

441—93.14(239B) Problems that may provide good cause for participation issues.

93.14(1) Problems leading to less than full participation. Problems affecting participation shall be considered to be of a temporary or incidental nature when the participation can easily be resumed. The following problems may provide good cause for participation of less than the full number of hours identified in the FIA. PROMISE JOBS may require the participant to provide verification of the problem or barrier as described at subrule 93.10(3):

- a. Illness of the participant. When a participant is ill more than three consecutive days or if illness is habitual, the PROMISE JOBS worker may require medical documentation of the illness.
- b. Illness of family member. When a participant is required in the home due to illness of another family member, the PROMISE JOBS worker may require medical documentation.
- c. Family emergency, using reasonable standards of an employer.
- d. Bad weather, using reasonable standards of an employer.
- e. Absence or tardiness due to participant's or spouse's job interview. When possible, the participant shall provide notice of the interview at least 24 hours in advance including the name and address of the employer conducting the interview. When 24-hour notice is not possible, notice must be given as soon as possible and before the interview.
- f. Leave due to the birth of a child. When a child is born after referral, necessary absence shall be determined in accordance with the Family Leave Act of 1993.
- g. Court appearance.
- h. Attendance at school functions of the participant's children or children in the participant's household.
- i. Attendance at required meetings with the department of human services or PROMISE JOBS.
- j. Absence due to up to ten holidays per year.

(1) The participant must normally have been scheduled to work, or participate in an unpaid work activity on the given day and the work site or facility is closed due to a holiday, or open but the participant is allowed to take the participant's normally scheduled hours off on a different day.

(2) The holidays included are New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving, the day after Thanksgiving, and Christmas.

93.14(2) Problems leading to refusing or quitting a job or limiting or reducing hours. The following problems may provide good cause for participation issues of refusing or quitting a job or limiting or reducing hours. PROMISE JOBS may require the participant to provide verification of the problem or barrier as described at subrule 93.10(3):

- a. Required travel time from home to the job or available work experience or unpaid community service site exceeds one hour each way. This includes additional travel time necessary to take a child to a child care provider.
- b. Except as described in 441—subrule 41.25(5), work offered is at a site subject to a strike or lockout, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (29 U.S.C. 78A, commonly known as the Taft-Hartley Act), or unless an injunction has been issued under Section 10 of the Railway Labor Act (45 U.S.C. 160).
- c. The work site violates applicable state or federal health and safety standards or workers' compensation insurance is not provided.
- d. The job is contrary to the participant's religious or ethical beliefs.
- e. The participant is required to join, resign from or refrain from joining a legitimate labor organization.
- f. Work requirements are beyond the mental or physical capabilities as documented by medical evidence or other reliable sources.
- g. Discrimination by an employer based on age, race, sex, color, disability, religion, national origin or political beliefs.
- h. Work demands or conditions render continued employment unreasonable, such as working without being paid on schedule.
- i. Circumstances beyond the control of the participant, such as interruption of regular mail delivery or other disruptions of services.

- j.* Employment change or termination is part of the FIA.
- k.* Job does not pay at least the minimum amount customary for the same work in the community.
- l.* The participant terminates employment in order to take a better-paying job, even though hours of the new job may be less than those in the previous job.
- m.* The employment would result in the family of the participant experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less necessary work-related expenses is less than the cash assistance the person was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance. Gross income does not include SNAP benefits and in-kind income.
- n.* The employment changes substantially from the terms of hire, such as a change in work hours or work shift or a decrease in pay rate.

93.14(3) Other problems. The PROMISE JOBS worker may identify circumstances that could negatively impact the participant's achievement of self-sufficiency that are not described in subrule 93.14(1) or 93.14(2). When this occurs, the case shall be referred to the administrator of the division of financial, health and work supports for a determination as to whether the problems are acceptable reasons for:

- a.* Not participating,
- b.* Refusing or quitting a job, or
- c.* Discharge from employment due to misconduct as described at paragraph 93.13(2) "*i.*"

[ARC 1146C, IAB 10/30/13, effective 1/1/14; ARC 6634C, IAB 11/2/22, effective 1/1/23]