Economic Justice and Social Welfare Network
Policy and Advocacy Committee

Access to Assistance Campaign

SANCTIONS

Barrier: Clients suffer an unacceptable number of sanctions which affect their ability to leave welfare for work.

Sanctions are financial penalties imposed on clients for not complying with work rules. Under Social Services Law section 342, when a client is sanctioned, he or she loses benefits for up to six months, even if the client is willing to comply with work rules immediately and, in many cases, even though he or she had a good reason for missing an appointment or a day of a work assignment. The duration of the sanction depends on how many prior sanctions have been imposed on the case. Families lose a portion of their grant while the sanction is in effect; whereas individuals without children have their cases closed entirely.

Sanctions are often imposed in error.

Although sanctions are meted out as a punishment intended to exact program compliance, many sanctions are not caused by any failure to comply on the part of the welfare recipient. In New York City for example, a system known as "autoposting" causes the agency computer to automatically start the sanction process for every case in which a worker does not record a client's attendance – including cases in which the client *did* attend and the worker simply failed to record it. Other agency errors occur frequently when a local district sends appointment notices to an incorrect address even though the client has informed the agency that her address has changed. **Agency error is significant as evidenced by fair hearing statistics: local districts win very few hearings – in fact, they lose or withdraw in over 75% of hearings held on work issues.[1]**

Impact: Sanctions often result in a loss of any momentum the employable client has found toward employment and self-sufficiency and places the client at risk of eviction and homelessness.

Sanctions terminate clients' connections to work activities and support services, making it harder to prepare them for work. When clients are sanctioned, they not only lose critical subsistence-level benefits, they also lose access to rent supplements, placing them at risk of eviction and homelessness. In addition, sanctioned clients lose child care – making it difficult for such a client to secure employment on her own or continue attending school. A missed meeting or a missed day of a work assignment can result in six months of lost benefits.

While some researchers have found that sanctions lead to increased employment exits from welfare, others have found they do not, and that sanctioned welfare leavers have lower employment rates and earnings than individuals who left welfare for other reasons.[2] Studies have also found that sanctions have no effect on welfare use and do not increase compliance with work rules.[3] What is

[1] See OTDA 2009 Statistical Report to Legislature at http://www.otda.state.ny.us/resources/legislative-report/2009_LEGISLATIVE_REPORT.pdf

[2] Lee, Bong Joo, Kristen S. Slack, and Dan A. Lewis. 2004. Are Welfare Sanctions Working as Intended? Welfare Receipt, Work Activity, and Material Hardship among TANF-Recipient Families. *Social Service Review* 78 (3):370-403.

clear is that the most disadvantaged, and those with the most barriers to employment, are more likely to be sanctioned.[4] Sanctioned clients have lower levels of education, less work experience, and more children, than their non-sanctioned counterparts. Health problems, and domestic violence, are more common among sanctioned clients. Logistical problems, such as securing transportation or child care, are also more common.

Proposed Solution:

We propose legislation that would do the following:

- Require local districts to determine if a client lacks child care or transportation, is exempt from work activities or needs an accommodation for medical limitation *before* the district can begin the process of taking a negative case action against the client.

- Eliminate incremental, durational sanctions and instead, permits clients to comply.

---

[3] . Hamilton, Gayle, and Susan Scrivener. 1999. Promoting Participation: How to Increase Involvement in Welfare-to-Work Activities. New York, New York Manpower Demonstration Research Corporation

[4] Born, Catherine, Pamela Caudill, and Melinda Cordero. 1999. Life After Welfare: A Look at Sanctioned Families. Baltimore, MD: University of Maryland, School of Social Work; Cherlin, Andrew J., Karen Bogen, James M. Quane, and Linda Burton. 2002. Operating within the Rules: Welfare Recipients' Experiences with Sanctions and Case Closings *Social Service Review* 76 (3):387-405; Edelhoch, Marilyn, Qiduan Liu, and Linda Martin. 1999. The Post-Welfare Progress of Sanctioned Clients: A Study Using Administrative and Survey Data to Answer Three of Four Important Questions. South Carolina Department of Social Services, Office of Planning and Research; Fein, David J., and Wang S. Lee. 1999. The ABC Evaluation: Carrying and Using the Stick: Financial Sanctions in Delaware's A Better Chance Program. Prepared for Delaware Health and Social Services. Cambridge,MA: ABT Associates Inc.; Hasenfeld, Yeheskel, Toorjo Ghose, and Kandyce Larson. 2004. The Logic of Sanctioning Welfare Recipients: An Empirical Assessment *Social Service Review* 78 (2):304-319;Kalil, Ariel, Kristen S. Seefeldt, and Hui-chen Wang December 2002. Sanctions and Material Hardship under TANF. *Social Service Review* 76 (4):642-662;Koralek, Robin. 2000. South Carolina Family Independence Program Process Evaluation. Prepared for South Carolina Department of Social Services Washington, DC: The Urban Institute; Mancuso, David, and Vanessa L. Lindler. 2001. Examining the Circumstances of Welfare Leavers and Sanctioned Families in Sonoma County [CA], Final Report Burlingame, CA: The SPHERE Institute; Pavetti, LaDonna, Michelle K. Derr, Gretchen Kirby, Robert G. Wood, and Melissa A. Clark.