

CLASP / CENTER FOR LAW AND SOCIAL POLICY

September 17, 2015

3:00 p.m. ET

OPERATOR: Thank you for joining the Center for Law and Social Policy audio conference, job schedules and public benefits.

All lines have been placed on a listen-only mode.

Now, I will turn the floor over to your moderator, Jodie Levin-Epstein of CLASP. Jodie, the floor is yours.

JODIE LEVIN-EPSTEIN, DEPUTY DIRECTOR, CLASP: Thank you Mike (ph) and welcome everyone.

Volatile job schedules are a problem. Low wages compound the scheduling problem. Often a result is that workers find themselves in need of income support such as cash assistance under Temporary Assistance for Needy Families, fondly known as TANF, and nutritional assistance under the Supplemental Nutrition Assistance Program, SNAP.

Ironically, the very job scheduling issues that contribute to many worker's financial insecurity can create obstacles for accessing the public benefits aimed at tackling that very same financial insecurity. For example, keeping agency appointments or meeting work participation requirements can be much more challenging when you don't know your job schedule a week or only hours in advance.

We'll be talking about this and more. And that's a good thing because there's an obvious itch for information about the intersection of volatile job schedules and access to public benefits.

Over 650 people from around the country, I'm talking 45 states, the District of Columbia and Puerto Rico, registered for this audio conference. And of course, our cousins from Canada deserve a shoutout as well.

You are advocates, researchers, and a ton of community colleges. You are also government agencies at all levels of government, and represent legislators as well as agencies with different missions from Departments of Human Services to Housing and Labor.

In conjunction with this audio conference, CLASP has released a new brief, Volatile Job Schedules and Access to Public Benefits. All registrants have received it. The brief can also be found on the CLASP website at our national repository of resources on job scheduling policy, a variable one-stop shop for everything you always wanted to know about job scheduling.

Please, please be sure to send CLASP your own fair scheduling briefs, reports and news so that all these resources from around the nation are in everyone's fingertips.

In San Francisco, the first law in the nation is already being implemented to provide fair scheduling policies for workers in large retail outlets. And a growing number of cities and states are taking up legislative proposals. In Congress, the Schedules That Work Act has been introduced.

While policy advocacy is underway on the scheduling front, many workers with challenging schedules need public benefits now. What can benefits programs do to assist those whose jobs are volatile? How can fair scheduling and public benefits forces combine to improve both story lines?

We are thankful everyone is itching to know more. And my guests today will begin to scratch that itch and help us navigate the issues and opportunities.

I want to welcome Jessica Bartholow, a legislative advocate with the Western Center on Law and Poverty.

Hey, Jessica.

JESSICA BARTHOLOW, LEGISLATIVE ADVOCATE, WESTERN CENTER ON LAW & POVERTY: Hi, Jodie.

LEVIN-EPSTEIN: And Elizabeth Lower-Basch right here, the Director of Income and Work Supports at CLASP.

Hey, Elizabeth.

ELIZABETH LOWER-BASCH, DIRECTOR – INCOME AND WORK SUPPORTS, CLASP: Good afternoon.

LEVIN-EPSTEIN: And Jess Webster, Staff Attorney at the Legal Services Advocacy Project in Minnesota.

Hey, Jess.

JESS WEBSTER, STAFF ATTORNEY, LEGAL SERVICES ADVOCACY PROJECT: Hello.

LEVIN-EPSTEIN: And Stacy Dean, Vice President for Food Assistance Policy at the Center on Budget and Policy Priorities.

Welcome, Stacy.

STACY DEAN, VP – FOOD ASSISTANCE POLICY, CENTER ON BUDGET & POLICY PRIORITIES: Hi, Jodie. It's great to be here.

LEVIN-EPSTEIN: We're so glad you're here.

And I want to alert the audience that we have an approach to asking questions. I'll be interviewing but you also get a chance to interview. All you need to do to send your question in is write an email to me at audioconference@clasp.org. That's audioconferece@clasp.org.

And you can send your question in now even before anyone open their mouth. If you got something on your mind, just send it in when it occurs to you, don't wait.

So starting with you Jessica Bartholow. Few organizations bridge the world of job scheduling and of public benefits.

And I feel pretty fortunate that at CLASP we have staff that address each. You are particularly distinct. Your own job bridges both. As the legislative point person at Western Center, you're working on a single bill that is about job schedules. And that very bill includes a provision related to public benefits.

Before taking into that provision, help set us the stage. Your state-wide job scheduling bill builds off (ph) of San Francisco's first in the nation law related to fair job schedules.

To make sure our colleagues in the public benefits world learn what our job scheduling call is already now Jessica, can you offer some brief highlights of the proposed California bill? And just say whether it's generally similar to the San Francisco law.

BARTHLOW: Sure, Jodie.

So Western Center on Law and Poverty is a state-wide organization. We're one of the 20 or so poverty law centers in the country. And we have a legislative shop. And I lead the way on the public benefits legislative advocacy at the Capitol in Sacramento.

So the bill that we've been sponsoring this year, AB-357, which is the co-sponsored by UFCW, United Food and Commercial Workers Western States Council.

This bill will provide food and retail workers in California with the right to schedule predictability and certain workplace protection by first, giving workers at least 14 days advance notice of their work schedule. Second, it would pay workers for last-minute schedule changes and shift cancellations. And third, it would grant unpaid time off when the worker's paycheck isn't enough to prevent poverty and the time is needed to apply for or put in an application and return application for public safety net services.

The bill at its current state taps (ph) this time off at eight hours twice annually.

The worker rates and...

LEVIN-EPSTEIN: So...

