



Policy/Procedure:	Workforce Requirements & Employment Outcomes for Colorado Works
Reference:	C.R.S. 26-2-703(21); 26-2-711(1)(b) and (5)(a)(b); 26-2-714(5.5), 9 CCR 2503-6
Rule/Statute:	3.607
Effective Date:	3/1/2022

BACKGROUND & PURPOSE

The Colorado Works (CW) Workforce Development (WD) program is designed to engage clients with services, opportunities, resources and tools needed to successfully obtain employment. For clients who are not able to work, the CW WD program offers support and services to increase employability and promote family safety and stability.

The purpose of this policy is to ensure Routt County workers provide work-eligible clients opportunities to engage in initial and ongoing program activities. This policy also provides guidance on how to deliver employment and training services, and utilize program resources, such as the Work Verification Plan and the Work Activity Definition Guide to connect clients to employment and training activities.

DEFINITIONS

Assessed need - Any identified need of a client or family receiving CW grant payments beyond ordinary, routine living expenses that is designed to deal with a specific crisis situation or episode of need, is not intended to meet recurrent or ongoing needs, and will not extend beyond four months without a new assessment.

Client - A current or past applicant or a current or past recipient of a CW grant payment.

Collateral contact - A person outside the client's household (excluding sponsor(s) and landlord who also live in the home) who has first-hand knowledge of the client's circumstance and provides a verbal or written confirmation thereof. This confirmation may be made either in person, in writing, electronically submitted, or by telephone. Acceptable collateral contacts include but are not limited to: employers, landlords, social/migrant service agencies, and medical providers who can be expected to provide accurate third-party verification. The name/title of the collateral contact as well as the information obtained must be documented in the statewide automated system.

Colorado Works (CW) - The Temporary Assistance for Needy Families (TANF) program in Colorado.

County worker - An employee or designated representative of the county department.

Demonstrable evidence (DE) - Evidence that a client has refused to comply with the workforce program.

Good cause - means circumstances beyond the control of the client. Good cause includes, but is not limited to, medical emergencies or hospitalization; a client who has a disability or other medical condition(s) requiring additional time and/or assistance; a delayed appointment with the Social Security Administration beyond the client's control; or other good cause determined reasonable by the county department using the prudent person principle, including the reasons outlined in 3.608.3. Related to the appeal process, the following circumstances do not constitute good cause: an excessive workload of a party or his or her representative or attorney; when a party obtains legal representation in an untimely manner; a party or his or her representative or attorney's failure to either receive or timely receive, a



timely mailed initial decision, or other timely mailed correspondence from the Office of Administrative Courts, the Office of Appeals, or the county department; when a party or his or her representative or attorney has failed to advise the Office of Administrative Courts, the county department, or the Office of Appeals of a change of address or failed to provide a correct address; or any other circumstance which was foreseeable or preventable.

Prudent person principle (PPP) - Based on experience and knowledge of the program, the county department exercises a degree of discretion, care, judiciousness, and circumspection, as would a reasonable person, in a given case.

Sanction - A reduction in CW grant payments for an established period of time as a result of not participating in the WD program.

Signature - Handwritten signatures, electronic signature techniques, recorded telephonic signatures, or documented gestured signatures. A valid handwritten signature includes a designation of an x. For Individualized Plans (IP) and conditions agreements, a verbal agreement is an acceptable signature and must be substantiated with an electronic, recorded telephonic, or written agreement of the terms.

Statewide automated system - The electronic platform used to calculate public assistance program benefits and grant payments.

Supportive payment - A payment and/or service in addition to basic cash assistance or diversion that is based on an assessed need.

Workforce Development (WD) - The program provided to clients determined to be work eligible as described in section 3.607.

POLICY

Initial Workforce Development

Work Eligible Clients

Routt County will ensure all work-eligible clients are referred to the WD program during the eligibility appointment. Cases that do not have a work-eligible adult are considered “child only” cases and these cases are not required to participate in the WD program. Clients are provided the date and time of their first WD program appointment or orientation, as well as who to contact if they need to reschedule the first appointment or their orientation. Clients have the ability to reschedule their first WD appointment or orientation within the first full month of being referred to the program.

