

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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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 \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

22000 TEA Application

2000 TEA Application

## 22000 TEA Application

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~~07/01/99~~01/01/22

~~The~~ DHS County Offices will accept and process applications for Transitional Employment Assistance (TEA).

A TEA application must be disposed of by either approval or denial as quickly as possible, but no later than thirty (30) calendar days from the date the application was received by DHS in the county office, unless the eligibility worker determines that the applicant needs more time in order to establish his or her their eligibility for services.

The TEA eligibility requirements are ~~the following~~:

1. Personal Responsibility Agreement Requirement
2. Social Security Number (SSN) Enumeration
3. Minor Parent Requirements
4. Children's Age and Relationship to Parent or Adult Caretaker Requirement
5. Citizenship or Alienage Requirement
6. State Residence Requirement
7. Time Limit Requirement
8. Resource Requirement
9. Income Requirement
10. Work Participation Requirement
11. Child Support Requirement

~~Each of the above requirements~~ above is discussed in detail in ~~manual~~ the sections of the manual that dealing with the with that specific requirement.

Information to establish whether a family meets the above requirements ~~is obtained from~~ obtained from the application form and ~~or~~ during the application interview.

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## 2002 Nondiscrimination

~~07/01/99~~

01/01/22

No person shall be prevented from participation, be denied benefits or be subject to discrimination on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin. The Department will comply with provisions of the Civil Rights Act of 1964.

The Department has the responsibility of informing applicants and recipients that assistance is provided on a nondiscriminatory basis and of their right to file a complaint with the agency or federal government if they think that discrimination has occurred on the basis of age, religion, disability, political affiliation, veteran status, sex, race, color, or national origin.

## 2003 Application

~~12/06/11~~01/01/22

Requests for assistance will be made by completing an application form ~~DCO-215, Request for Assistance (RFA), (DCO-0004, Application for SNAP, Health Care, and TEA/RCA Benefits;)~~ and submitting the application to the county office, or by completing an online application through the DHS Access Arkansas website <https://access.arkansas.gov/>. Application must be made by the parent or another adult caretaker relative of the child.

The TEA application must be signed by the applicant under penalty of perjury. If both parents are in the home with the child, either may sign the application. The ~~county office eligibility worker~~ will ~~assist~~provide assistance with completing the form, if requested.

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~~The application date will be the date the signed application is received in the DHS County Office. For online applications, the date of application will be the date the application is signed if submitted before 4:30 PM on a business day. If submitted after 4:30 PM on a business or non-business day, the application date will be the next business day. Both the paper and the online application will be registered in ANSWER no later than by close of business the first workday after that date.~~

22000 TEA Application

20044 Application

2004 Application Interview

~~12/06/11~~01/01/22

Applications Submitted to DHS County Office

~~An A face-to-face~~ interview with the applicant is required for applications ~~submitted to the county office~~. If the household consists of two (2) adults, both will be interviewed. If only one (1) parent is present for the initial interview and it is determined that the family is potentially eligible, an interview will be scheduled for the second adult to ensure that both parents understand their responsibilities. ~~The applicant will be seen at the office or a place of convenience if incapacitated or otherwise incapable of coming to the office.~~

If the applicant family ~~is~~ consists of a non-head of household minor parent who is a minor (non-head of household) and his or her child(ren), then the adult with whom such minor parent and child are living will also be interviewed with the minor parent. See the Note below.



**NOTE:** The adult caretaker of the minor parent is required to attend to ensure that he or she is aware of the program requirements and responsibilities that will be expected of the minor parent. In addition, the adult, with whom the minor parent is living, will, in most situations, be made the payee for the cash assistance grant, and, therefore, ~~will~~ be responsible for ensuring that the grant is used on behalf of the minor parent and child. This will be explained to the adult and minor parent during the interview.

The application ~~form~~ will be reviewed with the applicant, including a review and discussion of the Personal Responsibility Agreement. ~~(Refer to~~ [TEA 2004.1](#)~~)~~.

~~Applications Submitted Online~~

~~A face-to-face interview is not required for applications submitted online. A telephone interview will be conducted.~~

~~If an applicant submits an online application but requests a face-to-face interview, or a telephone interview is not possible, a face to face interview will be~~

22000 TEA Application

**20044 Application**

~~conducted.~~

~~The following required forms are incorporated in the online application:-~~

- ~~• The Client Declaration~~
- ~~• The Notice of Good Cause (DCO-90)~~
- ~~• The Personal Responsibility Agreement (DCO-217). (Refer to TEA 2004.1)~~
- ~~• Assignment of Child Support (DCO-237)~~

