

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

Public Notice

In accordance with the Temporary Assistance for Needy Families (TANF) Program Final Rule (45 CFR Part 260 et al), and pursuant to Arkansas Code 20-76-444, ADWS issues proposed changes to the Transitional Employment Assistance (TEA)/Work Pays policy.

The Division of Workforce Services requests public comment on the amended sections of policy. Hard copies of the amendments are available at DWS/TANF – 4th Floor, #2 Capitol Mall, Little Rock, AR 72201.

All comments must be submitted in writing no later than the close of business on November 30, 2021. Please submit written comments to Division of Workforce Services (TANF), Attn: Tammy Richardson, PO Box 2981, Little Rock, Arkansas 72203 or tammy.h.richardson@arkansas.gov.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Division of Workforce Services

DIVISION Temporary Assistance for Needy Families

PERSON COMPLETING THIS STATEMENT _____

TELEPHONE NO. (501) 683-1353 **FAX NO.** (501) 683-1531 **EMAIL:** derwin.taylor@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Amendment to Transitional Employment Assistance(TEA)/Work Pays policy

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ \$ 0.00

Total _____ \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ \$ 0.00

Total _____ \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ 0 _____

\$ 0 _____

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ 0 _____

\$ 0 _____

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

ATTACHMENT TO QUESTIONNAIRE

SUMMARY OF CHANGES: WORK PAYS POLICY

OVERVIEW

Revisions were made in order to incorporate eligibility policy for the administration the Work Pays Program, as permitted by Act 514 of 2007.

Specific revisions to policy were:

Policy 10000

- Incorporated former Policy 10220 (Time Limits)

Policy 10100

- Incorporated former Policy 10102.1 (Prior TEA Receipt)

Policy 10101

- Added language regarding Act 1205 of 2015, drug testing of applicants and recipients

Policy 10102.1

- Former Policy 10102.1 (Prior TEA Receipt) incorporated into Policy 10100
- Section revised to discuss employment eligibility requirement

Policy 10102.2

- Prior 10102.2 (Income) moved to 10102.3
- Section revised to add language regarding automated system

Policy 10102.3

- Language revised to combine income (previously 10102.2) and work hours requirement

Policy 10102.4

- Prior 10102.4 (Resources) moved to new 10102.3
- Language added regarding Drug Screening Questionnaire requirement

Policy 10102.5

- Language added regarding scheduling the initial interview

Policy 10102.6

- Language added regarding re-scheduling the initial interview

Policy 10103

- Language added to require adequate notice of denial during initial eligibility determination

Policy 10104

- Deleted former Policy 10104, defunct procedure
- Added new language on drug testing requirements

Policy 10104.1

- Added language regarding exemptions from drug screenings and testing

Policy 10104.2

- Added language regarding cooperation with drug testing

Policy 10104.3

- Added language regarding substance abuse evaluation/drug treatment referral

Policy 10104.4

- Added language regarding compliance with drug abuse treatment plan of action

Policy 10104.5

- Added language regarding good cause for noncompliance with drug treatment/recovery support

Policy 10105

- Formerly Policy 10104
- Incorporated former Policy 10310
- Language added regarding biweekly contact

Policy 10106

- Formerly Policy 10105
- Added procedure for Drug Assessment Questionnaire

Policy 10200

- Incorporated language from Policy 10400
- Language added outlining requirements for 6 month and yearly re-evaluations

Policy 10220

- Moved language to Policy 10000

Policy 10230

- Deleted defunct procedure

Policy 10230.1

- Deleted defunct procedure

Policy 10300

- Hourly work requirement information moved to 10102.3
- Career Advancement Plan information moved to 10102.5
- Examples and FPL calculations added
- Language added to clarify significant change to budget

Policy 10310

- Moved to Policy 10105

Policy 10320

- Additional policy reference included

Policy 10320.1

- Work activities identified as core

Policy 10320.2

- Listed work activities re-grouped as core and non-core

Policy 10400

- Moved to Policy 10200

Policy 10430

- Policy references added for each supportive service listed

Policy 10501

- Reference to ANSWER system replaced with generic term

Policy 10502

- Language added to list types of acceptable verification
- Language added to describe the three different payment types that may be authorized

Policy 10503

- Deleted section on extracts due to automated system changes

Policy 10504

- Language revised to correct grammar and improve flow of text

Policy 10600

- Language added to remove name of automated system
- Language added to clarify eligibility for bonuses

Policy 10600.3

- Header revised to reflect correct description of bonus

Policy 10600.4

- Language added to require advance notice before closure
- Language added that temporary fluctuations in salary are not part of income calculations

Policy 10700

- Revision made in order to update two reasons for noncompliance

Policy 10720

- Typo corrected
- Language added clarify good cause months are considered noncompliance

Policy 10730

- Language added to clarify procedure for sending an advance notice and scheduling a home visit
- Language added to clarify payment may be reduced or cancelled

Policy 10740

- Language added to clarify the procedure on sending sanction notices
- Language added to explain sanction levels and home visit requirement

Policy 10750

- Language added about lifting the child support sanction

Policy 10760

- Incorporated former Policy 10106 (Case Closure)
- Language added to clarify procedure when a participant does not waive right to 10-day notice
- Language added regarding closure due to noncompliance with drug screening requirements

Policy 10800

- Language added to clarify when the six-month does not apply
- Note added to explain insufficient hours

ATTACHMENT TO QUESTIONNAIRE

SUMMARY OF CHANGES: WORK PAYS APPLICATION

OVERVIEW

Revisions to the Work Pays application were made in accordance with Public Law 112-96 of February 2012, which amended Section 408 of the Social Security Act U.S.C. 608(a) and enacted a state requirement to prevent unauthorized spending of benefits.

Specific revisions to the Work Pays application include:

- (1) Incorporated language regarding illegal use of EBT card;
- (2) Incorporated language regarding DWS' compliance with Civil Rights regulations;
- (3) Changed references from AR Dept of Human Services to Division of Workforce Services.

~~ARKANSAS~~ Work Pays APPLICATION

If you need this material in a different format, such as large print, contact your DHHS or DWS local office.
Si necesita este formulario en Español, llame 1-800-482-8988

~~1) Applicant Information Please complete about yourself. If another parent is in the home, please list in number 2 below.~~

Social Security Number	Last Name	First Name		Mt
Birth Date	Race	Sex	County	E-mail Address
Street Address		City	State	Zip Code
Mailing Address (if different)		City	State	Zip Code
Home or contact telephone	Work telephone		May we contact you at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Fax number

~~2) Household~~

List all children under age 18 living in the household. Please list the other parent if he/she is also living in the home.

Social Security Number	Last Name	First Name	Birth Date	Race	Sex	Relationship to You	U.S. Citizen (Yes/No)

~~3) Work/Income~~

Please complete this section about you and the second parent if living in the home.

Source of Income	Y	N	Where?	Gross Pay (Before deductions)	How often?	How many hours per week?
Are you employed?						
Are you engaged in any other activity such as community service, college work study, Vocational Education or GED?	Y	N	What activity?	Where?	How often?	How many hours per week?
Is second parent (if living in the home) employed?	Y	N	Where?	Gross Pay (Before deduction)	How Often?	How many hours per week?
Do you or other parent in home have any unearned income?	Y	N	Source?	Gross Pay	How often?	Who receives?

~~4) Question~~

Have you or any household member been found guilty or nolo contendere (no contest) to a felony conviction involving the manufacture or distribution of a controlled substance? ☐ Yes ☐ No

ARKANSAS Work Pays APPLICATION

Personal Responsibility Agreement Arkansas Work Pays Program

I understand that the Personal Responsibility Agreement (PRA) will provide me with individual responsibilities that I must comply with while participating in the Arkansas Work Pays Program. I understand that this program is limited to twenty four (24) months and that I must be employed and seeking employment that will increase my pay and enhance career choices. I understand that supportive services will be provided if needed.

I agree to the following responsibilities:

1. Work the maximum number of hours possible up to 40 hours per week, but if I am only able to work 24 hours weekly, I agree to engage in other allowable work activities as required by my Work Pays Case Manager.
2. Accept full time employment that may be offered.
3. Cooperate and work with my case manager in developing my Career Advancement Plan and following the plan activities.
4. Follow up on job leads that would lead to better pay and a possible career.
5. Will not voluntarily terminate employment.
6. Ensure that my children receive their age appropriate childhood immunizations.
7. Ensure that my school age children attend school.
8. Cooperate with the Office of Child Support Enforcement in seeking child support and/or establishing paternity.
9. Report any changes within 10 days that will affect my eligibility.

I understand that in some circumstances the agency may determine that I had good cause for not complying with the above requirements.

Read carefully before you sign this application

- I understand that I must help establish my eligibility by providing as much information as I can and in some situations I may be required to provide proof of my circumstances.
- I authorize the Department of Health and Human Services (DHHS) and Department of Workforce Service (DWS) to obtain information from other state agencies and other sources to confirm the accuracy of my statements.
- I understand that as a condition of eligibility, each applicant for or recipient of Work Pays benefits must furnish his/her social security number to DHHS. Federal law 42U.S.C. §§ 1320b 7(a) (1) and 1320b 7(b) (2) and DHHS Transitional Employment Assistance Manual Policy 2110 make DHHS collect your SSN before approving your application. * Disclosure of your Social Security Number is voluntary. However, a person who does not provide the number or apply for one will not be eligible to receive benefits. If someone does not have an SSN, DHHS will help the person apply for one. As long as an SSN application is filed with the Social Security Office, the DHHS application may be approved. DHHS will also use Social Security Numbers for program applicants and participants to access information, determine eligibility, verify wages, unearned income and other information, to prevent duplicate participation, to facilitate mass changes in Federal benefits and to determine the accuracy and reliability of information.
- I understand that no person may be denied Work Pays benefits on the grounds of race, color, sex, age, disability, religion, national origin, or political belief.
- I may request a hearing from DHHS if a decision is not made on my case within the proper time limit or if I disagree with the decision.
- I agree to notify my case manager within 10 days if I or any of my dependents cease to live in my home, if I move, or if any other changes occur in my circumstances.
- I authorize DHHS to examine all records of mine or records of those who receive or have received Work Pays benefits through me to investigate whether or not any person has committed fraud, or for use in any legal, administrative or judicial proceeding.

Assignment of Child Support. I understand that if I accept Work Pays, by state law, I will have assigned all rights, title, and interest in any support that I have in my own behalf or in behalf of any other person for whom I am receiving a Work Pay payment. I understand that all support payments including those received by me directly from the absent parent, are to be paid to the Office of Child Support Enforcement. I understand that this assignment ends when I no longer receive Work Pays except as to any unpaid support obligation that has accrued at the time my Work Pays case is closed. I also understand that as a condition of eligibility for Work Pays, I must cooperate with the Office of Child Support Enforcement in establishing paternity and obtaining child support.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT. If I receive benefits to which I am not entitled because I withheld information or provided inaccurate information, such assistance will be subject to recovery by the Department of Health and Human Services, and I may be subject to prosecution for fraud and fined and/or imprisoned.

Signature of Parent or Relative

Date

Telephone number of person helping to complete form

Signature of Second Parent

Date

Signature of Family Support Specialist

Date

Address of person helping to complete form

A decision on your application should be made within 30 days.

If you have questions about eligibility for Work Pays, call your TEA case manager.

Please fold and return the Application to the address shown on the back.

Fold in half, tape ends together, and mail to the address listed below.

Return Address

Place
Stamp
Here

IF YOU NEED THIS MATERIAL IN A DIFFERENT FORMAT SUCH AS LARGE PRINT, CONTACT YOUR LOCAL DWS OFFICE.

Si necesita este formulario en Español, llame al 1-888-414-1589 y pida la versión en Español.

Section I: Applicant Information Please complete the following information.

* A social security number or proof of application for a social security number is required for all individuals who will receive benefits.

First Adult:

Social Security Number:	Last Name:	First Name:	Middle Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Birth Date:	Race:	Sex:	County:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address:		Mailing City:	Mailing Zip Code:
<input type="text"/>		<input type="text"/>	<input type="text"/>
Physical Address (if different from Mailing Address):		Physical Address City:	Physical Address Zip Code:
<input type="text"/>		<input type="text"/>	<input type="text"/>
House or Message Phone:	Cell Phone:	Email Address:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Second Adult:

Social Security Number:	Last Name:	First Name:	Middle Name:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Birth Date:	Race:	Sex:	County:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Mailing Address:		Mailing City:	Mailing Zip Code:
<input type="text"/>		<input type="text"/>	<input type="text"/>
Physical Address (if different from Mailing Address):		Physical Address City:	Physical Address Zip Code:
<input type="text"/>		<input type="text"/>	<input type="text"/>
House or Message Phone:	Cell Phone:	Email Address:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Section II: Household Members - List all of the children who are in your care and custody. If needed, attach a sheet of paper listing additional members.

Social Security Number	Name (First, Middle Initial, & Last)	Date of Birth	Race	Sex	Relationship to you	U.S. Citizen

Section III: Employment/Income Information Please complete the following information.

First Adult:

Last Name: First Name: Middle Name:

Are you employed? Yes ☐ No ☐

Company Name: Contact Phone Number:

Company Street and Mailing Address (if different): Fax Number:

City, State, & Zip Code: Supervisor's Printed Name:

Hourly Wage: Hours per Week:

How often are you paid? Weekly ☐ Monthly ☐ Every 2 weeks ☐ Twice Monthly ☐ Other:

Please list if engaged in any other activity such as community service, college work study, etc. How many hours per week?

Do you receive any unearned income? Yes ☐ No ☐ How much? How often? Source of Income:

Second Adult:

Last Name: First Name: Middle Name:

Are you employed? Yes ☐ No ☐

Company Name and DBA (if applicable): Contact Phone Number:

Company Street and Mailing Address (if different): Fax Number:

City, State, & Zip Code: Supervisor's Printed Name:

Hourly Wage: Hours per Week:

How often are you paid? Weekly ☐ Monthly ☐ Every 2 weeks ☐ Twice Monthly ☐ Other:

Please list if engaged in any other activity such as community service, college work study, etc. How many hours per week?

