



Q & A: Meeting ABAWD Work Requirements through Training Activities

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The Supplemental Nutrition Assistance Program (SNAP), administered by the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS), is the nation's largest and one of the most important anti-hunger programs, providing nutrition assistance to over 44 million people in low-income households in fiscal year 2016.¹ The majority of SNAP benefits (82 percent) go to support households with children or that have an elderly or disabled family member. Such families made up 87 percent of all SNAP households in fiscal year 2014, the most recent year for which this data is available.²

SNAP is also a critical support for other low-income households consisting solely of one or more non-elderly, non-disabled adults without children. Since 1996, time limits on SNAP receipt have applied to recipients known as Able Bodied Adults without Dependents (ABAWDs) if they are not working or participating in a qualifying work or training activity for 20 hours or more per week. Many states have had waivers of these time limits due to high unemployment rates, but these waivers have expired in most states in 2016. ABAWDs will lose their benefits because of this time limit, regardless of whether they want to work, their efforts in seeking employment or if they are employed for less than 20 hours per week. This is distinct from the work requirements that states may impose on a broader group of SNAP recipients.³ Because there are very limited employment and training resources for ABAWDs, it is important to ensure that states are thinking about opportunities that can help ABAWDs obtain employment and avoid being cut off due to time limits, including through the state's workforce system.

In 2014, Congress reauthorized the Workforce Innovation and Opportunity Act (WIOA) which emphasizes that workforce development resources be targeted toward serving individuals who face barriers to employment.⁴ As implementation of this law is underway, it is important to consider how workforce programs can be designed to support ABAWDs facing time limits on SNAP. This Q&A provides a basic background on ABAWDs and the activities that qualify as work or training activities for this population, including workforce development programs under WIOA.

1. Who are ABAWDs?

ABAWDs are low-income adults ages 18 through 49 who do not have a mental or physical disability that would prevent them from working and do not live in households with children. ABAWDs are an especially vulnerable population that typically does not qualify for cash benefits, so the loss of food assistance through SNAP has a significant impact on their lives.

Individuals are exempt from the ABAWD time limit if they are:

- Already working an average of 20 hours per week
- Under 18 or over 49 years of age

- A parent to or residing in a household where a household member is a child under age 18
- Pregnant
- Determined to be medically certified as physically or mentally unfit for employment
- Already exempt from SNAP work requirements⁵

2. What is the time limit on ABAWDs?

ABAWDs may only access SNAP benefits for a total of 3 months in any 36 month period unless they are employed or are participating in a qualified work or training program for at least 20 hours a week, or participating in workfare for the required number of hours.

While states have had the ability to waive ABAWD time limits in areas of high unemployment since the time limits were created in 1997, throughout the recent recession, many states have received statewide waivers, meaning that ABAWDs were not automatically cut off of SNAP when they reached the time limit. The statewide waivers were in response to high unemployment states were experiencing. However, as the economy slowly rebounds, these statewide waivers are largely going away. The Center on Budget and Policy Priorities (CBPP) has estimated that more than 500,000 and as many as 1 million of the nation's poorest people who don't have access to many other supports, will be cut off over the course of 2016.^{6,7}

Individuals who lose their SNAP benefits due to the ABAWD time limits may be able to regain their eligibility if they cure any sanctions for non-participation in mandatory employment and training activities, and, during any 30 consecutive days, they are employed or participate in a work or training activity (or a combination of both) for 80 hours or more.

3. Are states required to provide work or training opportunities for ABAWDs who are at risk of losing SNAP benefits?

States are not required to provide a qualified work or training opportunity for ABAWDs at risk of losing SNAP benefits. Some states may choose to use portions of their SNAP Employment and Training (E&T) funds to provide qualifying activities to ABAWDs.⁸ However, SNAP E&T funding is extremely limited compared to the number of SNAP recipients who could potentially be eligible for services and the needs of ABAWDs largely go unmet. States vary greatly in how robust an E&T program they offer and some states operate very small programs, with five states and territories drawing down less than \$100,000 each in FY 2015, and 20 states or territories drawing down less than \$500,000 each. Even in states that offer more intensive services, E&T programs are unable to serve all who are eligible.

