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Division of Medicaid Services
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To: FSET Policy Handbook

From: Jori Mundy, Bureau Director
Bureau of Eligibility and Enrollment Policy

Re: **FSET Policy Handbook 23-02**

Release Date: 12/18/2023

Effective Date: 12/18/2023

EFFECTIVE DATE	The following policy additions or changes are effective 12/18/2023 unless otherwise noted. Underlined text denotes new text. Text with a strike through it denotes deleted text.
POLICY UPDATES	
2.1 FSET and FoodShare Eligibility	Updated eligibility and exemption requirements for ABAWDs with Non-Time Limited Benefit Referral Type. Effective 10/01/2023.
3.3 New Referrals	Added information for ABAWD discretionary exemptions to generate referrals. Effective 10/01/2023.
3.5.1 Initial Contact, Appointment Scheduling, and Notification	Added list for worker contact requirements and updated examples.
3.5.2 Number of Contacts	Updated details for workers scheduling ABAWDs with TLB Referral.
3.5.3 Ceasing Contact	New section.
4.1 FSET Orientation and Enrollment Process	Clarified appointment options for orientation and initial appointments with FSET participants.
6.2 FSET ABAWD Status and Referral Type	Updated status to include referral type. Effective 10/01/2023.

6.2.1	Non-ABAWD	Updated criteria lists for non-ABWADs and who is exempt from FoodShare basic work rules. Effective 08/14/2023.
6.2.2	ABAWDs with a Non-TLB Referral Type	New section.
6.2.3	ABAWDs with a TLB Referral Type	Clarified conditions of TLB referral type status. Effective 10/01/2023.
6.3.2	FSET Participation Requirements	Clarified work requirements for ABAWDs depending on TLB referral type. Effective 10/01/2023
6.3.2.1	Definition of Working for ABAWDs	Clarified definition of working for self-employed ABAWDs. Effective 10/01/2023.
6.3.2.2	FoodShare Work Requirement	Updated grammar.
6.3.2.3	Determining Required Hours of Participation	Added work requirements for ABAWDs not subject to TLBs and who have a non TLB referral type. Effective 10/01/2023.
6.5.3	Reasonable Anticipation of FSET Participation	Updated terms and grammar. Effective 08/14/2023.
6.6	Good Cause	Added good cause reasons and hour amounts for TLBs. Effective 08/14/2023.
8.1	Employment Plan Reviews	Updated appointment and scheduling options for Employment Plan reviews.
8.1.1	Time Frames for Employment Plan Reviews	Clarified ABAWDs with a non-TLB referral and added: “change in ABAWD referral status” to when new EPs can be created. Effective 10/01/2023.
8.3	Participant Appointment Scheduling	Clarified appointment options for ongoing appointments with FSET participants.
10.2	Appendix B: FSET vs IM Agency Responsibilities (Side-by-Side)	Clarified exemption action. Effective 08/14/2023.
10.6	Appendix F: FSET Worker Time Frames	Updated appointment options and scheduling sections under Required Actions.

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2.1 FSET and FoodShare Eligibility

All individuals who are over the age of 16 and eligible for FoodShare benefits are eligible to participate in FSET.

The income maintenance (IM) agency is responsible for taking the following actions relating to FoodShare eligibility:

- **Determine FoodShare Eligibility and ABAWD Status and Referral Type**

IM workers are responsible for determining FoodShare eligibility, determining ABAWD status, and referring FoodShare members to the FSET program. ABAWDs may choose to meet the FoodShare work requirement through participation in FSET. Non-ABAWDs and ABAWDs with a Non-Time Limited Benefit Referral Type may participate in FSET, but do not need to meet the FoodShare work requirement. See [the SECTION 6.3 FSET PARTICIPATION REQUIREMENTS](#) for more information on ABAWD status and FSET participation.

- **Determine Exemptions from the FoodShare Work Requirement**

IM workers have primary responsibility for determining ~~and verifying~~ exemptions from the FoodShare work requirement. However, FSET workers must understand the criteria for exemptions from the FoodShare work requirement and be aware of changes in participant's circumstances that may qualify the individual for an exemption. FSET workers may identify that an individual qualifies for an exemption from the FoodShare work requirement once they begin working with a participant. When an exemption is identified, the FSET worker must notify the IM agency of the exemption ~~and work with the participant to initiate the process of~~ If the IM agency determines that the exemption is questionable, the FSET worker must help with verifying the exemption. For more information on exemptions from the FoodShare work requirement, see [SECTION 6.2.1 NON-ABAWD](#).

- **Provide FSET Information to FoodShare Applicants and Members**

IM workers are responsible for providing information about the FSET program to all FoodShare applicants and members during the FoodShare interview process at application and renewal, including:

- Explaining the benefits of the FSET program including a brief overview of the available employment and training opportunities and supportive services.
- Explaining how the FSET program can help an ABAWD meet the monthly FoodShare work requirement, in order to maintain ongoing FoodShare benefits.

- Asking ABAWDs meeting the work requirement, ABAWDs with a non-TLB referral type, and non-ABAWDs if they would like to be referred to the FSET program.

3.3 New Referrals

A new referral is systematically generated when a FoodShare member is determined to be an ABAWD who is not meeting the work requirement outside of FSET. This is called a ~~TLB~~ (time-limited benefit (TLB) referral. Individuals with a TLB referral will only exhaust a TLB in months when the work requirement is not met.

