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Implementing Full and Partial Work Sanctions

The Case of Texas

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This study examines the implementation of work sanctions in Texas, a state that switched from partial to full benefit sanctions. A qualitative research design is used consisting of 255 individual case studies obtained from administrative fair hearing data under Texas's full and partial sanction regimes. Recipients' explanations for not complying with the work rules and how workers assessed these explanations and whether sanctions were appropriate are examined. This study found that recipients' reasons for not complying with work rules were similar for both full and partial sanctions. The primary reasons for their noncompliance were family obstacles and situational challenges or lack of notice. Workers responses under both regimes were also very similar, with workers using their discretion to apply sanctions punitively. Workers focused on the paper-processing tasks of sanctioning rather than the larger goal of encouraging self-sufficiency, with workers failing to distinguish between procedural and substantive violations of the work rules.

Keywords: *welfare reform; sanctions; fair hearings*

Welfare reform's foundation is built on behavioral-based reforms that mandate work for the adult members of families receiving public assistance. The primary means for enforcing work are sanctions, which are financial penalties imposed on recipients for violating work rules. Most states impose full family sanctions instead of partial sanctions, although the latter are permitted under federal law. Specifically, 44 states impose some form of full family sanction, cutting the entire family, including children, off from aid either immediately or gradually when an adult member violates a work rule (Kauff, Derr, Pavetti, & Martin, 2007). The overall trend is toward stricter sanctions. In 2003, 14 states imposed partial sanctions, where only the noncompliant adult's portion of the grant was eliminated (Pavetti, 2003). Currently only six states, including the two states with the largest population of welfare recipients (California and New York), impose a partial sanction (Kauff et al., 2007). Texas initially imposed partial sanctions, but then switched to full family sanctions in 2003.

Some argue that sanctions, especially full family sanctions, are the key to transforming welfare from an income-maintenance-system to a work-based system (Mead, 2001; Rector & Youssef, 1999). They encourage unwilling recipients to participate in work activities

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(Kauff et al., 2007), while reducing “incentives for idleness” and preparing recipients “for the real world of employment” (Rector & Youssef, 1999, p. 8). Others contend that sanctions are more punitive than rehabilitative, designed to reduce caseloads rather than restore self-sufficiency (Hasenfeld & Weaver, 1996; Houser, Schram, Fording, & Soss, 2007). The focus on recipients’ behaviors and personal deficiencies can hinder rather than help by obscuring obstacles to work and problems in the low-wage market (Brodkin, 2006a).

Sanctions are imposed by frontline workers and require the exercise of discretion because they involve subjective determination of recipients’ willingness to work or reasons for not working. Few studies, however, have explored the exercise of discretion in the application of sanctions. Comparisons between partial and full family sanctions are also lacking.

This study seeks to fill this gap by examining how full and partial sanctions are administered on the front lines. It focuses on Texas, which shifted from partial to full family sanctions in 2003. It thus takes advantage of this rare opportunity to compare the implementation of partial and full sanctions in the same welfare bureaucracy. It builds on earlier research by this author examining how partial sanctions were applied in Texas. A qualitative research design is used consisting of 255 individual case studies obtained from administrative fair hearing data under Texas’s full and partial sanction regimes. Recipients’ explanations for not complying with the work rules and how workers assessed these explanations and whether sanctions were appropriate are examined.

Sanctions, Discretion, and Welfare Bureaucracies

Both laws and discretion drive bureaucracies, as workers apply broad and sometimes ambiguous laws and regulations to specific cases. The use or misuse of discretion has long bedeviled welfare bureaucracies. In the 1960s, frontline workers were criticized both for using their discretion too leniently and too stringently and for being either too generous or too demanding of clients (Brodkin, 2006b). Reforms designed to limit discretion by imposing more rules and supervision ended up “redirect[ing] discretion from a need-based to a more procedurally based set of informal practices” (Brodkin, 2006b, p. 5). It created what Kane and Bane (1994) termed an *eligibility-compliance culture*, with workers focused on procedural rules and paperwork rather than the helping relationship. Discussions about individual needs were replaced with demands for documents. As workers and clients filled out and secured an escalating number of standardized forms and documents, interactions became depersonalized and individual need obscured or overlooked (Brodkin, 1986). Mistakes were often made, resulting in bureaucratic disentanglement or the denial of aid to otherwise eligible people based on process rather than substance (Lipsky, 1984). This undue emphasis on proceduralism subverted policy goals when aid was denied to welfare’s intended beneficiaries.

The 1996 welfare reform has reshaped again how workers use their discretion. The law provides for a complex mix of coercion and support, flexibility, and regimentation. Encouraging self-sufficiency is a more complex task than verifying eligibility. Recognizing this, the law gives states unprecedented flexibility in program design for moving people into work. Many programs use the social work or case management model, which emphasizes

flexibility and personalized services (Segal, Gerdes, & Steiner, 2004). Funding for an array of support services, including day care, transportation, and job training, gives workers opportunities to exercise their discretion positively. For example, job search and training could be tailored to clients' abilities and preferences with workers seeking the best match.

On the other hand, welfare reform also encourages rigidity and routinization. The emphasis on work quotas provides incentives for workers to assign clients to standardized work activities (Brodkin, 2006b). The work first approach, which calls for immediate labor market attachment, also encourages depersonalized service (Anderson, 2001). Even among private welfare-to-work contractors, financial inducements in contracts inhibit workers from providing individualized service (Johnson Dias & Maynard-Moody, 2007).

