

<b>DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION</b>	<b>FOOD SUPPLEMENT PROGRAM MANUAL</b>	
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## 101.1 Purpose

This section defines a striker for program purposes. It also provides eligibility requirements for households containing a striking member or members.

## 101.2 Definition of a Striker

- A. A striker is anyone involved in a strike or concerted stoppage of work by employees (including a stoppage that results because a collective bargaining agreement has expired) or any concerted slowdown or other concerted interruption of operations by employees.
- B. Persons on strike are not considered to have voluntarily quit their jobs.
- C. There are several situations in which people may appear to be strikers, but for FSP eligibility are not considered strikers. These include:
  - 1. Persons exempt from work registration requirements the day before the strike, for any reason other than employment; or
  - 2. Employees who are locked out of their work place because their work has been closed by an employer due to a strike; or
  - 3. Employees unable to work as a result of striking employees. For example, striking newspaper pressmen prevent the printing of newspapers and consequently prevent truck drivers from working because there are no papers to deliver; or
  - 4. Employees who are not part of the bargaining unit, refusing to work because of undesirable conditions at the workplace caused by the strike. For example, employees who do not want to cross a picket line for fear of personal injury; or
  - 5. Employees who individually cease work, but are not ceasing work because the individual is participating in a strike.
- D. The distinction between strikers and non-strikers is that strikers are involved in a concerted action by employees to temporarily stop work, while non-strikers are employees taking individual action or being forced as a result of the strike to stop work.

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### **101.3 Determining Striker Status and Eligibility**

- A. Households with striking members are ineligible to participate in the Food Supplement Program unless the household was eligible for benefits the day before the strike and they are otherwise eligible to participate in the program at the time of application.
- B. If eligible, the household cannot receive an increased allotment as the result of a decrease in income of the striking member.
- C. Take the following steps to determine the eligibility of households when a member has temporarily stopped working:
  - 1. Determine if the member who stopped working is a striker. If not, treat the household without consideration of the special striker policies. (However, assign a short certification period, since the household's circumstances are likely to change.)
  - 2. Determine if the striking member was exempt from work registration on the day prior to the strike. If so, take into account any loss of income to determine eligibility and benefits. In effect, treat the striking member as a non-striker. Count as unearned income any strike benefits the striking member receives.
  - 3. Determine if the household was eligible the day prior to the strike if the striking member is not exempt from work registration. Use that day as the date of application and assume the strike did not occur. Take into account the income the striking member would have received to determine eligibility and benefits. Count as unearned income any strike benefits the striking member receives.
- D. Determine eligibility by comparing the striking member's income on the day prior to the strike to the striker's current income. Add the higher of the two amounts to the current income of the other household members. Apply the earned income deduction when appropriate.
- E. If the household contains a striking member who is not exempt from work registration and the household was not eligible on the day prior to the strike, the household is ineligible as long as the strike lasts.

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### 101.3 Determining Striker Status and Eligibility (continued)

**EXAMPLE:** Mary Jones applied for FSP benefits for herself, her husband, John, and their two children (age 12 and 13 years) on December 11. Mary was laid off her job and John's hours were reduced to 20 hours per week. The employees at John's place of employment went on strike December 9. The case manager would look at the household situation as it was on December 8 to determine eligibility. (Date of Application becomes the day before the strike (December 8, as described in Section 101.3 C 3 below).

**EXAMPLE:** A household containing a striker applies on the day the strike begins. The household would have met the income test on the day prior to the strike. The household is **ineligible to participate** for the duration of the strike, **even if the resources drop below** the resource limit at some time **during the strike**.

### 101.4 Verification and Reporting

- A. Verify household income on the day prior to the strike if the household believes its income would qualify it for FSP benefits.
- B. A household with a member on strike, but eligible for the program, has the same responsibility to report changes as any other household as described in section 420 (reporting Changes). Take prompt action on reported changes to determine if the change affects the striking household's eligibility or benefits. Process all changes that result in a decrease, increase or termination of FSP benefits

### 101.5 Work Registration

Eligible strikers are subject to work registration requirements as described in section 130 (Work Registration).