BARTHLOW: The worker rates and protection in this bill really are only available through the bill to food and retail employers with 500 or more employees and 10 or more locations.

So it's only applicable to the kinds of industry that A, it's state-wide, had a large state-wide presence; and B, that we have identified as using this new scheduling technology to leverage profits out of the pockets of the low-income workers by making their schedule less predictable.

LEVIN-EPSTEIN: So Jess, can you dig in a little bit more about the provision that relates to how time, when a person needs some time to make an appointment with their human services agency or deal with the welfare agency, how exactly that's framed?

BARTHOLOW: Yes.

So you know, this provision comes straight out of our working public benefits advocacy. Here in California, we have one of the lowest participation rates in SNAP, the largest kind of anti-poverty program still available nationwide to low-income Americans.

In California, about 63 percent of those were eligible to receive benefits, but among the working port, 53 percent.

And we are working within those programs to alleviate some of the burdens for working families. But some of it just can't be addressed because the – you know, the problems with applying for and maintaining benefits in those programs we're working for really come from their work and their workplace and lack of predictable schedules.

So this bill does two things. One is for public benefits recipients specifically. One is that it does allow for unpaid time off. If you have to attend to a public benefits meeting or application process, basically they facilitate the time that you need in order to complete your interview or other, you know, determination of eligibility requirement, like securing your verification, et cetera.

And this we believe will help people to take the time off. We consistently hear from working families who are applying for benefits that they have to make a choice about whether or not they're going to attend to their interview, the required interview for public benefit worksheet or go to work that day. And that shouldn't be a choice that anybody has to make.

So that's what our provision would do. It actually exactly mirrors an existing provision in Labor Law which allows some – a parent a right to have unpaid time off to attend to school matters for their child. It's very similarly framed in the language.

LEVIN-EPSTEIN: And is there a – go ahead. Go ahead.

BARTHOLOW: Yes.

And the second piece is, actually in Public Benefits Law. This bill would make it – would clarify, that if somebody losses a job because of unfair scheduling practices and unpredictable scheduling, because they were unable to go to a shift that was scheduled at the last minute and – that that shouldn't count as a voluntary leave.

You know, for most people who work on public benefits, you'll recognize the term voluntary leave or voluntary termination of employment. When somebody voluntarily terminates employment here in California in our TANF program, it results in them losing their public benefits. They're not allowed to do that. And it's – you know, to voluntarily quit employment, if they do, (INAUDIBLE), which they're ineligible for benefits.

And unfortunately, many people who are unable to meet a scheduled shift because of its last-minute schedule, they end up being identified as a voluntary leave, when really it was a failure of the scheduling process that made them unable to attend to work that they really want to have.

So the bill would just clarify that somebody who's unable to meet erratic schedule shouldn't be identified as a voluntary quit.

LEVIN-EPSTEIN: And this would apply for those who are covered by this large retailer provision?

BARTHOLOW: Right.

LEVIN-EPSTEIN: OK.

So tell us, Jessica, is the proposed bill overall going anywhere?

BARTHOLOW: Well, so (INAUDIBLE) with our first step out of the gate on this issue here in California. It got a lot of attention and interest.

I think, you know, here in California with one of the highest inequality rates in the country, with over 800,000 working poor and about 80 percent of people who are poor living in a working household, our legislature is keenly focused on trying to find ways to reduce working poverty.

I don't think that this legislature can get away with leaving our 2016, our next year's legislative session, without addressing this issue. So I would expect that we see a provision moving forward. I will see a proliferation of proposals for how to address this issue in the coming year. And we're ready for it.

LEVIN-EPSTEIN: All right.

So just a reminder for the audience, to email questions to audioconferece@clasp.org.

Jessica, any reaction to the welfare agency provision around public benefits, either from employers or from welfare agencies or human services agencies?

BARTHOLOW: Well, you know, certainly from our colleagues in the county, the public benefits world, they welcome this kind of conversation about the real challenges to serving working poor people. These public benefits programs were never – they were never built around an idea of having so many people who are working poor.

And you know, and the toll of that takes on the delivery agents, the county agencies, and others, to service the unique needs of this population, really shouldn't fall on their shoulders alone. So they will – they have been welcomed of this conversation. But certainly, anytime that you established a new worker right, there's going to be opposition. And we've certainly thought it's been very – this early time in the Capitol, especially around this worker protection.

You know, there was one point in which the opposition, you know, kind of questions the provision, that kind of suggesting that public benefit recipients would just go willy-nilly and take on big time off at anytime that they wanted under this claim.

And so we are just putting a tap (ph) of \$8. You know, it's my experience....

LEVIN-EPSTEIN: Eight hours, eight hours.

BARTHOLOW: I'm sorry, eight hours, yes. Eight hours twice a year.

And it's my experience that people who are working poor want as many hours as they can get. So just a suggestion that they would take this unpaid time off randomly and at length was insulting to us and the people that were representing this bill.

LEVIN-EPSTEIN: So Jessica, time for one last question.

A lot of scheduling work is happening at the city level as well as at the state level. So with your knowledge of the public benefits provision, should folks who are working around this at the city level think about it for their bills as well or is that unworkable?

BARTHOLOW: Well, when you have a state-wide program, or even a national program like SNAP, the benefit program in our case like TANF, it is complicated to think about a couple of benefits provision.

But I think it is essential to think about how the public benefits programs serving that city or municipal area, serve this population so that you can understand what might be the cases that you could put in place in your Labor Law, or you know, in your licensing rules in order to facilitate families who are low-income and earning low wages and need to rely on public benefits in order to meet their basic needs.

Things like letting people have unpaid time off in order to tend to public benefit application or interviews, I think it is doable. And people should be thinking about how to do that in their local provision, absolutely.