Sanctions, an inherently discretionary tool, can be applied in different ways. Because all states permit clients to avoid sanctions if they have "good cause" for not complying with work rules, sanctions often require individualized, and hence discretionary, determinations (State Policy Documentation Project, 2001). States have adopted various criteria, some more specific than others, to determine good cause. Some examples of good cause include ill health, a family crisis, child care difficulties, or lack of transportation (State Policy Documentation Project, 2001). Workers must scrutinize clients' reasons for not complying for sufficiency and truth. Whether, for example, a particular family crisis qualifies or is true is a discretionary determination requiring the application of law to facts.

However, discretion can be "exercised in routine and repetitive ways" (Hawkins, 2001, p. 39). Individualized determinations take time and resources. Workers thus often develop shortcuts to decision making, especially for frequently made decisions (Hawkins, 2001). Much of the welfare population is now subject to sanctions, inviting abbreviated decision making. A commonly used shortcut in welfare bureaucracies is to classify clients as morally undeserving, thus routinely interpreting their behavior negatively (Hasenfeld, 2000). As applied to sanctions, regularly assuming clients are unwilling to work is simpler and easier than fully assessing work behaviors and would represent a punitive approach to sanctions.

Organizational precedents and practices also shape the shortcuts developed by workers. As described above, welfare bureaucracies are prone to "eligibility compliance-cultures," where processing papers takes precedence over processing people (Kane & Bane, 1994). A rote reliance on procedural rules can make sanctions easier to impose. A missed appointment can serve as a quick and easy proxy for judging clients' overall work behaviors, especially if punishment rather than rehabilitation is the guiding force. Workers may fail to distinguish between procedural and substantive violations of the work rules. Workers also respond to incentives (Brodkin, 2006b). If, for example, case records are checked for errors of liberality, not stringency, workers will err on the side of the latter. Sanctions may become the first resort rather than the last.

Temporary Assistance for Needy Families' (TANF) organizational and other reforms were designed to transform welfare centers into job centers with an array of personalized services and supports. However, as numerous implementation studies have found, frontline practices are difficult to change (Lurie, 2006; Lurie & Riccucci, 2003; Meyers & Dillon, 1999; Meyers, Glaser, & MacDonald, 1998; Riccucci, Meyers, Lurie, & Han, 2004; Sandfort, 2000). Frontline workers' shared beliefs and collective knowledge about how things work can supersede management's vision or directives (Sandfort, 2000). As Lurie (2006) found in a study

that spanned four states, work mandates can be imposed in routine and impersonal ways that undercut the larger vision infusing welfare reform. As she explains,

The sheer volume of information, rules, and forms forced workers to devote much of their time to these routinized tasks and generated a vast amount of paperwork. Even delicate questions that might justify an individual conversation, like inquiring whether the client faced a substance abuse problem that interfered with employment, frequently became a routinized task of asking the client to sign a piece of paper. (p. 74)

Likewise, in a study of sanction processes that spanned eight counties in seven states, researchers found that high case loads that discouraged frequent personal interactions resulted in the mechanical application of sanctions without a full assessment of the factors contributing to noncompliance (Kauff et al., 2007).

There is some suggestion that work barriers are paradoxically more likely to be ignored among those clients who need the most help. Numerous studies have found that the most disadvantaged clients are most likely to be sanctioned. This includes recipients with lower levels of education, less work experience, and with longer periods of time on public assistance (Born, Caudill, & Cordero, 1999; Cherlin, Bogen, Quane, & Burton, 2002; Edelhoich, Liu, & Martin, 2000; Fein & Lee, 1999; Hasenfeld, Ghose, & Larson, 2004; Kalil, Seefeldt, & Wang, 2002; Koralek, 2000; Mancuso & Lindler, 2001; Pavetti, Derr, Kirby, Wood, & Clark, 2004; Westra & Routley, 2000; Wu, Cancian, Meyer, & Wallace, 2004), larger families headed by the never married (Cherlin et al., 2002; Edelhoich et al., 2000; Fein & Lee, 1999; Hasenfeld et al., 2004; Kalil et al., 2002; Koralek, 2000; Mancuso & Lindler, 2001; Pavetti et al., 2004; Westra & Routley, 2000), and health problems, including alcohol and drug problems, and domestic violence (Cherlin et al., 2002; Kalil et al., 2002; Mancuso & Lindler, 2001; Pavetti et al., 2004; Polit, London, & Martinez, 2001). Logistical problems, such as securing transportation or child care, are also more frequent among sanctioned recipients (Cherlin et al., 2002; Hasenfeld et al., 2004; Kalil et al., 2002; Mancuso & Lindler, 2001; Pavetti et al., 2004).

Sanctions create a disincentive for helping those clients most in need of welfare reform's enhanced supports because it is easier to sanction than provide support. Bell (2006) found evidence of this dynamic in her study of frontline workers in Texas, who often dismissed work barriers as exaggerated or the client's fault, choosing to sanction rather than address them. The easier route for workers is to standardize and bureaucratize sanctions, thus avoiding the complex and time-consuming task of evaluating work behaviors and securing supports, especially among hard-to-serve clients.

Little is known about the frontline transactions between worker and client that culminate in a sanction, including how workers assess (or fail to assess) clients' "good cause" explanations or ability to work and whether workers impose full and partial sanctions differently. The few implementation studies rely largely on generalized information from administrators and frontline workers, and to lesser extent clients, about sanction policies and procedures (Brown, 1999; Fraker, Nixon, Losby, Prindle, & Else, 1997; Kauff et al., 2007; Pavetti et al., 2004). These studies do not fully capture the complex mix of rules and discretion involved in the application of sanctions. This study, by focusing on individual cases and both partial and full family sanctions, adds to our knowledge of how workers translate this policy tool into practice.

