

ARKANSAS REGISTER



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Transmittal Sheet

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

Sharon Priest
Secretary of State
State Capitol Rm. 026
Little Rock, Arkansas 72201-1094

For Office
Use Only: Effective Date 7/7/00 Code Number 016.20.00-015

Name of Agency Division of County Operations

Department of Human Services

Contact Person Sandra Miller Assistant Director, DCO

Statutory Authority for Promulgating Rules Section 403(a)(5)(c)(ii) of the Social Security Act

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published <u>5-23-00</u>
<input type="checkbox"/> 10 Days After Filing	Final Date for Public Comment <u>6-21-00</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council
<u>7-01-00</u>	Adopted by State Agency <u>7-01-00</u>

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Ruth Whitney 5/18/00
Signature

682-8375

Phone Number

Director

Title

Date

Date	5/21/01	# of pages	13
From	Jor Davidson		
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Post-it® Fax Note 7671
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DEPARTMENT of Human Services

DIVISION of County Operations

PERSON COMPLETING THIS STATEMENT Sandra Miller, Assistant Director
Office of Program Planning & Development

TELEPHONE: 682-8251

FAX NO. 682-1597 27 PM 4:02

FINANCIAL IMPACT STATEMENT

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE – TEA Policy 3600-3625, Welfare-to-Work Grant Program and Form DCO-1426, Welfare-to-Work Eligibility Certification.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?

Yes

No X

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2000-2001 Fiscal Year

2001-2002 Fiscal Year

IMPLEMENTATION COSTS ONLY

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total *

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total *

*We anticipate no additional cost per fiscal year.

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

2000-2001 Fiscal Year

None

2001-2002 Fiscal Year

None

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

None

Legal Notices 1200

Legal Notices 1200

NOTICE
OF

RULEMAKING

Pursuant to Section 403(a)(5)(C)(ii) of the Social Security Act, the Director, Division of County Operations, issues proposed changes to the Transitional Employment Assistance (TEA) program policy and form DCO-1426 to remove the requirement and long-term TANF recipients must meet additional barriers to employment to be eligible for Welfare-to-Work Grant assistance.

Copies of the proposed change may be obtained by writing the Division of County Operations, P.O. Box 1437, Slot 1220, Little Rock, AR 72203-1437, Attention: Office of Program Planning & Development. All comments must be submitted in writing to the address indicated above no later than 30 days from the date of this notice.

If you need this material in a different format, such as large print, contact our Americans with Disabilities Act Coordinator at 682-8920 (voice) or 682-8933 (TDD).

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and operates, manages, and delivers services without regard to age, religion, disability, political affiliation, veteran status, sex, race, color or national origin.

Ruth Whitney
Director
14253871

3600 Welfare-to-Work (WtW) Grant Program

3601 *Background and General Description of Program*

On August 5, 1997, the President signed the Balanced Budget Act Of 1997. This legislation amended certain Temporary Assistance for Needy Families Program (TANF) provisions of the Social Security Act and authorized the Secretary of Labor to provide Welfare-to-Work (WtW) grants to States and local communities for employment assistance to move the hard-to-employ TANF welfare recipients into unsubsidized jobs and economic self-sufficiency. The amendments made by the Balanced Budget Act of 1997 were further amended by the Welfare-to-Work and Child Support Amendments of 1999.

The objective of the WtW grant program is to provide additional resources to target hard-to-employ welfare clients and non-custodial parents within the State. The WtW legislation specifically includes certain non-custodial parents of TANF minor children. A non-custodial parent means a parent who is absent from the TEA child's household. (See TEA 3621 for more information regarding non-custodial parents.)

WtW activities must be coordinated with those undertaken through TANF. The WtW regulations provide the States and local governments with broad discretion to design and implement programs that meet the needs of the hard-to-employ clients in the individual States.

Although the WtW program is a part of the Arkansas TEA State Plan, the Employment Security Department (ESD) is the administrative agency for the WtW program. The State WtW grant funds are funneled through ESD from the Department of Labor to the local Workforce Investment Area. At the local level, the Workforce Investment Board (WIB) administers the funds. However, because the WtW program is specifically for TANF families, close coordination and collaboration between the County DHS office and the local WIB is necessary for a successful program. The procedures described in the following sections are intended to be used as a basis on which to build an effective and coordinated WtW process at the local level.

In addition to the WtW formula grants described above, local entities may apply to DOL for a WtW competitive grant. Although the target population for competitive grants is basically the same as for formula grants (i.e., TANF families or those at-risk of becoming TANF families), competitive grant programs can be somewhat more flexible than the formula grants. Currently, there are only two competitive grantees in Arkansas

– City of Little Rock and Arkansas Enterprises Group in Arkadelphia. County staff in which a competitive grantee is providing services should coordinate directly with the grantee for referral criteria, services provided, and other processes. (See the Welfare-to-Work (WtW) Appendix for a list of counties that are served by the competitive grantees and the contact persons for the competitive grantees.)