States that commit to providing work or job training opportunities for all ABAWDs at risk of losing SNAP can access a share of an additional \$20 million from the E&T Pledge Fund. Each year, only a handful of states typically opt to be pledge states. CBPP notes that Colorado, Delaware, Texas, and Wisconsin pledged to offer a qualifying work slot to every ABAWD subject to the time limit in 2015.⁹ Even with the Pledge Funds, states have typically provided low-intensity services in order to offer a slot to all recipients facing the time limit.

4. What activities may be provided under SNAP E&T? Do all SNAP E&T activities count as qualifying activities for individuals facing the time limit?

In general, states are not required to offer statewide E&T programs to all SNAP participants, and the robustness of SNAP E&T programs varies greatly by state. E&T components offered by a state agency must include one or more of the following:

- A job search program;
- A job search training program;
- A workfare program;
- A program designed to improve the employability of household members through work experience or training or both;
- A project, program or experiment such as a WIOA or state or local program aimed at accomplishing the purpose of the E&T program;
- Educational programs to improve basic skills or improve employability; or
- A program designed to improve self-sufficiency through self-employment.

While stand-alone job search and job search training are common SNAP E&T activities, they are not qualifying activities for ABAWDs. However, job search offered as a subsidiary component of an E&T program may be counted toward the 20 hours of work activity required for ABAWDs if it is less than 10 hours.

State agencies may establish a job search period of up to 30 days following initial SNAP certification prior to making a workfare assignment. This job search activity is part of the workfare assignment and is not considered a job search program and participants would be considered complying with the requirements of workfare, thereby meeting the participation requirement for ABAWDs.¹⁰

5. Does workfare, unpaid or volunteer work count as qualifying activities for individuals facing the time limit?

The statute says that ABAWDs can meet requirements through SNAP workfare or a comparable program operated by the state, county, or other local government.¹¹ Workfare requires that individuals perform work in a public service capacity in order to receive their SNAP benefits. The primary goal of workfare is to improve employability and enable individuals to move into regular employment.¹²

States also have the flexibility to consider unpaid or volunteer work as qualifying activities if they are verifiable according to standards set by the state.

6. Outside of SNAP E&T, what workforce development programs count toward the 20 hours of work activities?

Work programs funded by the Workforce Innovation and Opportunity Act (WIOA), formerly the Workforce Investment Act (WIA), and activities under the Trade Adjustment Act (TAA) automatically qualify as ABAWD work activities so long as participation is at least 20 hours per week.¹³ FNS recently issued guidance to states

clarifying that hours spent engaging in WIOA activities as either a “reportable individual” or “participant” count as qualifying activities for purposes of the ABAWD time limit.¹⁴ This clarification provides states a broader opportunity to offer qualifying activities through WIOA to individuals subject to the time limits. Even so, ABAWDs who are participating in WIOA or TAA programs can still get cut off of SNAP benefits if the SNAP agency is unaware that they are in fact meeting the work and training requirements. States should implement a system to identify ABAWDs who are already participating in such activities for at least 20 hours per week, and count their participation toward the requirements, just as states identify people who are employed 20 hours or more per week.

WIOA Title I programs include Adult and Dislocated Worker Employment and Training Activities and Youth Workforce Investment Activities. WIOA employment and training programs are offered through American Job Centers (often referred to as one-stop centers), which is the workforce service delivery system that helps people with job search and training. One-stop centers provide a range of services including career counseling, job listings, and job training. WIOA funding is also very limited compared to the pool of potentially eligible workers needing training. However, the recent reauthorization of WIOA required states to implement policies that prioritize more disadvantaged workers, including SNAP recipients.