Data and Methodology

This study uses as a data source fair hearings, which are adversarial style administrative hearings triggered when recipients appeal an adverse decision by the agency, including work sanctions. Required since the inception of the Aid to Dependent Children (ADC) program in 1935, hearings correct errors in individual cases. They provide a novel and original source for exploring areas of conflict between client and worker. Hearings offer a window into what types of discretionary decisions clients choose to visibly contest at a particular time and place. They thus provide an additional and different view of bureaucratic processes than traditional implementation studies, which typically consist of interviews and observations of workers in their day-to-day interactions with clients. In contrast, hearings focus on those interactions that generate complaints. Although few clients appeal, those who do provide a fertile source for exploring what types of practices or bureaucratic errors generate conflict, thus leading to a fuller and more complex understanding of frontline interactions.

Hearings also have several advantages as a data source. They are especially useful for examining how workers exercise their discretion in the context of the bureaucracy's administrative processes. Deciding how the law should apply to a particular set of facts, for example, whether a client's reason for not complying with the work rules is legally sufficient, requires the exercise of discretion. The fine points of this discretionary decision is scrutinized in the hearing process and contained in the hearing record.

Hearings also provide a thorough account of bureaucratic interactions from the perspective of both client and worker. The dictates of the adversarial process, including the presentation of evidence by the client and agency, cross-examination of witnesses, and a written decision by the hearing officer summarizing each side's position and findings of fact and law, provides a detailed administrative record of individual cases. Hearings also capture the actions of the parties with the most knowledge of the interaction, while it is occurring, and without any interference from a researcher. Thus, they reflect what people did, not what they report doing, or recall having done, or may do or not when under observation. Unlike on-site observations, which record only snippets of cases (see, e.g., Lurie, 2006), hearing data are more contextual and comprehensive. In short, they tell a more complete story.

This study builds on an earlier study by the author (Lens, 2006), which used fair hearing data to study the administration of partial work sanctions in Texas in 2002. Using the same data source in 2004 to study full family sanctions provides an opportunity to contrast different sanctioning policies in the same state and within the same bureaucracy, thus eliminating the inherent variation in cross-state comparisons and among different bureaucracies. To more fully understand the structure and scope of the sanctioning process, these data are supplemented with an analysis of the agency's regulations, policies, and procedures governing sanctions.

Two regions in Texas were chosen to provide a contrast between a primarily urban/suburban area and a more rural area. The regions reflect geographical distinctions made by the Texas Health and Human Services Commission, which divides the state into 10 separate regions. One region is a well-populated urban/suburban region (hereinafter referred to as the "urban/suburban region") and the other is primarily rural, with no large cities (hereinafter referred to as the "rural region"). In addition to these geographical distinctions, the rural region, which shares a border with Mexico, has significantly higher rates of poverty

than the urban/suburban region. For example, the poverty rate for single-parent female-headed households in the largest city in the urban/suburban region (Dallas/Fort Worth) is 22.2%, whereas it is 47.6% in the rural region encompassed by McAllen, Edinburg, and Mission (Census Profiles, 2000b). The ethnic composition of the two regions also differs. Twenty-one percent of the population in the Dallas/Fort Worth area is Latino, compared with 88% in McAllen, Edinburg, and Mission (Census Profiles, 2000a).

Texas's Freedom of Information Law was used to request a random sample of every other fair hearing decision on work rules issued in 2002 under the partial sanction regime. The total sample was 178 decisions, with 109 decisions from the urban/suburban region and 69 from the rural region. Because fewer hearings were held under the full family sanction regime (in part because of caseload declines between 2002 and 2004 and because in the urban/suburban region more cases were settled prior to hearing), to obtain a sufficient sample size all fair hearing decisions on work rules issued in 2004 were requested. The total sample for full family sanctions was 77 decisions, with 38 decisions from the urban/suburban region and 39 decisions from the rural region. The total sample for partial and full family sanctions was thus 255.

Content analysis was used to analyze the decisions. First, the following data were extracted verbatim from the decision and copied onto an excel spreadsheet: nature of work rule violation, agency's description of violation, recipient's reason for not complying, and hearing officer's decision and rationale. Cases were grouped according to recipients' reasons for noncompliance under the following categories: medical or other exemption, lack of notice of appointment date, family obstacles or situational challenges, administrative error, and scheduling conflicts with work or school.

Coding was conducted using a framework that would capture the different ways workers might exercise their discretion if they were to apply sanctions punitively rather than to rehabilitate. This would include mechanizing and simplifying the application of sanctions. Workers would fail to make a holistic assessment of clients' needs or barriers to work, instead relying on an excess form of proceduralism that elevates process over substance (Brodin, 1986; Kane & Bane, 1994; Lipsky, 1984). Goal displacement would occur as workers focused on the paper-processing tasks of sanctioning rather than the larger goal of encouraging self-sufficiency. Workers would choose to apply rules arbitrarily or rigidly, for example, narrowly construing the definition of good cause for not complying with the work rules. The following codes were developed based on the author's (Lens, 2006) original study of partial sanctions and applied here.