Demonstrable Evidence

If a client does not develop an IP collaboratively with the county worker upon referral to the WD program, this shall be considered a DE which will result in the closure of the grant payment. Routt County must make clients aware of demonstrable evidence during the eligibility appointment and/or when the client is referred to the WD program.

Workforce Development Screening

A WD screening must be completed within 30 calendar days from the date of application for work-eligible clients. The WD screening is conducted automatically through the statewide automated system during the Interactive Interview. The WD screening collects a client’s basic skills, past employment history, and employability.



Workforce Development Assessment

Routt County uses the State prescribed WD assessment with all work-eligible clients. The assessment must be completed at a client's first WD appointment and at least once every six months. Routt County workers will also use the county assessment form and Stepping Stones, which will be completed at a client's first WD appointment and Stepping Stones every six months.

- The WD assessment must be completed prior to and shall be utilized to inform the development of a client's IP.
- The WD assessment shall be documented in case comments in the statewide automated system within 5 business days of the assessment date.
- Routt County workers will also use the WD assessment to determine the issuance of supportive payments.

Client's may share circumstances that impact their employability during the WD assessment, including:

- Domestic violence
- Substance use
- Resolving medical or mental health issues
- Actively seeking social security income
- Pregnancy
- Primary care for an infant younger than 12-months
- Primary care for a disabled family member
- Child welfare involvement
- No available child care
- Lack of transportation
- Homelessness or inadequate housing
- Other family emergencies on a case-by-case basis

If these circumstances are present, the Routt County worker must list barrier activities in the statewide automated system (Plan screen, Needs Assistance section, etc.). However, barrier activities are not required to be added to a client's IP. Client's are not required to provide documentation for the circumstances listed above. However, the client must create a plan in partnership with the county worker to remain engaged in the WD program. Routt County workers reference the program's Work Activity Definition Guide on how to apply activities.

Condition Agreement

Routt County workers use the State prescribed Condition Agreement that clearly outlines the expectations of Routt County and the client. The county worker shall review the Condition Agreement with the client within 30 calendar days from the date of the WD screening.

Initial Individualized Plan

The initial IP shall be developed at the same time the Routt County worker and client review the Condition Agreement (within 30 calendar days from the date of the WD Screening). The initial IP shall be



developed collaboratively between the Routt County worker and the client, addressing any needs, goals, and supports the client or their family may have. The initial IP shall be comprehensive including matters relating to securing and maintaining training, education, or work. No abbreviations or acronyms shall be used on the IP. The IP identifies goals and determines manageable action steps for satisfying the objectives a client has. The Routt County worker shall ensure the client understands the terms of the initial IP and clients must sign the initial IP (see the signature criteria in the definition section of this policy). The initial IP shall be documented in case comments in the statewide automated system within five business days of the initial IP date.

Ongoing Workforce Development Case Management

Routt County’s workers must have contact with WD clients at least once every 90 days, but maintain the flexibility to meet more frequently. The contact may include an update to the IP if needed and shall include an assessment for supportive payments (see the Routt County’s Other Assistance and Supportive Payments Policy). Contact attempts that are unsuccessful shall be documented in the statewide automated system within five business days.

Ongoing Workforce Development Assessment

The State prescribed WD Assessment shall be completed at least once every six months and shall be documented in case comments in the statewide automated system. In addition, the State prescribed WD assessment must be completed by the new county of record within 30 days of a county transfer (based on the date of the transfer county code in the statewide automated system). To ensure the client is assessed timely following a county transfer, Routt County will immediately contact the client to schedule an appointment or conduct a WD assessment over the phone.

Individualized Plan Modification

Either a client or a Routt County worker may request a modification of the IP. Any modification made will result in a new IP that must have a valid form of signature (see the Definitions Section of this policy) and date by the client. If the client does not agree with the modification, they may request due process through the county and/or State level hearing process. In addition, an updated IP must be completed by the new county of record within 30 days of a county transfer (based on the date of the transfer county code in the statewide automated system). To ensure the client’s IP is updated timely following a county transfer, Routt County will immediately contact the client to schedule an appointment or update the IP over the phone. The IP will be updated immediately following the WD assessment. IP modifications or new IPs shall be documented in case comments in the statewide automated system within five business days of the new IP or IP modification date.