LEVIN-EPSTEIN: OK. Well, great.

Now, we're going to turn to Elizabeth Lower-Basch.

Elizabeth, it's safe to say you're a leading expert on TANF. What's your take on the provision that Jessica just described related to the welfare agency?

LOWER-BASCH: I think it makes a lot of sense. It is a helpful step.

I think as Jessica said, a lot of these programs weren't designed around assuming that people wouldn't be working. And also, I don't think there was a recondition of how job schedules work today and how common these unpredictable hours are. So it will talk about a lot, I think to great extent just the programs weren't designed around this world.

LEVIN-EPSTEIN: And the TANF work requirements probably weren't designed around the world of volatile job schedules. But for the audience that is involved in job scheduling and not necessarily mavens on the TANF work requirements, can you give us some topline about those work requirements are?

LOWER-BASCH: Sure. And this is distantly the very simplified version and brief and stuff if anyone really wants all the details.

States do have flexibility to establish their own rules but they only get credit if people are working either 20 hours a week on average, if they are single parents of young children, 30 hours a week for single parents of older children, and then again, it's even more complicated for a two-parent families. And to count for these hours and either names to be paid employment are one of the limited set of countable work activities.

LEVIN-EPSTEIN: Wow, you really do that.

I know that this could have been a seminar in it of itself, so I appreciate that best topline approach.

Can you give us an illustration of how the work requirements play out for those with volatile schedules, particularly those with limited hours? And that's definitely a piece of volatile schedules as to how often some folks get too few hours.

LOWER-BASCH: Right.

So the biggest problems are for the people who are working but less than the 20 or 30 hours that's required to meet the TANF work program. And a lot of these folks are just aren't designed to wrap around these irregular and fluctuating hours.

So you hear stories of people, for example, being assigned to structure and job club or job search activity, you know, say from 9:00 to 1:00 everyday. Even though they may have their part-time irregular job they overlap with those hours. And so it's a little silly to make people leave their job in order to look for a job.

And it's not even -- silly isn't the right word.

LEVIN-EPSTEIN: Right. Right.

LOWER-BASCH: I mean it's probably frustrating and demoralizing.

So...

LEVIN-EPSTEIN: Exactly. Exactly.

And again, a reminder to the audience, to send in your question at any time, just email to audioconference@clasp.org.

Elizabeth, you know, we've been describing some of the silliness that isn't silly but some of the problems. Let's turn to some ideas that might help with addressing the work requirements and other aspects of participation.

Can you fill us in on what you've been learning about what you tell us doing that could help?

LOWER-BASCH: OK.

So this is more in response to the issue of people who are working but having problems of the documentation and their fluctuating hours and earnings.

And I'd say usual response is two-fold. One is that they have equipped their case workers with access to what they call e-find (ph), which is a portal to a lot of information. So that by and larger, workers don't have to copy their pay stubs every week and send them in but the worker can use the available information, to draw that information and not make the worker themselves fax or to bring it in.

But also, they use this information in a smart way. The case workers really have the discretion to look at the information that's coming in and say, "Oh, this is clearly a mistake. Someone mistyped the social security number and so someone else's record is showing up here."

Or just say, "Oh, wonderful. This person got hired for a weekend job but it was a one-time thing. And now I'm not going to make them go get a letter from the person who hired them for one day saying that they've been laid off because that would be just unnecessary paperwork."

So it's the combination of using the available information and using it intelligently.

And Utah is certainly not the only state that's doing it. But some states are (INAUDIBLE) checking every piece of information with lots and lots of paper.

LEVIN-EPSTEIN: Elizabeth, are there other ways that state TANF programs have flexibility you addressed all of those schedules?

LOWER-BASCH: Right.

So I think a good example is, again, going to this notion of people who might be working in a part-time job that isn't giving them enough hours to meet the requirements.

And I think really looking at that instead of figuring out, so is this going to permanently be a very low-hour job? In which case, the long-term solution really is probably for them to find something that gives them more income. Or maybe this is just the off-season or there are some other issues that are currently limiting their hours.

And then thinking about how you could fill up those hours with, for example, online education or self-initiated job search where people can look for a job but don't have to come to an office during specific hours. And really just being more responsible and sensible about people's fluctuating schedules.

LEVIN-EPSTEIN: So Elizabeth, are you hearing in your conversations with state agency folks and welfare agencies, you know, a concerted look-see at volatile job schedules, and sort of an assessment of what could be done? Are you hearing any anecdotes of agencies taking this up having, you know, intra-agency conversations or inter-agency conversations? Or things just sort of coming out that might be helpful and sort of a piecemeal or a lucky kind of story?

LOWER-BASCH: I think it's probably fair to say that it's more piecemeal.

Of course, by definition, families getting TANF cash assistance have children, and in many cases, quite young children. And so the question of linking child care into this whole is yet another complication. We did not talk about it a lot in the brief, of course, because there was an earlier one that CLASP issued year that's specifically focused on the challenges of child care than (INAUDIBLE).

LEVIN-EPSTEIN: Thank you for mentioning that, Elizabeth.

Thank you.

And an audio call also, as well off that subject, so some of the peer will listen around.

LOWER-BASCH: The TANF families are obviously dealing with both of these problems, both trying to keep child care and their kids safe, but also trying to make sure that their benefits aren't cut because of fluctuating hours.

LEVIN-EPSTEIN: OK. Well, thank you.

And now, we're going to turn to Jess Webster.

Jess, we hope you could start us off actually with a story. You know, you're an attorney who works on behalf of TANF participants. So you are hearing people's real-life experiences with these issues, both with their volatile schedules and their interactions with the TANF agency.