1. Failing to fully assess exemptions from the work rules. Included in this category were allegations that recipients' medical problems or other exemptions had been overlooked, medical documentation ignored, or that a full assessment of their medical condition had not been made.
2. Failing to fully assess, or construing narrowly, recipients' reasons for not complying with the work rules. Included in this category were allegations of clerical errors or bureaucratic foul-ups (such as miscommunication, improper coding, premature sanctioning, and a recipient's failure to receive notice of appointments) or overlooking or ignoring personal and family challenges (such as sickness, ill family members, unstable housing, or domestic violence) or logistical and situational obstacles to work (such as child care or transportation problems).

Table 1
Recipient Success Rates

Reason	Urban/Suburban		Rural	
	Partial	Full	Partial	Full
Scheduling conflict with work or school	31%	33%	44%	50%
Agency error	73%	83%	61%	75%
Family obstacles; situational challenges	23%	8%	62%	33%
Nonreceipt of notice of date of appointment	38%	25%	55%	55%
Medical or other exemption	57%	55%	50%	44%
Overall	48%	36%	48%	49%

3. Administering sanctions in a manner inconsistent with policy goals. Included in this category were cases where a recipient was working or attending school when sanctioned.

The unit of analysis was the case, with either errors found by the hearing officer or recipients' allegations concerning agency practices used as a basis for applying the codes. Thus, agency mistakes, as evidenced by the hearing officers' reversal of a sanction and recipients' allegations of practices that may or may not have resulted in reversal, were analyzed. The latter was included because they highlight areas of dispute and contention involving workers' exercise of their discretion, notwithstanding the hearing officers' failure to reverse the sanction. For example, sanctioning a client for coming late to an appointment, which was subsequently rescheduled, might not be a legal error, but is still indicative of the ways workers exercise their discretion. Such a case would be coded "failing to fully assess, or construing narrowly, clients' reasons for not complying with the work rules." (Whether such practices resulted in reversible legal error is reported throughout the discussion of illustrative case examples; reversal rates for all cases, categorized by reason for noncompliance, are reported in Table 1.)

To assure reliability, for the partial sanction cases a research assistant conducted coding on 15 cases from the urban region, with an intercoder reliability rating of more than 90%. For the full family sanction cases, a research assistant coded all 39 cases from the rural region. I then coded these cases, with an intercoder reliability rating of more than 90%.

Limitations

One limitation is that the data were only available by regions, each of which consisted of multiple counties, local offices, and workforce boards. Thus, it was not possible to determine variations in practice among counties or local offices or to distinguish well-performing offices from poorly performing ones.

Another limitation, shared by virtually all implementation studies, is the difficulty of generalizing results across states because of the substantial flexibility permitted in program design. Sanctions, however, are a universal tool used by all welfare offices and the experiences of one state can provide important insights into how complex bureaucratic systems administer them.

Another limitation, noted above, is that this study is limited to a systematic exploration of cases where sanctioning disputes occurred. Because few clients appeal (the appeal rate for sanctions is 2.9% in Texas; Lens, 2006), the findings are not representative of all sanction cases. This study is also limited to the exercise of negative discretion. Not captured by this study are instances where workers exercised their discretion to not impose a sanction despite a work rule violation; such a case would not trigger an appeal. A different methodological design would be required for such a study, as such instances are likely not recorded in administrative records.

Findings

Background and Context

Texas initiated its welfare to work program in 1996. The program, called Choices, emphasizes job readiness, search and placement services up front, with training and education later (Capps, Pindus, Snyder, & Leos-Urbel, 2001). Responsibility for work programs were devolved to outside agencies on the local level, where a network of local workforce development boards contract with local service contractors (profit and nonprofit) to provide work-related services and monitor recipients' compliance.

Examples of work rule violations included failing to attend a workforce orientation or job search activities or participate in community service assignments. Texas opted initially to impose the more lenient partial sanction. Violations resulted in a grant reduction of \$78 for failing to participate in Choices and \$25 for voluntarily quitting a job (Texas Works Handbook, n.d.). The maximum grant for a family of 3 was \$208, thus a sanction reduced the grant by more than a third. Minimum penalty periods also applied and were set at 1 month (or until the recipient complied, whichever was longer) for the first noncompliance and then 3 and 6 months thereafter.

In September 2003, Texas switched to full family sanctions. "Pay for performance" as Texas labels its sanction rules, requires that the entire family's grant be eliminated when a participating adult fails to comply with the work rules. Sanctions are no longer durational, but recipients must demonstrate cooperation with Choices for four consecutive weeks before benefits are restored. Thus at a minimum recipients lose one full month of benefits.

Under both full and partial family sanctions, recipients can avoid sanctions if they show good cause for failing to comply with work rules. Good cause, as defined by the law, includes a temporary illness or incapacitation, court appearance, caring for a physically or mentally disabled household member, lack of transportation or child care, an absence of support services, an individual or family crisis or family circumstance (including substance abuse, mental health, or disability-related issues), and domestic violence (40 Texas Administrative Code § 811.16(c), 2004). Recipients can also obtain exemptions from the work rules based on age (more than 60 years), pregnancy, disability, and caring for a child less than 1 year or a disabled household member. The Texas Health and Human Services Commission is responsible for determining exemptions to the work rules and for implementing sanctions, including good cause determinations, based on information provided by local and independent Choices programs.

