family with information about all programs administered by the department, services and referrals available to the family, program requirements, participant responsibilities, consequences of failure to meet responsibilities, and incentives for participation and obtaining employment.
- C. The orientation shall include sufficient information about programs, benefits and participant responsibilities to enable participants to make informed decisions about program participation.

Financial and Self-Sufficiency Screening

2114 Financial and Self-Sufficiency Screening (04/01/2008, 08-02)

- A. All applicant families who have satisfied financial eligibility criteria for Reach First or financial assistance must complete a financial and self-sufficiency screening before determination of eligibility for Reach First, unless it is clear the family is ineligible for Reach First (rule 2115).
- B. The financial and self-sufficiency screening determines whether the family's circumstances qualify them for Reach First. The screening includes determination of:
 - 1. the extent of the family's financial need;
 - 2. the likelihood that Reach First can address the family's needs within the programs time limits;
 - 3. the family's prospects for and likelihood of self-sufficiency within the next four months;
 - 4. the family's need for further assessment to determine how to best meet the family's needs and whether Reach First is an appropriate referral;
 - 5. the work-eligible adults interest and desire to participate in Reach First; and
 - 6. whether any family member is a mandatory Reach First applicants (rule 2115).

Ineligible Families

2115 Ineligible Families (04/01/2008, 08-02)

A. The following families are ineligible for Reach First:

1. families with a work-eligible adult who has received a Reach First payment attributed to any month within the 12 months preceding the month of application; and
2. families who need on-going assistance beyond the four-month Reach First period.

Families Inappropriate for Referral

2116 Families Inappropriate for Referral (04/01/2008, 08-02)

- A. Some families who are not appropriate for Reach First may be recognized before assessment in Reach First.
- B. The following families, unless they can provide verification that their need for ongoing assistance will end within the four-month Reach First period commencing with the calendar month of their application, are not appropriate for Reach First and should be referred to and receive their assessment while in another appropriate program:
 - 1. a single parent who qualifies for and wants a deferment to stay home to care for their child under the age of 2;
 - 2. families with work-eligible participants meeting their Reach Up work requirement, but needing ongoing assistance and assessment to determine the best course for gaining self-sufficiency.

INTERPRETIVE MEMO

Reach First Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2117 Effective date of this memo 3/1/2010 Page _____

This memo: is new Replaces one dated _____

UPDATE:

The rule at 2117 requires that specified adults (mandatory reporters) must report to the Department of Labor (DOL) for job search within two working days of having filed an application for Reach Up financial assistance.

For the purposes of this rule, the two working days within which an adult must report to DOL shall be the two working days following an eligibility interview when the ESD worker determines and advises the applicant of the mandatory reporter status and reporting requirement.

A handwritten signature in black ink, appearing to be 'SAB' followed by a stylized flourish.

Families with Mandatory Applicants

2117 Families with Mandatory Applicants (04/01/2008, 08-02)

A. Families who meet the following criteria are mandatory Reach First Applicants:

1. at least one member of the family is a work-eligible individual;
2. work-eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;
3. none of the work-eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and
4. at least one of the work-eligible adults in the family is:
 - a. a single-parent or caretaker who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;
 - b. an able-to-work adult (in a two-parent family when the other parent is able-to-work-part-time or unable-to-work) who has no barriers to obtaining and maintaining a job and a recent and stable work history, including receiving wages for his or her most recent job that, when annualized, equal or exceed 150 percent of the federal poverty level applicable to the family;
 - c. an adult (in a two-parent family when both parents are able-to-work) who is not the primary caretaker of the children; or
 - d. an adult who has no barriers to obtaining and maintaining a job and possesses a marketable postsecondary education degree or vocational education certification.

B. Mandatory Reach First participants must report to the Vermont Department of Labor for immediate job search within two working days of having filed an application and before their families can receive any Reach First payment.

Families with No Mandatory Applicants

2118 Families with No Mandatory Applicants (04/01/2008, 08-02)

- A. Families with no Reach First mandatory applicants who qualify for participation in Reach First may choose whether to participate in Reach First.
- B. An otherwise eligible family that does not include any mandatory Reach First applicants must meet the following criteria to be referred to and participate in Reach First:
 - 1. at least one member of the family is a work-eligible individual;
 - 2. work-eligible individuals in the family are neither disregarded from nor meeting their Reach Up work requirement;
 - 3. none of the work-eligible adults in the family have received a Reach First payment attributed to any month in the twelve months preceding the month of application; and
 - 4. after attending Reach First orientation and initial screening, all work-eligible adults in the family choose to participate in Reach First.