TAA provides benefits and services to workers who lose their jobs as a result of increased import competition, relocation of production or services to any foreign country, or foreign contracting services.¹⁵ The TAA program offers extended income support, training, employment and case management services, and other benefits to displaced workers who are certified as eligible for these benefits.¹⁶

In some instances, individuals subject to the ABAWD time limits may already be participating in TAA and WIOA programs. It is important that states routinely check to see whether individuals are already meeting the ABAWD work activity requirements through their participation in another program. This may be done through a data match across systems, or at the very least, eligibility systems should inquire whether individuals are participating in any qualifying work activities and inform recipients of the various programs and resources that may be counted as work activities.

States that want to be proactive in preventing more ABAWDs from losing SNAP because of the time limit may explore strategic partnerships or collaborations with WIOA, TAA, and other employment and training programs. With the recent reauthorization of WIOA, which emphasizes that workforce agencies should target services to low-income adults and youth with limited training and skills, this is an opportunity to explore workforce programs that can help ABAWDs in obtaining employment and training services. For more information, see CLASP’s publication on [*New Opportunities to Improve Economic and Career Success for Low-Income Youth and Adults*](#).¹⁷

7. Do adult education programs and other state and local employment and training programs also count toward the 20 hours of work activities for ABAWDs?

States can count adult educational programs and activities such as basic education, vocational, or technical training as part of their SNAP E&T programs. States may wish to include activities funded under other

programs in their E&T plans in order to provide wrap-around supportive services to SNAP participants who are assigned to these activities.

States have the flexibility to count additional (non-SNAP E&T) employment and training programs operated by a state or local government toward the 20 hour ABAWD work requirement as long as they meet the standards approved by the Governor.¹⁸ This potentially opens up opportunities for states to count Career and Technical Education (CTE) and other state and local employment and training programs toward ABAWD work activities.

Individuals enrolled at least half time in college are exempt from ABAWD time limits, but subject to other restrictions on SNAP receipt. For more information, see the [SNAP Policy Brief on College Student Eligibility](#).

8. Does participation in work activities count if it is required by TANF or child support enforcement agencies, or as a condition of application for or receipt of unemployment benefits?

Individuals already participating in unemployment insurance programs are considered exempt from SNAP E&T and are not subject to the ABAWD time limits.

In some states, non-custodial parents who are unable to pay child support may be required to participate in work activities. In this case, the exemption from the overall SNAP work requirements for individuals who are already mandated to participate in a work activity under Title IV of the Social Security Act (which includes Child Support Enforcement as well as Temporary Assistance for Needy Families) would also apply.

9. Do rehabilitative services count as employment and training programs?

Some rehabilitative services may count as an employment and training program approved by the state. However, individuals qualifying for rehabilitative services are likely to meet exemption criteria from the ABAWD time limits due to their work limitations, depending on state rules.¹⁹

10. Where can I find information on my state's SNAP E&T plan?

States must submit annual SNAP E&T plans to FNS that must detail: the E&T components the state plans to offer; the categories and types of individuals states intend to exempt; the characteristics of the population the state intends to place in E&T; the estimated number of volunteers expected to be placed in E&T; the geographical areas covered and not covered by the E&T plan; and numerous other required information. By statute, the E&T plan must be available for the public at the agency headquarters. Some states post their E&T plans online, but not all do. A list of state SNAP E&T resources can be found on the FNS website.

Under WIOA, states have the option to include SNAP E&T as part of a combined plan with other workforce programs. The proposed WIOA regulations strongly encourage combined planning. However, FNS has not yet issued guidance as to what this would look like or how states would provide annual information in the context of a consolidated plan that must only be submitted every four years.

Appendix

The definitions for the ABAWD time limits and what is considered a work program can be found in the regulatory and statutory language below:

In the regulations, (7 CFR § 273.24):

§ 273.24 Time limit for able-bodied adults.