Table 2
Reasons for Noncompliance

Reason	Urban/Suburban			Rural		
	Partial	Full	<i>t</i> Test	Partial	Full	<i>t</i> Test
Scheduling conflict with work or school	13%	8%	$t = 1.2$ (83 <i>df</i>), $p > .11$	16%	7%	$t = 1.48$ (103 <i>df</i>), $p > .07$
Agency error	15%	21%	$t = -.84$ (57 <i>df</i>), $p > .8$	18%	15%	$t = .24$ (87 <i>df</i>), $p > .40$
Family obstacles; situational challenges	34%	39%	$t = -1.2$ (59 <i>df</i>), $p > .89$	13%	18%	$t = -.39$ (79 <i>df</i>), $p > .65$
Nonreceipt of notice of date of appointment	22%	21%	$t = .47$ (67 <i>df</i>), $p > .31$	41%	33%	$t = .38$ (85 <i>df</i>), $p > .35$
Medical or other exemption	31%	34%	$t = .17$ (64 <i>df</i>), $p > .43$	18%	49%	$t = -3.25$ (68 <i>df</i>), $p > .99$

Note: *df*, degree of freedom. Percentages total more than 100% because some clients cited multiple reasons.

What Reasons Did Clients Provide for Not Complying With Work Rules Under Both the Full and Partial Sanction Regimes?

Sanctions are based on the premise that recipients make rational decisions on the costs and benefits of welfare (Rector, 1993). Under partial sanctions recipients may calculate that not complying with intrusive and burdensome work rules offsets the reduction in their grant. They may rationally choose less money in exchange for not having to attend work activities. In contrast, recipients have more incentive to avoid full family sanctions. Unlike partially sanctioned families, whose children remain on public assistance rolls, the consequences are a full loss of benefits. Presumably recipients would try harder to avoid a full family sanction and would be less likely to let barriers, such as family problems, poor health, and logistical or situational problems, interfere with compliance. They would also be more likely to track notices to make sure appointments were not missed. On the other hand, if clients were unable to surmount such barriers and obstacles, despite the harsher consequences of the full family sanction, their reasons for not complying would likely be similar under both sanction regimes.

With one exception discussed below, clients' reasons for not complying with the work rules were similar under the partial and full sanction regimes (Table 2). In the urban/suburban region the most common reason for noncompliance was a family obstacle or situational challenge, such as a temporary illness, ill family member, transportation, or child care problems. Such obstacles were cited by 34% of the partially sanctioned and 39% of the fully sanctioned. The second most common reason was a medical or other exemption, cited by 31% of the partially sanctioned and 34% of the fully sanctioned. The percentage of recipients who claimed they did not receive notice was virtually identical, at 22% (partially sanctioned) and 21% (fully sanctioned). *t* Tests (two tailed) were conducted to determine whether these differences between partial and full sanctioned recipients were statistically significant. A two-tailed *t* test was used because it is a more rigorous test designed to capture changes in either direction (i.e., higher or lower). They confirmed no statistically significant differences at conventional levels.

In the rural region, a lack of notice was the most common reason cited by both groups (41% for the partially sanctioned and 33% of the fully sanctioned). The biggest change in the rural region after the switch to a full family sanction was the percentage of recipients claiming a medical exemption, increasing from 18% to 49%. A two-tailed *t* test confirmed this was statistically significant ($p < .01$). Family obstacles or situational challenges remained relatively constant, at 13% for the partially sanctioned and 18% for the fully sanctioned. Sixteen percent of the partially sanctioned reported scheduling conflicts, compared with 7% of the fully sanctioned, the latter difference was marginally statistically significant ($p < .07$).

In comparing the rural and urban/suburban regions, rural recipients were more likely to claim a lack of notice of their appointment, whereas urban/suburban recipients were more likely to cite family obstacles or situational challenges. The reason for this is unclear. Logistical problems such as transportation are usually more pronounced in rural areas, whereas lack of notice is typically a problem in poor urban neighborhoods with multiple family dwellings and often-defective mailboxes.

Thus, as Texas shifted from partial to full family sanctions the reasons for noncompliance remained fairly stable, with the exception of medical exemptions in the rural region. This suggests that although sanction incentives changed, recipients' reasons and circumstances surrounding their noncompliance did not. As recipients reported, family obstacles and situational challenges were still a barrier to compliance, as was a lack of notice of work appointments. On the other hand, the increase in medical exemption claims in the rural region may reflect recipients' attempts to protect themselves from the harsher consequences of a full family sanction by claiming an exemption. Overall, the percentage of medical exemptions in Texas nearly doubled from 2002 to 2004, from 9.8% to 18.2% (Table 3). The increased number of appeals involving exemptions in the rural region may have reflected this trend, with the rural region lagging behind in granting them.

One possible reason for the consistency between regimes may lie in the similarity of the welfare populations in both years. Although Texas's welfare caseload declined 18% between the 2 years studied, 2002 and 2004 (from 129,937 to 106,329 families), the characteristics of recipients remained fairly stable and was the same mix of disadvantaged and less disadvantaged recipients (Table 3). The percentage of recipients with less than a high school diploma remained similar at 52.8% in 2002 and 50.4% in 2004. Ethnic composition also remained virtually identical. African American's made up 35.1% of the rolls in 2002 and 36.3% in 2004, whereas the percentage of Hispanics was 42.6% and 41.3%, respectively. The percentage of disabled adults remained minor and constant, at 0.5% in 2002 and 0.6% in 2004.

The percentage of adults engaged in work activities increased from 26.1% to 41.5%, and the percentage of adults employed also increased from 27.4% to 34.5% (Texas Workforce Investment Council, 2006). However, as reported by Kauff et al. (2007) in their study of Texas's sanction policies, work participation rates declined over time to a rate similar to the partial sanction regime. They also concluded that it was not possible to determine whether the increase in employment and work participation rates were attributable to changes in sanction policy or other policy or economic changes. Medical exemptions did double, suggesting, as indicated above, that at least some of the most disadvantaged recipients were protected from full family sanctions through the exemption process.