What's the story that sticks with you that illustrates this intersection of volatile jobs and TANF?

WEBSTER: Sure.

And we work close with the Minnesota Coalition for the Homeless and do MFIP, which is our TANF program, the Minnesota Family Investment Program. We do TANF advocacy state-wide.

And one of the stories that just came in from the coalition last week was a mom with one-year-old twins. And she was working as a security guard. She was also taking a class and trying to participate in internship. And while she thought her security guard hours were enough, it was based on – the shifts were based on being called in.

And ultimately, she wasn't being called in. And so that led to some delays and difficulties in obtaining child care approvals, which is – this isn't a call on child care but the child care piece, when those approvals are delayed, you know, it harms the ability to meet the hours, which then causes the problem in TANF employment services.

So she was facing this difficulty on the child care side, wasn't able to meet, you know, the hourly requirements. And ultimately, this all got sorted out but not before she lost her housing.

LEVIN-EPSTEIN: Oh my goodness.

WEBSTER: And she's now homeless.

LEVIN-EPSTEIN: I'm sorry.

WEBSTER: She's now homeless with one-year-old babies, twin one-year-old babies and trying to stay with friends, and trying to, you know, restore that stable housing.

LEVIN-EPSTEIN: I'm sorry. It took my breath away. I'm sorry.

So that's a really strong and posing story about how important this intersection is and finding some solutions.

Can you –using that story and what else you've learned, bullet list for us other ways you see TANF recipients with volatile work schedules coming up against the different TANF rules and procedures?

WEBSTER: Sure.

I mean, I think there's just more than ever before, there is tremendous pressure on TANF employment service providers to have clients and have our families meet these work hours. And there's just – it's just drilled into them that families need to meet these hours.

And then our families, when they don't meet the hours, they face sanctions. And for those on the call who don't know what sanctions are, you know, if you don't meet your hours or you don't do what you're supposed to be – you know, supposed to be doing in your employment plan, the first sanction in Minnesota is about \$100 of your grants; subsequent sanctions can be \$300 or more of the grants. And so what this means when you miss hours, don't meet your hours, it can mean eminent homelessness.

And it's not just a cancelled shift or reduced hours that cause parents to miss the hours in their employment plans, you know, a change in shift or schedule can cause incredible disruption for transportation arrangements to work outside of the metro in Minnesota. Public transportation is almost non-existent. So our families who don't have cars are often relying on rides to work. And if shifts change to second and third shift, you know, that can become a real problem.

Child care, we've already mentioned. You know, lack of child care, you're not meeting your hourly requirements. And you know -- and also what was mentioned is, you know, the tremendous number of other procedural things within TANF in terms of attending a mandatory orientation or facing sanction if you miss it, meet -- going to appointments with your case worker or facing sanction if you miss those.

And just once again, sanctions are just so devastating and disruptive to families. And it really slows them down and can completely stop them from being self-sufficient.

LEVIN-EPSTEIN: So getting back to this missed hours issue, you know, where a recipient or a participant needs to meet certain work hours in their employment plan. Can you drill down a little bit further with regards to how Minnesota rule works and whether or not there is any way in which it considers all work schedules potentially or explicitly?

WEBSTER: I think we actually -- yes, I think Minnesota has a really robust statute on good cause exemption from sanction and that would cover volatile -- theoretically, would cover volatile work schedules.

So you know, if you look at the Minnesota advisor site, I'm talking about 256J.57, that's our Minnesota (INAUDIBLE) -- I know we're going to get wacky real fast. So this statute and you can email me too if you want more info on it.

But I think we do have a strong -- we have strong exemption. So when appropriate child care is not available, when a participant can't get necessary transportation, those are protections from sanction.

And we have a nice catch-all which a participant can document other verifiable impediments to compliance with the employment plan, which you could argue, you know, "There wasn't work for me." You know, "Or my schedule was changed the last minute, I couldn't get transportation," you know, whatever it is.

So I feel like we do have a robust statute that if you a legal aid attorney, I think that you can be successful if you are facing sanction.

I think a lot of our parents don't necessarily know what their rights are when their schedule is changed, when their shift is changed, when they don't meet their hours in their employment plan and they are facing sanction. And so it's knowing what's your rights are.

And I think also that just given this pressure I described earlier, there's a tendency to sanction first and ask questions later. So the worker sanctions you, and it's really not exploring what happened before issuing that sanction.

And sometimes these, you know, in Minnesota at least, you have a one-month mandatory sanction before you can kind of fix it. So there's not quick and easy fixes. And this is a lot of money for families that they're losing.

LEVIN-EPSTEIN: So this is probably making folks around the country want to know a lot more because you've got this, what you're describing as a robust statute yet you began with this unbelievable story about this woman who's become homeless with her infant one-year-old twins.

You know, the – could you drill down a little bit further about this good cause exemption that's robust? And the one that's sort of the catch-all, let us know a little bit more about what it actually says and who it should capture. And then I'm going to want to ask you some questions about how to make it work.

WEBSTER: Sure.

LEVIN-EPSTEIN: But what is the catch-all provision actually say?

WEBSTER: So I mean, the actual language of the catch-all is the participant documents, other verifiable impediments to compliance with the employment plan that are beyond the participant's control.

So that's – I mean, that's – there's a lot of latitude there for workers to be able to say what happened that they missed three or four hours this week, and that they're not going to meet – and it might mean three or four hours next week, and they might not meet their hours for the month. So there is nice latitude there.

But like I said, there's – when sanctions are issued to participants for not meeting their hours, there's not kind of – unfortunately, TANF is an under-resourced system and we don't allow really for the kinds of conversations to take place or the kinds of assessments to take place to look at what people's barriers are to meeting those hours before we sanction them.