3605 *Welfare-to-Work Eligibility Requirements*

The federal law specifies certain criteria an individual must meet in order to participate in the WtW program. Not every TEA recipient will meet this criteria. Therefore, a WtW eligibility determination must be made on each individual. The County DHS Office will be responsible for determining WtW eligibility and will certify to the WtW agency that each individual referred meets the WtW criteria.

The WtW legislation targets those TANF (TEA) recipients who will have the most difficulty transitioning into employment. It divides such individuals into two groups: (1) The hard-to-employ group; and (2) The long-term dependence characteristics group. It also states that the WtW agency must spend at least 70% of its funds on the hard-to-employ group and not more than 30% on the long-term dependence group. As a result, the two groups are commonly called the 70% group and the 30% group. The following sections describe the two groups in detail.

3610 *Hard-to-Employ Provision (70% Group)*

The WtW regulations mandate that 70% of the funds be spent on participants who are classified as hard-to-employ individuals. The law establishes three different categories of participants who may be served under the 70% provision. In order to participate in the WtW program in the 70% group, a participant must meet one of the following categories.

An individual must meet the following eligibility criteria:

1. Is a current TEA recipient and meets either a or b:
 - a. has received cash assistance (TANF or AFDC, including assistance from another state) for at least 30 months; or
 - b. will become ineligible for TEA assistance within 12 months due to the time limit requirement.

2. The individual is no longer receiving TEA assistance because he/she has reached his/her lifetime limit on receipt of assistance.

3615 *Long-Term Dependence Characteristics (30% Group)*

The WtW regulations mandate that no more than 30% of the funds be spent on participants who have long-term welfare dependence characteristics. An individual is eligible in the 30% group if he or she meets the following categories.

An individual must meet at least one of the following eligibility criteria:

1. Is a current TEA recipient and has a characteristic associated with long-term welfare dependence such as:
 - has dropped out of school; or
 - has had a recent teenage pregnancy; or
 - has a poor work history (NOTE: Poor work history is defined as having worked no more than three consecutive months on the last 12 calendar months.); or
 - has significant barriers to self-sufficiency, as determined by the local DHS County Office, the WtW agency or the Workforce Investment Board as a long-term dependence characteristic.
2. An individual between the ages of 18 and 25 who received foster care maintenance payments at anytime prior to reaching age 18, or was in foster care under the responsibility of a State.

3620 *Welfare-to-Work Referral Process*

Only individuals who meet the WtW Eligibility Criteria will be referred to the local Workforce Investment Board (WIB) for WtW services. TEA recipients who meet one of the categories under TEA policy 3610 or 3615 will be considered as appropriate referrals for WtW services. The TEA Worker will be responsible for determining which TEA recipients are referred for WtW services.

Each DHS County Office should coordinate with the local WtW agency to establish a referral process that will meet each agency's needs. The referral process must include the use of Form DCO-1425 (Referral) and DCO-1426 (Certification). Beyond the use of these forms, however, any other referral and turnaround procedures are at local discretion.

Referrals for WtW services for TEA recipients will be made by completing form DCO-1425 and any other documents agreed upon locally. In addition, the WtW Eligibility Certification form (DCO-1426) will be attached to the referral form. An Employability Assessment and Educational Assessment will be conducted on each TEA WtW client prior to referral for WtW services and copies of those assessments will be attached to the DCO-1426. If the TEA case contains an assessment that was completed within the last six (6) months, then no new assessment will be needed. Any other employment related information already obtained at the time of referral, such as copies of, the Skills Assessment, Employment Plan, Description of Supportive Services Provided/Arranged, or other information (e.g. latest narrative entry, EPU, etc.) will also be attached.

NOTE: Some referrals may not have an Employment Plan since a WtW referral may be made before an Employment Plan is completed.

The WtW agency will use Section IV of Form DCO-1425 to report information regarding WtW activity to the DHS County Office.

3621 *Non-Custodial Parents and Non-TEA Custodial Parents*

Federal legislation allows for non-custodial parents of eligible children and non-TEA custodial parents to receive services provided through the WtW program.

The Office of Child Support will determine the eligibility for the non-custodial parent and will make the referral to WtW for services.

Custodial parents whose income is below the 100% Federal Poverty Level (FPL) are included in the 30% Long Term Dependence Characteristics Group. The DHS County Office will not be responsible for determining eligibility for WtW services for non-TEA custodial parents whose income is below the 100% FPL. However, if such an individual contacts the DHS County Office for services, e.g., applies for TEA Coalition services, the County Office will inform the individual of the services available through the WtW agency. If the individual expresses an interest in these services, a referral will be made to the local WtW agency via form DCO-3350.

3625 *Welfare-to-Work Activities*

Allowable activities under WtW include the following:

1. Employment (Unsubsidized and Subsidized)
2. Community Service Programs
3. Work Experience Programs
4. Public or Private Sector Wage Subsidy Job Creation
5. On-the-Job Training
6. Job Placement
7. Job Readiness
8. Pre-Employment Vocational Education and Job Training (6 months).