Do you receive any unearned income? Yes ☐ No ☐ How much? How often? Source of Income:

Who receives additional income?	How much additional income is received?	How often is the additional income received?	Where is the source of the income?
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

I understand that the Personal Responsibility Agreement (PRA) will provide me with individual responsibilities that I must comply with while participating in the Arkansas Work Pays Program. I understand that this program is limited to twenty-four (24) months and that I must be employed and seeking employment that will increase my pay and enhance career choices. I understand that supportive services will be provided if eligible.

I agree to the following responsibilities:

1. Work the maximum number of hours possible, up to 40 hours per week. But if I am only able to work 24 hours weekly, I agree to engage in other allowable work activities as required by my case manager.
2. Accept full time employment that may be offered.
3. Cooperate and work with my case manager in developing my Career Advancement Plan and following the plan activities.
4. Follow up on job leads that would lead to better pay and a possible career.
5. Will not voluntarily terminate employment.
6. Ensure that my children receive their age appropriate childhood immunizations.
7. Ensure that my school age children attend school.
8. Cooperate with the Office of Child Support Enforcement in seeking child support payment and/or establishing paternity.
9. Report any changes within 10 days that will affect my eligibility.

I understand it is illegal to use my EBT card at any:

1. liquor store*;
2. casino, gambling casino, or gaming establishment; and
3. retail establishment where performers undress or entertain in an unclothed state.

This means I cannot use my EBT card at the places listed above in any of the following ways:

1. as a credit or debit card;
2. at an automated teller machine (ATM);
3. at a point-of-sale (POS) terminal; or
4. online to withdraw funds or process payment for merchandise or service.

**This does not include grocery stores that sell BOTH intoxicating liquor and groceries, including staple foods.*

I understand that in some circumstances the agency may determine that I had good cause for not complying with the above requirements.

Assignment of Child Support: I understand that if I accept benefits, by state law, I will have assigned all rights, title, and interest in any support that I have in my own behalf or in behalf of any other person for whom I am receiving a benefit payment. I understand that all support payments including those received by me directly from the absent parent, are to be paid to the Office of Child Support Enforcement. I understand that this assignment ends when I no longer receive benefits, except as to any unpaid support obligation that has accrued at the time my case is closed. I also understand that as a condition of eligibility, I must cooperate with the Office of Child Support Enforcement in establishing paternity and obtaining child support.

Notice to Applicants: Read carefully before you sign this application.

I understand that no person may be denied benefits on the grounds of race, color, sex, age, disability, religion, national origin, or political belief. In accordance with Federal law and U.S. Department of Health and Human Services (DHHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. DWS collects ethnic data to assure that benefits are distributed without regard to race, color or national origin.

To file a complaint of discrimination, by mail contact DHHS Office of Civil Rights - Region VI, 1301 Young Street - Suite 1169, Dallas, TX 75202, by fax to (214) 767-0432 or call (214) 767-4056 for voice or (214) 767-8940 for TDD. A complaint can be filed electronically by going to https://ocrportal.hhs.gov/ocr/cp/complaint_frontpage.jsf. DHHS is an equal opportunity provider and employer.

Providing a Social Security number and/or information about citizenship or immigration status is voluntary. However, anyone who fails or refuses to provide any of this information will not be eligible to receive Transitional Employment Assistance (TEA) and/or Work Pays benefits. Other household members who do provide this information may participate in TEA and Work Pays if the household is found to be eligible.

Read carefully before you sign this application.

- I understand that I must help establish my eligibility by providing as much information as I can and in some situations I may be required to provide proof of my circumstances.
- I authorize the Department of Human Services (DHS) and Division of Workforce Services (DWS) to obtain information from other state agencies and other sources to confirm the accuracy of my statements.
- I understand that as a condition of eligibility, each applicant for or recipient of Work Pays benefits must furnish his/her social security number to DHS/DWS. Federal law 42U.S.C. §§ 1320b-7(a) (1) and 1320b-7(b) (2) and DHS Transitional Employment Assistance Policy Manual requires DHS/DWS to collect your SSN before approving your application. Disclosure of your Social Security Number is voluntary. However, a person who does not provide the number or apply for one will not be eligible to receive benefits. If someone does not have an SSN, DHS will help the person apply for one. As long as an SSN application is filed with the Social Security Office, the application may be approved. DHS/DWS will also use Social Security Numbers for program applicants and participants to access information, determine eligibility, verify wages, unearned income and other information, to prevent duplicate participation, to facilitate mass changes in Federal benefits and to determine the accuracy and reliability of information.
- I understand that no person may be denied Work Pays benefits on the grounds of race, color, sex, age, disability, religion, national origin, or political belief.
- I may request a hearing from DHS if a decision is not made on my case within the proper time limit or if I disagree with the decision.
- I agree to notify my case manager within 10 days if I, or any of my dependents, cease to live in my home, if I move, or if any other changes occur in my circumstances.
- I authorize DHS/DWS to examine all records of mine or records of those who receive or have received Work Pays benefits through me to investigate whether or not any person has committed fraud, or for use in any legal, administrative or judicial proceeding.

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE IS TRUE AND CORRECT. If I receive benefits to which I am not entitled because I withheld information or provided inaccurate information, such assistance will be subject to recovery by the Arkansas Division of Workforce Services/TANF.

First Adult's Signature:

Date:

First Adult's Printed Name:

Second Adult's Signature:

Date:

Second Adult's Printed Name:

Print name of Person helping to complete form:

Signature of Person helping to complete form:

Address of Person helping to complete form:

Phone Number of Person helping to complete form:

A decision on your application should be made within 30 days. If you have questions about eligibility for Work Pays, call your case manager.

10000 ARKANSAS WORK PAYS

Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. ~~Provided they meet Work Pays eligibility requirements,~~ families participating in Arkansas Work Pays will receive a monthly cash assistance payment in the amount of \$204 for up to 24 months, case management, supportive services, and job retention and advancement services, ~~provided they meet the Work Pays eligibility requirements.~~ The twenty-four (24) months will count toward the federal 60-month time limit but not the state's TEA 24-month limit. If the participant reaches 60 months while participating in Work Pays, an automatic extension will be given to the 60-month time limit. ~~—~~ This work incentive program may be limited to 3,000 families.

The DWSeligibility worker will explain the Work Pays program to the applicant and provide a Work Pays pamphlet during the initial interview for TEA cash assistance. The DWS Workforce Specialist will discuss the Work Pays program with the participant during ongoing case management activities. ~~—~~ When the TEA case closes due to employment, the participant will receive additional information about Work Pays, including a Work Pays application.

10100 Work Pays Eligibility Requirements

A participant must meet the following requirements:

~~4.—~~

1. Be employed at least 30 days prior to the date of the Work Pays application;
2. Have care and custody of a related minor child, ~~(including family cap child (TEA Policy 2150.1) and child receiving SSI);~~
3. Be a resident of the State of Arkansas;
4. Meet the citizenship or alienage requirement (Refer to TEA policy 2220);
5. Apply for Work Pays within six (6) months of TEA case closure;
6. Received TEA cash assistance for at least three (3) months; including months of deferral. (These months do not have to be consecutive. Months from other states do not count); ~~7.~~
7. Have not received more that twenty-four (24) months of Arkansas Work Pays Program Benefits; ~~8.~~
8. Meet Work Hours Requirement:
 - a) For initial eligibility - Was engaged in paid work activities for a minimum of twenty-four hours per week for the past month and meet the federal participation rate for the past month.
 - b) For on-going eligibility – must be in paid work activities for a minimum of twenty-four(24) hours per week and meet the federal participation requirement for one(1) of the past three(3) months and for at least three (3) of the past six (6) months; ~~9.~~
9. Have income below 150% of the federal poverty level for the family size, including SSI and Family Cap Children; (SSI and family cap children are counted

in the household size **when determining FPL**, even if they are not part of the budget unit.);

Note: Stepparents with no child in common are NOT part of the Work Pay budget unit. Therefore, the income of the stepparent is disregarded.

9.—

10. Comply with the Work Pays Personal Responsibility Agreement;

11. Comply with Office of Child Support Enforcement (OCSE) requirements,
requirements, - including assignment of support and cooperation in
establishing paternity and/or support unless good cause exists; and-

12. Comply with drug screening and testing requirements.

Note: If a participant has reached or exceeded the 60-month federal time limit when the participant applies (or reapplies) for Work Pays, the application will be denied to the Work Pays eligibility unit.

10101 Work Pays Application Process

Each month a Work Pays application will be mailed to all TEA participants whose case closed the prior month due to employment. This process will be completed by Central Office through a mass mailing process. For participants interested in applying for Work Pays, the application must be completed and mailed submitted via mail, email, or fax to the Work Pays Processing Unit who will determine initial eligibility. DWS for initial eligibility determination. Applications received at a local DHS or DWS office will be forwarded to the processing unit upon receipt. The Work Pays applicant must sign the application. If it is a two-parent household, both parents must sign the form.

In accordance with Arkansas Act 1205 of 2015, drug screenings of applicants and recipients will be conducted as a part of application process – during initial eligibility determination and during reevaluation (redetermination).

10102 Determining Initial Eligibility

10102.1 Employed 30 Days Prior to Application Date

For initial eligibility, the DWS Workforce Specialist will review the application to determine if the participant was employed at least 30 days **prior to** the application date. If the participant was not employed at least 30 days prior to the application date, no initial interview will be scheduled. The application will be denieddenied, and a DWS-ARK-TEA-1 will be sent as an adequate notice of the denial. No good cause will be given for not meeting initial eligibility. (See TEA policies 4050 and 4051 for more information on adequate notices).

Example: An applicant submitted an application dated October 15th. On the application, the applicant indicated employment began on September 16th. Because the applicant was only employed 29 days, the application is denied.

10102.2 Automated System Review

If the participant was employed 30 days prior to the application date, the DWS Workforce Specialist will review the following information in the automated system to further determine if the participant meets initial eligibility. (Refer to Policy 10100).

The participant:

- Must have care and custody of a related minor child (including family cap child and child receiving SSI);
- Must meet the citizenship of alienage requirement;
- Must apply for Work Pays within 6 months of TEA case closure (unless the previous TEA Work Pays case closed due to insufficient hours);
- Must have received at least 3 months of TEA cash assistance, including deferral and exemption months. ~~of deferral~~ (This includes TEA cases that close due to reaching the time limit or have been extended and earnings are included.); and
- Must not have received more than 24 months of Work Pays.

If the participant fails to meet any of the initial eligibility requirements above at the time of application, the application will be denied. No initial interview will be scheduled. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application's denial.

Example: Ms. Davis applied for Work Pays four months after her TEA case closed. She received TEA cash assistance for nine (9) months. After reviewing additional eligibility information in the automated system, it was determined that Ms. Davis met the requirements. An initial interview can be scheduled.

Example: Ms. Wilson applied for Work Pays after her TEA case closed. She received TEA cash assistance for a total of 2 months. Since she did not receive TEA for at least 3 months, her application is denied.

10102.3 Income and Work Hours

If the participant meets the initial eligibility requirements discussed in policies 10102.1 and 10102.2, the DWS Workforce Specialist will schedule an initial interview to review documentation of income and work hours for the 30-day period prior to the date of application. No documentation of resources will be required, as the household's resources are totally disregarded. (See Work Pays policy 10102.45 for more information on scheduling the initial interview).

Income

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size. (The Federal Poverty Levels in Appendix B are updated annually). The following types of income are disregarded when determining initial (and ongoing) eligibility for Work Pays: income of the child(ren); income of the stepparent with no child in common; ~~is disregarded.~~ ~~Unemployment Insurance~~ and child support ~~are also disregarded when determining initial (and ongoing) eligibility for Work Pays.~~ (Refer to TEA policies 2331 and 2341 for unearned and earned income to disregard.)

The DWS Workforce Specialist will deny the application if the participant fails to meet the income requirement upon receipt of initial work documentation. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application denial. (See TEA policies 4050 and 4051 for more information on adequate notices).

To determine if the household meets the FPL requirement for initial eligibility, the DWS Workforce Specialist will use one of the appropriate calculations indicated below.

If the participant is paid weekly:

- Total the gross income *actually received* in the 30-day period;
- **Divide the total by 4 (See note below);
- Multiply by 4.334.

**Note: If the participant is paid weekly but received 5 checks in the 30-day period, divide total gross income by 5 and multiply by 4.334.

If the participant is paid every two weeks (biweekly):

- Total the gross income *actually received* in the 30-day period;
- **Divide the total by 2 (See note below);
- Multiply by 2.167.

**Note: If the participant is paid every two weeks (biweekly) but received 3 checks in the 30-day period, divide total gross income by 3 and multiply by 2.167.

If the participant is paid twice a month (semi-monthly):

- Total the gross income *actually received* in the 30-day period, with no conversion.

In determining initial eligibility for Work Pays, the participant's declaration of earnings for the 30-day period prior to the date of application will be accepted verified. Once the case is approved the DWS Workforce Specialist must verify the income for the same period.

Example: A participant who meets all the eligibility requirements applies on April 7th. The DWS Workforce Specialist will verify the income for the period March 8th through April 6th, which is the 30-day period prior to the date of application.

Work Hours Requirement

For initial eligibility, the participant must provide verification of work hours for the 30-day period prior to the date of application. The verification can be provided by fax, mail, email, or in person. The agency will accept verification of earnings from the employer, check stubs, payroll printouts, etc. If the information received is not accurate and would affect the participant's eligibility status, the supervisor -(or designee) will be notified immediately.

The participant must be in a **paid** work activity (i.e., employed) at least twenty-four (24) hours per week. The participant must also meet the weekly federal participation requirement for the past thirty (30) days. The participant may be engaged in another countable work activity that, when combined with the paid work hours, will meet the federal TANF work requirement for the family.

If the work hours requirement is met, the information will be documented in the automated system. If the work hours requirement is not met, the Work Pays application will be denied. A DWS-ARK-TEA-1 will be sent as an adequate notice of application denial. (See TEA policies 4050 and 4051 for information on adequate notices).

