

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Mary Franklin

Signature

Phone Number

E-mail Address

Title

Date

3100 Work Registration Requirements – Summary

SNAP Manual 01/01/2024

Requirement to Work (RTW)

Able Bodied Adult Without Dependents (ABAWD) is limited to any three (3) months in a three (3) year period of receiving benefits. Any individual subject to the Requirement to Work (RTW) will be ineligible to receive Supplemental Nutrition Assistance Program (SNAP) benefits if, during a three (3) year period, he or she received SNAP benefits for at least three (3) months while he or she did not work at least an average of eighty (80) hours per month or participate in and comply with a specified work program or was otherwise exempt. See SNAP 3500.

The three (3) month time limit does not apply to individuals who are:

- 1) Seventeen (17) or younger;
- 2) Fifty-two (52) or older; (See age increases below)
- 3) Medically certified as physically or mentally incapacitated for employment;
- 4) Responsible for a dependent child or residing in a SNAP household where a household member is age seventeen (17) or younger;
- 5) Pregnant or
- 6) Otherwise exempt from the work registration requirements.
- 7) Homeless
- 8) A Veteran
- 9) Individuals who are twenty-four (24) years of age or younger and who aged out of foster care at eighteen (18) under the responsibility of a state.

The *Fiscal Responsibility Act of 2023 (FRA)* gradually increases the age of those subject to the able-bodied adults without dependents who are exempted from the ABAWD time limit. The groups include:

- **Effective September 1, 2023**, the ABAWD time limit increases to age fifty (50).
- **Effective October 1, 2023**, the ABAWD time limit increases to age fifty-two (52).
- **Effective October 1, 2024**, the ABAWD time limit increases to age fifty-four (54).
- **Effective October 1, 2025**, the ABAWD time limit increases to age fifty-five (55).

3200 Who is Exempt from Work Registration

SNAP Manual 01/01/2024

Eligible household members are exempt from work registration if the household member is:

1. Under age sixteen (16) or age sixty (60) or older.
2. Age sixteen (16) or seventeen (17) and living with a parent or attending a school or training program on at least a half-time basis.
3. Receiving Transitional Employment Assistance (TEA) Cash Assistance.
4. Caring for a dependent child under age six (6) or an incapacitated person.
5. Receiving unemployment benefits.

6. Currently participating in a treatment program for alcoholism or drug addiction.
7. Employed or self-employed on a full-time basis (thirty (30) hours or more).
8. A student enrolled at least half-time in any recognized school, training program, or institution of higher education.

An exemption from work registration means certain individuals are not required to fulfil the work requirements. Other recipients are exempt from work registration because the work requirement is being met. A full explanation of each exemption appears below in SNAP 3210-3290.

3502 RTW Exemptions

SNAP Manual 01/01/2024

3502.1 Exemptions from RTW

The following individuals are exempt from the RTW:

1. Anyone age seventeen (17) or younger.
2. Anyone age fifty-two (52) or older.
3. Anyone Medically certified as physically or mentally incapacitated for employment. This includes any individual who:
 - Meets the definition of an individual living with a disability; or
 - Receives services through Arkansas Rehabilitative Services; or
 - Receives Worker's Compensation or sick pay benefits; or
 - Found to be disabled through a decision of the Medical Review Team (MRT); or
 - Provides a statement from a physician, licensed psychologist or other licensed healthcare provider indicating the cause of the disability and anticipated duration of the disability. A statement that does not provide the anticipated duration of disability may be accepted but will be valid no longer than four (4) months.
4. An individual has a dependent child under eighteen (18) years old residing in the SNAP household. If there is a dependent child under age eighteen (18) residing in the SNAP household with the able-bodied adult, then all adults are exempt. Parental control has nothing to do with this exemption
5. Anyone who is pregnant. This exemption covers all trimesters of pregnancy. If the pregnancy is not obvious, verification may be requested from a medical professional such as a physician, a certified nurse midwife or an employee of the Health Department.
6. Homeless Individuals.
7. A Veteran- an individual who served in any branch of the military for any length of time with any type of discharge status.
8. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.
9. Is otherwise exempt from work registration as outlined at SNAP 3200.