Some supportive services (e.g. transportation assistance, child care assistance, substance abuse treatment, etc.) are also available through WtW when otherwise not available. However, if such supportive services are available using TEA funds, the TEA Worker will authorize such services.

Post Employment Services are available under WtW for individuals who have entered employment. The purpose of Post Employment service is to help individuals maintain and/or enhance their employment. Services available may include,

- ♦ Basic education,
- ♦ English as a second language,
- ♦ Occupational skills training, and
- ♦ Mentoring.

3630 *Welfare-to-Work Participation*

The DHS County Office should ensure that the local WtW agency is aware of the minimum participation requirements for TEA.

When a TEA recipient is engaged in WtW activities, the worker should report the recipient in a TEA activity (e.g. OJT, Work Experience, Subsidized Employment) that appropriately reflects the services being provided by the WtW agency.

3635 *Follow-up and Monitoring of Participation Activities*

Once enrolled by the local WtW agency, DHS will assume that the client is participating satisfactorily unless notified by the WtW agency that the client is not complying. However, follow-up and monitoring procedures will be developed by the local DHS County Office and the local WtW agency to ensure that the TEA Case Manager has sufficient information to determine the client's progress and to accurately report his or her work participation hours.

3640 *Non-Compliance*

Non-compliance by a TEA participant will be reported by the WtW agency to the local DHS office. Once failure to comply has been reported, DHS will contact the client to give him or her an opportunity to explain why he or she failed to comply and make a determination of good cause, if appropriate. The procedures outlined in TEA 3500 will be followed for TEA clients who are referred to WtW and fail to comply with program activities.

APPENDIX

WELFARE-to-WORK (WTW) Competitive Grantees

Welfare-to-Work (WtW) Competitive Grantees

WtW Agency: City of Little Rock

**Contact Person: Doris Williams-Turner, 125 West 4th Street,
Little Rock, AR 72205 (501-918-3940)**

Counties Served: Pulaski

The City of Little Rock is a competitive grantee and is a Welfare-to-Work agency for Pulaski County. Referrals to the Welfare-to-Work program in Pulaski County may be made to the City of Little Rock. Pulaski County DCO staff should coordinate with the contact person for the City of Little Rock for referral criteria, services the City of Little Rock WtW program will provide, as well as other processes.

**WtW Agency: Arkansas Enterprise Group
Industry Partners, Employment Training Center (ETC)**

**Contact Person: Tippy Word, 301 West 25th, (PO Box 936)
Stuttgart, AR 72160 Phone: (870) 672-9765
FAX (870) 672-9715
E-mail Ipeditr@ipa.net**

Counties Served: Arkansas, Monroe, Lee, Phillips, Jefferson

Arkansas Enterprise Group of Arkadelphia is a competitive grantee and is a Welfare-to-Work agency for the above listed counties. The above counties should coordinate with Arkansas Enterprise Group for referral criteria, services Arkansas Enterprise Group WtW program will provide, and other processes.

Department of Human Services
Division of County Operations

Welfare-to-Work
Eligibility Certification

Participant Name _____ SSN _____

This is to certify that the above named person meets the Welfare-to-Work eligibility requirements as follows:

Hard-to-Employ Provision (70% group)

- ___ 1. Is a Current TEA recipient and meets either a or b. TEA Case # _____
- ___ a. has received TEA, AFDC, or other TANF assistance in another state for at least 30 months (months do not have to be consecutive).
- ___ b. is within twelve (12) months of his or her lifetime time limit for assistance.
- ___ Number of months remaining.
- ___ 2. This person is no longer receiving TEA assistance because he/she has reached his/her lifetime limit on receipt of assistance.

This is to certify that the above named person meets the Welfare-to-Work eligibility requirements as follows:

Long-term Dependence Characteristics Provision (30% group)

1. ___ Is a current TEA recipient and has a characteristic associated with long-term welfare dependence. (Must meet at least one of the following. Check all that apply.) TEA Case # _____
- ___ Has dropped out of school.
- ___ Has had a teenage pregnancy.
- ___ Has never worked or has a poor work history. (No more than 3 consecutive months of employment in the last 12 months)
- ___ Has significant barriers to self sufficiency as determined by the local DHS county office, WtW agency or Work Force Investment Board (Describe) _____
2. ___ Is an individual between the ages of 18 and 25 who received foster care maintenance payments at anytime prior to reaching age 18, or who was in foster care under the responsibility of a State.

DHS Certification Signature

County Office Representative

County

Phone

Date

INSTRUCTIONS
DCO-1426

Purpose

The DCO-1426 is used by the DHS county office to certify that an individual is eligible for Welfare-to-Work (WtW) services.

Completion

The caseworker will complete the DCO-1426 to indicate in which WtW group and category the individual is eligible. Only the section (70% Group or 30% Group) appropriate to the individual will be completed.

Routing

The completed DCO-1426 will be attached to the DCO-1425 (Welfare-to-Work Referral & Participation Turnaround) and routed to the WtW agency. A copy of the DCO-1426 will be retained in the TEA case record.