The sanctioning rate in the urban region remained the same at 4.5% in 2002 and 2004, indicating that workers' willingness to sanction did not change after full family sanctions

Table 3
Selected Characteristics of TANF Recipients, Fiscal Years 2002 and 2004

	2002	2004
Number of TANF families receiving assistance	129,937	106,329
Age of adult recipient		
20-29 years	50.8%	47.6%
30-39 years	26.2%	28.5%
Ethnicity of adult recipient		
African American	35.1%	36.3%
Hispanic	42.6%	41.3%
White	21.3%	21.7%
Marital status, single	59%	62.6%
Number of months receiving assistance	23.6	26.6
TANF adults receiving disability benefits	0.5%	0.6%
Adult recipients educational levels, less than high school	52.8%	50.4%*
Adult recipients exempt from work rules due to disability/other	9.8%	18.2%
Distribution of recipient children 5 and under	47.8%	44.6%
Adults participating in work activities	26%	41.5%
Adult recipients employed	27.4%	34.5%
Adult recipients unemployed, looking for work	38.6%	41.1%
Adult recipients not in labor force, not looking for work	34%	24.4%

Source: Data compiled from U.S. Department of Health and Human Services, Office of Family Assistance for Children and Families, TANF Sixth Annual Report to Congress for Fiscal Year 2002; U.S. Department of Health and Human Services, Office of Family Assistance for Children and Families, Characteristics and Financial Circumstances of TANF Recipients for Fiscal Year 2004.

a. Data provided by Lynette Preece, Research Specialist, Strategic Decision Support, Texas Health and Human Services Commission.

were imposed. (The sanction rate was determined by dividing the average monthly number of sanctions by the average monthly caseload.) In the rural region, the sanctioning rate decreased from 4% to 2.2%, perhaps indicating less willingness to sanction.

In sum, full and partially sanctioned recipients were very similar in their reasons for non-compliance. Both groups cited family obstacles and situational challenges or lack of notice as the primary reasons for their noncompliance. This finding is consistent with previous studies discussed above, that sanctioned recipients are more disadvantaged, have more obstacles to work than nonsanctioned recipients, and are often unaware they have been sanctioned. These findings suggest that some recipients are unable to overcome personal, situational, and other obstacles under either sanctioning regime. In other words, if recipients' reasons for noncompliance are an inability, and not an unwillingness, to work, compliance will remain a problem under both full and partial sanction regimes.

How are Sanctions Applied on the Front Lines, and Do Workers Administer Full Family Sanctions Differently Than Partial Sanctions?

The application of sanctions involves a mix of rules and discretion. Rules or standard operating procedures may direct workers to sanction recipients for a specific infraction, such as a missed meeting. But workers can use their discretion in several ways. One way is to give

recipients additional opportunities to meet their obligations. There was evidence of both in the partial and full sanction hearing data. Workers sometimes sanctioned recipients after the first offense. At other times workers imposed sanctions after a string of rescheduled or neglected appointments. In some cases sanctions were entered days after the infraction. In other cases they were entered weeks or months later after several contacts with the recipient.

Another way workers exercise their discretion is in their assessment of clients' reasons for not complying. Although assessing good cause was always a part of the sanctioning process, under the full family sanction regime there was more of an opportunity to do so. Under the partial sanction regime, local workforce boards had considerable flexibility when imposing partial sanctions. Under full family sanctions local workforce boards maintained that flexibility, but were also required to make a "timely and reasonable attempt" (as defined by the local workforce board) to contact the family to determine the reason for non-cooperation before initiating a penalty (Texas Workforce Commission, 2004).

Presumably sanctions would be applied more carefully because of the harsher consequences and new procedural safeguards for full family sanctions. However, recipient success rates at hearings were virtually identical in the rural region for full and partial family sanctions, at 49% and 48%, respectively (Table 1). In the urban/suburban region, recipient success rates declined from 48% to 36%, although the decline was not because of fewer errors. As reported by the agency, it was more willing to settle cases and withdraw the sanction when recipients appealed under the full sanction regime. Hence, success rates were still high and caseworkers were still making errors at similar rates (according to fair hearing outcomes) in the application of full family sanctions.

Workers also continued to assess clients' reasons for not complying in similar ways. As described next, under both the partial and full sanction regimes, and in both the urban/suburban and rural regions, the fair hearing data revealed similar evidence of workers discounting client's explanations or failing to fully consider them.

Partial sanction findings. In the author's (Lens, 2006) earlier study, as noted above, three characteristics of an eligibility-compliance culture were found in the fair hearing data on partial sanctions. First, workers failed to fully assess exemptions from the work rules. Problems with the assessment process occurred in 40 (out of 178) cases or 22% of the partial sanction cases, with 33 cases in the urban/suburban region and 7 in the rural region. Illustrative cases included workers who missed cues contained in case records of a disability or did not give recipients time to secure medical documentation. When documentation was provided it was parsed negatively. For example, in one case reversed by the hearing officer, the client's physician indicated she had been disabled for the past 4 years and was still disabled; because the physician did not indicate how long the disability would last, she was deemed employable. These faulty procedures and evaluations led to the reduction of aid to clients entitled to exemptions. Bureaucratic disenfranchisement, or the denial of aid to otherwise eligible people, often through paper-processing mistakes, is characteristic of an eligibility-compliance culture.