A new referral is also generated when a non-ABAWD, an ABAWD who is meeting the work requirement outside of FSET, ~~or~~ an ABAWD who is living in an area or on tribal lands with a ~~waiver~~ suspension of the time limit, or an ABAWD who received a discretionary exemption intended to function as a suspension of the time limit requests a referral to be sent. ~~This is~~ These are called a non-TLB ~~referral~~ referrals. ABAWDs with a non-TLB referral due to meeting the FoodShare work requirement will exhaust a TLB if they stop meeting the FoodShare work requirement. (see FSET HANDBOOK 6.2 FSET ABAWD STATUS AND REFERRAL TYPE).

CWW is designed to send new FSET referrals from IM workers to the FSET Tool when an IM worker confirms eligibility and processes the referral. As a result, a new referral may be sent to the FSET agency prior to or after the FoodShare eligibility start date. Only FoodShare eligible individuals can participate in FSET. FSET agencies must carefully monitor referrals for the effective date of FoodShare eligibility. FSET agencies must not enroll or begin providing FSET services to participants prior to the date in which the individual is eligible for FoodShare.

3.5 Contacting the Participant

3.5.1 Initial Contact, Appointment Scheduling, and Notification

The FSET worker ~~is expected~~ must attempt to contact the referred FoodShare member ~~by letter or~~ by telephone within five business days of the FSET referral. The five business days start the day after the FSET referral date. ~~As part of the initial contact, the FSET worker must attempt to schedule an initial appointment for FSET enrollment and orientation. If the FSET agency reaches the referred member by phone, the FSET agency should share with the member an estimate of the duration of the enrollment and orientation appointment. If the FSET worker attempts, but is unsuccessful in making initial contact by phone, the FSET worker is responsible for sending an appointment letter within five business days of the FSET referral.~~

~~The~~ As part of the initial contact, the FSET worker must:

- Give a high level overview of the FSET program.
- Attempt to schedule ~~the~~ an initial appointment for FSET orientation at an agreed upon time and location.
 - The worker should schedule enrollment and orientation for the same date/time when possible.
 - The worker should also explain what to expect at the scheduled appointment, such as an estimate of the duration of the appointment.

If the FSET worker attempts, but is unsuccessful, in making initial contact by phone, the FSET worker must schedule an appointment within five business days of the FSET referral. The initial appointment must include, but is not limited to, FSET orientation. The FSET worker may be unsuccessful in making an initial contact due to the FoodShare member not responding to contact attempts or because there is no phone number provided and available in the case record.

The FSET worker must schedule the initial appointment for FSET orientation to occur within 10 business days of either the FSET referral or the FoodShare eligibility effective date, if the referral is sent prior to the FoodShare eligibility effective date. The 10 business days start the day after the FSET referral date or the FoodShare eligibility effective date, whichever is later.

For referrals in which the effective date of FoodShare eligibility is on or before the date the referral was received:

- The FSET worker must contact the member within five business days of the referral date.

- If the FSET worker tries to contact the individual by phone but is unable to reach the individual, the FSET worker must send an appointment letter within 5 business days of the FSET referral.
- The FSET worker must schedule the initial appointment so that it occurs within 10 business days of the referral date.

Note: For appointments scheduled to occur within 12 calendar days of the current date, CWW will automatically send the FSET appointment letter the day after the FSET worker schedules the appointment. For appointments scheduled to occur greater than 12 calendar days of the current date, CWW will send the FSET appointment letter 12 days prior to the appointment.

Example 1	On 10/07/2019 <u>October 7</u> , a TLB referral is received for an ABAWD with a FoodShare effective date of 10/01/2019 <u>October 1</u> . The FSET worker calls the member on 10/08/2019 <u>October 8</u> and schedules an <u>orientation and</u> enrollment appointment for 10/October 14/2019 . CWW will <u>automatically</u> <u>systematically</u> send an appointment letter on 10/09/2019 <u>October 9</u> for the scheduled appointment on 10/October 14/2019 . The worker contacted the member within the five business day time frame, which expires on 10/October 14/2019 . The worker also scheduled the appointment within the 10 business day time frame, which expires on 10/October 21/2019 .
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Example 2	On 10/07/2019 <u>October 7</u> , a TLB referral is received for an ABAWD with a FoodShare effective date of 10/01/2019 <u>October 1</u> . The FSET worker is unable <u>attempts</u> to reach the member by phone on 10/08/2019 <u>October 8</u> and 10/10/2019 <u>October 10</u> but is <u>unsuccessful</u> . On <u>October 10</u> 10/10/2019 the worker schedules the <u>an</u> initial <u>orientation and</u> enrollment appointment for 10/October 19/2019 so that the member receives the appointment letter prior to the date of the appointment. The appointment letter will <u>automatically</u> <u>systematically</u> be sent on 10/October 11/2019 . The worker contacted <u>attempted to contact</u> the member within the five business day time frame, which expires on 10/October 14/2019 .
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The worker also scheduled the appointment within the 10 business day time frame, which expires on ~~10/October 21/2019~~.

For referrals in which the 'Effective Date' of FoodShare eligibility is after the date the referral was received:

- The FSET worker must contact the member within five business days of the referral date.
- The initial appointment must be scheduled to occur within 10 business days of the FoodShare eligibility effective date.

