

# Examining the Administration of Work Sanctions on the Frontlines of the Welfare System\*

Vicki Lens, *Columbia University School of Social Work*

*Objectives.* Financial penalties, or sanctions, are a core mechanism for enforcing the work requirements of the Temporary Assistance for Needy Families program and helping clients achieve self-sufficiency. This study's objective is to examine whether sanctions are being administered consistent with policy goals of encouraging work. *Methods.* This study uses administrative fair hearing decisions, which are the product of an adversarial-style procedure triggered when a client appeals an adverse decision by the agency, including work sanctions. Qualitative content analysis is used to analyze the decisions. *Results.* The study found that despite organizational reforms, local offices had created the welfare-to-work version of an eligibility-compliance culture, where sanctions were based primarily on attendance records and became a paper-processing function. Transactions between clients and workers were often routinized and mechanical, resulting in improper and arbitrary sanctions that were reversed by the hearing officers nearly 50 percent of the time. *Conclusion.* This study underscores the importance of scrutinizing and correcting agency errors that may undercut clients' engagement in work activities.

Financial penalties, or sanctions, are a core mechanism for enforcing the work requirements of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Sanctions are based on the premise that financial penalties, or the threat of them, will enforce participation in work programs, thus paving the way to self-sufficiency. So fundamental are sanctions to welfare reform that states have no choice but to impose them or risk federal penalties. Very few studies, however, have focused on how local offices are administering sanctions and whether they are being applied correctly. Scholarly attention is focused primarily on the rates of sanction, the characteristics of sanctioned families, and whether sanctions induce hardship.

This article examines the administration of work sanctions drawing on a novel and underutilized source of data—administrative data on fair hearing decisions. These decisions are a product of adversarial administrative hearings triggered when a client appeals an adverse decision by the agency, including work sanctions. The specific and focused interactions that define

\*Direct correspondence to Vicki Lens (VL2012@columbia.edu). I will share all data and coding information with those wishing to replicate this study.

the adversarial process, where each party presents facts through direct testimony and evidence with a neutral third party deciding, offer a rich source of data for researchers and administrators. Each decision provides a case study on why the sanction was imposed, the client's reason for not complying, and frontline practices, including possible errors, in the implementation process.

The main question addressed through these data is whether sanctions are administered appropriately and consistent with policy objectives of encouraging and promoting work. An erroneous or inappropriate sanction may create financial hardship and obstacles to work. A wrongfully imposed sanction may also discourage clients and create a less cooperative relationship between worker and client. This study will thus allow policymakers and administrators to make more informed decisions on how to avoid mistakes that may undercut welfare reform's goals.

Because program design and implementation varies from state to state (and may even vary within a state), this article focuses on only one state—Texas—and on two regions within it, one primarily rural and the other urban/suburban. Texas was chosen because of its size (it ranks third in the number of recipients) (U.S. Department of Health and Human Services, 2003), and while no two states are alike under welfare reform, its approach is similar to many other states. Like virtually all states, Texas has adopted a “work-first” approach to self-sufficiency, requiring recipients to immediately engage in the labor market. Its use of an outside agency to engage clients in work activities and, more specifically, workforce development agencies, reflects a growing trend of using outside expertise to make TANF programs more employment based (Martinson and Holcombe, 2002). As reported by the Government Accountability Office (2002), nearly all states coordinate with workforce investment services at the state or local level, with 28 states, including Texas, relying on more formal linkages. At the time of this study, Texas imposed a partial family sanction, as do the two states—New York and California—with the largest numbers of recipients. Overall, 44 percent of recipients live in states with partial benefit sanctions (U.S. Department of Health and Human Services, 2003; Rowe and Versteeg, 2005). Similar to other states, Texas imposes sanctions when a client fails to comply with appointments for work-related services, provide sufficient evidence of job searching efforts, or to work the required number of hours under the law.

## **Background and Context**

The 1996 welfare reform escalated the demands placed on the system to move people into work. The law drastically changed the rules, including imposing time limits, restricting definitions of work, mandating sanctions, and imposing work-participation quotas on the states. The law also un-

leashed a wave of organizational reforms because of the unprecedented flexibility it allowed states in program design. In part based on past experiments with welfare-to-work programs, states recognized that moving people into work required different resources, skills, and administrative configurations than processing and monitoring eligibility for cash assistance. Service-delivery systems were reconfigured, staff responsibilities restructured, and new relationships forged with outside service providers (Martinson and Holcomb, 2002). In short, under welfare reform, changing the culture of welfare offices was viewed as important as changing the rules.

The results have been mixed. Using Wisconsin as a model, Mead (2001) contends that policy reforms, along with organizational changes, such as integrated case-management teams, contracting with outside agencies, merging welfare-to-work programs with other work-based programs, and improving management information systems, have successfully transformed the bureaucracy into an effective work-based model. However, Mead, and others, have also found evidence of more recalcitrant bureaucracies. Riccucci et al. (2004) found that despite organizational reforms that emphasized work-based goals, frontline workers resisted adopting them, instead focusing on traditional eligibility determinations (see also Lurie and Riccucci, 2003). Similarly, Sandfort (2000) found that frontline workers' shared beliefs and collective knowledge about how things worked regularly superceded management's vision or directives, even among private welfare-to-work contractors.

