

ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 4/6/98 Code Number 016.20.98--010

Name of Agency Department of Human Services

Department Division of County Operations

Contact Person Roy D. Kindle, Jr. Phone 682-8251

Statutory Authority for Promulgating Rules P.L. 104-193 The Personal Responsibility and Work Opportunity Reconciliation Act 1996

FSC 98-4

Date

Intended Effective Date

Legal Notice Published 2-26-98

☐ Emergency

Final Date for Public Comment 3-27-98

☒ 10 Days After Filing 4-6-98

Filed With Legislative Council 2-26-98

☐ Other

Reviewed by Legislative Council

Adopted by State Agency March 1, 1998

CERTIFICATION OF AUTHORIZED OFFICER

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

Roy Hartz
Signature

682-8375

Phone Number

Director

Title

2/13/98
Date

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

98 MAR 31 PM 1:40

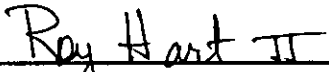
AR. REGISTER DIV.

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NOTICE OF RULE MAKING

Pursuant to the Food Stamp Act of 1977, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Division of County Operations has been granted a waiver from the Work Requirement in 26 counties and 1 city in Arkansas. Each of these areas has been identified as a labor surplus by the Bureau of Labor Statistics. Food Stamp participants living in the identified areas will not be disqualified for failure to comply with the work requirement.

Copies of the revised policy may be obtained by writing to the Division of County Operations, Attention: Food Stamp Policy Section, P. O. Box 1437, Slot 1241, Little Rock, AR 72203-1437. All comments must be submitted within 30 days of the date of publication of this notice. If you need any 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 political affiliation, religion, disabilities, age, veteran status, sex, race, color or national origin.



Roy Hart
Director
Division of County Operations

DEPARTMENT/AGENCY HUMAN SERVICES

DIVISION COUNTY OPERATIONS

DIVISION DIRECTOR ROY HART

CONTACT PERSON Betty Helmbeck

ADDRESS Donaghey Plaza South, P.O. Box 1437, Slot 1241, Little Rock, AR 72203-1437

PHONE NO 682-8284

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

If yes, what is the effective date of the emergency rule? March 1, 1998

When does the rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act?

22 YES NO
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 1, 1998
 SECRETARY OF STATE
 STATE OF ARKANSAS
 YES NO

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5. Is this a new rule? _____ YES xx NO

Does this repeal an existing rule? _____ YES xx NO

Is this an amendment to an existing rule? xx YES _____ NO

Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.

The Department of Agriculture, Food and Consumer Service, has granted a waiver of the Food Stamp Requirement to Work in twenty-six counties and one city in Arkansas. These areas have a history of high unemployment rates. The waiver was granted because the Department of Labor has classified these areas as labor surplus areas for the period October 1, 1997, to September 30, 1998.

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

NA

7. What is the purpose of this proposed rule? Why is it necessary?

These waivers are based upon the labor surplus areas designated by the Department of Labor. They change annually.

8. Will a public hearing be held on this proposed rule? _____ YES xx NO

9. When does the public comment period end? _____

10. What is the proposed effective date of this proposed rule? March 1, 1998

11. Do you expect this rule to be controversial? _____ YES xx NO
If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.

NAME	GROUP/ORGANIZATION	ADDRESS
<i>David Manley Attorney at Law</i>	<i>Legal Services of Arkansas</i>	<i>400 W. Markham, Suite 700 Little Rock, AR 72201</i>

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

July 28, 1995

DEPARTMENT HUMAN SERVICES

DIVISION COUNTY OPERATIONS

PERSON COMPLETING THIS STATEMENT Betty Helmbeck

TELEPHONE NO. 682-8284 FAX NO. 682-1469

FINANCIAL IMPACT STATEMENT

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 750 98-4

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? YES xx NO
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
These changes should result in a slight increase in food stamp benefits in the counties where the waivers are just now going into effect. However, this increase will be offset to some degree since waivers will no longer apply in two counties. The amount of the increase is not known.
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.