The federal participation requirement is as follows:

- 24 hours per week for a single-parent household with a child under the age of 6 (even if the child is not included in the budget unit); All 24 hours must be in a paid work activity.
- 30 hours per week for a ~~single-parent~~ single parent with a child age 6 or older; If the household can only participate in a paid work activity for 24 hours per week, all 6 of the remaining hours must be in a **core** activity. Noncore activities cannot be used for the remaining 6 hours.
- 35 hours per week for a two-parent household not receiving federally funded ~~child care~~ childcare; If the household can only participate in a paid work activity for 24 hours per week, 6 of the remaining hours must be in a **core** activity. The last 5 hours may be core or noncore.
- and 55 hours per week for a two-parent household receiving federally funded ~~child care~~ childcare. If the household can only participate in a paid work activity for 24 hours per week, 26 of the remaining hours must be in a **core** activity. The last 5 hours may be core or noncore.

Example 1: Ms. Adams is a single parent with a child over the age of 6. She applied for Work Pays on July 1. It has been verified that she has been employed since May. Check stubs submitted for the 30-day period before the application date show she worked 30 hours per week. Ms. Adams meets the requirement to be employed (in a paid work activity) for 24 hours per week. She also meets the federal participation requirement of 30 hours per week. If otherwise eligible, the application may be approved.

Example 2: Mr. Thomas is a single parent with teenaged children. He applied for Work Pays on July 7 after receiving TEA for 8 months. His TEA case closed in April. He has been employed since March. Check stubs indicate he works 24 hours per week. He also attends college at night and has only used 2 months of Career and Technical Education. He is taking a three (3) credit-hour course in management and will graduate in December.

Mr. Thomas meets the work requirements. He is employed for 24 hours per week. He is given 3 hours of actual class time per week. He will also be given 3 hours of homework/study time because he is taking 3 credit hours. This brings his total countable hours to 30 per week. If otherwise eligible, the application may be approved.

10102.4 Drug Screening Questionnaire Requirements

All applicants will be required to complete a completed Drug Assessment Questionnaire (DAQ) as part of the initial eligibility determination process. The DAQ is a part of the Work Pays application.

Once the DAQ has been completed, the following actions will be taken:

1. If the applicant answers "No" to all questions on the DAQ concerning illegal drug use, the application will be processed.
2. If the applicant answers "Yes" to any one of questions on the DAQ concerning illegal drug use, then the DWS Workforce Specialist must contact the ADWS TANF Family Support Unit for drug testing coordination.

Refusal and/or failure, without good cause, to complete or submit a Drug Screening Questionnaire during the initial eligibility process will result in denial of the application. Refer to TEA policies 10103 and 10104.5.

10102.54 Scheduling the Initial Interview

No later than 2 business days from the date the application was received, the DWS Workforce Specialist will send a DWS-ARK-TEA-1495 (Appointment Notice of Action) to schedule the initial interview. The appointment notice must indicate what documentation should be brought to the interview in order to establish initial eligibility.

During the initial interview, the DWS Workforce Specialist will present an overview of the program, gather information, and advise the participant of what and when information is needed.

If the participant misses the interview and does not contact the DWS Workforce Specialist to reschedule, the application will be denied. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application denial.

~~verify that the information provided by the participant during the application process is correct by reviewing work hours documentation. For initial eligibility, the participant will provide verification that he/she was employed 30 days prior to application date. If the participant was not employed 30 days prior to the application date, the application will be denied. No good cause will be given for not meeting initial eligibility.~~

10102.56 Rescheduling the Initial Interview

If the participant misses the initial interview, but it is rescheduled:

- The Workforce Specialist will send a 10-calendar day advance notice (DWS-ARK-TEA-1) to inform the participant of the new appointment AND the penalties that may occur if they fail to attend as rescheduled (i.e., application denial).

If a participant does not bring the requested documentation to the initial appointment:

- The Workforce Specialist will provide the participant with a 10-calendar day advance notice (DWS-ARK-TEA-1) requesting the exact documents needed to determine eligibility by the close of business on the 10th day.
- If the documents are not provided, the application will be denied after the notice expires.

~~The TEA-1405, Appointment Notice, should be used when the Workforce Specialist is verifying initial eligibility. See policy 10230.1.~~

10102.1 Prior TEA Receipt

~~The participant must have received at least 3 months of TEA cash assistance and the case closed within the past 6 months. This includes cases that close due to reaching the time limit or have been extended and earnings are included. The 3 months do not have to be consecutive. (See example below)~~

Example 1: ~~Ms. Davis applied for Work Pays in September 2006. Her TEA case closed in April 2006 after receiving assistance for 3 months. The participant provided verification of employment with Entergy working 40 hours per week at \$6.00 per hour. Ms. Davis met all eligibility requirements; therefore, her application is approved.~~

Example 2: ~~Ms. Wilson applied for Work Pays in July 2006. Her TEA case closed in June after receiving assistance for 2 months. These were the only months she received TEA. She is employed 35 hours per week. Since she did not receive TEA for at least 3 months, her application is denied.~~

10102.2 Income

~~The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size (See Appendix B). The income of the child(ren) is disregarded. (Refer to TEA policy 2331 for unearned income to disregard.) For initial eligibility, self declaration of income can be accepted. However, if it is determined after approval that the participant did not meet the income/hours requirement, the case will be closed. This determination will be made by the DWS Workforce Specialist upon receipt of initial work documentation from the participant.~~

10102.3 Work Hours Requirement

~~The participant must be employed at least twenty-four (24) hours per week. If less than 30, he/she must be engaged in another countable work activity that when combined with the work hours will meet the federal TANF work requirement for the family. The participant's declaration of the hours worked can be accepted. If the hour requirement is met, the application may be approved if all other Work Pays requirements are met. Acceptance of the self-declaration The information will be documented in the ANSWER system automated system. If it is determined after approval that the participant does not meet the work hour requirement, the Work Pays case will be closed (See examples below).~~

Example 1: Ms. Adams applies for Work Pays on July 1, 2006. It has been verified that she has been employed since May 2006. She works 30 hours per week. Ms. Adams meets the 24 hours per week work requirement and the Federal Participation requirement. If otherwise eligible, the application may be approved.

Example 2: Mr. Thomas applied for Work Pays on July 7, 2006. He declares that he has been employed since March 2006 working 24 hours per week and is attending Vo-Tech at night. He is taking a three (3) hour course in management and will graduate December 2006. He received TEA cash assistance for 8 months prior to starting Vo-Tech. His TEA case closed in April. The work requirement is met. The 3 hours of class along with the 3 hours of allowable study time brings his total countable hours to 30 per week which meets the federal work requirement for his situation. If otherwise eligible, the application may be approved.

Example 3: Ms. Harris applied for Work Pays on October 15, 2006. She declares that she is employed at Wal-Mart working 30 hours a week at \$6.00 per hour. She meets all other eligibility requirements and her case is approved based on her declaration of income and hours. However, it is determined after approval that she is only working 25 hours per week. Even though she was working 24 hours per week, she did not meet the federal participation requirement of 30 hours in October. Therefore, her Work Pays case is closed.

The participant must be in a paid work activity at least 24 hours per week and meet the weekly federal participation requirement in one of the past three months and three of the past six months. The federal participation requirement is as follows:

- 24 hrs per week for a single-parent household with a child under the age of 6;
- 30 hrs per week for a single-parent
- 35 hrs per week for a two-parent household not receiving federally funded child care;
- and 55 hours per week for a two-parent household receiving federally funded child care.

10102.4 Resources

The family's resources are totally disregarded.

10103 Application Disposal

The DWS worker Work Pays Processing Unit will dispose of the application for Work Pays by either approval or denial within 30 days from the date of application. If the application is denied for failure to meet any of the initial eligibility requirements (including failure to complete or submit a Drug Assessment Questionnaire), a DWS-ARK-TEA-1 must be sent as an adequate notice. (See TEA policies 4050 and 4051).

10104 Referral for Case Management Services and Payment Authorization

Upon approval of the application, a referral will be sent by the Work Pays Eligibility Worker via a task through the automated system ANSWER to the Work Pays Service Manager for payment authorization and case management services.

10104 Drug Screenings

In accordance with Arkansas Act 1205 of 2015, drug screenings of Work Pays applicants and participants will be conducted during initial eligibility determination and continued eligibility redetermination/reevaluation. The drug screenings will be used to determine whether there is a reasonable cause to believe the applicant or recipient engages in illegal drug use. Drug testing results and information will be kept confidential.

Note: Employer-required drug screening and/or testing is separate from the TEA and Work Pays drug screening and testing program. An employer's drug screening, testing, and/or test results cannot be used in place of this Work Pays program requirement.

10104.1 Exemptions from Drug Screening and Testing

The following individuals are exempt from drug screening and testing requirements:

1. A dependent child under the age of eighteen (18).
2. A non-head-of-household minor parent who lives in the home of his/her parent, legal guardian, or other adult relative
3. An individual who is a participant in Career Pathways Program or a Community Investment Initiative under the Work Pays program.

Exception: A head-of-household minor parent who applies for Work Pays and does not live with a parent, legal guardian, or other adult caretaker relative is **not exempt** from the drug-screening requirement.

10104.2 Cooperation with Drug Testing

If the Drug Assessment Questionnaire (DAQ) indicates a reasonable suspicion that an applicant/participant has engaged in illegal use of drugs, that person will be required to take a drug test. The DWS Workforce Specialist will email ADWS TANF Family Support regarding the DAQ's indicated use of illegal drugs. The ADWS TANF Family Support Unit will coordinate with the individual for drug testing and/or treatment. ADWS TANF Family Support will notify the DWS Workforce Specialist regarding participation status.

If the otherwise eligible applicant or participant refuses and/or fails to cooperate with the drug testing process, the Work Pays case will be closed. If the individual reapplies for Work pays, and is otherwise eligible, he/she must submit to a drug test.

If the result of the drug test is negative:

- the case will be approved/remain open.

If the result of the drug test is positive:

- A plan of action will be developed in coordination with the individual. The plan of action will include a substance abuse evaluation to determine the appropriate drug treatment plan and/or recovery support group or resource.

Failure to cooperate with the plan of action will result in case closure.

- If an applicant/participant that is otherwise eligible fails a drug test but has a valid prescription for the drug in question, the Work Pays application/case will not be denied/closed pending additional testing. The same urine sample from the first positive test will be used to conduct a drug confirmation test.

The results of the confirmation will be used to determine final eligibility for Work Pays benefits.

10104.3 Referral for Substance Abuse Evaluation and Drug Abuse Treatment

If the results of the drug confirmation test indicate usage of drugs, the Workforce Specialist will refer the applicant or participant who is otherwise eligible for a substance abuse evaluation. An appropriate drug treatment plan and/or recovery support group or resource will then be determined. The treatment period should not exceed six (6) months.

If the substance abuse evaluation indicates that the applicant or participant who is otherwise eligible does NOT need drug abuse treatment and/or drug recovery support:

- No drug treatment will be required.
- The applicant or participant will continue to be eligible and DWS will move forward with eligibility determination/reevaluation based on Work Pays program requirements.

If the substance abuse evaluation indicates that the applicant or participant who is otherwise eligible DOES need drug abuse treatment and/or drug recovery support:

- The DWS Workforce Specialist will coordinate with ADWS TANF Family Support to make sure the applicant/participant is referred to an appropriate drug treatment facility and/or recovery support group or resource.
- After the referral has been made, the applicant or participant that is otherwise has ten (10) business days to provide the following information to the DWS Workforce Specialist, as required under the drug treatment plan:
 - Verification of enrollment in an approved drug treatment program;
 - Verification of placement on a waiting list for an approved drug treatment program; or

- Verification of attendance at an approved drug recovery support group/resource meeting.

10104.4 Compliance with Drug Abuse Treatment Plan of Action

The approved drug treatment plan and/or drug recovery support should not exceed a period of six (6) months. The 6-month period will begin with the date of the first treatment session in the drug abuse treatment program or the first date of attendance at a drug recovery support group/resource meeting.

In order for an applicant or participant who is otherwise eligible to receive a full Work Pays payment during this 6-month treatment period, he/she must:

- Comply with the drug abuse treatment/drug recovery plan of action; and
- Submit bi-weekly documentation of attendance and participation.

If the drug treatment plan requires more than six (6) months of care, the applicant or participant who is otherwise eligible must submit to a drug test after 6 months of treatment in order to determine continued Work Pays eligibility.

- If the result of the drug test is negative, the case will be approved/remain open.
- If the result of the drug test is positive, a drug confirmation test will be conducted in accordance with Policy 10104.2. The results of the confirmation will be used to determine final eligibility.

If the applicant or participant who is otherwise eligible is placed on a waiting list for an approved drug treatment program and no other comparable program is available, he/she will receive full Work Pays payments until an approved treatment program becomes available.

Failure to comply (without good cause) with the treatment plan will result in case closure. Refer to Policy 10760.

10104.5 Good Cause for Non-Compliance with Drug Treatment/Recovery Support

The DWS Workforce Specialist will determine whether an applicant or otherwise eligible participant has good cause for failure to begin, participate in, and/or complete the drug treatment/recovery support resource program. The DWS Workforce Specialist must consider the circumstances of each case as well as the specific requirements of a drug treatment/recovery support program.

If it is determined that good cause exists, the DWS Workforce Specialist and immediate Supervisor will work together with the TANF Family Support Unit and/or drug treatment/recovery support program to amend the plan so it allows the applicant or participant to complete the requirements in a manner consistent with his/her abilities.

10104.5 Career Advancement Plan

Participants may need assistance increasing incomes while on a job. The participant may also need assistance learning the skills and behaviors to be a valued worker. The DWS Workforce Specialist will work with the participant to create a Career

Advancement Plan. The plan will concentrate on: retaining a job, getting promoted, earning a pay raise, increasing hours, and acquisition of benefits. The plan will be used and modified during the entire time the participant receives Work Pays benefits.

No later than two (2) business days after the application is ~~received~~ approved, the DWS Workforce Specialist will contact the participant to schedule an in-person Career Advancement Plan meeting to occur at a later date. ~~meeting will be scheduled with the participant in order to develop the Career Advancement Plan. The DWS Workforce Specialist will obtain contact information from the participant and conduct the Career Advancement Plan interview~~ should occur at a time and location agreed upon by both the participant and the DWS Workforce Specialist. (See ~~Work Pays policy~~ Policy 10102.4).