Several studies have suggested problems in the administration of sanctions. In an independent review of all case closures in Tennessee, reviewers found caseworkers improperly applied sanctions in 30 percent of the cases (Goldberg and Schott, 2000). An independent government audit in Wisconsin also found a high rate of error (Wisconsin Legislative Audit Bureau, 2001). In Iowa, surveyed clients identified administrative problems, including staff who were inaccessible, inefficient, and not supportive, as reasons why they were sanctioned (Nixon, Kauff, and Lossby, 1999). In Wisconsin, Texas, and New York, of those clients appealing work-rule violations through the fair hearing process, 52, 53, and 77 percent, respectively, won their cases, thus indicating errors by the local agency (Lens and Vorsanger, 2005).

Past research has attributed errors in the sanctioning process primarily to client deficiencies, including limited education and reduced cognitive abilities that inhibit understanding (Pavetti et al., 2004; Cherlin et al., 2002; Koralek, 2000). Past research has also found that sanctioned clients are likely to be more disadvantaged and have more obstacles to work than not-sanctioned clients (Pavetti et al., 2004; Hasenfeld, Ghose, and Larson, 2004; Wu et al., 2004; Cherlin et al., 2002; Kalil, Seefeldt, and Wang, 2002; Mancuso and Lindler, 2001; Edelhoj, Liu, and Martin, 2000; Westra and Routley, 2000; Koralek, 2000; Fein and Lee, 1999). This study, in contrast, focuses on administrative problems, rather than clients' personal problems. Scant

attention has been paid to these problems in the literature; hence this study fills a gap in our knowledge by examining agency error or practices that may undercut attempts to engage clients, and especially disadvantaged clients, in work activities.

### Research Questions

This study uses the framework of an eligibility-compliance culture to examine whether sanctions are being administered in a manner inconsistent with policy goals of encouraging work. The term *eligibility-compliance culture* was coined by Kane and Bane (1994) to describe public welfare bureaucracies that function more like claims-processing centers than social service agencies. Workers are preoccupied with routing paperwork and verifying eligibility information (Brodkin, 1986). Interactions with clients are depersonalized, mechanistic, and routine. Process is emphasized over a full personal assessment of need or “the reasonableness of clients claims” (Kane and Bane, 1994:19). Such a culture can lead to bureaucratic disenfranchisement, where through “the obscure and routine actions of public authorities” (Lipsky, 1984:3), otherwise eligible people are denied aid based on process, rather than substance. Policy goals are subverted when the program fails to provide aid to its intended beneficiaries.

I use the framework of an eligibility-compliance culture and the bureaucratic disenfranchisement it generates to consider three questions in the context of sanctions.

1. Do staff fully assess clients' ability to participate in work programs?
2. Do staff treat sanctioning as a clerical task or an evaluative one?
3. Do staff apply sanctions in a manner inconsistent with policy goals?

### Data Source

I use fair hearings as a data source because it is where errors of bureaucratic disenfranchisement, a primary indicator of an eligibility-compliance culture, are recorded and corrected. Hearings are initiated by clients to challenge negative agency actions, including sanctions. As Lipsky observes, agency reversals at hearings can serve as a marker “of continued substantive eligibility despite bureaucratically determined ineligibility” (1984:13). They thus can signify an eligibility-compliance culture that is unduly focused on process at the expense of substance.

Because of the adversarial nature of hearings, practices that constitute an eligibility-compliance culture are routinely described in the hearing record. Both the client and agency are expected to present their case orally, confront and cross-examine witnesses or each other, and submit evidence. Thus

clients can include the more subtle types of practices that characterize an eligibility-compliance culture but appear normative to a worker. For example, clients may describe instances where a worker failed to fully assess their ability to work, or ignored phone calls and scheduled appointments at inconvenient times. The norms of legal decision writing, which require hearing officers to explain their decision in writing, summarize each side's position, and make findings of fact and law, capture these practices in the hearing record.

A potential limitation of fair hearing data is that only a few clients appeal. Although sanctioned clients are twice as likely to appeal than other clients, the appeal rate for work-related sanctions in Texas is only 2.9 percent (Lens and Vorsanger, 2005). This percentage, however, is higher than sample sizes used under quality control (1.5–2 percent according to Wrafter, 1984). Moreover, while quality-control systems rely on a statistical random sample of cases that may or may not contain errors, every fair hearing decision contains an error of some kind, either by the agency or the client. Hearings act as a magnet for highlighting trouble spots and areas of contention, and hence are a useful and concentrated source for discovering agency error (Altman, Bardo, and Furst, 1979).

The errors contained in fair hearing records cannot tell us exactly how often, and how many, workers are committing such mistakes, but they can, like the errors found in quality-control cases, serve as a signal of more widespread problems. The similarity among complaints and the common themes that emerged in this study indicated that such errors were not isolated occurrences. For example, a common complaint was the inaccessibility of workers. A worker inaccessible to one client is likely inaccessible to others. Likewise, a worker who only takes calls at certain designated times is setting a policy for all, not specific rules for one. The same is true for the worker who enters sanctions too quickly into the system, or fails to help clients gather medical proof. In short, fair hearings serve as an error indicator for problems within the bureaucracy, providing diagnostic information on organizational practices and failures.