Second, workers failed to fully assess, or construed narrowly, clients' reasons for not complying with the work rules. This occurred in 72% of the cases or 129 cases (81 in the urban/suburban region and 48 in the rural region). (Overall, frequency counts sum more than n because more than one code could be applied to each case.) Recipients were sanctioned

quickly and routinely, without evaluating their willingness to work. Thus, for example, workers automatically entered sanctions into the system a few minutes after a recipient's appointment time, neglecting to reverse it when the recipient showed up a few minutes later. Personal and situational obstacles to work, such as a lack of transportation or child care, sick children, or unstable living arrangements, were overlooked or ignored. It was difficult for clients to reach workers, and even workers had difficulty reversing conceded errors. Imposing sanctions became a paper-processing task, with workers substituting the client's overt performance—did he or she attend a work activity—for more complex assessments of work efforts.

Third, workers' application of sanctions sometimes subverted policy goals. This occurred in 17% or 30 of the cases (19 in the urban/suburban region and 11 in the rural region). For example, attendance at school or even a job was not always considered a reason for missing a Choices meeting. Requests to schedule such meetings when the client was not working or attending school were denied. Workers sometimes felt constrained by the rules, in one case arguing on behalf of the client at a fair hearing that although she performed superbly in her assigned educational activity, they had no choice but to sanction her when she was unable to find a job in her rural community with few job opportunities. (The sanction was reversed.) Such goal displacement is common in eligibility-compliance cultures, where the focus is often on the rules and not their underlying purpose.

Full sanction findings. These practices persisted under the full family sanction regime. As under the partial sanction regime, workers in both regions failed to fully explore work exemptions. Problems in the assessment process occurred in 46% of the cases, or 36 out of 77 cases (15 in the urban/suburban region and 21 in the rural region). The latter represents a significant increase in this category compared with the partial sanction cases, consistent with the increased number of recipients in the rural region claiming a medical exemption in the fair hearing data. For example, in a case in the urban/suburban region reversed by the hearing officer, the recipient submitted documentation stating that she had been in a car accident and could not work; yet this information was ignored. In another case, the recipient was needed at home to care for her husband who was in danger of paralysis from recent neck surgery. The hearing officer found that the "recipient was not attempting to get out of participating, but [was] not able to participate due to the surgery and medical conditions of her spouse."

Similar cases of ignored or overlooked exemptions occurred in the rural region. In one case, the recipient had spent part of the year in a state of coma, but was sanctioned even though she had submitted medical documentation. In another case, the agency sanctioned a disabled recipient after the worker called her home and was told—falsely—by her mother-in-law, who suffers from Alzheimer's, that "she had gone up north to work." In both cases, the hearing officer reversed the sanctions.

As under the partial sanction regime, there was evidence workers failed to assess, or construed narrowly, clients' reasons for not complying with the work rules. This occurred in 71%, or 55 out of 77 cases (30 cases in the urban/suburban region and 25 in the rural region). One way this manifested was through overly rigid documentation demands and excessive proceduralism. For example, in a case in the rural region reversed by the hearing officer the recipient had submitted a form in December indicating she was needed at home to care for a disabled child. The form was rejected because it did not state that the child's

condition was permanent. The recipient then submitted a second form in January clarifying the condition was permanent. The agency refused to apply the form retroactively, sanctioning her for the December violation, but not the next month.

An emphasis on the clerical task of sanctioning rather than its substantive goals resulted in sometimes inflexible and arbitrary demands. In an illustrative example from the urban/suburban region, the recipient was in the midst of moving when a letter was sent advising her of an orientation appointment. She received the letter a week after the appointment date because it was sent to her old address. She called her worker the day she received the letter and was advised to attend an orientation at an office closer to her new home. Four days later she called the new office and made an appointment for 4 days hence, and attended it. Although she rescheduled the missed orientation within two weeks of the original date, and was participating in work activities, she was still sanctioned. The agency refused to withdraw the sanction because the recipient had waited 4 days to reschedule the orientation. The hearing officer concurred, noting that it had taken the recipient 3½ weeks after her move to begin full participation. Neither the agency nor the hearing officer directly questioned the recipient's willingness to comply, but only the speed with which she arranged appointments, setting arguably arbitrary deadlines.

In another illustrative case in the urban/suburban region, form similarly took precedence over substance. The recipient arrived at an appointment 8 min late according to her and 15 min late according to the agency. She was refused entry into the meeting, which she then rescheduled for later that week and attended. Although the agency then deemed her to be cooperating she was sanctioned for the original failure to appear timely. Much of the hearing focused on whether the recipient was 8 or 15 min late, with the recipient acknowledging that her car clock could have been wrong. The sanction was upheld by the hearing officer, who found that the "failure to make certain your clock is working is not considered good cause for failing to appear on time for a scheduled appointment with the agency."

The agency also failed to fully evaluate family obstacles and situational challenges to work, such as a lack of transportation or child care, sick children, or unstable living arrangements. For example, in a case reversed in the urban/suburban region, the recipient was caring for a child with cerebral palsy, although living in a shelter and without transportation. The agency acknowledged at the hearing that they were aware of all these problems and had granted good cause for a subsequent appointment but still imposed a sanction. The hearing officer reversed the sanction, finding that the recipient had a reasonable explanation for not keeping the appointment. Another recipient, whose sanction was not reversed, explained that she did not successfully complete her job search hours because of unreliable transportation, difficulty understanding English, and a lack of work experience. Other explanations from recipients, including doctor's appointments for asthmatic children, food poisoning that required hospitalization, and a daughter's fractured ankle, were rejected, with hearing officers more unlikely under the full family sanction regime to reverse these cases.