Work Activities

Engaged in Work Activities

Work eligible clients are required to engage in the WD program through participation in actions and activities that are selected in partnership with a Routt County worker. All actions and activities in the IP shall relate to the outcome of both initial and ongoing assessments.



The statewide automated system shall accurately reflect all activities that a client is participating in, regardless if that activity is included in the IP. Routt County workers will reference the Work Activity Definition guide to apply and stack appropriate activities (such as a transportation barrier activity with a job search activity). Routt County workers will record activities in the statewide automated system within five business days of the client starting the activity.

Allowable Work Activities

Work activities are defined in greater detail in Colorado's federally approved Work Verification Plan.

Allowable work activities include:

1. Employment, such as full-time or part-time employment, subsidized employment, on the job training, and temporary employment.
2. Education, such as pursuing a degree, high school equivalency, job skills training, English as a second language courses, or pursuing a certificate.
3. Volunteer work, such as community service, work experience programs, and unpaid internships.
4. Search for work, such as applying for jobs, interviewing, attending job fairs, and attending hiring events.
5. Job readiness activities, such as interpreting labor market information, identifying references, building job search skills, building cultural competencies, substance abuse and mental health treatment, mitigating the effects of domestic violence, and rehabilitation activities.

Routt County WD clients are considered to be engaged in WD program requirements if they are participating in any work activity listed above, a barrier activity, or any other work activity in the Work Verification Plan. Client's will report their engagement (number of hours) in a work activity in the month by the end of the following month (with the exception of work activities that allow projecting hours). Routt County workers will reference the Work Verification Plan to allow as much flexibility as possible for the client's engagement reporting method.

- Allowable ways to report engagement include:
 - Client declaration that is made in writing, such as an email communication, or made verbally with supporting documentation entered into the state's automated system or the client's case file.
 - Examples of client declaration include, but are not limited to: a client declaring how much time is spent on a job application for their job search, a client submitting a timesheet declaring homework hours for an educational activity, or a client providing the number of hours spent in workplace soft skills training at a work experience site. If the number of hours declared by the client falls outside of generally recognized practices, additional substantiation of hours may be warranted.
 - Pay stubs, timesheets, tracking sheets, or employer-issued documentation.
 - School-issued documentation including progress reports, report cards, and attendance records.
 - Interfaced electronic data from a credible source such as the National Directory of New Hires (NDNH).
 - Colorado's Department of Labor & Employment Job Bank, also known as Connecting Colorado.



- Collateral contact. For the purposes of substantiating hours, a collateral contact could include worksite supervisors, employers, human resource departments, school officials, or other individuals with firsthand observation or experience with the information that is being verified.
- Projecting participation hours for up to six months at a time (for paid work activities).
- If no other means to substantiate hours exists, PPP, which is the Routt County worker's reasonable judgment of actual hours, can be documented.

The Routt County worker will record a client's program engagement, through the number of hours a client has spent in an activity, in the statewide benefits management system within five business days of the client reporting, or a Routt County worker determining engagement in an activity.

Fair Labor Standards Act

Routt County WD clients in paid work experience activities shall be entitled to the same wages and benefits, including but not limited to, sick leave, holiday and vacation pay, as offered to employees who are not WD clients and who have similar training or experience performing the same or similar work at a specific workplace. Clients in unpaid work experience activities are entitled to all rules under the Fair Labor Standards Act as indicated in the Work Verification Plan.

Good Cause and Re-engagement

Good Cause

Routt County WD clients may report good cause for not engaging in WD at any time during the current application period. Verification for good cause is not required to be provided by the client. The Routt County worker shall use the prudent person principle to determine good cause which may be reported by the client in person, virtually, telephonically, or electronically. Routt County worker must enter good cause in the state automated system within five calendar days.