The DWS Workforce Specialist must have bi-weekly contact with the participant.

101056 Reevaluation

All Work Pays cases will be re-evaluated by ~~the DWS~~ ~~the central~~ processing unit every 6 months to determine continued eligibility. The following criteria must be met:

- There must be an eligible child in the home.
- The participant's gross earned income plus other countable income must be below the 150% Federal Poverty Level for the family size.

The processing unit will also conduct yearly drug assessment reevaluations on all Work Pays cases. Each non-exempt adult included in the Work Pays budget unit must complete and return a separate Drug Assessment Questionnaire (DAQ). Refer to Policy 10104.1 for a list of individuals who are exempt from drug screening and testing requirements.

The DWS processing unit will mail a 10-day notice with a questionnaire to each non-exempt adult in the budget unit. The notice must indicate that:

(1) The questionnaire must be completed and returned in order to determine continued eligibility for Work Pays; and

(2) The case will be closed if each questionnaire received in the household is not returned before the 10-day notice expires. This action is based on Policy 10104 (Drug Screenings).

Once the DAQ has been completed and returned, the following actions will be taken:

1. If all non-exempt participants in the budget unit answer "No" to all questions on the DAQ concerning illegal drug use, continued eligibility based on this requirement has been established.
2. If any non-exempt participant in the budget unit answers "Yes" to any of questions on the DAQ concerning illegal drug use, then the DWS Workforce Specialist must contact the ADWS TANF Family Support Unit for drug testing coordination.

Note: Refusal by either non-exempt adult on the case to complete the DAQ will result in case closure. The case will also be closed if either non-exempt adult on the case fails to return an individual DAQ before the 10-day notice expires.

Example: In a 2-parent/adult Work Pays case, one parent is completing all of the hours for the household. However, both parents/adults are included in the Work Pays budget unit. A total of two (2) advance notices (DWS-ARK-TEA-1) and two (2) DAQs must be sent to the household for the purpose of establishing the household's continued eligibility. **Both** DAQs must be completed and returned before the 10-day notices expire in order for the case to remain open. The case will be closed in 10 days if one adult or both adults fail to comply.

Any case closure as a result of drug screening or drug testing may be appealed in accordance with the appeal procedures in Policy 8000.

10106 Case Closure

~~A Work Pays case will be closed if the participant fails to meet the general eligibility requirements including but not limited to one of the reasons listed below. The DWS Workforce Specialist will notify the Work Pays Eligibility Worker if a change in eligibility occurs between re-evaluations. The Work Pays Eligibility Worker will process the case closure.~~

- ~~1. Participant failed to meet the work requirement for three (3) continuous months;~~
 - ~~2. Participant failed to meet the work participation hours for at least three (3) of the past six (6) months;~~
 - ~~3. No eligible child in the home;~~
 - ~~*~~
 - ~~4. Unable to locate;~~
 - ~~5. No longer a resident of the state;~~
 - ~~6. Income exceeds 150% Federal Poverty Level for family size~~
 - ~~7. Participant requested case closure~~
- ~~8. Participant failed to meet work hour requirement after verification of self-declared income.~~

10200 Work Pays On-Going Case Management

Case management is the process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency. Case management will provide the participant with sufficient information on what to expect regarding changes and challenges in the world of work. The DWS Workforce Specialist will serve as a point of contact for participants and a point of accountability for the agency. The DWS Workforce Specialist has the overall responsibility for working with the participant from initial interview until case closure.

The Work Pays program focuses on post-employment services that are designed to provide job retention and advancement for employed post-Transitional Employment Assistance (TEA) participants. Post-Employment services are an essential tool in preventing participants from returning to TEA by helping them keep their current jobs, gain skills for a career, move toward better jobs, and become self-sufficient. The intent is to provide services that will help participants increase their earnings and retain their jobs so they can advance.

DWS Workforce Specialists will build relationships with participants and assist them by guiding, supporting, and encouraging them to be accountable, set goals, and make good decisions. The DWS Workforce Specialist will also provide participants with the following resources, as appropriate, to aid them in achieving their goals:

1. developing a career advancement plan;
2. identifying career ladders, either with the participant's current employer or with another employer or industry;
3. referral to Career Pathways Training Initiative;
4. referral to other TANF Initiative Providers;
5. job search assistance through the Arkansas Job Link system;
6. career counseling;
7. working with employers to develop advancement strategies;
8. removing specific barriers;
9. coordinating work supports (e.g., child care, Medicaid, employment expenses, supportive services); and
10. pursuing educational and/or training activities that develop or expand a participant's job expertise; and
11. referral to other appropriate service providers in the workforce development system available through the Arkansas Workforce Centers.

Case management services will be provided as long as the participant is Work Pays eligible, ~~or~~ and up to 12 months after the Work Pays case has been terminated due to earnings in excess of the federal poverty level.

Note: Staffings are not required on Work Pays cases. ~~s. However, the DWS Workforce Specialist will review cases~~ cases will be reviewed/reevaluated every six (6) months to ~~each month to~~ determine continued eligibility.

Every six months, ~~T~~the

following criteria must be met:

- There must be an eligible child in the home.
- The participant's gross earned income plus other countable income must be below the 150% Federal Poverty Level for the family size. (See FPL calculations in Work Pays policy 10300, Work Verification).

Every year (based on the anniversary date of the case), the following criteria must be met:

- All adults who are not exempt from drug screening and testing requirements must submit a completed Drug Assessment Questionnaire. (Refer to Policy 10106).

The DWS Workforce Specialist will also review the work documentation each month to determine if there is a need to update the budget.

An update to the budget is only necessary if there has been a significant change in income. A significant change is one in which the new wage is equal to or exceeds 150% of the current Federal Poverty Level for the family size, and is not based on a temporary fluctuation such as overtime, seasonal bonus, etc. (See TEA policy 4120 for more information about significant changes).

10220 Time Limits

~~The Arkansas Work Pays Program allows former TEA participants to receive a cash assistance payment in the amount of \$204 per month for up to 24 months and receive case management, supportive services, and job retention and advancement services, provided they meet eligibility requirements. The twenty-four (24) months will count towards the federal 60-month time limit but will not count towards the State's TEA 24-month time limit. If the participant reaches 60 months while participating in Work Pays, an automatic extension will be given to the 60-month limit. This work incentive program may be limited to 3,000 participants.~~

10230 Assignment of Referral

~~Upon approval of a Work Pays application a referral task is created in the ANSWER automated system. System from the Work Pays Processing Unit to the Works Pays Service Manager.~~
Service Manager.

~~10230.1 Assignment of Task~~

- ~~1. A task will be assigned to the Works Pays Service Manager Service Manager on the Work Pays Service Management Tab in ANSWER the automated system.~~
- ~~2. The Works Pays Service Manager Service Manager will assign the task to the appropriate DWS Workforce Specialist's To Do List in ANSWER the automated system.~~
- ~~3. The DWS Workforce Specialist will send a notice to the participant, which contains updated agency information, an explanation of verifiable allowable documentation needed, and a request for an initial interview to be conducted no later than 2 days from the date of Work Pays approval.~~

10300 Work Verification

~~During the initial interview, which may be conducted by telephone, the DWS Workforce Specialist will present an overview of the program, gather information, and advise the participant of what and when information is needed.~~

~~**Note:** The Federal Poverty Levels in Appendix B are updated annually.~~

~~If the participant was in a paid work activity for at least 24 hours and met the federal participation rate, then a payment will be authorized. (See Work Pays policy 10504 for the payment process.)~~

~~If the information received is not accurate and would affect the participant's eligibility status; the Work Pays Processing Unit the Service Manager should be notified immediately.~~

The participant must provide biweekly verification of work hours or pay stubs for each week of every month. The verification can be provided by fax, mail, scan & email, or in person. The agency will accept verification of earnings from the employer, check stubs, payroll printout, etc. The DWS Workforce Specialist must enter actual work activity hours for each week into the automated system. If the participant fails to follow through on a required activity, then immediate contact is required.

The participant must be in a paid work activity at least 24 hours per week and meet the weekly federal participation requirement in one of the past three months and three of the past six months. (See Work Pays policy 10102.3 for the ~~The~~ federal work participation requirements).

The DWS Workforce Specialist will encourage the participant to engage in a paid work activity equal to the federal work activity requirement, if possible. If the participant is only capable of engaging in a paid work activity for 24 hours a week, the DWS Workforce Specialist will determine what work activities are allowable in the Work Pays case and the number of hours the participant can participate. (This evaluation is necessary due to federal limitations on certain work activities).

The DWS Workforce Specialist will discuss allowable work activities with the participant and assign the participant to additional work activities needed to meet the weekly federal work participation requirement. (See Work Pays policies 10320.1 and 10320.2 for allowable work activities).

~~is as follows:~~

- ~~• 24 hrs per week for a single-parent household with a child under the age of 6;~~
- ~~• 30 hrs per week for a single-parent~~
- ~~• 35 hrs per week for a two-parent household not receiving federally-funded child care;~~
- ~~• and 55 hours per week for a two-parent household receiving federally-funded child care.~~

Example 1: Mr. Parent works 15 hours a week, and Mrs. Parent works 20 hours per week. They do not receive federally funded ~~child-care~~childcare. They meet the work participation requirement for a ~~two-parent~~two-parent household not receiving federally funded ~~child-care~~childcare.

Example 2: Mr. and Mrs. Worker receive federally funded ~~child-care~~childcare. Mr. Worker is employed for 25 hours per week and takes a 3-credit hour class at the local college. Mrs. Worker is assigned to Work Experience for 20 hours per week, and GED for 4 hours per week.

The Worker family has 25 paid hours, 26 core hours, and 4 noncore hours. (The core hours include 20 hours WEX, 3 hours of actual class time, 3 hours of study/homework time based on credit hours). They meet the federal participant requirement.

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size (See Appendix B). The income of the child(ren) is disregarded. ~~Unemployment Insurance and child support are also disregarded when determining initial (and ongoing) eligibility for Work Pays.~~ (Refer to TEA policy 2331 for unearned income to disregard.) ~~For initial eligibility, self-declaration of income can be accepted. However, if it is determined after approval that the participant did not meet the income/hours requirement, the case will be closed. This determination will be made by the DWS Workforce Specialist upon receipt of initial work documentation from the participant.~~

FPL Calculation (Ongoing Eligibility)

If the participant is paid weekly:

- Total the gross income *actually received* in the month.
- ******Divide the total by 4 (See note below).

- Multiply by 4.334.

****Note:** If the participant is paid weekly but received 5 checks in the month, divide total gross income by and multiply by 4.334.

If the participant is paid every two weeks (biweekly):

- Total the gross income *actually received* in the month.
- **Divide the total by 2 (See note below).
- Multiply by 2.167.

****Note:** If the participant is paid every two weeks (biweekly) but received 3 checks in the month, divide total gross income by 3 and multiply by 2.167.

If the participant is paid twice a month (semi-monthly):

- Total the gross income *actually received* in the month with no conversion.

~~The DWS Workforce Specialist will encourage the participant to engage in a paid work activity equal to the federal work activity requirement, if possible.~~

~~If the participant is only capable of engaging in a paid work activity for 24 hours a week, the DWS Workforce Specialist will assess previous work activities that the participants was engaged in their TEA case to determine what work activities are allowable in the Work Pays case and the number of hours the participant can participate.~~

~~This evaluation is necessary due to federal limitations on certain work activities. The DWS Workforce Specialist will discuss allowable work activities with the participant and assign the participant to additional work activities needed to meet the weekly federal work participation requirement.~~

~~The DWS Workforce Specialist must enter all work activity hours into ANSWER the automated system. If the participant fails to follow through on a required activity then immediate contact is required.~~

Note: The DWS Workforce Specialist should will review the work documentation each month to determine if a task should be sent to the Work Pays there is a need to Processing Unit to update the budget.

An update to the budget is only necessary if there has been a substantial significant change in income. A substantial significant change is one in which the new wage is equal to or exceeds 150% of the current Federal Poverty Level- for the family size, and is not based on a temporary fluctuation such as overtime, seasonal bonus, etc. (See TEA policy 4120 for more information on significant changes).

If the participant becomes unemployed while in the Work Pays program, the Work Pays DWS Workforce Specialist should assist the participant to expeditiously find a new job.

The participant should be referred to all available resources in the workforce development system that will assist them in becoming employed.

10310 Career Advancement Plan

~~Participants may need assistance increasing incomes while on a job. The participant may also need assistance learning the skills and behaviors to be a valued worker. The DWS Workforce Specialist will work with the participant to create a Career Advancement Plan. The plan will concentrate on: job retention, getting promoted, earning a pay raise, increasing hours, and acquisition of benefits. The plan will be used and modified during the entire time the participant receives Work Pays benefits.~~

~~An in-person meeting with the participant should be scheduled no later than two (2) calendar days after approval of the Work Pays Case to develop the Career Advancement Plan. The Career Advancement Plan interview will be conducted at a time and location agreed upon by the participant and the DWS Workforce Specialist. The DWS Workforce Specialist must have bi-weekly contact with the participant. The DWS Workforce Specialist will secure contact information from the participant.~~

10320 Allowable Work Activities

For a description and additional information about the allowable work activities, refer to TEA policies [3410 through 3470](#).

10320.1 Paid Work Activities:

Unsubsidized Employment [\(Core\)](#)

On-the-Job Training [\(Core\)](#)

Note: In Work Pays, subsidized employment and On-the-Job Training are not allowable work activities if subsidized with TEA funds.