There were few cases in the category "administering sanctions in a manner inconsistent with policy goals," with only 6% of the cases falling in this category (two cases in the urban/suburban region and three in the rural region). As described above, included in this category were cases where a recipient was working or attending school when sanctioned. In one case from the rural region, the recipient was enrolled full-time in an approved clinical course of study when she missed a work appointment. The sanction was reversed.

Discussion and Implications

Under both the full and partial sanction regimes, and in both the urban/suburban and rural regions, workers chose a punitive approach to sanctions. They narrowly applied the good cause exception, rejecting or overlooking obstacles to work, with workers recasting clients' explanations as excuses. Minor work violations, overlooked in the workplace, were conflated. Workers chose to sanction clients for trivial reasons, such as coming 15 min late to a meeting subsequently attended or waiting 4 days to reschedule an appointment. Documentation provided by clients to prove work exemptions was parsed negatively, with workers treating minor discrepancies or deviations in wording as major omissions.

Although this study is limited to examining only those sanctions disputed by clients through the hearing process, the findings shed light on the ways in which workers exercise their discretion when sanctioning. The choices made by workers represent a distinct set of service technologies, characteristic of agencies whose clientele, like welfare recipients, are stigmatized and held in low esteem (Hasenfeld, 2000; Hasenfeld & Weaver, 1996; Schneider & Ingram, 1993). Discretion takes on a particular form in such cultures. It is often exercised negatively, as workers resort to "moral typifications" (Handler, 2004, p. 83) that paints most, if not all, recipients as undeserving of aid. As Hasenfeld (2000, p. 333) explains, "in such organizations ideologies toward the clients tend to be punitive . . . and the service technology is highly routinized and bureaucratized." Workers responsible for numerous clients, most of whom they view as deficient, operate from a default position of distrust.

The incentives built into the law, in the form of mandated work participation rates and the pressure to reduce caseloads, also encourage workers to adopt certain coping strategies. Much of the welfare bureaucracy is devoted to sanctioning and monitoring compliance with work rules, under both partial and full family sanctioning regimes. Time spent on tracking and documenting work activities means less time for the personalized case management required to encourage work and resolve barriers (Kauff et al., 2007). As Brodtkin (2006a) explains, in such environments, where caseworkers need to "meet the numbers," "informal strategies of simplification, burden-shifting, goal displacement, categorization, and redefinition that could enhance processing efficiency are likely to occur" (p. 11). This means ignoring or overlooking personal barriers, and redefining clients as "problem clients" rather than "clients with a problem" (Brodtkin, 2006a, p. 14).

Sanctions have been described as a motivational tool "for encouraging TANF recipients who might not be inclined to participate in work activities to do so" (Kauff et al., 2007, p. 1). However, as this study demonstrates, they can become unmoored from this purpose and used to penalize clients instead. Such an approach may work at cross-purposes to welfare reform. As Kane and Bane (1994) observed of past efforts to encourage self-sufficiency, "the story of these efforts is one of conflicts between the eligibility-compliance culture and the culture of self-sufficiency" (p. 20). Substantial resources have gone into creating a culture of self-sufficiency. Funding has increased for support service and offices reorganized to emphasize work. Sanctions imposed to punish clients rather than motivate them can undermine these efforts. As Schott, Greenstein, and Primus (1999) observe, sanctions terminate recipients' connections to work activities and support services, making it harder to prepare recipients for work. Imposing sanctions for minor violations, or instead of addressing obstacles, can increase financial hardship, disrupt work activities, and create unnecessary

obstacles. This is especially true under a full family sanction regime, where the entire family is cut off from aid.

Recent changes under the Deficit Reduction Act of 2005 provide incentives for imposing full family sanctions, and to impose them quickly and more frequently. More recipients are now included in the calculation of work participation rates, thus encouraging the use of sanctions, and especially full family sanctions, to motivate them to comply. Sanctioned clients are also removed from the calculation of participation rates, making it easier to meet the requirements (Kauff et al., 2007). This may result in increased sanctioning of the kind described in this study.

In recognition of the harm caused by erroneous or ill-advised sanctions, many offices have implemented procedural safeguards. These include, for example, multiple written notices, home visits, and conciliation procedures, where barriers to work are explored and clients given an opportunity to explain their noncompliance (Kauff et al., 2007). Such procedures, however well-defined on paper, add another layer of bureaucracy and are susceptible to the same types of practices described herein. Formal notifications multiplied do not correct their inherent deficiencies as way of reaching clients. Home visits, and even conciliation procedures, may replicate, and even exacerbate, the more negative aspects of worker-client interactions. For example, in a study conducted by the author, recipients described the conciliation procedures used to resolve sanctions as less helpful than their initial meetings with workers (Lens, 2007).

Another approach would be to retrain workers to direct their discretion differently. As scholars have noted, workers respond to incentives; for example, under quality control in the 1980s workers penalized for giving clients too much, and not too little, erred on the side of stringency (Brodkin, 1986). Workers could be trained to view sanctions as a last resort and as reflective of their performance, not just their clients. Those workers who avoided sanctions and found other ways to maintain clients' engagement in work activities (through support services, individualized attention, and so forth) would be rewarded. Frequent sanctioning would serve as an error signal requiring additional training and reorientation toward sanctioning. Such an approach emphasizes the evaluative over the clerical and highlights the complexity of encouraging self-sufficiency. It also stresses the need for workers, as well as clients, to function differently in the culture of self-sufficiency.

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