Relevant research on complaining behavior also support the conclusion that the mistakes or problems identified through fair hearings are the “tip of the iceberg” rather than an aberration. Specifically, studies of consumer-complaint behavior have found most people do not complain, and those who do typically are representative of the mass of unvoiced complaints. Hyman, Shingler, and Miller explain in their study of the complaint behavior of residential utility customers that “when individual personality, organizational, or environmental factors operate to inhibit the problem-solving process . . . then the universe of problems perceived, voiced, and complained will be successively smaller than the universe of problems experienced by consumers” (1992:100). They found that a small number of complaints, rather than being atypical, were representative of the mass of unvoiced complaints.

The same is likely true in welfare bureaucracies where, more than other institutions, individual and organizational barriers inhibit complaints, including clients with low education levels, fear of retaliation, complex programs rules that make mistakes difficult to discover, and a lack of resources to pursue an appeal (Lens and Vorsanger, 2005; Handler, 1986). Those clients who do appeal may be more competent and prepared in the context of fair hearings, thus enhancing the usefulness of the data. Moreover, as sanctions are often routinely employed as a form of administrative diversion (Jindal and Winstead, 2002), including in Texas during the eligibility process, those that are appealed are more likely to be representative of this phenomenon, rather than an atypical deviation.

For researchers, fair hearings address some of the limitations in implementation research, which often relies on retrospective reporting through interviews or surveys of local agency staff, administrators, or clients, review of documents and case records, and on-site observation. However, what people say they do, or recall having done, may be different than what they actually do. Clients and caseworkers may alter their behavior when observed. Administrative records and site visits usually emphasize the agency's, rather than the client's, perspective. In contrast, by design, fair hearings incorporate the perspectives of both the agency and client. They also capture the actions of the parties most interested and involved in the transaction, in the midst of the event, and without any interference from a researcher. Their detail also permits a deeper and more inductive type of analysis than is typically possible with large quantitative data sets. This emphasis of depth over breadth also makes the small sample size less of a concern.

### **Sample and Methodology**

Statistical data were first obtained to determine the reversal rate on work-related hearings in Texas during 2002. These data were obtained from the Texas Department of Human Services through Texas's Freedom of Information Law. These data indicated a statewide reversal rate of 53 percent, indicating likely errors in sanctioning since more than half of clients had their sanctions reversed. 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 Department of Human Services, which has divided 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 region is primarily rural, with no large cities (hereinafter referred to as the "rural region").

Texas's Freedom of Information Law was also used to request a random sample of every other fair hearing decision on work rules issued in 2002. The total sample was 178 decisions, with 109 decisions from the urban/

suburban region and 69 from the rural region. 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, client's reason for not complying, and hearing officer's decision and rationale. The data were coded manually on two different levels. I began with an open-coding inductive approach, first locating descriptive themes (Strauss, 1987). For example, if the hearing officer indicated that the agency failed to consider evidence in the file, the code "ignored docs" would be assigned. If the client testified that she missed her work appointment because she was working, the code "conflict with work" was assigned.

Second-level coding was based on the following three categories identified from the literature review as characteristic of an eligibility-compliance culture.

1. *Failing to fully assess exemptions from the work rules.* Included in this category were allegations that a client's medical problems or other exemptions had been overlooked, medical documentation ignored, or that a full assessment of his or her medical condition had not been made.
2. *Viewing sanctions as a clerical rather than an evaluative task.* Included in this category were allegations of clerical errors or bureaucratic foulups (such as miscommunication, improper coding, premature sanctioning, and a client's failure to receive notice of appointments) or overlooking or ignoring obstacles to work (such as child-care or transportation problems).
3. *Administering sanctions in a manner inconsistent with policy goals.* Included in this category were cases where a client was working, attending school, or otherwise attempting to comply with the work rules when sanctioned.

First-level open codes were grouped under these thematic clusters. Thus, for example, the open code "conflict with work" was placed under the thematic category "administering sanctions in a manner inconsistent with policy goals." The open code "sanctioned automatically" was placed under the category "viewing sanctions as a clerical rather than an evaluative task." All cases, including those where error had not been found by the hearing officer, but where the client alleged an eligibility-compliance-type practice, were coded. Such allegations, stated under oath and preserved in the fair hearing record, are an important source of information about agency practices. However, a reversal by a hearing officer is perhaps stronger proof of an eligibility-compliance culture than the client's allegation standing alone.

Coding was conducted solely by the researcher. To assure reliability, a research assistant conducted second-level coding on 15 cases, with an intercoder reliability rating above 90 percent.

## Limitations

One limitation of the data is that they were available only by region, as designated by the Texas Department of Human Services, and not by county or individual offices. Comparisons could be made only between state-designated 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. As noted above, it was also not possible to determine the extent of the practices and errors, but only that they were occurring. However, the fact that similar patterns and practices were found among two very different regions minimizes these limitations.