3502.2 Discretionary Exemptions

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FNS provides for each State Agency an allotted number of discretionary exemptions equal to eight percent (8%) of the State's SNAP participation caseload. The State Agency may use these exemptions to extend SNAP eligibility to individuals who are no longer eligible to participate in SNAP due to the three (3) month Able-Bodied Adult RTW time limit. Discretionary exemptions are granted to one able-bodied adult for one (1) month. The decision to exempt an individual from RTW must be documented in the case record.

The Division of County Operations (DCO) is required to track and report the number of discretionary exemptions used each quarter via the FNS-583 form. The report must include the total number of exemptions used and the name of the individual that was granted the exemption. Discretionary exemptions do not expire and any unused to exemptions from the previous fiscal year can carry over from year to year.

3502.3 Assignment of Discretionary Exemptions

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Discretionary exemptions allow certain individuals an opportunity to establish or to re-establish themselves into the community, Discretionary Exemptions may be assigned to the following groups:

- Individuals who are currently in Foster Care
- Individuals who are in Domestic Violence Shelters.

Individuals who are currently in Foster Care or Domestic Violence Shelters may be exempt from the RTW until they exit Foster Care or the Domestic Violence Shelter.

3600 SNAP E&T Programs

SNAP Manual 01/01/2024

3610.1 Establishing If E&T Is Appropriate

SNAP Manual 01/01/2024

The State agency is responsible for screening each work registrant to determine whether or not it is appropriate to refer the individual to the E&T program. If the State agency determines the individual is required to participate in an E&T program, the State agency must provide the participant with the written notice and the comprehensive oral explanation. The State agency must refer participants to E&T and all participants must receive both case management services and at least one (1) E&T component while

participating in the program. The State agency must determine the order in which the participant will receive the elements of an E&T program. The State agency must explain to the participant's next steps for accessing the E&T program. If there is not an appropriate and available opening in an E&T program, good cause for non-participation will be assigned.

3620 E&T Program Referral

SNAP Manual 01/01/2024

All SNAP recipients who are subject to the Requirement to Work (RTW) will be referred to the E&T Program. This includes all able-bodied adults without dependents who are not employed at least eighty (80) hours per month.

- Specifically, able-bodied adults, age eighteen (18)- forty-nine (49)
- Age eighteen (18) – fifty (50) effective 09/01/2023
- Age eighteen (18) – fifty-two (52) effective 10/01/2023
- Age eighteen (18) – fifty-four (54) effective 10/01/2024
- Age eighteen (18) – fifty-five (55) effective 10/01/2025

These individuals will be systematically referred to the E&T Program unless one of the following seven (7) conditions are met:

1. The able-bodied adult resides in the same SNAP household with a minor age seventeen (17) or younger; or
2. The able-bodied adult is a pregnant woman; or
3. The able-bodied adult is working twenty (20) hrs. per week (or an average of eighty (80) hours per month); or
4. The able-bodied adult is otherwise exempt from the work registration requirements of SNAP 3100; or
5. Homeless Individuals; or
6. A Veteran an individual who served in any branch of the military for any length of time with any type of discharge status; or
7. Individuals who are twenty-four (24) years of age or younger and who aged out of foster care under the responsibility of a state.

An ABAWD may be otherwise exempt if he or she cares for an incapacitated person of any age, receives unemployment benefits, participates in a substance abuse treatment and rehabilitation program, or attends a school or an institution of post-secondary education on at least a half-time basis.

See SNAP 3500, item 3 for a definition of an individual with disabilities as applicable to the RTW.

Volunteers: Any other household member who is subject to the Supplemental Nutrition Assistance Program work registration requirements of SNAP 3100 may be referred to the E&T Program as a volunteer unless he or she receives TEA or Unemployment benefits.

Referrals will be made at application (initial and recertification) and reported change. Referrals will also be made at reported change if a household member has become subject to the requirement to work (RTW).

A Notification of Work Registration will be given to the household to serve as the registrant's written explanation and to explain the E&T Program to the registrant. The written explanation does not relieve the agency of the requirement to provide an oral explanation at interview.