Payments

2120 Payments (04/01/2008, 08-02)

- A. Reach First payments must be linked to financial need directly related to the family's immediate financial crisis. The payment must be necessary either to assist the family to avoid the need for Reach Up assistance or to sustain the family while they are assessed and referred to appropriate programs.
- B. Qualifying families may receive Reach First payments and Reach First support services for one certification period in a 12-month period.
- C. Total Reach First payments are limited to no more than the cumulative equivalent of four months of financial assistance for which the family would have qualified in Reach Up.
- D. Reach First payments may be made to the family in monthly installments or, under exceptional situations (rule 2122 C), in payment(s) in excess of the equivalent of the family's monthly Reach Up payment. Reach First payments are only available if needed to avert a crisis as determined in the initial assessment and during the period in which the family seeks immediate employment or participates in assessment and the creation of their family development plan.
- E. Reach First payments may be made to the family by direct deposit, electronic benefit transfer or, if the family requests, by direct payment to the person or other entity providing the lodging, utilities, or other service to the family and as established in Reach Up rule 2222.1.
- F. If a Reach First participant fails, without good cause, to fulfill participant responsibilities, the Reach First payment may be withheld during the conciliation process and until the adult complies.
- G. Reach First payments do not continue while a fair hearing appeal is pending.
- H. Any Reach First payment received by the family for a specific month shall be counted as income in that month for purposes of calculating the amount of financial assistance in Reach Up or a solely state-funded program for the same month.

Payment Calculation

2121 Payment Calculation (04/01/2008, 08-02)

A. Monthly Reach First Payments

The department shall calculate the Reach First monthly payment amounts using Reach Up rules, provided that the cumulative total of payments received during the four-month certification period does not exceed the Reach First payment maximum (rule 2121 B).

B. Reach First Payment Maximum

1. The Reach First payment maximum is the amount used to establish the maximum limit on the cumulative amount of Reach First payments available to the family during the four-month certification period regardless of their frequency of disbursement.
2. The payment maximum shall be determined using Reach Up payment rules with the following additional steps:
 - a. Project and add the amounts of Reach First payments expected for each month of presumptive eligibility relying on the most accurate information regarding the family's circumstances expected for those months and without prorating for partial months.
 - b. Reduce the total sum dollar for dollar for any Emergency or General Assistance (EA/GA) payment, other than back rent or mortgage arrearage assistance, received as a result of the current application.
 - c. Reduce the total sum dollar for dollar of any child support received or anticipated, other than the first \$50 of current support expected in the current and in each month of presumptive eligibility during the certification period.
3. As soon as the family notifies the department of changes in circumstances that affect the amount of payments not yet distributed or the number of months in the certification period, the department shall recalculate the amount remaining in an effort to avoid over- or underpayments.

C. Exceptions Limit on the Maximum Payment

When approved by the commissioner, a Reach First family may receive a payment in excess of the payment limitation if:

1. the payment does not exceed the amount of earned income the family received in their first month of Reach First and receipt of the payment is necessary and relatively certain to divert the family from the Reach Up program; or
2. an unexpected event creates a less than 30-day delay of employment or income that will render the family ineligible for Reach Up and an additional payment in an amount not to exceed the maximum grant size for the family is relatively certain to divert the family from the Reach Up program.

D. Payment Adjustments

When department or applicant errors result in an underpayment or overpayment, payment adjustments shall be made in accordance with Reach Up rule 2224.

Payment Disbursement

2122 Payment Disbursement (04/01/2008, 08-02)

A. Monthly Disbursement

All Reach First payments, other than the first payment, shall be disbursed on the first of the month.

B. Disbursements Related to Need

Payments should be disbursed in an amount that addresses specified and documented needs that are either a result of the family's crisis or necessary to stabilize the family while it regains its independence and stability, or is assessed to determine an appropriate program referral.

C. Frequency of Payments

Reach First payments may be disbursed to the family or the designated vendor as follows:

1. Monthly Disbursements

Monthly disbursements in an amount equal to or less than the amount for which the family has been determined eligible for in a month shall be the preferred frequency of disbursement.

Payment Disbursement

2. Disbursements in Excess of Monthly Amount

Disbursements of the maximum payment in a lump sum or in one or more payments greater than the monthly amount shall be made only in exceptional circumstances.