~~The information obtained during the face to face or telephone interview may indicate that the family does not necessarily need ongoing cash assistance. Any possible alternatives to cash assistance should be discussed with the applicant. For example, ongoing child care assistance or Medicaid coverage may be all that is needed to support the parent(s) in work. Another alternative may be Diversion Assistance if one-time assistance is all that is needed for the adult to obtain or retain employment.~~

~~If it is agreed that an alternative to cash assistance is appropriate, then the TEA application will be denied with the applicable denial code. If regular ongoing TEA benefits are appropriate, the worker will proceed with the application process (see TEA 2100).~~

~~The interview will be documented in ANSWER.~~

22000 TEA Application

2004.1 Personal Responsibility Agreement

**2004.1 Personal Responsibility Agreement**

~~12/06/11~~01/01/22

The Personal Responsibility Agreement (PRA) is an agreement that provides the individual with responsibilities with which he or she must comply while receiving cash assistance.

The responsibilities include:

- ~~cooperation~~ Cooperation with the Office of Child Support Enforcement;
- ~~ensuring~~ Ensuring school age children are in school;
- ~~ensuring~~ Ensuring that pre-school children receive appropriate immunizations; and
- ~~participation~~ Participation in work requirements, if applicable.

~~For applications submitted to the county office, the~~ The PRA will be reviewed with the applicant during the ~~face-to-face~~ interview. ~~For applications submitted online, the PRA will be reviewed over the phone.~~ The PRA reviews are conducted to ensure that the applicant understands it and agrees to comply by signing it. ~~For applications submitted online, the applicant agrees to the provisions of the PRA when he or she electronically signs the application.~~

As part of the PRA discussion, the eligibility worker will be responsible for advising the applicant of the supportive services that are available to both recipients and former recipients who become employed. This will include a thorough review of the PUB-389 (Supportive Services), with a copy given to the applicant. DWS will give a more detailed explanation of supportive services during the assessment.

If the family includes a non-head of household minor parent, the PRA will also be reviewed with such minor parent who must also sign it. ~~(See~~ [TEA 2120](#) ~~for specific requirements related to minor parent households).~~

If a non-head of household minor parent fails to sign the PRA, the application may be approved with the non-compliance sanction applied (refer to [TEA 2121](#)).

22000 TEA Application

~~2005-2010~~ Obtaining Information to Determine

**2005 Obtaining Information to Determine Eligibility**

~~08/11/11~~01/01/22

The applicant is the primary source of information and is responsible for providing necessary verifications, as requested, to establish initial and ongoing eligibility. However, if the applicant is unable to provide essential information, or is having difficulty in obtaining it, the ~~County Office~~ eligibility worker will assist in obtaining required information.

The applicant is expected to provide information as requested. Although the County Office may assist the applicant, when necessary, the applicant should be encouraged to obtain as much information as they can, on ~~his/her~~ their own, before requesting assistance. Such assistance may range from simply advising the applicant how or where to get the information, to actually obtaining the necessary documents, (e.g. accessing the Department of Health birth records through ARIES for the birth records). ~~birth records through the Unique Client Directory (UCD) on DHS Share for the birth record~~. ~~Form DCO-81, Consent for Release of Information, is used to secure essential information from a collateral source. This form must be signed by the applicant/recipient so information may be released to the agency.~~

**2010 Diversion Assistance**

~~11/01/10~~01/01/22

Diversion Assistance is intended to help a family through a financial problem which jeopardizes employment and which, if not solved, could result in the family ~~coming on to~~ requiring regular ongoing cash assistance. Diversion Assistance is a replacement for, not a supplement to, regular assistance ~~but is in place of it~~.

Diversion Assistance is a one-time payment to or on behalf of the family, which will resolve a financial problem so that the adult can maintain ~~and/or~~ obtain employment. Diversion is only available to an adult ~~only once during his or her~~ their lifetime.

The eligibility requirements for Diversion Assistance are as follows:

1. A minor child must live in the home.
2. The adult has never received a Diversion Assistance payment.



## 22000 TEA Application

## 2010 Diversion Assistance

3. The Diversion Assistance amount will alleviate the crisis.
4. The adult (a) is currently employed but having a problem that jeopardizes the employment; or (b) has been promised a job but needs help in order to accept the job (e.g. needs car repairs, uniforms, etc.).
5. The adult agrees to forego regular TEA cash assistance for a period of one hundred (100) days from the date of application and signs a Diversion Assistance Agreement, DCO-182, to that effect.