We are very much – you know, Minnesota right now is involved in a – in the agencies doing a sanction, kind of assessment sanction reform process to look at, is this the right way to do this, to sanction first and ask questions later?

But I think – I'm presuming and I think I know that a lot of states around the country are in a similar place with participants, sanctioning first, asking questions later. And hoping that participants can advocate on behalf on themselves that, you know, this is not right that they were sanctioned, it was their employer's fault, or that they didn't have transportation or child care, or that they have an advocate or an attorney to help them navigate the process. But it's not an easy process to navigate.

LEVIN-EPSTEIN: We have a question here from Stacy Blee (ph). She asks, has there been any talking of meeting workers “where they are” that is extending office hours, having case workers go out to homes, et cetera?

I think I know what your answer is going to be. But could you, Jess, give the real answer?

WEBSTER: Well we have done some of that.

And you know, we do have a portion of our population in our TANF program that does get face-to-face, there’s a face-to-face requirement, face-to-face meeting requirement before they can be sanctioned. And those are families that have significant barriers to employment.

And so it’s not happening for everybody. And the system is just not resourced to do – you know, personally, I think a face-to-face interview before any sanction would resolve a lot of these problems. But the system is just not resourced to do that kind of engagement with families.

LEVIN-EPSTEIN: So I’m still thinking about the language that you have, which is catch-all, which is this great statement. And I think I can repeat it because I think you sent it to me, the participant documents, other verifiable impediments to compliance with the employment plan beyond the participant’s control.

And that’s great language. I hear you’re saying you’re under-resourced. But is there any trick of the trade that you can think of that might make that catch-all more operable, that’s not particularly expensive? I mean, is there a way to consider that anybody who has a volatile schedule gets considered in that category that automatically triggers special consideration before sanction occurs? Is that a probable – a possible avenue?

WEBSTER: I think that would – I think that would be really smart. I mean, if I – our Minnesota has experienced the surge in temporary employment in Minnesota. The surge has just been incredible in the last decade and the number of low-wage workers working in temporary work are some of the most volatile schedules for us in pertaining participants.

That would be a nice protection but there would be, you know, a flag there that it could – you know, you could possibly miss your hours.

And like I said, I think statutorily I think our workers are covered. And so for Minnesota, it really is us demanding of, I think, of our agency and our counties a better implementation, and kind of a more thoughtful, maybe a more thoughtful implementation.

LEVIN-EPSTEIN: And on that thought part, is it your sense that the agency is as informed about this decade’s long change around scheduling as workers within the agency needs to be in order to understand how much of a barrier volatile schedules is/are?

WEBSTER: That’s a good question. That’s a good question.

I mean, we've been doing – we've been doing a lot of advocacy on the – on employment insurance side, on what problems that tempt agency schedule cost.

I don't know that we've done as much work on the TANF side. I mean, just the pressures in TANF to get a job get any job. I don't know that we would even start – that they would warm to start flagging some of these industries. But may they would. I don't – you know, maybe it's worth a conversation.

LEVIN-EPSTEIN: And back on your – you mentioned that you're working with the department on reforming sanctions. Have you been able to list out a set of reforms to further address the volatile jobs issued – given that you've got this great, robust statutory language and this catch-all, are there other things you're working with respect to the sanctioning process?

WEBSTER: Yes. We would like to – I mean, what we'd really liked to see is a more thoughtful upfront process before people are sanctioned. We'd like people to be more informed and aware of what sanction means and what that means to their grants.

And right now, in Minnesota, like many other states, family (INAUDIBLE) number of sanctions faced full closure of their case so their children are denied cash assistance for their, you know, inability to meet their requirements in TANF. And we'd like to see children still receive assistance and still stay on the grant. So that's another reform we're looking at.

LEVIN-EPSTEIN: And just...

LOWER-BASCH: Can I jump in?

LEVIN-EPSTEIN: Sure.

LOWER-BASCH: Just also, just Jess and I have talked about this before. But it also looks like Minnesota isn't necessarily using all the flexibility they have under TANF to not document hours every single month, that one that someone's working and is participating for this 20 or 30 hours. The federal world allows states to project that forward for a period with pretty limited documentation. And Minnesota doesn't seem to be taking full advantage of that.

So Jess and I have talked about how to push for that as well.

LEVIN-EPSTEIN: Well, great.

And Jess, we probably all want to know, at some point, how the young mom with her twins fare. And we hope will stay in touch with us on that.

I'm going to turn to Stacy Dean now.

Our colleagues in the job scheduling world, Stacy, likely know that SNAP is fully federally-funded. But what they might not realize is that states have important choices, particularly in relation to applications and eligibility determinations even though the program is mostly federally-funded.

So Stacy, can you give us first a sense of the size of SNAP and the degree to which those who are able to work are working?

DEAN: Sure, absolutely.

It is an incredibly significant program for low-income individuals and low-wage workers.

Currently, we have over 45 million people or 22 million households; to really to boil it down one in seven Americans participate in this program. So it has pretty significant reach.

About two-thirds of the people who participate in the program aren't expected to work – their children, their seniors, people with disabilities, parents with very young children. So if we set them aside and look at that remaining third who you might – who we might say have the ability to work if economic circumstances permit, 40 percent of them work while they're on SNAP. And that should demonstrate that SNAP is a really important support for low-wage workers.

It's also important to remember that SNAP is a program that out-of-work people turn to when, you know, they lose their job or perhaps their hours are cut dramatically and they need the program's help.

So there's this component of, is it supporting those – those workers while they're working? And then is it available to folks while they're out of work since unemployment insurance frequently isn't available to very low-income people?