Example 3 On ~~10/07/2019~~October 7, a TLB referral is received for an ABAWD with a FoodShare effective date of ~~11/01/2019~~November 1. The FSET worker calls the member on ~~10/09/2019~~October 9 and schedules an orientation and enrollment appointment for ~~11/04/2019~~ (November 4, as the member is ineligible for FoodShare in October and ~~so~~ cannot begin participating in FSET until at least November 1). The worker complied with the five business day requirement, which expires on ~~10/October 14/2019~~. The worker also complied with the 10 business day requirement, which expires on ~~11/November 15/2019~~. CWW will ~~automatically~~systematically send an appointment letter 12 days prior to the date of the ~~enrollment~~ appointment.

If a member misses their initial appointment, the FSET worker must schedule a second appointment. The second appointment must be scheduled to occur within 10 business days of the initially scheduled missed appointment.

For more information about appointment correspondence, see [Process Help 1.8.9 Client Scheduling – Appointment Correspondence](#).

3.5.2 Number of Contacts

At a minimum, FSET workers must schedule a second appointment for individuals who miss their initial appointment.

~~The Department of Health Services strongly encourages FSET agencies to continue scheduling additional appointments beyond the required two appointments for ABAWDs who fail to attend these scheduled appointments.~~

Other than multiple attempts to schedule enrollment and orientation, which may be documented under one PIN comment, the FSET worker ~~should~~must document in PIN comments information relating to each contact that is attempted.

See FSET HANDBOOK 4.6 PIN COMMENTS for detailed policy requirements regarding PIN commenting.

FSET agencies are strongly encouraged to continue scheduling additional appointments beyond the required two appointments for ABAWDs with a TLB referral type who fail to attend these scheduled appointments.

3.5.3 Ceasing Contact

If a non-ABAWD or an ABAWD with non-TLB referral type states at any time during this process that they do not wish to participate or be contacted further, the referral must be withdrawn and any existing appointments or other scheduled communications cancelled (see Section 3.6 Withdrawing a Referral).

If an ABAWD with a TLB referral type informs the FSET agency they do not want to be contacted further about FSET, the FSET agency must:

- Provide the ABAWD information about the FSET program, including qualifying activities and supportive services, consequences of not meeting the FoodShare work requirement, and the right to enroll in the future as long as they continue to be eligible for FoodShare.
- Document the request from the ABAWD and information provided to the ABAWD in PIN comments.
- Cease initiating contact with the person.
- Cancel any existing appointments or other scheduled communications from the FSET agency.

A TLB referral must not be withdrawn prior to the ABAWD exhausting their three TLBs or three additional months. All other referrals must be withdrawn if a person requests to not be contacted further (see Section 3.6 Withdrawing a Referral).

<u>Example 4</u>	<u>Michelle is an ABAWD with a TLB referral type and was referred to FSET. The FSET agency attempted to contact Michelle to schedule an orientation and enrollment appointment, but they do not reach Michelle and leave a voicemail. Michelle was sent a notice about the referral and another notice about a scheduled appointment. A few days later, Michelle contacts the FSET worker back and states that the appointment time doesn't work for her schedule, and she doesn't know if FSET is the right fit for her. The FSET worker continues to communicate with Michelle and schedules another appointment.</u>
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Example
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Caleb is an ABAWD with a TLB referral type and was referred to FSET. The FSET agency called Caleb to schedule an initial appointment. Caleb states he does not want to be contacted by the FSET agency anymore and is not going to enroll. The FSET worker explains the FSET program, including qualifying activities and supportive services, and that Caleb is an ABAWD subject to the time limit. The FSET worker explained the FoodShare clock period, ways to meet the FoodShare work requirement, and that if Caleb did not meet the work requirement or have a qualifying exemption, he could lose eligibility after three months. Caleb confirmed he understood and again states he does not want any further information about FSET or contact from the FSET agency. The FSET worker explained Caleb could enroll in FSET in the future as long as he remained eligible for FoodShare. The FSET worker does not withdraw the referral but cancels the currently scheduled appointment and documents details of the communication in PIN comments. The FSET agency does not initiate further contact with Caleb.

4.1 FSET Orientation and Enrollment Process

All FSET participants must attend an orientation to the FSET program and participate in an initial enrollment appointment. During FSET enrollment and orientation, FSET agencies ~~should~~must provide individuals with detailed information about the FSET program and the FoodShare work requirement to allow them to make well-informed decisions about participating in FSET.

FSET agencies must offer FSET participants the opportunity to complete the orientation and initial appointments in person. FSET agencies also have the option to also offer participants the opportunity to complete the orientation and initial appointments virtually or via telephone. FSET agencies may not schedule participants for an orientation or enrollment appointment virtually or via telephone without first discussing and receiving consent from the participant.

FSET participants may face barriers that make it difficult to access the FSET agency or participate in FSET activities, including limited access to transportation, computers, and telephones. FSET agencies are required to provide reasonable accommodations and supportive services to FSET participants to enable the participant to enroll and participate in FSET activities. Reasonable accommodations include ~~using~~:

- Using community resources to provide transportation, if available; ~~traveling~~.
- Traveling to a mutually agreed-upon location that is conducive to providing confidential services to the participants; ~~or providing~~.
- Providing services one-on-one rather than in a group setting.

FSET agencies are required to provide translation services for FSET participants with limited English proficiency.

Enrollment in FSET; for the sole purpose of accessing supportive services; is not allowable. Supportive services are only allowable if the cost is reasonable and necessary to complete FSET activities (see [CHAPTER 5 SUPPORTIVE SERVICES](#)).