Another limitation is shared with all implementation studies, which by their very nature are primarily limited to the studied sites. This is especially true under welfare reform because of the flexibility afforded states in program design and administration. How sanctions are imposed may vary even more as individual case managers often have considerable discretion in their application (Pavetti et al., 2004; Koralek, 2000). On the other hand, sanctions are a universal tool used by all welfare offices and studying their application can provide important insights on the administration of sanctions in complex bureaucratic systems.

## Findings and Discussion

Texas initiated its present welfare-to-work program, "Texas Works," in November 1997. Like other welfare-to-work programs across the country, it reconfigured its welfare system to emphasize work. It uses the tools mandated by TANF, including time limits and imposing sanctions for non-compliance and, as is typical under welfare reform, has contracted with outside agencies to implement work rules and provide employment services. The Texas Department of Human Services maintains responsibility for determining eligibility, while the work program, named Choices, is run by a separate state agency, the Texas Workforce Commission. The Commission works through local workforce development boards and their service contractors (profit and nonprofit) to provide all work-related services and monitor clients' compliance with work requirements.

The failure to comply with work requirements results in a grant reduction of \$78 for failing to participate in Choices, and \$25 for voluntarily quitting a job (*Texas Works Handbook*). The maximum grant for a family of three is \$208; thus a sanction can reduce the grant by more than a third. Minimum penalty periods also apply, and are set at one month (or until the client complies, whichever is longer) for the first noncompliance, and then three and six months thereafter. Choices staff decides whether a violation has occurred; the Texas Department of Human Services implements the sanction.



As described below, errors and practices indicative of an eligibility-compliance culture appeared in the fair hearing record, as indicated by the practices reported by clients and a reversal rate of nearly half of all cases (48.6 percent in the urban/suburban region and 49.2 percent in the rural region). There was also very little difference between the urban/suburban and rural region; similar errors and practices plagued both regions. (Because of this, unless otherwise indicated, the findings are not distinguished by region.) This lack of variation underscores the ubiquitous nature of eligibility-compliance cultures in public welfare bureaucracies, transcending even differences in setting. The next sections describe these errors and practices in the context of the three defining features of an eligibility-compliance culture described above: the lack of full individualized assessments, an undue emphasis on clerical tasks, and the rigid application of rules in ways that subvert policy goals.

### ***Do Staff Fully Assess Clients' Ability to Participate in Work Programs?***

Clients who are unable to work because of a disability, or who are pregnant or caring for a child under one or a disabled family member, are exempt from the work rules (*Texas Works Handbook*). Staff at the Texas Department of Human Services are responsible for making this determination before clients are sent to the local workforce board for employment services. Problems with the assessment process occurred in 40 cases, with 33 in the urban/suburban region and 7 in the rural region. (Overall frequency counts sum more than *N* because multiple errors and practices were alleged or found in each case.) In several cases, the agency coded the client incorrectly as employable, and conceded the mistake at the hearing. By itself, such errors are not necessarily an indication of an eligibility-compliance culture. Mechanical-type errors are likely to occur in any large bureaucracy; in fact, these errors occurred primarily in the urban/suburban region where case-loads are higher and hence more difficult to track. On the other hand, that such errors were not corrected prior to a hearing indicate gaps in quality-control systems, and perhaps a certain tolerance of mistakes that may lead to erroneous sanctions.

In both regions, the hearing officers identified more intentional errors that demonstrated an unwillingness to help clients document their exemption or, as is common in an eligibility-compliance culture, a negative parsing of documentation. For example, in one case, the client had submitted a physician's note reporting a disability onset date of 1998, with the client still unable to work in October 2001. The agency found the note insufficient because it did not indicate how long the disability was expected to last. The hearing officer reversed the sanction, noting that the agency had failed to advise the client her documentation was incomplete. The hearing officer stated that the "worker must offer reasonable assistance in obtaining information."

In another case, the worker had missed cues, available in the file, that the client was disabled. Specifically, the client had been terminated from a job because of medical problems. This information was ignored by the worker, who coded the client as nonexempt and referred her to the local workforce board where she was subsequently sanctioned. The hearing officer found that the agency “did not thoroughly grasp, explore, or document in her electronic case file the information the client provided regarding her employment status.”

Other times, the agency made referrals to the local workforce agency without giving clients the opportunity to present medical documentation. For example, in one case, the client was sanctioned before the time limit for providing medical documentation; in other cases, clients were not given an opportunity to provide verification from their physicians, or were not told what type of documentation they needed. Thus, at times, workers not only failed to assist clients in securing needed documentation, but also hindered clients’ attempts to secure it.

However, some clients were also not disclosing their disabilities to workers, waiting until the hearing to claim a medical problem and then failing to sufficiently document it. The failure may have been due, in part, to a client’s hesitancy to disclose his or her medical condition or because no such medical problem existed. However, it could also stem from a depersonalized and routinized assessment process where such disclosures are not encouraged.