Good cause for the client may include, but is not limited to:

1. Breakdown in child care arrangements
2. Lack of available and appropriate child care
3. Remotely located without transportation
4. Breakdown in transportation arrangements with no feasible alternative
5. School obligations that frequently necessitate a parent's or caretaker's attendance
6. Loss of housing or a housing crisis that might result in homelessness or eviction
7. Medical emergencies, including mental health, substance abuse, or crisis, involving anyone in the household
8. Physical or mental disability or illness of the client or an individual in the client's care
9. Legal proceedings for the client or other immediate family members
10. Employment issues when layoffs occur, wages are below applicable federal and state minimum wage standards, working conditions present a risk to health or safety, or workers' compensation protection does not exist
11. Client's incarceration
12. Jury duty
13. Death of an immediate family member or authorized representative



Good cause does not constitute an exemption from WD program requirements or time limits. If there is good cause for not participating in the WD program, a sanction or case closure will not be imposed. Routt County will follow the state prescribed process for re-engagement to include good cause, re-engagement, sanctioning, and closing a case.

Even though good cause does not constitute an exemption from the WD program, Routt County workers will consider good cause when granting a program extension. See the Routt County Hardship Extensions policy for more information.

Re-engagement

There may be instances where a client is unable to comply with WD requirements, such as:

- Missing a scheduled meeting
- Not participating with the IP

In these instances, the Routt County worker will send a request for the client to report good cause through the client's preferred method of contact (a phone call, text message, or email) in addition to a written notice sent through the statewide automated system. The client has 11 calendar days to report good cause for being unable to comply with the WD requirements in their IP.

Routt County workers will make every effort to re-engage clients immediately over the phone or through a virtual platform. Re-engaging clients using these methods does not require a new or updated IP and serves as the re-engagement appointment if the client provides a written or verbal waiver that written notice of the scheduled appointment (described below) is not necessary.

Scheduling the re-engagement appointment

At the time of the good cause request, the re-engagement appointment invitation will be sent through the statewide automated system. The client shall be provided written notice of the appointment at least four calendar days, but no more than 11 calendar days in advance.

The written notice shall include:

1. The date and time for the appointment.
2. The opportunity to reschedule the appointment or make other arrangements in the event of good cause.
3. The opportunity for the client to reschedule their re-engagement appointment once. However, the request to reschedule must be made prior to the original re-engagement appointment date and time.
 - a. The rescheduled appointment cannot exceed 15 calendar days from the original re-engagement appointment. Timeframes for rescheduling the re-engagement appointment include:
 - i. The Routt County worker has four calendar days to respond to the client's request to reschedule the re-engagement appointment.
 - ii. After the Routt County worker responds to the reschedule request, and schedules a new re-engagement appointment date, the client shall be provided



written notice of the rescheduled appointment within at least four calendar days, but no more than 15 calendar days in advance.

If the client reports good cause, or the Routt County worker determines good cause at any time during the re-engagement schedule process, even after the 11 day calendar period the client has to report good cause, the re-engagement process ends. The Routt County worker will enter a case comment including the date and type of contact made to determine good cause into the statewide automated system within five business days of determining good cause.

Attending the Re-engagement Appointment

Once the client attends the re-engagement appointment, with or without good cause, the re-engagement process ends. The Routt County worker will conduct an assessment to determine if the client can benefit from supportive payments to re-engage in the program. The Routt County worker or the client may request to modify the IP during the re-engagement appointment, but modifying the IP is not required. The assessment results and any updates made to the IP during the re-engagement appointment shall be documented in the case comments in the statewide automated system within five business days of the re-engagement appointment date.

Missing the Re-engagement Appointment

If the client misses the re-engagement appointment, and makes no attempts to reschedule prior to the scheduled appointment, and the client does not provide good cause, a sanction will be applied to the grant payment and the following process shall occur:

1. The Routt County worker will document the unsuccessful outcomes of the attempts to re-engage the client in the statewide automated system within five business days.
2. A notice of grant payment reduction based on the sanction will be sent.
3. If good cause is provided after the unsuccessful outcome of the re-engagement attempts is entered into the statewide automated system, the sanction shall be reversed.