1997-98 Fiscal Year

General Revenue	\$ 0
Federal Funds	\$ <i>Unknown</i>
Cash Funds	\$ 0
Special Revenue	\$ 0
Other	\$ <i>Unknown</i>
Total	\$ 0

1998-99 Fiscal Year

General Revenue	\$ 0
Federal Funds	\$ <i>Unknown</i>
Cash Funds	\$ 0
Special Revenue	\$ 0
Other	\$ <i>Unknown</i>
Total	\$ 0

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

1997-98 Fiscal Year \$ 0

1998-99 Fiscal Year \$ 0

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

1997-98 Fiscal Year \$ 0

1998-99 Fiscal Year \$ 0

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CLERK OF THE
STATE OF ARKANSAS

MANUAL TRANSMITTAL

Arkansas Department of Human Services

DIVISION OF COUNTY OPERATIONS



☒ Policy ☐ Form ☐ Policy Directive

Issuance Number FSC 98-4

Food Stamp Certification Manual

Issuance Date 3/1/98

From: Roy Hart
Director

Expiration Date Until
Superseded

Subj: Food Stamp Requirement to Work (RTW) Waivers

The Department of Agriculture, Food and Consumer Service, granted the State permission to waive the Food Stamp Program Requirement to Work (RTW) in the following areas:

- | | | |
|---------------------|-------------------------|---------------------------------------|
| 1. Bradley County | 10. Izaard County | 19. Ouachita County |
| 2. Calhoun County | 11. Jackson County | 20. Phillips County |
| 3. Chicot County | 12. Lafayette County | 21. Pine Bluff in Jefferson
County |
| 4. Clay County | 13. Lawrence County | 22. Prairie County |
| 5. Columbia County | 14. Lee County | 23. Randolph County |
| 6. Dallas County | 15. Little River County | 24. St. Francis County |
| 7. Desha County | 16. Mississippi County | 25. Union County |
| 8. Drew County | 17. Monroe County | 26. Van Buren County |
| 9. Hempstead County | 18. Nevada County | 27. Woodruff County |

Each of these areas was identified by the Department of Labor as a labor surplus area for the period October 1, 1997, through September 30, 1998. No Food Stamp Program participant who actually lives in one of these areas will be disqualified for failure to comply with the RTW.

Counties Where the RTW Waiver is Being Continued

The RTW waiver will continue without interruption in the following areas:

Bradley County	Jackson County	Phillips County
Calhoun County	Lafayette County	Pine Bluff
Chicot County	Lee County	Randolph County
Dallas County	Little River County	St. Francis County
Desha County	Mississippi County	Van Buren County
Hempstead County	Ouachita County	Woodruff County

No special actions are required in these counties.

Policy Directive

Waiver of the Food Stamp Program Requirement to Work

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Counties Where the RTW Waiver has Been Discontinued

Effective April 1, 1998, both the RTW waiver that applies to Miller County and the RTW waiver that applies to Perry County will end. A notice will be automatically be generated to all food stamp households in Miller County and Perry County except those households composed entirely of aged and/or disabled members. A sample of this notice is attached to this directive.

Instructions for establishing the first month of the 36 month compliance period in Miller and Perry counties are as follows:

- For any individual household member who is participating in the Food Stamp Program on April 1, 1998, the first month of the compliance period is April 1998.
- For any other individual household member, the first month of the compliance period will be the first month of participation after April 1, 1998.

See FSC RTW 3610 (attached to PD FSC 97-12) for additional information about determining compliance periods.

Miller County and Perry County will resume tracking individuals who are subject to the RTW. Tracking methods are left to the county's discretion.

Counties Where the RTW Waiver is Effective for the First Time

Effective March 1, 1998, the RTW will be waived for the first time in the following counties:

Clay County	Izard County	Nevada County
Columbia County	Lawrence County	Prairie County
Drew County	Monroe County	Union County

In these counties, each case will be reviewed at application approval, when the next quarterly report is processed, or when the next reported change is processed. The purpose of the review will be to determine if a member (or members) has been disqualified for failure to comply with the RTW. If a member has been disqualified, the household will be contacted to determine if this individual is still a household member. Additional action will be required only if the disqualified individual is still a household member.

If the disqualified individual is still a household member, the worker will ask if this member is currently working or has any unearned income. (Verification of declared income will be requested. In questionable situations, verification of household composition may be requested. If the requested verification is not supplied within the proper time frames, the case will be closed.)