D. Limits on Monthly Disbursements

1. Disbursements in monthly amounts shall be limited to the amount of the Reach Up grant for which the family would be eligible.
2. Reach First families needing assessment beyond initial financial and stability screening to determine appropriate referral and needs shall qualify only for monthly disbursements until assessment is complete.
3. Families eligible for and receiving monthly disbursements must be cooperating with all Reach First services component requirements.

E. Limits on One-Time and Disbursements in Excess of Monthly Amounts

Disbursement of payments in excess of the monthly amount equivalent to a Reach Up payment shall be made only to a family meeting all of the following criteria:

1. The family's initial screening and assessment indicate the family qualifies for Reach First and does not require further in-depth assessment;
2. The payment addresses the family's current need in full;
3. It is clear the Reach First payment will end the family's need for any Reach First or Reach Up assistance for the foreseeable future; and
4. The adults in the family understand and agree that should they need to apply for Reach Up in the months attributed to the Reach First payments, that the payment will reduce dollar for dollar any Reach Up financial assistance in the months covered by the payment.

Services Component

2130 Services Component (04/01/2008, 08-02)

- A. The Reach First Services Component consists of assessment, case management, referrals, and services. Reach First participating families must fulfill their initial and ongoing Reach First responsibilities within the services component to continue to receive Reach First payments and services.
- B. If needed to determine appropriate referral to improve the family's prospects for job placement and job retention, the commissioner shall provide participating families in-depth assessments of the full range of services needed by each family, intensive case management or case consultation services, referral to any agencies or programs that provide the services needed by participating families, and transition to other department programs.

Assessment

2131 Assessment (04/01/2008, 08-02)

- A. All participants who are referred for assessment shall cooperate in an initial assessment and, if appropriate or necessary, reassessments. The assessment may include tests, other standardized evaluations, and referrals to professionals for evaluation or diagnosis.
- B. The assessment shall include, but is not limited to, the following:
 - 1. identification of the individuals strengths, skills, aptitudes, interests, and life and work experience;
 - 2. determination of whether the individual has limitations and barriers and, if there are barriers or limitations, a determination of how these factors relate to the individuals current or potential participation in the labor force and to the individuals family responsibilities;
 - 3. literacy evaluation;
 - 4. determination of the individuals ability to work, including the ability to participate in the various work activities;
 - 5. the development and well-being of children in the family; and
 - 6. determination of the services needed to achieve the employment goal.

Case Management

2132 Case Management (04/01/2008, 08-02)

- A. Case management shall be available to any eligible family needing or requesting in-depth assessment or ongoing services.
- B. The case manager, with the full involvement of the family, shall recommend, and the commissioner shall establish and modify as necessary, a family development plan for each participating family in need of ongoing services, with a right of appeal as provided by Reach Up rule 2380.
- C. A case manager shall be assigned to a participating family as soon as the family is determined to be eligible for Reach First and in need of services.
- D. Caseload size shall be limited consistent with limits in the Reach Up program (rule 2302.1).
- E. If after assessment and establishment of the family development plan, it is determined that the family is not appropriate for Reach First, the case manager shall review other program alternatives with the family and, if requested by the family, attempt to transfer the family to a more appropriate program alternative.

Family Development Plans

2133 Family Development Plans (04/01/2008, 08-02)

- A. The family development plan shall include:
 - 1. each parent or caretakers employment goal;
 - 2. an assessment of each parent or caretakers strengths and barriers;
 - 3. a literacy evaluation followed by a referral to an appropriate resource or program;
 - 4. an identification of the services, supports, and accommodations needed to overcome any barriers, enable the family to achieve self-sufficiency, and fulfill each parent or caretakers personal and family responsibilities; and
 - 5. an assignment of responsibilities, family development plan requirements, and activities among the case manager and family members, together with a time schedule for such responsibilities, requirements, and activities.
- B. The initial family development plan shall include all referrals and assessment responsibilities and shall be completed within 30 days of the first meeting with the case manager.
- C. The case manager shall establish a schedule for periodic review of the family development plan that shall remain in place if the family transfers to another program in which such review is appropriate.

Support Services

2134 Support Services (04/01/2008, 08-02)

- A. Support services are services needed by the family to improve the participants prospects for job placement and retention.
- B. Reach First families are eligible for and subject to the same conditions for receiving Reach Up services governed by Reach Up rule 2310 and its subsections.

