

441—93.138(239B) Resolution of disputes around the FIA and PROMISE JOBS participation.

93.138(1) *Informal resolution process.* When there is a disagreement between the participant and the immediate PROMISE JOBS worker regarding the participant's FIA or participation in PROMISE JOBS components, the participant can request to talk to the supervisor and request a decision on the dispute. The supervisor shall schedule a face-to-face interview with the participant within 7 days and issue a decision in writing within 14 days of the participant's request.

93.138(2) *Resolution process for FIP participants who choose a first limited benefit plan.* Before a notice of decision establishing a first limited benefit plan is issued, the case shall be reviewed in a procedure approved by the division of workforce development administration in the workforce development department. The procedure may include review by state-level division of workforce development administration staff or by a regional PROMISE JOBS manager, a PROMISE JOBS supervisor, an income maintenance supervisor, a person designated to coordinate services for FIP participants in the area, or a combination of any of the above. Approval of any review procedure at less than the state level for participants choosing a limited benefit plan by not carrying out the FIA responsibilities shall occur only after the service delivery region demonstrates satisfactory performance of the resolution process. The department of human services retains control and oversees review procedures through its contract with the workforce development department.

The notice of decision establishing a first limited benefit plan shall inform the FIP participant that the participant may reconsider at any time from the date timely and adequate notice is issued establishing the limited benefit plan. The notice of decision shall inform the participant that the participant shall contact the department or appropriate PROMISE JOBS office to reconsider the limited benefit plan.

a. For participants who choose a first limited benefit plan, the notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(1).

(1) When the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to begin or resume development of the FIA as described elsewhere in these rules.

(2) When the FIA is signed, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(1).

b. For participants who appear to be choosing a first limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall make every effort to negotiate for a solution at the time that the PROMISE JOBS worker determines that a reminder, request, or other written notification must be sent due to a potential participation issue as described at rule 441—93.132(239B). The written reminder, request, or other notification shall identify the participation issue, clarify expectations, attempt to identify barriers to participation which should be addressed in the FIA, explain the consequences of the LBP, and offer supervisory intervention. This subrule applies when a participant fails to respond to the PROMISE JOBS worker's request to renegotiate the FIA when the participant has not attained self-sufficiency by the date established in the FIA. In this situation, an LBP shall be imposed regardless of whether the request to renegotiate is made prior to or after expiration of the FIA.

(1) Local PROMISE JOBS management shall have the option to involve an impartial third party to assist in a resolution process. Arrangements shall be indicated in the local services plan of the local service delivery region.

(2) If the above resolution actions do not lead to fulfillment of the FIA, the case shall be referred for review as previously stated in this rule.

(3) If the above steps do not lead to fulfillment of the FIA, the FIP participant is considered to have chosen the limited benefit plan and the notice of decision shall be initiated. The notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(1).

(4) When the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to sign a new or updated FIA as described elsewhere in these rules.

(5) When the FIA is signed and the participant has satisfactorily completed significant action, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(1).

c. Appeal rights under the limited benefit plan are described at rule 441—93.140(239B), and judicial review upon petition of the participant is always available.

93.138(3) *Resolution process for FIP participants who choose a subsequent limited benefit plan.* The notice of decision establishing a subsequent limited benefit plan shall inform the FIP participant of the six-month ineligibility period and that the participant may reconsider at any time following the six-month ineligibility period. To reconsider, the participant must complete significant contact with or action in regard to the PROMISE JOBS program as described at 441—subparagraph 41.24(8)“d”(3). When the six-month ineligibility period ends, and the participant contacts either the income maintenance worker or the PROMISE JOBS office, the participant shall be scheduled to sign a new or updated FIA and to begin significant action as described at 441—subparagraph 41.24(8)“d”(3). When the FIA is signed and the participant has satisfactorily completed the significant action, the PROMISE JOBS worker shall notify the department and the limited benefit plan shall be terminated. FIP benefits shall be effective as described at 441—subparagraph 41.24(8)“d”(3).

a. For participants who choose a subsequent limited benefit plan as described at 441—subparagraph 41.24(8)“c”(1), the reminder letter shall include an explanation of the consequences of a subsequent limited benefit plan and offer supervisory intervention.

b. For participants who appear to be choosing a subsequent limited benefit plan by not carrying out the FIA responsibilities, the PROMISE JOBS worker shall make every effort to negotiate for a solution at the time that the PROMISE JOBS worker determines that a reminder, request, or other written notification must be sent due to a potential participation issue as described at rule 441—93.132(239B) and at subrule 93.114(14). The written reminder, request, or other notification shall identify the participation issue, clarify expectations, attempt to identify barriers to participation which should be addressed in the FIA, explain the consequences of the LBP, and offer supervisory intervention. This paragraph applies when a participant fails to respond to the PROMISE JOBS worker’s request to renegotiate the FIA when the participant has not attained self-sufficiency by the date established in the FIA. An LBP shall be imposed regardless of whether the request to renegotiate is made prior to or after expiration of the FIA. Local PROMISE JOBS management shall have the option to involve an impartial third party to assist in a resolution process. Arrangements shall be indicated in the local service plan of the local service delivery region.

(1) and (2) Rescinded IAB 2/6/02, effective 4/1/02.

c. Before a notice of decision to establish a second limited benefit plan is issued, the case shall be reviewed under a procedure approved by the workforce development department.

(1) The procedure may include review by state-level division of workforce development center administration staff or by a regional PROMISE JOBS manager, a PROMISE JOBS supervisor, an income maintenance supervisor, a person designated to coordinate services for FIP participants in the area, or a combination of any of the above.

(2) Approval of any review procedure at less than the state level for participants choosing a subsequent limited benefit plan by not carrying out the FIP responsibilities shall occur only after the service delivery region demonstrates satisfactory performance of the resolution process.

(3) The department of human services retains control and oversees review procedures through its contract with the workforce development department.

d. If the above steps do not lead to fulfillment of the FIA, the FIP participant is considered to have chosen a subsequent limited benefit plan and the notice of decision establishing the limited benefit plan shall be initiated. The notice of decision shall inform the participant of the action needed to reconsider the limited benefit plan as described at 441—subparagraph 41.24(8)“d”(3).

e. Appeal rights under the limited benefit plan are described at rule 441—93.140(239B), and judicial review upon petition of the participant is always available.

f. Rescinded IAB 4/3/02, effective 4/1/02.

93.138(4) *Check on the well-being of the children in subsequent LBP households.* Rescinded IAB 4/3/02, effective 4/1/02.