

ARKANSAS REGISTER

Transmittal Sheet



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

For Office
Use Only:

Effective Date 6/13/98 Code Number 016.20.98 -- 015

Name of Agency Division of County Operations

Department Human Services

Contact Person Roy Kindle, Office of Program Planning & Phone 682-8251

Statutory Authority for Promulgating Rules Development
Arkansas Act 1058 of 1997

	Date
Intended Effective Date	Legal Notice Published <u>5/3/98</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment <u>6/1/98</u>
<input checked="" type="checkbox"/> 10 Days After Filing	Filed With Legislative Council <u>5/1/98</u>
<input type="checkbox"/> Other	Reviewed by Legislative Council <u>6/4/98</u>
	Adopted by State Agency <u>6/16/98</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 II
Signature

682-8375
Phone Number

Director
Title

4-27-98
Date

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AR. REGISTER DIV.
98 JUN -3 PM 2:57
STATE OF ARKANSAS

3410 *Transportation*

Each TEA cash assistance recipient may receive payments or reimbursements for transportation expenses incurred during the calendar month. Payment for transportation is limited to expenses associated with required TEA activities.

Payments which exceed a total of \$200 per month must be approved by the County Administrator prior to being paid. Such payments will be allowed only when there is a direct connection between the excessive transportation expense and whether the client will be able to accept, or retain, a job. (See TEA 3410.1.)

Transportation payments or reimbursements will normally be made to employed persons only until the first full paycheck has been received. The County Administrator may approve a continuation of transportation assistance past the first full paycheck in limited situations. (See the discussion below concerning employed individuals and TEA 3410.1).

Payment for transportation will normally be based on the lower of: (1) a mileage reimbursement rate equal to the rate available to State employees; or (2) actual expenses. However, the County Administrator may approve higher actual expenses on a case-by-case basis in situations in which it is deemed appropriate. (See TEA 3410.1.) The minimum mileage reimbursement payment will be \$3.00 for a one-way trip.

It is expected that the client will make his or her own transportation arrangements. If the person does not have access to transportation, he or she will be encouraged to seek rides with family members or other persons at no cost. If other arrangements cannot be made, assistance with transportation costs may be provided.

Persons who are employed will be expected to arrange and pay for their transportation expenses to and from work from their paychecks. The earned income deductions allowed from a person's gross earnings in determining eligibility are intended, in part, to cover those expenses. However, a newly hired person will not have a paycheck available immediately. Therefore, transportation payments or reimbursements may be provided to a newly hired TEA client until he or she has received his or her first full paycheck. However, in

situations in which the lack of transportation assistance will result in a recipient having to terminate his or her employment, the County Administrator may approve payments or reimbursements to continue past the first full paycheck. See TEA 3410.1 for an example of such a situation.

Payments to providers for transporting more than one participant at the same time will be at the mileage reimbursement rate for each person and will be based on the pick-up point for each one. The provider will complete a separate billing form, DCO-1430, for each person.

Providers of transportation will be given a DCO-1427, Authorization Form. Customers and providers claiming payment or reimbursements from TEA will use form DCO-1430 to document expenses.

If the individual is unsuccessful in arranging transportation, assistance will be provided in securing transportation. If transportation cannot be secured after all efforts have been exhausted, the customer can be temporarily deferred from participation. However, since the time-limit clock continues to run, other appropriate activities should be considered.

Alternative Transportation Arrangements

County offices may develop alternative methods of providing transportation assistance to clients. These may include developing and entering into agreements, contracts, Memorandums of Understanding (MOUs), etc. with local transit systems or other transportation providers whereby transportation is purchased or arranged other than on an individual client basis. For example, bus tokens or tickets could be purchased and then distributed to individual clients as the need arises. If a county office develops alternative methods, the TEA Support Center, Office of Program Planning & Development, should be contacted for assistance in developing the agreement, contract, etc.

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3410.1 Exceptions to Transportation Maximums or Limits

There may be situations in which a client needs a transportation payment or reimbursement in excess of \$200 for the month, or in which an employed recipient needs continued transportation assistance in order to retain employment, or when a higher rate or fee is deemed appropriate. Exceptions in these situations may be approved by the County Administrator but will be limited to situations in which the client will likely be unable to accept an offered job, retain a job, or otherwise engage in work activities unless the exception is allowed. Examples of such situations include, but are not limited to, the following:

1. During the first two weeks of the month, Ms. Jones was engaged in Job Club and then Assisted Job Search and was reimbursed \$150 for transportation. As a result of Job Search, she found a job but will not receive a paycheck until the following month. In the meantime, she will need another \$150 for transportation to the job for the remaining two weeks of this month or she will not be able to accept the job. This will mean her total transportation expenses will exceed \$200 for the month. However, since she will not be able to accept the job without the additional transportation expense, the amount in excess of \$200 is approved.
2. An employer has entered into an agreement to hire persons who successfully complete a six-week Job Skills Training program. Ms. Madison is a good candidate for this training but her transportation expenses to and from the training site would exceed \$200 during the first month. Since the employer has made an offer of employment to persons who successfully complete the training and the worker thinks Ms. Madison will do that and then will have a job upon completion of the training, the transportation expense in excess of \$200 is approved. Without the training, she will not be able to accept (or even be offered) the job so transportation to the training is directly connected to acceptance of an offered job.
3. Mr. Anderson has started to work part-time (four hours per day, five days per week) at minimum wage. Although this job is in the town nearest to his home, he still must drive thirty miles one-way to get there for a total of sixty miles per day. If transportation assistance is not continued after he receives his first full paycheck, he will end up having to spend almost all of his take-home pay to meet his transportation

expenses. Since his TEA cash assistance payment is being reduced to the 50% level due to his gross earnings, he has indicated he will not be able to continue this job under these circumstances. Since this is the only available and nearest job for him at this time, it is determined that transportation assistance should be continued so that he can retain this job and ultimately increase his work hours or pay, find a better-paying job, or possibly move closer to the job.

4. The prevailing rate for taxi service in the county is at a higher rate than what would be allowed using the mileage reimbursement rate. However, there is no other means of transportation available to the client in order for her to engage in Work Experience. Both the worker and client have attempted to find a less expensive transportation arrangement but have been unsuccessful in doing so. The total amount of her transportation costs using the taxi service would not exceed \$200 per month. Therefore, since she will not otherwise be able to engage in any work activity, the higher actual expense of the taxi service is allowed.

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NOTICE OF Rulemaking

Pursuant to Arkansas Act 1058 of 1997 (the Arkansas Personal Responsibility and Public Assistance Reform Act), the Director, Division of County Operations issues proposed changes to the transportation reimbursement policy of the Transitional Employment Assistance (TEA) program.

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, 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
8655947

DEPARTMENT of Human Services

DIVISION of County Operations

PERSON COMPLETING THIS STATEMENT Roy Kindle, Assistant Director

Office of Program Planning & Development

TELEPHONE: 682-8251

FAX NO. 682-1597

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 - TEA 3410 - Transportation Payments

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

1997-1998 Fiscal Year

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

1998-1999 Fiscal Year

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other
Total

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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

None

1998-99 Fiscal Year

None

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

We estimate a total increase in TEA transportation expenditures of approximately \$40,000 per fiscal year to increase the mileage reimbursement rate to \$.28 per mile (current rate available to State employees) and to increase the maximum monthly payment to \$200.