6.2 FSET ABAWD Status and Referral Type

FoodShare members are assigned an Able-Bodied Adults without Dependents (~~ABAWDs~~ABAWD) status. This and referral type. The status is and referral types are determined by the Income Maintenance (IM) agency and ~~is~~ provided to FSET agencies as part of a referral or referral update. FSET workers ~~should be aware of~~ must take necessary action on notifications from the IM agency regarding changes in ABAWD status or referral type as these changes impact FSET participation requirements. The three participation statuses include Non-ABAWD, ABAWD, and FoodShare Ineligible. The two referral types include Non-Time Limited Benefit (TLB) referral type and TLB referral type.

6.2.1 Non-ABAWD

A FoodShare member is a non-ABAWD if they meet any one of the following criteria, as determined by the IM agency:

- Under age 18* or age ~~50**~~53 and older
 - Age 18: ABAWD status applies the month following the month the FoodShare applicant or member turns age 18.
 - Age 53: ABAWD status is lost the first day of the month an ABAWD turns age 53.
- Residing in a ~~FoodShare household~~ food unit with a child under age 18***
 - An individual may be determined a non-ABAWD if they reside in a FoodShare unit where a household member is under age 18, even if the household member who is under age 18 is ineligible for FoodShare.
- Pregnant
- Determined unfit for employment, which includes someone who is:
 - Receiving temporary or permanent disability benefits from the government or a private source
 - Unable to work due to physical or mental challenges, as determined by the IM agency
 - Verified as unable to work by a statement from a health care professional or a social worker (may use Medical Exemption from Work Requirement for ABAWDs ([F-01598](#)) to verify)
- Experiencing ~~chronic~~ homelessness

- ~~An individual is chronically homeless if they currently lack a fixed regular nighttime residence and does not expect to have a regular nighttime residence in the next 30 days. This includes people who are in a temporary housing situation.~~

<p><u>Note</u></p>	<p><u>The definition of homelessness for the FoodShare work requirement exemption is the same as the definition of homelessness used for FoodShare residency (see Foodshare Handbook, Section 3.2.1.3 Homelessness for the complete definition).</u></p>
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- A veteran, including any individual who has served in any branch of the United States Armed Forces (including the Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, National Guard, and Armed Forces Reserve) regardless of discharge or release condition.
- Former Foster Care Youth, including any individual who is 18 to 24 years old who was previously in a foster care program at the time when they turned 18 years old. Foster care programs include court ordered kinship care, subsidized guardianship, and adoption assistance.

Exempt from the FoodShare basic work rules, which includes someone who is:

- Receiving Unemployment Compensation (UC) or has applied for UC and is complying with UC work requirements.
- Regularly participating in an alcohol or other drug abuse (AODA) treatment or rehabilitation program.
- A student of higher education and ~~is~~ otherwise eligible for FoodShare (see the FoodShare Handbook, [Section 3.15.1 Student Eligibility](#)).
- A high school student 18 years of age or older, attending high school at least half-time. Enrollment in a GED or HSED program does not qualify for the exemption (though it might be an assigned activity that counts toward the required hours for an ABAWD choosing to meet the work requirement through FSET participation).

- Primary caretaker of a dependent child under age six or ~~an incapacitated~~ a person who can't care for themselves (may be a part of the food unit or in a separate household).
- Complying with Wisconsin Works (W-2) program requirements.
- Working 30 or more hours per week or earning wages equivalent to 30 or more hours per week at the federal minimum wage.

~~*Age 18: ABAWD status applies the month following the month the FoodShare applicant or member turns age 18.~~

~~**Age 50: ABAWD status is lost the first day of the month an ABAWD turns age 50.~~

~~***An individual may be determined a non-ABAWD if they reside in a FoodShare unit where a household member is under age 18, even if the household member who is under age 18 is ineligible for FoodShare.~~

Non-ABAWDs who meet the exemption criteria are not subject to TLBs and do not need to meet the FoodShare work requirement during months in which they have ~~a verified exemption.~~ an exemption. Exemptions only require verification if the reported exemption is deemed questionable by an IM agency.

Non-ABAWDs are referred to FSET only upon their request. However, individuals that have a pending exemption may be referred to FSET as ABAWDs. In such cases, once ~~an~~ the exemption is verified, the IM agency will send a referral update to notify the FSET agency of the status change. ABAWDs may gain or lose exemptions for a variety of reasons (see SECTION 10.7 APPENDIX G: FSET ABAWD STATUSES (AND FSET REFERRAL TYPES) ~~for more information).~~).

Although IM workers have primary responsibility for determining exemptions from the FoodShare work requirement, FSET workers may also identify that an individual qualifies for one of the ABAWD exemptions listed above once they begin working with a participant. When an exemption from the FoodShare work requirement is identified, the FSET worker must contact the IM agency to notify them of the exemption ~~and work with~~. If the IM agency determines that the exemption is questionable, the FSET worker must help the participant to initiate the process of with verifying the exemption. The FSET worker may also serve as a collateral contact or provide an acceptable written statement to assist the IM agency in the determination of ABAWD exemptions.

For more information about exemptions from the FoodShare work requirement, see the FoodShare Handbook, [Section 3.17.1.4 Verification of Work Hours and Exemptions From FoodShare Work Requirement](#).