In sum, the errors found by the hearing officers, and practices alleged by the clients, including workers who failed to assist clients in documenting their exemption, cursory reviews, and ignoring or rejecting medical documentation without giving clients the time or an opportunity to elaborate, are indicative of an eligibility-compliance culture. These errors of process created bureaucratic hurdles and obscured substantive facts; here, that clients had valid reasons for not complying with work rules. As is characteristic of eligibility-compliance cultures where process often takes precedence over substance, faulty procedures led to the reduction of aid to clients entitled to exemptions.

### *Do Staff View Sanctioning as a Clerical Task or an Evaluative One?*

In Texas, as described above, agencies under contract to the workforce boards decide when a client has failed to comply with the work rules. Violations can occur when clients are preparing for work (such as employment planning sessions, career advancement classes, or job search training) or when clients are actually working or searching for a job and are required to report their hours or job contacts. Most of the violations occurred during the work preparation stage, and most—71 percent in the rural region and 67.8 percent in the urban/suburban region—were based on a single missed appointment at the workforce agency. In some cases, sanctions would be

entered days after the infraction, in other cases it would occur weeks later (and perhaps some never entered at all), thus indicating that workers likely used their discretion when applying sanctions.

In 129 of the cases (81 in the urban/suburban region and 48 in the rural region), there were indications that sanctioning was viewed as a clerical task rather than an evaluative one. Bureaucratic foulups and “red tape,” rather than an assessment that clients were unwilling to work, appeared to underlie many of the sanctions. Allegations of miscommunications between clients and workers were common, as were complaints from clients that they did not receive notice of their appointment. Obstacles to work, such as daycare and a lack of transportation, were overlooked. Perhaps the most extreme example of a mechanical approach to sanctioning occurred where the hearing officer found that the workforce agency “had requested a sanction before the appellant showed up for the appointment,” which she was late for. In another case, the client was two minutes late for a required test. She rescheduled that day and had already taken the test when she received the sanction notice. Thus, some workers were on automatic when imposing sanctions, viewing it solely as a clerical task.

There was also evidence that clients, and even workers, had a hard time cutting through the bureaucracy to correct or prevent mistakes. For example, in the case of the rescheduled test described above, the workforce agency representative testified that she tried to reverse the sanction but that it did not go through the computer system, so she advised the client to appeal. In another case, the representative testified that she had requested the sanction be removed because no appointment had been scheduled for the client to miss, but it was not corrected. Some of these problems resulted from a lack of coordination between the workforce agency and the local welfare office.

A common theme throughout clients’ testimony was their difficulty in contacting their worker to notify them of obstacles to complying with the work rules. As one client described, when her daughter became ill on the day of her work appointment she made repeated and unsuccessful attempts to call the agency, and “started putting in extensions at random and left voice messages for everyone she found.” Another client testified to three unsuccessful attempts to reach his worker, who was first at lunch, then at a doctor’s appointment, and then at a training. He explained that “each call cost him fifty cents and that he didn’t have the money to keep on calling.” Another client was told that her worker was not accepting calls; and then was later told by the worker that she only accepts calls one day a week.

In sum, such cases demonstrate that at times the sanctioning process was a reductive one, with workers avoiding complex and subtle determinations on whether a client was unable or unwilling to work and instead relying on the client’s overt performance: Did he or she attend the required work activity? Imposing sanctions became a paper-processing task, with clerical errors occurring or going uncorrected because staff insulated themselves from contact with clients. The choice to “paper process” rather than “people process” is

a central feature of an eligibility-compliance culture. So, too, is the sometimes byzantine nature of such a culture, exemplified here by workers relying on fair hearings to correct their own mistakes.

### ***Do Staff Apply Sanctions in a Manner that Subverts Policy Goals?***

Sanctions are based on the premise that financial penalties, or the threat of them, are necessary to enforce the obligation to work. Presumably, clients who are already working or engaged in training or educational activities do not require a sanction to motivate them. In both regions, however, sanctioned clients included those already working or in a related activity. In 30 of the cases (19 in the urban/suburban region and 11 in the rural region) sanctions were applied when clients were attempting to work or working, or otherwise demonstrating a commitment to work.

For several of these clients, the workforce appointment created a scheduling conflict. Thus, one client whose sanction was reversed attended classes in the morning Monday through Thursday and in the afternoon did court-mandated community service and worked. She also cared for her two grandchildren. She was sanctioned for not having enough job search contacts during Christmas vacation. The hearing officer noted that the *Texas Works Handbook* did not specifically extend work requirements through scheduled college class vacations and that based on the client's activities, additional participation requirements were not needed over the Christmas break. He also noted that the worker should use "discretion and proper judgment in making eligibility decisions using common sense, program knowledge, experience and expertise." Finally, the hearing officer noted that the client's request to schedule work meetings on Friday mornings was ignored, even though the worker was available. In another case, the hearing officer reversed a sanction for a client who had voluntarily joined the work program to obtain childcare and who had missed his appointment because he was working 60–70 hours a week driving a cab.