(a) *Definitions.* For purposes of the food stamp time limit, the terms below have the following meanings:

(1) *Fulfilling the work requirement* means:

- (i) Working 20 hours per week, averaged monthly; for purposes of this provision, 20 hours a week averaged monthly means 80 hours a month;
- (ii) Participating in and complying with the requirements of a work program 20 hours per week, as determined by the State agency;
- (iii) Any combination of working and participating in a work program for a total of 20 hours per week, as determined by the State agency; or
- (iv) Participating in and complying with a workfare program;

(2) *Working* means:

- (i) Work in exchange for money;
- (ii) Work in exchange for goods or services (“in kind” work); or
- (iii) Unpaid work, verified under standards established by the State agency.
- (iv) Any combination of paragraphs (a)(2)(i), (a)(2)(ii) and (a)(2)(iii) of this section.

(3) *Work Program* means:

- (i) A program under the Workforce Investment Act (Pub. L. 105-220);
- (ii) A program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or
- (iii) An employment and training program, other than a job search or job search training program, operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under § 273.7(f). Such a program may contain job search or job search training as a subsidiary component as long as such component is less than half the requirement.

(4) *Workfare program* means:

- (i) A program under § 273.7(m); or
- (ii) A comparable program established by a State or political subdivision of a State.

“Clarifying Obsolete Regulatory References to Employment, Training, and Service Programs,” FNS Memo to SNAP Regional Directors, October 17, 2016, clarifies that all references to WIA should be read as references to WIOA instead.

In the statute ([7 USC § 2015](#)):

(o) Work requirement

(1) “Work program” defined

In this subsection, the term “work program” means—

- (A) a program under title I of the Workforce Investment Act of 1998 [[29 U.S.C. 2801](#) et seq.];
- (B) a program under section [2296](#) of title [19](#); and
- (C) a program of employment and training operated or supervised by a State or political subdivision of a State that meets standards approved by the Governor of the State, including a program under subsection (d)(4) of this section, other than a job search program or a job search training program.

(2) Work requirement

Subject to the other provisions of this subsection, no individual shall be eligible to participate in the supplemental nutrition assistance program as a member of any household if, during the preceding 36-month period, the individual received supplemental nutrition assistance program benefits for not less than 3 months (consecutive or otherwise) during which the individual did not—

- (A) work 20 hours or more per week, averaged monthly;
- (B) participate in and comply with the requirements of a work program for 20 hours or more per week, as determined by the State agency;
- (C) participate in and comply with the requirements of a program under section 2029 of this title or a comparable program established by a State or political subdivision of a State; or
- (D) receive benefits pursuant to paragraph (3), (4), (5), or (6).

(3) Exception

Paragraph (2) shall not apply to an individual if the individual is—

- (A) under 18 or over 50 years of age;
- (B) medically certified as physically or mentally unfit for employment;
- (C) a parent or other member of a household with responsibility for a dependent child;
- (D) otherwise exempt under subsection (d)(2) of this section; or
- (E) a pregnant woman.

Workfare is included as a qualifying employment and training program in the statute at [7 USC § 2015\(d\)\(4\)\(B\)\(iii\)](#).

The conforming amendments section, Sec.512(1), of the Workforce Innovation and Opportunity Act updates this by replacing “*Workforce Investment Act*,” with “*Workforce Innovation and Opportunity Act*.”²⁰

Notes

¹ U.S. Department of Agriculture, *Supplemental Nutrition Assistance Program*, Food and Nutrition Service, October 2016, <http://www.fns.usda.gov/sites/default/files/pd/34SNAPmonthly.pdf>

² The Office of Policy Support, *Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2014*, Food and Nutrition Service, U.S. Department of Agriculture, December 2015, <http://www.fns.usda.gov/sites/default/files/ops/Characteristics2014.pdf>.

³ Helly Lee, *SNAP Works: SNAP Work Requirements and Time Limits*, CLASP, June 2013, <http://www.clasp.org/resources-and-publications/publication-1/SNAP-Work-Requirements-and-Time-Limits-ABAWD.pdf>

⁴ WIOA was formerly, the Workforce Investment Act (WIA).

