

RULEMAKING NOTICE FORM

NOTE: ADDITIONAL NOTICE

See page one of the instructions regarding additional notice, especially notice to standing policy committees under circumstances described in RSA 541-A:10, I.

Notice Number _____

Rule Number He-W 637.08(c)

1. Agency Name & Address:

**Dept. Health & Human Services
Division of Family Assistance
129 Pleasant St., Brown Bldg.
Concord, NH 03301**

2. RSA Authority: RSA 167:3-c,I

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment X

Repeal _____

Readoption _____

Readoption w/amendment _____

5. Short Title: **New Hampshire Employment Program (NHEP) Work Program Sanctions**

6. (a) Summary of what the rule says and of any proposed amendments:

The New Hampshire Department of Health and Human Services (Department) is proposing to amend He-W 637.08(c) to allow greater flexibility in how hours of employment-related activities are counted when participants remove, or cure, a New Hampshire Employment Program (NHEP) work program sanction for voluntary quit or non-compliance with NHEP work requirements.

The proposed amendment adds an alternative means for a sanctioned NHEP participant to cure a sanction by completing the number of employment-related activity hours required for a 2-week period within a consecutive 2-week period.

Pursuant to RSA 167:82 V, sanctions for failure to comply with NHEP requirements are progressive, meaning FANF grants are reduced at different levels if an NHEP participant continues to fail to comply with NHEP requirements. If the Department determines that an NHEP participant has failed to comply with NHEP requirements and has no good cause, the NHEP participant will be placed at level one sanction for the next 2-week pay period. The NHEP participant will move to level 2 sanction and incur a further grant reduction after 2 weeks of non-compliance at level one, and move to level 3 incurring a further grant reduction after 4 weeks of non-compliance at level 2.

Under the existing rule, in order to cure a sanction the NHEP participant must complete 2 weeks of employment-related activities over the course of 2 back-to-back weeks. In other words, under the existing rule to cure a sanction the NHEP participant who has a 30-hour weekly requirement must complete 30 hours of employment-related activities one week and 30 hours of employment-related activities the next week.

Under the proposed rule, to cure a sanction the NHEP participant must complete the number of hours of employment-related activities required for 2 weeks within a consecutive 2-week period. In other words, the proposed rule allows the NHEP participant with a 30-hour weekly requirement to complete the 60 hours of employment-related activities within a consecutive 2-week period. A sanctioned participant could potentially cure the sanction by completing the 60 hours of employment-related activity in a few days or take up to the full 2 week period. The sanctioned participant taking longer than 2 weeks to complete the required 60 hours would not have cured the sanction.

Under the proposed rule all NHEP participants who fail to comply with NHEP requirements will continue to be sanctioned for a minimum of one pay period pursuant to He-W 637.08(a)(1).

6. (b) Brief description of the groups affected:

NHEP participants who are sanctioned for non-compliance with work requirements

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Federal Reg./RSA
He-W 637.08(c)	RSA 167:3-c, I, RSA 167:78, IX; RSA 167:79, III(b); RSA 167:82, III; RSA 167:84, II; RSA 167:85; 42 USC 607(e)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Catherine Bernhard	Title:	Rules Coordinator
Address:	Dept. Health & Human Services Administrative Rules Unit 129 Pleasant St., Brown Bldg. Concord, NH 03301	Phone #:	271-9234
		Fax#:	271-5590
		E-mail:	catherine.bernhard@dhhs.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, September 28, 2017**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, September 21, 2017 at 1:00 PM**

Place: **[DHHS, Brown Bldg., Auditorium , 129 Pleasant St., Concord, NH 03301](#)**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 17:110 , dated 8/3/2017

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase costs to the state general fund and increase benefits to state citizens, to the extent that those citizens are participants of the NH Employment Program (NHEP) and are able to have sanctions removed as a result of the proposed rule.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rule provides greater flexibility to NHEP participants to remove, or “cure,” sanctions imposed for non-compliance with work requirements, potentially resulting in the sanctions being cured earlier than they would be under the existing rule. The Department of Health and Human Services estimates that 167 participants annually will cure a sanction one pay period earlier than they would under the existing rule. At an average sanction amount of \$87 annually, the aggregate savings to participants is projected to be \$14,529. As the program is funded with 50 percent state general funds and 50 percent federal funds, the projected cost to the state general fund will be \$7,264.50 per year.

A. To State general or State special funds:

See response to 3 above.

B. To State citizens and political subdivisions:

See response to 3 above.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Amend He-W 637.08(c), effective 7-26-12 (Document #10163), cited and to read as follows:He-W 637.08 Sanctions.

(c) To remove a sanction due to non-compliance with NHEP work program requirements or due to voluntarily quitting a job, sanctioned individuals shall provide proof of participation in approved employment-related activities pursuant to He-W 637.03:

(1) For 2 consecutive weeks; ~~and~~or

(2) For the ~~required~~ number of hours required for a 2 week period of participation when the hours are completed within a consecutive 2 week period.

APPENDIX

Rule	Federal Reg./RSA
He-W 637.08(c)	RSA 167:3-c, I, RSA 167:78, IX; RSA 167:79, III(b); RSA 167:82, III; RSA 167:84, II; RSA 167:85; 42 USC 607(e)