

BTQ QUESTIONS - REASONABLE ATTEMPT CRITERIA

QUESTION: If a phone contact is made and the party is advised of the specific information needed, and the state agency also sends out a questionnaire, does the 48 hour period begin with the phone contact or the questionnaire?

ANSWER: In this instance, the 48 hour rule would not apply since information was also requested in writing. The state agency must provide the party the number of days normally allotted for information being requested by mail; e.g., 5 days, 7 days or 10 days. If the agency makes a determination after 48 hours, but before the response due date, then the case would be scored down for failing to meet the Minimum Criteria to Satisfy Reasonable Attempt(s) Requirements. If the agency needs more information after the response time on the written request elapsed, and attempts to make a phone inquiry, the 48-hour minimum response time will take effect.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-10 through 12

QUESTION: Is a reasonable attempt to obtain information from a school employer any different than a reasonable attempt to get it from any other employer? Is the 48-hour minimum rule acceptable?

ANSWER: HB 301 makes no distinction between a school employer and non-school employer as it relates to attempts to obtain information and the 48-hour rule. Keep in mind that the 48-hour rule is a minimum and does not supersede longer time periods allowed for response, according to state law and policy.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-10 through 12

QUESTION: If a state makes a reasonable attempt and the party fails to respond with information, does the state agency need to document that the party failed to respond with information?

ANSWER: No. The Minimum Criteria to Satisfy Reasonable Attempt(s) Requirements in HB 301, pg. V-10 through V-12, does not require a deduction in scoring under these circumstances. However, documenting a failure to respond is a best practice.

REFERENCE SOURCE: ET HANDBOOK No. 301, p. V-10 though 12