6.2.2 ~~Reserved~~ ABAWDs with a Non-TLB Referral Type

A FoodShare member is an ABAWD if they do not meet any of the criteria that make an individual exempt or a non-ABAWD as determined by the IM agency. ABAWDs with a non-TLB referral type meet at least one of the following criteria:

- Meeting the FoodShare work requirement
- Not subject to TLBs due to living in an area or on tribal land where the time limit is suspended
- Not subject to TLBs due to receipt of a discretionary exemption intended to function as a suspension of the time limit for that month

ABAWDs will be assigned a non-TLB referral type if they are living in an area of the state where the time limit is suspended or if they are living on tribal land where the time limit is suspended. ABAWDs living in a area or on tribal land where the time limit is suspended are not subject to TLBs during the months the suspension is in place.

ABAWDs will be assigned a non-TLB referral type if they have been granted a discretionary exemption that is intended to function as a suspension.

Discretionary exemptions are a special federal flexibility that states may allocate to ABAWDs and may be used to function similar to a suspension of the time limit.

ABAWDs who are meeting the FoodShare work requirement outside of FSET, living in an area or on tribal land with a suspension of the time limit, or receiving a discretionary exemption intended to function as a suspension of the time limit will not receive a systematic referral to the FSET program.

ABAWDs with a non-TLB referral type may choose to be referred to the FSET program.

6.2.3 ABAWDs with a TLB Referral Type

A FoodShare member is an ABAWD if they do not meet any of the criteria that make an individual exempt or a non-ABAWD as determined by the IM agency. ABAWDs ~~are subject to TLBs and~~ with a TLB referral type need to meet the FoodShare work requirement to remain eligible for FoodShare for more than three months in the current three-year period. One of the ways these individuals can meet the FoodShare work requirement is through FSET participation.

All ABAWDs with a ~~TLB referral type receive a referral to FSET. ABAWDs with a non-TLB referral type due to meeting the FoodShare work requirement are not required to participate in FSET as a condition of FoodShare eligibility. However,~~ will have their referral status updated to the TLB referral type and will exhaust a TLB if they stop meeting the work requirement. ABAWDs with a TLB referral type status may lose eligibility for FoodShare due to failing to meet the FoodShare work requirement after exhausting three months of TLBs in the current three-year period.

The current three-year period establishes the same start-and-end date for all applicants and members who may be subject to the FoodShare work requirement, regardless of the date they first accrued a TLB or were determined eligible for FoodShare benefits. When the new or subsequent three-year period starts, ~~individuals~~ applicants or members who have accrued TLBs will have their count reset to zero. A new three-year period will start after the current three-year period expires:

Three-Year Clock Start	Three-Year Clock End
January 1, 2022	December 31, 2024
January 1, 2025	December 31, 2027
January 1, 2028	December 31, 2030
January 1, 2031	December 31, 2033
January 1, 2034	December 31, 2036
January 1, 2037	December 31, 2039
January 1, 2040	December 31, 2042

Once three ~~TLBS~~ TLBs are received, FoodShare eligibility is lost for the remainder of the current three-year period unless an ABAWD becomes a non-ABAWD by meeting an exemption or begins meeting the work requirement.

For more information about ABAWD status and exemptions, see the FoodShare Handbook, [Section 3.17.1 FoodShare Work Requirements for ABAWDs](#).

Note An individual may request a fair hearing if they disagree with the IM agency's determination of ABAWD status (see the FoodShare Handbook, [Section 6.4.1 Fair Hearings](#)).

6.3 FSET Participation Requirements

6.3.2 ABAWD Participation

ABAWDs who are subject to time-limited benefits (TLBs) and do not meet the FoodShare work requirement will only be allowed to receive up to three full months of time-limited FoodShare benefits in the current three-year time period. After exhausting three months of ~~time-limited benefits (TLBs)~~,^{1,2} ABAWDs may regain eligibility by either meeting the work requirement or an having a qualifying exemption. ABAWDs subject to ~~time-limited benefits (TLBs)~~ may choose to meet the FoodShare work requirement by participating in FSET.

6.3.2.1 Definition of Working for ABAWDs

For ABAWDs, working is defined as one or any combination of the following:

- Work in exchange for money
- Work in exchange for goods or services (“in-kind”)
- Unpaid work (~~for example such as, e.g.~~ volunteer work, community service)
- Self-employed at any wage

6.3.2.2 FoodShare Work Requirement

An ABAWD is meeting the FoodShare work requirement if one of the following applies:

- Working a minimum of 80 hours per month (use converted work hours if paid weekly or bi-weekly)
- Participating in and complying with the requirements of an allowable work program* at least 80 hours per month
- Both working and participating in an allowable work program for a combined total of at least 80 hours per month
- Participating in and complying with the requirements of a workfare program

*See [SECTION 10.5 APPENDIX E: QUALIFYING WORK PROGRAM FOR ABAWDS](#) for information about ‘allowable’ work programs. This information is relevant when counting participation hours for ABAWDs ~~S~~ who are co-enrolled in FSET and another allowable work program.

Note Participation in the FSET program is voluntary. ABAWDs subject to TLBs may choose to meet the work requirement by participating in FSET. An ABAWD with a TLB referral enrolled in FSET must

participate in qualifying activities to meet the work requirement and maintain ongoing FoodShare eligibility.