10320.2 Unpaid Work Activities:

[Job Search and Job Readiness Assistance \(Core\)](#)

[Work Experience Training \(Core\)](#)

[Community Service \(Core\)](#)

[Career and Technical Education \(Core\)](#)

[Providing Child Care Services for Participant in Community Service \(Core\)](#)

[Education Directly Related to Employment \(Non-core\)](#)

[Job Skills Training \(Non-core\)](#)

~~Work Experience Training~~

~~Job Search and Job Readiness Assistance~~

~~Community Service~~

~~Education Directly Related to Employment~~

~~Attendance at Secondary School (Non-core)~~

~~Providing Child Care Services for Participant in Community Service~~

10400 Job Retention and Advancement

The Work Pays program focuses on post-employment services that are designed to provide job retention and advancement for employed post-Transitional Employment Assistance (TEA) participants. Post-Employment services are an essential tool in preventing participants from returning to TEA by helping them keep their current jobs, gain skills for a career, move toward better jobs, and become self-sufficient. The intent is to provide services that will assist these participants increase their earnings and job retention so they can advance. DWS Workforce Specialists will assist the participant with resources that will assist them in achieving their goals. The following resources, as appropriate, will be provided to the Work Pays participant:

1. developing a career advancement plan;
2. identifying career ladders, either with the participant's current employer or with another employer or industry;
3. referral to Career Pathways Training Initiative;
4. referral to other TANF Initiative Providers;
5. job search assistance through the Arkansas Job Link system;
6. career counseling;
7. working with employers to develop advancement strategies;
8. removing specific barriers;
9. coordinating work supports (e.g., child care, Medicaid, employment expenses, supportive services); and
10. pursuing educational and/or training activities that develop or expand a participant's job expertise; and
11. referral to other appropriate service providers in the workforce development system available through the Arkansas Workforce Centers.

DWS Workforce Specialist will build relationships with Work Pays participants. This assists in guiding, supporting, and encouraging the participant toward accountability, goal setting and good decision-making.

10430 Supportive Services

All Work Pays participants may be eligible for extended supportive services such as: ~~child care~~ childcare, Transitional Medicaid or ARKids First, mentoring, financial credit counseling, individual development accounts, and any job retention services offered by the department.

Work Pays participants whose TEA cases **closed due to employment** may be eligible for the following supportive services within 12 months of TEA closure:

1. Vehicle Down Payment Assistance- (See TEA policy 3610).
2. Vehicle Repair -(See TEA policy 3630).
3. Vehicle Insurance- (See TEA policy 3625).
4. Vehicle Sales Tax (See TEA policy 3615).
5. Vehicle Tags -(See TEA policy 3620).
6. ESS Job Retention (See TEA policy 3680).

Note: ~~ESS Job Retention supportive services are used to help participants retain their current jobs.~~ ESS Job Retention Supportive Services are the same Activity Related Expenses listed in TEA policy 3635. In Work Pays, these services are used to help participants retain their **current** jobs.

10500 Payment

10501 Payment Amount

The Work Pays payment amount is \$204 monthly unless the participant is under a sanction.

Work Pays income will be countable in the same capacity as TEA Cash in SNAP (Food Stamps) and Medicaid cases. All changes reported to the DWS Workforce Specialist will be entered ~~as a task in the ANSWER System~~ automated system.

10502 Payment Authorization

The DWS Workforce Specialist will authorize the payment when verification of participation is received. The participant must provide verification of work hours such as payroll printouts, employer documents, or pay stubs for each week of the month. The verification may be submitted by fax, mail, email, or in person.

If the participant was in a paid work activity for at least 24 hours per week AND met the federal participation rate, FULL payment will be authorized. (Refer to Work Pays policy 10504).

If the participant does not meet the federal participation rate ~~or~~ and good cause for non-compliance is established, a GOOD CAUSE payment will be authorized. (Refer to Work Pays policies 10504 and 10720).

If the participant does not meet the federal participation rate and good cause is not established, a SANCTION payment may be authorized – except for the 3rd consecutive sanction or 3rd sanction out of the past 6 months.

No payment will be authorized for the 3rd consecutive month of noncompliance or for the 3rd month out of the past 6 months.

10503 Extract

~~A participant will receive a Work Pays payment once per month. However, extract will occur twice during the month. The first extract is the 10th workday of the month for participants who have provided all the required verification and met requirements for a full payment. A second extract will occur on the second work day from the end of the month for participants who provide verification later during the month. The payment is added to the participant's EBT account. (See Work Pays policy 10504 for specific procedures the Work Pays DWS Workforce Specialist will follow to authorize payment.)~~

10504 Payment Process

Families participating in the Work Pays Program will receive a monthly cash assistance payment in the amount of \$204 (regardless of family size) for up to 24 months, provided they meet the Work Pays eligibility requirements. Work Pays payments are made once per month - in the month following the month in which the participant participates. Payment will be made via the participant's EBT card.

For TANF federal purposes, a Work Pays case is considered cash assistance.

Example: Ms. Harris applies for Work Pays in July 2006. ~~In August, S~~she provides verification of hours worked ~~in for July in August.~~ The DWS Workforce Specialist determined that the participant met the work requirement ~~for July~~ and authorizes payment for July (to be paid in August) by placing a check in the payment box on the Work Pays payment screen in ANSWER the automated system.

By the 5th workday of each month, the Work Pays participant should provide documentation to the DWS Workforce Specialist regarding work activity hours for each week of the preceding month. If the participant provides documentation by the 5th workday of the month the DWS Workforce Specialist will key the work hours into the automated system and select the full payment indicator.

~~By the 10th workday of each month, the DWS Workforce Specialist must have keyed the participant's work participation hours into ANSWER.~~ The DWS Workforce Specialist can average the weekly hours worked for the participation requirement if the participant worked over or under the required weekly participation hours during that month. However, the DWS Workforce Specialist must key actual weekly hours into ANSWER the automated system.

~~If the participant provides documentation by the 5th workday of the month, the DWS Workforce Specialist will key the work hours into the Service Management tab of ANSWER the automated system and select the full payment indicator.~~

By the 5th workday of the month, participants must submit sufficient documentation showing they met the 24 paid hours/week work requirement and/or the federal work participation requirement.

If no documentation or insufficient documentation is received by the 5th workday of the month, the DWS Workforce Specialist will send a 10 calendar-day advance notice (DWS-ARK-TEA-1) on the next business day. The notice will:

- Request proper documentation showing that participants met work requirements;
- Request that participants show good cause for not meeting work participation, if appropriate;
- Indicate that a home visit is required each month of noncompliance; and
Indicate whether the cash assistance payment will be sanctioned by 50% or the case will be closed if information is not received or good cause is not established within 10 calendar days. (See Work Pays Policy 10740). If by the 5th workday of the month, the participant:
 - does not provide documentation; or
 - provides insufficient documentation; or
 - provides documentation but it does not meet the 24-hour per week paid work requirement and/or the federal work participation requirement;
- then the DWS Workforce Specialist will send a 10-calendar day advance notice to the participant requesting that the participant:
 - submit proper documentation of meeting the work participation requirements; or
 - show good cause why they did not meet the work participation requirements;
- Also, the notice will inform the participant that a home visit is required each month of non-compliance and that if the requested information is not received within 10 calendar days, their cash assistance payment will be sanctioned by 50% or the case will be closed, if appropriate. (See Work Pays policy 10740).

If the participant provides the requested information is submitted ~~red data or shows good cause~~ within 10 calendar days, the DWS Workforce Specialist will key the actual work hour's data ~~hours~~ into the Service Management tab of ANSWER ~~the automated system~~ and select the full payment indicator.

If the participant does not provide the required data or does not show good cause ~~requested information is not submitted~~ within 10 calendar days, the DWS Workforce Specialist will key the actual hours ~~work hour's data~~ into the Service Management tab of ANSWER ~~the automated system~~ and select the sanctioned payment indicator. (Refer to Work Pays policy 10700 for non-compliance requirements). ~~The participant's cash assistance payment for that month will be reduced by 50% of the original amounts~~ sanctioned by 50% or the case will be closed, if appropriate. (Refer to Work Pays Policy 10700 for non-compliance requirements.)

Note: ~~If the participant does not meet the 24-hour paid work activity or meet the federal work participation rate for three (3) consecutive months, the DWS Workforce Specialist will send a 10-day notice to the participant requesting work activity documentation or to show good cause why s/he did not comply with work requirements or the case will be closed. The notice must be sent on the 6th day of the month if participant does not~~

~~provide the documentation, show good cause, or provides documentation and still does not meet the work activity requirements, the DWS Workforce Specialist will not authorize a cash assistance payment for the third month. Instead, the DWS Workforce Specialist should refer to policy 10106 on closing the Work Pays case and take proper action to close the case.~~

10600 Work Pays Bonus

As an incentive to participants to retain their jobs, each Work Pays participant may receive pre-set bonus payments after meeting certain job retention targets. To be eligible for the bonuses, the participant must have met the federal work participation rate requirement in each of the preceding months according to the bonus schedule below. All bonus payments will be made through the participants' EBT card but not counted as cash assistance. Bonuses will be keyed after the monthly cash assistance payment has been released.

The DWS Workforce Specialist will assess prior work participation and select the indicator in [ANSWERthe automated system](#) to trigger the appropriate bonus payment. The bonus payment indicator should be marked at the same time as the work participation is entered each month. (See Work Pays [policy](#) 10504 for [information on](#) keying [of](#) work participation hours.)

Note: Good cause months are classified as non-compliance and must be considered when determining if a participant is eligible for a bonus.

If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays policy 10800 for the eligibility criteria for re-entry to the Work Pays program.)

10600.1 Bonus 1: Three (3) Months Job Retention Target

Participants that meet the work participation requirements for three consecutive months will receive a bonus in the amount of \$400.00.

10600.2 Bonus 2: Additional Six (6) Months Job Retention Target

Participants that meet the work participation requirements for an additional six (6) consecutive months not including the initial three (3) months in bonus 1 above will receive a job retention bonus in the amount of \$600.

10600.3 Bonus 3: ~~Exit Bonus~~21 Out of 24 Months Job Retention Target

Upon closure of the Work Pays case due to time limits, participants that have met the work participation requirements for 21 out of 24 months will receive an exit bonus in the amount of \$800.

10600.4 Earnings' Bonus: Case Closure Due to Earnings

The Work Pays participant may receive an earnings' bonus of \$1,200.00 anytime within the 24 months case time limit if their income exceeds 150% of the Federal Poverty

Level (FPL) for their family size. ~~The DWS Workforce Specialist will send a task to the eligibility worker stating that the participant's earnings appear to exceed the FPL. The Action Plan will remain open. The eligibility worker~~DWS Workforce Specialist will determine continued eligibility~~notify the supervisor if it appears that earnings exceed FPL. The supervisor will review the documentation and determine eligibility for the bonus. If it is determined that~~ earnings exceed FPL, ~~the Work Pays case will be closed and notification will be sent to the DWS Workforce Specialist. The~~ DWS Workforce Specialist will send a 10-calendar day advance notice of closure to the participant (DWS-ARK-TEA-1). Once the notice expires, the DWS Workforce Specialist will close the case. After case closure, the supervisor will authorize the bonus to be issued ~~and close the Action Plan after the bonus has been issued.~~

Note: If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays 10800 for the eligibility criteria for re-entry to the Work Pays program.)

Note: Temporary fluctuations such as overtime, seasonal bonuses, etc. will not be considered when determining eligibility for the earnings bonus. (See Work Pays policy 10300 for more information on FPL calculations).

10700 Non-Compliance

Non-compliance occurs when a person who is required to participate in certain activities fails to do so. Below are two reasons that a Work Pays participant's case may be deemed in non-compliance. The participant:

1. fails to comply with the assigned work requirement ~~(50% sanction)~~; and/or
2. refuses to cooperate with the Child Support Enforcement ~~(Automatic system generated sanction of 25%).~~

10710 Compliance with Child Support Enforcement

The participant will be required to comply with the Office of Child Support Enforcement. Failure to comply without good cause will result in a 25% sanction being imposed. This sanction is an automatic system generated sanction and requires no action on the part of the DWS Workforce Specialist.

10720 Good Cause for Work Non-Compliance

The sanction process will not be applied if the person demonstrates that he or she had good cause for not complying. The determination of good cause is a decision made by each local office. For acceptable good cause reasons, refer to TEA policy 38040.2.

Note: Good cause months are classified as non-compliance and could result in case closure when determining if a participant has failed to comply for 3 consecutive months or failed to comply for at least 3 months out of the past 6 months.

10730 Determining Good Cause for Work Non-Compliance

Once failure to comply with Work Pays requirements has been established, the following procedures will be followed:

1. Contact the participant to give him/her the opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact ~~should~~will be in writing. If the initial contact is made by phone or face-to-face, the DWS-ARK-TEA-1 must be mailed as a 10-calendar day advance notice, and the case record must be documented accordingly. The DWS Workforce Specialist ~~should~~will provide the participant, at a minimum, the following information:
 - a. The specific act of non-compliance;
 - b. A reasonable time to establish good cause prior to applying the sanction;
 - c. That if the sanction is imposed, it will result in the Work Pays payment being reduced;~~and~~
 - d. That the sanction months in which benefits are received will continue to count toward the participant's 24-month time limit; and
 - d.e. A specific date and time for a home visit – to be conducted before the notice expires.
2. If the participant contacts the local office and good cause is determined to exist, then a ~~full~~good cause payment will be authorized.
3. In the event good cause is not established and the participant does not cooperate, the cash assistance payment will be reduced or cancelled, if appropriate.
- ~~3. An adequate notice will be sent to the participant advising that a sanction is being imposed.~~

10740 Non-Compliance Sanction

If on the 5th workday of the month, verification of hours has not been received, a 10-calendar day advance notice (DWS-ARK-TEA-1) ~~is~~ will be sent on the 6th workday of the month requesting documentation. If the documentation is not received within the 10 calendar days provided in the sanction notice (and good cause is not established), either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed. (Refer to Work Pays ~~P~~policy 10504 for more information on to applying the sanction.)

If a participant does not comply with both the work requirement and the Office of Child Support Enforcement, the sanction applied will not exceed 50%.

If the participant fails to meet the participation requirements, then the participant will be sanctioned. Either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed. ~~The payment for a sanctioned participant is 50% or \$102.~~

Home visits will be required on Work Pays cases when an act of non-compliance occurs (i.e., each month of non-compliance).

10750 Lifting the Sanction

If the participant fully participates in the next month following a sanctioned payment, the DWS Workforce Specialist will authorize a full payment.

If the payment was reduced due to an OCSE sanction, the participant must fully cooperate with OCSE before full payment can be authorized. The OCSE sanction will be lifted upon actual cooperation receipt of OCSE documentation verifying cooperation.