Participant Responsibilities

2140 Participant Responsibilities (04/01/2008, 08-02)

- A. Each participating adult who is being assessed in Reach First or for whom a family development plan is needed shall participate in the development of his or her family development plan.
- B. Each participating adult who is not referred to the Vermont Department of Labor as a mandatory Reach First applicant and whose case manager refers for assessment and evaluation activities shall report as directed by the department for such activities.
- C. Each participating adult shall begin to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.
- D. Each participating adult shall continue to comply with such family development plan requirements until such time as the family is ineligible or transferred to Reach Up or other program.
- E. If a family is transferred to another program, the rules of that program apply.

Consequences of Noncompliance

2141 Consequences of Noncompliance (04/01/2008, 08-02)

- A. Mandatory Reach First applicants who fail or refuse to report as instructed to the Vermont Department of Labor without good cause are not eligible for Reach First or Reach Up.
- B. Reach First participants who fail or refuse to comply with Reach First participants responsibilities without good cause shall not receive Reach First payments until the participant comes into compliance.

Noncompliance and Good Cause

2142 Noncompliance and Good Cause (04/01/2008, 08-02)

- A. Reach First participants must comply with all participant requirements unless good cause exists for noncompliance.
- B. Noncompliance may be the result of a de facto refusal, which is implied by the participant's failure to comply with a requirement, or an overt refusal. The department will excuse noncompliance supported by good cause.
- C. Examples of Noncompliance

Instances of noncompliance include, but are not limited to, the participant's failure or refusal to:

1. appear for assessment after being directed to attend;
2. cooperate in the development of the FDP;
3. attend and participate fully in FDP activities;
4. refrain from behavior that is disruptive to a program activity or the orderly administration of the program;
5. refrain from behavior that constitutes a threat or hazard to fellow participants;
6. accept appropriate child care (rule 2373.3) or other services that would allow participation in FDP activities;
7. follow through on treatment or rehabilitation services plans;
8. appear for a referral to or interview for a job consistent with the FDP; and
9. apply for or comply with the requirements of unemployment compensation, if otherwise eligible.

- D. De Facto Refusal

De facto refusal occurs when noncompliance is implied by an individual's failure to meet one or more Reach First requirements without good cause. The case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. If the case manager determines that the participant had good cause for noncompliance, the noncompliance process ends. Otherwise, the case manager initiates the conciliation process or, for individuals no longer eligible for conciliation, the case manager shall apply the Reach Up sanctions and transfer the family to Reach Up.

- E. Overt Refusal

Overt refusal occurs when, without good cause, an individual declares, orally or in writing, an unwillingness to comply with participant requirements. The case manager will ask the individual to put oral refusals in writing. If the individual will not put the refusal in writing, the case manager shall prepare a written record of the circumstances associated with and the substance of the individual's noncompliance. The case manager shall begin the sanctions process immediately and transfer the family to Reach Up.

- F. Determination of Good Cause

The case manager shall make a good-faith effort to contact the individual to discuss the act or pattern of noncompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. On the basis of this discussion and documentation, if any, the case manager will determine whether there was a good cause basis for

Noncompliance and Good Cause

the individual's noncompliance. If the individual does not respond to or fully cooperate with the case manager's attempt to establish good cause, the case manager will determine that there was no good cause basis for the noncompliance. The case manager shall complete the good cause determination within 10 days of becoming aware of the individual's noncompliance.

G. Good Cause Criteria

Circumstances beyond the control of the participant may constitute good cause for an individual's noncompliance. The following constitute good cause for failing to comply with Reach First FDP and participation requirements.