6.3.2.3 Determining Required Hours of Participation

ABAWDs subject to TLBs who enroll and participate in FSET to meet the work requirement may or may not need to participate in FSET for the full 80 hours per month. Some individuals may be partially meeting the work requirement through part-time work or participating in a work program other than FSET for fewer than 80 hours per month. Other individuals may be participating for fewer than 80 hours per month in other activities, such as an education program, that should be categorized as an FSET component and included on the participant employment plan. Individuals who are partially meeting the FoodShare work requirement outside of FSET can fulfill the full 80-hour work requirement by participating in FSET to close the gap in hours. The FSET worker should review each case independently to determine the number of FSET participation hours that would allow each ABAWD to meet the FoodShare work requirement.

ABAWDs who are not subject to TLBs and who have a non-TLB referral type may participate in FSET but are not subject to the time limit of the FoodShare work requirement. ABAWDs with a non-TLB referral type must be assigned to at least 12 hours of FSET activities per month but are not required to participate 12 hours per month. FSET agencies are required to work with the participant to establish reasonable expectations and hours of participation.

6.5 Tracking FSET Participation

6.5.3 Reasonable Anticipation of FSET Participation

Although FoodShare benefits are ~~issued~~determined prospectively at adverse action, knowledge of FSET participation compliance is retrospective. When an ABAWD has exhausted three months of TLBs, FoodShare eligibility will end unless they are meeting the work requirement or have ~~verified~~ an exemption. For individuals who have begun participating in FSET, the FSET worker must indicate whether it is reasonably anticipated that the ABAWD will meet the current month's work requirement through FSET participation so that the individual can continue receiving FoodShare (see ~~the~~ SECTION 6.5.4.3 ANTICIPATED TO MEET WORK REQUIREMENT for time frames related to recording that an individual is anticipated to meet the work requirement by the end of the month).

Reasonable anticipation of FSET participation is based upon the FSET worker's assessment of FSET participation since the beginning of the current month and whether participation is expected to continue in order to meet the work requirement by month's end. The reasonable anticipation of FSET participation information entered into the CWW FSET Tool is used by CWW to determine FoodShare eligibility prospectively for the next month. Reasonable anticipation of FSET participation is designed to prevent FoodShare from being incorrectly terminated, should the ABAWD begin meeting the work requirement through FSET participation during the third TLB or second and third additional benefit months.

Reasonable anticipation of meeting the work requirement through FSET participation may only be applied when the FSET worker determines that one of the following conditions is met:

- An ABAWD is enrolled and fully participating in FSET by the second Saturday of the third TLB month, and it may be reasonably anticipated that the work requirement will be met by the end of the month.
- An ABAWD met the FoodShare work requirement in the second additional benefit month, is fully participating in FSET in the third additional month or any extended benefit month, and it may be reasonably anticipated that the work requirement will be met by the end of the month.

Once the FSET worker initiates reasonable anticipation of meeting the FoodShare work requirement through FSET participation during the current FSET participation period, the worker must continue to make this

determination each month going forward if the individual is an ABAWD and remains enrolled in FSET.

Note FSET workers should evaluate whether a participant is reasonably anticipated to meet the requirement by the end of the month on a case-by-case basis. If the FSET worker indicates that an ABAWD is anticipated to meet the work requirement by the end of the month but the participant does not follow through, the participant may have erroneously received FoodShare benefits for that month. In these cases, the participant may be subject to an overpayment and may need to repay these benefits.

<p>Example 1</p>	<p>Tamika, an ABAWD, received a TLB for July and another for August. Tamika enrolled in and began participating in FSET on September 2. On September 13, the second Saturday of the month, Tamika's FSET case manager determines that based on Tamika's participation during the first two weeks of September, she can reasonably anticipate that Tamika will meet FSET participation requirements for the month of September. If Tamika failed to meet the work requirement for September and did not have good cause, the FSET worker would indicate in CWW that the work requirement was not met. Tamika would receive her third TLB in September.</p>
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6.6 Good Cause

The FSET agency is responsible for documenting FSET non-participation in assigned activities, while taking into consideration reasons that justify granting ~~_good_~~ cause.

~~Good_~~ cause_ should only be applied to participants that are subject to meeting the FoodShare work requirement. Granting ~~_good_~~ cause_ ~~allows~~ may allow an ABAWD participant to maintain FoodShare eligibility if ~~he or she remains~~ they remain enrolled in FSET but ~~is~~ are temporarily unable to meet the work requirement. Before the FSET agency indicates that an individual's monthly work requirement was unmet, a decision must be made to determine if there was ~~_good_~~ cause_ for the non-participation.

Good cause hours may be granted for temporary circumstances beyond the participant's control that resulted in the participant missing assigned activity hours such as, but not limited to:

- Work activity was cancelled
- Illness or personal health reasons
- Inclement weather
- Lack of transportation

The FSET worker indicates ~~_good_~~ cause_ on a monthly basis as part of tracking FSET participation hours, if necessary. When making decisions about granting ~~_good_~~ cause_, the FSET worker ~~should~~ must consider all facts and circumstances and seek additional information from other sources for clarification, as needed. ~~FSET agencies also have~~ Good cause hours do not require verification unless the ~~ability to question~~ reported good cause ~~when it seems~~ reason is questionable ~~and~~ . If the reported good cause reason is questionable, request verification. IM and FSET workers can only apply up to a combined total of 40 good cause hours per month toward a member's TLB month.