⁵ 7 CFR §273.7(b), <http://www.gpo.gov/fdsys/pkg/CFR-2011-title7-vol4/pdf/CFR-2011-title7-vol4-part273.pdf>

⁶ Ed Bolen, *Approximately 1 Million Unemployed Childless Adults Will Lose SNAP Benefits in 2016 as State Waivers Expire*, Center on Budget and Policy Priorities, January 2015, <http://www.cbpp.org/cms/?fa=view&id=5251>

⁷ States may be eligible for partial ABAWD waivers in certain areas within a state that has high unemployment. In addition, states receive an annual allocation of 15 percent exemptions from the time-limited participation for ABAWDs. States do not earn exemptions in areas that are covered by ABAWD waivers. States may use the 15 percent exemptions to extend SNAP eligibility for ABAWDs who are facing the 3 month time limit – each exemption extends eligibility to 1 ABAWD for 1 month. See, 7 CFR §273.24(g), <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/pdf/CFR-2013-title7-vol4-sec273-24.pdf>

⁸ Elizabeth Lower-Basch, *SNAP E&T Overview*, CLASP, March 2014, <http://www.clasp.org/resources-and-publications/an-overview-of-snap-et>.

⁹ Center on Budget and Policy Priorities, *SNAP's Three-Month Time Limit Implementation Toolkit*, August 2016, <http://www.buildingbetterprograms.org/wp-content/uploads/2016/08/ABAWD-Toolkit-revised-7-18-FINAL.pdf>

¹⁰ 7 CFR §273.7(e)(1)(iii)(B), <http://www.gpo.gov/fdsys/pkg/CFR-2011-title7-vol4/pdf/CFR-2011-title7-vol4-part273.pdf>

¹¹ 7 CFR §273.24(a)(4), <http://www.gpo.gov/fdsys/pkg/CFR-2013-title7-vol4/pdf/CFR-2013-title7-vol4-sec273-24.pdf>

¹² 7 CFR §273.22, <http://www.gpo.gov/fdsys/pkg/CFR-2001-title7-vol4/pdf/CFR-2001-title7-vol4-sec273-22.pdf>

¹³ The definition of a work program in the statute includes a program under Title I of the Workforce Investment Act while the regulations provide broader language, including a program under the Workforce Investment Act, and does not limit it to Title I. See appendix for more details.

¹⁴ “Clarifying Obsolete Regulatory References to Employment, Training, and Service Programs,” FNS Memo to SNAP Regional Directors, October 17, 2016.

¹⁵ In 2009 and 2011, enhancements were made to TAA to allow Service Sector and Public Sector workers to be eligible for TAA. However, TAA is currently operating on a short-term extension under which it has been returned to its 2002 eligibility rules, focusing on Manufacturing Sector production employees. For more information on TAA benefits under the 2014 revision, see: http://www.doleta.gov/tradeact/2014_amend_att1.cfm

¹⁶ TAA training programs under Sec. 236 of the Trade Act of 1976 count toward ABAWD work activities. See more about TAA at: “Trade Adjustment Assistance”, CLASP, <http://www.clasp.org/documents/Trade-Adjustment-Assistance.pdf>

¹⁷ Kisha Bird, Marcie Foster, and Evelyn Ganzglass, *New Opportunities to Improve Economic and Career Success for Low-Income Youth and Adults: Key Provisions of the Workforce Innovation and Opportunity Act (WIOA)*, CLASP, September 2014, <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>

¹⁸ The reasoning around state flexibility to count additional employment and training programs as long as they meet the standards approved by the governor is explicit in the preamble discussion to the regulations. See, <http://www.federalregister.gov/a/01-1025/p-180>

¹⁹ Michael Morris and Nanette Goodman, *Impact of the Work Requirement in Supplemental Nutrition Assistance (SNAP) on Low-Income Working-Age People with Disabilities*, Burton Blatt Institute at Syracuse University, August 2014, <http://www.researchondisability.org/docs/publications/snap-paper-8-23-2014-with-appendix.pdf?sfvrsn=2>

²⁰ Sec.512(l), <https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf>