



How States Can Protect Workers with Irregular Schedules from Losing SNAP Benefits

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Introduction

In many states, workers without documented disabilities who do not live in a household with a child (sometimes referred to as “ABAWDs” – Able Bodied Adults Without Dependents) are limited to three months of food assistance in a 36-month period, unless they are working at least 80 hours per month. (See [SNAP Policy Brief](#) for additional information). The Food and Nutrition Service (FNS) at the U.S. Department of Agriculture has clarified that states may make good-cause exceptions for workers who usually work this much but who drop below the 80-hour threshold due to circumstances outside of their control. In these situations, a state would not count that month towards the three-month time limit. Given the great prevalence of irregular and unpredictable schedules among low-wage jobs, this policy could affect a significant number of Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) recipients. States should implement policies and procedures to ensure that workers whose hours fluctuate do not lose SNAP benefits as a result. This brief focuses on the impact of the SNAP time limit on those with volatile work schedules and on the ways in which states can ensure their policies correctly apply federal guidelines and best practices to support these employed adults.

Irregular Schedules Place Workers at Risk of Losing SNAP Benefits

A large share of workers in low-wage jobs in the U.S. experience volatile work schedules. Many workers are only able to access part-time work, despite wanting to work more, and workers’ total hours and shift schedules often vary from week to week, sometimes with very little notice. In July 2016, the U. S. Department of Labor’s Bureau of Labor Statistics reported that the number of individuals involuntarily working part-time (who would have preferred full-time employment) was 5.9 million, unchanged from the previous month.¹ The Economic Policy Institute reports that approximately 17 percent of American workers have unstable work schedules (including irregular, on-call, split, and rotating shifts), and workers making less than \$22,500 per year are most likely to have unstable work schedules.² The stresses created with such work schedules can permeate the lives of workers and their families, with these workers more prone to work-family conflict than their counterparts with regular schedules. This stress can be exacerbated when volatile job schedules and inconsistent working hours threaten access to support programs such as SNAP.³

SNAP is a critical nutrition support program that serves nearly 45 million individuals in the U.S., with an average monthly benefit of \$125 per person.⁴ Although a large percentage of SNAP recipients are families or elderly adults, it is one of the few benefit programs available to childless adults.⁵ However, working-age adults without a documented disability who do not live in a household with a child are limited to three months of SNAP benefits in a 36-month period unless they are working or participating in a qualifying training activity for at least 80 hours per

month (approximately 20 hours per week). The time limit was largely suspended during the recession that began in 2008, but is now back in effect in most states. According to FNS, as of August 2016, 16 states do not have a waiver and are enforcing the time limit statewide, an additional 26 states have a partial waiver in select high unemployment areas, and only 11 states and territories are still operating with a waiver (although some will be re-implementing the time limit as early as January 2017).⁶ The Center on Budget and Policy Priorities estimated that between 500,000 and 1 million individuals would likely lose benefits in 2016 due to the time limits.⁷ SNAP caseloads have been declining since 2013, and the recent declines have accelerated due to several factors, most notably the time limit. States can mitigate the impact of SNAP time limits with thorough screening for exemptions and offering individuals opportunities to participate in qualifying activities.

One particularly problematic provision of participation is the requirement that an adult subject to the time limit must work 20 hours per week, or an average of 80 hours per month (7CFR §273.24) in order to continue receiving the benefit beyond three months. States are not required to offer work opportunities to individuals subject to this time limit. Given what we know about the positions commonly held by low-income workers, and the prevalence of irregular schedules in the restaurant, retail, personal-services, and repair service industries, there is a high likelihood that SNAP recipients' monthly work hours will dip below 80, putting them at risk of losing their SNAP benefit. Moreover, because many workers do not receive their schedules until the last minute, or are required to be available "on call," they may have limited opportunity to seek additional work.

States Can Minimize Harm

States have several ways to mitigate the effects of the time limit and ensure that employed adults are not cut off from SNAP as they continue to work and seek full-time employment:

Opportunity #1: States should ensure their policies correctly apply the federal requirement of part-time work that meets the participation standard. While the minimum number of hours is often informally described as a 20-hour per week requirement, the regulations state "20 hours per week, averaged monthly" (7CFR §273.24 (a)(1)(i)). If individuals work variable hours, the month should not be counted toward the time as long as the total monthly participation hours add up to at least 80.

Opportunity #2: States should maximize the application of 'good-cause' policy (7 CFR §273.24 (b)(2)) so that when a childless adult who usually works 80 hours per month does not work enough hours in a given month to meet the requirement, it will not count as a month towards the three-month time limit. Good cause is appropriate in situations where the individual would have otherwise met the 80 hour per month threshold but was not able to because of "circumstances beyond the individual's control," including schedule fluctuations, personal illness, illness of another household member, an emergency, or lack of transportation. FNS released guidance in November 2015 on implementation of the time limit policy and specifically included the application of good cause as a best practice.⁸

Opportunity #3: For employed recipients whose hours are not sufficient to meet the 80 hour per month requirement, states should ensure recipients know that volunteer work can also be counted toward the requirement. States should consider providing flexible opportunities to engage in job search and education and training activities, including online activities, to supplement recipients' hours of work.

The U.S. economy does not always allow for all individuals who wish to work full-time to do so. Part-time workers may be eligible to receive SNAP if states apply federal requirements in a sensible way to ensure that individuals are not cut off from this critical benefit program.

Endnotes

¹ U.S. Department of Labor Bureau of Labor Statistics, “The Employment Situation—September 2016,” 2016, <http://www.bls.gov/news.release/pdf/empsit.pdf>.

² *Irregular Work Scheduling and its Consequences*, EPI, 2015, <http://www.epi.org/files/pdf/82524.pdf>.

³ Liz Ben-Ishai,, *Volatile Jobs Schedules and Access to Public Benefits*, CLASP, 2015, <http://www.clasp.org/resources-and-publications/publication-1/2015.09.16-Scheduling-Volatility-and-Benefits-FINAL.pdf>.

⁴ U.S. Department of Agriculture Food and Nutrition Service, Supplemental Nutrition Assistant Program (SNAP) data, 2016, <http://www.fns.usda.gov/sites/default/files/pd/34SNAPmonthly.pdf>.

⁵ Steven Carlson, Dorothy Rosenbaum, Brynne Keith-Jennings, *Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?*, CBPP, 2016, <http://www.cbpp.org/sites/default/files/atoms/files/2-8-16fa.pdf>.

⁶ U.S. Department of Agriculture Food and Nutrition Service, “Status of State Able-Bodied Adult without Dependents (ABAWD) Time Limit Waivers,” 2016, <http://www.fns.usda.gov/sites/default/files/snap/FY-2016-Quarter-4-ABAWD-Waiver-Status.pdf>.

⁷ Ed Bolen, Dorothy Rosenbaum, Stacy Dean et. al, *More Than 500,000 Adults Will Lose SNAP Benefits in 2016 as Waivers Expire: Affected Unemployed Childless Individuals Are Very Poor; Few Qualify for Other Help*, CBPP, 2016, <http://www.cbpp.org/sites/default/files/atoms/files/1-5-15fa.pdf>.

⁸ USDA, “Supplemental Nutrition Assistance Program-ABAWD Time Limit Policy and Program Access,” November 19, 2015, <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>.