1. The participant, after making a good-faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible.
2. Inclement weather prevented the person from traveling to work or participating in an FDP activity, and the participant contacted the employer or appropriate person as early as possible on the day of the inclement weather to explain the situation.
3. The person's participation in a drug or alcohol treatment program precluded participation in the FDP activity.
4. The person was required to appear in court or was incarcerated, and the participant contacted the appropriate person in advance or, if it could not have been anticipated, as soon as possible following the incident.
5. A family emergency requiring the participant's immediate attention, such as the death, illness, or injury of a family member, or the participant's own illness prevented the participant from complying with a requirement, and the participant notified the appropriate person of the situation at the earliest possible moment.
6. Failure to comply with a requirement was due to the effects of domestic violence. The participant must have had reason to anticipate that compliance would have resulted in serious physical or emotional harm to the participant or the child in participant's care and that such harm would have significantly impaired the participant's capacity either to fulfill program requirements or to care for the child adequately. The department may request documentation from the participant to determine whether the effects of domestic violence constitute a good cause basis, using the same standards relied on for a Reach Up deferment due to domestic violence.
7. The participant had to be absent from the Reach First activity to go to a medical appointment, and the participant requested and received approval from the case manager or the person conducting the activity for time off to attend the appointment in advance.
8. The participant had to be absent from an FDP activity to go to an interview for an unsubsidized job, and the participant requested and received supervisory approval for time off to attend the interview in advance.
9. The participant, after making a good-faith effort, was unable to make necessary child care arrangements (Reach Up rule 2373.3), and the participant notified the case manager or appropriate person of the situation at the earliest possible moment.
10. The participant was absent from the FDP activity or Reach First required activity due to an unforeseeable emergency such as fire, flood, or accident.

Noncompliance and Good Cause

11. The participant asserts that the noncompliance was the direct result of a previously unacknowledged medical condition, provided that the following conditions are met:
 - a. the medical condition is expected to last at least 90 days;
 - b. the participant appears eligible for and is referred to vocational rehabilitation services;
and
 - c. the participant is eligible for and demonstrates compliance with the vocational rehabilitation services provider.

12. The participant was called away from the FDP or required Reach First activity to attend to a school emergency involving the participants child, the participants foster child (placed by the Department for Children and Families or other licensed child placement agency), or another child in the care and physical custody of the participant, and the participant informed appropriate person of this situation before leaving the activity site or, when this was not possible, as soon as possible thereafter.

Conciliation

2143 Conciliation (7/1/2015, 15-08)

- A. Conciliation is the process by which disputes related to an individual's failure or refusal to comply with Reach First participant responsibilities are resolved.
- B. The case manager shall initiate conciliation to determine the reason for non-compliance when an adult participant fails or refuses without good cause to comply with Reach First participant requirements applicable to the individual without good cause.
- C. The case manager shall initiate conciliation under the following circumstances:
 - 1. The case manager shall initiate conciliation for a participating adult who without good cause fails or refuses to participate in the development of his or her family development plan as directed.
 - 2. The case manager shall initiate conciliation for a participating adult who fails or refuses to report as directed by the department for assessment and evaluation activities without good cause.
 - 3. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with his or her family development plan requirements as soon as possible, and no later than 10 days following identification of initial requirements at the initial family development plan meeting.
 - 4. The case manager shall initiate conciliation for a participating adult with a family development plan who without good cause fails or refuses to comply with such family development plan requirements.
- D. Conciliation Process for Noncompliance
 - 1. When the conditions for conciliation for noncompliance (rule 2374) are met, the case manager shall mail a notice scheduling a conciliation conference to the individual within 10 days of the date the case manager became aware of the noncompliance. The case manager should schedule the conference as soon as administratively possible, but no sooner than the fourth workday after the date the notice is mailed. A client may waive advance notice of the conciliation conference by signing a waiver of notice. The waiver must include the information listed in subsection (2) below.
 - 2. The notice of the conciliation conference must include the following:
 - a. the reason for the determination of noncompliance without good cause;
 - b. the steps in the conciliation resolution;
 - c. the right to have a representative present at the conciliation conference; and
 - d. the consequences if conciliation is unsuccessful.
 - 3. Participants may conciliate cumulative Reach Up and Reach First disputes only once within a calendar year (January – December). A conciliation counts in the year in which it was initiated. Any subsequent noncompliance without good cause within this time period will result in the immediate initiation of the sanctions process, if applicable, without an opportunity for conciliation.
 - 4. Any time an individual makes a claim of good cause and the case manager determines that documentation of such good cause is necessary, the individual will have 10 days from the

Conciliation

date the claim was communicated to the case manager to provide documentation. When the individual is unable to obtain required documentation and requests the case managers help to obtain it, the case manager shall provide that help, if possible.