Policy Directive

Waiver of the Food Stamp Program Requirement to Work

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The member's work registration status will also be determined. If the household member is still subject to work registration, a Notification of Work Registration (DCO-260) will be completed and issued to the household if the member is still subject to the work registration requirements.

When a member who was disqualified due to the RTW is added back to the food stamp case, the worker must determine if benefits were lost after March 1, 1998, due to the imposition of an sanction. If yes, benefits will be restored for any months when a loss occurred beginning March 1, 1998, because the member was disqualified.

Example 1: A quarterly report is processed in May. A member who was disqualified for failure to comply with the RTW is added back to the food stamp case. Any benefits lost in March and April due to the RTW disqualification will be restored. A supplement will be issued for any benefits lost in May due to the RTW disqualification.

Example 2: An application is processed in May. The only household member was disqualified for failure to comply with the RTW. The household did not participate in March or April due to the imposition of the RTW disqualification. The household may be entitled to a restoration of benefits for March and April.

See FSC 13000 - 13360 for instructions on authorizing supplemental and restored benefits. Before restored benefits are authorized, the worker must identify any information and/or verification needed to determine the exact amount of restoration due for each month in which a loss possibly occurred. The household must provide any needed information before the restoration is authorized. See FSC 13310. These restorations will be subject to offset if the household has an unpaid overpayment. See FSC 13320.

Who Is Covered by the Waiver

The RTW waivers apply to individual recipients who actually live in an area covered by a waiver. This statement remains true no matter which county a household selects as its service county under the alternate service provisions in FSC 1301 - 1304. When a food stamp household actually lives in an area not covered by an RTW waiver, the RTW will apply. Conversely, if a food stamp household actually lives in an area covered by an RTW waiver, household members will not be subject to the RTW. These rules apply regardless of the service county selected by the food stamp household.

If a food stamp household physically moves into an area covered by an RTW waiver, household members will no longer be subject to the RTW. If a household member is currently disqualified for failure to comply with the RTW, the disqualification will be ended. However, no benefits will be restored and/or supplemented due to the lifting of the disqualification following the move.

Policy Directive

Waiver of the Food Stamp Program Requirement to Work

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Tracking

Food stamp recipients who are subject to the RTW should be tracked. Tracking methods are left to the county's discretion. In counties where there is an RTW waiver, it will only be necessary to track food stamp recipients who live in an area covered by an RTW waiver. In these counties it is not necessary to determine the 36 month period of participation except for members of food stamp households who actually live in an area not covered by an RTW waiver.

Waiver Expiration Date

These waivers are effective until further notice.

INQUIRIES TO: Betty Helmbeck, Food Stamp Section, 682-8284

NOTICE TO FOOD STAMP RECIPIENTS MILLER AND PERRY COUNTIES

EFFECTIVE APRIL 1, 1998, PEOPLE WHO RECEIVE FOOD STAMP BENEFITS MUST COMPLY WITH THE FOOD STAMP PROGRAM REQUIREMENT TO WORK UNLESS THEY ARE EXEMPT.

The following people are exempt from the **REQUIREMENT TO WORK**:

- People age 17 and younger;
- People age 50 and older;
- Pregnant women;
- People who are medically certified as disabled; and
- People who are not required to register for work -- for example, full time students, people who care for disabled adults, people who are drawing unemployment benefits and people who are working full time.

To comply with the **REQUIREMENT TO WORK**, a person must work at least 20 hours per week or participate in one of the following programs:

- A Jobs Training Partnership Act (JTPA) Program;
- A Trade Adjustment Act (TRA) Program;
- A Food Stamp Employment and Training (E&T) Program other than job search or job search training;
- A Workfare Program; or
- An Office of Refugee Resettlement Training Program.

People who fail to comply with the **REQUIREMENT TO WORK** for at least three months out of a 36 month period while they are receiving food stamp benefits will no longer be allowed to receive food stamp benefits.

Please call your local DHS County Office or our Customer Assistance Office if you need more information.

Miller County - (870) 773-0563 or TDD (870) 772-3813 for hearing impaired

Perry County - (501) 889-5105

Customer Assistance - 1-800-482-8988 or TDD (501) 682-8275 for hearing impaired