So we also want to look at, do folks work before and after participation in the program? And if you take that look, more than 80 percent of individuals we found have labor force attachment prior to or after leaving SNAP. So there's just – its participants who can work do and it's an important support for them.

LEVIN-EPSTEIN: And when you're a participant in SNAP, you have a work requirement imposed on you, different ones for – whether you're a family, a student, or singles. Can you do what I actually forced Elizabeth to do earlier, and fill us in on those requirements sort of briefly so we can understand it?

And help us understand how that relates to people who come in to the program already working? Does that automatically count or do they have to go up against some kind of measure and metric to ensure they're doing it exactly according to the formula for SNAP?

DEAN: Sure. Well, Elizabeth sets the bar high for being (INAUDIBLE), so I'll do my best.

So if you think about the – again, folks are in the category of the right age and the right capacity to ask them to be engaged in work. Basically the overarching requirement is that if you're not working 30 hours a week, the state can require you to participate in some kind of job training program, which could be training, education, job search, work fair, they have enormous flexibility on how they set the program.

Funding for that program is very, very limited. So states don't engage everyone who would meet that criteria. But – and typically what they do is they'll identify a demographic that they're interested in working with, a program that they have to connect them with, or community where, you know, they have the ability to engage. So there's a lot of flexibility there and states do a wide range of really interesting programs.

There are two other subsets, I just want to spend a minute on. One is, for example, students. You talked about the idea of – let's say someone comes in and they are working, what's their obligation to keep the state informed about their hours of work?

Full-time students do have a work requirement – they need to be maintained about 20 hours a week of work. So they would need to keep the state informed about if their hours did below that because then they might not otherwise be eligible.

And there's another group, a very significant group, childless adults. It's adults who – non-senior adults who don't have a child in the household. If they're working less than 20 hours a week, they face a three-month's time limit.

So for those who don't have – you know, are working and aren't subject to the time limit, they've got to keep the state informed of how many hours they're working.

We have other requirements on reporting that have to do with how much your earnings are because the state sets calculates benefits based on how much income comes into the household. And we can talk about that in a second. But there are – there's in fact that duty to keep the state informed in the number of hours for certain sub-populations.

LEVIN-EPSTEIN: So let's talk to the reporting issues that you're getting us to. And nearly all states have adopted what's called simplified reporting processes for SNAP. And these require recipients to submit information every six months.

So now that most states have adopted this simplified reporting, Stacy, is reporting a non-issue for SNAP recipients including those with volatile incomes in the phase of these work requirements you've just described? Or are there still some remaining choices that states could make to improve the story for those with volatile incomes?

DEAN: So is simplified reporting simple, I guess, is the first question.

And I mean, I think it's important – it's a yes and no. So if we look back in history, it's so much better than it used to be. I mean, when the – in the mid-90s, after welfare reforms, SNAP or Food Stamps then, now SNAP, went through a period of trying to adjust and recalibrate to being better suited to support low-wage workers.

I think Elizabeth talked about how many of the rules that were written just weren't written or oriented around the fact that people who participate in these programs would be working. And then

at the time, household could be asked to report if their wages fluctuated by \$25 or \$100 in a month, if you can imagine.

That was ridiculous. And so that – and it drove many, many working families off the program. They just couldn't keep up the paperwork.

So now we have a system that says when you apply, there's a rigorous growth of your income, including earned income and your projected earned income. And that's what we used to calculate your benefits.

You're then allowed to participate in the program for six months without having to report changes in your income, this is a state choice, unless you exceed the income eligibility threshold. So say for a family of three, it's 2144 a month. If your income goes above that, let us know, otherwise you're OK.

Sounds terrific, right, relative to keeping the state informed of minor modest fluctuations that all of your guests have talked plaguing low-wage workers.

So relative to the past, it's terrific. But here's the problem. Most states don't administer SNAP on its own. When a family comes in to apply for SNAP and to participate, they're also probably applying for Medicaid, maybe they'll have the opportunity to participate and receive child care subsidies or some other program that the state is offering. Those programs frequently don't allow families to participate without staying more abreast, more on top of fluctuations and income.

So if – so a family might receive three or four different reporting requirements. One for child care that's based on hours they're working, and Medicaid that might be (INAUDIBLE), any change for the parents, no changes for the kids, and in SNAP, tell us if your income goes above, you know, x-dollars for your household size.

Well, who can keep on top of that? I'm just confused myself in just explaining it and I've been doing this for, you know, a couple of decades now.

And I think that's the real – that's the real challenge for states but it is an area where states can make a lot of progress. It's trying to make a coherent structure, a coherent set of reporting requirements for workers so that they know what they're supposed to do, so that they don't either fear telling the state changes in their income, or feel any change has to be reported.

And that's what happened, is that they – because one program says, "Tell us if things changed by a dollar." The family does and that ends up – the worker ends up thinking, "Boy, I better change the benefits across all of the programs even if it wasn't necessary to do."

So it's a bit about – it is a bit of a mess. And I think that there is a lot states can do to make it easier and simpler for families.

LEVIN-EPSTEIN: OK.

And again, an audience reminder to email your questions to audioconference@clasp.org.

And Stacy, I'm going to ask you to take us to the benefits cliff issue for SNAP. And a benefit cliff, in case that term of ours is not part of your common vocabularies, when an increase in income causes a significant loss in benefits.

And one possible SNAP cliff is the gross income limit -- a lot of terms of ours here, Stacy. So can you help us understand that rule and what flexibility states have that might help those with volatile work schedules?

DEAN: Sure.

So in SNAP, one of the most basic eligibility rules is that in order to participate you need to be low-income. And you demonstrate that you're a low-income through several tests. But the first and most fundamental that you just described is the gross income test. Do you have income below a certain level?

So for a family of three, currently, as I just said, it's \$2144 a month in income. You may -- under federal rules, you can't participate if you have income above that.

So imagine a mom who -- a single mom of two kids, she's working 35 hours a week, \$15 an hour job. That would make her eligible for SNAP. She's just below the gross income test. And assuming she has standard household expenses for a family of that income, she would get about, under current rules, \$130 to \$140 a month in benefits.

So now, let's say she's eligible. She's getting a benefit, small, but \$135 can be a significant help with groceries. And now her employer offers her four more hours in that week. Those four hours, if she takes them, will put her over the income eligibility limit for SNAP.

And so she'll gain certainly some income, \$60, but she'll lose \$134 in SNAP benefits. And then next month, she'd have to reapply because her -- you know, if she doesn't get the hours.

So asking people to make choices between work and modest support from SNAP is just really -- it's facing -- it's giving them a horrible choice. And I think not one that incentivizes work.

So over half the states have taken advantage of a flexibility in the SNAP program to lift that gross income test to a higher level. Families still have to net -- they still have to demonstrate that their disposable income is below the poverty line. And that's income after taking into account some core expenses.

But it allows -- just lifting that limit a little bit gives relief to a family that might want to pick up some extra hours and, you know, increase income into the household without risking their benefits. So we really applaud the states that have taken that option. That's a terrific work incentive.

LEVIN-EPSTEIN: Stacy, let's turn to something that was raised earlier, which was this question about voluntary quit. It was in the context of TANF earlier. But typically disqualified from receiving SNAP are workers who voluntarily quit their jobs.

With SNAP, unreasonable work conditions, such as working without pay are already established as among the good cause reasons for leaving employment. Who decides whether the work condition has been unreasonable? And could a work condition in which there is little to no notice of a shift be viewed as an unreasonable work condition? Can we shovel in this whole volatile schedule advance -- failure to know your schedule in advance into this provision?

DEAN: Well, the good cause exemption is meant to ensure that workers who are unable to work for circumstances beyond their control, right? Lack of transportation, lack of child care, perhaps they're asked to perform a task that is beyond their physical capacity, or they're in an exploited situation. Those are all good cause under SNAP.

And you know, you asked who makes that decision? That's really where the rub (ph) is. And I think Jess Webster really point into that, that if I say I quit my job, the key is to make sure that that SNAP case worker saying why, so that they explore the reasons and that client has the opportunity to explain it was a bad situation, they were asked to do something they absolutely could not do.

So states actually have flexibility to define and expand that good cause definition in SNAP. And I think that fluctuating work schedule really fits within the parameters of SNAP. I think it would be just a terrific thing for advocates or those who are working on behalf of low-wage workers to raise with their state agencies, that let's make that explicit in the SNAP manual, let's train workers, sensitize them to it.

I definitely think there's the space within the federal rules to clarify that that's what we mean. And from -- just listening to your other guests, I feel like this is something we need to go talk to USDA (ph) about. It's a crucial conversation for them to be having states about where can we make adjustment in this program so that we're ensuring that SNAP is responsive and reflective of the low-wage labor market?

LEVIN-EPSTEIN: Stacy, we've got some more questions for you.

But I want to direct one at Jessica Bartholow because there's a question that just came in from Reynold Graham (ph) with the New York City Mayor's Office of Workforce Development with a simple one for you, Jessica.

It's just, tell us what the name of your bill is as well as the number. You were offering the number but we also want to know the name of the scheduling law or scheduling proposal.

BARTHLOW: Right. That's a funny question.

I mean, in California, we do typically tend to rely on the bill numbers. It's just our culture here in our state legislature, rather than the bill name as you see in Congress.

But I will – better than that, I will tell you that we have a website where you can go and learn more about the bill, the proposals, the stories behind this piece of legislation, and all the news coverage that we've received is available there. It is www.schedulefairness.com.

LEVIN-EPSTEIN: Excellent.

And while you're on though, just give us the bill number again.

BARTHOLOW: The bill number is AB-357 and the authors are co-authors, principal co-authors, Assembly Member Chiu from San Francisco and Assembly Member Dr. Shirley Weber from San Diego.

LEVIN-EPSTEIN: Thank you very much.

And Stacy, we have a question for you. And it comes from Fratney Miller (ph), who's with the Department of Human Services in Wisconsin.

With regard to your overview of the SNAP requirements, including the students worked 20 hours per week, Fratney (ph) writes, that is one option. But a student who is participating in federal work study is also eligible regardless of hours worked. Since many of these students don't know this, that's important.

I just wanted to ask you if there's anything you want to add to this, Stacy, with regards...

DEAN: I so appreciate that clarification. I did implant (ph) that and I wish I had.

She's exactly right. There are actually 11 exemptions from the student rule that are all targeted at identifying low-wage individuals who are not temporarily poor because – middle class folks who are temporarily poor because they're attending a four-year school. But those who are low-income and also attending classes or improving their education or getting technical training.

So we actually just did a webinar on this yesterday. And we'll have slides on our webpage.

LEVIN-EPSTEIN: And the question was implanted (ph).

DEAN: It wasn't.

So there are 11 exemptions. I won't go through them all. And that's a great example. So thank you. I don't want anyone to be confused.

LEVIN-EPSTEIN: OK. Terrific. Thank you.

And we're going to ask about turns, Stacy. That's when an otherwise eligible person loses a benefit and then comes back on often because of administrative issues such as something like a missed appointment or misplaced or missing piece of paperwork.