The regular TEA income and resource requirements do not have to be verified and established. If the family's resources are obviously over the resource limit, then Diversion Assistance will not be authorized. ~~The worker should, based on the earned income reported, determine if the family would be eligible for TEA benefits if the earned income was lost. If losing the earned income would make the family eligible for TEA and all other requirements for diversion are met, it is appropriate to authorize the payment. (See examples below)~~

~~EXAMPLE 1. Mr. H. applies for TEA cash assistance. During the interview, it is determined that he is employed but cannot maintain his employment unless repairs are made to his car. Mr. H. reports monthly earned income of \$700.00. Diversion is discussed. The worker determines that if Mr. H. lost his employment he would be eligible for TEA. The worker also determines that the diversion payment would cover the cost of repairs. In this instance, diversion is appropriate.~~

~~EXAMPLE 2. Ms. G. applies for TEA cash assistance. During the interview, it is determined that she is employed but cannot maintain her employment unless repairs are made to her car. Ms. G. was determined income eligible. However, during the course of the interview, it was determined that Ms. G. has \$3500 in her savings account. Because Ms. G. is over the resource limit, she would not be eligible for TEA. Therefore, diversion is not appropriate.~~

The Diversion Assistance payment will be the actual amount needed to resolve the crisis up to a maximum of three (3) months of maximum grant payments for the household (e.g., h/h of 3 = \$204 x 3 months = \$612 maximum diversion payment). If the amount needed to resolve the problem is more than the maximum payment, and there are no other resources available to assist with the cost, it will be determined whether the maximum will alleviate the crisis in any way. If not, the payment will not

## 22000 TEA Application

## 2010 Diversion Assistance

be authorized.

Under Arkansas state law, a Diversion Assistance payment is a loan which the client should repay to the State of Arkansas when able to do so. Repayment, though, does not entitle the individual to another Diversion payment in the future.

A Diversion Assistance payment counts as a TEA month(s) for purposes of the twenty-four-(24)-month time limit, if the adult later applies for TEA assistance, unless the payment has been repaid. If not repaid, the diversion payment counts for up to three (3) months of the time limit (based on the amount of the diversion payment), divided by the maximum grant for the family size. The number of months will be rounded up to the next higher number. (See [TEA 2130](#).)

EXAMPLE: ~~Ms. Brown comes in to apply for TEA. She has 2 children. During the interview and review of the skills assessment, it is determined that she has found a job, but because her car needs repair work, she can't accept it. The cost to repair the car is \$550 and she cannot afford to have it repaired. The grant amount Ms. Brown and her family could receive is \$204. The maximum Diversion Assistance payment Ms. Brown could receive is \$550 (the actual cost, which is less than three times her maximum monthly benefit level). If this Diversion payment is not repaid, it will count as three (3) months of the twenty-four month time limit. (\$550/204 = 2.7 rounded up to 3 months)~~

~~If the cost to repair the car was \$700, the maximum Diversion Assistance payment Ms. Brown could receive is \$612 (\$204 x 3). However, before authorizing this, it should be verified with the repair shop that they will accept this amount to make the repairs or that the car could be repaired sufficiently for that amount so that she could drive it.~~

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2010 Diversion Assistance

~~The applicant may be required to furnish verification of the problem to be resolved by the Diversion Assistance and his or her employment situation. This decision is left to the discretion of county office staff.~~

~~Whether the applicant has received a Diversion Assistance payment in the past may be verified by inquiring to the TEPC (TEA Payment Count) screen. Before Diversion Assistance is authorized, the Diversion Assistance Agreement, Form DCO-182, will be reviewed with the applicant and the appropriate signature(s) obtained. A copy of the agreement will be provided to the applicant and will serve as the approval notice.~~

Note: If the client requests to apply for Diversion Assistance, the client will be referred to the Department of Workforce Services (effective January 2022).

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**20132 Deleting a Cancelling a Diversion**

**2011 Authorizing the Diversion Assistance Payment**

02/28/1301/01/22

To authorize payment, the following steps will be taken: 1. Key the payment to the WAGR screen using Approval Code 24. The payment will be made payable to the applicant. 2. Complete form DHS-187, Billing & Routing Sheet, and route as instructed on the form. Attach the invoice that verifies the amount on the DHS-187. If the applicant is responsible for only a portion of the amount on the invoice, a notation should be made on the invoice. The DHS-187 and the invoice must be faxed to Accounts Payable immediately. The check will not be released until the original documents are received in Accounts Payable. 3. Deny the TEA application using the denial reason, TEA Diversion Assistance approval. 4. Document the reason for the diversion request and the reason for approval in ANSWER. The County Office will explain to the applicant that the Diversion Assistance payment is being approved.

The section has been deleted; saved for future use.

**2012 Deleting a Diversion Payment**

06/01/1101/01/22

A request for cancellation or deletion of a diversion payment must be made to Accounts Payable. A diversion payment will be deleted when it has been determined that the payment, after being keyed to WAGR, should not be processed (e.g., keyed in error, not eligible). To delete a diversion payment, complete sections I and II of the TEA Documentation Memo and fax to Accounts Payable at 682-1556. The original memo should then be mailed to Accounts Payable, Slot W-406. Section III will be completed by Accounts Payable.

The section has been deleted; saved for future use.

**2013 Cancelling a Diversion Payment**

06/01/1101/01/22

A diversion payment will be cancelled when it has been determined that the warrant has returned. To cancel a diversion payment, complete sections I and II of the TEA Warrant Cancellation Memo and mail to Accounts Payable, Slot W-406. Section III will be completed by Accounts Payable. If the warrant is returned to the county office, it must

## TRANSITIONAL EMPLOYMENT ASSISTANCE POLICY MANUAL, SECTION 2000

### 22000 TEA Application

#### 20132 ~~Deleting a~~ Cancelling a Diversion

~~accompany the cancellation memo. If reissuing a cancelled payment, indicate in section II of the memo, and follow steps 1—4 in TEA 2011, Authorizing the Diversion Assistance Payment, to reprocess the payment. Document the reason for the deletion or cancellation in ANSWER.~~

This section has been deleted; saved for future use.

MARK-UP

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** \_\_\_\_\_

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_

**TELEPHONE NO.** \_\_\_\_\_ **FAX NO.** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_

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

**SHORT TITLE OF THIS RULE** \_\_\_\_\_

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**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_

Other (Identify)\_\_\_\_\_

Total\_\_\_\_\_

Other (Identify)\_\_\_\_\_

Total\_\_\_\_\_

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

**Current Fiscal Year**

General Revenue\_\_\_\_\_

Federal Funds\_\_\_\_\_

Cash Funds\_\_\_\_\_

Special Revenue\_\_\_\_\_

Other (Identify)\_\_\_\_\_

Total\_\_\_\_\_

**Next Fiscal Year**

General Revenue\_\_\_\_\_

Federal Funds\_\_\_\_\_

Cash Funds\_\_\_\_\_

Special Revenue\_\_\_\_\_

Other (Identify)\_\_\_\_\_

Total\_\_\_\_\_

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**

\$\_\_\_\_\_

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**

\$\_\_\_\_\_

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.



## **Statement of Necessity and Rule Summary Updates to TEA Policy 2000-2013**

### **Statement of Necessity**

The change is necessary to update the Transitional Employment Assistance (TEA) Policy Manual due to changes in the application process for TEA, including how interviews will be conducted. Business process language has been removed in the sections. Sections of policy on Diversion Assistance have been removed as the applications for Diversion Assistance will be processed by the Department of Workforce Services beginning January 1, 2022.

### **Summary**

The TEA Policy Manual is revised as follows:

- TEA 2003 – Updated the application number and name. Removed language that is no longer needed about online applications.
- TEA 2004 – Removed language no longer needed about face-to-face interviews because the majority of interviews will be conducted via telephone. The section was removed from the online application.
- TEA 2004.1 – Removed the language concerning submitting the PRA to the county office or agreeing to the provisions on the online application with the electronic signature.
- TEA 2005 – Updated the language from county office to the eligibility worker to comply with the universal caseload. Removed the DCO-81, Consent of Release of Information, due to this information having been embedded in the DCO-0004, Application for SNAP, Health Care, and TEA/RCA Benefits.
- TEA 2010 – Removed language concerning the specifics of Diversion Assistance, due to the Department of Workforce Services processing these applications (effective January 2022).
- TEA 2011 – Removed the section on Authorizing the Diversion Assistance Payments, due to the Department of Workforce Services processing these applications (effective January 2022).
- TEA 2012 – Removed the section on Deleting a Diversion Payment, due to the Department of Workforce Services processing these applications (effective January 2022).
- TEA 2013 - Removed the section on Deleting a Diversion Payment, due to the Department of Workforce Services processing these applications (effective January 2022).

## NOTICE OF RULE MAKING

The Director of the Division of County Operations of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 20-76-201, 20-76-401, and 25-10-129.

### **Effective January 1, 2022:**

The Director of the Division of County Operations (DCO) revises the Transitional Employment Assistance (TEA) Policy Manual to update the application process for TEA and to provide flexibility in how interviews may be conducted. Language is updated to reflect changes based on the use of the new DCO-0004 Application. Sections on Diversion Assistance are removed, and the sections are reserved for future use. The sections are no longer required because the Department of Workforce Service will be the responsible agency for processing Diversion Assistance applications effective January 2022.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule on the Medicaid website at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than November 8, 2021. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-396-6428.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed, and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. 4502044082

  
\_\_\_\_\_  
Mary Franklin, Director  
Division of County Operations