Exceptional Dis-engagement

If the client attends the re-engagement appointment but does not provide good cause, a sanction will not be imposed, unless the Routt County worker determines that there has been exceptional dis-engagement by the client. Exceptional dis-engagement is evidenced by repetitive or cumulative attendance at re-engagement appointments without reporting good cause. The client's pattern of exceptional dis-engagement must clearly demonstrate repetitive dis-engagement from the program over a span of not more than two months, three consecutive times in one month or four consecutive times in two months. Routt County workers will follow the state prescribed exceptional dis-engagement determination process before applying a sanction.

Sanctions

Effect of a sanction on the grant payment

Routt County workers are responsible for explaining what actions may cause a sanction (see the re-engagement section in this policy), when the client will be subject to a sanction, and the sanction process



defined below to all WD clients. This conversation between the Routt County WD worker and client must occur during the review of the Condition Agreement and during all IP modifications. A case comment with a summary and date of the conversation must be entered in the statewide automated system within five business days.

The CW grant payment for the entire household shall be reduced due to a sanction imposed against a member of the assistance unit as follows:

- **First, Second, and Third level sanctions:** The reduction for the first, second, and third instance of sanction shall be 25% of the client's assistance unit's grant payment. The sanction shall be in effect for one month for each level of sanction. A first, second, or third instance of sanction shall progress to the next level of sanction if the client does not re-engage in the WD program (defined in the re-engagement section of this policy) by the end of the month that the sanction is being served.
- **Fourth level sanction:** The reduction for a fourth level of a sanction is 100% and shall result in a case closure of the grant payment. The closure shall be in effect for one month. A new application for CW grant payments is required if the household would like to receive benefits after the sanction is served.

Serving a sanction

All sanctions imposed by Routt County must be served by the client. If a client has had a break in the grant payment for one month or more, the sanction shall be considered served. If a client reapplies for the CW grant payment anytime within the calendar month that they are serving a sanction, the client must serve the sanction by having a reduction in benefits according to the first, second, or third level sanctions, or by having a case closed for a fourth level sanction.

Sanctioning more than one client in an assistance unit

Each CW case can experience no more than one sanction level in a month. If multiple clients in the same assistance unit have sanctions, the sanctions will be served simultaneously and at the higher sanction level when multiple sanction levels exist.

Re-engagement following a sanction

When a client who is serving a sanction contacts the Routt County worker and indicates an interest in participating in the WD program, an assessment will be conducted and an IP will be developed. Once the IP is signed, the sanction will not progress to the next sanction level unless a new instance of non-compliance occurs. The Routt County worker will enter the re-engagement date into the statewide automated system along with a case comment with the results of the assessment and summary of the IP within five business days of the re-engagement date.

When a client is serving a sanction based on exceptional dis-engagement, the client will be considered re-engaged when they attend a re-engagement appointment.

Appeal of a Sanction



The WD client has the right to appeal Routt County’s sanction. The client can utilize the local level dispute resolution process and/or a state level hearing process. The appeal period for proposed sanctions begins with the mailing of a notice of sanction that lists the proposed action and the client’s appeal rights.

A notice of proposed action shall not be issued by Routt County for proposed sanctions until the re-engagement process has been completed.

Sanctions from other counties and states

All sanctions shall be served when a client moves from one county to another. The new county may become aware of good cause for previous non-participation and may reverse the sanction if appropriate. Sanctions issued in other states will not be recognized in the State of Colorado.

Workforce Development Outcomes

The Routt County worker is responsible for capturing and recording all client outcomes in the statewide automated system. The worker will check-in with the client at least once every 90 days, and more frequently if needed, to capture outcomes. Outcomes that must be recorded in the statewide automated system are:

- Progress towards goals (such as enrolling in school)
- Job attainment

Routt County workers will make the best effort to capture and record:

- Attainment of a credential or certificate
- Job wage
- Job O*Net Code
- Job title
- Employer name

Signed by:

CHAIR, ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

DATE