If a participant requests greater than 40 hours of good cause, the FSET worker must have a conversation with the participant to determine if the issue is temporary or chronic and if the participant meets the criteria for an exemption. The participant's circumstances may align with a qualifying exemption (see section 3.17.1.3 Determining Exemptions from the FoodShare Work Requirement).

<u>Example</u> 1	<u>Lindsey is an ABAWD subject to TLBs. Lindsey is enrolled in FSET and assigned 80 hours per month of activities to meet the work requirement. Lindsey failed to complete 30 hours of activities in December. Lindsey tells the FSET worker that she was ill for about two weeks and unable to complete her assigned activities. The FSET worker determines that Lindsey's circumstance is not questionable and applies 30 hours of good cause for December.</u>
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If the FSET participant is not attending their activities without valid good cause, their participation hours should reflect the lack of participation. Non-participation of an ABAWD participant without good cause will result in use of one of the three ~~time-limited benefit (TLB)~~ months. If all three TLB months have been exhausted, non-participation without good cause may result in loss of FoodShare eligibility, unless the participant meets an exemption or ~~becomes a non-ABAWD~~.

has a change in circumstance for which they no longer have a TLB referral type.

8.1 Employment Plan Reviews

FSET workers are expected to conduct regular Employment Plan (EP) reviews, in collaboration with participants. ~~This should~~ An EP review must include a review of changes in employment, educational attainment, and barriers to employment. It ~~should~~ must also include a review of FSET goals, action steps, and assigned activities. The EP review is a good time for FSET workers to discuss a participant's progress and reinforce positive achievements.

FSET workers may contact participants through in person appointments, telephone, or other methods, including by email, to schedule the EP review appointment. EP reviews can be done in person, via telephone or virtual appointment. EP reviews cannot be conducted via email, text, or similar methods. The EP review is an interactive conversation with the participants. FSET agencies may not schedule participants for an EP review appointment virtually or via telephone without first discussing and receiving consent from the participant.

8.1.1 Time Frames for Employment Plan Reviews

For ABAWDs who are participating in FSET to meet the FoodShare work requirement, the EP must be reviewed at least once every 90 days. For non-ABAWDs, ~~ABAWDs who are meeting the work requirement outside of FSET,~~ and ABAWDs ~~living in an area or on tribal lands with a waiver of the time limit of the FoodShare work requirement~~ non-TLB referral, the EP must be reviewed at least once every 180 days.

A new EP can be created earlier than the original end date. A new EP ~~should~~ must be created when there is a change in ABAWD status ~~or ABAWD referral status~~. When a change in ABAWD status or ABAWD referral status results in the participant needing to meet the FoodShare work requirement, FSET workers must contact the ABAWD as soon as possible to create an EP with enough activity hours to meet the work requirement.

8.3 Participant Appointment Scheduling

FSET agencies must offer FSET participants the opportunity to complete ongoing appointments in person. FSET agencies also have the option to offer participants the opportunity to complete ongoing appointments virtually or via telephone. FSET agencies may not schedule participants for any appointments virtually or via telephone without first discussing and receiving consent from the participant.

FSET workers ~~should~~must use the CARES Worker Web (CWW) Client Scheduling Tool to schedule appointments with FSET participants and send them proper notification. FSET workers ~~should~~must attempt to contact ABAWD participants at least once per month until the participant is disenrolled or withdrawn from FSET. FSET workers may also contact participants via email or text to schedule appointments. [Process Help Section 1.8 Client Scheduling](#) has information regarding using client scheduling. FSET appointments may be scheduled using the following activity codes:

Appointment Code	Description
FE	FSET Enroll (Individual): This code is used to schedule an appointment for individual FSET enrollment and orientation.
FO	FSET Orientation (Group): This code is used to schedule an appointment for FSET group enrollment and orientation.
FS	FSET Enroll 2nd (Individual): This code is used to re-schedule an appointment for individual FSET enrollment and orientation when the participant missed the previously scheduled appointment.
FG	FSET Orientation 2nd (Group): This code is used to reschedule an appointment for FSET group enrollment and orientation when the participant missed a previously scheduled appointment.
FR	FSET EP Review (Individual): This code is used to schedule an appointment to conduct the regular employment plan review for an ABAWD participant.

FV	FSET EP Review Vol. (Individual): This code is used to schedule an appointment to conduct the regular employment plan review for a non-ABAWD or an ABAWD meeting the work requirement outside of FSET.
FW	FSET Workshop (Group): This code is used to schedule an appointment to attend an FSET workshop group activity.
FP	FSET Participation (Individual): This code is used to schedule an appointment with the FSET agency to discuss FSET participation with the participant.

In the CWW Client Scheduling Tool are five automated FSET letters, which correspond to FSET-specific activity codes, and are automatically generated when appointments are scheduled. Details regarding appointment correspondence can be found in . These letters are as follows:

Correspondence Code	Description
CSLW	<u>Initial Enrollment Appointment</u> : This letter is used to notify an individual that an initial enrollment appointment has been scheduled. The letter corresponds to activity codes FE FSET Enroll (Individual) and FO FSET Orientation (Group).
CSLV	<u>Reschedule Enrollment Appointment</u> : This letter is used to notify an individual that their initial enrollment appointment has been rescheduled because he or she missed the prior enrollment appointment. The letter corresponds to activity codes FS FSET Enroll 2nd (Individual) and FG FSET Orientation 2nd (Group).
CSLX	<u>Employment Plan Review</u> : This letter is used to notify a participant that an appointment has been scheduled for an employment plan (EP) review. The letter corresponds to activity codes FR FSET EP Review (Individual) and FV FSET EP Review Vol. (Individual).
CSLZ	<u>Employment Workshop</u> : This letter is used to notify a participant that he or she is registered to attend an

	employment workshop. The letter corresponds to activity code FW FSET Workshop (Group).
CSLO	<u>Participation Appointment:</u> This letter is used to notify a participant that an appointment has been scheduled to review his or her participation in FSET. The letter corresponds to the activity code FP FSET Participation (Individual).