5. When it is determined, at any time during a conciliation process that the individual had good cause for noncompliance, conciliation will end. Under these circumstances, there will be no conciliation resolution plan, and the conciliation will not be counted toward the limit of one conciliations in a calendar year, as defined above.
6. The conciliation resolution period begins on the date of the first scheduled conciliation conference and lasts for no more than 15 consecutive calendar days.
7. The conciliation resolution period is the time frame during which the case manager and the individual meet and explore, through the processes of fact-finding and problem-solving, ways in which the individual may satisfy the Reach First requirements. They will review and, if possible, resolve any circumstances hindering compliance. This review shall also include a review of all applicable good cause criteria.
8. The product of the conciliation conference is a conciliation resolution plan. This plan describes what the individual must do to achieve satisfactory participation and the time frames involved. The case manager and participant will revise the FDP in accordance with the conciliation resolution plan.
9. The case manager shall advise the individual of the right to terminate the conciliation process at any time. Such termination of conciliation will result in a determination of unsuccessful resolution and immediate initiation of the sanctions process and transfer to Reach Up, if applicable. Individuals who have received over 60 cumulative, countable months of Reach Up shall not be transferred to Reach Up. These individuals shall be terminated from Reach First and may apply for Reach Up pursuant to rule 2238.2(D).

E. Successful Resolution

Conciliation is considered successfully resolved when the individual demonstrates compliance with the activities outlined in the conciliation resolution plan and the revised FDP.

F. Unsuccessful Resolution

The conciliation process shall be determined unsuccessful when the individual:

1. fails without good cause to respond to one written notice of a scheduled conciliation conference;
2. exhibits a pattern of behavior from which refusal to participate can be reasonably inferred;
3. fails without good cause to participate satisfactorily in activities outlined in the conciliation resolution plan and included in the revised FDP for the required time period; or
4. voluntarily terminates the conciliation process before a successful resolution has been reached.

When the case manager determines that the resolution of a single conciliation within a calendar year has been unsuccessful, the case manager's supervisor shall review the conciliation process and the basis for the case manager's determination, prior to initiation of the sanction process.

When conciliation is not an option or resolution of the conciliation is unsuccessful, the case manager begins the process necessary to apply the appropriate sanctions and transfer the family to Reach Up, or terminate the Reach First grant for individuals who have received over 60 cumulative, countable months of Reach Up. Both the sanction and termination process begins with a written notice to the individual at least 10 days before the action takes effect. This notice explains the action being taken, the

Conciliation

reason for the action, and the individual's right to appeal the decision. The individual then has 90 days in which to appeal. If a fair hearing is requested and the basis for the decision being appealed did not involve an exploration of good cause with the individual, the case manager will attempt again to contact the individual to determine whether there was good cause for noncompliance. If the individual requests a fair hearing before the sanction or termination takes effect, the individual shall receive continuing benefits pursuant to rule 2215.

Referral and Transition to Other Programs

2150 Referral and Transition to Other Programs (7/1/2015, 15-08)

- A. The department shall transfer the family to another appropriate program if, after four months of receiving support in Reach First or sooner at the departments discretion, a family needs additional time and services, unless the family chooses not to participate.
- B. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, but is financially eligible for Reach Up, the department shall transfer the family to Reach Up, unless the family chooses not to participate. A family transferring from Reach First to Reach Up shall be treated as a recipient for the purposes of income calculation.
- C. If a family finds unsubsidized employment meeting or exceeding the work requirements for Reach Up for the family's size and composition, is not financially eligible for Reach Up, but qualifies for Reach Ahead in accordance with Reach Ahead rules the department shall transfer the family to Reach Ahead, unless the family chooses not to participate. If an adult member of the family is employed when it leaves Reach First and is not eligible for Reach Up or Reach Ahead, the family shall qualify for support services as though it was a Reach Up leaver family, unless the family chooses not to participate. (rule 2311)
- D. A family transferring to another program under subsections (A) through (C) of this section shall not be required to complete a new application. Verification of income or other documentation related to changes in circumstances may be required as provided for by rule.
- E. Transitional medical assistance of up to 36 months shall be provided to families with a working adult who leaves Reach First and is not eligible for Reach Up, unless family income exceeds 185 percent of the federal poverty level, provided that federal financial participation is available for such transitional medical assistance.

Notice and appeal

2160 Notice and appeal (04/01/2008, 08-02)

- A. A participant may appeal decisions in accordance with Reach Up rule 2380 except that Reach First payments do not continue while an appeal is pending.
- B. The commissioner shall provide notice to each participant of the standards and procedures applicable to such appeals. All federal and agency of human services rules regarding conciliation, notice, hearing, and appeal shall be followed in connection with such appeals.