However, sanctioning clients who missed appointments because they were working was not always considered reversible error. One client was busy cleaning houses at the time of her work appointment. Another client worked in the mornings when work appointments were usually scheduled; she explained that while she understood she was supposed to attend, she could not miss work. The hearing officers noted that the agency was following stated policy regarding work-participation requirements. Other hearing officers chastised clients for not making time for appointments. As one pointed out to a client who attended classes in the morning and community service and work in the afternoon, "there was still time to take care of the business with TWC (Texas Workforce Commission) if she wished to receive TANF." Only the most egregious cases, as described above, were reversed, although it was not clear where the line was drawn.

There was some indication that workers were focused on the overall goals of TANF, but that the rules distorted their behavior. This was most evident in a case from the rural region, where both the agency representative and the Choices representative testified on *behalf of the client* that the rules required them to impose a sanction but that the client had good reasons for not complying. The workforce representative noted that the client had finished at the top of her class with perfect attendance even though she had a very long bus ride, but that there were almost no job opportunities in the small community where she lived. She further explained that most entry-level jobs were in the evening shift after public transportation stopped running. The hearing officer reversed the sanction, suggesting that the client request an exemption from the work rules because of these barriers.

In sum, at times workers either felt constrained by the rules or were unduly focused on the immediate task of scheduling and monitoring attendance at work appointments rather than the larger goal of encouraging self-sufficiency. Sanctioning was viewed as a clerical chore detached from its primary purpose, which is to encourage work. What was relevant was the immediate appointment at hand, not whether the client was working or otherwise displaying a positive attitude toward work. Sanctioning a client for choosing work over an appointment to discuss work is a clear example of the subversion of policy goals. Such goal displacement is common in eligibility-compliance cultures, where the focus is often on the rules and not their underlying purpose.

## **Conclusion and Future Implications**

The stated goal of welfare reform is to decrease dependency and promote work and self-sufficiency. Sanctions and mandatory work requirements are one means to this goal. Equally as emphasized is changing the culture of welfare offices. The nearly equal attention paid to policy and organizational reform under the PRWORA is one of its strengths, as it is the routine encounters between clients and workers on the frontline that translate policy into action, and that determines its success or failure. As Brodtkin warns, “if welfare state reforms are to create meaningful change, they must affect service production at the street level” (2000:1). Service delivery is an especially salient issue for welfare bureaucracies whose street-level operations have been a persistent source of concern and criticism over the decades.

As this, and other studies, confirm, organizational change has sometimes been difficult to achieve under welfare reform. Lurie and Riccucci, in their study of several post-TANF welfare offices, attribute the continuation of old-style problems in new-style welfare offices to the very organizational configurations precipitated by welfare reform. As they explain: “Where responsibility for work activities was transferred to a specialized agency, there was little need for the welfare agency to become, in Moynihan’s words, an

employment and training program that provided income support . . . In transferring this responsibility to another organization, welfare leaders and administrators changed personnel rather than changing the behavior and culture of the workers in a welfare agency” (2003:674–75). However, as Sandfort (2000) has found, even some of the newer organizations, including private welfare-to-work contractors, have replicated some of the worst practices of public bureaucracies by emphasizing attendance monitoring and paper work rather than more interactive and meaningful activities.

One reason for this continued reliance on old bureaucratic practices despite reforms may be the difficulty of implementing the dual approach of “help(ing) and hassl(ing),” which Mead (2003:578) contends is the key to behavioral-based reforms. On the one hand, workers may encourage work in an upbeat way, emphasizing the client’s strengths and helping overcome barriers (Hamilton and Scrivener, 1999). On the other hand, these same barriers may sometimes be viewed by workers as an excuse not to work. Discerning the unable client from the unwilling, or the client who is better motivated by help or hassle (or vice versa), is a difficult task. Workers faced with conflicting and difficult demands will often respond by routinizing their work (Meyers and Dillon, 1999; Hagen, 1987; Brodtkin, 1997).

The severity of the barriers clients face may also encourage workers to bureaucratize, rather than individualize, sanctions. As noted above, researchers have repeatedly found that the most disadvantaged clients, with the most barriers to work, are more likely to be sanctioned. Workers are often unable to help such clients because of a lack of resources or skills (Marks, 1999; Meyers, Glasser, and MacDonald, 1998). Sanctioning may be the easier and simpler alternative. Frustrated with being unable to help, workers may dismiss barriers as exaggerated or the client’s fault, thus justifying imposing a sanction rather than securing scarce supports. Bell (forthcoming), in her study of frontline workers in Texas, found this dynamic at work among the majority of caseworkers she interviewed. Caseworkers often ignored or sidestepped clients’ barriers, instead labeling the hardest to serve as unmotivated, and hence in need of sanctions rather than supports. This dynamic is similar to the creaming phenomenon identified in past studies of the welfare bureaucracy, where frustrated and overwhelmed frontline workers often treated the most disadvantaged clients more harshly (Lispky, 1984). In the past, such clients would be bureaucratically disentitled from aid during the application or recertification process; sanctions may serve as the present conduit for this process.