To address appointments, SNAP allows for on-demand interviews, again another term of ours. Can you fill us in on what that is? And how it might help, particularly those workers with volatile schedules, so fill us in on who decides that it will happen and how the benefits advocates and scheduling advocates on this call might collaborate to make on-demand interviews happen effectively?

DEAN: Sure.

So in SNAP, in order to be certified for benefits when you initially apply, an interview is required. Traditionally that was face-to-face. Now, in most cases occurs between the applicant and the case worker over the phone. And – then you’ve got to do that at least once a year. Some states do it every six months.

But the – historically, the state would set an appointment time either for you to physically come in or to have that phone call, you know, Wednesday between – kind of like the cable guy, “We’ll be there but it will probably between 1:00 and 3:00.”

And that – you know, that works great if you were a senior who can be at home during that time. But if you’re a worker and don’t know your schedule two or three weeks in advance, when you get that appointment letter, it can just be a killer because you obviously don’t want to choose between work and recertifying.

So a number of states, and we featured Utah earlier, so I’ll give them credit here as well. Say, instead of setting a particular time, we ask that you call in for your interview between Monday and Thursday, and you know, “Here’s the hours of our call center operation. And we’ll interview you.” So you, the client, you know, the on-demand is an interesting phrase, but flexible interview time.

It’s terrific in being responsive to workers because they can do it when it’s convenient for them. What’s crucial though is that – I just want to make very clear, it doesn’t always work. And so what’s important when you’re asking for it -- when you’re talking to your state about, “Can we make this feature available?” is you want to make sure that you sort out the staffing requirements associated with that.

That – just assuming that you’ll, the way you currently staff interviews or worker, it would be a huge mistake. People call in at – you know, can you – when the calls are flooding in, and there’s a 40-minute wait time to get to someone, how – do you have the ability to redeploy people to make sure those phones get answered?

Because call centers where the calls don’t get answered doesn’t help anyone. But when it – when it’s staffed properly, it’s a terrific, terrific feature for workers with fluctuating schedules.

LEVIN-EPSTEIN: Great.

We have just a few more minutes. And I’m going to give each of you 30 seconds to offer up and answer to one of the following three kinds of questions or something else. It’s either your advice regarding what next steps someone should take in the field around these issues, or the most

important thing to keep in mind as the takeaway, or what I didn't get the chance to say and I'm burning to say is.

So any one of those things, 30 seconds each. Jessica Bartholow, you're up first.

BARTHLOW: Great.

You know, I would like to – people to walk away with a sense that we all have a lot to do to show from benefit program for how they serve working poor.

But that doesn't result to the changing workforce that is increasing the numbers of people who are working poor, it's increasing the numbers – the rate of inequality in our states.

And that as people who care about poverty and people who live in poverty, you can't just figure out how to make the public benefit program work better for people who are working poor. We have to dig in and roll up our sleeves and become partners of people who are trying to reduce the number of people who are working in poor – on erratic schedules, on removing the impact of these schedules have on working people is a really important way to do that.

And I thank you for the call and thanks for letting me be part of it.

LEVIN-EPSTEIN: And thank you very much, especially for pitching the bringing the two worlds together.

And Elizabeth Lower-Basch?

LOWER-BASCH: Sure.

I'll just think a little bit of pitch for a paper that we have coming out soon. It's not quite out. That just highlights the fact that, particularly among TANF families, there are a lot of families with very young children, as in Jess Webster's example.

And just if you think about all these challenges with fluctuating schedules in general, and then imagine tying to it with a baby on top of that, that it just gets even more challenging. And we really haven't designed any system for single parents and their additional flexibility done in many cases.

LEVIN-EPSTEIN: Thank you.

And Jess Webster, 30 seconds?

WEBSTER: I think in Minnesota we're still fighting a public stigma and a societal stigma that people in TANF are not working. And I think that, you know, this really illustrates – and for our families, they're often – it's not that they're not working, they're working sometimes two and three jobs and piecing together – piecing together these volatile schedules and hours where they can.

And I just hope that we can continue to, you know, to have that conversation in Minnesota and nationwide that families are trying really hard to self-sustain with unsubsidized work and employment. And we need to find ways to make that better for them.

LEVIN-EPSTEIN: Terrific.

And Stacy?

DEAN: I thought the paper did a terrific job at laying out the breadth and scope of all the work. And I really do recommend it to folks.

And I guess my ask and ask of myself as well, is that, we really ought to be expanding good costs to include volatile work schedules. And I hope folks engage with their states. And I plan to USDA and ask them to engage states as well.

LEVIN-EPSTEIN: Terrific.

And as everybody is suggesting, this topic that we've had a chance to talk about today, we hope to continue to have a chance to talk about in the future.

And you can help us by responding to the SurveyMonkey that's going to be in your inbox any moment now giving us your questions, your suggestions, your ideas, you know, is it good cause, is that your top priority, what other issues could we be working on, and bringing back to you future audio conferences that may be drilled down into those two, or three, or four, or five big ideas. So fill up that SurveyMonkey, if you will.

And also tune in and register for our next audio conference, which is always on the third Thursday at 3 o'clock. The next one is October 15th at 3 o'clock Eastern time. And it's about job scheduling and public policy, what's had happened in 2015 and the prognosis for 2016. We hope you'll register for that.

And I just want to close by thanking our guests today who did such a terrific job in this emerging area. Jessica Bartholow, thank you so much Jessica, and Elizabeth Lower-Basch, and Jess Webster, and Stacy Dean. Thanks to each of you. And thank you to the audience.

Everybody, have a great day. Thank you.

OPERATOR: This does conclude our teleconference. You may disconnect your lines at this time and have a great day.

END