~~10106-10760~~ Case Closure

A Work Pays case will be closed if the participant fails to meet the general eligibility requirements including, but not limited to, ~~one to, one~~ of the reasons listed below. ~~If a change in eligibility occurs between re-evaluations, the DWS Workforce Specialist will process the case closure.~~

1. Participant failed to meet the work requirement for three (3) continuous months;
2. Participant failed to meet the work participation hours for at least three (3) of the past six (6) months;
- ~~3.~~ No eligible child in the home;

3.

Note*: A child is considered to be living with a parent or relative even though the child or adult is temporarily absent from the home not to exceed 45 consecutive days. This allows assistance to be continued during short periods of time in which the adult or child may not be in the usual family setting (e.g., a child may visit the non-custodial parent for up to 45 days). It is not intended to provide assistance to an adult on behalf of a child who, on a regular basis, lives in another adult's home the majority of the time (e.g., resides with another relative during the week to enable either the child or parent to attend school in another location).

4. Unable to locate;
5. No longer a resident of the state;
6. Income exceeds 150% Federal Poverty Level for family size;

7. Participant requested case closure.

Note: A 10-calendar day advance notice (DWS-ARK-TEA-1) is required must be sent if the participant **does not** submit a written closure statement waiving the right to a 10-day notice and indicating he/she understands the consequences of supplying such information. After the advance notice expires, the case may be closed.

A Work Pays case will also be closed due to noncompliance with drug screening and testing requirements. A Work Pays case will be closed if a participant, who is otherwise eligible, fails to:

- Submit a completed Drug Screening Questionnaire (DAQ) as part of the eligibility redetermination process, unless good cause has been established

~~8. Participant failed to meet work hour requirement after verification of self declared income.~~

- Cooperate with drug testing and/or the assigned drug treatment plan of action, unless good cause has been established.
- Pass a subsequent drug test after completing drug treatment, with the positive drug test results having been validated by a confirmation test.

Any denial of Work Pays eligibility as a result of drug screening or drug testing may be appealed in accordance with the appeal procedures in Policy 8000.

Refer to TEA policies 4050 and 4051 for information on sending advance or adequate notices in the above circumstances.

10800 Re-entry to Work Pays

Re-entry into the Work Pays Program is through the TEA Program. A participant can re-enter Work Pays if they are within six months of their last TEA case closure and all Work Pays eligibility requirements are met. A participant who leaves the Work Pays Program due to insufficient work hours may re-enter the program once they establish that they are in a paid work activity with a minimum of twenty-four (24) hours per week and met the federal work participation requirement for the past month. This means the 6-month rule does not apply when Work Pays cases closed due to insufficient hours. Otherwise, re-entry to Work Pays will occur through TEA eligibility and transition to Work Pays upon TEA case closure.

Note: In order to close a case due to insufficient hours, the **employer** (not the participant) must be the party who limits the number of hours available for the participant to work (e.g., layoff, reduction of hours in work schedule, etc.). A case may not close due to insufficient hours if the participant limits the hours of work (e.g. quits employment, refuses to work a certain schedule, is a no show, is currently searching for a job, etc.).

10900 Overpayment

Any payment received by or for a participant which is in excess of the amount that should have been paid is an overpayment. However, only those overpayments described in TEA policy 9000 will be reported and collection pursued.

MARKUP

10000 ARKANSAS WORK PAYS

Arkansas Act 1705 of 2005 established the Work Pays Program. Work Pays is an incentive program designed to encourage working TEA participants to remain employed after closure of the TEA case while increasing their hours of work and/or hourly wage. Provided they meet Work Pays eligibility requirements, families participating in Arkansas Work Pays will receive: a monthly cash assistance payment in the amount of \$204 for up to 24 months, case management, supportive services, and job retention and advancement services. The twenty-four (24) months will count toward the federal 60-month time limit but not the state's TEA 24-month limit. If the participant reaches 60 months while participating in Work Pays, an automatic extension will be given to the 60-month time limit. This work incentive program may be limited to 3,000 families.

The DWS worker will explain the Work Pays program to the applicant and provide a Work Pays pamphlet during the initial interview for TEA cash assistance. The DWS Workforce Specialist will discuss the Work Pays program with the participant during ongoing case management activities. When the TEA case closes due to employment, the participant will receive additional information about Work Pays, including a Work Pays application.

10100 Work Pays Eligibility Requirements

A participant must meet the following requirements:

1. Be employed at least 30 days prior to the date of the Work Pays application;
2. Have care and custody of a related minor child, including family cap child (TEA Policy 2150.1) and child receiving SSI;
3. Be a resident of the State of Arkansas;
4. Meet the citizenship or alienage requirement (Refer to TEA policy 2220);
5. Apply for Work Pays within six (6) months of TEA case closure;
6. Received TEA cash assistance for at least three (3) months, including months of deferral. (These months do not have to be consecutive. Months from other states do not count);
7. Have not received more that twenty-four (24) months of Arkansas Work Pays Program Benefits;
8. Meet Work Hours Requirement:
 - a) For initial eligibility - Was engaged in paid work activities for a minimum of twenty-four hours per week and met the federal participation rate for the past month.
 - b) For on-going eligibility – must be in paid work activities for a minimum of twenty-four(24) hours per week and meet the federal participation requirement for one(1) of the past three(3) months and for at least three (3) of the past six (6) months;
9. Have income below 150% of the federal poverty level for the family size, including SSI and Family Cap Children(SSS and family cap children are counted in the household size **when determining FPL**, even if they are not part of the budget unit.)

Note: Stepparents with no child in common are NOT part of the Work Pay budget unit. Therefore, the income of the stepparent is disregarded.

10. Comply with the Work Pays Personal Responsibility Agreement;
11. Comply with Office of Child Support Enforcement (OCSE) requirements, including assignment of support and cooperation in establishing paternity and/or support unless good cause exists; and
12. Comply with drug screening and testing requirements.

Note: If a participant has reached or exceeded the 60-month federal time limit when the participant applies (or reapplies) for Work Pays, the application will be denied.

10101 Work Pays Application Process

For participants interested in applying for Work Pays, the application must be completed and submitted via mail, email, or fax to DWS for initial eligibility determination. The Work Pays applicant must sign the application. If it is a two-parent household, both parents must sign the form.

In accordance with Arkansas Act 1205 of 2015, drug screenings of applicants and recipients will be conducted as a part of application process – during initial eligibility determination and during reevaluation (redetermination).

10102 Determining Initial Eligibility

10102.1 Employed 30 Days Prior to Application Date

For initial eligibility, the DWS Workforce Specialist will review the application to determine if the participant was employed at least 30 days **prior to** the application date. If the participant was not employed at least 30 days prior to the application date, no initial interview will be scheduled. The application will be denied, and a DWS-ARK-TEA-1 will be sent as an adequate notice of the denial. No good cause will be given for not meeting initial eligibility. (See TEA policies 4050 and 4051 for more information on adequate notices).

Example: An applicant submitted an application dated October 15th. On the application, the applicant indicated employment began on September 16th. Because the applicant was only employed 29 days, the application is denied.

10102.2 Automated System Review

If the participant was employed 30 days prior to the application date, the DWS Workforce Specialist will review the following information in the automated system to further determine if the participant meets initial eligibility. (Refer to Policy 10100).

The participant:

- Must have care and custody of a related minor child (including family cap child and child receiving SSI);
- Must meet the citizenship of alienage requirement;
- Must apply for Work Pays within 6 months of TEA case closure (unless the previous Work Pays case closed due to insufficient hours);
- Must have received at least 3 months of TEA cash assistance, including deferral and exemption months. (This includes TEA cases that close due to reaching the time limit or have been extended and earnings are included.); and

- Must not have received more than 24 months of Work Pays.

If the participant fails to meet any of the initial eligibility requirements above at the time of application, the application will be denied. No initial interview will be scheduled. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application's denial.

Example: Ms. Davis applied for Work Pays four months after her TEA case closed. She received TEA cash assistance for nine (9) months. After reviewing additional eligibility information in the automated system, it was determined that Ms. Davis met the requirements. An initial interview can be scheduled.

Example: Ms. Wilson applied for Work Pays after her TEA case closed. She received TEA cash assistance for a total of 2 months. Since she did not receive TEA for at least 3 months, her application is denied.

10102.3 Income and Work Hours

If the participant meets the initial eligibility requirements discussed in policies 10102.1 and 10102.2, the DWS Workforce Specialist will schedule an initial interview to review documentation of income and work hours for the 30-day period prior to the date of application. No documentation of resources will be required, as the household's resources are totally disregarded. (See Work Pays policy 10102.5).

Income

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size. (The Federal Poverty Levels in Appendix B are updated annually). The following types of income are disregarded when determining initial (and ongoing) eligibility for Work Pays: income of the child(ren); income of the stepparent with no child in common; and child support. (Refer to TEA policies 2331 and 2341 for unearned and earned income to disregard.)

The DWS Workforce Specialist will deny the application if the participant fails to meet the income requirement upon receipt of initial work documentation. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application denial. (See TEA policies 4050 and 4051 for more information on adequate notices).

To determine if the household meets the FPL requirement for initial eligibility, the DWS Workforce Specialist will use one of the appropriate calculations indicated below.

If the participant is paid weekly:

- Total the gross income actually received in the 30-day period;
- **Divide the total by 4 (See note below);
- Multiply by 4.334.

Note: If the participant is paid weekly but received 5 checks in the 30-day period, divide total gross income by 5 and multiply by 4.334.

If the participant is paid every two weeks (biweekly):

- Total the gross income actually received in the 30-day period;
- **Divide the total by 2 (See note below);
- Multiply by 2.167.

Note: If the participant is paid every two weeks (biweekly) but received 3 checks in the 30-day period, divide total gross income by 3 and multiply by 2.167.

If the participant is paid twice a month (semi-monthly):

- Total the gross income actually received in the 30-day period, with no conversion.

Example: A participant who meets all the eligibility requirements applies on April 7th. The DWS Workforce Specialist will verify the income for the period March 8th through April 6th, which is the 30-day period prior to the date of application.

Work Hours Requirement

For initial eligibility, the participant must provide verification of work hours for the 30-day period prior to the date of application. The verification can be provided by fax, mail, email, or in person. The agency will accept verification of earnings from the employer, check stubs, payroll printouts, etc. If the information received is not accurate and would affect the participant's eligibility status, the supervisor (or designee) will be notified immediately.

The participant must be in a **paid** work activity (i.e., employed) at least twenty-four (24) hours per week. The participant must also meet the weekly federal participation requirement for the past thirty (30) days. The participant may be engaged in another countable work activity that, when combined with the paid work hours, will meet the federal TANF work requirement for the family.

If the work hours requirement is met, the information will be documented in the automated system. If the work hours requirement is not met, the Work Pays application will be denied. A DWS-ARK-TEA-1 will be sent as an adequate notice of application denial. (See TEA policies 4050 and 4051 for information on adequate notices).

The federal participation requirement is as follows:

- 24 hours per week for a single-parent household with a child under the age of 6 (even if the child is not included in the budget unit);
All 24 hours must be in a paid work activity.
- 30 hours per week for a single parent with a child age 6 or older;
If the household can only participate in a paid work activity for 24 hours per week, all 6 of the remaining hours must be in a **core** activity. Noncore activities cannot be used for the remaining 6 hours.
- 35 hours per week for a two-parent household not receiving federally funded childcare;
If the household can only participate in a paid work activity for 24 hours per week, 6 of the remaining hours must be in a **core** activity. The last 5 hours may be core or noncore.
- and 55 hours per week for a two-parent household receiving federally funded childcare.

If the household can only participate in a paid work activity for 24 hours per week, 26 of the remaining hours must be in a **core** activity. The last 5 hours may be core or noncore.

Example 1: Ms. Adams is a single parent with a child over the age of 6. She applied for Work Pays on July 1. It has been verified that she has been employed since May. Check stubs submitted for the 30-day period before the application date show she worked 30 hours per week. Ms. Adams meets the requirement to be employed (in a paid work activity) for 24 hours per week. She also meets the federal participation requirement of 30 hours per week. If otherwise eligible, the application may be approved.

Example 2: Mr. Thomas is a single parent with teenaged children. He applied for Work Pays on July 7 after receiving TEA for 8 months. His TEA case closed in April. He has been employed since March. Check stubs indicate he works 24 hours per week. He also attends college at night and has only used 2 months of Career and Technical Education. He is taking a three (3) credit-hour course in management and will graduate in December.

Mr. Thomas meets the work requirements. He is employed for 24 hours per week. He is given 3 hours of actual class time per week. He will also be given 3 hours of homework/study time because he is taking 3 credit hours. This brings his total countable hours to 30 per week. If otherwise eligible, the application may be approved.

10102.4 Drug Screening Questionnaire Requirements

All applicants will be required to complete a completed Drug Assessment Questionnaire (DAQ) as part of the initial eligibility determination process. The DAQ is a part of the Work Pays application.

Once the DAQ has been completed, the following actions will be taken:

1. If the applicant answers "No" to all questions on the DAQ concerning illegal drug use, the application will be processed.
2. If the applicant answers "Yes" to any one of questions on the DAQ concerning illegal drug use, then the DWS Workforce Specialist must contact the ADWS TANF Family Support Unit for drug testing coordination.

Refusal and/or failure, without good cause, to complete or submit a Drug Screening Questionnaire during the initial eligibility process will result in denial of the application. Refer to TEA policies 10103 and 10104.5.

10102.5 Scheduling the Initial Interview

No later than 2 business days from the date the application was received, the DWS Workforce Specialist will send a DWS-ARK-TEA-1 (Notice of Action) to schedule the initial interview. The notice must indicate what documentation should be brought to the interview in order to establish initial eligibility.

During the initial interview, the DWS Workforce Specialist will present an overview of the program, gather information, and advise the participant of what and when information is needed.

If the participant misses the interview and does not contact the DWS Workforce Specialist to reschedule, the application will be denied. A DWS-ARK-TEA-1 will be sent as an adequate notice of the application denial.

10102.6 Rescheduling the Initial Interview

If the participant misses the initial interview, but it is rescheduled:

- The Workforce Specialist will send a 10-calendar day advance notice (DWS-ARK-TEA-1) to inform the participant of the new appointment AND the penalties that may occur if they fail to attend as rescheduled (i.e., application denial).

If a participant does not bring the requested documentation to the initial appointment:

- The Workforce Specialist will provide the participant with a 10-calendar day advance notice (DWS-ARK-TEA-1) requesting the exact documents needed to determine eligibility by the close of business on the 10th day.
- If the documents are not provided, the application will be denied after the notice expires.

10103 Application Disposal

The DWS worker will dispose of the application for Work Pays by either approval or denial within 30 days from the date of application. If the application is denied for failure to meet any of the initial eligibility requirements (including failure to complete or submit a Drug Assessment Questionnaire), a DWS-ARK-TEA-1 must be sent as an adequate notice. (See TEA policies 4050 and 4051).

10104 Drug Screenings

In accordance with Arkansas Act 1205 of 2015, drug screenings of Work Pays applicants and participants will be conducted during initial eligibility determination and continued eligibility redetermination/reevaluation. The drug screenings will be used to determine whether there is a reasonable cause to believe the applicant or recipient engages in illegal drug use. Drug testing results and information will be kept confidential.

Note: Employer-required drug screening and/or testing is separate from the TEA and Work Pays drug screening and testing program. An employer's drug screening, testing, and/or test results cannot be used in place of this Work Pays program requirement.

10104.1 Exemptions from Drug Screening and Testing

The following individuals are exempt from drug screening and testing requirements:

1. A dependent child under the age of eighteen (18).
2. A non-head-of-household minor parent who lives in the home of his/her parent, legal guardian, or other adult relative

3. An individual who is a participant in Career Pathways Program or a Community Investment Initiative under the Work Pays program.

Exception: A head-of-household minor parent who applies for Work Pays and does not live with a parent, legal guardian, or other adult caretaker relative is **not exempt** from the drug-screening requirement.

10104.2 Cooperation with Drug Testing

If the Drug Assessment Questionnaire (DAQ) indicates a reasonable suspicion that an applicant/participant has engaged in illegal use of drugs, that person will be required to take a drug test. The DWS Workforce Specialist will email ADWS TANF Family Support regarding the DAQ's indicated use of illegal drugs. The ADWS TANF Family Support Unit will coordinate with the individual for drug testing and/or treatment. ADWS TANF Family Support will notify the DWS Workforce Specialist regarding participation status.

If the otherwise eligible applicant or participant refuses and/or fails to cooperate with the drug testing process, the Work Pays case will be closed. If the individual reapplies for Work pays, and is otherwise eligible, he/she must submit to a drug test.

If the result of the drug test is negative:

- the case will be approved/remain open.

If the result of the drug test is positive:

- A plan of action will be developed in coordination with the individual. The plan of action will include a substance abuse evaluation to determine the appropriate drug treatment plan and/or recovery support group or resource.

Failure to cooperate with the plan of action will result in case closure.

- If an applicant/participant that is otherwise eligible fails a drug test but has a valid prescription for the drug in question, the Work Pays application/case will not be denied/closed pending additional testing. The same urine sample from the first positive test will be used to conduct a drug confirmation test.

The results of the confirmation will be used to determine final eligibility for Work Pays benefits.

10104.3 Referral for Substance Abuse Evaluation and Drug Abuse Treatment

If the results of the drug confirmation test indicate usage of drugs, the Workforce Specialist will refer the applicant or participant who is otherwise eligible for a substance abuse evaluation. An appropriate drug treatment plan and/or recovery support group or resource will then be determined. The treatment period should not exceed six (6) months.

If the substance abuse evaluation indicates that the applicant or participant who is otherwise eligible does NOT need drug abuse treatment and/or drug recovery support:

- No drug treatment will be required.

- The applicant or participant will continue to be eligible and DWS will move forward with eligibility determination/reevaluation based on Work Pays program requirements.

If the substance abuse evaluation indicates that the applicant or participant who is otherwise eligible DOES need drug abuse treatment and/or drug recovery support:

- The DWS Workforce Specialist will coordinate with ADWS TANF Family Support to make sure the applicant/participant is referred to an appropriate drug treatment facility and/or recovery support group or resource.
- After the referral has been made, the applicant or participant that is otherwise eligible has ten (10) business days to provide the following information to the DWS Workforce Specialist, as required under the drug treatment plan:
 - Verification of enrollment in an approved drug treatment program;
 - Verification of placement on a waiting list for an approved drug treatment program; or
 - Verification of attendance at an approved drug recovery support group/resource meeting.

10104.4 Compliance with Drug Abuse Treatment Plan of Action

The approved drug treatment plan and/or drug recovery support should not exceed a period of six (6) months. The 6-month period will begin with the date of the first treatment session in the drug abuse treatment program or the first date of attendance at a drug recovery support group/resource meeting.

In order for an applicant or participant who is otherwise eligible to receive a full Work Pays payment during this 6-month treatment period, he/she must:

- Comply with the drug abuse treatment/drug recovery plan of action; and
- Submit bi-weekly documentation of attendance and participation.

If the drug treatment plan requires more than six (6) months of care, the applicant or participant who is otherwise eligible must submit to a drug test after 6 months of treatment in order to determine continued Work Pays eligibility.

- If the result of the drug test is negative, the case will be approved/remain open.
- If the result of the drug test is positive, a drug confirmation test will be conducted in accordance with Policy 10104.2. The results of the confirmation will be used to determine final eligibility.

If the applicant or participant who is otherwise eligible is placed on a waiting list for an approved drug treatment program and no other comparable program is available, he/she will receive full Work Pays payments until an approved treatment program becomes available.

Failure to comply (without good cause) with the treatment plan will result in case closure. Refer to Policy 10760.

10104.5 Good Cause for Non-Compliance with Drug Treatment/Recovery Support

The DWS Workforce Specialist will determine whether an applicant or otherwise eligible participant has good cause for failure to begin, participate in, and/or complete the drug treatment/recovery support resource program. The DWS Workforce Specialist must

consider the circumstances of each case as well as the specific requirements of a drug treatment/recovery support program.

If it is determined that good cause exists, the DWS Workforce Specialist and immediate Supervisor will work together with the TANF Family Support Unit and/or drug treatment/recovery support program to amend the plan so it allows the applicant or participant to complete the requirements in a manner consistent with his/her abilities.

10105 Career Advancement Plan

Participants may need assistance increasing incomes while on a job. The participant may also need assistance learning the skills and behaviors to be a valued worker. The DWS Workforce Specialist will work with the participant to create a Career Advancement Plan. The plan will concentrate on: retaining a job, getting promoted, earning a pay raise, increasing hours, and acquisition of benefits. The plan will be used and modified during the entire time the participant receives Work Pays benefits.

No later than two (2) business days after the application is approved, the DWS Workforce Specialist will contact the participant to schedule an in-person Career Advancement Plan meeting to occur at a later date. The Career Advancement Plan interview should occur at a time and location agreed upon by both the participant and the DWS Workforce Specialist. (See Policy 10102.4).

The DWS Workforce Specialist must have bi-weekly contact with the participant.

10106 Reevaluation

All Work Pays cases will be re-evaluated by the DWS processing unit every 6 months to determine continued eligibility. The following criteria must be met:

- There must be an eligible child in the home.
- The participant's gross earned income plus other countable income must be below the 150% Federal Poverty Level for the family size.

The processing unit will also conduct yearly drug assessment reevaluations on all Work Pays cases. Each non-exempt adult included in the Work Pays budget unit must complete and return a separate Drug Assessment Questionnaire (DAQ). Refer to Policy 10104.1 for a list of individuals who are exempt from drug screening and testing requirements.

The DWS processing unit will mail a 10-day notice with a questionnaire to each non-exempt adult in the budget unit. The notice must indicate that:

- (1) The questionnaire must be completed and returned in order to determine continued eligibility for Work Pays; and
- (2) The case will be closed if each questionnaire received in the household is not returned before the 10-day notice expires. This action is based on Policy 10104 (Drug Screenings).

Once the DAQ has been completed and returned, the following actions will be taken:

1. If all non-exempt participants in the budget unit answer “No” to all questions on the DAQ concerning illegal drug use, continued eligibility based on this requirement has been established.
2. If any non-exempt participant in the budget unit answers “Yes” to any of questions on the DAQ concerning illegal drug use, then the DWS Workforce Specialist must contact the ADWS TANF Family Support Unit for drug testing coordination.

Note: Refusal by either non-exempt adult on the case to complete the DAQ will result in case closure. The case will also be closed if either non-exempt adult on the case fails to return an individual DAQ before the 10-day notice expires.

Example: In a 2-parent/adult Work Pays case, one parent is completing all of the hours for the household. However, both parents/adults are included in the Work Pays budget unit. A total of two (2) advance notices (DWS-ARK-TEA-1) and two (2) DAQs must be sent to the household for the purpose of establishing the household’s continued eligibility. **Both** DAQs must be completed and returned before the 10-day notices expire in order for the case to remain open. The case will be closed in 10 days if one adult or both adults fail to comply.

Any case closure as a result of drug screening or drug testing may be appealed in accordance with the appeal procedures in Policy 8000.

10200 Work Pays On-Going Case Management

Case management is the process of coordinating and brokering the multiple services needed to achieve progress toward self-sufficiency. Case management will provide the participant with sufficient information on what to expect regarding changes and challenges in the world of work. The DWS Workforce Specialist will serve as a point of contact for participants and a point of accountability for the agency. The DWS Workforce Specialist has the overall responsibility for working with the participant from initial interview until case closure.

The Work Pays program focuses on post-employment services that are designed to provide job retention and advancement for employed post-Transitional Employment Assistance (TEA) participants. Post-Employment services are an essential tool in preventing participants from returning to TEA by helping them keep their current jobs, gain skills for a career, move toward better jobs, and become self-sufficient. The intent is to provide services that will help participants increase their earnings and retain their jobs so they can advance.

DWS Workforce Specialists will build relationships with participants and assist them by guiding, supporting, and encouraging them to be accountable, set goals, and make good decisions. The DWS Workforce Specialist will also provide participants with the following resources, as appropriate, to aid them in achieving their goals:

1. developing a career advancement plan;
2. identifying career ladders, either with the participant's current employer or with another employer or industry;
3. referral to Career Pathways Training Initiative;
4. referral to other TANF Initiative Providers;
5. job search assistance through the Arkansas Job Link system;
6. career counseling;
7. working with employers to develop advancement strategies;
8. removing specific barriers;
9. coordinating work supports (e.g., childcare, Medicaid, employment expenses, supportive services); and
10. pursuing educational and/or training activities that develop or expand a participant's job expertise; and
11. referral to other appropriate service providers in the workforce development system available through the Arkansas Workforce Centers.

Case management services will be provided as long as the participant is Work Pays eligible, and up to 12 months after the Work Pays case has been terminated due to earnings in excess of the federal poverty level.

Note: Staffings are not required on Work Pays cases. However, cases will be reviewed/reevaluated every six (6) months to determine continued eligibility.

Every six months, the following criteria must be met:

- There must be an eligible child in the home.
- The participant's gross earned income plus other countable income must be below the 150% Federal Poverty Level for the family size. (See FPL calculations in Work Pays policy 10300, Work Verification).

Every year (based on the anniversary date of the case), the following criteria must be met:

- All adults who are not exempt from drug screening and testing requirements must submit a completed Drug Assessment Questionnaire. (Refer to Policy 10106).

The DWS Workforce Specialist will also review the work documentation each month to determine if there is a need to update the budget.

An update to the budget is only necessary if there has been a significant change in income. A significant change is one in which the new wage is equal to or exceeds 150% of the current Federal Poverty Level for the family size, and is not based on a

temporary fluctuation such as overtime, seasonal bonus, etc. (See TEA policy 4120 for more information about significant changes).

10300 Work Verification

The participant must provide biweekly verification of work hours or pay stubs for each week of every month. The verification can be provided by fax, mail, scan & email, or in person. The agency will accept verification of earnings from the employer, check stubs, payroll printout, etc. The DWS Workforce Specialist must enter actual work activity hours for each week into the automated system. If the participant fails to follow through on a required activity, then immediate contact is required.

The participant must be in a paid work activity at least 24 hours per week and meet the weekly federal participation requirement in one of the past three months and three of the past six months. (See Work Pays policy 10102.3 for the federal work participation requirements).

The DWS Workforce Specialist will encourage the participant to engage in a paid work activity equal to the federal work activity requirement, if possible. If the participant is only capable of engaging in a paid work activity for 24 hours a week, the DWS Workforce Specialist will determine what work activities are allowable in the Work Pays case and the number of hours the participant can participate. (This evaluation is necessary due to federal limitations on certain work activities).

The DWS Workforce Specialist will discuss allowable work activities with the participant and assign the participant to additional work activities needed to meet the weekly federal work participation requirement. (See Work Pays policies 10320.1 and 10320.2 for allowable work activities).

Example 1: Mr. Parent works 15 hours a week, and Mrs. Parent works 20 hours per week. They do not receive federally funded childcare. They meet the work participation requirement for a two-parent household not receiving federally funded childcare.

Example 2: Mr. and Mrs. Worker receive federally funded childcare. Mr. Worker is employed for 25 hours per week and takes a 3-credit hour class at the local college. Mrs. Worker is assigned to Work Experience for 20 hours per week, and GED for 4 hours per week.

The Worker family has 25 paid hours, 26 core hours, and 4 noncore hours. (The core hours include 20 hours WEX, 3 hours of actual class time, 3 hours of study/homework time based on credit hours). They meet the federal participant requirement.

The parent's gross earnings along with other countable income must be below the 150% Federal Poverty Level for the family size (See Appendix B). The income of the child(ren) is disregarded. Unemployment Insurance and child support are also

disregarded when determining initial (and ongoing) eligibility for Work Pays. (Refer to TEA policy 2331 for unearned income to disregard.)

FPL Calculation (Ongoing Eligibility)

If the participant is paid weekly:

- Total the gross income actually received in the month.
- **Divide the total by 4 (See note below).
- Multiply by 4.334.

Note: If the participant is paid weekly but received 5 checks in the month, divide total gross income by 5 and multiply by 4.334.