Some argue that rigid work rules backed up with sanctions with little or no wiggle room promotes work and individual responsibility, and hence would not be a subversion of the policy goals underlying TANF (Rector, 1997; Mead, 1997). Sanctions applied in this way would function as a diversion program, similar to other administrative diversion programs that have helped reduce welfare rolls (Jindal and Winstead, 2002). Whereas in the past such diversion programs were often considered illegal, today, along

with work rules and sanctions, they are considered by some the key to welfare reform.

However, scholars disagree over whether sanctions work. Lee, Slack, and Lewis (2004) found sanctions were negatively associated with formal employment and earnings, and had no effect on welfare use. Similarly, Hamilton and Scrivener (1999) found that sanctions do not increase participation rates or compliance with requirements. In contrast, Hofferth, Stanhope, and Harris (2000) found that sanctions lead to increased employment exits from welfare. However, even assuming that a strict application of sanctions is useful, the intrusion of an eligibility-compliance culture into the sanctioning process is not. Sanctions imposed without a full assessment and with an element of bureaucratic randomness or arbitrariness can frustrate work rather than encourage it. It can make work harder for clients forced to juggle workforce appointments with work, convince skeptical workers of their desire to work, and expend energy on correcting bureaucratic mistakes. They can increase financial hardship and discourage clients who are already more likely to be disadvantaged, and have more barriers to work, than nonsanctioned clients.

In sum, if both “help and hassle” are to be applied equally, there is much that can be improved in both arenas. When administering sanctions, workers could define their roles expansively, focusing less on collecting and verifying information and more on fully assessing clients and exploring resources and options that fit their needs. Sanctions could be individualized, taking into account the client’s circumstances and overall work behavior. A single missed appointment, without more, would rarely form the basis of a sanction. Actual work would be valued over appointments to discuss work. Sanctions would work in tandem with supports, not instead of them.

This study demonstrates the harmful side of sanctions. Although the full extent of such practices, either in TANF agencies or at the local workforce boards, cannot be determined from the data, the findings signal that more needs to be done to ensure that sanctions are administered appropriately. Further research is needed to determine how endemic such practices are to welfare and workforce bureaucracies, why they are occurring despite organizational reforms, and how they can be rectified, or whether the utility of sanctions for encouraging work needs to be reexamined.

## REFERENCES

- Altman, Stan, Blayne Bardo, and Dan Furst. 1979. “The Use of State Fair Hearing Data to Monitor Performance of the AFDC Program.” *Administrative Law Review* 31:463–84.
- Bell, H. Forthcoming. “Caseworkers’ Assessment of Welfare Reform: Report from the Front Lines.” In C. Larrison and M. Sullivan, eds., *Welfare Reform Impacts: Balancing Safety Nets and Behavior Modification*. Binghamton, NY: Haworth Press.
- Brodkin, Evelyn. 1986. *The False Promise of Administrative Reform: Implementing Quality Control in Welfare*. Philadelphia, PA: Temple University Press.

———. 1997. "Inside the Welfare Contract: Discretion and Accountability in State Welfare Administration." *Social Service Review* 71:1–33.

———. 2000. *Reorganizing the Welfare State: New Administrative Models, Old Bureaucratic Problems*. Evanston, IL: Joint Center for Poverty Research.

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* 76:387–405.

Edelhoch, Marilyn, Qiduan Liu, and Linda Martin. 2000. *The Post-Welfare Progress of Sanctioned Clients: A Study Using Administrative and Survey Data to Answer Three of Four Important Questions*. Columbia, SC: 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.

Goldberg, Heidi, and Liz Schott. 2000. *A Compliance-Oriented Approach to Sanctions in State and County TANF Programs*. Washington, DC: Center on Budget and Policy Priorities.

Hagen, Jan L. 1987. "Income Maintenance Workers: Technicians or Service Providers?" *Social Service Review* 61:261–71.

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

Handler, Joel. 1986. *The Conditions of Discretion: Autonomy, Community, Bureaucracy*. New York: Russell Sage Foundation.

Hasenfeld, Yeheskel, Toorjo Ghose, and Kandyce Larson. 2004. "The Logic of Sanctioning Welfare Recipients: An Empirical Assessment." *Social Service Review* 78:304–19.

Hofferth, Sandra L., Stephen Stanhope, and Kathleen Mullan Harris. 2000. *Exiting Welfare in the 1990s: Did Public Policy Influence Recipients' Behavior?* Population Studies Center Research Report 01-469. Ann Arbor, MI: University of Michigan.

Hyman, Drew, John Shingler, and Mitchell Miller. 1992. "Consumer Complaints and Public Policy: Validating the 'Tip-of-the-Iceberg' Theory." *Sociological Practice* 10:97–122.

Jindal, Bobby, and Don Winstead. 2002. *Status Report on Research on the Outcomes of Welfare Reform*. Washington, DC: United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation.

Kalil, Ariel, Kristen S. Seefeldt, and Hui-chen Wang. 2002. "Sanctions and Material Hardship under TANF." *Social Service Review* 76:642–62.

Kane, Thomas, and Mary Jo Bane. 1994. "The Context for Welfare Reform." Pp. 1–27 in Mary Jo Bane and David T. Ellwood, eds., *Welfare Realities: From Rhetoric to Reform*. Cambridge, MA: Harvard University Press.