10.2 Appendix B: FSET vs IM Agency Responsibilities (Side-by-Side)

FoodShare ABAWD/FSET Roles and Responsibilities

Action	IM Agency Role	FSET Agency Role	Correspondence
Determine FoodShare eligibility and send referrals for Able-Bodied Adults Without Dependents (ABAWDs) and non-ABAWDs to the FoodShare Employment and Training (FSET) agency after FoodShare confirmation	X		Case Summary Eligibility Notice of Decision Referral to the FoodShare Employment and Training (FSET) Program
Determine ABAWD status and collect verification of claimed exemptions <u>deemed questionable</u>	X		FoodShare WR/ABAWD VCL
Review FSET referrals, complete enrollment, and provide clear guidance of participant expectations		X	FSET Initial Appointment Letter
Create an employment plan with participants and provide ongoing case management of FSET participation		X	Employment Plan Summary Various Appointment Letters
Track ABAWDs' participation weekly within the CARES Worker Web FSET Tool and ensure final monthly participation is entered timely		X	
Complete FoodShare renewal	X		45-Day Renewal Notice of Decision
Send updated FSET referrals when changes in FoodShare eligibility or ABAWD status are confirmed	X		

Disenroll participants from FSET		X	FSET Disenrollment Letter
Scan relevant documents into the electronic case file (ECF)	X	X	
Maintain open communication between Income Maintenance (IM) and FSET Agencies	X	X	
Attend and prepare documentation for Fair Hearings	X	X	

10.6 Appendix F: FSET Worker Time Frames

Time Frames	Importance <u>Required Action</u>
1st of the month	<ul style="list-style-type: none"> • Pull FSET enrollees detail report for expiring employment plans and/or schedule employment plan review appointments.
5th of the month	<ul style="list-style-type: none"> • Update the “Work Requirement Met” field indicating the prior month’s participation.
6th of the month	<ul style="list-style-type: none"> • Begin disenrolling individuals who are no longer eligible for FoodShare as of the end of the prior month.
No later than the 2nd Saturday of the month	<ul style="list-style-type: none"> • Update the “Anticipated to Meet Work Requirement” field. • CARES Worker Web (CWW) pulls information from the “Work Requirement Met” field and uses it to update the FoodShare clock.
Adverse Action	<ul style="list-style-type: none"> • CWW pulls information from the “Anticipated to Meet Work Requirement” field and uses it to update the FoodShare clock.
5 Business Days	<ul style="list-style-type: none"> • An FSET participant should<u>must</u> be contacted either by letter or telephone within five business days of the FSET agency receiving a referral.
10 Business Days	<ul style="list-style-type: none"> • FSET initial appointments should<u>must</u> be scheduled to occur within 10 business days from the date the referral is received (or effective date of FoodShare eligibility if the referral is sent early). • Initial employment plan should<u>must</u> be developed at initial appointments.
12 Calendar Days	<ul style="list-style-type: none"> • Workers will be able to preview an appointment letter created<u>when the appointment is scheduled</u> within 12 calendar days of the actual appointment, and CWW

	<p>will <u>generate and</u> send the letter overnight (<u>upon scheduling</u>).</p> <ul style="list-style-type: none"> If letters are created within 13 <u>an appointment is scheduled for a date 13 days or more in advance</u> of the actual appointment, workers will be unable to view <u>preview</u> the letter, but the system <u>CWW will automatically generate and send it</u> the appointment letter <u>12 days before the appointment date</u>).
2 Months	<ul style="list-style-type: none"> Non-ABAWDs and ABAWDs with non-<u>time limited benefits</u> (TLB) referrals may be disenrolled from FSET if they have not participated in FSET for two months without agency contact. FSET workers have up to two calendar months from the FoodShare eligibility end date to override a disenrollment.
90 Calendar Days	<ul style="list-style-type: none"> FSET participants may receive up to 90 days of job retention services after securing employment through FSET. <u>Participants must be offered the opportunity to participate in job retention for up to the full 90 days.</u>
3 Months	<ul style="list-style-type: none"> The longest duration of an ABAWD's <u>ABAWD with a TLB referral's</u> employment plan (90 days). ABAWD <u>with a TLB referral's</u> employment plans must be reviewed every three months, at minimum. The number of time-limited benefit (TLBs) <u>TLB</u> months an ABAWD may receive without meeting the FoodShare work requirement. The number of additional months an ABAWD may earn after exhausting their three TLBs. <u>(if criteria is met to qualify for additional months).</u>
180 Days	<ul style="list-style-type: none"> The longest duration of an FSET participant's employment plan. Non-ABAWDs and ABAWDs with a non-TLB referral must have employment plans reviewed every six months, at minimum.

3 Years

- The duration of the statewide, fixed three-year clock for ABAWDs subject to the time limit of the FoodShare work requirement.