If the participant is paid every two weeks (biweekly):

- Total the gross income actually received in the month.
- **Divide the total by 2 (See note below).
- Multiply by 2.167.

Note: If the participant is paid every two weeks (biweekly) but received 3 checks in the month, divide total gross income by 3 and multiply by 2.167.

If the participant is paid twice a month (semi-monthly):

- Total the gross income actually received in the month with no conversion.

Note: The DWS Workforce Specialist will review the work documentation each month to determine if there is a need to update the budget.

An update to the budget is only necessary if there has been a significant change in income. A significant change is one in which the new wage is equal to or exceeds 150% of the current Federal Poverty Level for the family size, and is not based on a temporary fluctuation such as overtime, seasonal bonus, etc. (See TEA policy 4120 for more information on significant changes).

If the participant becomes unemployed while in the Work Pays program, the Work Pays DWS Workforce Specialist should assist the participant to expeditiously find a new job. The participant should be referred to all available resources in the workforce development system that will assist them in becoming employed.

10320 Allowable Work Activities

For a description and additional information about the allowable work activities, refer to TEA policies 3410 through 3470.

10320.1 Paid Work Activities:

Unsubsidized Employment (Core)

On-the-Job Training (Core)

Note: In Work Pays, subsidized employment and On-the-Job Training are not allowable work activities if subsidized with TEA funds.

10320.2 Unpaid Work Activities:

Job Search and Job Readiness Assistance (Core)

Work Experience Training (Core)

Community Service (Core)

Career and Technical Education (Core)

Providing Child Care Services for Participant in Community Service (Core)

Education Directly Related to Employment (Non-core)

Job Skills Training (Non-core)

Attendance at Secondary School (Non-core)

10430 Supportive Services

All Work Pays participants may be eligible for extended supportive services such as: childcare, Transitional Medicaid or ARKids First, mentoring, financial credit counseling, individual development accounts, and any job retention services offered by the department.

Work Pays participants whose TEA cases **closed due to employment** may be eligible for the following supportive services within 12 months of TEA closure:

1. Vehicle Down Payment Assistance (See TEA policy 3610).
2. Vehicle Repair (See TEA policy 3630).
3. Vehicle Insurance (See TEA policy 3625).
4. Vehicle Sales Tax (See TEA policy 3615).
5. Vehicle Tags (See TEA policy 3620).
6. ESS Job Retention (See TEA policy 3680).

Note: ESS Job Retention Supportive Services are the same Activity Related Expenses listed in TEA policy 3635. In Work Pays, these services are used to help participants retain their **current** jobs.

10500 Payment

10501 Payment Amount

The Work Pays payment amount is \$204 monthly unless the participant is under a sanction.

Work Pays income will be countable in the same capacity as TEA Cash in SNAP (Food Stamps) and Medicaid cases. All changes reported to the DWS Workforce Specialist will be entered in the automated system.

10502 Payment Authorization

The DWS Workforce Specialist will authorize the payment when verification of participation is received. The participant must provide verification of work hours such as

payroll printouts, employer documents, or pay stubs for each week of the month. The verification may be submitted by fax, mail, email, or in person.

If the participant was in a paid work activity for at least 24 hours per week AND met the federal participation rate, FULL payment will be authorized. (Refer to Work Pays policy 10504).

If the participant does not meet the federal participation rate and good cause for non-compliance is established, a GOOD CAUSE payment will be authorized. (Refer to Work Pays policies 10504 and 10720). If the participant does not meet the federal participation rate and good cause is not established, a SANCTION payment may be authorized – except for the 3rd consecutive sanction or 3rd sanction out of the past 6 months.

No payment will be authorized for the 3rd consecutive month of noncompliance or for the 3rd month out of the past 6 months.

10504 Payment Process

Families participating in the Work Pays Program will receive a monthly cash assistance payment in the amount of \$204 (regardless of family size) for up to 24 months, provided they meet the Work Pays eligibility requirements. Work Pays payments are made once per month - in the month following the month in which the participant participates. Payment will be made via the participant's EBT card.

For TANF federal purposes, a Work Pays case is considered cash assistance.

Example: Ms. Harris applies for Work Pays in July. In August, she provides verification of hours worked in July. The DWS Workforce Specialist determined that the participant met the work requirement and authorizes payment for July (to be paid in August) by placing a check in the payment box on the Work Pays payment screen in the automated system.

By the 5th workday of each month, the Work Pays participant should provide documentation to the DWS Workforce Specialist regarding work activity hours for each week of the preceding month. If the participant provides documentation by the 5th workday of the month the DWS Workforce Specialist will key the work hours into the automated system and select the full payment indicator.

The DWS Workforce Specialist can average the weekly hours worked for the participation requirement if the participant worked over or under the required weekly participation hours during that month. However, the DWS Workforce Specialist must key actual weekly hours into the automated system.

By the 5th workday of the month, participants must submit sufficient documentation showing they met the 24 paid hours/week work requirement and/or the federal work participation requirement.

If no documentation or insufficient documentation is received by the 5th workday of the month, the DWS Workforce Specialist will send a 10 calendar-day advance notice (DWS-ARK-TEA-1) on the next business day. The notice will:

- Request proper documentation showing that participants met work requirements;
- Request that participants show good cause for not meeting work participation, if appropriate;
- Indicate that a home visit is required each month of noncompliance; and
- Indicate whether the cash assistance payment will be sanctioned by 50% or the case will be closed if information is not received or good cause is not established within 10 calendar days. (See Work Pays Policy 10740).

If the requested information is submitted within 10 calendar days, the DWS Workforce Specialist will key the actual hours into the automated system and select the full payment indicator.

If the requested information is not submitted within 10 calendar days, the DWS Workforce Specialist will key the actual hours into the automated system and select the sanctioned payment indicator. (Refer to Work Pays policy 10700 for non-compliance requirements).

10600 Work Pays Bonus

As an incentive to participants to retain their jobs, each Work Pays participant may receive pre-set bonus payments after meeting certain job retention targets. To be eligible for the bonuses, the participant must have met the federal work participation rate requirement in each of the preceding months according to the bonus schedule below. All bonus payments will be made through the participants' EBT card but not counted as cash assistance. Bonuses will be keyed after the monthly cash assistance payment has been released.

The DWS Workforce Specialist will assess prior work participation and select the indicator in the automated system to trigger the appropriate bonus payment. The bonus payment indicator should be marked at the same time as the work participation is entered each month. (See Work Pays policy 10504 for information on keying work participation hours.)

Note: Good cause months are classified as non-compliance and must be considered when determining if a participant is eligible for a bonus.

If the Work Pays participant exits the program and re-enters the program, the participant will be eligible for bonuses not already received when their Work Pays eligibility has been re-established. (See Work Pays policy 10800 for the eligibility criteria for re-entry to the Work Pays program.)

10600.1 Bonus 1: Three (3) Months Job Retention Target

Participants that meet the work participation requirements for three consecutive months will receive a bonus in the amount of \$400.00.

10600.2 Bonus 2: Additional Six (6) Months Job Retention Target

Participants that meet the work participation requirements for an additional six (6) consecutive months not including the initial three (3) months in bonus 1 above will receive a job retention bonus in the amount of \$600.

10600.3 Bonus 3: 21 Out of 24 Months Job Retention Target

Upon closure of the Work Pays case due to time limits, participants that have met the work participation requirements for 21 out of 24 months will receive an exit bonus in the amount of \$800.

10600.4 Earnings' Bonus: Case Closure Due to Earnings

The Work Pays participant may receive an earnings' bonus of \$1,200.00 anytime within the 24 months case time limit if their income exceeds 150% of the Federal Poverty Level (FPL) for their family size. The DWS Workforce Specialist will notify the supervisor if it appears that earnings exceed FPL. The supervisor will review the documentation and determine eligibility for the bonus. If it is determined that earnings exceed FPL, the DWS Workforce Specialist will send a 10-calendar day advance notice of closure to the participant (DWS-ARK-TEA-1). Once the notice expires, the DWS Workforce Specialist will close the case. After case closure, the supervisor will authorize the bonus to be issued.

Note: Temporary fluctuations such as overtime, seasonal bonuses, etc. will not be considered when determining eligibility for the earnings bonus. (See Work Pays policy 10300 for more information on FPL calculations).

10700 Non-Compliance

Non-compliance occurs when a person who is required to participate in certain activities fails to do so. Below are two reasons that a Work Pays participant's case may be deemed in non-compliance. The participant:

1. fails to comply with the assigned work requirement; and/or
2. refuses to cooperate with the Child Support Enforcement

10710 Compliance with Child Support Enforcement

The participant will be required to comply with the Office of Child Support Enforcement. Failure to comply without good cause will result in a 25% sanction being imposed. This sanction is an automatic system generated sanction and requires no action on the part of the DWS Workforce Specialist.

10720 Good Cause for Work Non-Compliance

The sanction process will not be applied if the person demonstrates that he or she had good cause for not complying. The determination of good cause is a decision made by each local office. For acceptable good cause reasons, refer to TEA policy 3800.2.

Note: Good cause months are classified as non-compliance and could result in case closure when determining if a participant has failed to comply for 3 consecutive months or failed to comply for at least 3 months out of the past 6 months.

10730 Determining Good Cause for Work Non-Compliance

Once failure to comply with Work Pays requirements has been established, the following procedures will be followed:

1. Contact the participant to give him/her the opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. This contact will be in writing. If the initial contact is made by phone or face-to-face, the DWS-ARK-TEA-1 must be mailed as a 10-calendar day advance notice, and the case record must be documented accordingly. The DWS Workforce Specialist will provide the participant, at a minimum, the following information:
 - a. The specific act of non-compliance;
 - b. A reasonable time to establish good cause prior to applying the sanction;
 - c. That if the sanction is imposed, it will result in the Work Pays payment being reduced;
 - d. That the sanction months in which benefits are received will continue to count toward the participant's 24-month time limit; and
 - e. A specific date and time for a home visit – to be conducted before the notice expires.
2. If the participant contacts the local office and good cause is determined to exist, then a good cause payment will be authorized.
3. In the event good cause is not established and the participant does not cooperate, the cash assistance payment will be reduced or cancelled, if appropriate.

10740 Non-Compliance Sanction

If on the 5th workday of the month, verification of hours has not been received, a 10-calendar day advance notice (DWS-ARK-TEA-1) will be sent on the 6th workday of the month requesting documentation. If the documentation is not received within the 10 calendar days provided in the sanction notice (and good cause is not established), either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed. (Refer to Work Pays policy 10504 for more information on applying the sanction.)

If a participant does not comply with both the work requirement and the Office of Child Support Enforcement, the sanction applied will not exceed 50%.

If the participant fails to meet the participation requirements, then the participant will be sanctioned. Either a 50% sanction (reduction in benefits) will be imposed on the Work Pays case or the case will be closed.

Home visits will be required on Work Pays cases when an act of non-compliance occurs (i.e., each month of non-compliance).

10750 Lifting the Sanction

If the participant fully participates in the next month following a sanctioned payment, the DWS Workforce Specialist will authorize a full payment.

If the payment was reduced due to an OCSE sanction, the participant must fully cooperate with OCSE before full payment can be authorized. The OCSE sanction will be lifted upon receipt of OCSE documentation verifying cooperation.

10760 Case Closure

A Work Pays case will be closed if the participant fails to meet the general eligibility requirements including, but not limited to, one of the reasons listed below.

1. Participant failed to meet the work requirement for three (3) continuous months;
2. Participant failed to meet the work participation hours for at least three (3) of the past six (6) months;
3. No eligible child in the home;

Note: A child is considered to be living with a parent or relative even though the child or adult is temporarily absent from the home not to exceed 45 consecutive days. This allows assistance to be continued during short periods of time in which the adult or child may not be in the usual family setting (e.g., a child may visit the non-custodial parent for up to 45 days). It is not intended to provide assistance to an adult on behalf of a child who, on a regular basis, lives in another adult's home the majority of the time (e.g., resides with another relative during the week to enable either the child or parent to attend school in another location).

4. Unable to locate;
5. No longer a resident of the state;
6. Income exceeds 150% Federal Poverty Level for family size;
7. Participant requested case closure.

Note: A 10-calendar day advance notice (DWS-ARK-TEA-1) must be sent if the participant **does not** submit a written closure statement waiving the right to a 10-day notice and indicating he/she understands the consequences of supplying such information. **After** the advance notice expires, the case may be closed.

A Work Pays case will also be closed due to noncompliance with drug screening and testing requirements. A Work Pays case will be closed if a participant, who is otherwise eligible, fails to:

- Submit a completed Drug Screening Questionnaire (DAQ) as part of the eligibility redetermination process, unless good cause has been established
- Cooperate with drug testing and/or the assigned drug treatment plan of action, unless good cause has been established.
- Pass a subsequent drug test after completing drug treatment, with the positive drug test results having been validated by a confirmation test.

Any denial of Work Pays eligibility as a result of drug screening or drug testing may be appealed in accordance with the appeal procedures in Policy 8000.

Refer to TEA policies 4050 and 4051 for information on sending advance or adequate notices in the above circumstances.

10800 Re-entry to Work Pays

Re-entry into the Work Pays Program is through the TEA Program. A participant can re-enter Work Pays if they are within six months of their last TEA case closure and all Work Pays eligibility requirements are met. A participant who leaves the Work Pays Program due to insufficient work hours may re-enter the program once they establish that they are in a paid work activity with a minimum of twenty-four (24) hours per week and met the federal work participation requirement for the past month. This means the 6-month rule does not apply when Work Pays cases close due to insufficient hours. Otherwise, re-entry to Work Pays will occur through TEA eligibility and transition to Work Pays upon TEA case closure.

Note: In order to close a case due to insufficient hours, the **employer** must be the party who limits the number of hours available for the participant to work (e.g., layoff, reduction of hours in work schedule, etc.). A case may not close due to insufficient hours if the participant limits the hours of work (e.g. quits employment, refuses to work a certain schedule, is a no show, is currently searching for a job, etc.).

10900 Overpayment

Any payment received by or for a participant which is in excess of the amount that should have been paid is an overpayment. However, only those overpayments described in TEA policy 9000 will be reported and collection pursued.