Koralek, Robin. 2000. *South Carolina Family Independence Program Process Evaluation*. Prepared for South Carolina Department of Social Services. Washington, DC: Urban Institute.

Lee, Bong Joo, Kristen Slack, and Dan 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.

Lens, Vicki, and S. Vorsanger. 2005. "Complaining After Claiming: Fair Hearings After Welfare Reform." *Social Service Review* 79:430–53.



- Lipsky, Michael. 1984. "Bureaucratic Disentitlement in Social Welfare Programs." *Social Service Review* 58:3–27.
- Lurie, Irene, and Norma M. Riccucci. 2003. "Changing the 'Culture' of Welfare Offices: From Vision to Front Lines." *Administration & Society* 34:653–77.
- Mancuso, David, and Vanessa L. Lindler. 2001. *Examining the Circumstances of Welfare Leavers and Sanctioned Families in Sonoma County [CA], Final Report*. Burlingame, CA: SPHERE Institute.
- Marks, E. L. 1999. "Changing the Culture of the Welfare Office: Report from Front-Line Workers." Paper presented at the 39th Annual Workshop of the National Association for Welfare Research and Statistics. Cleveland, OH.
- Martinson, Karin, and Pamela A. Holcomb. 2002. *Reforming Welfare: Institutional Change and Challenges*. Occasional Paper Number 60. Washington, DC: Urban Institute.
- Mead, Lawrence. 1997. "Optimizing Jobs: Evaluation Versus Administration." *Public Administration Review* 57:113–18.
- . 2001. "Welfare Reform in Wisconsin: The Local Role." *Administration & Society* 33:523–54.
- . 2003. "The Primacy of Institutions." *Journal of Policy Analysis and Management* 22:577–80.
- Meyers, Marcia, and Nara Dillon. 1999. "Institutional Paradoxes: Why Welfare Workers Cannot Reform Welfare." In G. Frederickson and J. Johnston, eds., *Public Administration as Reform and Innovation*. Tuscaloosa, AL: University of Alabama Press.
- Meyers, Marcia, Bonnie Glaser, and Karin MacDonald. 1998. "On the Front Lines of Welfare Delivery: Are Workers Implementing Policy Reform?" *Journal of Policy Analysis and Management* 17:1–22.
- Nixon, Lucia A., Jacqueline F. Kauff, and Jan L. Losby. 1999. *Second Assignments to Iowa's Limited Benefit Plan*. Washington, DC: Mathematica Policy Research Inc.
- Pavetti, LaDonna, Michelle K. Derr, Gretchen Kirby, Robert G. Wood, and Melissa A. Clark. 2004. *The Use of TANF Work-Oriented Sanctions in Illinois, New Jersey, and South Carolina*. Washington, DC: Mathematica Policy Research Inc.
- Rector, R. 1997. "Wisconsin's Welfare Miracle." *Policy Review* 82:20–26.
- Riccucci, Norma, Marcia K. Meyers, Irene Lurie, and Jun Seop Han. 2004. "The Implementation of Welfare Reform Policy: The Role of Public Managers in Front-Line Practices." *Public Administration Review* 64:438–48.
- Rowe, Gretchen, and Jeffrey Versteeg. 2005. *Welfare Rules Data Book: State TANF Policies as of July 2003*. Washington, DC: Urban Institute.
- Sandfort, Jodi. 2000. "Moving Beyond Discretion and Outcomes: Examining Public Management from the Front Lines of the Welfare System." *Journal of Public Administration Research and Theory* 10:729–56.
- Strauss, A. 1987. *Qualitative Analysis for Social Scientists*. Cambridge: Cambridge University Press.
- Texas Works Handbook*. Texas Department of Human Services. Available at [www.dads.state.tx.us/handbooks/archives/texaswor](http://www.dads.state.tx.us/handbooks/archives/texaswor).
- U.S. Department of Health and Human Services. 2003. *Temporary Assistance to Needy Families (TANF) Program, Fifth Annual Report to Congress*. Washington, DC: U.S. Department of Health and Human Services.

U.S. Government Accountability Office. 2002. *Workforce Investment Act: States and Localities Increasingly Coordinate Services, but Better Information Needed on Effective Approaches*. Washington, DC: U.S. Government Accountability Office.

Westra, Karen, and John Routley. 2000. *Arizona Cash Assistance Exit Study, First Quarter 1998 Cohort*. Arizona Department of Economic Security. Available at ([www.de.state.az.us/links/reports/existstudy.html](http://www.de.state.az.us/links/reports/existstudy.html)).

Wisconsin Legislative Audit Bureau. 2001. *An Evaluation of Wisconsin Works (W-2) Program*. Madison, WI: Department of Workforce Development.

Wrafter, John. 1984. "QC: Abbreviation for Failure." *Public Welfare* Fall:14–21.

Wu, Chi-Fang, Maria Cancian, Daniel R. Meyer, and Geoffrey Wallace. 2004. *How Do Welfare Sanctions Work?* Madison, WI: Institute for Research on Poverty, University of Wisconsin–Madison.